

# President's Letter

## Welcome

Hello everyone. My name is David Flowers. I am a retired mechanical engineer and the unit owner of 1287D. On November 20, 2024, I was elected to the Board of Directors and subsequently elected to the Office of President. I will strive to maintain your property values while keeping your maintenance fees as low as possible. You can always reach me at [MeadowsSouth.President@gmail.com](mailto:MeadowsSouth.President@gmail.com) or at (321) 266-9916.

I hope you each have an opportunity to attend the annual meeting as I would like to meet each of you. If you cannot attend the annual meeting on January 18, 2025, I encourage you to fill out and submit to our Secretary, Eva Aguilera: 1) your Designated Voter Certificate, 2) your Limited Proxy Form, and 3) the permission for the Board of Directors (BOD) to use your e-mail for all correspondence. Instructions on how to fill the voter certificates and proxy forms, and how to submit both to the Association, are included in the annual meeting packet mailed, or e-mailed, to each association member.

If you do plan to attend the Annual Meeting, please bring your completed: 1) Designated Voter Certificate, and 2) permission for the BOD to use your e-mail for all correspondence.

For years, our *By-Laws* have stated that a membership quorum is only 20%, or 32 unit owners. However, our *Articles of Incorporation* – a superior document – state that a membership quorum is 30%, or 48 unit owners. We need a minimum of 48 members represented, either in person or by proxy, at our annual meeting to conduct membership business. **If you cannot attend, please return your filled-out designated voter certificates and proxies.**

## Board of Directors & Officers

On November 20, 2024, Paul Reimer submitted his resignation as our VP and Susan Seger was then elected to replace him as VP. Our Articles of Incorporation state our association must have at least 2 Directors and no more than 8. As only 7 members, who are qualified to serve, have submitted their nominations for Board candidacy, those 7 members will automatically be appointed to the Board of Directors (BOD), i.e. no voting for BOD candidates will occur. I want to thank Susan for all she has done for the association during her tenure as President and the guidance she has provided me in assuming the President's role. I want to note Paul's contribution in managing a stormwater remediation effort, which I will address in greater detail. My thanks go to our outgoing Treasurer, Kathryn (Kennedy) Jones for her service to the association.

I realize that members have directly voted for Officer (President, Vice-President, Secretary, and Treasurer) positions in the past, but that is not how it is supposed to work. A newly elected BOD is supposed to gather and elect the Officers of the Association amongst themselves, and that is what we will do. The Chairman will recess the Annual Meeting after the BOD appointments are announced and the new BOD will elect the Officers amongst themselves. Once completed, the BOD will return from recess and announce the elected

Officers to the membership. The newly elected President will then conduct the Annual Meeting.

I encourage any association member who desires to serve as a Director or Officer to submit their name to the BOD for consideration any time after our new Officers are announced. At every monthly board meeting, the BOD will be willing to accept Director nominations to fill vacancies on the Board. If a member requests to fill a vacant Officer's position, the BOD will consider that request as well.

### **2025 Monthly Maintenance Fee**

Unfortunately, the \$125 per month maintenance fee all members paid in 2024 will increase to \$140 in 2025. Thus, your fees beginning January 1, 2025 will be \$140. This increase is primarily due to a stormwater remediation effort forced on the Association by the City of Titusville. The BOD has offset this cost by putting no additional funding into association reserves and cutting the maintenance budget by more than half.

### **Stormwater Remediation Project**

Our association was sent a violation notice on August 21, 2024 from the City of Titusville's Code Enforcement Office regarding our stormwater drainage along Apollo Road on the east side of the complex. The association was facing a \$250 per day fine, if the drainage issue was not repaired by October 4, 2024. On December 3, 2024, the BOD voted to approve the contract totaling \$29,650, which has increased the monthly fee by \$15.74 in 2025. Noble Construction and Management of Sanford, FL will be put under contract to execute the repairs. I am in contact with the city's code enforcement officer (Mae Wright), who stated she will not seek any fines as long as the association proceeds with repairs in an expeditious fashion. Noble expects to start the work in mid to late January with a total project time of 2-4 weeks. I extend our gratitude to Paul Reimer for his role in working with Noble Construction to generate this contract.

### **Property Management Services**

Some may have heard the association was evaluating the hiring of a property management company in 2025 to manage our association's business affairs. That evaluation completed with a BOD decision at the December 3, 2024 Special Meeting to reject the contract offer. This BOD decision kept your 2025 monthly maintenance fees from increasing another \$25 per month to \$165.

### **Spectrum Cable TV Fees**

In 2024, nearly \$61 out of every \$125 maintenance fee payment has gone to Spectrum for cable TV services. In 2025, the BOD estimates that almost \$66 out of every \$140 payment will be going to Spectrum. This will be due to the 5% increase in the base rate and estimated increases in broadband surcharges and state & local communication service fees.

In April of 2022, our then President signed a 60-month, bulk rate contract with Spectrum. Based on my assessment of the association being overcharged, I filed a complaint with the Federal Communications Commission (FCC). On December 3, 2024, the FCC notified Spectrum of the complaint and gave them 30 days to respond.

In 2022, our president sought resolution of suspected overcharging via communications with both Spectrum and association legal counsel – Clayton & McCulloh. Nothing came of the president's attempts to reduce the suspected overcharging. Our monthly payment for 157 units stands at \$9,600.

I await FCC notification of Spectrum's response to the complaint, but hold little hope of recovering any funds. That stated, I have discovered we can reduce the number of units on the contract (157), and the monthly payment, by 10% with no contract penalty. We can also decrease the contract by any number of units we desire, along with the monthly cost, but that would come with a higher base rate.

Included in the packet is a cable TV questionnaire, which the BOD kindly asks that you answer and return to us with any other forms. Cable TV service is an agenda item at the annual meeting.

### **Reclaimed Water Irrigation System**

An issue I would like the association to address in 2025 is our reclaimed water, irrigation system. The city installed access to reclaimed water to our complex in March 2006. The association spent considerable time and money to install the distribution plumbing, solenoid valves, sprinkler heads, and control panel to water both common and private property lawns. Through the years, maintenance has been hampered by normal wear and tear, irresponsible lawn service providers cutting our grounds to low, and unit owners conducting unauthorized maintenance on the solenoid valves and sprinkler heads. The association currently pays \$64 per month for an estimated use of 213,000 gallons per month. Our system is currently out-of-order, even though the control box is functional.

Susan Seger has been appointed the Lead of a taskforce that will: investigate the extent of damage to the irrigation system, document necessary repairs, and develop recommendations for the BOD. Although not required, I believe it proper to gain membership approval to spend association reserves such a large-scale effort. Thus, the BOD will seek such approval at the annual meeting to authorize the expenditure of up to \$25,000 in association pooled and straight-line reserves to remediate the system.

### **Revision of By-Laws and New Rules & Regulations Document**

Included in the annual meeting packet are two documents: 1) revisions to our *By-Laws*, and 2) a new *Rules and Regulations* document. I realize our association recently revised our *By-Laws*, but I was allowed to serve on the BOD because of conflicts between our *By-Laws* and the higher authority documents (*Declaration of Restrictions of Real Estate* and *Articles of Incorporation*). The BOD approved the changes to the *By-Laws* on December 11, 2024, which was required prior to presentation to the membership for consideration. I hope that each member will review the changes and be prepared to approve or further amend the *By-Laws* at our annual meeting.

The BOD has provided its rationale for the proposed changes to our *By-Laws* and the adoption of the *Rules and Regulations* document in an addendum to this letter. At the

annual meeting, member-offered amendments to the By-Laws will be voted on for inclusion or rejection. Once individual amendment voting is complete, the membership will vote on the total package for acceptance or rejection.

### **Unit Owner Fencing & Easements**

In just a short time, I have received a lot of input from members concerning fencing within the Meadows South complex – none of it good. Our governing documents require unit owners to submit 2 sets of plans detailing the placement and materials of the proposed fencing, which the BOD will approve or reject. Quite a few unit owners have erected fences without submitting these required plans. Some of these fences extend into easements and do not comply with required materials. Please be aware that any fences extending into the utility easements: 1) could impede association lawn service, 2) cause irrigation system modifications, or 3) impede utility work of public entities (e.g. power, sewer, potable water, gas).

The BOD has the authority to have any non-compliant, non-BOD approved fence brought into compliance and, subsequently, charge the owner for any demolition or modification costs. It is highly doubtful, however, that the BOD would take such drastic action unless the fence is deemed an eyesore. Site inspections have been performed and any owner with a non-compliant fence will receive a notice in their annual packet. For those owners who have installed fences without BOD approval, you will be asked to submit plans ex-post-facto.

Should any homeowner pour a concrete pad within a utility easement, the association, if necessary, will hire its own contractor to have the offending pad removed, and the owner's account will be charged for the removal. Should any owner have erected a structure which negatively affects the drainage of stormwater into the easements, the association may hire its own contractor to have the offending structure(s) removed, and the owner's account will be charged for the removal.

Utility providers do their best to work around any items homeowners erect within easements on their private property, but those providers have the right to demolish any fixed structures to gain access to their utilities. Should such an entity do so, the unit owner will be liable for utility contractor costs. Should an owner-erected structure result in damages to utilities within an easement, the unit owner will be held liable for any repair costs.

Although it is unlikely the BOD is going to require non-compliant fencing to be removed or altered, the BOD will be filing estoppel comments that will require any homeowner to bring their fencing into compliance with association requirements before they are allowed to sell their units.

### **Landscaping Impediments to Easement Access**

When the Meadows South complex was built, there was nary a tree or bush on it. Now there are many and some unit owners have expressed concern. By deed restriction, owners are required to maintain the easements which are part of their private property. Unit

owners are responsible for landscaping maintenance of trees and shrubs that exist solely on their property (including easements), as well as trees and shrubs on property lines shared with another unit owner. Should any landscaping damage utilities within the easements, the property owner(s) shall be responsible for any repair costs. If privately-owned or shared landscaping damages your neighbor's property, you can be held liable for such damages.

Please work cordially with your neighbor, but if your neighbor cuts down a shrub or a bush that is shared between unit owners, that is their right. If utility contractors have to remove or trim any landscaping to gain access, the homeowner(s) will bear the burden of utility contractor costs. If the association has to hire a landscaper to maintain the easements, homeowners will be assessed charges for reimbursement.

### **Waste Collection**

I have made contact with the City's Waste Management Division. We have four, 8 cubic-yard dumpsters for homeowner use. Most individual recycle and household trash cans have already been returned to the city and the rest will be returned shortly. The dumpsters are supposed to be picked up every Monday, Wednesday, and Friday. The individual cans created an unsightly appearance and the recycle bins were often filled with prohibited items. For rental cost and appearance reasons, these cans were returned. The city has agreed to additional dumpster collections around the major holidays. Should the residents observe a need for more frequent collection, we can request up to a 5 day per week collection schedule at no extra charge, but I have no desire to affect the good will Susan Seger developed in our association's relationship with the city's waste collection supervisor. The dumpsters are meant for small household items and bagged, organic waste. Please do not dump furniture into our dumpsters.

### **Unpaid Balances**

The BOD receives Aging Reports every month from our bookkeeper. These reports detail each unit owner's unpaid obligations by amounts up to 30, 60, and 90 days old; and amounts greater than 90 days old. A collection policy was approved by the BOD on December 11, 2024 and this policy will be implemented beginning January 1, 2025.

Per Florida statute 720.3085, our association may charge the higher of a \$25 late fee or 5% of the monthly dues. Per Florida statute, our association may charge up to 18%, per annum, interest on outstanding homeowner balances. Per Florida statute 720.3085, the association has the right to file a lien on homeowner's property for any amount in arrears. Once filed, the association can seek a judgement lien and then foreclose on a homeowner's property to collect any owed amounts. HOAs exist for the sole purpose of maintaining common area property and association facilities (we don't have any) in order to maximize the value of each homeowner's property. Your elected directors are not going to allow any member(s) to put our property values at risk due to failure to pay monthly fees and any assessments.

Brevard County public records show our members have suffered 40 liens since May of 1990, and 14 judgement verdicts since 1991. The last judgement was awarded in October

of 2000. We have 157, unit owners in our association. The BOD understands a rare occurrence of falling behind on your maintenance fees, but our association has a few members who consistently do not pay their obligations. That practice is coming to an end. 96.8% of our membership consistently pay their fees on time, including the 60, unit owners who have tenants. Your fees allow your Board of Directors to make good on association obligations to its members, and its contractors, in order to maintain your property values.

Thank You All,

David Flowers  
President, The Meadows South Association, Inc.