

**Lake Asbury Lake Lot Owners Association
Meeting Minutes**

July 16, 2018

I. Call to order

Chairman Barrett called to order the regular meeting of the Lake Asbury Lake Lot Owners Association (LALLOA) at 6:30 p.m. on July 16, 2018 at Lake Asbury Community Center.

II. Roll call

Present: Chairman Barrett, Treasurer Manly, Secretary Pickens, and board members Jones and Ruiz. The board reached a quorum of five.

III. Approval of minutes from last meeting

- a) Chair Barrett moved to approve the June minutes. Seconded by Treasurer Manly. Carried 5-0.

IV. Treasurers Report

- a) Board member Ruiz moved to approve the Treasurers report. Seconded by Secretary Pickens. Secretary Pickens made a motion to approve checks 1349 through 1351. Seconded by Board member Ruiz. Carried 5-0.

V. Open issues

- a) 245 Cokesbury Court.
- (1) Duck pen. Ms. Dillon is still keeping ducks. The board agreed to send her another letter, certified, about the ducks. We had sent her a letter, not certified, before Christmas with the deeds and covenants that apply. Secretary Pickens will edit the letter, then send to Vice Chair Jones for final chop.
 - (2) AirBnB, 245 Cokesbury Court, Ms. Ellen Dillon.
 - (a) Board member Ruiz will look to see if dock house was permitted.
 - (b) Chair Barrett called AirBnB. It was busy – she tried many times. She then found a web site where she could file a complaint and did so. The only phone numbers she could find for the company were in Great Britain. She wants to get them to stop advertising the property. The board will send Ms. Dillon a certified letter to cease and desist.
 - (c) Audience member, John Bentley, 1005 Arthur Moore Drive, asked the board if we have set up a fine process for covenant violations. For example, set up a ladder that ends at \$1,000, and if that doesn't lead to compliance, take the violator to small claims court. The board agreed that it needed to be done. Kay and Russ will research and come up with a skeleton plan for the next meeting.

Lake Asbury Lake Lot Owners Association
Meeting Minutes

July 16, 2018

- (d) Audience member Carol Weisenburger, 148 Wesley Road, informed the board that she spoke about the short-term rental situation and her attorney said that state law allows it. Chair Barrett had called Zoning and was told that there was nothing in the ordinances to prevent short-term rentals. Ms. Weisenburger said that Gayward Hendry was apprised of the situation will discuss this with the county lawyer. Audience member John Bentley, 1005 Arthur Moore Drive advised that unless the state law specifically says that homeowners associations can make rules to supersede the law, they may not have the power to do so. Everyone agreed that Ms. Dillon has made an apartment in her home and changed it from a single-family residence into a motel.
 - (e) Ms. Weisenburger stated that Ms. Dillon doesn't have the right to rent out the lake to her tenants. She suggested that if all else fails, we should get our attorney to draft a hold harmless agreement that she must sign for each guest. She is telling her guests they may use her neighbor's dock to fish and swim from. Audience member Bill Abberton, 1089 Lake Asbury Drive suggested having our lawyer to chop anything we send. Treasurer Manly said that we should get something started before involving the lawyer. Our lawyer will not be available for over two months. The board will work on the letter and get it reviewed.
 - (f) Chair Barrett discussed the need get together to look at new attorneys we could hire that charge less than \$285/hour.
- b) 107 Arthur Moore. The board decided to send a to Ms. Rawls, 100 Arthur Moore, to stop feeding the geese and ducks. It is against Florida Law to feed wild fowl. Debbie will send the same letter that was sent to Mr. Boyette, 107 Arthur Moore.
 - c) Behnken case.
 - i) June 27 court date. Chair Barrett, Treasurer Manly, and Secretary Pickens attended the June 27 court hearing. The purpose of the hearing was to establish a foreclosure date and the reasonableness of the attorney fees. At that time, Judge Wilkinson set a foreclosure date of August 27 and determined that the fees were reasonable. Ms. Behnken asked if they could refinance their home to cover the judgment costs. Since then, Mr. Behnken has made an offer to settle his \$150K debt for \$80K. Treasurer Manly said that attorney O'Quinn wouldn't negotiate a settlement. She also said that this is money owed to us – Mr. Behnken also owes money to his own attorneys. Chair Barrett and Treasurer Manly will talk to Mr. O'Quinn about the settlement offer. Treasurer Manly said that she would be willing to forgive the nearly 11K he owes in interest, but would check with Mr. O'Quinn to see if it can be done.

Lake Asbury Lake Lot Owners Association

Meeting Minutes

July 16, 2018

- ii) July 11 court date. Cancelled.
- iii) Behnken letter to Lake Asbury Municipal Benefit District (LAMSBD) board and Representative Travis Cummins (new business). He sent letter to Representative Cummins complaining about illegal activity in Lake Asbury and wants the \$600 tax suspended. The letter to LAMSBD requested information. LAMSBD lawyer will respond.

VI. New Business

- a) Welcome packets. Treasurer Manly made a motion that Chair Barrett put together a sample packet for the boards review at the August 20 meeting. Seconded by Board member Ruiz. Carried 5-0.
- b) Fall Festival? The board discussed whether they should spend money on a festival when we are spending so much money on lawyers. Keep this on the agenda – in case we get something out of the Behnken settlement.
- c) Updated Lake Asbury Info sheet. Secretary presented the updated info sheet to the board. Chair Barrett made a motion to accept the updated info sheet. Seconded by Treasurer Manly. Carried 5-0.
- d) Officer Chris Castelli on Lake Asbury / lake rules. Chairman Barrett called Officer Castelli and FWC about trespassing jet skiers (5) who were on the lake with a wake boat, jumping wakes and the actual back of the boat and dominating the entire lake. She had asked them to stop, but they wouldn't.
- i) A resident complained about people making dangerous wakes in the fingers. The board discussed the possibility of setting up no-wake zones at the entrances of fingers. Vice Chair Jones related his conversation through email with officer Castelli. He told Vice Chair Jones that he has limited enforcement authority on a private lake and that he could petition to the county to establish no-wake zones. Many property owners have set up their own signs to no avail. Board member Ruiz stressed that we should do what we can to deter. An audience member suggested setting up a memorandum of understanding with the Sheriffs office. Chair Barrett will send mail to the property owners who allowed the jet skiers and boat to launch from their property to remind them of lake rules. Treasurer Manly suggested creating no-wake signs that look official for property owners to put on their docks. Chair Barrett made a motion to research making official looking signs, seconded by Board member Ruiz. Carried 5-0.
- e) Clearing of brush on South Lake Dam. Russ Jones and Fred Reinhardt cleared out brush to deter trespassing and loitering.

Lake Asbury Lake Lot Owners Association
Meeting Minutes

July 16, 2018

- f) Requirements for accessible website – offer from Bobbi Nagle. Board member Ruiz will work with Bobbi Nagle on the possibility of making dues payments online.
- g) Estoppel fee. Secretary Pickens made a motion to raise the estoppel preparation fee from \$75 to \$150. Seconded by Vice Chair Jones. Carried 5-0.
- h) Nutria. Property Owner Patrick Faulkner, 298 Dow Court is seeing Nutria in the finger and also by the dam. Chair Barrett told him that she'd brought the issue up to the Lake Asbury Municipal Benefit District, but they won't do anything because there is no proof that they are damaging the dam. He was encouraged to attend the next LAMSBD meeting.

VII. Plans Approval

- a) Richard & Cheryl Frisby, 1097 Lake Asbury Drive.
 - i) Needs to be inspected.
- b) Richard Barrett, Cokesbury Court. New home build.

VIII. Adjournment

Chairman Barrett adjourned the meeting at 8:12 p.m. Seconded by Vice Chair Jones. Carried 5-0.