

**MINUTES OF MEETING
OF BID-A-WEE BEACH PARK, INC.
BOARD OF DIRECTORS
Saturday, July 8, 2017**

A special meeting of the Board of Directors of Bid-A-Wee Beach Park, Inc. was held at the public library on Saturday, July 8, 2017. The Board consists of 12 directors with one vacancy in BAW Court/Lane. Ten (10) directors attended the meeting. Nine (9) directors present in-person were: Jeannie Krohn, President; Dee Gibson, Secretary; Wanda Manning, Treasurer; Mack Carter, Parliamentarian; Tom Graham, Mark Lane, Wayne Middleton, Kay Outlaw and Lynda Sheets; and one (1) director, David Smith, attended by telephone, creating a quorum for the transaction of business. Winston Griggs and Regina Merritt were unable to attend in person or by telephone. The President, Jeannie Krohn, called the meeting to order at 9:30 AM and Dee Gibson, Secretary, recorded the minutes.

Jeannie Krohn apologized that a special meeting was required and then had the directors introduce themselves and welcome new board members Kay Outlaw and Wayne Middleton.

The President, reviewed for the new Directors, the situation regarding the project to remove the asphalt and landscaping the state right-of-way (ROW) so the west end of our beach access property is consistent with the remainder of our property. She reminded the Directors of the deteriorated condition of pavement in the ROW area, the trash that is left, the abandoned/recreational/work-related types of vehicles that are frequently parked in that area. As the result of the continued problems, the Board had approved \$3500 for the engineer's report, including the survey and permits from FDOT and DEP, and then bids went out and a contractor was chosen to remove the asphalt and bring in bedrock for approximately \$12,600. Once that part is done, we will seek bids for the landscaping portion of the project with expected costs of approximately \$4,500.

Jeannie then informed the directors of the current situation, which resulted in the necessity of the special meeting. On Monday, July 3, the President received a letter from the Burg Law Firm, dated June 28, which was distributed to the directors via email. The letter stated Fountainbleau has used the public ROW parking spaces for decades, the removal of the spaces would exacerbate the existing issue of deficient parking spots, they sent a letter to FDOT demanding the withdrawal of our permit, BAWBP has no legal basis to remove the public parking, and while they are willing to litigate they hope to negotiate in good faith to reach a solution that will allow BAW to fulfill its goals without irreparably harming their residents.

Jeannie then asked Dee Gibson to review some legal issues which we found in trying to research the history of the public parking area.

Dee handed out documents and then stepped through the history of the parking area, explaining the parking lot was built many years ago. In an agreement between a developer in BAW and the Fountainbleau, the developer would build them a parking lot on the beach property if they would pay the assessed taxes on the property. Leonard Graham, nephew of Ms. Miller, owned some of the property in the BAW subdivision which he sold to Frank Schilleci.

In the transaction, Graham assigned all his interests in the dedicated park. Schilleci then appeared to hold the title to dedicated beach, although he could not build on it under the terms of the dedication. In 1975, under the influence of her nephew, Ms. Miller, who had recorded the original dedication of the beach for park purposes only, recorded a clarification and renunciation of the dedication because residents were allowing it to deteriorate and had allowed a parking lot to be built on it as a source of income. In 1979, Save Our Beach entered into a lease agreement with Fountainbleau Terrace for \$500 per year to lease the parking lot. Then in 1980, some property owners in Blocks A-N of BAW brought a lawsuit against Leonard Graham seeking to overturn Ms. Miller's renunciation. As the result of the lawsuit, the Judge Ordered the renunciation null and void and prevented any portion of the park to be used for commercial parking. Dee then reported in 1995, Hurricane Opal destroyed the parking lot, leaving undamaged the pavement along Front Beach Road that was public ROW. By April, 1997, the parking lot was condemned by the City. At the same time, legal battles were ensuing regarding unpaid taxes on the beach property, the community split into two organizations which were both suing Schilleci, and the presiding judge ordered mediation. Since Schilleci held title to the beach property at that point, when he received the condemnation notice on the parking lot, he applied for a permit to rebuild it. The community organizations filed for permits to remove the parking lot, using the court order from 1980, preventing a commercial parking lot on the beach, as justification. Through mediation an agreement was reached, and the judge so ordered, wherein the two community organizations would join into one, called Bid-A-Wee Beach Park, Inc. and Schilleci would execute a Quit Claim Deed giving title to dedicated beach property to the new organization; and "that portion of the dedicated beach front property which comprises the parking lot adjacent to the Fountainbleau Terrace shall continue to be used as a parking lot for public purposes only consisting of 15 existing parking spaces which continue to be usable and which are not substantially damaged by Hurricane Opal". The remainder of that section refers to the court decision regarding the removal of the destroyed portion of the parking lot. All terms of the mediation agreement were met, Schilleci signed title of the property over to BAWBP, Inc. Dee explained BAWBP then obtained the permit to remove the destroyed parking area, where the seawall remains today.

Concern was expressed that removing the ROW public parking is a violation of the agreement reached which made BAWBP, Inc. the titleholder to the beach park property. Putting funds into legal opinions or actions to allow us to put membership funds into property that does not belong to BAWBP, Inc. or part of the dedication was also an expressed concern. There was discussion of abandoning the part of the project involving state right-of-way and instead, plant palm trees and natural plants to beautify our own portion of the eyesore that is the west end of our property.

Dee stated the letter from Burg offered to negotiate a compromise suitable to all and suggested we attempt something in writing that would allow the ROW parking to remain but they must clean it weekly, keep it in repair, inform residents and guests no abandoned vehicles/recreational vehicles / construction or other work vehicles / or parking for more than one week; however, it was noted that it is state ROW property and neither of us can negotiate regarding property we do not own, but we may be able to obtain some concessions.

Directors were reminded the parking spaces in question are designated parking spaces and the night parking ordinance does not apply. Further, since our night parking permits are no longer

valid, those parking spaces are the only area where BAW residents/guests may park at night without receiving a citation.

A director suggested the removal of #6 and the President stated she had considered that option but many directors refused to consider it since many on the west side of the community are looking forward to having a nice boardwalk to use.

There was lengthy discussion by some directors expressing a desire to attempt to limit Fountainbleau to 15 parking spaces as stated in the mediation agreement as well as concern of the term in the lawyer's letter calling that area an extension of their parking.

Directors expressed concern over the blossoming costs of the project and a review of the estimates indicated approximately \$20,000 total, without legal fees should legal action be taken by Fontainebleau HOA.

Some directors felt that since we have spent \$3500 for the engineer's report, we should not pull out without at least consulting with an attorney to see if we have any legal basis to succeed if an injunction is obtained, and resulting legal actions, by Fountainbleau HOA. They expressed no desire to start a long, expensive legal battle but felt that since some funds had already been spent, we should at least obtain a legal opinion regarding our rights.

Following lengthy discussion, Mack Carter made a motion that we consult with an attorney, not spending over \$500, to look at the legal documents Dee presented and advise us which direction we can go, if any. The Board will then decide the appropriate next steps. Wayne Middleton seconded the motion. The motion carried by a 6-4 vote. YAYS were Jeannie Krohn, Wayne Middleton, Mack Carter, Mark Lane, Tom Graham and David Smith. NAYS were Dee Gibson, Wanda Manning, Lynda Sheets and Kay Outlaw.

Following general discussion, there being no further business, the meeting was adjourned at approximately 10:50 AM.

/s/ Dee Gibson, Secretary