

JUNO ISLES CIVIC ASSOCIATION
September 13, 2010
BOARD OF DIRECTORS MEETING

The regular monthly meeting of the Juno Isles Civic Association Board of Directors was held on Monday, September 13, 2010, at Holy Spirit Church on Ellison Wilson Road.

❖ **Roll Call and Call to Order:**

President Louis Vilardo called the meeting to order at 7:02 p.m. The following Board members were present:

Felice Beyer		unexcused
Bob Bittenbinder	Present	
Blas Contreras	Present	
Susan Czelustra	Present	
Wayne Hatten	Present	
Ron Hoehmann	Present	
Jack Koch		excused
Mary Ann Martin	Present	
Dave Mastran	Present	
Jim Moore	Present	
Louis Vilardo	Present	
Jud Whitehorn	Present	

Note: The minutes refer to Board members by their first name as listed above.

❖ **Approve Minutes:** August 2, 2010

Bob made a motion to approve the minutes as amended. Wayne seconded the motion. All were in favor, and the motion passed unanimously.

❖ **Old Business:** Follow up on Traffic Island on Ellison Wilson Road

Lou gave a brief summary of the traffic island discussion held during the August Board meeting. He said Palm Beach County approached Juno Isles and asked if they were still interested in having a traffic island on Ellison Wilson. Whether a traffic island would actually slow traffic on Ellison Wilson was undetermined, and the matter was postponed to gather more information. Lou requested the County Engineer run two traffic studies. He distributed traffic statistic reports to the Board. The reports reflected studies from Ellison Wilson Road and Palmwood Road, both with 35 mile-an-hour speed limits. Two traffic islands were added to Palmwood with the intent to slow traffic. The study showed the average speed on both roads was 40 miles per hour with 69% of the vehicles exceeding the speed limit on Ellison Wilson and 80% on Palmwood. It appears the traffic islands on Palmwood are not slowing traffic any more than it is currently moving on Ellison Wilson.

Alternatives to the traffic island were also discussed at the last meeting, and at the Board's request, Lou approached the County and explored other possibilities. Speed enforcement cameras and speed bumps are not allowed. The Traffic Engineering Department suggested the existing blinkers be replaced with signs that display the vehicle's actual speed upon passing. The consensus was consistent speed enforcement along Ellison Wilson without relying on physical barriers or signage.

Opening to discussion, if Juno Isles does nothing, one island would be built 650 feet north of Ascott Road, one road would be widened, one property would lose 1-2 feet of swale along its northern boundary, most properties would be unaffected, vegetation along the F.I.N.D. land would be removed, exposing the F.I.N.D. land to view.

Dave said he was not in favor of the island; he did not want to see the vegetation gone. Wayne said if Juno Isles accepted money from Toll Brothers, the Association would be responsible for replacing the signs. Lou said in that case, Toll Brothers would be responsible for both replacing the signs and making a financial contribution to Juno Isles. Susan said the only thing that slows cars down is the Sheriff's patrol car; signs don't slow people down where there is no officer to back it up. Ron said traffic needs to be slowed on Ellison Wilson for community safety. Blas said security and property values were priority; and believed an island would be effective.

Wayne expressed that one island would not slow people down; whereas if people thought there was a consequence for speeding, they would slow down. Wayne reflected that the Board discontinued paying the Sheriff's departments to monitor speed on Ellison Wilson Road since their services were needed to monitor theft and Juno Beach Police periodically monitored Ellison Wilson. Juno Beach has since discontinued monitoring, and community theft has ceased. Wayne asked Bob if he had checked with the Sheriff's office about placing a dummy vehicle on Ellison Wilson. Bob said he had not. Wayne and Susan said the Association could use money from Toll Brothers to pay the Sheriff's department to patrol speed on Ellison Wilson. Dave said there was no effect of slowing traffic down since the proposed island is so spread out. Wayne agreed that an island would not slow traffic. Ron asked if the design of the island could be changed. Lou said traffic could not flow straight around the island, but would have to curve around it.

Lou invited the residents to speak. Given the large number of people present, he asked them to limit themselves to 3 minutes each.

Resident Karen Temme, of 12954 Ellison Wilson Road, said the island was proposed in 2002. She was opposed to the island since it would cause a hardship. They would not be able to get their boat in and out.

Resident Scott Lilley, of 12787 Ellison Wilson Road, said the police idea was great. Scott wanted to slow down traffic, using multiple layers to address it. Wayne explained the history of the island plans with the property developers.

Resident Lucia Philipson, of 2041 Radnor Road, suggested the Association website include the resolution so the residents could see the traffic islands. She also suggested the Association look at how Prosperity Farms addressed their traffic issues. She said speed should be reduced utilizing more signage, and Juno Isles should take a stand.

Valarie Marino, resident on the corner of Ellison Wilson Road and Juno Isles Blvd., said she had lived there going on 23 years and had seen a lot of changes in the traffic patterns. She said a dummy police car was obvious and did not do a lot of good. Valarie said in the late 90's and early 2000's there was quite a large committee that researched speed bumps, speed tables, islands, etc. with the result being more noise. She said the island was the choice of the committee and that the Association should take the island. She said the considerations should be safety, the residents on Ellison Wilson Road and where the island was placed.

Resident Bryan Black, of 12927 Ellison Wilson Road, said he had replaced his mailbox four times and expressed concern for the safety of the children in the community.

Mary Ann clarified that there was only one island proposed. Two islands would not be allowed. Lou confirmed that when the County's engineers looked at the location of one of the proposed islands, it could not be built because it would obstruct the turn lane into Bay Colony. Therefore, the County's position with Toll Brothers was that Toll Brothers would build one island 650 feet north of Ascott Road.

Resident Pam Nelson, of Juno Isles Blvd. said the County still shows a resolution with two islands. She said the County counts the number of driveways on the roadway and can approve or disapprove what the engineers present. Pam said the matter was still negotiable, but would be approved by September 30 if the resolution was not challenged.

Lou said the County approached Juno Isles Civic Association with the resolution, asking if they still wanted it. He said the discretionary funds that were available when the resolution was created were no longer available. Therefore, the County would not pay for landscaping the island. Lou summarized that most of the residents wanted a traffic island on Ellison Wilson Road.

Karen Temme said she wanted the island built north of her property, that she could not lose any of her land. Lou responded that he thought her issue should be relatively easy to accommodate. Dave suggested the Board have the engineers redesign the island.

Steve, a resident on Ellison Wilson Road, said Toll Brothers was on the hook for two islands. Lou restated that County traffic engineering would not permit a second island, although it could be challenged. Steve suggested Toll Brothers build two islands and Juno Isles Civic Association pay for the landscaping since the county would not.

Valarie Marino asked if it would be possible to have a County Traffic Engineer present at a Juno Isles meeting. She referred to Tequesta, Northwood, etc. to see samples of traffic calming devices.

Teresa, a resident on Ellison Wilson Road, questioned the use of stop signs. Lou said at one time there were actually stop signs on Ellison Wilson Road at Juno Isles Blvd. The stop signs were removed because the residents that lived there complained that the stopping and starting of traffic was noisy. Residents present at the meeting disagreed, saying the stop signs were removed since traffic ran through them without stopping.

Wayne said the County owned the road and wanted Ellison Wilson to be a feeder road between PGA Blvd. and Donald Ross Road. The County did not want to slow traffic down, and an average speed of 42 miles per hour was acceptable to them.

Lou said he heard everyone in favor of the island, other than Karen Temme's hardship with the location. He said he would go back to the County, requesting they meet with the residents of Juno Isles before proceeding. Lou said he would tell Karen Marcus's office about the representation of Juno Isles residents that preferred two islands, asking the County to show why it could not be done.

Pam Nelson requested a qualified negotiator.

Ed Dicker, Association counsel, responded that the County's position was not final and Juno Isles could appeal any issue and go to court to dispute it if necessary. He added that it was not a quick procedure or an inexpensive procedure, but the County's decision was not final. Ed said the first step was to negotiate as far as you could to see if you could get what you're looking for without any adversarial proceedings. He continued to say that if you did not get what you wanted, then you would have to file a law suit to stop the County from proceeding.

Residents asked Ed who they should contact with the County to express what they wanted. Ed responded that County Commissioner Karen Marcus's office had been mentioned. Blas suggested a list be created of residents present at the meeting to be submitted to the County that they wanted two islands. Lou said it would be a good idea to communicate both as a group of Juno Isles residents and as individuals.

❖ **New Business:**

Appeal of Architectural Committee Ruling on Metal Roof on Outbuilding at 2141 Ascott Road

Postponed.

Fall Newsletter

Lou said he needed copy in order to get a newsletter out by the end of the month. The price of ads was discussed. Susan volunteered to phone businesses that placed ads in the last newsletter and ask if they wanted to place an ad in the next newsletter. Lou said raising the ad rates would be supported by publishing the newsletter on the Juno Isles website; ads would always be online. Jud suggested a paragraph be included in the newsletter encouraging people to place ads. He said it would serve to find out who in the community was interested.

Bob made a motion to establish the following ad rates:

Business card	25
Quarter-page	50
Half-page	75
Full page	125

Jud seconded the motion. All were in favor, and the motion passed unanimously.

Lou said he had some copy for the newsletter regarding why the Board was enforcing The Covenants, including photos of a neighboring community that has no Home Owners Association. Lou said he would also include in the newsletter a copy of the letter from the County confirming that Juno Beach did not annex a portion of Donald Ross Road. Also to be included in the newsletter was the tree trimming due on Ellison Wilson. It should be included in next year's budget.

Annual Meeting Prep

The date for the annual meeting will be November 18. Lou advised Board members whose term was ending to let him know if they wanted their name listed on the ballot. Rhonda Thomas, the secretary, reported the following members with terms expiring:

Blas
Susan
Wayne
Dave
MaryAnn
Jud

Lou extended an invitation to all residents to submit their names if they would like to be included on the ballot for the upcoming Board election.

❖ **Treasurer's Report** – Mary Ann

MaryAnn reported a balance of \$74,506. She said 303 residents had paid the annual assessment. 33 were late. She said she received a letter from an attorney representing a Juno Isles resident that had not paid the annual assessment last year or this year, expressing that he did not appreciate the 18% interest fee. She said she needed to refund interest charged to residents that were less than one year late. Lou said the Association needed to initiate a schedule showing 1.5%, increasing each month.

Ed Dicker, Association counsel, described the following process for collecting dues:

- 1) Send a demand letter to the homeowner, including \$150 attorney's fees, giving the homeowner 45 days to pay.
- 2) After 45 days, prepare and file a lien on the property, verifying the owner's name and legal address of the property, giving the homeowner 30 days to pay the outstanding dues, as well as \$275 lien and attorney's fees.
- 3) After 30 days, written authorization from the Juno Isles Board is required to file a law suit. Resolving the matter involves either payment in full or the Board may agree to accept a payment plan.
- 4) If the law suit is ignored, the Association may obtain a default judgment. A judge will initiate a foreclosure sale in the form of a public auction, including \$4000 for fees. If

the homeowner does not settle and there are no bidders, the Association automatically gains title to the property.

Lou asked Ed if the Association's lien was senior or subordinate to the mortgage. Ed responded that it was subordinate. Most mortgage foreclosures were taking two to three years to gain title. Associations usually gain title in less than one year, giving the Association the opportunity to rent the house out.

Lou said during the entire process, the Association had paid nothing, and all fees were the responsibility of the homeowner. He asked what happened if the attorney did not recover. Ed said the Association would be billed \$600 when the law suit was filed. If there was not a settlement and there was not a bidder at the sale, the Association would be billed \$1500.

Ed said some associations gave notice to the homeowner about maintaining their property. Then if the homeowner did not maintain the property, the Association would perform the maintenance and bill the homeowner for it.

Mary Ann asked if the Association was at the place where they could authorize a lien, but chose not to, what would the attorney's fees be? Ed replied the fees incurred for the procedures up to that point would be billed to the Association. Mary Ann asked what the Association could do about the three outstanding assessments for which the homeowner cannot be found. Ed replied to continue sending notices to the last known address. However, law suits are supposed to be personally served, but the law allows public notice in the form of publication in the newspaper to suffice when the homeowner cannot be located.

Lou said the following agenda item was received after the agenda had been published on the Juno Isles website.

Deadline for Covenants Changes Before August Meeting

Lou said three petitions were circulated and received 20 signatures recommending three Covenant changes. The recommendations were submitted to Association Secretary, Bob Bittenbinder, on August 28 under the belief the deadline was September 1. Lou said he responded to Pam Paulus that the Covenant changes were to be presented to the Board prior to the August Board meeting. Pam asked for an exception because she believed the Covenants as they were posted on the website were improper. Pam said the documents shown on the website were not the same books and pages recorded at the County courthouse. She said the recorded documents should be published on the website. Lou said and showed there were no books and pages shown on the website. He explained that the website reflected a compilation of the recorded amendments. Ed Dicker explained that the restated declaration includes the original document and all recorded amendments.

❖ Committee Reports

▪ **Covenants Committee** – Blas

Rhonda Thomas reported that she and Bob Kildea inspected the community on August 10th. She distributed copies of the Covenant violation reports, including current violations, violations submitted to legal counsel and violations resolved since the last Board meeting. She said twelve violation notifications and two second notices had been mailed to residents. Thirteen violations were resolved. Three violations were submitted to Association counsel. Rhonda presented five properties that had received two notices, and the Board agreed to submit them to legal counsel. The Board approved mediation proceedings for the violation at 1921 Ascott Road.

▪ **Architectural Committee** – Wayne

No report.

▪ **Crime Watch** – Bob

Bob reported a burglary within Juno Isles during this past month.

▪ **Social Committee** – Wayne

Wayne reported the annual picnic would be October 16 at Ocean Cay Park on A1A in Jupiter 12:00-4:00, including a bounce house, chicken, burgers, dogs, sides, drinks, etc. He said a postcard would be mailed toward the end of this month and an article would be included in the newsletter. Wayne asked for a show of hands to volunteer to help on that day.

▪ **Landscape Committee** - Louis

Lou reported tree trimming was due on Ellison Wilson and should be included in next year's budget. He added there was a dead tree on the island that needed to be replaced before the holiday tree trimming. Lou gave a quote from the company that placed the trees originally. Wayne made a motion to hire the company to remove the dead tree and replace it for the estimated \$900. Dave seconded the motion. All were in favor, and the motion passed unanimously.

❖ Adjournment

Bob made a motion to adjourn. Ron seconded the motion. All were in favor, and the motion passed unanimously. The meeting adjourned at 9:25 p.m.

Respectfully submitted,
Rhonda Thomas