

Ballantrae Condominium Association Board of Directors Meeting

DATE: November 16, 2022 **TIME:** 6:30 pm.

LOCATION: **Gulf Gate Library, Meeting Room A**

Board Members Present: David Dicke, Drew Lowther, Jim Boyd, and Ken Rowland. Quorum established.

Attendees: Mike Miller, Miller Management; 34 Residents.

Call to Order: The meeting was called to order by David Dicke at 6:30 p.m. Roll Call: Four board members present (David, Drew, Jim, and Ken). Meeting notices have been posted appropriately on the bulletin boards and agenda circulated.

Approval of Minutes: David asked for a motion to approve the October (19th) Board of Directors meeting minutes. Ken made the motion and Drew seconded. No discussion, passed 4-0. John Frazzini commented favorably on the minutes which is appreciated.

Reports of Officers and Committees

President

David Dicke reported that there are some important old business agenda items and new business approvals for residents that need attention. We may need to skip around a bit and keep things moving. We have spent almost \$19,000 so far on cleanup and repair for Ian related work, mostly tree removal and stump grinding. Roof repairs should finish up this week. Lane has been working on irrigation system repairs and there have been expenses. Soffit repairs are also underway. We have a proposal from Brightview to finish up tree trimming to consider, that work could be started the week after Thanksgiving pending approval. According to a map FEMA provides, pickup of tree debris should happen soon as they are in our area now. We may have additional stump grinding and need to consider replacement plantings as well. There are a couple of damaged mailbox stations and also a guardrail that needs replacement. There are also street signs that blew off as has happened throughout the area.

Repairs inside the garage on Carnoustie are complete, and a new driveway has been poured. As soon as the concrete has cured, Fred should be able to park in the garage again after a long wait due to the sinking floor problem. Two other driveway replacements are underway based on their priority as per a list developed by Gordy. We have received some comments about the grass and weeds growing unruly around the ponds. We will schedule an agenda item for the next meeting to discuss and find a solution. As a reminder our next meeting will be in a couple of weeks (Dec 1st) at St. Andrew's United Church of Christ on Beneva. The 2023 budget will be discussed and voted on so it's important to attend or fill out the proxy you will receive. We will begin setup at 6:00 PM and start the meeting soon thereafter.

Vice President

No report.

Secretary

No report.

Treasurer

Jim Boyd reported he received the Financials and they are posted on the website, not sure he understands that but they are there. We have a need for another \$10,000 for storm cleanup and to discuss how the 30K we already borrowed from reserves should be repaid. The budget indicates the money would be repaid monthly next year. He made a motion to borrow another \$10,000 for Ian related expenses and to pay that and the \$30,000 already borrowed back on a monthly basis next year. John Frazzini asked when the budget package would go out (yesterday or today- Mike Miller) and what controls are being put in place on the 40K Ian related spending. Jim stated he sent a form for approving expenditures to David Dicke 2 or 3 weeks ago and asserted that he never heard back from him. He also said that it seems we have no controls on how the money is spent and used attorney consultations as an example. As treasurer, Jim stated there need to be controls to stay within the budget. David Dicke commented that any expenditure of a certain size comes before the board for review and approval, and we do our best to keep within the budget constraints. Rich Robinson commented on his preference to pay back the 40K this year and said he believes many others feel the same. Dave said as a budgetary item we would consider that subject at the next meeting. Drew said that he is hearing we have a proposed budget that calls for repayment next year, and to his understanding that still is not decided. Mike Miller said the expenses are being tracked as a line item in the financial report (storm cleanup) to better understand what is an Ian related expense. At that point Ken seconded the motion for discussion. Ken commented that the financial report shows each expenditure as line items and anyone interested can look at the report as it is posted on the website. Sue Frazzini asked why we have to pay the money we borrowed from the reserves back, as it was an emergency expenditure. Dave said we had borrowed the funds and it would have to be paid back somehow. Mike Miller said it would have to have been approved by the owners as an expenditure to avoid paying back. Ken said the motion was made to borrow from the reserves and determine payback method at a later date. A resident said we had a special assessment shortly after he moved in last year and he never was notified how that money was spent. Why is this situation different? Mike Miller mentioned there was an open meeting notice posted to discuss that situation, the assessment due to legal expenses. There was discussion of the current storm expenses and payback options that could be offered to residents. Drew gave his opinion that we should repay the cost this year and be done with it. Mike said that the 2023 budget proposal reflects repayment incorporated into the monthly fees. Owners could pay earlier as a prepayment. Jim continued at that point and stated that in his experience as a property appraiser special assessments should be avoided. A resident asked if her loss assessment coverage could apply in this situation, and Mike replied that it normally doesn't apply to budgetary items, as the loss is caused by our deductible but she should talk to her agent. Discussion of whether the expenses should be a special assessment to be paid outside of the monthly assessment ensued. Drew gave opinion that prospective home purchasers are keenly aware of the monthly

HOA fee and while special assessments may be negative, higher monthly fees are seen by the homebuyer and they are a negative as well. He asked for an informal show of hands of those who would rather repay this year, which showed support of about half those in attendance. Pat Paulson said that the reserves we have built up should be used for such a catastrophic event. David said that was not the case as they are for planned expenses. Stan Valerga opined that we should repay the reserves so they are there when needed. Mike noted that the budget would be discussed and approved at the December 1 meeting and the options for repayment would be presented. According to John Frazzini, the decision on whether to have the assessment or include in the 2023 budget would be made by the new board at the meeting following the Membership meeting. Dave said we are asking to borrow an additional 10K for items that still needed repair such as roof repairs and mailboxes and asked Jim to restate the motion for a vote. Jim added that there are uncertainties in the budget; insurance expenses are still an unknown and cleanup expenses not fully understood, but we are doing our best. He restated the motion- We borrow an additional \$10,000 for storm cleanup and repay in our monthly assessment in 2023. David, Jim and Ken voted yes, Drew voted no. Motion passed, 3-1.

Buildings

Gordy Shonka reported the soffit panels are being repaired and/or replaced by Lane and work is progressing; should be complete within a few weeks. Roof repair is being done and some is completed. Two driveways that were rated as 4 (worst condition) have been torn out and one has been re-poured, the other will be done this week. In response to a resident question, Gordy reported that we have an estimate from Cash Jacob to replace the guardrails on the way out by the guard shack. He will use pressure treated wood posts to avoid corrosion that rebar can cause that can deteriorate the concrete style columns. Work should be scheduled the first part of next year. Fran Clymore inquired about the criteria for new driveways as the number 4 was mentioned. Gordy said each driveway was surveyed and based on the number of cracks they were ranked 1 to 4 with 4 being most severe. Dave said he has the survey results and will share with anyone curious about their driveway status. He said there was a budget and schedule to fix those driveways based on need. A resident asked if we have the roofing report as there are concerns of whether the storm may have compromised them. David said the report from Heritage, our insurance company is not out yet, but he will share it with residents when it is received.

Grounds

Fran Clymore read a report from Lin Dunn, who is out of town to attend a family member's funeral-
Obtained proposals from Brightview and Integrity Tree Services for the remainder of tree cleanup. He attempted to get 4 proposals, Troyers and another company could not perform the work until late January. The proposals include removing hanging limbs, shaping and enhancing, and removing partial trees left behind by other tree services. Working with Unit 1-D owners who are doing extensive remodel and have requested to replace shrubs in front of the unit at their expense. I have met with the owner and approved his request and will work to select native plantings.
I would like to personally thank unit owners who have contributed this past month with plant purchase and installation. Because of their financial and labor contributions we have been able to continue new plantings on Royal Birkdale and stay within budget.

Also Bill and Louise Buckler in 24-B for removing and replacing faux jasmine and ixora at their expense. They also donated the jasmine to be replanted on Royal Birkdale, 17-D. Lori McGuinness and Melanie Wright from 16-A and 16-B purchased a pitch apple to be planted between their villas. David Strattard of Royal Birkdale unit 15-A who removed and replaced shrubs along his walkway, and has spent much time and effort cleaning up storm debris in the elligraw in back of the unit.

As soon as the storm cleanup is complete, we can begin to address replanting of trees that came down or were removed due to damage. Lin reported that there have been comments about the plantings at the entrance way, and after the priority work is complete we will begin to address that area. John Frazzini asked Fran to pass along to Lin, that it is important to coordinate new plantings with Lane as has been done in the past. Sue Frazzini asked if the trees along the entrance drive were being addressed and Dave said they are part of the proposed work which will be voted on later. Another resident asked to be assured that the grass and weeds growing around the ponds would be addressed at the next meeting and Dave gave his word it would be on the agenda.

Rules and Regulations

Ken reported that he referred an issue with (Unit 19-C) continued violations of the garage door being left open at all hours and trash barrels being left out to David and Miller Management for the next step of action. A letter was sent out to the co-owners detailing the consequences of further violations, which includes fines for continued disregard of the rules and regulations. Pat Paulson commented that the owner should be fined, and Dave answered that there is a process to follow and we are doing that. John recommended we meet with the owner(s) at Miller Management.

Unfinished Business

Dave reported that from last month we have the question of whether Ballantrae should allow professionally installed propane tanks. He said we have identified one such tank outside a unit at the end of Killarney tucked away along the building found a couple of months ago. We need to decide if this is something we want here or not. Sue Frazzini spoke up and said she finds his statement disingenuous and that David knew the tank was there as it was put in by a board member. She said if he didn't know, shame on him. She said it is dangerous and has to be removed. Dave said the previous unit owner didn't come to the board for approval, referring to Michel Glower to clarify who he meant. Sue said she was very angry and the tank should have been removed. John said this is a major violation and referred to a list of items from the Declaration and Florida condo law. He asked what happens when the building blows up and the other 3 units are affected and the insurance doesn't cover the loss. Ken stated that he objected to the charge in handouts given out that David was working for "special interests" and disagreed with many of the interpretations of the declaration listed. He said that when David received the complaint about the propane tank, he made immediate inquiries to Miller Mgt. and the insurance agent and kept John informed. He said in my opinion David did all the right things to investigate the issue and that it was not as if the tank were a ticking time bomb. At that point Dennis Dryjanski said that the tank was a ticking time bomb as he dealt with a propane tank issue at a previous HOA. Ken gave a statistic that there are in excess of 50 million propane tanks in the USA

and they are relatively safe. Dennis asserted that Ken did not know what he was talking about, and that he did because he has been in a similar situation which caused trouble in his former community. Ken mentioned that he can't vouch for safety of the tank but he does take issue with publications that question the integrity of the board members who volunteer their time and in his opinion did a diligent research of the tank issue. Drew said that as a board member he was unaware of the tank until it was brought to our attention. John said David knew about the tank per a phone conversation and David said, yes that was about two months ago. Upon knowledge of the tank David then called the insurance agent who said the tank was not disallowed. Mike said that he forwarded Tommy's (Atlas Insurance) reply to John and John demanded a letter from the insurance company. John asserted that the tank would not be covered per a section that forbids storage tanks above ground. Dave countered that the language was not in the general liability section but from the environmental impairment section. A resident asked if the board has concluded there were no violations in the placement of the tank. Dave moved the discussion to the question of whether we would allow propane tanks in Ballantrae, and the implications that other owners may want to use them to fuel other things than a fireplace. Sheri Netto asked if Dave saw the tank when he did the inspection of Michel Glower's property, and did he record it on the list of modifications to common elements as part of the clean slate effort. Dave answered that yes he saw the tank and it is recorded. Sheri said that was terrible and as President Dave had swept the issue under the rug. Dave said, not exactly, he did discuss with M. Glower and was led to believe that she had merely replaced an old propane tank with a new one. Drew concurred that he believed from Michel that it was merely a replacement for an old tank. Stan Valerga said that he likes the idea of moving the question to a vote, and registered that he would be against allowing the tank. Mike Miller asked if the new owner had been appraised of the actions that were being taken regarding the tank, and Dave said they knew we are discussing whether it can remain. In response to a question about propane grilling being banned and its relationship to the question at hand, Mike said that many years ago fire codes restricted storage and use of propane grilling within a certain distance from buildings and the association made a decision to ban both propane and charcoal grills and their storage from community property. The propane grill tanks have hand operated shut off valves which differentiate them from permanently installed propane fuel tanks and make them more dangerous. He said he manages a property which allows permanently installed propane tanks to fuel outdoor kitchens. David asked if the board had enough information to make a decision on professionally installed propane tanks, which was answered affirmatively. Ken moved that Ballantrae prohibit all types of propane tanks from its property, Drew seconded. Motion passed 4-0. The current owners will be notified of this decision and to remove the tank.

-At this time Dave said we have some rather urgent owner requests for approval and moved to that New Business-

David related that the clean slate letter was first proposed over a year ago while the association was in the original settlement process with 11-D. Our attorney at that time said we needed to do a clean slate letter to finalize the process and give the association a way to disallow another owner from doing a similar violation. The Wells-Olaf firm drafted a clean slate letter, but that was delayed for reasons of a threatened lawsuit and attention being diverted to other issues. Now we would like to move

forward with the process. In response to inquiries, we contacted our attorney Dan Lobeck who stated that the letter would not be an approval of modifications to the common elements, but would be a documentation of modifications that have happened in the past and give the association the authority to deny a similar modification to the common elements if appropriate. Alternatively, Dan said we could litigate against the people who have offenses and he would be happy to do that. Mike mentioned that some of those offenses are 20 plus years old and probably not a winnable case. Along with the clean slate letter there is a list of unit modifications which have been compiled and would go out to the unit owner so they can see what is being grandfathered. The propane tank on Killarney will come off that list. Some units have many items documented, some may have none. Some of the modifications are in the unit files with proper documentation, others not. Some are major, others like a light or flag holder could be considered minor, but all are or should be listed. The board has to decide whether to approve the clean slate letter. Pat Paulson said that in the sample letter that went out there is language that asks residents to report violations that they see and she feels that is asking us to spy on our neighbors. She mentioned the letter says how to supply a name and address and report offenses to Miller Management and that would not be a beneficial process for our community. She said we have a rules and regulations committee and they should be the ones reporting violations. It was agreed that residents should contact either entity to report such things if they feel it appropriate. David said we could form an inspection team to go through the community monthly and document any changes. Sheri said she would like to review the list of modifications that has been compiled to be sure nothing has been missed so far, or swept under the rug. John asked what if something has been missed on an owner's unit and Dave said the owner should alert the board so the item can be added to the list.

New Business

David mentioned we have 4 owner requests for approval for modifications to their units. A resident suggested we may be able to do a block approval if appropriate. David agreed and made a motion to approve the requests, Drew seconded.

Modifications listed:

Unit 16-A replacing screens with hurricane impact sliders in lanai

Unit 20-D making modifications to front door (adding glass insert and painting)

Unit 27-A adding exterior light on garage wall along walkway

Unit 27-D installation of plexiglass hurricane shutters

Motion was approved 4-0.

David said we need to approve spending for fallen tree removal mentioned in Lin's report along the exit drive and the remaining tree work throughout the property. Dave made a motion seconded by Ken to approve the expenditure as part of the lan cleanup line item. The expense is a little over \$9000 and was considerably lower than another bid. Motion passed, 4-0.

Dave brought up the roofing proposal which was discussed at length during the last meeting, where the number of permanent employees for Singleton vs. Florida Southern and the price differential of nearly \$70,000 were issues of concern. As was suggested, our contractor George McGonagill contacted Florida Southern and reported that they were unable or unwilling to lower their bid. Singleton said they would honor

their bid if we acted expeditiously. George also reported that Singleton would use a set crew to do the work which may extend the timeframe to three months, but as we have no urgency he feels their proposal is a good one. Ken moved that we use Singleton for the roofing project for 3 buildings on Gleneagles, Drew seconded. No discussion, motion passed 4-0.

-Dave returned to Unfinished Business for discussion on the clean slate proposal-

Adjournment: Dave moved and Drew seconded. Motion passed 4-0.

The meeting was adjourned at 7:50 PM

Reminder: The next Board meeting will be held on **December 1 at 6:00 PM, at St. Andrews United Church of Christ, 6908 Beneva Rd.**

Respectfully submitted,
Ken Rowland, Secretary

Date: November 24, 2022

