

**WATERSIDE III BOARD of DIRECTOR'S
MINUTES OF THE MEETING
OCTOBER 29, 2018**

1. **Call To Order** – The meeting was called to order by C.Eck at 10:00 a.m. in the Waterside III Social Room.

2. **Proof of Notice**- C. Eck stated that the meeting was duly posted.

3. **Establish a Quorum**- A quorum was present for the meeting. All Board members were present.

4. **Minutes of the BOD Meeting; May 24, 2018**- A motion was made by C. Eck to waive the reading of the minutes for the BOD meeting held on May 24, 2018 and to approve them. J. Hockley seconded the motion and the motion was carried unanimously.

5. **2019 Waterside III Budget**
 - a. **Operating Budget** – J. VanGorder presented the preliminary 2019 WS III budget. The proposed operating budget is attached.

 - b. **Reserve Budget**- J. VanGorder presented the preliminary 2019 reserve budget. It was reported that the elevator replacement study committee updated costs in the budget. The proposed budget is attached.

c. **Approval for Mailing; November 12, 2018 BOD Meeting-** J. VanGorder asked for the Board's approval of the preliminary budget. C. Eck made a motion to approve the draft of the 2019 proposed budget and proceed with the mailing. J. Hockley seconded the motion and it was carried unanimously. The approval meeting is scheduled for November 12, 2018.

6. **President's Report-** C. Eck read the report and a copy is attached.

7. **Treasurer's Report** – J. VanGorder reported that the September financial report reflects under budget performance. A copy of the report is attached.

8. **Property Manager's Report** – C. Magill read the report and a copy is attached.

9. **Committee Reports**

a. **Crisci Finance** – J. VanGorder stated that the Crisci Finance Committee developed the preliminary 2019 budget and was reviewed earlier as a separate agenda item. A copy of the Crisci Finance Committee report is attached.

b. **RAC-** Nothing to report.

c. **Building** – P. Martin stated there is nothing to report.

- d. **Landscape** – C. Magill read the report as provided from the Landscape Committee.
 - e. **Pool**- No report
 - f. **Hounshell Social** – C. Hounshell read the committee report and a copy is attached.
10. **Comcast Update**- D. Cote reported there is nothing to report.
11. **WMA Update** – R. Miller reported there have been no meetings, however the Budget meeting is scheduled for November 7, 2018 at WSIV.
12. **EBIA**- P. Yeatman read the report and a copy is attached.
13. **Document Re-Write Final Draft**- P. Yeatman reported the document re-write has been completed. A copy of the report is attached. C. Eck recognized the efforts of the Committee and made a motion to move the documents forward to the February annual meeting. J. VanGorder seconded the motion and it was passed unanimously.
14. **Old Business**
- a. **WSIII Fountain & WSIII/IV Generator Room**- C. Eck reported that work was performed on our fountain in error by the

direction of Vesta and compromised the operation of it. WSIII had to pay to have the fountain restored to its working condition. Costs were provided to Vesta for reimbursement with no resolution. In addition there have been several fiscal issues and operational issues with Vesta.

- i. **WMA Meeting on November 1, 2018-** C. Eck stated there will be a meeting on November 1, 2018 to discuss the various issues.
 - ii. **Small Claims Court-** C. Eck stated that he is prepared to pursue Small Claims Court to re-coup expenses from Vesta if a resolution cannot be reached.
- b. **Website-** R. Miller reported that the new website is up and running. The web address is Waterside3.com. A suggestion was given to make the password for protocol areas of the website to one password.

15. **New Business**

- a. **Website Happening Page** – D. Cote suggested that the website should have a “Happening” page to communicate events to owners. It was discussed and the Website Committee will work on this addition.
- b. **Guest Suite A/C Unit Replacement-** C. Eck made a motion to approve replacement of the guest suite air conditioning units. J.

Hockley seconded the motion and the motion was approved unanimously.

- c. **Gardening Contract** – C. Magill reported that in April of this year Everyday Maintenance added a gardener to their staff who was tasked with spending one full day per week at Waterside to work on fine tuning the landscaping to include spraying for bugs, trimming, looking for irrigation issues, etc. This included monthly soil tests to look for deficiencies in the soil so that Everyday can fertilize using slow release products as needed in different areas. After the six month trial it was agreed that should the buildings, WMA and EBIA wish to continue this enhance service they would be billed \$200 per building per month. Waterside I, II and III all agreed as did WMA and EBIA that the service was justified and agreed to continue with it for at least another six months or so and monitor how it is working out. The service will be reviewed at the end of season.

 - d. **Sales and Leases**- C. Magill reported that 2 Sales applications were received for unit 315 and 3H1. In addition, lease applications have been received for unit 324, 3P2, 351, 3P1, 372 and 345. C. Eck made a motion for these sales and leases to be approved. J. Hockley seconded the motion and the motion was passed unanimously.
16. **Comment and Discussion by Unit Owners**- A question was posed regarding electric car charging stations. There is no interest in pursuing a charge station this point in time.

17. **Adjournment** – J. Hockley made a motion to adjourn the meeting and was seconded by J. VanGorder. The motion was passed unanimously.

Respectfully Submitted,

S.M. Walker

BOD Secretary

PRELIMINARY BUDGET SHEETS (to be inserted)

2019 Waterside III Budget & Crisci Finance Committee Report

Attached to this email is the preliminary budget developed by the Crisci Finance Committee.

This preliminary budget provides for updated reserve costs for elevators(\$163,000)and life safety systems(\$60,000). These updates are the direct result of the Elevator Replacement Study Committee and our Property Manager "working the issue". This committee was tasked by the Board last November and I am pleased to report that we finally have a good understanding of these items.

I recommend the Board approve this budget as attached.

Additionally, I would recommend that the Board give special consideration to our currently planned "painting exterior" scheduled for 2020. There are several related issues such as vents, sprinkler pipes door hinges and perhaps others that will need to be coordinated.

Finally, a special THANK YOU to our Property Manager , the Elevator Life Safety folks and the Crisci Finance Committee for all their help in the budget process this year,

Respectfully submitted
Jan R Van Gorder
Treasurer

Waterside III President's Report

October 29, 2018 Board Meeting

We have a rather lengthily Board meeting today so I'll be a brief as possible.

As you've noticed, today's meeting Agenda placed the 2019 Budget before any other business. This was necessary as our accounting firm needs to mail the 2019 Budget – Operating and Reserve – today so that we can keep to the schedule of adopting our 2019 Budget on November 12, 2018.

Each owner has received a copy of the Association's Document re-write. Its inclusion in today's meeting is to have the Board advance the process so that the new Documents will be included in the 2019 annual Association Meeting. The cover letter that went out with the Documents indicated that should owners have questions, concerns, etc. they should advance those issues with Mr. Yeatman and his Committee in writing. Suffice it to say, the time and effort expended by Pete, Dick Smith and Jan Wood went far and above the call of duty. Together with our Association attorney, our new Documents meet the statutory requirements and are in keeping with our Association's long standing approach to governance.

Several of you have inquired about EBIA's Stormwater progress. I can report that we seem to be coming to closure with the Town of Fort Myers Beach regarding a Stormwater Ordinance re-write. I was a member of a 4 person Committee established by Council to re-write the Ordinance and we concluded that task in late April. As you can imagine, the Town's Staff has a differing view and the entire

process is coming to a head on November 8 at a Town Council Management & Planning meeting that will include the Committee.

As the County continues with the Estero Blvd. Project, the planning of phase 5 & 6 (in front of Bay Beach) is on the table. We have begun discussions with the County regarding the engineering and hydraulic issues that may have an effect on Bay Beach and its Stormwater Management System.

Sincerely,

Charlie Eck

Treasurer's Report

The September financial report reflect under budget performance for the first 9 months of the year. This is of course encouraging , but we are not finished with the year and there are often last minute expenses.

Thank you to our Board, our Property Manager and her team for their fiscal diligence on our behalf.

Respectfully submitted

Jan R Van Gorder, Treasurer

PROPERTY MANAGER'S REPORT

October 29th 2018

Window Cleaning: This is scheduled for next week, date to be confirmed

Metal Work: The West Garage door cover is still a work in progress however the new cover for the two common area vents on the front of the building were installed a few weeks ago by Spectrum Contracting, in addition to these vent covers were ordered and installed over the large stairwell vent and both of the elevator machine room vents.

Paul painted all of the exterior metal doors and back doors except one and this will be painted this week.

Water is shut off today for Fort Myers Beach Water to install a main valve, this effects III, IV, V, VII and VIII. The anticipate that if things go well water may be back on by noon, at the worst case it will be on by 4pm.

Superior Power will be pulling the radiator for the generator today to send it away to be rebuilt, this will take a minimum of one week, during this time, in the unlikely event of a power outage you will now have generator back up including lights and more importantly elevators.

Sales Applications:

August 2018 - 315 Greg and Emily Wright

June 2018 - 3H1 Connie Baringer and Van Freeman

Lease Applications:

11/1/2018	11/30/2018	324	John Beerworth
12/4/2018	6/7/2019	3P2	Paul and Judy Dawley
1/1/2019	3/31/2019	351	Joe and Irene Quirus
1/1/2019	4/1/2019	3P1	Makala Hilton and Lee Boyd
1/6/2019	3/2/2019	372	Pat and Helen Garrett

LANDSCAPE REPORT

Katie and I met this morning to review our plans for landscape around WIII for 2018-19. Fortunately we encountered Tom and Rick walking around the property and as a result made the following requests of Everyday.

1. Remove the dracena from the turquoise pot in the entry and plant it alongside the one at the sw most place along the front wall where the current one is not keeping pace with the others. Dispose of the orchid plants and place new soil in the pot.
2. Remove the bougainvillea plant in the other pot and plant it out back on the pool wall where the existing one/s are diseased. Remove the sun bromeliads, leave in a box for us to replant, and place new soil in the pot.
3. Provide a bid on removing and amending the soil in the front corners of the entry.
4. Provide a bid on planting flowering plants in the front corners of the entry.
5. Replace the four cocoa plums along east garage wall at the end with five new ones.
6. Remove and dispose of the ginger plant in the front entry and replace with new soil.
7. Add 6-7 variegated Lillie's to fill out pensinula on the west end of the building.

We will be purchasing new plants to go in the above mentioned pots next week so timing is important.

Thanks for your consideration and support,
Nina Carran and Katie Smith
WIII Landscape Committee

Hounshell Social Committee Report October 29, 2018

Good morning and for many of you, welcome back!

Our committee has put together a full party schedule for this season, including some new events. We've already had our annual Oktoberfest dinner, as always, it was a fun night with great food and entertainment. Also, the Book Club, headed by Chris Miller, has had their first meeting of the season and there is still room for anyone who would like to join.

Our annual Halloween Party will be Wednesday evening and if you haven't signed up yet, please do ASAP. The sign is up already for the Sunset Cruise out of Salty Sam's Marina with dinner to

follow at Parrot Key. We need to commit to this by Nov 3rd, so please don't delay in signing up if interested.

Something new this year will be "A Swinging Little Christmas" at the Southwest Florida Event Center, in Bonita with Jane Lynch. We need to have everyone sign up and pay for tickets by Nov 15th. Food and drink are available for purchase at the theater.

Jan Wood found some great places for the Ladies Luncheons this season and the first is November 8th at Blue Pointe Oyster & Seafood Grill at Bell Tower in Ft. Myers. Please sign up ASAP if you are interested in going.

Other events coming up are Thanksgiving dinner and Christmas tree decorating. As always, check the Social bulletin board for parties and additional events, information and sign ups.

Carolyn Hounshell – Social Chairperson
Diane Brunelle
Chris Miller
Judy Stewart
Jan Wood
Laraine Yeatman

EBIA Report (W3 Board Meeting 29 Oct 2018)

EBIA had its quarterly meeting on October 9, 2018 at the Palms. During the Reports there were a few things of note:

1. John Gucciardo of TPI provided an update on what is and has transpired (Margaritaville).

a. The Crown Jewel property has been cleared and will be sodded and landscaped in order to provide a pleasing view when entering the island.

b. While legal action between the town and Pattan proceeds TPI will move forward on permitting and engineering.

c. Off island parking – TPI has purchased 15 acres of property around the 7-11 on Pine Ridge Road to comply with their agreement with FMB to have off island parking for contractors working on Margaritaville. In conjunction with this initial use they will develop a free standing hotel on the property and the remainder of the property will become a residential community (Beaches Gateway Village) for FMB service workers. This housing is envisioned similar to college campus housing units with an anticipated rental of \$400- \$500 per month.

2. Treasurer's report - As of end September: \$370K Cash, \$300K Reserves, \$96K Operating surplus, and \$97K under budget mostly from lower than anticipated legal and engineering fees to date.

3. Stormwater update – Charlie Eck summarized recent events that should be leading to Council meeting on November 8th at 1 PM. This “should be” the final meeting on determining the proposed Stormwater Ordinance.

4. The Board approved the 2019 budget that was previously provided to Members.

5. The Board established a five member recreational committee headed by Jack Hockley to start working on: Site plan for our property, financial plan for the property, work on selling the Lennel property, coordinate with London Bay on their work on the property and other issues surrounding recreational opportunities.

6. Restated Documents should be ready prior to the January annual meeting. What may not be resolved prior to the presentation of these documents to the Members is, “will we be a Chapter 720, 718 or just 617”. This may require a change or amendment to our documents after we approve any restated documents.

7. There is no known change to London Bay's development plans: They anticipate sufficient sales by Dec 31 to initiate ground breaking no later than end Q1.

EBIA's annual meeting will be on January 8th at 10:00 AM held at Hibiscus Point. Notice of the meeting as well as an application for anyone wanting to submit their name for election to the Board are on our bulletin board. Notice for election run for the Board must be returned to Vesta Property Management prior to November 23rd.

News Letters, Minutes, etc are posted on our official bulletin board in the lobby and on the EBIA website. I encourage people to visit the EBIA website to stay current www.vestapropertysercices.com; the password is eb1a. I also, encourage everyone to communicate with the EBIA Property Manager, Lee Ann Rosengarten (rosengarten@vestapropertyservices.com) if you have any questions or can't find something on the website.

Respectfully submitted,
Pete Yeatman
W3 Voting Representative

Restated Document Report to the Waterside III Membership and Board of Directors

After months of work your Restated Document Committee has concluded its work and is presenting the Amended Restated Waterside III Bylaws and Declaration. In conjunction with our Membership reading and reviewing our work it is necessary to provide some background to the formulation of these proposed documents.

Our original documents, when this building was opened, are a result of the modification of many prior documents generated by many different law firms to meet the requirements of our unique community. Since that time the Membership of Waterside III has amended these documents to meet our Membership's needs.

Our legal team which represents many different Condominium and Home Owner Associations was tasked with developing a foundation for the Restatement of Waterside III's documents. This foundation was to be based on our original documents, common practice in similar associations, updates of Florida Statutes and Legal Precedent since the time our documents were originally registered; and any items the legal team encountered that may need to be considered because of new technologies and social norms.

Your Documents Committee was tasked to review and analyze all the material provided by the legal team and compare it to our existing Documents and Rules and Regulations. With the help of the legal team Amended Restated Waterside III Bylaws and Declaration were created that are being presented to the Board of Directors for approval to move forward for a Membership Vote.

The task of comparing our original documents with the legal team's foundation document was monumental. Throughout the performance of this task the committee members had to continuously set aside personal concerns and focus on what have been the Membership community's needs as a whole. Many options offered by the legal team were either easy to dismiss or accept; but some required input from outside experts or resources. After assimilating all this information we provided a list of items that required amendment to the legal team's foundation documents. The documents brought before the Membership and the Board is the final result of the Committee's work. Both the Restated Bylaws and the Restated Declaration have a cover sheet highlighting any significant changes in the scope to our original documents.

The Committee will answer any questions raised at the Board meeting focusing on these documents. If there are any major errors or issues discovered at that Board meeting the Committee will entertain addressing those items and correcting the documents. The Board may choose to hold additional meetings prior to voting to move this document for a Members vote;

however, at the conclusion of the initial Board meeting the Restated Document Committee is terminated and disbanded.

I need to thank my fellow committee members, Jan Wood and Dick Smith, for their diligent and expert work on this immense project.

Committee Chair,
Pete Yeatman