



**HARBOUR ISLE AT HUTCHINSON ISLAND EAST
CONDOMINIUM ASSOCIATION, INC.**

Board Meeting

Wednesday, September 18, 2019

Minutes

1. CALL TO ORDER:

- President Jay Sizemore called the meeting to order at 6:30 p.m. The pledge of Allegiance was recited.

2. ROLL CALL/ESTABLISH A QUORUM OF BOARD MEMBERS:

- The Board was polled. Board members present were President Jay Sizemore, Treasurer Barney Horan and Director Frank Briganti. Secretary Pat DeVecchio was present via tele-conference. Vice President Annette Sannioti was absent due to an injury she received earlier in the day. Also present was Association Attorney Jacob Ensor. Property Manager Julie Lynch was present representing FirstService Residential. There were 55 residents present. A quorum was established.

3. PROOF OF NOTICE:

- A 14 Day Notice was emailed or mailed to all owners on August 23, 2019 in accordance with Florida Statutes 718.

4. APPROVAL OF MINUTES:

- On a motion made by Barney Horan and a second by Frank Briganti the Board voted unanimously to waive the reading of the September 9, 2019 Board meeting minutes and accept as posted on the website.

5. PRESIDENT'S COMMENTS:

- President Jay Sizemore apologized for his absence at the September 9, 2019 Board Meeting, but explained he was on a humanitarian boat trip to the Bahamas to help in the relief effort after Hurricane Dorian. Jay received a round of applause. Jay introduced Association Attorney Jacob Ensor to the membership.

6. ASSOCIATION ATTORNEY COMMENTS:

- Association Attorney Jacob Ensor introduced himself to the membership from the Law Firm of Ross, Earle, Bonan & Ensor. He has served as general counsel for Harbour Isle East for approximately 7 years.
- Jacob summarized why this special meeting was arranged. When the Cumberland Farms project was originally submitted to the commission for approval, it was agreed that all ingress and egress at the Commercial site would be from Seaway Drive and the Developer/Builder Craig Mason in conjunction with Harbour Isle East had agreed to eliminate the access road from Harbour Isle Drive East next to our Guard Gate and in its place put a Pedestrian gate only to be accessed by the residents of Harbour Isle East and Harbor Isle West by means of their swipes cards.

However, at the Commission meeting on August 19, 2019, the commission agreed to have right only ingress and egress from Seaway Drive to the retail site and no left turn ingress and egress to & from Seaway Drive at the Retail/Cumberland Farms site. They also agreed to reinstate the access road to the commercial plaza from Harbour Isle East Drive. The Harbour Isle East owners, Craig Mason and the Cumberland Farms Representative who were present at that meeting were all taken off guard by this change in the agreement.

- Jacob explained that he was representing the Association on this issue and his partner Attorney Deborah Ross represents Harbour Isle West. This meeting was called by the Board to help answer questions from the residents, specifically on the reinstatement of the new roadway. Jacob explained that he had requested the questions in advance but many questions he is unable to answer because they were directed towards the City of Fort Pierce, FDOT or he simply did not have the time to research the details required on some queries.

7. QUESTION AND ANSWER SESSION:

- Q.** What has the Board directed you to do and what is your strategy?
- A.** After the last commissioner meeting, I received a call from Jay Sizemore who asked me to step in and stop this issue. Jay, myself, Deborah Ross, Steve Jorosi (HIW Board President), the Cumberland Farms Representative and their Attorney, Craig Mason and their Attorney met to discuss our concerns. Everyone was in agreement that the road should not go in. Without Attorneys from all sides present, Jay Sizemore, Craig Mason and The Cumberland Farms Rep. also met separately with some Commissioners, the City mayor and the City Manager and set forth the Board and owner's objections to the change in agreement. The meetings went very well and everyone understood our objections, the reasoning behind them and our desire to avoid a lengthy legal battle. We have also voiced our concerns to the City Attorney.
- Q.** How does the public have the right to use Harbour Isle Drive?
- A.** If you go back to the Flat of this community, the main entry and Harbour Isle East Drive up to your Guard gate are dedicated to the Property Master Association (PMA) who are responsible for maintaining and insuring it. These roads are also a right of way for the public. At the time of development, the access road from Harbour Isle Drive East to the retail site was contemplated to be used as a public thoroughfare at some time in the future.
- Q.** Have you been working with Mason Simpson the original Developer of Harbour Isles?
- A.** No, we have had no communication with Mr. Simpson and we believe he does not have a role or is part in this stage of the process.
- Q.** Does Harbour Isle East have legal standing in this matter?
- A.** Ross, Earle Bonan & Ensor on behalf of the Association have filed a request to intervene in the proceedings. Myself & Deborah Ross plan on being in attendance at the September 23rd Commissioner meeting and we encourage as many owners as possible to attend so they see how important this issue is to the community.

- Q.** Correspondence was submitted to the planning department which show the private agreement between Harbour Isle East and Craig Mason the Developer that eliminates the road, can the Commissioners negate this private agreement?
- A.** The City is not bound by a private agreement by two parties but we will be asking them at the meeting to morally stand by that agreement.
- Q.** Who is responsible for pedestrian safety?
- A.** It depends on your location, it could be the PMA, HIE, HIW, the Marina etc. and of course there could be other parties responsible for pedestrian safety depending on the particular circumstances.
- Q.** Can the roundabout on Seaway be removed and stop signs put in instead of yield signs?
- A.** That would require the involvement of FDOT and the city of Fort Pierce.
- Q.** How will our small roads, the roundabout and Seaway Drive be able to handle the additional traffic and potential pedestrian and car accidents that are inevitable.
- A.** FDOT is responsible for the road congestion and the safety of pedestrians and vehicles. It is because of these potential concerns that the Board is determined to fight the access road.
- Q.** Is the Association willing to accept the potential increase in liability we will be exposed to if this road goes in?
- A.** The Association is very aware of the increase in commercial and public retail traffic and the liability concerns that this roadway will bring, that is why they are fighting this matter.
- Q.** Will this roadway have a stop sign or will the residents of Harbour Isle East have the stop sign?
- A.** That has not been discussed with any parties at this stage.
- Q.** Besides HIE & HIW do you represent any other entity in this situation for example Cumberland Farms, Mason Simpson, Harbour Isle Resales, etc.
- A.** No I do not.
- Q.** How does SHIP (South Hutchinson Island Preservation) committee from HIE get reimbursement for expenses made for this cause.
- A.** I am not aware of any means of reimbursement. Individuals and SHIP may need to consult their own attorneys on this matter.
- Q.** Our Board has the responsibility to represent the best interests of the ownership, why did they not allow a survey to be emailed out to all the residents to find out who was in favor or not of the Cumberland Farms project?
- A.** The Board welcomes every one's opinion on the Cumberland Farms issue, their goal at this point is to eliminate the access road at the HIE guard gate.
- Q.** So are the Board for or against the Cumberland Farms project?
- A.** That is a personal opinion and you would have to address that to each individual Board member.

- Q.** It is a proven fact that proximity to gas stations significantly reduces property values, how does one seek legal remedy from the Board for their failure to act in the best interest of the HIE homeowners
- A.** That is asking for a legal opinion and I cannot give legal advice to an owner. However, it is my opinion that there is no legal remedy to seek recourse from the Board or Association.

8. OPEN FORUM:

An informal discussion ensued between the Homeowners, the Association Attorney and the Board on the same topic.

9. ADJOURNMENT:

- Jay Sizemore moved the meeting to be adjourned, seconded by Barney Horan. The motion carried unanimously. The meeting adjourned at 7:40 p.m.

Respectfully submitted,
Julie Lynch LCAM
For and on behalf of the Board of Directors