

Springdale Lake D Condominium Association, Inc.

4701-4909 NW 82ND AVE | Lauderdale, Florida 33351

NOTICE OF BOARD MEETING AND AGENDA

DATE & TIME:	Thursday, May 26, 2022 at 6:30 p.m., local time
LOCATION:	Zoom.US // ID: 926 9306 5760 // PW: 9 3 9 9 4 5 // Phone: 1-929-205-6099 Link: https://zoom.us/j/92693065760?pwd=OG9Fby9UNU5XMXIQNW1oVY9HQzRBUT09
WHO CAN ATTEND:	Any Member of the Association
ADDENDA:	Available Online at SpringdaleLakeD.com > Meetings

Meeting Minutes

**Indicates an item with an addendum separately attached / published*

1) Call to order at: **6:33** pm, local time

2) Quorum:

	President S. Sharp	Vice-President A. Coward	Secretary K. Charlton	Treasurer L. Joyce	Director J. Ferriero
	X	X		X	X

3) **MOTION** to waive reading of, and accept into the official records of the Association, Meeting Minutes from Meetings held on **28 APRIL 2022**.

	MOTION D	SECOND VP	OPPOSED None	MOTION IS: Adopted
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4) **CURRENT BUSINESS:**

- a. Wood Repairs — Completed
- b. Documents Changes — Submitted to Members
 - i. Re-send with 2nd notice of election and SASE for return of signature ballots.
 - ii. Management will send out at Management's cost.
- c. Fences – Fronts & Backs
 - i. Working on proposals.
- d. Waste Management Issues
 - i. Still some occasional issues is what it sounds like? Still outstanding.
- e. Bulk Trash / Recycling Area(s) – Had a general discussion on this, but no action item(s).
- f. Violations: Set for re-inspection are: 4704, 4707, 4708, 4709, 4714, 4719, 4721, 4739, 4703, 4805, 4820, 4827, 4901, 4909.

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5) NEW BUSINESS:

- a. Republishing of Master Association Documents
 - i. As of now, the Master Association manages landscaping for all four (4) sub-associations.
 - ii. The written Document(s) of the Master Association, however, delegate landscaping of each sub-association's property to the sub-association.
 - iii. Does the "D" Association wish to demand republishing of the Documents of the Master Association so that it may pursue its own contract for landscaping / tree trimming service(s)?
- b. Hole made by AT&T (Scott) — Irrigation tech stated that AT&T installed a new box months ago by the Pool. In doing so, they penetrated an irrigation line and never repaired it. Manager to contact AT&T and get reimbursement for repair of irrigation and replacement of landscape. (DEFER TO MASTER ASSOCIATION.)

6) MEMBER CONCERNS:

- a. Architectural Review — 4701 NW 82ND AVE wishes to install Solar Panels. Attorney for the Association has provided the attached legal letter of opinion for the Association's review. Manager seeks a motion either approving or denying the Member's request for architectural approval of the solar panel installation.
 - i. Motion to deny request (P); Second by: (T); Opposed: None
- ~~b. Application — 4707 NW 82ND AVE (Purchaser) — Manager seeks a motion either approving or denying. If denying, please provide rationale as it is required under Broward County Ordinance.~~

7) Next Meeting: **THU 30 JUN 2022 at 6:30 pm, local time**

8) MOTION to adjourn

MOTION	SECOND	OPPOSED	MEETING ADJOURNED:
P	T	None	6:57 pm

APPROVED: /s/ *Kim Charlton* 07/28/2022
Kim Charlton Date
Secretary of the Board of Directors

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Member Concerns Solar Panel Installation Legal Letter of Opinion

David W. Black
Stephanie Deutsch
Steven W. Deutsch
Steven C. Elkin
Daniel T. Fleischer**
Neil G. Frank*
Leorah G. Greenman
Michael A. Kammer
Michael R. Kassower
Joshua R. Landsman
Andrew D. Levy
Steven W. Marcus
*Retired
**Of Counsel



Joel M. McTague
Constantina A. Mirabile
Harry P. Mirabile
Randy J. Nathan
Jamie A.B. Rodriguez
John S. Schank
Marc A. Silverman
Robert T. Slatoff
Maria P. Spiliopoulos
David Neal Stern
Ashley R. Tulloch
Leanne B. Wagner
Steven A. Weinberg

April 28, 2022

VIA E-MAIL ONLY

Board of Directors
Springdale Lake D Condominium Association, Inc.
2436 N. Federal Highway, Suite 205
Lighthouse Point, FL 33064

**RE: SPRINGDALE LAKE D CONDOMINIUM ASSOCIATION, INC.
INQUIRY AS TO SOLAR PANEL INSTALLATIONS
OUR FILE NO. 16257.000**

Dear Members of the Board:

You have inquired whether the Springdale Lake D Condominium Association, Inc. (the "Association") can prevent a unit owner from installing solar panels on a common roof.

We refer you to Section 163.04 of the Florida Statutes, which pertains to energy devices of renewable resources. On one hand, subsection (2) states, "A deed restriction, covenant, declaration, or similar binding agreement may not prohibit or have the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on the lots or parcels covered by the deed restriction, covenant, declaration, or binding agreement." Although this language initially sounds like the Association cannot prohibit solar panels, we would next look to the second sentence of the statute where the Florida Legislature added condominium-specific language in 2008.¹ It provides:

"A property owner may not be denied permission to install solar collectors or other energy devices by any entity granted the power or right in any deed restriction,

¹ It appears that the change in statutory language is a result of a case called *Sorrentino v. River Run Condo. Ass'n*, 925 So. 2d 1060 (Fla. 5th DCA 2006). There the Court said a unit owner had the right to put skylights (which it deemed the equivalent of solar panels) through a common element roof. Following this case, the Legislature amended the statute to limit a unit owner's ability to install energy saving devices on common elements.

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covenant, declaration, or similar binding agreement to approve, forbid, control, or direct alteration of property with respect to residential dwellings and within the boundaries of a condominium unit."

It is the Firm's opinion that, relative to a condominium association, the second sentence implies that an Association **can** restrict solar panels on a common element such as a roof. It is our belief that because the language of the statute strictly states "within the boundaries of" the condo unit that this is where an Association cannot deny a unit owner's request to install solar panels.

We trust this addresses your concerns, but please advise if you have any additional questions or want to discuss this matter further.

Sincerely,

FRANK, WEINBERG & BLACK, P.L.



JAMIE A. B. RODRIGUEZ, ESQUIRE
For the Firm