

Rotonda West Association
Deed Restriction Committee, January 27, 2021
Minutes

1. The meeting was called to order at 1:00 PM.
2. Roll Call – Dale Jensen called the roll, all members were present. Bernie Schmelz welcomed two new members of the Committee, Harley Effertz and Les Goodman.
3. Minutes of the prior meeting were distributed in advance. Mr. Jensen indicated that he had received comments from members of the committee, one regarding comments from Mr. and Mrs. DeGraff regarding short term rentals indicating that they had looked at several communities but had chosen Rotonda West because there are no prohibitions against short term rentals, and also from Mr. Amabile echoing the DeGraff's comments. Ms. Aiken moved the minutes be accepted as modified. Mr. Amen seconded. Vote all in favor.
4. Old Business -
 - a. Chairman Schmelz summarized previous discussion regarding rentals that the Committee had had with Mr. Cattermole who had indicated that he would reach out to other property rental companies for their input.

The Committee had previously prepared a list of questions regarding approaches to property rentals. Mr. Schmelz indicated that he had forwarded the questions to Ms. Aho, who reviewed them and sent them on the RWA's HOA attorneys. As of the date of the meeting a response had not been received. Ms. Eakin asked when a response could be expected – Mr. Schmelz said he had hoped to receive a response by the meeting, however Ms. Aho had indicated it could be a couple of more weeks. Mr. Schmelz said he certainly would expect a response by the next meeting.

Mr. Goodman had previously shared an article from the Wall Street Journal on this issue. Mr. Jensen observed from reading the article that this is a national issue and that units of government are reticent to enter into the regulation arena. If RWA is to address this issue, it will be pretty much on its own on this. Mr. Goodman reiterated that this is a national issue, and that the issue seems to focus on "short term" rentals. He also said that he has three rentals around his property, only one that has been a problem. Mr. Goodman indicated that he believes RWA has enough within its existing restrictions to resolve the problem. Mr. Kean indicated that many surrounding communities have regulations regarding the length of rentals and we should wait to hear back from the RWA attorneys before proceeding further – but can focus on enforcement of current regulations. Mr. Schmelz reiterated that RWA has a series of tools in place, ie. nuisance restrictions, parking restrictions, commercial use restrictions and a fining structure in place that can be utilized.

Discussion regarding grandfathering ensued and whether current owners would have to comply with any changes be they rules and regulations or deed restriction changes. Ms. Eakin asked if it would not be best to wait for guidance from the RWA HOA attorneys regarding any new regulations, but if complaints are received, proceed under the current rules/restrictions that are in place, such as Section 15. Ms. Carr indicated that when she receives a complaint, she does try and reach out to the property owner and usually the issue is resolved under the provisions of the nuisance section. Ms. Carr stated that she wished there was a deed restriction or similar requirement where owners that rent have to provide RWA with their contact information.

Additional discussion took place regarding possible “rules” changes, such as property registration, contact information, property manager information (is one is used) as a wait to better identify the properties and whom to talk to when a complaint is made. Mr. Jensen indicated that in a previous discussion Mr. Cattermole had said that fining the owner “after the fact” seems to be ineffective, and that he would rather have a system in place where RWA staff could contact an owner when a complaint is received. That it could be much more effective.

Ms. Eakin indicated that the draft rules that Mr. Jensen had drafted is a great start to potentially resolving this issue. Ms. Carr expressed a concern as to how to require property owners to submit the requested information. Mr. Jensen indicated that if rules or deed restrictions are adopted, that owners should be mailed a copy of the requirements. Mr. Kean suggested that an additional question be drafted and submitted to the attorneys regarding the appropriateness of asking for the information. Right now staff requests property owner information when the property is purchased by sending a form to the title company, but results are sporadic.

Lengthy discussion took place on how to get the information request to property owners and how does RWA get the information back. This is reflected in how many votes are cast in RWA elections where the actual returned vote ranges between 25% and 31%. Ms. Eakin indicated that through rudimentary research she was able to glean that there are roughly 400 and 500 rentals available. Mr. Schmelz pointed out that though this is a small percentage, it is a 100% problem to the property owner that is impacted that needs to be resolved.

Mr. Kean quickly drafted a question for the chair to take with him at the end of the meeting, which will be discussed with Ms. Aho.

- b. The next topic of discussion was signs. Ms. Eakin was previously exploring if an on-line fillable form could be developed within the structure of RWA’s caliber software. She indicated that based on her work with caliber it could be more

than a year out before that could be implemented. She indicated that for now a downloadable form may be the best way to address this matter – for now. Ms. Carr indicated that signs that are an issue at the moment are the yard sale/estate sale signs. It seems that they pop-up as an afterthought. Ms. Eakin suggested that possibly an email blast could be used as a reminder that yard sale/estate signs require permission. The Committee thought this would be a great start as a soft sell rather than a hard line approach. The approach should be an education process.

5. New Business

- a. Mr. Kean indicated that he received a volunteer form and confidentiality form from the RWA. He had questions to which it was indicated should be brought up at the Board level.

Mr. Jensen thanked Mr. Goodman and Mr. Effertz for volunteering on this committee. Mr Schmelz echoed that it is difficult to get volunteers and he also thanked them.

Mr. Effertz asked if the home page on the website could be modified as as to make it clearer on how to sign up for constant contact alerts. Mr. Jensen indicated that the Communications Committee has the website as a work item.

Next meeting will be February 24th at 1PM.

Meeting adjourned at 2:04 PM