

Summerfield at Bayside Lakes Homeowners Association, Inc.

Board of Directors Meeting Minutes

January 9, 2024

5:30 PM

~~Recreation Center Clubhouse~~

~~2051 Bramblewood Circle~~

~~Palm Bay, FL 32909~~

Via Zoom Session

1. **Call to Order** – Vice President Lisa Barber called the meeting to order at 5:31 PM via Zoom. A quorum was established with all Directors present. Twelve active Zoom connections were observed during the meeting, including 5 board members, 6 Summerfield homeowners, and 1 from Fairway Management (Joy was not present but the user was left to record the meeting).
2. **Proof of Meeting Notice** – Notice was posted on the electronic message board at the exit to Summerfield according to requirements. The meeting agenda was posted on the Fairway Management Summerfield site according to state requirements.
3. **Reading / Waive Reading of Previous Minutes** – A motion was made to waive the reading and to approve the minutes from the December 12 meeting. Motion was made by Robert and seconded by Marie. Approved unanimously.
4. **Management and Committee Reports**
 - a. **Financial** – Joy was not present during the meeting, but the board was provided the financial report. Robert inquired if the report was from November or mislabeled. Alvaro indicated that we had received the November report.
 - b. **December Violations** – Robert indicated that several accounts were in the 2nd violation letter. Marie agreed.
5. **New Business**
 - a. **Aqua Spray Irrigation (ASI)** – Robert indicated that ASI were at \$125 every time they showed up. Now the fee is going to \$250. Robert is concerned that they are not coming too often and have a small crew. Robert is requesting to find a more competitive vendor. Marie asked if we are voting to get the contract at this price. She does not mind voting for this until we get a different quote. Robert wants the system inspected as the water sometimes isn't coming on. Robert wants to make ensure if there is a 30-day option to back out. Marie looked at the contract and did not see this requirement. Robert is proposing to give ASI a 30-day backing out notice as a courtesy. Lisa, Alvaro and Stephan agreed with this path. Lisa made a motion to continue with ASI at \$250, seconded by Stephan and approved unanimously.
 - b. **2061 Windbrook Dr Raised Sidewalks** – Robert requested Alvaro to provide comment. Alvaro stated the property has received 3 letters and that we need to be consistent. Feels sympathy for the family members passing, but does not see a financial hardship to justify removing the fee. Also noted that the sidewalks are the residents' responsibilities and not the city or the HOA. Rober recapped that this was a resident that received 3rd letter and that the resident stated by email that their mother in law passed away in October. They are willing to fix the

sidewalk if the fine is removed. Robert stated it has been over 100 days since the letter went out. The residents had over 100 days to make a phone call, and he agrees with Alvaro's comment. Marie indicated that not everybody is aware that the sidewalks are the responsibilities of the residents to fix and that a new resident may not have moved here had they known those rules. With that said, it is in the documents and we must enforce the rule – if not we are selectively enforcing. Following our docs is important regardless of what is happening, and others were fined in the past and needs to be continued. Lisa agrees with Alvaro's comments, stated that we all have things going on but that when residents move, they are handed the documents, and may not agree with it but everyone should be aware. The resident should have reached out sooner than the 3rd letter. We should follow what the documents state. Also stated we have a person who does concrete in the community, and we have to follow the regulations. Stephan agreed and stated that there is risk in removing a fine as others will request the same in the future. All residents are given the bylaws upon moving in and if they don't read them, it is not our fault. Sidewalks are property of the residents and street is private (HOA) property. Motion was made by Stephan to agree to the fining of 2061 WB drive for the raised sidewalks, seconded by Lisa, approved unanimously.

- c. **996 Gardenbrook Dr for mediation on open violations** – Robert indicated it has been close to 3 years on this issue, and we had agreed a payment plan 2-3 times in the past and the residents defaulted on them. Stephan indicated mediation is the first process. Foreclosures can last 2-7 years. Thinks we should proceed as-is and try to get our money back. Asked what the next step after mediation is. Marie stated mediation is before the 3rd letter, where you meet with your attorney and the other board members meet in separate rooms. Go-between person who tries to negotiate with each party. Can be an attorney going between both parties to try to work on a solution. Lisa asked if we went to mediation, it would require attorneys and incur a cost. Marie stated both parties bring attorneys/paralegals to negotiate. Stephan indicated no matter what we do it will cost money and will be recovered at unknown period of time. Alvaro stated we have been very lenient with this property and is not going to entertain helping them out more than we have in the past 3 years. Not in favor of mediating, wants to continue the foreclosure process and let things play out. Robert agrees that we have agreed to many payment plans and residents were unable to keep up. Mediation is to reduce/mitigate cost but has seen no willingness from these residents to work with HOA in good faith. Is not open to mediation on 2-3 open violations with no work being done to improve them. Marie makes motion to not go to mediation, seconded by Alvaro and approved unanimously.
- d. **1797 Windbrook Dr** – Robert stated in the past 3 years they have gotten letters for several reasons, including not watering property due to broken pump. Residents had no lawn materials. Owner sent e-mail to Joy saying that the weeds growing near the transformers is not their property but belongs to FP&L. Robert stated that the letter was given to the tenants as well. Heike the owner interjected and stated that the electrical box and hedges are not her property. That the last 16 year she has not touched these hedges and that they belong to FP&L. Stated that the survey indicated that the transformer box is not her property, or an easement. Questioned why Robert went to their tenant. Robert indicated that no laws are being broken by giving the tenant a copy of the letter. Heike indicated that the tenants are not responsible for any of the exterior

maintenance for the property. Stated that there are no weeds in the lawn and the grass is cut. Questioned when the HOA will take care of the weeds around the lift station and on the Tillman canal. Robert indicated canal is owned by Tillman. He stated that the weeds growing next to transformers and asked if FP&L is going to come cut the weeds. Heike states in 16 years she has never touched the hedges around the transformer and no letters have been received about it. Survey has been done to indicate that the box and lift station is not her property. Robert agrees lift station is not her property, but there are several residents with transformers on their property who maintain the lawn/weeds around them. Heike continued stating is not her property. Alvaro commented he is looking at the property appraiser website map. Stated that lift station is correctly stated as being city property. However, the location of the transformer box is part of the resident's property. Stated that the actual transformer does not belong to the resident, but it is part of their property. FP&L does not maintain hundreds of these transformers in the Bayside Lakes area. Lisa indicated she has a box in her property between her neighbor's house and it has always been mowed around. Alvaro indicated that there are thousands of these boxes in Palm Bay and FP&L does not have crews maintaining the areas around them. Stephan also stated he has one and also maintains them, we just cannot paint them. Heike stated that when she bought the house the box was surrounded by a hedge. Was told by Joy that part of the hedge was removed as FP&L required access. States she is able to cut it and pay for survey to prove it is not her property. Alvaro indicated that if you have trees next to a power line, FP&L will cut your tree without asking owner. Restated that the BCPAO website indicates that the transformer is within the property of the resident. Heike stated that the grass is being cut and that the hedge is the issue. She will take care upon returning from a trip from Germany in the next two weeks. In the future she will provide proof that this is not her property. Robert and Alvaro thanked her for agreeing to take care of her property.

- e. **Fences for golf front properties** – Marie asked if Tom Trist was on the call, Robert stated he was not on the call but had 2 open requests. Marie states there is a resident on her side of the street who put in an ARC request for a back fence and was denied. Robert paraphrased Tom's response stating on golf side property they are not allowed to put a fence up, and that he knows there is no longer a golf course. However, the documents would have to be changed to allow for this change. Marie stated the golf course has been closed for almost 2 years and that the property has been overrun by weeds/dirt bikes and wild animals. She stated that the docs do not have to be changed. Alvaro agreed and stated that the question was asked to Joy when the golf course was closed, and Joy agreed that these are no longer considered golf front property. Marie agreed. Alvaro added the caveat that if for some reason the golf course re opens, they would have to comply with the golf front regulations once again. Marie agreed and stated that the applicant was willing to agree with this requirement. Alvaro stated that the docs differentiate between golf and non-golf front properties and that the residents are able to abide by the non-golf properties, the docs don't have to be changed. Stephan stated that the golf course was never zoned as such, but was General Use and may want to look into the legalities. Robert states that if its already in the docs, we should wait until this is communicated via e-board/newsletter. Also waiting to get a response from Tom. It is important to let residents know what the consequences of it coming back. Marie reiterated that this information is already in the docs and does not know why we need to wait to

allow for this change. Robert stated that he agrees but wants to be respectful to Tom and allows for residents to know of the change. Stephan added that we all hope there will be a golf course someday, but if we allow fences and 3 years from today the golf course comes back. He is concerned about residents paying to take the fence down after paying thousands of dollars to put it up. Robert asked if everyone is in agreement to give it a week. Lisa agreed. Alvaro stated we can wait, but at the end of the day they are allowed to put a fence per docs. Robert understands. Heike (resident) added she believes there is a build going to put low-income housing in the golf course. Robert added that this is not true based on the city meetings he attends.

- f. **Board voting procedures** – Marie asked why her agenda items are continuously dropped off; 2 meetings prior all of her agenda items were not there. Stated that she'd like the agenda be sent to the board in advance so that they can review and provide inputs prior to be sent to Joy. Marie let the residents know that we have a new state law requiring to post the agenda on the Fairway Management site. Also stated that another law requiring the board to set up a hearing prior to fining process. That process will occur after the end of each HOA meeting, with no board members participating (only fined resident). Robert stated he called State of FL and that no oversight was made by the state for HOAs. He stated that the 3rd letter indicates the right for a hearing committee. His concern is that the verbiage is very restrictive and in setting up too many meetings for the hearing committee, they will not want to participate in that board. He is concerned about the value lost in sending letters out if a fine is unable to be made unless a hearing occurs. The residents have adequate time to respond to an issue. He believes that we are compliant with the new law, and also concerned that Fairway did not give a heads up about this change. He wants to hold off on the legal team reviewing if we are complaint or not. He will discuss with city manager about this to add clarity. Marie indicated that Joy did sent the verbiage about the change, and you cannot disregard the law. Robert stated we are not disregarding and that we are compliant. Marie indicated we are not if the letter is left as-is. Marie stated that Joy revised the letter indicating that a hearing meeting will occur at 6:30 after each HOA board meeting. Robert saw this but asked who is organizing the committee. Marie stated we have a hearing committee and Joy needs the names. Robert asked if the letter went to the attorneys.

6. Open Homeowner Discussion

- a. **Janet Orr** – Responding to Marie's comments, agrees there's no reason why we should not be in compliance. Every resident should have the agenda in advance, and that we have a community to be active and knowledgeable. Does not want the HOA to be a one-person show. Wants a more open community and compliance with the law. Also with regards to the fences, agrees with Alvaro and Marie. States her property is being destroyed by wild animals, trucks, and is afraid of going out at night. Has called the police twice due to trucks behind her property. Fencing should be addressed now and we should not wait. The docs are clear and we should have the right to do that now. Also stated the pond is in disrepair. Robert indicated the city mgr was working on an ordinance for an owner of a property to manage/maintain their pond, suggested she goes to the city. Jan stated she deals with the city directly and that the requests are on record. Robert stated that the wait time for the fence situation is only a week. Jan stated we will

need to put a pending amendment to the documents. Robert stated there's no sense in making an amendment, but only waiting a week. Jan stated only a notice to state a pending an amendment is required. She added on the fences, that she would like the fencing to not be limited to only plastic fencing authorized in the back of residents properties.

- b. **Heike Albert** – Lift station has an orange generator for over a year. Asking when the city will be fixed. When it goes on, it is extremely noisy. Robert indicated that this mobile unit is in 4 locations in Bayside until the new station is online. The city will be maintaining these units daily, to keep up with the high demands due to rain. The new plant should go by the end of 2024 or early 2025. Heike stated that Joy told her that the station would be fixed soon a year ago, but it is still there. Robert indicated that this is a design flaw on the system. They have sewer water coming up near the plate by the palm trees next to the fence due to rain overflow. The city has pump trucks coming constantly to clear it up. And they will have to deal with this until the new station is up. Heike thanked Robert and indicated she was not aware of black water coming up by the fence.
 - c. **Marie** – we are seeing coyotes on the golf cart path constantly and wanted to warn families with small children/pets. Robert will bring this up in the city meeting.
 - d. **Lisa** – to work on a quick newsletter to send out to the residents. Robert agreed to work on this together. Added he hasn't heard from Mike on the install of the yellow poles.
 - e. **Alvaro** – Reminder that the next meeting is in-person at the clubhouse.
7. **Next Meeting – In Person – Tuesday, February 13th at 5:30PM**
Bayside Lakes Community Clubhouse
2051 Bramblewood Cir
Palm Bay, FL 32909
8. **Adjourn** – The meeting was adjourned at 6:30PM.