**Loma Del Sol Homeowners Association, Inc.**

Thursday, January 16, 2014, the Board Meeting was called to order at

7:00 P.M.

We had a quorum of Board members, as Frank Cardinale, Don Chase,

Lucille De Feo, John Long, Marylu Mariniello and Frank Reynolds were present.

Art Kastner, our Sergeant-at-Arms, was also present.

**Officer Elections & Board Appointments**

John motioned to keep all Officer positions the same. Frank Cardinale seconded it and the Board approved this.

Dianne Tubbs missed three consecutive meetings due to an illness and had to be removed from the Board. John motioned to remove Dianne and Don seconded this. Frank Reynolds asked if we notified Dianne and Marylu said yes. Frank said that we should reevaluate this issue, but Lucille said that our bylaws state that if a Board Member misses three consecutive meetings, then he/she must be removed. The Board, with the exception of Frank Reynolds, approved of the removal. Frank Reynolds abstained. Lucille asked if anyone had someone in mind to replace her. Frank Reynolds motioned to place Tania Ashe as the replacement, but no one on the Board seconded his motion, which failed. Frank Cardinale motioned his nomination for Paul Gaffney, John seconded it and the Board approved. John asked Paul to speak. Paul accepted the nomination and said that everyone should use common sense and do the right thing. He said that he is now retired, but has management skills from his prior position.

**ARB Appointments**

Rick Frietas resigned from serving on the ARB. Lucille motioned to have Sheila Brazina replace him. John seconded this but asked if anyone else wanted to volunteer for the ARB. No one did, so the Board approved having Sheila on the ARB. Frank Reynolds asked Sheila what her qualifications were. She said that has a business background, is interested in keeping our Community looking great and she will work hard to maintain it.

**Treasury Report (Marylu)**

Center State Operating $81,096.64

Center State Money Market 20,061.07

Wells Fargo Money Market 32,152.10

John questioned a figure inconsistency on the P & L balance sheet. Marylu said that she would look into this and report back the answer. John motioned to accept the report as is until we have the full answer and Lucille seconded it.

**Note:** The difference was a $500 credit from our Attorney

**ARB Report (Frank De Feo)**

Driveway painting (1)

Fence (2)

Painting (3)

Roof replacement (4)

Shed (1)

Window replacement (1)

**Amend the Bylaws (Lucille)**

A lengthy discussion ensued about amending the bylaws with a 75% vote from the Homeowners regarding banning farm equipment and allowing boats, motor homes and trailers in the Community for five hours for washing, packing and unpacking, John said that he has a motor home and brings it in for packing/unpacking and cleaning. Frank Reynolds said that John is violating the bylaws and should resign because he could be sued.

Lucille told Frank that he says this about everyone. It was mentioned that there are two motor homes on John's cul de sac, but the complaints were about John only. Marylu said that there has never been a complaint about Thomas' motor home, but only about John. Ginny Reynolds said that she has copies of complaints regarding other motor homes, including Thomas'

motor home, but Marylu said that there were none about Thomas in the file, so Ginny said that she would send her copies to the Board. Paul motioned to suspend this issue until a later time, Frank Reynolds seconded this and the Board approved.

**Via Bianca/Lot 68 Issue (Lucille, Don & Frank Reynolds)**

There is a problem with land sold affecting out retention pond.

Our Attorney is working on this issue and Code Enforcement, Land Development and SWFWMD have been notified. Some work by Lennar has begun on our retention area. Lucille spoke about how our Attorney sent a cease and desist letter to the many people involved. John was concerned that our four year inspection from SWFWMD will be compromised due to the problem and said that Lennar has to pay to keep Loma Del Sol compliant. The Board will meet with Robert on January 22 to further discuss our options. However, more details cannot be given due to legal ramifications.

**Signs at both entrances (Don)**

Two antiquated signs were removed at each entryway. Both were on the County right of way. Polk County asked us to send pictures of the posts on the right of way, which were sent. Then we were notified that the County wants extensive paperwork to proceed. Lucille spoke to various County staff and was told that our bulletin board at the east entrance and some signs at that location are also on the County right of way, but she could sign an amended document to include all of the signs to be in compliance.

The discussion then turned to what we will put on the new signs since they can be perceived as negative and redundant. John motioned to have plans at the next meeting and Lucille seconded this. Don will do a study for the new signs and present this information at the May meeting.

**Workman's Comp Issue regarding T&M (Lucille)**

Michael Holleran sent two letters to the HOA regarding the need for

T & M, the Lawn Company who maintains our common areas, to procure workman's compensation insurance for the employees and to name LDS as the additional insured.

Our Attorney recommended using a Labor Attorney specialist, who is board certified in this area. He concluded that the workers are independent contractors, so there is no need for the additional insurance. This information was sent to Michael. The Labor Attorney cost us $450.

**Trash can in the park (Don & Frank Cardinale)**

Frank Cardinale said that a sign was placed on the trash container asking people not to place dog waste there. The odor was extremely offensive to anyone in the park, as well as to Homeowner's who live nearby. Also, at one time, the trash was packed in so badly, it created a potential biohazard.

Most people have complied, but one Homeowner continues to do this. Also, the sign has been repeatedly taken down, Frank Cardinale said that Don Chase removes the trash bag every week and places it in his own trash container. John asked if Polk County can pick up the trash, but Lucille said that Polk will not do this because the park has no address. We will send out a newsletter to all of the Homeowners with more information. Lucille motioned that we give this issue three more months and if the problem still exists, we will remove the container. Frank Reynolds seconded this. A Homeowner asked for more information to be sent via the newsletter.

**Discussion of the protocols of the Board Members (John)**

John said that all of the Board members need to get along and respect one another. Lately, there has been a lot of acrimony. He said that the Board needs to adapt a standard of how we communicate. Frank Cardinale motioned to accept this and Lucille seconded it.

**Landscaping (Don & Frank Cardinale)**

Don and Frank spoke about the lighting at the entrances, which is constantly breaking down. They will not replace anything until the work on CR 54 is completed. They plan to purchase LED lights for efficiency and will do the work in stages. Regarding the lights at the east entrance, Don said that the circuit tripped which may be related to the problems with the irrigation there. Frank Reynolds suggested using a lighting specialist. John said that we have reserve funds for this and to buy quality items. He motioned to use the reserve funds and Don seconded this. Also, each gazebo in the park needs a new roof. Frank Cardinale and Don will check on the status and investigate the need for a permit. Art volunteered to help with this. As for irrigation, it was noted the Luis Arancibia has been helping Don with work on the different zones. The western entrance has 16 zones, with 20-25 sprinkler heads per zone. The eastern entrance has 14 zones with the same amount of sprinkler heads. Frank Reynolds said that the two timers are inadequate and Don said that Randy, of T & M, is checking for leaks.

**Violations (Don)**

Due to the Christmas season, no violations were sent out. Don said that this process will begin again next week. Lucille asked Frank Reynolds to be on the Violation Committee to work with she and Don in this area.

**Assessments (Lucille)**

69 Homeowners have not paid the 2013 assessment as of January 1. Our Attorney is working on this. Frank Reynolds wants a payment plan option or to use a collection company. Lucille said that if anyone has a problem paying the assessment and needs to make payments, to contact us. She also said that Robert collects the fees, along with fines for his payment and that collection agencies are expensive.

**Discussion from Frank Reynolds**

Frank complained that the street lights throughout Loma Del Sol look awful and wants Duke Energy to paint them. He also said that our USPS mailboxes need to be replaced. Lucille said that the Post Office will not replace any mail box unless it was severely broken.

Frank would like Committees for the newsletter, landscape, irrigation, violations, park & playground, fining and budget. Lucille said that we have a Landscape Committee who handles irrigation, the park and playground. We have no fining capability. All infractions are handled by our Attorney. We send out a newsletter when there are problems and we need to give information to the Homeowners. The budget was not discussed.

Frank asked who had had direct access to our Attorney and Lucille said as President, she does. He also asked who has access to our email account. Marylu said that per our Attorney, for the sake of integrity, there should be one person with the access and one in case of an emergency. As Secretary, Marylu reads and answers all emails. Lucille is the backup.

Frank wanted to know who maintains the HOA roster. Lucille said that she works with the Bookkeeper in this area. Marylu said that input for changes also comes from Robert Chilton, because he is the agent of record and also from she, as Secretary. The Bookkeeper types in the updates on an excel spreadsheet and sends paper copies to the Board. Frank Reynolds also said that there are Homeowners with no email access or can't come to the meetings, but would like copies of the minutes and wants them mailed out. However, this is a very expensive to do. Anyone who would like a copy can call Lucille ay 863.420.8471 or send a note and we will print a copy for them.

All of this information was relayed to Frank Reynolds, who agreed with it.

**Housing Statistics (Marylu)**

Listings:

Active (6)

**129 WESTWIND DR Foreclosure 144,000**

**630 VIA BIANCA DR Short sale 175,000**

**500 LOMA DEL SOL DR Regular sale 185,000**

**723 VIA BIANCA DR Regular sale 193,000**

**111 VIA MARIEL EAST DR Regular sale 199,000**

**165 ADRIANA CT Regular sale 212,000**

Pending (2)

**135 SELA CT Short Sale 124,900**

**116 RIO CT Regular Sale 207,000**

Sold (2) (Last 60 days)

**621 VIA DEL SOL DR Regular Sale 150,000**

**631 VIA DEL SOL DR Short Sale 113,000**

In 2014, we will have our weeknight meetings on Thursdays.

The annual garage sales will be held in February and October. Paul Gaffney will be working with this in terms of advertising and scheduling.

More information will be in the next newsletter.

Michael Holleran spoke at the meeting, refuting the Labor Attorney's opinion and told the Homeowners there that all of us will be hit with special assessment of $5,000 when law suit problems arise. He was asked if he was an attorney and said that his 40 years of work experience superseded the Attorney's findings. Michael found fault with the hold harmless agreement that T & M signed and said that the liability insurance that the HOA has will not cover personal injury. He continued to speak after the three minutes were up and Art told him to sit down.

John motioned to adjourn the meeting at 8:58 and Lucille seconded it.

Note: There was constant conversation going on from the audience while the meeting was being held. This behavior will no longer be tolerated at future meetings.

**The next Board meeting is scheduled for Thursday,**

**May 15 at 7:00 P.M at the Polk County Sheriff’s Facility,**

***1100***Dunson Road