

GRAND PANAMA BEACH RESORT OWNERS ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
August 8, 2022, 6:30 PM CT
Zoom Teleconference
APPROVED MINUTES

- A. **CALL TO ORDER:** The meeting was called to order at 6:30 PM CST, by Board President, Frank Boone
- B. **ESTABLISH QUORUM:** Quorum was established with Nancy Stovall, Frank Boone, JPorter Share, Glenn Holliday, Woody Junot and Jarod Tripplett participating either in person or via Zoom teleconference. Jason Bennett (CAM) was also present on behalf of RC Association Management. Stephen Kilcummings was present as the Building Maintenance Supervisor.
- ALSO IN ATTENDANCE:** Owners on Zoom: (82) Eighty-two owners were present via zoom teleconference.
- C. **PROOF OF NOTICE:** Jason Bennett (CAM) verified Proof of Notice was posted according to Florida Statutes and Association Documents.
- D. **APPROVAL OF MEETING AGENDA:** With the addition of 360 Properties, Senate Bill 40 (Milestone Inspection), and Tower Doors Installation to New Business, Nancy Stovall **MOTIONED**, seconded by Glenn Holliday to **approve** the meeting agenda. Motion carried unanimously.
- E. **APPROVAL OF THE JUNE 10, 2022 BOARD OF DIRECTORS MEETING MINUTES:** On a **motion** by Nancy Stovall and a second by Glenn Holliday, the meeting minutes were approved. Motion carried unanimously.
- F. **APPROVAL OF THE JUNE 13, 2022 BOARD OF DIRECTORS MEETING MINUTES:** On a **motion** by Nancy Stovall and a second by Glenn Holliday, the meeting minutes were approved. Motion carried unanimously.
- G. **APPROVAL OF THE JUNE 27, 2022 BOARD OF DIRECTORS MEETING MINUTES:** On a **motion** by Nancy Stovall and a second by Glenn Holliday, the meeting minutes were approved. Motion carried unanimously.
- H. **NEW BUSINESS:**
- A. **360 Properties Development** – Board President Frank Boone addressed the Board and owners regarding the new boardwalk and parking area. Mr. Boone announced that the quit claim deed has been received and is close to finalizing the transfer. It was announced that 360 Property vehicles cannot come through Grand Panama. Grand Panama owners will be given key fobs that will allow owners to access to middle beach road. If owners are found to be abusing the key fobs by allowing guest to use them, the owner will have their fobs deactivated by 360 Properties. Owners will also be given a monthly code for the boardwalk that will allow for access to the shopping center.
- B. **Senate Bill 4-D** – Jason Bennett, CAM addressed the Board and owners regarding the new law that was passed on May 26, 2022 which will affect Condominiums and their reserves. If a condominium building is 3 or more stories in height, a “milestone inspection” is now required and must be performed by a licensed architect or engineer. The inspections must be performed within 30 years from the date of Certificate of Occupancy; however, if the building is within 3 miles of the coastline, the milestone inspection must be performed within 25 years of the Certificate of Occupancy date. The new statute lists the minimum categories which must be addressed in the milestone inspection report, by reference to the new statutory requirement for a “Structural Reserve Study.” The law requires that these reserve studies must be maintained as part of the official records of the association for 15 years.

- C. Tower 1 & 2 Entrance Doors** – Building Maintenance Supervisor Steve Kilcumings addressed the Board and owners and notified that beginning Wednesday, August 10, 2022, starting at 8:00 AM, installation of both Tower 1 and 2 automatic doors will occur. Entrance and exit to Tower 1 will only be accessible by using the crossover bridge, (2) two stairwell exits and the pool and beach area entrance. Tower 2 will have no interruptions to entering the condominium. Two doors will remain functional during installation. Tower 1 installation may take up to a day and a half. Tower 2 will be completed within one day.
- D. Concerns Brought to The Board:** Board Secretary addressed the following concerns that were sent to the Board of Directors: Several concerns/questions regarding one owner were submitted to the board and asked that action be taken. Most of the items had already been addressed and recorded in the June 9, 2018 board meeting minutes. Every owner has made a large investment in Grand Panama and the Board of Directors strives to ensure your investment is protected. This is accomplished by ensuring the integrity and maintenance of the building and property, fiduciary responsibilities, planning for the future, ensuring owners and guests are safe and ensuring we are following the laws and the documents. To say the least our condo declaration is very complex and detailed. Items in the documents don't always make sense, but the important thing is we must ensure that any action taken against one owner regarding the documents must be applied consistently for all 299 unit owners. I am going to venture to say that each one of us could find that we are not in compliance with at least one of the items in the documents.

Has the limited common elements area outside of Unit 2-101 been reclassified to a balcony? The short answer is no.

On property there are units and common elements.

- 3.02 In general common elements constitute of everything except the units people live in. Certain portions of the common elements are further designated as limited common elements.
- 3.05 Limited common elements (b) (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.
- 7.01 (b) Those limited common elements which are accessible only from one unit shall be maintained in an orderly condition.
- 3.03 Common Expenses and Common Surpluses (for all common elements) are allocated over the unit/total square footage of all units. It has also been verified with our insurance agent that all the coverage for the common elements is the for same limited common elements.

Has the Limited Common Elements in question (2-101) been approved to have storage, furniture, plants, rugs, water fountain and gas grill on it?

- 8.24 Balconies, Windows, Terraces and Doors - No Residential Unit Owner shall cause anything to be fixed or attached to, hung, displayed or place on the exterior walls, the doors, the balconies, lanais or the windows of the Building (including, but not limited to awnings, signs, storm shutters, screens, window tinting, furniture, fixture and equipment) without prior written consent of the Board of Directors.
- This was discussed and approved in the 6/9/2018 board meeting and with the stipulation that the area be maintained in an orderly condition by the owner of unit 2-101.
- In case of 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.
- In searching through all the minutes starting in 2014, this is the only unit that has been documented as approved by the board of directors to have furniture, fixtures, etc., on the balcony.

- The second part of 8.24 No plants, pots, receptacles or other decorative articles or other decorative articles shall be kept, placed, hung or maintained on any ledge, balcony or terrace. In 6 /9/2018 meeting, the plants could stay and Nancy had the action to draft a recommendation for what is allowed on the balconies which was included in a proxy sent to the owners in September 2018.

Amendment changes included on Proxy included were:

- Change the vote percentage for amendments from 80% to 65%
- Pets only allowed by owners
- Clarification of what is allowed on the balconies
- One financial item (which requires 50% +1 to change) regarding changing from component reserve to pooled reserve.

In order for amendments to pass there needs to be a 80% positive vote. Since only 60% of the owners responded, No plants are allowed on the balcony. If an owner is identified as being in violation, the Florida Statute will be followed. A certified notice of violation will be sent, if action is not taken then a fine letter will be sent. The recipient will go before the fine board (made of owners not on the board and/or related to the board) who will determine if the fine will stand.

- Gas Grills are not allowed on any balcony per Fire Code, however inspection of the subject area did not find a gas grill on the balcony. At one time there was an electric smoker which is allowable, but it has been removed.
- Inspection of the area did not find any water fountain.

Have the personal ring camera from the area in the parking garage which the owner of 2-101 removed.

- There is nothing in the condo documents which addresses the use of personal cameras (rings, blings, iphone cameras, etc). In order for the board to rule on the cameras, an amendment proxy and an 80% approval would have to occur.

Please see the video of Lynn Bush's pet defecating on the owner's balcony. She is in violation of 8.20.

- 8.20 All permitted pets, must be caged or on a short leash at all times when they are on any portion of the Property (except the Owner's Unit). Pets are not allowed to roam freely or play in the hallways or any other interior common area. Pets must be on the grass before the pet is permitted to stop and relive itself. At no time may a pet relieve itself in the breezeway, hallway or around any elevator. Owners should not allow landscape areas adjacent to the buildings or the building structures themselves to be used for elimination. All **Owners and Guests are required to pick up, remove and property dispose of litter deposited by their pets on Property.**

Has the board approved the use of an electric device to project images on the side of the Condominium by Resident?

- This was discussed and documented in the June 9, 2018 Board Meeting Minutes. There was no government ordinance which prohibited the showing of movies on the side of the building as long as there is no noise violation, and the movies are not shown between 10pm and 8 am.
- The pleasantness of a condominium is greatly enhanced by a congenial atmosphere in which all residents/guests have proper regard for others.

Grand Panama Resort documents do not have the private door allowing access from only one resident unit to our Limited Common Elements area. The documents show that the Limited Common Element in question, the south/west wall is only a window. Please provide the engineering documents pertaining to but not limited to the removal of the

south/west window to be replaced by a door: Installing door, permits provided from the city, structure engineering documents, etc.

On a **motion** by Jarod Tripplett and a second by Nancy Stovall, furniture and rugs are allowable on unit balconies. Motion carried unanimously.

Plants will continue to **not** be allowed on balconies per the Association documents.

E. Grand Panama Beach Resort – Unit 2-101 (Engineering Report) – An anonymous report was sent to the Panama City Beach Building Department regarding the installation of a single balcony door for unit 2-101. After much research, management, maintenance and the City of Panama City Beach was unable to determine if there were plans or a permit for the installation of the door. After research, it was determined with the information at hand, that the door was installed at original construction. The door was not installed by the current nor previous owner. This is a picture of the door:



Per the City of Panama City Beach Building Inspector, the Association has been directed to hire an engineer to inspect the door to ensure its installation is adequate and up to building load specifications. The Association has contracted MK Weber Engineering to inspect and provide a written report to the City of Panama City Beach. The cost of the inspection is \$600.00. The cost of the written report is \$350.00. On top of this cost, the drywall around the door will have to be removed by maintenance and re-installed with a cost to the Association. The Association has formerly submitted a public records request to find out which owner or owner(s) submitted this request to the City. If appropriate, the Association will seek reimbursement from the owners who filed the request.

F. Grand Panama Beach Resort Declaration – Section 8.12 – Per the Grand Panama Beach Resort Declaration section 8.12 (a): “No person shall conduct any activity on the Property which creates a legal nuisance.” Due to ongoing incidents that have occurred with the owner of 2-907, incidents, video footage and evidence has been turned over to the Association Attorney to file a lawsuit against the owner of 2-907 for being a nuisance on property with vendors, contractors, guests, security, RC Management and Employees, as well as contract employees. On a **motion** by Nancy Stovall and a second by Jarod

Tripplett, the Association moves to approve legal fees to file a lawsuit against the owner of 2-907 for being a legal nuisance on property. Motion carried unanimously.

Management addressed the Board and owners in regard to concerns that were brought to Management regarding owners behavior and actions on property. The owner of the Tiki Hut and Restaurant Mark Burhman notified management of several incidents where owners have been unruly and spoke negatively about their behavior. The comment was made that Grand Panama has been the worst of all properties where he has establishments. The Board spoke to the ownership about the negative reviews that this can leave for Grand Panama and that Grand Panama has come too far over the past several years to allow for such unruly behavior. Owners were asked to use better judgement especially when alcohol is involved. It was communicated to the ownership that the Tiki Bar is now banning unruly owners and will cut off drinks to any owner or guest that is noticeably intoxicated. Many owners spoke on behalf of the behavior and supported the Board and Tiki Bar owner.

G. ADJOURNMENT: Glenn Holliday **MOTIONED**, seconded by JPorter Share to adjourn at approximately 7:54 PM. The motion carried unanimously.

Respectfully Submitted,

Jason Bennett, CMCA, AMS

