

**ROCKY BAYOU COUNTRY CLUB ESTATES  
HOMEOWNERS ASSOCIATION  
P.O. BOX 848  
Niceville, Florida 32588-0848**

**General Meeting of the Board of Directors  
October 16, 2019  
held at  
Niceville City Hall**

The Rocky Bayou Country Club Homeowners Association Board of Directors Meeting was held at Niceville City Hall on September 11, 2019.

**Call to Order:** Meeting called to order at 7:05 p.m.

**Confirmation of Quorum:** Paul Maryeski, Lily Falzone, Marian LoGatto, Frank Strasburger and Scott Wilcoxon were present. Al Habermusch was absent.

Association members present were Kirsten Himmelberg of Unit 3, Scott and Ana Livingston of Unit 4, Elizabeth Pabone of Unit 4 and William Higdon of Unit 11.

**Confirmation of Notice:** Notice posted on RBOA website.

**Approval of Minutes from September 11, 2019:** Lily made a motion to approve the minutes. Paul seconded the motion. Approved unanimously.

**Review of Financials:** Monthly financials were reviewed and discussed.

**Old Business:**

The vacant position on the RBOA Board remains open.

Frank indicated the intake of the pump is not working at Henderson Dam. P & D will need to come out to check the screen and check the pipe. Frank will keep the Board abreast by email.

A quote in the amount of \$400 has been presented to the Board for the work at Greenway Cove. Paul suggested an edging around the perimeter of the curb so that the chips will not run off. A motion was made by Scott to accept the quote for the work to be performed at Greenway Cove. Lily seconded the motion. Approved unanimously.

Restated history was shared as a benefit to the attending regarding the inner island at Jason Drive. When the neighborhoods were established years ago, there were little islands placed throughout Units 1 and 2. Unfortunately, garbage trucks cannot get around them and consequently tear out the railroad ties that border them. This island is approximately 40 years

**Old Business continued:**

old and the Board has addressed three (3) to four (4) islands such as this one and now we are addressing the one on Jason within the Les Chateau neighborhood. We are awaiting approval from the County to asphalt.

Paul consulted the Association Attorney regarding the solicitation of bids for management companies. The attorney advised Paul that if the Board would be making a decision on a management company, the Board would need to invite the soliciting bidders to the Board meeting. This same action holds true for the soliciting bidders for landscaping services.

Paul also spoke with the contractor who handles the maintenance of bushes and plantings at the entrances of RBOA. The contractor stated that they would be trimming the bushes within the next few days and would be planting the winter flowers/plants when the temperature drops below 80 degrees.

Paul restated background information to the attending members of the association regarding a management company. Review of the revised scope of work and corresponding bid need to be reviewed by the Board prior to any final decision.

For the benefit of the residents attending the Board meeting, Paul shared the history of the Rocky Bayou Country Club Estates neighborhood and how the developer filed with the State of Florida. Homes built before 1984 were never made part of the Association. Therefore, there are homes in Units 1 and 2 (approximately 95-100) which are located on Forest, Jason, Carr, Marion, Sharon, Diane, etc. that are non-members of the development. Paul further stated the Covenants, Conditions and Restrictions for Units 1 and 2 are extended every 10 years and require property approval for both members and non-members. Consequently, covenants can only be enforced to member properties.

A final payment for \$300 will be paid to outside counsel for fees incurred and services provided on title searches for non-member homes in Units 1 and 2. Marian will send the attorney written communication stating this represents final payment from RBOA for services received.

**Compliance:**

There has been an ongoing issue regarding unleashed dogs by a homeowner in Unit 8. The homeowner has been notified several times. A letter was mailed by the Association Attorney to the homeowner since this continues to be an issue.

A letter was sent to a home in Unit 3 regarding a canvas building.

A couple of homes in Unit 3 will be receiving letters for yard maintenance.

A home in Unit 3 parked their van on the cement pad. Paul stated the homeowner will be removing it but will be bringing it back on the property at the end of the month for a day or

### **Compliance continued:**

A concern was raised about a wire fence surrounding a pile of dirt for a couple of months in the front yard of a home in Unit 9. Board will speak with Architectural Control Committee to see if they have been made aware. If appropriate, Compliance will contact the homeowner.

### **Architectural Control Committee:**

There is nothing to report for new applications. Going forward, Architectural Control Committee minutes will be uploaded to the RBOA website on a monthly basis.

### **New Business:**

Paul restated at the Board Meeting that the prior lawn maintenance company is no longer servicing RBOA and has shared that one of the Board members is providing lawn services while the Board is awaiting responses from other contractors to RBOA's Request for Proposal.

College Entrances were pressure-washed. The company providing services indicated that there was a great deal of flooding at the east Ruckel entrance. The reason for the flooding is due to the recapping of the street by the county. The asphalt level raised and as a result the curb line created a gutter which does not allow the water to run.

The Board continuously looks for Infrastructure projects. If anyone has any suggestions, please present it to the Board for consideration.

Paul sent a letter to Florida Department of Transportation (FDOT) on the 293 Connector at Forest Road exit. Paul complained in the letter about how dark it is at night, extra traffic on Forest and will get worse with the Deer Moss neighborhood development. Concern was raised with the county.

Bids submitted to the Board pertaining to Lawn Care Services and Property Management Companies are currently in review. No decisions have been made.

### **Open Discussion with Membership Attending Board Meeting**

**Parking on Wava Park** – One of the residents stated parking on Wava Park is a good location for overflow parking if someone has people over for parties. Member further states the park isn't being used and does not consider the parking issue to be considered an emergency issue. Question raised, was the offending members who park their vehicle(s) on park property contacted? Member also asked if we could fine people who park their vehicle on park property.

**Board response** – Parking on Wava Park is an irritant and the Board has received complaints from neighbors about parking on park property. Since a partial split rail fence is already on Wava, a split rail fence is being considered for the length of the park on Ruckel Drive to deter continued misuse. A permit will not be required from the County if the fence is placed outside the county right of way. The Board addressed comments regarding the parties who utilize the park property. Offending parties have been

## **Open Discussion with Membership Attending Board Meeting continued:**

**Board response continued from Wava Park topic** - that the park has been used as a dumping ground for debris. Waste Management is not responsible for picking up waste at the park. Residents should dispose of their own property waste on the respective pick up day.

**Estoppel Fee for new home buyers** - Concern was raised over the \$250 new buyer estoppel fee. Resident felt it is too excessive and charges part of the equity of their home. Resident feels there are hidden charges and that there is a breakdown in communication and homeowners in RBOA do not know about the estoppel fee.

**Board Response** – Florida statute allows for the increase in estoppel fee and was passed by resolution of the Board and communicated in three (3) ways to the RBOA membership.

1 – Newsletter, 2 – Meeting minutes posted on website and, 3 – Annual meeting

**Speed Bumps on Ruckel Drive** – Resident is not in favor of speed bumps. Concern raised regarding the speed limit of 20 mph throughout Ruckel Drive and feels that it is a speed more geared towards a school zone. Feels that there should be an increase of speed from 20 mph with the exception at the curve in front of Wava Park. Reference was made that although the resident lives on the biggest straightaway, it is not a safety issue for children. A suggestion was made by another resident in attendance regarding the placement of sidewalks rather than speed bumps. They would support and vote for sidewalks to be installed along with an increase to a speed limit of 30 mph. The covenants require sidewalks for Units 8, 10 and 11 and should be installed in the other units of RBOA. This will eliminate the hazard to pedestrians who travel along the neighborhood roadway.

**Board Response** – Concern and possible solutions have been discussed between the Board and Okaloosa County Commissioner's office, including Commissioner Kelly Windes and Public Safety Director, James Autrey regarding the safety to motorists, pedestrians and bicyclists. The Board will contact the County to see if they are amenable to installing sidewalks.

**Advance notice of the Monthly Board Meeting Agenda** – Resident voiced concern regarding the agenda for the monthly meeting and would like to be made aware of the topics discussed in advance of each meeting.

**Board response** - The Board will post an agenda for monthly meetings 10 days in advance of said meeting. It will be accessible on the RBOA website (RBOA.net).

**Architectural Control Committee Minutes** – Request was made to have the minutes uploaded to the website.

**Board response** – Architectural Control decisions will be uploaded onto the RBOA website in the future.

**Fence placement on Wava Park** - Member feels that a fence would look unfriendly if it is installed around Wava Park.

**Board response** – Clarification was made to the type of fence which would border the park. As mentioned under the earlier heading of *Parking on Wava Park*, a split rail fence is being considered for the length of the park on Ruckel Drive to deter continued misuse.

## **Open Discussion with Membership Attending Board Meeting continued:**

**Property management company** – Resident wanted to know if a management company comes in, can the management company raise fees. Can the Board raise fees without membership approval?

**Board response** – The management company cannot increase fees when a signed contract is in place between a homeowner's association and a property management company. The contract and fee are based on an agreed to scope of work between both parties.

**Board response continued from property management company topic** - The Board further stated RBOA by-laws allow for an annual increase in dues up to 10% without membership approval. Currently, members are charged an annual fee of \$130. If dues were to be raised in excess of 10%, 51% of the membership would need to vote in favor of the assessment increase.

There are instances when special assessments are required. If the dam at Henderson Lake becomes compromised, or fails, a special assessment would need to be charged to members of the association to correct the issue. It is RBOA's responsibility for maintaining the lakes and as such, special assessments would be shared by all members within RBOA. The special assessment is outside any annual assessment members remit.

**Reduction in water level at Lake Henderson** – A resident residing on the lake feels water is getting lower in the lake and he is losing two feet a year of water.

**Board response** – Members of the Board stated there is a fixed outflow of water from the pipe and therefore, water is not being lost.

**Irrigation** - A question was raised by a resident wanting to know if water from the lake can be used for irrigation.

**Board response** - Water from Henderson Lake is pulled for the Henderson Lake sprinkler system. All other irrigation within RBOA is metered City of Niceville water.

**Next Board of Directors Meeting scheduled November 13, 2019. Location to be determined.**

**Meeting Adjourned at 8:59 p.m.**