

# PENINSULA MASTER ASSOCIATION, INC.

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THESE MINUTES WERE APPROVED WITH RESPONSES BY KEN LEE ON 24 JAN, 2024 AND AGAIN ON 28 JAN. 2024; BY BRIAN BRANDT WITH SUGGESTED CHANGES ON 23 JAN. 2024, AND APPROVAL 28 JAN.2024; AND BY SUGGESTIONS FROM DAN SHEFFER ON 25 JAN. 2024 AND APPROVED ON 25 JAN.2024.

## MINUTES OF THE PENINSULA MASTER ASSOCIATION BOARD MEETING FOR WED. 10 JAN. 2024, 9:00 AM AT SALES OFFICE CONFERENCE ROOM PAGE 1 of 4

### **I. Meeting was called to Order at 9:00 am by Dan Sheffer who then introduced attendees**

#### ATTENDEES:

Master Board Members: Dan Sheffer Ken Lee Brian Brandt Lyle Brown Tom Hulgan (Arrived late)

#### Master Association Members:

Baywalk, Steve Gregg

Boulevard, Paul Hagen

Haven, Wiley Russell

Lakes, Tom Davis (by phone)

Links, Terry Markel, absent

LVG, Bob Plunket for  
Mary Ann Pflueger

Preserve, Joe Lapinsky

RacquetClub, Jonathan Bond

Retreat, Ron Hill, absent

Community Management Associates (CMA): Susan Anderson

Others: None

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## **II. Prior Board Minutes Reviewed and Approved**

Minutes of Organizational Meeting of 15 Dec. 2023, and Special Meeting of 03 Jan. 2024, were approved as moved by Ken Lee and seconded by Brian Brandt. Passed 4 to 0. Tom Hulgan absent.

Motion to return to process of reviewing, changing and approving minutes online to speed the publishing of the meeting minutes. Moved by Ken Lee and seconded by Brian Brandt; passed 4 to 0, Tom Hulgan absent.

## **III. Financials Reviewed (Items 2 & 3 from Nov. 2023 financials)**

1. No issues to date with 2024 planned budget. All accounts are current and billing to date current.
2. Road Reserve balance is \$811,247.69 which includes the separate operating account at PW Bank. That account balance is \$41,612 and is setup for use to pay road work. The remaining balances are in a 4% interest bearing money market account with Centennial Bank in Gulf Shores.
3. Boardwalk Reserve balance is \$43,359.19.

PMA Board agreed to a proposed contract with Scratch Golf for 2024 for the front entrance lawn service and care in the amount of \$32,000.00 or less, as moved by Dan Sheffer and seconded by Tom Hulgan who had just arrived. Passed 5 to 0.

## **IV. Peninsula Committee Reports & Updates**

Reports tabled and never returned to.

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## V. Old Business

### ACTION ITEMS:

1. REVIEW OF STATUS OF ITEMS REGARDING PREVIOUS APPEALS TO MASTER BOARD:
  - a. Billing of Ms. Carol Miles for damage to the outer exit gate bar at the main guardhouse that occurred November 14, 2023. Bill to Lakes HOA to be sent out week of 15 Jan. 2024.
  - b. Denial of a swimming pool in the back yard between the rear set back line and the rear lot line at 415 Peninsula Boulevard, Benders. Discussed the letter from Benders' attorney (see attachments), which was mailed to the wrong address before emailing to Dan Sheffer. Item placed on agenda for Wed. 17 Jan. 2024 10:00am Special Meeting. Ten day period stated by Bender attorney started on 09 Jan. 2024.
2. Automated External Defibrillator (AED) for main guard house, discussion and budgeting. Paul Hagen reported that a new AED would cost about \$2100.00. Also noted was that the security guards had been trained in use of an AED. AED placed on Feb. agenda. Brian Brandt reported by email later on 10 Jan. that Scratch Golf had 2 AEDs, one in the Racquet Club bldg. and one in the Club House.
3. Status of \$25.00 Administration fee for each short-term rental to offset costs budgeted by the Peninsula Master Association (PMA) to recoup costs incurred by the labor and materials required by the controlled access personnel and others to accommodate the process. Discussed that CMA would bill the COAs about every two weeks for issuing of gate codes and the COAs would, in turn, bill the applicable landlords. Ms. Anderson noted she would not issue a code for less than the minimum short term rental period allowed by each given COA.
4. Status of repair to seal the storm drain at the sinkhole at the #2 tee box on the Lakes course. Board had voted and passed a proposal to spend \$2600.00 with G & M Construction to conduct the patch needed, with Scratch Golf to contribute fill, sod and labor to complete the work. Work has been completed.
5. Status of receipt of bids regarding costs to modify the Cul-de-Sac at the north end of the Haven. Board had previously voted to not participate in conducting repairs using general funds. Wiley Russell to obtain bids from PMA approved vendors for the 14 Feb. agenda. **Note: Meeting rescheduled to 21 Feb. 2024 and later noted that there is no PMA approved vendor list.**

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6. Status of vote by the Peninsula Master Association regarding possible change to by-laws for future Boards to be composed of the PMA (COA/HOA) presidents instead of an elected Master Board. Survey of presidents indicated vote would fail.

## VI. New Business

### 1. ARC Appeals

John Ewell, for appeal of lawn windmill at 11 Wildlife Ct. appears to not have shown up. Ms. Anderson to call Mr. Ewell to confirm situation.

2. Extreme Landscape contract: Discussion around Yancey Busby of Extreme Landscaping wanting to back out of the part of his contract covering the Main entranceway of Peninsula to up as far as the Main Guardhouse. Scratch Golf believed it still had the entranceway contract. Moved by Dan Sheffer and seconded by Tom Hulkan to approve a contract for \$32,000.00 or less with Scratch Golf to do the maintenance on the Main entranceway with Brian Brandt to communicate with Anthony Vaughan to get a lower price. Passed 5 to 0.

Email message the afternoon of 10 Jan. 2024 from Brian Brandt: "I agreed to the proposed contact at \$32K. It is a fair price and they fix all irrigation issues under \$250, and have been forever, without billing us. Plus the do the extra things with Piers. I also got them to add the flowers in front of guard house."

3. Gmail correspondence & Communication Discussion. No discussion.
4. Peninsula Committees Assignments.
  - a. Architectural Review. Tom Hulkan appointed as ARC member. This item to be placed on 21 Feb. agenda.
  - b. Events - Debbie Sheppard
  - c. Pier - Spud Spiegel
  - d. Roadways & Drainage - Ken Lee added to Committee
  - e. Finance Committee Possibly? None at this time.

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- f. Landscape & Irrigation System Committee Possibly? Place on 21 Feb. agenda. Noted by Susan Anderson that insurance underwriters discourage use of volunteer workers.
- g. Any other Committee possibilities? None at this time.

**VII. Next Meeting is at 3:00 am, 14 Feb. 2024 in the Sales Office conference room**

**NOTE: MEETING WAS LATER RESCHEDULED TO 3:00 PM, 21 FEB. 2024**

**VIII. Meeting was adjourned by Dan Sheffer at 10:48 am**

By Lyle Brown, PMA Board secretary, Jan. 2024

**PLEASE SEE ATTACHMENTS FOLLOWING.**

# LAW OFFICE OF MATTHEW E. RONE

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\* Also admitted in NY,  
GA, and District of Columbia

December 22, 2023

Peninsula Master Association  
Attn: Susan Anderson  
P.O. Box 2345  
Fairhope, AL 36533

Re: Eric and Lisa Bender  
415 Peninsula Blvd.  
Denial of Bender Request to Install Pool

Dear Board of Directors,

This firm represents Eric and Lisa Bender to whom your authorized agent, Susan Anderson, sent an unsupported and unlawful "cease and desist" letter on November 18, 2023. As noted in your letter, the Board has chosen to stand behind the ARC Committee's denial of my client's request to install a pool based upon its location in a rear building setback. (This firm is reserving the right explore whether the ARC Board was properly constituted before rendering its decision during formal Discovery should litigation become necessary). You subsequently supplemented your original basis of denial with a general "catch all" language which we will only briefly address in this letter due to its absurdity.

First, the pool complies with State and local law as evidenced by the Building Permit issued by the Gulf Shores Building Department. Your attempts to impose more onerous restrictions upon homeowners are in violation of public policy and will inevitably be voided by the Courts.

Second, Declaration and Covenants must be interpreted like contracts. Had the Association intended to disallow pools in the setback, such restrictions would have been included in original Covenants and Restrictions or the several formal Amendments which followed. The forty-two (42) or so pools constructed in rear building setbacks to date offer irrefutable evidence that pools like the one proposed by my clients are allowed under the Covenants and Restrictions. Arbitrary and capricious enforcement is clearly prohibited under Alabama law for which Board Members will be held legally accountable.

Third, if the current Board or its predecessors desired to prohibit pools in the rear setback, it could have and should have amended the documents by vote of the homeowners. Presumably due to the unpopularity of such an attempt, along with the effort required to put this issue to vote by the homeowners, the Board chose a more deceitful path. With the publication of the Peninsula Covenants and Restrictions "Quick Reference," the Board attempts to create its own Covenants and Restrictions by circumventing the mandatory procedural requirements of the By-

Laws and Covenants and Restrictions. Surreptitious efforts by the Board to circumvent procedural requirements should not and will not be tolerated.

As for the last minute "catch all" provision asserted by the Board to justify its unlawful behavior concerning the setback issue, you stated it best in the "Quick Reference" where including in the introductory language, "[w]e have attempted to be comprehensive (in these rules and regulations) but may have come up short in some areas."

The Master Board has ten days from the receipt of this letter to reverse its decision denying my clients request to construct the proposed pool. Otherwise, my clients are ready, willing, and able to file suit to protect their property rights.

Sincerely,

*/s/ Matthew Rone*

Matthew E. Rone



# PENINSULA

Front Entrance

\$32,000

## Scope of Work:

- **Maintenance of turf;** Mowing, blowing, edging, post and pre-emergent herbicide applications. Overseed or dye applications. Long term planning and programming for healthy turf.
- **Maintenance of beds;** Edging, de-weeding, pruning, and blowing of all traditional beds, annual beds, and shrubs.
- **Irrigation system;** Routine auditing, adjustment, and application based on plant/turf need.
- **Pine straw applications;** Replenish entrance with new pine straw three times annually.

Based on  
what's scheduled  
- daily

## — ANCILLARY SERVICES —

- **Pier:** Blowing of path (leaves and pine straw), trash removal from restrooms 1x per week.
- **Irrigation repairs:** Repairs will be completed at an hourly rate. ← need to know now
- **Additional maintenance repairs or needs;** Additional applications, repairs and maintenance outside of the scope above will be quoted for approval from Master Association.

## — NOTES —

- Includes daily visits for front entrance and roadway details and cleanliness. ← including providing maintenance of turf and beds
- Estimate does not include annuals at the front entrance monument.
- Contract term (1/01/24 – 12/31/2024)

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Peninsula Golf & Racquet Club

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Peninsula Master Association

