

Holley By The Sea Improvement Association, Inc.
Regular Meeting of the Board of Directors
August 9, 2011 - 6:00-8:00 P. M.
Holley By The Sea Recreation Center

Approved Minutes
Secretary, Brooke Goldberg

Roll Call:

Pete Peterzen (P.P).
Jim Mitchell (J.M.)
Joe Sipp (J.S.)
Brooke Goldberg (B.G.)
Jennie Barrett (J.B.)

Confirmation of Notice:

Confirmed by P.P.

Review/approve previous minutes:

April 12, 2011 - ? (not on website?) – locate/video?

OPEN

June 22, 2011 – draft started – locate notes

OPEN

July 26, 2011 – meeting summary on HBTS forum – finish

OPEN

July 29, 2011 – Personnel Meeting, closed

Motion to accept with additional notes on motions made are: J.M. 2nd: J.S

Approved: 4-0

CLOSED

Usage Variance Requests:

7156 Leisure St.: Renters, 4-BR house, 7-member (5-children) nuclear family.
Concern about renters being granted a variance that may be outside of the scope of the usage the owner meant to transfer. Interim solution: owner must request the variance on behalf of the renters.

Motion to accept - J.M. 2nd

Approved - 4-0

CLOSED

6718 Bellingham St.: Renters, 4-BR house, 5-member nuclear family.

Motion to accept - J.M. 2nd

Approved - 4-0

CLOSED

2436 Cove Rd: Renters, 4 Br house, 5-member nuclear family.

Motion to accept - J.M. 2nd

Approved 4-0

CLOSED

Architectural Variance Requests:

7100 Classic Ct: Variance request for a fence.

Motion to deny: B.G. 2nd

Discussion - the size of the fence is the issue...too large and aesthetically obtrusive. Encouraging the owner to apply for a revised variance.

Denied 4-0

CLOSED

7350 Frankfort St: Variance request for a driveway extension setback.

Motion to approve: J.M. 2nd

Approved 4-0

CLOSED

New Business:

1. Youth Program – scheduling & screen room usage (8/9/2011)

Motion to approve: J.M. 2nd

Concerns about the long-term consequence of devoting the Screen Room to this purpose, especially given the lack of fulfillment of the reinstatement of the cafe to its previous use. Capacity is an issue for all interested parties.

Approved 3-1 (Nay – P.P.)

CLOSED

2. BOD 2012 Budget Workshop/Meeting scheduling (8/9/2011) POSTPONED
3. Reserve Analysis update, GAB Robbins - status (8/9/2011) POSTPONED
4. Reserve Funds – 2011 contribution (8/9/2011) POSTPONED
5. Member survey, with Assessment Notice? (8/9/2011) POSTPONED

Old Business:

1. Violation Enforcement Procedures – Draft (ACC - 5/10/2011)

Motion to accept with insertion of wording about documentation of phone contact with member: J.M. 2nd

Approved: 4-0

CLOSED

2. Garage/Yard Sale Policy – Draft (ACC - 5/10/2011 – 6/22/2011)
POSTPONED

3. Pool Enclosure/Solar Heating – status (PDC - 2/8/2011 – 7/26/2011)

Report given by Jason Goldberg of PDC: Recommend allocating funds for accepting bid from Compass Solar and giving Jackie more time to look at inflatable domes to keep the pool open this winter while more analysis is done on long term permanent structure. Analysis is incomplete at this time, however, it appears that the capacity of the pools has probably been exceeded in all months. Tracking has not been dependable from point of entry (people using multiple rooms/amenities, but only checking in for one). Recommend better tracking (walk around/counts) to find out exactly what our needs truly are...

Motion to approve funds of approximately \$93-95K: J.M. 2nd

Approved 4-0

CLOSED

4. GM search process – update (7/29/2011) POSTPONED
5. Accounting Temp hire – status (7/29/2011)
Motion to approve: B.G. 2nd
Approved 4-0
 CLOSED
6. Interim Audit – status (7/29/2011) Report from P.P.: Jennie and Pete met with accountant to lay out parameters of an interim audit...firm is crunching numbers on what the cost will be. No commitments made at this time.
 POSTPONED
7. 399 Boat Ramp improvement repair – status (5/10/2011 – 7/26/2011)
 POSTPONED
8. Pier/Playground waterline installation – status (6/22/2011) POSTPONED
9. Storage Shed – status (7/22/2011) POSTPONED
10. Replace Mower – status (7/22/2011) POSTPONED
11. Nominating Committee – volunteer/appointment (7/29/2011) POSTPONED
12. Final Inspection of home improvement projects (ACC – 5/10/2011-6/22/2011)
 POSTPONED
13. Electronic Record Conversion (ACC/GM – 5/10/2011) POSTPONED
14. Formation of Beautification Committee (5/10/2011) POSTPONED
15. Guest Policy Review/Discussion (6/22/2011) - POSTPONED
16. Architectural Committee – volunteer/appointment. Mr. Dan Ramsey (7/29.2011)
Motion to approve: J.M. 2nd
 Discussion of whether or not conflict of interest exists given Ramsey’s litigation with the HOA. Since ACC has no authority (final decisions belong to the BOD), there appears to be no conflict. BOD reiterated the necessity that ACC members recuse themselves from any ACC issues pertaining to their own property.
Approved 4-0
 CLOSED

Standard Agenda Items:

Report of Officers:

GM Report/Fund Balances Report:

Committee Reports:

Social

VAC

Beach House

Other?

Adjournment: 8:05pm, Continuation scheduled for 8/16/11 6:30pm for postponed items.

Sincerely:

Brooke Goldberg

Secretary, Board of Directors

Holley By The Sea Improvement Association, Inc.

Attachments: ACC Violation Enforcement Procedures Draft

Architectural Control Committee Enforcement Procedures

One of the responsibilities of the Architectural Control Committee (ACC) is to address and resolve minor violations of the covenants through a process, which involves communication first. If not resolved through simple communication, then a more formal process that involves the Board of Directors (BOD) will be followed. This process is governed by the laws of the Association and Florida Statute 720, Section 305, with the intent to resolve violations in the most expedient manner possible and with the least cost and conflict to the membership. Major or repeat violations will be referred directly to the BOD for their consideration of civil litigation.

Outlined below are the methods/steps the Architectural Control Committee and Architectural Office Liaison will take to resolve covenant violations.

Step 1:

- Upon receiving a complaint or discovering a violation, a record of the complaint is created and maintained both as a paper file and electronic entry to a complaint tracking computer spreadsheet. The Architectural Office Liaison will drive by the location to determine if there is a valid violation, take a dated photo, and place the photo in the file. The Architectural Office Liaison or a member of the Architectural Control Committee (as determined by the Chairperson of the ACC) will attempt a phone call to the member to discuss a resolution of the violation. A follow-up inspection will be scheduled for one (1) week later. If the violation persists, proceed to Step 2. If the violation is resolved, file the paperwork in the folder for the property.

Step 2:

- The Architectural Office Liaison and Chairperson of the Architectural Control Committee will prepare and send a soft letter to the owner expressing concern and a recommendation for resolution of the potential violation. The "*to be completed by date*" will also be documented. The date of issuance will be entered into the complaint tracking system. The letter will be sent via regular mail.

Step 3

- A follow-up inspection will be scheduled two (2) weeks after the letter is sent and entered into the complaint tracking system.
- The follow-up inspection will be performed to determine if the work has been completed. If the violation persists, a dated photo will be added to the file, and the procedure will move to Step 4. If the violation is resolved, the paperwork will be filed in the folder for the property.
- A record of the inspection will be entered into the tracking system.

Step 4

- The Architectural Office Liaison and Chairperson of the Architectural Control Committee will prepare and send a 2nd letter to the owner expressing concern and a recommendation for compliance. The date of issuance will be entered into the complaint tracking system. The letter will be sent via regular mail.

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Step 5

- A follow-up inspection will be scheduled two (2) weeks after the 2nd letter is sent and entered into the complaint tracking system.
- The follow-up inspection will be performed to determine if the work has been completed. If the violation persists, a dated photo will be added to the file, and the procedure will move to Step 6. If the violation is resolved, the paperwork will be filed in the folder for the property.
- A record of the inspection will be entered into the tracking system.

Step 6

- The Architectural Office Liaison and Chairperson of the Architectural Control Committee will prepare and send a demand letter to the owner. The date of issuance will be entered into the complaint tracking system. The letter will be sent via regular mail and certified mail. The demand letter will give the resident/owner sixteen (16) additional days to come into compliance.

Step 7

- If the violation is not resolved by Step 6, the Architectural Office Liaison and Chairperson of the Architectural Control Committee will send a letter to the member requesting the member's attendance at the next scheduled ACC meeting to attempt a resolution to the violation. During the meeting, the Architectural Office Liaison and committee member responsible for the case will present the facts to the entire committee. The resident/property owner, if present, will present any information or mitigating facts or circumstances they wish the committee to consider. If the resident/property owner fails to attend the ACC Meeting as requested, the case will be referred to the BOD with a recommendation for further action.

If the violation is not resolved at the time of the meeting and the committee, by a majority vote, determines the case warrants, the case will be forwarded to the BOD with a specific recommendation for further action.

If the violation is resolved at the time of the meeting, the case will be closed and the paperwork will be filed in the folder for the property.

Step 8

If the same owner is found to be in violation a second time for a similar but separate violation, the case will be referred directly to the Board of Directors for consideration of a fine or suspension of common use areas and possible civil litigation.

In accordance with Florida Statute 720.305 any association member who is fined or has their common-area-use rights suspended by the BOD as a result of action by the ACC for a violation will be given 14 day notice by the BOD president and an opportunity for a hearing before the Violations Appeal Committee (VAC) prior to the fine or suspension being imposed.

The VAC will have the final say as to whether the fine or suspension will be imposed.

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