

VAC Hearing Thursday, February 17th, 2011.

Meeting Minutes:

The Holley By The Sea (HBTS) Violations Appeal Committee (VAC) met on 1/25/11 at 6 p.m. to conduct a hearing of Board of Directors (BOD) vs Ramsey. Representatives of the BOD and the HBTS Architectural Committee (ACC) and the Association's general manager were present. Mr and Mrs Ramsey were absent. Subsequently, Mr and Mrs Ramsey petitioned the board for a new hearing before the VAC which took place on 2/17/11 at 6 p.m.. Only Mr and Mrs Ramsey were present at this hearing since the neither the BOD nor the ACC had any new evidence to present.

Previously the HBTS BOD had voted to suspend the Ramsey's use of the common areas of the association effective January 15th, 2011. This suspension was due to the continued violation of the HBTS regulations with respect to the parking of a boat behind an enclosure. The suspension would remain in effect until the violation has been resolved either through voluntary compliance with the regulations and payment of related legal fees or through the legal proceedings that had already been initiated. During the 2/17/11 hearing Mr and Mrs Ramsey both presented information to the VAC. Their main point was that they had never received specific information from the ACC concerning the nature of the required fence constituting the enclosure. No written documentation was presented in the previous presentation by either the BOD or the ACC representatives that the fence **must** be a 6ft privacy fence. Furthermore, no current copies of the regulations concerning fences are available to HBTS members at the Association offices.

After Mr and Mrs Ramsey had been excused from the hearing, the chairperson declared the VAC in executive session. Both today's oral presentation from the Ramsey's and all previous written documentation were reviewed. Following the review of the evidence the chairperson called for a vote for or against the suspension. Although all VAC members agreed that the present enclosure that the Ramseys had erected does not conform with the intent of the current HBTS regulations (which requires an enclosed structure to shield an object from view of the public as much as practical), the VAC unanimously voted **NOT** to concur with the decision of the BOD to suspend the Ramsey's use of the common areas of the association based on the following reasons:

1. No written documentation currently exists or is available to the association members that explains that the specific intent of Article VII, section 10 (enclosed structure) is to block the view from the roadway and neighbors as much as practical and identifying the most common structure used in HBTS as a 6 ft **privacy** fence.
2. No documentation had ever been provided to the Ramseys by the BOD or the ACC stating what was specifically wrong with the structure that the Ramseys had erected even after they specifically asked for it in writing.

In accordance with FL. Statute 720.305 Para (2)a, if the committee by majority vote does not approve a proposed fine or suspension it may not be imposed.

The meeting was adjourned at 8:00PM.

These minutes have been approved by Kelly Smith, VAC Chairman.