

# THE PRESERVE HOMEOWNERS' ASSOCIATION OF MILTON

P.O. BOX 962  
Milton, FL 32572

## Board of Director Meeting Minutes for, June 8, 2024, 6:30pm

ZOOM Link:

<https://us02web.zoom.us/j/86440713465?pwd=MlpBYEYgphKRlcoHOtT1gWKVsxRKYM.1>

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### Meeting Minutes

1. Meeting Call to Order at: 6:29pm
  - 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: Ron Kaelber (Secretary), read out the names of attendees that were recognizable on the Zoom display and asked some attendees to clarify their name to properly include them as attending. (See Exhibit 1.) One Homeowner listed their name "& Attorney". The President didn't think that people other than Homeowners could attend the Zoom meeting. The Homeowner insisted that the "attorney" was present to represent them. The Board discussed taking the Homeowner off, due to having a non-Homeowner participating. The Board decided to continue the meeting with all identified Homeowners and others who may be attending with a Homeowner.
3. Introduction of BOD/ARC members: Directors introduced themselves in the following order: Robby Gentry (Director), James Sanders (Director), Ron Kaelber (Secretary), Bill Ferguson (Treasurer), and Anthony Tranker (President).
4. Proof of meeting announcements: Meeting announcement posted 2 days prior on Signs, HOA website, Facebook and emailed.
5. **Old Business:**
  - o **Police Patrol:** The President mentioned that this has not been scheduled yet. The Treasurer said that he would send an email to ask the County to provide support. The Officers are volunteers so we may have to ask for other days and/or times. During the 29 April 2024 meeting the Board voted to approve 2 patrols of 3 hours each, at a total cost of \$255.

- **HOA Violations:** Board Member James Sanders reported that since May 2024 there have been 29 CCR violations written, 26 resolved/complied with, 1 given an extension, 2 contacted Board for clarification, still pending Homeowner action.
  - **Online Bill Pay:** The Treasurer mentioned that the Board is planning to hire 3<sup>rd</sup> party management this year, which will have online payment and we'll have time to work out the process before the annual dues are collected again.
  - **Community Newsletter:** Status (Rebecca Peterson) The President asked to move this discussion closer to the end of the meeting, to improve the Board's ability to hear the discussion.
  - **Welcome Committee:** (Shannon Sanders) The President asked to move this discussion closer to the end of the meeting, to improve the Board's ability to hear the discussion.
- 6. New Business:**
- **What it takes to dissolve the HOA:** Bill Ferguson
  - **What it takes to modify CCR's:** Bill Ferguson
  - **NFI Meeting email correspondence 5/16/2024:** Bill Ferguson
  - **Notice of Fine, Delinquent dues, HB437 (720.3045):** Bill Ferguson
  - To address the above 4 topics, Bill Ferguson read questions the Board had asked the attorney over time, with the corresponding response from the attorney. Also included are notes taken from a meeting with prospective 3<sup>rd</sup> party management. (See Exhibit 2.)
  - **Traffic Study Request:** Anthony Tranker said that a Homeowner suggested a 3 way stop be installed at the front entrance, where the neighborhood sign is. The County has already replied that the fence is legal where it is at. Even though the ability to safely see, prior to going out of The Preserve, is restricted. A traffic study needs to be requested from the County "Roads & Bridges" group.
  - **Fining Committee:** The President noted that the Attorney recommended appointing a Chairperson for the Fining Committee. There is room for 2 more Homeowners to serve as backup on the Fining Committee in the event a member cannot be present or asks to abstain.
  - **ARC Committee:** The President also noted that the Attorney recommended the ARC committee appoint a chairperson.
  - **FB Responses:** Anthony Tranker pointed out that the BOD doesn't respond to Facebook posts. The Secretary reminded Board Members that the attorney recommended way to conduct business is with The Preserve HOA email and not on Facebook.
  - **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:** The Treasurer reported that there are currently 28 past due accounts. Three (3) of which owe less than \$15.00 each. As of 6/8/2024 the total outstanding balance is \$5,796.92.
- The cost to have the attorney involved in collections is \$275.00 plus \$10 mail fees for each notice. Our attorney recommends he get involved now with the 2, 3, and 4 year delinquent accounts. The BOD is obligated to collect dues and would like to collect prior to adding additional late fees and interest. The bank balance as of 5/18/2024 is \$48,692.23. (See Exhibit 3.)
- 8. Next Board / ARC Meeting Date / Location / Time:** TBD
- 9. Items that need to be added for the next BOD/ARC meeting:** TBD

## Open to the Floor:

### Rebecca Peterson –

- 1) Suggested trying another live meeting.
- 2) Asked for clarification on 3<sup>rd</sup> party or attorney putting liens on houses. She thinks it is wrong and that the HOA couldn't do that anymore with the new laws. The BOD said that they weren't aware of a new law that prevented liens.
- 3) [Agenda item] Rebecca Peterson is now working on setting up the Welcoming Committee. She needs an updated list of Homeowners; Bill Ferguson will send.
- 4) What is the status on the clean-up of Red Oak Drive where it is overgrown? Tony Tranker has for action. Email sent in did not get a response with a proposed time frame. He will now follow up with a phone call.
- 5) The CCRs need to be updated, it's been 2 years since the last change. What is the plan? She is worried about 3<sup>rd</sup> party enforcement of guidelines that should be changed before Homeowners get fined. Tony Tranker said that the 3<sup>rd</sup> party doesn't have fining authority. She is worried about the community not having input and time to make some changes prior to enforcement by 3<sup>rd</sup> party. She asked how the community is supposed to get along, and come up with agreements we all agree on. Bill Ferguson explained that the neighborhood went through the CCRs, line by line in 2021. It was a big process and a vote was taken to change some of the CCRs. He doesn't agree with all of them. Some need to be gone. Some need to be stricter. Bill Ferguson suggested the BOD set up a separate email account [preserveccr@gmail.com](mailto:preserveccr@gmail.com) to handle request to change CCRs. Homeowners can send in suggested changes to be compiled for the attorney to look prior to taking a vote. Changing a CCR requires 67% of the Homeowners to vote yes for the change. Rebecca stated that currently there are more Homeowners and less realtors than during the last vote. The BOD talked about the time needed to compile input, have changes screened for legal considerations, conduct a vote, and submit changes and thought that this time it could be done quicker than in 2021. Bill Ferguson motioned that the BOD set up a separate email account to handle CCR changes. It was seconded by Robby Gentry and all Board members voted yes. Bill Ferguson will set up a CCR email account.
- 6) Couldn't find the CCRs posted. Board members explained where the document was posted. (Later found out that it was no longer posted and have reposted them, after the meeting.)
- 7) She told the Board that people were chatting, and the BOD was not responding. (The BOD will not respond to chat during the meeting.) The BOD will try to recognize when a hand is "raised".
- 8) Wanted to know how the 3<sup>rd</sup> party was going to raise the dues. Bill Ferguson responded that the 3<sup>rd</sup> party cannot increase the dues. He then clarified that a special assessment cannot be used to cover 3<sup>rd</sup> party cost.

### Dana Ansley –

- 1) Recommended setting up a CCR committee. The Board will look into this.
- 2) She is very disappointed with the Board regarding an email sent by James Sanders (Director) and no apology was given. She is disappointed that the Board would talk about neighbors in that fashion. Her previous HOA was power hungry and really crappy to the people who lived there. She feels like, if you want to gain the respect and support of your community you do the right things. James Sanders thanked her for her comments and concern. He said it was unfortunate that the Homeowner was

included on the email, it was meant only for the Board. But he was not going to apologize for stating what was true and factual. It could have been handled in a different way if the individual would have,,, (interrupted by Dana Ansley, who stated that...) she has always supported the Board until this. She then said it was not OK. The Board then notified her that her 3 minutes were up. James Sanders added that yes it was unfortunate (that the Homeowner was included on an internal Board email) but he wasn't going to apologize because the comments were true and factual.

Rebecca Peterson –

- 1) Wants to try at least one more live meeting.

Claudia Zaehring –

- 1) She asked how the Board wants to be notified that Homeowners want to address the Board. Is “raising” a hand the way to be recognized to talk? The Board replied yes.
- 2) She then volunteered to retype the CCRs so the Board has a working document to edit. She was told that the BOD has a Word version that can be used, but that we may ask her for help in the future.

Alan Noel –

- 1) Supports having a CCR Committee that can focus, gather input from the neighborhood, and reduce the burden on the Board. He volunteered to be on the CCR Committee or a part of any other group.
- 2) Wanted to talk about the email, he apologized for saying that this was the worst Board he has ever seen. But when he was on the Board we were getting death threats. So take a step back into the past and see how you handle that. He doesn't expect an apology, he thinks it shows who the adult is and who isn't. The Board thanked him for his input.

Zach Feller –

- 1) He is volunteering for the Fining Committee. The Board thought he was still on the ARC, but he isn't this year. He can be considered to be on the Fining Committee. The Board thanked him for volunteering.

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

**Adjournment at:** 7:29pm

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# THE PRESERVE HOMEOWNER'S ASSOCIATION OF MILTON

## Attendance Sheet for BOD meeting 8 June, 2024

(Compiled by Secretary from Zoom sign in and attempt to verbally verify attendees at start of meeting.)

NAME	STREET ADDRESS (CITY NOT NEEDED)
Ansley, Dana	4836 Red Oak Dr.
Beach, Anthony & Melinda	8171 Majestic Cypress Dr.
Bradley, Megan	8025 Silver Maple Dr.
Feller, Zach & Kate & attorney	8052 Red Maple Dr.
Fletcher Terry & Arlene	4734 Red Oak Dr.
Garcia, Ramon & Beth	8058 Red Maple Dr.
Hestle, Thomas & Sally	4804 Red Oak Dr.
Lintz, Cory	4629 Red Oak Dr.
Mims, Eva	7964 Silver Maple Dr.
Molyet, Julie	7831 White Ash Ct.
Noel, Alan & Jessica	4993 Red Oak Dr.
Peterson, Rebecca	4921 Red Oak Dr.
Roberts, Kent	4662 Red Oak Dr.
Zaehringer, Claudia	8109 Silver Maple Dr.

Exhibit 1 (2)

Ferguson NOTES for 6/8/2025 BOD Meeting

**PHONE & EMAIL QUESTIONS & ANSWERS FROM ATTORNEY 5/17/2024:**

Questions TO attorney in Purple

Attorney Responses in Red

- As with most HOA's, there are homeowners that want to do away with the HOA. We are going through that right now and the neighborhood FaceBook page is stirring up to get a petition.

Or document state the HOA is in effect until 2048.

It will take a 100% vote of the members and all mortgagees to vote to remove the Declaration of Covenants, Conditions and Restrictions. That means that even if the HOA was dissolved the Declaration and all restrictions would still be in place. Note as well that the tax appraiser shows that the HOA owns real property in fee simple that would have to be accounted for as a part of any dissolution attempt.

- What does the BOD need to do to notify the community that they are basically wasting their time? Cost to homeowners?

If the HOA is dissolved or abandoned, there would very likely be an attempt by a group of owners to have a receiver appointed. Any appointed receiver would be entitled to compensation and legally authorized to levy assessments for any fees and costs.

- Amount of time involved?

Could take years

- Would the state of Florida take over the HOA?

Possibly yes, into receivership

- What percentage of homeowners would have to sign the petition to begin dissolution? The Articles of Incorporation require 3/4ths of the members to sign the petition in order to dissolve.

- Would mortgage companies also have to approve dissolution?

Very likely, yes.

In my 20 years of practicing in this area of law, I have never seen a dissolution completed successfully.

- Explain about HB437 (720.3045)?

Application of HB 437 to Association-I could not locate the "as amended from time" to time that we discussed. That very likely means that the new law does not apply to the Association.

ASS Jory, & H/O ATTORNEY  
IS ALLOWED SEE MEETING

OVER

- If and when we hire a 3<sup>rd</sup> party management company and we run low on funds, can we have a special assessment to pay for 3<sup>rd</sup> party?

Special Assessment Authority—Article 35, Section 35.7 Any special assessment to cover the cost of a third-party vendor (i.e. Manager or Attorney) would be prohibited under the current governing documents

- What to do when a homeowner refuses to follow HOA guidelines?

Send 2 notices for each violation giving 14 days to comply. If no response, have a BOD meeting (public) via Zoom and determine the fine for each violation.

Then send everything to our attorney to send Notices of Fine.

The homeowner then has 14 days to respond or correct violations.

Homeowner has right of appeal before Fine Committee via ZOOM. Fine Committee has 2 options (confirm fine or cancel fine). Fine Committee CANNOT reduce fine.

If no response, homeowner has 5 days to pay fines and past due dues or lien will be filed at homeowners expense. Minimum \$1000 fine to file lien.

- Delinquent dues?

Submit the worst cases to our attorney for collection. \$275 attorney fee & \$9.00 +- Certified Mail Fee for each case. Charges to be added to homeowner accounts for collection. \$1000.00 minimum lien requirement **does not** apply to late dues.

- Interest on late dues:

No accrual. 1-1/2% per month on any unpaid dues (not fees or late charges)

### MEETING WITH NFI (3<sup>RD</sup> PARTY) 5/16/2024

- Does the HOA retain control of checkbook? NO

We must use their bank. HOA has no control of checkbook.

3<sup>rd</sup> Party writes all checks and will reimburse us for any out-of-pocket expenses.

- What about violation inspections?

Violation inspections include one-time per month. Additional charges apply for follow-up inspections. It remains the BOD responsibility to follow up on compliance.

- When do inspections take place?

Violation inspections are Monday – Thursday.

The BOD does NOT have to approve each violation.

The BOD can send additional violations to 3<sup>rd</sup> party for notices (must include pictures)

The 3<sup>rd</sup> Party provides a same day report of violations to BOD.

The 3<sup>rd</sup> Party does NOT key in on certain violations. They inspect for full compliance per our CCRs.

- Length of contract?

One year, with 60 day right of cancellation (either party) and 1 extra month payment.

# THE PRESERVE HOMEOWNERS' ASSOCIATION OF MILTON

P.O. BOX 962  
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June 8, 2024

Treasurer Report

Record of Past Due Accounts

TOTAL Past Due as follows **28**:

3 with balances under \$15.00

1 YEAR – 14

2 YEAR – 8

3 YEAR – 1

4 YEAR – 2 (1 in collection with attorney for lien)

As of 6/8/2024 – OUTSTANDING BALANCE \$5796.92 inc dues, late fees, interest, mailings

The cost to have our attorney get involved is \$275.00 + Mail Fees of \$10 for EACH notice.

Our attorney recommends that he gets involved with the 2, 3 & 4 years and then hopefully word will get around.

This would be a cash outlay of approximately \$3000.00 up front, to be paid back upon collection or if the homeowner sells.

For any that he does not get a response, then he suggests we file a lien against those properties. Once again, we must foot the cost up front.

Remember, if we don't start this process now, if and when we go to a 3<sup>rd</sup> party, they will insist that we pursue these collections through our attorney.

Bank Balance as of 5/18/2024 \$48,692.23

Exhibit 3