

## **SUMMARY OF MEETING BETWEEN LEON COUNTY OFFICIALS AND McBRIDE HILLS HOMEOWNERS ASSOCIATION**

May 30, 2019 2:30 – 3:20 [Edited Feb 1, 2020]

### **Attendees from the County**

- Brian Desloge, County Commissioner
- Linda Butler, Sheriff's Office
- James Penti, Legal Counsel, Sheriff's Office
- Brent Bell, Public Works
- Allen Rosemzweig, Assistant County Administrator
- Vince Long, County Administrator

### **Attendees from McBride Hills Homeowners Association**

- Charles McClure, President
- Steve Bryant, Vice President and Treasurer
- Adam Tanenbaum, Secretary
- Bonnie Gandy, Director
- Torrey Ford, Director

### **Background**

McClure requested a meeting with Desloge to discuss a range of county/HOA issues that have come before the Board in recent months. Working with Desloge's aide, Brenda Tanner (606 5374) additional Leon County officials were invited to also attend the meeting due to the scope of topics to be discussed.

It should be noted that the summary provided here is to the best of the Board's recollection and is not intended to be a complete recollection of what was said at the meeting.

### **Traffic Enforcement**

In previous discussions between Sheriff McNeil and McClure, agreement was reached to increase the Sheriff's patrol presence in the HOA area. In addition, the Board learned that a more detailed agreement can be made between the County and Sheriff's Office with the HOA to contract for additional presence and granting the Sheriff's Office the ability to write tickets (civil level) in the HOA. Such can be done in conjunction with *Florida Statutes* Title XXIII Chapter 316.

They provided the Board with a template for such an agreement and information about how Sheriff's Office Deputies can be hired at \$45/hour (three hour minimum) to patrol the HOA. However, this agreement would need to be done among the three HOAs in the neighborhood and NOT just with McBride Hills as the Sheriff cannot make determinations of which specific areas are in the agreement and which are not.

### **Infrastructure Maintenance**

The County could assume responsibility for roads and infrastructure maintenance if the three HOAs in the neighborhood meet certain requirements.

**Roads:** Then, Brent Bell from Public Works provided the HOA with a copy of memorandum “2/3<sup>rd</sup> Program for Road Improvements,” that outlines the actions needed in order for the County to upgrade the roads in the neighborhood to Code and then be responsible for the maintenance of the roads. Some issues with proceeding with such an upgrade include:

- Homeowners in all three HOAs in the neighborhood would have to agree to cede their right of way (now to the center of the road) to the County which would then be 30 feet from the center of the road. 100% of homeowners in the three HOAs would have to agree to do this.
- The County would estimate the cost of completing the upgrade and would then, if accepted by the HOAs, would charge pro rata ALL property owners in the neighborhood the cost of the upgrade over 10-15 years on their property tax. In short, each property owner would see their property tax increase a specific dollar amount for 10 – 15 years depending on the upgrade cost and the terms agreed to.
- **NOTE:** A key argument to do the above is that each of the HOAs would not have to be responsible for paving their sections of the neighborhood roads every 15-20 years.

Additional details for completing an upgrade of the roads by the County to then assume responsibility for road and infrastructure maintenance within the right of way are in the memorandum.

If, in fact, significant infrastructure maintenance in the HOA is now required (although HOA “infrastructure maintenance” is not clearly defined) the HOA may be responsible to pay for some or all of the costs of this maintenance. Such would require a “special assessment” which would have to be approved by 2/3 of the property owners.

**Infrastructure:** The County will not assume responsibility for infrastructure maintenance such as drainage pipes under the roads, etc. unless the roads become the responsibility of the County and right of way from property owners is ceded to the County (see above). The HOA can, however, contract with the County to conduct maintenance on infrastructure such as the drains going under the road on a cash/billable arrangement.

### **Developer Responsibility**

Under current Leon County and State law and regulations, developments such as McBride Hills would not have been allowed to have been built as they were in the 1980s. And the Covenants that laid much of the responsibility for the upkeep and maintenance of the development on the HOA would also not have been allowed. However, the conditions under which the development was built are the conditions, now in 2019, that govern the operation of the development. And according to the McBride Hills Covenants, a 2/3 majority of the homeowners is required to change the Covenants or approve a “special assessment.”

Locating the original developers for litigation to assume more responsibility for roads and infrastructure maintenance is unlikely.

### **Golf Cart Community**

Currently, the McBride Hills HOA is not a designated as a “Golf Cart Community” as described in *Florida Statutes*. Thus, use of golf carts on HOA roads is probably not legal. There is a procedure that the HOA must follow to have the County designate the HOA as a gold cart community. But the process would be complicated because there are three HOAs in the neighborhood and all would have to agree to request being designated a golf cart community.

### **Bannerman Road Widening**

The County officials said that the widening of Bannerman to 4 lanes was a “top priority” and was “top on the list” of Blueprint 2020 projects. Desloge said he was working hard to have the widening done to Bull Headley and not just to Tekesta, but did think that such would happen. He estimated that construction would begin in 2022 and that the widening would be “very nicely done” with medians, bike paths, and landscaping.

Along with the widening would be a bike path that would connect (eventually) from Thomasville Road to Old Orchard Pond Road (the dirt road not the toll way) and then to Old Bainbridge Road.

### **Retail Development along Bannerman Road**

Two new possible retail areas are possible on Bannerman Road. One is the Northwest corner of Bull Headley and Bannerman. The second is the residential area under development south and east of the intersection of Bull Headley and Bannerman. This second area was recently rezoned to include with the residential area small “upscale” retail outlets. It is unlikely that this development will occur before 2024.

### **Conclusion**

All County officials were extremely courteous and helpful with the additional information they provided the Board. They also regretted the situation that the HOA found itself in with regard to the maintenance of the roads and infrastructure but “there really is nothing we can do about this situation” except what is outlined above in this summary.

Commissioner Desloge encouraged us to keep him and other County officials informed and said it was best to contact him or his aide via email:

<http://cms.leoncountyfl.gov/Home/County-Commission/Bryan-Desloge>

Other participants representing the Sheriff’s office, public works, and the Leon County Administrator noted throughout the meeting that representatives would be pleased to come to an HOA meeting to further discuss any of the items listed above – or other items of concern.