

**THE VILLAGE ON ISLAND ESTATES
CONDOMINIUM ASSOCIATION
240 WINDWARD PASSAGE
CLEARWATER, FL 33767**

TO: All Board members

FROM: Jo-Beth Dickson, Secretary

SUBJECT: Board of Directors Meeting, at CMA, **Thursday, January 9, 2025.**

BOARD MEMBERS PRESENT: M. DesRosiers, T. Donohue, JB Dickson

Late arrival: B. Worms,

ZOOM: A. Valentine

BOARD MEMBERS ABSENT: none

OTHERS ATTENDING: Tim Hendrix & Kim Paulsen, LCAM Ameri-Tech, Dan Greenberg, attorney for VOIE

- I. CALL TO ORDER FOR BOARD MEETING:** The meeting was called to order at 3:00 pm by President Mona DesRosiers
- II. CERTIFICATION OF NOTICE:** JB Dickson reported that the notice for the meeting had been posted on the west bulletin board on Tuesday, January 7, 2025 and emailed to the VOIE community, which constitutes proper notice.
- III. ESTABLISH QUORUM:** Duly posted. Quorum of the board.
- IV. APPROVE/WAIVE MINUTES**
 - Budget Approval Minutes: motion by A. Valentine, second by B. Worms to approve VOIE Budget for 2025
 - Board of Directors Minutes: motion by M. DesRosiers, second by T. Donohue to approve minutes of 12/05/24. A. Valentine requested minutes of 12/05/24 be amended. Motion to approve failed. She was asked to submit her amendment. Revision never received.
- V.** Discussion of the Attorney's legal opinion on the Association's remaining financial obligations and areas of responsibility for the repair and restoration of the area of our units impacted by water damage related to Hurricane Helene.

Email to community read by Tim D:

Dear Fellow VOIE Property Owners,

I hope you are enjoying a happy and healthy holiday season!

A Special Meeting of the VOIE Board has been scheduled for 3pm on Thursday, January 9th, 2025 at the Clearwater Marine Aquarium. We apologize for the early start time. We felt it was

important for our attorney, Dan Greenberg, to attend in person. The meeting has been scheduled around his availability. Official notification will be made per our bylaws.

The agenda will be limited to two items:

1. Discussion of the Attorney's legal opinion on the Association's remaining financial obligations and areas of responsibility for the repair and restoration of the area of our units impacted by water damage related to Hurricane Helene.
2. Update on the status of our insurance claim for damages related to Hurricane Helene.

NOTE: The attorney's availability is limited to one hour. The three minute time limit on questions and comments will be strictly enforced.

Background (read by Tim Donohue):

Based on the attorney's legal opinion and pursuant to the Condominium Act, ..."the Association is the party responsible for the coordination and cost of repair work for the garages and foyers, as they were originally installed."

We made an effort to determine exactly what falls into the category of "originally installed". Per available information (including building plan drawings) each unit was originally built out with the partition wall and door in the rear of the garage as a standard element.

Based on this information and the guidance of our attorney and Ameri-Tech, we have reached the conclusion below.

Per our bylaws, documents and legal opinion of our attorney, the Association is responsible for the following:

1. *Drywall replacement and electrical outlet and breaker testing (and replacement if required) in flood impacted areas in the entry foyers.*
2. *Drywall replacement and electrical outlet and breaker testing (and replacement if required) in flood impacted areas of the garage partition wall deemed to be part of the original construction in each unit.*
3. *Testing (and replacement if required) of electrical outlets and breakers in flood impacted areas of the masonry support walls in the garage area.*
4. *Testing (and replacement if required) of exterior electrical outlets and breakers impacted by flooding.*

If the majority of the Board agrees, the President will seek a revised quote from Rapid Restoration, based on this modified scope of work. We received a separate quote for the inspection and replacement of impacted electrical outlets and breakers from Fuller Electric. Their cost to replace the outlet and breaker is \$500 per outlet. This is significantly higher than the price quoted by Rapid Restoration for the electrical work.

Members of the Board also sought guidance on the concerns raised by Ron Finger - Unit 301. Per the attorney (and based on discussions with the adjuster, Craig Kobel)

1. *None of the concerns listed are covered by the NFIP insurance program and/or our policy.*

2. *Rapid Restoration owns the license to remediate water damage and continues to state they have completed the work effectively and according to accepted, professional standards.*
3. *There is no distinct method to distinguish between pre-existing air quality issues and air quality issues discovered post event.*
4. *The issues raised regarding the outlets and breakers impacted by the flooding are being addressed.*

As your Board President, I realize that there are still many questions and concerns to address. When it comes to the financial commitments that will be required of the Association, much will depend on the outcome of the insurance claims process. Due to the huge volume of storm-related claims, a final determination on our claim may still be a several months away.

We hope you can attend this important meeting, as always, remote access will be available via Zoom.

Cheers to a happy, healthy and hurricane-free 2025,
Mona

Daniel J. Greenberg, Esq.
December 17, 2024

The Village on Island Estates Condominium Association, Inc.
c/o Ameri-Tech Community Management
24701 US Highway 19 North, Suite 102
Clearwater, FL 33763

Re: Maintenance Responsibilities for Garages/Foyers Damaged by Hurricane

Dear Board Members:

The Board has recently advised our office of damage to the garages and foyers in the community that were sustained in the recent hurricane and has requested an opinion regarding whether the Association or the individual homeowner is responsible for repair and reconstruction of the damaged portions of the garages and foyers within the community. The Board has further advised that some homeowners have altered the garage and foyer areas to add extra rooms and/or bathrooms. Please accept my following comments.

The maintenance responsibilities for parties typically stem from the Association's governing documents. The Declaration of Condominium Ownership of The Village on Island Estates, a Condominium, as originally recorded at O.R. Book 4878, Page 1988 et seq., in all the public records of Pinellas County, Florida, states, in relevant part, as follows:

16. MAINTENANCE: The responsibility for the maintenance of the condominium unit and parcels, as it may apply hereafter, with the exception of those responsibilities for management as provided for by the Association with The Village on Island Estates Management Company, in accordance with the Management Agreement attached hereto as Exhibit "D" shall be as follows:
 - a. By The Association: The Association shall maintain, repair and replace at the Association's own expense:
 - (1) All portions of the units (except interior wall surfaces) contributing to the support of the building, which portions shall include, but not be limited to, the outside walls of the building, and load bearing columns.

- (2) All conduits, ducts, plumbing, wiring and other facilities for the furnishing of utility services which are contained in the portions of the unit contributing to the support of the building or within interior boundary walls and all such facilities contained within an apartment which service part or parts of the condominium other than the unit within which it is contained.
 - (3) All incidental damage caused to an apartment by such work shall be at the expense of the Association.
- b. By The Condominium Parcel Owner: The responsibility of the condominium parcel owner, shall be as follows:
- (1) To maintain in good condition, repair and replace at his expense, all portions of the unit except those portions to be maintained, repaired and replaced by the Association, and such shall be done without disturbing the rights of other unit owners which shall include, but not be limited to the following:
 - (aa) repair of water leaks within the unit; and
 - (bb) repair any and all heating and air conditioning defects within the unit and air handlers and compressors servicing the said unit.
 - (2) Not to paint or otherwise decorate or change the appearance of any portion of the exterior of the building.
 - (3) To promptly report to the Association any defects or need for repairs, the responsibility for the remedy of which is that of the Association.
 - (4) No condominium parcel owner shall make any alterations in the portions of the building which are to be maintained by the Association or remove any portion thereof or make any additions thereto or do any work which would jeopardize the safety and soundness of the building or impair any easements without first obtaining approval from the Board of Directors of the Association. However, when an insurable event occurs, such as the recent hurricane, the Florida Statutes (the Condominium Act) apply to the maintenance responsibilities of the individual homeowner and the Association. In such cases, the Condominium Act prevails over the Association's governing documents regarding certain maintenance responsibilities. The Condominium Act states, in relevant part, as follows:

718.111(11)(f):

- (f) Every property insurance policy issued or renewed on or after January 1, 2009, for the purpose of protecting the condominium must provide primary coverage for:
 - 1. **All portions of the condominium property as originally installed or replacement of like kind and quality, in accordance with the original plans and specifications.**
 - 2. All alterations or additions made to the condominium property or association property pursuant to s. 718.113(2).
 - 3. The coverage must exclude all personal property within the unit or limited common elements, and **floor, wall, and ceiling coverings, electrical fixtures, appliances, water heaters, water filters, built-in cabinets and countertops, and window treatments, including curtains, drapes, blinds, hardware, and similar window treatment components, or replacements of any of the foregoing which are located within the boundaries of the unit and serve only such unit.** Such property and any insurance thereupon is the responsibility of the **unit owner**.

718.111(11)(j):

- (j) Any portion of the condominium property that must be insured by the association against property loss pursuant to paragraph (f) which is damaged by an insurable event shall be reconstructed, repaired, or replaced as necessary by the association **as a common expense**. In this case, because the damage was due to an insurable event, pursuant to the Condominium Act, the Association is the party responsible for the coordination and the cost of the repair work for the garages and the foyers, **as they were originally installed**. Therefore, the Association is

responsible for repairing and reconstructing the portions of the garages and the foyers that were originally installed, up to the point that they are ready for the finished surfaces. In other words, the Association is responsible for reconstructing the drywall in the garages and foyers within the community and essentially rebuilding the outline of the structure of that area so that it is the way that it was when it was originally installed. The individual homeowners will be responsible for the finishing of the garages and the foyers, such as painting and flooring.

As always, it is a pleasure serving the Association. Please do not hesitate to contact our office should you have questions.

Sincerely,
Ariana E. Zarrella, Esq.
AEZ: hs

Comments

- Motion by A. Valentine to obtain three bids for restoration of all foyers in the VOIE and to remit money to those who have already made repairs. No second, motion FAILED.
 - Suggestion by D. Wood (801) to separate construction issues related to restoration from those related to electrical issues.
 - Motion by B. Worms, second by Mona that A. Valentine will volunteer her time to access Pinellas County records to obtain original floor plans of all the units in the VOIE within two (2) weeks of this meeting. Motion PASSED unanimously.
 - Motion by B. Worms, second by M. DesRosiers to obtain new proposal from RRT for repair of foyers, restore partition wall in garages, and repair or replace electrical outlets as originally installed based on information and guidance of our attorney. Vote 4 to 1, motion PASSED.
 - The HOA is responsible for replacing damaged garage doors with those of ‘like’ quality as originally installed and that meet HO6 current code for wind.
 - The VOIE HOA is responsible for payments not to exceed 5% of our current total annual budget.
 - Future: By a simple majority, the VOIE can opt out of Florida’s statutory responsibilities for reconstruction of insurable elements. Our Documents would change the responsibility of all storm-related damages from the HOA to the owners.
1. Update on the status of our insurance claim for damages related to Hurricane Helene.
No current update.
 2. Fire extinguisher inspection: two bids have been received for the inspection of fire extinguishers, Piper Fire at \$6.19 per extinguisher and Fire Master at \$3.65 per extinguisher. On the date of inspection, residents are required to place their fire extinguisher outside their front door. Any resident who does not place an extinguisher outside on the inspection date will incur an additional payment for inspection. All extinguishers MUST be inspected.
 - Motion by T. Donohue, second by. M. Desrosiers to hire Fire Masters to complete the inspection.
 3. **DOCKMASTER REPORT:** D. Millhouse
 - Boat slips 2, 4 and 7 are available to lease.

4. Membership Comments (3-minute time limit). No additional comments.

5. Announcements
 - Annual Reorganization Meeting and election of board members will be held at 6 PM on January 27, 2025, at the CMA. There are six (6) candidates for five (5) seats.

 - Repairs: scaffolding for unit 602 to be used to open unit 601 to assess water damage. Two additional bids for repairs will be obtained.

6. Adjournment: Motion by T. Donohue, second by B. Worms to adjourn meeting. Meeting adjourned at 4:55 PM.

ATTENDEES

Maxine Wood (801)
Dale. Wood (801)
Dave Jeroski (602)
Mike Madden (701)
Risa Owens (901)
Todd Zinkwich (202)
Paul Ferguson (1103)
Ron Finger (301)
Peter Kohut (105)
Tim Donohue (804)
Carol Donohue (804)
Stuart Saltzman (403)
Dave Smith (802)
Dean Millhouse (405)
Bill Worms (1302)
Jennifer Alongi-Maniatakos (1303)
Jo-Beth Dickson (304)
Mona DesRosiers (1202)
Tim Hendrix, LCAM Ameri-Tech
Kim Paulsen, LCAM Ameri-Tech

ZOOM

Ron Hummel (604)
Mary Ellen Rose (1301)
Sean Curry (1304)
Angela Valentine (1203)