

Meeting Date
August 5, 2014



AGENDA	
Section	XXXXXX New Business
Item No.	XXXXXXXXXX

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

VA 1 moved from II A 4

SUBJECT:	Approval Re: No Parking on Streets Between 12:00 Midnight and 7:00A.M. Sign Palmetto Subdivision - District 2
DEPT/OFFICE:	Public Works Department / Traffic Operations Program

Requested Action:

The Board of Directors of Palmetto Homeowners Association has requested that the Board of County Commissioners consider adopting a Resolution for the installation of a "No Parking on Streets Between 12:00 Midnight and 7:00 A.M." sign to be posted at the entrance into the Palmetto Subdivision located in Merritt Island, Section 14, Township 24, Range 36.

Summary Explanation & Background:

Florida State Statute 316.008 gives the Board of County Commissioners the power to regulate or prohibit stopping, standing, or parking on streets or highways. Brevard County Board of County Commissioners has delegated the authority to authorize the installation of prohibitive parking, truck restrictions, road closings and emergency road closing to the County Manager or his designee, Brevard County Policy BCC-80, Traffic Control Regulation.

The State Attorney's Office has advised the Brevard County Sheriff's Office and Public Works Department/Traffic Operations Office that "No On Street Parking Times" are not considered a safety issue and that it is a deed restriction placed by the homeowners association. It is the State Attorney's Office opinion that the Board of County Commissioners has to approve the Homeowners Association's request for selective no parking times, prior to the Sheriff's Office enforcing the parking restrictions.

Adoption of the attached resolution will allow posting of the proper "No Parking on Streets Between 12:00 Midnight and 7:00 A.M." sign so that the Brevard County Sheriff's Office may patrol the area and keep the roadway unobstructed.

Staff has verified that the HOA Amendment to Declaration of Restrictions prohibits on street parking:

8.8.2 Parking and Storage of all other vehicles

B. On Street Parking: No on-street parking shall be permitted except for short term guest parking as defined by Rules and Regulations promulgated by the Board of Directors.

Fiscal Impact: 2013/2014 No impact. The HOA shall reimburse Brevard County Public Works for the initial cost of the sign and installation.

2014/2015 No impact other than regular maintenance by Brevard County Public Works.

Clerk to Board Instructions: Return Original Executed Resolution and Board Approval Letter to Department

Exhibits Attached: Resolution, Aerial/Location Map, HOA Letter of Request, HOA Board of Directors Approved Meeting Minutes, First Amended and Restated Declaration of Covenants and Restrictions for Palmetto, Page 23, 8.8.2 Parking and Storage of All Other Vehicles. B. On Street Parking

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Mel Scott	John P. Denninghoff / 87202
	Assistant County Manager	
	Venetta Valdeno	



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

August 6, 2014

M E M O R A N D U M

TO: John Denninghoff, Public Works Director

RE: Item V.A.1., No Parking on Streets Between 12:00 Midnight and 7:00 A.M. Sign for Palmetto Subdivision

The Board of County Commissioners, in regular session on August 5, 2014, denied request for a resolution for the installation of a "No Parking on Streets Between 12:00 Midnight and 7:00 A.M." sign to be posted at the entrance into the Palmetto Subdivision located in Merritt Island.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

II.A.4

RESOLUTION NO. 2014 –

NO PARKING ON STREETS BETWEEN MIDNIGHT AND 7:00 A.M. SIGN WITHIN THE PALMETTO SUBDIVISION, SECTION 14, TOWNSHIP 24, RANGE 36, BREVARD COUNTY, FLORIDA.

WHEREAS, it has been brought to the attention of the Board of County Commissioners of Brevard County, Florida, that the Board of Directors of The Palmetto Homeowners Association is requesting the installation of a “No Parking on Streets Between Midnight and 7:00 A.M.” sign at the entrance into the subdivision.

WHEREAS, it is necessary to have unobstructed access in the event of an emergency,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, THAT:

1. “No Parking on Streets Between Midnight and 7:00 A.M.” sign to be installed at the entrance of the Palmetto Subdivision as determined by the Public Works Department, Traffic Operations Program, all pursuant to Florida Statutes §316.008.

2. The appropriate law enforcement authorities shall be vested with the authority and power to enforce the above-cited ordinance, “No Parking” signage, and this resolution, to issue citations, and pursue all other actions necessary to assure that the intent of this resolution is implemented and enforced.

BE IT FURTHER RESOLVED that copies of this Resolution will be forwarded to the Sheriff and the Clerk of the Circuit and County Courts.

DONE, ORDERED AND ADOPTED, in regular session, this 5th day of August, 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Mary Bolin Lewis, Chairman
(as approved by the Board on August 5, 2014.)

Scott Ellis, Clerk

RESOLUTION NO. 2014 –

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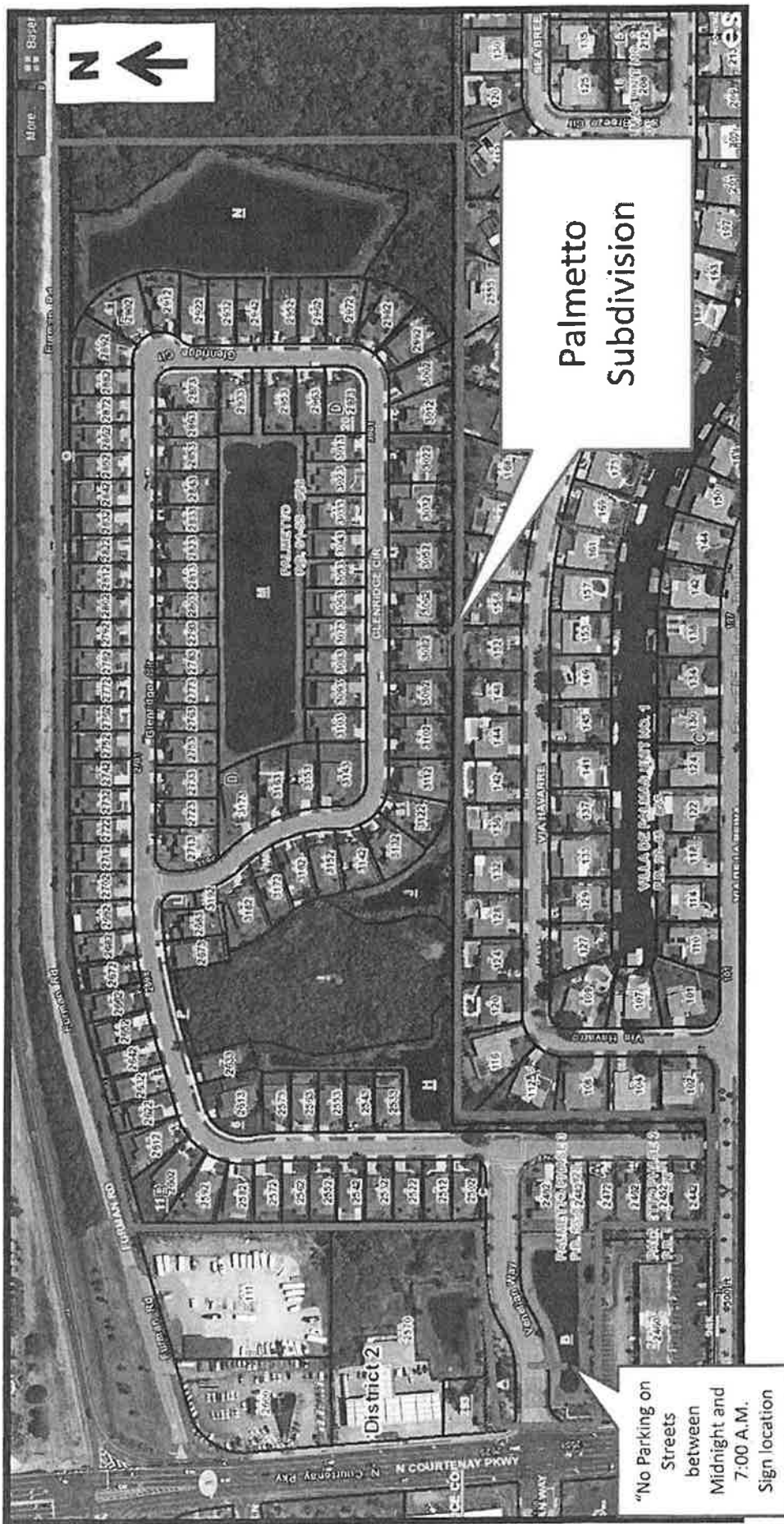
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ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Mary Bolin Lewis, Chairman
(as approved by the Board on August 5, 2014)

Scott Ellis, Clerk



Palmetto HOA Requested "No Parking on Streets between Midnight and 7:00 A.M."
Venetian Way (26650) Glenridge Cir. (21985) 2014

LELAND MANAGEMENT



April 22, 2014

Brevard County Public Works Dept. Engineering Division,

The Palmetto Homeowner's Association, managed by Leland Management, and located within Glenridge Circle, Merritt Island, Florida is respectfully requesting that no parking signs be installed in this community. The Rules and Regulations for the community state there will be no street parking permitted at any time.

In addition, there is some concern, as there are many vehicles parked throughout the streets of the community each day/evening resulting in a safety issue in the event an emergency vehicle would not be able to maneuver through all the vehicles. See attached photos.

We the undersigned, on behalf of the Board of Director's for the Palmetto Homeowner's Association, approve the installation of no parking signs. Furthermore, we understand the installation of signs will be at the cost of the Association.

We appreciate your consideration of this request for our community.

Karen A. Hickerson, President

Michael Wood, Vice President

Orlando - Central Florida
Jacksonville/St. Augustine
Ocala
Tampa/Clearwater
Brevard/Rockledge
Flagler/Palm Coast

6972 Lake Gloria Blvd., Orlando, FL 32809-3200
10175 Fortune Parkway, Suite 906, Jacksonville, FL 32256-6755
7750 SW 60th Avenue, Suite A, Ocala, FL 34476-6472
24701 US Hwy 19 North, Suite 110, Clearwater, FL 33763-4053
1215 Admiralty Blvd. Rockledge, FL 32955-5201
309 Moody Blvd., Suite 101, Flagler Beach, FL 32136-6600

Telephone: 407-447-9955 Fax: 407-447-9899
Telephone: 904-223-7224 Fax: 904-223-1212
Telephone: 352-620-0101 Fax: 352-620-0465
Telephone: 727-451-7900 Fax: 727-451-7901
Telephone: 321-549-0953 Fax: 321-549-0954
Telephone: 386-439-0407 Fax: 386-439-0207

www.LelandManagement.com

**Palmetto HOA of Brevard
Board Meeting Minutes**

April 28, 2014 6:30 PM
Islander Alliance Church
2450 N Courtenay Pkwy
Merritt Island, FL 32953

Call to Order

The meeting was called to order at 6:38 PM by Karen Hickerson.

Certification of Quorum:

Quorum was established with four board members in attendance: Karen Hickerson, Michael Wood, Sarah Pyles, Ruben Diaz and Mary Hristo were present. Brenda Grochowski of Leland Management was also present along with 3 Homeowners.

Proof of Notice

Brenda stated notice by community sign was displayed more than 48 hours in advance of the meeting.

Reading/Approval of Meeting Minutes:

Karen made a motion to waive the reading and accept the minutes of the February 3, 2014 Board meeting as written, Sarah seconded the motion. All in favor. Motion passed.

Manager's Report/Financial Report:

Brenda gave a short summary of maintenance issues that have been resolved or are pending. In reviewing the enforcement policy, the Board wishes to have a first notice and a fine notice, NO final notice. Brenda will make the change in the system and send the Board a report. Sara Pyles resigned from the Board to sit on the fining committee. Rex Engelhardt and Gerald Jordon will also sit on this committee. The next fine hearing is scheduled for Monday, May 19, 2014 at 6:30PM. The financials were also reviewed. Brenda explained that delinquent accounts had not been properly managed by the previous management company through the attorney. All next actions to proceed by the attorney in each case of collection required Board approval and the management company never forwarded the information to the Board. Brenda further explained that there are approximately 8 accounts that have a \$30.63 balance most likely due to late fees/interest due to the transition between management companies. Mary made a motion that the 8 accounts on the aged owners report that have a balance due of \$30.63 be waived and Michael seconded the motion. All in favor. Motion passed.

Old Business

Parking Issues-

Brenda contacted the county to inquire about no parking signs for street parking. The county requires a letter of request be submitted to the Engineering Dept. along with a copy of the minutes stating that the Board is in agreement with the no parking policy. Once completed, the item is placed on the

Brevard County Commissioner's agenda for approval/denial. Mary made a motion to request the county to consider placing signs throughout the community for no street parking between the hours of 12AM and 7AM, Michael seconded the motion. All in favor. Motion passed. Brenda has prepared the request letter for two signatures of the Board and will supply the county with all paperwork necessary along with any photos that might help in the County Commissioner's Decision.

Tract G update-

Brenda contacted the county and all the debris and rubbish have been removed. The county is also looking at placing no dumping anytime signs however this area is not under surveillance so it will be difficult to catch someone dumping. Ruben stated the ditch is not being maintained by the landscaper. Brenda will address with them.

RaceTrac Fence-

Brenda has spoken to the GM of Racetrac, Trent (470-234-0003) he opened a ticket for repair of the wooden fence. The winning bid will complete the work within 2-3 weeks. There is no further action necessary by the Association unless the fence is not repaired within the time advised.

DOT Engineer Update-

Brenda contacted Brevard County Roads/Bridges to request an engineer look at the entrance/exit turning lane of the community. An inspection was completed and case progressed to the DOT in Deland. Doug Tawson is assigned to the case and has currently completed a "study request" be conducted date TBD. They will be watching the traffic, preparing a report and possible solutions to the issue. The report is scheduled to be provided to Management by June 2014.

Community Block Party/Crime Watch-

Gerald was not available to give an update. Jimmy will meet with him and they along with Ruben will form the committee to organize this event. They are now considering the church parking lot/field for location since there is limited parking and no real way to easily shut down part of the street at the community and it would be difficult to host.

Permanent Sign for the Community –

Gerald was not available to give an update.

New Business

Landscaping Contract/Issues-

Brenda explained there are several issues with the landscaping. Irrigation reports have not been given, the dead bushes have not been removed and the hedge under the sign has not been lowered. Brenda was able to locate a contractor to service the community for \$585 (the current contract price). Karen made a motion to send Ground Professionals a 30 day notice of termination and contract with Spinney's Lawn and Landscaping for \$585 per month, Mary seconded the motion. All in favor. Motion passed.

Attorney Review-

Brenda explained that the current Association Attorney is sometimes late to respond to litigation questions and that the Association has not collected anything in the way of past due assessments through their collection efforts. Brenda suggested that the Board consider engagement packages so they may review their options.

Karen made a motion to proceed with the four accounts currently at the Association Attorney requiring a cost deposit to proceed with collection efforts provided that Jessica Barton gives recommendation, Michael seconded the motion. All in favor. Motion passed.

Covenant Enforcement Issues-

Brenda explained that there are some homes that are trying to comply or have complied. Those that continue to violate will receive fining notices now that the fining committee is in place. The street parking we are trying diligently to resolve. Mary provided a resolution to the CCR made in 2009 that Brenda will have added to the website. Basketball goals will be stored when not in use. The color schemes will be approved by the ARB and Brenda supplied Jimmy the binder with the approved paint colors for the community.

Open Items

Brenda requested all correspondence regarding the community especially violations be in email form, instead of both text messages and emails.

Adjournment

With no further business to discuss, the meeting was adjourned at 8:42PM.

B. **On Street Parking:** On street parking of recreational, inoperable or commercial vehicles is not permitted. However, short term parking of commercial vehicles belonging to service or delivery companies while performing services on or delivering items to a Lot is permitted.

8.8.2 Parking and Storage Of All Other Vehicles.

A. **Off Street Parking:** Parking and storage of all motor vehicles, other than those recreational vehicles, commercial vehicles and inoperable vehicles described in Subsection 8.8.1, shall be limited to the garage and driveway of each Lot and other areas specifically designated by the Association.

B. **On Street Parking:** No on-street parking shall be permitted except for short-term guest parking as defined by Rules and Regulations promulgated by the Board of Directors.

8.8.3 Current License Plates Required. No motor vehicle, without current license plates, shall be stored and/or parked on any Lot or allowed to be maintained in the Properties.

8.8.4 Rules and Regulations. The Association is specifically authorized to promulgate additional Rules and Regulations pertaining to other parking matters.

Section 8.9 STORAGE OF MATERIALS. No items may be stored on a Lot outside a Residence including without limitation, scrap metal, junk or salvage materials, items or articles whether the same be in the form of wrecked or junked vehicles, appliances, furniture, equipment, building materials, boxes of any kind, lawn tools and equipment (except for hose storage devices located at the side or rear of the Residence), supplies, lawn mowers, and other equipment. Outside storage of patio and lawn furniture and barbeque grills is allowed, subject to any restrictions set forth from time to time in the Design Guidelines or in Rules and Regulations. The Association may further define which items may not be stored on a Lot in the Design Guidelines and/or the Rules and Regulations. Each Owner grants the Association an easement to enter onto his Lot to remove stored materials which the Owner has failed to remove within ten (10) days of Association's written demand that the Owner remove the same. Each Owner agrees to hold the Association, its employees and agents, harmless for any removal actions taken. Each Owner agrees to reimburse the Association for costs associated with the above actions. If such Owner does not reimburse the Association within thirty (30) days of notice that reimbursement is due and owing, the Association may levy an Individual Assessment against such Owner, which Individual Assessment shall constitute a lien upon the Owner's Lot pursuant to Article 6 and shall be collectible as set forth in this Declaration.

Section 8.10 MOTOR VEHICLE REPAIRS. No Owner, nor a member of his or her family, his or her employees, agents, servants, lessees, or tenants shall engage in the construction, reconstruction, repair or maintenance of any motor vehicle, on his or her Lot, or elsewhere on the Properties, whether said motor vehicle is owned by the Owner or not, except inside the Owner's garage. However, the provisions of this paragraph shall not be construed to mean that an Owner may not wash and/or polish or change a tire on a motor vehicle which the Owner owns, in the driveway on his or her Lot.



Meeting Date
August 5, 2014



AGENDA	
Section	Consent
Item No.	II.A.4

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: No Parking on Streets Between 12:00 Midnight and 7:00A.M. Sign Palmetto Subdivision - District 2
DEPT/OFFICE:	Public Works Department / Traffic Operations Program

Requested Action:
The Board of Directors of Palmetto Homeowners Association has requested that the Board of County Commissioners consider adopting a Resolution for the installation of a "No Parking on Streets Between 12:00 Midnight and 7:00 A.M." sign to be posted at the entrance into the Palmetto Subdivision located in Merritt Island, Section 14, Township 24, Range 36.

Summary Explanation & Background:

Florida State Statute 316.008 gives the Board of County Commissioners the power to regulate or prohibit stopping, standing, or parking on streets or highways. Brevard County Board of County Commissioners has delegated the authority to authorize the installation of prohibitive parking, truck restrictions, road closings and emergency road closing to the County Manager or his designee, Brevard County Policy BCC-80, Traffic Control Regulation.

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Adoption of the attached resolution will allow posting of the proper "No Parking on Streets Between 12:00 Midnight and 7:00 A.M." sign so that the Brevard County Sheriff's Office may patrol the area and keep the roadway unobstructed.

Staff has verified that the HOA Amendment to Declaration of Restrictions prohibits on street parking:
8.8.2 Parking and Storage of all other vehicles

B. On Street Parking: No on-street parking shall be permitted except for short term guest parking as defined by Rules and Regulations promulgated by the Board of Directors.

Fiscal Impact: 2013/2014 No impact. The HOA shall reimburse Brevard County Public Works for the initial cost of the sign and installation.

2014/2015 No impact other than regular maintenance by Brevard County Public Works.

Clerk to Board Instructions: Return Original Executed Resolution and Board Approval Letter to Department

Exhibits Attached: Resolution, Aerial/Location Map, HOA Letter of Request, HOA Board of Directors Approved Meeting Minutes, First Amended and Restated Declaration of Covenants and Restrictions for Palmetto, Page 23, 8.8.2 Parking and Storage of All Other Vehicles. B. On Street Parking

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Mel Scott	John P. Denninghoff / 67202
	Venetta Valdengo	



Palmetto
Subdivision

"No Parking on
Streets
between
Midnight and
7:00 A.M.
Sign location

Palmetto HOA Requested "No Parking on Streets between Midnight and 7:00 A.M."
Venetian Way (26650) Glenridge Cir. (21985) 2014

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April 22, 2014

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Orlando – Central Florida
Jacksonville/St. Augustine
Ocala
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6972 Lake Gloria Blvd., Orlando, FL 32809-3200
10175 Fortune Parkway, Suite 906, Jacksonville, FL 32256-6755
7750 SW 60th Avenue, Suite A, Ocala, FL 34476-6472
24701 US Hwy 19 North, Suite 110, Clearwater, FL 33763-4053
1215 Admiralty Blvd, Rockledge, FL 32955-5201
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www.LelandManagement.com

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Board Meeting Minutes
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8.8.4 Rules and Regulations. The Association is specifically authorized to promulgate additional Rules and Regulations pertaining to other parking matters.

Section 8.9 STORAGE OF MATERIALS. No items may be stored on a Lot outside a Residence including without limitation, scrap metal, junk or salvage materials, items or articles whether the same be in the form of wrecked or junked vehicles, appliances, furniture, equipment, building materials, boxes of any kind, lawn tools and equipment (except for hose storage devices located at the side or rear of the Residence), supplies, lawn mowers, and other equipment. Outside storage of patio and lawn furniture and barbeque grills is allowed, subject to any restrictions set forth from time to time in the Design Guidelines or in Rules and Regulations. The Association may further define which items may not be stored on a Lot in the Design Guidelines and/or the Rules and Regulations. Each Owner grants the Association an easement to enter onto his Lot to remove stored materials which the Owner has failed to remove within ten (10) days of Association's written demand that the Owner remove the same. Each Owner agrees to hold the Association, its employees and agents, harmless for any removal actions taken. Each Owner agrees to reimburse the Association for costs associated with the above actions. If such Owner does not reimburse the Association within thirty (30) days of notice that reimbursement is due and owing, the Association may levy an Individual Assessment against such Owner, which Individual Assessment shall constitute a lien upon the Owner's Lot pursuant to Article 6 and shall be collectible as set forth in this Declaration.

Section 8.10 MOTOR VEHICLE REPAIRS. No Owner, nor a member of his or her family, his or her employees, agents, servants, lessees, or tenants shall engage in the construction, reconstruction, repair or maintenance of any motor vehicle, on his or her Lot, or elsewhere on the Properties, whether said motor vehicle is owned by the Owner or not, except inside the Owner's garage. However, the provisions of this paragraph shall not be construed to mean that an Owner may not wash and/or polish or change a tire on a motor vehicle which the Owner owns, in the driveway on his or her Lot.

