

**CAPE HAZE PROPERTY OWNERS ASSOCIATION**  
**ANNUAL MEMBER MEETING MINUTES**  
**April 23, 2016 – 4 PM at Cape Haze Community Center**

Thirty eight CHPOA member families were present. A quorum was reached.

**Call to Order; Pledge of Allegiance; Welcome**

President Jeanne Corbin called the meeting to order at 4:05 PM followed by the Pledge of Allegiance and a moment of silence for our friend and neighbor, Kumar Chinnaswamy. President Corbin welcomed all expressed gratitude to everyone for taking time out of their Saturday afternoon to attend the meeting.

**Secretary's Report**

The secretary's report of the January 23, 2016 meeting was reviewed and accepted as written.

**Treasurer's Report**

Tim Danahy, Treasurer, presented a summary of the financial report to the members. He expressed that although there was a fair amount in cash, membership was down somewhat from the previous year. He also expressed that although CHPOA is a volunteer organization it is of great value to the community. Treasurer Danahy encouraged members to engage neighbors to play an active part in the association.

In reference to the brief financial report distributed to the members, Treasurer Danahy explained from the cash position, \$2000.00 per year was being paid toward the debt to CAM for the roof on the community center. The balance of that liability to date is \$19,203.00. There had been questions in the past regarding the value of the Community Center and the lot on Don Pedro. These values of \$150,000 for the Community Center and \$135,000 are reflected on the current financial report. Although the current revenue as of March 31, 2016 reflects a total of \$64,580 the budgeted figure through December 31, 2016 is \$72,800. Approximately 50% of the expenses for the Association come from mowing costs and insurance, with the remaining miscellaneous expenses totaling \$62,950.

Treasurer Danahy again thanked community member Anne Raynor for her tireless work in maintaining the financial documents for Cape Haze. He encouraged CHPOA members to express their thanks to her if they had the opportunity.

**Committee Reports**

**MSBU**

Bill Dahms presented an update of the MSBU projects in the area. He explained that there are two NGO (Non-Government Organizations) in Charlotte County, MSBU and MSTU. Municipal Services Taxing Units (MSTU) which receives its revenue via ad valorem taxes and Municipal Services Benefit Units (MSBU) whose revenue is produced from non-ad valorem assessments. The advisory boards of the MSBU and MSTU are appointed by the Board of County Commissioners. Bill Dahms currently serves as Chairman on the five member Board for the Placida area, along with Cape Haze community member Marvin Medintz, Vice Chairman, Arthur Hanson, Dr. Carlo de Rosa, and Scott Roberts. An example of an issue recently addressed by MSBU were the 25mph speed limit signs to be installed in Cape Haze. The following projects are currently in progress:

1. Multi-Use Path along Placida Road to Rotunda
2. Placida Road Project-The Board had fought the widening of the road and had negotiated to reduce the project to the current size. Turning lanes are to be constructed at the following points-left into Eagle Preserve, Bantry Bay to Panama, and Rotunda Blvd to Cape Haze Dr. With 90% complete in the planning, construction should begin Summer 2016 and be completed by February 2017.
3. Cape Haze Dr Sidewalk Project-Project is out for bid currently and construction should begin in the Fall of 2016.

Bill Dahms stated that he had been advised by County Commissioner Bill Truex that, on the subject of county sewers in Cape Haze, no such construction would take place in his lifetime.

Marvin Medintz informed the Association members of the ability to keep up with the ongoing projects before MSBU via the Charlotte County website at the following address:  
<http://www.charlottecountyfl.com/PublicWorks/msbumstu/placida.asp>

### **Friends of Cape Haze**

Percy Angelo spoke to the Association about Charlotte County Ordinances and specifically the definition of a "Comprehensive Plan". She explained that a Comprehensive Plan was similar to a Zoning Ordinance but more stringent and harder to break. Friends of Cape Haze has placed their focus currently upon the ability by Charlotte County to Transfer Density Units (TDU) into residential areas, with the obvious agenda of bringing in more tax revenue, from lower tax basis areas to neighborhoods with a higher tax basis per Density Unit. She also explained that at this time Density Units could be moved within the Coastal High Hazard Area, which would encompass transferring density from the Myakka Basin into Cape Haze. The county has promised no movement within Flood Zones but they have not produced this promise in writing within the Comprehensive Plan. Percy also explained the danger of high population density in regard to increased evacuation time during catastrophic events, such as hurricanes. The property at the corner of Placida Road and Green Dolphin, which was previously known as the Acquia Project, was originally planned for a 110 unit residential development and was zoned Compact Growth Mixed Use. Recent clearing of the property is evident activity that has caused concern in the Cape Haze community. Friends of Cape Haze will continue to monitor this project and further investigate to determine the future plans of the owner. Ms. Angelo stated that funding was critical in order to fight such planning and zoning appeals. She reminded CHPOA members of the need to prevent the transfer of Density Units such as those on the land opposite the Coral Creek Airport into a project adjacent to Cape Haze and the subsequent impact it would have on property values in the community.

### **Common Area Maintenance**

Bob Howell, CAM Director, continued the discussion on the possibility of building a multi-family structure within Cape Haze under the current TDU guidelines. He reminded the members that at least one lot was large enough to build such units. He remarked that a density fight with Charlotte County might require enough funding to last 6 or 7 years. The \$22,000,000 had been raised in a few days in order to fund the blocking of the "Mercabo Project" but that a great deal of the funds had been contributed by Boca Grande residents.

Kevin Barron spoke on the Acquia land and stated that a "mulch and mow" permit has been granted to the owners who had an address in Lely. He said they had purchased the property in 2012 for approximately \$350,000. He again expressed concern over the fact that density units of up to 65 per acre could be transferred to the property. He asked if there were any volunteers from the community with an engineering background or environmental law who might be able to help in some capacity. Bob Howell confirmed that such a project would have a grave effect on the community.

### **Cape Haze Women's Club**

Mary Lou Fitzgerald, newly installed President of the Cape Haze Women's Club presented an update and plans for the coming year. She explained that they were the social arm of CHPOA and introduced her officers: Mary Barron and Vickie Keidel-Co Vice Presidents, Penny Riley, Secretary, and Elaine Fisk, Treasurer.

Meetings will begin again in October. The ladies have so far planned to visit Arcadia for an antiquing trip and lunch at the Tea Room. Lunch Bunch will go to the Boca Grande Club for their next get together. Friday night socials will continue to be hosted in the Community Center on the 2<sup>nd</sup> Friday of the month. A request for hosts for the May Social was issued and Bill and Hillary Dahms volunteered.

### **Deed Restrictions**

Bob Fisk read the Cape Haze Deed Restrictions to the members:

1. The property shall be occupied and used for residential purposes only. No building shall be erected or maintained on said premises except one to be used as a single family, private dwelling house together with appropriate structures such as servant quarters, garage and other out buildings as may be required for the private use of the owners or occupants of said premises. Not more than one such dwelling house with appurtenant buildings shall be erected or maintained on said premises.
2. No boathouse (with walls and a roof) shall be constructed extending into or over the coves, bays or basins in Cape Haze. A covered lift is not considered a boathouse.
3. No wall or fence over six feet tall shall be erected on any lot.
4. No animals other than commonly accepted domestic pets shall be kept on any lot.
5. Nothing shall be done and no condition shall be allowed to continue which may become a nuisance. All lots shall be kept free of brush, trash or other materials that may constitute a fire hazard or become a breeding ground for rats, snakes or other vermin. Thirty days after notice CHPOA reserves the right of entry on vacant lots for the purpose of clearing away any such accumulation and assessing the cost thereof to the owner.
6. No tents, house trailers, campers (motor homes and recreational vehicles, for example), or boat trailers may be occupied or parked or placed on the premises of Cape Haze subdivision for an extended period of time (generally greater than 7 days), unless stored in a garage or otherwise completely screened from view. Boats may be moored or stored on boat lifts at waterfront property.

7. No "For Rent" signs may be displayed on any lot. "For Sale" signs may be displayed only if they are no larger than customary and standard realtor signs for residential property.
8. These restrictions may be amended only by a vote of not less than two-thirds (2/3) of the affected property owners.

Committee chairman Fisk stated that the Board has had excellent success in the courts with the three times it was forced to pursue remedies for violations. In these three cases, Cape Haze Property Owners Association has prevailed and recovery of all damages was received. The committee and its volunteers spend a great deal of time investigating all violation. Effort to resolve each situation without involving legal means is made and in most cases is successful. Mary Lou Fitzgerald sends a "first letter", which sites the violation and requests that the issue be addressed. In an effort to remove any neighbor-against-neighbor concerns, Mr. Tim Freeman of Grande Property Service has been hired under contract to take the situation to the next level. He will act in this capacity and make a firm effort to rectify the violation by issuing a follow up letter and stating that the owner must resolve the issue within a prescribed number of days or risk legal action. It is the hope of the Board that Mr. Freeman acting in this capacity will diffuse most situations.

#### **Welcome Committee**

Mary Barron welcomed the new comers to the community. She stated that Cindy Howell accompanied her to visit new owners and presented same with Welcoming Packets. They used that opportunity to encourage them to join in community activities and to become members of CHPOA and to support CAM. Mary expressed that it was some difficulty in getting owners to open the door to unannounced visitors but that they would come up with other means of making initial contact if necessary.

#### **Vacant Lot Mowing**

Jeanne Corbin coordinator of VLM stated there were at present 74 lots in the program. This very inexpensive service allows for cutting of vacant lots usually 7 times a year at a cost of approximately \$25 per lot. So far 67 properties have paid for 2016 and numerous notices have been sent out to the 7 unpaid owners. Three of these have been outstanding for over 3 years. Owners have the choice to also self mow their lots.

#### **Communications**

Mary Lou Fitzgerald is the person responsible for this task. She expressed to the members the importance of allowing her to have their email addresses and that each notification was sent "blind copy" so that those addresses remained private. To date there are 106 CHPOA members and Mary Lou stated that she had 6 of those with email addresses missing. Of the 183 owners in the community, 17 email addresses are missing from her contacts. She expressed the importance of having the email addresses as a fast and effective method if communicating with owners in emergency situations, public service notifications, and other information of interest in the community.

#### **NEW BUSINESS-Need to Increase CHPOA and CAM Membership**

Bob Howell, CAM director, presented an update on the various improvements to the community. The Community Center has recently had the need for extensive plumbing repairs for the men's restroom. For what was originally estimated to cost in excess of \$4500, director Howell was able to have completed for \$5500.00, with the additional amount stemming from extensive excavation of

decayed pipes encased in concrete and the restoration of the floor after repairs. This area should no longer be a problem in the future. The community tree trimming has all been completed so that in the event of a storm streets will be passable and damage to property from falling branches should be manageable. The annual cost for this undertaking was \$4000. FPL has been contacted in regard to installing additional lighting in dark areas surrounding the Community Center. These most likely will be leased, with FPL being fully responsible for maintenance. Director Howell stated that at this time the subject of further remodeling of the Community Center has been tabled due to lack of funds. He stated that the Common Area Maintenance Fees, which are so very important for the community to financially support, provide for the constant maintenance of the entrance to Cape Haze, fund reserves for catastrophic weather damage, and numerous other items. He briefly stated again the function of Mr. Tim Freeman of Grande Property Services and his importance to controlling deed restriction violations which devalue property in our community. He explained that the situation had come to a boiling over point and that a Board member had been verbally attacked for their involvement in enforcement. Director Howell also expressed the need for a continued volunteer spirit in Cape Haze to facilitate clean-up days, decorating for holidays, etc. To date, 182 owners from Cape Haze had paid CAM fees for the entire community. In essence, some are paying for all and this practice need to change. Of 201 improved properties West of Placida Road and the 52 East of Placida Road, a total of 106 have paid CHPOA membership dues. Of 84 vacant lot owners only 47 have paid CAM fees. Director Howell stated that he believed there was some misconception in the community that paying CHPOA dues and paying Common Are Maintenance Fees equated to belonging to a social club. He also stated that of the 52 homes East of Placida Road only 7 belonged to CHPOA and that possibly the others did not realize the value of being able to use the Community Center and the beachfront lot on Don Pedro Island. He remarked that in speaking recently with several realtors in the area, all agreed that a deed restricted community holds value when selling a property and those perspective buyers readily appreciated the focus on preserving the community by enforcing those restrictions. He explained that if all participated the fees per property would go down in cost with the same benefits. A brief description of the upcoming needs of the Community Center building were given, as well as maintenance problems with the existing dock on the beachfront lot. He stated that if some repairs were done now it would prevent a more extensive re-building of the dock in the near future. Possible replacement of boards with Trex and stainless screws would prevent a possible liability issue with the way the dock is now. Director Howell suggested that it might be prudent to attempt to get the residents of Cape Haze on the East side of Placida Road more involved in the near future.

Marvin Mednitz asked if it would be possible to build a way to get on and off Kayaks on the dock on Don Pedro. It was briefly discussed as a possibility.

Several members inquired as to exactly where the dock was located and they were given more information.

#### **ADJOURNMENT**

Being no other comments or business it was the general consensus of all to adjourn the meeting. President Jeanne Corbin declared the meeting adjourned at 5:35 PM. A wine and cheese social then followed and was sponsored by the CHW.

Respectfully submitted,

*Teri Rigsby*

Teri Rigsby, Secretary