

**Palm Lake Homeowners Association**  
**BOARD OF DIRECTORS**  
**MEETING MINUTES**  
1/24/2019 7:00 PM

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7:04 call to order at 8716 Crestgate Circle

**Board Members Present:** Ned, Meredith, Katherine, Purvi, Fred

**Additional Attendees:** Steve Maloney, Mike and RoseAnn Ketchum, Joan Ziegler, Jolee Timmer

**Secretary's Report:**

A. Review & approval of meeting minutes from Dec 1, 2018.

- Motion to approve - Katherine
- Second- Fred
- All in favor, the motion carried

B. Review & approval of annual meeting minutes from Dec 12, 2018.

- Motion to approve -Ned
- Second - Katherine
- All in favor, the motion carried

**ARB Report**

- A. Katherine asked if there should be 2 neighbor volunteers (non-board members) to form committee or if the board was fine continuing as is on her own and asking approval when needed, noting that it's nice to have other opinions for things like paint color. Katherine indicated she would like to continue on her own and the board agreed as it makes it easier to maintain and enforce standards vs a group, particularly with regard to minor things like landscaping/paint etc.
- B. Painting was approved for 8747 (Vergaras). There's nothing in the ARB guidelines about not allowing similar colors for homes next to each other, so ARB suggested the Vergaras check with neighbors. However, they ended up changing their colors to another approved palette in line with ARB guidelines. There is an ARB book with neutral colors to choose from as well.
- C. Katherine will be revising the ARB approval form as it is quite outdated. This is to be done within (60 days)
- D. Katherine requested the board's approval to have lights along her walkway; the board approved.
- E. Tree replacement at 8607 (Josefs) still hasn't been completed. Fred said he has spoken to them and they are working on getting quotes and planning to replace.
- F. Hajeks took down tree and replaced the tree
- G. Landscaping at 8703 (Faddis) has not been brought to standard. Meredith indicated that this requirement was noted in their estoppel and will forward a copy to Katherine and the board

for reference.

- H. Fadis had the perimeter wall cap replaced for \$600 – will send receipt to Meredith for reimbursement as the wall is HOA property.

## **Operations Report**

### **A. Projects for 2019**

TREES – some trees at the retention pond have been removed, more to be removed this week and replacing with crepe myrtles. New trees won't be in same spot as oaks (so no need to remove stumps). New trees will be spaced evenly. Steve Maloney suggested pine trees since they fill out more than crepe myrtles and may be cheaper. Fred will take a look at a pine option too and see what works best within our budget.

SIDEWALKS – The sidewalk reserve is set up to repair sidewalks every 2 years (\$5K). The plan is to use a different vendor than last time. Will proceed with getting 3 bids and move forward.

ROAD – seal coating is still a few months out, bids will be sought.

### **B. Status of Legal Efforts on Delinquent Accounts**

8740 (Gamble) – Attorney sent notice, action can be taken after 45 days from date served. The first mortgage holder has their hearing in July; the board will continue with legal pursuit and follow appropriate waiting times.

## **Treasurer's Report**

### **A. Presentation of 2019 budget as modified at the Annual Meeting**

Consolidated reserve funds into general reserve (except for road reserve) per direction at Annual Meeting. Meredith will put \$1 in the Common Property Major Repair fund, so it will appear on the balance sheet, and will Internet budget to reflect annual renewal price.

- Motion to approve -Katherine
- Seconded by Purvi
- All in favor, the motion carried

### **B. Status of Agreement with David Kulich**

Kulich has been paid/retained and is attending tonight to greet the board and field board questions regarding collection and ARB guideline enforcement.

### **C. December Financials**

Meredith reported that the financials and write up for December were sent to the board via email. Discussion was had about posting transaction list online with minutes as required by the amendment? Meredith had concern over privacy and publishing names of people getting charged interest. It was decided that Meredith will create a separate transaction list with names blocked out to be posted online along with minutes.

- Motion to approve Dec Financials-Purvi
- Seconded by Ned

- All in favor, the motion carried

D. YTD financials – Meredith reviewed recap of year end financials.

E. Heslop House (8661)

Meredith contacted realtor.com and no one seems interested in helping Katherine/Steve have a contact to send Meredith. The realtor said the owners won't put additional money into it and will be dropping the price every 30 days. Fred offered to ask David Cohen for additional info. The governing documents say we can bring the home up to acceptable standards and bill the owner accordingly.

F. Dues – Collected Annual Dues from 25 homeowners to date and will send personal emails tomorrow to remaining homeowners.

### **Old Business**

Ned thanked Russ for his service as president for the last 2 years.

A. Status of recording of prior (2003) resolutions

Ned went Tuesday to controller's office and filed the 2003 approved amendments that included, among other things, posting minutes within 30 days of board approval, as well as the 2016 approved amendment regarding the change in dues to \$1650.00 (2016 went to \$1400).

### **New Business**

A. Compliance of HOA Rules and Regulations, "Covenants, Conditions, Restrictions", Bylaws, and any other governing documents.

B. Disposition and closure of 2015 legal activity (see recap below)

1. 8703 mortgage was recorded on 9.22.06, at that time FS 720.3085 didn't provide a provision for payment. It appears that FS may have changed since then. Retroactive application of a revised statute is unconstitutional as an impairment of an existing contract.
2. PLHOA CCR section 7.15 provided that an HOA lien shall be wholly extinguished and would not be able to collect any amount due from a first mortgage pursuant to a foreclosure.
3. 10/15/15 Angie Sellers sent an email to the HOA indicating HOW was a party to the law suit seeking \$26,028.16 (for both 8703 and 8740)
4. Due to first two points the HOA board chose to have its case dismissed "with prejudice" best result is 1/12 on annual fee for minimum of \$2500 (\$150 estoppel and \$800 initiation fee)
5. Nov 10, 2015 8703 was skid at auction (and sold twice since then)
  - a. Aug 2016 to Cusack
  - b. Jan 2018 to Faddis
6. 3/29/16 write off 9980
7. Have records indicating legal expenses for both addresses = \$10,802.20

8. Amount we are asking David Cohn to pursue is pass due fees, late fees, interest, estoppel fees and total legal fees of \$13,310.53 (end of Dec 2018 balance = \$10,556.32)

C. 2019 Survey of Palm Lake Homeowners – Ned would like to create and circulate a survey to homeowners to get likes, dislikes, new project ideas, etc. to help plan for 2020 (painting mailboxes and lamp posts. Joan indicated that Scott Ziegler may be willing to help formulate the questions.

D. Discussion on "Common Property" within boundaries of easement areas.

E. Discussion on Ashtray/garbage cans at fountain area. Jolee Timmer is currently the only one cleaning out the ash tray/trash cans.

- Motion to remove trashcans at fountain -Katherine
- Seconded by Ned
- All in favor, the motion carried

F. Web Site Calendar to be used for HOA meetings, events and functions. Ned noted that the calendar on the website could also be used for dues and invoices, yard of the quarter designation, holiday decorations, social events, and community things like clean up.

G. Ned would like to look at doing neighborhood newsletters. This will be considered with board members or volunteers.

H. Naming of files is in progress– for consistency and clarity, Ned and Meredith will be renaming and organizing the files on the PLHOA website to make finding documents easier.

I. Ned asked for help to transcribe the governing documents into a searchable format (like a pdf) to facilitate locating information more quickly.

J. Ned provided a recap of the timeline on legal case on Gamble so the board all has the history of attempts to collect prior to this board's action to do so.

K. **Mike Kulich, HOA consultant** – The board asked Mike's professional opinions on several areas:

- a. Inspection in backyards - Mike said his practice is to not enter a property unless homeowner, ARB rep, and a board member were present in order to document and avoid he/she said situations. Fred asked what they look for in backyards. Overgrown shrubbery and fruit trees not being maintained, unapproved home additions, etc. His practice is to take pictures of each home (3 different angles) so ARB can use as visual record. Most people didn't have issue when they knew the ARB inspection was coming. They enforce through a published process – first a violation letter with 30 days to comply; then a second violation letter with 14 days to comply. Letters are sent certified or given to attorney to see if legal action is warranted. These violations can be put in the estoppel letters to stop a home sale and remedy before it can sell. Mike Ketchum stated that this process would have helped with 8661 and enforcing landscaping violations. Meredith reported that the estoppel completed recently on that home did include a detailed list of violations and deadline for remedy.

- b. Self-help – Mike advised that the board was allowed to fix up property and add expense of doing so to the HOA account for reimbursement, or lien the home. Mike will forward templates and examples to board of violation letters, ARB form letters, and ARB enforcement guidelines/flowchart/minimum criteria. Mike clarified for the board that...
  - i. Self-help is board vote, not community vote
  - ii. Estoppel is a request from the bank for outstanding dues or outstanding ARB issues
- c. Roofs – similar situation as an ARB issue. Suggested email reminders to all to have it done by next ARB inspection; can threaten legal action for health and safety, go to court, file lien. Discussion continued about ARB becoming more involved and stricter in enforcement.
- d. Walls and sidewalks – Having established that these items are HOA property, if homeowners don't power wash them, then the HOA has responsibility to do it.
- e. Easement trees - Discussion was had on whether easement trees are maintained by municipality (when not on a private road), and if so, does that implicate the need to maintain easement grass and sprinklers too. Mike advised there are differences in how people maintain/trim trees. The HOA can maintain trees from a maintenance perspective, but homeowners keep up with lawn/sprinklers etc.... Mike's shared that in Turtle Creek, the HOA does a full trim and has an arborist come in regularly.
- f. Sidewalks – Mike advised that sidewalks are a big issue because of liability and recommended yearly assessment for sidewalks. The HOA can be held liable if someone trips/falls due to negligence and would need to prove they did yearly maintenance. He recommended sidewalks be power washed once a year.
- g. Mike Ketchum asked if we can amend covenants to state that easement trees are homeowner's responsibility. Mike Kulich advised it would require transferring ownership of the trees from HOA to homeowner, and that cannot be done.
- h. There was discussion over minimum tree canopy heights over the street and sidewalks. In Turtle Creek, it's 18 ft over the road. There was further discussion on how to enforce a minimum canopy.
- i. Mike Kulich suggested the HOA determine how many trees it owns and the cost of maintaining them, then decide if the HOA can afford to maintain.
- j. There was discussion on mailbox painting and enforcement.

Meeting adjourned at 9:03 PM

**Next board meeting set for Feb 28, 2019 AT 7PM at 8716 Crestgate circle**

Future meeting dates (subject to change):

- March 28
- April 25

