

**Holley by the Sea**  
**Special Meeting of the Board of Directors**  
**December 4, 2007**  
**6:00 PM**

**Meeting Minutes**

In accordance with Article II, Section 6, By-Laws of Holley by the Sea Improvement Association, Inc., and Subparagraph 720.303(2) (c) 1, Florida Statutes, at the request of a majority of the Board of Directors, a special meeting of the Board of Directors is being called for the following purpose(s)

**Roll Call**

- Mr. Tierney, Mr. Rogers, Mr. Parker, and Ms. Huckestein were present. Mr. Walker attended via teleconference.

**Confirmation of Notice**

- The meeting was properly posted.

**Proposed ACC Policies: Parking Policy, Yard Maintenance Policy, and ACC Enforcement Policy**

- A discussion regarding the proposed policies was had by approximately 14 members of the community and the board of directors. The attendance of the meeting was approximately 45 members. The meeting proceeded calmly and productively. See attachments.

**Adjournment**

Sincerely

*Cathy D. Huckestein*

**Cathy Huckestein**  
**Board Secretary**  
**Holley by the Sea**

## **Architectural Control Committee Enforcement Procedures**

*Revised Draft November 19, 2007 by the ACC at November 7, 2007 Meeting*

One goal of the Architectural Committee 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 HBTS Disciplinary Committee and the Board of Directors. Such a process is provided by the by-laws of the Association and Section 720.305, FS. The intent is 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 Board for their consideration of civil litigation.

Outlined below are the methods/steps the Architectural Control Committee will take to resolve Covenant Violations.

### **Step 1:**

Upon receiving a complaint or discovering a violation, a record of the complaint will be created and maintained both as a paper file and electronic entry to a complaint tracking computer spreadsheet.

### **Step 2:**

The Architectural Office and Chairperson of the Architectural Control Committee will prepare and send a soft letter to the owner expressing concern and recommendation for a 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 letter is sent and entered into the complaint tracking system.

The follow-up inspection will be performed to determine work has been completed and add dated photo to file.

A record of the inspection will be entered into the tracking system.

### **Step 4**

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

### **Step 3 is repeated**

### **Step 5**

The Architectural Office 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 them sixteen (16) additional days to come into compliance.

### **Step 6**

If the violation is not resolved by Step 6, the case will be referred to the Architectural Control Committee for a recommendation, and may be reviewed by the Board of

Directors for consideration.

If referred back to the committee, for hearing, the committee will prepare and send a "Notice of Hearing," to the homeowner. The notice will be sent via registered mail. The "Notice of Hearing" will advise the owner of the nature of the violation, request their presence at a hearing of the committee and the potential for the application of a fine and or suspension, if the matter is not resolved by the date of the hearing. The Notice of Hearing will also advise the owner that the hearing is their opportunity to present any mitigating factors that have caused or contributed to the violation.

#### **Step 7**

During the hearing, the Architectural Office and committee person responsible for the case will present the facts to the committee. The owner, if present, will present any information or mitigating facts or circumstances they wish the committee to consider.

If the violation is resolved at the time of the hearing, the hearing will be adjourned and the case closed.

If the violation is not resolved at the time of the hearing, the committee may consider applying a suspension in accordance with Florida Statutes.

If the Committee, by a majority vote, decides to apply a suspension it will be done in accordance with the HBTS Penalty Guidelines (*to be determined and approved by the Board before any hearing takes place*). The purpose of the penalty or suspension will be to provide the owner further incentive to comply and not to be punitive for the sake of being punitive.

#### **Step 7**

If a violation is not resolved within 30 days; it will be referred to small claims court for a judgment.

The President of the Board, or the Board's designee is responsible to represent the Association in small claims court.

Once the small claims process is complete this matter is closed.

#### **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 civil litigation.

## **HBTS Parking Policy**

*Revised draft November 19, 2007 by the ACC at the November 7, 2007 Meeting*

Pursuant to CONSOLIDATION OF DECLARATION OF PROTECTIVE PROPERTY RIGHTS AND RESTRICTIONS OF HOLLEY BY THE SEA AND HOLLEY BY THE SEA IMPROVEMENT ASSOCIATION, INC.- ARTICLE VII GENERAL RESTRICTIONS AND COVENANTS LAND USE AND BUILDING TYPE

*Section 10. No camper, self-propelled mobile home, trailer, boat, any vehicle that has commercial signs, advertising, or commercial equipment visible, or any vehicle which is used or intended for use primarily to haul or carry material and/or equipment shall be stored or parked on any residential lot or portion thereof unless the same is enclosed in a permanent structure or a special permit has been issued to the owner by the Architectural Control Committee. Nor shall any such camper, self-propelled mobile home, trailer, boat,*

*any vehicle that has commercial signs, advertising, or commercial equipment visible, or any vehicle which is used or intended for use primarily to haul or carry material and/or equipment be parked on any public streets or on open space within the property subject to this Declaration or any Supplemental Declarations, known as Holley by the Sea.*

1. For purpose of implementing Article VII of the Covenants, “enclosed in a permanent structure” shall mean:
  - a. The parking area to the rear or side of the house is enclosed by a privacy fence which is a minimum of 6 feet in height with a gate for access and egress.
  - b. The permanent structure shall house only one vehicle or boat.
2. The permanent structure shall be paved with either concrete or paver brick and the pavement shall provide 100% coverage beneath the vehicle. Stone or gravel is not allowed. If the permanent structure is located on the side of the house, the pavement must be adjoined to the main driveway and must be designed to drain toward the street and not toward the adjacent property.
3. The vehicle and enclosure must remain within the required setbacks
4. Cases where the owner has previously obtained written approval by special permit, plan approval, or a variance, granted by the Association, to park or store a boat or a recreational vehicle in a manner that is not consistent with the policy statements outlined in Sections 1, 2, or 3 above, shall be addressed on a case by case basis. For these cases, compliance with Sections 1, 2, and 3 will be required to the extent that compliance will not result in an unreasonable hardship to the owner.
5. Cases where a previous written approval was considered in Section 4 above, the previous written approval is considered to be specific to the owner to whom it was issued and shall not be assigned to subsequent owners.

6. For the purposes of implementing Article VII of the Covenants, the term “Public streets” includes rights of way and easements within Holley by the Sea and Hidden Creek. Parking or storing of vehicles, boats or trailers of any kind within the public rights of way is not permitted, except as follows:

- c. Temporary, less than 24 hours, parking for parties.
- d. Temporary, less than 24 hours, parking for service vehicles during periods when services are being provided to residents.
- e. Temporary, on a daily basis, parking of construction vehicles during the construction of a residence or other construction being performed.
- f. Temporary parking of delivery vehicles during the performance of a delivery.

7. Commercial advertising displays on owner vehicles while parked in the driveways are not permitted. This does not include:

- a. Dealer affixed advertising that indicates from which dealer the vehicle was purchased.
- b. Government vehicles, including but not limited to law enforcement and emergency vehicles.
- c. Official Military decals for the purposed of access to military installations.

## HBTS Lot and Improvement Maintenance Policy

*Revised draft November 13, 2007 by the ACC at the November 7, 2007 Meeting*

Pursuant to CONSOLIDATION OF DECLARATION OF PROTECTIVE PROPERTY RIGHTS AND RESTRICTIONS OF HOLLEY BY THE SEA AND HOLLEY BY THE SEA IMPROVEMENT ASSOCIATION, INC.- ARTICLE VII GENERAL RESTRICTIONS AND COVENANTS LAND USE AND BUILDING TYPE

*Section 5. Maintenance of Lots and Improvements. The Owner shall be responsible for and shall maintain and keep in good condition the lot and all improvements thereon. In the event of the failure of the Owner to maintain the lot and/or the improvements thereon in good condition, the Association may make such repairs and perform such maintenance as may be necessary for the general benefit of the remaining owners. The cost thereof shall be assessed against the Owner, and such assessment shall be enforced as other liens herein provided for.*

1. For the purposes of this section, “maintain and keep in good condition” means:
  - a. The owner shall mow and maintain sod in the open areas, front and back yard.
  - b. During the spring and summer months, the entire lawn, both front and back, shall be mowed with such frequency as too maintain a neat and well manicured appearance.” This includes the entire yard front and back.
  - c. Irrigation, fertilization, and weed control shall be applied as needed to maintain a healthy lawn.
  - d. Re-sodding may be required if due to lack of irrigation and fertilization and if more than 10% of the lawn area is dead or barren.
  - e. . The following types of lawn grass are suggested: Centipede, St. Augustine, Floratam, or Bermuda.”
  - f. Gardens shall be kept neat and weeded regularly.
  - g. Junk, garbage or other refuse is not allowed to collect and remain in the front yard.
  - h. Roofs, soffits siding, chimneys and attic vents shall be kept in good condition. Any damage or deterioration shall be repaired within 90 days of notification of a deficiency by the Association.
  - i. Houses with exterior paint shall be repainted as needed. Houses with excessive peeling or fading will be required to be repainted. The owner is responsible to have the house repainted within 90 days of notification by the Association of a deficiency.

j. Garage doors shall be kept in good repair. Garage doors shall be fully functional as designed.

k. Driveways shall be maintained in good condition. Driveways with excessive cracking or settlement will be required to be repaired. The owner is responsible for having the driveway repaired within 90 days of receiving notice from the Association of a deficiency.

l. All permitted construction must be completed within one (1) year of issuance of a permit unless property is in violation at the time the request is submitted the permitted construction must be completed within three (3) months of issuance of a permit.

m. Derelict, non-functional vehicles parking is prohibited.

2. Compliance with this policy will be determined according to the following:

a. Once HBTS staff identifies either by a filed complaint or first hand observation a property that may not meet the requirements of section 1 above, HBTS will open a compliance case file. The owner will be contacted by letter in order to advise the owner of the problem and to determine the status of any corrective measures planned or being planned by the owner and to request specific action on the part of the owner to correct the problem.

b. If the problem is related to yard or garden maintenance as described in sections a through g above, HBTS staff will inspect the property in question on a weekly basis for a period of four (4) weeks. If, in the opinion of the Association Staff, the owner has failed to correct the deficiency within this period of time, HBTS will initiate enforcement according to the HBTS Architectural Control Committee Enforcement Procedures.

c. If the problem is related to a structural deficiency as described in k through m above, HBTS staff will inspect the property in question on a monthly basis for a period of three (3) months. If, in the opinion of the Association Staff, the owner has failed to correct the deficiency within this period of time, HBTS will initiate enforcement according to the HBTS Architectural Control Committee Enforcement Procedures.