



## **Presidents Notes**

On Thursday, March 20, 2014, the Board held a business meeting followed by our Annual Board Meeting for election of officers. There were two positions open on the Board this year. Joe Golan and John Frailey agreed to run, but John missed the deadline to be on the written ballot. Most of the residents were aware that John wanted to run and used the write in-line on the ballot. Both Joe and John were elected for a two year term.

We had a lot of business to cover at the Board Meeting and a lot of activity coming up over the next couple of months. To keep the meeting short, the Board had reviewed the documentation in advance, so they were prepared to vote on the issues in hand. The Board and Committees have been busy with a lot of new projects and completing ones that were initiated over the winter. I will try to keep it short, but you know I have a hard time doing that. My following comments are a quick overview of what is happening in your community:

### **Handicap Access Revisions**

At the last Board Meeting, the Board discussed handicap access to the pathway and how we could modify our rules to support motorized vehicles on the path and around our community for our handicapped members/residents. A motion was made at that meeting to changes the rules to support handicap access, but we wanted to have an attorney with background in the Federal Disabilities Act to draw up the change, so we could get it right the first time. This was completed and the Board was presented with an early read of the modification to be prepared

for the Board Meeting. The response from the attorney was outstanding and covered things we had not even thought of, so the legal money was well spent. A motion was made that the Board accept the modification to the Common Area Rules and Regulations to allow the "Use of Vehicles on the Common Area Pathway by Disabled Homeowners." The motion was approved. We will make the changes and post the new regulations as soon as possible.

### **Maintained Vegetated Buffer (MVB) and Easement Document**

The original Master Plan for the common area property has many revisions from the original document. Some were implemented by the City, and some by our own HOA. There was a little confusion as to who was responsible for the easement property. The Master Plan says the HOA is ultimately responsible to the City and to the St John's Water Management District, but allows for changes by the HOA in how it is managed under the HOA. To clarify, the City required the Easement Agreement to say that the owner of a property purchasing the easement, becomes the owner of the Easement Agreement. Our ARC Regulations say that the Easement Owner is responsible for the property. If it is not maintained, the HOA will step in and do the required work and bill the Easement Owner.

### **Cutting and Landscape Maintenance**

All homeowners can use anyone you please to do this work, but they have to be registered with the Management Company. In addition, they must have

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the same qualifications that our recommended company has, such as a city license, liability insurance, workers comp insurance and etc. Affordable is the HOA recommended vendor of choice. They maintain the irrigation system and as long as you use them, any damage will be repaired by them, **but if you use someone else and damage is done to the system, you will be billed.**

### **MVB Must Be Kept to the Standards**

We have a short delay while the shoreline is being done. But once that is completed, Affordable will be preparing for the first reporting to the St John's to show we are compliant with their requirements. As the lease owner you are responsible.

### **Insurance Coverage**

The HOA has a Blanket Liability Coverage Policy on all common area property in our community. Each Easement Owner should call and add the additional property to your homeowner property. Our agent thinks there will be no additional charge to do this on the homeowner's part, because it is just open land.

### **Docks**

Docks are the homeowner's responsibility to carry all insurance required. HOA has no coverage on your docks.

### **Cimmaron Waterway**

Homeowners are being billed at the same rate per sq. ft. as the Intracoastal lot owners by Affordable. Since this is a small area, and is cut as "two swipes of the mowers" this section will be done by Affordable. Each homeowner will be billed annually.

### **Paver Pathways**

The paver pathways have been approved across your easement property. In fact, I just learned that the St. John's has modified their requirements to allow paver pathways, coquina, and coquina border stones to the docks. That being said, you still must go through City permitting to put in a walkway. Being pre-approved they should go through permitting very quickly.

### **Cost Share Report**

We have a lot of activity going on in our entire Tidelands Community as part of the cost share items controlled by Phase-I and Phase-II. The following are some of the biggest projects:

**Cost Share Reserve Accounts** - A review was done by the Condo Association and we included the cost share in the review. Our reserve account is funded to the level it should be. That is good! This covers streets, lights and etc.

**Street lights** - were approved and have been ordered. Total cost is \$65,000 for the entire Tidelands Community. Funding will come from the reserve account. Expected delivery is four to six weeks. At the same time, they will repair the poles and fix any broken panels and wiring.

**Street & curb repair** - This has been contracted out and work has already started. First, was paver repair in front of the club house, then they move to the green pavers as you exit to the gate. They will raise the base and replace broken pavers where the water stands now during a rain. They will repair the blacktop roadway that sunk down when Centex removed the sales trailers, and then start on all broken curbs through the entire community.

**Entry lights** - have been contracted and work will start next week. This will put spot lights on all the large palms as you enter the front gate, from the street to the three in front of the club house. I have the electric company installing outlets at each tree as well so we can contract with someone at Christmas to put rope lighting on all the palms next year.

**Entry flowers** - Contract has been issued for the landscape company to replace irrigation in the entry and around the gates. As soon as the irrigation is repaired, they will plant new flowers at the street, in front of the guard house, the circle as you enter the gate in the center, and the small half circle in front of the club house.

**Street signs** - as you are aware some of our street signs are not amenable with the look and feel of our community (where we use the black poles and

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enclosures for the signs.) We have a company writing up the estimate to bring all our signs up to standards. I hope to have this done by summer.

### Financial Position of our HOA

#### Financial Reports

We are in a very strong financial position in our HOA. We have cash in the bank, we are getting a lot of things done that we had held off on for some time and our outlook for members paying the monthly fees is good. Thanks to help from Brett Robinson at Southern States Management Group for setting us up with a law firm in Daytona Beach to assist us in collections of bad debts, we are starting to see the light at the end of the tunnel (and it is not a train coming the other way.) With the sale of eight of the Barba lots, we are now down to ten properties that are not paying. Unfortunately, two of the Barba lots, are in personal bankruptcy (we can't touch them), and six are in the process of being foreclosed on by us. I hope by summer to have us down to just a couple remaining in the dead beat column. This is a far cry from a little over a year ago when we were at sixty nine!!!

You need to understand how good this is. I have heard about some communities around us that are requiring assessments amounting to big dollars just to keep things going. Our community is strong! We are in our best financial shape ever and Phase-II is financially strong and doing a lot to upgrade their side of our community. THINGS ARE GOOD!!

#### Care Bears



I can't say enough about our group of ladies that work to assure anyone that is sick gets a card or some help where needed. They do a great job. I have had good comments from some of our new neighbors saying how nice it is that they feel welcomed when one of our Care Bears deliver a small basket and introduce themselves to the new people. The Care Bear for each month is posted on the web site. **Please, let them know you appreciate their work.**

#### ARC & Grounds and Maintenance

I can't say enough about the work Jay Martindell and Joe Golan have done in our community. The people on their committees have been meeting on the new home construction and additional plans for more new homes coming very soon.

I really want you to take a look at the following list of things that are about to be accomplished in YOUR community and these guys and their committees are the reason, THANK THEM.

#### Projects in Work

Arbors in the Park - City permit has been approved, construction will start next week.

Water Line to Pier - City has approved permit and this will be installed as soon as the City installs the meter.

Flag Pole - 30 ft. pole is ordered and will be installed along with the Arbors. Location will be between the entry to the pier and the picnic area. Joe has the light that will be mounted on the pier to illuminate the flag at night. This is being permitted with the dock lights.

Trees and Irrigation around Lake - Installed waiting for final inspection by ARC & Grounds. Not the biggest trees, but they will grow fast. Wiring was done to support the new system since we had to dig it up anyway. That will be discussed later in the letter.

New Park Entry - this work was completed several weeks ago and I think it has stepped up our appearance a lot. Looks great! I never liked the original one.

Lights on the pier - Joe Golan has almost completed installation of new lighting on the pier. It is in conduit and will supply down lights to the floor of the pier along with three marker lights for navigation on the outside of the pier. Joe has done a fantastic job and this is a big improvement to our pier over the rope light we had before. Let Joe know he did a great job.

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Motion - was made that the Board approve the addition of lights and navigation lights to the existing pier not to exceed \$5k. Motion passed. This was an email vote by the Board so we could get started and all members were in favor. I just wanted it on the record at the meeting and it is coming in way below budget.

**New Construction** - at the last Board Meeting, the Board approved a review of our existing irrigation system to determine future requirements for when we get to a full build-out in our community. We hired Bob Dickinson, the best Landscape Engineer around to review and work with us on a plan for our long term irrigation future. Bob, Bruce from Affordable, and Joe have been working hard trying to locate crossovers and valves to determine what we have today (there were no plans on our existing system around or filed with the City). They did a great job and we now have plans to go forward with requirements. This will bring us in line with the new City standards required for any new home builds in the city. We will be installing in the lots we took over from Centex, a new system that will, over time, become our new irrigation system for the entire community.

The Plans were presented to Bill Butler of the City for review and he was very pleased to see we were laying the plans to bring our community up to the new City Standards. I also received an email from Ray Tanner, the City of Palm Coast, Planning Manager, letting us know that they will expedite any planning we need to submit and how pleased the City is with working with our community.

The positive side, and it's good to have one of those of those, is that our wells and pumps will support the complete build-out of our community and with the installation (over the next couple of years) of the new 2-wire system, we will be able to supply our irrigation needs long into the future.

Project cost for the first phase of the project was set by the Landscape Architect to be around \$25K. We are using Affordable to do the work because we are on a tight time frame to get the irrigation supply to the two new homes being built on the back canal. They plan to be ready to install the new irrigation on those lots next month. So we need to get the supply to them quickly.

The Board also approved a motion that "all new home applications and major home modifications/additions" include an Irrigation Plan which is compliant with the City Code and an irrigation set-up fee equal to the HOA costs.

### **Other Business**

#### **Extension of the Two Year Build Out Rule**

The Board approved a motion to extend our non-enforcement of the 2-year build out rule for one more year to allow for the recovery in property sales to strengthen a little more.

### **Tidelands on the Intracoastal**

#### **Community Relationship**



We had a small simple wine night on the pier and invited our entire Tidelands community to attend (in case you did not get that our entire community is homes and condos) some of our members forgot to show up for the social. We had 60 people there and if you stayed home, you missed a good time. Everyone in attendance was mingling with the entire group.

#### **Member Comments that keep Coming Up**

There are a couple of issues I keep getting from different members, but it's the same questions just stated a little different related to past history and past promises made by our prior owner "before" Centex.

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I still hear quite often from members complaining about the club house, stating as fact "***we paid for it... we should be able to use it.***" Hate to be the one to break it to you, but you are **WRONG!** We did not pay for the club house.

### **Think this might be time for a history lesson:**

As most of you are aware, I spent a lot of hours looking at paperwork, financials, and assorted recorded documents to prepare for the legal action against Centex a few years ago when we were trying to recover our property.

When I hear someone say "we paid for the club house"... that is not correct. What we paid for, was a fee to the original owner before Centex and a portion of that fee, we were told would go to build a club house, and it would have lots of really nice upgrades and lots of promises to help him sell property in our development. That money never went to Centex! I don't know where it went, but I know it did not go to actually build the club house, Centex built and paid for the club house.

When Centex took over and our HOA was formed, it was decided that since everyone was promised a lot by the previous owner, that Phase-I would be exempt from the requirement to pay for the club house, unless we wanted to belong and use the services. If so, we would have to pay. Everyone after that original locked in group, including the twenty lots Centex turned over to us would have to pay and it is in their Purchase Agreement.

So, that said, let's move on down the road to the legal action between our HOA and Centex. One of the things on the table was the club house. I think we could have owned the club house if we wanted to push the issue in the legal action. We looked at it at that time and reviewed the financials. It actually did not look bad as long as everyone was paying at that time \$120 per month. Now the problem; and that usually comes about when you talk to an attorney. He said if we took the club house, we would have to have everyone in Phase-I start paying \$120 a month just like the Condo Association and the twenty single family lots or (and this is the big deal) they could sue us and most likely we would lose. Since we would have no control over the Condo Association, we could not make them pay and we would own one very **expensive boat anchor**, that we would all be

paying for with **assessments** today. If you want to blame somebody - **blame me!** I did not want anything to do with something that could drive our HOA into bankruptcy.

Again, Centex built and paid for the club. Not us! As far as Centex was concerned, we were just an inconvenience they were stuck with when they purchased the property from the previous owner.

The Condo Association, Phase-II took over the club house last year from Centex and all of the costs associated with the ongoing maintenance. For example; the week they took over the air conditioning went out and it cost something like \$28,000 to fix. None of that expense comes our way, we pay nothing to support any of the amenities such as the club house, tennis courts, pools, and etc. in the condo area. Also, Cost Share does not pay for any expenses related to the club or amenities. They are a separate budget completely.

**Now one more item** - when we wrote the Settlement Agreement with the Condo Association to re-structure the Cost Share in our community, we spent a lot of time planning it in such a way that the community would remain open to all members of the Tidelands Community to use the common areas and pathways. I hear from some of you "***why do we let them us our pier if they won't let us use their club***" and let's get it all out here "***we paid for our path and they use it***". Big difference here people, our pier is on the edge of community common area property. Our Settlement Agreement calls for the entire community (remember the community thing?) to have access to all of the common areas. That means they walk on our pathways and "**WE**" walk on their pathways. We are a community. We have a pier, we "**own it**". We gave them permission to us it, they are getting ready to build two piers on their side and I don't think anyone is going to stop us from going on them as well.

As for the club house again, for those of you that want to use the club house, go to the office and sign up and pay \$123 per month like everyone in the Condo Association does and you can have full access to the club house, pools, tennis courts and etc. Remember, they pay to maintain it - we pay to rent time in it, only if we want. That is a big

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deal! You are not required to pay anything. The Condo Association is required, they have no choice. You have the best deal.

As for the overall Tidelands Community, the condo side has really raised the playing field over the past few years and it's getting better every day and on the homeowner side, we have cleaned out most of our dead beats and we are getting our property looking top rate. So as a Tidelands Community, we are looking good. We are quickly becoming one of the premier communities in Palm Coast, a community where new people are going to want to retire and move to and enjoy the things we already have. **Wake up people, this pettiness and wining about past history needs to stop.** We are a combined community on the right track moving forward and that is the best thing we could ask for.

Life is just too damn short. As one of my favorite songs by the Eagles goes it's time to "**Get Over It**".

### **Annual Board Meeting**

First, I want to thank Ellis Norton for his term on the Board, if has been good working with Ellis for the past two years. I look forward to continuing to pick his brain in the future as things come up so you can't get too far away Ellis. Again Thanks.

The votes were counted and the Boart for the next year looks like this:

John Loudermilk, President

Rosemarie Hiers, Vice President

Joe Golan, Secretary

Patti Zahn, Finance

John Frailey, Director

I want to thank our Board members and committee members who are responsible for making our community one of the best kept secrets in Palm Coast and absolutely the best place to live. They all do a wonderful job and put in a lot of hours that most of you never see, but you see the results, so let them know you appreciate the work. I am looking forward to the many challenges still ahead of us and look forward to working with this outstanding crew for

another year. Thanks to all of you so much.

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 Cost Share to upgrade the street lights (Ordered install April)
- Work with Cost Share to get the streets and curbs repaired.(Construction in progress)
- Install two arbors in the park (In Work)
- Add a lighted flag pole to the North Point Park. (In Work)
- Replace the lights on the Pier (In work)
- Install new trees around the lake (Completed)
- Develop a plan for long term Irrigation and water supply. (In Work)
- Install irrigation supply to the Centex homes. (In Work)
- Install flowers in the open common areas (In Work)
- Work with Cost Share on entry lights (In Work)

### Tidelands Estates Board of Directors & Committees

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