

ROCKY BAYOU OWNERS ASSOCIATION
P.O. BOX 848 Niceville, Florida 32588-0848

Minutes of the Monthly Meeting of the RBOA Board
October 12, 2022 at Niceville City Hall

In attendance:

Existing Board members (quorum reached):

Rich Comer, President	Jeff McAdoo, Vice-President
Nicki Patten, Secretary/Treasurer	Tracy Wood, Compliance
Kathy Flynn, Architectural Control	Joe Bradley, Environmental

Committee chair:

Marian LoGatto, Covenants Committee

Homeowners:

Greg Dawson, Sam Dawson, Paul Higgins, David Valenzuela

Meeting called to order by Rich Comer at 6:30pm, followed by a moment silence.

PREVIOUS MEETING MINUTES:

- September Meeting Minutes were circulated in advance of meeting via email. Tracy motioned to approve the minutes. Jeff seconded; passed unanimously by all present.

INTRODUCTIONS:

- Attending Homeowners introduced themselves.

- Paul gave an update on the Lake Way Island adjacent to Ruckel Dr. City came out; there is no existing hookup. Traced the pipe under the street toward Ruckel, possibly to the dam, but did not trace beyond the corner. John Rivera let them into pump house, and there were 4 zones to the dam, for which Paul found the valves. Paul will try to determine if the pipe from Lake Way Island leads to the pump house building and if we can find a place to connect it for sprinklers to be run. The Board thanks Paul for his volunteer efforts to beautify the neighborhood.

FINANCIAL / BUDGET: reported by Nicki Patten

- Financial report with monthly detail through September and 2022 year-to-date totals compared to budget was circulated to Board members in advance of the meeting via email.

- Total in all bank accounts as of September 30, 2022 = \$111,356; approx. \$30k in the CD and \$50k in operating.

- Expenses for the month of September totaled \$2,871.60, consistent with most months.

- Year-to-date budget is on track, with some variances due to increased costs compared to budget, but these overages are being absorbed with estoppel fees.

- Nicki presented an invoice paid by a homeowner to remove a dying pine tree from property line between him and Wava Park (on park side of his fence). Discussion ensued re: the proper process would have been for it to be brought to the Board in advance to take action. Consider splitting cost since the tree was on the property line, but Board will not set a precedent of reimbursing every homeowner who presents a receipt without prior approval of the cost. **[Suggestion to add proper procedure to the upcoming FAQ page of RBOA website; could be an upcoming News item.]** Jeff motioned reimbursing half, based on the approach the homeowner took. Nicki seconded; passed unanimously.

- Tracy motioned to approve the financial report. Kathy seconded; passed unanimously.

- Rich asked how many members were still delinquent; as of today, 5 are outstanding for 2022, one was for both 2021 & 2022. However, that one was a non-member who was thought to

have signed a Submission Agreement, but our association attorney replied that they never received the signed document for recording, so they never actually joined. **If we have phone numbers for the remaining 4 owners who are delinquent, time to start making calls.**

ARCHITECTURAL CONTROL: reported by Kathy Flynn

- 1 approval for shed installation on Marion, plus final approval from months ago for pool on Ruckel
- Kathy requested options for electronic signing capability to make approval process more timely and efficient. As a realtor, Tracy has access to DocuSign and can assist with that if given the form/document and email addresses for the parties needing to sign.
- Fence extension on Kristin Cir requested in April: While reviewing application, the Committee found (based on Okaloosa County Appraiser site) that the existing fence and back deck is on neighbor's property and homeowner was notified that it could not be approved without variance approval letter from neighbor. However, Tracy's experience with Okaloosa Property Appraiser's site is that it is not 100% accurate, and sometimes those boundary lines are shifted slightly online. If discrepancies like this exist, may need to update the Committee's method of confirming boundary lines. Jeff suggested it would be the responsibility of the homeowner making the application to prove (with a survey) that their fence/deck is not outside their property line. At this point, the homeowner has not followed back up to move the project forward. Nicki motioned that there is no further action for Committee to take until the homeowner follows up. Jeff seconded; passed unanimously with the agreement to **contact the appraiser's office about the boundary lines and see if a current survey can be obtained.**
- Application submitted for fence on Wava: Has a similar property line issue, where the county site shows existing fence and part of pool on golf course property. Homeowner just moved in recently and will be asked for survey. If that determines that the county website cannot, in fact, be relied upon for accurate property lines, Committee will need to update procedure to require survey be submitted with application.

COMPLIANCE: reported by Tracy Wood

Re-visit decision that RV parked next to home on Wava was not unsightly per Unit 3 covenants:

- Tracy read letter from original complainant, which stated that after looking through all covenants for some commonality in wording of "unsightly" or "in the best interest of environmental appearance", it seems to be a slippery slope to make these determinations without strictly enforcing what is obviously a camper/travel trailer visible from the street without being screened by fence or shrubs. Concerned that we open up the possibility for other property owners to suggest, in their opinion, something is not unsightly.
- As John mentioned in previous meeting, an attorney family member advised that once person considers it "unsightly," then the covenants need to be enforced. Tracy confirmed an attorney friend of hers agreed with that.
- Discussion ensued regarding how to define "unsightly" and the possibility of requiring homeowner to install a fence. It was raised that the precedent in the neighborhood has always been to not allow RVs to be out in the open. It allowed once, may be considered that the Association is selectively enforcing or allowing a variance that then becomes a defense for more to do the same. Homeowner is concerned that given the slope of his property, putting up a fence will likely not hide even half of it. Kathy observed that the current Unit 3 covenants state that once a travel trailer is considered unsightly, it must be hidden from view of the public. With the effort to amend governing documents and consolidate the covenants, the verbiage will be

changing and any actions taken now may either be in conflict with the new covenants or insufficient to meet the new covenant requirements, which may state travel trailers may not be parked anywhere on the parcel and Homeowner would have to put it in offsite storage. Several Board members suggested that we table this issue until new covenants have been approved, at which time this will be addressed again in accordance with any requirements in place at that time, which will not be so ambiguous.

- Nicki motioned that we table the vote until the new covenants have been adopted, so that the decision will be clear based on those requirements. Kathy seconded; passed unanimously.

Need to inform all Board Members of Estoppel issuances?:

- Olivia Thompson (bookkeeper) already emails Tracy each time to ensure no open violations on the property and nothing out of compliance, but Architectural Control may have information, too, and should be consulted. Because response time needs to be quick, it is not feasible (or necessary) for all board members to be informed before estoppel certificate is issued; continue to consult Compliance and begin including Architectural Control – Tracy via email and Kathy by text. **Nicki to inform Olivia of this.**
- As a follow-up to discussion a couple months back on the RBOA \$200 fee for estoppel certificates, Tracy learned that Florida statute was recently amended to increase maximum fee to \$299, so we are definitely not “too high.”

Shipping container on Kristin Cir.:

- Complainant will send details in email to Tracy. **Tracy will send letter.**

MAINTENANCE/PROJECTS: {John Rivera could not attend}

- Per prior discussions, lawn maintenance contractor has been much more proactive, communicative and responsive.
- Complaint received that College Blvd / Ruckel entrance is overgrown and unattractive: palm trees probably need to be removed, large tree (oak?) canopy needs to be trimmed, and plants around base have grown so tall that the sign cannot be seen. Landscape is part of the contract we are paying, but we may need to be more specific about what we want done.
- Common area at **Howard Dr & Chase Dr: all the grass has died; need to check that sprinkler system is working?** We have a meter there.
- Island at Greenway Cove with large pump station, no water runs there, but the island has not been maintained.
- Kathy motioned that we add an agenda item for next month’s meeting to discuss landscape design in more detail. Nicki seconded. All agreed, with action item for **each Board member to take a tour through neighborhood and make notes of areas in need of attention.**

ENVIRONMENTAL: reported by Joe Bradley

- Alligator update: Florida Wildlife Commission assigned us a reference number and a trapper. Joe has direct number to contact him. Because it is under 4 feet, it is not considered dangerous to people or pets. At 6’, becomes sexually active and highly territorial, will then definitely need to be removed (though they grow at a rate of one foot per year). **Website alert should be updated to highlight that Joe be contacted if the gator is sighted** to give permission to the trapper to go on property to capture it. Considered emergency situation if the gator (at any size) is seen close to home, like under a car, in a garage or a resident’s pool.
- No further indications about Bobcat sightings

- {Lake Way Island – discussed earlier in meeting}

OLD BUSINESS

Initiative to update RBOA governing documents: Progress report by Committee Chair, Marian LoGatto

- Committee of three (Marian, Tracy Wood and Judy Boykin) have met on a weekly basis over the last 5 weeks to go over the proposed new documents provided by the Association attorney. Marian wants to formerly thank and acknowledge Judy and Tracy for their hard work and expertise on this arduous process of going line by line through these documents.
- Reviewed handout {attached} identifying committee objectives and quorum requirements. Important to note that for Units 1 & 2, which have more non-members than members, still requires a 2/3 quorum of ALL properties to approve amendment to governing documents. A letter soliciting non-members needs to be drafted and sent in conjunction with this process.
- 13 separate meetings will be required, and the overall process will be a long one. Will be well into next year or beyond before we get through this project, but we are making progress.

Suggestions for RBOA website:

- Jeff started drafting an FAQ page, not yet published. 2 items to include based on tonight's meeting: "What to do if you see an alligator" "Contact the Board to determine which side of the property line a tree is on if adjoining a common area"
- Welcome page will have list of website links / utility companies and contact numbers, along with a description of the duties of the Board
- Nicki & Jeff asking for suggestions on the website: What should be on the website that isn't? Anything on there that needs to be removed? **Email Nicki & Jeff with any website updates needed.**

NEW BUSINESS

Thinking ahead to Annual Meeting:

- Rich reminded us that we have only 4 more board meetings before the annual meeting, and need to think ahead re: 3 Board terms that are ending (Rich, Tracy and Kathy). Rich asked that we reach out to others in the community to consider volunteering.
- Marian reminded us that there is a 60-day notification requirement for new candidates to the Board and there is a candidate package. **We need to send out a solicitation by email / mail to the membership ASAP.**

NEXT BOD MEETING

- Scheduled for 9 November, 2022 at the RBCC Clubhouse

Kathy motioned to adjourn meeting; seconded by Jeff. Meeting adjourned at 8:41pm.

Recorded by Nicki Patten.

RBOA Covenants Committee Objective

- **Bring to Compliance all RBOA Governing Documents, including Articles of Incorporation, By-Laws and Covenants, Conditions and Restrictions – CCR's, also known as (Declaration).**
- **Consolidate CCR's of the thirteen (13) units into one (1) cohesive document.**
- **Prepare addendums, if appropriate, to be included to the end of the Master Declaration addressing those items which are the least common denominator in the existing units, thus eliminating the need for more than one set of CCR's.**
- **Prepare a package to the Board of Directors with all recommendations to the governing documents for their review.**
- **Upon Board's review, Covenants Committee will address questions/concerns/feedback.**
- **Upon finalization of draft, forward to Association Attorney for review/discussion.**
- **Concurrent with the above tasks, a letter should be released to the non-members soliciting their membership. This letter will identify the benefits of belonging to the Association as well as identifying the costs associated with maintaining an Association of this size.**
- **Upon finalization of documents by Association Attorney and Board and Covenants Committee, release document to members for each respective unit providing them one (1) month to review.**
- **Hold information sessions for each unit individually on an established date and time at Niceville City Hall or a pre-determined location.**
- **As non-members will also need to be part of the vote, it would be in RBOA's best interest to have documents already prepared for non-members to join the Association. As each form would need to be notarized, a notary should be present during that meeting so that membership would go into effective immediately.**

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RBOA MEMBERSHIP AND QUORUM REQUIREMENTS BY UNIT

Unit #	Member Properties	Non-Member Properties	Quorum Required to Approve Governing Documents
1	31	47	52
2	41	46	57
3	67	N/A	44
4	42	N/A	27
5	13	N/A	9
6	13	N/A	9
7	18	N/A	12
8	30	N/A	20
9	51	N/A	33
10	31	N/A	20
11	40	N/A	26
LV II	17	N/A	11
LV III	13	N/A	9

- Note:**
1. Quorum totals were determined by rounding up in instances where a fractional number was calculated.
 2. Non-member properties are included as they are required to approve amended and restated governing documents.

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