

**SILVERLAKES-GATEWAY HOA**

**c/o Compass Rose Management  
1010 NE 9th Street  
Cape Coral, FL 33909  
239-309-0622**

**Board of Directors Minutes  
April 20, 2022 – 6:00 pm  
Silverlakes Community Clubhouse**

**1. Establish Quorum/Call to Order:** The meeting was called to order at 6:02 pm with President, Lauren Siegel; Vice President, Joe Connors; Treasurer, Catherine LeGendre; Secretary, James Wisniewski and Director, Claude Marku in attendance. Scarlet Milano, CAM, was also present representing Compass Rose Management.

**2. Proof of Notice:** Notice was posted more than 48 hours in advance as required by Florida Statute at the Silverlakes Community Clubhouse and the community exit gates.

**3. Pledge of Allegiance:** The Pledge of Allegiance was recited.

The current Board Directors introduced themselves to the homeowner in attendance.

**4. Approval of the Minutes:**

**a. February 16, 2022, Board of Director's Meeting Minutes**

**Motion:** A motion was made by Lauren Siegel to approve the February 16, 2022, Board of Director's Meeting minutes. Seconded by Joe Connors. **All in favor - Motion Passed.**

**a. March 17, 2022, Board of Director's Organizational Meeting Minutes**

**Motion:** A motion was made by Lauren Siegel to approve the March 17, 2022, Board of Director's Organizational Meeting minutes. Seconded by Joe Connors. **All in favor - Motion Passed.**

**5. Old Business**

**a. Treasurer's Report:** The report was provided by Catherine LeGendre.

Aged Owner Balances Total: **\$13,177**

Cash – Operating: **\$201,478**

Cash – Reserves: **\$730,409**

Total Cash: **\$931,887**

Expenses over budget: **\$2,515**

Aged Owner Balances at the end of March were \$13,177. This is a slight increase from February. There is one (1) homeowner in collections with the association's attorney. The balance on that account is \$4,353. There are five (5) accounts with past due assessments and twenty-three (23) accounts that have fines. The balance in the operating account is sufficient to meet the HOA's expenses. The association is \$2,515 over budget for the month of March. This is due to the unbudgeted roadway gutter pressure washing project. The Income and Expense Report will vary from month to month as the expenses are paid in full when the invoice is received however the report divides the total equally among the twelve (12) months. The association is on budget for the year.

**Motion:** A motion was made by Lauren Siegel to approve the Treasurer's Report. Seconded by Joe Connors. **All in favor - Motion Passed.**

## **b. Committee Reports**

**i. Architectural Control** - Nick York reported that there were thirty-one (31) ACC submissions in 2022. There was one (1) denial which was for a request to repair a broken door windowpane with a piece of painted wood. There have been nine (9) paint requests, seven (7) roof replacement requests, five (5) tree removal requests, three (3) window replacement requests, two (2) door replacement requests, two (2) fence installation requests, one (1) paver installation request, and one (1) gutter installation request. The ACC is currently working on updating the community's paint palette.

**ii. Communications** – No report.

**iii. Clubhouse Social** – Pat Macchia reported that Casino Night was successful. Bingo will be held on Saturday, May 21st, Cinco de Mayo will be at 6:00 pm on May 5th, Book Club will meet Monday, May 9th.

**iv. Finance** – Sam Manoj asked the Board to consider not only speakers and microphones for the acoustic issues in the clubhouse, but he also requested they investigate if modifications need to be made to the physical space to resolve the sound issues. Spending approximately \$10,000 on speakers and wireless microphones that may do little to solve the problem may not be the best course of action. Sam is worried that the sound will be reflected by the walls and will just become distorted. He would like sound absorption panels or noise reduction equipment. Jim Wisniewski advised that the room would likely need to have the ceiling lowered, some windows covered, and the association should expect to pay at least \$30,000. If the ceilings are lowered, the HOA may need to add fire suppression sprinklers to be compliant with Lee County's current building codes and will need to relocate all lights, fans, speakers, cameras, etc. that are currently mounted in or near the ceiling. A proper study of the space and the acoustics would cost the association thousands. Judy Dobson reported that several vendors have been to the community already and they have offered various suggestions, but none would definitively stand behind their suggestions as a solution.

**v. Fine Appeal** – Carol Walker reported that the committee received one (1) waiver request for a parking violation. The waiver request was approved because the vehicle did not belong to the resident.

**vi. Exercise** – No report.

**vii. Vendor Oversight** – The VOC reported that CRM is working on getting proposals to paint the clubhouse ramp and porch perimeter as well as the small pillars out front. The VOC is soliciting bids for roadway gutter replacement. This may help improve some of the drainage issues. It will cost approximately \$59,000 to replace 1,200 linear feet. There is approximately \$82,000 in the reserves for the gutter repair slotted for use in 2025 through 2027. There is 24,600 linear feet of roadway gutter in Silverlakes. The AC in the clubhouse will be repaired shortly. There is a dead Washingtonian palm at the clubhouse that needs to be removed. Pam Thomas will reach out to Rodgers Landscape for an estimate.

## **c. Legal Issues –**

**i. Deactivation of Proxy Cards**- Three (3) residences will have their amenity access deactivated due to account arrearages.

**Motion:** A motion was made by Jim Wisniewski to deactivate the amenity cards for accounts 18318, 18275, and 19152 for outstanding balances. Seconded by Joe Connors. **All in favor - Motion Passed.**

**ii. Lien Foreclosure Authorization-** The association authorized commencement of lien foreclosure on two (2) properties in February. CRM sent the required statutory letters to the homeowners but failed to send the letters to both their onsite address and alternative mailing address. The process had to start over due to this oversight.

**iii. Legal Issue- Acct. 18368- Tenant Issue-** The HOA has received numerous complaints concerning the behavior of the new tenants at account 18368. CRM has sent several violation letters as well as fines to the tenant and the owner's property management firm with no success. The HOA has also involved their attorney. Jim Wisniewski reported that a Seven (7) Day Notice to Evict was posted on the property by a process server on Thursday, April 14th. The owner and the property management company have been notified by the attorney that if their tenant does not vacate by the required deadline, the association will file a lawsuit against the owner and tenants. The association can also deny the owner's subsequent rental attempts. The recorded owner of the property owns and rents two (2) properties in Silverlakes so this threat may motivate them.

**iv. Legal Update- Acct. 20409-** Jim Wisniewski reported on the status of the account. The property changed ownership when an investor purchased the property from the bankruptcy estate created pursuant to a Chapter 7 bankruptcy petition filed by the previous owner. The property was sold by the bankruptcy estate subject to all liens which included liens by the bank, the association, and a contractor. The new owner claimed to have no knowledge of preexisting liens attached to the property. The association was owed \$28,000 on this account but has written off most of the debt as collection of the full amount is unlikely. The association has been negotiating with investor for several months to reach a reasonable resolution. The board declined their initial offer to pay two (2) safe harbor amounts, approximately \$2,000. They then offered \$5,000. The owner said they would give a deed in lieu of foreclosure to the bank. The association and their attorneys believe that is unlikely in the current market. They also attempted to force the HOA into reopening a foreclosure sale that it withdrew. The association is not interested in owning the property subject to the bank lien as there is significant damage both inside and outside the property which makes it unable to be rented. The association and its attorneys will continue the dialog with the investors. The bank appears to be moving forward with its foreclosure case.

**d. Rental tracking –** The report generated by Compass Rose indicates twenty-four (24) rentals. One needs to come off of the report as the property is under a pending real estate sale contract.

**e. Association Manager's Report –** The CAM read her report.

**f. Homeowner's Forum:**

- 1) A homeowner reported that tenants are not allowed to access temporary permits from the website as that is under the password restricted section of the site.
- 2) A homeowner reported that children are using the clubhouse parking lot as a playground which is a safety hazard for them and the residents trying to park their vehicle at the clubhouse.
- 3) A homeowner commented on the family who may operate a business in which they transport individuals to the airport. She has seen the drivers enter the community by driving in through the exit gate. It is dangerous and could hit a pedestrian that is not expecting them. Lauren Siegel suggested gate arms in addition to the swing gate. He also thinks that the swing gates stay open too long. An owner suggested the spike strips. The spikes have been discussed with the

association's attorney before. There are several legal and insurance complications to consider. Another homeowner disagrees. The homeowner believes that the board should not race to spend money every time a homeowner has a complaint. More research should be done. Another homeowner suggested removing the gates all together. The gates are not for security. The entire back of the community is not secured, and one could simply walk into the community on the sidewalk and frequently do. The association would save money on preventative gate maintenance, repairs, and electricity.

- 5) A homeowner asked why Comcast is digging in her lawn. Rodgers, the association's landscape contractor, hit the cable line when they were removing plants in the park near the villas.
- 6) A homeowner asked about a piece of gutter laying in her back lawn. She suspects Rodgers crew mowed over the gutter. Pam Thomas will reach out to Rodgers.
- 7) A homeowner asked CRM why the gym was not open 24 hours a day. The board discussed various concerns that would need to be addressed in order to accommodate the request such as possible insurance issues, amending the Community Standards and parking regulation updates.

## 6. New Business

**a) Community Standards Update-** A homeowner expressed frustration over the current fence standards. His neighbor installed a 6-foot fence on the property line. He has a narrow lot. He would like to know how an owner with a fence on the property line can maintain their fence without crossing onto their neighbor's yard. He also believes that 6 feet is too high. He cited Community Standards that were repealed ten (10) years ago and have not been applicable since. The association is following Florida Statute regarding fence setbacks. Florida Statutes mandates that the HOA follow Lee County regulations when their governing documents are silent. A homeowner suggested polling the residents to ascertain if they would support efforts to add and enforce a fence setback. A homeowner commented that he would like to allow fences on the lake as long as they were not privacy fences. The driveway expansions were also discussed. The homeowner suggested creating a rule where families who live in homes with two car garages would only be permitted to own two cars. This would eliminate the need to extend the driveway. There has been a rule for many years that allows homeowners to extend the driveway but not further than the width of the garage walls. The proposed driveway amendments would allow for a maximum width of twenty-four feet.

### **b) Covenant Preservation- MRTA**

**Motion:** A motion was made by Jim Wisniewski to postpone the recertification in 2022 as it is not expiring at this time. Seconded by Claude Marku. **All in favor - Motion Passed.**

**d) Insurance Policy-Additional Coverage** – Additional coverage will be purchased to insure the association's fences, pool equipment, and the lake fountains. The additional cost will be \$451.50.

**e) Statewide Schedule-** Security will patrol in the community seven (7) nights per week for one (1) hour total instead of three (3) nights per week for three (3) total hours.

**f) Purchase Application Consideration- Acct 20725-** The prospective buyer signed an affidavit acknowledging that he will not attempt to rent the property for a full year after the closing of the sale. The sale will close as scheduled.

## 7. Next BOD Meeting –Wednesday, May 18, 2022.

**Adjournment:** With no further business to discuss, the meeting adjourned at 9:01 pm.

