



Tidelands Estates - HOA

Tidelands Estates - Newsletter

March 2013



Presidents Notes

I would like to take this opportunity to thank Walt Schaaf for serving on our Board for the past seven years as our Treasurer and Budget Committee Chair. As a community, we owe Walt a lot for overseeing our finances during a very hard time with so many property owners not paying the monthly dues and still keeping our monthly fees in line the entire time. Great job Walt and a big "THANK YOU" from the entire community for a job well done.

We were very fortunate to have Toby Tobin, President of the Tidelands Condominium Association, and Vince Sanchez, Treasurer and Board member from the Tidelands as our guests for our March meeting. Both of these gentlemen have been very helpful working with us to bring our two associations closer together, helping to assure that we become a strong community where we can all enjoy being part of the Tidelands on the Intracoastal going forward together.

Cost Share Update

As you all know, we have been in legal action with the Board in Phase-II for what seems like a lifetime now to restructure the working fairness of this very important part of our community. When we went into this action, we had basically no control of the Cost Share within our own community and the Phase-II Board would not even talk to us except to say "NO INTEREST" in changing. Many things have changed over the years and when we got to a point where we

could communicate with new Board members from Phase-II, we decided that the best thing to do was sit down - without attorneys - and talk about a direction that would work for our entire community. This meeting was held on my lanai and attended by Toby Tobin, Vince Schanez and myself over pizza and several bottles of wine. The end result was a structure for a new Cost Share Agreement that is fair for all of our members in both phases of our community and a good structure to go forward with for many years in the future. This new Agreement is structured with three Board members from Phase-I and three from Phase-II allowing us to make decisions and perform various functions within the Cost Share Committee. The basic Cost Share is responsible for both entries into the community, the irrigation and landscape of just the entry way, security, gates, streets, and lights. All other common areas including lakes and pathways are going to be maintained by the respective association. Most important to our combined members, is that no common area is restricted. Meaning, the pathways for example are available for everyone to use.

The final documents were signed Friday, March 22, 2013 by myself, Toby Tobin from Phase-II and Dan Fitzpatrick from Pulte Homes representing Centex. It's finally done!

As part of the Cost Share, you will start to see patrols from the Flagler County Sheriff deputies in our community.

The Cost Share has contracted with the Sheriff's department for 50-hours per month to patrol our entire community. I told them I want slow patrols at random times within the twenty four hour period to check out our community for security purposes. This combined with the new Envera Security System at each gate will give us an overall security we have never had before.

Phase-II Update

Friday March 22nd, the Tidelands Condominium Association signed the final turnover of facilities from Centex/Pulte to the Phase-II community. I attended the meeting and was very pleased to see that it was a good package for both parties. In the settlement I will give you some of the more important things accomplished. The Club House is now owned by The Tidelands Condominium Association. They received \$400,000 to complete some items that were not completed by Centex, such as the shoreline. The plan is to use the coquina left behind to build a coquina rip-rap along the shore line from Marina Cove North to the edge of the condo property. The plans also call for three fishing or observation piers to be built along the waterway at the same time. Some building defects are being repaired by Pulte and additional funds were allocated to do additional repair. These are good things for the community going forward.

Legal Update

This again goes back to another lifetime when this was started. As a little refresher, this was added to the Cost Share legal action because we found that we had overpaid Centex for Cost Share fees for almost five years. Since we had settled a legal action against Centex already we conferred with two attorneys, one here in town and a second, the same one who wrote the settlement agreement, to see if we could pursue this action and were assured by both that we could. To make a very long story short we went to court and lost. Our lead attorney assured us he could turn it around with an appeal. So unfortunately, we went to Appellate Court and lost again. In August of last year I received the first bill from the

Centex attorneys for \$149,000. I went to court in January of this year to fight the amount and got it lowered to \$94,000. I looked at all of our options including bankruptcy and could find no alternative other than to just sit down and talk to the person at Centex and see if we could agree on a settlement. Vince Sanchez was dealing with a senior person at Pulte to close out the Phase-II dealings and he was nice enough to give me the contact information. I called Dan Fitzpatrick at Pulte, he did not really want to talk to me at first, "just said let the attorneys handle it". But I explained to him I could not afford to keep paying attorneys and the only thing good they were doing was billing more hours. So Dan agreed to discuss it with me. On Friday the 22nd, the same day we and Phase-II resolved the other issues, Dan and I sat down and worked out a settlement of 30% to make the entire thing go away. I made a motion at the Board meeting to accept this settlement and the motion passed unanimously. On the plus side we will receive \$15,000 from the settlement with Phase-II so using that we only had to come up with an additional \$13,332. I want to thank Dan Fitzpatrick of Pulte for agreeing to work with us, and having the foresight to realize that a strong Tidelands community is also a good thing for Pulte going forward. Dan was a pleasure to work with on this settlement issue. Thanks Dan.

Financials

Bad Debt Collections

I am sure everyone remembers the start of last year where we had 64-members not paying their monthly fees. We were borrowing money to keep our operating account going monthly. We started a program of identifying these properties and turning them over to our attorney to foreclose on the property. This has worked well for us over the past 15 months causing many banks to foreclose on property or short sell the property. What it has meant to us, is full or partial payment of a lot of bad debt property. The rumor on the street is that the owner of the 10-lots along the

Intracoastal is working with the bank and they are selling to one investor. If this happens we will be down to 17-properties not paying. Walt reviewed and agreed to a deal with a legal firm in Daytona Beach and 14-remaining properties have been turned over to them and foreclosure letters have been sent on all of them.

Our financials are strong at this point. We set up reserve funds at the start of 2013 to cover the North Park and Fishing Pier. We set up an additional reserve fund to cover emergencies in the community such as wells, pumps, and any number of unknown things that can happen to require funds beyond the normal daily operating costs. An example is we now have a builder approved to build a home on one of the 20-Centex lots we acquired after the fact when Centex built Phase-II. The first home will be at the end of Longview Way and we may have to extend our irrigation system to that area soon. Bottom line our financial condition is the best it has ever been.

Envera Security Main & South Gates



Our new gate access management company Envera - Next Generation Security - is being installed at the main gate. The computer connections and wiring is now installed. Last week they finished the gate arms and the main TV access control tower. There are still some road dividers that need to be installed and should be completed this week. Testing and training will start early April and you will be notified when it

is going active. Just remember the first 30-day's it is going to be pretty lax to assure any missed access cards and problems can be handled without causing much inconvenience to our membership.

The South Gate is going through the approval process at this time and will be installed shortly. Actually, we could not go to far with this until the property was turned over by Centex to Phase-II, but as noted above that was done on March 22nd. Several people have called saying they had problem checking the online system. This is being checked and all records are being review to be sure we have everyone in the system. May Management located in the office at the Club House is responsible for correcting any issues or if you want to purchase additional gate access cards go there for assistance.

Architectural Review Committee (ARC)

Over the past few months there have been several issues regarding the need for ARC approval and fees on projects within the community. The ARC Committee has been working very hard to re-write the guidelines and restructure them to make it as simple and easy for you to use when planning changes, and upgrades to your homes. First, let's be clear on the rules, they are set in our covenants (about 15 documents in all) and are the guidelines that we must follow today. The easy- read document is to put everything in one place and to make it as easy to read and understand.

Effective immediately, all applications and request for changes will go through the management company. Do not turn something over to an ARC or Board member, because it could get lost or delayed.

This easy- read document is not complete, but Jay Martindell, Tess Mitchell, Dennis McMan-don, and Joe Golan representing the Board have spent many hours bringing this document

to a point that it is in fact an easy-read and essential document if you are planning work in the future. Ellis Norton presented recommended changes at the last ARC meeting and many of his recommendations are being implemented as well. The new document will be posted on the web site very soon and you can get a copy from there. Nice work guys, we all appreciate the hard work and effort it takes to make things like this happen.

ARC Fees - The ARC is not a profit center and the only fees assessed are to cover the costs incurred by the ARC, such as Management Company and architect fees. A new Fee Schedule will be posted on the web site next week.

Construction Projects - Effective 1 April 2013, any new construction of a dock or rip rap / bulk head must be accessed from the water. The only exception to this is when they can cross "your own personal property" and not affect your neighbor's property. Any damages to the coquina pathway or surrounding areas will be repaired by the HOA, but the bill will be sent to the owner to reimburse the HOA. There has been too much damage to the HOA path and property leased by members for this to be accomplished any other way. Construction workers for all community projects will not be allowed access to private empty lots for access or parking. Contractor's must park in the street and walk in across property owned or leased by you. Using empty lots is an insurance liability issue and will not be tolerated going forward.

Vegetated Buffer Area

The Board has entered into a contract with Affordable Lawn & Landscape to report to all homeowners the status of their VBA and if additional work is required, give suggestions. These letters will be sent to all members along the Intracoastal waterway within the next week. Affordable will also be responsible for submitting all required paperwork to the St. John's Water Management District twice a year to keep us compliant with the water management dis-

trict. This is a requirement for the St. John's and we can be fined for not being compliant.

Coquina Study & Proposal from Patti Zahn

Patti has a list of now 13-members that are interested in shoring up the coastline using coquina to stop the erosion on their easement property. Because this is property owned by the HOA and under the watchful eye of the St. John's Water Management District, a survey must be done before a package can be submitted to the St. John's for approval. Patti was asking if the HOA would pay for a study of the entire shoreline, and charge each homeowner when they decide to install, if they decide to install something on the shoreline. The Board raised the issue of not spending more money on property along the Intracoastal waterway of the community, since quite a bit has been spent already and this study is not something that will benefit the entire community. Going back in time, the Board and the Common Area Use Committee several years ago, did review costs and what it would take to put coquina along the entire shoreline, but we could not afford to do that and a decision was made by the Committee at that time, that any further enhancements made would be paid for in total by the homeowners living along the Intracoastal Waterway.

One member in attendance at the meeting, who lives on the Intracoastal waterway, raised a question that we maintain and pay for beautification of the lake and she does not enjoy looking at that so why do they have to pay to support this effort if we won't pay to support the Intracoastal properties? That one caught me off guard a little bit until Joe brought up the issue that our lake is not there for beautification of the neighborhood, it is there as a major part of our flood control and most of the storm drains from the street go into the lake. Thanks Joe!

Social Committee

Lillian Loudermilk has agreed to head up a social committee for our community going forward. She asked for some volunteers to help and several people volunteered such as, Sue Ammerman, Tess Mitchell and Sally Siroy. If you would be interested in helping her give Lillian a call. Their first meeting will not be till July, 2013. In some of our discussions with Phase-II they have also suggested that maybe we can do a some kind of social that involves the entire community.

Old Business

Flag Pole - just too many things on the table for the past few months. We will get to the flag pole soon and have it in place for this summer.

Other Business

Ellis Norton presented, and made a motion that the President of the HOA should get a \$200 per month salary and expenses should be covered. There was some discussion regarding the legality of this issue and a suggestion was made to table the issue, but Ellis wanted a vote. There was a vote and two members were in favor and two abstained from voting. Since I am going to be in the position for the next year I would really like to thank Ellis for supporting this and it was a real complement that he felt so strongly about it. I would like to go on record as saying that this is something we might want to look at down the road, but I do not want anything pursued at this time. Ellis the thought was more than enough. As for expenses, those are reimbursed now through the management company for all Board members.

New Board for 2013

An Annual Board meeting was held after the working meeting for the election of officers. A motion was made from the floor for any nominations and there was one, Charles Fiske nominated Roe Hiers as a write in to go with Patti Zahn and John Loudermilk already on the ballot. Since there were three openings on the

Board, all three were elected to office for a two year term effective immediately.

Following the new officers met to determine what positions each member would hold for the up coming year. Following are the new members and positions:

John Loudermilk, President (2-year)

Ellis Norton, Vice President (1-year remaining)

Joe Golan, Secretary, Chair of Grounds and Maintenance (1-year remaining)

Patti Zahn, Treasurer, Chair of the Budget Committee (2-year)

Roe Hiers, Director, Chair of the Compliance Committee (2-year)

For your Board,



John Loudermilk
President

Projects and Goals Currently Underway or Planned

Mission: Tidelands Estates will be the community that the residents envisioned when they moved to the area, and be a model-gated community.

Board Goals:

- Establish an efficient, effective and fully funded organization in accordance with applicable regional, state and federal laws and good business practices.
- Ensure that the members of the HOA have all the information regarding activities in work, future planning, and finances required to take the community forward.
- Ensure that Tidelands Estates properties (residential and common) meet the highest standards possible using our contractors to their maximum benefit.
- Ensure that the Tidelands Estates Compliances are enforced when necessary.

Pending Items in Work: (Partial List of Major Tasks)

- Continue the cleanup of non-paying properties. (Progressing well)
- Work with the new landscape contractor to cover the common area starting in 2013. (Done)
- Work with Phase-II to implement the new gate security system. (In Process)
- Work with Cost Share to upgrade the street lights (Pushed until early this year)
- Work with Cost Share to get the streets and curbs repaired.(Compiling the list of work required now)
- Review and implement a water conditioning system to control the salt content of our Irrigation water.
- Replace metal electrical boxes around the lake. (Done)
- Add a lighted flag pole to the North Point Park. (In Work)
- Add one additional table to the park area.
- Replace the lights on the Pier
- Implement ARC updates
- Work with Affordable to bring the Vegetated Buffer Area into compliance.

Tidelands Estates Board of Directors & Committees

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