

# **Lely Country Club Property Owners Association, Inc.**

## **Board Meeting Minutes**

**November 12, 2024**

### **1. Call to Order & Establish Quorum:**

Mark Batchelor called the meeting to order at 6.00 p.m. at the Lely Presbyterian Church 110 St Andrews Blvd.

### **2. Proof of Notice:**

Due notice was given, and a quorum was met with the following attendees:

- Karen Poufcas
  - Will Rudman
  - Greg Johnson
  - Mark Batchelor
  - Paul Labonte
  - Richard Saunders
  - David Tate
  - Bart Anderson
  - Victor Faszczuk
- Via ZOOM

### **Also Present:**

- Philippe Gabart of Resort Management.

### **Absent:**

- Jason Donahue
- Jerry Golf

### **3. Approval of Previous Meeting Minutes:**

**Karen Poufcas moved to approve the October 2024 minutes as corrected. The motion was seconded by Greg Johnson and passed unanimously.**

### **4. Treasurer's Report:**

#### **a. 2025 Proposed budget approval:**

Paul Labonte explained that the budget was prepared using an eight-month forecast, ensuring accuracy, and that no fee increases are proposed and opens the floor for comments or questions.

**Paul Labonte moved to approve the proposed 2025 budget as presented. The motion was seconded by Victor Faszczuk and passed unanimously.**

**b. September Financials:**

LCCPOA reported a surplus of \$5,220 for the month. Operating cash declined by \$8,914. We did not exceed the General Administrative Expense budget for

the month and are currently at \$13,445 over budget YTD. Legal Fees (\$5,838 over budget YTD) and Office Expenses (\$4,922 over budget YTD) are the two main drivers. We started the month with \$109,125 in operating funds and ended with \$100,504. This is typical for this time of year since we are simply spending down dues collected at the beginning of 2024. Even with the added overruns, we are in good shape and should finish the year in the vicinity of \$65,000 in our Operating Balance if all goes as planned.

In Reserves, we began the month at \$120,372 we earned \$370 in interest for the month, we ended the month at \$120,742. We spent \$1850 on a damaged street sign which was replaced and will be reflected in next month's details.

**Comparative cash balances:**

On a comparative basis, our operating fund as of September 30, 2024, is \$32,281 higher than on September 30, 2023. Uncollected accounts receivable continues to trend lower than a year ago. We had \$16,948 less in uncollected accounts at the end of September 2024 vs September 2023. Our Reserves are \$26,849 higher than this time last year.

Projected year end cash balances:

Looking ahead, we could end the year with an operating account balance of about \$67,493 assuming we collect more of our receivables, pay our outstanding bills/ expenses and remain within budget for the balance of the year.

Our year-end reserve balance will of course depend on what, if any, expenditures we approve from that account.

**c. September Financials reserve review:**

Paul Labonte reported.

- Current Reserve Balance: \$120,742
- End-of-Year (EOY) Projection: \$119,762
  - *Expected Disbursements*: \$2,010
  - *Expected Interest Earnings*: \$1,030

Reserve Structure:

- Regular Reserve Account (3.36% APY): \$54,855
- Money Market Account (3.51% APY): \$15,165

- CD 3929 (4.50% APY, expires 2/28/25): \$25,372
- CD 4461 (4.25% APY, expires 11/30/24): \$25,350

#### Recommendations:

1. Purchase a new 6-month CD upon maturity of CD 4461 (expiring 11/30/24).
  2. Purchase an additional CD after the January 2025 reserve transfer, targeting a 6- or 9-month term with the best available rate.
  3. Move excess operating funds to a Money Market account at the start of 2025, due to low checking account yield (0.02% APY).
  4. Review “Operating Cash on Hand” after Q1 2025 financials to assess future actions.
- This summary outlines the current financial position, upcoming investments, and steps to optimize reserve fund performance.

### 5. New Business:

#### a. Compliance System used by Resort Management:

Dave Tate introduced a new compliance system being implemented by resort management to improve the handling of non-compliance issues. The system streamlines the process by outlining clear steps: sending notification letters, verifying instances of non-compliance, and issuing fines as necessary. This approach aims to enhance efficiency and ensure timely resolution of compliance matters.

#### b. Hearing Committee Report:

Dave Tate reported:

At the last hearing on 11/7/2024, the committee reviewed several compliance issues and made the following decisions:

1. 193 Muirfield Circle (Vikel Reveau) – Approved a \$500 fine for a dirty roof.
2. 184 Muirfield Circle (Clarence and Joanne) – Approved a \$500 fine for a dirty roof.
3. 508 Saint Andrews – Voted *against* a fine related to trash can violations.
4. 184 Muirfield Circle – Voted *against* a fine related to a tree stump.

Resort will prepare and send letters to the affected residents for the approved fines. Dave Tate shared feedback from the hearing committee, including recommendations for improvement, such as introducing a homeowner self-assessment letter. It was suggested that this self-assessment letter be included in both the newsletter and on the website to reach more homeowners. Dave highlighted the critical role of the hearing committee and underscored the need for enhanced communication and thorough documentation in compliance processes.

### 6. Old Business:

**a. Palmetto Dunes Torrey Pines Covenants:**

A motion was introduced to acknowledge an error in the county's original inclusion of Palmetto Dunes and Torrey Pines in the Declaration. The board discussed potential impacts, including the possible voiding of fines and dues for these areas. It was suggested that a definitive legal opinion, possibly through court action, may be required to resolve the matter, though potential challenges and costs were noted. The board ultimately voted against the motion, choosing to proceed with the current process.

**Will Rudman made a motion that the Board (1) formally acknowledge the error by the County in not including Palmetto Dunes and Torrey Pines in the original Declaration, and that, as a result, the LCCPOA Covenants are not currently enforceable in these neighborhoods; and (2) that the process to bring Palmetto Dunes and Torrey Pines under the LCCPOA Covenants should involve a majority vote in each neighborhood, with results recorded in the Board minutes and filed with the Clerk of Courts of Collier County, and then announced to all owners. Jerry Golf seconded the motion, which ultimately did not pass.**

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|--------------------|-----|
| • Karen Poufcas    | No  |
| • Jerry Golf       | Yes |
| • Will Rudman      | Yes |
| • Greg Johnson     | No  |
| • Mark Batchelor   | No  |
| • Paul Labonte     | No  |
| • Richard Saunders | No  |
| • David Tate       | No  |
| • Bart Anderson    | No  |
| • Victor Faszczuk  | No  |

**7. Adjournment:**

**Dave Tate made a motion to adjourn, which was seconded by Karen Poufcas. The motion passed with unanimous approval, and the meeting was officially adjourned at 7:00 p.m.**

Respectfully submitted.

Philippe Gabart, CAM