

Myakka Valley Ranches Improvement Association

Board Minutes, February 11 2013 7.00pm

Location: Myakka River State Park Conference Center, 13081 State Rd 72, Sarasota, FL

Deb Houston, President, called the meeting to order at 7:01 pm and declared a quorum. Board members present were: Gary James, Dan McKillop, Bill Barrett, Bob Chenard, Jim Holthaus, Andy Behn, Jackie Vizzi and Vivian Zabik. Absent with apologies: Larry Brotherton, Chris Thomas

It was noted that Trudi Lawrenz and Andy Behn were taping the meeting.

Residents' Questions

- Trudi Lawrenz had attended a conference and expressed concern to the Board about a possible breaching of attorney/client privilege. Deb Houston explained that a previous Secretary had posted legal documents on Facebook without the knowledge or approval of the Board. It was asked whether a Board Member could be removed for such action and Deb stated that this would have to be done by the membership.
- Sally Corcoran requested \$500 for landscaping and materials to improve the front entrance to Myakka Valley Ranches. The planting would be Florida friendly, maintained by 4 people and probably installed late May/early JuneThere was a discussion as to whether the monies should come from the operational budget or whether it would be a capital improvement. Jim Holthaus will check this out. Nothing can be done until May 1.

REPORTS

President's Report (Deb Houston)

- Set date for Annual Members' meeting.**VIVIAN ZABIK moved that the date for the next Annual Meeting be April 7 2013. Dan McKillop seconded. It was approved unanimously.**
- Form a Committee to organize Annual Members' Meeting. The Committee will be Deb Houston, Andy Behn, Fran Hodgkinson and Linda Monette.
- Proposal to raise the Annual Assessment by 10%. **JACKIE VIZZI moved to raise the Annual Assessment by 10%. VIVIAN ZABIK seconded.** It was noted that this percentage rise can be levied without membership approval. David Hodgkinson commented that the rise is needed to continue the level of road maintenance. The priority for next Association year is the road from SR72 to the entrance arch. 300 yards of overlay is required at a cost of \$76,000 (approx) from the Road Reserve Fund for next year provided that the monies unspent from this year can be carried over to next. There was discussion as to whether monies should be deposited into the "Future Road Reserve Fund" on an annual basis. Members had previously voted not to do this. The Statute needs to be checked. It was noted that our neighborhood pays very low dues compared with others. Jackie Vizzi agreed to table this item until Jim Holthaus finalizes the draft budget for 2013/14.

- Procedure for Foreclosures. There was discussion about the increase in foreclosures, the cost of collecting outstanding dues for members in debt to MVRIA and how the reserve and the operational budgets are funded. Dan McKillop volunteered to set up an Ad Hoc Committee with Andy Behn to develop a process checklist for addressing foreclosures for members in debt.

Secretary's Report (Andy Behn)

- Approve Minutes: Members' meeting Aug 5 2012. **JACKIE VIZZI moved to accept the August 5 minutes. BOB CHENARD seconded.** It was agreed that the voting record (tally) from the meeting should be included. **JACKIE VIZZI moved to amend the motion to include the tally for the Board. BOB CHENARD seconded. The amended Motion was unanimously approved.**
- Approve minutes: Lawyer's meeting with the Board Aug13 2012. **JACKIE VIZZI moved to accept the August 13 minutes. ANDY BEHN seconded. The Motion was passed unanimously.**
- Approve Minutes: Board meeting Aug 13 2012. **JIM HOLTHAUS moved to accept the August 13 minutes. JACKIE VIZZI seconded.** Charlie Brodski was thanked for her work on these. It was agreed to strike all of Point 2 under Secretary's Report. **JIM HOLTHAUS amended his Motion to accept the August 13 minutes as amended. JACKIE VIZZI seconded. The Motion was passed unanimously.**
- Approve minutes: Board Meeting January 14 2013. **VIVIAN ZABIK moved to accept the January 14 minutes. ANDY BEHN seconded. The Motion was approved unanimously.**

Treasurer's Report (Jim Holthaus)

- Approve Financial Report: December 2012. **JACKIE VIZZI moved to approve the December 2012 Financial Report. BILL BARRETT seconded.** Andy Behn still has questions on the format of reporting actual dues received and how payments are represented. Jim Holthaus will undertake further work. **The Motion was approved with 6 votes in favor and 3 against (Gary James, Andy Behn and Dan McKillop).**
- Progress on Budget: There was nothing further to report.

Committee Reports

- **Ad Hoc Committee** (Jackie Vizzi/Dan McKillop/Dale Ream/John Corcoran). The judge has ordered the parties to mediate on the Bradley lawsuit. This will happen in the next couple of months. The Committee recommended that Bob Chenard be appointed as the MVRIA representative. Bob would be authorized to meet with the MVRIA lawyer and empowered to bring back settlement options for the Board to discuss and approve. **DAN MCKILLOP moved to appoint Bob Chenard as the MVRIA representative. VIVIAN ZABIK seconded.** Concern was expressed that the legitimacy of the Association contested in the lawsuit cannot be determined through settlement since it is a legal matter and should be formally determined by a court of law. A residents' petition is currently being drawn up to this effect. It was noted that MVRIA has an obligation to go into mediation in good faith to reach an agreement but is not obliged to make any concession. **The Motion to appoint Bob Chenard as the MVRIA**

representative was approved with 7 votes in favor, one against (Jim Holthaus), and Bob Chenard abstained.

- **Compliance Committee (Bob Chenard/Bill Still/Vivian Zabik).**
- 1. Lot 221 McKillop Closed Trail. The attorney has identified similar cases. There was some discussion about turning the matter over to the Review Committee, however the Compliance Committee needs to make a recommendation to the Board. This item will be on the agenda for the next meeting.
- 2. Lot 154 Matthes Fence. There have been no further developments.
- 3. Lot 223. Bob Chenard will contact the attorney about a lawsuit
- 4. Lot 169 Patton Track. There were no further developments
- **Construction Committee (Andy Behn, Gary James).** 6251 Myakka Valley Trail. The owners propose to build a garage first then demolish the house and build another. The owner provided plans for the garage. **VIVIAN ZABIK moved that the plans to build a garage be approved. DAN MCKILLOP seconded.** Andy Behn will draft a letter to the owners notifying them of the Board approval for the garage for the Board to approve at the next meeting. **The Motion was approved unanimously.**
- **Disaster Preparedness Committee (Vivian Zabik).** No report.
- **Mowing (Andy Behn)** Andy Behn will issue an invitation to bid for the mowing contracts assisted by David Hodgkinson. There was a query about the cost of mowing empty lots. It was noted that Gary James has been doing it for free. The cost is not included in the budget.
- **Parks Committee (Chris Thomas, Dale Ream, Keith Bradley).** Jackie Vizzi and Stan Dacar talked to Kelly Pluta about the dirt pile. Pluta requires 20 to 30 cubic yards of the dirt pile to be moved elsewhere on the site. 100 cubic yards can remain where it is. Flexible pipe seems to be the only contaminant. Pluta would like the 20/30 yards to be spread onsite in low areas but not towards the wetlands. Jackie and Stan are requesting Board approval to spread the dirt onsite. Stan will produce a plan of where the dirt is to be spread and take the pipes for recycling. Alternatively, the whole dirt pile could be removed at a cost of \$1500 to \$2000 with Pluta needing to be satisfied as to its destination. There was discussion about the need to protect the area with gate and posts. This item is to be on the agenda for the next meeting.
- **Roads Committee (David Hodgkinson).** **VIVIAN ZABIK moved to accept Bid A from “All About Asphalt” in the sum of \$23,600.00. It was approved unanimously.** **JACKIE VIZZI moved to accept the report on the Road Maintenance Plan and that the report be posted on MVRIA website.** **Jim Holthaus seconded. It was approved unanimously.** Deb Houston tasked the Roads Committee with seeking bids for the road patching identified in the Road Maintenance Plan.
- **Saddle Trails Committee (Jackie Vizzi, Amy Chenard, Leslie Fortune, Marc Zabik).** It was noted that Jackie Vizzi is putting together a works order for the

overall maintenance of saddle trails. The need for a “Hold Harmless” Agreement was mentioned. Vivian Zabik will bring a Cert form to the next meeting for the Board to look at. There was discussion about the requirement to use an approved contractor and it was suggested to liaise with Andy Behn about inviting bids from 3 contractors. The matter of notifying homeowners about forthcoming work was also raised and it was confirmed that the attorney advised that notification in Trails and Tails is sufficient. Jackie Vizzi will report back to the next Board meeting.

- **No other reports**

Adjournment

The meeting adjourned at 9.15pm.