

# PENINSULA MASTER ASSOCIATION, INC.

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APPROVED ONLINE 31 JAN. 2024 BY DAN SHEFFER, KEN LEE, TOM HULGAN, & BRIAN BRANDT

## MINUTES OF THE PENINSULA MASTER ASSOCIATION BOARD SPECIAL MEETING FOR WED. 17 JAN. 2024, 10:00 AM AT SALES OFFICE CONFERENCE ROOM PAGE 1 of 3

### **I. Meeting was called to Order at 10:00 am by Dan Sheffer who then introduced attendees**

#### ATTENDEES:

Master Board Members: Dan Sheffer Ken Lee Brian Brandt Lyle Brown Tom Hulgan

#### Master Association Members:

Baywalk, Steve Gregg,  
left before meeting over

Boulevard, Paul Hagen  
By phone

Haven, Wiley Russell, absent,  
with proxy to Steve Gregg, Baywalk

Lakes, Tom Davis

Links, Terry Markel

LVG, Mary Ann Pflueger, absent

Preserve, Joe Lapinsky,  
absent

RacquetClub, Jonathan Bond,  
absent

Retreat, Ron Hill, left before meeting  
over

Others: Tom Burge

# PENINSULA MASTER ASSOCIATION, INC.

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PAGE 2 of 3

## II. Old Business

1. Denial of a swimming pool in the back yard between the rear set back line and the rear lot line at 415 Peninsula Boulevard. At 10 Jan. 2024 meeting, discussed the letter from Benders' attorney, which was mailed to the wrong address before emailing to Dan Sheffer. Item placed on agenda for 10:00am Wed. 17 Jan. 2024 Special Board Meeting. Ten day period stated by Bender attorney started on 09 Jan. 2024.

In executive session, Dan Sheffer reported on the confidential opinion given by Attorney Perry. After discussion, the presidents and Board members were in favor of legal action, evidenced by the following motion moved by Dan Sheffer, seconded by Brian Brandt, which passed 5 to 0.

**“The Peninsula Master Association Board of Directors, upon advice and consent of the Voting Members, shall commence legal action against the Benders at 415 Peninsula Blvd. regarding the pool which is being installed or has been installed in their back yard contrary to the Covenants and the Community Development Code and Land Use Standards and denial by ARC and the PMA Board of Directors, with the objective of removing the pool and all appurtenances thereto (including any lanai or other screened structure), and returning the backyard to the condition it was in prior to preparing the backyard for the pool, in no case less than required by the Covenants and the Community Development Code and Land Use Standards. This includes defending against any legal action brought by the Benders against the Peninsula Master Association. Board President Dan Sheffer shall be the liaison with our attorneys.”**

Some discussion followed concerning what could be revealed to the owners (“an injunction is being sought against a neighbor who has violated the covenants”) and what may be “Privileged and Confidential”.

**In light of the pending resolution governing contacts with outside entities, including the attorneys, Dan Sheffer later noted he would have a second board member in on discussions or meetings with the attorney.**

2. Resolutions from Ken Lee and Lyle Brown:

Use of a master association email account, by Ken Lee. Moved by Ken Lee, seconded by Brian Brandt and passed 4 to 0 (Dan Sheffer dissenting).

# PENINSULA MASTER ASSOCIATION, INC.

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PAGE 3 of 3

Record of all documents, contracts and contacts, by Ken Lee. Members agreed to change “in cloud storage” to read “offsite”, and use “Golf Course Owners” in place of “Scratch Golf”. As revised, the motion was moved by Ken Lee and seconded by Brian Brandt, passed 4 to 1, with Dan Sheffer dissenting.

Minutes and records of all meetings to include committees, by Ken Lee. The motion was moved by Ken Lee and seconded by Brian Brandt, passed 4 to 1, with Dan Sheffer dissenting.

Open meetings, by Ken Lee. Ken Lee agreed to rewrite this motion and it will be placed on the 21 Feb. agenda.

External meetings, by Ken lee, and alternate resolution by Lyle Brown. Agreed that Brown would modify the alternate resolution to require two persons in contacts with attorneys.

Delegation Authority, by Ken lee, and alternate resolution by Lyle Brown. Agreed that \$10,000.00 in Alternate resolution would be changed to \$5,000.00 and alternate resolution to be placed on 21Feb. agenda.

**III. Next Meeting is at 3:00 pm, 21 Feb. 2024 in the Sales Office conference room**

**IV. Meeting was adjourned by Dan Sheffer at 11:12 am**

By Lyle Brown, PMA Board secretary, 17-23 Jan. 2024

**PLEASE SEE ATTACHMENTS FOLLOWING.**

## NOTE:

After the Board meeting with all members still present, Treasurer Brian Brandt initiated a short discussion regarding the Road Reserves and the timing of road repaving. He noted that if the repaving program started in 2024, it appears, according to current cost estimates, there would be a short fall of funds by 2030.

Secretary Lyle Brown expressed the opinion that in his experience as an engineer and treasurer, funding repaving of miles of municipal roads, that repaving Peninsula roads can be delayed with some near term patching but no immediate repaving needed. Others, including Brian Brandt, concurred with this opinion. The consensus was for the Roads and Drains committee to spend 2024 finding paving contractors, researching costs and performing related tasks.

## Peninsula Master Association

### Use of a master association email account

Whereas, the Peninsula Master Association By-Laws grant the Board of Directors (“Board”) the authority necessary for the administration of the affairs of Peninsula Master Association and state that the Board may take all actions, except those that Alabama law or the By-Laws prohibit the Board from doing, now,

Therefore, a record of all email communication between the board, the other Peninsula HOAs, management company, contractors, residents, and individuals shall be kept for future boards. The current master association email account (PeninsulaMasterAssoc@gmail.com) or a similar alternate will be used for all communication. All communication from the master association email to a Peninsula HOA will always be to the HOA email account not an individual HOA member email account. All personal to personal email communication between board members will always copy the master email account. All board members will have access to this master association email account.

Moved by Ken Lee and seconded by Brian Brandt. Passed 4 to 1 on 17 Jan. 2024.

Members dissenting: Dan Sheffer.

## Peninsula Master Association

### Record of all documents, contracts, and contacts

Whereas, the Peninsula Master Association By-Laws grant the Board of Directors (“Board”) the authority necessary for the administration of the affairs of Peninsula Master Association and state that the Board may take all actions, except those that Alabama law or the By-Laws prohibit the Board from doing; now,

Therefore, a record of all documents, contracts, and contacts will be made and stored offsite for access by the Peninsula Master Association board members and Peninsula HOA presidents. A record of current documents, contracts, and contacts for the security company (guards), security gate repair, current road repair contractor, landscape contractor, management company (CMA), golf course owners, Irrigation maintenance and repair contact, general maintenance and repair contact, utilities (if any), bank contact, CMA, insurance contact, Electric/Lighting repairs, City of Gulf Shores contacts, alligator removal contact, and any other companies or organizations the Master Board has contact or business dealings pending.

Moved by Ken Lee and seconded by Brian Brandt. Passed by a vote of 4 to 1 on 17 Jan. 2024

Members dissenting: Dan Sheffer

## Peninsula Master Association

### Minutes and records of all meetings to include committees

Whereas, the Peninsula Master Association By-Laws grant the Board of Directors (“Board”) the authority necessary for the administration of the affairs of Peninsula Master Association and state that the Board may take all actions, except those that Alabama law or the By-Laws prohibit the Board from doing; now

Therefore, a record of all meetings to include committees will be kept by the Peninsula Master Association. Master association meetings will have a complete and accurate record to include discussion and votes. All committees will have a summary record of all meetings. The architectural committee (ARC) approval/disapproval paperwork will serve as the record for that committee.

Moved by Ken Lee and seconded by Brian Brandt. Passed by a vote of 4 to 1 on 17 Jan. 2024.

Members dissenting: Dan Sheffer