

Palm Island Estates HOA

Approved Meeting Minutes – May 19, 2014

At 5:35 p.m., there was no quorum. President, Jim Gordon, called the meeting to order as a Committee of the Board.

Present: Ray Smith, Suzy Kett, Jim Gordon, Valerie Guenther, Pat Gordon and Sally Johnson.

The guest for the meeting was Pat Bieneman, President of the Englewood Area Board of Realtors. Jim Gordon explained that she was invited to the meeting because we were tasked with investigating real estate signage at the annual meeting.

Pat began with a historical perspective/discussion of real estate signage on the islands. This issue had been discussed and investigated in the past. Many islanders felt that the number of signs made it appear that the entire island was for sale, and that there is a problem on the island. The belief was that all of the signs cheapened property values. The previous PIE Board held a meeting of all of the island realtors who live on the island. All attended, minus one. Since there was no consensus at the meeting, nothing happened. There was a movement for a while to go to smaller 12"x18" signs like Rotonda. For a while, this worked and then the practice ceased.

Without deed restrictions, which most of PIE does not have, the tools to enforce signage are:

1. County ordinance: No signs can be placed in the county right of way. There can be no commercial use of the county right of way. Display of advertising is prohibited for all commercial uses.
2. The National Association of Realtors Code of Ethics: Article 12 states that it is unlawful to mislead consumers. Therefore signage on lots and homes that are not listed for sale in the MLS is an ethical violation. Article 16 states that signs placed on lots and homes must have written consent of the owner. The remedies for this would be to give the President of the Board of Realtors a list of the realtors who have signs on properties that are not in the MLS, the Board will file a grievance.

When a property is sold it is customary practice to have a "sold" sign with the name of the selling realtor for up to two weeks after closing. This requires owner permission.

There was discussion by PIE Board members that it seems more appropriate to encourage homeowners to enforce the right of way rather than specifically target realtors. There are other commercial enterprises that use the right of way such as architects, builders and other service providers. Further discussion asked how to make island property owners aware of the guidelines as well as whether local realtors are aware. Enforcement of the county right of way is done by Charlotte County Code Enforcement.

Pat Bieneman agreed to move forward by sending a notice to all realtor members of the Englewood Area Board of Realtors to review the signage regulations that she discussed at our meeting. (This was done during the summer.) The PIE Board members present agreed to discuss moving signs out of the county right of way with the Roads Committee, who are currently working on a project to clear and clean the county right of way.

The results of this meeting will be presented to the next Board meeting.

At 6:40 a motion was made to adjourn.

Respectfully submitted,

Valerie Guenther, Secretary

PIE
Treasurer's Report
5/19/2014

CHECKING ACCOUNT

Beginning Balance		23,979.06
Revenue:		
Dues		160.00

24,139.06

Expense:

Annual Meeting	4.28
Turtle Patrol (shirt/hat dep)	192.00
Web Update (Directory)	350.00

Total	546.28
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Ending Balance	23,592.78
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ACTION FUND	12,218.16
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BUSINESS SAVINGS	35,978.30
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SCHOLARSHIP	10,383.24
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T P TRUST	454.95
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CHARLOTTE COUNTY CODE

Sec. 3-6-4. Commercial use of right-of-way.

(a)

Except as otherwise provided in this section, it shall be unlawful for any person to make commercial use of the right-of-way of any county-maintained road for the following purposes:

(1)

The sale or the display for sale of any merchandise;

(2)

The servicing or repairing of any vehicle except the rendering of emergency service;

(3)

The storage of vehicles being serviced or repaired or abutting property or elsewhere;

(4)

The solicitation for the sale of goods, property or services; or

(5)

The display of advertising of any sort.

(b)

Persons holding valid occupational licenses issued by the county may, within the unincorporated area of the county, make sales from vehicles standing on the right-of-way to occupants of abutting property only.

(Ord. No. 76-3, §§ 1, 2, 2-3-76)

Cross reference— Licenses and business regulations, Ch. 1-10.

NATIONAL ASSOCIATION OF REALTORS CODE OF ETHICS

Article 12

REALTORS® shall be honest and truthful in their real estate communications and shall present a true picture in their advertising, marketing, and other representations. REALTORS® shall ensure that their status as real estate professionals is readily apparent in their advertising, marketing, and other representations, and that the recipients of all real estate communications are, or have been, notified that those communications are from a real estate professional. (Amended 1/08)

- Standard of Practice 12-10

REALTORS®' obligation to present a true picture in their advertising and representations to the public includes Internet content posted, and the URLs and domain names they use, and prohibits REALTORS® from:

1. engaging in deceptive or unauthorized framing of real estate brokerage websites;

2. manipulating (e.g., presenting content developed by others) listing and other content in any way that produces a deceptive or misleading result;
3. deceptively using metatags, keywords or other devices/methods to direct, drive, or divert Internet traffic; or
4. presenting content developed by others without either attribution or without permission, or
5. to otherwise mislead consumers. (Adopted 1/07, Amended 1/13)

Article 16

REALTORS® shall not engage in any practice or take any action inconsistent with exclusive representation or exclusive brokerage relationship agreements that other REALTORS® have with clients. (Amended 1/04)

- Standard of Practice 16-19
Signs giving notice of property for sale, rent, lease, or exchange shall not be placed on property without consent of the seller/landlord. (Amended 1/93)

SOLD LISTING ADVERTISING BY SELLING AGENT – FLORIDA REALTORS LEGAL COUNSEL

I am the Association Executive for the Englewood Area Board of REALTORS in Englewood, FL. One of my members has a question. REALTOR had a property listed and it closed 12/30/13. The REALTOR that had procured the sale now has a sign in the yard of the property with a "sold" sign on it. I realize that the selling agent cannot put a "sold" sign on the property without the consent of the listing broker PRIOR to closing (Code of Ethics 12-7,) but this is AFTER it has closed. Is this legal - and in accordance with the Code of Ethics? Thank you. Margie Edwards Association Executive Englewood Area Board of REALTORS, Inc. medwards@eabor.net

Answer:

This is legal and ethical as long as the new owner is okay with it. The COE actually specifically says the cooperating agent may claim to have "sold" the property and is not required to reference the listing agent.

Margy

Margy Grant, Esq., CAE, RCE

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For: Pie Board Meeting of 3/10/2014

Re: Ferry Landing Trash and Septic Co-ordination Updates

From: Ray Smith

Ferry Landing Trash

- 2 existing containers and covers cleaned and sanitized
- trash pulled weekly (Monday am) w/new bags installed
- entire landing area and ICW water edges cleared of loose trash
- performing weekly loose trash walk-a-bout

Needs: more HD trash bags (currently have 4 left); butt chucker sign

Septic Coordination

- initial flurry of P-O needs/info/feedback...head scratchers
- Meryl e-mailed membership for specific needs...a few RSVPs
- working on contractor coordination and "Island" deals
- will tie in with PIR for improved P-O frequency and \$\$\$ savings
- looking into Fla DofH regs permitting self-contracting (ME)
- trying to co-ord/schedule next P-O in 4-6 weeks

Island Ideas

+Beautification...staying on top of strewn trash

- trashy street/beach walkers...bags and hand-held tongs/pickers
- butt signs at ferry landing..."keep your butts;" "butts = fires"
- butt receptacles at landing car waiting area
- street "king/queen for a day" (once/month; bi-weekly)
- beach runs...golf cart access to beach (once/month)

+Social

- special beach buggy for handicapped/disabled vets
- ID specific beach access points
- CPR class
- septic class for aerobic system owners
- go to/who to call for help registry

+Think America!

- large flagpole and flag at ferry landing (island side)
- disabled vets...once/year (or more!) beach picnic

+Other

- contact other island HOAs to see what they've done
- septic...info on PIE website
- hurricane support/contact team/list