

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

**Minutes of the Annual Meeting of the RBOA Board
March 7, 2023 at Rocky Bayou Country Club**

In attendance:

Existing Board members:

Jeff McAdoo, Vice-President
Joe Bradley, Environmental

Nicki Patten, Secretary/Treasurer
John Rivera, Maintenance

Covenants Committee members:

Marian LoGatto

Judy Boykin

Prospective Board members:

David Valenzuela
Jaime Dorsey

Ben Ward

Association members: 26 (in addition to above) per sign-in sheet

Homeowner non-members: 3 per sign-in sheet

CALL TO ORDER: Meeting called to order by Jeff McAdoo at 6:40pm.

CONFIRMATION OF QUORUM: Need 106 members in attendance, which was not met. Only official matter of business is electing new officers as the terms for President, Architectural and Compliance are ending. Fortunately, we have exactly 3 volunteers, so a vote will not be required.

CONFIRMATION OF NOTICE: Sent with invoices the first week of January 2023 and again via email / (mail for those without email addresses) on February 15, 2023.

PREVIOUS MEETING MINUTES: Minutes of the last annual meeting via 2022 power point slides were posted on RBOA.net website. Approved.

INTRODUCTION OF OFFICERS:

President –Rich Comer

Compliance –Tracy Wood

Architectural Control –Kathy Flynn

Terms for Rich, Tracy and Kathy are ending. All three are out of town and could not make tonight's meeting.

Vice President –Jeff McAdoo

Secretary/Treasurer –Nicki Patten

Environmental –Joe Bradley

Maintenance –John Rivera

PRESIDENT'S POINTS: Slide prepared by Rich Comer; presented by Jeff McAdoo

- The board will attempt to communicate with members more often, which is important for transparency. We will do this via website and Big News signs in the entrance ways. When these are posted, go to RBOA.net to see what is being announced.
- 3 board members to be replaced, as discussed. We have 3 volunteers to fill vacancies.

- Big initiative underway to update RBOA governing documents (bylaws and covenants) to conform to Florida law and update, since many of these have been in place over 30-40 years without revision.
- Yearly dues remained the same this year at \$140. We have not raised the dues in several years, and with inflation, we may need to increase in the coming year. We collect Estoppel fees of \$200 when a home sells, paid by the seller. This was adjusted down by \$50 by the board last year, so not charging the maximum amount allowed by law.
- Speed limits in our neighborhoods need to be obeyed. Ruckel Drive limit is 20 mph with no sidewalks. There are also no stop signs or speed bumps, which have been suggested in previous years. We were going to have a sheriff representative tonight but unfortunately she couldn't make it.
- The Board tries to be frugal with association monies. Volunteers can help save the association money with sweat equity –helping to remove a downed tree in Wava Park, some neighborhood homeowners help with sprinkler and other maintenance in the common areas, which is much appreciated.
- Email communication with members also saves time and money, instead of having to mail out over 400 mailings. Board encourages anyone who has not provided an email address to do so to help improve communication with members.
- 408 of 497 homeowners are association members, one joined recently. [Question from audience, what is difference in the numbers? Answer: There are lot owners in Units 1 and 2, which are the oldest of the community, who are not actually part of the association but part of Rocky Bayou Country Club Estates according to their deeds. But those properties were never joined into being a member of the Association. So we have 408 owners as members of the association, but there are 497 properties within all of our purview. So there are 89 non-members, in units 1-2.]
- We want to thank everybody for their cooperation, support and being good neighbors.

BUDGET AND FINANCES: Presented by Nicki Patten

- Slide shows 2022 budget at \$65,408, which included a carryover from the prior year of \$8,500 to help cover legal fees for governing document revision and finalizing the Henderson Lake dam project.
- We did not, in fact, need the carryover, so the funds remain in our reserves.
- Collection of estoppel fees, even at the reduced amount, plus slightly reduced spending on dam project, legal fees and a few other line items produced a surplus for 2022 of \$1,207.
- 2022 actual expenses breakdown:
 - Close to \$20,000 for administration, insurance, professional fees for bookkeeper and attorney, mailbox, etc.
 - Projects (dam restoration) close to \$6,000 and the RBCC membership (about \$3,000, giving residents access to walk golf paths and reduced cost for social memberships), totaled \$8,950
 - The removal of downed trees, monthly landscaping and maintenance of the entrances and common areas, water and electric to run sprinklers and lights in those common areas made up \$32,780.
- At the end of 2022, we had almost \$100,000 in total funds broken into three different accounts: regular checking, money market, and a CD
- 2023 budget did not include an increase in dues, which remained at \$140. We had 407 members at the beginning of the year, giving us a \$56,980 budget for this year.

- A little over \$15,000 for administration, insurance, professional fees, etc.
 - We have new bookkeeping software enabling electronic payments by credit card or bank transfer; many members took advantage of that this year, and it is also much more efficient/accurate for collecting dues, though comes at a cost.
 - There are still 46 members that have not yet paid as of the start of this meeting, though a few checks were collected at the door.
 - Late fees have not been charged consistently in recent years. Per Bylaws, member dues are due on the first day and considered delinquent on January 15 of each year, though it has been a longstanding practice that we consider them delinquent as of the annual meeting. So we will be charging fees as of April for any unpaid accounts.
- Monthly landscaping and maintenance and utilities, with a buffer for additional maintenance / removal of diseased/downed trees, total \$38,767.
- We do not yet know the exact amount of legal fees to complete governing document revision.
- We recently increased the amount in the CD to \$50,000 in order to take advantage of promotional 4.495% interest rate for one-year through next February. We have these in reserves in case another big thing happens, like with the dam, so we hope not to have to make a special assessment.
- RBCC membership was voted on last year for a one-year trial to weigh the cost/benefit. RBCC handed out flyers tonight mentioning these “Fun Pass” benefits to RBOA members, which include a reduced-rate social membership and other discounts. It has not quite been a full year yet, but only 10 RBOA members have taken advantage, so for us as an association to incur \$3,000 for such little participation does not seem fiscally responsible. While we budgeted again at the beginning of the year, we voted at our last Board meeting not to renew, which will give us approximately \$3,000 extra funds in the 2023 budget.

RBCC MEMEBERSHIP DISCUSSION:

- The membership gave RBOA members the opportunity to walk the golf course outside of golfing hours, if they first signed a waiver with RBCC.
- The Fun Pass opportunity required members to join for a full year at a discounted monthly rate. RBCC has also offered a separate summer pass to the public, which they may do again.
- Points were raised by members in attendance that not many RBOA residents seemed to be aware of what was available through this agreement. RBOA Board did put out several “big news” announcements last year on our website; how else to get the word out without incurring even more cost?
- Several social media sites might post on behalf of RBOA (Nextdoor or Facebook groups) and Niceville Neighbors magazine offers HOAs space to post announcements.
- Suggestion that we try to put out communication to gauge interest, perhaps create a sign-up list and require deposit for those who would be interested, then if we don’t get sufficient participation to renew the membership, refund the deposits to RBOA members.
- Several attendees are Fun Pass members and they seemed surprised only 10 had signed up – by show of hands we had 5 in attendance tonight; they were asked to email one of us on the board so we could cross-check with RBCC to make sure we have good data for the board to consider.
- A member mentioned advertising through postcards was actually shown to have more participation / readability, though is it RBOA’s responsibility to bear cost of that?

COMPLIANCE: Slide prepared by Tracy Wood; presented by Jeff McAdoo

- Compliance goals are to keep our neighborhood desirable to everybody
- Last year we mailed out 16 letters, due to feedback and observations we got from neighbors; important for members to communicate to board, since we don't always see everything that's happening.
- Most issues were campers and boats; other issues were due to construction, vacant homes, storage buildings/containers, overgrown trees etc.
- Having 13 different units with 13 different sets of rules can make compliance challenging, because one unit might allow something, but another unit might be different.

MAINTENANCE/PROJECTS in 2022: Presented by John Rivera

- Completed removal of Crepe Myrtles along dam
- Oversaw replacement of streetlights on Carr Dr
- Coordinated removal of fallen trees at Wava Park; we have developed a relationship with John Adams of JBA Tree Services. He's been prompt and reasonably priced, not like some of the larger companies in the area
- Removed bat houses from Wava Park
- Updated association lawn maintenance and pest control contracts
- Calls from neighbors prompted getting better communication with maintenance groundskeepers, which is improving
- This year working toward:
 - Removal of additional diseased trees in Wava Park
 - Howard / Chase common area sod replenishment
- Contact John if there are questions regarding a tree that may be on common area property, or the golf course so he can help coordinate.
- Discussion about who maintains the pathway in Wava Park; was a scout project initially several years ago, may need to have some updates.

ARCHITECTURAL CONTROL: Slide prepared by Kathy Flynn, presented by Architectural Review Committee Member Al Haberbusch

- Architectural Control 3-person committee looks at applications for changes to your property.
- If you are going to make a change in configuration, build something, add a room, screen porch, deck, pool, etc. – basically anything above ground level – has to come through the committee to get approval. Explain what you're going to do, where you will put it.
- Need a diagram on the lot survey to see where things are now and what is being proposed and where it is relative to all the property lines, because all the covenants have restrictions about how many feet it has to be from the side or rear or front property lines to be in accordance with the code. So the first step is to look at the covenants for your unit to see how that might affect what you want to do.
- Complete an application (available on RBOA.net site) that describes what you are going to do, with pictures, drawings, specs; basically a plot plan. A shed, for instance, may be described with a manufacturer's brochure.
- Approval is not required for re-roofing, anything at ground level (decking – poured or pavers), fence replacement as long as it is like for like with no changes, but you will need approval for a new fence or fence extension.
- Owner must sign the application, cannot be submitted by a tenant.
- In 2022, 11 applications were approved and 1 is currently in approval process

- If anything is built without approval, it is at risk.
- Committee wants to work with you to get what you want, as long as it is in compliance with the covenants.
- Applications that ask for a variance may be accepted as long as the affected neighbor(s) say okay (in writing).
- Question about replacing railroad ties with landscape bricks, does it need approval? On tiered yards, yes, because it would be an above ground level.
- Note that approval by the committee does not necessarily mean compliance with county codes; homeowner is responsible for researching need for permits and any other county restriction / requirements.

ENVIRONMENTAL: Presented by Joe Bradley

- Removed Gator From Lake Henderson
 - Multiple homeowners reported a gator 3.5 ft in length on Lake Henderson
 - Gators are everywhere in Florida and are not endangered
 - Florida Wildlife do not consider gators under 4 ft in length to be a nuisance – they will not send anyone if under 4 ft.
 - Gators are not typically aggressive until they are sexually active, at about 6 ft. long
 - If one is spotted on your property, at your door or in your pool, FWC will have somebody (with a permit) come out to trap the gator
 - Gators are not moved and released into the wild because they are territorial; and those that are removed effectively become food, unfortunately.
 - Sometimes they move onto other areas when under 4 ft., but because they are a threat to small pets and can be dangerous, if you see a large gator at 6 ft., definitely call a Board member or directly call (866) FWC-GATOR Hotline if emergency
- Be Aware of wildlife throughout neighborhood
 - Calls received from somebody who thought panthers were sighted, but FWC indicated impossible for panthers to be in our area; probably were bobcats
 - Multiple/frequent coyote & fox sightings (black bears as well)
 - A couple calls for beavers; traps were set but not caught so far
- Issue with Lake Amick water dumping
 - The city dumped well water into Lake Amick (just south of College Blvd. for a couple weeks) into the Sanders Branch Creek that flowed into the lake
 - Lake Doctor from Pensacola came out and took readings, said levels look fine, no algae blooms or other chemical concerns.
 - Main issue is that silt / sediment built up, raising the bottom of the lake up; we could get Army Corps of Engineers to dredge the lake, but at a high cost
 - We communicated with the city, they assured it was water from a natural aquifer, nothing treated or waste.

OLD BUSINESS – GOVERNING DOCUMENTS Presented by Marian LoGatto

- Committee Members are Marian LoGatto, Judy Boykin and Tracy Wood
- The topic of updating documents was initiated several years ago, and the process is underway
- Rocky Bayou Country Club Estates is comprised of 13 Units, with 13 separate documents specific to each neighborhood.
- The land was first developed by Ruckel Properties in 1974, who is still a developer in our area.

- As each one was developed, ownership was transferred to our Association.
- Each of the 13 Units were developed at different times, so not all of the language was the same in the documents created at those times.
- The Committee is working with the Association attorney to consolidate the 13 covenant documents into one master declaration, keeping in mind the uniqueness of our neighborhood, and to bring language of the Covenants, Articles of Incorporation, and Bylaws up to date to be in compliance with Florida statutes.
- Attorney provided a draft of revised documents that the Committee is reviewing, line by line, to make sure it is appropriate for our community.
- Once the draft is finalized, it will be made available to the membership to give feedback, and then each Unit will have to vote to adopt the revised governing documents.
- Purpose of the covenants are to:
 - Preserve the property values in our community as new developments go up around us
 - Provide maintenance and preservation of our common areas
 - Promote health, safety and welfare of all our residents
- Ultimate goal, again, is to have one master declaration that is compliant with Florida statutes to protect property values within Rocky Bayou Country Club Estates community.

DISCUSSION – GOVERNING DOCUMENTS

- Member requested that when the documents are made available to the homeowners for review, highlight separately what is required by Florida statutes vs. restrictive language from original documents vs. new language. [The attorney’s draft did not present this way, so we need to determine if can be done without incurring too much extra cost. Will also be difficult because of the 13 different documents being condensed into one master – what is different from one unit’s original covenant may not be different from the original of another.]
- Voting on the changes will have to be done Unit by Unit – 13 different sessions, and each unit may have a different majority requirement to pass. Some units language may be slightly more restrictive, others less. The master document will hope to keep covenants that are in the best interest of the entire community as a whole.
- Another difficulty is with Units 1 and 2, which were developed before our association was created in 1984.
 - This relates to prior discussion of 408 member parcels, but 497 total properties.
 - For the homes that were built before we were incorporated, those homeowners had a choice whether or not to join the association, which is why we have 89 homes that are not part of our membership right now.
 - Al Habermusch, as a former Board member, explained past Board worked with a specialist attorney out of Panama City to review all options and our development / documents to see about getting 100% participation of the parcel owners. Answer was there is no legal way to make existing homeowners (in Units 1-2) become members of the association unless they voluntarily submit their property. [If a homeowners association was started today, that would not be the case].
 - We would like to encourage all lot owners to become members, for the betterment of our neighborhood / community as a whole.
 - Even nonmembers are bound by the covenants of the unit; they are legal documents recorded with the county. But without membership in the Association, the only way to enforce is for another owner in that unit to take legal action in court to force compliance. For owners joined in the Association, we handle enforcement.

- Nonmembers in Units 1 and 2 will still get a vote in changing the Covenants for their respective units, because they are deeded property owners within those units.
- The new documents will be longer than the original typed documents, primarily because of bringing them up to date with Florida statutes, which include meetings and other procedural requirements, and not because we are adding more restrictions.
- We plan to upload final drafts to the RBOA website for review. We will need everybody's help getting your neighbors involved in the information sessions and casting their votes when the time comes.
- Getting these changes implemented will also make jobs of future Board members easier with one set of documents with one renewal date, rather than 13 different to keep track of.

NEW BUSINESS:

- New directors/officers:
 - With only 3 volunteers to replace 3 vacancies on the Board, no election is needed.
 - Organizational meeting will take place immediately following adjournment to make decisions on roles of each member
 - Next Board meeting will be held at 6:30pm April 12 at Niceville City Hall.
 - Board meetings are held the second Wednesday of each month and are open to all Association members; agendas and changes to meeting time/location are posted on the website
- Member suggested more social events – thrown and paid for by the Association – for the Board and neighbors to get to know each other, without formality of a meeting, but still to get information out within our community
- Question about how to find out what is needed in terms of volunteers to help with maintenance-related items:
 - If you notice something in a common area, like lattice needing repair, a tree down, get in touch with the board, and make it known if you are willing to help
 - Out-of-pocket costs will be reimbursed by the Association
 - Larger volunteer efforts (weeding party at Wava Park, etc.) will be posted on the website

ADJOURNMENT: Meeting adjourned by Jeff McAdoo at 8:00pm.