

Holley by the Sea
Architectural Control Committee
August 15, 2011
9:00 A. M.

MINUTES

Call to Order: 9:00 am

Roll Call: Lee Steinert -ACC Chairperson, Beth Walter-ACC, Billy Neal-ACC, Bob Geller-ACC, Cecil Everett-ACC, Frank Valensi- ACC, Dan Ramsey- ACC

Staff: Mike -Arch. Staff, Sandy-Arch. Staff

Guests/Presenter: None

Proof of Notice: Agenda posted 08-12-2011

Approval of Minutes: 08-12-11 Motion: approved 6/0

Old Business:

Discussion: The ACC will follow up on the issue of converting to electronic files. Neal will email the BOD. Motion: Neal, 2nd: Walter Approved 6/0, on BOD agenda.

6528 Fern St: Recommendation for a VAC hearing. The ACC voted to recommend a suspension of common area rights, and will refer the issue to the VAC through the BOD. Motion: Neal, 2nd: Walter, Approved 5/0.

Violation enforcement procedures. Mike sent ACC members a copy of the current process used by the Arch Office, and added ACC requested changes. Approval/Coordination with VAC for submission to BOD for legal review & approval. The Committee discussed adding a phone call to the owner when a violation is initiated. One minor wording change was suggested, then submitted to the BOD for approval. Motion: Steinert, 2nd: Everett, Approved 5/0. Approved 08-09-11 by the BOD.

6593 Fern St: Review violations. Current violations were reviewed, the Committee recommended to proceed with the violation process. Motion: Neal, 2nd: Valensi, Approved 5/1, Mr Steinert voted no. Lee talked to the owner.

Review a letter from “Concerned Residents” regarding Covenant enforcement. The residents suggested more enforcement, the Arch staff will follow up on specific complaints. Arch staff followed up and could not validate violations reported.

Review draft #6 of the Garage/Yard sale policy. The ACC approved the changes, and will present to the BOD for approval. Motion Everett, 2nd:Walter, approved 5/0 Mr Neal abstained. BOD directed the ACC to add additional information outlining the reference to the nuisance clause of the covenants.

6750 Bushton St: Review a letter from the owner/builder. Further action tabled until the Arch Office verifies conditions of an agreement are being met. Motion: Steinert, 2nd: Neal Approved 5/0

1969 Seagrape Dr: Review violation. Proceed with a letter.

Review of ACC recommendation and procedures followed concerning the Olin case. The ACC recommended that the Olin's direct the issues to the BOD.

Additional Member for ACC: Will be presented to the BOD. Dan Ramsey approved.

ACC Staff JD Priorities - Status Report & Establish a Suspense Date: Arch office is working on it, and has a target completion date of 08-15-2011. Completed.

ACC Staff Contingency Book - Status Report & Establish a Suspense Date: Arch office is working on it, and has a target completion date of 08-15-2011. Revised target date 09-06-2011.

Final Inspection Proposal - Status Report & Update for submission to 9 Aug BOD Meeting. Will be on the 08-09-2011 BOD agenda. Rescheduled for 09-13-2011 BOD Meeting.

Sheds - Validate/Rescind previously approved BOD Policy. A 2006 policy was reviewed, further records search will be done to verify validity. Issue to be addressed at Special ACC Meeting 08-22-2011. Action Pending.

7350 Frankfort St: Re-review of a variance request for a driveway extension. The Committee voted to recommend approval at the 08-09-2011 BOD meeting. BOD approved 08-09-11.

2378 Pineneedle Dr: Review a variance request for a driveway extension. Tabled until we receive more information and address water drainage.

New Business:

Temporary Parking Permits: Written reply from legal. Legal representative's opinion recommended to approve or deny a home improvement application within 60 days, as required by the Covenants, applications cannot be tabled. Copy of response provided to each ACC Member.

Trash bin Storage: Service provided by Waste Management and community information awareness. The Arch Office is working with Waste Management and exploring other opportunities to heighten community awareness regarding storage of trash bins.

Fall Community Cleanup: Planning/tentative date/and advertising. Date to be determined, possibly November. The ACC will work with the Beautification Committee to plan the event. Arch Staff to contact Larry Larson to see if he is willing to take the lead.

Garage Sale Policy: Review County code. Discuss BOD input. BOD directed the ACC to add additional information outlining the reference to the nuisance clause of the covenants. Dan will work on a new draft.

1877 Coral St: Determine how to proceed with violation. Dan will follow up on this issue. Arch staff to provide information for phone call to property owner.

2550 Pepper Dr: Determine how to proceed with violation. ACC members will drive by to determine a course of action. Boat trailer is parked on a dead end dirt road. Arch staff to contact Sheriff's Office to see if any action can be taken.

Sheds - Validate/Rescind previously approved BOD Policy: A 2006 policy was reviewed, further records search will be done to verify validity. Special ACC Meeting scheduled for 08-22-2011.

ACC: Duties and responsibilities. Billy distributed a draft proposal to the members prior to the meeting for review/approval. Motion: Neal, 2nd: Ramsey. Approved 7/0.

Violation enforcement procedures. The BOD approved the procedures on 08-09-11 with minor changes regarding record keeping. The ACC agreed with the additional verbiage, and finalized the procedures. Telephone Log/Record Approved.

Update on Architectural legal issues.

Review of Material for the next BOD meeting: NONE

NOTE: The next ACC meeting will be held Tuesday, September 6th at 9am.

Adjournment: 11:05 am

Sincerely,

Lee Steinert

Chairman, Architectural Control Committee

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. Any phone contact between a member of the ACC or Architectural Office staff will be recorded on a telephone record/log form, and filed in the folder for the property. 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.

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.