

CALABAY PARC AT TOWER LAKE HOMEOWNERS ASSOCIATION, INC.

MEETING MINUTES

BOARD MEETING

March 18, 2021

4:00PM

Calabay Parc at Tower Lake
539 Pineloch Dr (Clubhouse)
And Via Teleconference
Via Teleconference

- I. Call to order at 4:01 PM by board president, Joshua Vaillancourt
- II. Verification of Quorum: All 5 board members present either in person or by phone
- III. Ratify approval of Minutes from previous Board Meeting and ratify approval for all meeting minutes to be emailed to owners
 - Bill moves to approve meeting minutes, Josh seconds the motion and the motions passes with unanimous board approval. HCM will email out and add to website
 - Josh motions for the board to approval sending out emails of all board minutes after Board review of the minutes prior to next meeting for owners and to place a monthly financial report to the website, Faith seconds the motion and motion passes with uniramous board approval. HCM will email out and add to website after Board review.
- IV. Purpose of Meeting
 1. Meeting Code of Conduct will be Read to all members present and Board requests for owners who wish to speak to come forward to the podium to speak.
 - Owner asks about final item in the rules and if this violates the above due process issue. Board noted that the intention for that line item is there for any member that could possibly pose a threat to anyone at the meeting only.
 - Owner questions on who can attend a meeting: Board stated that all residents are always allowed to attend meetings, however only owners (names shown on the deed) will be allowed to speak and vote.
 - Owner asks why an agenda was not given prior to the meeting: Board noted that due to items that were still on-going that caused changes to agenda did not allow for the Board to be able to send out a complete and correct agenda.
 2. Review and Approval of Security Poll
 - Colin reviews current poll responses (**see attached**) – noted that only 30 owners responded to poll
 - Owner requests for Board to review and update timing of the arm bars at Minniehaha Gate, Board will review this with gate vendor.
 - Discussion of using RFID readers for vehicles with a vinyl cling pass, which would be less expensive than remotes to be used at Minniehaha gate. Also discussion of using an RFID reader at guard house to show if a valid tag (by a red or green light)
 - Owner stated that the survey stated that the technology on the poll said it could be owned by the HOA and not the vendor and does not agree with HOA to own the equipment as the HOA would be responsible. Board discussed with Owner on their want to change security companies due to

technology and the cost savings was a moot point. The board stated to table any changes until the board receives community responses to know what the community would like to have in order to save HOA funds on items the community does not want to pay for.

- Owner stated that they could not fill out the survey without having costs for each item. The Board stated that the poll was simply to find the community interest on items in order to get accurate quotes on the items the community would like to have.
 - Board discussed that each item will be quoted separately in order to review each item as priority.
 - Colin moves to continue to allow the poll to remain open until April 1, 2021, Bill seconds the motion and the motion passes with unanimous board approval. HCM will email out a reminder with the poll for owners.
3. Review of bi-annual palm tree trimming and review of extra fire ant treatment
- Bill moves to approve the bi-annual palm tree trimming as the cost remained the same from 2020, Josh seconds the motion and the motion passes unanimously. Trimming will be done March 29 through 31 202, HCM will send out a notice of the dates via email.
 - Bill moves to table the fire ant treatment at this time until further review with the board and ASI, Josh seconds the motion and the motion passes with board unanimously. HCM will schedule a walk-thru with the Board and ASI.
4. Review of possible updates to Design Criteria
- Bill was given the floor to discuss updates done to the design criteria
 - Removal of Holiday Décor will be removed from updated document
 - Owner requests for board to provide an appeals process for application denials- board will review and look to include. HCM will look to create an appeals document that will be included with all denied applications for the Board to review and approve.
 - Owner also requests for a possible appeal notice for violations notices. The Board will review this request.
 - Board unanimously approves to table approval of Design Criteria Updates to add new changes discussed.
5. Review outstanding ARC applications and ratify any outstanding decisions from previous meeting and review of denied application for Lot 315
- Board ratifies all decisions on all applications from 2-18-2021 to 3-17-2021
 - Board reviews outstanding applications: 220 Minniehaha- approved with stipulations, 329 Cherokee – approved with stipulations, Lots 40, 41, 45- denied.
 - Owner of lot 315 is given the floor to appeal denial of application- Board upholds their denial on the outside tile and the board will review the possible addition of black for approved door colors.
6. Review of community incident emailed to the Board- Speakers presented
- Owner was given the floor to review and give their account of incident that happened on 3/2/2021. It was noted that the owner was driving in the community and took pictures of an owner that he knew was a board member who then asked for the owner to stop and talk to him. The Owner then went home and then decided to work in his garage. After some time the owner, who is a board member, came to the property to confront the owner on why pictures were taken of him in which the Owner felt threaten and ask him to leave in which the board member then said he was not on his property but on HOA property. He had no idea why this owner was confronting him.
 - Other Owner who was involved in the incident was given the floor for their account of the incident. The Board Member stated that the Owner had taken pictures of him in 2 separate instances within 30 minutes. The Board Member tried to stop the owner to ask why he was taking pictures of him in which the Owner shouted obscenities and gestures and drove away.

The Board Member then walked to find this Owner to get an address in order to send the information to HCM. The Owner was in the garage at the time and was racking his gun and tried to escalate the situation in which the Board Member left and called the police. The Board Member has stated he has not been able to defend himself on Social Media after Owner posted events on Social Media.

- Board (excluding Board Member involved in incident) noted that they have reviewed all emails, correspondence, pictures, videos and police reports involved with the incident. **More information will be posted on the HOA website for owner review.**
- Board releases attached statement on HOA involvement on issues such as this which is an owner-to-owner issue. **Statement Attached**
- Owner voices concerns that one of the persons involved in this incident is a member of the board and if their actions will have consequences. The Board announced that the actions of this board member has been reviewed and the Board has taken proper and reasonable action.

7. Discussion of previous Board member resignation per emailed homeowner request

- It is noted that the Board had received several emails sent to HCM and Board members directly with information that was posted on Social Media sites and would like to discuss the recent resignation of board members.
- The Board read the social media post sent to the board and owners questioning the board if a Board member was asked to resign for simply posting one time on social media and an email sent to a member of the community. The Board stated this was untrue and was due to many factors and behavioral issues over past few years.
- The Board discussed the pattern of behavior of the previous board member which caused a hostile environment which would not allow the board to function properly.
- The previous board member also claimed that there is no statute on social media. The Board noted that the Florida Statutes does not state specifically however, it does give all the legal ways for board communication which does not include social media, so absence of the rule, is the rule.
- The previous board member also stated that the Board is not adhering to the Florida statutes when it comes to voting, in which the Board provided documentation from the HOA governing documents state that voting without a meeting can take place and HOA governing documents supersede the statutes. The statutes are usually used when the rule is absent in the governing documents.
- The previous board member goes on the claim mismanagement from HCM and the remainder of the Board due to a mistakenly addressed envelope of a lien release. The Board noted that this document was sent directly from the attorney and not management or the Board. The Board noted that such mail should have been sent back 'Return to Sender'.
- Owner requests for Board to review all documents to be reviewed and approved by the board. The Board has already begun this process.
- The Board discussed the email sent from previous board member to a homeowner in which false allegations and claims were made to a homeowner against the other Board Members, management, and another member of the community. The Board noted that the previous board member cannot confirm the homeowner identity.
- Previous Board member was given the floor: Mr. Grant noted that the board has been doing illegal operations as there has never been a reserves meeting done. Mr. Grant also wanted to state that the Board is giving violations to owners that the community is also in violation for and needs to be corrected. Mr. Grant also accused the Board of in violation of many other items within Florida Statutes. The Board then asked Mr. Grant on how many times did he bring this up while on the board for 3 years and why did he call out another homeowner in the email to another owner in which he had no way to confirm the identity of that homeowner as the email was redacted.

- The Board also noted that previous board member were also spreading false allegations of possible fund embezzlement from our manager in which the Board has full proof of all funds spent which prove these accusations to be completely false and if these rumors were taken seriously, could have caused serious legal issues for the HOA.
- The Board also noted that the pattern of behavior from the previous board members were becoming increasingly toxic to the point if no action was taken could have led the community into major legal issues.
- Another Owner requested to know that now knowing the reasons for resignation was due to a pattern of behavior, what the board will do with the current board member which is showing another bad pattern of behavior. The Board has already taken corrective action on this incident and have put into place the next phase of consequences should another issue happen and he will be asked to step down if another issue happens again.
- Owner raised a question on why the Board appointed a member that had a pattern of behavior that could be a deterrent to the HOA instead of another member who received more votes at the last annual meeting. The board noted that each candidate considered for the appointment had potentially positive and negative attributes that should be considered. As a result, the board selected the member they felt had the knowledge and time to step in and get the most done.
- Mr. Pope was given the floor: “Mr. Pope stated that he does not allow any member on his property and the Board will be responsible for his actions and said the board is allowing his actions to be approved and said he has enough aggravation being a black man and demanded the board to come to his home and he will show you what is what...”
- Owner submits a document and requests for the Board to adopt a Code of Ethics for the board to sign in order to have accountability of the Board. The Board agrees and will review the document and create a code of ethics for current and future board members. Josh motions to draft a document, Colin seconds the motion and the motion passes with unanimous board approval.

8. Open Forum was not on agenda, however owners discussed other concerns

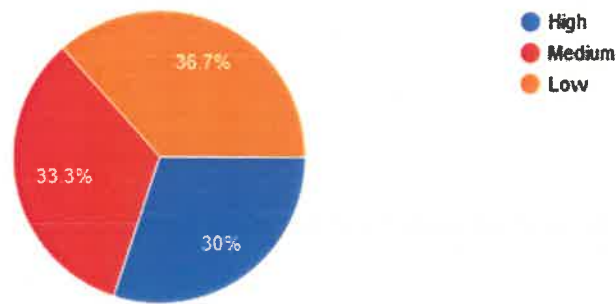
- Owner requests for the Board to consider more ways to be able to communicate with the community. The Board will review the possibility of the creation of a Facebook page that will post community items without the ability for comments or owner posts which will be only for the Board to post community updates. This would be used with the current email blast system and mail to have multiple lines of communication.
- Owner request to create and send out a survey for the community to give suggestions of overall community performance. HCM stated that a survey like this was sent out about a year ago which will be sent to the Board to create a new survey.
- Board New Email – It was noted that the new Board Email is accessed by the Board Only. It was requested to announce this information.
- An owner noted that the current idea of homeowners is that Jennifer, the community manager, is the person running the community and doing whatever she wants and the board simply does what she wants. The Board and HCM then offered this statement: HCM and the community manager is not allowed to make any decisions, the only people allowed to make any and all HOA decisions is the Board. The community manager simply is the person to carry out the board decisions and wishes. The manager is only the messenger for the board.

V. Schedule Next Board Meeting: April 15th, 2021 at 4:00 PM

VI. Adjournment was called at 6:51 PM

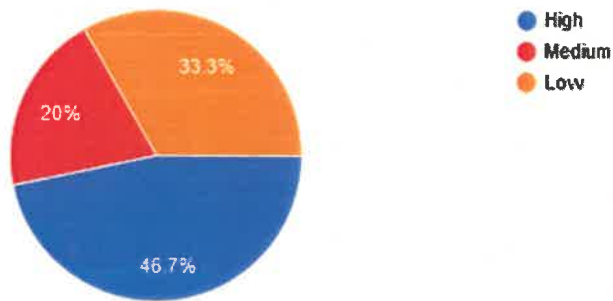
Installation of a more functional turn around capability at the front gate for unauthorized vehicles. Currently this is difficult and often not done based upon the front gate and guard shack configuration.

30 responses



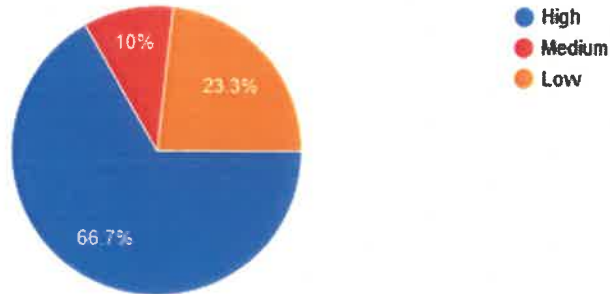
Physically verify pedestrians whom enter the community through the front gate. Exceptions would have to be made for minors, with the expectation they have a school ID or are known by the guards. This could also slow vehicle traffic as the guard is interacting with pedestrians.

30 responses



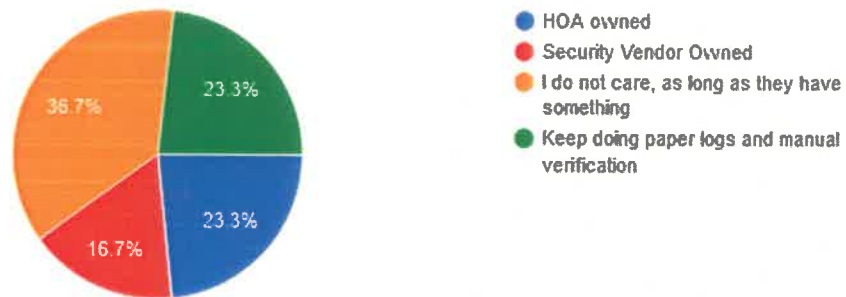
Use of RFID badge reader at the front pedestrian gate, identical to the back pedestrian gate.

30 responses



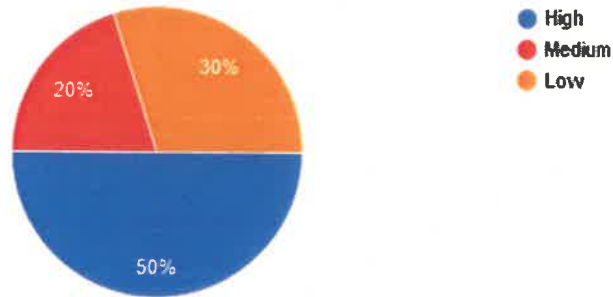
Provide Guards with Tablet / Technology for digital logs and home owner information with equipment owned by HOA or Security Company. *This will factor into cost and services provided by the Security Vendor.

30 responses



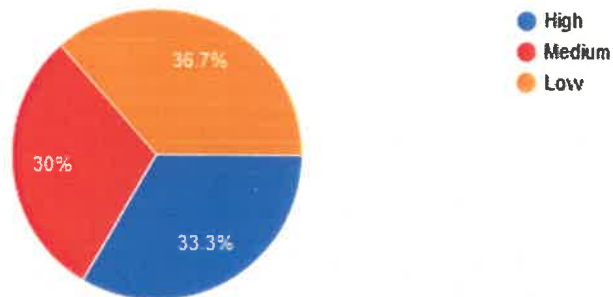
Usage of digital list of home owners, management companies, and related information to enable guards to quickly identify address and verify information provided from guests. *Cost and maintenance of equipment may be vendor provided or provided by the HOA

30 responses



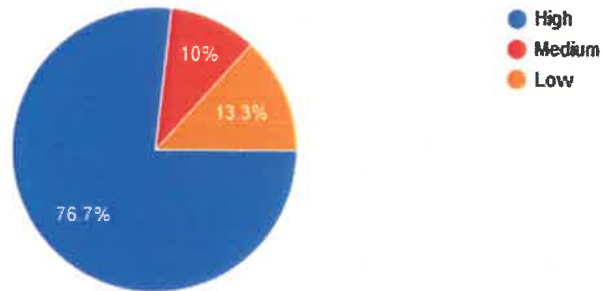
Usage of digital logs for all entry, accident, and incident reports. *Cost and maintenance of equipment may be vendor provided or provided by the HOA

30 responses



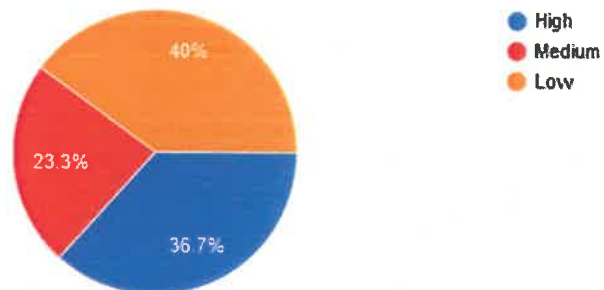
Guest at front gate must provide both address and point of contact name for entry. This will be verified by guard based upon information guard has available and access will be denied if not correct.

30 responses



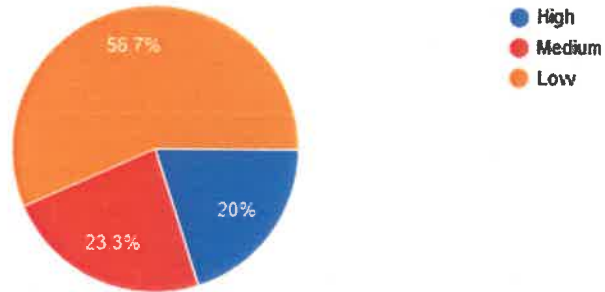
Guards Patrol Community PRIOR to shift. This is to identify potential problems as well as take note of any parking violations to be addressed.

30 responses



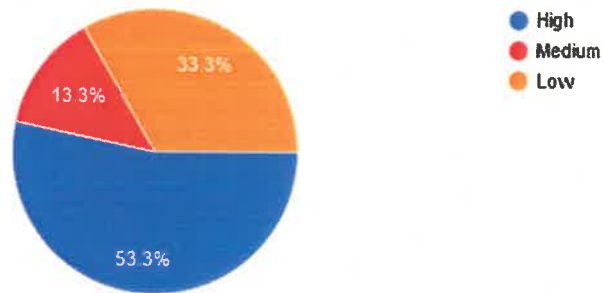
100% Roving Security - this question is to get a feel for the communities desires to plan future changes for access to the community. This would not be an immediate shift but to determine if budgeting and changes need to be focused to eventually achieve this.

30 responses



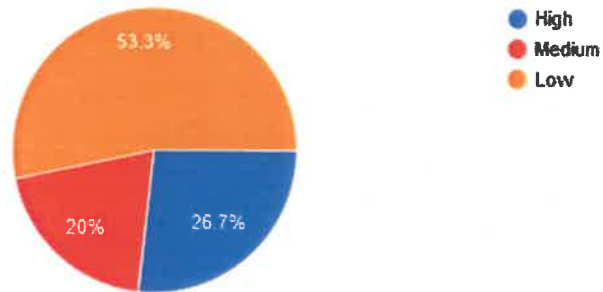
Camera and Audio at Guard for recorded and auditable interactions with guests

30 responses



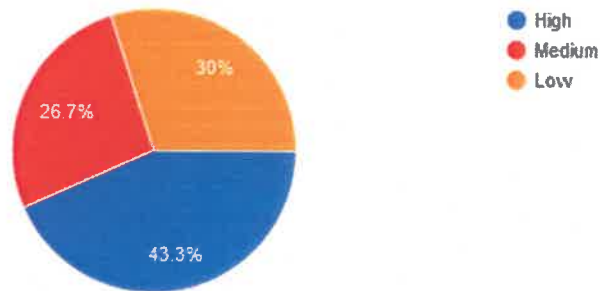
Call box at back gate to communicate with guard on clarity as to where to enter. This would not provide the guard the ability to open the back gate, this is for communication only.

30 responses



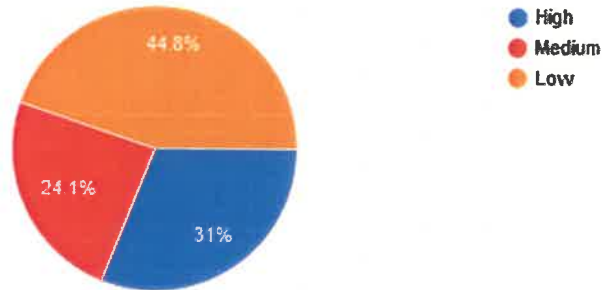
Use of RFID resident stickers for entry at the BACK gate. This would not remove the remote (garage door openers) functionality. **Official quote not received yet, but stickers would cost about \$15 each.

30 responses



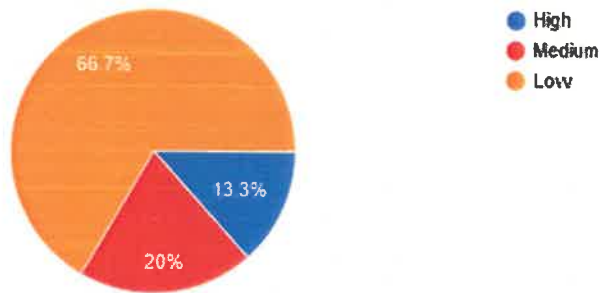
Use of RFID resident stickers for entry at the FRONT gate. This would not remove the remote (garage door openers) functionality. **Official quote not received yet, but stickers would cost about \$15 each.

29 responses



Cameras in low traffic areas - boat ramp / doc, dead end turn arounds

30 responses



Suggestions provided by the community members:

1. I like the current security company and think they do a great job. I am not interested in changing, as a homeowner, and think these improvements will only make their jobs more efficient and our community safer, even if it increases the cost a bit.
2. I have had renters have guests visit that are not on any lists. They get through gate on their own
3. Please be careful not to make our security like policemen. Try to do very well with what we have and save money. More increases in fees will start causing major issues and small things that are not legally required should be very cautiously reviewed.
4. ID badge for property owners to display in their rental vehicle whilst on vacation
5. Your questions include both HOA and Vendor provided. This means a lot all my answers changed priority by the HOA running security. I do not feel the HOA should attempt to force a vendor to use 3rd party equipment. If the HOA runs the digital information I am against it. If it is provided as part of the contract I am for it. Sorry I don't feel we should micro manage contractors.
6. RFID sticker for owners who don't live on site that can be attached to and removed from rental vehicles as needed.
7. Continue the solid community wall all around the community, some sections have wire fencing that's starting to deteriorate and is starting to be an eye sore.
8. I would like to keep cost down. We have had so many things go up this year this one I am not concerned about as I have cameras and alarm on my home and vehicles. I would just like them to verify guest with matching them up on a listed we call to the guards with. no exceptions. Be on list or turn away.
9. I disagree in add anything else about security services. I PREFER REMOVE SECURITY COMPANY AND ADD TELEENTRY. THIS SURVEY IS to justify increase our HOA fee.
10. A lot of these processes should already be in place so it would be good to implement them as soon as possible.
11. We live in gated community really no need for partroling the area. Everything suggested would be to costly during this time for homeowners.

Calabay Parc At Tower Lake

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March 18, 2021

Dear Residents,

The Board has been made aware through several homeowner emails about a recent event that transpired within the community that occurred between 2 individual homeowners/residents. The Board is using this statement in order to make the community aware that the Board is aware of this event as well as several other similar events that have taken place over the past few years. In an effort to help clarify what actions can legally be taken on behalf of the HOA, the Board would like to issue the following:

Upon review of many legal opinions, Florida statutes, laws, ordinances and case studies surrounding similar circumstances from other HOAs within the state of Florida, the Board would like to state the responsibility of the HOA when it comes to owner-to-owner issues, confrontations and disturbances:

Homeowners need to recognize the HOA, the Board nor their vendors are either equipped or trained to serve as an instrument to ensure the safety through legal channels. All residents are advised to contact the police/sheriff's department every time they feel they are in physical danger. If the conduct of either owner constitutes a violation of the covenants, the Association can pursue normal enforcement mechanisms, such as fines and suspensions, but it must do so uniformly for all similar violations.

The Association cannot get involved as this would cause the Association to assume a duty of care. In other words, if the Association creates the impression the Association exists to keep you safe, then the HOA has assumed a duty of care to provide a safe environment and will be legally responsible and liable. Because the Board is a volunteer group of owners and the community association manager is not an official entity to provide the responsibilities to enforce state and local laws, the Board most likely would fall short of providing the necessary duty of care. If an owner did physically injure the other owner, and it was reasonable to foresee a physical altercation between these owners, the Association likely will be in legal liability for failing to prevent a foreseeable safety hazard. That is why it is important the Association continuously refer the owners to authorities that are trained to handle these disputes.

The Board is always concerned for the health and safety of all residents within the community, however for the best interest of the entire community as a whole, the Board would like to remind all residents that if you have an issue occur with another owner where you might feel threatened or at risk, you are to contact the police immediately! If you feel this issue should be noted within the HOA records and would like the board to review if a possible violation has occurred, you are always welcome to email the board in order to make sure all information will be on record with the HOA.

Sincerely,
The Board of Directors
For Calabay Parc HOA
cpatlhoa@gmail.com
HCM: j.conklin@hcmanagement.org