

**Epworth Forest Pier Administration Committee**  
**Meeting Minutes**  
August 25, 2008

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**MEMBERS PRESENT:** Dewey Senger, Tom Ross, Ron Erb, Dick Mann  
**REMC REPRESENTATIVES PRESENT:** Nicole Collins, Brian Harding  
**MEMBERS ABSENT:** Bob Stine

**CALL TO ORDER:**

The meeting was called to order by Tom Ross at 9:18am.

**MINUTES:**

Dewey moved to approve the minutes from the July 26, 2008 meeting. Seconded by Ron. All in favor.  
Motion approved.

**FINANCIAL REPORT:**

Brian presented the financial report stating cash on hand at the beginning of the month of \$20,905.29. Shoreline income for July was \$3,780.00 and Marina income was \$665.00. Including a NSF fee and a prepaid accounting adjustment on the shoreline side, total income for the month was \$4,540.00. Disbursements totaled \$2,235.11, leaving cash on hand at month's end totaling \$23,210.18, with the Shoreline account comprising \$16,548.29 of this total and the remaining \$6,661.89 belonging to the Marina. Brian reminded those present that a decision is needed regarding the appropriate percentage of the Marina funds to be allocated to the management fees as none has yet to be allocated. A decision was deferred until the budget discussion later in the meeting. Discussion ensued regarding the status of collections and the legal cases which were also deferred until later in the meeting per the agenda.

**MANAGEMENT REPORT:**

Nicole presented the management report beginning with comments on current delinquent payments and August collections. She noted that the additional funds have been received thus far in August resulting in an overall approximated collection from 93% of all homeowners with only approximately 15 having not yet paid the full balance owed. She shared that legal action continues on the one case of non-payment and others may follow shortly after REMC continues to contact and communicate with the remaining delinquent owners personally and via email and US mail. The Committee then directed REMC to mail a letter to all owners with pier access reminding them of the easement and the rights of others (fishing, walking, etc...). The Committee also directed REMC to mail a letter to all owners with pier access regarding the open shoreline seat on the committee due to Bob Stine's resignation effective September 1<sup>st</sup> and request interested parties to respond in writing so they can be considered. It was noted that Gaither and Osborn have both expressed interest thus far and the committee all agreed that Gaither would be a beneficial choice but a decision would not be made until all homeowners have a chance to express interest.

**UPDATES:**

Shoreline Mapping: Nicole reported that Ball State University has almost completed the mapping project and have commented on the canopy coverage conflicts. The committee requested that REMC inquire what further action BSU can take to map those piers that are sheltered by tree coverage.

Legal Cases: Brian reported that he and Mr. Mann had been in contact with Steve Fink of Barnes & Thornburg and clarified for him that as he is the Conference attorney and has the most history on the Epworth community, he remains the attorney of record for pier administration issues. Brian further shared his directive to Fink that as he is working for the pier committee on administration issues, that payment for these services would come from the Committee, not the Conference, so, as we are the client, we are the ones from whom he is to take the directives and to whom he is to seek input and provide progress reports. Brian shared with Fink that he is to be Fink's primary contact and that Brian would check in with Fink on a regular basis to gage progress in order to provide progress reports back to the Committee. The Committee noted their encouragement with Fink given the caveat of REMC's frequent oversight. Discussion ensued regarding cases: Turner, Nelson, and Schrader. It was noted that as Schrader involves building into the easement and not pier access, it, therefore, was determined to be a Conference issue and not a Pier Committee issue, so there would be no update at this meeting. The Committee then directed REMC to contact Fink and inquire about all other active suits. The

Committee further directed REMC to inform Fink to drop the current case against Turner and Roberts and initiate two separate cases: one case against Turner for non-payment and one case against Roberts for non-compliance of the pier policy regarding available width. However, it was noted that the case against Nelson will be on hold subject to REMC communicating with Nelson, in person and in writing, regarding clarification of the pier policy and guidelines and the nature of his noncompliance. The Committee also requested that REMC obtain Fink's opinion regarding the definition of the easement and an understanding of what kind of insurance coverage is needed by the Conference in regard to the easement. The Committee further discussed and agreed that the current set of revised pier guidelines be court approved to allow for even stronger enforcement, but prior to court approval REMC will seek further input from the Committee and the community for any suggested additions or deletions. REMC will mail a letter to all homeowners seeking input.

**NEW BUSINESS:**

Newsletter: The Committee reviewed, changed and updated the content in the draft newsletter and directed REMC to mail on Tuesday with the approved changes.

Marina Pier Maintenance: The Committee directed REMC to obtain a quote from Davidsen's Piers to inspect and paint the marina pier at the end of this season.

Owner Requests: The Committee directed REMC to respond to Yahne in writing with a statement that no pier exceptions will be considered until after the shoreline mapping project has been completed. The Committee approved a pier transfer request for Josh Johnson, who purchased 6365 11<sup>th</sup> Trail.

Conference Issues: The Committee directed REMC to pay storage fees to the conference for storing the Marina Pier on Conference property in the off season. The Committee also directed REMC to refund the Conference for the two shoreline pier fees which the Committee believes were charged incorrectly. All agreed that an accounting of all Conference piers is needed. REMC agreed to review the judgment to determine where it is stated that the Conference is exempt from paying these fees and provide this wording to the Committee. The Committee also directed REMC to pay the Conference any required meeting room rental fees.

Dredging Project: The Committee approved the Marina dredging project subject to the donation of all funds related to the project as promised and to be coordinated by Mr. Mann.

Additional Shared Access Options: The Committee tabled the discussion of additional shared access at 11<sup>th</sup> trail and other areas until after the shoreline mapping project is completed.

Budget: The Committee approved the 2008 draft budget after determining that \$140 of the \$250 of Marina fees will go toward the management fee, leaving \$110 of the annual Marina fee for any addition Marina specific charges.

Forms: Nicole distributed additional copies of the Application for Pier Assignment (New, Transfer or Change Request) form and the Owner Information form and Ron agreed to investigate how to make them available on the Epworth Forest POA website for easy access.

Shoreline Inspection: Ron volunteered to assist Nicole in walking the shoreline, at a date to be later determined, to review any issues or concerns over the next weeks as the season comes to an end.

POA Annual Meeting: The Committee was reminded that Brian and Nicole both planned to attend the POA meeting this weekend to provide a pier administration update as Mr. Mann has done in the past and all Committee members were encouraged to attend if available.

**ADJOURN:**

The meeting was adjourned at 11:43 am and the next meeting was set for September 26<sup>th</sup> at 1pm.