

**SIESTA ISLES ASSOCIATION  
OPERATIONAL MEETING AGENDA**

ST. MICHAELS  
MAY 17, 2018  
7:00 P.M.

1. Call meeting to order – Ted – 7:04
2. Roll Call

Judie Berger	Sue Ann Levin	Ted Ritter
Janet Emanuel	Kumar Mahadevan	Marilyn Romanus
Caren Levin (phone)	Jerry McLaughlin (Phone)	Dave Thompson
Fred Levin (phone)	Michael Murphy (Phone)	

3. Approve April minutes – Kumar, Marilyn, All in Favor
4. Treasurer’s Report- Marilyn Romanus – Balance \$21,262
5. Correspondence – Email correspondence regarding Lot 131, shown below
6. Committee Reports
  - a. Compliance – Fred Levin, Sue Ann Levin – No update due to length of house plans discussion
  - b. Directory – Caren Levin and Ted Ritter – No update
  - c. Hospitality – Sue Ann Levin and Marilyn Romanus – We agreed to discuss planning a picnic at the June meeting
  - d. House Plans – Dave Thompson and Janet Emanuel -

Lot 131 – 5623 Cape Leyte – This is a new home. The following correspondence occurred prior to the meeting:

5/11/18 - A resident sent SIA a picture via email of a wall constructed in the front of the house. The picture was forwarded to the board.

5/11/18 - Upon inspection of the construction site it was also noted that the house has a pool built into the home that was not on the original submitted plans (12/16).

5/14/18 - Janet sent a certified letter to the homeowner, Lorry Eible, raising these two issues

5/15/18 - Ted received a call from Jerry Levin (Lorry Eible’s lawyer). Jerry raised the issue of the pool needing approval for a closing on Friday (5/18/18), but he was unaware of the letter sent to his client and the additional issues found. Ted received a survey and pictures on 5/15 from Jerry Levin and forwarded them to Janet Emanuel (house plans)

5/16/18 – Ted forwarded the letter sent to Lorry Eible on 5/14 to Jerry Levin

5/16/18 – Ted and Janet inspected the property and sent Jerry Levin a note indicating that they had met the prospective owners and that there were issues with the house that they needed to address with the sellers. The owners indicated that they were in contact with Jerry Levin. Ted reiterated the issues with the wall in the front setback and the vegetation in the back of the property. Jerry replied that he would “get on this immediately.” Jerry had offered to attend the 5/17 Board meeting and Ted suggested that Jerry attend.

5/16/18 – Jerry sent Ted a letter from Intra-State Terrazo & Concrete explaining that the wall in the front of the house was structural and necessary to protect the driveway

5/17/18 – Ted sent Jerry a note requesting if he was planning on attending the meeting and informed him that Jeremy Anderson (SIA’s new lawyer) was planning to be at the meeting to meet the Board

5/17/18 – Ted forwarded all documents and pictures to the Board for review before the meeting

5/17/18 – Jerry confirmed that he planned to attend the meeting

Attending the meeting were Jerry Levin (lawyer representing Lorry Eible, owner) and Kevin Wrate (buyer of the home). Jerry presented his position to the board which is:

1. He requests the board approve the pool addition that was not on the original house plans previously submitted. The submitted boundary survey indicates the pool construction is greater than 20’ from the canal
2. The board further explains the concerns with the wall in the front of the house and the vegetation in the back of the house with the goal of determining resolution

The board raised questions about the boundary survey submitted. Specific issues raised, included:

1. The survey is dated 10/2016 with handwritten additions on five occasions, the last being 5/14/2018. It is unclear on the survey what these revisions were. As an example, the survey states the well location was added on 1/19/17 and the well location could not be found
2. The survey shows the front and back of the garage are exactly 15’ from the East side property line. The property line and the garage do not appear to be parallel, so both measures cannot be the same
3. The Board located the original survey done in 2016 and it is identical to the submitted survey with handwritten additions. Also, the plans submitted do not appear to match the survey

After the Board raised these issues, Jerry Levin politely informed the Board that no one on the Board is certified to read a survey and that this survey is acceptable. Jerry's comment was acknowledged, but one Board member is a real estate lawyer and one is a real estate agent. Both replied back to Jerry that they have never seen a final survey with handwritten comments, measures, and the apparent issues we raised.

At this point, Ted Ritter asked Jerry and Kevin to leave. There was some discussion if Sue Ann Levin (Jerry's spouse) should also leave. Jeremy Anderson, Board Lawyer, weighed-in that it would be acceptable for Sue Ann to stay as long as she did not disclose what we discuss with her husband. She agreed. The Board discussed the situation and Kumar moved that the seller must provide an as-built survey because the existing survey raises too many questions. Until this is done, we cannot vote based on this survey. Fred Seconds. All in favor.

We asked Jerry and Kevin to return to the meeting and we informed them of our motion. Ted added that the Board members were clear that would not approve the survey as submitted if we took a vote. Jeremy Anderson further explained that the Board received the submitted survey on 5/15/18. The Board has 30 days to approve submitted plans. Therefore, the additional time to get an as-built survey and the Board's response will be well within this timeframe. Jerry asked us to define an "as-built" survey and we offered our understanding that this is the final survey indicating all structures, elevations, walls, significant plantings, etc. on the property.

Jerry agreed that they would submit an as-built survey. The Board agreed that they would expedite processing and call a teleconference Board meeting to vote on the as-built survey to approve the pool addition that was not part of the original construction approval. The Board wants Kevin to be able to close quickly and the hope is the survey is completed by 5/21 and the Board will call a meeting and vote within 24 hours.

After this, the Board continued the discussion on the wall in the front setback and the vegetation. Jerry wanted to focus on the vegetation first, but Ted requested the Board tackle the larger issue of the wall. Jerry presented his statement of the wall being a structural necessity, as represented in the submitted letter, reviewed by the Board. He also pointed out the issues raised in the April 2018 newsletter about the age of the covenants and raised the question of whether or not the restriction on walls is still valid.

Ted thanked Jerry for his summation of the issue, but pointed out that there few items as explicit as “no solid walls shall be permitted...” in the deed restrictions. This is especially true since the wall in question is 100% in the front setback. A long discussion ensued after this, raising questions:

1. If the issue is strictly due to the house being 10' elevation, why doesn't the new house next door (same elevation) have a structural wall out front? Jerry pointed out that the neighbor doesn't have the same issue with a well right next to the driveway.
2. If the wall is there to protect the driveway and the well, why does the wall have to be any higher than the driveway?
3. Why does the wall run perpendicular to the driveway? Jerry responded to this that the purpose is to support the wall.

At the end of the discussion, Ted asked Jerry to go back to the builder to determine alternatives that the Board can support. The builder knew the covenant restrictions and it appears that putting the well right next to the driveway forced the issue of the wall. Jeremy Anderson added that we wouldn't be in this situation if the builder had come to the Board when he realized that he was going to have to add a wall (never submitted on the original plan) to support the driveway. At that time, the Board would have pointed out the restrictions and worked with the builder to figure out a solution that met the builder's needs and upheld the deed restrictions. The Board reiterated to Jerry and Kevin that it will expedite evaluation of further submissions to help Kevin close on the house as quickly as possible. Jerry agreed to meet with the builder to resubmit alternatives to the wall in the front setback. The Board then moved on to the final item which is the hedge of plantings in the back of the house. Pictures were displayed showing plantings on the East and West sides of the property rear. Ted reiterated that from the house to the canal, hedges and fences cannot be over 4'. A discussion ensued and Kevin pointed out that the neighbor on the West side likes the plantings and would want to keep them. Ted reiterated that we solicit input from the neighbors, but that is not the only factors taken into account when reviewing a variance. A suggestion was made that removing every other plant may eliminate the hedge and resolve the issue. Kevin stated that he believed this would become their issue as the new owners and they would submit the variance.

The Board thanked Kevin and Jerry for their time, attention, civility and willingness to work on these issues. The Board reiterated that it would expedite any further evaluation to help Kevin close as soon as possible.

- e. Newsletter – Judie Berger – We need to start working on next newsletter. We need to do something to acknowledge Harold’s help.
  - f. Membership – Judie Berger – No update
  - g. Technology – Ted Ritter and Michael Murphy –
  - h. Entrances/Landscape – Jerry McLaughlin – No update
  - i. Security – Kumar Mahadevan – No update
  - j. Liaison – Janet Emanuel – No update
  - k. Records Retention – Ted Ritter – Storage – No update
7. Unfinished Business – None
  8. New Business – Marilyn and Tony’s discussion with County on traffic safety. Ted moved to support Marilyn and Tony as they pursue safety options in Siesta Isles. Judy seconded and all approved.
  9. Adjourn – 9:09 – Kumar moved to adjourn, Sue Ann seconded. Meeting adjourned.