

Tamarind Gulf and Bay Condominium Association, Inc.

Minutes from Board of Directors Meeting

July 28, 2022 (FINAL 8/08/22)

PURPOSE: This was a regularly scheduled monthly meeting to conduct Tamarind business.

CALL TO ORDER: President Gerry Meiler called the meeting to order at 9:00 a.m. EST, in the Tamarind Clubhouse and via Zoom/conference call.

DETERMINATION OF QUORUM: A quorum was established with the following board members present via Zoom/conference call: Gerry Meiler, Tom Crichton, Dave Laven, Rob Emo, Bob Waddell, George DaSilva, and Doug DeYoung. Also attending was Ed Olson, CAM and Property Manager of Sunstate Management Group, Inc.

CONFIRMATION OF NOTICE AND POSTING: Ed Olson, CAM and Property Manager, confirmed that the meeting notice was properly posted in accordance with Tamarind Gulf and Bay Condominium Association documents and Florida Statute 720.

READING AND APPROVAL OF MEETING MINUTES: A motion to waive the reading of the prior meeting minutes and approve them as written was made by Rob Emo and seconded by Doug DeYoung. The motion was passed unanimously.

OFFICER'S REPORTS:

- **Treasurer's Report:** As of the end of June, 2022:
 - The Operating Balance was \$242,353.12 and the Reserve Balance was \$33,164.02.
 - On the Operating side, we are \$50,828 under budget through June. Most of that is expected due to lower than budgeted insurance costs for the first 6 months of the year and the planned \$3,000 per month in retained earnings.
 - On the Reserve side, we spent \$112,048.85 in June for roofing, bump-outs, elevator controls (down payment), stairwells and walkways final payment, and loan interest. Total reserve spending through June was \$494,171.
 - Reserve Loan Update: We made our 6th loan draw of \$205,595.69 on July 20 to replenish the Reserves and pay our June and July project invoices. We have now taken draws totaling \$1,414,812.33 of the \$2M available.
 - Annual Insurance Renewal: We received our annual windstorm and general insurance renewal from PCS at the end of June and for the second consecutive year our total cost went down with no changes in coverage. This was due to reroofing and refurbishing of our buildings. Our 2022-2023 package totals \$355,391.21 and is \$22,416.94 less than 2021-2022 (a 5.9% decrease). Thanks to

the operating budget surplus the last 18 months, we made a \$97,000 down payment on our insurance bill and are financing the balance. This saves us over \$1,700 in finance charges compared to last **year's down** payment.

- George DaSilva asked why we were over budget in Legal Fees and Accounting. Gerry Meiler explained that legal fees were incurred by investigating the easements on our property by surrounding properties. Rob Emo explained that the accounting overage was due to a minor transition budget discrepancy, now adjusted going forward for future budgets.
- Tom Crichton asked if the Treasurer estimates that the association would end the year with a \$50,000 surplus. Rob Emo said that he estimates ending the year under budget if there are no unforeseen expenditures.
- **President's Report:** Gerry Meiler said:
 - Easements: Several association members have expressed concern about Tamarind's property rights and responsibilities relative to the adjacent properties on Driftwood Drive. Our lawyers researched each of their deeds and determined that there is no risk to Tamarind from a property ownership perspective. Our lawyers recommend that we do nothing different with our neighbors unless there is a problem. We do need to keep our 'No Trespassing' signs current and continue to disallow trespassing beach visitors. Accidents are always a liability risk, more likely due to trespassing beach visitors rather than the neighboring properties. Regarding beach access, our lawyers researched the deeds and determined that properties on Driftwood Lane which border the south of our property have rights to access the beach via our stairways.
 - Rules Enforcement: Our rules are not new. What is new is the attempt to consistently enforce those rules. Selective enforcement of the rules is not an option. Quoting current case law: "An association has the duty to enforce the restrictions set forth in its rules and regulations. When it fails to do so, a homeowner can sue the association for damages and an injunction to compel the association to enforce the provisions of the [rules and regulations]." As with any organization or governing body, there are always rules that someone is not happy with. Lately I have had complaints about parking, the Rental Application system, pets, and personal property rules. We have moved from owners complaining that nobody follows the rules to owners complaining about the **rules they don't like. I think that's progress!** If owners are unhappy with the rules, we should change them, not ignore them. The Board of Directors welcome your input and are willing to consider, debate, and vote on any rule change the membership proposes. There is time provided at the end of every Board meeting for member discussion. This should be the start of that change process. The Board of Directors and Sunstate Management continue our policy of answering all complaints and questions. Unfortunately, not all of those

answers are the ones that people want to hear. At the end of the day, there will always be some number of people that will be unhappy.

- Property Management: Lisa Taylor is no longer with Sunstate Management. She has been replaced by Colleen Fletcher. Welcome Colleen!

PROPERTY MANAGER REPORT:

- Ed Olson introduced Colleen Fletcher and described her experience. Colleen will transition into the Property Manager role at Tamarind.
- Ed Olson was asked for the status of the recent Florida Statute requiring annual building structural integrity certifications slated for the end of 2023. He said that there are too many issues currently being addressed at the state level, so our best plan is to continue our relationship with Karins Engineering group and wait until the issues are resolved.

COMMITTEE REPORTS:

- Architectural Review Committee: Nothing to report.
- Landscape Committee: Nothing to report.
- Projects Committee: Nothing to report.
- Communications Committee: Joyce Meiler said an eblast has been sent to all association members with a Comcast / Xfinity presentation and survey to get input on potential changes to our contract and services. Owners are urged to complete the survey in the next 30 days.
- Sign Committee: No further action has been taken on this topic.

OLD BUSINESS:

- Roofing Project: West Coast is working on the final A-1 building and should be completed in the next 2 weeks. The entire project should be completed by the end of August, working on trim, gutters, and punch list items. Decks in all other buildings have been replaced as well.
- Bump-out Project: Building A1 and A2 are completed except for trim and details working with the roofing project. The remaining sections of the E building are planned to be completed by the end of August.
- Systems Automation: Tom Crichton said that there are 122 applications in the system in various stages and the system is working as designed. Tutorials are available on the Tamarind website. All rental applications must be completed on the rental application system. Forms are no longer accepted.
- Pool Drain Repairs: All repairs have been completed and look great.
- Reserve Study: Dreaux Issac is currently collecting data on our property to prepare their report prior to the October budget workshop.

- Engineering Proposals: Tamarind received a proposal from Karins Engineering Group to perform the upcoming Florida mandated structural inspections on our A buildings. A motion was made by Bob Waddell to accept the current proposal to perform the inspection during the first quarter of 2023. The motion was seconded by Doug DeYoung. An amendment to the motion to approve the proposal only after contract review and approval was made by Gerry Meiler and seconded by Tom Crichton. The motion passed unanimously.
- Xfinity/Comcast Contract Negotiations: Gerry Meiler said that we have reviewed the proposed contract and are gather questions and preferences from association members. Options include retaining the current services, adding basic internet services (\$37.00 per month) to association fees, or deleting the current service so each owner is responsible for their own services. Please complete the survey sent via email or contact Gerry Meiler with any questions or concerns.
- Surveillance Cameras: No further action has been taken on this topic.
- Flood Insurance: The Tamarind Association provides insurance for both Hazard (including hurricane/wind) and flood damages. Flood insurance covers damage from water incursion from rising waters. Hurricane/wind insurance covers water damage from falling water (rain) and only during named storms. Under Tamarind's hurricane/wind policy, the Association is responsible for all damage outside all condominium units. Owners are responsible for everything from the unpainted drywall in, all windows, and personal contents. Under the federal definition for flood insurance, the Association's flood insurance policy covers fixtures, flooring, cabinets, and major appliances except clothes washers and dryers. Owners are responsible for personal possessions other than described above. Also, please note that the Association's policy only covers items to be replaced at their depreciated value (not full replacement cost).
- The Association currently pays for flood insurance to cover association assets in the buildings at a cost of \$2,803 per year, primarily washers and dryers of various ages in the A buildings. A motion was made by Doug DeYoung to cancel the insurance coverage on the association assets in all buildings. The motion was seconded by George DaSilva. The motion passed with six members for the motion and one against.
- Al Zambito, Unit A113, brought up that the drain in the A1 building is not working and needs to be addressed as soon as possible. Ed Olson is looking for a resource to address the on-going issue.
- Kit Koehler, unit A112, also expressed that the drain problem in the A1 building is an on-going problem and asked for a clarification of insurance responsibilities related to his entryway flooding in 2017. Gerry Meiler said he would get back with him.

NEW BUSINESS: There was no new business.

ASSOCIATION MEMBER FORUM:

- Kit Koehler, A112 asked for a clarification on **the association's** flood insurance policy. Gerry Meiler said he would contact him after the meeting. Mr. Koehler also asked when the structural engineering inspection was expected and how much it would cost. Gerry Meiler said that the inspection is planned for the first quarter of 2023 and the current proposal is for \$9,500, although subject to change.

NEXT REGULAR BOARD MEETING: August 25, 2022

ADJOURNMENT: A motion to adjourn was made by George DaSilva and seconded by Doug DeYoung. The motion was passed with a unanimous vote. The meeting was adjourned at 10:49 a.m.

I approve and submit these meeting minutes,

A handwritten signature in cursive script that reads "Dave Laven". The signature is written in black ink on a light-colored background.

Dave Laven, Secretary