

**SILVERLAKES-GATEWAY HOA**

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

**Board of Directors Minutes  
May 18, 2022 – 6:00 pm  
Silverlakes Community Clubhouse**

**1. Establish Quorum/Call to Order:** The meeting was called to order at 6:00 pm with President, Lauren Siegel; Vice President, Joe Connors; Treasurer, Catherine LeGendre; and Secretary, James Wisniewski in attendance. Director, Claude Marku was absent. Scarlet Milano, CAM, was also present representing Compass Rose Management.

**2. Proof of Notice:** Notice was delivered to owners at least fourteen (14) days in advance as required by Florida Statute due to revision of the Community Standards which may impact property use restrictions.

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

**4. Approval of the Minutes:**

**a. April 20, 2022, Board of Director's Meeting Minutes**

**Motion:** A motion was made by Lauren Siegel to approve the April 20, 2022, Board of Director's Meeting minutes. Seconded by Catherine LeGendre. **All in favor - Motion Passed.**

**5. Old Business**

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

Aged Owner Balances Total: **\$25,330**

Cash – Operating: **\$219,489.**

Cash – Reserves: **\$736,167**

Total Cash: **\$955,656**

Expenses under budget: **\$907**

Aged Owner Balances at the end of April were \$25,330. There are forty-two (42) accounts in arrears. There were fifty-four (54) accounts in arrears in April 2021. There is one (1) homeowner in collections with the association's attorney. The balance on that account is \$6,526. There are twenty-five (25) accounts that have fines which total \$4,173. There are nineteen (19) outstanding assessments totaling \$14,503. The association is under budget for the year by \$908.

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

**b. Old Business**

**i. Community Standards Update** – Jim Wisniewski explained the proposed changes to the Community Standards and the reasons which prompted the changes. A homeowner addressed the Board at a recent Board of Directors meeting and requested a modification to the existing approved maximum fence height. The current approved maximum fence height of five (5) feet is not available locally therefore six (6) feet fence panels must be purchased and cut down at an additional expense to the homeowner. Additionally, the ACC manual which is currently in use by the ACC is outdated and some of the information and restrictions handwritten on the manual are not enforceable. Exhibit F was

revised earlier to conform with Florida Statutes Chapter 720. Additional unwritten standing policies, such as the prohibition of flat roof tiles and a clarification of the current ambiguous mailbox requirements were explicitly stated. The revision to the driveway extension provision was also updated. An increasing number of residents were submitting driveway extension ACC requests to reasonably accommodate the number of vehicles owned by their families. As several of the families in the community have children who are now driving and new families are moving into the community regularly, the number of vehicles per household will also increase. Many ACC applicants were pointing to the twenty-one (21) different, grandfathered driveway extensions throughout Silverlakes when making their case to the ACC. The new standard for two car garage homes will not exceed a width of four and a half (4.5) feet from the inner frame of the garage door. The maximum allowed width will not exceed twenty-four (24) feet. Homes with three (3) car garages shall not have driveways that extend beyond the width of the garage.

**Motion:** A motion was made by Jim Wisniewski to approve the amendments to the Community Standards and Exhibit F. Seconded by Joe Conners. **All in favor - Motion Passed.**

- ii. **Owner Opt-In Email Notification** – The CAM will prepare a cover letter to accompany the Owner-Opt-In form to mail to all Silverlakes owners. The completed form will allow CRM to email notifications to homeowners in lieu of using the USPS. This will cut down on mailing expenses.

### c. Committee Reports

- i. **Architectural Control** - Nick York reported that there were eleven (11) ACC applications submitted in April. There were four (4) exterior paint requests, three (3) roof replacement requests, three (3) window replacement requests, and one (1) palm removal request. The ACC is currently working on updating the community's paint palette. Homeowners can check the Sherwin Williams color fan palette located in the clubhouse office.
- ii. **Communications** – No report. Newsletter submissions are due by Monday.
- iii. **Clubhouse Social** – Pat Macchia reported that Bingo will be Saturday, May 21st. The Book Club will meet on June 13<sup>th</sup>. Morning Coffee will continue through the summer months. A cookout and decorated bicycle and golf cart parade will be held on July 4<sup>th</sup> at 11 a.m. The committee is also contemplating scheduling a series of guest speakers to visit the community. Suggestions include the Sheriff, an estate planner, and a garden center representative. The committee will ensure no solicitation or business transactions occur during these events.
- iv. **Finance** – The Finance Committee submitted minutes from their meeting to Catherine. She addressed their concerns.
- v. **Fine Appeal** – Carol Walker reported that the committee received four (4) waiver requests for parking tickets. The waiver requests were not approved.
- vi. **Exercise** – The 2022-2023 preventative maintenance contract was approved and signed.
- vii. **Vendor Oversight** – The VOC expressed interest in finding another lake fountain vendor. Solitude Lake Management, the current vendor, has been nonresponsive to both the VOC and CRM. The northern most fountain in the north pond has not worked since January. The initial plan was to wait until the CDD remediated the lake bank to order the new fountain however the CDD has postponed the project until the fall. The association's reserve plan funded fountain replacement in the year 2029 but the replacement funds can be pulled forward. The second fountain in the north pond is also having issues. The panel for the fountain in the center lake

also needs to be replaced. These issues have been reported numerous times by both the committee and the management company to the lake fountain vendor to no avail. Ritchie Grethey will obtain competitive bids for the fountain maintenance contract. The VOC also obtained three (3) bids to replace the roadway gutters in the community that could be trip hazards, are crumbling, or have significant drainage issues. There are fifty-four (54) areas with notable issues. This amounts to 1,260 linear feet of new concrete. Homeowners have also reported areas near the storm drains where sinking has caused major issues. The storm drains are the responsibility of the CDD. It is unclear if they are also responsible for the surrounding asphalt and concrete. The HOA could potentially save money if the CDD is also responsible for those areas. Laura LaRue, from the CDD, is researching this topic. The company that the VOC is most interested in, PMI, just finished repairing the streets in Gateway Greens and the VOC was impressed with their work following a tour of that community. There are some aspects of the proposal that are unclear including the terms of a warranty, payment terms, and certain exclusions. There is also a clause regarding indemnification from damage caused to homeowner's landscape and irrigation systems during construction that must be addressed. Additionally, it is unclear if the homeowners whose hardwood tree roots have caused roadway damage will be in any part responsible for the damage caused by their trees. The association's attorney is looking into the matter. Jim Wisniewski believes that more information is needed to vote on this matter.

**Motion:** A motion was made by Joe Connors to approve the bid prepared by PMI. Seconded by Catherine LeGendre. After discussion - **Motion Withdrawn.**

#### **d. Legal Issues –**

**i. Account 20409** - Jim Wisniewski reported on the status of account 20409. The new owners are working to improve the appearance of the exterior and interior of the property. This could indicate that they are interested in flipping the property which they cannot do without first satisfying the liens on the property. Silverlakes' attorney is working with the new owners to finalize payment details to the HOA.

**ii. Account 18368** - The association was forced to seek legal remedy against the tenants at account 18368 following numerous violation letters and fines that failed to deter their troublesome behavior. The HOA filed an eviction complaint with the courts in mid-April. The tenants filed a response to the complaint yesterday through an attorney appointed to them through a charitable organization. The tenants denied violating any of the association's rules. The HOA will proceed to a court hearing to remove the tenants from the community. The association's attorney remains optimistic as the violations have been carefully documented and neighboring homeowners supplied photographic evidence of the various violations daily.

**iii. Account 22683** – Account 22683 has sold to a real estate investment firm which is also a single member LLC. The new owner has indicated that they do not intend to rent this property but rather to flip the property. They signed an affidavit acknowledging that the association has a leasing restriction that they must adhere to and that failure to do so will result in legal action of which they will bear all costs.

**i. Deactivation of Proxy Cards-** Three (3) residences will have their amenity access reactivated because they paid their past due assessments in full.

ii. **Rental tracking** – The report generated by Compass Rose indicates twenty-three (23) rentals.

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

**f. Homeowner's Forum:**

- 1) A homeowner in favor of the amendment to the driveway extension provision commented that a third of the community has cracked concrete driveways and there is currently not much incentive to spend thousands of dollars replacing a driveway that is not large enough to park on. Additionally, many of the homes in the community already have extended their driveways.
- 2) A homeowner who received approval to extend his driveway commented that one of the reasons he extended his driveway was to have an area to step out of his car rather than stepping off the driveway onto mulch. It was a safety concern for his children.
- 3) A homeowner asked why the Declaration of Restrictive Covenants does not address the aforementioned use restrictions and instead they are addressed in the Community Standards and Exhibit F making it possible for the board to amend them without a membership vote. The Restated Declaration of Restrictive Covenants specifically assigns use restrictions to Exhibit F Rules and Regulations and the Community Standards which may be promulgated from time to time by the board of directors and shall be enforceable through injunction or otherwise and shall have the effect of covenants as if set forth in the Declaration verbatim.
- 5) A homeowner asked if the board would consider allowing non-privacy fences on the lake. The board would consider this if the majority of lakefront residents supported it.
- 6) A homeowner asked the board to address the residents who received the mailbox height requirement letter from the USPS and raised the height of their mailbox using 2 x 4 pieces of wood or pieces of aluminum. The CAM will send letters to these residents.
- 7) A homeowner asked for an update on when Gateway Services will remediate the north pond. It will likely be deferred due to the amount of rain received. Gateway Services did not get the permit in time to start the project before rainy season. The shoreline must be exposed and the water level during rainy season will prevent them from being able to start the project. The project will likely not occur until late 2022 or early 2023.
- 8) A homeowner suggested that the ACC require applicants to get their neighbors' permission for their proposed project before the ACC would consider the request. Homeowners should not be able to dictate what another homeowner does on their property. This will not be considered at this time.
- 9) A homeowner commented on two potential unapproved renters. CRM will follow up with the homeowners.
- 10) A homeowner asked if the Ad Hoc committee for the clubhouse acoustics was approved. The VOC prefers that the Ad Hoc committee move forward and present their ideas without the VOC's involvement. The Ad Hoc committee will work on getting an acoustical engineer from out of state to ensure their opinion is not biased by promoting a certain vendor. Lauren Siegel will check to see if there is a blueprint of the room available.

**6. New Business**

- a) **Fountain and Control Panel Box**- Already discussed.
- b) **Roadway Gutter Repair**- Already discussed

**7. Next BOD Meeting** –Wednesday, August 17, 2022.

**Adjournment:** With no further business to discuss, the meeting adjourned at 8:25 pm.