

# THE PRESERVE HOMEOWNERS' ASSOCIATION OF MILTON

P.O. BOX 962  
Milton, FL 32572

## Board of Director Meeting Minutes for, April 29, 2024, 2:00pm

ZOOM Link:

<https://us02web.zoom.us/j/87683328459?pwd=N1cySVFpcll5eS9S21phUGcydFZvUT09>

---

### Meeting Minutes

1. Meeting Call to Order at: 2:00pm (had feedback until 2:02pm)
  - a. Go over rules of the meeting: Noted & summarized by Tony Tranker (President)
    - i. Members of the HOA will be allotted 3 minutes to speak, address issues, concerns or ask questions that are listed on the agenda.
    - ii. No time restriction for Board Members to respond. But don't get carried away.
    - iii. Speakers will be reminded to state their name and address, speak calmly, no yelling, no profanity or smearing of other individuals.
    - iv. Anyone who has an outburst, speaks out of turn and refuses to adhere to the rules will be politely asked to leave to include the BOD or ARC. If individuals refuse to leave, then other legal means will be taken to have those individuals escorted off the property. If conducting meeting via Zoom or other electronic means will simply be cut off and terminate their connection.
    - v. To transact such other business as may properly come before the Board of Directors or any Adjournment or Postponement thereof.
2. Roll Call, Sign-In Sheet: (Sign-in Sheet not used for Zoom meeting.)
3. Introduction of BOD/ARC members: Directors introduced themselves in the following order: Robby Gentry - Director, Ron Kaelber - Secretary, Anthony Tranker – President, James Sanders – Director, and Bill Ferguson – Treasurer.
4. Proof of meeting announcements: Meeting announcement posted 2 days prior on Signs, HOA website, and Facebook.
5. **Old Business:**
  - o **Police Patrol:** Modify pricing discussed at last meeting to actual pricing (James). Recommend 2-3 hour shift in the first week. In each 3-hour shift, Silver Maple, Majestic Cypress & Red Oak Straightaway. Find out if the officer will park in the driveway (With Homeowner Approval). James Sanders talked with Susan Ward at the Santa Rosa County Sherriff's Department regarding the Signal 15 Program (neighborhood patrol and enforcement). The rate is \$42.50/hour with 3 hour minimum and is paid on-site. 24 hours or more cancellation notice is required to avoid payment. The Officer would patrol primarily for those speeding and/or not stopping at stop signs. Bill Ferguson moved to pay for 2 patrols in the first week or 10 days and see how it works. James Sanders provided a second and all BOD members voted yes. Each 3 hour patrol would cost \$127.50. Two patrols would cost \$255. James Sanders will coordinate and Bill Ferguson will make the payment.

- **3<sup>rd</sup> Party Management:** What all does it include without additional cost? After joining the 3<sup>rd</sup> Party, what is left for the BOD to do? Does the Treasurer still have control of finances? Prefer the BOD (Treasurer) to write checks, not 3<sup>rd</sup> party. Can BOD continue to handle lawn care and retention pond with county? How are violations handled? (extra cost) Ron Kaelber to set up meeting with 3<sup>rd</sup> party management to discuss details to help establish start up time period.
- **Financial/Dues Status:** Bill Ferguson summarized the Financial Report as of 4/29/2024. This includes the status of Dues Outstanding, by number of years past due. (See Exhibit 1.)

## 6. New Business:

- **Online Bill Pay:** Several homeowners have requested a method to pay online (with fees). 3<sup>rd</sup> Party will have that. But in case we don't go to a 3<sup>rd</sup> Party before next "Dues" season, do we want to set up with SQUARE to accept credit/debit card payments? Their fees are about 5%. Bill Ferguson has received some requests to pay online, which we had briefly with the prior 3<sup>rd</sup> party management. The BOD plans to hire 3<sup>rd</sup> party management before 2025 dues are collected and will have an online payment option, most likely with a service fee.
- **Notice of Enforcement:** Should we put a post on the HOA FB Page such as "In Following our CCR's and FL720, the BOD will begin enforcement of the rules. Violators will receive a warning and if ignored, can be fined up to \$1000 per violation (\$100 fine for 10 Days = \$1000). Bill Ferguson stated that enforcement of CCRs has been a headache. Should the BOD post an announcement that the BOD is going to enforce violations? He also mentions that only 2 notices will be issued before a fine can be levied. Minor issues will have 14 days to correct and major violations will have 30 days to resolve. Robby Gentry motioned, that the BOD should send out an additional warning by posting on Facebook that the BOD is going to enforce the CCRs. Bill Ferguson provided a second and all BOD members voted yes.
- **ARC Approval:** We need to make it clear that is you are doing outside modifications to your house or property, you MUST receive PRIOR approval (ARC has 30 Days) before starting the project.
  - What do we do if someone builds without ARC approval? Fine, Then What?
  - Can have homeowner remove the modification and brought back to original condition.
  - Can ARC go back and write up violations/fines for people that made modifications earlier (Without Approval). CCR's were legally in place even though the ARC/BOD was silent prior to 2021.

Bill Ferguson mentioned that the ARC wants to know how to handle situations where homeowners are making "improvements" without obtaining ARC approval. The BOD attorney advised that the BOD could fine up to \$100 per day for 10 days, up to \$1,000; have an "improvement" removed and area be brought back to original condition; and the BOD could do nothing. For enforcement the ARC would need to inform the BOD and the BOD would take action under advisement from attorney. Also asked was if the ARC could include "improvements" that happened before the homeowners formed an ARC. (No known documentation while the HOA was being run by the developer/realtors/bank.) BOD will check with attorney for advice. Ron Kaelber added for clarification that the ARC wasn't going to pursue everyone who performed an "improvement" without APC approval prior to homeowners forming an ARC, just those that have an apparent violation. BOD to obtain attorney advice.

- **Parking:** James has info from the County about “No Parking” enforcement by the Police. We must have signage throughout the subdivision. Need to see if our Vote on the 2021 CCRs Revision will suffice, or do we need to conduct a new vote.  
James Sanders reported that if the BOD wanted to ask for No Parking signs to be posted in the neighborhood, the BOD would have to send the request on letterhead to the county. County would review at a monthly meeting and if approved notification would be sent. Ron Kaelber mentioned that it might be a problem for The Preserve because we do have guest parking. The signs would need to have more on them than just “No Parking.” Bill Ferguson and Tony Tranker mentioned that over time it would become clear if the vehicle belonged to a guest or a homeowner/resident, based on frequency of street parking. James also noted that Santa Rosa County already has a “no street” parking ordinance.  
Separately, we have a homeowner who has a fire hydrant in their yard, next to the driveway and they will not park in the driveway because it blocks access to the hydrant. James talked to East Milton Water on South Airport and the homeowner needs to take a picture with her car parked in driveway next to the hydrant, showing how the location of the hydrant prevents her from parking in her driveway. Bill Ferguson said he would let the homeowner know how to request the fire hydrant be moved away from her driveway.
- **Violation Procedures:** Recommend we appoint James & Robby to handle violations, including visual inspection, pictures, preparing notices, tracking on spreadsheet/calendar. When notices are ready give them to the Secretary for standard mail or if Final Notice, certified Mail, Return Receipt (per Lawyer).  
The number of Directors who can write, document, send and follow-up on CCR violations is going to increase, to share the workload. This will help the BOD fulfill their obligation to enforce standards.
- **CELL Phone:** Many homeowners have asked for an easier way to contact the HOA. Recommend we obtain a minimal cell phone plan with voice mail. We don’t answer calls. We let the homeowner leave a message and then we decide who needs to return the call. I think this might help public relations. Cost should be under \$50 per month.  
Issue will be set aside for now. Homeowners can communicate with the BOD via email or letter mail to the PO Box. If planned hire of 3<sup>rd</sup> party management happens, issue may be resolved somewhat with hiring 3<sup>rd</sup> party management.
- **Dumpster:** Cleanup weekend? Have 1 or 2 large dumpsters set up to dispose of their junk? (Cost?) Bill Ferguson mentioned that several people indicated they would like a dumpster available for a day or so for people to get rid of larger items. Bill Ferguson will get some prices and other details to share at a future meeting.
- **Meeting Minutes:** Clarification of the 30 March 2024 Agenda and Meeting Minutes item regarding the 2025 budget.  
It was brought to our attention by a homeowner that we had an error in our meeting minutes regarding the 2025 budget. Because 3<sup>rd</sup> party management is going to raise cost every year, to meet that expense the BOD will need to initially increase costs every by 10%. This was part of the forecasting for the next 3 years, to determine if and when we could afford to start 3<sup>rd</sup> party



management. However, to be clear, every year the new BOD needs to approve a budget, so assuming an increase of 10% for several years into the future doesn't lock-in the amount for next year's BOD.

- **HOA Newsletter:** Announcing what the BOD has been doing for the community. Tony Tranker and Bill Ferguson thought it would be a good idea to have an HOA Newsletter. One or more homeowners in the past have mentioned they would help publish a newsletter that would contain information that would help other homeowners by sharing information. If done via email it could be done without cost. Bill Ferguson will talk with Rebecca Peterson regarding the Newsletter when he sees her regarding the fire hydrant.
  - **HOA Official Information:** Official HOA business needs to be communicated with the HOA Board through the [preservehoamilton@gmail.com](mailto:preservehoamilton@gmail.com) or mail to The Preserve HOA of Milton, PO Box 962, Milton, FL 32572.
7. Current Financial Report to include financial transactions  
The Financial Report was given in paragraph 5. Old Business, Financial/Dues Status: Bill Ferguson summarized the Financial Report as of 4/29/2024. This includes the status of Dues Outstanding, by number of years past due. (See Exhibit 1.)
8. Next Board / ARC Meeting Date / Location / Time: TBD
9. Items that need to be added for the next BOD/ARC meeting: TBD

- It was noted that the Monday 2pm Zoom meeting had at the end 14 attendees. The most at a BOD meeting (not Annual Meeting) in recent history. The BOD will try other times to give other homeowners an opportunity to attend.

### **Open to the Floor:**

Kate Feller –

- 1) [Not on agenda.] Asked if the BOD voted on using a Zoom account and which account was purchased for today's meeting. Bill Ferguson said that the base account was purchased for \$15.99 a month. She then asked if we voted on using Zoom and paying with HOA funds. Ron Kaelber replied that less money was spent to hold a meeting. Tony Tranker explained that meetings were budgeted for and approved for in a vote. The Zoom meeting is just a different form of meeting, which is about 25% the cost of what was budgeted.
- 2) Asked where the 2023 BOD vote to have the 2025 budget for the HOA dues to be increased can be found. Ron Kaelber explained that in 2023 after the new board was elected and was not reflected in the meeting minutes. The BOD forecasted out several years to if and when the BOD could afford 3<sup>rd</sup> party management. So the assumptions included raising the dues by 10% every year for the next several years. When the motion was made we did not capture that it would be raised by 10% in 2025. The motion was only for the next year, 2024. That is because as you know, every year the new BOD has to approve the coming year's budget. We could have the budget all the way to 2034, but the next BOD would have to approve the budget for the coming year.
- 3) [Not on agenda.] Where did any of the BOD's prior, before, or after, vote on not sending out receipts? Bill Ferguson didn't think that it was ever voted on. Tony Tranker agreed and said it just stopped happening. Bill Ferguson noted that when asked for, he provided receipts.

Claudia Zaehring –

- 1) Regarding the Police Patrol, has the BOD considered using speed bumps?  
Tony Tranker answered that the county would not install speed bumps. He pointed out that there is a publication titled Santa Rosa County Calming Traffic Procedures.
- 2) She asked, what for the date on the Financial Report.  
Bill Ferguson said it was for this year, January first through today (April 29, 2024).
- 3) Regarding online payment, she commented that her bank will pay bills with no fee. The bank takes care of everything.
- 4) Regarding the BOD posting a Notice of Enforcement on the HOA Facebook page, she asked about it being personalized, it should be private. Bill Ferguson replied that the notice will be a general statement. Then she asked, if it (the notice) was proper notice. Bill Ferguson replied that the general statement was not a required notice. The notice is to inform homeowners that this Board is going to start enforcement of CCRs.
- 5) Speaking of the CCRs, she asked “when are you guys going to be re-doing them?” It’s been in the works for a few years now. Bill Ferguson replied that he tried to rewrite the CCRs 2 years ago. There is currently a rough draft. That draft needs some work before sending it for a legal review and then a vote by homeowners.
- 6) Regarding the Board having the ARC go back to 2021, (for enforcement purposes) she doesn’t think that the enforcement can be retroactive. Bill Ferguson replied that the Board is going to check with the attorney.
- 7) Regarding violation procedures and Board involvement, won’t the 3<sup>rd</sup> party handle violations? Tony Tranker said that the Board still needs to work out details with 3<sup>rd</sup> party.
- 8) Regarding communications, there is a way to message on Facebook. Bill Ferguson said the Board is using email, which is checked daily. Facebook is only used to post information.
- 9) Regarding the Newsletter, she had mentioned having a Newsletter before and it wasn’t going to be just for the BOD. It was going to be community wide, to cover holidays, birthdays, and other events.
- 10) Regarding the dumpster, need to consider where it will be placed, how to keep people outside the neighborhood from dumping their items and how to keep the area cleaned up. Bill Ferguson commented that the Board is still in the early stages, (gather the details).
- 11) [Not on agenda.] She thought there used to be a receipt book that was used. Bill Ferguson acknowledged that there was a receipt book. Claudia said that the receipt book was brought to meeting and homeowners could pay and get a receipt at the meeting. Bill replied that he could do that.

Kelly Griffin –

- 1) Has a general concern about the ARC. She has a lot of experience of being on a huge HOA Board for a big community in Virginia and would not want to be a member of The Preserve ARC. This is because the guidance for the ARC is too general. Need more guidelines. There are going to be problems because we have some litigious people in the neighborhood.
- 2) Can the property management contract, once signed, can it be cancelled on an annual basis? The BOD thought it could be cancelled with a 60 day notice.

- 3) The Newsletter is a great idea, except that she doesn't think we need one. Suggested using Facebook group that already exist. Maybe the Board just needs a section to post items. Only caution is that there may be people who aren't online and require a separate notification method. She would volunteer to deliver a printout to the handful who don't have access online.
- 4) Regarding the dumpster, was it just a temporary dumpster? Several Board members replied yes. James Sanders said it could be there for a few hours or a day. She thought the dumpster is a great idea.

Tony Tranker said that regarding the ARC, in accordance with the state of Florida Statutes, the BOD cannot question a determination made by the ARC.

Kelly Griffin offered to help in the CCR update effort.

David Dubinsky –

- 1) He commented that there is a MSBU (Municipal Services Benefit Unit) for speed bumps, to help reduce speeding in the neighborhood.
- 2) Regarding the ARC and what is in the backyard, what are the guidelines on having a vegetable garden? Tony Tranker said that if it is behind a fence it should not be an issue, unless there is a complaint by a homeowner. Then someone would have to investigate and respond to the complaint. Bill Ferguson added that last year Florida issued new guidance to HOAs that if "it" cannot be seen by an adjacent neighbor or from the street, then "it" can be done. So a vegetable garden shouldn't be a problem. David further asked about planter boxes and was told planter boxes should not be a problem.
- 3) Meeting Minutes for 27 APR 2023 regarding ARC violations, specifically that anybody that was in violation of the CCRs can be identified by 3<sup>rd</sup> party management, current Board, current neighbor, that complains and that violation notice would go to the homeowner and that homeowner would obviously have the ample time to correct it, but what specifically needs to be done is submit an ARC request so the ARC can have it on file and that was discussed in the April Meeting Minutes. For referencing purposed for the Board to (go) back to when talking about ARC approval exceptions. Tony Tranker replied that the ARC has to have an ARC request submitted prior to doing it. ARC has up to 30 days to respond to a request. David added that for record keeping purposes that "improvements" made that are not on file, the homeowner will get an opportunity to submit an ARC request. Bill Ferguson added that the ARC wants to fill in the missing documentation, unless they come across something that is clearly in conflict with the CCRs. Tony Tranker thought that for it to be an issue it would have to be blatant.
- 4) David thinks the dumpster would be good however, HOA could be liable if the wrong items are thrown in, (hazardous waste, flammable material, etc.).
- 5) Recommended that the Board place a Facebook post to get community feedback on time of day to hold BOD meetings.
- 6) Previous Newsletters were done and a bulletin board purchase was discussed. A bulletin board is an option to consider regarding Newsletters. The Board indicated that they were considering electronic media such as HOA website, HOA Facebook page and email for those who have provided a filled out email consent form.
- 7) David asked for information on the Parking issue discussed. James Sanders summarized what he said in paragraph 6. New Business, under Parking, (see above). David then asked about having to rewrite

the CCRs. James said yes that aspect was discussed and that the Board would have to see what options there are because right now guests are authorized to park on the street for 36 hours.

Bob Lepine -

Asked about clarifying the comment made about what goes on in your backyard and if the neighbor can't see, it's OK. He was being careful about what's happening in the economy and decided to grow some vegetables and raise some chickens. Tony Tranker said that vegetables are no issue. However, chickens are mentioned in the CCRs. If a neighbor can see or hear chickens then there is problem. Bob Lepine said that they can't see it (chickens) unless they look over the fence. Tony Tranker clarified that chickens are strictly forbidden in the CCRs. Ron Kaelber mentioned that it is also a Santa Rosa County Zoning Ordinance violation, no poultry. Bill Ferguson further stated that whether it can be seen or heard poultry and livestock are not allowed.

Natalie Saenz -

- 1) Looking for clarification on comment while Kelly Griffin was speaking and it was mentioned that the ARC has absolute authority. Why do we have CCRs if the ARC has absolute authority and nobody can question it? Tony Tranker clarified that the ARC has absolute authority to approve or disapprove an ARC request. Ron Kaelber inserted that he thought Natalie's point was that that ARC does have to follow the CCRs. Estefan (joint homeowner with Natalie) picked up the conversation noting that yes there are some governing factors like the CCRs. To Kelly's (Griffin) point the CCRs are not specific enough and leave too much up to interpretation. There is some exposure or risk to the ARC especially when they disapprove an ARC request. Bill Ferguson pointed out that as Estefan knows, based on his experience, it is not easy to make modifications to the CCRs.

Bill Ferguson moved to adjourn. James Sanders provided a second and all BOD members voted yes.

Adjournment at: 3:28pm

<b>Financial Report</b>		<b>4/29/2024 The Preserve HOA of Milton</b>								
<b>Total</b>	<b>Dues</b>	<b>Late</b>	<b>Fines /</b>	<b>Estoppel</b>	<b>Returned</b>					
<b>Income</b>		<b>Fees</b>	<b>Interest</b>		<b>Checks</b>					
28,236.88	26,655.99	190.98	62.86	1,200.00	127.05					
<b>Total</b>	<b>Bagdad</b>	<b>Zoom</b>	<b>Returned</b>	<b>Bank Ser</b>	<b>Lawn</b>	<b>Corp</b>	<b>Legal</b>	<b>Office /</b>	<b>Tax</b>	
<b>Expenses</b>	<b>Rental</b>		<b>Checks</b>	<b>Charge</b>	<b>Main</b>	<b>Regist</b>		<b>Postage</b>	<b>Prep</b>	
1,858.42	158.26	15.99	127.05	7.00	220.00	70.00	436.50	523.62	300.00	
Bank Balance										
46,357.49										
<b>Dues</b>										
<b>Outstanding</b>										
4 Years		3 inc/ 1 making payments & 1 lien in progress								
3 years		3 inc/ 1 sold, waiting on closing								
2 years		10								
2024 - Past due		27								
<b>Final Notices Mailed 4/25/2024 - before turning over for collection</b>										

Exhibit 1