



Community Newsletter

The Voice of Condominium, Civic, & Homeowner Associations of Pasco County

Volume 3 - Issue 5

Council of Neighborhood Associations, Inc. since 1985

May 2005



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Bring Your Questions

Wednesday, May 18
at 9:30 a.m. at the
New Port Richey City Hall
in chambers at 5919 Main Street
New Port Richey

Our CONA Meeting will
feature:

Pat Phillips, Code
Enforcement Field Supervisor,
and Richard Ortiz, Code
Enforcement Manager
from Pasco County

This will be a Question & Answer
Session

If your documents don't address
the problem(s) you are trying
to solve...let Code Enforcement
help you out.

Mr. Phillips has graciously
consented to take time from his
vacation to speak at our meeting.
Let's show him our appreciation
by attending this meeting.
Thank you.

*CONA member meetings are open
to all who wish to attend. Bring a
friend. We need your support.*

*Cona tries to bring residents
up-to-date on what is going on
around us that affects our every
day lives.*

PLEASE FEEL FREE TO REPRINT
ARTICLES FROM OUR NEWSLETTERS..
YOU MUST GIVE CREDIT THAT IS
LISTED FOR THE ARTICLE (IT'S THE
LAW.)

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Last month I sounded the alarm (even waved a lantern in the steeple of the North Church) that Doomsday was approaching as the Landscape Ordinance was under attack. I went to the meeting called by Cindy Jolly, armed to the teeth with facts and figures as to why the Landscape Ordinance was a good ordinance and did not need revisions.

As most of you know by now, I like to talk and work on any proposal which I feel is a detriment to the way of life in Pasco County. Thank the good Lord I had the will power to keep my mouth shut and listen to other speakers first. Was I surprised!

At least the first 10 speakers were from the landscaping and sprinkler business. They, one after one, outlined different items in the ordinance that made it almost impossible to properly landscape the premises of both businesses and homes. After listening carefully. I came to the conclusion that they were right in their presentations and that the ordinance needed some tweaking to make it a much better ordinance.

See **President** (page 2)

President

I was impressed with this group that, in general, they were in favor of the ordinance and its intention of making the aesthetics of business and homes not only appear better, but also save our precious water. When I finally spoke to the group, my only question was, where were you when this ordinance went before CORC (citizens ordinance review committee) and the BOCC (board of county commissioners) I think there were only two or three speakers during the public hearings before CORC. In general, if this ordinance is modified along the lines of the recommendations of this group, it will be an ordinance we can support. □

ATTENTION !

Association Members

We would like to feature association historical articles in future Newsletters.

You have all summer to compile your data. The articles will be included in our Newsletters in the order they are received. I'm sure some of the associations have an interesting history. i.e. how many in your association?

Special dedicated residents?

Smooth transition from developer, etc.

Call 376-2001 for an address. □

A KINDER, GENTLER, ASSOCIATION

Democracy ifs heard at Grove - by Marci Shatzman

Democracy operates inside a gated community just like it does on the outside. "If it's a hot subject, a lot of people show up. If it's not, nobody does." Sam Hershkowitz says about meetings of The Grove Master Association.

In fact, there were more people, including Sam, at the executive board table than in the audience at the March meeting. But the unit owners who showed up to discuss a fence and a foundation not working properly were heard, and that was the point. The Grove, a community of 501 homes and condos west of Boynton Beach, already had a liberal policy on freedom of speech. But when the new condo and homeowner association laws went into effect in October, the master board took its policy further

Joe Cohen, the president, is so proud of their efforts, he hopes other master associations will consider their policy as a model.

The old homeowner law didn't address speaking at board meetings, which allowed for broad interpretation, said Bill Last, a retired New York lawyer who is vice president of legal affairs for The Grove.

Some communities used the law to discourage freedom of speech, but The Grove encouraged it. They allowed time before and after meetings for public comment, not during the proceedings. But even then, they made exceptions. "If someone got up there and wanted to speak, we rarely shut them down." Sam said. But sometimes people took advantage.

"Whoever is presiding has to tread a fine line and not let two or three vocal people disrupt the meeting," Bill said, pointing to county and state government as bad examples. "When you allow people to break into a meeting, we lost control," Joe said. So, when the new laws kicked in, it gave Joe and the board the impetus to change theirs.

The condo law allows unit owners to speak on designated agenda items. "The association may adopt reasonable rules governing the frequency, duration and manner of unit owner statements," it says. The HOA law is stricter, saying owners can speak but must petition the board on agenda items first.

(Please see CONA editor's note on this rule)

See **The Grove** page 3

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FENCES: The New Buzz

Word. So Here's the

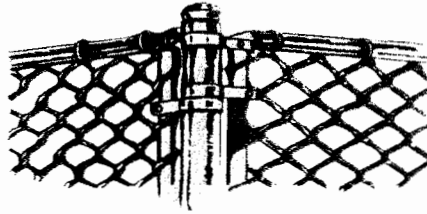
Scoop...from Pasco County

Ord. 530.16 Fences and Walls

Fences and walls shall be subject to the following requirements in residential districts:

A. In any residential district zoned R-1,2,3,4, R-MH,1MH, or in any residential Planned Unit Development or residential subdivision, the development of which conforms to R1, 2, 3, 4, R-MH or R2MH development standards, no fence or wall in excess of four (4) feet in height shall be permitted outside minimum setback lines, except as part of a continuous buffer wall for a subdivision or phase thereof along collector and arterial street right-of-way lines and at subdivision entrances along private street right-of-way lines, and except in the side and rear yards, as defined in this code, in which case no fence or wall in excess of six (6) feet shall be permitted.

The finished side of the fence or wall shall face the adjoining lot or any abutting right-of-way. The height of ALL fences or walls shall be measured from the ground perpendicular to the



fence or wall to the top elevation of the said fence or wall. Support poles, columns, and decorative lights may exceed the height limitations by not more than one (1) foot. Gates may exceed the height limitations by not more than two (2) feet. Berms, when used in conjunction with fences or walls, shall be included in height determinations.

B. *Electrified fences, barbed wire, corrugated metal, or sheet aluminum or similar materials shall not be permitted in any residential districts,* provided that fences on property being used primarily for agriculture purposes shall be exempt from this section; and such fences may be repaired or replaced with the same variety of fence so long as the property remains in the agricultural use. Barbed wire may also be permitted when attached to fences around designated community facilities when used for security purposes. Such barbed wire must be a minimum of six (6) feet above ground as measured from the ground and shall not be included as part of the height of the fence.

C. In any zoning district, no fence or wall shall be installed on any public or private right-of-way used as a street, road, highway, or easement for ingress and egress, except as part of a subdivision entrance in a private street.

D Each fence or wall erected pursuant to this section shall be of uniform construction and appearance and properly maintained, and *in no event shall a fence or wall be erected or maintained in such a state of disrepair so as to pose a hazard to the community.*

E. *In the event seventy-five (75) percent, or more, of a nonconforming fence or wall is destroyed or removed, whether by natural causes or otherwise, then such replacement fence or wall must be erected in conformance with with the requirement of this section.*

Waterfront - B. *All fences which are constructed along the rear property or mean high water line and side property lines shall be a maximum height of four (4) feet and shall be so constructed as to not obstruct vision within fifteen (15) feet of the rear property line or mean high water line.* □

UPDATE ON THIS SESSION OF THE FLORIDA LEGISLATURE - "BAD BILLS" by Richard Spears

This session the Florida Legislature defeated or blocked two bills which would have wrecked havoc with neighborhood tranquility and property values and, especially, the ease of management of Homeowners associations and condominiums.

HB1229 by Rep. Julio Robaina from Dade County was a wide-ranging proposal which, among other things, would have re-named the current Department of Business and Professional Regulation, the Division of Florida Land Sales, Condominiums and Homeowners Associations. This was foot-in-the-door attempt to inject government into the management of your association. Further, the bill would allow that division to come into your association to investigate unsubstantiated complaints by one of your members without further due process. It also made training of homeowners association board members mandatory, thereby reducing the pool of your members who would be willing to serve on your board. And, it would have created an Ombudsman in government who would represent your members (not the association) in disputes with your board.

SB2632 by Sen. Gary Siplin of Orange County would have made it impossible for condominium associations to lien for non-payment of dues until the total in arrears came to \$2,500. Doing the math illustrates the fallacy in this proposal in that others would have to pay the shortfall caused by deadbeats to meet budget objectives, thus unfairly presenting them with a de facto extra assessment. As time would go by, others would get the idea that they didn't have to pay their dues and an extrapolation of that circumstance results in condo associations that are broke or at least cannot meet their obligations with resultant chaos.

The legislature saw through both these bills and the House killed Robaina's in committee and also thwarted Robaina's effort to tag some of his language on to other bills on the floor. The Senate bottled up Siplin's bill in it's first committee of reference and it was stillborn.

Editors Note: THANKS TO EVERYONE THAT TOOK THE TIME TO GET IN TOUCH WITH THEIR LEGISLATORS...IT WORKED! □

Newsletter Production

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All about ads!

Top Ten Things to Avoid When Producing Your Newsletter

1. Don't use too many fonts.
2. Don't make type too small to read or too large to feel comfortable.
3. Don't make headlines too long.
4. Don't overuse clip art.
5. Don't underline text.
6. Don't forget to proofread (& don't rely on just your spellchecker)
7. Don't bury the point of your article in the middle.
8. Don't forget to keep some white space in your publication.
9. Don't box every article.
10. Don't forget who you are.
Make it clear who the newsletter is from and how you can be reached.

Classified Advertising

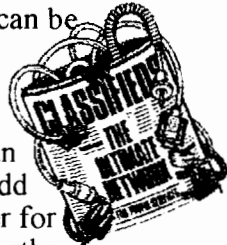
If you are looking for an inexpensive way to add value to your newsletter for your readers, look no further than your back page.

Depending on your audience, you may decide to open up a section of your newsletter to any kind of advertising, or you may want to restrict advertising to a specific type of ad.

Your classified section could be open to all types of advertising. Ads may include employment solicitations, ads from insurance agents, items for sale, lost and found items, and personals, among many others.

Protecting Yourself

You will probably want to include some type of disclaimer in your newsletter, to allow you to reject any ads that you deem unsuitable for print in your publication. You want to be sure to let your readers know that you are not responsible for any claim, statement, or offer made in any ad, and that you will not be held responsible for errors outside of your control.



Your Ad Acceptance Policy

It is important to establish an advertising policy before you begin to accept advertising in your newsletter. This will head off problems and give you a solid footing if any questions should arise.

It is quite common for newspapers, magazines, and other publications to set an advertising acceptance policy. This gives them protection in the event they must decline an ad, and respects the sensitivities of their readers, protecting them from fraudulent, misrepresented, or deceitful claims. You know and understand your residents best. As you develop your advertising policy, keep their needs and preferences in mind.

Legal Mumbo Jumbo

It is hard to escape the fact that we must protect ourselves from legal liability in all aspects of our business endeavors. Even producing and distributing a newsletter to your readers can, unfortunately, subject you to liability if you supply your readers with incorrect or misleading information. But your newsletter can also provide you with some protection in terms of liability. For example, taking the time to place an article concerning local or county restrictions on gas grills near buildings can protect you in the event a reader starts a fire. You then have documentation that you notified your readers of the dangers and the legal consequences of such actions. You might also include a disclaimer printed in small type in every newsletter you produce. You should have any disclaimer statement to be included in your newsletter reviewed by your attorney first, to ensure it meets your needs.

It is helpful to set up a policy for the types of ad layouts that you will accept before you begin soliciting advertisements for your newsletter. The reason for this is

You can keep your readers safe, help them protect their property, and limit your liability.

When a vendor approaches you or you solicit an ad, you will likely be asked several ques-

tions, "How big can the ad be?", "Can I include color?", "Can you design the ad for me?" Knowing the answers to questions such as these will help make your newsletter production process much easier.

Decide on several sizes for ads that would be suitable in your newsletter. You will also need to make decisions on the type of format you will accept. If your advertisers cannot provide you their ads in digital format, at least require that ads be in "camera-ready" format.

Go to NewsletterFiller.com to see the continuing series on "ads in your newsletter," for ways to design an ad, from start to finish, plus more. Good Website for editors! □

HAVE A GREAT SUMMER!

No meetings for June, July, and August.

May 18 - Speakers - Pat Phillips and Richard Ortiz

September 21 - speaker ?

October 19 - speaker ?

November 16 - Annual Meeting - Election of Board

December 14 - Holiday Breakfast

If anything exciting happens during the summer you will be notified by e-mail (do I have your current e-mail?) If not - send it to hogan1@gte.net

The Grove from page 2

The Grove has homeowner associations and a condo association, so Joe consulted Bill and their lawyer and was told they complied with both laws.

"We felt that was much too constricting and the community **has to have access to the board so we're not considered sitting in an ivory tower, coming up with rules and regulations,**" Bill said.

When they gather a half-hour before meetings, each resident may ask one question about any subject before the meeting. They can ask more, but they have to get back in line. "We try to keep it under a minute and if they repeat themselves we cut in," Joe said.

The big change is audience participation during the meeting, after the committee reports, but there are limits about what can be brought up.

"An amendment comes up for a vote and has to be seconded. The board will discuss it, and then we allow any resident to have input on just that amendment. After all the discussion, a vote is called," Joe said. People can see what's on the agenda in advance on the **clubhouse bulletin board** and on the in-house TV station.

Six people lined up at the mic to discuss the fence and the balky fountain before the March meeting. When Joe called the meeting to order, it was 7:22 p.m., eight minutes short of the half-hour allotted. After the committee reports, there were a few questions about the community tree maintenance contract and one question about pruning the palms after the meeting was adjourned.

"People are much happier about having their voices heard," said Arnie Esbin, editor of The Grove Globe. He can tell because there are no angry letters to the editor.

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(Cona Editor's Note) ➡ top

Cona Editor's Note:

Homeowner Association State of Florida **Statute 720.303**

Powers and Duties.(2) BOARD MEETINGS (New as of October 1, 04)

2.(b) Members have the right to attend all meetings of the board and to speak on any matter placed on the agenda by petition of the voting interests for at least 3 minutes. The association may adopt written reasonable rules **expanding** the right of members to speak and governing the frequency, duration, and other manner of member statements, which rules must be consistent with this paragraph and may include a sign-up sheet for members wishing to speak. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the members is inapplicable to meetings between the board or a committee and the association's attorney, with respect to meetings of the board held for the purpose of discussing personnel matters.

3.(d) If 20 percent of the total voting interests petition the board to address an item of business, the board **shall** at its next regular board meeting or at a special meeting of the board, but not later than 60 days after the receipt of the petition, take the petitioned item up on an agenda. The board **shall** give all members notice of the meeting at which the petitioned item **shall** be addressed in accordance with the 14-day notice requirement pursuant to subparagraph 2. Each member shall have the right to speak for at least 3 minutes on each matter placed on the agenda by petition, provided that the member signs the sign-up sheet, if one is provided, or submits a written request to speak prior to the meeting. Other than addressing the petitioned item at the meeting, the board is not obligated to take any other action requested by the petition.


Note: above words are new to the 720 Florida Statutes and the word "shall" means MUST. You have no choice.

You can print the new Homeowner Association Florida Statutes from the "web" or you can send for them from Tallahassee.

The secretary of the association should have your documents, Florida Statutes, and Corporate Statutes at every meeting...for reference.

There are more changes coming down the pike. Follow the bills for homeowner associations by typing...billtrack in your location bar. □

BREAKFAST MEETINGS of CAI (Community Associations Institute)

 **May 24th** - Program: Legal Q & A - Almost Free Legal Advice. Ask your legal questions at this meeting. 8:30 a.m. - Holiday Inn Fowler, 2701 East Fowler Ave. - Tampa. Seven attorneys will be there to answer your questions. Breakfast at 9:00 a.m.

June 8th - Program: Legislative Update - Find out what good and bad your legislators have done that effects you. 8:30 a.m. **Note:** The date and place have been changed from the April Newsletter. It is now going to be at the Radisson Hotel & Conference Center. Peter M. Dunbar, Esq. will be speaking at this program and providing us with changes to Legislation. Mr. Dunbar has written many books on condo and homeowner associations, etc. This is a "don't miss" meeting.

Great breakfast for \$12 (nonmembers) It's worth the trip. □

Call 727-345-0165 for Reservations - respond 48 hours in advance.

Every Day is Mother's Day in Suzanne's House!!

♥Whenever Charlie hands Suzanne a bottle of water, he always loosens the cap first.

♥If Charlie knows that Suzanne is going to take a bath, he offers to fill the tub for her, and he even puts a hand towel on the back of the tub, so her back doesn't lean up against the cold porcelain.

♥When he fixes her an ice cream cone, he sometimes adds a surprise in the bottom of the cone. If she's having strawberry, there might be one small dollop of chocolate at the very bottom with a splash of chocolate sauce, for the last surprise bite.

♥If she has a morning appointment and the car is near empty, or it got caught in the irrigation water the night before, he makes an early morning run to the gas station...fills it up and washes off the windows.

♥Charlie always seems to know when Suzanne is going to be tired before she does. She knows, because when she heads for the bedroom, she discovers he's been there first. The pillows are propped up against the headboard, the corner of the sheet on her side of the bed is neatly pulled back in a triangle, and the lamp is turned on low.

♥Ah...he loves her...he loves her a lot!

Now there's a loving husband...not just on Mother's Day, but always. There's a song that comes to mind, "I'll be loving you...always...With a love that's true, always..."



HAPPY MOTHER'S DAY

This Just In

BOARDS OF DIRECTORS CHANGES - OFFICERS

Aristida Homeowners' Association, Inc.

President, John Moore; VP, none listed;
Secretary, Beverly Moore; Treasurer, Rick Morgan

Beacon Woods Civic Association

President, Daniel Meahl; VP, Dana Jackson;
Secretary, Kinacio Rodriguez; Treasurer, Betty Peck

Beacon Pointe - Villages 16 & 17 Association

President, Daphne Mullins; VP, Robert Connor;
Secretary, Joyce Buckingham; Treas. David Nelson

Cypress Lakes Estates Homeowners Association

President, Ruth Cannata; VP, Scott Papes;
Secretary, Pamela Keheh; Treasurer, Lori Cooper

Fox Wood at Trinity Community Association

President, William Humphrey; VP, Jay Demyan;
Sec. Treas, Greg Lipka, Treasurer, R. Swartzman

Gulf Landings Association, Inc.

President, Manya Oliver; VP, Barbara Whelan;
2nd VP, Joanne Bandiero; secretary, Jane Holmes;
Treasurer, Carol Clark

Orchid Lake Village Civic Association

President, Laura Grady, VP, Josep Gervasio;
Secretary, Carol Bayer; Treasurer, Renee Patrick

Summertree Villas Homeowners Association

President, Beverly Hagel, VP, James McIntyre,
Secretary, Tom Wren, Treasurer, Richard Boldin

Trinity Oaks Property Owners' Association

President, Grady Peeler; VP, Fred Mieser;
Secretary, John Ferralolo; Treasurer, Robert Wheat

Wyndtree Villages 11 & 23 Association

President/Treasurer, Hugh Lazar; VP, Blaise
Garofalo; Secretary, Kathy White

New - Individual Memberships

Thomas Amendola of Lakeside Woodlands

C. Lee Bowden of Briar Patch

Richard Fredericks of Woodview at Meadow Oaks

Thomas Hansen of Forest Hills

Robert Williams of Timber Oaks-Fairway Villa II

Note: Don't forget. you must register your association/corporation with the State of Florida after your "Annual Meeting."

Thank you for letting me know of your changes. It makes my job a lot easier and the Newsletter will get to the correct board member.

Please check your labels to be sure I have the correct information therein. If the date above your name is in red, your membership dues are due.

Thanks from C.O.N.A.'s Board of Directors for your support. We work for you!