

Parkside Place Homeowners Association, Inc.

1221 Admiralty Blvd. ~ Rockledge FL 32955

321-214-2403

bclark@lelandmanagement.com

DRAFT

BOARD OF DIRECTORS MEETING MINUTES

Meeting Date: August 25, 2021
Meeting Time: 6:00 PM
Location: Parkside Place Clubhouse

AGENDA

1. Call to Order & Establish Quorum

Jim called the meeting to order at 6:03 pm

2. Roll Call (In Attendance)

Jim Lawson-President (2022)-Present
Dennis Desiata - Vice President (2021)-Present
Bill Burleigh -Treasurer (2022)-Present via Telephone
Julie Allen - Secretary (2021)-Present
Wil Miller - Director (2021)-Present
Brenda Clark, LCAM
Brian Hess, Attorney-The DiMasi Law Firm
Homeowners in Attendance: Per sign-in sheet

3. Proof of Notice - Notice was confirmed as being posted 48 hours in advance per Florida Statute 720 requirements.

4. Approval of Prior Meeting Minutes: Approval Board Meeting Minutes of 7/28/2021
Motion to approve by Wil, second by Julie, all in favor, motion carried.

5. Officer's Reports

Treasurer – Jim provided the report. Delinquencies as of the end of July are at \$24,283. The majority of that figure is unpaid special assessment payments. There are 26 owners who did not pay in July and 24 owners who paid in full.

Operating - \$381K. We went from being \$19K over to \$4600 under due to deposit for insurance. \$92K was spent out of reserves related to the drainage project and deposit for the reserve study, and \$2800 was for the golf cart repair.

Motion by Bill that the board accept Reserve Advisors reserve study to include the recommendation of annual reserve contributions, increasing monthly dues by \$14. Motion withdrawn. This will be addressed during budget discussions.

President – Drainage – Jim reported that the retaining wall is making progress. There was a three-week delay in the project due to moving a major cable from Spectrum. Final grading and fill were done this week but there is still fine tuning to be done. Irrigation needs to be repaired prior to sod installation. The center depth will be 5-6 feet. Jim is hoping that this project will be complete by the middle to end of September.

Engineering for the wall and swale have been paid, then the battle with Publix will begin.

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Landscape:

Jim reports that the residents of the 100 building requested the board, during hammock trimming, to maintain the hammocks as they are to keep their privacy.

There are five queen palms with Ganoderma that remain to be removed. Schurlknight will remove the large tree, the landscape committee will remove the smaller ones.

253 Cabbage, 13 Washingtonians and Coconut palms will be trimmed in September.

The quality of service from Schurlknight has declined. Out of the crew of 10, 8 have COVID. They were here this past Monday. The Landscape Committee met with Schurlknight.

The oak trees within the community were trimmed by Druse. There are 137 oaks on the property and 46 were trimmed within the limit of the budget.

Vice President: No Report.

Secretary – Julie reported that the Compliance Committee did a walk around the neighborhood and cited some issues and that information was sent out via eBlast.

Director - Wil – mentioned that Vice will send a quote next week for the road repairs. The sub-contractor has COVID. Joe Reese was not responsive in this regard.

Shades for pool area came in at about \$30K. Will pursue a quote regarding a wooden pergola.

6. Committee Reports

7. Old Business

- Update on project assignments
 - Light Poles – NH will install 8 poles mid-September. Check request for additional 9 poles is in process.
 - Mailbox Replacement – Bill and Jim have been involved in the process. Bill sent the board a proposal for creating an L shaped area, removing the office door and relocating it to the far end and moving the light switches. They are proposing 132 boxes with locks with 24 parcel boxes. Paint parcel boxes antique bronze, paint current boxes antique bronze. Install clear plexiglass to protect boxes. Motion made by Bill to approve the not to exceed amount of \$18,0000 to cover the cost of mailboxes and labor involved to modify the area, second by Julie, all in favor, motion carried. Jim commented that this could be revalidated at the next board meeting. Wil asked if the funds for this project area earmarked in the budget and Jim responded that the funds will be taken from reserves.
 - Pavers – Dennis researched Wagner Pavers and Alliance Pavers – they've done 80% of the work in PSP. 3-4 colors were selected and was narrowed down to the color called "Chicago". Dennis has a list of 15 homeowners who want paver driveways. Anyone wanting a paver driveway is required to submit an ARB application.

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- Paving-Road Repair – Wil presented on this earlier in the meeting.
- Tennis Courts – Dennis drove to Advantage Courts in Orlando to request that they update a previous proposal.
- Olan Higginbotham, a resident, will also supply a price for the tennis courts.
- Termite Bond – Pursue a meeting with upper management of Apex to discuss the non-receipt of the renewal notice.

8. New Business:

- Attorney Legal Opinion re: Owner Improvements/Walkways on Common Area
Brian Hess of The DiMasi Law Firm was present. He stated that regarding Common Area Walkways, the governing documents do allow unit owners to modify areas near units as long as it is approved by the association. The documents are not clear though, as to where the liability stands.

Under Florida law, unless it is specified otherwise, the maintenance, repair, and replacement for altered portions of common area lies on the HOA. He recommended that the association makes sure it's part of the budget or maintenance process. If new modifications are proposed, the HOA can approve these modifications and have an agreement from that owner for the repair, maintenance, replacement and insurance for that area. A written agreement should be in place and the HOA should keep a list of owners who did this. The estoppel process informs the new owner.

A recommendation is to amend the governing documents, shifting that responsibility to those owners who did the modifications. This would involve attorney fees to draft the amendment and the association needs a 2/3 vote to approve the amendment. If the governing documents are amended, it makes it part of the public record and then it is clear moving forward.

Questions:

How does an owner show that they have insurance on that area?

The insured area should provide a rider for an area that's been modified. Approval could be written to provide proof of coverage each year.

How do you enforce this? Amend the docs – FL Statute has a provision for enforcement. It is possible to get an individually written rider. Insurance companies do this for condominiums.

There are currently 15 units that have infringed on common property – how do you deal with that?

Provided they received approval from the HOA, the HOA could maintain the area.

If there is not documentation on the previously done areas – HOA agrees to take it over or have an agreement from both parties to remove modification. If an alternation was not approved – the HOA has one year to pursue a violation. If there is no documentation, try to get the owner to take care of it. If the owner doesn't want to take care of it and agrees with the HOA it could be removed.

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Limited Common and Common Areas are treated the same. Who has a right to occupy that space? Limited common area altering requires approval of the board to make changes. As part of the approval the board states that you maintain a rider on your insurance, you maintain the improvement, and have a written agreement.

If someone trips and falls on the street the HOA gets sued.

If it's within your designated space or Limited Common Area, the unit owner gets sued.

Julie stated that there are more than 15 Patios on Limited Common Area. If a hurricane takes these patios out the HOA would be responsible to replace them thru the HOA insurance. A homeowner could trip on their own Limited Common Area and sue the HOA.

Regarding existing patios in disrepair – advise the unit owner to repair them. If it's not repaired, the HOA will take legal action or remove the patio. Have atty send a letter to all unit owners advising that patios will be removed.

Regarding concrete driveways – the HOA has been telling unit owners to replace the driveways themselves. There seems to be a discrepancy in this regard. The association would like the attorney to address this along with front walkways.

Motion by Jim for attorney to pursue Option 2 withdrawn.

Motion by Julie pursue Option 3 and engage attorney to amend the governing documents, second by Dennis, all in favor, motion carried.

- Ratification of purchase of motor for spa in the amount of \$4,195.00.
Motion by Julie, second by Dennis, all in favor, motion carried.
- Appointment of individuals to Budget Committee – Motion to appoint Ray Wahl, Ron Schmidt, Jamie Smith, Charles Higdon, Brian Snell, second by Jim, all in favor, motion carried.
- Approval to trim the remainder of the palm trees Schurlknight Estimate 3006 in the amount of \$8,520.00. Motion to approve by Wil, second by Julie, all in favor, motion carried.

ARB Applications:

- 103 – Resurface Driveway – Motion by Dennis to deny, second by Wil, denied. All in favor, motion carried.
- 1709 – Landscape Extension – Motion to deny by Dennis, second by Jim, all in favor, motion carried. Denied, return it to the original state by removing the stepping-stone walkway currently in place and replace the walkway with 6 square stepping-stones. Remove mulch and replant sod and return the hammock to its original size and remove stones around hammock. Jim amends the motion to the above, second by Dennis, all in favor, motion carried. This removal must be done and completed within the next 30 days – No later than September 25, 2021.

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- 2009 – Garage Door – Motion by Dennis to approve, second by Wil, all in favor, motion carried.
- 2009 – Storm Door – Motion by Dennis to approve, second by Julie, all in favor, motion carried.
- 2412 – Roof – Motion by Dennis to approve, second by Wil, all in favor, motion carried.

9. Adjournment

Motion to adjourn by Jim, second by Julie, all in favor, motion carried. Meeting adjourned at 8:45 pm.

10. Open Forum

Sheinkopf – can insurance agent come and explain what HOA insurance covers

Complaint about AC thermostat being locked and no notification to the community. Julie suggested coming up with a procedure or remove the box by installing a programmable thermostat.

Meeting minutes respectfully submitted by
Brenda Clark, LCAM

APPROVED: September 22, 2021