

PRESIDENT'S REPORT SEPTEMBER 2020

- The question was raised if we need to take affirmative action to preserve our easement for entry to our maintenance building. **Any motions?** How is the operation of the easement going?

-Political signs. A question has been posed if we the board should do something about the signs. In Florida, condos and HOAs have not been found to be state actors so prohibiting political signs and political flags is possible either through a recorded covenant or a board rule since the board has rule-making authority under the governing documents. Does the board wish to act? What other rules outside of our documents impact political signs?

-Defining Maintenance versus Capital Improvement:

The process of maintaining or preserving HOA owned property and equipment by the repair, alteration, replacement, or improvement of the Common Areas, existing facilities, fixtures, equipment, structures, and other items necessary to support the health safety and welfare of the Members of the Association.

Capital Improvement Definition from Declaration:

1.15 "Capital Improvement". A capital improvement is defined as any structure or fixture that is not essential or required in order to maintain or repair existing Association structures, fixtures, or facilities.

Property Managers Responsibilities for maintenance of HOA Common Areas and Facilities: The Property Manager is responsible for recommending improvements, repair, replacement or alteration of the Associations Common areas, existing facilities, fixtures, equipment, structures, and other items to the Board of Directors. They will work jointly with the Infrastructure Committee, other standing committees, and the Superintendent to review said areas to determine if and when maintenance actions or Capital Improvements are to be recommended to the Committees and the Board.

The Superintendent is responsible for the maintenance, repair, and upkeep of all HOA owned vehicles, equipment, and fixtures used in performance of his day to day duties.

Do we have a motion and second to approve same?

-Do we want to utilize Mark for back gate passes? We will soon have two separate management companies for the gates.

-Minutes. We are missing for 2020 are the March, May and July minutes. **Do we have a motion to approve the March minutes (no meeting due to Covid), the May minutes that Tom drafted.** Nina, can we get July minutes?

-Stabbing. We asked Sandcastle to determine if the accused gained entry in a proper manner? The owner of the property says the accused invited himself over.

-Veterans Road Expansion.

The committee has met with Commissioner Solis twice. According to the Commissioner, the road project is on a “fast track” to meet the School Boards need to open the new high school for the 2023 school year (Aug 2023).

This project does not follow the normal two step contracting plan where the County first competes with engineering firms for a design and then takes that design to road building firms to compete the construction of the road. To save time the County has issued one bid to contract for a single firm to design and build the project. This method shortens the time to complete the project. The county staff is evaluating the design/build bids received and negotiating with the low bidder. They expect to present their proposed contract to the BCC in early October.

The Commissioner said that there will be Neighborhood Information Meetings with the design/build contractor and residents living within, I believe 500 feet, of the project to hear of concerns that these impacted residents have. Additionally, he will present our current concerns to the contractor as they develop the design for the actual construction of the road. A new noise study will be part of the design/build contract. We will have an opportunity to not only provide the input that we have given already, but any additional concerns. The noise expert that we are contracting with to review the current noise study will hopefully identify additional concerns that we will present to the Commissioner. This should be an interactive process. However, there are some fixed rules for the noise study that cannot be broken including FDOT standards regarding how to define/count

impacted receptors and the limit of \$42,00 per impacted receptors for a noise attenuation device (wall).

We did ask that the design/build contract include an option for a noise barrier so that we could obtain the benefits of a single mobilization and have a real cost of the barrier rather than an engineering estimate.

Here are the questions or concerns for the Design/Build project :

Assumptions in the noise study you would like to see revisited:

- Traffic volumes – are they realistic? 20 years out?
- Speed limits – would it really be 35 when 6 laned? At 45mph, how would the feasibility of the noise barrier look?
- Truck traffic at 1% - since the road will connect to an industrial area is that realistic? What about School buses?

Other Questions:

- Will the access road to the school for construction be dirt or paved?
- Why didn't the access road start from old 41? It is shorter distance and would allow more time to resolve some of those concerns, especially since a noise barrier is already part of the plan for Landmark.
- Can retention ponds be placed on the south side of road, to help buffer IGE homes rather than golf course to the north? Could the fill from the ponds be used to create a berm along Imperial? (Also, Imperial could possibly have additional fill to contribute from their own swale maintenance.)

-New High School.

Nothing new to report.

- Newsletter. A member commented that referring to various websites to access reports is not a good idea. "Too cumbersome. I don't think most people will do it. Others agree with me." He is requesting the Board re-address at next meeting.

-Authorization to Store Small Class B/C Daily Driver Vehicle at my Residence

To Whom it May Concern,

I am writing to you today to request approval to store a small Class B/C vehicle at my residence (2229 Imperial Golf Course Blvd.). This vehicle would be similar to the vehicle stored at 2083 Imperial Circle. I have two (2) drive ways at my residence; one on Imperial Golf Course Blvd. and one Regal Way. I would store the vehicle on the Regal Way side, which sits at the back of our residence and not visible to the main road (Imperial Golf Course Blvd.). This vehicle would be my daily driver. I am a veteran and have a service-connected disability. This would be the vehicle I use to drive to work on a daily basis. Also, my mother, who is disabled and has IPF (Idiopathic Pulmonary Fibrosis) lives with us. This disease requires her to be on oxygen 24/7. This vehicle would allow me or my wife to transport her more comfortably than we would be able to do in a smaller vehicle, as we would have the capacity to plug in her oxygen machine.

As there is currently a similar vehicle stored in our neighborhood and precedent has been set, I am optimistic that my request will be approved. Thank you for your time and attention to this request.

Sincerely,

James D. Frearson

2229 Imperial Golf Course Blvd.

805-235-6675

My following neighbors are ok with us storing a class B/C vehicle at our residence:

Terry Henderson - 2200 Regal Way
Diane Jacob - 2201 Regal Way
Val Parker - 2202 Regal Way
Shannon Farese - 2208 Regal Way
Ingrid Perry - 2215 Regal Way
Jodie Montgomery - 2229 Regal Way

Can I have a motion and second so we can discuss?

-Mark's supervision. Board member Mickelson has resigned from his post of supervising Mark. We as a board need to determine how we proceed with Mark's supervision going forward and what this means.

A project list is something that makes sense to me and I believe is supported by Mark.

A scorecard if you will of things he is doing. Each clause its own column.

- Task/goal/expectation to be performed
- Date of scheduled completion
- Deadlines being met
- performing as planned
- need for improvement and if so course of action to improve
- other comments

Can I have a motion and second so we can discuss?

-Clarification regarding failed Declarations and Articles of Incorporation and By Laws that passed.

What is at issue are the failed declarations from last year. My recollection is: Two are not coming up again. 4.2A4 and 4.2L. I also recommended another change to the by laws that removes the ability to nominate anyone from the floor as a director (Any other eligible person may be nominated from the floor at the annual meeting"). The reason being, this will facilitate electronic voting.

Here are the failed declarations.

Failed declaration changes. The changes previously voted on were: 4.2A4 removing the phrase "and fountains"; 4.2L an increase from \$200 to \$250 per household; 4.4 To the extent allowed by law, the Board of Directors, in response to damage caused by a casualty (e.g., hurricane, tropical storm, act of God) or an event for which a state of emergency is declared in the area encompassed by the Association, may levy special assessment without a vote of the Members; 9.3 Increasing the daily fine from \$50 to \$100 and the aggregate fine from \$1000 to \$1500. Adding to 9.3A The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board. If the

proposed fine or suspension levied by the board is approved by the committee, the fine payment is due 5 days after the date of the committee meeting at which the fine is approved. The association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any tenant, licensee, or invitee of the parcel owner; 10.3 increasing transfer fee from \$1000 to \$1500, but also changing the language so it does not apply to a spouse or estate planning moves for families;

For purposes of this Section, there is no fee due when title is transferred due to the foreclosure of a lien, the death of the transferee, the transfer of title to a Trustee or the transferor's spouse without changing occupancy, or when the transfer is made solely for estate planning or tax reasons.

10.4 significant changes to permit the board to approve or reject leases based a fair and consistent manner.

Here are the relevant board minutes.

. The Board voted on each specific change to the declaration as follows: 4.2A4 – Ms. Frost made a motion to leave this section as recorded seconded by Mr. Harruff. Vote unanimous

4.2L – Mr. Harruff made a motion to leave this section as recorded second by Mr. McCabe. Vote unanimous

4.4 – Mr. Mickelson made a motion to leave this section as recorded seconded by Ms. Schwartz. Vote unanimous 9.3 – Mr. Harruff made a motion to leave this section as recorded seconded by Ms. Schwartz. Vote unanimous 10.3 – Mr. Harruff made a motion to leave this section as recorded seconded by Ms. Schwartz. Mr. Harruff, Ms. Schwartz and Mr. McCabe approved the motion. Mr. Litow, Mr. Wilson, and Ms. Frost opposed the motion. Mr. Litow will contact the association's attorney for legal verbiage. 10.4 – Mr. Harruff made a motion to leave this section as recorded seconded by Ms. Schwartz. 5 Vote unanimous 4.3 – Mr. Harruff made a motion to leave this section as recorded seconded by Ms. Frost. Vote unanimous

A motion was made by Ms. Frost and seconded by Mr. Harruff to approve the February 27, 2020 Board meeting minutes with the following change: 4.2A4 – Ms. Frost made a motion to remove the word "fountain" from proposed amendment to Section 4.2.A.4 to read as follows: "Construction of improvements made by the

Association, maintenance and repair of the Common Areas and other properties serving the Association, including but not limited to the cost of maintaining fences, signs, street lights located on the Common Areas;

Can I have a motion and second so we can discuss?

Regarding the By Laws. The amended version counsel filed is wrong. We have no parking provision, thus Amendment 4. Section 3.4 is not accurate. Our 3.4 discusses quorum.

Amendment number 6 is not accurate, but Amendment 5 is correct. I am not sure how number 6 got in there.

I would request a motion to strike Amendment 4 and 6 and second so we can discuss.