

10/16/2022 Minutes of the Called Meeting of the Board of Directors of Westtown Presbyterian Church in America, Inc.

The called meeting of the Board of Directors (aka Trustees) of Westtown Church in America, Inc. was held at 8:15 AM in the Counseling Room of Westtown Church at 13521 Race Track Road, Tampa, FL 33626 for the purpose of addressing recent action and recommendations by the Westtown Session regarding the bridge failure of our structure that spans Double Branch Creek at the entrance of the Westtown Church property.

Director/Trustee Bazzel opened the meeting in prayer.

The Secretary established a quorum.

Attendees: Directors David Bazzel, Melody Mahusay, Nic Malara, Phil Smith, and Joseph Vattamattam (by phone due to illness).

Absent: none.

Guests: Eric Reddish, ruling elder

The meeting was called by the Secretary and all Directors/Trustees were available to meet at the called date and time.

The purpose was to have Ruling Elder Reddish provide an update on the developing failure of our property's entrance bridge across Double Branch Creek and to respond to the following actions taken by the Westtown Session on Tuesday, October 11, 2022:

M/S/P to recommend to the Board of Trustees/Directors to approve working line-of-credit of \$250,000 for assessment, design and legal fees.

M/S/P to approve and recommend to the Board of Trustees/Directors that we pursue litigation against the engineers who designed and supervised the bridge as well as all contractors involved in the construction of the bridge and other related parties responsible.

M/S/P we move forward with assessment, design, and corrections needed to insure the repair and/or replacement of the existing failed bridge structure and that any remedies must include continual access of our property for the church and preschool operations.

M/S/P that the Moderator and Clerk are empowered to call a meeting of the Congregation if needed for their formal approval.

RE Reddish provided a summary of the current status and progress in dealing with the bridge. The bridge is settling from water draining off the bridge and the road and the water running under the bridge. The main issue is shore protection, simply meaning the shore is widening relative to the length of the bridge. There are no pillars or support under the bridge. We have also been informed that the bridge rests on the ground and not on the underlying support. Three separate engineering groups have examining the situation and are all providing their assessment and recommendations to save/restore the bridge.

In May, a mitigation occurred that pumped chemical grout under the bridge to see if it would remedy the situation but has not been successful in reversing the process but appears to have slowed it. We have put a weight limit of 36 tons and a fully loaded garbage truck is rated at 32 tons.

There are two critical dates. The bridge was completed in late 2012 and the campus was completed in 2013. The former date is used for the statute of limitation of ten years.

We have contracted an attorney who has sent letters of notice to all the engineers and contractors. No one has accepted responsibility and have placed blame elsewhere. Our goal is to mediate with the parties if possible, but otherwise feel that litigation would be next step.

There are three types of engineers that are required for this project: structural engineer for the bridge, hydrolic engineer for the soil and engineer for the waterway.

Questions were asked and answered.

M/S/P to approve working line-of-credit of \$250,000 for assessment, design and legal fees in regards to the failing bridge across Double Branch Creek.

M/S/P to pursue litigation against the engineers who designed and supervised the said bridge as well as all contractors involved in the construction of the bridge and other related parties responsible.

M/S/P that we concur with the Session of Westtown Church that the assessment, design, and corrections needed to insure the repair and/or replacement of the existing failed bridge structure and that any remedies must include continual access of our property for the church and preschool operations.

Resolution to support the first two motions follow these minutes.

Secretary will draft a communication to the Congregation in consultation with the Trustees and the Session.

The meeting was adjourned at 9:14 AM. Director/Trustee Smith closed the meeting in prayer.

Submitted by Director Philip Smith, secretary

David Bazzel, president

Philip Smith, secretary

MINUTES APPROVED, DATE _____, Secretary's initials: _____.

WESTTOWN PRESBYTERIAN CHURCH IN AMERICA, INC.

We, the undersigned, being all Directors of Westtown Presbyterian Church in America, Inc., organized as a non-profit Florida Corporation and have a principal place of business at 13521 Race Track Road, Tampa, Florida 33626 (the "Corporation") hereby certify that the following is a true and correct copy of a resolution duly adopted at a called meeting of the Directors of the Corporation, duly held and convened on October 16, 2022, at which all members of the Board of Directors were present and voting throughout, and that such resolution has not been modified, rescinded or revoked, and is at present in full force and effect:

WHEREAS the property of the Corporation contains a driveway bridge over Double Branch Creek which was constructed in 2012 is structurally failing due to normal use and conditions, AND

WHEREAS the bridge is the only legal and practical access to our primary property, for our use, AND

WHEREAS the Corporation must urgently seek engineering assessments, recommendations and legal counsel, concerning said bridge,

RESOLVED, by unanimous vote that the Corporation shall request of First Citrus Bank of Tampa, Florida, a line of credit for the amount of \$250,000.00 that the Corporation will use for engineering assessments, recommendations and reports and legal consultation concerning the failing bridge over Double Branch Creek on the entry drive of the Corporation's primary property at 13521 Race Track Road, Tampa, Florida 33626.

Date: 10/16/2022

David Bazzel, president

Philip Smith, secretary

WESTTOWN PRESBYTERIAN CHURCH IN AMERICA, INC.

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WHEREAS the property of the Corporation contains a driveway bridge over Double Branch Creek which was constructed in 2012 is structurally failing due to normal use and conditions, AND

WHEREAS the bridge is the only legal and practical access to our primary property, for our use, AND

WHEREAS the Corporation must urgently seek engineering assessments, recommendations and legal counsel, concerning said bridge, AND

WHEREAS repair or replacement of such bridge is required to continue normal operations of Westtown Church and Westtown Christian Academy on this property, without interruption of all business/worship/preschool operations,

RESOLVED by unanimous vote that any solution must provide continuous access to the buildings on the property to allow the daily operation, that is the work and worship, of Westtown Church and the Westtown Christian Academy, AND

RESOLVED, that the Corporation shall retain legal representation to pursue litigation for the purpose of recovery of all expenses from any or all of the designers, contractors or related subcontractors who were involved in the original design, build and certification of this bridge; and to provide financial restitution for related to the engineering assessments recommendations, contracting, design, and physical repair or replacement to insure and a safe and functioning bridge, and any temporary structures needed to ensure continued access, and any incurred legal fees of the Corporation.

Date: 10/16/2022

David Bazzel, president

Philip Smith, secretary