

**Epworth Forest Pier Administration Committee**  
**Meeting Minutes**  
March 22, 2011

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**MEMBERS PRESENT:** Greg Gaither, Ruth Buell, Ron Erb, Nick Yarde, and Brian Yahne

**REMC REPRESENTATIVES PRESENT:** Brian Harding and Steffany Miller

Also in attendance: Epworth Forest Camp Manager - Danni Barnum

**CALL TO ORDER:**

The meeting was called to order at 1:02pm

The Committee approved the minutes of the February 22, 2011 Pier Administration Committee Meeting as presented.

**FINANCIAL REPORT:**

Brian mentioned that as of March 21, 2011, 70% of the Shoreline assignees prepaid pier fees resulting in 119 assignees paid and 51 assignees unpaid. There was \$9,205.54 cash on hand at the end of February. For the Community Piers, 66% of assignees had paid resulting in 15 assignees paid and 6 assignees unpaid (the Community Pier numbers reflect 1 vacant short pier slot at this time), leaving \$5,086.03 cash on hand at the end of February.

**MANAGEMENT REPORT:**

The community pier has been put in by the Davidson Pier Company. The cost was approx. \$900.00, keeping in line with the amount that was budgeted. (The bill was received on 3/24/11, and was actually just \$722.00)

**RON ERB'S QUESTIONS:**

**a. Why was Brian S. not told of the PAC decision by letter:** Brian Harding told the Board that he is contacted daily, and sometimes multiple times daily by Brian S. He was able to convey to him on the phone, and by email the decisions of the Board, so he did not feel it was necessary to follow up again with another letter.

**b. To minimize legal costs, would we apply the same logic to Dewey's request if legal action is threatened?:** Brian conveyed that on May 1<sup>st</sup> 2008 REMC was engaged to help make policies, facilitate committee meetings, map out the shore line, and identify areas that were overcrowded on the shoreline. During this process piers were identified and changes had to be made. Dewey's appeal and all appeals are considered on a case by case basis. We look at the argument and make the change consistently across the shoreline. Dewey's pier was identified as one of the pier's that was causing the overcrowding and a change had to be made. Dewey helped to form the policy and agreed with the board's decision until it affected His property.

**c. Should our decisions be based upon threat of legal action?:** The board discussed that some of these cases are going to have to go to court. The trustee's position is to try to limit the law suits as much as possible. The threat of a law suit however will not change the policy. We have to look at the argument, and decide if we can defend it, and at what point are we going to be able to defend it.

**d. Will those offshore owners asked to relocate be judged on the same standard if they threaten law suit or are only some worth considering?:** Once again each case will be heard on a case by case basis. We will need a ruling from a judge to see if we have a leg to stand on. The trustee's know that there will be law suits, we will need to get a ruling and then try to manage the ruling. We believe that we have been fair and consistent across the shoreline.

**e. Given the trustees position on limited lawsuits, how far will the PAC/Conference go in taking action against the abusers who use more than 24 ft or that won't allow piers on their shoreline or will they get their way too?** We would like for neighbors to work together, but because this is not always going to be the case the committee approved the Pier Violation Enforcement Policy in February 2010. These are procedures that the committee has put into place to enforce the policies. REMC will also contact the DNR to see if they have the jurisdiction to help enforce the pier placements.

**BRIAN YAHNE'S QUESTIONS:**

**a. Who is the leader of the PAC?** Brian Harding opened the floor up to this question. It was discussed and decided that the Conference has appointed a committee of 2 onshore owners, 2 offshore owners, Nick as the Conference representative, and hired REMC as the agent of the Conference, as a non-voting member. It was agreed that REMC as the facilitator should have all calls forwarded to them and lead the meetings. They will then, as they have been doing, bring the issues to the committee to consider.

**b. What is the goal of the PAC?** To establish assigned pier spots, the general over sight of the available spaces, and as the judgment of August 2, 1994 charges the Conference: To establish reasonable regulations while assuring that the on-shore owner may establish a pier at their location of choice upon their lands, and then allow the placement of piers and the docking of boats by off-shore owners and the Conference in a manner which imposes the least possible burden upon any one or group of on-shore owners. To further establish and enforce such reasonable regulations as may be required to assure that the walkway remains open and free for passage and that permitted people may have reasonable access to the shore for fishing and swimming.

**c. Have we surveyed the community for input on policy changes?** This process has been a long process. Three forums have been held, draft policies have been mailed to the community multiple times seeking input – and we've incorporated the vast amount of inquires, all people wanted different things but we've compromised to form a plan. Letters have gone

out to each community member notifying them of the changes that are going to take place. Another letter was then sent to inform them that they will be affected by the change that is taking place. Brian Y. noted that he believes the policies should be legally recorded with all of the changes. Nick assured him that in February 2010 the ruling went to the trustees and they approved them, and the judge approved the 1<sup>st</sup> policy. The judgment allows the committee to make the rules. As a committee we make changes, modify, and clarify the ruling. No other committee needs to approve what this committee has approved. The policies are good and we believe they will stand up in court.

**d. Is the PAC just 4 members making decisions behind closed doors with no communication or input from the community?** The Trustee's have appointed the committee to make decisions. All decisions are then communicated to the Community. Once again forums were held to get community input and involvement and the group is working for the good of the community.

**e. Is the PAC a renegade committee operating off of personal agenda not supported by the conference?** The church has appointed Nick as the representative of the Conference. He is part of the decision making process, and votes on the decisions made by the PAC. As such the church supports the decisions of the PAC.

**f. Has the PAC officially approved the 24/16 rule including a safe distance between?** During the PAC meeting on **December 14, 2010** the PAC determined that those onshore owners that own less than 24 feet of shoreline frontage shall be allotted a pier assignment up to the limited frontage owned (i.e. if 22 feet is owned the onshore assignment shall be up to 22 feet wide). If an onshore owner owns less than 16 feet of shoreline, that onshore owner shall be allotted at least 16 feet for their onshore assignment. **On February 14, 2011**, The PAC directed REMC to update the Pier Administration Policy to reflect the following three items: Pier assignment eligibility determined by lot ownership as defined on the Kosciusko County GIS mapping website, pier assignment size for lakefront owners owning less than 24 feet of frontage, and reasonable distance between piers of a minimum of 2 feet. **On February 22, 2011** the PAC requested the Pier Administration Policy be updated to include the following information: **Pier Assignment Eligibility:** Lot owners located in Epworth Forest with a residence located on them, or that own a lot that is buildable as a residence by current Kosciusko County building standards, are eligible to apply for a pier assignment. Anyone owning an additional lot that is buildable as a residence by current Kosciusko County building standards is eligible to request an additional pier assignment. Lot ownership shall be based upon the information available in the Kosciusko County public records. **Additional Criteria for Allowable Width:** Lakefront owners who own at least 24' of shoreline frontage shall be allotted a pier assignment up to 24'. Lakefront owners owning less than 24' of shoreline frontage shall be allotted a pier assignment up to the limited frontage owned (i.e. if 22' is owned the lakefront assignment shall be up to 22' wide.) If a lakefront owner owns less than 16' of shoreline, that lakefront owner shall be allotted at least 16' for their pier assignment. **Safe Distance Between Piers:** A minimum of two (2) feet is required between pier assignments.

**g. Are we to consider the policy and decisions made based upon litigation risks?** Once again the trustee's position is to try to limit the law suits as much as possible. Knowing that the policies are going to be tried in court, we believe that we have been consistent throughout the lake shore. We have documentation of each decision, now we will stand by the policies, defend them, and let the cases come to us.

#### **RUTH BUELL'S QUESTIONS:**

**a. Does "reasonable avoidance of a lawsuit" mean the conference will not support the PAC decision re: Schlagenhauf?** Nick has been appointed to represent the conference, so the conference will support the PAC and their decision.

**b. What happens when the next person threatens a law suit?** Each case will be heard on a case by case basis. We will continue to be fair and consistent across the shoreline.

**c. Are we agreeing that any onshore lot or partial onshore lot, regardless of size, will be assigned a 16 foot pier space based upon the policies currently in place for onshore placement?** Partial lots will not be eligible unless the lot has a residence located on it, or the lot is buildable as a residence by current Kosciusko County building standards. **Additional Criteria for Allowable Width:** Lakefront owners who own at least 24' of shoreline frontage shall be allotted a pier assignment up to 24'. Lakefront owners owning less than 24' of shoreline frontage shall be allotted a pier assignment up to the limited frontage owned (i.e. if 22' is owned the lakefront assignment shall be up to 22' wide.) If a lakefront owner owns less than 16' of shoreline, that lakefront owner shall be allotted at least 16' for their pier assignment.

**d. Are we saying that any offshore lot or partial offshore lot will be assigned a 16 foot pier as I would expect that both on and off be treated equally?** : Lot owners located in Epworth Forest with a residence located on them, or that own a lot that is buildable as a residence by current Kosciusko County building standards, are eligible to apply for a pier assignment. Anyone owning an additional lot that is buildable as a residence by current Kosciusko County building standards is eligible to request an additional pier assignment. Lot ownership shall be based upon the information available in the Kosciusko County public records. The maximum allowable width for a shoreline pier space assigned to a non-lakefront property owner is 16 feet.

#### **OLD BUSINESS:**

**a. Review "Pier Changes" spreadsheet:** Letters were sent to all currently identified lake front owners, and assignments that need to adjust their piers in direction or in size. Letters were also sent out to all on shore owners that have a new

assignee assigned to their property. We have received many calls regarding the letters, and attorney letters are beginning to come in also.

**b. Legal update – Turner, Senger:** Nick reported that Brent has had some health issues so he has actually not been able to meet with him, but that he would be in Indianapolis this Thursday, March 24th to meet with him. Nick will take the attorney letters from Senger, Rogers, Dixon, and Ted Schlagenhauf and ask the Conference if they want him to meet with the attorney regarding these letters.

**c. Brian Schlaugenhaut / Cary McLaughlin – Revisit “buildable” decision:** The board discussed whether “buildable” should be taken out of the verbiage to qualify a lot for another pier assignment. Many points were presented, but in the end, the decision still stands to keep the work “buildable” in the definition of lot eligibility. The board asked Brian to reply back to Brian S. that the decision stands, and that our attorney will respond if necessary.

**d. Policy Updates Planned:**

1. **Eligibility based on lot ownership, buildable?** . Lot owners located in Epworth Forest with a residence located on them, or anyone owning an additional lot that is buildable as a residence by current Kosciusko County building standards is eligible to request an additional pier assignment.
2. **The allowable width for shoreline ownership less than 24 ft./ more than 50:** Lakefront owners who own at least 24’ of shoreline frontage shall be allotted a pier assignment up to 24’. Lakefront owners owning less than 24’ of shoreline frontage shall be allotted a pier assignment up to the limited frontage owned (i.e. if 22’ is owned the lakefront assignment shall be up to 22’ wide.) If a lakefront owner owns less than 16’ of shoreline, that lakefront owner shall be allotted at least 16’ for their pier assignment.
3. **Safe Distance between piers – minimum of 2 ft.:** A minimum of two (2) feet is required between pier assignments.

**ADJOURNMENT:** The meeting was adjourned at 3:55pm. The next meeting was set for Friday, April 15th at 1:00pm.