

Imperial Golf Estates Homeowners Association, Inc.

c/o Sandcastle Community Management
9150 Galleria Court, Suite 201
Naples, FL 34109
Phone: 239-596-7200

Minutes

APPROVED

Board of Directors Meeting

October 24, 2019

6:00 p.m.

Sandcastle Community Management

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- 1. Call to Order:** The meeting was called to order at 6:00PM by Charlie Litow. The following board members were present: Charlie Litow, Nate Celauro, Gale Schwartz, David Krause, John Mickelson, Martha Mugford and Pat McCabe (via telephone). Also present James Kelly, CAM Director of Property Management and Beverly Florio, CAM representing Sandcastle Community Management and Mark Thieme IGE Superintendent. There were also several residents in attendance.
 - 2. Proof of Notice/Quorum:** Notices on the community Bulletin Boards. Quorum was established.
 - 3. Approval BOD Minutes: September 26, 2019:**
 - A motion was made by Mr. Mickelson and seconded by Mr. Celauro to approve the September 26, 2019 board meeting minutes. The motion was unanimously approved.
 - 4. IGE HOA Treasurer's Report - Financials:** Director McCabe

Re: September 2019 financials

The following is select financial information for the IGEHOA for the month of September 2019:

Balance Sheet

Assets		Liabilities and Equity	
Cash	\$162,559	Current Liab.	\$155,418
Reserves	92,266	Reserves	137,043
Accts. Rec.	13,135	Equity	108,159
Other	101,258	gain or (loss)	(31,402)
Total	\$369,218		\$369,218

The financial position of the HOA is improving and it has adequate cash to meet its needs.

Monthly Income and Expense

Income

Budgeted \$130,227

Actual 126,594

Difference \$(3633)

Actual income was slightly lower than budgeted due to lower sales/transfer fees.

See comments below.

Expense

Budgeted \$130,227

Actual 138,941

Difference \$(8714)

Actual expense was higher than budgeted due to higher Comcast and payroll expense.

Treasurer's Comments:

Tonight's monthly Board meeting will, in part, focus on next year's budget.

The 2020 budget will be finalized and ready for member review after the November board meeting.

YTD \$32,000 of sales/ transfer fee income, which had been posted to capital contribution, will be moved to line item #42-4297 in Other Income for better reporting.

As of this date this income has not been moved and therefore monthly income (see above) is lower.

As of the end of September we are $\frac{3}{4}$ of the way through our 2019 fiscal year.

Here is a snapshot of how the 2019 budget is holding up:

YTD Actual Income is slightly under budget, but will be slightly over budget once sales/transfer fees are posted to Other Income and not as capital contribution.

YTD actual administrative expenses are \$4300 under budget.

YTD actual Utility expenses are \$24,480 over budget.

The problem is Comcast which YTD is \$33,457 over budget.

YTD insurance expenses are \$412 over budget.

YTD Building maintenance expenses are \$6,066 over budget.

YTD Grounds maintenance expenses are \$11,270 under budget.

Financially yours,

Pat McCabe, Treasurer

A motion was made by Mr. Celauro to approve the Treasurer's report, seconded by Ms. Schwartz.

Vote Unanimous

5.2020 Budget Discussion:

Mr. Litow suggested obtaining a legal opinion if money in Reserves can be spent as needed or if the money must be spent on specific line item. Mr. McCabe will work on budget and reach out to other Board members to discuss changes.

6.President's Report: President Litow

To each committee chair. If you have not done so, please write up the committee duties and current members so we can post it to the website. This is not optional. 7.6 of the by laws require minutes of meetings to be provided to the Secretary and 7.7 require reports in writing or orally. The form is to be determined by the president. The president requests your report to appear online.

I spoke with ASAP post box company. He assured me a delay in responding and installing was an aberration and he expects installs to happen within 72 hours.

Do we have a motion to change the canopy rule?

What follows is the proposed change to the 10.4 of the Declarations. **Do we have a motion to approve same?**

The lease of a Lot is defined by occupancy of the Lot by any person other than the Owner, whether pursuant to verbal or written agreement, where said occupancy by the non-owner involves consideration (the payment of money, the exchange of goods or services or any other exchange of value). The term "leasing" and "renting" shall be used interchangeably for the purpose of this Declaration. The term "Tenant" and "Lessee" shall likewise be used interchangeably. All leases of Lots must be in writing and a copy of any Lease shall be delivered to the Board of Directors of the Association or their Property Manager upon commencement of the said Lease. Should an Owner wish to lease his Lot, he shall furnish the Association with a copy of the proposed lease, the name of the proposed Tenant, the names of all proposed Residents, and such other information as the Association may reasonably require. Any Person occupying the Lot as a Resident after initial approval shall be subject to a separate application and approval process. The Association shall have thirty (30) days from the receipt of notice and all required information within which to approve or disapprove of the proposed lease or proposed Tenants or Resident. The Association shall give the Owner written notice of its decision within said period. No individual rooms may be rented and no transient tenants may be accommodated. "Rent-sharing" and subleasing are prohibited. All Leases must contain provisions requiring Tenants to comply with this Declaration, the Bylaws, and the Rules and Regulations of the Association. In the event any Tenant violates said Declaration, Bylaws, or the Rules and Regulations of the Association, the Association may bring an action for eviction of such Tenant and all costs incident to such action, including attorneys' fees, shall be the responsibility of the Owner from whom the Tenant leased.

B. No Lot may be leased for a period of less than thirty (30) days nor more than two (2) times per year. No subleasing or assignment of lease rights is allowed unless approved by the Board. No individual rooms may be rented and no transient tenants may be accommodated.

C. The Board shall have the authority to approve or disapprove all leases and renewals or extensions thereof, which authority may be delegated to an Officer, a Committee, or an agent. No Person may occupy a Lot as a Tenant, Family member of a Tenant, Resident, or otherwise without prior approval of the Board. The Board shall have the authority to promulgate or use a uniform lease application and require such other information from the proposed Tenant and all proposed Residents as the Board deems appropriate under the circumstances. The Board may require an interview of any proposed Tenant and all proposed Residents of a Lot as a condition for approval. No one but the lessee, his or her family within the first degree of relationship by blood, adoption or marriage, and their guests may occupy the Lot.

D. Tenant Conduct; Remedies. All leases shall be on a uniform form of lease or lease addendum if so promulgated by the Association. Uniform leases, addenda and all other leases will provide, or be deemed to provide, that the Tenants have

read and agreed to be bound by the Governing Documents. The uniform lease or addendum and other leases shall further provide, or be deemed to provide, that any violation of the Governing Documents shall constitute a material breach of the lease and subject the Tenant to termination of the lease and/or eviction as well as any other remedy afforded by the Governing Documents or Florida law. If a Tenant, Resident, other occupant, Guest or invitee fails to abide by the Governing Documents, the Owner(s) shall be responsible for the conduct of the Tenants, Residents, occupants, Guests or invitees and shall be subject to all remedies set forth in the Governing Documents and Florida law, without waiver of any remedy available to the Association as to the Tenant. The Owner shall have the duty to bring his Tenant's conduct (and that of the other Residents, occupants, Guests or invitees) into compliance with the Governing Documents by whatever action is necessary, including without limitation the institution of eviction proceedings without notice to cure, where legally permissible. If the Owner fails to bring the conduct of the Tenant into compliance with the Governing Documents in a manner deemed acceptable by the Association, or in other circumstances as may be determined by the Board, the Association shall have the authority to act as agent of the Owner to undertake whatever action is necessary to abate the Tenants' noncompliance with the Governing Documents (or the noncompliance of other Residents, occupants, Guests or invitees), including without limitation the right to terminate a lease and/or institute an action for eviction against the Tenant in the name of the Association in its own right, or as agent of the Owner. The Association shall have the right to recover any costs or fees, including attorneys' fees, incurred in connection with such actions, from the Owner which shall be secured by a continuing lien in the same manner as Assessments for Common Expenses, to wit, secured by a Lien for Charges. Any uniform lease or lease addendum will provide, and all leases will be deemed to provide, that the Association shall have the authority to direct that all rental income related to the Lot be paid to the Association until all past due and current obligations of the Association have been paid in full, including, but not limited to, all past due Assessments, Charges, other monetary obligations, late fees, interest, attorneys' fees and cost and expenses of collection.

E. Any Owner intending to lease his Lot shall submit a copy of the proposed lease, an application, and any other requested information and required fees at least thirty (30) days in advance of the commencement of the lease or renewal or extension term. Upon receipt of all information and fees required by Association and an interview (if requested by the Board), the Association shall have the duty to approve or disapprove all proposed leases within thirty (30) days of receipt of such information for approval and the completion of the Tenant/Resident interview (if required), by sending written notification to the Owner within such time frame. All requests for approval not acted upon within thirty (30) days shall be deemed approved. Applications for renewals or extensions of lease agreements shall be submitted at least thirty (30) days in advance of the expiration of the lease agreement. If the Association disapproves a proposed lease or renewal or extension, the Owner shall receive a short statement indicating the reason for the disapproval, and the lease shall not be made, renewed, or extended. The Association shall neither have a duty to provide an alternate Tenant nor shall it assume any responsibility for the denial of a lease application if any denial is based upon any of the following factors:

1. The Person seeking approval (which shall hereinafter include all proposed Occupants or Residents) has been convicted of, pled no contest to, or has been released from incarceration, probation or community control for:

(a) a capital, first or second degree felony involving violence to Persons within the past ten (10) years; or

(b) a first or second degree felony involving illegal drugs within the past ten (10) years; or

(c) any drug offence involving the manufacture and/or distribution of illegal drugs regardless of when that conviction, plea or release occurred; or

(d) a felony involving sexual battery, sexual abuse, or lewd and lascivious behavior regardless of when that conviction, plea or release occurred;

2. The Person seeking approval has been labeled a sexual offender or a sexual predator by any governmental or quasi-governmental agency regardless of when that label occurred;

3. The Person seeking approval is currently on probation or community control for a felony involving violence to another or damage to or theft of property;

4. The application for approval on its face, facts discovered in connection with the Association's investigation, or the conduct of the applicant, indicate that the Person seeking approval intends to conduct himself in a manner inconsistent with the Governing Documents. By way of example, but not limitation, a Tenant taking possession of the premises prior to

approval by the Association as provided for herein shall constitute a presumption that the applicant's conduct is inconsistent with the Governing Documents and may constitute grounds for denial;

5. The Person seeking approval has a history of disruptive behavior or disregard for the rights and property of others as evidenced by his conduct in other housing facilities or associations, or by his conduct in this Community as a Tenant, Resident, Occupant or Guest;

6. The Owner or Person seeking approval has failed to provide the information, fees or appearances required to process the application in a timely manner or has made material misstatements or withheld material/information during the application process; or

7. All Assessments, fines and other Charges and monetary obligations against the Lot and/or Owner have not been paid in full.

F. Liability. The liability of the Owner under the Governing Documents shall continue notwithstanding the fact that he may have leased or rented his interest in the Lot as provided herein.

G. Association Fee. The Owner or Tenant seeking approval of a lease of a Lot shall pay a transfer fee for each applicant in an amount determined by the Board.

Do we have a motion to approve all changes to the articles, declarations and by laws be voted upon as a whole or as separate changes?

Mr. Mickelson made a motion to change Section 10.4 of the Declaration per Mr. Litow's recommendations above. Mr. Celauro seconded the motion.

Vote Unanimous

A homeowner claims their rim on their vehicle was damaged due to the pothole on ICGB. They did not notice it for nearly 2 months. They wish to be reimbursed in a sum not to exceed \$200 for same. **Do we have a motion to approve same?**

Mr. Litow made a motion to reimburse the homeowner for the damage to their vehicle rim caused by the pothole. There was no second to the motion.

Do we have a motion to form a temporary committee for long term planning and budget?

1965 IGCB. Eviction should be our last step. We should get estimates to fix the outside of the home and mail same to the owner. **Do we have a motion to get estimates for the repairs?**

7. GIB Report: The front gate continues with the transition to Statewide and homeowners will be receiving log-in information to add their guests.

8. Superintendent's Report: Mark Thieme
Drainage:

The south IGCB pipe repair has been completed.

The Princess valley gutter scheduled for covering has been postponed, the road plate is still covering the remaining sink holes on the boulevard.

Entrada Gate House:

There were no gate incidents this months. 4 cameras were replaced.

Residents continue to pull trailers through the Entrada gate.

Well rust:

We are currently working on re permitting the Imperial wells to get out of the iron water, example, 4way intersection.

Bubbler System:

Bubbler systems are being researched for Zack's lake.

Committee meetings:

We had Lakes and Beautification meetings to discuss wish and must have lists.

Residents, please remind your guests and vendors to use the 41 entrance.

9. **Infrastructure, Road (Storm Water Management and Drainage)**: The IGE HOA pipe repair is complete. The Lake Committee recommended installing a bubbler system and will obtain quotes. The Phase V & Entrada sealcoat project has been postponed and Mr. Celauro is discussing it with Bonness. Mr. Litow recommended Bonness provide the amount of longevity if the roads are seal coated.

10. **Beautification Committee Report:** Director Krause

BEAUTIFICATION COMMITTEE

GOALS

The goals of the beautification committee for Imperia Golf Estates are to maintain and enhance the function and appearance of the common areas, and to promote a cohesive atmosphere to utilize and enjoy as an IGE community. Common areas mostly include the parks within the community but may also include other common areas as designated by the Board.

BEAUTIFICATION COMMITTEE MEETING MINUTES OCTOBER 17,2019

The Beautification Committee includes Mark Thieme, Pam Fortier, Odamis Houston,Mark Camp, Greg Gottfried, and David Krause, Director.

Our meeting produced some great new ideas and reviewed old ideas regarding the parks within our community. We believe our parks could be better utilized if we invested to make them better places people want to be and gather. Here is our wish list for discussion among the Board.

Mark opened the meeting with discussion on the irrigation equipment needed for Entrada. We tabled this \$4000 expense to determine if this is our area of concern.

Exercise equipment is a great way to promote use of the parks. It is healthy outdoor living. This old topic has liability concerns which require discussion before more time is put into determining what equipment would go best where. We do believe low profile stretching equipment would be best to start and perhaps a different set up in a different park, depending on its success. We believe most liability issues are from childrens outdoor equipment and few claims from adult equipment according to vendors. Signs and even a waiver form could be utilized.

A great new idea are picnic tables throughout the parks. Strategically placed, this could promote the use and gatherings in the parks. Great nature and beautiful spaces should be enjoyed, as we paid \$76,000 just for the maintenance contract for these spaces. A standard table with durable recycled material on line are \$850-\$1000 each. A grey or dark brown color is suggested. We suggest at least one in each park and in the larger parks like Empress, more than 1.

Another great idea for discussion are gazebos for Empress and Bismark Park. At a cost of \$8,000-\$10,000 each, Board discussion should ensue prior to specific recommendations.

We will attempt to promote a "leave no trace" policy and hoping to avoid trash issues.

We discussed placing butterfly gardens with Florida plantings to further beautify the parks. A shade tree or two may be requested depending on the approval of the equipment or picnic tables.

The landscaping for the 4 way stop area will be hopefully permitted and cleaned so that new plantings can then be made.

The front IGE sign are will be evaluated to improve its appearance.

There being no further business, the meeting was adjourned.

David Krause, Director

11. Architectural Review Board Report: Director, Gale Schwartz

September/October, 2019

Address	Request	Approved Unless Indicated
2076 ICGB	Roof	
2028 Castle Garden	Pavers	
1935 IGCB	Landscaping	
2012 Prince	Cage	
2041 Prince	Resurface Pool and Deck	
1921 Prince	Storm Protection	
1909 Countess	Dumpster	
2065 IGCB	Sale	
2017 IGCB	Storm Protection	
2106 IGCB Circle	Redo Pool/Deck	
1951 IGCB	Paint	
2226 IGCB	Paint	
2211 IGCB	Paint	
1903 IGCB	Lease Renewal	
1942 IGCB	Generator	

12. Violation Report: Director Mugford

VIOLATION ROUNDS

10/22/2019

Fining Committee met and approved \$1,000 fine for 2210 Regal Way – Brakefield home. Daughter was a no show at meeting.

2039 Teagarden Lane -- stained driveway
2027 Teagarden Lane -- stained driveway
1803 IGCB – trailer
1907 IGCB – stained driveway
1962 IGCB – mailbox needs painting
1965 IGCB – sale sign, lawn is a mess, lanai walls moldy
2013 IGCB -- stained roof
1937 Countess Court – mailbox
1925 Countess Court – mailbox
1907 Countess Court – driveway and house stained
Director Martha Mugford

2210 Regal Way – Mr. Litow communicated with owner's daughter and recommended the fine be waived. The Board will provide the homeowner 14 days to continue emptying the dumpster as needed and keep the driveway free of construction debris. The Fining Committee will schedule a new meeting.

13. **Property Manager's Report**

14. **Unfinished Business:**

Mr. Celauro made a motion to pass the document changes as an aggregate and not line by line. Mr. Mickelson seconded the motion.

Vote passed 4-3

15. **New Business:**

16. **Homeowners Issues:**

16. **Next Meeting Scheduled:**

The next Board of Directors meeting is scheduled for November 21 at 6:00 p.m. at Sandcastle Management.