



Madison Place of Pompano Beach  
Homeowners Association, Inc.  
1001 Northwest 33<sup>RD</sup> Manor  
Pompano Beach, FL 33064-5931

## BOARD MEETING NOTICE AND AGENDA

Date: MON 20 DEC 2021 at 7:00 p.m. *\*Indicates an attachment*  
Via: Zoom (See <https://madisonhoa.com/meetings> for login information)

### AGENDA

1. Call to Order at 7:08 p.m.
2. Establish Quorum.  
| X | President | X | VP | | Secretary | X | Treasurer | X | Director
3. Notice of Meeting.
4. \*Motion to waive the reading and approve the minutes from the meeting on Monday, October 18, 2021.

Motion President	Second Director	Voice Vote None	Motion is: Adopted
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5. Old Business:
  - a. GATE REPAIR — MOTION to codify amendment to Motion on 18 OCT 2021 for gate repairs authorizing expense of \$6,087.00 instead of \$4,608.00.

MOTION President	SECOND Director	OPPOSED None	MOTION IS: Adopted
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- b. RESERVES LOAN — **MOTION** authorizing a loan not to exceed \$6,100.00 from reserves to manage gate repair. Loan will be repaid either: A) Through a Special Assessment in FY2022 if approved by members; or B) Through a dues increase in FY2023 in the amount of \$4.71 per home per month for the entire calendar year.

MOTION President	SECOND Director	OPPOSED None	MOTION IS: Adopted
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- c. FEEDING OF ANIMALS – Trail camera has not yet been purchased/installed.
  - d. KEYPAD FOR POOL – This project, including quotes is on hold.
  - e. PRESSURE WASHING — **MOTION** authorizing \$2,300.00 for pressure washing according to attached proposal. // **MOTION TO TABLE.**

Laura will meet a vendor or two and get two (2) quotes.

MOTION President	SECOND Treasurer	OPPOSED None	MOTION IS: Adopted
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6. New Business:
  - a. Rescheduling of 2021 Board Election
    - i. Rescheduled to MON 07 MAR 2022.



**ASSOCIATION MANAGEMENT PARTNERS, LLC**  
Matt Jelinek, Manager / CAM  
2436 N Federal Hwy #205  
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7. Member Concerns:

- a. 3362 NW 11<sup>TH</sup> AVE // Daniela Bedoya & Samuel Ulate (Owners); Inquiry regarding buyer application.\* *Members have requested time to speak and shall be granted not less than three (3) minutes of uninterrupted time after Manager has presented items.\**

8. MOTION TO ADJOURN:

Motion President	Second Vice-President	Voice Vote None	Adjourned at: 8:02 p.m.
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APPROVED:

*Joanna Cygert*

*01/17/2022*

\_\_\_\_\_  
Joanna Cygert, Secretary

\_\_\_\_\_  
Date



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**BUYER APPLICATION FOR 3362 NW 11<sup>TH</sup> AVE**

TO WIT:

1. On 27 MARCH 2020 applicant tenants were approved for residency within the community.
2. As part of the application process, tenants were advised of the Documents of the Association and where to find them.
3. On 07 AUGUST 2020 Management received an initial complaint about a dog off-leash and defecating in the grass whose handler was not picking up after the animal. Complainant identified the Property as where the dog resided. Manager indicated that absent photo/video evidence, it was challenging to cite the matter. Manager also recommended contact with City of Pompano Beach Animal Control or Code Enforcement since an animal off-leash is a violation of City of Pompano Beach and Broward County Codes. Same with failure to pick up after an animal.
  - a. Code Enforcement for the City of Pompano Beach instructed the complainant, who is an Owner-Member whose home is homesteaded, to work through the Association to achieve resolution.
4. Management received other complaints without photos/videos.
5. In 2021 Management received the following complaints:
  - a. 21 MAY 2021 at 11:37 a.m. – Canine(s) off-leash; Handler fails to pick up after canine.
    - i. Manager cites violation. Letter served on 21 MAY 2021 via email, to door and mailed to address of record, which is the address of the Property.
  - b. 19 APR 2021 @ 09:51 a.m. - Canine(s) off-leash; Handler fails to pick up after canine.
  - c. 23 JUN 2021 @ 07:55 a.m. - Canine(s) off-leash; Handler fails to pick up after canine.
  - d. 12 OCT 2021 @ 10:03 a.m. – Canine(s) off-leash; Handler fails to pick up after canine.
  - e. 11 NOV 2021 @ 09:05 a.m. - Canine(s) off-leash; Handler fails to pick up after canine.
6. The Manager – pursuant to directions from attorneys for the Association – does not provide formal communication(s) to/on/with any tenant(s) in **any** Association. Only with the Owners/Members of the Association. In this instance, however, posting to the door would provide any tenant/resident that there is a problem as posting is not performed with an envelope.
7. The Association's denial criteria, which has been reviewed by counsel and is published to the Association's website (<https://madisonhoa.com/buying%2Frenting>) and has been published since before these applicant buyers applied for residency, were outlined in the interview and orientation conducted with them at the time they moved into the Association.
8. The unit, since 21 MAY 2021 has been, and continues to be in violation of the Association's Documents.
9. A sale cannot occur when "Background reveals behavior(s) within the past seven (7) years from the date of application that could threaten the safety, well-being, health, wellness, quality of life or Peaceful and/or Quiet Enjoyment of residents within the Association;"
  - a. The volume of complaints would indicated that such violation has occurred.
10. The Association cannot approve the application at this time without violating the Federal FAIR Housing Act as it has not allowed other tenant-applicants who wanted to purchase a home to do so.
  - a. The lowest fine that Management is aware of for a Federal FAIR Housing Violation is \$26,000.00 not including civil damages that could follow from suit(s) filed later.



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**The questions for the Board of Directors are:**

1. After about three months, without further complaint(s), Management would mark the unit as in-compliance. Does the Association wish to continue with this timeframe or alter it?
2. The Denial Listing clearly states that any activity contravening safety, well-being, health, wellness, quality of life or Peaceful and/or Quiet Enjoyment within the past **SEVEN (7) YEARS** precludes approval on an application. Does the Association wish to tailor this for existing tenant residents who may wish to purchase but have infractions of this nature?
  - a. Does the Association prefer to tailor it to the ***type*** of infraction?
3. Does the Association wish to seek the opinion of Counsel?

**SUMMARY:**

- It is the OPINION of Management that approval of this application – at present – would:
  - Violate the Federal FAIR Housing Act; and
  - Would result in any Director moving to approve to violate their fiduciary responsibility to the Association and its Members. Particularly given the volume and frequency of complaints; and
  - Would obligate that Association to approve any tenant-applicant wishing to purchase to approve them regardless of their violation(s). **This is not a precedent the Board would want to set.**

**RECOMMENDATION(s):**

- Management recommends identification of timelines for compliance for the home.
- Management recommends review of the denial listing to determine whether the provision on the denial listing previously mentioned might be either interpreted or amended in a way that is not quite so punitive. Counsel would need to approve any amendments pursuant to Florida Statutes (FS) and Florida Administrative Code (FAC.)

**OWNER'S NOTES:**

- Owners were only aware of the first violation; They communicated violations to tenants.
- Owners concede that there is a violation.
- Owners believe that violations can be quickly addressed.
- Owners live in Europe creating a communication challenge.
- Owners have had other tenants and when the violations have occurred in the past they have corrected them in a timely manner.
- The current tenants have, outside the violation(s), have been positively impacting the community.
- Violation – Clarification about violation against home vs. against tenants.



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#### BOARD NOTES:

Treasurer spoke to tenant/applicant(s); Referred to meeting. Tenant was apologetic. Stated that moving forward he would ensure it is corrected. Treasurer has seen the tenant/applicant(s) have corrected behaviors. Concern is with future tenant/applicant(s) would have to be approved. Willingness by tenant/applicant(s) to correct is a positive thing.

Director – Separate out the legal items for the State / County / City from the Association's Documents violation(s). Timeframe should be dependent upon the number/severity of violation(s). Specific case: 90 days from 11 NOV makes purchase eligibility 11 FEB 2021.

President – Controller of church (neighbor) called him to complain about the dog feces. Concern about neighbors. 90 days – 6 mos before application can approve.

Vice-President – Rules need to be followed; In this situation tenant has acknowledged mistake, apologized for it and corrected it. Does not want to hold up the sale of the property due to a minor violation that can be easily corrected. 7 years is far too long; If tenant can demonstrate modified behavior within a period of time, the tenant applicant(s) should be approved. 12 weeks without any violations.

#### MODIFY LANGUAGE TO:

Behavior(s) that would indicate a violation of the Association's Documents MAY be grounds for denial of any applicant(s) for a Unit; It shall be the discretion of the Board of Directors to determine an equitable timeframe within which they may review violation(s) or behavior(s) leading to violation(s) of the Association's Documents to ensure remedy is achieved prior to approval.

#### DECISION:

Tenant/Applicant(s) will be approved on 11 FEB 2022 provided that there are no additional violation(s) behaviorally of the Association's Documents. Board was polled; all four present directors agree to same.



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