

# Georgetown East HOA AGENDA - BOARD OF DIRECTOR MEETING August 9, 2022

## Call to Order

Dan began the meeting at 6:32 pm. Victoria Romero Lara, Jane Rakestraw, Gerard Bribiescas and Property Manager Robert Kelly were present at the Ameri-Tech office conference room. Dan Kistel, Roth Block and Alan Douglass were present via webinar. Jean-Paul Antona was absent. Proof of Notice was posted on two neighborhood bulletin boards by Sunday, August 7<sup>th</sup>, 2022 in accordance with Association By-Laws.

## Approval of Consent Agenda

1. July 12, 2022, Board of Director Meeting Minutes
2. July 12, 2022 Board Workshop Notes
3. Committee Reports – Architectural Standards
4. Manager's Report

Victoria motioned to approve the Consent Agenda. Seconded by Jane. All in favor.

## Treasurer's Report

Treasurer JP Antona was not present. The Board received July Financials today (September 9<sup>th</sup>) from Ameri-Tech. No Report.

We received an email from Jean-Paul Antona that August would be his last official meeting as Director and Treasurer. We also received an email from Roth Block that he would be willing to serve as interim treasurer.

Gerard motioned that "Roth Block assume the Office of Treasurer for the Association effective Sunday, August 14<sup>th</sup>, 2022 until the 2023 Board of Director elections". Jane seconded. All in favor. Roth will reach out to JP to assure a smooth transition.

Dan, Roth and Bob Kelly will do preliminary budget preparation. Victoria will consult with Dan regarding budget insights. Roth stated that the Reserve Budget needs to be referred to in preparing the budget.

## Follow-Up Business

- 1. Resident Comments on a specific Follow-Up Business item; 3 minutes per resident; sign-up before meeting begins**

Pamela Bell addressed the Board:

She never received a June 30<sup>th</sup> packet. Dan and Gerard had good intentions to hand deliver the letter to Pamela and address her wall at the same time. The letter may be viewed online as well as the reformatted and resized Covenants, Conditions and Restrictions. Gerard made arrangements with Pamela to hand deliver the June 30<sup>th</sup> packet to her after the meeting.

Regarding the wall, Pamela remembers when she purchased her home the previous owner stated "the wall would be shared 50/50 by the HOA and homeowners. She purchased the house with that understanding."

Discussion ensued. Dan made some clarifying points and stated he comes to the discussion on walls from a neutral perspective. He was not in the community when previous conversations about walls and fences occurred. Dan stated that the Board is still working on the input received from our attorney but is willing to share that information with Pamela to help her understand the situation of walls and fences in our community. Dan stated that "nothing imminent is happening to anyone anywhere. We will follow the laws and come to a resolution. Dan will reach out to Pamela in a couple of days.

Victoria Romero Lara addressed the Board as a homeowner:

Speaking as a homeowner on rentals. Concerns of companies buying properties for rentals. In the past there were policies in place that were approved. Question for the Board is to enforce the policies that have already been approved. This is an option we have in place and should look into it.

## **2. Aging/Delinquency Report**

Bob: We have three lots currently at the attorneys: on Westborough, on Dartmouth and on Georgetown Place. Total delinquencies are \$2875.88.

Jane: We did not have as many delinquencies. What's going on.

Gerard: In previous years there were delinquencies in the \$10,000 range. During Roth's presidency there was an effort to correct the delinquent accounts. In order to discourage delinquencies, last year the Board instated a delinquency fee to cover the \$3 fee charged to the HOA by Ameri-Tech. The Covenants and Conditions allows the Board to establish a ten (10%) percent late fee administration fee.

Jane: When does an account actually become delinquent? It's due the 5<sup>th</sup>.

Bob: There is a grace period. Some on the delinquency list are listed as current because they fall in that grace period. So they still have time to pay. Once payment is received, they will drop off the list all together.

Dan: For clarification of the \$2875 that is delinquent roughly \$1500 fall into the current status. So, the three lots are approximately the other \$1500.

Bob: It's only the nine of the twelve that are showing current and it's possible they will pay and then fall off the list.

Dan: When does Jenifer send the delinquent account to the attorney? 90 days? 60 days?

Bob: I believe it is 90 days. There is a statutory 30-day notice that must be sent. So, when it goes to the attorney that statutory 30-day notice does not have to be mailed by the attorney, because Ameri-Tech has already sent it. Then there is a 45-day pre-lien period where the attorney tries to collect the money. If the collection is not received within 45 days, then the attorney will ask the Board if they want to move forward with filing a lien.

Gerard: I noticed that people are paying their membership fee, but their delinquency fee isn't being paid. When the delinquency fee first began there were a number of people who paid their dues and their delinquency fee. However, I am seeing there are some owners who have paid their dues, but not their delinquency fee. What can we do.

Bob: The fee is on the letter as well. It's hard to send them to the attorney for let's say \$6. Technically we could do that.

Dan: If you get to the point that you are with the attorney then you need to pay 100% of what is due. Pay it all or there is a lien on the house.

Bob: I believe what Gerard was asking is that they pay what is owed but they do not pay the fees.

Dan: If we are going to enforce fees then we get to the point where the fee itself may be the only thing over 90 days.

Jane: The amount due will remain when they go to sell their house.

Roth: When they post the payment, let's say there is a \$6 late fee, and they pay \$150. Do they pay the \$6 delinquent and short pay the \$150 or pay the \$150 due and leave the \$6 delinquent out?

Bob: That's a good question. I will have to consult Jenifer. We do show that the fees move forward. So, we will have people who are paying their assessments but not their fees. A lot of times the Board is just happy they are paying regular now and then Ameri-Tech will ask the Board if they can write off their fees. Late fees and interest are something the Board can write-off.

Dan: Let's talk to Jenifer. I am not inclined to write-off fees that have been in place for a just few months.

Bob will report back to the Board. 1) Ameri-Tech's formal process for payment of assessments (30, 60, 90 days), and 2) how fees are reacted to, to Roth's point.

Roth needed to leave the meeting. Quorum still in place with 5 of 7 Directors attending.

### **3. Non-Compliance Letters Update**

Four of the Six homes listed have completed their outstanding compliances. Bob will follow through with the Westborough lot that now has two separate non-compliance letters, as well as the Kensington lot.

### **4. June 30th "Mailing" Update**

Six residents are still out of town but have been contacted; 2 residents still need to receive and sign-off. 99 homeowners have signed off on receiving the June 30<sup>th</sup> mailing/packet.

### **5. Rental Amendments Updates & Discussion**

Gerard: In answer to Victoria's earlier question. In July 2021 the Florida Legislature passed the Omnibus Bill (SB630). New laws placed restrictions on HOAs in regard to rentals. If Associations already had rental restrictions in their governing documents, they are "grandfathered". If HOAs did not have restrictions in their governing documents, then the new July 2021 laws apply. Our rental restrictions were only in policy format and not in our governing documents.

Victoria: So even though we have them as a policy, we can no longer use them?

Gerard: Correct. The past Board's missed their mark to make rental policy part of our CCRs (Covenants, Conditions and Restrictions).

Dan: The Board has seven amendments before them based on our discussion last month. Our attorney added the seventh amendment to not allow subletting based on the Board's request. We need to create a motion to approve these seven amendments so the attorney can create a proxy.

Jane: Is this a package deal or do we vote on them individually.

Dan: My understanding is that we vote on each one.

Gerard: Correct. The attorney will create a Proxy Ballot based on the amendments approved. Each amendment will be voted on individually. Each amendment stands on its own.

Alan: What percentage is required of the home ownership?

Gerard: 75% of homeowners, which is 81 votes (107 lots) of homeowners.

Alan: I wonder if separating each item makes it more difficult to get the vote?

Gerard: What we really want to pass are the first and second presented amendments that will allow us to keep AirBnB and that type of rental out of the community.

Alan: Could we be creative and put out the first and second for a vote, and then the come back with the others?

Victoria: There is a large amount of work and expense to get out the vote, and then we would have to go through the process again. I think our community is made of capable adults. We have been through this before. If we have meetings to educate and discuss and place all of the amendments on the ballot and they understand that they are voted on separately. Approach this Besides we have other issues to address.

Alan: I prefer to place the amendments on the ballot. My past experience is that many people do not vote and a non-vote is considered NO vote. We need 81 votes for each amendment.

Dan: Correct. We will need to explain as best we can at the meetings and then go door to door and have them make a decision. We will need to create teams and get these amendments passed. Is there a motion to move these forward?

Gerard: I move "To accept the seven amendments for a Proxy Vote by the Association and have Ellen Hirsch, esq. with Wetherington Hamilton Attorneys at Law compile a Proxy Ballot for a November vote". Seconded by Victoria. Further discussion.

Alan: Say I currently have an excellent tenant. If the amendments passes will this tenant be in jeopardy of not being able to lease on an annual lease.

Dan: As this is written, regarding the 10% rule, that is the case. You have the choice to vote against the amendment as a homeowner. If it passes and you voted yes, then you would have to comply with the amendment and it's waiting list requirements.

Alan: That just doesn't seem fair or sound right to me.

Gerard: Just remember as Directors we agreed to a duty of loyalty: Gerard read from the "Intent to Be a Candidate for the Board of Directors": "Duty of Loyalty...Act fairly, in good faith, in the interest of the HOA as a whole, rather than act or make decisions based on personal interest or gain." We need to think of the whole community. We need to give them the chance to vote and allow them to vote. We cannot deny them that opportunity to vote. We need to give the community the opportunity to vote; however, when it comes to our ballot we can then vote how ever we decide. Also, remember that there is no case law out there yet regarding percentage limits on rentals. That is why we have to have the Proxy Vote so that we know how individuals voted in order to apply the 10%. We have to keep these proxy vote until the entire turnover of the Association.

Victoria: What we are saying here today is that we are giving the community the opportunity to vote on these seven amendments. Whether I personally like them or not, we are giving the community the opportunity to make a decision as a community. If I vote No and the amendment passes, my understanding is that I am not bound to that vote.

Gerard: My understanding from the attorney is that there is no case law either way on the percentage vote. If and when rentals exceed 10% the Board then will need to decide how they want to pursue.

Dan: There was a big point of discussion at the last meeting. It is not what you think as a homeowner in the community. We need to give everyone the opportunity to vote. There are some things that will be helpful to the community regarding rentals. We did agree last month that we would put them all to a vote and let the homeowners decide.

Board agreed the need to limit the number of rentals. Alan cannot vote for the 10% so would need to vote no.

Victoria: We can make a decision right now to remove an amendment.

Dan: Roth is strongly in favor of the 10% number knowing what it said. It's difficult to remove it and not have Roth here. We may not have the votes to move forward. Jane are you a no Vote?

Jane: I'm a no vote.

Dan: It's difficult to approve this if we do not have the votes with Roth not here.

Bob: You have quorum. You need 4 to pass the motion with six Directors.

Gerard: We will need to bring it up at the next meeting when we have four votes to pass it.

Victoria: Let's then vote on it one by one.

Gerard: It really bothers me that we as a Board are denying the homeowners an opportunity to vote on an amendment because we do not personally agree with the amendment.

Victoria: I understand, but we also need to consider if it is reasonable.

Jane: I think this is too much and will confuse a lot of people.

Dan: Wait, we just spent an hour and a half at the last meeting agreeing on these amendments.

Jane: I had the same opinion last month.

Victoria: You mean the 10%?

Jane: No, all of this. It is a lot. It's going to confuse the homeowners.

Dan: We will need to table this until the next meeting. We can remove the 10%, we cannot manipulate it. The wording must be done this way. We cannot "grandfather" anyone in. We need to table this until the September meeting.

## **6. Hammer Head No Parking Signs & Towing Update**

Hammer head signs have been installed. Dan will meet with towing company by the end of August. He will then meet with Gerard to determine a start date for towing and the verbiage for the announcement.

## **7. Water Bill & Sprinkler Head Update**

We await September water bill to see if there is a change in the Beacon Place Drive and Marshall Street irrigation site/leak. Water bill is every other month.

## **8. Walls, Fences and Gates Update**

Bob will do a thorough walk in September and come up with a list of non-compliance issues.

## **New Business**

- 1. There were no resident comments on New Business items.**
- 2. Social Committee - Holiday Party**

Victoria motioned "to approve the expenditure of up to \$2500 from Account #5030, Meetings for our 2022 annual holiday party. Roof seconded. A short discussion was shared. All in favor.

## **3. Architectural Standards New Policies**

Gerard stated that the Architectural Standards Committee met on Saturday, August 23<sup>rd</sup>. A presentation was given by the BRAVA Roofing Tiles representative. Gerard passed out a summary of the BRAVA presentation.

Gerard then presented three policies for the Board's consideration on Driveways in Georgetown. The Solar Energy policy was also presented. A vote to approve the policies will be made at the September Board meeting.

## **General Questions & Comments from Residents - 3 minutes per resident**

Janice Brown and Pamela Bell were in attendance at Ameri-Tech. Mary Doyle and Pete Wilensky were in attendance via webinar. Pamela stated she would like to serve on the Board.

## **Adjournment**

Jane Motioned to adjourn. Alan seconded. All in favor. The meeting was adjourned at 8:26 pm