

# *Grand Haven Master Association, Inc.*

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[www.grandhavenmhoa.com](http://www.grandhavenmhoa.com)

Dr. Robert Jay Carlton, President  
Mr. Vic Natiello, Vice President  
Mr. David I. Alfin, Treasurer

Mr. Jim Gallo, Director  
Mr. Peter Capozzi, Director  
Mr. Troy Railsback, Secretary, Ex-officio

## **Board of Directors Meeting Agenda**

**April 22, 2016**

2:00 p.m.

### **Call to Order**

The meeting was called to order by Dr. Robert Carlton at 2:00 p.m.

### **Roll Call—Establish a Quorum**

**Members Present:** Mr. David Alfin, Dr. Robert Jay Carlton, Mr. Peter Capozzi, Mr. Jim Gallo & Mr. Vic Natiello

**Others Present:** Mr. Troy Railsback – Southern States Management Group

A quorum was established.

Members' sign-in sheet located in Association Meeting File.

### **Pledge of Allegiance**

### **Audience Comments (Three minute Rule, Non Agenda Items)**

Mr. Kaplan, 13 Crosslink Court, asked why some owners received letters requiring them to remove the kick plates from their doors, why kick plates have become an issue? Mr. Railsback advised kick plates on doors are not the issue.

Mr. Cybulski, 34 Waterside Parkway, advised his home, was built with kick plates in 2004 and asked why kick plates are an issue 12 years after his home was built. He asked for leniency in the matter.

Mr. Anastasio, 14 Crosstie Court, said he believes the landscape maintenance contractor did a good job over all, but noted there are a number of issues. He showed the Board a photograph of a screen enclosure cut by the landscapers' weed trimmers and suggested that may have been the reason kick plates on screens were installed. He said in the last four months he has received a number of calls and photographs from Crossings Village owners about gutters chopped up and left on the lawn, grass planted over chinch bugs, and wires that were cut. Dr. Carlton said owners should be directed to contact SSMG with lawn maintenance complaints and they will be addressed. Mr. Railsback said the vendor is under contract to make repairs using a licensed contractor within 30 days. However if owners don't contact management directly, there is no record of the issues and they are not addressed timely. If vendors do not make repairs within 30 days the Association can withhold payment.

Mr. Hopkins, Village Oaks, advised of a number of issues with lawn maintenance on his property and asked Mr. Railsback to inspect the work as it is poorly executed. At Mr. Hopkins request, Mr. Railsback made a record of his complaints.



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Mr. Plunkett asked about the status of 5 Hidden Lake Way. Mr. Railsback will address this issue in the Community Manager's Report.

Mr. Macri said he is concerned about the accumulation of leaves in drainage lines emptying into the retention ponds. Mr. Natiello said leaves do cause problems and he raised this matter at a recent CDD meeting. He said the drainage lines are the CDD's responsibility and the Association is working with the CDD to resolve the matter.

Mr. Brifman, 14 Osprey Circle, said his concerns sent to the Board via an email to Troy have not been addressed. He contends it is against his constitutional rights for volunteers or SSMG staff to come onto his property to inspect or photograph improvements inside his lanai, unless they have a court order. He asked the Board to personally look at what is going on in his lanai. Dr. Carlton advised everyone on the Board has not received his letter and the Board will review his concerns and respond at a later date.

### **President's Comments**

Dr. Carlton advised the Board will review building plans, further investigate the issue of kick plates, and address the particular concerns of owners. A Board Member said he had to remove and rebuild his screen enclosure because it was built with kick plates and they are not approved in the covenants.

### **Approval of Minutes**

**On Motion by Mr. Alfin, seconded by Mr. Capozzi, the Board approved, with Dr. Carlton opposed, the Meeting Minutes of the Board of Directors Meeting of March 18, 2016 amending the word yard waste under Director's Requests to "yard waste on an adjacent unimproved property."**

Mr. Gallo said he cannot vote to approve the minutes unless language is routinely inserted into the minutes advising owners how they can identify what property the numbers in the Fine Committee list on the agenda refer to. Mr. Railsback said owners may submit a records request in accordance with Florida Statutes. The Board Members could not come to an agreement that the language should be added to minutes.

### **Committee Reports**

#### **Community Manager – Mr. Railsback (SSMG)**

Mr. Railsback reported that the Board packets contained the information on the First Quarter Compliance Report, and the letter from Mr. Brifman received at the end of the day yesterday. He asked the Board to let him know if they have questions about the report. Dr. Carlton said he and Mr. Brifman had a discussion and he asked the owner to put his objections in writing. Dr. Carlton said he feels the owner's primary concern is about a couple of citations for violations on the lanai in the rear of his property which the owner contends cannot be seen from the street, and whether it is acceptable for Association representatives to come onto his property. A Board Member said he would like time to review the Declaration and the letter. By consensus, the Board agreed to move ahead with the Fine process as it currently exists.

Mr. Railsback gave the Board information he compiled about kick plates. In response to a Board Member's question about the reason for a spike in violations in the first quarter, Mr. Railsback said it is likely due to citations for failure to meet deadlines for commencement of construction in Wild Oaks. Mr. Railsback agreed to include in the First Quarter Compliance Report information for the



past year for comparison of the current quarter to previous quarters. Also included in the package is a recommendation that owners be sent a second letter prior to Board action on proposed fines giving them options for correcting violations.

**On Motion by Dr. Carlton, seconded by Mr. Natiello, with all in favor, the Board accepted Mr. Railsback's letter for a second notice of violation, and approved changing the new fine procedures and sending the letter to owners in violation of CC&R's giving them a second opportunity to correct violations prior the Board voting to levy a fine.**

#### **Finance report – Mr. Alfin**

Mr. Alfin reported he and Mr. Railsback met to review the results of the first quarter financials and that the financials were in good standings. Mr. Railsback did not have information on specific reserve accounts available at the meeting, but he said historically, the Board deposits reserves funds into interest bearing accounts such as Certificates of Deposit or money market accounts.

Periodically the reserves are reviewed and a decision is made as to whether to leave the funds where they are or to research financial institutions offering higher yields. Currently, most accounts are receiving between 1.2% and .6%. Mr. Natiello recommended investigating high yield accounts paying 1% or more. The committee will research financial instrument options and report to the Board.

#### **Problematic Properties – Dr. Carlton**

Dr. Carlton reported that the Board packets contained the report on the amount collected from owners who are delinquent. Funds of \$4,195 and \$8,717 were collected in March and there is a collection balance of \$111,287. As mentioned last month, forty-four properties are in arrears and have been turned over to the attorney for collection with delinquencies ranging from \$90 to \$4,700. Collection letters have been sent and some owners have received the letters. Two lots have received judgments and the Association has reviewed the assets to determine the likelihood of being able to collect payment. One is an unimproved lot with no mortgage and GHMA is moving toward foreclosure. Demand for rent letters are being sent to all rental properties with outstanding balances. Owners of three properties under construction received \$1,000 fines. Some owners have negotiated payment plans, and some are paying the \$1,000 fine. The Association is aggressively pursuing outstanding debt.

#### **Architectural Design Committee (ADC) Liaison – Mr. Natiello**

Mr. Natiello stated he routinely calls RG Towers for an update on the status of the cell tower in Grand Swamp. There was a meeting with Flagler County about the towers and one was approved. The company said they had one or more customers for the towers. At the end of the year the company advised the potential buyers could not come up with the money. The company interested in the tower found another place. He encouraged owners to contact ? RG Towers to request that the towers be awarded to Verizon. He stated that the NC ADC and MC ADC committees are running well. The New Construction Committee is having problems with approval of a home sited inside the setback lines. They are working with adjacent owners to try to develop some type of landscape plan. The owners were not aware they needed to submit for approval to both the ADC and the Modification Committee. Mr. Colee resigned his position on the New Construction ADC Committee and was replaced by Jim Cullis. It is time for Dr. Carlton and Mr. Natiello to meet with the MADC Chair and Vice Chair to see how things are going.



Mr. Railsback said in February the Association foreclosed on 5 Hidden Lake Way and executed agreement for a Quit Claim Deeded to new owners. The owners are rehabilitating the inside and had to get approval for work inside and the landscaping. The owners advised landscape work will commence in 10 days. Mr. Railsback asked the owner to put time frames for improvements in writing.

Dr. Davis reported yesterday the CDD held a public hearing and adopted new policies on surface water management, utility easements, clearing land around ponds that will affect construction.

#### **Private Lawn Maintenance (PLM) Liaison – Mr. Gallo/ Mr. Railsback**

Mr. Gallo reported that the Board packets contained status reports on PLM. He said in addition to SSMG meet with lawn vendors monthly, he also meets with them in a separate meeting and will advise at the next meeting that any damage done to owners' property must be repaired by a licensed vendor. Mr. Leach finished the inspections of palm frond trimming. Mr. Gallo commended SSMG for their assistance with the work. All vendors have reported grass is actively growing. Mr. Railsback advised lawn maintenance contracts stipulate weekly lawn mowing & trimming is to commence in April. Mr. Gallo advised if something were to happen to one of the landscape vendors, BrightView has staff and equipment to perform lawn maintenance for all villages. Due to concerns expressed with the work of Affordable Lawn care, he said the committee may need to consider interviewing other landscape maintenance contractors. Mr. Railsback said he feels any of the vendors could fill in if one vendor leaves and he doesn't think a new vendor needs to be added at present. He asked whether owners should be advised via letter or E blast that summer is predicted to be drier than usual with a reminder about the need to adequately irrigate their lawns. The Board agreed to send notification via U.S. Mail and E blast. Tenants who have a problem with PLM are advised to send an email to the owner and have the owner forward the email to Mr. Railsback to create a work order for the vendor and have the problem resolved. The system allows management to check on how quickly the problem is resolved by the contractor.

#### **CC & R Compliance Liaison – Mr. Capozzi**

Mr. Capozzi said Mr. Leach is doing a very good job with compliance inspections and the report. He is concerned about the number of citations for landscape maintenance, yard waste and sidewalks, but he feels there are a number of other sidewalks that need to be cited. Mr. Railsback said the staff will address the matter.

#### **Communications/Oak Tree Liaison – Mr. Alfin**

Mr. Alfin stated that production of the Oak Tree is underway. The editor has received one comment. Mr. Alfin encouraged resident to contribute article(s) and ideas for publication. Deadline for articles is May 15.

#### **Fine Committee Liaison – Mr. Railsback (SSMG)**

Mr. Railsback stated fines for non-compliance were not levied on 6 of the properties because 4 owners corrected the violations prior to the meeting and 2 changed ownership. All five owners attended the meeting.

#### **Community Development District (CDD) Liaison – Dr. Carlton**

Dr. Carlton reported Creekside parking lot expansion is underway and expected to be completed by the end of May. The CDD is still working on water intrusion at the Village Center and is addressing CDD employee health insurance. Yesterday, the District adopted new amendments, rules, policies



and fees. Residents have reported an outbreak of Midge Flies in Lake Haven. Two residents with property that backs up on North Park Road and Waterfront Parkway have reported security concerns about problems with groups of older teenagers trespassing and running through their properties. The Sheriff has been contacted. There is discussion about taking the matter to the City to see if they would fund a 6 foot fence along that stretch of road since the park has helped to create the problem. Dr. Davis asked Dr. Carlton to represent GHMA and the CDD in discussions with the city and Councilman DeLorenzo. The Board authorized Dr. Carlton to represent GHMA in discussions with the City. It was reported a backup plan for the area involves a multi-pronged effort to stop vehicular traffic from going to the park at night by installing a fence and gate further up the road and planting shrubs to discourage traffic.

### **Action Item Review List – Mr. Railsback (SSMG)**

Mr. Railsback reported that the Board packets contained the list of action items. All but one item on the list was addressed. Mr. Railsback is working on that item which will be completed by the next Board Meeting.

### **Unfinished Business**

#### **1. Business Being Conducted from Residential Listings – Mr. Gallo**

Mr. Gallo is concerned about specific language in the Declaration about having a commercial business in private homes. He asked Mr. Railsback how SSMG enforces the provisions for a home office. Mr. Railsback said, as an example, a real estate enterprise having monthly meetings with multiple cars parked on the street are not permitted. Boats may not be parked overnight but can remain on a lot for a short time for loading and unloading. Signage is not permitted on commercial vehicles. After hours violations can be addressed, if reported to management or they can be captured in the quarterly after hour's inspection. Dr. Carlton indicated he has had complaints about the length of Board Meetings and recommended removing items that do not require action from the agenda. Board Members can contact Mr. Railsback if they need information on a specific item, instead of taking time at meetings.

#### **2. Review of Fine procedures – Mr. Gallo**

Mr. Gallo said he cannot, in good conscience approve minutes when numbers that reference specific properties are used, but not identified. It was recommended that owners be sent a one-time email blast telling them to contact Mr. Railsback or make a records request if they want information on a specific number referencing a property being considered for a fine. Mr. Railsback said owners know all the information because they have been previously notified and know which number refers to their property. There was discussion about whether to protect private property information or to make all property information public for the purpose of clarity. Mr. Railsback said he will note in each compliance file what number refers the owner's property and include language at the bottom of the minutes stating in accordance with Florida Statutes records requests may be submitted in writing or by contacting Southern States Management Group.

**On Motion by Mr. Natiello, seconded by Dr. Carlton, with all in favor, the Board approved adopting including property number in owners' compliance files and including language stating in accordance with Florida Statutes records requests may be submitted in writing or by contacting Southern States Management Group.**



### **3. Street tree replacement - Update – Dr. Carlton**

Dr. Carlton reported the tree is in the ground and it is anticipated other aspects of the agreement will be met.

#### **New Business**

##### **1. Wild Oaks Mailbox Standards – Mr. Natiello**

Mr. Natiello and Dr. Carlton met with the CDD about community mailbox standards in Wild Oaks. In the past Mr. Cullis has been reluctant to get involved in enforcing construction standards for existing homes. Mr. Natiello proposed asking Mr. Cullis to write a Declarant policy on mailbox standards. Mr. Railsback said mailbox standards need to be clearly defined and the Association will only pursue enforcement of mailbox standards for new construction. Mr. Natiello will suggest to the Declarant that GHMA be delegated authority to enforce mailbox standards.

##### **2. The Garden Club of Palm Coast – Dr. Carlton**

Dr. Carlton reported there is a letter in the packet sent to him and Dr. Davis from the Garden Club of Palm Coast regarding a proposal to present an award to owners with outstanding landscaping, install a signs at the award winning homes and invite the public to view the landscapes.

**On Motion by Dr. Carlton, seconded by Mr. Alfin, with all in favor, the Board authorized Dr. Carlton to write a letter to the Garden Club respectfully thanking them, but declining their proposal because community CC&R's do not permit signs in the community.**

##### **3. Oak Tree Advertising by Residents with Delinquent Accounts – Mr. Alfin**

Mr. Alfin reported there is a problem with accepting advertising from owners whose account with the Oak Tree is delinquent and owners with delinquent GHMA accounts who want to place advertising in the publication

**On Motion by Dr. Carlton, seconded by Mr. Natiello, with all in favor, the Board approved not accepting Oak Tree advertising requests from owners who are delinquent in paying GHMAC member assessments or fines until the delinquencies are brought current.**

##### **4. Open Non-Compliance Items – Mr. Railsback**

Mr. Railsback reported one item has been added to the agenda and he distributed a package of information for property number 2. At the last Board Meeting the Board levied a \$1,000 fine on this property for commencement of construction non-compliance. At the Fine Committee Meeting, the owner presented information to the committee showing he previously paid what he believed was a fine for commencement of construction violation. The penalty was actually for a lot maintenance violation. Mr. Railsback asked the Board to review the package presented today and levy the fine.

#### **Property #1 Commencement of Construction**

There was discussion regarding the violation.

**On Motion by Mr. Natiello, seconded by Mr. Gallo, with all in favor, Board voted to levy a penalty in accordance with the previously established fine matrix of \$1,000.00 on property #1.**



### **Property #2 Commencement of Construction**

There was discussion regarding the violation.

**On Motion by Mr. Alfin, seconded by Dr. Carlton, with all in favor, the Board levied a \$1,000 fine against property #2 for commencement of construction non-compliance.**

### **Property #3 Street Tree Violation**

There was discussion regarding the violation.

**On Motion by Mr. Natiello, seconded by Mr. Alfin, with all in favor, the Board approved sending a 2<sup>nd</sup> Notice letter to the owner of property #3.**

### **Property # 4 Tree & Shrub Removal**

There was discussion regarding the violation.

**On Motion by Mr. Gallo, seconded by Mr. Natiello, with all in favor, Board approved sending a 2<sup>nd</sup> Notice letter to the owner of property #4.**

### **Property #5 Landscape**

There was discussion regarding the violation.

**On Motion by Mr. Natiello, seconded by Mr. Capozzi, with all in favor, Board approved sending a 2<sup>nd</sup> Notice letter to the owner of property #5.**

Mr. Natiello expressed concerns that sending a 2<sup>nd</sup> Notice letter creates extra work for the Board and sets a precedent if owners continue to ignore the letters.

### **Director's Requests**

Dr. Carlton asked if any other Board Member received the Grand Haven Observer and whether there is any value in the publication. A Board, the GHMA has worked very hard to develop a relationship with the CDD and they should do the same for us. There was discussion regarding the publication.

### **Adjournment**

**On Motion by Mr. Natiello, seconded by Mr. Alfin, with all in favor, the meeting was adjourned at 4:58 p.m.**

