

DEER LAKE HOMEOWNERS ASSOCIATION, INC.

BOARD OF DIRECTORS MEETING

Saturday, November 3rd, 2012

George Boyer, President, called the meeting to order at 1:00 P.M.

A notice of the Board Meeting was duly posted in compliance with the Florida Statutes.

A notice of the Hearing Committee meeting was sent to Homeowner Joshua Garrett at 7395 Sika Deer Way in compliance with the Florida Statutes.

Established a quorum: With three of the Board members present (George Boyer, Carolyn Gilbert, and Phil Poston), a quorum was established. Also present were 3 homeowners who were elected by the Board of Directors to serve on the Hearing Committee (Ken Elliott, Don Courtois, and Joe Mastrangelo). Also present was homeowner of 7395 Sika Deer Way, Joshua Garrett.

Opening Comments: George announced that the purpose of the meeting was for the Board to hold a hearing of an alleged violation of **Article 8.6 Signs** contained in the Deer Lake Homeowners Association Declaration of Covenants.

Presentations: George Boyer presented on behalf of the Board stating that we are governed by the Association documents and as a deed restricted community we are bound by the Declaration of Covenants which include **Article 9.3 Fines** and **Article 8.6 Signs**. George read aloud Article 8.6 to the Hearing committee. George stated on October 12th he was first contacted by a neighbor who spotted a political sign on the front lawn of 7395 Sika Deer Way. George contacted the Association Management, Bob Gelles asking for his help to have the signs removed. Bob Gelles visited the property, found no one was at home, so he put the signs on the front porch of the house along with a handwritten note that these signs were not permitted by our Association rules. The homeowner left a phone message with Bob Gelles that indicated he was not happy that the signs were moved and that he did not agree and it was his right to have a hearing in fourteen days. On October 13th, the neighbor reported again to George that a political sign had been returned to the front yard of 7395 Sika Deer Way. George contacted Bob Gelles who then hand delivered a formal violation letter asking Mr. Garrett to remove the sign and comply with our rules and regulations. On October 16th, George visited the property again and seeing the ongoing sign violation, asked Bob Gelles to send another letter to specify the violation, to specify the fine that could be imposed and lastly provide Mr. Garrett with a date for a hearing. George told the Hearing Committee that the Board approved a penalty of \$50. per day, per sign violation with a maximum fine allowed by law of \$1,000. at its last Board Meeting. George stated that the homeowner kept the political sign in place continuously from October 13th through November 3rd. George then asked Mr. Garrett to speak on his behalf.

Homeowner Joshua Garrett: Mr. Garrett presented his defense which included three points, first that he felt this Board sign violation action was selective in punishing him while around the community he saw six other yard signs that neighbors had in their front yards such as a Gator sign, a Wake Forest sign, a sign with two dogs painted on it which led him to believe that if these signs were permitted his should also be permitted. As such, he felt he had time to wait until the hearing meeting to comply if it was determined at the hearing to be a violation. He pointed to the section dealing with signs **8.6 Signs** states (in part) "No signs of any kind shall be displayed". He stated these examples were clearly signs. His second point was that he made an extra effort to make the political sign into a Halloween decoration thinking that by adding humor it would make it an acceptable decoration. Lastly, it was his opinion that the fine should not be made retroactively until a fair hearing was held.

George responded that yard decorative flags as sold in a gift store are similar to seasonal decorations such as Halloween or Christmas displays and holiday flags or lawn decorations. We did not have a problem with his Halloween inflatable orange pumpkin that he used but we found that the political sign was a violation of our rules never should have been on display.

At this point George asked the other Board members whether they wanted to exercise any latitude in the proposed fine.

Mr. Garrett was asked a question by the Hearing Committee regarding if he was disagreeing with our Association documents regarding sign rules. He said yes, he was disagreeing with them. He thought his unique pumpkin display should be considered a yard decoration in his opinion.

George asked the Board members if they were ready to impose a fine of \$1,000 for the violation or if the Board wanted to consider a different motion. Both Carolyn and Phil said they would like to hear from the Hearing committee first before making any motion. Phil asked Mr. Garrett that he just didn't understand why Mr. Garrett didn't take the sign down when he got first got the letter from Bob Gelles and wait until the hearing committee was held. Carolyn said that it feels to her like defiance. Phil agreed with that. Mr. Garrett said, "As for that, I apologize." He said he was sorry, he said he was not able to remove the signs without actually ruining the Halloween inflatable display which he wanted to keep up through the 31st. He could not peel the taped sign off when he tried to. Mr. Garrett said he is very much in favor of inflatable displays for holidays and always uses them. He hopes the Board will continue to allow them in the neighborhood.

George said that the Board wants to be reasonable regarding holiday and seasonal decorations. We have always allowed reasonable displays of pumpkins, inflatables, holiday decorations, decorative yard flags. All of these have one thing in common, they are seasonal decorations. Decorations you might buy at a store, not something you would get at a political headquarters, or signs containing specific advertising such as political statements. This issue here is that the Board has to look at each situation and make a determination if it is a sign violation.

Mr. Garrett responded that he was not aware that the Board determined this to be a violation at a meeting which he did not attend. Mr. Garrett stated that he would be willing to offer to write a check for \$250.00 to the Association to settle the matter with the Board. He would take the signs down. George asked whether Mr. Garrett would be willing to additionally agree to heed any future violation letters if issued by the management company including ceasing the activity while still retaining the opportunity to discuss his objections to the violation letter with the board of directors. Mr. Garrett then commented that "There was certainly a better way for me to have handled this issue so that is why I'm willing to make this offer." He stated that he would comply with any future violation letter as soon as he received it as long as he was home, since he travels from time to time. He said he is very appreciative of the work of the Board and the neighborhood looks fantastic.

George Boyer stated that he liked Mr. Garrett's proposal provided he also agrees with the stipulations. George said the Board would be willing to consider a modification of his fine and accept a check today for \$250.00 for payment in full for the sign violation, as long as the signs would be removed today and the future, he would not put out any more signs and if he should get a violation letter from our management company, he agrees to first take action as directed by the letter and if he still disagrees with the letter, the Board will give him an opportunity to discuss the matter at a future meeting. If we are in agreement with that and we get the \$250.00 today, I so make that Motion to the Board. Phil seconded the Motion. All Board members agreed to the Motion.

George asked the Hearing Committee to rule in favor of or against the Board Motion just passed. Mr. Garrett interjected that he felt that he had already reached an agreement with the Board and a vote by the Hearing Committee may muddy the water and reach a different conclusion so he advised against that. George acknowledged Mr. Garrett's concerns but said the Hearing Committee still needs to vote up or down on the Board proposed Motion. The Board is happy with the revised Motion and voted unanimously in favor of it. This Motion and its fine cannot be imposed without having the Hearing Committee's consent. Therefore, George asked the Hearing Committee to vote on this Board Motion. The three member Hearing Committee voted unanimously in favor of the Board Motion.

Boyer asked if anyone had any other comments before we adjourned. Mr. Garrett thanked everyone for taking the time required for this meeting this weekend. Mr. Garrett provided a personal check made out to the Association for \$250.00 to George Boyer. George thanked Mr. Garrett for coming and presenting his reasoning in a calm manner and was happy that an agreement was reached.

The Meeting was adjourned at 2:00 PM

Respectfully submitted,

George Boyer
Deer Lake Homeowners Association, Inc. - President