Myakka Valley Ranches Improvement Association Board Meeting

Minutes, 6/13/2011

Call to Order: Keith Bradley, President calls the meeting to order and declares a quorum. Board

members present; Keith Bradley, Trudi Lawrenz, Vivian Zabik, Billy Cunningham, Deb Houston,

Richard Johnson and Cynthia Pepper.

Absent with apologies: Chris Thomas, Jim Holthaus, and Gary James.

Welcome & Identify Guests: 21

Officers' Reports

Approve Minutes: Board Meeting, May 9, 2011: Richard motions to approve May minutes,

Keith seconds.

a) Questions and comments on various issues are discussed and debated including; variances, recording

of minutes, authority and approval necessary for consulting with Association attorney; Specific issues

that were discussed about Association documents during an April 6 consultation meeting with

attorney, not on agenda; Keith's assertion that he was not a member of the Association, but now

believes he is, and his and his attorney's correspondence with MVRIA from 2009.

b) Keith is questioned by member guests about his comments at May Board meeting concerning; Unit

2 not being mandatory members of the Association; the validity of MVRIA's Articles of Incorporation

and possible legal improprieties in development of MVR revolving around conflict of MVRIA

documents with State Code 617 regarding non-profit corporation, and State Statute 720 regarding

HOA's.

Discussion of Articles & Deed Restrictions:

a) Comments from the Board and member guests include concerns about the cost of attorney fees and

topics discussed at the meeting with legal counsel Becker & Poliakoff on April 6. Meeting attended by

Cynthia - Committee Chair, Drew Cummer - committee member, and Keith Bradley - Board member.

Cynthia explains matters reviewed at that meeting were those directed by the Articles & Deed

Restrictions Committee (six points) plus supplemental issues. Minutes of the meeting were not taken.

Cynthia prepared a report of the April meeting with B&P which is not approved by the committee at

this time. Cynthia reports she has a general outline for a future, unscheduled meeting with B&P.

Cynthia will be out of town for six weeks.

b) Jackie Vizzi, committee member, suggests a committee meeting is warranted during the time

Cynthia is away, Cynthia agrees the committee should meet during her absence. Discussion on

Association documents continues.

c) Richard Johnson speaks about people having a loss in faith and not feeing comfortable with Keith as

President, and to consider please stepping back.

d) Keith speaks about the Marketable Record Title Act (MRTA) and his concerns about MVRIA's

affidavit compliance (affidavit prepared in Dec. 2003 filed in Jan. 2004) with the stated guidelines,

which, according to Keith, raises issues. Charlie Brodsky, member guest informs the Board she spoke

with Chad McClenathen, attorney at the time of, and preparer of the affidavit, about that today and

that it was done right.

e) Keith states he will not resign.

f) Deb Houston reads from Bylaws 8.1 Executive Officers... "All officers shall be elected by the

Board of Directors and may be peremptorily removed at any meeting by concurrence of a majority of

all of the Directors."

g) Keith initiates discussion about State Statute 720. 303 section 10 and reads from it. An explanation,

offered by Charlie Brodsky and Michael Wallace, member guests, about what Keith read, is in regard

to directors not officers. Keith will remain on the Board as a director, but the Board has the right to

remove the President (Officers). Keith disagrees.

h) Keith asks if there is anything else on this debate; there is a (previous) motion to approve the

minutes.

Officers' Reports continued

 Approve Minutes:

 Return to previous motion to approve the May Board Meeting minutes, all approve.

Members Special Board Meeting, May 15, 2011, Richard motions, Keith seconds, all

approve.

Approve Treasurer's Report:

Revised April Financial Report: Keith motions to accept the Treasurer's Report, Vivian

seconds, all agree.

 May Financial Report: Keith motions to accept, Deb seconds, all agree.

Residents' Questions:

a) Lynn Reid, member guest, asks about cut cables, a knocked down fence and debris that FPL left

behind in the park by the bridge. John Corcoran, member guest, informs the Board that FPL usually

hires a subcontractor to clean up, but the Board needs to call FPL about it. Keith volunteers to call.

b) John Corcoran inquires about Board follow up on lot #154, possibly a letter was to be sent. Keith

responds the matter was given to Chris Thomas to investigate. Chris was to check out a fence height

that may not be according to Deed Restrictions, Chris is not present tonight. Keith doesn't recall a

letter was to be sent. Deb offers to write a letter to lot #154.

Committee Reports

1. Finance Committee:

Annual Financial Report: Keith has a quote to prepare the Annual Financial Report, not to exceed

$4,000.00. Trudi says the Annual Financial Report has never cost that much, suggesting that may be a

cost for an audit. Charlie Brodsky informs the Board a financial audit must be voted and approved by

the membership. Rosemarie, Treasurer says 2010 cost was $500.00 for tax preparation and $760.00 for

financial statement from CSL, Public Accountants.

Keith motions to use CSL, CPA for 2010 Annual Financial Report, Trudi seconds, all approve.

Rosemarie to verify cost will be the same as 2009's and proceed with the arrangements.

2. Roads Committee: see Roads Report

Richard reads the Roads' report and motions to accept the bid submitted by Bill Mariotti Site

Development Inc. in the sum of $33,865.00, Deb second. Open for discussion. Beverly, Secretary

reads a note submitted from Jim Holthaus, absent Director, about delaying any vote on road work until

definition of repair and maintenance is defined, especially considering the amount/cost of these

contracts. Vivian reminds Board that the money for this has been approved by the membership. Jackie

suggests in the future, Road Committee proposals clarify whether it is for maintenance or a capitol

improvement. Michael Wallace suggests the future annual budgets distinguish between capitol

improvements and others. Return to motion for voting: all approve.

3. Disaster Preparedness Committee

Vivian, Committee Chair, reports there will be a community ham radio exercise at Twin Lakes. She will

email specifics. Sarasota County CERT recertification class will be held in Oct. Re-certification is

recommended but not mandatory.

4. Articles & Deed Restrictions Committee

a) Cynthia submits to, and requests approval of the Board for the committee's minutes from May 31,

2001 meeting. Vivian questions Cynthia about issues that were suppose to be discussed at the attorney

meeting in April. Cynthia recalls issues of saddle trail maintenance/mowing, posts, exotic animals, and

animal breeding kennels, which brought up the Articles and Deed Restrictions. The lawyer said it

would be pertinent and prudent for us to request all the documents recorded. Deb motions to approve

the May 13, 20111 Committee Minutes, Vivian seconds, all approve.

b) The report of the visit to the lawyer is not available to the Board yet as the committee did not

approve the report submitted to them. Cynthia suggests the committee rewrite the report and submit it

to the Board.

c) Jackie reads the May 31 committee meeting minutes and explains item #3 to the Board to mean the

committee will not pursue anything dealing with our documents unless so directed by the Board. The

committee is accepting that the documents are valid at this time.

5. Saddle Trail Committee

Jackie, Committee Chair, requires a procedure to follow if the "work order" process is no longer being

used for trail work. Deb responds she is fine with the existing work orders. Keith motions that Jackie

to prepare work orders and submit to Board to approve. Deb seconds. Vivian amends the motion

that the Association continues with saddle trail mowing and past procedure, Deb seconds, all

approve.

6. Security Committee

a) Ken Roland, Committee Chair, reports there were three thefts in MVR reported to Sheriff's

department. Ken inquired to Sheriff's office about a helicopter flying over community for a long time

one day the week of June 6. He was told there was surveillance in process. Board notes Ken's report of

Sheriff's activity. There was also reportedly a violation of probation for drug trafficking.

b) Ken announces that The Isles of Palmer Ranch will have a guest speaker from the County EOC at

their monthly CERT/disaster preparedness meeting. MVR is invited to attend.

Unfinished Business

Complaints:

a) Update on lot #227 dog breeding and kennel operation, Chris to report: (Chris absent) Deb to

contact County on current status of complaint.

b) Complaint received 6/3/11 from lot #131: "The problem is coming from the people who live behind

me (Lot #169)....He has built a track of some sort with piles of dirt and jumps & moguls (small hills)

etc..... They (motorcycles) were riding every night and weekend - one Sunday they rode from 4 PM to

8 PM - 4 hours without stopping."

Keith reports he spoke with lot owner #131, and met with lot owner #169 who offered to ride the

motorcycles less than 3 times a week during daylight hours. The dirt piles are being moved as required

by the County to be used as back-fill of demolished house on lot # 169 B. Keith suggests giving this

proposal for motorcycle usage one month.

Jackie reads from Deed Restrictions VI.10 ".......nothing herein shall be construed to permit an owner

to convert a part of a lot for substantial use of motorized vehicles, such as a motorcycle or ATV track,

or cause unreasonable noise." Vivian motions to take up this issue at the next meeting, to continue

investigating, and monitor to see if it's an ongoing problem. Keith seconds, all agree.

c) Variance Form letter: Board to approve a standard Variance form letter, Chris to report. Chris is

absent.

New Business

a) Construction Applications: none

b) Hi Hat Ranch: Earthmoving Permit Amendment Application request for nighttime excavation, 8

PM to 5 AM. County Commissioners' meeting scheduled Wed. 6/8/11.

Trudi, Keith, and Charlie Brodsky attended the County Commissioners' meeting and spoke on MVR's

behalf. MVR residents also emailed County Commissioners. Trudi reports the requested permit was

denied. However, Hi Hat can obtain an exception that allows night time operation to be approved on a

2 week basis. This is available to Hi Hat Ranch through an Ordinance Administrator and has a fee.

c) Trails'N'Tales: Continue discussion on bulk mail distribution and quarterly schedule.

Lynn Reid, TN'T's Editor, received a $234.98 per month bulk mailing cost from Creative Technologies

for newsletter. Lynn reports this is $52.00 per month more than existing costs. Discussion about

possible changes to the newsletter includes six issues per year and sending out by email. Lynn has

accepted advertisers for a full year - 12 issues. Billy suggests they would still get 12 issues regardless

of changing the schedule. Vivian suggests the newsletter break even, and if it can not accomplish that

then look at alternatives. John Corcoran points out that the newsletter is often used as official means of

notification to members, and in some cases is required in our documents. Michael Wallace believes it is

a valid public service. Vivian motions to form a Committee to look at the newsletter, Deb seconds,

all agree.

d) Sign Replacement: Continue discussion on replacement of sign at guard house island.

Keith motions to approve sign replacement for $135.00 as estimated by John Kolb at May

meeting. Billy asks what this sign does; it instructs drivers to go around the guard house island. Sign

now has nine bullet holes in it. Lynn Reid recommends to the Board the sign is not replaced. Ken

Roland comments, without a sign - if someone has an accident there, the Association is liable. Trudi

seconds the motion. Board votes; 2 - to replace, 5 - against replacing. Motion fails.

Removal of President:

a) Richard Johnson motions to rescind your (Keith Bradley) appointment as President, Trudi

seconds. After discussion and debate about State Statute 720 and State Code 617 process for removal

of Directors the Board votes; 4 - yes, 2 - no, (Keith does not vote). Motion passed.

b) Jackie Vizzi volunteers for the one opening on the Board of Directors (eleventh position not filled at

the Annual Meeting). Vivian motions that Jackie is accepted as a Board member, Deb seconds, all

agree.

c) Jackie motions to rescind the past motion, and asks Keith to step down as the President and

remain as a Board member. Cynthia requests which motion. The vote that we will have Keith step

down as President is clarified by Jackie. Deb seconds. Deb calls for the vote; All in favor of Keith

stepping down, and being a Board member instead of President, say aye - 5, against - 1. Motion

passes.

 e.4) Vivian motion to appoint Jackie to head the meeting, Trudi adds as "Chairman pro tem".

Cynthia seconds, all agree.

Legal: Jackie to update the Board on the two remaining road assessment cases.

Jackie gives to Secretary the final documents on the result of the MVRIA, Inc. vs. Abbatista, et al.

which is now closed. There is one affidavit to be signed by MVRIA new President which Jackie will

present to the new president, which she assumes will be Mr. Jim Holthaus, (currently Vice President),

at the July meeting. If Jim Holthaus does not accept the President appointment, Jackie will volunteer.

Jim Holthaus or Jackie Vizzi will be President and/or Vice President. Charlie Brodsky reminds the

Board all money from this case/lawsuit goes into Future Road (Reserve) Account. There was a motion

made at an Annual Meeting by Members that any money remaining from the lawsuit will go into

Future Road (Reserve) Account. Michael Wallace confirms that was the membership's vote.

f.2) To have affidavit papers signed, Jackie requests (motions) to be appointed as Vice President,

Deb seconds, and she restates that Jim Holthaus will be President and Jackie will be Vice

President. Vote: 5 - yes, 1 - no. Majority agree.

Deb move to adjourn the meeting. Jackie second, 9:53 PM

Secretary notes that Cynthia gave to Secretary at this meeting on 6/13/2011 the set of documents from

Becker & Poliakoff that are compiled from Sarasota County filed records. These are to be kept as part

of MVRIA's official records.

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