

# THE PRESERVE HOMEOWNERS' ASSOCIATION OF MILTON

P.O. BOX 962  
Milton, FL 32572

Board of Director Meeting Minutes for July 29, 2024 3:00 PM CST

ZOOM Meeting Link:

<https://us02web.zoom.us/j/83849761886?pwd=LMx2XKcmaXOkRCpWm2CLOZDCWpQ9aK.1>

Meeting ID: 838 4976 1886

## Meeting Minutes

1. Meeting Call to Order at: 3:00 PM by Tony Tranker (President) who announced that the meeting is being recorded for permanent record keeping. He then summarized the following guidelines.
  - a. Go over rules of the meeting:
    - i. Members of the HOA will be allotted 3 minutes to speak, address issues, concerns or ask questions that are *listed on the agenda*, during 'Open to the Floor'.
    - ii. Board members have no time restriction for responses.
    - 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, members 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: Name/Address of everyone on Zoom call 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].
3. Introduction of BOD/ARC members: Directors at the meeting introduced themselves in the following order: Anthony Tranker (President), Bill Ferguson (Treasurer), James Sanders (Director), Robby Gentry (Director) and Ron Kaelber (Secretary). HOA attorney Mr. Jay Fraiser was also introduced.
4. Proof of meeting announcements: Signs were placed at both entrances, and the agenda was posted on the website and Facebook page prior to the 48 hour requirement.
5. Consideration of Fine(s): Lot 11E, 8040 Twin Cedar Dr.: Bill Ferguson mentioned that here has been an ongoing situation at 8040 Twin Cedar Dr. since the HOA was turned over to the Homeowners in March 2021. The HOA has contacted the Homeowner several times, starting in September 2021 regarding non-payment of dues and non-compliance with CCRs. Replies from the Homeowner included foul language, threats, and the claim that they are not and never will be a part of an HOA. This has cumulated in sending seven (7) different Notice of Intent to Issue Fine letters, dated June 1, 2024, to address the current CCR violations. The BOD then went through each outstanding violation to consider applying a fine and if so, at what amount per day and how many days.
  - (a) Portable container (railroad) in back yard without permission, (CCR Section 7.1). After some discussion among the BOD, Bill Ferguson motioned to set the fine at \$100 per day for 10 days. James Sanders

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provided a 2<sup>nd</sup>. There were no comments/questions from those attending. A vote was taken and all Directors voted yes.

- (b) Side driveway constructed without permission, (CCR Section 15.1). ). After some discussion among the BOD, Bill Ferguson motioned to set the fine at \$100 per day for 10 days. James Sanders provided a 2<sup>nd</sup>. There were no comments/questions from those attending. A vote was taken and all Directors voted yes.
- (c) Pole barn constructed without permission, (CCR Section 15.1). ). After some discussion among the BOD, Bill Ferguson motioned to set the fine at \$100 per day for 10 days. James Sanders provided a 2<sup>nd</sup>. There were no comments/questions from those attending. A vote was taken and all Directors voted yes.
- (d) Pergola constructed without permission, (CCR Section 15.1). ). After some discussion among the BOD, Bill Ferguson motioned to set the fine at \$100 per day for 10 days. Ron Kaelber provided a 2<sup>nd</sup>. There were no comments/questions from those attending. A vote was taken and all Directors voted yes.
- (e) Fence moved without permission, (CCR Section 15.1). ). After some discussion among the BOD, Bill Ferguson motioned to set the fine at \$100 per day for 10 days. Robby Gentry provided a 2<sup>nd</sup>. There were no comments/questions from those attending. A vote was taken and all Directors voted yes.
- (f) Driveway extension constructed without permission, (CCR Section 15.1). ). After some discussion among the BOD, Bill Ferguson motioned to set the fine at \$100 per day for 10 days. James Sanders provided a 2<sup>nd</sup>. There were no comments/questions from those attending. A vote was taken and all Directors voted yes.
- (g) Concrete walkway constructed without permission, (CCR Section 15.1 and 14.2). After some discussion among the BOD, Bill Ferguson motioned to set the fine at \$100 per day for 10 days. Ron Kaelber provided a 2<sup>nd</sup>. There were no comments/questions from those attending. A vote was taken and all Directors voted yes.

The HOA Attorney was asked about additional violations at 8040 Twin Cedar Dr. that need to be documented and he said that the BOD would need to start at the beginning of the process. That would provide the Homeowner the opportunity to respond.

- 6. Consideration of Fine(s): Lot 01B, 8177 Majestic Cypress Dr.: Bill Ferguson mentioned that maintaining the lawn has been an ongoing problem at 8177 Majestic Cypress Dr. over the past 3 years. Violation notices have been sent but nothing happens until a Notice of Intent to Levy a Fine and then the lawn is cut. Since this is a reoccurring issue Bill Ferguson made a motion that the BOD fine the maximum amount of \$100/day for 10 days. James Sanders provided a 2<sup>nd</sup>. There were no comments/questions from those attending. A vote was taken and all Directors voted yes.

Jay Fraiser stated that he needed a copy of our meeting minutes that detail the official findings and then he will send out the required notices.

- 7. Old Business:

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- Facebook Post: Courtesy notice placed on Facebook (unofficial) and website (official) announcing that the BOD is now enforcing the CCRs.
- CCR Revision Update: 13 Homeowners have responded, 3 want no changes, 2 want no CCRs, other want 1 or 2 changes. Deadline for recommended changes is September 11, 2024. Anticipate a Homeowner vote no earlier than 3 months.
- Violations: After posting the courtesy notice on the website and Facebook, there may be some confusion regarding the timeline to comply with CCR violation notices. The standard time period to comply/respond is 14 days. There have been 32 violations issued since July 1<sup>st</sup>. All three (3) of the early July violations have been resolved.
- Entrance: Still working on getting quotes to improve landscaping at entrance near the sign. Also, still looking at using native plants to reduce care and watering requirements.
- Delinquent Dues: The accounts of Homeowners that owe 2, 3, or 4 years of dues have been turned over to the attorney for collection notice of lien. One account was in error due to having the wrong owner name, correct address. None of the First Class mail notices were returned. Certified Mail was returned unclaimed. Homeowner posted on Facebook that he did not have to worry about paying dues because the HOA doesn't know who lived in the house. An updated statement was mailed 7/16/2024 allowing 60 days to get dues current, before adding fees and interest. Prior fees and interest were waived.
- County Survey: James Sanders said we are still working to compile additional information during a 3 month period.

## 8. New Business:

- Violation Sub-Committee: (accidentally skipped, it will be added to the next meeting agenda)
- Regarding Fine Committee authority, Bill Ferguson reported that a correction needs to be made to the Minutes from the March 30, 2024 BOD Meeting. It was reported in error that the Fine Committee could reduce the fine levied by the BOD. This is not true. The Fine Committee can only approve or disapprove of the amounts set by the BOD.
- Repeat Violators: Consultation with the HOA attorney has revealed that it is not necessary to continue to send the same violation notice over and over to a Homeowner who has already received 2 notices. Send a Notice of Intent to Levy a Fine with the reason why.
- Election information: Tony Tranker mentioned to include information on Director Responsibilities, the oath to uphold, and voting information. Additional information may include landscaping notice, and deadline for CCR suggestions, (9/11/2024), after which the CCR email will be locked and emails printed out. There was a discussion concerning the effort to gather, compile, and mail out the election packets. Bill Ferguson said there will be a return envelope with a "To label" for The Preserve and a "Return label" with Homeowner's name and address. This envelope will have a place on the back that the Homeowner signs to validate their ballot. There will be a smaller envelope which will have "insert ballot and return in return envelope." There will be no identification on either the smaller ballot envelope or ballot, inside. Once the return envelope with the Homeowner address and signature on the back is validated the unopened ballot envelope (with

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ballot still inside) will be placed in the pile to count. Directors will be asked to help in getting the election packages out.

- Bank Debit Card: Bill Ferguson said that a recently passed and now effective Florida House Bill (HB 1203) states that an HOA Debit card is not allowed. HOA Debit card is locked and a credit card has been applied for that will meet the HOA's requirements.
- Suspension of Voting Rights: Per Florida 720.305 Section 4, an association may suspend the voting rights of members for monetary obligations due to the association that is more than 90 days delinquent. Additionally, suspension of voting rights must be approved at a board meeting and a notice sent to the Homeowner. BOD members were provided a list of Homeowners by Lot number that are currently more than 90 days past due, totaling \$5,320.99. After going through the list and some discussion, Bill Ferguson motioned that we send a letter to suspend voting rights for 21 Homeowners identified on the more than 90 days delinquent list. James Sanders provided a 2<sup>nd</sup>. There were no comments/questions from those attending. A vote was taken and all Directors voted yes. See sample notice [Exhibit 2].
- Annual Meeting: Live meeting, Bagdad Community Center 5:30PM: Ron Kaelber said that the Annual Homeowner Meeting will be at Bagdad Community Center on October 8, 2024, starting at 5:30 PM. Votes will be counted and next year's BOD will be elected. As already stated, the BOD will send out an election package consisting of a ballot & proxy, an envelope to put the ballot into, a larger (return to HOA) envelope, to place the ballot envelope & proxy (if needed) into, and additional HOA information; such as, what is required of someone elected to the BOD? Questions should be emailed to: [preservehoamilton@gmail.com](mailto:preservehoamilton@gmail.com).

**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.

9. Next Board Meeting Date / Location / Time: TBD

10. Items that need to be added for the next BOD meeting: Police Patrol report, Attorney Collections, Entrance Landscaping, Credit Card status, and Violations report.

Open to the Floor: Tony Tranker asked if anyone had any comments, and there was no indication of any at this time. He moved to adjourn the meeting. A 2<sup>nd</sup> was provided by Robby Gentry and all Directors voted yes.

Adjournment at: 3:42 PM

# THE PRESERVE HOMEOWNER’S ASSOCIATION OF MILTON

## Attendance Sheet for BOD meeting 29 July, 2024

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

NAME	STREET ADDRESS (CITY NOT NEEDED)
Beach, Anthony & Melinda	8171 Majestic Cypress Dr.
Brown, Jeremy	7940 Silver Maple Dr.
Cherro, Michael & Sharon	7979 Majestic Cypress Dr.
Deaton, Charles & Jessica	4578 Red Oak Dr.
Griffin, Kelly	8067 Silver Maple Dr.
Lepine, Robert	4741 Red Oak Dr.
Zaehring, Claudia	8109 Silver Maple Dr.
Fraiser, Jay	HOA attorney, Moorheard Law Group

EXHIBIT 1

**THE PRESERVE HOMEOWNERS' ASSOCIATION OF MILTON**

**P.O. BOX 962  
Milton, FL 32572**

January 00, 0000

TO: John Doe  
123 Main St  
Milton, FL 32583

SAMPLE

LOT #00 THE PRESERVE OF MILTON

This letter is to inform you, as of the date of this notice, you have unpaid annual dues and/or fines for the year(s) \*\*\*\*, \*\*\*\*, \*\*\*\*, in the amount of \$000.00, including late fees and interest. Our records show that your dues/fines have not been paid and you are more than 90 days delinquent. Interest on the unpaid dues is added at the rate of 1-1/2% monthly.

Per Florida Statute **720.305** "Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights." Section 4, "An association may suspend the voting rights of a parcel or member for the nonpayment of any fee, fine, or other monetary obligation due to the association that is more than 90 days delinquent."

At the Board of Directors Meeting held on July 29, 2024, this was on the posted agenda. The Board of Directors discussed and voted upon moving forward with the suspension of voting rights for those with dues more than 90 days delinquent .

Due to this finding, your voting rights have been suspended until payment is received for all delinquent dues, late fees and interest. Please note, this suspension is only for the parcel owners' voting rights and that said **parcel owner is still under obligation** to follow all governing documents of The Preserve Homeowners Association. If your dues are not paid prior to any members meetings which call for a vote of its members, your vote will not be counted. If you plan to have your vote counted at the upcoming Annual Member's Meeting being held on October 8, 2024, payment must be received, in full, prior to vote.

If you have any questions or believe this letter was sent in error, please reach out to us via US Mail or via our email at [preservehoamilton@gmail.com](mailto:preservehoamilton@gmail.com).

Payments should be mailed to: The Preserve HOA of Milton, Inc, PO Box 962, Milton, FL 32572.

Thank You,

The Preserve HOA of Milton, Inc  
Board of Directors