

Biscayne Pointe HOA Board of Directors Meeting Minutes for 12-May-2021

Board Attendants:

- o Fred Reich, Pres.
- o Tamara Schultz, Treas.
- o Cindy Granfield
- o Bob Hause, Sec.
- o Cheryl Kelley, Etheridge
- o Neil Strom, ARC
- o Chris Morton

Board Absent:

- o Kirsten Olman
- o Dave Brown

Lot-Owners Present:

- o Mr. & Mrs. Chris Gist
- o Dave Glover
- o Sharie Morton
- o Grant Niehus

- 1) President called meeting to order at 6:30 PM. Meeting held via Zoom (due to Covid-19).
 - a) Three officers present and three other Board members (therefore quorum established).
 - b) The BOD Meeting Minutes for April 2021 were approved.
 - c) Five non-Board lot-owning members present.
- 2) Treasurer's report:
 - a) Tami: for April revenues (assessments): \$1240; expenses: \$2569; assessments still owed: \$4652, with \$4452 being 61 to 90 days past due. Question to Cheryl: WRT assessments, what do we do with "repeat offenders"?
 - b) Cheryl's reply: a \$20 late fee has been added to their accounts; the first warning letter has been sent (a Notice of Intent to Lien with 10 days to pay); Cheryl will now send a second warning letter (a notice that the issue is going to the attorney if not paid by 1-June). Initially Cheryl asked for permission to proceed with this second letter; then she recognized that this is our HOA's policy (permission not needed; nevertheless a vote was requested and no one opposed). Assessments collected to date: \$58,818.
 - c) Taxes have been filed for HOA; cost: \$50 (a bargain per Cheryl, an accountant would charge \$400-\$500).
- 3) Committee Reports
 - a) ARC per Neil: Pools have been approved; the newest: Taylors on Lilge Circle. Solar Panel salesmen are in the neighborhood trying to sell new roofs and/or solar panels; they are stating the cost of the roof will be paid by insurance companies (due to Hurricane Sally). Per Florida statues: an HOA cannot prevent the installation of solar panels. Per Fred: these door-to-door solar panel salesmen are trespassing, as indicated by the warning sign at our HOA entrance.
 - b) Drainage: waiting for money to be placed into account so we can get Pond #5 cleaned. Several attendants wanted to know the location of this pond. Bob has a Drainage Map; if anyone wants a copy make a request via email.
 - c) Newsletter: although we have no one on this committee Cheryl did sent us a template. Board members will review the sample newsletter and send comments to Bob. The first newsletter needs to address garbage cans (i.e., cans must be stored out of sight). Method of delivery TBD (perhaps via email, perhaps via US Post Office, perhaps runners, i.e., hand carried).
 - d) Database Update: Robert Barnett had volunteered and was elected to lead this committee during the April meeting; unfortunately Robert resigned the next day. Bob has offered to continue this work. Bob could contact all lot-owners via email and ask for renter info (decision needed).

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4) Old Business

- a) Gazebo: RFQ for benches has been sent to Raymond Hummel (resident handyman); still waiting for a reply.
- b) Sprinkler repair at HOA entrance: Neil offered to check for leaks and/or make any other repairs as needed. Thanks given to Neil.
- c) Rip-rap placement along culvert on Biscayne: many large pieces of concrete remain (need to break up). Chris Gist will employ his company employees (and perhaps himself) to do this work this coming Friday and Saturday. Bob offered HOA funds to pay for this; Chris declined. The Board and HOA are grateful for this contribution.

5) New Business

- a) New Board member: Chris Morton. The YES votes: at least four including all three officers.
- b) Special Meeting to vote for Traffic Calming. Cheryl: Jay (HOA attorney) agrees with the Board: a mistake was made and it can be fixed with a special vote. The Board must determine the cost to remove speed bumps (should the HOA vote NO). Per Chris Morton: all details must be included in the forthcoming announcement letter (e.g., cost of speed bump signs if desired, cost of additional speed bumps if desired, cost to remove speed bumps, etc.). A vote was held to proceed with this Special Meeting; all six Board members present voted YES. Per Cheryl proxies must be mailed (cannot be hand-delivered – cannot use email – per Florida Statutes). Per Dave Glover: Zoom Meeting is best because many people cannot attend a physical meeting (also Zoom saves money: no meeting-hall rental needed).
- c) Vote for New Website: all six Board members present voted YES. Refer to the Power Point Presentation for details (last page herewith).
- d) Adding a security gate at HOA entrance. Note WRT to recent Olman Family theft (1928 Biscayne): fortunately the thief was caught and the stolen items have been returned. Fred: there may be other options, e.g., cameras; as such should we should form a committee to investigate. Mr. & Mrs. Chris Gist: good to a form committee; a gate will reduce home owners insurance cost, it will reduce HOA insurance cost, and it will increase property value. The Gist's have done research on this topic while living in their last HOA; they volunteered to be this committee. A vote was conducted: all six Board members present voted YES.
- e) Violations. How does the Board deal with violations (an open discussion). Example: some residents do not stow away their trash containers; we have several repeat offenders. Board: can we issue a fine? Cheryl: yes; we track violations; so we know the repeat offenders; per Florida law (i.e., guidelines): firstly a 14-day notice, secondly a follow-up letter; thirdly: there must be a Grievance Committee that approves the fine being up to \$100 per day per violation, with a maximum of \$1000 per violation. Etheridge does a lot of fines WRT trash containers; mainly HOAs not condos. Some HOAs approve an L-shaped fence to hide garbage cans; also residents can go to Lowes or Waste-Pro to purchase a lock to prevent bears from opening cans. This is good information to put into newsletter. Another violation: unused basketball goals lying on the grass (an eye sore); again something good to put into a newsletter. Fred: how often has our HOA issued a fine? Cheryl: I cannot recall a single case; the warning letters alone normally do the work; we must be persistent with violators.

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Cheryl has sent Tami & Fred a spreadsheet showing the history of violations (it can be sent to all Board members). Normally records are kept for 7 years; for our HOA we have records going back 2 to 3 years. Another violation: people noise; the Board should encourage residents to call the police if the noise is after 10 PM. Another violation: dog noise; the Board should encourage residents to call animal control. Nevertheless Etheridge will send warning letters for any and all covenant violations, including noise violations. Tami: what can the Board members do with violators? Cheryl: better to let Etheridge handle it; i.e., let a third party handle the violator. It is difficult (and potentially counterproductive) for a Board member to knock on a neighbor's door to discuss a violation.

- f) Landscaping affecting drainage (an open discussion). Tami: where can we find what was done with flooding in 2017; i.e., where is the "draining analysis" done in 2017, it had recommendations for road flooding? Fred: Deb Whitley is in the process of sending me documents; perhaps it is included with these documents. Neil: that report had a lot to do with the culvert on Biscayne. Tami: Cheryl do you have anything? Cheryl: I think not, but I will look.
- g) Violations. Tree limbs hanging over into a neighbors lot (an open discussion). Tami: Per our covenants: a homeowner must maintain landscaping. Chris Gist: Florida law supersedes covenants on this issue; also a neighbor must allow a homeowner on to their property (no trespassing). Chris Gist: our by-laws should be rewritten to allow lot-owner to cut branches that overhang. Cheryl: Florida law supersedes our covenants; so a revision of our covenants is not needed; you can change the covenants if you like, but it is not needed. Fred: can we send this particular violator a warning letter? No reply.
- h) Violations: dog noise. This has been an ongoing problem (two years) for the Huston family (2058 Pine Ranch); they have tried to contact their neighbor (Nunez-Carmona family at 9295 Vandivere) but they do not answer the door. There is a second ongoing violation caused by three dogs owned by Cindy Granfield and Grant Niehus (1913 Biscayne) and affecting the Morton family (1894 Biscayne Circle), the Stone family (1902 Biscayne Circle) and residents that wish to access and use the boardwalk to the beach. Per Grant: he has not received any written complaint (he wants time, date and duration for each violation); he believes that he is not in violation of Florida law ("innocent until proven guilty"); Grant requested a face-to-face meeting with the Morton family and Stone family; Fred brought this discussion to a close.
- i) Violations: How to deal with a violation (an open discussion). Starting point: the Board needs written documentation, including dates and times, for any and all violations presented to a Board member. One suggestion (per Fred): two Board members could visit the violator and if this does not work then handover the violation to a Grievance Committee. Bob: as documented above, Cheryl told us that it is best if Etheridge is the party that warns the violators (not a Board member). Cheryl: you do not want "neighbor against neighbor"; better to let Etheridge make contact with violators. Board: will this Grievance Committee be an ad-hoc short term committee or will it be a long term committee? Cheryl: a Grievance Committee is a permanent position; e.g., vote on members at the Annual Meeting for a one year term (similar to voting for Board members). Neil made the motion to start this committee. Cheryl: per statute

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these members cannot be Board members or significant others of Board members. The Board can appoint members to this committee. A vote for a Grievance Committee may not be necessary if it is in our Bylaws, nevertheless Fred sees no harm in voting: 5 YES votes, one NO vote (Cindy).

- j) Violations: dog noise. Fred asked Grant if he was willing to resolve his violations without going to a Grievance Committee. Grant agreed. Chris Morton is willing to meet with Grant; however he cannot speak for the Stones. As such: tentatively the Board is not needed to assist with this violation.
 - k) Common Area Maintenance: a portion of the fence along HWY 98 is down; Neil to examine.
 - l) Notification of Board Meetings. Mandy Gist appreciates the notification sign placed at the entrance each month; however she thinks it better if the Board does an email blast in addition. From this point forward Bob will do an email blast in addition to posting the notification sign (at least 48 hours prior to meeting).
 - m) Bulletin Board. Dave Glover recommended a physical bulletin board, perhaps at the front entrance, perhaps at the beach boardwalk parking lot. A place to place notices, community events, etc. Dave will start a committee to investigate the cost of this bulletin board.
- 6) Next BOD Meeting: Wednesday 9-June-2021 at 6:30 PM via Zoom.
- 7) Adjournment at 8:30 PM.



Fred Reich, President



Robert F. Hause, Secretary

- Recommend moving to new website.
(<https://biscaynepointehoa.azurewebsites.net/>)
 - Fresh look
 - More active updates
 - Opportunity to configure correct URL (bphoa.com does not work)
 - More communication abilities
 - Contact the board without exposing email or phone
 - Owners can update this contact info directly with EPM
 - More features become possible
 - No rebate from remaining account with Homestead
 - Currently paying \$203/year
 - New cost is based on bandwidth usage, not size of website.