

Georgetown East Association, Inc.

March 8th, 2022 Board of Director Workshop Minutes

Gerard began the Board Workshop at 6:30 pm: Victoria Romero Lara, Jane Rakestraw, Gerard Bribiescas, Roth Block, JP Antona, Dan Kistel and Robert Kelly, LCAM were present at the Ameri-Tech office conference room. Alan “Roof” Douglass was present via webinar. Proof of Notice was posted on two neighborhood bulletin boards March 6th, 2022, in accordance with Association By-Laws.

Florida State Statutes:

1. Gerard distributed March 2021 and August 2021 minutes to highlight attorney guidance.
2. Gerard highlighted FL statute 720.301. The state says quorum is 30% of Membership meetings out of 107 households. Typically, one membership meeting per year, unless a special meeting is called.
3. Gerard: Chain of command: Florida State Statutes, Covenants Conditions and Restrictions (CCRs), Articles of Incorporation and then By-Laws.
4. Gerard: There really are no “Rules and Regulations”. Those mailed to new homeowners by Ameri-Tech and also posted on the website are copies of the Restrictions.
5. Gerard: On the web site under Documents one can find the Revitalization of Declarations with amendments, Articles and By-Laws by viewing “1985 Governing Documents”.

Board Education & Responsibilities

1. Gerard: Our fiduciary responsibility - duty of care; act fairly and in good faith as the community as a whole rather than as individual homeowners.
2. Gerard: In the past, board members were acting in goodwill but not under the restrictions of the documents.
3. Bob: There are educational opportunities for Board members to attend this weekend and in the future.

Amended and Restated Articles & ByLaws

1. There are three amendments to the CCRs: 1985 regarding three hammerheads, 2012 regarding shared fence with access, and 2019 regarding subordination of Lien to Mortgages.

Certificate of Voting Member:

1. Gerard: Our 2022 By-Law’s clarify the certificate of voting member document. When we started taking inventory of actual voting members, we found many non-person entities. There could be potential issues of who votes if there are multiple votes from one household.
2. Dan: Of the 27 non-person entities, we have 13 voting member certificates.
3. Gerard: We cannot deny a vote. The state will always protect the right of an owner to vote.
4. Gerard: When looking at the LLCs (rentals). We don’t know who votes for these LLCs.
5. Gerard: When the time comes for our next proxy, it will be to our benefit as an HOA to mail the Certificate of Voting Member. We will know of the renters, who is voting for you? We can establish a quorum with proxy and people attend in person to the meeting.
6. Bob: How long are the Voting Members forms good for?
7. Gerard: They are good until the lot owners change the voting member certificate.

8. Jane: Do you get the address of the LLC from Sunbiz?
9. Bob: We can't technically go on Sunbiz but if the Board asks us to use the address on the property appraisers' website we can.
10. Roth: What happens if we get two opposing votes for one lot.
11. Gerard: The votes cancel each other; however if they vote the same it upholds one vote per lot.
12. Roth: If two people in a household, where are the emails and letters going? Do letters go to the house or "alternate address" on deed?
13. Bob: Mailings go to the person and address registered with Ameri-Tech.

New Member Welcome Info/Packet:

1. Gerard: The welcome packet does include "Rules and Regulations"; however, these are only a copy of the Restrictions and not the full Covenants, Conditions, Restrictions (CCRs) with amendments. The attorney says we can retype the CCRs without a vote as long as we don't change anything.
2. Dan: The "Rules and Regulations" should be complete.
3. Gerard: Bob, has any other community retyped documents in the past?
4. Victoria: I am willing to do that if we have ALL the documents.
5. Gerard: In the past I would greet new members and hand them a packet which included the 4 page information handout. The information was gathered from the website.
6. Dan: I can greet newcomers.
7. Gerard: They also get the Safety Harbor magazine.
8. Dan: They should also get the revised governing documents and CCRs.
9. Dan: The Board and the Management company can both provide Welcome Packets.
10. Victoria: How do we find out who is new and who is moving in?
11. Bob: We don't get estoppel letters for cash sales. If we do become aware someone is moving in, we will inform the Board.
12. Gerard: We have to keep our eyes and ears open.
13. Roth: Application fee and background check is supposed to be standard operating procedure.
14. Bob: If your documents allow you to do a background check, you can. You can ask for an application, but you can't approve or deny.
15. Roth: At one time there was an application. A homeowner was selling her house without an application. Manager said you can't close until we receive the application. Then we made it voluntary.

2022 Budget:

1. Gerard: The new articles say we have to do an Audit in years ending in "2" and "7". We will need to incorporate that when we do budget planning. Bob, do we need to send out a proxy this year since we are doing an Audit?
2. Bob: FL Statute says it has to be done every year. In our case a compilation is required (\$820). If you don't, you need a member vote to waive. Since it will be in our budget, nothing needs to happen. There is compilation, review, and audit. Audit is only required for associations with 5k or more or based on funds. Compilation is for up to \$300k. Review for 300-500k. Audit is for everything above.
3. Gerard: Our documents say "audit".
4. Bob: Get clarification from attorney on the definition of audit for Georgetown.
5. Dan: Legal & Professional, what does that cover?

6. Gerard: Routine legal matters, liens, and reserve study.

Reserve Studies:

1. Jane: Why do we spend so much on Tree reserve?
2. Gerard: We are responsible for the common area trees that are dead or dying. We have to replace the tree. To replace the trees and provide the water to them to insure growth.
3. Roth: I believe the Reserve study assumes 30 trees.
4. Gerard: Currently we are not adding to Grounds Reserve for the trees like the Reserve Study recommends. Next year we will need to do that.
5. Jane: Any other anomalies in the Reserves?
6. Gerard: No. It appears we are funding stormwater and other areas properly.

Board Agenda Items:

1. Gerard: Consent Agenda was adopted in 2021. We add the minutes to it and committee reports. Anything we all basically agree on without discussion in the meeting (because we already talked about them independently). Treasurer report should not be in the consent agenda.
2. Gerard: Do we want to continue with the Consent Agenda?
3. Victoria: Yes
4. Dan: Who develops the Consent Agenda
5. Gerard: The president and secretary collaborate on that.
6. Gerard: We can decide on a new policy for giving comments from members: We were providing a 3-minute limit at the end of the meeting.
7. Gerard: Do we want to allow speakers from the webinar? It takes time to handle the webinar participants. Is there a tool to allow them to indicate they want to speak?
8. Victoria: At the beginning of the meeting, we can allow them to indicate which topic they want to speak on.
9. Roth: Members may want to speak on a topic before a vote occurs.
10. Victoria: We will allow them at the beginning to enter in the zoom chat that they want to speak on a certain topic.
11. Roth: We want to avoid allowing everyone to chat all the time and extend the meeting for hours.
12. Gerard: It's a board meeting. It's not a member meeting. The board has business to conduct.
13. Roth: I could do a one-page slide that shows a screen print with an arrow where to start a chat.
14. Decision: There was consensus to allow members 3 minutes to speak on agenda items. There will be a sign-up sheet on site. We will also allow chat at the beginning of the meeting in order for members to sign-up to speak on a specific agenda item before we begin Follow-Up Business and New Business items. However, chat will not be utilized during the Board meeting. We will continue to have General Questions & Comments at the end of the meeting before adjourning.
15. Gerard: Manager report is for the Board. We don't want it included in the minutes because there is private information like who is behind in dues, and non-compliance matters.
16. Roof: When discussing homeowners, we should only mention the address.
17. Dan: I think personal information should not be included on documents published on the web site.
18. Dan: The minutes should obfuscate homeowner information when addressing delinquencies or private information.

Rentals:

1. Roth: I looked at City law (Article V, Section 78.00) and could not determine.
2. Dan: We don't have rules and regulations governing rentals.
3. Gerard: The new omnibus provided regulations that can only apply rules from the date going into effect [FS 720.306; (1)(h)1-5]. This means a lot of properties can get grand-fathered in.
4. Roth: We do have one household that has short-term rentals.
5. Gerard: The state says we have to allow for 6-month rentals, but may prohibit the rental of a parcel for more than three times in a calendar year.
6. Jane: What's so horrible about a 6-month rental?
7. Gerard: nothing; just stating what the new statutes provide.
8. Dan: We just need to agree on a set of rules.
9. Gerard: We don't have any rules on rentals.
10. Dan: One of the biggest things that can affect our property value is rentals. I don't believe in rentals without some parameters. The quicker we can get something with parameters that are binding and agreeable, the better.
11. Victoria: It will be very difficult to get a vote on that.
12. Roof: Reading from the April 15, 2014 minutes, the board approved rental guidelines: The owner will need to provide the names and vehicles of the renters and a provision of 12 month minimum rental. At that time, it was presumed we would only allow 10% rentals. Mortgage companies look at the rental saturation.
13. Gerard: We need a copy of those minutes.
14. Victoria: Let's get an agreement. Then we will figure out how to pass it.
15. Gerard: We are using two attorneys: One for governing documents (Ellen Hirsch de Haan with Wetherington Hamilton, PA) and one for the day-to-day (Steve Nikoloff with Cianfrone, Nikoloff, Grant & Greenberg, PA).

Sidewalk Update & Power Washing:

1. I did a walk of the 12 areas of grinding. I see 11 grindings they missed and one area they missed a slab.
2. Dan: 508 Westborough not completed.
3. Bob: We will have 3 bids for power washing. I will walk with Phil with a map and highlight the areas that need pressure washing. Not all areas need washing.
4. Gerard: Include gutters too.

Kensington Entrance Matching Grant Update:

1. Gerard: We are waiting for the plants. The irrigation is already installed. Scheduled to be completed next Monday (3/14).

Stormwater System Update:

1. Bob: Originally, we contracted for inspecting stormwater drain between ponds B and C. They had extra time, so they did the storm drains too. They did find debris. All our storm drains are 100% inspected and cleaned! Between Roxbury Pond A and the street there is a hole near the storm head. There is a gap in the pipe. Sediment is falling in. Looking for a repair company. Kensington Pond C, where the Weir system is, all the ground is collapsing in.

2. Roth: That one was repaired in 2019. We should talk to that company that did the work.
3. Bob: Will do.
4. Roth: The pond at the community across Beacon is always full but it's supposed to be connected to Roxbury Pond A. Would like the water flow to come to Roxbury Pond A.

Ditch Update:

1. Gerard: I provided a history of what The Board has completed with the ditch. We have homeowners that live adjacent to the ditch. Attorney says the walls are not common; the embankments are the responsibility of the homeowners. We should not touch the ditch, except the common area the HOA owns.
2. Roof: In Jan 2012 we hired Gator Dredging and the HOA paid for it.
3. Gerard: We (Board) should never have paid for it.
4. Victoria: How do we address the homeowners to maintain their portion of the ditch.
5. Gerard: If the city decides to fine us, they will fine the HOA and then it's up to the Board to bill the homeowner.
6. Dan: The HOA maintains the grass. The City of Safety Harbor maintains the flow.
7. Victoria: We can facilitate the neighbors; we can at least facilitate them rather than leave it to them acting alone.

Committees:

1. Gerard: Dan asked me to Chair the Architectural Standards Committee. I will be drawing up a Charter. We will need a group to define architectural policies and guidelines. We will need another group to look at construction items like roofing materials, solar energy. Starting to gather policies.
2. Dan: Sam is still Chair until we vote Gerard in in April.
3. Gerard: Compliance Appeals Committee has three members, and we need an alternate. The Board does the fining. When a lot owner disagrees with the fine, they can appeal to this committee.
4. Rose Wilkes and Donna Edwards are co-chairing the Social Committee.
5. Dan: Can we get the document that defines the steps of the Compliance Appeals Committee?
6. Gerard: That brochure is in the works.
7. Bob: Some contracts should go to the attorney but otherwise we do review a lot of contracts.

Clearwater Towing Service Contract:

1. Gerard: The very first governing documents amendment was about people parking on the hammerheads. The City does not want us to park there. People still park in the hammerheads. Homeowners are supposed to park in their driveways not on the street. Guests are supposed to park on the street. The BOD approved the towing contract in Jan 2021, but we need to decide when we want to publish the parking restrictions and enforce the parking restrictions. We will give a 24-hour warning. Some people will only learn by getting towed.
2. Gerard: We need to decide when we want them to patrol.
3. Roth: Should be at night. Not worried about daytime usage. When contractors are working, we need extra parking.
4. Jane: 10pm to 6am?
5. No decision made.

Walls, Fences, Gates Update:

1. Gerard: the documents don't really address walls, fences, gates other than referral to the Architectural Standard committee.
2. Roth: There are some walls that we know are shared with the community.
3. Gerard: No, we don't. We do not possess property surveys. The past Board purposely used the word "overlap" in regard to interior walls and not the word "shared".

Board 2022 Projects:

1. CCR retype and cleanup - Victoria
2. Policy Gathering -
3. Rentals - Dan and Roth to meet with attorney
4. Walls, Fences, Gates - Dan and Roth to meet with attorney

2022 "On the Plate":

1. Emergency Contact Form, Background Check Fee Form, Credit Check Fee Form
2. Utilize an application and background check for rentals.
3. Ask attorney the define Audit in 2022 By-Laws
4. Communications: Landscape Info Sheet; Parking Regulations; Fining Policy
5. Obtain certification of Voting Members from the 13 Non-Entities

Adjournment: Workshop was adjourned at 9:22 pm.