

**Holley by the Sea  
Board of Directors Meeting  
October 24, 2006  
6:00 PM**

**Minutes**

**Call to Order:**

Mr. Harrington called the meeting to order.

**Roll Call:**

Ms Reilly, Ms. Gallup, Mr. Harrington, and Mr. Rogers were present. Ms Gardner was absent

**Proof of Notice of the Meeting:**

Mr. Rogers stated that the meeting had been properly posted.

**Approval of the Minutes**

Mr. Rogers moved to accept the minutes from the October 3rd, October 5<sup>th</sup>, October 6<sup>th</sup> and October 18<sup>th</sup> meetings. Mr. Harrington seconded. The minutes were approved by a vote of 4 to 0.

**Treasurers Report**

Ms Reilly Gave the report. See Attached Treasurers Report through September 30, 2006

**Secretaries Report**

Mr. Rogers provided a review of the roles and responsibilities of the office of Board Secretary.

Mr. Rogers stated that he is concerned that the other members of the board and some employees were not respecting the office of secretary established in the by-laws.

Mr. Rogers requested that the following procedures be recognized and followed with respect to notices

- Notices and Agendas for Regular Meetings
  - ◆ Board Members and Staff Submit Proposed Items to the Secretary by the Close of Business the Tuesday prior to the Regularly Scheduled Board meeting.
  - ◆ Secretary Prepares Draft Agenda and Submits to Board and Staff for Comment.
  - ◆ Comments on the Draft Notice and Agenda Due by Close of business on the Thursday prior to the regular meeting.
  - ◆ Secretary submits final notice and agenda to the GM by noon of the Friday preceding the regular meeting.
  
- Notices and Agendas for of Special Meetings
  - ◆ President Notify Secretary of the proposed date and purpose 18 days prior to date of proposed special meeting
  - ◆ Secretary prepares notice and agenda
  - ◆ Secretary submits to Board for review and comment
  - ◆ Secretary submits notice and agenda to GM
- GM post and officiate mailing

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Mr. Rogers recited Section 4 Article II, Powers.

Mr. Rogers recited Article IV, Section 1 of the by Laws regarding Officers.

Mr. Rogers recited Article IV Section 4, of the by laws.

Mr. Rogers stated that anyone who deviates from these is out of bounds and out of order.

Mr. Rogers stated that he has specifically written and said "I do not delegate the role of Secretary to anybody period.

Mr. Rogers opined that an individual Board member does not have the authority to fire and employee of the association.

Mr. Rogers opined that no Board member or employee of the association has more authority over the association records than the secretary.

Mr. Rogers opined that the Board cannot be more restrictive of access of association records than 720 FS and that An association cannot impose a restriction more severe that would limit access to the records for at lease one 8-hour day in a 30 day period. I do not know for what reason they are in the warehouse.

Mr. Harrington responded by saying he does not agree with Mr. Rogers because individual interpretations of the by-laws are subject to error. Instead he relies on the interpretation of the Association's Attorney.

**Committee Reports.**

Bill Neal provide the Stormwater Task Force Committee Report.

The stormwater task force held their last meeting on the 9<sup>th</sup> of October. We provided the County with an update to our spreadsheet with about 20 additional properties on the 12<sup>th</sup> of October. I received a response back from the County today.

Mr. Neal also made a recent proposal to the Architectural Control Committee that we develop a letter to the builders requesting that they go back and install rain sensors on every house that they have built for at least the last 12 months because that is in accordance with the state law and that after that any irrigation system installed.

The STWTF is currently waiting for a response from the County attorney to a letter sent to the County Commissioners about three weeks ago. I am now going ask to request follow-up because the state requires the rain sensors be installed on the irrigation systems and it is required.

Mr. Neal provided copies of a recommendation that was approved at the last meeting of the stormwater task force, but first I would like to go back and review an architectural rule that was approved by the Board on 2<sup>nd</sup> of May 2005 by a vote of 5 to 0.

No person shall change the natural contours of the land causing undue harm to the soil or surface water drainage to the adjoining property owner. Any plans or use of the swales shall not be obstructed in anyway that will alter the natural and normal flow of drainage. The Board approved that it was an architectural rule. There has been no action taken on that by any of the architectural personnel since it was approved. Part of that reason is that I think the Architectural liaison personnel

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do not feel qualified to go around addressing those issues. So we on the Stormwater task force took on the issue and we have a recommendation to make to the Board and that is that the Stormwater task force recommends that the Board of Directors establish a policy, that the stormwater task force members identify and report Santa Rosa County drainage easement violations which affect stormwater drainage within Holley by the Sea to the architectural review committee and the ARC will report these violations to the Board for reporting to the Santa Rosa County Code Enforcement Office.

**Architectural Issues**

William Murphy.

Mr. Murphy has installed a shed within 4 feet from the property line. Neighbor approval on the affected side was provided. The ACC recommends approval.

Mr. Harrington: I would like to make a motion to grant the variance.

Ms Gallup: Second

The motion passed by a vote of 4 to 0.

Jeremy Sparks:

Mr. Sparks has a red river rock driveway extension. The committee recommendation is to deny it, based on the fact that gravel or rock driveway extensions are not allowed and the recent similar cases where the variances were not granted.

Mr. Sparks provided the Board an explanation of the basis for approval of his request.

Mr. Harrington explained that by granting the variance we are granting a lifetime variance.

Mr. Harrington made the following motion: The motion is that we grant him a variance to keep the river rock on the side of his house as an extension of the driveway and in the event the neighbor on the affected side develops that lot and wishes you to remove it and put grass there, you would do so. Or you would go ahead, this variance is only granted to you, and therefore, when you sell the house, the variance would not carry over to the buyer and prior to close, before we gave you the payoff error, you would restore it back to grass.

Ms Reilly: I seconded the motion.

The motion passes by a vote of 3 to 1 Mr. Rogers opposed.

Mr. Cohan

He wants to construct a driveway extension within 6 feet from the property line. The committee recommendation is to approve.

Mr. Harrington: I make a motion to grant the variance.

Ms Gallup: I second.

The motion passed by a vote of 4 to 0.

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Beverly and William Ransom

The BOD had asked them to remove a tree house and lower an 8 foot fence to six foot. They have removed the tree house, they have planted sod and they have taken some off the top and bottom of the fence.

Ms. Gallup: I make a motion to approve the variance.

Mr. Harrington: I second.

The motion passed by a vote of 4 to 0.

ARC proposed a new arc check off form.

Ms Gallup moved to accept the new architectural check off forms as submitted

Mr. Harrington seconded the motion

The motion passed by a vote of 4 to 0.

**Old Business**

Mr. Harrington added a discussion about the Pool Dome and the annual assessment procedures to Old Business and under New Business a discussion of a contract with Biggs Green.”

**Bellie Williams**

Mr. Harrington introduced the item and stated no action was intended for tonight.

Mr. Harrington requested that the Storm Water Committee investigate the item and report back to the Board.

Mr. Rogers gave a briefing with respect to rapid infiltration basins and his concerns with respect to the impact on the groundwater table that may be caused by rapid infiltration basins.

Mr. Neal stated that the Stormwater committee does not have the expertise without some of the homeowner engineers stepping forward and joining the task force and providing assistance. Without this type of volunteer assistance it will cost some money

Mr. Rogers stated that he had contact Ken Walker today and asked if he had a groundwater mounding analysis and a site plan.

**Pool Contract**

Mr. Harrington explained that the existing contract with Big Splash had expired.

Mr. Harrington reviewed the terms of a proposed contract with Big Splash Pools.

The proposal is to execute a new contract with Big Splash increasing the existing payment of \$4,000 per month with a 4% increase this year and a 4% increase next year and a 4% increase for the next three years.

Ms Gallup: moved to accept the contract renewal.

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Ms Reilly seconded for discussion.

Ms Reilly expressed concern that the proposed contract would put us outside of our budget for the pool for 2007.

Mr. Harrington suggested that we hold it at the same per month for 2007 and then allow increases of 4% thereafter

Ms Gallup withdrew her motion.

Mr. Harrington moved to we accept the bid with this change. That for Nov 1 of 2006 through Oct 31<sup>st</sup> for 2007, that we pay \$4,000/month. November 1 2007 through October 31<sup>st</sup> of 2008, we pay \$4,167 per month and Nov 1 2008 through October 31<sup>st</sup> of 2009, we pay the \$4,376.

Ms Gallup seconded the motion.

The motion passed by a vote of 4 in favor, 1 opposed. Mr. Rogers opposing.

**Biggs Green**

Ms Gallup made a motion to approve the contract between Mr. Harrington, Ms Rinehart and Biggs and Green last June 2006 for design build service on the beach house.

Ms Reilly seconded the motion for discussion: She explained that the money that is being used for this is coming from the original \$400,000 set aside by the previous Board to build the beach house.

Ms Gallup confirmed this. Yes that is correct there is \$400,000 set aside.

Mr. Rogers objected to the motion because in his opinion it is improper for the Board to legitimize this contract for the convenience of avoiding controversy and that by doing so does not necessarily provide the legitimacy intended.

The motion passed by a vote of 2 in favor and 1 opposed, Mr. Rogers opposing

**Tree Grant**

Ms Gallup moved that the Board authorize a \$10,000 expenditure in 2006 for the placement of trees to maintain the Board's standing for the total \$30,000 in state grant monies. This is a use it or lose it situation.

The motion passed by a vote of 3 to 1, Mr. Rogers opposed.

**Pool Dome**

The status of the pool dome was discussed.

Mr. Harrington asked Wendy and Dawn to find out how quickly we can get a new dome.

Mr. Harrington discussed the costs of putting the pool dome up each year and the costs to maintain it while up.

Ms Gallup stated that she would like to investigate a permanent enclosure.

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**Assessment Payments**

Mr. Harrington stated that at the last meeting of the annual assessment was set at \$377/lot.

Mr. Harrington stated that on November 1, the statements will be made out at which time ½ of the payments will be due. It is due on January 1<sup>st</sup> and late on Jan 31<sup>st</sup>. On Feb 1<sup>st</sup> then we have a financed charge we have to assess if we have not received it. Also, if we have not received the half payment, \$180.50 by January 31<sup>st</sup>, then the full assessment of \$377 will be due. The second payment will be due on July 1<sup>st</sup>; the billing will go out on May 1<sup>st</sup> that will be late on July 30<sup>th</sup>. This year all payments are going to be made at the club. We are not going to be doing anything at 1<sup>st</sup> National Bank. We will have you mail in your payment, or drop it of in the drop box in the lobby or you can up and put it on your visa or master card.

**Roto Rooter Bid**

Mr. Harrington asked Chuck to explain the bid he had received from Roto Rooter for repair of the showers.

Mr. Harrington stated that the bid is \$6,628

Mr. Harrington moved to accept the bid.

The motion passed by a vote of 3 to 1. Mr. Roger opposed.

**Biggs and Green**

Mr. Harrington stated that he would like to get a complete estimate on the cost of the beach house, including all of the electrical, plumbing, HVAC, and architectural so we can decide, can we build the beach house or not.

Mr. Harrington moved to execute a contract with Biggs Green, not to exceed \$25,000 for construction services for all final design and construction documents for permitting and as necessary for us to obtain bids to complete the beach house. The funds would come from the \$400,000 already set aside for the beach house.

Ms Gallup: Seconded the motion for discussion.

Ms Gallup stated she is completely in support of the beach house project.

Mr. Rogers objected that the Board was not following an established procedure for procurement of professional services.

The motion passed by a vote of 3 to 1 Mr. Rogers Opposed.

**Repairs and Replacement Program**

Mr. Rogers presented a discussion of the 2006 repairs and replacement study.

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**Staffing Model**

Mr. Rogers presented a discussion of having a computerized staffing model for the Rec Center prepared, using a Microsoft application.

**Adjournment:**

Mr. Harrington requested that we take the next three items and move it to next months meeting

Mr. Rogers agreed.

Mr. Harrington moved for adjournment

The meeting was adjourned on a vote of 4 to 0.

*Neal A. Rogers, Jr.*

Neal A. Rogers, Jr.  
Board Secretary