

Beneva Pines Homeowner's Association
Annual Meeting
November,4 2023 – 1 PM
New Covenant Family Church, Sarasota, Florida

Meeting Agenda

1. Call to order
2. Calling of the Roll to Determine Quorum
3. Proof of Notice per Florida Statute
4. Reading and disposal of previous annual meeting minutes
5. Presentation of 2022-2023 Budget
 - a. Vote by offices to approve 2023-2024 budget
6. Vote on Carry over of 2022-23 budget surplus
7. Committee Reports
8. Nominations & Election of Board Members
9. Member Forum
10. Adjournment

Call to Order: Chuck James called the meeting to order at 1:06pm

Proper Notice and Verify Quorum: Chuck James verified that a quorum had been met (19 households) per the sign in sheet (20) and the proxy forms (9) submitted

Attendees consisted of, Bob and Peggy Carter, Theresa James, Nancy Henry, Richard and Rosalie Tarr, Lisa Michalski, Jim Demarte, Gudrun Novak, Lynn Suwinski, Gregg Polansky, Anna Lea and Jim Matysek, Jeaninie and Bill Smith, Cindy Schalk, Christopher Dion, Melissa Neel, Maria Elena Doria Medina, Randy Sacks, Martha Kim, John Duplica, Will and Rosa Schnetzler, Eric and Jack Ballard, Donald Robertson, Mahesh and Trina Patel. Proxies were received from: Araceli Andablo and Jamie Izaguirre, Ronald and Ona Hite, James Castorani, Guenter Caprano, Kathleen Nitsch, Markus Bates, Helmut Lemke, Craig and Laura Lee Christophel, Janet and Thomas Robertson, Steven Simpson, Janet and Eric Ballard, Leslie and Leo Rogers, Lisa Grimms.

Board members in attendance: Chuck James, Jane Vickers, Ceri Duplica and Dave Henry

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: Chuck James stated that printed copies of the 2022 Annual Meeting were available for all homeowners at the front of the meeting room. A motion was made by Cindy Schalk and seconded by Melissa Neel to approve the minutes. The motion carried.

Committee Reports:

George Vickers spoke about the ongoing attempt to regrow lilies in the pond. Plants were planted but due to the very dry weather they did not do well. He is in touch with the pond Maintenance company and will continue the process.

Ceri Duplica stated that while we have had new people move into Beneva Pines, due to her schedule she has not been able to personally go and welcome the new homeowners and hopes to rectify that soon. New residents that were present stood and gave their names, Lynn Suwinski, Leslie and Leo Rogers, Christopher Dion and Lisa Grimms, they were welcomed.

Election of New Board members:

There are (2) vacancies for a two-year term as Jane Vickers (treasurer) and Dave Henry (director-at-large) are stepping down. Chuck asked if there was anyone who would be willing to serve and Gregg Polansky, Melissa Neel and Marth Kim volunteered. Chuck stated we will be having meetings every 3 months. Cindy Schalk said that board members must take a course online and Theresa James said that you can do that or sign a note saying that the said board member has read the bylaws. Chuck said that if we do not have members that are prepared to step up then we might have to seek out a management company which increases dues. Theresa James said that if we do not have three (3) board members the HOA would go into receivership. Chuck announced the names of the residents willing to be on the board: Charles James, Ceri Duplica, Martha Kim, Melissa Neel and Gregg Polansky. Chuck moved to vote on the new board members and Dave Henry seconded. All in attendance voted yes with no opposition.

Presentation of 2023-2024 Budget

Treasurer, Jane Vickers: Jane stated that copies of the budget are available on a table at the entrance. The budget does not change too much from year to year, any money that is left over goes to tree trimming, which is not done every year due to the cost, about \$1600 for the crepe myrtles and the live oaks runs about \$1000

Electricity has gone up, but everything else has remained steady. Cindy Schalk asks when our liability insurance is due. Jane said March/April time. Cindy is concerned about the cost.

Eric Ballard asked what the professional fees were for \$790.00, Jane confirmed its legal fees. Also, accountant fees were not used from the budget. Cindy Schalk has spoken to the accountant company and was quoted \$1000.00 for the tax paperwork/filing. Jane took care of the 2-page document thus saving us \$1000.00. Jane left the amount as a line item, this way whoever is taking over the treasurer's job will have the option of allowing an accountant to do the tax paperwork in the future. Jane moved that the board accept the 2023-2024 budget and Ceri Duplica seconded. The board voted unanimously to approve the budget.

Vote on Carry-over of 2022-2023 Budget Surplus

Jane said the amount of surplus is \$2789.72 and a motion was made by Chuck James and Ceri Duplica seconded to approve the carry-over of the 2022-2023 budget surplus. The vote passed by 100% of those in attendance.

Member forum

Eric Ballard was asked to speak on his request to add to the agenda a proposal of having a management company take over the board duties due to the issues he has had with the Board since moving into the neighborhood six years ago. Chuck said we will get into that later in the meeting.

Mel Neel was asked to present her findings on a project she is heading for updating our signage at the front entrances. There is a grant we are eligible for, which would match our money dollar for dollar up to \$10,000.00. Mel will need to apply for the "intent" to apply for the grant by 12-22-2023 but it does not mean we have to do it. Anna Lea Matysek said she is happy with the signs as they are and that we do not need more people coming into our Neighborhood due to updating our signage and also what the cost would be as we do not have a large budget. Mel said at the moment it's just updating the wording on the signs and not replacing the whole sign. Mel ask for a show of hands of the people present who would be interested in her getting the ball rolling and the majority of residents present, were in favor of her moving forward. She will report back at the next meeting.

Update on Proctor Wall damage: The owner of 4801 Huntleigh Drive has been issued a violation letter from the Boards attorney. She has 30 days to respond to the letter. She has repaired the damage that was done to the house in the same accident, but the wall is in litigation with the insurance company. Cindy Schalk asks if the association can hire someone to repair the wall and bill the homeowner. Chuck said the homeowner said she cannot touch the wall due to insurance restrictions. Eric Ballard questioned if the wall belonged to the

homeowner or the county. Multiple homeowners said it belongs to the Homeowner. Mel Neel said it would show on the survey of the property.

Eric Ballard asks what the standard is in regard to the same property, 4801 Huntleigh Drive, the over-all condition of the home, landscaping, color of the house, weeds and general lack of care, what is the update on something like this being allowed to continue in the neighborhood and other homes with similar issues. Chuck said there is no requirement that a home has to be painted within a certain time frame. When the board gets complaints from residents, violation cards are sent out. 12 postcards have been sent out since Chuck became president in March 2023 plus 2 attorney letters regarding violations and there is no selective enforcement. Chuck has a list of all the postcard/violations letters that have been sent out. Chuck stated it's the board who follows up on information passed onto the board and the decision to send out the cards with the appropriate violations is then agreed on by the board. Eric asks why it's not public knowledge or posted on the website who is getting violations. Chuck said it has never been done previously. Eric asks why is it a secret? Chuck said it's not. Chuck then gave some examples of the recent violations that have gone out. Parking on the grass, garbage cans out in front of a home and those homeowners had corrected the issues.

Mahesh Patel said he received a violation card once when he left Christmas lights up so he could celebrate his wife's birthday. Chuck explained that in our bylaws it states Christmas lights/decorations have to be down by a certain date and that in the future if Mahesh or any other homeowner has a special request, they should send it to the board for consideration. Also, when anyone purchases a home in Beneva Pines, they sign a legal binding contract that they will abide by the rules of the HOA Bylaws. Also, requests and all issues must go to all board members and not one board member makes a single decision, but a collective decision is made by ALL board members.

Eric Ballard again questioned why he is dealing with the issues that he has with the current board. Chuck explained that it's because he is running a business from his home, which is not a violation of the by-laws as long as the business does not affect any other homeowners. Dave Henry said the issue is not that a business is being run from the home but that the business is affecting the neighborhood and other residents have complained to the board about the excessive amount of black potted plants. Eric acknowledges that he moved pots from the side of his property to the back. Chuck said that due to the fact that Eric is advertising on social media that this generates more traffic in the neighborhood. Eric disagreed and asked what the name of his business is. Theresa James stated it Sarasota Plumeria Gardens, 4854 Huntleigh Drive. Cindy Schalk asks if Eric received money for selling his plants. Randy Sacks wondered what the issues are with Eric's yard, as he lives next door and is not bothered by what he sees. Chuck said it's the black pots. Ceri Duplica again said there has been an improvement from what she can see but there are still a lot of large pots, which Eric responded saying it's part of his landscaping. Ceri Duplica said while there has been an improvement her concern is that it will not stay that way. Chuck said that any change in landscaping has to be approved by the

board. In 2020 a photo was taken of Eric's yard and that per Eric, his landscaping was complete and there would be no more changes. A photo was taken 2 weeks ago and passed onto the board's attorney along with the photo from 2020. It clearly shows changes in landscaping. This is currently in the hands of the Board's attorney and the discussion was tabled by Chuck due to time.

Mahesh Patel said that he has heard that people do not want to move into Beneva Pines due to the squabbling with the Board and residents, particular certain situations (no names mentioned). Chuck said that the board had no plans to bring up the Ballard situation but had to address Eric's comments. Cindy Schalk motioned to move on, Mel Neel approved.

Adjournment

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

The meeting adjourned at 1:46pm.

Organizational Meeting

An organizational meeting commenced immediately following the annual meeting at 2:05pm. It was attended by current Board members, Chuck James and Ceri Duplica and new board members Martha Kim and Melissa Neel.

Chuck James will continue as Board President, Ceri Duplica will continue to act as Interim Secretary, Martha Kim will take over as Treasurer and Melissa Neel and Gregg Polansky will both be directors-at-large. Mel will also take over the Welcome committee. The board voted on the new positions, and all agreed.

Charles James and Martha Kim have transaction and signature authority. Treasure Marth Kim of 3620 Aster Drive is the Key Executive on the account. The bank requires the minutes of the current meeting to accomplish this.

Chuck James motioned to adjourn the organizational meeting and Ceri Duplica seconded. The meeting was adjourned at 2:15pm