

**Beneva Pines Homeowner's Association**  
**Annual Meeting**  
**October 27, 2022 - 6:00 PM**  
**New Covenant Family Church, Sarasota, Florida**

**MEETING AGENDA**

1. Call to Order
2. Calling of the Roll to Determine Quorum (27)
3. Proof of Notice per Florida Statute
4. Reading and disposal of previous annual meeting minutes
5. Presentation of 2021-2022 Budget
  - a. Vote by officers to approve 2021-2022 budget
6. Vote on Carry Over of 2021-22 budget surplus
7. Committee Reports
8. Nominations & Election of Board Members
9. Proposed amendment to HOA Use Restrictions
10. Member Forum
11. Adjournment

**Call to Order:** Amanda Harrison called the meeting to order at 6:05 pm.

**Proper Notice and Verify Quorum:** Amanda Harrison verified that a quorum had been met (32 households) per the sign-in sheets (21) and the proxy forms (6) submitted.

Attendees consisted of Nancy and Nancy Demarte, Jim Matysek, Rosa and Will Schnetzler, Donna Nolt, Donald Robertson, Cynthia Schalk, Dave Surrena, Bill Smith, Matt and Nicole Beard, Randy Sacks, Chuck James, Mary Segal, Mahesh and Trina Patel, Barbara and Robert Haber, Richard Zimmerman, and Peggy Carter. Proxies were received from Helmut Lemke, Janet and Thomas Robertson, Kathryn Moscone, Richard and Christine Sullivan, James Castorani, and Steven Simpson and Lisa Michalski.

**Board members in attendance:** Amanda Beard, Jane Vickers, Dave Henry, Ceri Duplica, and Gudrun Novak

**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:** Amanda Harrison stated that printed copies of the 2021 Annual Meeting were available for all homeowners at the front of the meeting room. A motion was

made by Ceri Duplica and seconded by Gudrun Novak to approve the minutes. The motion carried.

**Board Welcome:** Amanda Harrison, welcomed everyone and introduced the board. She noted the large number of attendees and thanked them for their participation.

### **Presentation of 2021-2022 Budget**

**Treasurer, Jane Vickers:** Jane stated that the fiscal year ended September 30, and that expenses were slightly higher than budgeted and we had a loss of \$105. Five houses sold and there are two house for sale at present. She stated that a copy of the budget will be available for all homeowners.

Expenses were \$105 more than budgeted due to some expenses increasing because of market conditions. The landscapers increased their monthly charge by \$60, electricity bills are also up about \$60 each month, and we had higher than expected lawyer fees due to the changes we are making to the deed restrictions. The pond expense has remained steady but she has increased the budget as she is expecting with the rising cost of chemicals and gas that we will see a monthly increase soon. We end the year with \$9,264 in hand which will be the 2021-2022 carryover amount that we will ask the members to vote on during the meeting.

The annual dues have been steady at \$250 a year since 2002, apart from 2009, when we tried a Property Management company and paid \$325. At the \$250 level we have been able to maintain funds at a level that provides for good maintenance as needed, and the HOA has not required any special assessment of the homeowners during this period. Amanda moved that the board accept the 2022-2023 budget and Dave Henry seconded. The board voted unanimously to approve the budget.

### **Vote on Carry-over of 2021-22 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. Amanda asked for a show of hands, one vote per lot, to carry-over the budget surplus. Cynthia Schalk made a motion and Jim Demarte seconded to approve the carry-over of the 2021-2022 budget surplus. The vote passed by 100% of those in attendance.

### **Committee Reports**

**George Vickers** gave a brief report on the condition of the island at the Beneva entrance. The vegetation had suffered damage during Hurricane Ian and would need to be cleaned up and replaced. He estimated that it would take \$500-600 to bring the entry way back up to its former condition.

Cynthia Schalk asked about the large tree on the Beard's property that had fallen across the road during the storm. Amanda stated that the board had no plans to ask the Beards for any money as no damage to HOA property had occurred.

Will Schnetzler brought up the issue of liability when a tree does damage in a storm and Amanda stated that a homeowner would only be liable if he/she had been notified of the poor condition of the prior to the incident. Jim Demarte also stated that an insurance company likely wouldn't pay unless a structure had been damaged.

George discussed the condition of the pond. There has been lots of runoff from the storm and currently the pond is full of nutrients and has a lot of algae on the surface. It has been chemically treated and hopefully will improve soon. George explained that the pond is important to the neighborhood as all of the street runoff goes into it to prevent flooding.

Amanda asked Tonya Toca about her fence along Proctor that had been damaged when a car ran through it. Tonya said that the insurance issue has moved forward and it will hopefully be resolved soon.

Amanda proposed that we send notices to all homeowners that had fences go down in the storm, informing them that they have until the 1<sup>st</sup> of January 2023 to repair or remove them. This will give property owners time to get things resolved, but let them know there is a time limit.

Mahesh Patel asked if anyone knows when the tree litter that is currently in front of houses was going to be picked up by the county. Jim Matysek stated that our neighborhood is now on the calendar so it should happen soon. Rich Zimmerman stated that we should not put "new" green waste on top of our piles as the people picking it up have only been paid to deal with material from the storm. If they think it's not related to the storm, they may not collect it.

### **Election of new board members**

There are (2) vacancies for a two-year term as Dave Henry (Secretary) and Jane Vickers (Treasurer) are stepping down. Notices about the vacancies were mailed out in early October and Cynthia Schalk stated in writing that she would like to serve. Amanda asked if there was anyone else who would be willing to serve and Nicole Beard volunteered. Amanda moved to vote on Cynthia and Nicole as new board members and Dave Henry seconded. All in attendance voted yes with no opposition.

### **Proposed amendment to HOA Use Restrictions**

Amanda discussed the proposed amendment to the HOA use restrictions, Section VI, Article 21. This issue of amending current bylaws so that any property sold in the neighborhood from this point on could not be rented for a period of two years was discussed in prior meetings. It was

also brought up in a special meeting over the summer and there was some objections over the language regarding Airbnb's. These objections were presented to the lawyer and clarifying modifications were made as follows:

21. Subject to the provisions of Section 720.306(1)(h)(4) and (5), Florida Statutes, Lots acquired after the effective date of this amendment, which shall be the date the amendment is recorded in the public records, shall not be rented or leased for a period of twenty-four (24) months following the acquisition of title to the Lot. The date of acquisition of title to a Lot shall be established by the date of recordation of a deed or other instrument of conveyance in the Public Records of Sarasota County, Florida. For purposes of this Declaration, lease and rent shall be synonymous and mean any lease, rental, occupancy, licensing, or similar agreement, written or otherwise, between an Owner and a person or entity permitting that person or entity to occupy the Owner's Lot in return for the payment of a fee, gratuity, or emolument, providing a service, or agreeing to a reciprocal occupancy with or to the Owner. Internet-based non-Owner occupancy arrangements made through services such as Airbnb and HomeAway are included in the definition of Lease and are therefore subject to the foregoing restriction on leasing for twenty-four (24) months after acquisition and also the general lease restrictions set forth in subsection (20) of this Article VI.

The language of the proposed modification was mailed to all homeowners in late September, along with all other items for the 2022 annual meeting. Proxy forms for absentee homeowners to vote were also included. Six proxies were returned, all voting yes on the amendment. The proxies were submitted by Helmut Lemke, Janet and Thomas Robertson, Kathryn Moscone, Richard and Christine Sullivan, James Castorani, and Steven Simpson and Lisa Michalski.

The floor was opened up for discussion on this issue. Chuck James asked how long it would take to implement the changes and Amanda stated that she would submit the results of the vote to the lawyer on the following day.

Cynthia Schalk moved to accepted the proposed modification to Section VI, Article 21 and Dave Henry seconded. All in attendance voted yes with no opposition.

### **Member forum**

Amanda presented an idea where a landowner on the perimeter of the subdivision would be allowed to enclose their backyard, from 3 feet from the back corners to their rear property fence. There have been issues with several people where strangers have tried to gain entry into people's homes and this would offer a higher level of security. She knows that lots of people in the neighborhood don't want fences and it this can be a sensitive issue

Cynthia Schalk questioned the need for more security as Beneva Pines is a relative safe neighborhood, but Gudrun stated they have also had issues with someone trying their back doors. Amanda said that she has had people come into their backyard from the church area so it is a real issue.

Rich brought up the logistics of two neighbors who each wanted to put up fences. It would look strange with two separate fences three feet from each house, with a gap between them.

Mahese questioned whether fences really deter crime because if someone really wants in, they will find a way. He felt that bright, motion sensitive lights are a much better deterrent. Rich stated that he used to have problems with people from the church area behind his house, but since he put up big lights, those issues have stopped.

Chuck James brought up the issue of what will happen if people can now keep dogs in their backyards. Barking is going to become a problem and once you have a problem with a neighbors barking dog there is little that you can do to fix it.

Amanda proposed that we table this issue for now and discuss it again in the future.

Jane reminded everyone about the annual dues and that the end of October is the deadline to pay them.

Will stated that he had found a guy who will repair lawnmowers for \$35, and that he does a really great job. If anyone is interested they can contact him.

### **Adjournment**

Jim Demarte moved that we adjourn the meeting and Mahese Patel seconded it.

The meeting adjourned at 6:53 pm.

### **ORGANIZATIONAL MEETING**

An organization meeting commenced immediately following the annual meeting at 7:00 pm. It was attended by current board member Amanda Harrison, Gudrun Novak, and Ceri Duplica, and new members Cynthia Schalk and Nicole Beard. Former secretary Dave Henry took notes.

Amanda stated that Jane Vickers and Dave Henry are no longer a part of the Beneva Pines HOA. The new members were welcomed to the board. Cynthia Schalk stated that she would like to be the new Treasurer and Gudrun Novak will be the new Secretary. Amanda Harrison will continue as president and Ceri will continue as the welcoming committee. Nicole Beard will be an At-Large member of the board. The board voted on the new positions and all agreed.

Amanda Harrison and Cynthia Schalk have transaction and signature authority. Treasurer Cynthia Schalk of 3702 Aster Drive is the Key Executive on the account. The bank requires the minutes of the current meeting to accomplish this.

Amanda Harrison motioned to adjourn the organizational meeting and Gudrun Novak seconded. The meeting was adjourned at 7:10 pm.