

## Waterview Association POA Board Meeting Minutes, August 21, 2023

*The Board would like to apologize to all Virtual and in person attendees for the technical difficulties we experienced during the meeting. This was the first time we experienced such an issue and it has been corrected.*

- **Motion Approved** for Minutes from July 17 meeting.
- **Budget Update - Ray**
  - \$14,204 Balance in Account
  - \$550 additional deposits from ECC fees collected not included in above figure
  - \$12,774 is the delinquent balance for Owners who have not paid yearly dues
- **Verification for Exception (VOE) Form from DEP** Maria went through the process for Waterview as a test case. It was proven very valuable. The ECC process has been updated to reflect that owners must go through the DEP VOE process and not have an Ecological Survey completed as of 7/13/23.
  - There is an option to have a free Preliminary meeting with DEP prior to submitting the VOE application to have any questions answered.
  - When the [Verification for Exemption](#) (VOE) Form is completed site plans need to be submitted in full detail. Once a decision is made it is only for the site plans submitted. Nothing can be changed after the process.
  - DEP makes the final decision for all Upland and Wetland determinations. Ecological Surveys from private sector companies may not be accurate, and the DEP has and will override their determination of wetlands.
  - [Verification for Exemption](#) (VOE) costs \$100 and is completed within 30 days. If the VOE transitions to a DEP required Permit then the \$100 fee is transferable to the DEP permit costs.
  - The DEP Compliance department becomes involved if there are unauthorized impacts to Environmental Sensitive Areas (wetlands or docks) that would have needed a permit. This department starts the fine process once violations are made.
  - Any and all wetlands cannot be altered (Fill, structures, sod, mowing, landscaping, etc.) without a DEP permit. If a wetland area is cleared on the Greenbelt it needs to be done with hand tools and no heavy machinery, debris/clippings cannot be left on the property, soil cannot be disturbed by pulling up roots of trees or driving heavy machinery leaving ruts in the soil.
- **ECC Violations:**
  - 10254 Max Ct - Higgs - Builder cleared the GB including 4 palm trees. Owner replanted 4 palm trees. Closed Status. Pictures documented.
  - 16152 La Barge Cir - Petrovic - Non-Exclusive Licenses Agreement(NELA) completed. Meeting with the DEP will determine next steps. Pictures documented.
  - 16716 La Barge Cir - Guzowski - Still no reply to all requests. Meeting with the DEP will determine next steps. Pictures documented.
  - 16232 La Barge Cir - Poperechnyy - ARC Review complete and approved. Closed Status
- Mike called Charlotte County code compliance about. Waiting for a reply. No changes made at sites.

- 16622 Legget Cir (Gulf Reef Homes - Kreck) - dumpster on site - garbage still on ground. No silt fence at build site. Pictures documented.
  - 9292 Lingle St / 16279 (Orozimbo) - lot cleared, no permit, brush moved to side of lot by roads. Pictures documented.
- **ECC Request to use Greenbelt Forms:**
  - 16515 Cup Ct - Schwyn - Owner has not paid yearly dues. All requests on HOLD until dues are paid
  - 16147 Lankford Ct - Adamson - Request approved per DEP requirements. Closed Status
  - 16642 Legget Cir - Comet - Request Form approved. Greenbelt is Uplands. NELA Pending.
  - 16676 Legget Cir - Beer - Request to mow, sod, irrigate and install walkway to dock. The owners have 2 lots. One is Uplands and One is Wetlands. ECC determined that they need to have the DEP VOE completed so the final determination can be made on the status of the Greenbelt before any modification can be done to the Greenbelt. NELA complete. Pictures documented.
- **Association Legal Services -**
  - Discussion about Association Legal Services will represent Waterview POA for Damages and Expenses associated with DEP fines to POA for Owner violations. Fines will be assessed to owners.
  - Discussion about Declarations and Bylaws can be completed for approximately \$3000 and usually no more than \$3750.
- **Motion Approved** - To implement Property Collection Services through the Association Legal Services practice. FL Statutes will be followed to collect past due payments.
- **Motion Approved** - To have our Non-Exclusive License agreement (NELA) reviewed by the Association Legal Services practice. Lawyer to determine if Non Exclusive Agreement is correct or if it should be Easement in Gross Agreement.
- **Motion Approved** to move forward with Go-Daddy for online payments as long as Grand Properties agrees to provide Bank Account information.
- **Motion Approved** - To purchase additional signs for Waterview POA Deed Restrictions and post on entrances into Waterview.
- SGC ARC & Waterview ECC meeting completed. The ARC process is now set and moving forward.
- Steve will contact Tim at Grand Properties to determine the costs for the yearly meeting.
- Ray to contact Grand Properties to find out what the \$900 monthly fee includes? Does it include taking phone calls, managing payments, handling forms on behalf of Waterview, emails, etc.?
- Notary is available for Steve at Grand Properties for future Non-Exclusive License Agreements (NELA)
- More Discussion required. - Can ECC implement restrictions on short term rentals via the ECC guidelines.

- Neighborhood watch is handled through the SGC Neighborhood watch committee.
- Issues brought up about multiple sailboats in the lagoon over a period of months now that have not moved. Where is the sewer going? Need to contact the FL DEP or Sherrif to determine how to handle it.

#### List of Proposed concerns and potential changes in Bylaws and Documents

Short term rentals.

Multi-Family Housing

Selling Common Area and Greenbelt

Percent of Votes required for approval.

Use and restrictions of electronic notices

Requirement of Board Members to be current HOA Members

Board Titles and List of Committees in Bylaws

Ability to enforce non- compliance issues

ECC approval of Landscaping

Loss of membership rights during legal proceedings brought against the HOA

Term limits of Board and Committee members

ARC requests handled directly through Waterview and eliminate SGC

Greenbelt protection against Accidents/Liability Insurance

Non Exclusive License Agreement vs. Property Easement in Gross Agreement