

Country Creek Homeowners Association of Manatee

c/o Gulf Coast Community Management, LLC., 2201 Cantu Ct., Ste 106, Sarasota, FL 34232

Office: (941) 870-5600

GulfCoastCM.com

Board of Directors Meeting

February 23, 2023 @ 6:00 PM
Community Park Pavilion

AGENDA

1. Call to Order
2. Verification of Quorum
3. Proof of Meeting Notice
4. Approval of Minutes
 - a. 1/10/2023 Meeting Minutes
5. Manager's Report
 - a. Fining Committee Meeting Review
 - b. Tree Removal from Common Property Review
6. Business
 - a. Short Term Amendment Review and Board Approval
 - b. Board Resolution – Electronic Voting Approval
 - c. Playground Equipment Replacement Quotes
7. Board Member Comments
8. Homeowner Comments
9. Next Meeting Date
10. Adjournment

HOMEOWNER'S COMMENTS: Time limit of three (3) minutes total on each subject per homeowner. The Board members may respond or choose to place on a future agenda for further discussion. The total time allotment for *homeowner's comments* will not exceed 30 minutes.

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Board Meeting Minutes

January 10, 2023

1. The meeting was called to order by Eric Lawson at 7:00 pm.
2. A quorum of the Board was present - Todd Klyn, David Rosengrant, Eric Lawson. Bill Ashby (Association Manager) was present.
3. The meeting notice was posted in accordance with Statutory requirements.
4. A motion by David Rosengrant to approve the 11/7/2022 minutes, second by Todd Klyn, motion carries.
5. Manager's Report
 - a. GCCM announced their new office address
 - b. The tree removal at the entrance to 3rd was completed.
 - c. The Board agreed to move forward with electronic voting. GCCM will create the Board Resolution for a fee of around \$300.
 - d. 112 owners have paid their special assessment with 12 having partially paid.
 - e. The delinquent accounts were reviewed.
 - f. The Board unanimously agreed to not split the assessments in the future.
6. Officers/Committee Report
 - a. Architectural Committee – After a brief discussion, a motion by Todd Klyn to approve the committee's approvals noted on the report, second by Eric Lawson, motion carries.
 - b. Grounds – Todd Klyn reported that he has not received the park irrigation quote from Green Thumb. Bill Ashby will follow-up with Green Thumb. The Board asked Bill Ashby to confirm if the ponds are included in the General Liability policy.
 - c. Financials – David Rosengrant discussed the current financials.
 - d. Compliance Committee – next Inspection is scheduled for 1/13/2023. The fining committee will meet on 1/30 or 1/31/2023 at the park shelter.
7. Business
 - a. The Board tabled the playground equipment discussion as Jamie Potter was not able to attend. The Board will get the updated pricing from Jamie.
 - b. The Board tabled the Short Term Leasing Board Approval as only 4 Board members were present. The Board approval will require 4 Board members to approve.
 - c. The Board discussed the Annual Meeting notice requirements.
8. Board Member Comments – None
9. Homeowner Comments - None
10. Next Meeting Date – Tentatively 2/15/2023. Todd Klynn will confirm via email.
11. As there was no other business, the meeting adjourned at 8:07pm.

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Fining Committee Meeting Minutes

January 31, 2023 @ 6:00 PM

1. The meeting was called to order by Bill Ashby at 6pm
2. A quorum was present – Lance Davis, Jerry Wesley, and Yosvani Barreiro. Bill Ashby (Association Manager) was present.
3. The meeting notice was posted in accordance with Statutory requirements.
4. Business – The property owners did not attend.
 - a. After a brief discussion, a motion by Yosvani Barreiro to impose the Board levied fines for 14027 1st Ave E, second by, Jerry Wesley, motion carries.
 - i. Landscaping - \$2500
 - ii. Lawn Maintenance - \$2500
 - iii. Mailboxes - \$2500
 - iv. Maintenance of Lots - \$2500
 - v. Unapproved Modification - \$2500
 - vi. Screening Electrical & Mechanical - \$2500
 - b. After a brief discussion, a motion by Yosvani Barreiro to impose the Board levied fines for 14302 1st Ave E, second by, Jerry Wesley, motion carries.
 - i. Screening Electrical & Mechanical - \$2500
 - c. After a brief discussion, a motion by Yosvani Barreiro to impose the Board levied fines for 14814 7th Ave E, second by, Jerry Wesley, motion carries.
 - i. Mailboxes - \$2500
5. Since there was no other business, the meeting adjourned at 6:09pm

HOMEOWNER'S COMMENTS: Time limit of three (3) minutes total on each subject per homeowner. The Board members may respond or choose to place on a future agenda for further discussion. The total time allotment for *homeowner's comments* will not exceed 30 minutes.



ICARD MERRILL

ATTORNEYS & COUNSELORS

Telese L. Zuberer, Esq.
Community Association Law
Circuit Certified Mediator

January 9, 2023

Via: Email Only

Mr. Bill Ashby, Association Manager
Bill@GulfCoastCM.com

**Re: Country Creek Homeowners Association of Manatee, Inc. /
Proposed Declaration Amendment**

Dear Bill:

As requested in your email dated January 3, 2023, we have prepared the enclosed amendment to the Amended and Restated Declaration of Covenants, Conditions and Easements, and Restrictions of Country Creek Subdivision ("Declaration") to add a new section addressing leasing in the community. Specifically, we have proposed adding a new Section 5.11 of Article V of the Declaration which sets forth new leasing restrictions and procedures including a definition of "leasing," a six-month minimum lease, and prohibition on more than two leases per year for the rental of a Lot. Further, we have included the authority for the Board of Directors ("Board") to require a specific application, background check, reasonable application fee, and adopt other procedures as the Board deems appropriate.

As you may be aware, Florida Statutes Section 720.306(1)(h) provides as follows:

(h)1. Except as otherwise provided in this paragraph, any governing document, or amendment to a governing document, that is enacted after July 1, 2021, and that prohibits or regulates rental agreements applies only to a parcel owner who acquires title to the parcel after the effective date of the governing document or amendment, or to a parcel owner who consents, individually or through a representative, to the governing document or amendment.

2. Notwithstanding subparagraph 1., an association may amend its governing documents to prohibit or regulate rental agreements for a term of less than 6 months and may prohibit the rental of a parcel for more than three times in a calendar year, and such amendments shall apply to all parcel owners.

As such, the proposed amendment to the Declaration falls under subsection 2 above and thus, if approved, shall apply to all Owners, and not just those that approve the amendment.

To approve the proposed amendment to the Declaration, Section 9.01(a) of Article IX of the Declaration requires member approval, as follows:

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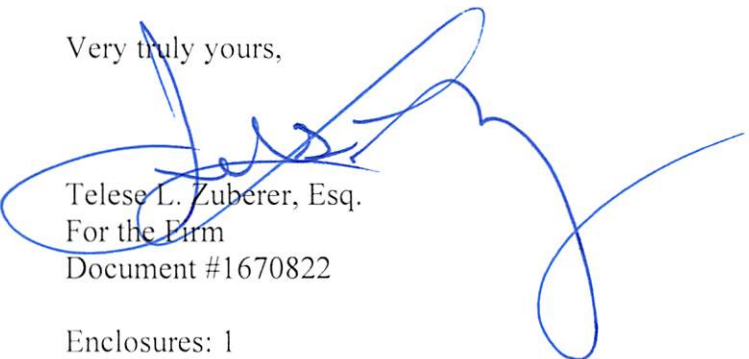
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9.01 Amendment.

- (a) ...Unless otherwise provided, the resolution adopting a proposed amendment must bear the approval of (1) not less than two thirds (2/3) of the Board of Directors and two-thirds (2/3) of the voting interests of the members who cast their vote; or (2) not less than seventy percent (70%) of the voting interests of the members who cast their vote; however, in no case shall a resolution be adopted by less than fifty-one percent (51%) of the total of the total voting interests of the membership...

As such, you have the option to either hold a Board meeting and a member meeting and obtain the lower approval threshold set forth in option (1) above, or to hold just a member meeting and obtain the higher approval threshold set forth in option (2) above. If you would like our assistance to prepare the meeting package for the member meeting when the proposed amendments will be considered, please let us know. Otherwise, once approved, please send us the meeting agenda and minutes, and we shall prepare the Certificate of Amendment for recording in the Public Records of Manatee County. If you have any questions or would like to discuss this matter further, please do not hesitate to contact me at your earliest convenience.

Very truly yours,



Telese L. Zuberer, Esq.
For the Firm
Document #1670822

Enclosures: 1

**PROPOSED AMENDMENT TO THE AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND EASEMENTS, AND
RESTRICTIONS OF COUNTRY CREEK SUBDIVISION
("DECLARATION")**

New language is indicated by underlined type.

Deleted language is indicated by ~~struck through type~~.

A new Section 5.11 of Article V of the Declaration shall be added as follows:

5.11 Leasing. "Leasing" for the purpose of this Declaration, is defined as the exclusive occupancy of a Lot by any persons other than the Owner, without the Owner present, whether or not the Owner received any benefit, fee, gratuity or service.

- (a) Notice and Approval. Owners shall provide a copy of all lease agreements and all extensions thereof to the Association and obtain approval from the Board of Directors before the lease or extension can be executed. The Board of Directors may require certain application procedures, including forms, background checks, and tenant interviews, and charge a reasonable fee therefor as permitted under the law. Owners are required to provide to the Association the Owner's current mailing address, together with the names of those residing on the Lot.
- (b) Term. Leases shall not be for less than a six (6) month term, and all leases must be in writing. No more than two (2) leases may be executed per year for the rental of a Lot. No individual rooms shall be rented, and no transient occupants shall be accommodated in any residence.
- (c) Tenants Subject to Use Restrictions. Every tenancy and lease shall contain or be deemed to contain a provision that the tenant is subject to this Declaration, the Articles of Incorporation, Bylaws and Rules and Regulations of the Association. Said documents shall be provided to the tenant by the Owner or the Owner's designated representative. The lease or rental of any residence shall not release or discharge an Owner thereof from compliance with any of his/her/its obligations and duties.
- (d) Violations. In the event of any violation by the tenant of this Declaration, the Bylaws, Articles of Incorporation or Rules and Regulations of the Association, the Association shall have the right to evict a purported tenant in the name of the Owner as the proposed landlord. The determination of whether a violation has occurred shall be within the sole discretion of the Board of Directors. The Owner shall be liable for all costs and reasonable attorneys' fees incurred by the Association in connection with the termination of the lease or tenancy and the eviction of the tenant.

All other Sections remain unchanged.

Document #1670800

RESOLUTION AUTHORIZING ELECTRONIC VOTING AND PARTICIPATION FOR ASSOCIATION MEETINGS AND ELECTIONS

COUNTRY CREEK HOMEOWNERS ASSOCIATION OF MANATEE, INC.

WHEREAS, Section 720.317, Florida Statutes (2022) provides that an association may conduct elections and other unit owner votes through an Internet-based online voting system if a unit owner consents, in writing, to online voting and if various requirements are met; and

WHEREAS, the Board of Directors has determined it to be in the best interest of the Association to enable the use of electronic voting in Association matters and to create the requisite authority required by the above-referenced statute; and

NOW THEREFORE, it is resolved as follows:

1. The Association may permit Owners who desire to do so the ability to utilize electronic voting in conformance with the above-referenced statute, as amended from time to time, as well as any applicable administrative rules of the Florida Department of Business and Professional Regulation, as may now exist, be hereafter adopted, or as the same may be amended from time to time.
2. The Board or its President may determine that utilizing electronic voting is not in the best interest of the Association as to any meeting or election. Accordingly, there shall be no obligation for the Association to utilize electronic voting at any meeting or election.
3. Notice to Owners of the opportunity to vote through an online voting system shall be provided as required by law.
4. The Association hereby adopts the following:
 - The "Consent to Electronic Voting and/or Consent to Receive Electronic Notice of Meetings," which requires the Owner to opt-in from the community website, for an Owner to be entitled to vote by electronic means and/or to receive electronic notice of meetings; and
 - The "Revocation of Consent to Electronic Voting and/or Revocation of Consent to Receive Electronic Notice of Meetings," which requires the Owner to opt-out from the community website, for an Owner to revoke their consent to electronic voting and/or their consent to receive electronic notice of meetings.
5. To implement electronic voting, the Association may contract with an outside vendor or other party that provides electronic voting services. The Board shall use reasonable judgment to ensure that such vendors' services comply with the requirements of law.
6. The Association or its agent shall notify Owners in meeting notice materials, as provided by law, of the ability to vote electronically, including but not limited to the provider's email address or website in a manner the Association reasonably believes to be sufficient to enable Owners to participate in electronic voting.
7. Owners who consent to vote by electronic means may still vote in person, if they choose, by paper means (use of proxies and ballots) or may send proxies to the Association by electronic mail, to the extent the Association otherwise receives and accepts proxies through such media. In the event of multiple votes cast by a Lot as to the same matter, the vote cast first in the election of Directors shall prevail, while the last vote cast will prevail with respect to non-election issues.

8. By affirming and otherwise choosing to vote electronically as enabled by this Resolution, each Owner recognizes that the Association cannot control the practices of third parties regarding internet communications and use of the Owner's email address. As such, and as a condition of the Association's agreement to permit electronic voting, each Owner who consents to electronic voting releases and waives any claim against the Association pertaining to such voting, including but not limited to the transmission or placement of "viruses," "malware," "spyware," "cookies," and the like. Each Owner who consents to electronic voting also consents to the Association's publication of their e-mail address, as well as other information (including necessary personal identifying information) to electronic voting service providers or other third parties to the extent and as may be reasonably necessary to enable the use of electronic voting processes. Such information shall not be considered an official record and shall not be available for Owner inspection unless required by law.
9. By affirming and otherwise choosing to vote electronically as enabled by this Resolution, each Owner further recognizes that internet/electronic communications may be subject to failure, interruptions, or other problems due to a variety of reasons, including but not limited to Owner operator error, provider system or server failures, "spam" blockers, power outages, and the like. As such, and as a condition of the Association's agreement to permit electronic voting, each Owner who consents to electronic voting releases and waives any claim or challenge to such voting, including but not limited to situations where an Owner vote was not received or counted by the Association due to no fault of the Board of Directors or management.

This Resolution was adopted by the Board of Directors on the ____ day of _____, 2023 and is effective upon adoption. The meeting at which this Resolution was adopted was preceded by the required notice in advance of said meeting. An Affidavit attesting to such notice is kept amongst the official records of the Association.

There are ____ total Board members. The number of Board members who voted in favor of this Resolution is _____. The number of Board members who voted against this Resolution is _____.

The vote of each Director is reflected in the minutes of the meeting at which this Resolution was adopted.

COUNTRY CREEK HOMEOWNERS ASSOCIATION OF MANATEE, INC.

BY: _____

Print name: _____

Its President