

Architectural Control Committee – Meeting Minutes – FINAL

Date: December 7, 2022

Location: PIPOA Office, 14015 Fortuna Bay Drive

1. Call to Order

- a. David Heitzman called the meeting to order at 5:30 PM.

2. Roll Call

- a. In attendance:
 - i. ACC: David Heitzman, Bill Hibbs, Michael Hall, Charlie Guzman, Josh Senecal
 - ii. Board/Staff: Marvin Jones, Heather Cooley Cox

3. Approval of Meeting Minutes

- a. The September 2022 meeting minutes were approved. (No October or November meeting.)

4. Member Comments

- a. Tom Cable, 13750 Three Fathoms Bank Drive, shared his opinions about the appearance of various neighbors' properties, including the main residences, fences, and landscaping. Mr. Cable also shared his photographs of the properties, too.
- b. Laurence Jones, 13714 Cayo Cantiles Court, discussed his pre review request for a two-story security boat house that will extend to his 50' property/ownership line. The ACC decisioned his pre review to move forward with formal application with engineering.

5. Old Business

a. Structures Beyond Mooring Areas

- i. Discussion was held about the legal opinions obtained by the PIPOA that confirm the ability of - and provide viable options - for the PIPOA to license submerged land beyond a platted mooring area to adjacent property owners for docks/lifts, providing ACC approval is obtained for any structure.
- ii. Further discussion was held about the continued delay of the Board's proposed policy for structures beyond a platted mooring area. The Board first introduced a written draft of a policy on August 3, 2022. The ACC was not privy to this draft prior to presentation to the Board, though the committee had numerous recommendations for consideration. To date, the ACC has received no communication from the Board about the status of its proposed policy. The ACC's offer to assist the Board remains open, but the Board has not responded.
- iii. The ACC reviewed prior approval notices from the US Army Core of Engineers that confirm it's A-OK for an extension of structures in artificial canals within principally residential developments where the connection of the canal to a navigable water of the US has been previously authorized. Per the USACE, a structure should not extend any further than ¼ of the way across a canal.
- iv. There are currently **six** property owners with "pending" ACC pre review requests for proposed structures beyond a mooring area that match neighboring property owners. The ACC continues to field questions and concerns from the owners about the status of their requests and the Board's planning.

b. Structures Beyond Water Building Lines

- i. Discussion was held regarding improvements beyond a platted water building line where the submerged land is privately owned. For these lots, only ACC approval is required, per legal interpretation of the protective covenants. Complete applications for these types of structures will be reviewed and decisioned.

c. Other

- i. On 09/27, the Board reappointed Bill Hibbs to a new term on the ACC, at the ACC's recommendation.

6. New Business

a. ACC Committee Member & Chair

- i. On 09/27, David Heitzman resigned from the ACC, based solely on the 09/27 Board of Directors vote to rescind an ACC approval (in contradiction to a legal opinion confirming the Board does not have authority to rescind an ACC approval). At the request of multiple Board members and following the legal opinion confirming there is no standing for the Board to overturn an ACC approval, David Heitzman was reappointed to the ACC with a 4-1-1-1 Board vote. (Marvin Jones, Frank Stover, Tommy Kurtz and Sandy Graves voted in favor; Ray Singleton voted against; Drew Diggins did not vote; and David Rossi abstained.)
 1. (The ACC approval for the structure stands; the owner constructed the improvement.)
- ii. On 10/10, the ACC unanimously voted to reappoint David Heitzman as committee chair. (The ACC approval that started it all stands; the owner built the improvement.) By email, on 10/10, Michael Hall made a motion, seconded by Josh Senecal to reinstate David Heitzman as Chair of the ACC. The vote was unanimous.

b. Other

- i. Discussion was held about a private bridge spanning across multiple lots owned by one individual.

7. Review of Applications

- a. The ACC reviewed applications, except for the pre review requests pending Board policy regarding extended mooring areas.

8. Next Meeting Date

- a. The next ACC meeting is scheduled for January 19, 2023 at 5:30 PM at the POA office.

9. Adjourn

- a. Bill Hibbs made a motion to adjourn the meeting. Josh Senecal seconded. The meeting was adjourned at 6:50: PM.