

# BRENTWOOD HILLS

HOMEOWNERS ASSOCIATION, INC.

## Board of Directors Meeting January 15, 2018 Meeting Minutes

### 1. Call to Order - Certifying of Quorum

The meeting was called to order by President, Rick Vogt at 7:08 p.m. It was confirmed that the meeting notice was mailed to all owners at least 14 days in advance. Affidavit of mailing on file in official records. Directors Tom Leavitt, Jim Barber, Mark Braverman and Gerri Clifton were also present. It was determined that a quorum was established. Doug Pinner represented McNeil Management.

### 2. Approval of Minutes

The Board reviewed the prior meeting minutes as prepared by Manager.

**On Motion:** Duly made by Gerri Clifton, second by Jim Barber and carried unanimously.

**Resolve:** To waive reading of the October 2017 meeting minutes and approve them as presented.

**On Motion:** Duly made by Jim Barber, second by Tom Leavitt and carried by a vote of 4 in favor and 1 abstention.

**Resolve:** To waive reading of the January 5, 2018 special meeting minutes and approve them as presented.

### 3. Officer Elections – VP & Treasurer

The Board discussed the officer positions of Vice President and Treasurer.

**On Motion:** Duly made by Gerri Clifton, second by Jim Barber and carried unanimously.

**Resolve:** To elect Tom Leavitt as Vice President.

**On Motion:** Duly made by Gerri Clifton, second by Tom Leavitt and carried unanimously.

**Resolve:** To elect Jim Barber as Treasurer.

### 4. ACC Rules/Standards & Alteration Application

Olin Barnett presented information regarding the purpose and design of the new Rules of Architectural Standards and Guidelines. He explained that it was a group effort to consolidate and adjust all existing standards and further define standards for additional elements. Mark Braverman voiced his concerns that the new standards are too far reaching and/or limiting. Mark referenced his recent email to the Board wherein he described his concerns in detail. He asked that his email be attached to these minutes as a record of his concerns. Email attached for reference as "Exhibit A".

**On Motion:** Duly made by Tom Leavitt, second by Jim Barber and carried by a vote of 4 in favor and 1 (Mark Braverman) against.

**Resolve:** To adopt the new Rules of Architectural Standards and Guidelines as presented to supersede all prior standards.

Tom Leavitt explained the ACC's intention for adjusting the Architectural Alteration Application form.

**On Motion:** Duly made by Tom Leavitt, second by Jim Barber and carried unanimously.

**Resolve:** To adopt the adjusted version of the Alteration Application for use.

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## 5. Financial/Management Reports

Manager presented the financial and management reports and responded to questions from the board members and homeowners. Board reviewed Violation Report and asked Manager to move forward with legal enforcement actions on nine (9) additional units per Tom's report to the Board.

**On Motion:** Duly made by Tom Leavitt, second by Jim Barber and carried unanimously.

**Resolve:** To initiate legal enforcement action on the nine (9) additional units as identified.

## 6. Business Operations

**Forest:** Mark will be reviewing the area with the forester over the next several weeks to determine if additional herbicide treatment will be required. If no additional treatment is needed, they will move forward with planting of the new trees at a time to be determined based on the weather. After sharing the forest update, Mark indicated that he needed to leave the meeting early due to other commitments.

**Fencing Issues:** Manager shared update from Fence Outlet that they no longer have a working relationship with material supplier Homeland Vinyl, so they will no longer be receiving any material to proceed with the warranty replacement. Rick indicated that Fence Outlet never completed any warranty replacement of faded fencing along Brentwood Hills Blvd. Board requested that a representative from Homeland Vinyl attend the February meeting and be available prior to the meeting to walk the fence line with the Board to determine the remaining amount of warranty work required. Manager will follow up with manufacturer accordingly.

**Landscaping:** Board reviewed proposals from CLM as follows:

1. Homeless Cleanup – Rick will ask CLM for revised proposal to “dial it back” and reduce cost.
2. Well Pump/Pressure Testing – Rick said CLM is proposing the evaluation/testing of the well pump and pressure readings in hopes of determining a reason for the recent increase in the number of main line breaks. Manager will discuss proposal with CLM in more detail and provide further report to Board, to determine if additional quotes are needed.
3. Tree Trimming/Removal (1111 Southside Drive) – Rick will review the area in question and let Manager know how the Board intends to proceed.
4. Pet Waste Station Cleanup – Board reviewed contract addendum from CLM to include routine emptying and bag replacement of pet was stations throughout community.

**On Motion:** Duly made by Tom Leavitt, second by Jim Barber and carried unanimously.

**Resolve:** To accept and sign the proposed contract addendum and monthly increase from CLM for the routine emptying of pet waste stations.

**Newsletter:** Jim will email newsletter to Manager to include in mailing of new ACC standards to all owners.

## 7. Adjournment

**On Motion:** Duly made by Gerri Clifton, second by Jim Barber and carried unanimously.

**Resolve:** To adjourn the meeting at 9:37 p.m.

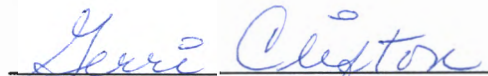
  
Prepared by Manager on behalf of Secretary

Exhibit A – Attached

## Exhibit A

(4 Pages)

From: "Mark Braverman"  
Date: Oct 14, 2017 3:39 PM  
Subject: Re: Final Draft of the ACC Guidelines  
To: "Tom Leavitt"  
Cc: "Dove Swinskey", "Richard Vogt", "Chaplain Celerin", "Gerri Clifton", "James Barber"

All,

As stated previously I have many concerns regarding the drafted document. Due to my professional responsibilities this month I have not been able to provide thorough feedback, but below is an attempt at providing at least a partial list of issues I seen within the document. I would like to reiterate at the onset of this email I am not against deed restrictions! I am against deed restrictions that unnecessarily interfere with the a homeowner's right to freely enjoy their property when they are not burdening their neighbors with appearance, noise, odor, or pest infestations to an unreasonable extent.

What belies much of the difference in approach seems to center around the interpretation of our Declaration of Covenants. On Page 4 the draft states that Article VI Section 1 explicitly states that all exterior alterations require the approval of the ACC. This is not explicit and the interpretation is overly broad in the context of this paragraph not to mention the statutory changes that have since made much of the document unenforceable. See Landscaping in the Misc section below as a prime example of where we are probably going too far.

Additionally, the reference to the same section as justification a the top of Pg 5 as justification for the ACC being the sole source of remedy for disputed applications is not in any way defensible. Even Article VI's preamble (the paragraph prior to section 1) does not declare the ACC the sole authority. To those who would support this interpretation, I would ask this; Why would we limit the recourse of a homeowner to the ACC? That does not provide a check and balance and would make it more likely for lawsuits to be filed against the community.

I would strongly suggest we get a legal opinion on this interpretation as a guiding principle.

Instead of addressing the issues on a section by section basis, I will categorize the issues by type so as to have a minimum of redundancy of language.

**First their are a number of instances that require an application without laying out clear rules that eliminate the need for application by application judgment that is not allowed under Florida Statute.**

Pg. 9 AC Units -- What rules will be used to determine acceptable unit placement. Should be spelled out in advance and be consistent with the vast majority of unit placements today.

Pg 10 BBQ, Fireplaces... -- B)1) Permanent BBQ "Permanently installed bbq grills will be reviewed independently for appearance, materials, style, and color." This is one off. Create rules if we must. I would suggest only max size and general materials rules leaving as much room for personal freedom as possible.

Pg 10 B)2) Fire Pits... -- Need rules. Currently a one off.

Pg. 10 Last sentence. We should differentiate this as county ordinance. We do not have enforcement oversight on this.

Pg. 11 Building Additions paragraph 2 in general is a one off.

Pg 18 Driveways, Porches... Paragraph 2 I applaud the liberal allowance of widening driveways and walkways. However list out the setback requirements, overall size limitations relative to lawn (or you might get a driveway across the entire lawn...), etc.

Pg 20 Fencing B)Style 1)Wood and 2) PVC

"Post caps must be of a style that is harmonious with the surrounding neighborhood."

One-off. Make rules if you must.

-Must have post caps that match the color and material of the fence.

-Caps must not be be lighted.

-Caps shall not add more than 4 inches in height to the post (Something similar to this bullet is already in the Dimensions section.)

Pg 20 Fencing B)Style 2) PVC

"\* Exception: Certain PVC fencing have posts and stringers visible as part of the design. The ACC will consider these requests on an individual basis."

-First of all this wording is one off.

-Secondly, most PVC fencing has posts and stringers visible. Are we know saying that we are not going to approve the most common type of PVC fencing? Like the one we installed throughout the community?

Pg. 24 Gazebos B)Style "... be of harmonious appearance with the home..." One off. Need rules.

Pg. 25 Gutters A) Gutters... "Decorative Rain Chains and collection post may be considered for review by the ACC." One off. Need rules.

Pg 27 & 28 Landscaping: All that follow are one-offs.

B) Planting beds -- "Any changes to the layout or dimensions of existing planting beds, and the addition, replacement, or removal of any shrubbery, perennials, hedges or any other landscape feature requires the approval of the ACC before work can begin." No rules for judging these applications have been given.

B) Planting beds -- "Landscaping curbing or borders should be in harmony with and complement the color scheme of the home and surrounding neighborhood."

B) "Window boxes may be any color, so long as it is harmonious with the surroundings.:

C) "Planting, replacement, moving or removal of any tree requires prior approval from ACC." When would the ACC deny the any of these actions if the county OK's it? If a homeowner no longer wants that huge Oak near his/her house why would we force them to keep it? Perhaps some rule about the number of trees that must be maintained on the lot if that is even necessary.

E) Water Features -- "... and be of a harmonious appearance with the home and surrounding neighborhood."

H) Decorative Objects: "The ACC must approve decorative lawn objects over two feet in height."

Pg 29 Lighting: "... compatible in style and scale with the applicant's house."

Pg 29 Lighting String Cafe lights. "...must not be allowed to become a nuisance to neighboring properties." I like the idea, but rules are needed to define what would be considered a nuisance.

Pg 30 Skylights and Solar Tubes: "...requires submission and approval..." What are the rules? One off.

Pg 44 Windows "The removal, addition, or change of style of any window requires the submission and approval..." No rules specified. One off.

**Areas that seem to severely limit an individual homeowner's right to the free and unrestricted use of their property in matters that do not effect surrounding homeowners or the community.**

-Pg 16 Doors A)Front Doors 1)Style: "Glass must be frosted or opaque." Why? Many homes have clear... often in a "stained glass" type configuration. People often want to see through their front glass to see how is at the door before opening... I don't understand why this limitation would be put in place.

Pg 16 Doors C) Side 3) high gloss paint. Since we are requiring the side door to be the color of the body of the house can we not forego requiring them to make it high gloss? Do we really need to make them by yet another can of paint? The idea here is to make the door blend in with the house and not stand out.

Pg. 17 Doors D) Back 3) Color "Sliding glass doors must be white frame (or bronze if the house has all bronze window frames)." Do we really need to be so restrictive in the regulation of the frame of a sliding door in the rear of the house? This is often integrated as part of the living area. Perhaps they want bronze to match their birdcage. Perhaps they just like bronze or almond or whatever? Why not give our homeowners this freedom to choose for an area that is very often a living space for them?

Pg 25 Gutters... A) Gutters "... or if house with all white aluminum trim must be white." Change must to may.

Pg 36 Screened Enclosures A) Screened Patios Why should be care what the floor is inside the screened enclosure? Only "poured concrete or laid pavers floor". Why not tile, stone, outdoor carpet (yuck... but to each his own), or even grass or dirt if they should so choose? This does not seem to effect anybody but the property owner.

Pg. 37 Pool Enclosures... 2) Style "No bare earth area within the structure is allowed, with the exception of small open planting areas, not to exceed %5 (5%) of the total area of the structures floor." Why would we limit the planting area allowed inside the pool enclosure? If they want a tropical oasis with palms and birds of paradise poolside, why the heck not? Where do rules like this come from?

**New (or seemingly new) rules that run contrary to homeowner's rights or very well established precedent in the community.**

Pg 42 Swimming Pools... "All swimming pools must be completely surrounded by a 6' high privacy fence..." "Hot tubs... surrounded by a six foot privacy fence..." Since when? WHY? Many homes in our community have only a bird cage. if this is somehow a county ordinance... fine, but I sincerely doubt it is.

**Unnecessarily restrictive lack of variety or overly intrusive construction requirements.**

Pg 13 Paragraph 3 last sentence "any newly poured concrete must be excavated to the soil and NOT poured over existing concrete"-- Why are we trying to dictate proper construction technique? Leave this to the building codes and/or our ability to enforce proper property appearance.

Pg 18 Driveways... The spec on thickness of pavers is unnecessary and could get in the way of someone wanting to do thin pavers over concrete and thich on the sides to match. Just limit to specifying sufficient to withstand the load and lets stay out of material thickness. Same for everything that follows, "If footer is required for support". Specs for T-shaped foundation, etc seems unlikely our concern. That is for code to regulate and appearance is for us to ensure is and remains appropriate if and when it does not.

Pg. 18 B) Concrete Pavers... Why are we limiting the pattern that can be used? If concerned that someone may go crazy, just state that a consistent pattern must be used across the entire driveway with the only possible exception being a one paver wide border at the outside parameter. However, we can probably forego either of these restrictions.

Pg. 20 Fencing -- A) Materials -- Why was composite removed from the approved list?

**Misc.**

Pg. 3 The Architectural Control Committee reserves the right, as a representative of the association, to make guideline changes for the benefit of the Brentwood Hills HOA at any time.

This has been a point of contention that I thought and was told was behind us. The ACC is a committee and as such makes recommendations to the board for approval or denial. Proposed new language. "The Architectural Control Committee reserves the right, as a representative of the association, to make **recommendations** for guideline changes for the benefit of the Brentwood Hills HOA at any time **to the Board of Directors for their consideration.**"

Pg. 4 Paragraph two. last sentence add **bold...** "received by the ACC Chairperson **or the management company as an agent of the community.**"

Pg. 5 ACC should not be able to prevent applications for ACC membership from being presented to the board. The should be able to provide feedback to the Board before voting.

Pg. 6 Permits being required to be submitted to the ACC with the application is an unnecessary burden if the application might be denied. Permits cost money! Simply require that all required permits must be obtained in accordance with the applicable state, local, and county laws, regulations, and ordinances.

Pg 6 Define a project. The recent denial of roofing gutters on the same application as a roof replacement indicates a clear definition of what constitutes a project is warranted.

Pg 6 "Violation of such could result in the forfeiture of the entire deposit, plus an assessment for any additional cost that the HOA feels justified." This is not reasonable. We should avoid taking on the appearance of attempting to be punitive and simply make the community whole for any financial impact suffered by the persons action. This one is a very slippery slope that we will be punished for by a judge.

Pg 10 Antennas...

-States ACC approval is required and states it is not required... Need to remove one or the other.

Pg 19 Fencing: "All fencing must follow the contour of the ground , with no gaps at the base."

-Industry standard is a minimum of 2 to 3 inches gap.

-Forcing the following of the contour of the ground is not a good idea until the gap exceeds a certain amount. When installing a fence you can either make the top level and a pleasing appearance or you can follow the contour of the ground as closely as possible thereby scribing the shape of the ground onto the top line of the fence. It is much better looking to have a level top line until the ground drops so significantly that the gap at the bottom is wildly large. I would recommend that at no point should the fence be more than 4 inches above the ground. This would leave a variation of plus or minus 2 inches for the ground to ungate without having to make the fence unsightly.

Pg 20 Fencing: C) Colors: 2) PVC/Vnyl "...or wood grain in color." Wood grain is not a color. Are we saying that any color that has a wood grain is acceptable? Or are we trying to say that fences that meet the general color standard can have another color(s) on it to create a wood grain appearance?

Pg 22 Flags... We should reference FL statute 720.304 and not try to repeat it. In this way we will not be at risk of falling out of synch with any changes to the law.

Additionally, we should consider allowing other flags only to the extent they will not potentially be offensive to the community member. Sports flags, state flags and even international national flags should be considered. **However, "historical" flags that**

**represent any former enemy of the United States in a war or any flag that is commonly used as a hate symbol should not be allowed to be displayed in our community.**

Pg 27 Landscaping -- "... (everything you do to your landscaping, perhaps sans cutting your lawn) shall require the submission and approval of an Exterior Alteration Request, unless specifically identified as maintenance items in the following.."

A) Grass Can replace a bare spot or sparse grass by over seeding or sod.

B) "The planting or replacement of annuals within existing beds does not require special approval, as this is a routine maintenance item."

Everything else we might do to the yard is subject to ACC approval. Granted this section is poorly written and is probably not as entirely egregious as the words make it seem, but the intention of seek approval when replacing a shrub or make a minor improvement in our yard by adding or deleting a bush or palm in an existing bed is egregious and will prevent much of the good upkeep from being done.

Pg 27 landscaping B) Planting Beds -- window boxes

Replace can't be bare, no plastic flowers, etc. with just one statement. "Window boxes must contain only live plants at all times.

Pg 27 Landscaping B) Planting Beds -- rubber presumably mulch

Specify Rubber mulch or we may get a rubber matt. Also shouldn't we specify some set of reasonable colors? Do we really even want rubber mulch in front yards?

Pg 28

Screening of items such as A/C Unit. When fencing is selected will a site survey be required? If not, then we should state in fencing that only property line fencing requires a site survey. If yes, and the screening is not within 5 feet of the property line, it should not be required.

I would also recommend that we spell out a few items that will help keep parties from inappropriately manipulating the rules and will hopefully avoid friction costs for the community.

1) Only the rules in place at the beginning of an application to the ACC shall be used in determining the outcome of said application unless the new rule(s) adopted during the course of the application make the application approvable by the ACC. An application process is defined for this purpose as beginning on the date the initial application is received by the ACC or the management company whichever is first. The application process is deemed to be over 90-days after the homeowner has received a request for additional information, a denial by the ACC, or an appeal decision has been rendered.

2) While all required applications are due in advance of the alteration to avoid potential cost to the homeowner to remediate alterations that are against the Architectural Standards in place at the time of the alteration, applications that are received after an alteration will be reviewed and approved or denied based on the rules in place at the time of the alteration. In no case will the approval standards differ from applications received in advance of the alteration. (The bottom of Pg 7 should be amended to reflect the above. We should never do that is punitive in appearance or in fact.)

Thanks,  
Mark