

ENGLEWOOD ISLES UNITS 4, 5, & 6 PROPERTY OWNERS ASSOCIATION

Board of Directors Meeting Minutes – February 8, 2017

Approved on March 8, 2017.

The February 8, 2017 meeting of the Englewood Isles Units 4-6 Board of Directors was called to order by President Bill Bickel at 6:05 PM at the Elsie Quirk Library. A quorum of Board members was present. All Board members introduced themselves to the audience.

Board Officers Present: President Bill Bickel, Vice President Kim Fox, Secretary Rob Holborn, and Treasurer Bill Callahan.

Board Members Present: Neil Aymond, Frank Collins, Jeanne Fullilove, George Gdowski, Stan Gdowski, Meredith Herrington, Christiane Hostler, Gary LaFlamme, Paul Powers, Krisha Mota, Tom Sherrin.

Residents Attending: Rich Carney, Gordon and Audrey McLeod, Lou Corda, Mike and Ellie Olesin, Dan Abbott, Ashley and Nick Dexter, Dick Gunthert, Ed and Michaelene Brame.

Approval of the January 11, 2017 Board of Director's Meeting Minutes:

President asked for a motion to approve the minutes. After discussion and no changes required to the minutes Stan Gdowski made the motion to accept the minutes as presented, Tom Sherrin seconded the motion. The motion carried by a majority vote: members voted for approval of the minutes: Frank Collins, Jeanne Fullilove, George Gdowski, Stan Gdowski, Meredith Herrington, Christiane Hostler, Gary LaFlamme, Krisha Mota, Tom Sherrin, Bill Bickel, Kim Fox, Bill Callahan. Abstained Rob Holborn, Paul Powers, Neil Aymond (not board members during this meeting).

Report of Board Officers:

President's Report: The President began by thanking everyone for attending the meeting. President Bickel thanked the previous board members for their service to the community. In addition, he thanked Bill Callahan for his work with the board.

President Bickel stated that the one issue that is important is communication between the board and the residents. The President outlined three strategies toward improving communications, 1. Return to the quarterly newsletter, 2. Provide special bulletins to the residents, 3. Data base construction. He stated that email is the easiest and most cost efficient method to communicate with the residents. Currently there are approximately 130 email address in the data base and his goal is to have an address for every resident/property owner. There was a suggestion from the audience (I believe Dick Gunthert) that a sign in sheet ask for emails and that each resident sign a sheet

accepting that all board correspondence will be sent to them via email. This would replace using the postal service and satisfies the legal requirement for this type of correspondence. Florida Statute #720 requires that the residents sign a form accepting Board communications via email only.

President Bickel discussed rules of order for the Board meetings, stating he wishes to control of the meetings, stay on task, and to play nice with each other.

Treasurer's Report:

Bill Callahan presented a reconciled balance report for both accounts at Englewood Bank and trust (included in the appendix).

Checking account as of January 31, 2017 is \$28,278.69.

Money Market Account as of January 15, 2017 is \$42,555.35.

Total fund is both accounts is \$70,834.04

President Bickel requested a motion to approve the treasurers report. Meredith Herrington made the motion to accept the treasurer's report, Gary LaFlamme seconded the motion. The motion carried by a unanimous vote of all board members.

Committee Reports: President Bill Bickel passed out to the board members a list of committee assignments. There was a question regarding how members were assigned to the various committees. President Bickel stated that per the covenants the assignment of positions was his job. He stated he asked for assistance from others to create the list, and that the list is preliminary and if anyone wishes to join a committee he would welcome the help. While the board members were reviewing the list, Stan Gdowski asked if someone else could be responsible to the meeting signs as he has been handling this for four years. President Bickel stated he would handle the signs or find another board member to handle this in the future.

There were no comments from the board members or the audience regarding the committee assignment list (an amended copy included in the appendix).

Property Maintenance: Committee Chairperson Meredith Herrington passed out a spread sheet from the property maintenance committee. She stated that Bill Bickel had created these sheets in the past and she was hoping to have someone else create these spread sheets in the future. Meredith thanked Bill Bickel for his past work on the committee.

Committee Chairperson Meredith Herrington explained that every month the 311 lots within units 4 – 6 are looked at to ensure that the covenants are being abided by. It is her goal to reduce the number of properties reflected on the spread sheet. Chairperson

Herrington is allowing residents to travel with the property maintenance committee to see the properties and hear the discussion regarding the violations. She also stated that 311 properties are difficult to inspect and that on occasion the committee may miss a violation. When the committee is made aware of the violation they will immediately attend to the situation. The committee will try to work with residents to resolve the issues but the committee's goal is to get the work completed, and the property in compliance. She further stated that the committee has created a watch list of lawns that are having difficulty usually due to the lack of watering.

President Bickel discussed a product called Decco primarily used in South America for basements, it is a waterproofing agent for roofs and he stated that it prevents deterioration of the roof. This product has been tested in Punta Gorda with success. He has asked the company Girl on a Roof to discuss the product at the next board meeting. Cost is generally \$.75 per square foot.

There were no questions for Chairperson Herrington regarding the property maintenance committee.

Parkway Association: Bill Callahan asked Meredith Herrington to discuss the parkway association. Board member Herrington discussed the problem receiving dues from all the HOA's in the area. The Parkway's budget was approved in November and currently there are 184 homes not paying the extra \$19.00 per year/home the other HOA's currently do. The two board members associated with units 1 and 2 have lost their voting rights per the Parkway's covenants due to the lack of dues payment. There are 11 board members on the Parkway Association board. Mrs. Herrington stated that our HOA units 4 – 6 are allotted 3 board members. She continued by stating it is often difficult to get representatives from the condo's and villa's due to their lack of permanent residents. Therefore, many of the board members have duties on their own HOA boards and often do not wish to take over a position such as secretary of the Parkway when they have other duties. She continued by stating there has been controversy regarding the Parkway Association using a Community Association Management company (CAM) and that several residents feel there is no need for the use of a management company, which Meredith Herrington agreed. However, she stated that this is one of several issues up for discussion. Some copies of the Parkway's meeting minutes were made available to the board members.

Meredith Herrington announced that on February 6, 2017 that units 1 & 2 will hold their annual meeting and will present an offer from the Parkway Association Board of Directors that allows the voting rights of their two board members to be reinstated if their association agrees to pay the 2016 past dues, and continues in the future to pay the full \$59.00 per year/household. The Parkway Board agreed to forgive the 2015 past dues in an attempt to secure future funding from units 1 & 2. According to a conversation with a former Parkway Association past president, units 1 & 2 have agreed to the offer from

the Parkway Association. A further report of the status of units 1 & 2 will be provided at the next meeting.

Meredith Herrington also notified the board that the Casa Rio condos have re-joined the Parkway Association.

The annual meeting of the Parkway Association will be held on March 13, 2017 at 1:00 PM at the Elsie Quirk Library.

Committee Chairman Bill Callahan brought up the lighting issue on the Parkway. Chairman Callahan has contacted FPL and is hoping to have a meeting with the Parkway's attorney, FPL, and the County to resolve the lighting issue on the parkway. The current cost of operating the lights on the parkway is approximately \$2,000.00 per year. Unfortunately, the Parkway is not a lighting district, and as a result the homes in Eden Harbor, and on Bayshore and Larchmont benefit from the lighting without contributing to the cost. Chairman Callahan is hoping the county will create a lighting district so the cost of the lighting would be spread out to all residents in the area. A meeting has not taken place as it seems to be difficulty getting the county representatives to a meeting.

Board member Herrington stated she has had discussions with a Fannie Mae representative regarding the **210 Brandywine property**. The representative will review the case and report back to Meredith Herrington with their findings and hopefully a resolution.

Resident Dick Gunthert discussed a problem with the tree service on the Parkway in which workers were blocking the roadway, traveling in the wrong direction and not using safe practices. The worker was very belligerent to Mr. Gunthert during their discussions. Other board members witnessed the same unsafe practices. Mr. Gunthert requested the board to verify that the contractor has insurance and that the Parkway cannot be held liable for their unsafe practices.

Architectural: Chairman George Gdowski reported that there was nothing new to report to the board. There is no recent news regarding the lot on Stonestrow other than the construction stakes and fencing.

Discussion from the audience focused on the house on Dover Circle and the poor condition of the house and the tennis court adjacent to the house. Board member Herrington stated that the owners have put thousands of dollars to clean up the lot but they have not done enough.

Communications: Chairperson Kim Fox discussed the committee's new newsletter design (copies passed out to board members). Chairperson Fox stated that the new

design was create by Audrey McLeod and that it is a new more pleasant design. The purpose is to provide the residents with factual information, and up to date information on decisions the board has made, and an objective rationale to support those decisions. The newsletter will inform residents of future considerations and ask the residents for their input. The committee would like to have input and support from the residents regarding important issues facing the board. The newsletter will also advice residents of event within the Englewood community. The newsletter will be sent out at least four times per year, this will be in electronic format that will be emailed to the residents, it will also be posted to the HOA website, and will mail it to each resident. Chairperson Fox stated that "snail" mail actually works the best with the residents. She further stated that when the board voted not to deliver the newsletter in the mail it was a disservice to the residents and was one of the reasons she had quit the board. She felt that this was a bad decision because she felt that many residents would not go to the website to get the newsletter. There will be three methods to distribute the newsletter, email, website and through the postal service. The newsletter will be informative, and friendly.

Chairperson Fox announced the members of the communications committee:

Don Bayley will work on the website.

Audrey McLeod will work on the newsletter and special bulletins.

Christiane Hostler has volunteered to work with logistics, and that three more volunteers are needed for this project. President Bickel explained that logistics involved printing, folding, stamping, and mailing letters and special bulletins to the residents. Board members Jeanne Fullilove and Neil Aymond volunteered to assist with logistics.

The Sunshine Committee is tasked to send cards to ill residents or to residents if a loss in the family. Krisha Mota volunteered to work on this committee.

President Bickel made a comment regarding special bulletins and believes we need to "blind" everyone with information and if there is a contentious issue a special bulletin would be sent out via all forms of communication to keep the residents informed. He also suggested that if the board can obtain enough email address a survey could be used regarding various issues.

The liaison with the South County Alliance which is a group of different HOA's in the area to discuss various issues facing their HOA's. Chairperson Fox requested a volunteer to service on the alliance board. Board member Rob Holborn volunteered to be the representative on the South County Alliance. President Bickel approved the request.

Covenants and Bylaws Review: President Bickel announced this committee and the Chair will be Rob Holborn. President Bickel explained that the committee would conduct

a thorough review of the covenants and bylaws and will come back to the board and make recommendations for possible changes.

President Bickel gave an example of the need to review the covenants regarding the situation with the truck on Gladstone.

Chairperson Rob Holborn stated that he has reviewed the covenants and bylaws many times and feels that in some areas they articles are vague and some contradict other articles. His goal of the committee is to reduce the subjective opinions of the board which could open the board for legal action, and allow them to make objective opinions based on specific criteria within the covenants and bylaws. Goal is to clean up the covenants and bylaws, not to water down the articles. He feels it is vague in some areas and who decides how to enforce it or interpret the articles. He wishes to have the articles so specific that there is very little interpreting of the meaning or intent.

Old Business: The truck on Gladstone Blvd.

President Bickel stated he has arranged a meeting with the owners of the house on Gladstone for Friday. He feels it will be a battle. He reminded the audience that the board at the January special meeting declared the truck to be commercial and that it needed to be removed from the property. President Bickel suggested to the owners that by removing the rack and the tool boxes would make the truck non-commercial or place the truck in the garage. The owners have suggested that they may follow up the property maintenance committee and flood the board with complaints.

Board member Paul Powers offered to attend the meeting with President Bill Bickel. Paul Powers continued by stating he felt the article in the covenants is vague and unenforceable. He also stated that the current renters of the property have reported to him that they have been harassed, multiple evening calls, demand for insurance papers, communications from the board highlighted for effect placed in their mailbox (no postage). He feels that this must stop immediately and that all contact with the renters should stop and that our president should be the individual contacting the owners of the property.

President Bickel stated that the residents feel that they are being discriminated against and that the board is singling them out. He further stated that the board is not singling this family out but that this is the perception of the residents/renters.

Paul Powers stated that the renters were immigrants and that during a recent soccer game that their neighbors complained about the family flying a flag from their country of

origin. He further stated that if we are concerned about our property values that a letter to the editor referencing anti-immigrant attitude in Englewood Isles will do more harm.

Treasurer Bill Callahan made the statement that this board is not anti-immigrant and that Paul Powers was inferring that the board was anti-immigrant.

Paul Powers reiterated that if the board is concerned with appearances then he recommended that only the President of the board contact the owners or the residents. President Bickel stated he would be meeting with the owners of the property. Secretary Rob Holborn stated that he did not feel Paul Powers was accusing the board of being anti-immigrant but that he only recommended that President Bickel be the only contact person. Because the residents have claimed harassment the best solution would be to only have the president have contact the residents or homeowners.

Paul Powers further describes the covenant article vague and that any covenant does not override state law. State law defines very specifically what constitutes a commercial vehicle. He feels that our bylaw is unenforceable and any legal enforcement from the board using this will result in a directed verdict.

Vice President Fox stated that the bylaws have been approved by an attorney whose firm specializes in HOA business. There was further discussion regarding the related covenant. President Bickel made the statement that the owners of the house were delightful people and that they were very pleasant and he does not anticipate a fight.

Resident Dick Gunthert referred to the article and the word dispositive. He stated that the presence of a tool box is not proof that the vehicle is commercial. However, the article says that if the board chooses to decide that the vehicle appears to be a commercial vehicle they may do so even if the vehicle does not have a commercial tag. This may be challenged in court but the board has the right. Resident Dan Abbott questioned the way the covenant is written and offered to join the covenants and bylaws committee.

President Bickel was asked what his position was as the new president, and he stated to the owners that the board decided that the vehicle was commercial.

Board member Tom Sherrin stated that the past president was told by the owners that this was a commercial vehicle.

President Bickel stated he would inform the board the result of the meeting.

Secretary Rob Holborn stated that this conversation is the reason to review the covenants and the bylaws. He did state that he did not want people to believe that the covenants were poorly written back in the 80's or that they do not serve a purpose. However, he believe that when the board members have disagreements over the interpretation of the covenants and bylaws they should be updated. This will also reduce the necessity of seeking legal counsel whenever an issue is brought up. This is the job he signed up for to prevent future disagreements.

Treasurer Bill Callahan believed that the covenants were very clear. Rob Holborn stated that if the board has to make a subjective decision as seen in this case then the covenants should be reviewed.

Treasurer Bill Callahan stated that when the board made the decision on whether or not this was a commercial truck, the board saw pictures, and the board unanimously voted that this was a commercial truck. He reiterated that all of the covenants have been prepared and reviewed by the board's lawyer. Residents have challenged the covenants and sited an example of parking on the street. On this issue, he feels the covenants can be enforced just as if it was a dirty roof, and sited case law. He feels that nothing in the covenants would not stand up in court, and if they did not he feels that the board lawyer would have some responsibility. He also stated that it may be good that the covenants are vague and that he did not want to live in a neighborhood with 30 pages of covenants. Bill Callahan did state he supported the review of the covenants.

The board agreed that the covenants shall be reviewed and Rob Holborn will report the committee's findings.

Insurance Review: President Bickel discussed the possibility of improving our HOA/board insurance. After attending a Board of Director's class presented by attorney Kevin Wells our President would like the board to review our current insurance policies with future discussion at the next meeting. Kevin Wells stated the number one reason for litigation is the boards failure to govern, and or selective enforcement of the covenants. President Bickel contacted the board's insurance agent Eric Fogo with the Key Insurance Agency, to discuss a quote on improving our coverage. Currently we have a Fidelity bond at a cost of \$350.00 annually. The liability insurance is \$1,150.00 annually. The estimated cost of an umbrella policy is \$1,363.00. If the board increases the insurance the total cost would be around \$2,400.00. Further discussion will take place at the next meeting.

Dues Increase: President Bickel informed the group that the dues increase of \$25.00 annually was approved. He stated that some of the money would be spent on communications, and building the data base. Resident Ed Brame made a suggestion to President Bickel to hire a landscaper to take care of the properties along the parkway because the residents are not taking care of this section of their property and the land is an eyesore. Resident Dick Gunthert suggested that if the board decided to hire a landscaper to take care of these areas that the board obtain written permission from the property owners. Vice President Kim Fox stated there was a provision in the covenants allowing the HOA to take care of properties in violation, and read the covenant to the audience. There was discussion regarding who actually owns that property the homeowner or the county. Board member Stan Gdowski stated that the county would no longer care for easements due to a lack of budget funds. Discussion continued with

multiple individuals weighing in on this issue. Final result: while the covenant may allow entering a resident's property it is not recommended without permission, and the legality of this covenant will need to be reviewed.

Miscellaneous Financial: Treasurer Bill Callahan announced that there will be two insurance bills due in March, and request the board approve paying the bills. President Bickel asked for a motion to pay the insurance bills. Stan Gdowski made the motion to approve paying the insurance bills, Paul Powers seconded the motion. The motion carried by a unanimous vote of all board members present.

President Bickel also discussed Treasurer Bill Callahan's computer used for HOA business, and that it is in poor condition. The laptop was purchased used seven years ago and it is in rough shape. President Bickel asked for a motion to investigate the cost of a new Board computer. Stan Gdowski made the motion, Jeanne Fullilove seconded the motion. The motion carried by a unanimous vote of all board members present.

Treasurer Bill Callahan will be sending out invoices to all the property owners for the additional \$25.00 annual dues. On the bottom of the invoice that is to be returned with a check for the \$25.00, will be a space for the property owners to place their email address.

Open Discussion: No further open discussion.

A motion was made to adjourn by Tom Sherrin, seconded by Jeanne Fullilove. The motion carried by a unanimous vote of all board members present.

Meeting was Adjourned at 7:30 PM.

Minutes submitted by Rob Holborn, Secretary



Attachment:

Treasurer's Report: 1 page

Treasurers Report

January 31, 2017

Total reconciled balances for both accounts at Englewood Bank & Trust:

Checking Account as of 1-31-2017	\$28,278.69
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Money Market Account as of 1-15-2017 <u>(correct)</u>	<u>\$42,555.35</u>
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TOTAL	\$70,834.04
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Bill Callahan

2-8-2017
