

**NOTICE**  
**BOARD OF DIRECTORS MEETING**  
**PINE RUN CONDOMINIUM ASSOCIATION, INC.**  
**THURSDAY, May 28, 2020**  
**PINE RUN CLUBHOUSE AREA**  
**8:30 AM**

**AGENDA**

- I. Call the Meeting to Order.
- II. Determination of Quorum.
- III. Proof of Notice of Meeting.
- IV. Meeting Decorum.
- V. Resignations and Appointments.
- VI. Approval of Minutes of April 23, 2020.
- VII. BOARD REPORTS.
- VIII. OLD BUSINESS.
  - a. Small Pool schedule?
  - b. Late payments?
  - c. Clubhouse electrical work
  - d. North boundary seeding
- VIII. NEW BUSINESS.
  - a. Pest control contract?
  - b. Pool contract proposal
  - c. Pipe/waste line issues
  - d. Rules and Regulations update
  - e. AGM's
- IX. PUBLIC COMMENT.
- X. ADJOURNMENT: Next meeting date will be June 25, 2020.

**MINUTES OF THE MEETING  
BOARD OF DIRECTORS  
PINE RUN ASSOCIATION, INC.  
THURSDAY, MAY 28, 2020  
8:30 A. M.**

Present: Kip Kellogg, President, Damon White, Vice President, Owen Hodge, Treasurer, Karen Stone, Secretary, Tom Foley, (Arriving at 9:14 A. M.), Pat Hamilton, Steve Ross, Directors, Jim Kraut for Management and owners in the audience. This meeting was tape recorded by a Board member.

The meeting was called to order by the President, Kip Kellogg, at 8:30 A.M. in the parking lot at the clubhouse, a quorum being present. Proof of Notice and Agenda were posted at least 48 hours in advance. All motions passed at this meeting were unanimously approved with all Directors present voting in favor of the motion, unless otherwise noted.

Meeting Decorum: Owners were reminded to raise their hand to be recognized, address all comments to the Chair and to limit comments to 3 minutes on any agenda item.

Resignations and Appointments: None.

Reading/Approval of Minutes of Previous Meetings: MOTION was made by Steve Ross and seconded by Damon White to approve the minutes of the Board of Directors meeting of April 23, 2020, as presented.

MOTION PASSED.

**BOARD REPORTS**

Secretary - Karen Stone: 1). We are averaging 8 sales per calendar year, the same as last year. 2). We have had 5 leases this year vs 17 last year for the same time period. 3). The new directory permissions need to be included in the sales application packet. 4). The new directories will be hand delivered where possible and the rest will be mailed. 5). The minutes from January 20, 2020, may be incorrect as to how you can change the current pet restrictions. These minutes will be sent to the attorney to determine whether the minutes are accurate or need to be amended.

MOTION was made by Pat Hamilton and seconded by Karen Stone that a violation letter be sent to the owner of Unit # 309, and request that the two Pit Bulls living in the residents be removed immediately.

MOTION PASSED.

Vice President – Damon White: read his report, which is attached and made a part of these original minutes.

MOTION was made by Owen Hodge and seconded by Pat Hamilton to approve the proposal from the Landscape Committee to install plantings at a cost not to exceed \$2,000, as submitted.

MOTION PASSED.

The Landscape Committee is looking for more volunteers.

Pat Hamilton: Ms. Hamilton reviewed her report and opinion on pet restrictions, which is attached and made a part of these original minutes.

Treasurer - Owen Hodge: 1). Read his report, which is attached and made a part of these original minutes.

Steve Ross: Deferred.

Maintenance – Tom Foley: Deferred.

President's Report – Kip Kellogg: 1). Read his report. The new shell pathway looks great.

#### UNFINISHED BUSINESS.

- a. Small Pool Schedule: Management will contact the contractor and obtain a schedule for the work to be done.
- b. Late Payments: The Association continues to use the 30 – 60 – 90 - day collection system.
- c. Clubhouse Electrical Work: The work has been completed.
- d. North Boundary Seeding: Seed is being applied to the new swale areas: there is another 200 lbs. to spread.

#### NEW BUSINESS.

- a. Pest Control Contract: Because of the disappointing performance experienced after the sale of Hoskins Pest Control, a search committee contacted four other pest control contractors requesting bids for a new pest control contract. Three of the contractors, Garden Masters, Nature Zone and Pestguard, were interviewed by the committee.

Tom Foley joined the meeting.

MOTION was made by Steve Ross and seconded by Owen Hodge to accept the proposal from Nature Zone to become the pest control contractor of record for the Association, as submitted.

MOTION PASSED.

1). The Pest Control Committee of Tom Foley, Steve Ross, Damon White and Peter Asklepious. were thanked for their hard work. 2). Nature Zone will provide an information sheet to all owners. 3). The first interior treatment will be scheduled for October, but owners who have problems prior to then will receive spot treatments.

- b. Pool Contract Proposal: MOTION was made by Tom Foley and seconded by Steve Ross to terminate the pool services of Economy Pools and Keys-Caldwell, Inc, and approve the proposal from Ritchie Pools LLC, to take over pool maintenance for the recreation and small pools, effective July 1, 2020.

MOTION PASSED.

(For: Foley, Hamilton, Ross, Stone, White. Abstain: Hodge, Kellogg)

- c. Pipe/Waste Line Issues: Repairs were made and reimbursements were paid, as needed.
- d. Rules and Regulations: Deferred until the June meeting.
- e. AGMs: MOTION was made by Damon White and seconded by Pat Hamilton to approve the following AGMs, as presented:
  - 1. Unit # 218: Kitchen Remodel.
  - 2. Unit # 366: install French Doors in an approved color.

Tom Foley was excused at 9:40 A. M.

- 3. Unit # 353: The permit was received for a previously approved AGM.
- 4. Unit # 131: Replace carpet with Mexican Tile. This AGM was previously approved on 9/5/19 but could not be completed because of scarcity of material.
- 5. Unit # 137: Replace carpeting in the living room and dining room.
- 6. Unit # 135: Remove and replace cracked tile on outside lanais.
- 7. Units # 236, 238, 242: Removal of an Orchid tree and replaced with Oleander and Jatropha trees.
- 8. Units # 351 & 353: Existing Spanish Bayonet Plants relocated to the front of the carport.

MOTION PASSED.

(For: Hamilton, Hodge, Stone, White. Abstain: Kellogg, Ross).

Public Comment: 1). Q: What are the options to prevent flooding? A: Work on rerouting water from roof runoff. 2). Q: Is there a way to trace French drains? 3). Unit # 209 has some drainage issues. 4). Thanks to the Board for the new shell pathway, the refurbished Pine Run sign and for keeping the swimming pool open.

The meeting was adjourned by the President at 9:59 A. M. The next regularly scheduled Board of Directors meeting will be held on Thursday, June 25, 2020, at 8:30 A. M., at the clubhouse.

Respectfully submitted,



James S. Kraut,  
For the Secretary



# May 2020 Board Report

*Patricia M. Hamilton, Board Member*

Text of new Pets rule adopted at Pine Run Board Meeting, September 26, 2019

- a. A maximum of two domestic pets (dogs/cats) may be maintained by an owner within a unit.
- b. Dangerous Animals: no animal may be kept which the Board has determined to be dangerous. The following dog breeds are prohibited: Pit bull or Staffordshire Terrier, Rottweiler, German Shepherd, Husky, Malamute, Doberman Pinscher, Chow Chow, Great Dane, Wolf Mix. (dogs of resident owners of any of these breeds at the time of adoption of these rules may be specifically grandfathered in by written application and approval of the Board).
- c. Visiting pets are subject to all of the same rules and regulations as resident pets.
- d. Dogs/cats must be leashed and controlled at all times by the owner/walker when outside the unit.
- e. All dogs/cats must be licensed and have current vaccination tags.
- f. All solid waste must be removed immediately and properly disposed of in a sealed plastic bag in designated pet waste containers.
- g. Owners are responsible for any damage or injury caused by their pets.
- h. No pets are allowed in recreation areas (small or large pools and their gated enclosures, clubhouse, tennis and pickle ball courts).
- i. Pet owners are responsible for ensuring that the rights of other residents to peace, quiet, health, and safety are not infringed upon by their pet. Barking dogs shall not be left unattended.
- j. Owners may allow renters to have up to two pets upon written notice and approval by the Pine Run Board of Directors.
- k. Reasonable accommodation will be made for service/assistance animals.
- l. The Board has the right to request removal of a pet that violates these rules and/or creates a nuisance.

# May 2020 Board Report

Patricia M. Hamilton, Board Member

The minutes from our January 23, 2020 Board meeting contain the following **incorrect** statement under "VIII. Old Business":

- e. Dog Restrictions: If owners want to restrict type, number and /or size of dogs, it must be voted on by the ownership and be an amendment to the Declaration.

The statement is not attributed to any Board Member or to Jim Kraut.

Note that our Board voted for and passed a new "Pets" rule at our September 26, 2019 Board Meeting. ***Is the statement above an attempt to over-rule the Board passage of that new Pets rule?***

I have gone through our governing documents (Certificate of Incorporation, Declaration of Condominium, and Bylaws) to clarify what **does**, and what **does not** require an ownership vote.

## **First, what DOES require an ownership vote?**

Pine Run Documents require a vote of not less than 2/3 of unit owners:

- 1)to Amend our Certificate of Incorporation (Certificate of Incorporation, Article 9, Section 9.4).
- 2)to Amend our Declarations of Condominium (Declarations of Condominium, Article 13, Section 13.4).
- 3)to Amend our Bylaws (Bylaws, Article 9, Section 9.3)
- 4)Before there is a Material Alteration, substantial additions, or further improvement of common elements in any of the condominiums or to real property which is Association Property (Declarations of Condominium, Article 6, Section 6.14).

**What DOES NOT require an ownership vote? – i.e., What are Board powers regarding Pet Rules, and all Rules and Regulations WITHOUT ownership vote? (below are screen shots from Pine Run governing documents, of ALL provisions for Board rule-making authority, and the ONLY reference to PET RULE-MAKING AUTHORITY, with citations)**

## **Articles of Incorporation**

### **3.2(e) Powers of Association...**

- (e) To make and amend reasonable Rules and Regulations respecting the use and operation of the properties in the three condominiums.



# May 2020 Board Report

Patricia M. Hamilton, Board Member

## **Declarations of Condominium (Amended)** **(article 8 – Association)**

8.9 Rules and Regulations. The unit owners in the aggregate shall be entitled to equal and full use and enjoyment of all the common elements in their respective condominium and in the recreational facilities, except as they may be restricted by the reasonable and uniform Rules and Regulations duly adopted by the Association Board of Directors from time to time, which usage shall always be in recognition of the mutual rights and responsibilities of each of the unit owners.

## **(article 10 – Use Restrictions)**

10.15 Regulations. Reasonable Rules and Regulations concerning the use of the three condominium properties may be made and amended from time to time by the Board of Directors of the Association, provided such Rules and Regulations are of uniform application. Copies of such Rules and Regulations and amendments thereto shall be furnished by the Association to all unit owners and residents of the three condominiums by request.

10.16 Pets. No pets shall be permitted in or on any of the condominium properties for the three condominiums, except as otherwise provided for in the Association's Rules and Regulations.

## **Bylaws (Amended and Re-stated)**

4. Powers and Duties of the Board of Directors. All of the powers and duties of the Association existing under the Condominium Act, the Declarations of Condominium, Articles of Incorporation and these Bylaws shall be exercised exclusively by the Board of Directors, its agents, contractors or employees, subject only to approval by unit owners when such is specifically required.

(a) Operating and maintaining the common elements and limited common elements for each of the three condominiums and Association property, if any.

(b) Determining the common expenses required for the operation of the three condominiums and the Association.

(c) Collecting the assessments for common expenses from unit owners.

(d) Employing and dismissing the personnel necessary for the maintenance and operation of the common elements for each of the three condominiums.

(e) Adopting and amending Rules and Regulations concerning the operation and use of the three condominium properties.

# May 2020 Board Report

Patricia M. Hamilton, Board Member

## Bylaws (continued)

### ARTICLE 10 MISCELLANEOUS

10.1 Minutes. Minutes of all members and Board meetings shall be kept in a book and shall be available for inspection by unit owners and Board members and their authorized representatives at all reasonable times. All minutes shall be retained for a period of not less than seven (7) years.

10.2 Rules and Regulations. The Board of Directors may adopt reasonable Rules and Regulations to be uniformly applied to all members governing the details of the operation and use of the common elements for each of the three condominiums.

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**CONCLUSION:** Pets are ONLY to be provided for in the Association's Rules and Regulations. The Board's Authority to adopt Rules and Regulations, including the Pets rule, is NOT "specifically required" to be subject to approval by unit owners (Bylaws article 4 – see above, page 2). Hence, the statement in the minutes of the January 20, 2020 Board Meeting, "VIII. Old Business, e." stating that voting by the membership and amendment to the Declaration is required is incorrect, and should be stricken.

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I would like to offer a Motion at the May 2020 Board of Directors meeting to Amend the Pine Run Board minutes of January 23, 2020 (previously approved at the Pine Run Board Meeting of February 27, 2020) to delete the incorrect statement therein under "VIII. Old Business, e.":

- |   |
|---|
| e. Dog Restrictions: If owners want to restrict type, number and /or size of dogs, it must be voted on by the ownership and be an amendment to the Declaration. |
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Also, there have been 2 Pit Bulls resident in #307; they are presently absent, but may be returning in June. The dogs have been aggressive. The breed is banned in the September 26, 2019 Pets rule amendment adopted by the Board. Can we (or Keys-Caldwell) send the owner of #309 to advise that the dogs are not permitted back in Pine Run?

Patricia M. Hamilton,  
Board Member



### **Special Assessments For Roof Project**

Section 1 special assessment funds should be used to cover Building D payments to Tioli Roofing. Tioli will begin work on Building D soon. An initial payment of 30% has already been made. This is exactly what we planned for in our long term roof project.

### **Current Economy and Pine Run**

Given the state of the economy it would not be surprising if the Pine Run Association experienced some side affects. As of January, 2020 there was only one Pine Run owner, out of 147, in arrears by 90 or more days. The last assessment payment from this particular owner of unit 121 was received in October, 2018. According to the April financial report there are two owners who have not made an assessment payment since January, and one other who has not made a payment since February. I do not know the circumstances for these recent cases and I certainly do not intend to be judgmental. I think the crucial thing needed now is good communication between owners and the board whenever assessment payments are not submitted punctually.

There most likely will be a period of economic uncertainty for the next few months. It would be prudent for us to be cautious with our spending at the very least until the end of August.

### **Insurance**

Kip Kellog, Damon White and I are scheduled to meet with Jessica Harrison of Brown and Brown Insurance on June 2 for a presentation of our next policy which will begin at the end of June.

### **Operations Expenses**

Our operations expenses are about \$6000 (1.5%) over budget. This overage is due to a one time \$13000 expense for maintenance and supplies related to addressing the drainage problems in the swale. All other expenses except for this one item are \$7000 under budget. This is a manageable situation.

### **2021 Budget**

Once we have the data regarding insurance costs we should be in a position to begin drafting the 2021 budget.

### **Accounting System**

For those of us, definitely including me, who are not certified public accountants, every accounting system will have its mysteries. I am happy to report that our current system greatly facilitated the research for this report. For example, it is now possible, and very convenient, to do an online payment search for a particular vendor over a designated period of time. Not possible 4 or 5 years ago. The coding for allocation of expenses to the various budget categories is much clearer than in the previous system and saves me a lot of time. I really appreciate these improvements.

## **Vice President's Report – May 28, 2020**

As liaison to the Landscaping committee, I was present at their first meeting on Tuesday. Keenie discussed the use of several native plants as replacements for grass in areas where grass struggles to grow. Sunshine Mimosa was one such plant as it is mow-able and does not suffer from pedestrian traffic. Another plant was Beauty Berry (if I remember correctly). We talked about issues with tree trimming. Bob Sundahl expressed concern about a Rubber tree close to his unit in the back that we should consider removing. In addition, we had some discussion about plantings along the northern boundary where the new swale has created planting opportunities. Molly, the Botanist, has suggested 5 Southern Red Cedars, 5 Sea Grapes, 5 Lantana, 5 Marlberrry and 15 wild flowers. In another location on the property, she has suggested 3 Southern Red Cedar, 3 Sea Grapes, 2 Marlberrry and 7 Lantana with another front border of wildflowers. The estimated cost is \$2000.00.