

Regular Meeting of Briny Breezes Inc. Board of Directors
Wednesday April 8, 2015 9:00- 12 PM
Followed by a lunch break and then resumed at 1 PM – until finished
Briny Breezes Community Center

- I. Pledge of Allegiance was recited and a moment of silence observed.
- II. President Gallacher called the meeting to order at 9:02 a.m. and requested that roll call be completed. Roll was called. Present were Directors Brannen, Coyner, Gallacher, Gross, Long, McMorro, Oglesby, and Stewart. All were present. General manager Pussinen was also present.
- III. Proof of notice was posted and signed by President Gallacher Friday April 3, 2015 at 1:00 PM. Prior to the start of the Agenda, President Gallacher requested that we add 2 additional minor amendments to other items on the agenda: In Item B. we need clarification of the time period to require one for former registered residents and Item R we need to include the regular Wednesday Square Dance for the 2015-2016 season.
- IV. Approval of previous board meeting minutes. **Motion to approve the minutes from the last regular board meeting 3/11/15 and the closed door special meeting 3/27/15 previously distributed to all board members made by Secretary Brannen and seconded.** No discussion. **Motion passed unanimously.** Minutes approved.
- V. Reading of Correspondence: Secretary Brannen read the following:
 - a. Letter from George Brinks re: Qualman
 - b. Letter from John Schultes re: Fountain Project; stability of new homes in District 3 and 4; safety and security.
 - c. Letter from John Schultes re: Florida Statute 719.
 - d. Letter from Barbara Klink re: Parking signage
- VI. Report by Ocean Ridge Police Chief Hutchins noted that enforcement of parking decals will be escalated; April 24 annual shredding event behind the Ocean Ridge Police Department. Reminder to all- “if someone sees it they will take it.” Everything appears good in Briny; bicycle patrol has started both in Briny and Ocean Ridge.
- VII. Report of Officers
 - a. President- no report at this time
 - b. 1st Vice President -no report at this time
 - c. 2nd Vice President-no report at this time

d. Treasurer Paul Stewart reported as of 3/31/15 unaudited:

Operating Cash	\$425,851.02
Park Improvement Cash	\$236,218.26
Catastrophe Fund	\$114,866.94
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Total Operating Cash	\$776,936.22
Reserve Cash	\$415,489.22
Total Operating & Reserve	\$1,103,535.19
Delinquent Accounts	\$2699.58
Delinquent Yacht Basin	\$1,315.24
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Total Delinquent	\$4,014.82
Income	\$156,625.74
Disbursements	\$148,605.15

e. Secretary: just a reminder that if you are giving a lengthy report or making a motion, please provide either an electronic copy or hard copy to the Secretary. It is the only way to ensure accuracy.

- VIII. Report from the General Manager: We have only 3 unpaid assessments and 2 yacht basin rentals delinquent; please be sure that you follow the steps for closing your units; fill out emergency contact form; Quonset 3 will be able to store more golf carts, about 40 more; great income; Marina slips rentals will be handled by Omar and Theresa for the summer months when Dockmaster Doug Baumgarten is away from Briny; Staff will be performing annual enhancements as well as new projects.
- IX. Report from the President of the Town Council Sue Thaler: Town held a workshop on Golf carts on Thursday April 2nd, John Skrandel, Town Attorney is doing research but it appears likely that we will need an ordinance to continue to allow golf carts; April 23rd more information should be available; Book Mobile will come to Briny on alternate Fridays starting May 8th 1:45 to 2:15 pm.
- X. Committee Reports

- a. Sales and Rentals: Sue Thaler Chair offered the following report. Two meetings since the last Board meeting; support the recommendation for Orientation of new renters and owners; revision of forms; question of lease agreements prior to an impending sales; Rules and By-laws will write a rule to prevent this;
- b. Violations and Fining: Director Brannen, liaison reported that the committee handled 2 Violations at their last meeting April 6th. Both were for unregistered guests. The committee agreed that they were in violation and each was fined \$500.00. The maximum fine was not imposed, as they believed these were first offenses and would serve as a strong warning.
- c. Ad Hoc Committee: Director Brannen had provided the board with a lengthy report. Highlights included the opportunity to meet with 15 different clubs. Precise guidelines were not part of the report as it appears the Clubs function very uniquely and differently. We should consider having the Corporation develop some that would minimally save them time.
- d. Building and Storage committee- 20 units built already and they are sold, starting on another 13; Quonset 3 stabilized with new concrete; trying to establish the border along the south side of the beach- waiting for the EPA to tell us how far into the dunes we can go; a gate will be built for the entrance that is currently used by the beach cleaning machine; concern was again noted for the toxic waste in our drainage system all goes to the intra coastal; a stencil will be placed on the drains to remind everyone of the risks;
- e. Bulkhead/Seawall report will be covered later on the agenda.

XI. Unfinished Business

- a. Beach Fencing: Table for further information
- b. Gate/Fencing Rule: **Director Gross made a motion to adopt the charge to the Rules and By-Laws Committee as proposed by Director Oglesby :“Review existing rules and bylaws and develop new and revised rules or bylaws as directed by a majority of the Board within 30 to 45**

days. Seconded. Discussion specific to this item was that this committee had been asked to review for consideration the insertion of “gate” into this rule to resolve ongoing difficulties 3 months prior. No action has been possible; let the board take this; Question was called. ***Six were in favor and 2 opposed (Stewart and Brannen.)*** Motion carried.

- c. **Motion by the President Gallacher to move forward and given this charge to the Rules and By-laws to consider inserting the word “gate” into this rule.** Seconded. ***All were in favor.*** Motion passed. *No rule change could be approved in this meeting because the meeting notice was not posted 2-week in advance as required by Statute 719.*

XII. New Business

- A. Ratification of the General Manager’s Contract Renewal. **Motion made by Director Stewart to renew Theresa Pussinen’s contract through 9/30/2017.** Second received. (Date is to coincide with the fiscal year going forward.) Question was will there be an annual performance review; response was yes at the beginning of the fiscal year. ***Vote was unanimous- contract will be signed and renewed.*** Motion was passed.

- B. Ratification of recommendations for sales and rentals. **Director Brannen moved that we approve the following applications for membership:**

1.) Kopen to Brannen and Knowles E-22; 2.) Hawley to Mayer J-18; 3.) Skarritt to Armstrong L-19; 4.) Salvati to Janet Dawn Gray Living Trust B-20; 5.) Willeford to Burns J-6; 6.) Landstrom to Garber. And the following family transfers: 1.) Coyner to a Trust for L-203 & K-202; 2.) Removal of Jerry Jurasek following his death from L-24 leaving Jerry F. and Kathryn Jurasek as stockholders; Jerzey Litewski adding daughter Joanna Liewski. Hazel Conlon adding Christopher Conlon L25; Motion was seconded. ***Question was called and vote was unanimous. Motion passed.***

- C. Director Brannen moved to approve a motion to deny a second rental for Dianna Moll, Rule C. 2 procedures, e. **“Stockholders who have acquired a second unit will be permitted to rent only one unit per season.”** This is the second year that this was requested. Last season it was withdrawn when she learned of the rule. Both applications for rent are in order

however the committee felt that it was not consistent with the rule as stated. Discussion re: S. French owning 3 and renting 2. Florida is a Community Property State; Based on new By-Law; **Vote 7 yes, 1 opposed (Coyner.)** Motion carried.

Director Brannen subsequently moved that the Rules and By-Laws Committee look at this specific rule Rule C.2.e and clarify or recommend a change as needed. Seconded.

Discussion how can someone own 3; are people told that they cannot rent this second unit; **Vote was unanimous.** Motion passed.

D. Director Brannen then made a motion to deny rental to E-8 for an April through December 31st rental (barter agreement.) Seconded. Owner is asking for an exception to Rule C, 2.; procedures, d. " A two month minimum and nine month maximum length lease it to be maintained with no rentals allowed during the months of July, August, and September. The committee after paperwork is changed did suggest approval for the term of April through June 31 and then October 1 to December 31, 2015. Discussion included comments that this goes on all of the time; people are living in units without approval, and unregistered. **Vote was unanimous.** Motion was passed.

E. Director Brannen moved that the Corporation be allowed to charge an administrative late fee for rental applications that are not submitted on time fee schedule to be determined administratively. Seconded. Recommendation was to mirror the fining structure. Fee scheduled to be determined administratively. Discussion focused on the amount of the fee; administrative fee for lateness, flat fee VS fining, owner will still get fined; can we approve the concept and have the GM and committee work on this; two tiered process late and very late; if we do this we are essentially breaking our own rules; we need to be sure that we are notifying the owner and the renters; if the renter arrives and there is no paperwork, send the renter home. Send an actual approval letter; Question was called. **5 yes, 3No's (Coyner, McMorrow, Long).** There was still discussion on fee VS violation fine as well as the intent of the motion. **Director Oglesby moved to re-consider the vote. There was obvious dissent and confusion so the original motion was withdrawn.** Secunder agreed. **President Gallacher**

asked that this process be clearly spelled out in the Bugle.
Comments suggested that no one reads the Bugle.

D. Director Brannen made a motion to allow general access to the Briny Breezes, Inc. By-Laws on the website. It is currently password protected. Seconded. Our current sales applications (soon to be changed) tell prospective buyers that they will receive a copy of the Rules and the By-Laws after their application has been received. The Sales and Rental Committee felt that prospective buyers should have an opportunity to read these prior to purchase. We would like to direct them to the website to do this rather than give out paper copies. We might want to ask that a prospective buyer sign off that they received and read the bylaws. This is now part of the application for sales. Currently the application says *"I have had the opportunity to read...."*; discussion was that perhaps this should be worded more strongly *"I have read the By-Laws and Rules...."*; Currently the Rules are accessible but not the by-laws. Discussion reflected a concern that our By-Laws would be accessible to all and perhaps could be altered on line. **Vote was yes 7; 1 No Oglesby.** Motion carried.

Director Brannen moved that we clarify the administrative policy that background checks be completed on anyone who has not been an approved resident (owner, resident guest, renter) within the past 2 years. Seconded. We said if residents (owners, renters, resident guests" were recent we would not require a background check but we did not define this. We have been operating administratively with within the past 2 seasons/yrs. This has been challenged indicating that it is suppose to be 1 year. Question was called. **Vote was unanimous.** Motion passed.

E. Director Coyner made a motion to approve a small tree at L201 and then clarify the application process to clarify that the application does not need needs not come to the Board; that the required signatures reflect the Board's support. Seconded. No discussion. Question called. **Vote was unanimous.** Motion passed

F. Discussion on drone regulations within the park; Director Oglesby moved that we refer the matter to Rules and By-Laws to

ask for a rule that prohibits drones within the community Briny Breezes, Inc. Seconded. Discussion focused on potential noise and invasion of privacy, running near electric lines, although there is no problem now we might in the future; they are very expensive, very quiet (others said very noisy); safety standpoint noted was hitting persons in the face and head; we have one person who has one, concern on how will we be able to enforce; lets not make a rule we cannot enforce; we apparently have only a few within the community; it is a safety issue; are they similar to radio controlled airplanes which are controlled- what are the federal rules (D. Baumgarten offered to check with a friend to find out more information;) concerns into electrical wires, safety protective shields; Question was called. **Roll call was requested. 5 yes, 3 No (McMorrow, Gross, Stewart) Motion passed.**

G. Rules for golf carts to reflect town ordinances and state regulations **Director Oglesby moved to refer to Rules and By-Laws to consider re-writing our Rules to conform with State Statutes and future Town Ordinances.** Seconded. Give them some time to review the statute and future ordinances; Chief Hutchins reviewed what he told the Town- we need an Ordinance in place by the town; State Statute §316.212; we will enforce the state statute once the ordinance is in place; move forward as quickly as possible; low speed vehicles are very different from golf carts; the discussion went astray; renters do not understand that the rules apply to them. Question was called. **Vote was unanimous.** Motion passed.

H. **President Gallacher moved that we allow the Shuffleboard Club to use District V for parking in consultation with maintenance staff for their approved 2014/2015 events.** Seconded. **Motion carried unanimously .**

I. Cable Contract Term of 5/6 years VS 7 years made no sense, would raise the per unit cost, reduce the incentives,- only to shorten the term; first year cost different an additional 36,000/year and receive 24,00 less back, total loss. We were able to reduce annual increase down to 3% rather than 4% and obtain an additional 2 hot spots; **President Gallagher moved that the Board approve us moving forward on the contract negotiations U-200, 7 year**

term, 6 hot spots; Seconded. question when negotiating to include internet; no way to get bulk rates for internet re FCC bulk is all or nothing; best promotional rate at that time of the contract is signed; better than if you called up on your own; can renegotiate if the community determines they want bulk internet; BBC-8 has the modulator and software has been negotiated; there will be a solution; as you arrive you need to get someone come out, want to train each of us; once installed- ATT Question was called. **All approved.** Motion passes. (fixed indent)

Board broke for lunch.

Reconvened at 1:20

- J. **Motion made by Director Oglesby to allocate up to \$60,000 from Roads and Drainage to survey the terra cotta pipe and replace as necessary with PVC liner to mitigate the flooding on Briny Breezes Blvd. Further to purchase a pump for \$7,500. 00 for Cordova from the Operating Budget/ Seawall and Drainage to help the overflow of water get to the Ruthmary Drainage system. Additionally in house work will be done to alleviate the water problem "Lake Ruthmary."**

Seconded. The Ruthmary drainage system runs into the intracoastal. Concern re: money in the Reserve fund. Question called. **Vote was unanimous.** Motion passes

District 1 & 2

Briny Breezes Blvd

Clean-out 260 foot storm drain pipe running a Briny Breezes Blvd to Ruthmary, survey with camera, install 8" liner inside deteriorating terra cotta pipe - verbal estimate pending camera survey results.

(Less than or=to)

Cost

Funding Source

\$60,000

Roads & Drainage

Cordova

Purchase and install 2HP pump control box, and actuator. Install in drain culvert in area of maximum storm flooding, (includes electrical connections)

\$7,500

Operating Budget
Seawalls and
Drainage

Subtotal

\$67,500

K. Motion made by Director Oglesby to include the below listed work with costs listed and budget line delineated which is to approve up to \$103, 460 to raise, stabilize, repair and seal the sea wall to match the elevation of Dock drive seawall;

Seconded. Proposal to mitigate flooding Bay/Banyan Motion – one consistent level across the top of the Marina with a concrete cap; concrete seawall and bag seawall; electrical re-using all of the existing utilities; the other project required an upgrade; in this case it is not broken so it would be considered an unnecessary and very expensive upgrade;; question re: access and step down and step ups with the increased elevation of the seawall- need to look at safety issues; we can fix the esthetics later when it has been budgeted probably from the Marina committee; costs are considered no higher than; this work is supported by the seawall and marina committees and staff. As the discussion expanded the question was asked whether FPL do some of these modifications given the safety concerns in the Marina area.

The following work is included as part of the above motion.

District 3

Bay and Banyan Blvd - E & S Marina

1. Bay and Banyan Seawalls: repair, seal, and stabilize (cement bag portions) and pour concrete cap to raise cap elevation to level of Dock Drive seawall	\$83,910	Seawall Reserves
2. Back-fill with dirt over filter fabric behind raised seawalls	\$1,500	Seawall Reserves
3. Sod for fill areas	\$1,500	Seawall Reserves
4. Cover the “rip-rap” at the southwest point of Marina entrance with concrete to prevent soil erosion	\$800	Seawall Reserves
5. Electrical work and fixtures - run conduit to accommodate future power upgrades. Original fixtures will be re-used. Purchase and install aluminum stanchions to support electrical boxes	\$15,750	Seawall Reserves
Subtotal Seawall Work	\$103,460	Seawall Reserves
 Purchase and install 2HP pump, control box, and actuator, Install in storm drain pipe culvert at end of railing (includes electrical connections)	 \$5,000	 Roads & Drainage

TOTALS	Costs	<u>Funds 9/15</u>
Roads and Drainage Reserves	\$65,000.	\$70,783
Seawall Reserves	\$103,460	\$105,962
Operating budget	7,500.	

Vote was unanimous. Motion passed.

L. President Gallacher made a motion to replace the A/C in the West Clubroom by RR Air Conditioning not to exceed \$4000.00. paid out of operating expenses. Seconded. This is a 4 ton Rheem, with thermostat and 5 year parts and 1 year labor and permitting. It is a mid price unit. Concern that we had to wait for this and folks use the West clubhouse. They were assured that work would start as soon as possible. Question was called. *Vote was unanimous.* Motion passed.

M. Motion made by Director Coyner on behalf of the Landscape Committee for 2015 reforestation tree installation project to include planting 22 (12 Montgomery or Christmas Palms and 10 Sable Palm) trees and 25 flowering hibiscus bushes and fertilization at a cost not to exceed \$7,6000.00 to be paid out of line #519 operating budget. Seconded. Requested a 1 year warranty that requires some parameters for watering. Discussion on staking, timing of the planting, whether it was feasible to water especially during the first 90 days, type of fertilizer, the filter fabric and its integrity if a hole is dug; drilling through the coral; burning from the wind off the ocean; the impact of birds gathering along Cordova; will the trees impact parking along Dock Dr. Hibiscus will be planted along Dock. Question was called. *Vote was unanimous.* Motion passed.

N. Motion made by President Gallacher to replace the rotted and broken windows and designated doors in north east corner of the clubhouse, the pharmacy and the manager's office with high impact glass to be funded from the Building reserves as planned in the 2015-2016 budget. Total cost not to exceed

- \$27,000. Contract with SIW a local company.** Seconded. We cannot afford to do all of them at one time. We do have other needs in the office as well as others in the Clubhouse. Question called. *Vote was unanimous.* Motion passed
- O. Motion made by President Gallacher that we complete the concrete restoration project on the front and side of the #5000 building as planned through the 2015-2016 budget. Three step process not to exceed \$9000 out of painting reserves.** Seconded. 5 year warranty with an extension of 5 years if we re-seal it. *Vote was unanimous.* Motion approved.
- P. Motion made by President Gallacher to seal and coat the entire Clubhouse roof as planned in the 2015-2016 budget process from Roof Reserves at a cost of \$16,250 from Florida Roof Coatings;** Seconded. This will include sealing vertical edges with an epoxy finish, replacement of all the cracked tiles and priming and painting of the fascia. There is a 10 year product warranty and 5 year labor. Question was called. *Vote was unanimous.* Motion passed.
- Q. Motion made by President Gallacher to seal and coat the full Auditorium roof as planned in the 2015-2016 budget process from Roof Reserves not to exceed \$13,650 from Florida Roof Coatings.** Seconded. Question called. *Vote was unanimous.* Motion passed.
- R. Director Gross made a motion made to approve a 4th Southeast Square Dance, May 3rd to allow exemptions guests for their regularly scheduled Wednesday night dances through the 2015-2016 season.** Seconded. Question was called. *Vote was unanimous.* Motion passed.
- S. Director Gross made a motion to approve up to \$6500.00 to restripe the pavement, parking spaces, numbers, stop lines etc.** Money will come from Painting reserve or the Park and outside maintenance. Seconded. Discussion what about golf cart

changes etc. which might influence our traffic flow; Question was called. ***Vote was unanimous.*** Motion passed.

- T. Motion made by Director Gross to approve the GM's recommendation to implementation that the Corporation's office become a cashless office using BB&T card reader for transactions typically conducted in cash. This will be in phased in.** Seconded. What are the charges associated with using credit card; checks will still be accepted; can the credit card be automatically be charged; probably in the future. Might need to look at overall costs. Question was called. ***Vote was unanimous.*** Motion passed.
- U. Motion made by Director Brannen to establish an Ad Hoc Committee to investigate options for the the viability of having the US post mail delivered directly by the US Postal Service.** Seconded. Discussion: last year when this was brought up we were told we were moving too quickly. A year has passed. Sorting our own mail costs the corporation approximately \$25,000.00 each year; we are considered a bulk drop and we do not have the same rights if we were private; we need to continue to encourage folks to get their mail forwarded properly; the "getting of mail" in the office area while proclaimed a meeting place, also causes disruptions to the staff who have other work to do. We are hearing that we need more office help that we would have, if we did not personally handle all of the mail. There would be an initial investment for the mailboxes but this would be recouped within the first year. The next item will assist in part of the problem but it does not address all of it. Current boxes could still be used for inter-community mail; we need a time study to determine the amount of time and money is spent; Question was called. ***Vote was unanimous.*** Motion carried.
- V. Motion made by President Gallacher to support the GM's recommendation to stop having the office personnel get mail to offer residents the option of getting a lock to facilitate opening your mailbox at a cost of \$40. A charge of \$25 to replace it.** Seconded. Further to support the GM's recommendation to not have staff get mail and to have

shareholders option of getting a key. Motion passed unanimously.
Question called. ***Vote was unanimous.*** Motion passed.

Motion made to adjourn by Director Coyner at 3:36 pm. Seconded. ***Vote was unanimous.***

Respectfully submitted by,

Susan J. Brannen, Secretary, Board of Directors, Briny Breezes, Inc.

Approved 5/22/2015