



Serenoa Sentinel

A Family & Golf Community

Published by The Serenoa Community Association

March 2022

Neighborhood Corner:

Serenoa is dedicated to the preservation of our tree canopy and the wildlife that is nourished and sheltered by it.

ATTENTION COMMUNITY

Serenoa is a canopy community. Please be advised that you are NOT allowed to cut down any tree in your yard without prior ARC approval. Please read the ARC guidelines and our Covenants on our website myserenoa.com or send any correspondence to serenoaarc@gmail.com.

Serenoa Men's Poker Club

If you are interested in playing in the Serenoa Poker Club, please call or email Tom Kibler at 941-232-9669 and tk34251@gmail.com.

Ladies Bunco

We have resumed Bunco. We play the third Wednesday of each month and there is a \$5 entry fee which makes our prizes for the evening. Usually we gather about 7P.M. and roll the dice at 7:30. We are trying to recruit new players and subs as our neighbors are changing so please invite anyone interested to call Ronnie Lichtenstein at 941-927-0648 or send an email to leonard88@verizon.net.

Here are some pictures from the Neighbors Brunch!





Here are pictures from the Children's Valentine's Party and Bingo at the tennis courts!





2022 Serenoa Business Events Calendar

<u>DATE</u>	<u>EVENT</u>
January 17, 2022	Annual Homeowners Meeting- Club House @ 7 pm
March 21, 2022	Board of Directors Meeting - Club House @ 7 pm
April 2022	ARC Community Inspection
May 16, 2022	Board of Directors Meeting - Club House @ 7 pm
August 15, 2022	Board of Directors Meeting - Club House @ 7 pm
October 17, 2022	Board of Directors Meeting - Club House @ 7 pm
November 2022	ARC Community Inspection
December 5, 2022	Board of Directors Meeting - Club House @ 7 pm
Serenoa ARC meets every 1st Wednesday of the month at 7325 S Serenoa Dr @ 11 AM	

2022 Adult Social Calendar

<u>DATE</u>	<u>EVENT</u>
January 14, 2022	Ghost of Christmas Past
March 5, 2022	Neighbor Open House
April 24, 2022	Picnic at Twin Lakes
May 7, 2022	Blood Drive
May 14, 2022	Spring Cleaning
June 12, 2022	Co-Ed Bunco
September, 2022	Ladies Coffee Social
October 15	Block Party
October 10-21	Food Drive
November, 2022	Blood Drive
November 30, 2022	Ladies Gift Exchange
December 10, 2022	Christmas Party

* details will precede events

2022 Children's Social Calendar

<u>DATE</u>	<u>EVENT</u>
January 2022	Nerf gun battle
February 2022	Valentine's Party
March 13 2022	Bingo
April 10 2022	Easter Bunny meet & greet w Egg Hunt
May 2022	PlayDoh sculpting challenge
May 2022	Middle&High School pickleball tourney
June 2022	Summer Bike Parade followed w Water Slide
July 2022	Little Kid's book reading w cupcake decorating
July 2022	Ice Cream Social and pack the backpack!
Aug or Sept	Kids Trivia or Pictionary
October 2022	Halloween Party Potluck
November 2022	Painting with a Twist
December 2022	Christmas Party

* details will precede events

SERENOA COMMUNITY ASSOCIATION

Monday, March 21, 2022

7:00 P.M.

SERENOA GOLF CLUB

NOTES

AGENDA

- 1 Call to order.** The meeting was called to order by President Martha Singler at 7:00 pm
- 2 Proof of notice.** Meeting notice was properly posted by the entrance sign, website and Serenoa Sentinel Newsletter
- 3 Establish quorum.** Members present were Martha Singler, Kris Fanberg, Suzanne Reynolds, Joe Moon, Duane Steyer, and Arun Rao
- 4. Approval of the December 6, 2021 meeting minutes**

Martha Singler made a motion to amend the December 6th Finance report under Approval of the 2022 Budget, changing the first line from "The Finance Committee recommends that the annual HOA assessments in the amount of \$1000 be payable in full by January 1, 2022" to "The Finance Committee recommends that annual HOA fees in the amount of \$1000 be payable in quarterly installments." Board discussion followed with the decision to keep the HOA fee to one payment. One of the reasons given was that the Land Purchase, which will be assessed versus depleting the Reserves (per the advice from our attorney), is offered in installment payments for the residents. Paying both bills in installments would create confusion for the residents. Duane Steyer seconded the motion and it was passed unanimously by the board.

5. Correspondence/Property Manager Report – Bob Wiebusch

Since the January 17, 2022, meeting, and as of Friday, March 18, 2022, four homeowners have not paid the \$1000 annual fee. Two homeowners owe \$595, and one homeowner owes \$190.

As of Friday, March 18, 2022, 66 homeowners have paid the full special assessment and eighteen homeowners have paid half the special assessment prior to the due date of March 31, 2022. The special assessment of \$810 is due March 31 or can be paid \$405 by March 31, 2022, and \$405 by July 31, 2022.

There were no Home Inspection letters sent.

6. Committee reports:

Finance Report -Duane Steyer

Balance Sheet

Total Assets are \$1,683,665 as of February 28, 2022, vs \$1,568,602 on February 28, 2021.

Our largest concentration of interest-bearing assets is held at TD Ameritrade where there are 17 different Certificates of Deposit that have maturities ranging from March 2022 (\$200,000) to September 2025 with an average yield of 1.5% (compared to 2.1% a year ago). Expected annual interest income earned on these CD investments in 2022 is \$20,538 vs \$24,635 in 2021 and \$29,231 for 2020. We use interest income on these investments to help reduce future annual assessment increase; therefore any reduction in interest income puts pressure on our goal of minimizing annual assessment increases.

All receivables are current with Serenoa Golf Club as of February 28.

There are 22 annual assessments not fully paid for the 2022 year totaling \$18,760.

As of February 28th, we have collected \$45,028 (or 29%) of the total Special Assessments in the amount of \$155,520.

Reserve Expenditures

The only Reserve Expenditure was \$11,418 for legal services relating to the Wetlands acquisition.

Operating Expenses

The overall year-to-date expenses for February are below budget by \$4,222, however for financial purposes the annual budget is divided evenly into 12 months. Consequently, some expense items will fluctuate from the monthly budgeted amount due to timing differences throughout the year.

Legal fees are over budget by \$1,336 YTD due to ongoing legal services unrelated to the Wetlands during January.

Income Taxes are under budget by \$1,250 because federal tax estimates are paid quarterly but the annual expense is budgeted monthly.

Insurance Renewal

The Serenoa Directors & Officers, liability, Fidelity Bond, Umbrella, & Workers Compensation policies were up for renewal on March 21st. The total cost of all 5 policies last year was \$3,964. The renewal quote is \$4,987, an increase of \$1,023 or 26%. The increase is specifically related to the Liability policy (54%) and the Umbrella policy (48%). These increases are standard for the industry this year according to our agent, Insurance Service of Sarasota. The policy has been renewed pursuant to approval via an email vote from the Board members on 3/15/22. Additionally, it was brought before the board during this meeting and Duane Steyer made a motion to approve and Martha seconded the motion. The motion was unanimously approved.

Architectural Review - Patti Quinnelly

January 2022 ARC Meeting Minutes

The meeting was called to order by Jim Bailiff at 11 AM.

Proof of notification was by the new and improved ARC sign at the front entrance made by ARC member Joe Reynolds. Thank you, Joe!

A quorum was established. Jim Bailiff, Joe Reynolds, and Patti Quinnelly present.

The December 2021 ARC meeting minutes were read and approved.

Unfinished business: The December 31, 2021 letter sent via mail tube by Paul Cherry was discussed.

The letter he sent cited an incorrect covenant article and The Serenoa Covenants have been amended since the April 20, 1994 document to which he referred. His request to remove a tree has been voted on twice before and he was referred to the HOA board and Serenoa Hearing committee for further review at the December meeting and the January one. A response will be sent to Paul, Martha Singlar, as HOA board president, and Joe DiPuma as Hearing chairman.

The HOA inspection letters were sent after Christmas.

New Business:

Lot # 145 Request for paint change and outdoor lighting fixtures was approved.

Lot # 136 Request for hurricane windows was approved.

Lot # 42 Request for patio renovation and expansion within the setback limits was approved. Request for a hardcopy of plan to be placed in HOA lot folder was made to homeowner.

A letter from Keith Hopkins, Lot # 171, regarding sidewalk maintenance was received today and discussed with the committee. Many homeowners feel that the sidewalks are either a community amenity or private property. Annual pressure washing by the HOA indicates to many that they are a community amenity. Inability to restrict access to their sidewalks indicates to sidewalk side homeowners that this is not private property. Certainly property owners on the non sidewalk side would be irate if residents were walking, jogging, walking dogs, riding tricycles and scooters, etc. were to trespass 11 feet, which is the extent of the sidewalk, onto their lawns for this purpose. After much discussion it was decided that a letter should be sent to the HOA president, the infrastructure committee chair, and Mindy Banks who has considerable interest in this issue.

The meeting was adjourned at 12:06. The next meeting will be February 2nd, 2022 at 11 AM.

Respectfully Submitted,

Patti Quinnelly

February 2, 2022 ARC meeting

The meeting was called to order by Jim Bailiff.

Proof of notification was given by the sign at the entrance.

A quorum was established

The January 2022 ARC meeting minutes were read and approved.

Unfinished business:

Re-inspection of properties that were sent letters by PCM will be checked for compliance by Mid February and PCM notified.

New Business:

Lot # 145 request for new door was approved.

Lot # 149 request to replace garage doors with hurricane proof doors

Same color was approved.

Lot # 4 request to replace driveway with pavers was approved.

Homeowners Comments:

Vehicular speed in Serenoa needs to be addressed with a viable plan. Past measures were discussed such as the speed bumps at the entrance, but that does not affect speed within the community. There are many young children here now and many bicycles, scooters, and golf carts on our streets. The speed sign is just a reminder to notify drivers how fast they are going but does nothing to deter speeding. It was suggested that a letter be sent to the HOA board regarding this safety issue and that a member from the ARC be involved in addressing this safety concern.

Other: The date of the next ARC meeting will be March 2, 2022.

Infrastructure - Joe Moon

Tennis Courts: We have had multiple requests for another pickle ball area. It has been at least 7 years since our courts have been resurfaced. Courts generally last 5-8 years. The back court has a few worn spots (membrane showing through) on it. We have gotten 2 estimates that include resurfacing the courts as well as drawing 2 pickle ball courts on top of the back tennis court (the pickle ball courts would be perpendicular to the existing tennis court and there would be pickle ball lines drawn on both sides of the back court). This way we maximize the number of people potentially playing (Option 1: tennis on the front court and 2 games of pickle ball on the back court or Option 2: tennis on both courts). Since the pickle ball lines can be distracting to the tennis players, having the pickle ball lines on 1 court is an advantage

We have asked some tennis players to evaluate the 2 proposals. Welch, who is out of Tampa, proposes \$13,600 while Zafir, out of Bradenton, is \$9700. Welch is a bigger outfit and has more overhead. They both use highly reputable products and mix silica sand with the layers as they are resurfacing the courts.

One of the recommendations is to see a court that Zafir has resurfaced. Another recommendation is to ask Zafir (if we choose them) to substitute the tennis nets with 2 pickle ball nets since our tennis nets are relatively new. We will continue to work with the resurfacing companies to determine what the best option is for us.

Road Repaving: One quote has been provided to us from Folk Asphalt and Seal Coating on resurfacing/paving the entrance (not to interfere with pavers at entrance) and all neighborhood roads.

The proposed job will be completed in three phases in order to minimize the time that residents drive on the roads while they are under construction. They would start and finish each phase before moving on. They will mill out all existing roads/asphalt and dispose of the ground up materials. They will scarified up the base that was under the asphalt (this is to prevent cracking on the new asphalt), and add crushed concrete as needed for proper drainage and pave a 1.5" type S3 asphalt mat over all roads and entrance. The proposal is for \$439,875.00 based on the volatility and cost of asphalt this pricing is only good for 30 days so cost may vary at actual time of project. Multiple bids will also be provided but this gives us an understanding of what approximately needs to be budgeted.

Joe Moon reported that the quote was fresh as of Friday and at the next board meeting we can talk proposals.

Michael Patrick (Lot #190) asked if there was a warranty on the work and Joe Moon was unsure.

Patti Quinnelly obtained a quote as well from Anderson Asphalt and reported that her quote included 7 speed tables (\$7800) and the entire quote was for \$431.501 (1 ¼ thickness surface was used for estimate).

Martha Singler wanted to make sure that the proposals were comparing apple to apples in order to determine who had the better package and best price.

Kris Fanberg wanted to make sure we had more than 2 quotes before making any assumptions.

Pond Maintenance - Cary Chichester

We have learned after receiving no return contact from Mike Kaighin for the past month is that he is no longer with Aquagenix, and it appears that Serenoa Golf Club is no longer using Aquagenix for pond maintenance. My initial understanding is that Mike is involved with the new company. I haven't spoken with him yet but will provide more information when it is available.

Landscaping/Irrigation – Kris Fanberg

Juniper landscaping has taken over our monthly maintenance and landscaping as of March 1, 2022.

Our first project was completed last week at the entrance. More to come!

Comments were made by both Kris Fanberg and Rachel Angers, Lot 59, regarding the concerns for irrigation of the plants. At this time irrigation is an issue and Juniper has guarantees as long as irrigation isn't an issue. The irrigation is being rectified. Juniper will be working on the fountain area and cleaning up the palms. There will be other projects around Serenoa that will be tended to as well.

Children's Social - Jen Dehn/Catherine Davenport

This year has been off to a great start! We had a cupcake decorating event in February at Jen's house, despite the rain we all had a wonderful time decorating cupcakes and handing out all the extras to neighbors who missed out on the fun.

This past Sunday, March 13, we had Bingo at the courts! We had a great turnout from Serenoa and Serenoa Lakes neighbors. Every kiddo won a prize, and we had a blast with snacks and juice boxes. We even had some parents who won BINGO.

April's Easter event will be April 10 (flyer to come), we will be having an enormous Easter egg hunt for all age groups. We hope to have some cute Easter animals (TBD) and other crafts for the kids. May is going to be action-packed. We plan to squeeze in all the events that we had planned for January. We are hoping to run events every weekend of May.

Thank you!

Catherine Davenport and Jen Dehn

2022 Children's Social Calendar

<u>DATE</u>	<u>EVENT</u>
January 2022	Nerf gun battle
January 2022	Middle & High School Pickelball Tourney
February 2022	Bingo
March 2022	Scavenger Hunt followed by Family street party
April 2022	Easter Bunny meet & greet w Egg Hunt
May 2022	PlayDoh sculpting challenge
June 2022	Summer Bike Parade followed w Water Slide
July 2022	Little Kid's book reading w cupcake decorating
July 2022	Ice Cream Social and pack the backpack!
Aug or Sept	Kids Trivia or Pictionary
October 2022	Halloween Party Potluck
November 2022	Painting with a Twist
December 2022	Christmas Party

* details will precede events

Adult Social –Sue Bell / Frani Chichester

2022 has allowed the Social Committee to plan more group events for the neighborhood.

January 14, 2022 - The Annual “Ghost of Christmas Past” was held at the Serenoa Golf Club in conjunction with the monthly Happy Hour.

The Happy Hour was well attended. The menu offers some good light dinner choices.

Nine people participated in the game of gift passing. Thanks to Linda Moody and Karalyn Kibbey for coordinating the events.

March 6, 2022– The annual “Neighbors Open House” was hosted at the home of Laura and Doug Williams with the help of Patti Quinnelly. 51 people attended. We enjoyed the delicious food prepared by the Social Committee and meeting neighbors who are as new to Serenoa as 2 months and as long term as 31 years!

March 11, 2022 - was our monthly Happy Hour at the Serenoa Golf Club. There is always a menu on this 2nd Friday. Our neighbor Kim McDonald and her ukulele group (“The Sarasota Buskers”) played for us. They play for free. The tips (\$220) went to the Child Protection Services. Thank you Serenoa; you are very generous!

Welcome Committee Report - Suzanne Reynolds

Nothing to report at this time.

Hearing

Nothing to report at this time.

Gate/Security – Mike Fanberg

Nothing to report at this time

7. Old Business

- Sidewalks – A couple of homeowners had recently questioned the Community’s long-standing stance that the individual homeowners are responsible for the maintenance of the sidewalk on their respective property. Instead, it was argued that SCA is responsible. Please find Chad McClenathen’s, our attorney, response:

Article IV(13) of the Declaration specifically obligates the owner to maintain the improvements located outside the lot boundaries up to the pavement of the adjacent streets. This specific provision is the exception to the general rule that the Association has the duty to maintain the common areas. See VI(3) of the Declaration.

It was relayed to these homeowners that if they are interested in a covenant change (minimum of 2/3's that choose to vote voting yes, either in person or by proxy at a duly noted meeting) where the Community would be responsible for the sidewalk maintenance, the Board suggests that they form a committee to explore the costs in contracting repairs on an ongoing basis. *The community would need to know the costs associated with taking over the maintenance of the sidewalks and its impact, if any, on annual assessments. The Board also suggests that the committee includes the cost of root barriers where needed.*

If this committee desires to bring this to a community vote, the Board will help in the distribution of required documentation, HOA emails, liability quotes from our insurance company, and any other way we can help providing the committee does their due diligence in gathering the financial implications as it relates to this proposal.

- Land Purchase from Golf Course – Casey Coburn wanted to thank us for allowing him to obtain the land around Tract G and reports that the transaction should be completed by March 31st of this year.
 - The transaction is proceeding towards a closing, scheduled as a “mail away” closing to be consummated on or before March 31, 2022. I have asked the closing agent to provide us with whatever corporate forms and corporate resolutions you will need to provide, if any, to close the transaction. Hopefully, they will arrive prior to the meeting on Monday.
 - We have reviewed the preliminary title report. As expected, Serenoa Holdings (the golf club owner) does not “own” fee title to the platted private road right-of way or Tract G, which is included in the roadway. We have indicated that the seller will need to execute a quit claim deed to Tract G, conveying whatever right, title, and or interest,

they might have in Tract G as a consequence of their adjacency to the Association.

- We have submitted an application to Sarasota County to vacate Tract G, plus some additional platted right-of way, which is intended to provide the association with a contiguous open space/recreational property. The County indicated today that they routed the application to the wrong department. So, we are in the process of working to get the vacation back on track. This application is not affected by the closing timing. Thank you, again, for the opportunity to assist. Casey Colburn

Comments:

- Paul Cherry (Lot 144) wanted to know who owns Tract G and Martha Singler reported that Casey Coburn believes it belongs to us.
- Paul Cherry wanted to know if we are buying less than what we thought we were buying. Martha assured him that the property we are purchasing is the land surrounding Tract G and that this purchase will prevent others from building around the Serenoa area.
- Paul Cherry encouraged the board to obtain a description of the property we are purchasing. Martha Singler will take the concerns back to Casey Coburn.

8. New Business

- Discussion and vote to remove one or more members of Hearing Committee, appoint replacement committee member(s), and designate a new Chair.

Martha Singler moved to appoint a new person to the Hearing Committee. Kris Fanberg made a motion to appoint Sam Ralston as chair of the Hearing Committee. Joe Moon seconded the motion and the board passed the motion unanimously.

Linda Moody (Lot 49) asked what the Hearing Committee does. Martha Singler reported that the Hearing Committee is the final authority if a fine is levied against a homeowner. For example, if the ARC imposes a fine on a homeowner for a violation, the homeowner can present their case to the board and if the board upholds the fine then the homeowner can go before the Hearing Committee to dispute the fine. The Hearing Committee's decision is binding.

- Security/Community Development Committee presented by Kris Fanberg– installing a new committee to cover immediate issues related to development and security such as people speeding on our roads, golf cart drivers, gate hours, and longer-term issues such as the impact of having 2200 homes built to south of us. This committee will address development and what is happening on Ibis and anything else outside our gates that impacts us. One of the priorities at this time is to get our gates closed earlier than present times. Additionally, the bollards will also be discussed as far as if there is a reason to keep them.

The first meeting is on Tuesday, March 29th at 9 am. Tom Kibler (in charge of the speed sign) and Pam Williams (bikes frequently around the community and is concerned about speeding) are going to be on the committee.

Arun Rao (Lot 143) wanted to see if the meeting time could be adjusted so they can be attended by people who work during the day. This will be discussed.

Kris Fanberg thought the bollards were hideous when they were orange. In order to remove the bollards they wanted to replace them with curbs. We only have a 14 foot wide lane and

we need 17 feet for fire trucks and emergency vehicles to pass through. Therefore curbs aren't an option. A cement or metal bollard was also discussed, but that didn't work because residents could hit them and damage their cars and then try to collect from the HOA for the damage. Kris reported that the bollards purpose is to stop people from tailgating homeowners from the visitor lane to the resident lane in order to get through the gates. How often does tailgating actually happen? Kris reports that she has watched some crazy things happen at night through the cameras and she believes it does prevent people from getting in. At this time, we don't have any other options.

Comments:

Michael Patrick (Lot 190) stated that he didn't realize that the bollards helped to prevent visitors from tailgating residents into the community but he wished that we had a more attractive option than the bollards.

Kris Fanberg believes that the bollards do serve a purpose and are keeping us safer. She also thinks that closing the gates at 6 would be big step in the right direction.

Paul Cherry (Lot 144) – recommended trying an inverted concrete V option. It is more attractive and effective. Kris Fanberg will look into it. Paul also recommended that the HOA contact the University of Iowa to discuss options. He says they are the most authoritative entities in the country on traffic safety. Martha Singler and Kris Fanberg both attempted to contact them at separate times and they did not reply.

Linda Moody (Lot 49) wanted to know if the clickers still work and she was informed by the board that some of the clickers don't work. She was advised to get cards instead of the clicker. Linda uses the clicker for her visitors so Martha explained how she keeps extra cards for visiting guests. Paul Cherry advised Linda to point the clicker at the communication tower instead of the gates. She may have been using the clicker incorrectly.

Linda Moody (Lot 49) wanted to see if we could request closure of the gates a bit later than 6 in case she chooses to have a cocktail party. She believes it would be difficult to have to let people in throughout her gathering.

- Martha Singler reports that we will have a new "Stop Ahead" sign coming. The golf course will be splitting the cost with us; \$300 total so \$150 from the golf course and \$150 from Serenoa. The pole for the sign will stay the same but the sign will be new. Hopefully this will alert golfers leaving the golf course that there is a stop sign at the 4 way stop.
- Martha Singler reported that there will be some changes to our website with new pictures of the front entrance. Jim Cefalu uploads the Sentinel to our webpage but has been unable to do much else. Glen Williams will be creating code so the Jim will have the opportunity to do more to create content for our page. Jim will be able to upload schedules for Serenoa events such as Board/ARC meetings, Adult Social events and Children Social Events at will. Jim will also be able to update the officers so we won't have to rely on our programmer to do it. The new code and much needed long-term changes only cost \$200 and have been arranged by Jim Rice. Thank you John!!!

Comments:

Linda Moody (Lot 49) reports that the there are no stop signs for the golf carts where they

cross over our private roads and this is extremely dangerous. She reports that the carts aren't stopping before pulling out on the street. Martha Singler will be checking with Jeanette on this to see if the golf course is aware. The three cross sections are at Holes number 3, 17, and 8.

- Patti Quinnelly (Lot #102) - As chairman of the ARC and per your specific request for discussion at the March HOA meeting I am addressing sidewalk maintenance. The original Serenoa covenants declared all sidewalks as common property. However, during one of several covenant changes the sidewalk ownership was either no longer considered common property or became more ambiguous in our covenants.

Article I of our covenants describes the property subject to the covenants to be as described in the Public Records of Sarasota County in Plat books 34, and 36. Only Taeda drive is shown to have sidewalks in these records. Taeda sidewalks are therefore the only sidewalks addressed per our covenants. One could make the argument that these are the only sidewalks access by all homeowners should be granted or that the homeowner should be responsible for maintaining. This of course would not be fair or reasonable and I am certain was not the intention of our covenants.

Article II, section 1.8 defines "Common Area" or "Common Property": "All real and personal property including easements, which the Association owns, holds, leases, or otherwise has a right to possess or use for the common use and enjoyment of the Owners. (A portion of the common area was conveyed by Quitclaim Deed recorded in Official Records Book 2937, Pages 2424-2426, Public Records of Sarasota County." Again, those pages are no longer on record and should be amended in our covenants.) Resident attorney's opinion: The sidewalks are easements used for the community and for the community's guests. The Association uses the sidewalks for "the common use and enjoyment of the owners". The sidewalks are thereby common areas or common property.

Article II, section 1.9 describes "Common Expenses". "All costs and expenses that may be duly incurred by the Association from time to time in operating, maintaining, and improving, protecting, managing, and conserving the Common Areas and carrying out its duties and responsibilities under the Governing Documents."

Article III paragraph 3 states "The purpose and objective of the Association is to insure to all of its members a continuing and concerted program for the maintenance and management of Common Areas, to enforce these restrictions wherever applicable and appropriate, so as to establish, protect, and preserve the quality of the Community, and perform other duties as may be assigned to it under the Governing Documents."

Article V. paragraph u. "Sidewalks. Owners must require their builders to construct a sidewalk in front of their home as required by Sarasota County Regulations and as shown on the Plats prior to the issuance of a Certificate of Occupancy for the home. In the event Sarasota County Regulations require such sidewalk to be constructed prior to owner's construction of a home on the Lot, then the owner shall comply with such regulation by constructing and paying for such sidewalk when required by such regulation."

Resident attorney's opinion: This construction provision does not impose a sidewalk maintenance obligation on the homeowner, yet other provisions within Article V that speak to the installment of improvements do: i.e. mailboxes, landscaping, walls, fences, sprinkler systems, etc. Once again, individual homeowner maintenance responsibility is placed on the homeowner only for those improvements that are used by the individual homeowner and not for improvements that are used by the entire community.

Article VI describes Common Areas. "Certain areas within the Subdivision were set aside by Developer as "Common Areas" for the use and enjoyment of owners of property within the Subdivision. Those Common Areas may include (by way of illustration only) private

roads, lakes, ponds, bicycle and other paths, walkways, open areas, and easements of such uses.” What are “other paths and walkways” if not sidewalks? Conversely, if sidewalks are not common property, then no other resident besides the homeowner should have access to the property beyond our roads which are known common property. The real issue is, are the sidewalks common property which our covenants allow residents to use or private property which they are not entitled to use per our covenants? The Serenoa HOA Board needs to declare once and for all which it is, so the responsible “sidewalk owners” will know.

The Serenoa HOA has power washed, and I quote from the January Sentinel, “the neighborhood sidewalks”. In fact, they have been referred to as “the neighborhood sidewalks” for several years in our Sentinel and power washed annually. This is “Common Expense” and maintenance of “Common Property”, since otherwise HOA funds are being spent to maintain some homeowner’s private property .Article IV paragraph 5 states: “Roadways. Except as the Association may otherwise approve in writing, and except as may be otherwise denoted on the plats, no Lot or any portion thereof shall be open, dedicated, or used as a street, road, pathway, or other thoroughfare, whether public or private.” Since the sidewalks on North and South Serenoa and the cul de sacs are not indicated on the Sarasota County Plat books, then lot owners are not obligated to allow the dedicated use by other residents or pedestrians on their property any more than homeowners without sidewalks. Our homeowner sidewalks would be considered a “pathway, or other thoroughfare whether public or private”. The HOA is responsible for not only allowing trespassing on private property but encouraging it by not enforcing trespassing violations on homeowner’s lots with sidewalks. Sidewalk ownership has long been a well-documented contentious issue.

Article IV paragraph 13 does state that the owners of the lots shall be responsible for sidewalk maintenance but that maintenance is not prescribed. Unsafe areas therefore could be spray painted a fluorescent color with hazard warning messages painted on them, or replaced or patched with pavers, asphalt, or gravel. Currently, a variety of makeshift patches are employed or concrete shaving which exposes the aggregate. HOA maintenance would assure more consistent and esthetic repairs.

It is very difficult for the ARC committee to determine whose lot an offending portion of the sidewalk is on or who should get a violation letter and who is responsible for repair. There are no lot lines delineated for reference.

Annual power washing by the HOA is “partial maintenance” of “the neighborhood sidewalks”. There is no provision in our covenants addressing partial maintenance of either common property or private property. Serenoa Lakes’ decision to maintain sidewalks was made by their board only. I am advocating the HOA assume total maintenance of “the neighborhood sidewalks”.

Our recently amended covenants require amending again. So let’s resolve the many ambiguous and current issues and safety concerns, such as gate accessibility times, golf cart usage, and speeding by residents, visitors, and vendors within our community. Many of these safety issues can be resolved by board decision and do not require community vote. Also, FYI, in our “Amended and Restated Declaration of Covenants and Restrictions for the Serenoa Community” which has precedence over our covenants, and reference the Sarasota County Official Records Books, 2252 and 2267 these books are no longer on record for Serenoa. Serenoa is required to have the original Declaration, Covenants, and all amendments filed by year accessible to residents. The Serenoa Lakes website is a good example. I ask that this statement be printed in full in the next Sentinel under homeowner’s comments or old business and the boards’ response as well, so that it will be on record.

Comments:

Martha Singler responded saying that if Patti wants to make this part of the SCA responsibility, Patti would have to pass it through the membership for a 2/3rds vote per our covenants. This has been explained numerous times before and even explained earlier tonight under Old Business/ Sidewalks. Patti could form a committee if she did not want to do all the work herself. Patti would need to submit proposals from 2-3 vendors on how much (annually) it would cost to pour new sidewalks and install root barriers where needed. There would have to be a plan of action with the estimate to fully explain expectations to the residents prior to voting.

Patti Quinnelly replied that the HOA would have to make a decision based on the safety of the community.

Martha Singler responded that the board cannot make such a decision without 2/3rds of the community members voting in agreement. This is a requirement of the community covenants.

Paul Cherry (Lot #144) – His understanding is that the sidewalks are the responsibility of the homeowners over which the sidewalk goes. The residents and guests have easements over the sidewalks; it's a question of who is allowed to use it and under what circumstance. He remembers that the issue is one of easements and not ownership. So the issue is about extinguishing easements and it can be a can of worms. It is dangerous for the HOA to do any sidewalk maintenance at all.

There is an area where there is a golf pumping station and there is a sidewalk. Traditionally the golf course takes care of this. The board has gone to the golf course to fix it and they have fixed it. So what's good for the goose is good for the gander. The homeowner should be required to take care of the sidewalk on their property just as the golf course takes care of its sidewalk. It would be taking on an extraordinary responsibility and astounding liability and more potential that we would want to imagine.

Patti Quinnelly – Then we should probably not allow people to walk on our sidewalks.

Paul Cherry (Lot #144) – One issue on the sidewalk could lead to bankruptcy.

He is unsure about the current easements and whether or not the easement is passed on to new owners. Paul was unsure about the nature of the easements.

Linda Moody (Lot 49) – had a concern about this because she has a sidewalk. She reports having roots cut back so it would not cause the sidewalk to raise up. She is concerned that if someone trips on her sidewalk because they are clumsy that she could get sued. She asked if she can put up signs that say Keep Out!

Kris Fanberg – reports that you cannot prevent people from walking on your sidewalk because the maintenance of the sidewalk was in the agreement you signed when you bought the house. She re-iterated that if Patti Quinnelly and Linda wanted to get the

community to assume responsibility for the sidewalk maintenance, they would have to come up with the funding and the votes. How much will the insurance cost?

Patti Quinnelly – said that in Serenoa Lakes there is minimal cost incurred.

Kris Fanberg and Martha Singler – Serenoa Lakes does not have the same governing covenants; Serenoa Lakes is completely closed and Serenoa isn't and we have different insurance and requirements.

- Paul Cherry (Lot #144) – appeals the ARC's decision to deny the removal of a tree that he had requested to be removed.

Paul Cherry requested that Suzanne Reynolds recuse herself since her husband is on the ARC and he voted on Paul's tree.

Martha Singler responded that Paul has no right to request the recusal but the HOA will discuss this with our legal representation.

Paul Cherry wanted to know if Patti Quinnelly contacted any of the ARC members to be present for tonight's meeting. Pattie responded by saying that the members could not make it for one reason or another.

Paul provided documentation to the board which included the following:

1. 9/1/21 - Request from Cherry to remove oak and that the tree would be replaced.
2. 9/1/21 - ARC minutes
9/7/21 – Patti Quinnelly requested Paul Cherry to get a tree evaluation and quote for root removal and tree trimming.
3. 10/11/21 - quote from Arborist –quote included tree removal and root grinding and root trimming/pruning. .Arborist doesn't state that tree needs to come down.
4.10/22/21 - Letter from Cherry to ARC – tree removal was an option and Paul agreed to this. Only 3 people attended the ARC at the time. ARC recommended root pruning and root barrier instead of taking down the tree. Paul then said he would replace the tree near the same location but closer to the street so that the roots would not encroach on the sidewalk close to his home or abut the house.
5.11/3/21 - ARC minutes
6.11/4/21 - email - Patti to Cherry denying his request to remove oak
7.11/30/21 - Letter from Cherry to ARC
8.11/30/21 - Letter from Cherry to ARC
9.12/1/21 - ARC minutes
10. 12/5/21 - email from Patti to Cherry again denying request to remove oak. She references House Bill (2019) that requires trees to be "an unacceptable risk" to persons or property before they are removed – used to be "present danger" but language was incorporated to protect trees from unnecessary removal.

During his presentation Paul Cherry pointed out that there was a tree at the entrance that community members did not like and the tree was removed.

Kris Fanberg corrected Paul and explained that the tree was diseased and this was the primary reason it was taken down.

Paul also reports that the trees on N. Serenoa create a canopy, but not on his street. So he feels comparing the two streets is not appropriate. While it is true that the tree in question has nothing wrong with it, it is encroaching on the sidewalk and could pose a danger to the house itself. The tree that was removed from his yard earlier had nothing wrong with it but it was tearing up the driveway. Paul Cherry did not want to wait until the roots of the tree cause damage to the sidewalk which would cost a lot more money. When this happens, the tree would have to be removed anyway. This is why he would like to remove the tree now to avoid expense.

In the September email, the ARC asked for an evaluation by the Sarasota Tree Service so Paul gave the evaluation and judgment to ARC and is requesting removal. The ARC determined that the evaluation did not show that the tree is causing a current danger to the property and so they wanted Paul Cherry to proceed with root trimming and a root barrier. The ARC referenced House Bill 163.045 to make this determination, but this states the following "A local government may not require a notice, application, approval, permit, fee or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or Florida licensed landscape architect that the tree presents a danger to persons or property. A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section." The statute that the ARC is relying upon for denial of the removal of the tree is in opposition because it has nothing to do with a local government requiring an application or permit to remove a tree.

Paul Cherry also noted that the term "Canopy Streets" does not apply to many of the current streets. Martha Singler responded that the label "Canopy Tree" won't change anything about the case being presented.

Paul Cherry then stated that the arborist that gave him the quote said that the tree had not caused any damage yet. He and Paul observed roots running under the sidewalk from the driveway to the front door and so it is only a matter of time. The same damage that happened to his driveway will likely occur to his sidewalk as well. Paul reports that a barrier placed along the side closest to his sidewalk will kill that part of the tree so it will make the tree unstable and could make it prone to falling on his house. The arborist understood his apprehension and the arborist could not provide assurance that the whole tree won't die.

Martha Singler reported that there are multiple neighbors who have barriers in place and these barriers haven't killed the trees. Paul Cherry responded that this is not something that can be proven.

Paul Cherry then reported that no one from the ARC and from the HOA have come to his property to inspect the roots or the situation before deciding.

Duane Steyer asked about the proximity of the tree to the sidewalk and the house. The tree is 3' from the serpentine sidewalk and 8' from the house.

Joe Moon then asked Paul Cherry if he knew why he was getting such push back on cutting down the tree. Paul Cherry was told that he just couldn't do it. Joe Moon responded in attempting to explain why it is an issue. Joe reported that tree removal has been a long-standing issue in the committee. A lot of people don't want any trees on their lot at all. It has been a big discussion. It will open up a can of worms. Other residents will reference the fact that Paul Cherry had his tree removed when asking to have their own trees removed. This could set precedence. Paul felt it was case and fact specific. Joe Moon reports that the almost all of the trees in our neighborhood have roots running under the sidewalks. The question becomes can the trees still be protected. Roots that are up heaving the sidewalk are different and the HOA is trying to understand the issue with the tree that Paul is concerned about. The chance that the tree's roots will cause problems is hypothetical. Paul vehemently argued that this wasn't the case. Paul is concerned about the fact that someone could trip over his sidewalk and sue him.

Paul then argued the ARC misquoted the arborist. He then quoted the arborist which showed the arborist said that there could be damage to the sidewalk from the roots in the future.

Joe asked if Paul would allow us to look at the tree prior to making a decision. Martha Singler agreed and asked Paul for a site visit with only a couple members at a time present but where the entire board would visit his site. Eventually, Paul agreed to this but requested he be present. Paul asked to schedule it in advance so he will be present.

Paul's appeal will be decided at the next Board meeting.

9 Homeowner comments

8 Date of next meeting is Monday, May 16th at 7:00 P.M.

9 Adjournment at 9 pm