

Myakka Valley Ranches Improvement Association, Inc.

Annual Member Meeting Minutes

April 27, 2019 at 11:00 a.m.

Location: St. Margaret of Scotland Episcopal Church, 8700 State Road 72, Sarasota, FL 34241

Call Meeting to Order

Frank DiCicco, president, thanked everyone for coming and reminded those present to treat one another with courtesy.

Frank DiCicco called the meeting to order at 11:18 and declared a quorum.

Board members present were Frank DiCicco, Jennifer Peeples, Jackie Vizzi, Vicki Butler, Amy Chenard, Deb Houston, Mary Mapp, Heather Nestle, Wendy Ying, and Brenda Zimmerman. Attorney Jim Burgess and PCM manager Bill Sutton were also in attendance.

Proof of Notice of Meeting

Proper meeting notification was sent by mail and posted on the bulletin board by the firehouse.

Approval of Minutes from April 21, 2018

Frank DiCicco moved to approve the minutes for the last annual meeting on April 21, 2018. Jennifer Peeples seconded. The minutes were unanimously approved.

President Presentation

2018-2019 State of Affairs

Home values are rising in the Valley. MVRIA has 280 members. Our annual dues increased less than 10% this year. Accomplishments in the past five years include:

Turning lane on SR 72

Entrance Beautification Project

Multi-phase road plan with no assessment

Neighborhood events

Multi-Phase Road Plan

Our road project has been delayed two years because of the Lyday appeal. The Road Reserve has \$469,257 currently. The cell phone tower has contributed \$65,000 to pave the road. Those funds are being held in escrow. With this year's annual assessment, MVRIA will have \$625,000 to do five miles of road plus drainage.

The results of the 2018 members' poll indicated members preferred speed tables to stop signs. Speed limit signs for 35 MPH were installed.

Directors Election

Frank DiCicco explained that candidates for the MVRIA board must register their candidacy before the Annual Meeting. Nominations from the floor are not taken when there are nominees to fill the vacant seats. There are five candidates for the five open board seats: Amy Chenard, Deb Houston, Wendy Ying, Paula Moon, and Mary Mapp. Jennifer Peebles introduced the five candidates, who were all duly elected to the MVRIA Board.

Business Plan and Legal Review

Business Plan:

- Accept sealed bids at the May or June Board Meeting
- Implement the drainage and road project
- Finish Phase 3 of the Entrance Beautification Project (landscaping)
- Re-vamp MVR website and publish a new directory every year
- Install proposed gates at the guardhouse
- Continue to defend the Lyday lawsuit

Legal Review:

- Work with neighbors about dues arrears
- Rick Hayer's harassment
- Myakka Communication issues

Bradley lost his lawsuit then Lyday sued the association. MVRIA countersued Lyday to try to recover legal fees. MVR won on all counts, but the Lydays appealed. The judge at the appellate court reversed Count 3, the Lydays are no longer members.

Jim Burgess, MVRIA attorney, explained the court's ruling. Attorney's fees have not been awarded to either party. The board's duty to file preservation is authorized by state statute.

Member Questions

Q: Jim Holthaus Lot 123: The gate should be paid for from the reserve budget because it is a capital improvement as opposed from the operational budget.

A: The lawyer will investigate the state statute about what constitutes a capital improvement.

Q: Drew Comer: commented that the appellate was comprised of 3 judges. That re-hearing and reversals don't happen very often. He believes that our deed restrictions were extinguished by the ruling. He thought we should start making new deed restrictions. Our association, by-laws, and articles of incorporation are still intact. He argued that we should not spend money on the roads until the Lyday case is completely settled.

A: Jim Burgess explained that the Lydays did lose their first two counts. The appellate court

ruled that MYRTA was extinguished on the Lyday's particular lot only. The preservation worked in most of Units 3 and all of Units 4 and 5. The Lydays would need to win on counts 4 and 5 to get their attorney's fees. If they don't win, MVR would be entitled to attorney's fees. It is not the case that everything is extinguished.

Q: Danielle Libertore asked what would be entailed by the statement made by the Lyday's attorney that all residents have to pay their fair share.

A: It's uncharted territory.

Q: Jennifer Eardley- what is the status on the ditch behind her house? It's eroded, the county has not been there to maintain.

A: The county did pull back on cleaning ditches because of Bradley suing the county. You may have to call the county or ask the board to call about your specific ditch.

Q: Jackie Fillmore Lot 189: Howard Creek needs to be cleaned out so that the flooding is not as bad.

A: SWFMUD said that it is the county's responsibility. The county said it is SWFMUD's responsibility. We may have to have the attorney intervene.

Q: I am worried about the drainage on my property on Hupa.

A: Let us come by in the next 30 days to survey the problem. Roadside ditches are the owner's responsibility.

Q: Ro Leon Lot 184S: Problems seeing the entrance at night. The weeds from the park are blocking the signs.

A: We can ask the park to keep the weeds trimmed down. The trees may need to be trimmed back at the front. There are street lights. Jennifer Peebles will look into that.

Q: Danielle Libertore: Volunteers give an immense amount of time.

Q: Bill Gocio, Lot 239: We have fought since 1982 to get everyone to take responsibility for the roads. Saddle trails and ditches are on the plat maps. No one has ever been foreclosed on for dues. There were several untruths told at the meeting on Wednesday with the Lydays attorney. We would have to put in sidewalks, sewage, and curbing in order for the county to take the roads.

Adjourn the Annual Meeting

Frank DiCicco made the motion to adjourn. The motion was seconded by Jackie Vizzi, and the meeting was adjourned at 1:30.