

March 3, 2018 Community Meeting Minutes

- A. President's Report – introduced new board member Mike Tew and asked for volunteers for vacancies.
- B. Secretary's Report – reviewed minutes from December meeting.
- C. Treasurer's Report
 - 1. Reviewed January financial report.
 - 2. Reviewed 1st quarter association dues lost checks issue and for those owners affected, the bank will issue refunds for any stop payment fees incurred. You must submit proof that you paid a stop payment fee in the form of an invoice or receipt from your own bank. You can email to eastbayplantation@gmail.com or directly to the Secretary at dfay1165@outlook.com and we will submit these to the bank for refunds, which will be mailed directly to the owner. Please make sure your name and address are on the receipt from your bank.
 - 3. Reviewed upcoming payment changes: the bank will invoice quarterly, providing multiple ways for owners to pay – echeck, ACH, credit/debit cards, and mail in checks. Credit and debit cards will incur a convenience fee, all other payment forms are free. Owners will receive a letter with the next statement around April 1 with complete instructions for submitting payments. The HOA website will contain the link for online payments.
- D. Grounds Report – our new landscaping company, Fox Outdoor Solutions, is doing a good job and is willing to work with us on any complaints or issues. So, if owners spot any issues, please let a member of the Board know so we can have them take corrective action.
- E. Pool/Tennis Court Report – the pool was closed for a few weeks recently due to folks from the problem house taking water from the outdoor faucets. The faucets have now been locked to prevent that and the pool is now open.
- F. Lake Report – everything is in good shape right now; we have ordered 1,500 tilapias (very small, but they will grow) to put in the lake to help control algae. They should be delivered within the next month.
- G. Committees Report
 - 1. ARC Committee – ARC applications for roofs have been pouring in; driveway pavers and mailbox repairs have also been high. We heard a rumor that there is an above-ground pool in someone's back yard. If it's yours, it needs to be removed as it is not allowed per the Covenants (Article VII, Section 6(g)). We currently need volunteers for the Fine Committee so that we can deal more effectively with homes that don't respond to violation letters requesting they

take care of maintenance issues. As an owner, you have the right to approach your neighbor, who is in violation, and ask them to take care of their maintenance. The first quarter ARC inspection occurred and the majority of issues were tree trimming, mailbox maintenance, and driveway cleaning. If an owner thinks they may be on the list, they are invited to check with the ARC Chairman and describe their proposed corrective action and thus avoid receiving a violation letter.

2. Welcome Committee – Mary Sipes is now helping with the Welcome Committee. We have 4 houses on the market – 3953 (Petersons), 3818 (Freeman), 3842 (Henderson), 3855 (White). 3808 renters are moving, so we will have new renters moving in. If you see anyone moving in, please notify the Welcome Committee.

3. Media Committee – The website is getting a facelift to modernize and add a few new features; if you have any suggestions for the website, please see the Media Committee. Digital ARC applications and site maps will be available for members soon. The Facebook group is private but open for owners to join; there is an approval process so no outside people can become members.

4. Covenant Review Committee – reviewed proposed amendment for quorum vote (one-third of all owners constitutes a quorum) as opposed to 75% certified vote. All owners will receive the details of the quorum amendment and an Approval and Consent form in the mail. The HOA will arrange for a couple notary publics to be available at the pool area on a Saturday morning and Monday evening so that forms can be notarized and submitted. Owners may also complete their forms and get their own notary to get their forms notarized. Polled owners on the quorum amendment and the majority of owners were in favor of passing the amendment, which would make the process to amend the Association's documents more achievable. One owner expressed concern with reducing the number of owners required to amend the documents. The Board explained that all owners would still have the chance to vote (by mail, in person at a meeting, or by proxy) on any amendments, but ballots would not need to be notarized. Reviewed proposed changes to covenants with handouts for owners (attached to these minutes). There is upcoming legislation that will negatively affect our ability as a Homeowners Association to govern ourselves as we see fit. This is particularly true in the area of vacation and other short-term rentals. The Board of Directors, at the recommendation of the Association attorney, would like to be able to update our Declaration of Covenants so that we would not be negatively bound by pending State legislation. This would mean adding an article regarding rentals.

H. Miscellaneous Other Business – reviewed answers to questions from prior meeting:

1. Flooding issues – our covenants state that owners are responsible for maintaining the swale and drainage system on their own properties. The developer ensured that there were swales between each property that would ensure proper drainage; over the years they have degraded. According to the HOA attorney, the HOA is not responsible for maintenance of swales between properties. Owners that have issues with drainage on their properties can either re-establish the swale or install a French drain. Because the swale affects your property as well as your neighbor's, it will be essential to work with your neighbor to work the drainage issues.
 2. Landscaping issues outside fence – Fox Outdoor Solutions recently cleaned up, trimmed, and did maintenance on all of the vegetation outside the front entrance. The Board is looking into making some landscaping changes at the entrance this year.
 3. Playground – the HOA attorney advised against installing a playground in the community due to the following: 1) liability issue due to locations too close to roads, 2) unsuitable areas (size/location), 3) little to no buffer zones for nearby homes, could constitute nuisance. The language in the Covenants would allow for play structures to be placed in owners' back yards with prior ARC approval. Guidelines are being developed at this time as the goal here would be to ensure that all owners can enjoy their home and yards, so due consideration of your immediate neighbors would be a factor.
 4. Post Road entrance wall repairs – will be looked at when updating landscaping this year.
 5. Problem house update – June 6 auction date; Animal Control has been called because it appears the house is being vacated but animals may have been left behind. The police will continue doing optional drive-throughs to put pressure on the owner and friends to cease the illegal activities.
 6. Renter concerns – covenant changes could help prevent future issues.
 7. Special projects ideas from community – speed bumps that would have to be approved by City of Melbourne (Rick Carver volunteered to research and work this); pressure wash all sidewalks; security cameras.
- I. Q&A
1. Are we replacing the no soliciting signage? Yes, it will be replaced but owners were advised to put their own signs up as salespeople are not required by law to observe community-wide signage, but must abide by any signage on or near a residence.

Proposed Covenant Changes Handout:

Attorney Proposed Amendment to Current Declaration of Covenants

CURRENT ARTICLE IX – GENERAL PROVISIONS

Section 4. Amendment. Any amendment, modification or rescission of any part of this Declaration shall require approval by FHA/VA and, if Article IV, Section 2(a) is applicable by the St. Johns River Water Management District, and by two-thirds of the total votes eligible to be cast. Approval may be evidenced by written consent without the necessity of a meeting. Written consents need not be recorded if the recorded amendment is accompanied by the certification of two officers of the Association that the requisite consents have been given.

What this means...for an amendment to pass, 81 owners must vote "yes" using ballots that are certified by a notary public and witnessed by two officers of the Association, making it very difficult for owners and the Association to amend, update or revitalize existing Covenants.

PROPOSED ARTICLE IX – GENERAL PROVISIONS

Section 4. Amendment. This Declaration may be amended, changed, or added to at any time and from time to time upon the affirmative vote of not less than a majority of the Owners voting in person or by proxy at a regular annual or special meeting of the Members at which a quorum has been attained (e.g., once a quorum of those Owners attending in person or by proxy has been obtained at a regular or special meeting of the Members of the Association, a majority of those Members attending the meeting in person or by proxy may amend this Declaration).

What this means...a quorum (one-third = at least 41 owners) must be present in person or by proxy. Once this quorum has been met, a simple majority vote using ballots not requiring a notary public would suffice to pass an amendment, making it easier for owners and the Association to amend, update or revitalize existing Covenants.

2018 Proposed Key Changes to Covenants

1. Article VII, Section 6(c): Exterior Trim and Color Plan – add exterior paint colors are to be limited to two (one for the body and one for the trim) and front door and garage may be complimentary color or standard white. *Current procedure.*
2. Article VII, Section 6(h): Fencing – add the option of vinyl fencing subject to ARC approval. *Currently being approved.*
3. Article VII, Section 6(l): Landscaping – add verbiage regarding significant changes visible from the

street or lake front. Significant changes include, but are not limited to, the following: substantial reconstruction or removal of existing flower beds, medium to large tree addition or removal, sod removal or replacement. *Current procedure.*

4. Article VII, Section 6(n): Maintenance violation letters – add the owner’s right to appeal and/or have a hearing (FL Statute 720). *Current procedure.*

5. Article VIII, Section 3: Parking – add that vehicles shall not encroach on or block any sidewalks, mailboxes, street signs, or fire hydrants throughout the community or create potential hazards for pedestrians, City vehicles, or emergency vehicles.

6. Article VIII, Section 5: Livestock and Animal Restrictions – add verbiage stating that Owners are responsible for pet waste on their property as well as any other property within the community. *Current procedure.*

7. Article VIII, Section 7: Restriction on activities – add restriction on excessive noise Monday-Friday from 10:00 p.m. to 7:00 a.m. and Saturday-Sunday 11:00 p.m. to 8:00 a.m.

8. Article VIII, Section 7: Clotheslines – change verbiage to allow clotheslines per the FL Sunshine Law, but state they are not allowed in the front or side yards of any lot, and must be approved by the ARC. They are not to be visible from the street or lakefront. *Current procedure.*

9. Article VIII, Section 12: Antenna and Satellite Dishes – add verbiage that satellite dishes and antennas are permissible and should be installed towards the rear of the home provided that an acceptable quality signal can be received. *Current procedure.*

10. Article VIII, Section 19: Games and play structures – add verbiage that play structures of any kind or nature shall not be constructed on any lot without prior written approval of the ARC. Portable game/play structures used at the front of the residence must be stored out of sight when not in use and at night. Game goals or backboards shall be free standing and must be maintained in good condition. Goals or backboards shall not be allowed to obstruct sidewalks or be placed in the street. Current procedure but the ARC and Board will develop guidelines for play structures.

11. New Article VII, Section 6(o): Maintenance Fines – add FL statutes regarding the Board’s ability to impose and collect fines for not maintaining property in accordance with the Covenants. *This could result in liens or foreclosures in extreme cases.*

12. New Article VIII, Section 22: Home Rentals – set cap at 15% of homes (18 total rentals at any given time). It is the Owner’s responsibility to do background and credit check, require a minimum of one-year lease agreement, and provide a copy of the lease agreement to the Association Secretary. There will be a hardship clause for Members who are deployed or transferred due to a job change or other special circumstances. These will be handled on a case by case basis in the event that we have reached the cap. *The Board would not have the right to deny a rental agreement; it is the Owner’s responsibility to vet and manage their tenants.*

