

**Grand Panama Beach Resort  
Owners' Association, Inc.  
Board Meeting  
June 9, 2018  
Summary of Meeting**

Roll Call

Present: Frank Booke, Glenn Holliday, Nancy Stovall, Pete Morreale, Dean O'Reilly, Jeff Gembitsky.

Absent: Chuck Rachke.

Association Management: Jerry Kennedy

New Business

Cleaning of all exterior glass not accessible by balconies or walkways. Replace weep covers on building. This has not been done in over three years. Board approved the proposal from Premier Skyline. The board will also investigate including this in the budget to have it done yearly.

Replacement of trash compactor garage doors. Received a proposal for replacing garage doors in both Tower 1 and Tower 2. Since the Tower 2 garage door is in good shape the board voted to authorize up to \$1500 to replace the Tower 1 trash compactor garage door.

Old Business

Frank stated that the owners elected the board members, not for their opinions, but to read and interpret the condo documents when there were questions and/or disagreement from the owners. And if, the board members could not come to agreement, they would consult the attorney.

Pet Policy

Timeline information

November 4, 2016 - Letter sent to owners regarding the several complaints concerning dogs at Grand Panama and stating that as outlined in the Condominium Documents, only condo owners are allowed to have dogs on property.

April 4, 2017 - Letter sent to owners, due to the controversy surrounding the rights of owners and guests to have pets at the resort, the Board has decided to form a committee to make a recommendation to the Board on a resolution.

April 12, 2017 - Motion made by Chuck Rachke to form a volunteer Pet Policy Committee of up to 5 makes to make recommendations for a pet policy. Seconded by Doyle Walker. Motion passed unanimously.

April 21, 2017 - Board meeting minutes Pet Policy Committee: Eight Grand Panama owners volunteered to be on the advisory committee. The eight owners were Don Keffer, Arlene Klass, Julie Boyett, Mike Graham, John McVeigh, Frank Booke, Vladimir Mogill, and Lynn Bush. Lynn Bush was asked by Doyle Walker to be lead on the committee and to make a report on their recommendations to the Board at the next scheduled Board on June 16, 2017.

June 16, 2017 - Pet Policy Committee did not report as they couldn't come to an agreed upon policy.

June 28, 2017 - Owners annual meeting held and new board members elected. Question was asked of Brian Hess, Attorney for the Condominium regarding guests being able to bring pets. Brian stated that guests have the same rights as owners when they are lease an unit. Condominium Documents 8.06 paragraph 6 states "When a Unit is leased, a tenant shall have all use rights in the Property otherwise readily available for use generally by Owners, and the Owner of the leased Units shall not have such rights, except as a guest, unless such rights are waived in writing by the tenant..."

July 20, 2017 - Board of Directors communicated their tentative goals to the owners, which included Financials, Maintenance, Parking, Pet Policy (to understand input from the owners and other resorts regarding the pet policy to determine if a change to the existing documents were needed), communication and staff.

August 2017-May 2018 - Board focused on highest priority goals first but continued to research pet policies through several meetings with the Condo's new lawyer Tim Sloan, attendance at certification training, case studies and feedback from owners.

May 19, 2018 - At the Annual Owners' Meeting, Frank Boone, outgoing Board President shared with the members the status of all the goals set by the outgoing board. Regarding the Pet Policy, he stated there was additional work to be done and that all information gathered by the current board would be passed on to the new board.

Between May 29 and June 4, 2018 - Several discussions with Tim Sloan, Condo Lawyer regarding the Pet Policy and the rights of guests. Tim also confirmed that in order to change documents 2/3 (66%) of votes of all the voting interests was required. A survey was sent to the owners to get an idea what the interest would be to changing the documents to limit pets to owners only. Survey results were 145 units responded, 100 units responded to limit pets to owners only and 45 units responded to allow both owners and guests to have pets.

June 4, 2018 - Pet policy working meeting with Tim Sloan, discussion focused on rights of tenants and the condo pet policy. 8.06 paragraph 6 (which closely mirrors Florida Statute 718.106.4) states "When a Unit is leased, a tenant shall have all use rights in the Property otherwise readily available for use generally by Owners, and the Owner of the leased Units shall not have such rights, except as a guest, unless such rights are waived in writing by the tenant....". In addition, we need to adhere to the policy set forth in 8.20 Pets in Residential Units "Owners must register all pets with the Association. Owners are granted a license to maintain not more than a total of two (2) pets per Units provided, such pets are (a) permitted to be so kept by applicable laws and regulations, (b) not a breed considered to be dangerous by the Board of Directors (c) dogs or cats only, as set forth below.....".

June 4, 2018 - Contacted our Insurance Agent to identify dangerous breeds and risks that were ineligible for new and renewal policies. Agent provided A. Any of the following animals: 1) Vicious, aggressive, or with a history of biting or attack; 2) Exotic, unusual, or non-domestic; Reptiles or amphibians; 3) Pure- or mixed-breed Akita; American Pit Bull Terrier; American Staffordshire Terrier; Catahoula Leopard; Chow; Doberman Pinscher; German Shepherd; Husky; Malamute; Pit Bull; Presa Canario; Rottweiler; Staffordshire Bull Terrier; Wolf. (insurance page included as an attachment)

June 8, 2018 - Received a preliminary draft of a pet policy from Tim Sloan which meets the requirements of our condo documents.

June 9, 2018 - Actions to go forward. Within the next 30 days the board is going to finalize the draft pet policy received from Tim Sloan and layout a plan for going forward and communicate to the owners. In addition, Nancy has the action to work with Philip and Tim Sloan to go forward to changing the documents to limit pets to owners only, which would require 200 units to vote in favor of this change. During the questions after the adjournment of the meeting, one of the owners suggested we use an amendment to make the change. Nancy has the action.

#### Complaints

**Complaint: Use of Common Element area outside Unit 2-101 exclusively used by a single owner. Why can't that owner pay in total for the area? Who is responsible for maintaining the area?**

3.02 Common elements – in general common elements constitute everything except the units people live in. Certain portions of the common elements are further designated as limited common elements  
3.03 Interests in Common Elements: Common Expenses and Common Surplus are allocated area of the unit/total square footage of all units

3.05 Limited Common elements (b) Without limiting the generality of the foregoing, limited common elements include, without limitation (i) any balconies and other areas and improvements that are designed to serve one Unit and are primarily accessible from that Unit, and shall be deemed to be Limited Common Elements of that specific unit.

Exhibit B Tower II Floor 1 shows the area in question is only accessible from Unit 2-101

7.01 (b) Those limited common elements which are accessible only from one Units shall be maintained in an orderly condition.

8.08 Use of common area ... Unit Owners shall be responsible for, and shall bear any expense of, any damage to the Common Elements caused by moving to or removing from their household furnishings or other objects, or caused by other deliveries to or from the Units by their invitees.

8.24 Balconies, Windows, Terraces and Doors - Subject to Section 8.11 (discussion on flags) No Residential Unit Owner shall cause anything to be affixed or attached to, hung, displayed on the exterior walls, doors, balconies, lanais or windows of the Building (including, but not limited to, awnings, signs, storm shutters, screens, window tinting, furniture, fixtures and equipment without the prior written consent of the Board of Directors. No plants, pots, receptacles or other decorative articles shall be kept, placed, hung or maintained on any ledge, balcony or terrace.

Discussion: Requiring the owner of 2-101 to remove plants from the common area would also require all owners to remove plants from their balconies. There are several owners who reside here full time and have made there unit their home. It could also be argued that the area outside is the same as the area around the pool deck on level 1 which is allowed to have plants.

*Decision: The extended balcony area outside Unit 2-101 is only accessible through Unit 2-101 and shall be considered specific to that unit. It is part of the common elements and is not considered part of the unit ownership. Any damage caused to the area will be the responsibility of the unit owner. The unit owner will also comply with 7.01 (b) Those limited Common Elements which are accessible only from on Unit shall be maintained in an orderly condition by the owner. For now, the plants can stay and Nancy has the action to draft a recommendation for what is allowed on balconies.*

**Complaint: Display of US Flag on balcony outside Unit 2-101 is in violation of condo docs**

8.11 Any Owner may display, one (1) portable, removable United States flag in a respectable way **and, on** Armed Forces Day, Memorial Day, Flag Day, Independence Day, September 11 and Veterans Day, may display in a respectful way portable, removable official flags, not larger than four and one-half (4 ½) feet by (6), that represent the United States Army, Navy, Air Forces, Marine Corps of Coast Guard.

*Decision: The flag is an United States flag and portable and is allowed under the documents*

**Complaint: The display of the female mannequin, all of the other stuff, the use of the bubble machine and movies shown on balcony outside Unit 2-101 violates condo doc 8.12 Nuisance, Noise, Hazardous Activities and Unsightliness. Does the movies violate any government ordinances? Who is responsible for securing the items in case of hurricane?**

8.12 Nuisance, Noise, Hazardous Activities and Unsightliness

- (a) No person shall conduct any activity on the Property which creates a legal nuisance
- (b) All, noise, including without limitation, talking, singing, television, radio, record player, tape recorder or musical instrument, shall be kept at such a volume level that the noise is not audible outside of the boundaries of the unit in which it originates
- (c) Between the hours of 10 pm and 8 am, all owners and guests shall refrain from any activity which would be considered disturbing to others
- (d) No person shall conduct any activity on the Property which is or might be hazardous to any person or property
- (e) No unsightliness shall be permitted at the Property

*Decision: The mannequin and a palm tree are deemed to be unsightly and are to be removed. The bubble machine does not cause a hazard or unsightliness and can remain. There was no government ordinance found which prohibited the showing of movies on the side of the building and as long as there is no noise violation and the movies are not shown between 10 pm and 8 am, there is no violation. All the stuff must meet 7.01 (b) those limited common element which are accessible only from one Unit shall be maintained in an orderly condition by the Owner. In case of a hurricane, each owner or their rental company is responsible for securing all items. If not secured and damage is done, it is the owner's liability. A certified letter will be sent to the will sent to the owner regarding the removal of the mannequin and palm tree.*

**Complaint: Owner can't operate their business from residential unit according to Section 8.04**

8.04 Home-based occupations, businesses, professions or trades may be operated out of the units, provided (i) there are no employees working within the units, (ii) there is no signage (iii) the unit is not used to receive clients and/or customers, (iv) there is not excessive deliveries made to the unit, (v) the home-based occupation does not generate additional visitors or traffic into the unit or any part of the property and (vi) such use meets all other code and zoning requirements.

*Decision: The home-based occupation is allowed as it meets the requirements of the document.*

*As advised by our attorney, the owner for which the complaints were made, has the right to request copies of the complaints by certified letter.*

#### Web Page

This will be a Grand Panama Webpage. Elements to be included on the webpage were given to EV IT department last week and they are in the process of designing the webpage. First cut for review will be given to the board by June 15th. By law, the webpage must be operational by July 1st.

The webpage will contain information you as owners need access to along with information from the board and EV. (Financial reports, condo documents, policies, contracts, minutes, etc). It will also contain a message board, so owners can contact the board and/or EV. This inquiry will be answered personally and if it impacts several owners a communication will be posted to all owners. It will also be the only source for information on actions taken and/or activity regarding Grand Panama.

Several owners have asked if there could be a contact list of all the owners. Each owner has the right to opt in or opt out of being included on the website.

There have been concerns regarding the values of Grand Panama Units. Jeff Gembitsky shared that values at Grand Panama are increasing. For example, last year a 1 bedroom unit was selling for \$175k, now sold at \$205k; 2 bedroom unit which sold for \$260K last year, now selling between \$311-\$320K.