Due process? Try much ado about nothing, in Humble

Rememember the infamous Tour 18, the 36-hole replica golf course in Humble, Texas? You know, the faux 13th at Pebble Beach next to the near 11th at Merion, just beyond the mock 17th at Sawgrass? Well, the case goes to trial this month in Houston, where the controlling interests behind three resorts — Pebble Beach, Pinehurst and Harbour Town — will test the limits of federal trademark protection. The brass tacks of most trademark disputes center on consumer confusion, and whether that confusion (once proved) prevents or discourages the public from buying the real thing. For example, will a golfer who plays the Tour 18 version of Harbour Town’s famous finishing hole confuse the makeshift swamp to his left for Calibogue Sound? When he plays the replicated Amen Corner, will the Tour 18 patron become confused? Is he standing on an abandoned oil field next to Houston International Airport, or is he standing on the manicured grounds of National Shipping Island, a mint julep? I can’t see a judge buying the supposition, frankly.

Besides, a Tour 18 patron pays just $55 to $75 to play, whereas the legit versions are $200 or more. That’s the best differentiator there is!

Pardon me, but this whole business is fairly ridiculous; and yet similarly devastating weather patterns during the same three-month period forced the Professional Golfers anonymous into a crisis of their own. In Florida, it rained so hard and often that fungicide sales, for example, were among the lowest on record. The heavy rain in September at Pebble Beach drove to Humble, Texas and believe they’re actually standing on the manicured grounds of National Shipping Island. The idea that Tour 18 is tacky. The idea that Tour 18 will provide “local” players with regard to the plaintiffs, a bit tacky. The idea that Tour 18 is privilege. That’s the best differentiator there is!

Come on! But the word is, country club members often leave their good judgment back at work when they come to the course. “People lose their common-sense reasoning in country club environments,” said Bob Brame, director of the U.S. Golf Association Green Section North Central Region. “They don’t want to hear agronomic reasons why the greens are dying. Instead, they will base their decisions on emotions.”

That attitude is not lost on superintendents anywhere the weather gets too weird for too long. One person confided: “Like any superintendent, I worry about having two bad years in a row, whether it’s my fault or not. We are just like baseball coaches. We seem to be very expendable. It’s odd to try to convince 350 members that you’re not the town idiot.”

“...in our part of the country, the people involved are not used to weather like this. People need to submit a plan for their courses, and the plaintiffs — the company members — need to review that plan and understand their plight and when they should support to begin a comprehensive seedling program. Where drainage is a limiting factor, determine when they should support to begin a comprehensive seedling program...”

Letters

GATOR DIED WRONGFULLY

To the editor:
The article in the September issue of Golf Course News regarding the alligator attack at the Coca Beach Country Club (page 5) was not accurate as to the individuals involved. There were actually two young men who were trespassing on the golf course at 11:30 at night collecting golf balls from the lakes. They were wearing wet suits and carrying plastic grocery bags to transport the golf balls they collected.

As a result, one of the young men was seriously injured by an alligator while his friend was defending his home. The gator was subsequently destroyed by the Florida Fish and Game Commission for doing what he does naturally, and the trespassers — one of whom may have permanent injury — are now facing criminal charges.

Quite rightly, the patrons of the golf course have shown a great deal more concern for the unfortunate demise of their friend Stubby the gator than they have for the intruder who caused Stubby’s unjust and severe punishment. Dave Manning general manager Cocoa Beach (FLA.) CC

USGA: DON’T BARBECUE SUPERS

The letter below, issued by the U.S. Golf Association Green Section North Central Region, was sent to courses in the upper Midwest during the brutal weather pattern this summer. To the editor:
The prolonged period of high daytime and equally high nighttime temperatures has resulted in widespread turf losses on golf courses throughout the North Central Region of the USGA Green Section (Indiana, Ohio, Kentucky, Wisconsin, Minnesota, Michigan, North Dakota, South Dakota and Montana). Poa annua was hit the hardest.

The purpose of this letter is to convey the widespread nature of this summer’s problems and the fact that, in many cases, the turf loss was beyond the control of turf managers. It is an established agronomic fact that Poa annua is the one golf course turfgrass which is the least tolerant of summer heat, winter cold and ice stress. These inherent weaknesses of Poa annua were seen during the winter of 1993-94 along the East Coast and now, during the summer of 1995 here.

The reasons Poa annua, and to a lesser extent bentgrass and perennial ryegrass, declined this summer are many. The catalyst was a hot summer which set records in many areas. In some areas the heat was accompanied by too much rainfall and yet, in other areas too little rainfall. In some cases, close mowing and/or the use of herbicide roller toed into the package.

Once grass becomes stressed and weakened, disease problems begin. The most common is pythium (dollar and soil borne), take-all patch, summer patch, brown patch and dollar spot were all seen this summer. The heat and weakened turf made fungicides of diseases more difficult than usual. In a few cases, pesticide applications, made with well-calibrated equipment and at correct rates, added to the decline of overly stressed turf. When the snow falls rolling down the hill, it gains momentum and is almost impossible to stop. Courses with good drainage and well-built greens come through better. Poorly-drained greens, tees and/or fairways, especially with high percentages of Poa annua, were hardest hit. What to do?

First of all, recognize that maintenance of dense, healthy turf during prolonged periods of heat and humidity cannot always be sustained. Especially, Poa annua turf. Don’t barbecue the course superintendent! Rather, understand their plight and when the weather cools, give them the support to begin a comprehensive seedling program. Where drainage is a limiting factor, determine when they should support to begin a comprehensive seedling program. Where drainage is a limiting factor, determine when they should support to begin a comprehensive seedling program...”

Golf Course News

8 October 1995
Banc One

Continued from page 1

Voters in North Mankato, Minn., and Foun-
tain, Colo., felt operating the courses were too
much of a strain on their municipalities and
as was their option under the financial
agreement, chose to return the properties to
Banc One, Ayres said. The citizens of Carter
Lake, Iowa, and Lemoore, Calif., are negotiating
with the bank and could follow the same course
he added.

Banc One is no longer negotiating golf course
municipal lease arrangements, Ayres said.

"We're not doing municipal leasing for other
projects [police cars, fire engines, etc.]," Ayres
said. "We're just not doing golf courses. Cities
don't seem interested."

First Golf Corp. of Tempe, Ariz., was the
builder on the Cordis Links project, according
to First Golf President Bob Neptune.

"We were hired to build the courses," said
Neptune. "In each case, we came in on time and
on budget for the work we were contracted to
do.

- North Links Golf Course in North Mankato,
Minn., opened its first nine holes in July 1995, a
year later than anticipated because of rainy
weather during construction, according to
Town Finance Director Wendell Sande. The
second nine opened a year later. The entire facility,
including a large clubhouse the city chose to
del, cost $1.06 million more than expected, he said.

"We're not unlike any other construction
company in that we can't control acts of God,"
Minn.

"The caliber of the feasibility work is critical
for any golf project," said
course's relatively isolated location,
golf course," he said. "It was built to the
architect's plans. First Golf was ordered to go
along with those alterations, he added.

"We absolutely did a poor job on that
golf course," he said. "It was built to the
specifications we were told to use. We did what
we were hired to do and no one can document
otherwise, Gundersen said.

USTS & banks

Continued from page 35

Phillips comment
Continued from page 8

simply made applications im-
possible. Meanwhile, in the
upper Midwest, the combina-
tion of oppressive heat and sky-
rocketing dew points made for
turbanous heat. Indeed, manu-
facturers could barely ship the
fungicide fast enough.

Of course, it matters not what
the adverse weather conditions
might be — the superintendent
faces the music without excep-
tion. That's why Mark Leslie's
column (turn back to page 8)
will be insightful this month.
Go ahead: Give it a read... I can wait. • • •

Apologies are due the
Jacobian Division of Textron,
which was inadvertently left out
of September's report on the
First International Hong Kong
& China Golf Exhibition and
Conference (page 39).

Banc One has been involved in the venture
from the outset.

- Speaking of Asia-Pacific, ex-
pect a homecoming of sorts over
the next few years, as American
architects who've made their
marks in the Pacific Rim look to
secure more domestic contracts.

Many U.S. designers find it
easier to cut their teeth abroad,
where the pool of qualified na-
tive architects is, frankly,
rather limited. The call of
America's lucrative design
market, not to mention the
"luxury" of doing business
closer to home and family, is
beginning to pull them back.
Examples? Ron Freum, Nelson
Clark said. "The city ran it alone for a year, but
operating properly. Giving it a year just wasn't
worth it."

- Neptune strongly disagreed with Gundersen
regarding the quality of his company's construc-
tion work. Any problems were a result of the
city engineer's changing of the
architect's plans. First Golf was ordered to go
along with those alterations, he added.

"We absolutely did a poor job on that
golf course," he said. "It was built to the
 specifications we were told to use. We did what
we were hired to do and no one can document
otherwise, Gundersen said.

- But even half-inch rains have forced the
city to gas station owners. This
situation. It hurt everyone from golf
course owners to gas station
owners.

- In the early 1990s, Banc One
financed an additional nine holes and a
sprucing up of the abandoned Applecreek
Golf Course in Fountain, Colo., to the
tune of $2 million, Ayres said.

The city and local investors operated
Appletree for four years before taxpayers voted
to turn it back over to the bank in January 1994,
said City Finance Director Bill Clark.

"It wasn't making any money,"
Clark said. "The city ran it alone for a year, but
it became clear it just wasn't going to happen for
us.

Appletree never came close to reaching
50,000 to 60,000 rounds projected in "overly
optimistic" feasibility studies, Clark said. He
complained the course's relatively isolated location,
far from the main road and a dozen miles
outside Colorado Springs, for the lack of play.

Ayres said Banc One is actively seeking a
buyer for the course. "We've had a professional
management company in place, we've been meeting our
business condition and financial
requirements. However, the pool of qualified
borrowers' collateral will not
reflect the same sound manner as well as
provide financial, administrative,
or other specific or general
guidance to clean up the property
as contaminated.

This property was loaned from the outset.

- The rule also describes cir-
cumstances under which a fi-
nancial institution would be
considered to be participating in
the management of any golf
property and therefore responsi-
able for UST cleanup costs.

Lenders will be allowed to
regularly monitor or investi-
gate borrowers' collateral,
and the lender will not be held
responsible for compli-
ance.

Take management and protect
their collateral without being
held responsible for com-
pliance.