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

Saturday, November 7, 2015, the Annual Meeting was called to order at 10:00 A.M.

Everyone said the Pledge of Allegiance.

We did not reach a quorum, so the ballots could not be counted. John motioned to continue the Annual Meeting in February and Don seconded the motion. John then asked Don Behr to speak about our finances.

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

Paul Gaffney, John Long, Marylu Mariniello and Frank Reynolds were present. Lucille De Feo was on the road, coming home from vacation and was on the phone for the meeting.

Don Behr said that our finances were in good shape and our HOA was the best that his office has handled. He said that we spent more this year than our budget allowed due to the electrical updates at the entrances, but we are still doing fine. He noted that all of our equipment, retention ponds and common areas were well maintained. He also said that he has sold his half of the business to his partner, Tony, who has agreed not to raise the price of doing current business with the HOA.

Don discussed IRS rules which affects anyone who has $10,000 in foreign banks, which is part of the Patriot Act. This must be disclosed when filing taxes. If not, severe penalties will occur.

A question of the timeframe for paying the annual assessment came up. Don said that everyone has until December 31 to pay it without penalty. Some Homeowners said that this was not stated on the invoice. Don said that he would clarify this on next year's invoice. Someone asked for his business card, but he is having new ones printed, so he gave the office number, 863.965.1161 if anyone has questions.

Don answered some additional questions and then left.

John said that part of our financial wellness was due to our Attorney, who is very aggressive in collecting past due funds.

John said that now the business meeting would begin.

He motioned to waive the reading of the September Minutes since they were posted. Frank Reynolds objected to this and wanted the minutes read. Marylu said they were publicly posted and we would only read the Annual Minutes if we were having the Annual Meeting.

Frank Reynolds said that Marylu made mistakes in the September Minutes. She asked what they were and he said that she wrote that he read from the Bylaws. However, Frank Reynolds said that he read from the Deed Restrictions. He said that this needed to be changed in three areas. Marylu agreed to make the changes. Then Frank said he wanted something removed from the September Minutes. Marylu asked what and he said he wanted this sentence removed:

"All respected this except Tania, who continued to speak, often over the voices of others".

Marylu said she would not alter the September minutes because this was part of the meeting and all speaking and activity has been and will continue to be documented in the meeting minutes.

Paul seconded waiving the reading of the minutes.

**Treasury Report (Marylu)**

Center State Operating $39,540.98

Center State Money Market 45,081.89

Wells Fargo Money Market 28,622.41

**ARB Report (Marylu)**

**Approved:**

Fence (2)

Painting (1)

Roof replacement (5)

Tree removal (1)

There was a discussion regarding one property with a new retaining wall. The wall was put up before the ARB request was approved. The ARB Committee will work on this.

Frank Reynolds questioned the status of a property which was painted a blue/purple color. This color was painted by mistake. The Homeowners were contacted about repainting. They agreed, but asked for a little time until they would repaint, which will be done in February.

**Promulgated Rules**

**Tenant Approval Rule (Marylu)**

The Board is asking for tenant information, via a promulgated rule.

Marylu motioned to address this issue. We discussed this in September, but John objected to supposed financial aspects of the lease information and asked Frank Reynolds to rewrite the wording.

Frank crossed out some sentences and cut and pasted other sentences, but our Attorney said that wording was grammatically incorrect and not legally valid, so we revisited the rule again today.

This time, the objection was to showing the amount of rent on the lease. Both Don and John want this to be redacted on the lease. John motioned to amend the lease rule to exclude the lease amount and Don seconded it.

Paul questioned if leases were six months or month to month. Paul said that he knows about properties like this and Don said this is why we are asking for the information. Marylu said most leases are written for one year.

Then Don questioned paragraph E, which is asking for the names of other people who live with the renter(s), He mentioned children, both young and older, which lead to a lengthy discussion.

Marylu said that multiple tenants do exist in the Community. John said that Code Enforcement deals with multiple non related tenants. Marylu said that Lucille was informed that Code Enforcement doesn't do this anymore.

John said that Marylu had to remove her motion and John motioned to send the lease wording back to Robert and Paul seconded it. The vote was 4-3.

**The legal ramifications** of trying to circumvent Loma Del Sol's "Declaration of Covenants, Conditions and Restrictions" with promulgated rules. **(Frank Reynolds)**

At the last meeting, the Board voted 6-1 to allow giving motor homes, trailers and boats in the Community eight hours to clean, pack or unpack. Frank Reynolds opposed this then and continued his opposition at this meeting, reading from two pages of notes. He quoted Article X Section 8, which prohibits motor homes, trailers and boats. The wording he read was questioned by Don, who said he couldn't find the exact wording that Frank spoke of in his notes. John also questioned the wording.

Frank Reynolds spoke of a recent court case regarding a trailer. We will address this issue further at the next meeting.

Marylu told Frank that he is selective with the bylaws, upholding them when he wants and ignoring them when he doesn't.

She cited his opposition to the Rule 28 Motor home/Boat Promulgated Rule, quoting the covenants, but when Dianne Tubbs had to be removed from the Board for missing three consecutive meetings, Frank said that we should reevaluate this issue, which is opposite to our bylaws.

Frank Reynolds said that Lucille violated the covenants with the Rule 28 which states that she could give a Homeowner a written variance from this rule. Frank said that only the ARB can give a variance. He also accused Lucille of being sneaky and underhanded by going to the Attorney without inviting other Board members, keeping everyone in the dark. He said that Lucille was looking out for a specific Homeowners, violating Resolution 6.

Both Marylu and John told Frank that the Board gave Lucille authority to handle day to day problems and issues. Frank said that he never gave such authority and Marylu said that this was done before he was on the Board.

The fact is that Lucille handles a large variety of day to day situations. She deals with all of the committees, Homeowners and the staff in Polk County. To be called sneaky and underhanded for getting things done for the Community is egregious.

John referenced Article X Section 4, which allows Board Members to promulgate rules from the bylaws. John said that Frank Reynolds objects to his (John's) motor home because Frank doesn't like him. John also said that the State of Florida continues to change the interpretation of the statutes. He asked the audience to give a show of hands to see if they agreed with the Promulgated Rule for boats and motor homes. Frank Reynolds objected to this because he said that we have 388 homes to question, but John said he wanted to know what the people there thought. All agreed with the rule and no one opposed it.

A long discussion ensued between Don and Frank Reynolds regarding the word "parking" and the word "no". Frank wants the Promulgated Rule removed entirely, but Don said that the Board was responsible for allowing Homeowners to have some happiness. He also said that our bylaws prohibit vehicles that weigh over one ton, but many in the Community have SUVS, which are built on truck chasses and weigh over one ton. Don asked if he rented a trailer to bring in mulch, was he violating the bylaws. He said that the bylaws are twenty years old and don't always address the current times and that motor homes and boats don't affect our property values.

Cathi Camis asked what the rules are if someone with a motorcycle visits during the day. John told her a day time visitor was fine.

Then Frank Cardinale motioned to adopt a change the eight hour allowance to 24 hours and Paul seconded it for discussion. The vote was

4-3 in favor.

So now motor homes, trailers and boats have 24 hours to be on sight every two weeks for cleaning and packing/unpacking.

**Code of Conduct Document (John & Marylu)**

The Board voted to accept a code of conduct at the September meeting in how we would follow the rules within the Community. However, now Frank Reynolds wishes to rescind his vote for this. He did say that he is opposed to the sunset/sunrise sentence in the document, but would speak more about this later, which didn't occur. This will be discussed further at the February meeting.

**Harassment Issues (Marylu)**

**Hateful Postcard sent to Board Member:**

Marylu received a post card asking her to join Loma Del Sol Next Door, which is a social media site. However, the card was addressed to Lucifer Satan, with her address. The ID and password were already set up as: f\*\*\*\*\*f@scumbaghoa.com

Marylu said that she sent an email to Grady Judd, who answered back in 40 minutes. He sent a Deputy to her house the next day. She told him about the rancor in this Community and asked for more patrolling, both night and day, which he agreed to. Now she will be sending the information to the State Attorney to follow up on the postcard.

This site was set up to allow neighbors to post sharing ideas and information and to get to know one another. But it has turned into a negative and vile ranting area.

**Homeowner Harassed:**

A Homeowner sent an email about having a notice posted on his door regarding having a trash can on the driveway. Marylu forwarded the email to Don, who told him that the HOA didn't do this.

Marylu said that the HOA does not put notices on doors and that no Board Member was allowed to do this. Violations notices are sent by the HOA via mail. No Board Member should confront anyone physically or go on the property of any Homeowner. The question is who did this?

**Violations (Don)**

35 envelopes were mailed, which included both Homeowners and Renters. Six violations were forwarded to our Attorney.

**Landscaping (Frank Cardinale & Don)**

**Irrigation update:**

The irrigation system in our Community is original, old and under code. Don and Frank Cardinale gave a detailed explanation about the work that has been done so far and future needs, including valves and wiring. Over 2,000 feet of trenches has to be addressed. Don said this will cost around $12,000.

John said that we have funds in the Emergency and Irrigation reserves, as well as the Sod-shrubs-trees fund.

He also said that Don needs to get bids for the work. More information will be given at the next meeting.

Frank Cardinale asked to increase the landscaping budget to purchase new shrubs. He said that new mulch was recently put down in the park and that this is the best Board he has ever worked with because we have accomplished a lot for the Community.

Frank Reynolds asked if we could run a 3 inch line above the ground, but John said no because this would only create new problems.

A discussion came up regarding a postcard that a Realtor sent to everyone in Loma Del Sol. The picture on the card was one of our entry signs. Marylu will send a letter to the Realtor telling him not to use our signs on his mailings going forward.

**Garage Sale (Paul Gaffney)**

Scheduled and advertised for Saturday November 14th

8:00 Am - 2:00 PM

**Short term rental issue (Paul Gaffney)**

Paul saw an ad for a property in the Community, advertised as a short term rental. He called the Listing Agent and told him this is not allowed here. The Agent took the information out of the comments area.

We will follow up on other listings.

**Housing Statistics (Marylu)**

Listings:

Active (2)

**223 VIA MARIEL EAST DR Regular sale 194,900**

**824 VIA DEL SOL DRIVE Regular sale 199,500**

Pending (2)

**225 SUNWARD RUN Regular sale 174,900**

**623 LOMA DEL SOL Regular sale 239,900**

Sold (5) (Last 60 days)

**323 WESTWIND DRIVE Foreclosure 130,500**

**137 VERANO CT Foreclosure 140,000**

**120 VIA DEL SOL Regular sale 188,000**

**155 ADRIANA CT Regular sale 215,000**

**824 VIA BIANCA DR Regular sale 215,000**

**Four Homeowners requested to speak:**

Charlie Ruth asked for 48 hours to pack/clean his motor home. Marylu said that the eight hours originally given was to be a compromise between not bringing in the motor homes/boats at all and giving Homeowners some time to utilize them. She said that 24 hours was the best they can have now.

Mrs. and Mrs. Sanchez are new Homeowners who asked about how to do some exterior upgrades to the property. Marylu told them to come by after the meeting for the information.

Gil Bouffard complimented the Board on working for the Community, comparing us to Congress working for their Constituency.

Rita Insogna questioned about the roads being public. She wants information regarding proxy votes to make changes to the Bylaws and information about our roads - public versus HOA rules.

John motioned to adjourn the meeting at 11:45 AM and Don seconded it.

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

**February 11, 2016 at 7:00 P.M at the *Polk County Sheriff’s Facility, 1100******Dunson Road***