

**Englewood Isles Improvement Association – Unit 3**  
**Board of Directors Meeting**  
**Monday, September 11, 2006**  
**Email address: [englewoodisles3@hotmail.com](mailto:englewoodisles3@hotmail.com)**

The meeting was called to order by Stacy Schell, President, at 9:08AM at Elsie Quirk Library, Englewood. Board members present were: Stacy Schell, Bill Schell, Chuck Zajac, Jim Martin, Laurel Freund, and Denise Schaub. Absent were Robyn Nydam, Allen Short and Rob Stevenson. Also present for observation were Unit 3 homeowners Fred Dickinson (32 Waterford Drive), Bob Nydam (330 Oakwood Circle) and Nelson Hildebeitel (326 Oakwood Circle).

**President's Report:** Stacy began the meeting by reviewing for the record a brief history leading up to our current status in the process of updating our Deed Restrictions:

- Both Stacy and Laurel received Certified letters, dated June 27, 2006, from, it is believed, the Deed Restriction Review Committee (DRRC), although there is no signature to indicate who authored the letters. Laurel received hers, along with a copy of the one sent to Stacy, on June 28 but because the Schells were out of town, Stacy did not receive hers until several days later. Upon receipt, Laurel immediately contacted Stacy, and reviewed the contents of the letters with her. During that conversation, Stacy asked Laurel to telephone John Heisey, Chair of the DRRC, to inform him that Stacy was not in town and to request a copy of the petition mentioned in the letter. Laurel called Mr. Heisey and left a message for a call-back, which she never received. Bill Schell, while still out of town, also telephoned Mr. Heisey and he, too, was not given the courtesy of a call-back. Once home, Bill made another attempt to speak with Mr. Heisey but the only response Bill got at that point was an email in which Mr. Heisey noted his unwillingness to speak with Laurel or the Schells in any way other than face-to-face.
- Included in the Certified letters was a request for copies of several Association documents: the written Minutes of the January 2006 Annual Membership Meeting; an audiotape of the January 2006 Annual Membership Meeting; all Proxy documents submitted by members relating to the above mentioned Annual Meeting; and all BOD Minutes from the beginning of 2006. Also included in the letters was a proposed process the DRRC wanted the Board to follow for reaching an acceptable updated version of Deed Restrictions.
- Because the regularly scheduled July BOD meeting had not taken place due to the lack of a quorum of Board members, Stacy set up a meeting between the Board and the DRRC to take place at the Schells' house on July 14 for the purpose of having a face-to-face discussion about the Deed Restriction update. At that meeting, the Board gave the DRRC members present copies of all written Minutes as requested, the opportunity to listen to the audio tape of the Annual Meeting, which they declined to do at that time, and the opportunity to examine the Proxies from that meeting, which they did do. In turn, the Board asked the DRRC, repeatedly, to see a copy of the petition sent to "select" Unit 3 homeowners. Eventually the Board was given a few moments to glance at the petition, although it became clear at a later date that the full petition had not been made available to the Board at that time. The reason given by at least one member of the DRRC for omission of the full petition was a concern by the DRRC that the Board would "harass" those people who had signed their names.
- July 19 was set for the next meeting between the 2006 Board Deed Restriction Committee and the DRRC at Bill and Stacy Schell's home. Board members present at this meeting were: Stacy Schell, President, Laurel Freund, Secretary, Bill Schell, Chuck Zajac and Jim Martin of the 2006 Board Deed Restriction Committee. Also attending was Board member, Denise Schaub. Following an attempt by Stacy

to briefly review the history taking the group to that point, the DRRC demanded that, before proceeding, those Board members present sign their agreement to its proposed process, noted above. Their process included: the Board must stop the legal review of its June 2006 version; meetings are to be conducted between the Board and the DRRC; agreed upon items would be put to a vote by the membership-at-large; not agreed upon items would be sent out separately for a vote by the membership; all restrictions approved by a yes vote would be sent to our attorney for legal review; the final document would be presented at the January 2007 Annual Membership Meeting for adoption.

- Additionally, the DRRC demanded “an affirmative response to this proposed process from the Board of Directors no later than the date of the next regularly scheduled meeting of the Board. This response must be an official Board action and be published to the entire membership.” At this meeting, one more effort was made by Board members to see the full petition and, once again, a glance was offered. Following 45 minutes of an inability for both groups to find an acceptable starting point, the meeting ended in an impasse.

Stacy asked for a discussion about what actions the Board wishes to take as a result of the DRRC’s demands mentioned above. Denise made a Motion to accept the DRRC’s letter into the official Board file with no further response; Chuck seconded. The vote was as follows:

Laurel Freund – yes  
 Jim Martin – yes  
 Denise Schaub - yes  
 Bill Schell – yes  
 Stacy Schell – (non-vote)  
 Chuck Zajac – yes

There were 5 ayes, 0 no’s. The ayes carried.

**Secretary’s Report:** There were two documents to be considered: Minutes of June 12 and notes from the August 21 meeting with the Board attorney. Chuck made a Motion to accept the Minutes of June 12 as read; Denise Seconded. The vote was as follows:

Laurel Freund – yes  
 Jim Martin – yes  
 Denise Schaub - yes  
 Bill Schell – yes  
 Stacy Schell – (non-vote)  
 Chuck Zajac – yes

There were 5 ayes, 0 no’s. The ayes carried.

There was a discussion of the August 21 meeting notes and a Motion was made by Chuck to send the notes out to the membership-at-large along with the June 12 Minutes; Denise Seconded. The vote was as follows:

Laurel Freund – yes  
 Jim Martin – yes  
 Denise Schaub - yes  
 Bill Schell – yes  
 Stacy Schell – (non-vote)  
 Chuck Zajac – yes

There were 5 ayes, 0 no’s. The ayes carried

**Treasurer’s Report:** After a brief discussion, Chuck made a Motion; Laurel Seconded to accept the Report as read. The vote was as follows:

Laurel Freund – yes  
 Jim Martin – yes  
 Denise Schaub - yes  
 Bill Schell – yes  
 Stacy Schell – (non-vote)  
 Chuck Zajac – yes

There were 5 ayes, 0 no’s. The ayes carried.

**Alliance Committee:** (no report). Next meeting is on October 5, location TBD.

**Architecture Committee:**

- 1 – Bob Nydam (330 Oakwood Circle) has three projects that have been approved by the Committee.
- 2 – Helen Ritchie (20 Waterford Drive) has contacted several Board members about some questions she has regarding a boat dock on neighboring property, which is currently on the market. Jim will follow up. Also, Jim clarified with Helen one aspect of the Board's June 2006 proposed Deed Restrictions regarding #5 (d) "Appearance" in which homeowners are simply required to begin a process (permits, etc.) of cleaning up after any damage to their property within three months, but not be expected to have the project completed in that time frame.
- 3 – Stacy received a call regarding the addition of a hot tub at the back of Bob and Linda Dicianni's property (341 Oakwood Circle). It was suggested that the Board send a letter to the Diciannis requesting copies of any paperwork, including County approvals if appropriate, regarding this project after the fact. Laurel will follow up.

**Parkway Committee:**

- 1 – Denise reported that the work involved in recent plantings/improvements in the second island along the Parkway is no longer receiving positive feedback. A discussion followed. No action, if any, will be taken until members of the full Committee return from up north.
- 2 – Chuck reported that he has erroneously received two letters from the County regarding site obstruction by foliage at both ends of Windsor Drive. He followed up with the County to attempt to have the letters directed to the appropriate person.

**Welcome Committee:**

- 1 – Laurel reported that Waterford Drive has two new residents: the Gordons at #17 (currently renting the house to a second party) and Michael Harkins at #15. Laurel confirmed that they all have copies of Deed Restrictions and ByLaws and she will give them current Directories.
- 2 – Stacy asked if anyone on the Board would be interested in having a Fall neighborhood social event and, since there was no interest by Board members to arrange such an event, Stacy will send out an email to the Unit 3 membership-at-large asking about any interest by someone else to arrange one.

**New Business:**

- 1 – Chuck asked that there be a discussion about prospective members for the 2007 Board of Directors. \*Each member present was polled to express their intention to run again and the result was as follows:

Laurel Freund – no  
 Jim Martin – no  
 Denise Schaub - no  
 Bill Schell – no  
 Stacy Schell – no  
 Chuck Zajac – no

\*PLEASE NOTE: An after-the-fact addition to this list was made at the October Board Meeting in order to include more complete information regarding members' intentions for homeowners' reference in a timely fashion. The three BOD members not present/polled at the September meeting have since been asked their intentions, which are noted as follows:

Robyn Nydam – (unknown)  
 Allen Short – no  
 Rob Stevenson – no

Stacy will bring this topic up in an upcoming Newsletter in which she will stress a need for volunteers to run for election at the 2007 Annual Meeting. It is especially critical that homeowners understand that, in the event a Unit 3 Board of Directors consisting of at least seven (7) members (per our By-Laws) cannot be voted in at our Annual Meeting, Unit 3 will go into "receivership" meaning that the State of Florida will take over directing how we function within our development, not us.

- 2 – Laurel requested that the Proxy format be revamped in order to avoid any future challenges, such as those at the 2006 Annual Meeting, to their legality as tools for voting by Unit 3 homeowners. She noted that even though the Proxies currently being used

have been confirmed as being legal, the current format follows what the Unit 3 ByLaws state they should, and they should have been unquestionably accepted at the 2006 meeting, they were obviously not clear to everyone at that time and it is therefore critical that the wording be clarified. The Board agreed.

**Old Business:**

**Deed Restriction Update:**

1 – Stacy asked for a discussion regarding how the Board should proceed with the Deed Restriction update from this point on. She noted that, although she did not personally have the authority to stop the attorney review of the Board's June 2006 version, the attorney agreed to halt the process because of the contentious nature that the process had taken on within the community. However, the attorney did ask to also see the DRRC's version of their restrictions to give her a sense of where the primary differences between the two were. As a result, she did familiarize herself with both versions before the August 21, 2006 Board meeting with her. Following a discussion, Chuck made a Motion to present both versions of the restrictions to the attorney for review and, if she agrees to do so, to develop a final document referring to both; Laurel Seconded. The vote was as follows:

Laurel Freund – yes  
 Jim Martin – yes  
 Denise Schaub - yes  
 Bill Schell – yes  
 Stacy Schell – (non-vote)  
 Chuck Zajac – yes

There were 5 ayes, 0 no's. The ayes carried.

2 – Stacy proposed that we follow the suggestion of the attorney made on August 21 to get a letter out to our membership to “revive” Unit 3's Deed Restrictions as a way of making sure that our homeowners understand the necessity of being in compliance with our Restrictions. Following a discussion, the Board agreed that it is important to send out such letters as well as to take photographs of all properties as soon as possible in an effort to get everyone in compliance with the current Restrictions, despite their being outdated. This action would identify all grandfathered non-compliance situations and would make the demand for compliance, starting with the date of the letter, enforceable and clear to everyone. Denise made a Motion to send out a letter to homeowners stating the revival of the Deed Restrictions and to take photographs as well to keep everyone in compliance; Laurel Seconded. The vote was as follows:

Laurel Freund – yes  
 Jim Martin – yes  
 Denise Schaub - yes  
 Bill Schell – yes  
 Stacy Schell – (non-vote)  
 Chuck Zajac – yes

There were 5 ayes, 0 no's. The ayes carried.

3 – Chuck reported on the Community Emergency Response Team (CERT) program sponsored by the Department of Homeland Security whereby homeowners are trained how to react during a disaster and, in turn, how to assist their neighbors at such times. Classes will be conducted early next year.

4 – Stacy asked for a discussion about the possibility of asking the County to deed over Oakwood Circle Park to Unit 3. Following a discussion including questions about taxes, liability, insurance and maintenance, Stacy will follow-up with Commissioner Shannon Staub to get the needed answers before any further action is taken.

The next Board meeting is scheduled for October 9, 9AM at the Elsie Quirk Library. The meeting was adjourned at 10:25AM.

Respectfully submitted,  
 Laurel Freund, Secretary