

Scotsdale Bluffs HOA
Meeting Minutes

When: March 4, 2021

Time: 3:00 PM

Where: Zoom Meeting

Call to Order

- The meeting was called to order by Kathryn Vetter at 3:00 PM.

Establish Quorum

- A Quorum of the Board was established:
 - Kathryn Vetter – Present
 - Karen Blanchette – Present
 - David Runkle - Present
 - Jenny Kidd (Ameri-Tech Representative) – Present
 - Dan Greenberg (Association Attorney) -Present

Notice of Meeting

- A notice of the meeting was posted 48 hours in advance, per Florida Statute.

New Business

- Solar Panel Installation
 - A question was asked about the placement of solar panels. Karen Blanchette stated and the attorney Dan Greenberg agree, the association cannot say no, but they can determine where they are placed.
 - There has been an issue of a home owner asking for panels to be placed on the forward section of a roof. There was a two to one vote to deny the roof.
 - The board was asked to look at this by the ARB and the homeowner. The board feels this is an issue that is not just for this request, but for the community as a whole. This is an issue that will be something that will affect the entire community going forward.
 - The board and the ARB did quite a bit of research on solar panels and how they are installed. She contacted three different solar companies in order to gather information on this issue.
 - The issue was raised by Larry Viens that the association does not have the power to keep unit owners from installing panels in certain positions.
 - Karen Blanchette purchased software that solar companies use for roofs and entered the information for the roof in question. This software gave an alternative location of the panels that the board is suggesting.
 - Karen Blanchette also called the company that the homeowner who is requesting to use and install panels. Her representative not only told her that the panel location could be changed, but that HOA definitely has control over where they could be placed.
 - At this point the attorney, Dan Greenberg, stated that the position from his office is that the board definitely has the power to give an alternate position of the solar

panels. The board can then give an alternative location for the solar panels. The attorney says that he would expect the board to do just this type of research to give an alternative plan.

- There was an issue raised by Larry Viens that he expected that the board would need to hire an engineer in order to decline the location of the solar panels,
- Vinny Vercamen raised the issue that solar company provided information on the engineer.
- The loss of efficiency letter stated that if all panels were removed from the view of the street there would be a 69% loss of efficiency. However, the ARB did not request that all panels in view of the street be removed from this plan, only the panels directly over the garage.
- There was a discussion of the time frame to answer the resident in a request from the ARB. Routine things are generally done in a quick time frame. However, the ARB may need additional time for issues that need discussion. As in this case, the discussion with the board. However, the Scotsdale Bluffs documents do not have an approval deadline, this was confirmed by Dan Greenberg.
- The attorney felt that the board has done its due diligence and the only other thing that might be added to the add to this ARB conditional approval is the opinion of a third party solar company.
- Karen suggested that the ARB conditionally approve the request without the panels on the garage and the give the resident the alternate locations that have been researched by the board.
- Dan Greenberg said that the ARB could issue a letter suggesting the alternative location. If the resident wanted to challenge the association, then the association would need to have their own expert to dispute the resident. As the resident does have the right to file a pre-suit mediation where they and the board would discuss the issue.
- Dan Greenberg then raised the issue that the ARB should be having noticed meetings with minutes every time they meet. The ARB can do their due diligence behind the scenes and discuss anything with the board, or an engineer, or professional, etc. But they need to make the decision at an open, noticed meeting. Dan felt that appointing one person to give the ability to approve items that are specifically laid out by the association, like paint colors, could be approved. However, the ARB MUST have noticed meetings for anything outside of those parameters.
- Kathryn Vetter raised the question about what to do if a resident does work without ARB approval. Dan Greenburg explained that Jenny Kidd would then send a letter of the resident being in violation of the association documents and if that was not resolved then he would become involved and file pre-suit mediation.
- Dan Greenberg felt that it would not be feasible to have a one size fits all policy, but the board would make a decision to have a policy in place and put the onus on the resident to explain why they cannot comply with the general policy.
- Kathryn Vetter then raised the issue of how much of a loss of efficiency would allow the resident to place panels in a location that the ARB/Board declined. Dan

Greenberg then stated that unfortunately there is no case law to rely on to adequately answer this question. Dan Greenberg basically said they are trying to appropriately interpret the current law.

- Jenny Kidd suggested that the association send a conditional approval letter stating all but the panels on the garage that are in question would be approved. Dan Greenberg said that he felt that would be a good response and they he would suggest that the drawing of where the panels could be placed be included in the letter.
- Dan Greenberg also suggested that the association work on a standard to give to residents for the placement of solar panels. As there are only so many home styles in the community, the association may want to provide residents with what placement would be acceptable. That way they would have the information in advance of the homeowners working with their solar companies.
- Daneila Nessen then suggested that the ARB have an official meeting to discuss this and issue the conditional approval, as per Dan's guidance.
- Kathryn Vetter agreed and said with this, the resident could then either say ok or refute it.
- Then at the next meeting the board could discuss the board could discuss generally not having panels on the lower garage roof.
- Kathryn Vetter said that the ARB should have their own sign. Jenny Kidd suggested that the association use the regular board meeting sign for this meeting and Jenny Kidd would get a sign for future meetings.
- Karen Blanchette **motioned** that the ARB approve conditionally the application for solar panels at 1360 Bluffs Circle as noted with the panels removed from the lower roof on the garage and share the panel suggestion from Karen's research. Kathryn Vetter **seconded** the motion.
- Larry Viens brought up a rusted van in the driveway of the garage. Jenny Kidd said he did not have a specific rule to put this van in violation. Dan Greenberg agreed that there was nothing to enforce the removal. Jenny Kidd mentioned that she can report an unregistered vehicle in the community to the county.
- The ARB set a meeting at 5:30 PM March 9th.

Adjournment

- A motion was made by Kathryn Vetter to adjourn the Board Meeting at 4:05 pm, she was seconded by David Runkle, and the motion was unanimously approved.