

**Beneva Pines Homeowner's Association  
Annual Meeting  
October 24, 2020 – 1:00 PM  
New Covenant Family Church, Sarasota, Florida**

**MEETING AGENDA**

1. Call to Order
2. Calling of the Roll to Determine Quorum (19)
3. Proof of Notice per Florida Statute
4. Reading and disposal of previous annual meeting minutes
5. Reports of Officers
6. Committee Reports
7. Nominations & Election of Board Members
8. Presentation of 2020-21 Budget
  - a. Vote by officers to approve 2020-21 budget
  - b. According to section 11 of the Beneva Pines by-laws, section 11.1 - Fiscal Matters, "The Board of Directors shall adopt a budget of common expense for the subdivision."
9. Vote on Carry Over of 2019-20 budget surplus
10. Member Forum Eric Ballard
11. Adjournment

**Call to Order:** Liz Berg called the meeting to order at 1:04 pm, announced the meeting was being recorded as there is no acting secretary and speakers are limited to 5 minutes.

**Proper Notice and Verify Quorum:** Liz Berg verified that a quorum had been met (28 households) per the sign-in sheets and the proxy forms submitted.

**Board members in attendance:** Jane Vickers, Treasurer and Interim Secretary; Liz Berg, President; Martha Kim, Director

**Board members absent:** None

**Proof of Notice per Florida Statute:** It was verified that proper proof of notice of the meeting had been provided.

**Reading of Previous Minutes:** Liz Berg read the minutes from last year's meeting. A motion was made by Jim DeMarte and seconded by Jim Matysek to approve the minutes. The motion carried.

**Board Welcome:** Liz Berg, on behalf of the Board welcomed everyone, thanked Anna Lea Matysek and Theresa James for their time on the Board, thanked Nancy DeMarte for helping with the Box Lunch Social, read some remarks about the entrances being refreshed last year, this year the Board is focused on the pond, the Board welcomed seven new neighbors this year, corresponded with 23 neighbors about their properties, mailed 2 newsletters, and hosted our first Box Lunch Social. Informed the membership there is 1 home being sold, 1 home being foreclosed, 6 homes being rented, and 3 homes with absentee owners. Introduced new neighbors, Carters, Schalk, Christophel, Neel and Surrena, Bies, Anderson and Putnam, Bethoney, also Stephens and Engelke living here full time.

### **Committee Reports**

**Treasurer, Jane Vickers:** Jane stated fiscal year ended September 30, funds were carried over from last year to complete plantings and install lighting. Sold 7 homes and collected estoppel fees at \$150 per home, usual maintenance costs, electric remained steady, the year ended with \$7,500 to carry over. Budgeted \$2,127 to use on the pond, Crepe Myrtle and Oak trees will be trimmed this year.

**Newsletter, Martha Kim:** Martha stated there was great success preparing and mailing the newsletters containing useful information and neighbors' stories about their pets and memories of Beneva Pines and Sarasota. Contact Martha to contribute information.

**Traffic Calming, Martha Kim:** Martha informed everyone about the traffic situation and that sometime in December Sarasota County plans to install stop signs at the Beneva Pines entrance and the two intersections from Aster Drive onto Huntleigh Drive.

**Landscaping, George Vickers:** The current landscape company, Signature Lawn, will continue, they redesigned the irrigation system at Beneva with a new controller that has 8 zones and a rain gauge which is required by Sarasota County. The past system was unreliable. Signature Lawn has finished the Beneva entrance island and plantings at the Proctor entrance. Landscape lighting was installed at the Beneva and Proctor areas, the old lights were replaced with high density LED lighting manufactured in Tampa

**Pond, George Vickers:** Longboat Aquatics is unable to continue maintenance on the pond due to the steep banks, they were replaced with West Coast Lake and Wetland Management, working mainly on the invasive spike rush problem again, it is difficult to get rid of, the pond is in better shape after a couple treatments to reduce spike rush, more grass carp will be introduced again, There must be a balance between the amount of weeds, number of fish and size of pond. The new company has this worked out. A request was made for 15 grass carp. It takes six to nine months to get spike rush in control. A barrier was installed on out flow to prevent fish from escaping.

Eric Ballard addressed the lack of his involvement to work with George, Eric stated he has lived in Beneva Pine three and one-half years, he was surprised on how much work it is for the pond

and landscaping, he has asked to be contacted when pond maintenance was being done to learn the process, he has been invited one time two years ago. George stated it gets busy working with suppliers and he is open to help. Eric stated he understands the busyness and questioned why he was not contacted.

Eric stated his next point to this, he has been working since June to find out what is going on, he has talked with neighbors that are here and prefer not to go on record, he has found that George and Liz are the decision makers in the neighborhood. Jane stated no one is announcing when they arrive to work on the pond and George goes out to meet him when he sees Keith arrive. Eric stated he saw Keith and George there, Eric was able to talk with Keith and made the effort to talk with him, Eric questioned why when he volunteered to help, no one called him. Mahesh Patel stated that it is not interesting to most people, George and Eric need to work it out and bring the results to the next meeting.

Liz stated the Board is always welcoming committee members, new members to the Board, and volunteers, George has a good repour with the people the Board has hired to work on the common areas, reiterated that George does not know when someone is coming to work here, neither does she, and stated to Eric he should come up and approach them. George is our main contact, thankfully the Association has George, and he is the reason the common areas look as nice as they do. There is always work to be done in the common areas, all are welcome to come help. There were no further questions for George.

Mary Kane asked if someone were interested in being on a committee to work on the pond and be part of that process all they need to do is make sure they want to be involved. Liz stated they should go through George, also that Susan Laura in the past has brought the Board information and wants involvement, that some neighbors don't live on the pond, don't see it, and don't have access, that the pond is important to the people that live on the pond, they should get together and bring their suggestions to the Board.

**Neighborhood Watch Committee, Liz Berg:** Liz stated how safe the neighborhood is and how safe this part of town is. She is ready to step down and asked for a volunteer to take over.

Please remember:

- Keep outdoor lights on at night
- Keep landscaping trimmed
- Keep vehicles locked and preferably in the garage
- Keep garage doors closed and always closed at night
- Keep inside garage doors locked
- Install a security system and/or a camera
- Cancel your newspapers and hold your mail when you're out of town
- Use timers for lights inside the house when you're gone
- Watch out for unusual circumstances and report them to the Sheriff's office
- Be aware!

Mel Neel stated that if their garage light is on it effects Markus Bates. Liz suggested a dimmer light, that these are suggestions from Sarasota County Police and an individual's choice to make.

**Welcome committee:** Stated earlier in the meeting.

### **Nomination and Election of Board Members**

Liz Berg read some of the duties of the Board as stated in the Bylaws. The Board had 3 positions available, 3 lot owners submitted their Intent to Become a Candidate, Eric Ballard, Ceri Duplica, and Dave Henry. Theresa James and Anna Lea Matysek had resigned, Martha Kim has one more year to serve her term, Jane Vickers and Liz Berg's terms have ended, Jane Vickers is renewing her term. There were no nominations from the floor. Eric, Ceri, Dave, Martha, and Jane, were all voted in by acclamation. The newly elected Board of Directors will meet after the annual meeting is adjourned, to determine what positions they will hold on the Board.

### **Presentation of 2020-21 Budget**

It was stated the Association is fiscally sound, no special assessments have ever been needed to make improvements, if improvements are needed, the Board welcomes your suggestions. Jane presented the proposed 2020-21 budget which requires the Association to spend funds on normal operations and maintenance, that expenditures not exceed its revenues, this year trimming of Crepe Myrtles and Oak trees are included in the budget. Historically we have spent less than budgeted each year and build our cash balance over two to four years for funding of special projects, as tree or pond maintenance, Jane expects this pattern to continue. The annual dues have been steady at \$250 per year since 2002, apart from 2009 when the Association tried a property management company, dues increased to \$325 that year. At the \$250 level the Association has been able to maintain good maintenance as needed and the Association has not required any special assessments from the homeowners. \$2,127 is budgeted from the amount carried over to replant the pond and round out expenses, everything is normal expenses.

Dave Surrena stated the electric bill seems high. Jane explained the FPL bill averages \$300 per month for street lighting. Mel Neel asked if FPL could switch to LED, Jane explained George has been contacting FPL the last two years to change the bulbs to LED, with no response. Mel asked if the lights can be converted, Jane believes if there is a cost, converting to LED will bring the bills down and stated there is money in the budget. Liz asked if anyone wanted to take on this project, Mel Neel will call FPL to ask about converting the bulbs to LED and what the cost is to the Association. George explained he has been asking if the electric companies are running a program to change over to LED, supported by FPL or Sarasota County for changing over to LED, the Association could take advantage of such program. Jane stated the Association receives 4 electric bills every month, the main one being for streetlights.

Jim DeMarte suggested we add a microphone system for the people speaking both the committees giving reports and people asking questions. Mahesh Patel suggested the purchase of a karaoke machine.

Liz moved to approve the budget. It was seconded and the board voted to approve, with the addition of a microphone system.

#### **Vote on Carry-over of 2019-20 Budget Surplus**

It was stated this is a very important part of the meeting, the Association does not assess additional funds and is able to continue to make improvements. Liz asked for a show of hands, one vote per lot, to carry-over the budget surplus. Bob Barton made a motion and Don Berg seconded to approve the carry-over of the 2019-20 budget surplus. The vote passed.

#### **Member Forum**

Eric Ballard stated he received a letter from the Association and that his mailbox was one of the violations. He stated he understood if something is wrong the Association can go back five years to have the issue corrected, the Association did not mention the right to enforce a restriction may be deemed generally waived when there are a sufficient number of waivers, in other words when substantially all landowners have acquiesced a violation as to indicate abandonment. He stated there are approximately 50 percent of the homes in Beneva Pines that have standard mailboxes and 50 percent that do not, so there is no standard.

Liz stated the Association attorney explained the five-year statute as the Association being able to address old violations, but usually anything addressed older than 5 years does not stand up in court. The Association has been proactive and has addressed violations as properties sell by contacting the realtor and closing agent and stating violations on the estoppel letter. That Eric received a violation letter due to the illegal business of growing plants for sale on his lot and the Association attorney advised the Board to address all other violations and include the related restriction. The letter also stated most of the violations had been corrected and notification of compliance was sent to Eric via email.

(Note of correction for the minutes: Beneva Pines Restrictions-Article VII. General Provisions. Paragraph 5. Waiver. Failure of the Association to insist upon strict performance of any provision of this Declaration with respect to any property in the Subdivision shall not be deemed to be a waiver of such provision as to such property unless the Association has executed in writing a waiver thereof.)

Eric Ballard stated the letter also addressed the landscaping plan and inventory of decorations. Eric stated he would list his decorations once everyone else in the neighborhood submits a list because there are homes with as many or more decorations. He felt he was targeted.

Liz stated the Board had been in communication with 23 neighbors over the past year about various issues concerning their properties, that it was not specific to Eric. Also, that other two

neighbors have replaced mailboxes when asked (Nimey and Grindley), Eric stated there was only one.

Jim DeMarte stated he is under the impression that having a business selling things out of your home or off your lawn was a "no no" in this development. Liz stated yes and also in Sarasota County, Eric stated he did not sell things off his property but at a farmer's market, that he kept two tables containing about 25 plants each. Jim DeMarte apologized for misunderstanding.

Mary Kane asked if the bylaws specify what colors homes have to be and who makes the decision. Liz stated there is no specific color, homes need to conform with the neighborhood which was built in the 1980's and has stone and earth tones and the restriction can be found in Article VI, Use Restrictions.

Mel Neel asked if that was subjective, it is each person on the Board's view, the Board does not have architecture, design, or art history degrees. She stated there are some homes that don't have earth tones. Liz stated light colors or earth tones, stone, and wood trim are what is found in the neighborhood, most people request their paint colors and send samples. The few homes that are different, did not send a request and were not approved.

Donna Nolt stated she wanted to thank everybody on the Board and the volunteers, she has lived in Beneva Pines 38 years, it's not easy keeping a neighborhood looking good when the houses are as old as ours. Also many years ago she suggested matching mailboxes, two to every other house, like the new neighborhoods, she would like a poll taken in the newsletter, she feels the neighborhood would be much improved and suggested money be put aside to get this done over the next couple years. She noted the success in taking down fences and congratulated the volunteers in the neighborhood.

Cindy Schalk stated she has done real estate development work in Iowa, the USPS requires congregate mailboxes that are under lock and key, they are very secure, in a common spot or couple different spots which would be more cost effective. Liz stated this type of mailbox had not been explored. Location was discussed for congregate mailboxes. There was also discussion regarding single mailboxes, at a cost of \$300 per mailbox, and Jane stated if the Board installs them upkeep may mean a special assessment.

Mary Kane stated these issues cause polarization, some want the neighborhood to stay as it is and a lot of us coming into the neighborhood want to be expressive. Mary complimented Eric's house and landscaping, she stated other houses are dull and boring. Eric thanked Mary and offered to help other neighbors with landscaping.

Susan Laura stated she also has a problem with standardization, she would like to have funkier mailboxes and not live in a neighborhood where houses are brown, sienna, etc., where everything looks the same. She stated she liked Beneva Pines because it didn't have a lot of restrictions. George Vickers stated it is on the deeds you agreed to when you bought the house. Susan stated she didn't know.

Mel Neel stated it has to do with people's interpretations, that change is inevitable, the focus of the HOA is to keep the neighborhood nice so property values don't go down. There has to be working together with the Board because we all have different visions, so the things that we get shot down when we are trying to beautify and update our house, if you don't stay somewhat with the times, the neighborhood is going to become obsolete and not have people that want to move in, so if we can't update, not completely change, but refresh like we did in the front. Some houses have no landscaping and look worse than those who are doing things a little different. Country Place is beautiful and not everybody is identical.

Markus Bates stated to Eric and Mel's point, he suggested the Board look at the deed restrictions and make some suggestions such as a fence or plantings to cover trash cans, for every unit have a suggestion that this doesn't meet with the deed restrictions, then no one feels singled out. Liz stated a letter was sent to every homeowner in January and a couple neighbors made improvements. Markus stated this is something he would like to help with so the Board doesn't feel overwhelmed. Liz stated his help would be good, the Board has been proactive about things like that, but became busy with 7 new homeowners and being in contact with 23 neighbors. Markus stated so Eric does not feel singled out, he also received something, so you're not the only one.

Eric Ballard stated the neighborhood is changing and specifically listed many houses that had been painted, landscaped, and improved and stated how spectacular they look. He stated changes are happening slowly and changes should be encouraged. Eric stated he likes the beach look, he was told that look is not right for this neighborhood, he feels there needs to be a middle ground, that beach colors are coming and landscaping can be improved with colors, that beach inspired things would make our neighborhood a lot nicer. Liz stated practically every house Eric mentioned are new neighbors and many neighbors are making improvements, that new neighbors are given a copy of the restrictions when they move in, that the Board addresses violations before they move in and asks for them to submit their plans and house colors. Liz thanked everyone for making the neighborhood such a wonderful place.

David Surrena stated it is about compromise, that they have 7 pine trees in their backyard, he asked to be shown proof the neighborhood is named Beneva Pines because of the pine trees. David stated they asked to cut down 3 trees for various reasons, David stated the Board did not compromise by allowing 1 tree to be cut down and replaced with something else and said it was unprecedented when 2 pine trees had been cut down 12 years ago on the lot next door.

Mahesh Patel stated the homes here are spectacular, we're also aiming at a spectacular neighborhood, it looks like a community, that we are relating to each other without all doing the same thing. He stated the name can be argued, the pine trees are a feature, but to have 7 pine trees on one lot is too much and thinning should be allowed. Liz stated Mel and David's first request was about trimming, the second request was to cut down 3 healthy native trees that grow to be 200 years old and replace them. The Board did not want to set a precedent when other neighbors ask to cut down pine trees or to have someone complain the Board

allowed pine trees to be cut down. Liz thanked Mel and David for always requesting improvements and complimented how beautiful their home and property look. Mel stated there were trees next door cut down, George stated you can't keep looking back, Mel stated she can because the Board said it was unprecedented and wants the Board to look forward to allow them to cut down one or two trees. Martha stated everyone is focused about this community and their house, but trees are supposed to help the environment and help with climate change. Mel and David stated their plan included planting other trees. Eric stated the word unprecedented was a real problem because he was told the previous owners next door had pines trees that were cut down. Liz stated the Board did not know and using the word unprecedented was the wrong word. Jane stated that unless a tree was diseased or about to cause structural damage the Board does not allow them to go down.

Eric stated the other item to address about removal of trees that were in his backyard. He never liked how close to his neighbors his two oaks were that he had to have removed. Jane stated his trees were diseased. Eric stated also his trees grew into the Bartons' spectacular oak and it could not grow a canopy so there are multiple reasons for the removal of trees and to replace with other trees. Liz stated she feels the Board agrees.

Trina Bolling-Patel stated taking the very large pines out and putting small pine trees in would be some sort of compromise. Dave Surrena stated they will offer to buy everyone a sapling, (everyone laughed). Mahesh stated because of the sentiment surrounding this, the request could be resubmitted, and the Board reconsider the decision again. George stated the County is now asking for a report stating the tree is dangerous. Mel stated 3 of them are heavy over the lanais and pond. Liz stated that the discussion could continue regarding the pine trees after the meeting and the Board can address this request again.

### **Adjournment**

The meeting was adjourned at 2:15 pm. Mahesh Patel motioned to adjourn the meeting. Cindy Schalk seconded the motion.

Liz announced the new Board needs to meet to decide officers. The new Board decided to meet at a later date since not all new Board members were present.

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Jane Vickers  
Interim Secretary

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Liz Berg  
President