

University Park Recreation District

Consideration of Minutes Of the July 09, 2019 Board of Supervisors' Workshop

MINUTES OF MEETING

**UNIVERSITY PARK RECREATION DISTRICT
BOARD OF SUPERVISORS SPECIAL MEETING**

**Tuesday, July 9, 2019 at 10:00 a.m.
University Park Country Club, Card Room,
7671 The Park Blvd.,
University Park, Florida 34201**

Board Members present at roll call:

Lisabeth Bertsch	Board Member
Mike Smith	Board Member
Nancy Kopnisky	Board Member
Steve Ludmerer	Board Member

Also, Present:

Hank Fishkind	PFM	
Mark Barnebey	Blalock Walters Law Firm	
Laurie Evans	Country Club	
Carol Harris	PFM	(via phone)
Various Members of the General Public – See Attached		

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

The meeting was called to order at 10:00 a.m. Those in attendance are outlined above.

SECOND ORDER OF BUSINESS

Opening Comments

Ms. Bertsch made a short opening statement.

THIRD ORDER OF BUSINESS

Discussion from Hank Fishkind

Hank Fishkind reported on the response to the RFP for the BAN. We received only one response and it had a financing contingency. Fishkind recommended rejecting the bids. Fishkind then reported that 3 underwriters have expressed interest in underwriting the BAN. Fishkind will report to the Board as soon as replies are received.

FOURTH ORDER OF BUSINESS

Discussion from Board Members

Supervisor Smith reported on further negotiations with the seller. Contract is valid till 9-30-19. Extra interest costs are now accruing. August 15th next decision point concerning due diligence issues.

Supervisor Ludmerer reported on financial condition and discussion on the budget for FY2020.

Supervisor Ludmerer responded to comments received from communities. Ludmerer read a statement summarizing the work to enable the District to acquire the club over the last 2-years. The Planning Group negotiated a transaction which the District improved upon. The community has overwhelmingly voted to support the transaction. Had Garrett not filed suit, District would own the club and would not have burdened the District and the community with \$1.2 M and rising. Board Members have attempted to settle with Mr. Garrett but he has rejected all efforts to settle.

Discussion then occurred concerning additional expenses caused by the Garrett litigation. These include both direct costs in excess of \$250,000 and substantial indirect costs.

Supervisor Smith stated that the delays caused by Garrett are reducing property values.

Supervisor Kopninsky complimented Supervisor Ludmerer on his statement. She noted that the District is the only game in town for the club. Board is determined to move forward to acquire the club.

Supervisor Bertsch suggested that statements like the one Mr. Ludmerer provided be sent to the Manager who can then determine if it should be circulated to the Board or posted to the website.

Supervisor Ludmerer requested that workshops be scheduled approximately 10-days prior to board meetings.

FIFTH ORDER OF BUSINESS

Discussion from Audience

Mr. Garrett stated that he has the right to oppose the District and summarized his arguments as per his lawsuit.

Mr. Nadeau – discussed his concerns with Supervisor Kopninsky and related his business experience.

Mr. Chase – had a question on the BAN and placement fee of \$400K if changed and Dr. Fishkind responded.

Jim Nellis – shared a letter from UPRD homeowner in support of the RD Board and opposed to the Garrett lawsuit.

Peggy Lyles – noted she received many letters of support for the RD and read one of them.

Richard Garrett – claims he would settle for one item that the board allow referendum for any assessments.

Mr. Barnebey challenged Garrett to have his attorney provide a settlement letter which Garrett has never done.

Supervisor Smith responded and noted that Garrett would not settle after long meetings and other attempts to settle.

Claude Euwin – selling his home for what it is worth is important and home values are being impacted by Garrett's suit.

Doug Horton – he is distressed by opposition emails and the Garrett suit which has divided the community.

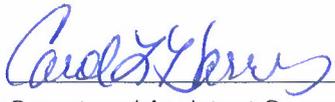
Paul Charlesworth – spoke in favor of the Board.

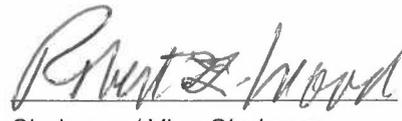
SIXTH ORDER OF BUSINESS

Adjournment

There were no other questions or comments. Dr. Fishkind requested a motion to adjourn the meeting.

ON MOTION by _____, seconded by Ms. Bertsch, with all in favor, the Tuesday, July 9, 2019 Board of Supervisors' Workshop for University Park was adjourned.


Secretary / Assistant Secretary


Chairman / Vice Chairman

Steve Ludmerer's Comments to the Board
July 9, 2019 BOS Workshop

At the request of an overwhelming majority of residents, we on the UPRD Board, the PG, committees of UPCA and others, have worked diligently to enable the District to effectively and efficiently acquire the Country Club and other lands in University Park.

Throughout the process, the Planning Group and the Board have worked with the best professional we could find to help us achieve this objective.

After months of work, we crafted an RD 'deal' that was reasonable and we improved the deal in February when we secured the working capital of the Club in exchange for a prompt Closing. Supervisor Smith: we are making decisions in our best interest.

We got your support for the deal. On the Bond Referendum, 80% of those who voted (810/1009) gave us their support; this was also equivalent to 67% (810/1202) of the entire community (including those who did not vote). That is, by any measure, resounding support. That support gave us the direction and focus to serve our constituents.

Think about it...had Mr. Garrett not filed his lawsuit, we would now have acquired the Club, operated using the positive cash flow from operations, and begun the process of developing a strategic plan for the future. Instead, the lawsuit has burdened us with hours and hours of additional meetings, purchase agreement revisions, personal and email responses, and introduced litigation and operating costs. Misleading and oftentimes incorrect statements by the Concerned Citizens Group have created confusion and fomented discord in our once tranquil community.

I'm not going to use our time/your time to again respond to the dozen things a recent CONCERNED email said they would do. We have addressed each and every one of them with clear focus, weighing options, and prudent, balanced decisions.

We have no desire to go back two years and re-do the work on issues and alternatives that have already been addressed by the PG, the UPRD Board, and other leaders in UP Community.

But let's get back to where we are today. Had Mr. Garrett not filed his lawsuit, there would be NO NEED for the \$1,000 per home assessment, NO NEED for the BAN RFP (and its inherent costs) to purchase the club, and NO NEED for the contingent BAN Assessment (to collateralize the BAN) to even have been prepared.

Despite (1) my personal efforts to reach out to Mr. Garrett to achieve a settlement and sincere efforts by my fellow Board Members to do the same, no Settlement Agreement has been forthcoming. During the Spring we were proactive and prepared a settlement proposal in good faith to address Mr. Garrett's apparent concerns. Our proposal was rejected without a counteroffer. And despite many statements to the contrary, CONCERNED emails purporting simple solutions, and requests by myself and our attorneys, we have NEVER, I REPEAT, NEVER received a Settlement Proposal from Mr. Garrett and his counsel.

It appears that Mr. Garrett and his small cadre of supporters think they are smarter, they know more, and that we hiding 'secret' deals. Nothing is further from the truth. I and my colleagues have been open to all reasonable questions and devoted countless hours in explaining the issues. Any questioning of the integrity of your RD Board the PG it totally out of order.

I asked that you continue to support us, continue to ask questions and seek the information you need. The five of us, in conjunction with UPCA, the PG, and the teams at PFM and Blalock Walters, are dedicated to respond. Our overarching goal is to complete the charge given to us: that is, to get this deal done in the most cost-effective resident friendly matter that is achievable at this time. Thanks again for your support.

Actual Results of Referendums and Surveys Showing Support Levels

Jan 2018 - Confidential Internet Survey

Survey was by email sent to all residents & homeowners who had an email address registered with UPCA.

- Total email addresses: **1764**
- Completed the survey: 1,517 (response rate: 86%)
- "Q. *How do you feel about the turnover of University Park and ownership transfer of University Park Country Club?*"

83%	Very Positive & somewhat positive
7%	Neutral
10%	Negative or somewhat negative

- Break-down of the 83% above, by type of Club membership

Full	94.29%	(413)
Sports	89.43%	(125)
Tennis	82.98%	(94)
Social	80.63%	(570)
Other	77.80%	(18)
Non-Members*	70.05%	(219)

- Other key results from the survey

83%	Understanding of an RD
83%	Positive reaction to using an RD for the acquisition
85%	Positive reaction to the estimated average cost per home

Feb 2018 - RD Petition results

Florida Statute limited petitions to those registered to vote in Manatee County & resident in UP.

1554	Total "electors" in UP (per County Board of Elections)
1244	Signed petitions received 80% of Total Electors
1187	Accepted petitions 76% (per County Board of Elections)

Actual Results of Referendums and Surveys Showing Support Levels

Sept 17. 2018 Election of Supervisors

Each property owner or resident in UP was entitled to cast one vote per property owned or resided in.

- Approximately **2,400** were "eligible voters"
- Nearly 1,700 or 70% cast votes for up to five candidates.
- The top five candidates received 83% of the total votes cast.
- The totals votes were as follows:

Michael Smith	1,340
Lisabeth Bertsch	1,338
Bob Wood	1,334
Steve Ludmerer	1,331
Nancy Kopnisky	1,291
Rodger Dowdell	367
Joe Moran	347
Patrick O'Connor	342
Tom Lordi	335

February 7. 2019 Bond referendum

The UPRD Board decided that this vote was to be on basis of "one home one vote".

- Total homes: **1,202**
- Votes cast: 1,009 votes (84%),
Yes-810 (80%),
- Voting: No - 199, with 27 rejected.