

Summerfield at Bayside Lakes Homeowners' Association
BAYSIDE LAKES

Board of Directors Meeting

April 12, 2022

5:30PM

~~Bayside Lakes Community Clubhouse~~

~~2051 Bramblewood Circle~~

Via Zoom Session

1. **Call to Order** – Meeting called to order by President, Robert Stise, at 5:30 PM via Zoom session. A quorum was established with all five Directors present. Eleven active Zoom connections were observed during the meeting, including 5 Board members, 1 ARC chairman, 4 Summerfield homeowners, and 1 from Fairway Management.
2. **Proof of Meeting Notice** – Notice was posted on the message board at the exit to Summerfield according to requirements.
3. **Reading / Waive Reading of Previous Minutes** – A motion was made to waive the reading of the minutes from the March 8 meeting; it was seconded and approved by voice vote.
4. **Management and Committee Reports**
 - a. **Financial** – Joy provided the end-of-February account balances with \$78,999.25 in the operating account and \$225,009.24 in the Reserve Account for a total of \$304,008.49. Joy also reported past-due assessments as of February 28 were \$24,724.56 with the largest share related to 996GB where a payment plan is under discussion. The Board discussed the special arrangement proposed by the homeowner's legal counsel, and ultimately decided to reject it and instead insist on 12-month payment plan and require that all violations on the property be immediately addressed. Adopted by unanimous voice vote. Joy will communicate back to the homeowner and their legal representative.
 - b. **POA** – There was no POA meeting on March 22 as scheduled due to lack of a quorum. Robert will suggest to the POA that they increase the number of Directors or specify a means of utilizing alternates to avoid future cancellations.
 - c. **ARC** – Tom reported that there were only two ARC requests currently open. The ARC committee requires some clarification on both of these, and once the homeowners respond with the requested information, they should quickly advance to approved status.
5. **Old Business**
 - a. **Majors Golf Course Rezoning** (info-share only; this is not an HOA activity) – Dozens of red-shirted Bayside Lakes residents and many of our Summerfield neighbors attended both the Planning and Zoning meeting on April 6 and the City Council meeting on April 7. Several Summerfield residents spoke at the meetings about traffic, infrastructure, safety, and quality-of-life to show our

opposition to the land use change and zoning change applications submitted by Joy, LLC. Many of our neighbors both inside of SF and elsewhere in Bayside Lakes are preparing presentations which will be delivered when the Planning and Zoning Board and the City Council address the Joy, LLC's applications. Upcoming meetings to be held at City Hall or at the Bayside High School theatre will be posted on the message board adjacent to the Summerfield exit gate.

- b. **Speed limit compliance and Bayside Lakes Boulevard Curve safety** – Robert reported that the damaged solar radar signs have been replaced in both directions at the dangerous curve where Bayside Lakes Boulevard meets Emerson. He learned that a 5th fatality had occurred at the curve recently and the City plans to contract with an outside traffic engineer to recommend changes to improve safety at that location. He also reported that most drivers inside Summerfield are in compliance with the 20 MPH speed limit, but we are looking to gain 100% adherence. The radar trailer will be coming back soon. Separately, Joy reported that another FM-serviced HOA, Bridgewater, is making an inquiry to contract with the Palm Bay Police Department for an officer to monitor traffic speeds in their subdivision. She offered to submit for Summerfield an identical request so we might be able to get both inquiries addressed concurrently.
- c. **Violation letters, hearing committee and fines** – Joy reported that a 3rd letter went out last month concerning the raised sidewalk at 900GB; since it has not been repaired, the issue will now be referred to the hearing committee. She also reported that a third letter was sent for a raised sidewalk at 2013WB. She asked the Board if that case should be referred to the hearing committee as well. The Board discussed it and unanimously voted to move forward to fining in that case.
- d. **Electronic message board** – Alvaro reported that the 2' by 3' message board was ordered in March and should be delivered sometime in late May. He mentioned that a wi-fi connection needs to be established at the gate before installation and asked Joy to get quotes from Spectrum and AT&T. Alvaro has listed the old message board on Craigslist but has not received any inquiries. Joy volunteered to advertise it on Facebook Marketplace on our behalf, the Board agreed.
- e. **Fence vandalism** – Robert asked resident Christie Klein from 2167WB to describe recent activity along the fence behind her home. She reported that there were recently several trespassers in the area, some coming very close to her back porch while she was home. She said the vinyl fencing along the back border of SF has been damaged many times and she feels it is not economically practical to repair it because it will likely be damaged again. There are 9 panels, each 8 feet wide that are involved. Lisa asked if we could use shrubbery instead of fencing as a barrier. Tom Trist was asked to provide an input and he suggested we get a quote for black chain-link fencing, thereafter we could add shrubbery to make it more visually appealing. The Board agreed to ask Tom to secure a quote for the chain-link fencing.
- f. **Hunt Club Green mailbox paint** – This item is now available at ACE Hardware on Babcock and online at The Home Depot. The HOA will wait a few months to allow homeowners to buy and apply the paint before enforcing the painting requirement. Marie was asked to add this item to the next newsletter.

- g. **Gardenbrook culvert repair** – Contractors have told Tom and Robert that a full repair would be cost prohibitive and they agree. Robert is planning a more modest repair that would involve removal of any sharp edges manually. The Board agreed that this is the best approach.
- h. **Newsletter Update** – Marie is gathering input for the next issue. She mentioned that advertising prepayments have almost totally run out and she will be soliciting renewals soon. Christy Klein asked if Marie could contact her because she is considering advertising in our newsletter.

6. **New Business**

- a. **Variances** – Robert asked that this item be added to the agenda. He acknowledged that they were not mentioned in the Docs, but they have been issued in the past, thereby creating a quasi-contract. He wants to have the ability to do variances and also find a way to enforce the Covenants where people have removed trees on Gardenbrook years ago. He wants to be sure that homeowners have “an adequate number of trees”.

Lisa wanted to know what kinds of variances had been granted in the past. She said that going forward we should keep doing it and it should involve “common sense”. She said that her property is too tight to accommodate the proper number of trees. She said the Covenants require four trees per lot. She does agree that the good documentation is needed when granting variances to ensure that we are treating everyone fairly.

Robert agreed, and pointed out that all variances would have to be approved by the Board. He asked for a vote.

Marie objected; she asked if other Board members could give their views on the issue.

Marie pointed out that the Covenants do not provide for variances, and that the recent changes to the Covenants should have already addressed the need for any variances at all. She said that the revised Covenants now require only two hardwoods per lot and she does not know of any lot in Summerfield that does not have at least two hardwoods. She said the variances can only cause the HOA problems in defending against “selective enforcement”; she argued that the previous Board had used lack of documentation and a convenient memory to “play favorites” in enforcement in the past. Variances were granted only to people who were liked by the previous administration, without regard to the merit of their cases. The previous Board was unwilling to provide documentation, and when Marie went to inspect the Association’s records, no documents supporting variances could be found.

Lisa wanted to know what other variances had been granted, other than for trees. Nobody could identify any of those instances.

Tom Trist was asked to provide some history and Tom reported that variances have been granted in the past, using the ARC form as the means by which they were requested. He did concede that documentation may not have been done correctly. He said we need to make sure that, in the future, documentation is full and correct.

Lisa believes that this can work, but emphasized that the documentation needs to be maintained.

Alvaro confirmed that the latest revision to the Covenants require only two hardwoods. He mentioned that he has seen variances in his experience in other HOA's and came across some situations where that HOA was corrupt and not impartial. He said that variances should not be used as a way to circumvent what's in the covenants.

Stephan thinks variances are OK, he said we should "use the form."

Lisa emphasized that we need to keep full documentation and require full Board approval.

The issue was brought to a vote with the following conditions specified:

1. Variances need to be properly documented, requested by using an ARC form
2. Must be approved by a majority vote of the Board;
3. Documentation of approval or disapproval must be generated and maintained.

Passed on a vote of 4 in favor and 1 against.

7. **Open Homeowner Discussion**

None

8. **Next Meeting – Tuesday May 10 at 5:30PM; Zoom session.**

To join Zoom meeting (NEW MEETING ID AS OF 10/12/2021):

<https://us06web.zoom.us/j/84052071766?pwd=OEFMbndwcHNvcER1YW9QVzRsTzM0UT09>

Meeting ID: 840 5207 1766 Passcode: 057508
Audio: (301) 715-8592 (Washington DC)

9. **Adjourn:** Robert declared the meeting closed without addressing the new business item regarding bicycles. Without a motion, nor a second, nor a vote, the meeting was adjourned at 6:43 PM.