

September 8th 2020

Jason Root

Orange County Environmental Protection Division

3165 McCrory Place, Suite 200

Orlando FL 32803

Dear Jason,

I am writing this to object to the application of Variance/Waiver for project number BD-20-07-126 which is a semi private dock for the Northshore at Lake Hart Homeowners.

I am a resident of Northshore and a member of the Homeowners association.

There are a number of items that the county needs to be aware of PRIOR to moving forward with this application.

First and foremost, the HOA board that is moving this project forward is an embattled board that is acting with limited or no authority. At the homeowners meeting in October 2019, this board refused to accept the quorum of over 230+ members which voted for a new board. This ended up with the Florida Department of Business and Professional Regulations under case # 2019-05-9547 which on May 15th 2020, the State called for a new election of all 5 seats (see attached State of Florida – Ruling 5-15-2020 PDF). The board appeal this verdict to DBPR and as a result, on June 5th 2020, the state ordered a new election to be noticed by June 18th 2020 (see attached State of Florida – Rehearing Ruling – 6-5-2020 PDF)

An additional appeal gives them a 30 day “stay” due to covid19 limitations on gatherings, but this stay expired on July 7th 2020 (see attached State of Florida – Granting Motion to Stay – 6-25-2020 PDF)

As such, the HOA has still not held valid elections and the old leadership continues to move forward with projects without valid election. The authority to do so is now in question as even our CCR documents for the community call for elections to be held in the July/August timeframe.

Currently, the HOA board filed an appeal to the 5th District Court of Appeals under 5D20-1466 on 7-6-2020 to have the State of Florida’s ruling dismissed. At this time, the court is reviewing this appeal, but until a ruling is given, the State of Florida’s order would be the last valid order. Pending the 5th DCA review, there is also an injunction filed with the Orange County Circuit Court that would prevent any actions from this board which is pending the court’s decision (Case 2020-CA-007345-O).

Orange county has the duty to deny this request on the grounds that until the court ruling has been issued and a valid election is held, the applicates are not entitled to submit this request on behalf of the HOA membership as their terms of office have expired.

The Second reason to deny this request is the fact that membership has NEVER been informed of this project or given the right to speak about it. When this project was announced at the last board meeting, membership questioned this and asked how a maintenance item became a new dock project. The acting board will only hear homeowners' comments prior to new business, so all attempts to question this project were muted. As such, they have never presented this project to the membership and have just moved forward with it without review or budgetary planning.

The third reason to deny this request is FL Statutes 720.3055(1) which requires any project over 10% of the budget to go out for bid. Northshore has a \$1,580,431 budget for the 2020 year. Since this project has a \$200k price tag on it, bids are required. To date, no bids have been provided to the membership as many of us have requested copies of the bids. Only one company was considered for the project based on the most recent board meeting where the moved forward with this request.

I would respectfully ask that Orange County deny or at least hold the request due to the ongoing legal issues, lack of planning and failure to gain membership input. Also, the non-competitive processes that this embattled board is using is a direct violation of Fl. Statue 720.3055(1).

Once a valid board is in place, this project may move forward, but it will have HOA community input prior to being resubmitted for County Approval

Please confirm receipt via email to tom@usgarlands.com



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Attachments

State of Florida – Ruling 5-15-2020 PDF

State of Florida – Rehearing Ruling – 6-5-2020 PDF

State of Florida – Granting Motion to Stay – 6-25-2020 PDF