

**Meeting Summary**  
**Bentley Woods Board of Director's Meeting**  
**November 8, 2018**

**Location:** Seminole County Public Library, East Branch

**Board Members in Attendance:** Philip Bass, Harold Buhl, Autumn Huff Garick, Elisabeth Essary, Valerie Marchetti

**Towers Staff in Attendance:** Raymond Shrum, LCAM

Quorum of the Board was verified. Meeting was properly noticed.

Seventeen members of the Homeowners Association were in attendance.

**Minutes:**

1. **Call to Order:** 6:09 pm
2. **Statement of Voting Interest:** ~ 8% homeowners present
3. **Discussion**

Immediately upon adjournment of the meeting Phillip Bass and Autumn Huff Garick (board members) requested that a homeowner from the floor discontinue live streaming video of the meeting to a private Facebook page. These board members clearly stated that they were not comfortable being "live streamed" to social media. The homeowner declined to stop the live streaming event. Discussion ensued, including that FS 720 requires that homeowners be allowed to videotape BOD meetings. However, there was disagreement as to whether "live streaming" was included in this protection. President Philip Bass stated that "live streaming" is different from recording and, therefore, the FS 720 provision did not apply to this situation. Several homeowners from the floor stated their opinion that it should be considered equal to recording. Following discussion, President Philip Bass reiterated that he did not consent to being live streamed and therefore would not participate in the remainder of the meeting. He left the premises at this time.

Vice President Harold Buhl led the BOD meeting from this point forward.

**4. Approval of Previous Minutes**

- a. July minutes have not yet had the statement read by Linda Trocine added, therefore approval was tabled. Elisabeth Essary, secretary, stated that she would add this statement to the minutes upon receipt.
- b. Approval of October 11 minutes also tabled until further revision. It was requested that additional detail be added regarding the discussion of the "Little Lending Library" located at 330 Bentley St. be added. Also, some of the financial data on this topic needs to be corrected. Approval will be revisited following revision.

**5. Discussion**

Autumn Huff Garick brought up a concern that the HOA was spending too much money of the “Board Packets” provided by TPM for the HOA meetings. Raymond stated that he typically charges \$1/page, however he only charged us \$.50/page. Since this meeting’s was 144 pages, Autumn stated, that would mean that the board is being charged ~\$75/packet and it was agreed that this seemed excessive. The BOD agreed that in the future only one packet would be provided to the secretary for record keeping purposes.

Additionally, the BOD would like to review the contract with TPM to ensure that we are being charged the agreed upon price for paper copies.

## **6. Manager’s Report**

- a. Towers Property Management received a resignation letter dated October 26, 2018 from the lawyer we had on retainer, a Ryan C. Fong, representing DHN Attorneys. He stated that all records would be forwarded to new counsel, once retained. Raymond Shrum provided a copy of the original Engagement Agreement dated April 11, 2018. Raymond recommended that the HOA retain new counsel as soon as possible. He also shared an offer of representation from Nicolette A. Kramer, Attorney at Law, South Milhausen, P.A., and the Law Offices of John L. DiMasi, P.A. These offers include billing rate and structure information that is included in the board packet provided.
- b. Monthly lawn maintenance with Grasshoppers was discussed as that contract is up for renewal. The board discussed whether we should shop around for other landscape service providers. A former board member speaking from the floor stated that Grasshoppers is charging \$12,000 less per year than the other estimates they had received and has not increased their prices in several years. Review of the Grasshoppers contract suggests that we have been paying them \$13,992.00/ year since 11/1/12. Raymond provided multiple estimates from other landscaping companies, including:
  - i. Carol King Landscape quoted \$23,160.00 for their annual service on 10/16/18.
  - ii. Duval Landscape Maintenance provided a quote, dated October 16, 2018, but the estimated amount was not available. (Note- Raymond later communicated via email that the estimate was \$12,236 per annum.)
  - iii. Yellowstone Landscape quoted \$35,820 annually on 10/19/18.
  - iv. Maurice Lawn Care quoted \$37,576 annually on 10/31/18.

The board agreed that we should continue with Grasshoppers landscape maintenance if they are willing to renew at our current rate. Autumn expressed concern about a problem with red ants near the Artesia pond. Raymond stated that he would follow up with Grasshoppers re: the red ants.

- c. A walkthrough with the owner of Solitude Lake Management was conducted with Raymond Shrum, Elisabeth Essary and Valerie Marchetti in attendance. Options for future maintenance of the Bentley St. pond were discussed. The primary issue is that this pond is shallow and congested with plant life. This causes poor circulation and inadequate aeration. Solitude stated that they would provide an estimate to Raymond for the cost of cleaning out the vegetation to

the best of their ability. Additional details from this discussion were emailed to the other board members by Elisabeth.

Solitude's contract is up for renewal. Autumn has received a quote from Lake Doctors as a possible alternative; they quoted \$120/month. We are currently paying Solitude Lake Management \$175/month. However, feedback from the floor was provided stating that we have previously been under contract with Lake Doctors, and they were fired because "they didn't even know the Bentley pond was there". It was at this time that Solitude was hired. The BOD agreed that we should continue with Solitude Lake Management if they will renew at the current rate.

Following the walkthrough, but prior to the meeting, Solitude did visit & treat the neighborhood ponds. Autumn stated that "before that I had not seen Solitude in 8 months."

- d. The fountain of the Yorkshire pond has been returned to working order at this time. Lake Doctors provided a quote to replace the fountain for \$8900.38, and Vertex Water Features quoted \$3,461.16 to replace the motor, however Raymond stated that he had Palmer Electric work on the fountain and they were able to repair it. The board agreed that no further action would be taken as long as the fountain remained operational.
- e. Proposals for the removal of dead trees surrounding the Bentley St. pond were provided. Grasshoppers quoted \$2100 for their removal. Raymond provided a proposal from "A Budget Tree Service, Inc." but the only thing stated was "Estimate: \$350" and Raymond was unfamiliar with additional details. Autumn reported a quote from Tree Monkeys for \$2300 and that they had identified significantly more dead trees, the removal of which was included in that estimate. A consensus was reached that since Tree Monkeys offered to remove more trees for only \$200, that the HOA would work with them on this matter. However, there is concern re: the lack of clarity of the HOA's financial situation since no board members have been able to meet with the TPM accountant. Additionally, Paul Knight, the HOA treasurer, was not present so cannot offer his input. Elisabeth made a motion to have the work completed by Tree Monkeys contingent upon Paul's approval. Harold seconded the motion. All were in favor and the motion passed.
- f. A list of current violations was provided and discussed. The BOD reiterated that they did not want new violations sent out until they were reviewed by the board. Raymond's understanding, however, was that he was to resume the violation process after the ACC committee had met (which had occurred prior to October BOD meeting). He stated that in the future he will provide the board with violations prior to the first notice being sent out. Autumn also stated that before violation letters were sent out she would like the new board to revisit the wording in these letters. Autumn volunteered to be part of a committee to revise the wording of these letters. Elisabeth stated that she was not comfortable sending violations for anything that was not specifically disallowed by our current official documents.

## 7. Report of Committees

- a. The secretary, Elisabeth, established that the documents she needs could be obtained by email and will be working on that prior to the next meeting.
- b. Treasurer not in attendance to give report.
- c. Vice President, Harold, stated that a priority for him was to clarify the balance of power between the ACC & BOD. To this point, the new board has been operating under the premise that decisions made by the ACC could be overturned by BOD vote. However, Harold stated, that is not the way our Declaration of Covenants is worded. There is no provision to that affect and, to his reading, ACC decisions should be final. Harold expressed concern that representatives from the BOD have not been able to meet with the accountant managing HOA finances. Raymond stated that prior to meeting the accountant has requested that she be provided with a list of items to be discussed prior to meeting. This is so that she can be prepared for the discussion. Harold stated that it would be a priority for he and Paul to sit down with the accountant prior to the next meeting. He also stated that even following the ACC meeting the BOD president had been signing ACC applications for approval. Harold stated that if the board has the power to over-rule the ACC decisions and a board member, who is not on the ACC, is signing applications that there was no point in having an ACC at all. Autumn stated that it was her belief FS 720 specified the right of ACC decisions to be appealed to the BOD. Elisabeth stated that her interpretation of FS 720 was that ACC guidelines were to be governed by the HOA's Declaration of Covenants. Harold stated that if the power of the ACC is determined by our Declaration of Covenants, then that supports his position that ACC decisions should be final. Autumn disagrees with his assessment. The issue was tabled until the entire board was available to discuss the issue.

## **8. Discussion**

At this point discussion was opened to the floor. A HOA member from the floor (former board member) stated that, in his opinion, the BOD did not act legally in overturning the ACC decision. He stated that he, with other homeowners, have "sought counsel" in the matter. Reportedly, the issue was discussed with several lawyers who stated that the ACC decision should be "binding and enforceable. Harold asked if copies of these legal opinions could be provided to the BOD for review. The homeowner stated that "we will provide copies when we know what the BOD is going to do". Harold stated that if a legal opinion is to be cited a copy needs to be provided as a reference so that the board could move forward with discussing the legality of the issue. A different homeowner contributed that the former board "didn't put this much effort into doing something about any other issues facing the neighborhood". Further discussion was tabled until all board members were available to contribute.

## **9. Old Business**

The Bentley St. pond situation was revisited. Autumn stated she had learned that it would cost \$32,000 to dredge the pond. A former board member from the floor stated that the pond had never been dredged before. Autumn stated that 12 years ago the city "dug out the middle of the pond- it was deeper/better for a while". Harold opined that at this time there is not sufficient information to take action. Autumn proposed a "pond maintenance committee" for the purpose of studying the issue

with the Bentley St. pond and proposing a course of action to the BOD. She offered to lead this committee and recruit additional members. No objection was given to the formation of this committee.

#### **10. New Business**

Autumn stated that after the former board resigned the neighborhood Christmas decorations and dog “way station” supplies were dropped off at her home. She has been storing them since that time but could not continue to do so. Following discussion, Raymond was asked to research the cost of a small storage unit.

#### **11. Open Forum**

A homeowner stated that he “wanted to know if there would be any repercussions” for a disagreement that occurred upon the floor during the ACC meeting that was held immediately prior to the last board meeting. The disagreement allegedly became physical; however, all parties are not in agreement upon that fact. Heated discussion ensued with many people talking at once.

#### **12. Adjournment**

At this point the library was closing; the meeting was adjourned at 7:57 pm.

#### **13. Next Meeting**

The next HOA meeting will be December 12, 2018, from 5:30-7:30.