

**Myakka Valley Ranches Improvement Association
Board Minutes, September 9, 2013 7:00pm**

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

PROPER NOTIFICATION OF MEETING PERMANENTLY POSTED ON SIGN ON THE GUARD HOUSE. BOARD MEETS ON SECOND MONDAY EACH MONTH

Andy Behn and Trudi Lawrenz gave proper notification to tape the meeting.

Bob Chenard, President, called the meeting to order at 7:00 pm and declared a quorum. Board members present were: Deb Houston, Andy Behn, David Hodgkinson, Bill Still, Vivian Zabik (late), and Jackie Vizzi. Apologies were received from Bill Barrett, Larry Brotherton and Dan McKillop.

The meeting was advised that Board members may talk on a topic for three minutes on two occasions. Residents may talk once for three minutes.

APPROVE MINUTES OF LAST MEETING AUGUST 12, 2013.

DEB HOUSTON moved to approve the August Minutes. DAVID HODGKINSON seconded. The Motion was unanimously approved.

RESIDENTS' QUESTIONS

- 1 Q – Under Roberts Rules, members can speak twice on a topic so is MVRIA going against Roberts Rules? A – Each Association can modify Roberts Rules if it is voted to do so. MVRIA Board voted on this issue in 2006. Florida statute will be checked.

- 2 Q - Why are police officers present? A – There were uninvited guests who refused to leave at the last MVRIA meeting. It is also routine practice for sheriffs to attend community meetings to clarify neighborhood issues. (A business card was left with contact details).

1 DIRECTOR VACANCY

JACKIE VIZZI moved to appoint Heather Nestle to fill Gary James previous position on the Board for the remainder of this year. BILL STILL seconded. It was decided that, prior to April next year, Members of the Board and the length of their term should be publicized. **The Motion was unanimously approved and Heather joined the Board.**

Heather agreed to take responsibility for lights in the valley. Bill Still, with Andy Behn, will take on construction applications.

2 UNRECORDED SECTION

- a) The legal opinion from Chad McClenathon was noted. It was explained that, some years ago, neighbors in the unrecorded section obtained a court ruling

which stated that they are not part of MVRIA. Therefore, those residents may not join MVRIA and MVRIA has no jurisdiction over their neighborhood issues.

- b) **DAVID HODGKINSON moved to approve the response (to the resident's attorney) from Chad McClenathen. DEB HOUSTON seconded. The Motion was unanimously approved.**
- c) The Attorney letter to Carl Patrick was noted.

3 LETTER FROM HANKIN, PERSSON, McCLENATHEN, COHEN & DARNELL

The firm is being dissolved, however the individual attorneys are still available to handle MVRIA business. **DAVID HODGKINSON moved to continue to use the attorneys as necessary, Chad McClenathen for general matters, with Persson and Cohen for lawsuits, foreclosures and debt collections. DEB HOUSTON seconded.** There was discussion about the possible use of other attorneys and it was noted that MVRIA do use another law firm. The Board should decide who to use on a case by case basis. An Ad Hoc Committee could be set up to interview other firms in the future. The Motion was amended to read “**to continue to use the attorneys as appropriate**”. **The Motion was approved unanimously.**

It was agreed to have the proposal of an Ad Hoc Committee, with Terms of Reference, on the agenda for the next Board meeting. John Corcoran will be asked to chair it. Sonja Behn expressed an interest in sitting on the Committee.

4 SECRETARY'S REPORT (JACKIE VIZZI)

- a) Jackie reported that there were problems with a previous motion to post all papers for the Board on the MVRIA website. It was agreed that certain information (e.g. confidential, financial, naming of complainants) should not be on the website. But, it is still important for residents to know issues in advance so they can decide to come to the Board meeting.

JACKIE VIZZI moved to rescind Part I of the June 10 2013 Motion. VIVIAN ZABIK seconded. The Motion was approved 7 to 1 (Andy Behn against). It was agreed that Jackie will review what can/cannot go on the website together with the possibility of access control and bring it back to the next meeting. Bill Still and Terry Burns will work with her.

- b) It was noted that a letter was sent to a complainant regarding a resident challenge to the elections.
- c) **JACKIE VIZZI moved to write off and dispose of the non-functioning printer. DAVID HODGKINSON seconded. The Motion was unanimously approved**

5 FINANCIAL REPORT (VIVIAN ZABIK)

- a) **VIVIAN ZABIK moved to seek alternative bids for the bookkeeping service. ANDY BEHN seconded.** There was discussion about the need to specify what MVRIA would want a company to do. It was proposed that Vivian Zabik, David Hodgkinson and Trudi Lawrenz form an Ad Hoc Committee to seek alternatives for a bookkeeping service for MVRIA. **The Motion was approved unanimously.**
- b) Vivian presented financial reports for July and August and indicated that they are still a work in progress. Her aim is to increase ease of understanding. **DEB HOUSTON moved that the financial reports for July and August be approved. DAVID HODGKINSON seconded.** It was noted that the budget is essentially on track and that more clarity on annual assessments and what is outstanding from the previous year compared with the current year is required. Vivian was thanked for her work. **The Motion was approved unanimously.**
- c) An update on the collection of annual assessments was given and noted.

6 TERM CONTRACT (GRASS CUTTING)

Larry Brotherton and Vivian Zabik are working together on the grass contract. The existing contractor is responding to feedback and there is improvement.

7 LEGAL UPDATE

- **Lawsuits:**

- a) The trial date for the lawsuit against the Board has yet to be announced.
- b) The judge has granted mediation in the road assessment lawsuit. Now waiting for the other side to respond. **VIVIAN ZABIK moved to form a Committee to discuss options with the attorney about the road assessment lawsuit. ANDY BEHN seconded.** David Hodgkinson volunteered to meet the attorney with Jackie Vizzi. Legally, the resident HAS to mediate and a settlement HAS to be reached. **VIVIAN ZABIK rescinded her Motion and moved instead that Jackie Vizzi and David Hodgkinson have a brief discussion with the attorney. DAVID HODGKINSON seconded. The Motion was approved unanimously.**

- **Compliance Committee (Bill Still):** It was reported that the resident has reinstated the track in his yard and is holding mock races. The Committee had met with Lt Vince Mayer. He advised use of the “range deputies”, use of a new directed patrol, and calling in all possible infractions of noise ordinance as soon as possible. However, the Board stressed that the patrols need to work out how not to alert the resident in advance of their visits. It was noted that the resident has broken his agreement with the County about earth moving. Bill Still will contact Kelly Pluta. A decibel cell phone application was suggested. The Sheriff’s Department advised pursuing a code enforcement route. It was noted that range deputies largely deal with issues on farms, ranches, cattle problems etc. especially

east of I 75. There should be someone on duty 24/7. MVRIA can ask for a presentation from the Sheriff's Department about dealing with nuisance.

- **Document Revision Committee (Deb Houston):** The Committee has met once and reviewed sections of the bylaws and deed restrictions relating to saddle trail maintenance. The aim is to rewrite vague or conflicting wording. Possible changes will be presented to the Board in the Fall. These would be voted on at the Annual Meeting. It was noted that there is a need for consistency with the drainage ditches and there will be a future agenda item on who is responsible for what.
- **Disaster Planning Committee (Vivian Zabik):** There will be an update at the next Board meeting. A date for another drill is being identified..
- **Parks Committee (Andy Behn): DAVID HODGKINSON moved to accept and adopt Andy Behn's report including the terms of reference for the Parks Committee. JACKI VIZZI seconded.** The securing of the big and little parks was discussed. The big park is currently locked and Andy will put a lock on the gate to the little park. It was agreed that 4 combination padlocks at a cost not to exceed \$64.08 and 4 fence boards at a cost not to exceed \$60 be purchased by MVRIA. Andy will post his contact details in Trails and Tails as a temporary measure for contact purposes. Consideration will be given to having part of the MVRIA website pass coded in some way. This will be added to Bill Still and Terry Burns' remit as above. Insurance also needs to be looked at. **The Motion was approved unanimously.**

Dirt Pile: The dirt pile is 98% removed. Grateful thanks to Trent Culleney. Jackie Vizzi will meet with Kelly Pluta.

- **Roads Committee (David Hodgkinson): DAVID HODGKINSON moved a) that the Board approve seeking bids to undertake the road maintenance activity as set out in the report at a total estimated cost of \$28,900 and b) that the Board seek contributions from all nonmembers for road maintenance to be undertaken next year (2014/2015). DEB HOUSTON seconded.** Potholes will be included in #2 rated priority maintenance. Road wash away will be checked. David will try to get bids back for the next meeting. **The Motion was approved unanimously.**

Update on release of lien: A partial release of lien is expected shortly. The final MVRIA payment will be directly to the sub contractor who is owed by the main contractor when written authority is provided by the attorney.

- **Saddle Trails Committee (Wanda Martinez): DAVID HODGKINSON moved a) that the Board accept the bid from Millers Lawn Care of Siesta Key LLC for the period up to April 30 2014 b) that the Board approve one time total maintenance of all the open saddle trails except those properly maintained by the lot owner to a total cost not exceeding the budget c) that the usual notice be given of the intention to undertake maintenance. HEATHER NESTLE seconded. The Motion was approved unanimously.**

- **Security Committee:** The Committee is to be renamed “The Community Awareness Committee”. **DEB HOUSTON moved to approve the terms of reference and the minutes of the meeting on Sept 6 2013. DAVID HODGKINSON seconded.** There was discussion about ways of retrieving data from the security system and the need to format the external hard drive. A request was also made for a sturdier bulletin board. It was confirmed that \$1000 is in the budget for a new bulletin board and that the Committee could check into updating that money. The Motion was amended to include the decision to obtain 2 external hard drives containing one terabyte each at a cost of up to \$150. **The Motion was approved unanimously.** It was also mentioned that a one on one demonstration of the security system could be arranged for anyone interested. Contact Trudi or Bob.

5 OTHER BUSINESS

- **Drainage Ditches:** Jackie Vizzi resigned from her position as liaison for County maintained ditches. Howard Joslyn assumed temporary responsibility. It was noted that it is the lot owner’s responsibility to deal with the County if the County maintained ditch is on their easement. The County has undertaken some good work. The arrangements with the County on maintenance of ditches, including MVRIA’s agreement with the County to maintain certain ditches, needs to be revisited. There are four levels of responsibility which will be set out for the next meeting of the Board.
- **Construction Applications: DAVID HODGKINSON moved to approve the extension to the residence at 6492 Kickapoo Road. DEB HOUSTON seconded. The Motion was approved unanimously.**
- **Trails and Tails:** To include access to the Valley parks, water in ditches and the maintenance of saddle trails. It was noted that new signs require Board approval but existing signs can be replaced out of the existing budget.

Adjournment

BILL STILL moved to adjourn the meeting at 9.40pm. DAVID HODGKINSON seconded. The Motion was approved unanimously.