

**OBSERVATION POINTE
MINUTES FOR JOINT BOARD OF DIRECTORS AND ACC MEETING**

October 11, 2016 6:00 p.m.
Eastside Branch Library, Pedrick Road

Call to Order at 6:00 p.m.

- Quorum present: Board members Doug MacInnes, Charlie Miller, Stacey Getz were present, as were ACC members Maribeth Hudson and Aaron Chern
 - Other members present: Mark Heidecker; Doug Fitton; Les Hehe, Ashley Chern
- Notice was timely posted (Board and ACC signs posted 10/7/16)

Meeting Minutes

- The minutes of the August 4, 2016 joint meeting of the board and ACC were approved.

Financial Report (Lisa Smith)

- Lisa Smith gave the financial report. Aaron Chern will post a copy of the financial summary on the Observation Pointe website.

Management Report (Lisa Smith)

- Reconnecting electric service to the entrance sign to illuminate it at night: Lisa explained that there has been plenty of red tape in working with the City and County regarding re-establishing power at the Observation Pointe entrance sign. Jeremy McCartney provided a contact name with the City Utility Department (Jake Adams, 891-2060), as a person who may be able to help with this process. Lisa will continue pursuing this matter.
- Over the last month, the property manager has mailed covenant compliance letters to several residents regarding garbage on the front porch, parking on the street, and yard maintenance.
- Mark Heidecker received a compliance letter for parking his car on the street, and attended the meeting to express his view that the homeowner association (HOA) should not be sending letters for parking on the street; that the streets are owned by the City and should be exclusively a City problem; and the HOA board should not be concerned about what people are doing at their homes. He asked what the HOA's goals are in sending compliance letters.
 - The Board explained that it is trying to achieve a balance between leaving homeowners alone and sending compliance letters only when there is a clear and continuing violation of the covenants. The goal of the HOA board is to uphold the neighborhood's property values by requesting compliance with the covenants when necessary. The Board addressed the recent parking issue only when concerns were raised by several members. Florida Statutes provide the authority for the HOA boards to enforce covenants, including parking in the streets. The Board must be fair in sending compliance letters, and cannot be selective in its enforcement.
 - In order to *not* enforce the covenant provisions on parking, a majority of the homeowners would have to approve an amendment to the covenant.

Request for Parking Accommodation by Les and Brenda Hehe of 6085 Observation Circle

- Les Hehe, who rents 6085 Observation Circle, explained that he, his wife, and two sons have four cars, all of which are used on a daily basis to do shift work. They find it very difficult to shuffle cars, as they all have different work schedules. There is room for only one car in the garage because of personal items stored there. Mr. Hehe requested an accommodation to allow one vehicle to park on the street periodically.

- The Board discussed the request and parking in general. The board has no objection to temporarily parking cars on the street while children are playing, homeowners are cutting grass, guests are visiting, etc. Cars parked on the street directly across from each other, however, could block a fire truck, garbage truck, or other large vehicle; and increase the possibility of hitting a child darting into the street between vehicles. The board must continue to look at each case individually, but must be fair in its enforcement. Mr. Hehe's lease expires in March of 2017, and they are in the process of looking for a house to buy before that date. The board noted that Mr. Hehe lives across the street from the green space, so there are no houses across from him that would also park on the street and potentially block large vehicle traffic. The board also noted that only one car is parked in the street in front of Mr. Hehe's house, and then only when his son is home from work.
- Stacey moved to grant an accommodation to allow Mr. Hehe to park on the street. Doug amended the motion to include the Hehe's assurance that they would park as many of their vehicles as possible in their driveway. Mr. Hehe agreed. Stacey moved to accept the motion as amended and was seconded by Doug. The motion carried and the accommodation was approved.

2016 Block Party Report

- **TIME CHANGE.** The Block Party is scheduled for Saturday, November 19, 2016 from **3:30 p.m. to 5:30 p.m.**

ACC Report

- The ACC is working on a paint palette for use with ACC approvals on paint colors.

New Business

- **Covenant Compliance Procedure** -- Doug recommended the board adopt a uniform policy for gaining compliance with the covenants when necessary and presented a draft "Observation Pointe HOA Policy on Gaining Compliance with Violations of the Covenants and Restrictions," which summarizes the procedure and authority. Florida law allows HOAs to levy a fine of up to \$100 per day for noncompliance with the governing documents of the HOA. The Board discussed the procedure and recommended fine. The goal for this document is to get a policy in place for uniformity with compliance issues. Doug moved to adopt the procedure with a \$25 a day noncompliance fee and for the property manager to notify the board when any member owes the association \$500 or more. Stacey amended the motion to include that violations be referred to local government for resolution, if appropriate. Stacey moved to approve the motion, as amended, and was seconded by Doug. The procedure was adopted.
- **Appeal of Fines** – Doug recommended a procedure for homeowners to appeal a fine levied by the board and presented a draft "Appeal of Fines." The procedure is based on Florida Statutes, and establishes a three-member committee (i.e., members of the Observation Pointe HOA) to conduct a hearing, if requested by the homeowner, and to approve or reject the fine sought to be imposed by the board. The board discussed the procedure. Charlie Miller moved to approve the procedure and was seconded by Stacey Getz. The procedure was approved.

Newsletter Recommendation:

- Stacey recommended the January newsletter annually discuss the "top seven" covenant-compliance issues. The board and ACC members present agreed that was a good idea.

Next Meeting:

- Tuesday, November 15, 2016 at Eastside Library on Pedrick Road at 6:00 pm.
 - Wade Shapiro will discuss HOA insurance options with us
 - ACC Chair Maribeth Hudson requested we discuss ACC responsibilities, thus, the November 15 meeting will be another joint Board/ACC meeting

Adjournment – The meeting adjourned at 7:37 p.m.