

BRENTWOOD HILLS

HOMEOWNERS ASSOCIATION, INC.

Board of Directors Meeting

June 17, 2019

Meeting Minutes

1. Call to Order - Certifying of Quorum

The meeting was called to order by Jim Barber at 7:00 p.m. It was confirmed that timely meeting notice occurred. Directors Olin Barnett, Charlie Leo, Paul Pamrow and Mark Braverman were also present. It was determined that a quorum was established. Pamela and Doug Pinner represented McNeil Management. Director Tom Leavitt is not in attendance and Director Marsha Riddle arrived several minutes after the meeting began.

2. Approval of Minutes

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

On Motion: Duly made by Mark Braverman, second by Paul Pamrow and carried 4 in favor, 1 abstain.

Resolve: To waive reading of the prior meeting minutes and approve them as presented.

3. Guest Speaker Presentation:

County Grants: Amy Gould discussed various county grants the Association will apply for such as irrigation-repair/replace, clean-up, mini-grant, etc. The board secretary, Paul Pamrow, is heading up the effort with the County.

4. Reports of Officers/Committees:

Budget: Manager presented financial reports. Charlie Leo asked about the BB&T credit card expenses used for budgeted line items Office Expense and Repairs & Improvements. Manager stated email had been sent on June 13 along with BB&T statements for January through June 2019 for board's review of Association charges.

ACC: Chairperson Olin Barnett stated there is no report.

Social: Jim Barber indicated the committee is looking for additional volunteers, especially those interested in children's activities.

5. Unfinished Business:

Landscape Contract: Current vendor Panorama indicated they cannot perform within contract rate and the Board will not agree to financial contract modifications.

On Motion: Duly made by Paul Pamrow, second by Mark Braverman and carried unanimously.

Resolve: To approve the landscape vendor who received the second most votes during the bid process, Nature Coast Landscape Services, whose contract will begin immediately.

Approve Final Panorama Invoice: Final Panorama invoice was emailed to Board for review/approval.

On Motion: Duly made by Mark Braverman, second by Charlie Leo and carried 5 in favor and 1 abstain.

Resolve: To approve the \$12,327.62 final landscape invoice from Panorama.

Irrigation Contract: Board indicated vendor will sign contract on Tuesday, June 18, 2019.

Purchase Pool Umbrellas:

On Motion: Duly made by Charlie Leo, second by Paul Pamrow and carried unanimously.

Resolve: To approve purchase of two umbrellas totaling \$1,344.

Purchase New Pool Furniture: If purchasing new furniture, Marsha Riddle indicated that some extra chairs which are in the least bad shape should be left on the premises as backups and the board agreed.

On Motion: Duly made by Mark Braverman, second by Paul Pamrow and carried 5 in favor, 1 opposed.

Resolve: To approve purchase of new pool furniture with a price not to exceed \$9,000 if re-strapping bid has not been received by July 1, 2019 and/or re-strapping is more than 50% of new furniture price.

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Attorney/Board Telephone Conference: Phone conference summarized by Jim Barber in email to board.

On Motion: Duly made by Mark Braverman, second by Paul Pamrow and carried 4 in favor, 2 opposed.
Resolve: To include board email from Jim Barber with Subject: Legal Discussion Notes dated June 12, 2019 as part of these meeting minutes with redacted email addresses.

6. New Business:

Landscape Director:

On Motion: Duly made by Paul Pamrow, second by Mark Braverman and with 4 in favor, 2 abstain.
Resolve: To eliminate the position of Landscape Director.

Roof Tile/Shingle Exchange:

On Motion: Duly made by Charlie Leo, second by Mark Braverman and carried with 4 in favor, 1 opposed, 1 abstain.
Resolve: To allow the exchange of tiled/shingled roofs.

Pizza/Movie, Bourbon Tasting Night – Horse Soldiers (12 Strong): No motion brought to the floor.

Director's Due Diligence:

On Motion: Duly made by Paul Pamrow, second by Charlie Leo and carried 5 in favor and 1 opposed.
Resolve: Permit Directors to perform due diligence while seeking information to improve community conditions.

Updating Governing Documents:

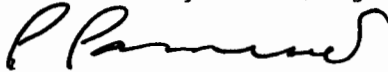
On Motion: Duly made by Paul Pamrow, second by Mark Braverman and carried 4 in favor, 2 opposed.
Resolve: To work with board, community and legal counsel to update community governing documents.

Allow Third Party (Boy/Girl Scouts) to Come Onto Site for Forestry Project/Badge:

On Motion: Duly made by Mark Braverman, second by Paul Pamrow and carried 5 in favor, 1 opposed.
Resolve: To allow Boy/Girl Scouts supervised support of potential forestry project.

7. Adjournment: Charlie Leo commented how glad he was to see so many homeowners in attendance.

On Motion: Duly made by Mark Braverman, second by Paul Pamrow and carried 5 in favor, 1 opposed.
Resolve: To adjourn the meeting at 9:03 p.m.



Prepared by Manager on behalf of Secretary

Douglas Pinner

From: James Barber [REDACTED]
Sent: Wednesday, June 12, 2019 4:12 PM
To: Tom Leavitt; Olin Barnett; Paul Pamrow; charlie leo; Mark Braverman; Marsha Riddle; James Barber
Cc: Douglas Pinner; Anne Malley
Subject: Legal Discussion Notes

Hello All,

I've included Anne and Doug here so we ensure the information is conveyed correctly. Here's a reflection of our discussion:

Summary (see specific guidance below for individual matters)

Anne believes our documents, in accordance with Florida law, together with the powers conferred upon the Association set forth in the Declaration, Article V, Section 2, provide the Board with the authority in the board to add amenities such as a basketball court. Furthermore, she advises the board has the authority to host community games (such as bingo) and host food trucks subject to the limitations for gambling outlined in Florida Statutes. She advises a dog park, while may be authorized by our documents, leash language may be construed as to invite contrary interpretations that may invite litigation. She also advises the HOA can be sued by anyone for anything at anytime and for this reason her approach is directed to limit such potential exposure by taking a conservative approach. Anne did suggest we inquire with our insurance company regarding coverage (and potential impact to rates) regarding basketball court, food trucks, etc. Doug took this for action.

Note - there was no mention of any effort to transfer or convey any land or materials held by the HOA to any other party.

Note - there was no mention by any board member to propose a special assessment.

Note - Doug did make mention of our "pooled" reserves and the board's ability to use those reserves without community vote - regarding which Anne confirmed.

Basketball Court

Citing "police powers" of an HOA board - "health, safety, welfare" and our documents reflecting the board's ability to create an atmosphere of "enjoyment", the board is authorized to create a basketball court. This is furthered by her reading of our documents specifically granting the authority of the board to allocate common areas for specific purpose.

Bingo

Anne advised we are able to conduct such activities, making no mention of any challenge or risk regarding this matter. Subject to statutory limitations on gambling.

Food Truck

Anne advised we are able to host food trucks on our property, advising that we ensure they have all required certifications and licenses and insurance. She also advised the truck be parked along a curb so not to require backing (reverse) at any time and cones be placed around the vehicle on all sides and other safety precautions deemed prudent to protect the membership.

Dog Park

Anne cited the leash law requirement in our Declaration. It was also presented in that same paragraph that the leash law may not apply when granted permission of the private property owner - in this case, the HOA - represented by the board.

Here is the applicable paragraph from our Declaration (Art VI, Section 9, para 2, page 14):

2. No person owning or having possession, charge, custody or control of any pet shall cause, permit or allow the pet to stray, run, be, go or in any other manner be at large in or upon any public street, sidewalk or **park**, or on private property of others **without the express or implied consent of the owner of such private property**. Governmental or municipality leash laws apply at all times.

Anne advised that reflecting in our ByLaws the recognition - a dog park designated as a leash-free area - would strengthen our case (as a similar process was cited in applicable Florida case law). Again, Anne advised we would not be "bullet proof" and this would not prevent anyone from bringing suit - though that is the case with anyone and anything.

Conclusion

When met with the subject of potential fighting among basketball players/observers, Anne referred to the rules and conditions of the pool area. The understanding is that whatever are the rules of two people fighting in the pool would similarly apply to a similar instance elsewhere.

Per our governing documents and Florida law, the board does not require a community vote for adding any amenity - only a majority board vote.

Anne did not go deeply into our budgeting matters, as we did not ask her to do so in advance. However, when asked the following general question on multiple occasions: "Can the board use the annual operating budget to fund improvements and amenity additions" - her answer was repeatedly affirmative. To which, Doug also reflected reserves could also be used as they are "pooled reserves" and not designated for specific line items. To this Anne also replied in the affirmative.

Kind regards,

Jim