

**TIMBERLANE NEIGHBORHOOD IMPROVEMENT & BEAUTIFICATION  
DISTRICT**

**MINUTES OF REGULAR MONTHLY MEETING OF THE BOARD OF  
COMMISSIONERS**

**August 18, 2022, 6:30 PM**

**Conducted via Zoom**

**MEETING CALLED TO ORDER (6:38 PM)**

Roll call: Chair Jon McGill, present; Ann Berthelot, present; Gary Chauvin, present; John Firestone, present; Harry Stumpf, present. Quorum was present. Panelist: Luis Arocha. Zoom: 28 attendees.

**AGENDA ITEMS**

**1. Approval of the Minutes from the Regular July 21, 2022, TNIBD Meeting**

MOVER:	McGill
SECONDER:	Stumpf
ACTION:	APPROVE DRAFT MINUTES
VOTE:	5 – 0
YEAS:	McGill, Berthelot, Chauvin, Firestone, Stumpf
NAYS:	None
ABSENT:	None

**2. Hurricane Ida**

**a. Café Hope and Clubhouse Update.** Luis Arocha reported that the new metal decking on the roof is almost complete. On top of that will be a rubberized material, and on top of that will be the TPO cover. They're expecting the roof to be entirely complete within 60 days. Thereafter they will work on moving the Pro Shop back to the main building. Weather has caused delays. He and Brady Garrity carried out an inspection of the roof, and aside from some minor issues since resolved, everything looked good. The portion of the roof of the old Pro Shop that covers the new bathrooms will be replaced.

Luis added that they are working on the kitchen of the snack shop located in the old Pro Shop, to convert it from a snack shop to what can be certified as a restaurant. Plans are to add a tabletop grill to that end. Once that is done, they will call in the health inspectors to get the facility certified as a restaurant and from there apply for a liquor license.

In response to question from an attendee, Luis stated that there are two food truck vendors, who are restaurant owners, who have some interest in coming. However, they are unable to staff it currently and have indicated that they can be available in the fall.

Hayride: This was never a Café Hope endeavor, but if the neighbors form a committee to organize the event, Luis will work with them. Luis added that Tasting on the Tees has been a popular event that could be resuscitated. He said a committee could be formed, or Café Hope can handle it. This event relies mostly on neighbors who are willing to host the tastings.

Commissioner Berthelot indicated she has been in contact with Heather Grant to work on these neighborhood events.

Pool: In response to queries about expanding pool hours to allow for early mornings during the work week, Commissioner McGill stated that they had conducted research (both last year and again this year) to investigate the possibility of allowing the pool to open with no lifeguard but that "swimming at your own risk" is not a viable option. Luis added that pool use by Timberlane residents has been minimal, so it's not feasible to extend pool hours. Jon McGill, while agreeing with that, indicated he acknowledges that the low pool use is related to the limited hours of operation, coupled with the times that are reserved for swim teams and swimming lessons. However, the pool is in poor condition and requires a large input of chemicals because of its antiquated pumping system and resulting impaired water circulation. He stated that for next year he wants to address the condition of the pool with a long-term plan. Luis added that if certified lifeguards who live in the neighborhood (for example, college students) volunteered to be on site, that would allow them to keep the pool open for longer periods. For this year, the pool will not be open beyond Labor Day. Moreover, Luis added that electricity to that side of the clubhouse will be cut off during construction.

Jon McGill emphasized that availability of lifeguards is not the only problem with the pool; there are massive engineering and structural issues resulting from its age. In response to questions, he stated that they have looked at automated skimmers as well as a number of other issues. Luis indicated that they'd offered pool maintenance to three different companies this summer, none of which accepted the job because of the pool's poor condition.

**b. Golf Course—FEMA Claim Update.** We had previously received the funding from FEMA for the southside bridge repair. Last week we received the debris removal funding from the state, which FEMA had approved a month ago. Regarding the equipment building, FEMA has asked us to submit a claim for rebuilding. Last week we received word from FEMA that because of the state of the building, they were not going to approve the claim. We have requested an official determination, which will give us the option to appeal. It has not yet been decided whether we will appeal; decision may depend on the wording of the denial. Among the options being considered are to take the funds for debris removal (which has already been paid from funds in the golf management budget) or to use some of the insurance funding to repair the building or to build a smaller building. The commissioners are aware of the state of the building and the eyesore that it is creating and will have a solution as soon as possible.

### 3. Treasurer Report

Treasurer Ann Berthelot presented the June financial statements. Noteworthy items follow. TGR: Total income was over budget by \$12,700, expenses were under budget by \$381. Cart department expenses were elevated by a fuel invoice that was higher than budgeted. General and administrative expenses were somewhat higher due to higher-than-expected credit card fees; some of this may be due to increased credit card use, but it may also be that the amount budgeted for credit card fees may be on the low side. That will be looked into. Net income was favorable to budget by \$12,571. TNIBD: No income reported yet for this fiscal year. Expenses: General and administrative expenses were under budget by \$1,677. Net income was favorable to budget by \$2,850. Overall net income for TGR and TNIBD was over budget by \$15,421.

MOS for July. Golf revenues in all areas were over budget. Total golf revenues were favorable to budget by \$14,398. Expenses were under budget in most areas and overall by \$3,671. After

management and incentive fees and lower-than-expected expenses, we are \$17,554 favorable to budget for June. Commissioner Berthelot clarified, for the benefit of the attendees, that all financials are subject to change based on the audit and to keep that in mind.

Chairman McGill added that the numbers are impressive, especially given that there were several days of rain with about 18 inches of rain total.

#### **4. Century Update**

In place of Donny Darville, Commissioner McGill provided an update. He stated Brian Strom, Senior Vice President of Agronomy for Century, will be coming to TGR to discuss long-term and long-range planning for course improvements. This will include discussions about greens improvement, which will follow on plans for improving irrigation. Michelle Preuss will be going to Chicago in September for a membership training meeting for all the Arnold Palmer / Century golf clubs.

KPI: There were 13 bad weather days. There were 1406 total rounds played, with a daily fee average of \$47, which is a \$4 per round improvement over last year. (When we first took over, we were below \$20 per round.) New sales: There were three additional non-resident golf members and eight additional GolfVantage members. Monthly dues are up to \$19,370, a 13 percent improvement over last year. We now have a total of 311 resident members and 116 non-resident golf members, a 30 percent increase over last year. YTD, we are \$42,000 over budgeted revenues and \$57,000 under budgeted expenses.

#### **5. Task List Items**

Commissioner McGill reminded the commissioners to continue monitoring their task lists. Discussion is tabled for this meeting due to additional business that has arisen.

#### **6. Playground Project and Fundraiser**

Commissioner McGill said that has been a lot of confusion among residents on this topic. He explained that Commission considered the area on the south side, at the back of Hole 14, away from houses. They proceeded to study several issues surrounding favorability. We knew from previous surveys that neighbors were interested in a playground. However, cost issues associated with the paved drive and parking area in that location are prohibitive. He clarified that the Commission has not decided whether to build a playground but are in the feasibility and investigation stage. He stated that another issue was whether the Commission is allowed to build a playground based on the restricted covenants of Timberlane and whether doing so would trigger the 80 percent vote required by the restrictive covenants. Commissioner Stumpf was tasked to research the matter earlier in the spring.

Commissioner Stumpf provided his analysis and explained that there are two basic documents pertinent to the issue. The first contains the restrictions on land use for the former Timberlane Country Club property in the act of acquisition from 1959, when the country club bought the property from Timberlane, Inc., the corporation that developed most of Timberlane Estates. The second document, also from 1959, is an act establishing restrictions for Timberlane by Timberlane. That act referred only to the land use of the country club site as an agreement that it should be used in accordance with an agreement between Timberlane Country Club and Timberlane, Inc. There is no further information as to what that agreement is. Commissioner

Stumpf stated that he concluded the agreement referred to the agreement on land use included in the act of sale between Timberlane Country Club and Timberlane, Inc. To summarize, the land use restrictions in the act of sale included this statement: "The property shall be used only for the purposes of a golf and country club, and the purchaser shall acquire, build, and construct golf links, country club, tennis courts, and other facilities, and to operate the same as golf links and country club for the use, amusement, and pleasure of its members and guests." Commissioner Stumpf stated his opinion that construction of a playground would fall into the category of "other facilities" and per the restrictions would be allowed on TGR property.

Commissioner McGill added that there are several restrictive covenants that do not match and that some documents are missing, which accounts for the length of time it has taken to research this issue. He stated that he believes that the TNIBD has the authority to build a playground, but that no decision has been reached. There are other, more pressing, issues to address currently. He also stated that he'd read on Facebook that some residents complained that they were uninformed about the discussion. He pointed out that this has been discussed at many open TNIBD meetings. Meeting attendance has consistently been poor. He encouraged people to attend meetings and reminded them that the TNIBD Commission is required by law to make decisions in a public forum, and that is what they have done since its inception. The Commissioners are volunteers, uncompensated, with no help, and no IT staff. Although the Commissioners don't object to criticism or debate, they do challenge the validity of accusations from residents who have never attended any meetings, never been involved in any way, and sow discord among other members. He encouraged all members to attend meetings and make their views and concerns known before the Commissioners vote on any issue.

In response to a question from George Ruppenicker, Jon McGill repeated that the playground will not be located on the 14<sup>th</sup> fairway. He thanked Mr. Ruppenicker for attending and posing his question.

#### **7. Capital Outlay Projects (Updates on Range Bridge and Change Order Ratification)**

The Commission had approved the repair at the last meeting. Since then, the contractor suggested using concrete for the deck rather than wood, requiring less maintenance. The cost is an additional \$6,000 but will likely save many thousands of dollars in maintenance over the future.

Resolution accepting and approving Modification and Change Order dated August 18, 2022, to Proposal of Hardrock Construction, LLC dated May 4, 2022, for the repair of the access bridge to the driving range

On motion of Commissioner Stumpf and seconded by Commissioner McGill, the following resolution was offered:

Whereas, the golf cart and equipment bridge over the canal providing access to the driving range from Timberlane Drive and the adjacent parking lot is in need of significant structural repairs; and

Whereas, Hardrock Construction, LLC ("Hardrock") submitted a proposal dated May 4, 2022, to supply the labor, material, and equipment necessary to perform the needed repairs for a lump sum amount of \$37,600.00, which was approved by the resolution of the Board passed at the July 21, 2022 meeting; and

Whereas, Hardrock has submitted to TNIBD a change order proposal dated August 18, 2022 to modify the May 4, 2022 proposal to provide all labor and materials to replace the bridge decking

with reinforced concrete and supporting structural members in place of the wood decking originally proposed for the amount of \$6,000.00, a copy of which Proposal dated August 18, 2022 is attached hereto and made a part hereof and marked "Exhibit A"; and

Whereas, the concrete decking is stronger will require less maintenance and replacement cost in the future.

**NOW, THEREFORE,**

BE IT RESOLVED that the District accept the Change Order and Modification Proposal of Hardrock Construction, LLC dated August 18, 2022, in the sum of \$6,000.00 for the upgrade to the bridge repair work.

BE IT FURTHER RESOLVED that the Chairman of the Board is authorized to execute the acceptance of the Proposal on behalf of the District.

This resolution having been submitted to a vote, the vote thereon was as follows:

MOVER:	Stumpf
SECONDER:	McGill
ACTION:	ACCEPT AND APPROVE MODIFICATION AND CHANGE ORDER TO HARDROCK CONSTRUCTION PROPOSAL
VOTE:	5 – 0
YEAS:	Berthelot, Chauvin, Firestone, McGill, and Stumpf
NAYS:	None
ABSENT:	None
ABSTAINING	None

This resolution was declared adopted by the Board of Commissioners acting as the governing authority of Timberlane Neighborhood Improvement and Beautification District, Parish of Jefferson, State of Louisiana on the 18<sup>th</sup> day of August, 2022.

**8. Resolution for Audit Compliance Questionnaire**

The audit the Commission is undergoing requires that the Commission have a resolution certifying that the Commissioners approve the Louisiana Compliance Questionnaire signed and dated by Chairman McGill on August 8, 2022.

Resolution approving required LOUISIANA COMPLIANCE QUESTIONNAIRE signed and dated by Jon McGill, Chairperson, on August 8, 2022, based on the information available to the TNIBD as of August 1, 2022, in connection with the audit of TNIBD financial statements as of March 31, 2022, and for FYE 2022

Whereas, the LOUISIANA COMPLIANCE QUESTIONNAIRE signed and dated by Jon McGill, Chairperson, on August 8, 2022, based on the information available to the TNIBD as of August 1, 2022, in connection with the audit of TNIBD financial statements as of March 31, 2022, and for FYE 2022 was presented to and reviewed by the Board of Commissioners.

**NOW, THEREFORE,**

BE IT RESOVLED that the LOUISIANA COMPLIANCE QUESTIONNAIRE signed and dated by Jon McGill, Chairperson, on August 8, 2022, based on the information available to the TNIBD as of August 1, 2022, in connection with the audit of TNIBD financial statements as of March 31, 2022, and for FYE 2022 is approved and adopted.

This resolution having been submitted to a vote of the Board of Commissioners, the vote thereon was as follows:

MOVER:	Stumpf
SECONDER:	Firestone
ACTION:	APPROVE AND ADOPT LOUISIANA COMPLIANCE QUESTIONNAIRE
VOTE:	5 – 0
YEAS:	Berthelot, Chauvin, Firestone, McGill, and Stumpf
NAYS:	None
ABSENT:	None
ABSTAINING	None

This resolution was declared adopted by the Board of Commissioners acting as the governing authority of Timberlane Neighborhood Improvement and Beautification District, Parish of Jefferson, State of Louisiana on the 18<sup>th</sup> day of August 2022.

#### 9. Sexual Harassment Policy

Chairman McGill explained that last year, the Louisiana legislature required that public entities have a sexual harassment policy for their employees. The TNIBD has no employees, but nonetheless Commissioner Firestone was tasked with developing a sexual harassment policy, reviewed by Chairman Stumpf. Commissioner Stumpf stated that he had sent information indicating the law requires that the head of the agency (here, Chairman McGill) promulgate and put into effect such a policy; no resolution by the Board is needed given that it's a responsibility imposed by law. He stated that since all the Commissioners have now reviewed the policy, a show of no objection and of approval would be in order.

Commissioner Stumpf then moved to accept and implement the sexual harassment policy and made part of the TNIBD's overall policies and procedures. The policy will be posted to the website.

MOVER:	Stumpf
SECONDER:	Firestone
ACTION:	ACCEPT AND IMPLEMENT THE TNIBD SEXUAL HARASSMENT POLICY
VOTE:	5 – 0
YEAS:	Berthelot, Chauvin, Firestone, McGill, and Stumpf
NAYS:	None
ABSENT:	None
ABSTAINING	None

#### 10. Questions from Attendees

Discussion followed surrounding attendee Robert Strauss's concerns regarding the playground location and safety.

**11. Adjourn the Meeting (8:15 PM)**

MOVER:	McGill
SECONDER:	Stumpf
ACTION:	ADJOURN
VOTE:	5 – 0
YEAS:	Berthelot, Chauvin, Firestone, and Stumpf
NAYS:	None
ABSENT:	None

  
\_\_\_\_\_  
Jon McGill, Chairman  
Signed:

  
\_\_\_\_\_  
John Firestone, Secretary  
Signed:

Date approved: September 15, 2022

Approved