

MINUTES OF THE
Fairview Estates Property Owner's Association
Board of Directors Meeting
Location: 2541 N Reston Terrace, Hernando, FL 34442
Tuesday December 5, 2023

The Fairview Estates Property Owner's Association Board of Directors meeting was held at Villages Services on December 5, 2023, and was called to order at 2:59pm by President Ray Wolfel. A quorum of the Directors was present. A quorum was established.

Establish a quorum and proof of notice: In attendance Ray Wolfel, Jackie Duval, Mark Conley, Kevin Amedick, Dick Blair, Marcy Sigurdson & Ron Campo, Jim Roosevelt & John Loop. A quorum of Directors was established.

Guest Comments: Dick Blair made **motion** to move the guest comments to the end of the meeting, seconded by Ray Wolfel. **All in favor, motion carried. (9/0)** – wanted the Board to get through the agenda prior to open discussion.

Approval of the Meeting minutes:

November 7, 2023 as presented: – **Motion** was made by Jim Roosevelt to approve the November 7, 2023 minutes, seconded by Dick Blair. **All in favor, motion carried (9/0).**

President's Comments - Ray Wolfel:

- Financials for December 2023 will not be available for this mailout. They can be posted on the website when available and/or given out at the annual meeting.
- Discussion Annual Meeting – 2nd mailing to go out on or before Jan 5, 2024. At present there are 4 Intents to run and any additional intents need to be in no later than Dec 29, 2023.
- Discuss Tuscany Ranch –
 - Ray stated Tuscany Ranch is the last item on the docket. Will have to be there all day as not sure if any changes on day of presentation.
 - Ray is currently working with the Owners on Morningstar – and all neighbors about signing petitions or showing to speak at presentation. Reminder – must complete a yellow form at time of attendance in order to speak.
 - Ray will present the slideshow at the hearing on 12.7.23.
 - Ray – stated the Commissioners are not following the pre-established criteria and guidelines of the initial planning of the development. If they follow the initial planning – our area should have no issues. If they make changes to the new zoning and planning it will cause problems with traffic, congestion, water usage, and more.
 - Ray – stated someone should look into making this a human-interest story – reach out to the newspapers. Ron Campo entertaining the idea of making the call to the paper.

Financial Report – Dick Blair

- Approve the Financial statement for Nov 2023. **Motion** was made by Dick Blair to approve the November 2023 financials, seconded by Ray Wolfel. **All in favor, motion carried. (9/0)**
- Discuss the Late Assessment property lien status. Per Lisa – all properties paid and only one (the gentleman flipping the home) is in the process of liening the property.
- Dick stated it is time to rollover the CD's. Interest rates are excellent at the moment, and we should capitalize on them. **Motion** was made by Jackie Duval to approve rolling over the CD's, seconded by Jim Roosevelt. **All in favor, motion carried. (9/0)**

Roads and Grounds Report / Landscape Committee report– Kevin Amedick:

- There are 8 to 9 Intersections to be trimmed/mowed – obtain an RFP for the mowing and trimming. – Kevin to oversee and to report back at the next meeting.
- Christmas decorations are with Kevin looking for some assistance to install at the front entrance sign.
- In February -Kevin to obtain 3-4 landscape quotes for the entry and adding some color, quotes will include Fernandez for review. Lisa to supply a few other companies for Kevin to call for quotes.

VSC Contract Review Committee: Mark Conley

- A contract has been signed and is in place. No further discussion.

Welcome Committee Report – Marcy Sigurdson:

- There were no new home sales in November.

Website Report – John Loop:

- It was discussed that another email option using VSC might be better suited to handle the additional notices to be sent out per month as well as a more accurate account of homeowners with email addresses and phone numbers.
- John Loop, Jim Roosevelt & Lisa to meet after the first of the year to review outside options for a new website for Fairview Estates.
- Lisa to send an updated homeowner's roster to John Loop for review.

ACB Report – Jim Roosevelt

- 8 courtesy letters went out
- 8 new requests received and 2 preapproved
- Year to date 58 requests received, 23 preapproved, and none were denied
- Unfortunately, there are still 2-3 ppl that will not comply with the parking requirements of the community. Therefore, I am asking that after the first of the year that the Board approve moving forward with the fining process in Jan 2024. **Motion** was made by Dick Blair to approve moving forward with the fining process for the homes on Annapolis & Whitecloud in Jan 2024, seconded by Jim Roosevelt. **All in favor, motion carried. (8 ayes/0 nays/1 abstained)**

Covenant Review Committee Report: Ray Wolfel

Manager's Report – Lisa Dobyanski:

- **Finance Report:**
 - Nov Financials were sent to the Board on 12.1.23
- **Home & Lot Sales for November 2023:**
 - No new homes sales in November
- **Updates:**
 - Fairview ACB meeting will be held on Tues Nov 14, 2023 @ 1pm Villages Services Office
- **Upcoming Meetings:**
 - May or may not have an ACB meeting for December 12, 2023 as no new application to date.
- **Aged Owner Balance Updates:**
 - As stated, all prior owners paid balance due (5pd/ 1 remains delinquent) –1 in the process for lien.

Old Business: Reminder about the Holiday Social event at the Citrus Hills Tiki Bar Restaurant – Entertainment will be Mark Z. In addition, there will be flyers sent out and information on the website to aid with any questions. Please RSVP.

New Business:

Ray Wolfel: Open discussion – asked if anyone wanted to discuss anything other than the Proposed Amendment -as it is not on the agenda- audience – no comments.

Ray – the proposed Amendment is up for discussion.

Homeowners were given the floor for a 3 min commentary. Various comments and heated debate ensued.

- Concerning if allowed to shoot with the current acreage –There are no guidelines or structure for people to shoot in their yards. Incidents can happen stray shots, berm not thick enough- shoot through other side. Bullets travel extremely far, and I am not wanting a death before something is done about it.
- We hear it all the time while they are shooting, wife is terrified and fearful of stray bullets or something happening. Our home does not feel safe anymore.
- Fairview owners can use weapons for target practice. The statute states as much however owners should have the right to feel safe in their homes. No gunfire should be allowed unless there are guidelines for use. Citrus County and the Sheriff's department should step up - eyeballing a berm is not acceptable when a life could be on the line. Our community is mainly made up of retirees seeking a quieter lifestyle, not one involving gunfire.
- We just moved into the community and now I am nervous especially for my grandchildren to visit as we hear the gunfire various days and all hours. I would never have moved to the area if I had known gunfire was approved within the community and no restrictions are in place. Safety does not seem to be a concern of the county or the state currently.
- I am more concerned about my lifestyle and for resale. Who wants to visit me when neighbors are shooting off guns all hours of the day and especially if you live next door to the person shooting. Good luck reselling your home then.
- There is currently no inspection process for shooting of any kind of weapon on your property. How can you verify standards or proper gun respect from someone who has no respect for their neighbors and how it affects them? Recreational discharge – should be done at a verified facility with guidelines and structure not in a home community just so you can shoot and most definitely not into an uninspected structured berm and surrounding area. Caliber of bullets and guns make a huge difference in community safety.
- There has been an increase in gunfire – not only during the day but in the evening hours. Police will do nothing about it at this time. Just at Thanksgiving there were over 50 rounds for a good 2-3 hours happening near me. I am nervous to be out an about especially during a Holiday – not knowing these people and if they are respectful of weapons or are partying and it seems like a good thing to do.
- I am all for the 2nd Amendment and upholding the state statutes – but when they do not consider my safety nor the surrounding neighborhood, I have cause for alarm. I think this will end up in the courts soon – but will it be because of an Amendment or something more traumatic like a death in the neighborhood that could have been prevented.
- My concern is that we used to have a large volume of trees and barriers between us and the new upcoming community. A “ fire break” was then implemented and we now have all kinds of ATV's/4-wheelers at all hours of the day and night behind the house – no such thing anymore about quiet enjoyment – let alone wildlife. My concern is bullets travel a lot further than 300 yards. People are no longer kind and friendly to their neighbors – be respectful of fears and concerns and don't just blow them off because of a Statute or law. Everyone is entitled to a position or viewpoint.
- I feel this will decrease our property values as time goes by. If Tuscany ranch becomes a reality and people in Fairview estates are shooting - a tragedy is soon to occur. It's no longer a matter of it won't but a matter of when and to whom. You cannot dictate the personal behavior of another.

- The state has statute 790.33 – this is begging the difference between regulation of firearms and ammunition and the discharge of a firearm.
- This is about overreach of the power of the board and not about the firearm policy. Laws are put into place for our safety, yet people are moving out of all the cities into the suburbs. All of the laws in place throughout the country do not keep people safe from guns – it is the people that are the issue. The statute has fines and penalties for trying to block or refute this statute. The Association would be subject to a fine if this Amendment were to pass. Members of this community would indeed file suit.
- If the POA was to go against Statute 790.33 – penalties could go against every director on the board. Plaintiff who is successful could be over \$100,000. You are taking away the rights of 500 plus in the community if this goes through and should be very careful what you ask for. It is not the right of the POA to make this decision. We should research every option or opportunity prior to making an Amendment and to go against state statute.
- There has not been many of more than this recent resident who is shooting within the neighborhood. There is gunfire all around the neighborhood. While I feel it is not a good idea to shoot in the backyard – there should at least at a minimum be regulations and structure and county guidelines prior to just accepting carte blanche and accepting until a major problem arises.
- Comments from Jackie Duval –
I am in complete disagreement with the current proposed amendment - Gunfire in our neighborhood is not something they want; however, a law (Statute 790.33) was passed in July 2023 by the state legislature that indicates that state law occupies the “entire field of legislation”, meaning that no other laws or prohibitions have any jurisdiction regarding the regulation of firearm ownership or usage in the state of Florida. It also states that no “other entities,” which includes HOAs, has the right to enact any rule or prohibition contrary to the statute. If they do, it is unenforceable, and those in charge (the BOD), can be sued and fined up to \$5,000 each. No legal opinions to the contrary are a defense to the law. Since the majority of the BOD, not including myself, are presenting this covenant for a member vote in defiance of this statute, our liability insurance may not cover the defense, and the association members could become responsible for the costs. There are other ways to curb the gunfire issue, and for this reason I am not in favor of this new covenant being presented for a vote to and by the membership.
- Added to 12.5.23 Minutes from Board Member Mark Conley:
Two members of the Board of Directors specifically addressed the application of Section 790.33 of the Florida statutes, particularly paragraphs (1) and (2) in which the FL Legislature stated that it was preempting the field and prohibits local governments and other entities from enacting ordinances and regulations regulating firearms, ammunition, and the use thereof among other things.
They noted that paragraph (3) prohibits any person, county, agency, municipality, district, or other entity enacting or causing to be enforced any local ordinance or administrative rule or regulation impinging upon such exclusive occupation of the field shall be liable as set forth herein.
Both directors said that they believed that under Section 790.33, any covenant adopted in violation of the Statute would be declared invalid and null and void and the POA would run the risk of liability as set forth in the Statute for violating the statute.
Director Conley noted that the legal opinion provided by attorney Hathorn failed to answer questions specifically asked about the application of Section 790.33 to the proposed covenant and whether it prohibited the adoption of such covenant.
Director Conley further noted that the Statute states It is no defense that in enacting the ordinance, regulation, or rule the local government was acting in good faith or upon advice of counsel.
The two directors stated that they thought that in light of Section 790.33, the POA should not submit the proposed covenant to the POA Membership for action, or if it was submitted the Board should recommend a vote against it for such reasons.
Both directors suggested that if the POA wished to address the complaints of residents as articulated at the meeting, the Board should explore other options for relief.
- Tim Reynard presented an opposition flyer to the BOD that will be made available in the Association's records at the VSC office.

- Ray's presented paperwork from his letter - read to the board on 8.1.23, will be made available in the Association Records at the VSC office.

Adjournment:

- **Motion** to adjourn was made by Ron Campo to adjourn the meeting at 4:40PM and seconded Dick Blair.
All in favor, motion carried (6 ayes/2 nays/1 abstained)

Respectfully submitted By:

Lisa Dobyanski, CAM

Approved by the membership as written above on:_____ by:_____