

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

## **Board Meeting Minutes**

**January 14, 2025**

### **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 Andersen
- Victor Faszczuk
- Jerry Golf

### **Also Present:**

- Philippe Gabart of Resort Management.

### **Absent:**

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

**Bart Andersen moved to approve December 10, 2024, 2024 minutes. The motion was seconded by Greg Johnson and passed unanimously.**

### **4. New Business:**

#### **a. Sharon Sutton- New board member vote:**

Mark Batchelor introduces Sharon Sutton, who is joining us via Zoom and has expressed interest in joining the board. Sharon is enthusiastic about contributing to the community and making a positive difference.

She brings an impressive background and valuable expertise that would greatly benefit the board. Her candidacy also highlights the importance of diversity and increased representation of women on the leadership team.

Several members have shared positive experiences with Sharon, praising her dedication and contributions to the community. Her involvement would undoubtedly strengthen our team and help us achieve our goals.

**Dave Tate made a motion to approve Sharon Sutton as a member of the Board. The motion was seconded by Paul Labonte and was approved unanimously.**

**b. 2025 Plans:**

Mark Batchelor emphasized the importance of having a clear plan for 2025 and regularly reviewing progress monthly. He suggested allocating funds for landscaping and lighting to improve the community's appearance.

It was noted that funds are already set aside for landscaping, but a meeting with Collier County is required to address right-of-way issues. Concerns were raised about palm tree accidents and the responsibility for their replacement.

It was also pointed out that identifying the locations of rights-of-way and evaluating the potential costs of landscaping are necessary steps. Additionally, it was suggested to approach the county for assistance with median design and plant purchases.

A proposal was made to involve the condo associations along Augusta Boulevard in beautification efforts, and there was an emphasis on improving communication with residents about landscaping and other community matters.

**c. 517 St Andrews Roof:**

Wil Rudman raised concerns about the improper roof installation at 517 St. Andrews and suggested the board decide whether to enforce the rule and impose a fine. In April 2022, the board passed a motion requiring a clear demarcation line when re-roofing one half of a duplex. While the initial cases followed the rule, the approach changed after an administration shift, resulting in inconsistent outcomes. The board now needs to decide whether to enforce the rule or explore alternatives. In the case of 517 St. Andrews, despite being contacted by committee members Dana and Karen, the owner proceeded without a permit or approval. It is recommended that the Compliance Committee issue summons and fine the owner for non-compliance.

Wil also highlighted the importance of clear communication with residents regarding the rules and expectations.

Paul Labonte asked Karen and Will, representatives on the ARC committee, for their recommendation. Will stressed the importance of consistency in enforcement and ensuring that all rules are followed.

A motion was then suggested to fine the owner of 517 St. Andrews \$1,000.00 for failing to submit an ARC request prior to the roof installation.

**Karen Poufcas made a motion to impose a \$1,000.00 fine on the owner of 517 St. Andrews for failing to submit an ARC request prior to the roof installation. The motion was seconded by Victor Faszczuk and passed.**

- Karen Poufcas      Yes
- Will Rudman      Yes
- Greg Johnson      Yes
- Mark Batchelor      Yes
- Paul Labonte      Yes
- Richard Saunders      Yes
- David Tate      Yes
- Bart Andersen      Yes
- Victor Faszczuk      Yes
- Jerry Golf      Yes
- Sharon Sutton      Abstain

**d. The November 2024 Financial Analysis:**

Paul Labonte reported:

As of Month, Ended November 30, 2024:

**Financial Performance Overview:**

- Surplus: LCCPOA reported a surplus of \$5,233 for November.
- Operating Cash: Declined by \$5,417 due to exceeding the Maintenance and Repairs budget by \$239, as two months of landscape maintenance and repair bills were processed in the same month.
- Year-to-Date Budget Impact: Operating expenses are \$9,695 over budget due to:
  - Office Expenses: \$3,426 YTD.
  - Legal Expenses: \$6,687 YTD.

Despite these overruns, we have made a notable recovery and appear on track to end the year in a strong financial position.

**Cash Balances:**

- Operating Funds: Began November with \$88,777 and ended at \$83,360. We project to close the year with approximately \$65,000+ in the operating account, assuming no unexpected expenses arise.
- Reserves:
  - Beginning balance: \$119,263.
  - Earned interest: \$358.
  - Ending balance: \$119,621.

Looking forward, after adding \$25,000 to reserves in 2025, our reserve balance will be approximately \$145,000, equating to nearly one year of collected dues. Our CD and Money Market strategies have performed well in 2024, ensuring we are financially prepared for unforeseen circumstances.

### **Comparative Cash Balances:**

- Operating Funds: As of November 30, 2024, operating funds are \$34,738 higher compared to November 30, 2023.
- Uncollected Accounts Receivable: Down by \$15,134 compared to last year.
- Reserves: Increased by \$25,689 year-over-year.

### **Projected Year-End Balances:**

- Operating Account: Expected to close the year at \$69,461, assuming continued receivable collection, payment of outstanding expenses, and adherence to the budget.
- Reserves: Year-end balance will depend on any approved expenditures.

### **Future Opportunities:**

The anticipated year-end surplus provides flexibility to consider enhancements to the monuments and center island landscaping projects, subject to Board approval.

In conclusion, LCCPOA is in excellent financial shape, with strong reserves and a favorable year-over-year financial position.

### **e. Our current delinquencies and our next steps.**

Paul Labonte provided an update on the status of outstanding balances among members:

#### **Initial Outreach:**

A letter was sent in late November or early December to 23 Members with outstanding balances of \$120 or more for over 90 days, requesting payment within 30 days.

#### **Results as of January 7, 2025:**

- **7 Accounts Paid:** \$4,059 recovered, accounts now current.
- **16 Accounts Outstanding:** No response, with a total overdue amount of \$17,707.

#### **Breakdown of Outstanding Balances:**

- 3 accounts: Over \$2,500 each (total: \$8,474).
- 3 accounts: Over \$1,100 each (total: \$3,465).
- 3 accounts: Over \$750 each (total: \$2,385).
- 6 accounts: Over \$495 each (total: \$3,383).

### **Positive Developments:**

Successful recovery from 7 Members was attributed to letters sent to both their Naples address and northern address.

### **Questions for the Board:**

- Next steps for accounts owing more than \$2,500, which include unpaid condo fees and, in some cases, property taxes.
- Consideration of filing liens on members owing more than \$5,007, noting the expense and the need to refile annually.

- Compliance with Florida Statute 720.3085(4) (2024), which requires written demand via certified and first-class mail providing 45 days to pay before a lien can be filed.

**The board agrees to send letters to the remaining accounts, with a motion to proceed with filing a lien if necessary.**

**f. Leasing Violation at 438 Torrey Pines Pt.:**

Paul Labonte reported evidence of rental activity at 438 Torrey Pines Point, despite the owners denying the allegations.

It was suggested to adhere to the established rules by sending another letter to the owners, as they have already received two previous notices.

Paul highlighted the importance of consistently enforcing the new leasing rules, referencing evidence of similar rental activity at other locations.

A proposal was made to fine the owners \$1,000 for renting without proper documentation, and a motion to that effect was introduced.

**Greg Johnson made a motion to impose a \$1,000 fine on the owners for renting without proper documentation. The motion was seconded by Paul Labonte and approved.**

**g. Accident on Augusta Blvd. on December 8, 2024. Insurance Claim:**

Paul Labonte provided an update on an insurance claim related to a car accident that occurred early in the morning, resulting in damage to two trees and a sign.

- Glen Church, leading the neighborhood watch, initially reported the incident to the sheriff's office but did not receive a response.
- The Florida Highway Patrol ultimately handled the case, and a case number was obtained for reference.

Paul emphasized the importance of obtaining a cost estimate for replacing the damaged trees and suggested contacting All Green for this purpose. He also reminded everyone to report any future property damage promptly to the appropriate parties to ensure timely action.

**h. Speeding on our community streets. What are our plans for Enforcement:**

A discussion was held regarding the long-standing issue of speeding within the community. Speaker 2 highlighted previous efforts, such as installing speed bumps, and noted that addressing the problem requires more than just individual opinions.

- A personal experience was shared about nearly being struck by a speeding driver, leading to a suggestion to request additional speed bumps and crosswalks for increased safety.
- Glen Church reported contacting the sheriff's department to request patrols in the area and encouraged residents to report incidents of speeding to law enforcement.

- The discussion also touched on the high cost of speed indicators and the limited effectiveness of speed bumps, particularly on curved streets.

The conversation emphasized the need for collaborative efforts to address the issue effectively.

#### **i. Annual Meeting Update:**

Mark Batchelor provided an update on the upcoming annual meeting, highlighting the participation of officials from public utilities, transportation, and traffic control.

- The primary goal is to encourage community attendance and provide residents with the opportunity to discuss key issues directly with county officials who have the authority to take action.
- The importance of achieving a quorum to conduct official business during the meeting was emphasized.
- A discussion followed about the need to collect proxies to ensure a quorum and the potential positive impact of having county officials present to address community concerns.

### **5. Old business:**

#### **a. Update Compliance:**

Dave Tate reported:

Mailbox Violations Efforts:

- Focused initially on St. Andrews before addressing other areas, including Muirfield Circle, Torrey Pines, and Palmetto Dunes.
- Progress on St. Andrews:
  - 28 violations identified; 12 first notices sent.
  - 7 violations resolved before notices were issued.
  - By December 30, 4 second notices were issued, with 8 additional cases resolved.
  - 7 more violations identified, with notices sent on December 16 and 3 more on December 30.

Other Violations:

- Tree Stump: A 4-foot-high stump on Muirfield Circle received a first notice.
- Property Maintenance: A house on St. Andrews with overgrown grass, plywood-covered windows, and debris received a notice on January 2.
- Parking Violations: Two notices issued on January 2 for vehicles parked on lawns in St. Andrews.

Violation Enforcement Process:

1. First notice allows 30 days to comply.
2. If unresolved, a second notice provides 15 additional days.

3. Continued non-compliance leads to a board recommendation for a fine.
4. Fines may be erased if violations are resolved before the hearing committee's decision.

Next Steps:

- Expand mailbox violation efforts to Muirfield Circle, Torrey Pines, and Palmetto Dunes.
- Address roofs requiring cleaning, followed by landscaping issues.
- Continue addressing immediate concerns, including parking on lawns and noise disturbances.

**6. Adjournment:**

**Greg Johnson moved to adjourn the meeting, and Bart Anderson seconded the motion. With unanimous approval, the meeting was officially adjourned at 7:30 p.m.**

Respectfully submitted.

Philippe Gabart, CAM