

Seranza Home Owners Association of Seminole County, Florida, Inc.

MEMBERS MEETING MINUTES: Thursday, August 20, 2020

Member households represented in attendance: 1311 (Lilly), 1312 (Patti), 1315 (Vincent), 1316 (Coletti), 1319 (Lubaroff), 1320 (Keil), 1323 (Rossini), 1324 (Jackson) – late, 1327 (Gutierrez), 1331 (Snoke) Fountain Hills Ct.

1. Meeting called to order at 6:03 PM by Scott Lubaroff; Quorum confirmed
2. Meeting procedures stated and explained by Lubaroff
3. Special Assessment for payment of legal fees owed to Becker & Poliakoff (Association's attorney firm)
 - a. Lubaroff explained that legal fees can be separated into three categories
 - i. Associated w/counsel on revision of governing declaration (~ \$2,000)
 - ii. Corrections of errors in original declaration by Developer's representative. Affidavit is now on file re corrections made & recorded with the county. Developer has also agreed to reimburse the Association for those legal fees (~ \$1,200)
 - iii. Legal fees associated with counsel connected with letter from Coletti attorney about ARB approval for Lilly shed (~ \$1,000)
 - b. Additional expenses will be forthcoming associated with the e-filing of revised declaration (~ \$500)
 - c. Lilly summarized options & issues for assessment and overall Association budget
 - i. Minimum (~ \$3,500) to cover only the fees described
 - ii. To avoid running out of funds in late 2021, will need to consider an additional assessment at some point, which could include an additional \$3,000 added to this assessment
 - iii. Could also choose to add additional funds to replenish Association budget reserves
 - iv. Payment options include 1-time payments by October 31, 2020 or dividing into 2 or 3 payments
 - v. For future consideration, the Association might wish to consider moving our annual assessment due date back to January, rather than the end of March, which could mitigate 2021 budget exigencies
 - d. Motion was made by Mary Lubaroff to issue a special assessment in the amount of \$4,000 (\$400/member household) to cover current legal and document filing costs, as well as ~ \$500 to replenish Association budget reserves. Motion was seconded by Pete Rossini.
 - e. Motion was approved 7 in favor (Lilly, Vincent, Lubaroff, Rossini, Gutierrez, Snoke, Patti); 2 opposed (Keil, Coletti)
4. Revised & Restated Declaration (see appendix with related document)
 - a. Lubaroff addressed the eight (8) changes recommended to the document per suggestions submitted by Members and asked that they be passed en masse by acclamation. There were no objections so changes were adopted.

- b. Lubaroff addressed the Thirty-Six concerns/questions submitted by Members that were previously shared with Members for which the Board recommends not making the affiliated change in the declaration document and described how they can be considered for consideration via motion and secondary motions.
- c. Motion was made by Pete Rossini to accept the Board's recommendations regarding the 36 items on this list. Motion was seconded by Suzie Lilly.
 - i. Secondary motion was made by George Keil to add language to the revised declaration stating that hooks or other devices used to suspend holiday lights/decorations should be taken down when the decorations are taken down if they are visible from the street,. Motion was seconded by Rosemarie Coletti. Motion was approved: 8 in favor (Vincent, Lubaroff, Rossini, Gutierrez, Snoke, Keil, Coletti, Patti); 1 opposed (Lilly)
 - ii. Secondary motion was made by George Keil to add language to the pets section of the revised declaration stating that pet waste must be stored in an appropriate closed container out of public view. Motion was seconded by Rosemarie Coletti. Motion was approved unanimously (9 in favor; 0 opposed)
 - iii. Original motion (Rossini) to accept the Board's recommendation re the list of 36 items was amended (friendly amendment) to integrate the two secondary motions passed. Motion passed unanimously (9 in favor; 0 opposed)
- d. Lubaroff addressed the nine items in the attached appendix for which the Board recommended against change because they were items already voted upon by the Association, but explained that if the will of the Association has changed any of them can be redressed via motion.
 - i. Motion was made by George Keil that Article IX. Section 6 and associated include language stating that commercial vehicles with visible signage must be parked in a garage or the sign must be suitably covered as well as additional language specific to size of truck, roof racks, and other. Motion was seconded by Pete Rossini. Motion was approved 5 in favor (Snoke, Gutierrez, Rossini, Kiel, Coletti); 4 opposed (Vincent, Lubaroff, Lilly, Patti)
 - ii. Motion was made by Ana Gutierrez to remove language limiting the number of homes that can be rentals at a given time. Motion was not approved: 5 in favor (Lilly, Rossini, Gutierrez, Jackson, Patti); 5 opposed (Vincent, Lubaroff, Snoke, Keil, Coletti)
 - iii. Motion was made by George Keil to delete sentence saying that the Association must approve all rentals and to specify rental regulation and restriction, including whole-house rentals only, no subletting of individual rooms, 1-yr minimum leases, single tenants only, no more than 3 residences can be rentals at one time without further Association approval. Motion was approved: 6 in favor (Lubaroff, Rossini, Snoke, Keil, Coletti, Patti); 4 opposed (Lilly, Vincent, Gutierrez, Jackson)
 - iv. Motion was made by Rosemarie Coletti to change language in the declaration to state that no sheds are allowed that are visible in any way from any street or over the common wall of the Property. Motion was seconded by George Keil. Motion was not approved: 2 in

favor (Keil, Coletti); 7 opposed (Lilly, Vincent, Lubaroff, Gutierrez, Snoke, Jackson, Patti)

- v. Lubaroff asked that technical omissions stating the Association's affiliation as a Florida 720 Association and language stating that the document may be amended from time to time be accepted for integration by acclamation. There were no objections so amendments were adopted.
- e. Motion was made by Suzie Lilly to approve the amended & restated declaration as amended at this meeting and that Members will receive a clean copy with one week to review and notify the Board for the need to address additional concerns or questions prior to recording. Motion was seconded by Mary Lubaroff. Motion was approved unanimously, 9-0 (Rossini did not vote)
- f. Lubaroff redressed necessity of Electronic Meeting Consent for annual meeting and asked that any member who has not already consented to please complete and return the consent form.
- g. Lubaroff shared information about the Rossini's landscaping project and changes that became necessary after their original proposal was approved by the ARB. Asked that Members approve changes by acclamation. There were no objections so project modifications were approved.
- h. Lubaroff reminded Members that Board elections will be held at the October Annual Meeting and asked that Members watch for a poll to gather availability.
- i. Coletti asked about the process for enforcing violations because of the cost. Agreed that this be considered at a forthcoming meeting.
- j. Meeting was adjourned at 8:15 PM.

APPENDIX

Board recommendations supportive of discussion of the draft revised & restated declaration

SERANZA PARK HOA

Revised Declaration Comments for Consideration

The Board discussed the following eight (8) comments/requests and recommends integrating these changes into the final document. Please review and consider. These eight could be passed collectively by acclamation at Thursday evening's members meeting

<u>Page & Passage in Declaration</u>	<u>Comment Submitted</u>	<u>Board Recommendation</u>
p.2. Article I, Section 1(a)	Concern for authority too broadly granted to the Board of Directors (BOD)	Amend passage in first sentence replacing "Board" with "Association," i.e., "to the extent determined from time to time by the Association..."
p.6. Article VI, Section 1(a)	Concern that imposition of assessments, interest, etc. should not be solely at the discretion of the BOD, but must comport to FL statute	Amend "at its discretion" to "in accordance with Article XIII, Section 3 of this Declaration,..." (XIII.3 does comport to and directly references FL720)
p.10. Article VII, Section 2	Requested specific additional detail regarding project description & who performs said work	In 2 nd sentence, amend to "Unless waived by the Board, all plans <u>related to construction of structural changes</u> shall be prepared by an architect, <u>engineer, or other qualified professional</u> ."
p.15. Article IX, Section 6	Request to allow for short-term loading/unloading of boats, campers, etc.	Add a clause regarding trailers, boats, etc. to the effect of "...or for the purposes of loading or unloading, in a driveway or legally along the street for up to twenty-four (24) hours."
p.16. Article IX, Section 9	Asked to reconsider allowing signs beyond only home for sale signs	Amend to read "...and one sign containing not more than six (6) square feet of surface area per side (2 sides maximum)." (delete the rest of that sentence)
p.16. Article IX, Section 9	Recommended referencing need for notice given prior to entering any individual Lot to correct a violation	add to the end of the paragraph ("..., after appropriate notice is given.")

p.16. Article IX, Section 14	Concerned that “as expeditiously as reasonable” is too vague	amend “reasonable” to “...within the scope and timeline stated in the plans approved by the ARB, in accordance with the description found in Exhibit G of this declaration.”
p.50 re: Holiday Decorations/Lighting	Requested additional language to establish an expectation for when decorations should be removed prior to a notice needing to be given	Amend final clause to read “then the Homeowner may be asked to remove the decorations or lighting fourteen (14) days after celebrated holiday, or 48 hours after receiving written notice from the BOD.”

The Board discussed the following thirty-six (36) comments/requests and recommends no changes for the reasons given for each. Furthermore, the Board recommends a motion be made to accept all thirty-six recommendations, en masse, which will allow, during the discussion phase of the motion, for any member to address the individual items from this list about which they might have strong feelings. Please review and consider.

<u>Page & Passage in Declaration</u>	<u>Comment Submitted</u>	<u>Board Recommendation</u>
p.7. Article VI, Section 2	Concerned that the clause “...and to pursue <u>any other purpose</u> deemed desirable or appropriate by the Board...” is too broad	Intentionally broad, meaning that all of this falls under the general purview of the members to decide. The specificity follows in items (a) – (i) of that section
p.7. Article VI, Section 2	Suggested striking “(e) repayment of any deficits previously incurred by the Association” because we’re now separated from the original declarant	This is true, but isn’t to say that at some point in the future the Association might not find itself with some deficit(s).
p.7. Article VI, Section 2	Comment was that item (i) is too broad, leaving too much up to interpretation as to what “neat & attractive” means	This is addressed to the degree that it can be in the covenants.
p.7. Article VI, Section 2	Requested that language be added to say that “or otherwise to benefit the Owners” should require at least a majority vote of the members	Comment seems to imply an authority that isn’t there
p.7. Article VII, Section 1	In 2 nd paragraph, comment that “landscaping” should be changed to “major landscaping,”	There are already minor items granted automatic exclusion in this document. Additionally, who’s to define what constitutes “major” landscaping? Furthermore, the document already states that if there’s any doubt as to whether a project under consideration needs ARB approval, submit it.

p.10. Article VII, Section 3	Comment asked what the next steps would be should there be alterations to approved projects.	This is described under "Enforcement" (Article VII, Section 6)
p.10. Article VII, Section 4	Comment that "hardship" may not be applicable	This is currently true, but isn't to say that it couldn't be the case at some point in the future.
p.11. Article VII, Section 4	Comment was that it is not in the ARB's jurisdiction to grant variances, especially if related to county easements or restrictions.	The comment is a misinterpretation of the word "variance" as it is applied here. While the latter part of comment is true, the use of the word "variance" in this document is not a legal description, but only in reference to this document, which is already understood, according to FL law.
p.11. Article VII, Section 4	Comment was that "unique circumstances," near the end of the paragraph is too broad because "all circumstances are unique."	The point of this comment is unclear, and even to stipulate to its assertion means that the current wording is innocuous.
p.11. Article VI, Section 7	Comment that the paragraph is "problematic as it states that if something is ok for one house, it might or might not be ok for another."	Exactly: In other words, every project must be considered on the merits of its own application, regardless of what may have previously been decided on any similar such application.
p.14. Article IX, Section 2	Comments were that the descriptions are too broad, asking what constitutes annoyance, embarrassment, discomfort, unsightly, offensive, etc.	This is standard language and for that reason the Board recommends this remain subjective.
p.14. Article IX, Section 4	Requested that language be added such that Seminole County recycling containers should be exempted because they're not sealed	This section addresses garbage and trash, not recycling.
p.15. Article IX, Section 6	Comment was that in 2 nd sentence, should say "...in accordance with applicable law, <u>to include not blocking sidewalks...</u> "	This is already in county code, so superfluous in this document.

p.16. Article IX, Section 12	Comment was that any external devices must be pre-approved and in the least visible part of the house. Also asks about solar.	Both are specifically addressed in the Architectural Guidelines exhibit, and in the case of satellite dishes and solar, are addressed in standing law, which is why this section begins with "Except to the extent required to be permitted under applicable law,..."
p.16. Article IX, Section 14	Comment was that the use of the verb "prosecute" may be inappropriate	"Prosecute" simply means to see something through to its completion.
p.16. Article IX, Section 16	Asked what a landscape buffer is	It is a barrier (i.e., "fence") using plants.
p.17. Article IX, Section 17	Comment asked for further information about play structures and what is approved	County regulations supersede anything in this document and the ARB approval explains that the applicant must abide by county regulations, etc.
p.17. Article IX, Section 17	Comment asked for an exception for kiddie pools, inflatables, etc.	BOD does not feel this is necessary and we don't know how such a thing could be worded such that it didn't create other loopholes.
p.18. Article IX, Section 20(f)	Comment wants to have a solution for when driveways get soiled beyond pressure washing	Falls within the earlier section on general upkeep and is the Owner's responsibility
p.19. Article IX, Section 26	Comment says that the hearing is a county issue	This is not what this section is addressing. FL720 requires redress through a hearing by the BOD be made available.
p.19. Article IX, Section 26	Comment that remuneration is a civil issue	This language needs to remain in the document also for the protection of the Association
p.19. Article IX, Section 27	Comment wants this entire section struck because they feel that it provides carte blanche to the BOD	This needs to remain in and it is clear that this would be case-by-case.
p.20. Article XII	Comment asked what FL statute says about this	This is standard language in accordance with FL Statute Chapter 712 (Marketable Record Title Act). <u>Also</u> , FWIW, FL law was recently changed to direct that the Board must assess the Association's status w/regard to FL712 at their first business meeting of each year.
p.21. Article XIII, Section 3	Comment was that fines, etc. must be defined	They are defined in Exhibit E

p.21. Article XIII, Section 3	Comment was that fines should go to general funds	Recommend leaving language as is. It already says that funds will go to the general fund <u>for the Association</u> , and elsewhere in the Declaration it states that the BOD has the discretion to make decisions to the benefit of the Association. <u>Additionally</u> , the language already in this section does say "and/or by majority vote of the Association."
p.34. Section 2.4 of Bylaws	Comment takes issue with the quorum standard (3) and claims that this would grant absolute power to the Board	FL720 very specifically defines quorum as 30 percent of the total voting interests, and while it stipulates the right of an Association to allow for a <u>lower</u> quorum threshold, it does not allow for higher. Furthermore, the claim of absolute power does not bear out because that would imply a Board making a decision at a MEMBERS meeting by somehow excluding the attendance & voting rights of the other members.
p.35. Section 3.5 of Bylaws	Comment asks about the means for removal of a Director	This is described in FL720
p.36. Section 4.3 of Bylaws	Comment asked if two (2) constitutes a quorum of the BOD	YES, it does, per FL720
p.47. Section on clotheslines	Comment says that clotheslines are allowed by FL law	That is correct, but this clause only says that there are restrictions as to location on a Lot. FL164.04 simply says that installation of a clothesline (and solar collector, BTW) cannot be prohibited, but says nothing about restricting its visibility.
p.48. Section on Exterior Lighting	Comments ask why no more than ten (10) lights and asks why not allowed in lawns	Ten (10) is just the number allowed w/out requiring ARB approval. Re: why not in lawns, because they're <u>landscape</u> lights.
p.49. Item #3	Comment asks to delete "unless otherwise approved by,"	Board recommends changing BOD to ARB to mitigate this, since our architectural approval process may involve the full membership.

p.50. Item #4 re: dangerous condition	Comment asks to add reference to permanent hooks, nails, etc. not being allowed to support holiday décor	Board does not think that this can be prohibited
p.52. Hurricane/Storm Shutters & Protective Coverings	Comment recommends amending to allow for storm shutters as temporary structures for XX hours before a storm and XX hours after	Recommend conjoining this with the p.18 item described below in motions
p.52. Swimming Pools	Same comment as earlier	Recommend conjoining both comments about kiddie pools (Board does not recommend added language for reasons described above)
p.56. Pets and Animals	Comment asserts “reasonable number” as a County issue	We do not find where this is the case
p.56. Pets and Animals	Comment asking for language to be included stating that pet waste must be stored in appropriate closed containers, not within view	Need clarity, but inclined to recommend that this is not necessary

The Board discussed the following nine (9) comments/requests and recommends against changing because they are substantive changes on which the Association has already voted. Individually, if the will of the Association has changed, then any of these items will require its own motion to change.

Page & Passage in Declaration

Comment Submitted

p.8. Article VI, Section 4(a)	Comment requests that here and elsewhere in the declaration “majority of votes” should be changed to 2/3 vote
p.9. Article VII, Section 1	Comment says that there should be a stand-alone ARB
p.15. Article IX, Section 6 (and by association, 6.3)	Comment asks that exposed commercial vehicles not be allowed
p.17. Article IX, Section 18	Comment is that Fair Housing standards allow rental to whomever the owner wants. (BTW, the Fair Housing Act protects <u>TENANTS</u> , not landlords)
p.18. Article IX, Section 25	Comment is that security bars (and storm shutters) should be allowed, so this section should be deleted altogether
p.34. Section 3.1 of Bylaws	Comment recommends somehow getting to staggered terms. FWIW, the Board agrees that this is fine, although already accomplished to a certain degree with the requirement that at least one (1) Director be carried forward, but if there’s a better way to describe/accomplish this...
p.46. Item #5 of Application and Review Procedures	Comment is that this gives no redress. This is true, as currently worded. BOD recommends simply deleting the final sentence to remedy, but there could be a motion to reword otherwise.

p.51. End of Landscaping section	Comment asks for a clause addressing allowable type and scale of lawn ornaments, fountains, etc.
p.52. Sheds	Comment asks for amendment to only allow sheds not visible above fence line

ADDITIONAL RECOMMENDATION to correct an omission: need to integrate two brief FL720 references in document introduction. Board recommends these be accepted together by acclamation.

1. Amend name to Seranza Park Homeowner's Association of Seminole County, Inc., a Florida Chapter 720 Association
2. Amend paragraph under Article I Section 2 to read
The provisions of this Declaration and the Articles, Bylaws and any rules and regulations of the Association shall be in accordance with Florida Statute 720, as amended from time to time, and liberally construed so as to effectuate the purposes herein expressed with respect to the efficient operation of the Association and the Property, the preservation of the value of the Lots and the protection of the Declarant's rights, benefits and privileges herein contemplated.