

Annual Meeting Minutes

Stirrup Key Homeowners Association

January 9, 2010

Meeting called to order, by President Marv Schindler, at 2:05 p.m. at the Carol Later residence, 355 Stirrup Key Boulevard, Marathon, Florida.

1. President Schindler asked if there were any additional agenda items which should be added to the agenda. The following additional agenda items were proposed:

- a. Annual trimming of mangroves on association property;
- b. Choosing a date for the Annual Workday and Fish fry, suggested March 20, 2010;
- c. Report on installation of speed limit and stop signs (four additional speed limit signs will be added: one on Sunset Drive, one between 363 and 365 Stirrup Key Blvd., one by 105 Windy Point Circle, one next to 113 Pirates Cove and a larger sign by the boat ramp displaying rules such as having your dog on a leash, picking up after your dog, and the 25 mph speed limit.
- d. Boat ramp maintenance
- e. Carol Later comments

2. Marv requested for a motion to forego the **reading of the minutes** from last year's meeting. Moved by Gail Schindler, seconded by Bud Kreh. Motion passed unanimously.

3. The **Treasurers Report** was presented, (*see Addendum A*).

a. The \$1800 phone expense is due to having three telephone lines needed for opening and closing the gate and the connecting to the answering service that assists with the opening of the gate.

b. Checking account balance is maintained to allow for flexibility.

c. **Delinquent dues procedures.** The treasurer notifies the delinquent individual; if they do not respond, the treasurer files a lien, repeating the process each year that the dues are not paid, so the amount of the lien increases with each subsequent year which goes unpaid. We currently have one or two properties with a number of liens. Substantial monies are owed on 6 Sunset Drive. The debt on that property is approximately \$1.6 million and is now under offered for about \$600,000. Therefore, we will probably never recoup those monies. We do not know if the house has been sold. We do get legal notices once a sale has closed.

A motion to approve the Treasurers Report was made by Ralph Magnotti and seconded by Glen Gidseg. Motion passed unanimously.

4. Committee reports:

a. Crime Watch, Bob Guerin. We have been at a little bit of a disadvantage because our gates have not been working. We can see the value of the gates because there have been several instances where there has been theft or attempted theft. It is unknown whether the gates being open precipitated those events, but it certainly facilitated them. When the gates are back up, the closed circuit TV cameras will also be back in operation. The system is being substantially upgraded to allow real-time direct feed and the ability for 24/7 monitoring of the cameras, so anyone who suspects a problem can call and the camera feeds can be monitored. Last year we responded to a report of a breaking and entering of a tackle room which contained rods and reels, etc. The gentleman's mother happened to walk in on the thief who immediately split. We got excellent pictures of the thief's truck, which we took to the Sheriff's office and had a meeting with the sergeant responsible for this area. She was familiar with not only the truck, but with the kid, so we were able to affect an arrest there. Outboard motors being stolen is a continuing problem with boats with lower units. If you have a boat on a lift with outboards, it might behoove you to put some light on the area or to install replacement bolts that impede the ability to unscrew the bolts on the motors. It appears to be a fairly inexpensive way to make it more difficult to remove the motors. A single engine costs approximately \$100-200 depending on the size of the motors. The sheriff's office has reviewed our crime watch activities and feels we are doing a pretty good job with the cameras and the signs we have put up. Good neighbors make good neighbors. If you see something suspicious that looks out of the way, don't hesitate because of embarrassment to let Bob Guerin or someone else know what you observe. Overall we have been fortunate, even during the sewer installation period. Once the gates are again operational, we should have as good security as any community in the Keys. We have installed new camera poles and will be installing new cameras with much better resolution and also a camera, on the building itself, with a panoramic view of the gate area so we can observe anyone fooling around with the gate operator and such. With these improvements and the website working together, we will have a unique solution that will be to everyone's benefit. A suggestion was made that perhaps an occasional guard to man the gate might discourage some of the traffic through the gate by those people who know it will open automatically if you drive up to it during the day every day except Sunday. Bob Guerin responded that he believes we are much better served by our cameras than we would ever be by a part-time guard. Letting visitors know there are cameras in use, and that we record the data for the sheriff, acts as a deterrent. Ralph Magnotti suggested that we improve the signage on the gate announcing that we video monitor entrances and exits. It was also suggested that we might add to our other signs throughout the community notifying of video observation. No one would necessarily know that the cameras were only installed at the gate. Marv said the board would address that issue.

b. Building Committee, Ralph Magnotti. There are currently no projects under consideration by the Building Committee. All requests have been processed. Two issues which Magnotti raised was the installation of pre-construction structures, such as electrical service poles, which are not utilized in a timely manner nor removed when work ceases. He will survey the instances of this and confer with the board regarding a possible change to the bylaws to prevent such structures from remaining indefinitely. Secondly, Magnotti noted that the City of Marathon Building Permits Department has been offering an amnesty, with greatly reduced fees, on non-closed out building permits. It is unknown if this amnesty is still in effect; but, regardless it would be prudent for homeowners to check with the city to

see if there are any outstanding permits on their property. If you have any questions, you can always call the city. The question was raised regarding the Altman house which has currently suspended construction. According to Marv Schindler, the builder is on a time limit, so he will have to eventually get back to it. It is believed that the property was sold and the buyer defaulted on the loan from the owner and is litigating for return of his money. The owner (Threadgold) is reluctant to put any more money into the property until the litigation is settled. We follow the city regulations which require progress within six months for the building permit to remain active. Building Committee Chairman Magnotti, will check on the status of this particular property.

c. Maintenance, Marv Schindler. Marv reported that he called the mower four times last year to mow the vacant lots. Maintenance on the gate is scheduled as needed. Currently mowing is not on any set schedule but just arranged as needed. Discussion was raised regarding who should pay for the mowing of the individually-owned vacant lots. Schindler said the issue had been discussed many times in the past and the conclusion has always been that the cost of mowing all vacant lots should be borne by the association, since their appearance is of more importance to residents than non-resident lot owners. If the association members would like to readdress that, it is open for discussion at any time. Charging the costs to individuals would make it substantially more complicated because people would have to be contacted to mow their lot and that sort of thing. The cost last year was approximately \$1600. It was noted by someone that that the mowing is about the only thing that non-resident owners get for their dues. A motion was made then dropped by Glen Gidseg that individual owners be charged. There have been some minor delays in getting the security gates back into operation due to a mistake in the order for the cameras and personal issues of the contractor. These were not the only issues; the sewer work caused extensive damage to the setup at the gate which has had to be repaired. We spent \$1600 to prepare for the sewer work to minimize the damage, but the damage caused by the sewer work required us to pay substantially more to get it repaired once the sewer project was finished. The work should be completed shortly. Barbara Cavanah suggested, and it was agreed that for a short while before the gate goes back into operation, a sign be erected to caution people that it may be closed. This is in order to prevent someone from coming around the curve too fast and not noticing that the is closed gate and plowing through it, which is historically what happens. John Teget, who had the same concern, is building a sign for this purpose at Marv's request. The question was raised whether our old openers will work once the gate is operational. Marv explained that the policy has been that the association provides an opener for a deposit of \$50 each. If the opener breaks, for whatever reason, it can be returned, in pieces or parts, for a replacement without further cost. This has been the policy for many years. Last year, even though there may have been 20 replacements, there was only one new purchase. Often, when people move away, they forget to leave or return their opener. If they do turn it back to the association, they will receive their \$50 back. We may want to address this policy in the future. Schindler reminded members that once the gate gets back into operation, the openers may not work, most likely because of a weak nine-volt battery, which is the responsibility of the individual. The question was raised about a code override on the gate which Schindler addressed. "There are a number of issues that need to be discussed every year," he said. "There are two systems installed on the gate for emergency vehicles. One is called the YELP system which sheriff's deputies and such who have a variety of different sounds they can make with their sirens. One of those is called a YELP and if they will ring that YELP for two seconds, it will open the gate and the gate will stay open for ten minutes. The other is, the Fire Chief has gone around to all the gated communities and has installed what he has referred to as the EVAC system. It is a little red box that sits inside there, and all the emergency vehicles (i.e. fire trucks, ambulances, and that sort of thing) all have an opener that operates the EVAC system at all the gated communities. He comes through and tests that, not on a

regular basis, but sort of on a casual basis. Then, what I do, and have done in the past, is I'll ask a sheriff's deputy to come around on a Sunday, when the gate is closed, and test the YELP system." Marv suggested that we develop some sort of a schedule to ensure that gets done. "The gate," he explained, "has always had a code that is built into it so you can pull up and enter it there. We also have an answering service that can be called from the dial system on the callbox, labeled "answering service." When you hit that number, the answering service, which is Ohio or someplace, hopefully will pick up the phone and open the gate for you. It's always been an issue trying to get them to cooperate or even to get them to answer the phone, but it is probably something we still need to have. It is just an ongoing issue. We have three phone lines. One of those phone lines is what allows you to call your home from the gate using your code number (.i.e., 030, or whatever yours is.). Then you dial "9" and it opens the gate just like you normally would and closes as it normally would. Then we have a system where you can dial the gate on a number and you dial in a number and it opens the gate. The downside of that system is that you have to dial back and put in the new number to get the gate to close. That is a really good system for people who are having weddings and parties and that sort of thing." Marv is going to look into the possibility that this system could be put on a timer so that the gate will automatically close. Traditionally, people have called Marv and asked him to open the gate, but that is problematic because he is not always available. The membership has said on a number of times, regarding open houses for real estate, that on the one day, Sunday, when the gate is closed all day, that it remain closed. Therefore, if Marv receives a call from a realtor regarding an open house on a Sunday, he lets them know that the association has chosen to not to do that. They can have an open house on Sunday, but visitors will have to be let in as opposed to having the gate open automatically. Once the system is operating again, everyone will be notified of the numbers and procedures in effect. Bob Guerin mentioned that last year we had an extensive discussion regarding providing the gate opening code to everyone, and that that would be extremely self defeating to the security at the gate, because if one part-time worker was given the code it would likely show up spray-painted on the back wall of the 7-11, which would render all the money we are spending on security useless. There is no way to keep it secret. It doesn't work. The reality is people tell someone and that someone tells someone else; and before you know it, it is out there and our gates are worthless. There are two or three different ways to get into the gate if you have forgotten you clicker or not installed it in your car or if it fails to work. You can call your home, call a neighbor or call the answering service. Guests can call you from the gate box and you can open the gate from your home by hitting "9." This will not work if they call from their cell phone. They must call from the gate phone. Each residence is listed on the registry, with a code. The guest dials the code and the system calls your local home phone number. It must be a local number, not long distance. Then you can open the gate by pressing "9." The gate will open, and then close automatically after the visitor has entered. In regard to the issue of people just waiting for a resident to come in and opening the gate and then just following them through, Marv warned, "If anyone is depending on the gate for your security, you are making a mistake. If a major crime were going to be committed, the people would most probably come by water where they have an unlimited escape route, they are not witnessed, and that sort of thing. The gate helps dramatically with the nuisance people driving through here; it gives us privacy, but if you feel that you are sleeping better at night because of that gate, you are mistaken." We have never had a major crime on Stirrup Key either through the gate or by water.

d. Social Committee, Susie Deane. Susie Deane, who is our Social Committee Chairperson, is away. In her absence, Gail Schindler read the Social Committee Report. We had five social events last year: New Year's Brunch, at the Deane house, with 42 people in attendance, the largest ever at a Stirrup Key party. Dave Chew's coconut centerpieces were a hit once again; in February, the Book Exchange and Cocktail Party was held at Mimi and

Matt's house, this was a great idea and everyone was very receptive. It included finger foods, hors d'oeuvres, and desserts were served; 26 people attended. Mimi and Matt announced their soon-to-be marriage. The Christmas party had a light attendance; 23 people were there. The food and gifts were great! Marge was lucky enough to choose the blow-up walker and Bob Guerin hit the jackpot with the blow-up lady sitting on the toilet and cheering. Thanks to the Belcasters for hosting this party. It was a perfect place for that event. If anyone has an idea for a social event in the future or would like to host a party, the association supplies all the supplies and booze. Thanks to everyone and a healthy and happy new year. This year, New Year's was at Dave Chew's. We wish to thank him; 47 people came. It was very well attended. Dave Chew reported on last year's Work Day and Fish Fry. Captain Mears and Dave supplied all the fish for last year's fish fry. "Angler of the Year for 2009" was won by John Smale, who had a tarpon almost his size, on a fly rod. Work last year consisted of a lot of light activity clearing coconut fronds, cleaning the roads, and cleaning any sites where trash was building up. Breaking up into about five groups worked so well. Dave has some pictures of the fish fry and the fishing tournament. Future social events will be posted on the new website so we can eliminate the "tacky" signs.

5. Sewer Hookups. Rick Bisson. Rick reported that Jay from 3rd Generation Plumbing has been giving estimates to people. Four of the players have contacted him, including: Keys Plumbing with Chris Granton; and George's Plumbing. Both are class acts. Rick has their names and numbers if you would like to contact them. Chris Granton said the more people, the bigger discount we'll get. He is willing to come and give us some bids. A number of people have already received bids; the bids, thus far, range from \$2000 to \$3100, all inclusive. Everyone has the option to hire whomever they want as long as they are licensed and insured. A casual meeting to discuss the options will be scheduled in the next month or so. First hookups should be sometime in February. Because they have decided to hook us to the pilot plant, connection will be available sooner than originally expected. A building permit is required for this work. Some discussion was made regarding converting a septic tank to a cistern. The contractors are open to that option because they are required to decommission the existing septic systems as a part of the hookup project. The cost of the building permit is \$150 for one installation or \$200 for ten under one permit.

6. SKPOA Website, Barbara Magnotti. Schindler introduced the new skpoa website. The Stirrup Key web site is operational and is accessible at skpoa.com (Stirrup Key Property Owners Association). Currently the site is basic and includes copies of the By-laws, Restrictive Covenants, Officers and Committees, an activities page, and a calendar of events. It is just in the beginning stage because we have to decide, as a group, what we want to accomplish with the site. A discussion ensued regarding listing contact information for owners or not. Consensus was that a "members' only" area which would restrict access to the information to owners was the best solution. Included in our hosting package are mailboxes, so anyone who would like to have a skpoa mailbox can certainly sign up for one. If the individual doesn't want his/her regular email address listed, the skpoa mailbox could be listed and then the mail forwarded to another address. The members' area could contain a look-up section for information on owners, or we could maintain a master list and just provide mailing lists for use without exposing all the information to everyone. Some people have expressed concerns that someone might take the data and sell it or use it for some marketing venture. Then we all end up with a lot of junk in our mailboxes. This will be a continuing developmental process. Suggestions for and additions to the website can be sent to webmaster@skpoa.com. The more interest you show the better the website will be.

7. Bubbler, Marv Schindler. A number of years ago, we decided to install a bubbler system to help keep grass from clogging the marina. Several attempts have been made and have gone by the wayside. We then agreed to install a bubbler curtain, but threats of litigation about the installation site, interfered with its installation. We now have all the permits but one and that final permit has been paid for, the work has been done; it's in, and the process continues, albeit slowly. We are not even sure it is going to work, although we think it is likely to work where it is to be installed now, which is in the middle of the lagoon, because it will not be subject to all the rough weather. It is still being worked on. Bob Jones has put an unbelievable amount of time and effort into it. He also maintains the weed gate we have there now. It will be removed when the bubbler is installed. Anyone who would like to get involved in the labor of installing the system would be welcome. No work will be done until the water warms up because much of the work has to be done in the water.

8. Additional Agenda Items

a. Workday was scheduled for March 20, 2010.

b. Unleashed dogs. Becky Rhodes explained that a formal complaint was filed against the owners of three dogs which have been repeatedly running loose—a yellow lab, a chocolate lab mix and a shiatsu-like dog. The owners have received a court summons. If they fail to appear in court, they will be assessed a \$300 fine for failure to appear. If the fine goes unpaid, a warrant will be issued for their arrest. Rhodes described an attack on her dog, which occurred on November 22, in which she had to release her dog's leash in order to allow him to defend himself. Again on December 20, her dog was menaced. Rhodes called the sheriff following the first attack. The owners did respond and presented proof that the dogs were properly immunized against rabies and distemper. Animal-on-animal attacks are a civil matter; on-human attacks would be a criminal matter. If you see these dogs running loose, report it to Stand Up For Animals, day or night. Leave a message if no one answers. Their number 743-3779. They cannot do anything about the dogs, unless they receive a report. An Animal Nuisance Affidavit can be filed which will result in a hearing. Each affidavit needs to cover three instances on the complaint, with documented dates and times, and signed by three different individuals, one of which must be notarized. Violations include: running at large, unleashed; soiling of property; consistently barking or making a lot of noise; aggressive behavior, etc. Each affidavit can include only one complaint. If anyone wants to file an additional complaint, Becky can provide the necessary forms. Her number is 743-6530.

c. Comments by Carol Later. "It was strange, this year, to see the ballot and not have Joan Temple's name on it. For years she has had the dual job of Secretary and Treasurer. I understand she isn't able to do this anymore, but I think we should acknowledge the hard work and dedication she has put into the Stirrup Key Homeowners' Association." In acknowledgement of her contribution, it was decided (moved by Becky Rhodes, seconded by Shelley Payer) that we make a \$100 donation to Crane Point, where Joan serves as a docent. Motion passed, unanimously.

d. Mangrove Cutting. Mike Parenti explained that the mangroves along the south lagoon are again encroaching on the waterway. It was suggested we setup an annual maintenance program rather than waiting several years until it is essential to trim. Sediment is also an issue. It was acknowledged that this is an on-going issue and the association will arrange to have the mangroves trimmed. Mike Parenti will contact Property Doctors to acquire a letter

of agreement. If owners are aware of other common areas that require mangrove maintenance, they may call Mike at 743-1982. The association has an existing permit for this work.

e. Trash Cans. The association previously voted in favor of a change to the Deed of Restrictions, regarding removing trash cans from the street, once they are empty. If they are not removed, they may be picked up and disposed of at the owner's expense. This has actually only happened once, although the threats continue and Marv has handed out a number of notices to people. This is particularly in regard to the debris cans. Since the change in the restrictions, the situation has improved continues to bear to be an issue.

f. Unification of Lots, Bud Kreh. Bud Kreh asked if owners of multiple lots who have joined them through the county into one parcel, should be accessed on the revised number of lots owned or the original number. After some discussion, the consensus was that they should continue to be counted as multiple lots for the purpose of dues; otherwise, everyone's dues would have to increase. The amount of the assessments is based on the existence of 104 lots, even though the number of individual owners is lower.

9. Election of Officers. The slate of officers and committee assignments was presented. (See Addendum B.) No nominations were made from the floor. The motion was made (John Smale) and seconded (Mary Gering) that the nominees be accepted as proposed. The motion was unanimously approved.

10. 2010 Assessments. In recent years, we have charged \$250 per building lot and \$75 per dock lot. The bills for water and electricity for the dock lots are always billed at the minimum for service, easily covered by the \$75 per lot. We have approximately \$72,000 in reserve, which Marv remarked he feels is not an unreasonable amount for an association this size, in case of unforeseen occurrences such as litigation. The motion was made by Glen Gidseg, and seconded by Ralph Magnotti, that the dues remain at the current level of \$250 per building lot and \$75 per dock lot. The motion was passed unanimously.

11. Other comments.

a. Dave Chew requested that anyone who notices a leaking spigot, notify Dave or Rick Bisson.

b. The suggestion was made that homeowners ask their contractors to respect our rules about such things as leashing dogs and minding our speed limits.

The meeting was adjourned at 3:40 p.m.

Minutes submitted for approval by: Secretary, Barbara Magnotti, January 11, 2010.

ADDENDUM A**Slate of Officers, 2010**

Office	Nominee
President	Marv Schindler
Vice President	Rick Bisson
Secretary	Barbara Magnotti
Treasurer	Mimi Molden

Directors

Sharon Bossert Barbara Cavanah
Tony D'Ascanio Teny Deane
Bob Guerin Richard Roads

CommitteesChairman

Building	Ralph Magnotti
Crime Watch	Bob Guerin
Maintenance	Marv Schindler
Social	Susie Deane
Nominating	Gail Schindler

ADDENDUM B**Treasurers Report**

Checkbook balance 12/31/08 116,218.19

Income

Bank interest 58.54
Dues 28,550.00
Transmitters 50.00

Total 20,658.54

Expenses

Accounting 225.00
Bank Charges 17.90
Bubbler 3,320.63
Dock Utilities 2,403.93
Engineering/Permits 423.76
Entry Gate 2,626.48
Insurance 2,871.72
Landscape Maintenance 5,965.00
Legal 522.25
Maintenance 1,350.26
Postage 275.16
Signs 129.91
Socials 951.66
Supplies 46.66
Taxes/Corporate filing 544.31
Telephone 1,870.83

Total (23,661.40)

Checkbook balance 12/31/09 \$22,225.33

Est. Delinquent dues (inc. int. & penalties) 5,000.00

Value Dreyfus fund (9/30/09) 72,470.39

Total \$99,895.72