

**OBSERVATION POINTE
MINUTES FOR BOARD OF DIRECTORS MEETING**

February 5, 2019 6:00 p.m.
Eastside Branch Library, Pedrick Road

Call to Order

- Introductions; quorum present
- Sign posted 1/31/19 providing notice of the meeting
- Speaker forms and 3-minute speaking limit announced

Recognized Law Enforcement Officers Present

- The main agenda item for this meeting was a discussion by LCSO and TPD about car break-ins within the last two years, and what neighbors should do when they see suspicious activity.
- Attending the meeting were Leon County Sheriff Walt McNeil, LCSO Chief Linda Butler, LCSO Lieutenant Melinda McBride, LCSO Deputy Dean Crump, TPD Officer Rachelle Denmark, and TPD Officer Rios. The library meeting room was full, with homeowners from more than 20 homes attending.
- The board and the homeowners in attendance thanked our law enforcement guests for their service in solving crimes.

Meeting Minutes

- The November 13, 2018 board meeting minutes were unanimously approved.

Financial Report

- The 2018 year-end financial reports were unanimously approved.
- Management discussed the success of the inaugural online PayPal system for paying dues. The PayPal option will come off the website March 2nd due to the addition of late fees.

Management Report

- 57 of our 63 homeowners have paid their 2019 dues; 23 of these paid using the Paypal online payment option. In setting up the online Paypal option, management and the board understood there would be no fee for withdrawing the \$250 dues from one's bank account. However, when the payments were processed, management discovered Paypal charged *the association* a fee of \$7.77 for each bank transaction. This resulted in \$151.66 being charged to the association. Management recommended that this year the association absorb the fees and in future years set up a fee for *all* online payers to cover the service charge. The Board unanimously agreed with the recommendations. The Paypal option is available online until March 2nd for paying dues.

Annual Members Meeting

- Tuesday, **April 16, 2019**
- Information on the Annual Members Meeting will be mailed **March 29, 2019** with proxies
- Proxy table will be set up at the Spring Block Party

Spring Block Party

- Saturday, **April 6, 2019 – 3:30 to 5:30**
- We need volunteers for the Party Committee and a chairperson.

ACC Committee

- Mark Heidecker is moving, creating a vacancy on the ACC Committee. It is the board's responsibility to appoint individuals to committees. The board unanimously appointed attorney LaShawn Riggins to the ACC, who accepted the appointment.

Old Business

- Neighborhood Crime Watch.
 - TPD and LCSO regularly post updated crime information and safety tips on NextDoor.
 - Attendees at the meeting viewed security camera videos of a 3/18/18 car burglary on Observation Circle, and a 12/31/18 security camera video of an individual running up the street at 5:09 a.m. with a black bag in hand. Another neighbor reported his car had been broken into the same morning and filed a report with TPD.
 - There are more than 25 homes in Observation Pointe that have security cameras. The board and other homeowners asked the law enforcement officers in attendance what we should do when something unusual is captured on a security camera.
 - Law enforcement advised that homeowners should not take matters into their own hands. Report all suspicious individuals even if you don't think it is a crime. These statistics assist law enforcement in planning coverage for the area. When a crime has been committed, law enforcement will conduct a field investigation. If you have information that relates to a crime or other suspicious activity you should contact the **non-emergency number at 606-5800**. Law enforcement will contact you for any evidence you may have.
 - **If you see something happening NOW, call 911 immediately** so that the closest officer may respond. If you find that you have evidence or after a crime has happened, call the non-emergency number 606-5800.
 - Law enforcement opined that Ring security cameras that capture activity into the street and beyond are not an invasion of privacy, as that those cameras are not good enough to see inside of someone's home.
 - At the board's request, on 2/6/19 TPD Officer Rachelle Denmark posted on NextDoor an article entitled, "*Working Together to Stop Crime in Our Community*," which gives many examples of suspicious activity neighbors should report and how to do so. That article is attached hereto.
 - Sheriff McNeil addressed the audience, saying there has been a 27% reduction in crime over last two years, and that thefts and larceny account for the largest number of crimes. Keep your vehicle locked. Report crime and suspicious activity. LCSO is building a database of information, including security camera videos that are coming in. Technology will be the leverage that is needed to drive down crime. Get to know your neighbors, which will also help reduce crime.
 - Homeowners thanked the board for bringing the law enforcement officers to meet with the association to discuss crime.
- Parking on the street
 - Section 14.4 of the Covenants of the Association state, "All motor vehicles shall be parked within garages on a regular basis and shall not be parked in the streets; however, parking shall be permitted in the streets when an owners has guests on a short term, temporary basis."
 - In 2½ years the board has sent out 12 letters for parking on the street. To date, there has been no need to impose fines authorized by Florida Statutes for covenant violations, as all recipients have complied. A homeowner asked whether the HOA covenants are enforceable on Observation Circle because it is a public street. The

board referred that question to HOA attorney John Grant. Mr. Grant formally opined that since the covenants were recorded in 2007 prior to the streets being dedicated to the City, and since covenants “run with the land” the street is also subject to the covenants, thus Observation Pointe parking covenants are enforceable on Observation Circle.

- A homeowner asked about the police car regularly parked on the street next to the greenway. Florida Attorney General Opinion 2005-36 provides, in part, “This office has previously recognized that the assignment of a police vehicle to an officer to drive during off-duty hours to provide quicker response when called to an emergency would be of a direct benefit to the public. In addition, the presence of a police vehicle in a neighborhood may serve as a deterrent to crime.” Consistent with the Florida Attorney General Opinion, and in the exercise of the board’s judgment, the board in 2014 determined that the deterrent value to crime that the police car’s presence on the street provided outweighed rigid compliance with section 14.4 of the covenants. The board did, however, send the homeowner a letter asking him to move his personal vehicle off the street. The homeowner immediately complied.
- There was discussion about safety hazards that parking on the street causes, making it difficult for owners to see around these vehicles, in addition, emergency vehicles would have problems getting into areas if vehicles were parked on both sides of the street. Street safety has been the number one issues expressed by neighbors every year at the Annual Members Meeting.
- ACC Chair Aaron Chern said an unsigned letter postmarked January 30, 2019, purporting to be from the “Observation Pointe HOA” mailed to Observation Pointe residents by a neighbor regarding parking on the street and other allegations was “unacceptable,” because it only created confusion and concern among residents who believed it was from the HOA board. Several attendees echoed their concern at receiving the letter.
- A homeowner asked if the covenants could be amended. Covenants can be amended if more than 50% of the membership agree. There are costs involved in changing the covenants including attorney fees.
- Board Treasurer/Secretary Charlie Miller expressed his opinion that the covenants, which have been in effect since 2007, are working well and need not be changed.
- Board Vice President Stacey Getz said board members are volunteers and their job is to enforce the covenants, using their best judgment on behalf of the community that elected them to run the HOA. The board’s term expires in April of every year, and election of new board members occurs each year at the Annual Members Meeting in April. All paid-up members of the Observation Pointe HOA are eligible to run.
- Board President Doug MacInnes concurred that the board is elected each year to *exercise its best judgment on behalf of the community in all things* – expenditures, insurance, maintenance, safety, compliance with Florida law, and enforcement of the covenants. It is an arduous task. The board knows it will always be subject to criticism of being too lax or too rigid, but that comes with any leadership position. Every April the board’s term expires and anyone who would like to take on that responsibility is welcome to do so.
- Ian Bucataru said everyone should just try to get along.

Next Meeting: ANNUAL MEMBERS MEETING, TUESDAY, APRIL 16, 2019 at 6:00 p.m. at the Eastside Library on Pedrick Road

Adjournment. The meeting adjourned at 7:45 p.m.