

Epworth Forest Pier Administration Committee
Meeting Minutes
May 3, 2011

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

REMC REPRESENTATIVES PRESENT: Brian Harding, Beth Mahoney and Steffany Miller

Also in attendance: Chairman of the Board of Trustees of the Indiana Conference of the United Methodist Church - Pastor Mark Dicken and Epworth Forest Camp Manager - Danni Barnum

- I. CALL TO ORDER** – The meeting was called to order at 1:00 pm.
- II. APPROVAL OF THE MINUTES FROM APRIL 15, 2011 COMMITTEE MEETING** – Ruth made a motion to accept the minutes. This was seconded by Greg. All in favor. Motion carried.
- III. HEARINGS**
- a. **Instruction to Committee Members** - Brian Harding introduced Pastor Mark Dicken. Mark thanked the Pier Committee and let them know that the Conference deeply appreciates their service. Brian commented that the Committee appreciates Pastor Dicken’s presence and also appreciated that Mark Sauser of Baker & Daniels put together the opening comments for all of the hearings. Brian asked the committee to resist the temptation to reply to any comments during the hearing as there would be time to deliberate at the end of the hearings. At that time the Committee would review the procedures, the process, future management and next steps.
 - b. **Attorney Stephen Snyder’s argument for the first three cases: Senger, Dixon, and T. Schlagenhauf** included the following comments: He alleged that the request for more space by the off-shore owners is the real issue that is pushing the off-shore owners out and whoever makes the most noise gets the PAC’s attention. He alleged that the original Pier Administration Policies were court approved yet the recent changes have not been court approved and are, therefore, not valid. He alleged that the original rules afforded equal footage to both offshore and onshore owners and questioned why the change to 24 for onshore and 16 for offshore. He alleged that the original placements were intended to be permanent so we cannot change them. He noted those that have been reassigned have been assigned great distances from their residences and noted that overall the changes are unreasonable, arbitrary and claimed there is space where they are currently located. He re-submitted his letters of objection as previously submitted and reviewed by the group.
 - c. **Attorney Stephen Schuyler’s argument for his first case (Rogers)** - is that “if it ain’t broke, don’t fix it.” He alleged that there is room to stay where they have been. He alleged that the new location is too far away. He alleged that the original judgment and policy notes can only be moved if non-compliant which they have been. He alleged the new assignment is not accessible as access is blocked by bushes on the shoreline and doesn’t want to move to other options offered that are even further from their residence. He submitted an email from onshore residents (Cobbs) dated 5.2.11 that says they support them staying where they have been on their seawall.
 - d. **Attorney Stephen Schuyler’s argument for his second case (Critchlow)** - was that the placement of an addition pier on their shoreline would force them to cease the use of one of their boats, that there has never been a pier located on their shoreline for 20+ years (estoppels) – so why now. He cited trespassing and liability issues, that this is not the least possible burden for them, that this was not reasonable.
 - e. **Discussion** – At the conclusion of the hearing Pastor Dicken lead a discussion that resulted in the group unanimously upholding the original decisions for all cases noting that the Conference attorney will draft the responses to be mailed to all parties within the 15 day deadline.
- IV. FINANCIAL REPORT**
- a. **Shoreline** - \$22,682 collected to date; (cash on hand is \$14,066.59) 78% paid as of 5/3/11, 134 paid, 38 unpaid (\$8,220.33 delinquent).
 - b. **Community** - \$6,116 collected to date (cash on hand is \$6,887.57) 82% paid as of 5/3/11, 18 paid, 4 unpaid, 2 vacant (\$1,041 delinquent).
 - c. **Collections** –
 - i. **Community:** letters sent to 4 delinquents, response deadline of 5/15 at which point the piers would be opened to the waiting list (or to displaced shoreline assignees.)
 - ii. **Shoreline:**
 - 1. **Turner** – Greg made a motion to extend an olive branch to Mr. Turner that as both parties have incurred legal fees, the PAC would forgive his past due amounts and late fees, and to move forward with this year’s pier assignment fee of \$166.00. The motion was seconded by Ron. All were in favor. The motion carried.
 - 2. **Delinquencies** – \$50.00 late fees sent out to all who were delinquent with additional fines to

follow at 60 and 90 day intervals following which the policy allows for legal action.

V. OLD BUSINESS

- a. **Policy Updates** – Nick agreed to follow-up on finding out if the trustees have met to officially approve the updated policies.
- b. **Brian Schlagenhauf / Cary McLaughlin** – Brian and Cary feel that they have given the Committee everything that was required of them. The PAC feels that Brian has presented all of the needed documentation, but Cary has not. Greg and Ron agreed as committee members to go to the Schlagenhauf shoreline and determine where the additional 20 feet of Pier assignment can be placed.
- c. **Yahne / Turner / Diener / Chapman situation** – Greg and Ron agreed to also look at these Pier Assignments and determine who needs to move so that REMC can notify the violating pier assignments to adjust as soon as possible this season.
- d. **Future Management** – Brian H. shared that the communication log is full of many more on and offshore owners who need to be contacted and many more hearings will likely be needed. He noted the increasing legal costs, the additional fees due to REMC for the increasing management hours (including an additional \$2,000+ for April) and the fact that Pier fees can not support these costs and will, in fact, be exhausted by late summer. He noted that a decision is needed as to how these community is to be managed going forward. Pastor Dicken agreed to arrange a meeting to include Brian H., Nick, Pastor Dicken, Brent Williams and the Conference attorney as soon as possible to determine how to proceed forward from here.

VI. NEW BUSINESS -

- a. **Todd Vannatta letter** – The PAC agreed to give approval for Mr. Vannatta via a letter to park in the Eagle Point area so that he can access his home on the island.

ADJOURNMENT: The meeting was adjourned at 5:30 pm. The next meeting is scheduled for Thursday, June 2, 2011. We will meet at 9am to measure the pier assignments on the shoreline, adjourn for lunch and gather at 2pm for a PAC meeting.