

Heron Cay Homeowners Association, Inc.
BOARD OF DIRECTORS MEETING

Open Informational Meeting for Heron Cay Residents

MINUTES

October 20, 2022

1 – Call to Order: The meeting was called to order by President Kevin Curran at 7:00 P.M.

Present: President Kevin Curran, 1st Vice President Bonnie McNair, 2nd Vice President Pat O’Hara, Treasurer Elsie Quintero, and Secretary Donnia Trent.

2 – Approval of Minutes

Minutes from the April 13, 2022 Open Informational Meeting were approved at the May 3, 2022 Board of Directors Meeting and may be accessed by HOA Members at the Heron Cay website: www.heroncayhoa.org), click on the MEMBERS tab, and then use your membership password to login. At the time of this meeting, the April 13, 2022 Open Informational Meeting Minutes were also posted on the Clubhouse auditorium back bulletin board for at least five (5) days for residents’ review.

3 – President’s Report

- President Kevin Curran apologized that the meeting would not be following the agenda due to unforeseen circumstances.
 - Mr. Curran announced, as many residents may already know, that the new Maintenance Supervisor is no longer employed with ELS.
 - Mr. Curran also announced that the ‘management team’ of Tammy Cloud, Heron Cay Manager, and Lacey Bissell, Assistant Heron Cay Manager, are no longer employed with ELS as of Wednesday afternoon, 10/19/22.
 - Mr. Curran indicated that he has been in touch with Charlene Silvestro, the ELS Regional Manager out of Tampa, regarding this issue.
 - He indicated that he and Ms. Silvestro plan on having a conference call next week to discuss the situation and to make a plan of action.
 - Mr. Curran’s plan is to review and have all past minutes (leading up to this point) available for that conference call to substantiate the discussions between the Heron Cay HOA Board of Directors and the Heron Cay Management Team.
 - Mr. Curran has been informed by the ELS Regional Office (out of Tampa) that they will be reaching out and searching for replacements.
 - Mr. Curran stated he did not know the reason for Tammy Cloud and Lacey Bissell leaving/termination.
 - Mr. Curran stated that he will be scheduling a meeting next week with the ELS Regional Management (Charlene Silvestro out of Tampa) and the interim Heron Cay Management team of Janice Spear of Village Green and Jason St. Pierre of Country Side. Mr. Curran plans on presenting them with the past Board of Directors Minutes to document where things stand and to determine the work that still needs to be done. At that meeting, it will be determined what immediate action needs to take place.
- On a different matter, Mr. Curran also stated that the Board would be filing a DBPR (Department of Business & Professional Regulation) Complaint with the State of Florida against ELS.
 - This DBPR Complaint is related to two (2) recent emails received from Heron Cay Management regarding ‘Fair Market Value’ (FMV) Increases.

- An email of 8/2/22 notified the Board of a 2% increase in FMV for Heron Cay Residents. At the HCM Meeting of 9/13/22, the Board questioned the clarity of the email. ELS Regional Manager, Charlene Silvestro, noted that this email was not worded correctly. She explained the email notice applies for new home sales and for re-sales for the remainder of the 2022 year. For more information regarding the Board and the HCM Meeting discussions regarding this matter, refer to the 9/13/22 HCM Meeting Minutes: <https://heroncayhoa.org/index.php/els-meeting-minutes/>.
- Below is a copy of the contents of the 8/2/22 email that was sent to the Board from Lacey Bissell, Assistant Heron Cay Manager.

Hello Heron Cay Board members, Please see the below increased lot rents that took effect immediately Friday afternoon.

Community	Q1 Market Rent	Additional Increase	Updated Q1 MKT Rent (Rounded)
Heron Cay - 5258 Interior	\$794.00	2%	\$810.00
Heron Cay – 5258 Perimeter	\$872.00	2%	\$890.00
Heron Cay – 5258 Lake	\$945	2%	\$964.00

- A second email was sent to the Board from Lacey Bissell, Assistant Heron Cay Manager, on 10/4/22. The contents of that email read as follows:

The new Market Rate Rent for 2023 is as follows:

Interior - \$853.00

Perimeter - \$937.00

Lake - \$1,015.00

- A third email of 10/14/22 notified the Board of another FMV increase for Heron Cay Residents. Management indicated the email is referring to new residents purchasing homes in Heron Cay in 2023. For more information regarding the Board and the HCM Meeting discussions regarding this matter, refer to the 10/18/22 HCM Meeting Minutes: <https://heroncayhoa.org/index.php/els-meeting-minutes/>.
- Below is a copy of the contents of the 10/14/22 email that was sent to the Board from Lacey Bissell, Assistant Heron Cay Manager.

Good morning, I was going through my emails and learned we have updated 2023 rates, not sure if you have these or not. See below:

Ledger	Community Name	Site Description	2022 Market Rates	NEW 2023 Market Rates
5258	Heron Cay	Interior	\$794.00	\$871.00
5258	Heron Cay	Perimeter	\$872.00	\$957.00
5258	Heron Cay	Lake	\$945.00	\$1,037.00

- Mr. Curran and the Board referred to discussions that took place at the Board of Directors and HCM Meetings of 9/13/22 and 10/18/22. Mr. Curran recapped the highlights of those discussions:
 - All agreed that ELS cannot charge more than the CPI Cap allows.

- The Board expressed their concern of the comparables used in the calculations of ‘fair market value’ increases. Some of the comparables (presented at the September 13, 2022 HCM Meeting) were Countryside, Fair Lane Harbor, and Village Green.
- One of the comparables was Fair Lane Harbor. Fair Lane Harbor is not a comparable community to Heron Cay Community because this community is much more upscale for the following reasons:
 - 200 units
 - Boat docked community – Indian River Lagoon
 - Homes range in selling price from \$250,000 to \$450,000
 - Large resort pool, putting range, tiki hut area, pools, access to a golf course, laundry facilities, upscale area/neighborhood, many homes with double car garages, closeness to beach/ocean area, etc.
- Two of the comparables, Village Green and Countryside, are ELS owned properties. The Florida 723.033 statute states that a park owner cannot use a comparable that they own to calculate ‘fair market value’ increases for another one of their properties.
- As a result of the above concern(s), this is why the Heron Cay Homeowners’ Association Board will be filing a DBPR to express concern on how these ‘fair market value’ increases were calculated. The Board will have to wait to receive a ‘judgment’, from the State of Florida, in Heron Cay’s favor before pursuing any other legal steps. A ‘judgment’ is evidence (backed by the State of Florida) to support The Heron Cay’s Board of Directors’ concerns regarding the calculations of the ‘fair market value’ increases by ELS. If a favorable judgment is received, then the Board will try to pursue an attorney to take on the case as a pro bono situation.
- Residents requested that, when the Board receives notice or judgment back from the DBPR that the residents be notified. The Board indicated that they would post the results via the Heron Cay Website and/or the Heron Cay Newsletter.
- On another matter, Mr. Curran noted that the fencing for 12th Street and 90th Avenue has been pending or in discussion for months. At the October HCM Meeting, Management contradicted what they had stated in previous meetings (regarding the completion dates, reasons for the delays, etc.). This is an item that will be on the agenda for discussion with the Regional Manager and the ‘temporary’ Management for Heron Cay.
- Treasurer Elsie Quintero noted that FPL sent an invoice to the Homeowners’ Association for over \$3,000 for phase one (1) of the FPL lights installation. Secretary Donnia Trent inquired if a certified letter should be sent to FPL to document this. Ms. Quintero stated that ELS and FPL have been notified that the customer for this billing is not the Homeowners’ Association but rather ELS.
- Ms. Quintero stated that Heron Cay Management requested a copy of the HOA liability insurance along with a quarterly listing of events for both the HOA and Fun-N-Games. The Board was happy to comply with this request.
- A resident inquired if Heron Cay could acquire a sound system that works or would fix the one that Heron Cay currently has. President Kevin Curran noted that this item was discussed with Heron Cay Management at the HCM Meeting on Tuesday, 10/18/22. Mr. Curran will bring this item up when he speaks with the Regional Manager and the new temporary Management Team for Heron Cay.
- Curt MeTesh, from the Nominating Committee, noted that elections are in February. Mr. MeTesh stated that the community has sent out the ‘nominating/voting information’ packet by email. There are three seats available. To date, Pat O’Hara is the only person running for the Board. That still leaves two (2) empty seats.
 - To run for a Board of Director’s seat, contact the nominating committee to determine your eligibility.
 - After the election, a resident may be appointed to the Board until the next election (then the appointed director must run for the seat at the next election), if they meet the eligibility.
- President Kevin Curran reminded everyone that Saturday, 10/22/22, is the Bake and Craft Sale here at the Heron Cay Auditorium.

4 – Activities - For more information on activities and much more, refer to the Heron Cay Website: <https://heroncayhoa.org/>. Specifically the following areas: Newsletter, Calendar, and the TAB heading of ACTIVITIES:

No Activities Reports

1. Bocce
2. Bridge
3. Canasta
4. Ceramics
5. Euchre
6. Fun-N-Games
7. Golf
8. Neighborhood Watch
9. Pickle Ball
10. Quilting
11. Shuffleboard
12. Walk Aerobics
13. Water Aerobics

5– Open Discussion

- Open discussion and questions/answers took place between the residents and the Board throughout the meeting.
- Various Board Members encouraged **all residents** to the Heron Cay Website. To access the Board of Directors and HCM Meeting Minutes, use this URL: <https://heroncayhoa.org/index.php/els-meeting-minutes/>.
- Various Board Members encouraged **HOA Members** to the Heron Cay Website. At this website, HOA Members may access the monthly Board of Directors Meeting Minutes, Member Meeting Minutes, and the Open Informational Meeting Minutes, use this URL: <https://heroncayhoa.org/>. Residents must be an HOA member, click on the ‘Member Tab’, and use your membership password to access these minutes (located on the back of your Board membership card).

6 - Adjournment

President Kevin Curran adjourned the meeting at 7:47 P.M.

Respectfully Submitted,

Donnia Trent

HOA Secretary