

# THE ESTUARY

HOMEOWNERS ASSOCIATION, INC.

**Board of Directors Meeting  
January 16, 2020  
11518 Newgate Crest Drive, Riverview, Florida  
Meeting Minutes**

## 1. Call to Order-Certifying of Quorum

The meeting was called to order at 7:00 p.m. by Board President, Alan Brown. Directors Steven Effler and Kimberly Stone were also in attendance; therefore, a quorum was established. It was confirmed that the meeting notice was posted 2 weeks in advance. Jeana Wynja represented McNeil Management.

### Approval of Minutes

The Board reviewed prior meeting minutes dated October 17, 2019.

**On Motion:** Duly made by Kimberly, second by Alan and carried unanimously.

**Resolve:** To approve the prior meeting minutes as presented.

## 2. Reports

The manager presented financial reports and management reports. Manager indicated that there are still 3 unsettled collections accounts with Axiom. Board reviewed Unit ID # 11044 on the Violations report and decided to not pursue through attorney action.

Manager indicated that the Assessment Notices and Budget, along with a Memo regarding Home Exterior Painting and Mailboxes were mailed on November 27, 2019. Notice regarding the Board meeting to discuss Covenant Enforcement Resolution, Alteration Application allowable timeless, and ACC Fee Resolution was mailed on December 20, 2019.

## 3. Committees

**Spirit Committee:** Manager presented report provided by Sarah Haneline. The Halloween & Christmas Decorating Contests were held in Fall/Winter 2019. The Estuary Golden Girls sang Christmas Carols in the park. Sarah Haneline has submitted her resignation as chairperson. Alan will collect the keys and Association's credit card from Sarah. Jaime Uland indicated reason for having community events – to get to know neighbors and to have a network of support in case of a community emergency.

**Architectural Committee:** Manager presented. 15 Alteration Applications were approved by the Committee between October 7, 2019 thru January 9, 2020.

**Covenants Committee:** Nothing to report.

**Grounds Committee:** Marah Hutcheson presented. Committee organizing improvements to area along Balm Riverview Road. Goal is to use sustainable plants. She is working on the plan for planting 15 hardwood trees to be placed for 2 oaks that were removed along Balm Riverview in early 2019 and will provide plan to Manager next week. Manager indicated that hearing is scheduled for February 7<sup>th</sup> and plan for the 15 trees must be received prior to that

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event, so that the hearing can be cancelled. Manager stated that 42 pine trees were trimmed in October-2019 on the south side of Estuary Preserve Drive between Balm Riverview and Palmetto Pine.

The Board reviewed the following proposals via email: Park Area Improvements for \$594 and Front Bed Improvements (south of Estuary Preserve Drive) for \$5,430.

**On Motion:** Duly made by Alan, second by Kimberly and carried unanimously.

**Resolve:** To approve the proposals as presented.

Manager noted that American Irrigation is working with Turners Edge to resolve issues: valve clogged in front was part of a motor propeller that had chipped apart (propeller will eventually need to be replaced) and valve in island was leaking due to debris from well; Turners Edge informed that this is not an unusual occurrence.

**Neighborhood Watch:** Frank Mahoney presented. Planning a meeting in mid-February at his home; need volunteers for Neighborhood Watch. Encouraged owners that if they see something to say something. Deputies will randomly patrol the community for Association's who have an organized Neighborhood Watch.

## 4. Old Business

**Sidewalk Crack on Palmetto Pine:** Manager indicated that the work order was initiated with the County on July 2, 2019. The County indicated that repairs are delayed by 24-36 months.

**Playground Drainage (Completed):** Installation has been completed by Point Drainage and Erosion Specialists. French drains were installed throughout the playground area with grates for excess water to flow into and lead to direction of street. Rocks were initially put around the grates however were taken out and replaced with fill dirt because children were throwing the rocks on roofs of homes.

**TECO Street Lights:** Alan indicated that there are 6 street lights that were installed after Lighting District 1095 ("District") was established. Those lights were not included in the District, and in order to add them, Association will need to gather 184 signatures from owners prior to October 2020 to move from Association's budget to the District for Y-2021. Kimberly volunteered as Board member representative, and Roger Yokell agreed that he would be willing to assist with gathering signatures.

**On Motion:** Duly made by Kimberly, second by Steven and carried unanimously.

**Resolve:** To move forward with project to obtain the required signatures to add 6 lights to existing lighting district.

**Pond Aeration:** Alan indicated that Association is still working towards installing electrical for 2 aerators (1<sup>st</sup> two ponds to right on Estuary Preserve Drive) and electricity in the park (for community events). Board was unsure when TECO will come out to install.

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**Electrical at Front Entrance:** Alan also indicated that electrical at front entrance has been completed.

**Leasing of Homes:** Alan inquired about the compliance of the 5 owners solicited to inform the Association regarding status of leasing of their home (either affidavit to confirm they are not leasing, or \$200 security deposit and copy of lease if being leased):

- Unit 11033 – 01/10/2020 – mailed owner 2<sup>nd</sup> Notice for \$200 and lease;
- Unit 11048 – 10/17/2019 - received \$200 and lease; in compliance;
- Unit 11131 – 10/23/2019 - received lease; 11/05/2019 - received \$200; in compliance;
- Unit 11194 – 10/04/2019 - received \$200 and lease; in compliance;
- Unit 11204 – 11/04/2019 - received \$200; 01/10/2020 mailed owner 2<sup>nd</sup> Notice for lease.

## 5. New Business

**Deputy Billy Nixon - Parking:** Billy Nixon is the District 4 Community Resource Officer (CRO) for Hillsborough County Sheriff's Office (HCSO). He drove thru the community tonight and observed about 20 violations. He indicated that not much has been on the radar within the community. He distributed a flyer regarding Florida Parking Laws; vehicles may park on the street in the direction of authorized traffic movement; wheels should be within 12 inches from curb or edge of roadway; leave a minimum of 10 feet from a vehicle parked on opposite side of roadway, so to allow emergency vehicles to navigate through. He spoke about blocking sidewalks when parked in your own driveway and indicated that it is citable offense; in that instance, he would try to first communicate with the owner of the vehicle before citing. Deputy Nixon indicated that overnight parking on the streets is permissible per Florida Statutes. Owners should contact HCSO to enforce.

**Preservation of Covenants & Restrictions:** Manager presented the annual requirement regarding Florida Statute 720.3032, consideration of Preservation of the Covenants and Restrictions. The Board is required to annually consider the filing of a notice to preserve the covenants / restrictions affecting the community from extinguishment under Marketable Record Title Act (MRTA). Manager indicated that the Association is 8 years old so preservation is not a pressing concern at this time. The Board will need to be concerned about preservation when the community comes closer to the 25-year mark.

**Covenants Enforcement Resolution (Violation Fining Guidelines/Process):** The Board was informed by the Association's attorney that the current fining process in the Community Standards is outdated per Florida Statutes (FS) and would need to be updated if utilizing the process. The Board was sent a proposed Covenant Enforcement Committee Resolution that aligns with updated FS guidelines. Manager indicated that the proposed outline indicates a 1<sup>st</sup>, 2<sup>nd</sup> and Recurring notice for the purpose of giving owners ample time to correct a violation, that judge's are pro-homeowner, and if a judge observes that owners were not given reasonable notice to correct, then will dismiss the action. Manager indicated that the Covenants Enforcement Committee would need to give owners an opportunity for a hearing before imposing a fine (Committee face-to-face with owner). Manager indicated that at the end of the Covenants Enforcement (fining) process, that owner could potentially pay the fine and still not correct the violation.

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**On Motion:** Duly made by Alan; opposed by Kimberly and Steven.

**Motion Failed:** Motion to accept to the Covenant Enforcement Resolution failed by a vote of 2 to 1.

**Eliminate Covenants Enforcement Committee:** The Board discussed status of the Covenants Enforcement Committee if not establishing a fining process.

**On Motion:** Duly made by Kimberly, second by Steven. Opposed by Alan.

**Resolve:** To eliminate the Covenants Enforcement Committee.

Further documentation: Both the Board and CEC were emailed the Resolution and an outline of the steps that a CEC would need to adhere to in order to validate fining within the community. The Board was posed with 2 ways to handle violations: 1) injunctive relief and 2) fining. The motion to accept the Covenants Enforcement Resolution failed and therefore will not replace the outdated version in the Association's Community Standards at this time. After this event, the majority of the Board decided to eliminate the CEC. Both actions only required a board vote, not a membership vote. Changes to Community Standards and Rules/Regulations can be promulgated by the Board and do not require membership vote. Florida Statutes and Association's Bylaws give the Board permission to form/eliminate committees (not a membership vote). Changes to Articles, Bylaws and Declaration require membership vote. The (majority of the) Board is willing to give the injunctive relief method a try to see how it goes. The Association's former attorney encouraged injunctive relief as a successful process. The Board is willing to keep an open mind and if the injunctive relief process is not successful to encourage owner compliance, then they are willing to seek another process. All of the Directors, as well as the staff at McNeil Management, have the same goal in mind – preservation of property values!

**Alteration Application – allowable timelines to complete alterations:** Manager indicated that Association's Community Standards recognize on page 22 that alteration applications are valid for 6 months only. Page 22 also provides guidance for completion of projects (pool=10 weeks; fence=3 weeks). Manager indicated that it is the responsibility of the Architectural Committee to ensure that proper timeline is written on the application when approving, and that McNeil Management is simply paper pushers from owner to Committee, and then from Committee to owner. Alan indicated that a tree was removed from an owner's lot without permission. McNeil Management sent owner violation letter for not completing an alteration application in advance of removing tree. Owner subsequently submitted alteration application. Architectural Committee approved and allowed owner 1 year to install tree. Giving owner 1 year to install new tree was an oversight of the Architectural Committee. McNeil Management has this event calendared and if owner does not re-install tree after 1-year time frame, then it will turn into a violation again (September-2020). Board agreed to put 6 months on the alteration application as timeline for projects to be completed, to coincide with Association's current Community Standards.

**On Motion:** Duly made by Kimberly, second by Steven and carried unanimously.

**Resolve:** To add language to the Alteration Application that project must be completed within 6 months of the approval date.

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**ACC Application Fee Resolution - \$50 Assessment/Modification Fee:** Alan informed management company of existence of the Resolution. Resolution has not been actively exercised. Alan clarified that intent of Resolution is not to charge \$50 to owners who properly submit their alteration applications and gain approval, and that the intent was to charge \$50 to owners who perform an improvement without prior approval.

**On Motion:** Duly made by Alan, second by Kimberly and carried unanimously.

**Resolve:** To keep the process as-is and to not charge owners \$50 fee for applications submitted after an improvement is made.

**Architectural Appeals:** There were no architectural appeals presented.

**Community Standards:** Kimberly proposed to organize a committee to update the Association's Community Standards.

**On Motion:** Duly made by Kimberly, second by Steven and carried unanimously.

**Resolve:** To form a committee to update the Association's Community Standards.

**Homeowner's Comments:** Owners asked questions pertaining to parking. Owner inquired about clarification regarding violation process as it pertains to submitted alteration applications (manager to address at next meeting).

## 6. Adjournment

**On Motion:** Duly made by Alan second by Kimberly and carried unanimously.

**Resolve:** To adjourn the meeting at 8:34 p.m.



Prepared by Manager on behalf of Secretary