

SAVANNAH LANDINGS

HOMEOWNERS ASSOCIATION, INC.

Board of Directors Meeting
3604 Grand Magnolia Place, Valrico, FL
Zoom Option: Meeting ID: 952 030 0486, Passcode: 1bNpLM
August 31, 2020
Meeting Minutes

1. Call to Order

The meeting was called to order by Vice President, Diana Portillo at 7:05 p.m. It was confirmed that the meeting notice was posted at least 48 hours in advance. Board members Carol Galloway, Lillian Gaines, Paul Davis and Michael Toomer were also present. It was determined that a quorum was established. Jeana Wynja represented McNeil Management.

The Board of Directors invited Wesley Jones, the Association's attorney, to the meeting. The Association utilized their one free meeting per year with the attorney, so his attendance at this meeting was no charge to the Association.

Below is a list of questions from the Board and answers from the attorney:

QUESTION 1: the Declaration dated 1/15/2007 Article III, Section 15 states: "no sod topsoil, shrubbery shall be removed from the property, no change in elevations shall be made, and no change in the condition of the soil or level of the land shall be made which results in any permanent change in the flow and drainage of surface water." Recently, the board published a 17-page document of rules where this rule is reprinted. Homeowners were asked for input. I asked that they tell us what the standard for elevation was. They did not clarify. Without clear specifications or references, how can this item be objectively and accurately determined/enforced? Also, a homeowner was recently denied sod for the backyard because he replaced soil to fill holes from removing tree roots and to repair erosion. Isn't there a difference between restoring the elevation and changing the elevation? The way this is written it is a catch-22 for the homeowner; we are told we are responsible for fixing erosion, but then when we do, the Board claims we changed the elevation so cannot get sod.

ANSWER 1: It is ok not to have a standard because each lot has different standards of elevation. Obtain a professional opinion. Each lot is different.

QUESTION 2: Documents were originally based on a new community. Community is now 20 years old. Foundation shrubs next to house installed by developer. Documents say to maintain. Does HOA have the authority to special assess and replace shrubs?

ANSWER 2: Wesley recommended amending documents. If half the lots will have serious erosion issues, address the following in amended or new documents: special assess to owners who are affected by drainage issues only in new docs.

COMMENT REGARDING QUESTION 2: At least 50% of the owners would be in favor of amendment if having drainage issues.

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QUESTION 3: Amended Article from 3/8/2007 Article IV Powers Item (b) states: "The association shall operate and maintain the surface water management system as permitted by SWFWMD including all lakes, retention areas, water management areas, ditches, culverts, structures, and related appurtenances." The property was designed with swales between homes to carry water from backyards to the front and then to streets. The swales are no longer working causing severe flooding throughout the community even during short afternoon rainstorms. We also have a berm to stop water from flowing from one yard to another where houses are backed up to each other. The berm is severely damaged by lack of vegetation that the HOA removed with subsequent erosion. The flooding has been an issue for five to six years. The HOA Board has "stuck its head in the sand" on this issue. Homeowners that are severely affected want to work with the HOA to fix this, as the problem can only continue to get worse. The definitions of berm and swale seem to fall under the terms of this article. What is your opinion on the HOA responsibility in this area?

ANSWER 3: SWFWMD does not enforce once Association is built out. Wesley thinks that they Association should be responsible, but documents contradict currently. Per Wesley usually SWFWMD permits are not on owners lots. Would be on common area property. Declaration, after this amendment, says that owners are responsible for everything else. Documents need to be amended. More efficient than to have owners pay individually for expert opinions. Will incentivize owners to just take care of themselves and not neighbors. Need a survey. Rely on professional opinions who specializes in this, then figure out the cost! 1) get proposals 2) timing on how to pay for it. Lillian – she got opinions with 3 different solutions ranging from \$150,000-\$200,000. Lillian said proposals are outdated. Need fresh proposals.

Separate issue with what builder sold owners on.

QUESTION 4: How can a sidewalk that is stated as being on an owner's lot, and therefore the responsibility of the owner to repair and replace be called a "community sidewalk"? If someone walks in other places of my property I can ask them not to trespass. How is this sidewalk different - could homeowners ask people not to walk on their property aka the sidewalk? In all other places I have lived the sidewalk was on your property but the city, town, community, etc was responsible for repair/replacement.

ANSWER 4: Wesley – clearly owner obligation to repair sidewalk. Tree causing trip/fall. Owner to fix. HOA to send notices to repair sidewalk. Can owner prevent pedestrians from walking on sidewalk, yes, but Wesley doesn't agree with that. Owners should repair sidewalk. Association has already sent notices.

QUESTION 5: This community was advertised and marketed as "maintenance free living". Clearly it is not. Many new owners are shocked at the covenants when they get a copy. What is best way to change this misinformation? Doesn't the seller have an obligation to disclose that information to a prospective buyer? Also the real estate agents in the area are under this misconception as well and perpetuate the myth.

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ANSWER 5: Declaration made it clear that owners are responsible for their own lots. Lies by builders is not an obligation of the Association. Owners are bound by restrictions in place when they buy.

QUESTION 6: Is the HOA responsible for all grass areas?

ANSWER 6: HOA is responsible for maintaining. You cannot obligate HOA to install sod in back yard. Lillian: told for years no sod, now oak trees are gone. Wesley in a pickle – no obligation of HOA to install sod. Maintain only. Fertilize, water, cut. Docs do not say “replace”. Owners want Association to pay for sod installation. Owners are trying to prevent worse damage from just dirt existing. Sod is sod, front, back, side wherever. No clear obligation for HOA to purchase it. We don't have authority to assess owners for sod. We don't have authority to take down trees on owners lots.

QUESTION 7: Does (HOA) maintenance of shrubs also mean replacement of shrubs when they are dying?

ANSWER 7: Similar to sod. Not clear. Says maintain landscaping, not replacing. HOA not obligated to do it. Owner cannot obligate HOA to do it. If a shrub dies and owner pulls it out, owner NOT obligated to replace it. If reasonable funds to replace it, that is oK. Up to the board. But board is not obligated to replace any shrub. Really up to board if they want to or not.

QUESTION 8: Process to re-write Declaration or just start over with new?

ANSWER 8: Focus on amendments rather than a whole new document.

QUESTION 9: Michael had emailed to add the following to Wesley's list of questions: I would like to get some clarification on the HOA's responsibilities for the exterior stucco repairs. My initial understanding and thoughts would be the HOA is responsible for the maintenance of the exterior of the buildings. I have seen some comments that the homeowner is responsible. The challenge we face as an HOA is that we are not maintaining our exterior painting Schedule. WHO is responsible for exterior stucco repairs?

ANSWER 9: Owners are responsible. Wesley would be very careful to exercise abatement, and only send owner letter to maintain cement surface. Shared decorative piece between lots – who takes care of it. Get owners to pay for repair of cement surfaces – make owners aware. The Declaration dated 1/15/2007 Article III, Section 16. Maintenance - states that owners are responsible for exterior building surfaces. The same Declaration, same section states that the HOA takes care of exterior paint.

QUESTION 10: Drainage: From Carol. Can we plan and finance a community drainage project if we get a majority vote of owners?

ANSWER 10: Need to amend the Declaration.

QUESTION 11: Drainage: From Carol. I know that gutters are a huge help to drainage issues. How can we ensure that owners participate?

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ANSWER 11: Docs do not speak to gutters. Some owners have gutters and some do not. Gutters to side yards and to the streets. Owners obligation to resolve per welsey. Not HOAs obligation to resolve. HOA doesn't have authority to take care of everyone's drainage solution.

QUESTION 12: How savannah landings works together – contradictions?

ANSWER 12: Sod replacement – HOA landscaper in charge of sod replacement. Article 5 Section 2 how savannah landings works together. Wesley would rephrase it. Owners need to replace sod on their own. Landscaper needs to be up front with owner if sod cannot exist in a place where sod cannot grow. Weeds taking over grass. HOA is obligated to replace sod where weeds are growing – Wesley said absolutely! If WE maintain sod and it dies, HOA should replace. Landscaper shouldn't let grass die. Paying Green Bandit 4k on sod that they should not have allowed to die.

QUESTION 13: Should website be secured.

ANSWER 13: The website does not need to be secured. All information on the website is public information.

QUESTION 14: If owner plants sod in non-sodded area, do they have to put in same grass as we currently have or can they put in a different grass?

ANSWER 14: Should match sod it is adjacent to.

QUESTION 15: Who is responsible for enforcing things in the document? McNeil sends out letters. Fill out enforcement request form. Numerous ornaments in front of houses; pots.

ANSWER 15: The Board is responsible for enforcing the documents. Manager will ask survey team to tighten up the surveys.

QUESTION 16: Owners bailing water – back and front door. Do we need to pay for it ourselves?

ANSWER 16: Wesley – it is not HOA's obligation right now to pay for a solution. Encouraged owners to move forward with an amendment to the Declaration.

QUESTION 17: Sod dies, HOA should replace it.

ANSWER 17: See Q&A 12 above.

QUESTION 18: Is it our responsibility for everything on our home. Painter doesn't apply it correctly. Electrical boxes were painted numbers over. The list developed 99% of owners probably have a violation. Previous HOA board president indicated that you can't have sod unless you have gutters, but yet landscapers come in with heavy landscaping equipment. Berm felt like a 3rd world country. Had more bushes than trees in berm.

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ANSWER 18: Wesley agrees that HOA should have more obligation. Board needs to vote to amend sections of the document.

QUESTION 19: We have a board of directors that agrees that flooding is #1 hot point. It is not expressly written that HOA is not responsible for water surfaces. Help me understand why you say it's not SWFWMD. Subterranean vs surface water drainage – two different things. Surface water management system – American society of civil engineers says HOAs are responsible for surface water. Does a ditch mean the berm area? Would it not be identified on original survey it would be identified as surface water management system. Is this fixable?

ANSWER 19: Amend the documents.

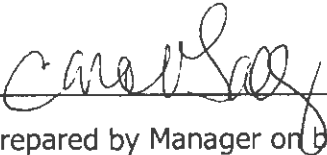
General Comments:

If you want maintenance free living, HOA fees will increase significantly. Owner volunteered to get Board in touch with a civil engineer.

2. Adjournment

On Motion: Duly made by Carol, second by Diana.

Resolve: To adjourn the meeting at 9:20 p.m.


Prepared by Manager on behalf of Secretary