

DEER LAKE PROPERTY OWNERS ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
April 7, 2020

Call to Order: George Boyer called the meeting to order at 7:11 p.m.

Establish a Quorum: Present were via online were George Boyer, Rob Cooper, Bradley Messina, Charley Kelly and Karen Martin. Also present were Pat Schoo, the Community Association Manager from Schoo Management and her assistant Lori Jacobson, and 34 homeowners.

Agenda Order and Topics: George Boyer informed the Board that the prior meeting minutes of the Homeowner Annual Meeting will be approved at the next Annual Homeowners Meeting. He also presented a change to the Board in the order of business so that it involves only one topic which is the Board consideration for a new rule regarding Flag displays. Lastly, he said that community input, which is normally held until the end of the Board topics, would tonight be heard prior to the Board consideration of the new Flag Rule.

Community Input: George asked that there be a 3-minute time limit for participants when they give their statements. Participants also should state their name and address so Pat Schoo can keep a record of this the meeting.

This is a summary of the comments made by 30 homeowners when they were asked by George to provide a statement:

17 homeowners stated that they were not in favor of the new rule 33 because the board was overstepping its boundaries by restricting homeowner's freedom (1st Amendment rights) to display any type political sign or flag at their home.

5 homeowners were in favor of prohibiting political flags. Three of these homeowners said that our rules already prevent this and should be enforced.

5 homeowners had no comments when asked.

4 homeowners disagreed with the rule language that included using the Southern Poverty Law Center as a resource for deciding what flags should be prohibited.

4 homeowners expressed that they deeply value the right to display the U.S. Flag at their home, and one homeowner wanted the ability to also display a U.S. casket flag.

3 homeowners stated they would be fine either way with or without having a new flag rule as long as all HOA rules were fairly and equally enforced and that homeowners understood that there may be flags displayed that other homeowners may not like to see.

After checking that all homeowners had an opportunity to comment, George moved on to the next agenda item - #3. Board discussion of the new Flag rule proposal. He thanked everyone for their comments and for being respectful while giving them.

Rob Cooper motioned to adopt the new rule concerning flags and banners (New Rule 33) and George Boyer seconded. One resident asked if the President can second a motion. George Boyer confirmed he is permitted to.

George stated that flags stir emotions both good and bad. And now, more than ever, they are being used to make a political statement. George then presented a copy of the current HOA rule #2 from our Rules and Regulations as board approved seven years ago:

2. No sign, banners, billboards or other advertising materials of any kind shall be posted or displayed in public view on a Lot, on, from or within a home, including any window located within a home, in, on or from any vehicle parked on a Lot or within the community, or on or within any Common Area, other than compliant "for sale" signs and "open house" signs ...

In the past, when rule #2 was broken by a homeowner displaying a political sign, they would be contacted by Schoo Management company and informed that the HOA current rule #2 prevented all political signs and banners. All complied up until late last year when a homeowner disagreed and refused to remove the flag in question based on his definition that the term banner did not apply to his ability to fly his "flag". The new Flag rule will clarify that any political flag, banner, sign, poster or similar display is not permitted including any political party or candidate, any group identified by the USA or agency of the US as a hate group, extremist group, terrorist group, social, religious or political group, movement or ideology. The Association would apply the new flag and sign rule fairly and equally to all homeowners as it always has in the past 15 years. The intention of this new flag rule is to continue to keep political signage out of view in Casa del Lago.

George reported that he received numerous homeowner complaints about a specific flag and he was asked why weren't our rules being enforced. This proposed new flag rule allows homeowners to display a wide range of permitted flags and prohibits the use of political flags. The new rule allows for respectfully flying the official United States flag, plus any official flag representing any branch of the U.S. Military, including the POW/MIA flag, the State of Florida flag, holiday flags, seasonal decorative flags and flags of sport teams or university /college flags. The new rule is totally in compliance with Section 720.304 of the Florida State statutes in regards to permitted flags in HOA Associations. Purchasing a home in an HOA means that all members have entered into a contract with the Association have agreed to abide by the rules contained within the association governing documents. We live in a deed-restricted community. As such, certain rights or freedoms may be properly curtailed by HOA rules including political signs/flags.

Rob Cooper stated that he was happy that 40 people showed up for the meeting. This meeting is not about the majority of people that showed up for the meeting. It is about 197 homeowners. He has received many complaints and everyone's rights should be honored. The Board represents all 197 owners. The neighbor with the flag in question was just put up recently prior to January 6, 2021. There were numerous complaints to several of the Board members. The flag in question is not representative of the United States. A violation letter was sent but it was challenged by the homeowner because the word flag was not in the rule.

Charlie Kelly stated that he doesn't have a problem with the flag in question being a political statement. He is more upset about the state of our country.

Karen Martin has looked up the meaning of the flag in question. It is not an American Flag and she doesn't agree with what it stands for. She doesn't want to allow this because if it offends someone, there might be retaliation. She does want to take out the Southern Property Law Center from the rule. Their guidelines don't represent the goal of this rule. Karen doesn't believe the Board did anything wrong and the owner should take the flag down. She is disappointed that this rule has to be streamlined stating flag. The goal of this rule is to not have anything displayed that could be offensive.

Bradley Messina stated that he has heard the pros and cons and he doesn't have an opinion either way.

George Boyer asked for a motion to strike out the Southern Poverty Law Center wording from the new rule 33 based on Karen Martin comments. Karen Martin motioned to take out or Southern Property Law Center from the New Rule 33 and Charley Kelly seconded.

Rob Cooper modified the motion to consider a modified New Rule 33 with the wording "or Southern Property Law Center" taken out. Karen Martin seconded. This **Motion passed (5-0)**.

The Board then voted for the modified New Rule 33 – George Boyer, Rob Cooper, Karen Martin, and Bradley Messina voted in favor. Charley Kelly is not in favor. **The modified New Rule 33 passed (4-1)**.

George stated that he's glad that everyone is normally aware of our rules and when contacted by Schoo about a rule violation, complies with the request to correct it. He hopes we can live in a peaceful and attractive community.

Adjournment: With no further business to discuss, Charley Kelly made a motion to adjourn the meeting and Karen Martin seconded the motion. The meeting adjourned at 8:41 p.m.

Respectfully submitted,
Lori Jacobson,
Assistant to

Pat Schoo, CAM
Community Association Manager

Next page: Copy of new approved rule 33.

33. Flags and Banners.

Consistent with the rights of Owners and residents of this community under the "Freedom to Display the American Flag Act of 2005", Owners and residents are permitted to display, in a respectful manner, one (1) "**Official Flag of the United States of America**", not larger than 4 1/2 feet by 6 feet (1) on a Lot and/or on the exterior of a home and/or (2) on a freestanding flagpole no more than 20 feet high on his/her Lot. For purpose of this Rule, the Official Flag of the United States of America is defined in 4 U.S.C. Chapter 1 (Flag) as follows: "***The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be fifty stars*, white in a blue field.***"

*Note: Per 4 U.S.C. Chapter 1 (Flag), one star shall be added to the Official Flag of the United States upon the admission of a new State into the Union.

Other than the Official Flag of the United States of America displayed in a respectful matter, NO other version or modification of the United States flag is permitted to be displayed on a Lot, on the exterior of any home, on a freestanding flagpole on a Lot, in a window and/or the interior of a home which is visible from outside the home, and/or within a lanai or screened or walled enclosure which is visible from outside the lanai or enclosure. This prohibition includes modified versions or variations of the United States flag adopted by political parties or candidates, political groups, hate groups, terrorist groups, social movements/groups and religious movements/groups.

Further, NO Owner or resident is permitted to display any flag, banner, sign, poster or other similar display on a Lot, on the exterior of any home, on a freestanding flagpole on a Lot, in a window and/or the interior of a home which is visible from outside the home, and/or within a lanai or screened or walled enclosure which is visible outside the lanai or enclosure, representing (a) any political party or candidate, (b) any organization, group or movement identified by the United States of America (or any agency thereof) as a hate group/movement, extremist group/movement, terrorist group/movement or similar designation, and/or (c) any social, religious or political group, movement or ideology.

In addition to the display of Official Flag of the United States of America, an Owner or resident is permitted to display on a Lot or on the exterior of any home one (1) flag or banner, not larger than 4 1/2 feet by 6 feet, representing: (1) a holiday (only permitted 30 days prior to the holiday and must be removed within 10 days after the holiday), or (2) a season (*i.e.*, a division of the year) (only permitted during the applicable season and must be removed after the conclusion of the applicable season), or (3) a sports team (only permitted during the applicable sport season), or (4) a college/university, each in a respectful manner, on the exterior of a home or Lot.

Finally, in addition to the permitted display of one (1) Official Flag of the United States of America, an Owner or resident is permitted to display one (1) flag, not larger than 4 1/2 feet by 6 feet, representing any other official flag identified in Section 720.304, Florida Statutes, provided that such flag is displayed in strict compliance with Section 720.304, Florida Statutes.

Erection of a flagpole on a Lot requires ARB / Board of Directors approval prior to installation on a Lot.