

07/16/2018 – EFAC Board Meeting Minutes – 6pm ET

In Attendance;

R. Presser

R. Plew

K. Lusby

T. Earhart

G. Powell

Meeting called to discuss Pier 35 location & inability to place Pier 35A as shown in Court Document Exhibit "E".

Two sets of photos were shared and reviewed, 1st set was 5 photos & 2nd set consisted of 4 photos

Total footage across the lake front at this location is approx. 50ft 2inches

Looking from the shore towards the lake - distance from west end of seawall to west side of main pier runner is approx. 22ft 9 inch – at the end of this main pier runner there is a 4ft wide section of pier on both the east & west side of the main runner.

One large boat lift is located between the west side of lot 35 and the west side of the main pier runner. In this area there are smaller lifts in front of the large one. On the east side of the third section of pier is an additional boat lift bringing the approx. distance from the west end of the seawall to the east side of the 2nd boat lift to be approx., 40ft 6inch.

Randy stated - I have just come from Roberts pier. It appears that he is not using all of his 24 feet. I'm not so sure as a board we can tell him which to two sections to move. It is obvious that the location the pier has been there, at least since the seawall has been built because of the cut out in the cement. I think he probably also has the right to put his lift on the other side if he wants!

Kara stated - From west to east, Roberts has a 10-12 ft wide boat lift with a boat on it, and then three 4 ft wide pier sections side by side. EFAC is not asking him to move any of these structures. That area has consistently had structures in it for his use. Those are fine and in compliance. However, there is also another 10-12 ft empty boat lift in front of his shoreline. That is what creates the compliance violation of exceeding his 24 ft zone obstructing the offshore assignment that is documented in exhibit E of the judgement we have to enforce.

Richard stated – he has reservations about the situation but agrees that the 2nd boat lift on the east side of the pier is causing a blockage & ability to add Pier 35A. The boat lift needs to be moved or the pier structure changed to reduce the footprint.

Gerry stated – Court order of 01/24/2014 approved the existing pier assignments and assignment of a certain location zone for pier & other equipment usage as noted on the list and map showing pier assignments for 2014 attached to the Court's order as Exhibit "E". Pier assignment based on Exhibit E was assigned based on allocation of the frontage of each lot and created a zone which would not be changed except as specifically provided by the Court's orders. Each pier assignment be free to fully utilize their zone, but not so that this usage would affect others, especially adjacent pier locations, pier or other equipment maybe moved within the assigned area but may not be moved to affect the use of an adjacent assigned area. We should have allowed 16ft of space on the far east side of lot 35 based on Court rulings which specify a pier 35A in Exhibit E.

Reference - per court Case no. 43C01-1602-MI-47 FINDING OF FACT, CONCLUSION OF LAW AND JUDGEMENT SECTION 13 – 14 -15

A motion to vote for action on this issue above was requested by Kara

Vote to issue non-compliance letter was as follows;

Kara – yes

Randy – no

Gerry – yes

Richard – yes

Tom was not required to vote

All will review draft of non-compliance document sent via email to all Board members on 07/15/2018.

This review to be completed by Friday 07/20/2018

Changes will be reviewed and incorporated in final draft document which I will have Tom review before sending. Letter will be dated as of final review & approval from Tom.

Notification will be via email & by certified mail to the parties involved.

Randy is using GIS to update pier assignment list. Hopes to complete by the weekend – will email copies to all Board members in a spreadsheet format.

All number assignments are on-shore and number followed by a letter are off-shore assignments.

Final collection notices can be sent for all unpaid pier fees.

Richard brought up a concern/question of who would pay for lawyers (Shipman/Helms) to review documents/emails being sent by off-shore and/or on-shore individuals in reference to the Community pier.

Meeting concluded 5:52pm ET

G.Powell – Board Secretary