

## EFAC BoD Meeting

05-11-2016

6:30-8:30pm

**Attendees:** Sharon Anson, Kara Lusby, Lindsey Grossnickle, Dick Presser, Suzi Montivoni

**Location:** Teleconference

**Topics:**

### Minutes

- All minutes have been posted to website except 5/3/16
- Kara will send 5/3 minutes by end of day 5/14/16

### Shoreline space observations from last Saturday

Suzi and Dick walked portions of the shoreline to re-evaluate the following spaces:

9A (Darr) – Sue said she was concerned with the shallow water in that immediate area. She also asked that EFAC makes sure the specific location of the 9A space will not impede access to other nearby piers. EFAC agreed and determined that Sharon and Linda Darr, the pier assignee, will evaluate the space to see if it is feasible for Darr to utilize this assignment considering the depth of the lake in that area.

10A (Harpster) – The specific location of this assignment was in question. The area for the 10A assignment was identified as being on the southern property line (toward lot 11) and it was determined that 4-5 feet of this 16ft offshore assignment would overlap onto lot 11. There is no offshore currently assigned to 11.

24A (open) – There are 26 feet of shoreline open on lot 24 and the 24A 16ft location needs to be centered between the two existing onshore piers on each side of this assignment.

83 (Ashpole) – There was concern that a neighbor was encroaching onto Ashpole's back/channel lot behind his primary property. It was determined that the matter was not a situation within the scope of EFAC administration, but instead a personal property issue.

### Unpaid Pier Fees and Enforcement

Offshore Not Paid: 12A McGonagle ; 31B Schaumleffel ; 91C Garro/Ward ; 62A Ellenberger  
(Paid but still needs Liability Insurance document)

Onshore Not Paid: 77 Corneilus; 85 Baker

Community Pier Not Paid: W08 Eckardt; W14 Jacobs; ME09 Nolley

Sharon will send out violation of compliance notifications to Offshore and Community Pier individuals which include a \$50 fine.

Sue will send out violation of compliance notifications to the Onshore individuals which include a \$50 fine. Sue is trying to locate an accurate contact address for these two properties.

### Senger Appeal Discussion and Decision

An appeal was recently submitted by Sengers to EFAC regarding EFAC's approach to determining pier assignments for 3 displaced individuals on the "top" of the pier waitlist. These displaced individuals were Darr, Swope, and Senger. The open pier assignments were 9A, 24A, and 78A. EFAC's approach to new assignments was to assign individuals based on the order they were listed on the epier.org waitlist (which was based on the date they were displaced). These individuals would be assigned to open pier assignments in ascending numerical order. In this situation, that means the order was 9A, then 24A, and finally 78A.

In the 05/03/16 EFAC BoD meeting, Dewey Senger and his legal representation, Steve Synder, spoke with EFAC for approximately 15 minutes appealing EFAC's assignment decisions. They stated the reason for their appeal/why they believed the Senger's new assignment should be 24A, rather than 78A. History of Senger's previous pier location was described as well as the proximity of the 24A assignment to the Senger home.

The directors revisited Senger's argument/appeal, but did not believe that the information Senger and Synder presented were valid reasons for EFAC to overturn its decision and change the three assignments previously determined by EFAC. However, the directors did question themselves as to why they used the approach of assigning open spots in ascending numerical order. The three open pier assignments did not become available at the same time. Assignment 9A was identified on the June 26, 2015 shoreline walk. Assignment 78A was identified on the July 25, 2015 shoreline walk. Assignment 24A became available on February 1, 2016 when the assignee, Rachel Bystrom, declined utilizing the space going forward (via a signed and scanned written notification emailed to EFAC). The directors realized that it was more logical and appropriate that an open pier assignment be assigned in the order it became available, just as they use an individual's displacement date to determine the order of the waitlist.

For that reason, a motion was made to overturn the previous assignment approach made by EFAC and reassign two of the three pier spaces using the date-driven approach described above. This means that Darr would remain in the 9A assignment, since they were at the top of the displaced list and 9A was the first open space identified by EFAC in June 2015. Swope would now need to be placed in the second space that became available in July 2015, which was 78A. Finally, Senger would need to be assigned to 24A, which became open in February of 2016.

The motion was seconded and a vote was taken to overturn the previous assignment approach used. The motion was approved with a vote of 4-1 in favor of a date-driven approach for open pier assignments.

Due to the correction in the approach EFAC uses for open pier assignments, the new assignments beginning in 2016 were approved and are as follows:

- #1 on waitlist (Darr): will remain placed at 9A
- #2 on waitlist (Swope): will be placed at 78A
- #3 on waitlist (Senger): will be placed at 24A

Kara stated she would notify all parties affected by this change/correction via EFAC email once the directors review and approve the content of the email. This change would go into effect immediately.

#### Community Pier

The community pier has 6 remaining open spots. Three are "short" pier slips (for small watercrafts) and 3 are "long" pier slips (for full size boats). Sharon will contact the next individuals on the waitlist to offer them a 1-year term on the community pier. EFAC can only commit to a 1-year agreement for these open spots now that they have been informed that the Community Pier can no longer be located in front of the Kokomo Grace property after 2016. Those individuals who choose to accept community pier spaces for 2016 will return to their current placement on the waitlist in 2017.

#### Pier Inquiries

Due to time constraints of this meeting, the directors will attempt to address an inquiry from 46A outside of the meeting via email among the directors. The inquiry was seeking additional direction on where their specific 16ft space begins and end/how to best position their pier.

#### Next Meeting

The next meeting date and time has not been determined at this time.