

MINUTES OF THE
Fairview Estates Property Owner's Association
Board of Directors Meeting
Location: 2541 N Reston Terrace, Hernando, FL 34442
Tuesday, January 9, 2024

The Fairview Estates Property Owners Association Board of Directors meeting was held at Villages Services on January 9, 2024, and was called to order at 3:00pm by President Ray Wolfel. A quorum of the Directors was present. A quorum was established.

Mark Conley acknowledged the passing of a prior board member, Ken McNally. Mark noted that Ken had been an asset when on the board and a wonderful person overall. Mark stated Ken would be missed. A moment of silence was honored before the meeting began.

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. Notices of the BOD Agenda were duly posted prior to the meeting.

Guest Comments: postponed until end of the meeting.

Approval of the Meeting minutes:

Discussion was noted that the December 5, 2023 meeting minutes on the last amended version was accepted as presented: – **Motion** was made by Jim Roosevelt to approve the December 5, 2023 minutes, seconded by Ray Wolfel. **All in favor, motion carried (9/0).**

President's Comments - Ray Wolfel:

- The 1st Annual Fairview estates Christmas Party at the Citrus Hills Tiki Bar was a tremendous success. Approximately 140 people were in attendance.
- New Board members need certification. John Loop to present his certification, all others are in place.
- Discuss Tuscany Ranch status – Planning Commission new date for the next meeting would be March 7, 2024. No idea as to any changes that have been made to the plan as initially presented at the last meeting. Ray to keep the board and community updated.
- Discussion Spectrum Internet and TV.
 - Citrus Hills is ahead of Fairview estates in obtaining Spectrum. Options relating to Spectrum will be discussed after the first of the year. Options:
 - Enter into Bulk Contract meaning the Association collects the Spectrum monthly fee from owners and pays Spectrum at a much-reduced rate for the Owners.
 - Grant Spectrum access and exclusive advertising for a door fee. Slightly reduced rates are getting smaller as more people individually hire Spectrum. The Association is not involved in the individual owner contract/Spectrum contract. We do not collect owner fees or pay Spectrum monthly bill.
- Selection of Impartial Committee – discussion was had about the impartial committee for counting of ballots at the annual meeting, Ray said there were homeowners/people in mind for the annual meeting ballot counting - Lisa suggested the Board wait until the day of the meeting and choose representatives from the members present. **Motion** was made by Dick Blair to wait until the annual meeting to choose impartial representatives from the homeowners present at the meeting, seconded by Mark Conley. **All in favor, motion carried. (9/0)**
- Discussion was made about reconfirming the vote for appointing Marcy Sigurdson to the prior open position, due to the problem of the Board having had a closed vote last time instead of an open vote by

the board members. Ray then stated that the board would revote and asked all present to state their preference for either Marcy Sigurdson or Linda Gasko, the other candidate.

- Linda Gasko received 3 votes – Jackie Duval, John Loop & Mark Conley
- Marcy Sigurdson received 5 votes – Ray Wolfel, Jim Roosevelt, Dick Blair, Ron Campo & Kevin Amedick.
- Marcy Sigurdson remains as the Board member selected to fill the vacancy.

➤ Discussion was made about removal of the Firearm Discharge Prohibition Covenant –

- Ray Wolfel stated each side should be given an opportunity as to why or why-not the new covenant should remain for community vote or be removed from community vote.
- Removal of the covenant from the annual packet
 - **Mark Conley – In favor of removal**
 - The current written version of the covenant is prohibited by FL Statute law.
 - When the Sheriff was out to visit – they could not do anything- Marks opinion is that the berm as presented to the officers was deemed reasonably safe.
 - POA is trying to take action / rule on current discharge laws where they have no business making or enacting on that decision due to FL statute.
 - FL Statute 790.33 allows for the fining of any entity willfully and with knowledge changing of the law as written. Fines can be subject to \$5000 up to \$100,000. Ray is acting on the advice of our current council, Anne Hathorn, which in our opinion is incorrect when presented to the Board for review.
 - Should this covenant pass – there is a group that will file a class action lawsuit to correct the new covenant as written.
 - **Jacki Duval – In favor of removal**
 - Jackie – reiterated as Mark stated – statute 790.33 does not allow for change without repercussions from an entity not following the law.
 - Jackie stated – she researched the information even further – went to FL state Senator for review and advise on potential outcome of our present covenant as presented. Jackies response from the State office - Fairview Estates POA would be reckless to invite potential litigation against the POA going against the new statute.
 - Jackie read more examples of various entities that could not and did not win against the statute as written.
 - **Jim Roosevelt – asked Jackie in all her research – was there evidence of an HOA or POA that had been told or acted against the change to community rules going against the statute? Jackie stated no – but that Fairview Estates is an entity not outside the statute guidelines.**
 - **Ray Wolfel - Not in favor of removal**
 - From Jackies research a presentation of the issues going against state statute – were all involving entities involved in government, city, and state capacity – no evidence of an HOA or POA having any issues. Per Anne Hathorn, there is no record of an Association having been in court to date. Statute 790.15 talks about “pulling the trigger” meaning various formats of discharging a weapon. Ray read portions of Statute 790.33 - stating it speaks to the whole field of regulation of firearms and ammunition, the purchase, sale, transfer, ownership, possession, storage, of a firearm. Not the discharge of the weapons.
 - **John Loop – stated that as both sides are very adamant about their opinions – that a 1 page for and against the new covenant be submitted by each side for the second mailing packet to help provide insight and information to the community as to why they should approve or deny the new covenant. Motion was made by Ray Wolfel to add in the 2 1-page sheets showing the arguments for and arguments against the new covenant for community member review, Mark Conley seconded. All in favor, motion carried . (9/0)**

- **Motion** was made by Mark Conley to remove the covenant within the annual packet as written and not leave it to a vote of the members of the association to decide, seconded by Jackie Duval. **All in favor, motion not carried (3 ayes, 6 nays)**

Financial Report – Dick Blair

- Approve the Financial statement for December 2023 financials. **Motion** was made by Dick Blair to approve the December 2023 financials, seconded by Jackie Duval. **All in favor, motion carried. (9/0)**
- Discuss paying of upcoming fees from FE Association Attorney generated because of emails from Jackie Duval and the attorney. **Motion** was made by Ray Wolfel to approve the charges, seconded by Jim Roosevelt. After various discussion following the motion, it was noted that the initial email was inclusive of attorney Anne Hathorn by Lisa; the Property Manager to ensure that the Board & the attorney were in the loop of the firearm discussion, including potential class action lawsuit from members of the community. Ray Wolfel withdrew the motion. Future attorney invoices will be paid in accordance with POA processing.

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

- Discussion was had that there are currently 2 new bids for the mowing of the 8 intersections and maintenance of the sign areas. Currently waiting on two additional proposals to come in. Ray to provide Lisa with the 2 current bids to put into an RFP format for the Board to review.
- Kevin noted that Fernandez Landscape was not performing as expected, wants to terminate services, and continue to seek proposals for a new landscape company. **Motion** was made by Ray Wolfel to terminate Fernandez contract and withhold the remaining \$300 due until the work at the sign areas has been completed, seconded by Dick Blair. **All in favor, motion carried. (9/0)**
- Discussion was had about the tree trimming on Eisenhower Road. Lisa stated she found out that the city supplied the tree trimmers and that a homeowner within Fairview Estates called her to find out who was trimming. He stated he is a certified arborist – and that the current tree trimming was both not needed at this time and was being performed incorrectly.

Welcome Committee Report – Marcy Sigurdson:

- There were no recent sales within Fairview Estates for Dec 2023. Nothing new to report.

Website Report – John Loop:

- It was discussed for potential change to the website. Lisa John Loop and Jim Roosevelt to get together within 2 weeks to discuss Villages services online system and Fairview Estates review.
- Lisa to supply John Loop with a complete roster of homeowners for his review.

ACB updates: Jim Roosevelt

- ACB – only 1 new request to date and was preapproved for the new year.
- 2 homes continue with multiple violations and will be moving forward to fining within the next few weeks.
- Quite a bit of chatter on social media regarding selective enforcement by the ACB committee. This is unequivocally false. The committee does not play favorites with anyone in any way. People that are speaking out against the ACB have yet to attend one meeting nor have any way of knowing the process in practice. If anyone has any concerns, comments, or questions – Jim would be happy to meet and review any information requested for review.

Manager's Report – Lisa Dobyanski:

- **Updates:**
 - Fairview ACB meeting will be held on Tues Dec 12, 2023 @ 1pm Villages Services Office
 - Several homeowners are currently not paid – however there are several checks with accounting and many of these should be corrected by mid-month if not earlier.
 - First mailing went out along with the intent / next mailing will go out on or before by Jan 5, 2024
 - Was incorrect – meeting to be moved – later in Feb – waiting on Good Shepherd to advise on date.

- Request of off duty officers (2) \$47 per hour/ 3 hour minimum – rate sheet attached for board review – upon discussion – **Motion** was made by Ray Wolfel to have Lisa secure 2 officers for the Annual meeting, seconded by Jim Roosevelt. **All in favor, Motion carried. (9/0)**

➤ **Upcoming Meetings:**

- Board Meeting: Feb 13, 2024 - TBD based on Annual meeting 2024 - TBD

Old Business: None

New Business: None

Community Guest comments:

- Resident stated that there would be an intent to file a class action lawsuit if the new covenant passes.
- Resident stated that he was appreciated of the Board to move forward with the new amendment/covenant.
- Resident – main concern about the guns in the community are safety and noise.
- Board member – not in favor of the covenant as written – can't use firearms, should go about the writing of the covenant by putting in restrictions. This will not stop a homeowner from using their firearms on their own property.
- Resident – stated he's complained as some homeowners are using automatic weapons. Many did not agree with this statement.
- Resident – this will be a big problem of a class action lawsuit against our board members. There are several different paths this could go. I am going to agree with the board and see how it plays out relating to FI and the 2nd amendment. Noise and statute 877.03 – breach of peace after certain hours – this may go civilly as well.
- Resident – please keep the community informed and updated on the Tuscany Ranch project this also has a great deal of impact to our community. Thank you for all that you are doing to control the new influx of homes and communities being built next to Fairview Estates.

Adjournment:

- **Motion** to adjourn was made by Ray Wolfel to adjourn the meeting at 4:44PM and seconded Dick Blair. **All in favor, motion carried (9/0)**

Respectfully submitted By:

Lisa Dobyanski, CAM

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