

## **RESPONSE TO COMMENTS ASKED AT THE FEBRAURY 28 2022 AND FOLLOWUP QUESTIONS**

Introduction, there were four major items on the agenda for February 28, 2022, and comments were made on all categories, plus two other items not on the agenda.

### **PROCESS:**

- **Why we need two meetings; February 28, 2022, and March 28, 2022.**
  - The process is set up by our documents and state law.
    - A hearing is required before the Board of Directors can vote on acceptance of the Traffic Study and also the MRTA (Marketable Record Title Act).
    - The BOD (Board of Directors) votes to determine what part(s) of the motion to consider and vote on at the final hearing.
    - This is like the process local governments are required to follow and require first and second meetings.
    - The HOA (Homeowners Association) must send out notices to the homeowners, which is an expensive process for the community.
- **Why aren't the BOD acting on all the negative feedback they are receiving? Why aren't they listening to us? All the moderator (President of HOA) does is say thank you and go on to the next speaker.**
  - The purpose of the hearing is to hear ALL the comments, both positive and negative before acting.
  - It is not a conversation. It is a hearing!!!
  - Every person is listened to and thanked for their input.
  - It is the BOD's responsibility to listen to, weigh and consider alternatives to the input.
  - After and only after ALL comments are received does the BOD discuss and vote to accept the motion.
  - The BOD's options are to approve as presented, approve as modified or reject the motion.

- After discussion, in this case the BOD approved as amended and sent to the 2<sup>nd</sup> meeting (possibly second and final meeting).
  - This process keeps the HOA in compliance with the requirements to have a legitimate action.
- **The moderator is not reacting to our comments. The procedure needs to be reviewed.**
- This was a well-attended meeting with thirty-two participants and homeowners.
  - Each person has the right to speak.
    - The moderator allowed everyone 3 minutes to speak.
    - No one was called on a second time until everyone has had a chance to speak at least once. In our case and experience often the first person has a lot to say and will go on at length while other have not had a chance to speak.
    - The reality is that if all thirty-two attendants speak for three minutes, over an hour and a half will have past, and on this night, there were four topics of interest.
    - Questions were not closed off on any item and everyone who had a question or comment had an opportunity to speak.
    - Anyone wishing to speak a second time on an issue was heard, many more than once.
    - The observation that the moderator was not responding to the questions is correct.
      - What was seen by all board members was a question flashing on the screen for 2-3 seconds.
      - The job of all BOD's is to hear, analyze, consider, and vote on the motion.
      - The BOD must pay attention to the comments of the speakers. In addition, the moderator must also introduce the subject, introduce speakers, understand, and **CONCENTRATE** on what the speaker is presenting, make notes for the BOD discussion period and vote.
      - To realistically moderate the questions and comments coming in a second set of eyes is necessary.

- If the moderator takes on the added job of monitoring the chat box questions and comments or assigns monitoring to another board member, due concentration to the comment or question at hand is compromised.
  - **As a result**, to improve the process, next time our IT technician will follow the comments.
  - Participants speaking for the first time will be given 3 minutes to speak.
  - The IT technician will moderate the questions and comments and be asked to present all such comments and questions not already addressed on the agenda item then being heard.
  - Participants wishing to speak for a second time will be given the opportunity to speak. It will be helpful if previous input is not repeated and new information given (people's time is precious) and redundant information holds up the process and some people are there for one agenda item only and redundant information extends the meeting which inconveniences some other participants.
- **The comment was made that the purpose of the zoom meeting is to control the participant's right to be heard.**
- At any meeting, either ZOOM or in person, Robert's Rules of Order require that the moderator control the meeting. Both Roberts Rules of Order or proper manners or etiquette proscribe that one person be talking at a time.
  - In person meetings the rules of order require the use of a gavel, in a Zoom meeting all people are muted except the person speaking. Again, every single person who wanted to speak had an opportunity to speak and in fact spoke.
    - At the end of the meeting, the moderator asked several times, "Is there anyone else?"
- **Why aren't we having in person meetings?**
- The attendance for in person meetings was poorly attended in the past. The Zoom meetings have given more homeowners the opportunity to attend and participate in the meeting.
  - Zoom meetings allow the following categories to participate
    - Board members who are away.
    - Owners who are away.

- We used to be asked to reschedule meetings to accommodate their schedule. Now they can access with a cell phone or computer.
- Owners with childcare responsibilities who would have to choose between attending or paying a babysitter can now attend.
- This addresses parking concerns at the clubhouse.
- Reduces exposure during Covid and flu seasons.
- Copies of the audio are made for future reference and posted on our web page.
- We had received requests to provide Zoom meetings from multiple homeowners.
- We have been thanked for having Zoom meetings.
- We have received input informing us that it is more comfortable for some homeowners to attend in their home rather than coming to the clubhouse for a in person meeting.
- What were the attendance figures?
  - Pre-covid in person meetings other than the annual meeting.
    - April 2019, 3 board members, 5 others.
    - June 2019, 5 board members, 9 others
    - July 2019, 5 board members, 8 others
    - September 2019, 5 board members, 5 others
    - January 2020, 5 board members, 3 others
    - February 2020, 5 board members, 1 other
    - June 2020, 4 board members, 0 others
    - July 6, 2020, 3 board members, 1 other
    - July 27, 2020, 4 board members, 3 others
    - September 2020, 4 board members, 0 others
    - Novembers 2020, 5 board members, 0 others
  - Zoom meeting attendance figures:
    - December 2020, 5 board members, 5 others

- February 2021, 4 board members, 25 others
- April 2021, 5 board members, 2 others
- June 2021, 4 board members, 1 other
- July 2021, 5 board members, 5 others
- August 2021, 5 board members, 16 others
- September 2021, 5 board members, 7 others
- November, 2021, 5 board members, 4 others
- January 2022, **Training session, not a meeting**, BOD, ACC & Violations meetings, 5 board members, 3 ACC members, 3 Violation Committee members.
- February 2022, 5 board members and 32 others
- Then why do we have the annual meeting in person?
  - There is a requirement to provide for an in-person vote if there is a quorum. There never has been.

#### **TRAFFIC STUDY:**

- **Why are we concentrating on traffic calming when there are recent crime incidents in the community?**
  - There is no reason why more than one issue cannot be addressed by the BOD.
  - There were four major topics on the agenda on February 28, 2022.
  - The traffic study was heard first, and the crime incidents were third, there were many comments and questions on both.
    - One person commented that the moderator was following the agenda, when traffic calming was being discussed and someone wanted to discuss another agenda item.
- **There were comments on SW 133<sup>rd</sup> Terrace, both in favor and against.**
  - There was a concern about speeders. The speed experience for the entire community, including SW133<sup>rd</sup> Terrace is that 85% of the residents travel at 25 mph or under.
  - There was a question as to why SW 133<sup>rd</sup> Terrace did not have a speed hump. The traffic engineer reported that it did not meet the length and traffic volume criteria.

- Of the residents speaking who owned property on SW 133<sup>rd</sup> Terrace, there was one residence in favor and three against.
- **A request for a map for the location of the speed humps was made.**
  - A map was included in the study presented. The speed humps and other traffic calming options are available.
  - The locations are mid-block on:
    - SW 122<sup>nd</sup> Court.
    - SW 137<sup>th</sup> Terrace.
    - SW 140<sup>th</sup> Street
    - SW124<sup>th</sup> Avenue
    - SW 125<sup>th</sup> Avenue
    - SW 143<sup>rd</sup> Terrace
  - A map for the stand-alone speed hump locations will be included for the March 28<sup>th</sup> meeting.
- **Speed feedback signs:**
  - There was discussion about whether these are effective or not. The response to the item was mixed was mixed, with most of the comments being concerned about the following:
    - Cost.
    - Effectiveness.
    - Aesthetics
- **A request was made on how they look on a residential street was requested.**
  - We will include a picture of one at the next meeting.
  - There is one on SW 92 Avenue near the Coral Reef Library and Firehouse.
- **Sidewalks:**
  - There were only a couple of comments on sidewalks, one for them and one against.
  - They were included in the final motion.

- The HOA is presently receiving quotes for the repair of the upheaved sidewalks. The new locations and some curbing will be included.
- There was a concern about the gate at the SW 122<sup>nd</sup> Avenue gate concerning design and condition.
  - On design, the HOA is limited in what can be done.
    - The space available to the HOA does not allow enough room to design a gate similar to the one at SW 125<sup>th</sup> Avenue.
    - A meeting with the previous HOA president and then Commissioner Moss seeking assistance from the County disclosed:
      - There was not enough land available to help.
      - If there was more land, the County is concerned about STACKING.
        - STACKING means traffic backup and the resulting lines.
      - Stacking would result in the blocking of Vista Verde complex.
  - The gate is old and not in great shape.
    - Issues include:
      - Root damage.
      - Asphalt repair.
      - Old motors.
      - The loop sensor is damaged.
        - The loop controls the gate arms.
      - Island reconstruction will be examined.
      - The engineer will be asked to advise of any changes to upgrade this gate given the space limitations.
- **There were many comments about the crosswalks.**
  - There were concerns about the crosswalks with flashing lights.
    - Cost.
    - Appearance.
    - Why are they necessary?

- Aesthetics.
- **The BOD removed the crosswalks with flashing lights in the motion after all comments were heard.**
  - The paint only crosswalks which comply with traffic regulations were included.

### **MRTA (Marketable Record Title Act).**

- A question was asked why we don't include amendments with the MRTA.
  - Our lawyer's explained that according to the Act, we must vote to extend the documents for thirty years.
    - Amendments take several months to prepare and must be voted by the association.
    - If the MRTA is not extended, we lose the ability to levy the assessment fee. If we do that we lose:
      - Access control services.
      - Lawn services.
      - The pool services.
      - Personnel to assist residents.
      - All other services presently provided.
    - The lawyer's recommendation was to extend the MRTA and consider any amendments separately.
    - The fourth agenda item is to get input for items to be considered for amendments.

### **SECURITY AND CRIME ISSUES.**

- **There were two break-ins during New Year's Eve and one in February 2022. The HOA was also informed of 3 car break-ins. All of which involved unlocked vehicles. Actions taken include:**
  - Continue coordinating a review of security exposure with our access control provider
  - Consult with our insurance company, determine whether they have an expert to examine the common areas where the perpetrators entered the

victim's property and receive recommendations. They do not do such consultations.

- Set up a meeting with Miami Dade Crime Watch. They will provide information on security weaknesses and solutions. They will coordinate a crime watch with interested parties. The meeting is scheduled for March 15, 2022, at the clubhouse.
- Our attorney reviewed our documents regarding access control and security. The HOA has no responsibility to provide security except for HOA property.
- We received quotes to extend the fence and install a gate to limit access to a common area. It was installed in early February 2022.
- The gate restricted access to the access point to the common area near the intersection of SW118th Path and SW 133<sup>rd</sup> Terrace.
- Notices have been posted on the bulletin board and the HOA web site.
- **There have been recent communications asking about security. Our documents stipulate that we provide access control and not security.**
  - The HOA must act within the authorities granted by our governing documents.
  - Access control is the control of the gate, the staffing of the personnel to control access.
    - This represents a cost of roughly 1/7 of our budget and costs \$31.04 per resident per month.
  - Security includes provision of personnel to provide security services other than access control including patrols.
    - To add one a shift for a 24 hours period seven (7) days a week the cost will double the cost of 1/7 and add \$31.04 per resident per month to the monthly assessment costs.
    - To add a separate person to monitor the multiple cameras will cost another \$31.04 a month per resident.
- **It has been proposed that we string barb wire across the top of the fence.**
  - This is both illegal and will expose the association to lawsuits. (The same situation will pertain to setting concertina wire across the top of the fence).
- **There was barb wire on the fence next to the turnpike, why was it taken down?**

- A resident on SW 133<sup>rd</sup> Terrace brought this situation to the HOA's attention and asked why we could have one there and not on the other fences.
  - This fence was put up by the developer over 30 years ago.
  - It may or may not have been allowed then, it is not allowed now.
  - It was an exposure for insurance claims. While criminals may enter this way, daring teenager, youth or someone just needing to get the other side for any reasons may be a potential victim of injuries.
  - Once it was brought to our attention, we had no choice, but to remove it.
  - The fence is now redundant. The traffic authorities have since put up a 15-foot fence.
- **It has been suggested that the association install cameras along the fence running from 140<sup>th</sup> Street and 124<sup>th</sup> Avenue Road through the inter-section of 118<sup>th</sup> Path and 133<sup>rd</sup> Terrace. This is an interesting idea, the problems with this approach are multifold.**
  - This length of fence is approximately 4,600 feet. The effective range of a camera which will identify someone is less than 100 feet. So, if we put one every 100 feet that would be 46 additional cameras. This would result in monitoring almost 60 images on one monitor. The size of the camera images would be very small and would not be effective. Usually, the most images captured on one screen is 16. The association has done a previous assessment of where to place our cameras. We will have our expert review the existing configuration and make recommendations. The cost of 46 cameras will result in the thousands of dollars and many, if not most, residents usually prefer that the association use a balanced effective approach when resources are allocated. There are challenges too on monitoring these cameras. The monitoring station is located at the main entrance and the access control person is primarily there to control access to the property.
- **It has been suggested the association provide patrols of residents.**
  - This should be reviewed with the crime watch experts when this meeting can be scheduled. Patience is needed since the police department like everyone else is dealing with omicron illness in their ranks and manning the Covid testing sites at the zoo, libraries, and parks. There are legal and social implications when residents challenge other residents and guests.
- **A resident has asked for a meeting of the board on this issue.**

- The Miami-Dade County neighborhood crime watch will provide this service.
  - It will be on March 15, 2022, at the clubhouse.
- **It is important for the residents to know that the Police require neighborhood watches be coordinated by residents, not the HOA.**
- Erik Alexander has volunteered to host the first meeting.
- **The question was asked why residents weren't informed of break-ins in the area.**
  - The office was not informed of this new rash of break-ins which occurred on December 31<sup>st</sup> until late in the day on January 3<sup>rd</sup>. At that time the HOA started coordinating the list of actions taken and that are in process. Notices were placed on the bulletin board and the HOA web site.
  - A resident asked that we notify the HOA community.
    - This was the first request asking for this action.
    - The request was immediately granted.
- **The question was asked why we use a seldom used website.**
  - While the web site may be new to the writer of the question, it is well known in the community. It has been promoted at our meetings, on the bulletin boards, budget document and even posted on the gate when first implemented. There are over 115,000 hits on the site and our residents can see the documents which govern the association, ACC forms, what's happening which provides a calendar of improvements, a project list including current projects and general notices. There is also a list of useful phone numbers.
  - The official web site was asked for and lobbied for at an annual meeting in 2018 or 2019.
    - The board has been making improvements to the website.
    - The existence of the web site has been referenced in many communications by the HOA, including, bulletin boards, documents accompanying the annual meeting and election.
    - All residents can keep up with the communications of the HOA.
- **Can we send out notices to the owners by mail?**

- Yes, but it is costly, not as timely and will reach the owners not the renters. The use of the web site and the bulletin board address these concerns. It also meets the legal requirements.
- **Is there a better site to review crime in the area?**
  - Yes, the Miami Dade has a website which reports all crime in the county by location. While Bonita Lakes is a low crime area, there are incidents. See <https://www.crimemapping.com/map/fl/miami-dadecounty>. There is also a link to this site on our web page.
- **One recent victim said she lost her sense of security because she thought the HOA was completely safe.**
  - Regrettably, while we are a low crime area, we are also exposed to crime. It is not the mission of the association to provide security. We do provide access control. AI will take information from victims and help monitor any trends we notice. In the past this was helpful in coordinating resident videos to identify the perpetrator with the access control personnel who were able to identify the criminal.
- **Are these trends common.**
  - To date the HOA seems to experience these trends about every three years. The last known trend was the porch pirate who was apprehended circa 2018.
- **Why haven't we done more?**
  - Often, the association has not been notified. Usually, the victim contacts the police department and their insurance company, and the HOA is an afterthought or not at all. We became aware that there may have been two other incidents over the past couple of years. The on site management team (AI or Tere) will take this information to identify trends. Please note that the police department does not really welcome independent investigations and that is not the function of the staff. Again, it is the police responsibility. However, each homeowner/resident is responsible for the security of their residence not the HOA.
  - The HOA will review the circumstances of each issue and attempt to address any concerns.
- **Are these people from the outside?**
  - We will not know until they are caught. In the past every solved case thus far, the perpetrator has been a resident or guest. It is possible, but that has not been our experience to date.

➤ **Do we keep a list of every person who comes on the property?**

- No. the access control person will check a person's ID if they go through the main entrance. License plates of all vehicles entering and exiting the property are recorded and available for a review until the file is filled and recorded over. This information is available for approximately 10 days but will vary based upon the volume of traffic. Residents can come in via their remote or card in any of the three gates. Outside people must go through the main gate.

➤ **Sometimes I see people waved through.**

- The guard is supposed to check the ID of outside people. Over time the guards become aware of the identities of authorized guests, vendors, and residents who use the gate.
- The property manager has met with the access control company as recently as mid-February to review expectations.
- The access control company has been told to control the entry to the gate.
- members of the BOD will meet with the company to review their plan.
- A resident has been asked to help monitor the situation and advise of any suspect entries.
- All residents input is requested.
  - Please provide the following information.
    - Date.
    - Time.
    - Any known information on the source of entry.

➤ **What else can we do?**

- The association is concerned about this issue. We must operate under the authority given to the HOA via the documents. We have been addressing the questions raised by the residents and more. We are certainly interested in the input from the police, access control personnel, legal and insurance experts. We are gathering this information, but again patience is needed. We will do what is possible which serves the interests of the community.

➤ **Why don't we have license plate readers?**

- The HOA has 12 cameras which record the license plates of all cars coming on the property.

➤ **Who can access the recordings?**

- The Police are aware of these cameras and have accessed them in the past, but not often.
- Any resident can request to review these recordings.
  - The system has a capability of maintaining 10-12 days.
- Our camera system is 16 cameras, 12 of which cover the gates. two incoming and two outgoing on each gate. We also have two each covering the gym and pool. We have the videos available for viewing for 10-12 days.
- One of the comments by the community "I have unlimited space available to me for a fee of \$3.00 a month and the HOA can do the same thing."
  - The problems are:
    - We are a business which has much more content than any individual. We also pay business rates.
    - We have 16 cameras which store information 24/7 which takes up more space.
    - The videos take much more space than text and will require more storage.
    - We have never, even once needed to go back beyond the 10-12 days.

➤ **It was suggested we store all this information permanently.**

- We contract with the camera company.
- We have never needed the information after this 10-12 day period.
- We will get information on the costs and viability of maintaining the data after this period.
- It was asked, "Why do we tape over or erase old videos?"
  - The company system provides 10-12 days of backup and anything beyond this will result in higher costs

➤ **Who can access it and what is the process?**

- Any resident can go in and review the videos, although in the past, the people who access the system are usually the police.
- It is a cumbersome system and to review all the 24/7 camera footage it would take hours to go through all 12 cameras covering the gates.
- Police are often not interested to spend their investigation time pursuing this avenue. They did not ask to review it for the break-ins, but the detectives covering the car thefts have asked to review the coverage and Al and Tere have offered to make it available.

➤ **Why was a resident told she couldn't see the records?**

- The conversation with the victim was on January 11th and her incident took place on New Year's Eve, 12 days prior to that conversation. The resident was told that the videos were not available at that time.
- There is no reason she couldn't have seen the recordings; however, she would have had a list of a few hundred license plate numbers.

- It would have had taken several hours of her time to get this information on 12 separate 24/7 cameras.
- **Background checks.**
  - The only comments received were against them, although, we understand there is some support of them in the community.
    - The background review process will delay the process.
      - This is accurate. It will take time to do the background check.
      - Different buyers and sellers have different time constraints and windows.
    - The background checks will cost money.
      - The cost will become part of the closing costs. This is not a HOA expense all owners should share.
- **Can the HOA really exclude someone?**
  - This will be researched if there is support at the March 28<sup>th</sup> meeting.
  - If so, will there be any cost to the association?
  - One owner has shared that at another association that they can, but then the association would have to buy the property.
  - If that is the case, it would result in a supplemental appropriation of the setup of a reserve account as part of the budget.
  - It will lead to lawsuits.
    - It may, it will have to be researched.
- **There was a comment that the HOA shouldn't have this background information.**
  - This is sensitive information and must be kept confidential, otherwise legal action may occur.

#### **TOPICS FOR CONSIDERATION FOR DOCUMENTS REVIEW:**

- This was a call for topics to be brought up at the March 28, 2022, meeting.
- There was only one time addressed at the meeting.
- Security:
  - Discussed at length in the previous section.
- At the meeting, the BOD will vote whether to accept all sections of the Traffic Study.
- If the speed humps recommended in the traffic study are voted on by the HOA, it will require a 2/3 positive vote by the entire HOA per the Miami Dade regulations.
- A vote will be taken later this year.
- Since it will be difficult to get that level of participation, if possible, any document regulations which also will require a 2/3 vote will be combined in the same vote.