

# Clarcona Resort Condominium Association, Inc.

## REGULAR BOARD OF DIRECTORS MEETING

Minutes, March 13, 2008

- I. **CALL TO ORDER:** A regular meeting of the Board of Directors of Clarcona Resort Condominium Association was called to order by President Bill Church at 7:00 p.m. on March 13, 2008, in the Clarcona Resort Condominium Association Recreation Hall, Apopka, Florida.
- II. **OPENING CEREMONIES:**
  - A. Pledge of Allegiance
  - B. Prayer: Lord's Prayer
- III. **ROLL CALL:** Secretary Sheri Jessup called the roll. Present were: Lee Adkison, Bob Albaugh, Bill Church, Tony Donato, Erich Hohm, Bob Leonard and Dave Shannon. Lenny Marote was absent.
- IV. **READING THE MINUTES OF THE PREVIOUS MEETING:** Motion by Dave Shannon, seconded by Bob Albaugh to accept the minutes of the February 2008 meeting as written. Motion passed unanimously.
- V. **REPORTS:**
  - A. **President: Bill Church.** Dan Sievers has resigned from the Board of Directors for personal reasons. A copy of his letter of resignation is posted on the bulletin board by the mailboxes. There is also a notice there where somebody is objecting to having to provide their driver's license and proof of insurance. Our bylaws say that you cannot operate a motor vehicle in the park if you are unlicensed. That is also posted on the bulletin board. When we redo the gate keys, after the new office is set up and operating, we will not copy your driver's license, just look at it.
  - B. **Vice President: Erich Hohm.** No Report.
  - C. **Manager: Dave Shannon.** Traffic control spikes are installed at the gatehouse. Use common sense, stop at the stop sign and proceed at 5MPH over the spikes and you will not have a problem. Do not back up. The permit application for our new office is still being processed by Orange County. We have a Civil Engineer working on our new plot plan for the County. Construction of the office will not start until the permit is approved. As a reminder, on March 18 (March 19, rain date), water for the entire park will be shut down for water tank certification as required by the State. The tank will be cleaned. We will also be installing water shut off valves to isolate the north end of the park. And we will be working at the sewer plant at this time. We will be having AquaTech come in to clean out our tanks. Please do not flush your toilets during this time, because we will be working in the pits down there. Remember, this is scheduled for March 18<sup>th</sup>, starting at 9am, for approximately eight (8) hours.
  - D. **Treasurer's Report: Tony Donato.** Treasurer's Report read. As the end of February there is a cash balance in the operating funds of \$105,000 and for reserves there is \$368,000. We have opened the Wachovia bank account for reserve funds to reduce our vulnerability in regards to maintaining FDIC Insurance. Mr. Donato offered copies of the bank statement of the operating accounts to interested persons.

#### **E. Committee Reports:**

1. **AERC:** Mary Lou Weaver, Lot 501. During February the AERC Committee decided to review and modify the criteria for privacy fences. A written report was read and submitted.
2. **Utilities:** Mary Lou Weaver, Lot 501. The Committee has a possible solution to the flooding problem in 2118 and 2219 and is working with the Manager to resolve the problem. A written report was read and submitted.
3. **CCC:** Tim Jessup, Lot 337. The meeting minutes for February 7, 2008 and March 6, 2008 were read. There were twelve units in February and four units in March, to come in front of the CCC.
4. **Why Not News:** Mary Lou Weaver, Lot 501. Advertisers are continuing to subscribe to our newsletter. Written report read and submitted.
5. **Non-Committee Reports:**
  - i. **Homeowners Forum:** Bob Barrett, Lot 1307. Discussions included skateboarders, gate passes and orientation, homeowners not following Association rules, Brantley Harbor Association ruling, visibility and shrubs at intersections, possibility of one way streets and complimenting Board members cooperation. Written report read and submitted.
  - ii. **Sunshine Club:** Faye Hohm, Lot 115. Along with Neighborhood Watch, on the Flea Market day we raised \$344. Thank you to all who participated. We are making up Easter baskets, Friday, March 21<sup>st</sup>, at 2pm in the rec hall. Come join us, help is always appreciated.
  - iii. **Neighborhood Watch:** Tim Jessup, Lot 337. We have acquired a golf cart for daytime patrols. Come to our meeting next Thursday to sign up.

#### **VI. OLD BUSINESS**

1. **Approval of 2008 Budget.** Motion by Dave Shannon, seconded by Bob Albaugh to approve the 2008 budget as it stands. Mr. Donato stated that the budget as it stands, especially with the reserves, is a little higher than we would all like it to be. We need to look at pooling reserves before next year's budget, which needs to be done with a vote of the people. Currently this requires 75% of the people voting in favor to do this. We should institute an active program to see if we can change from 75% to 51%. Mr. Donato supports the budget as it is. Mr. Albaugh stated that we do need the 50 plus one.  
Shirley Swanson, Lot 335, agrees wholeheartedly, there isn't anyone who worked harder than she did both times previously. Wishes it will, but does not think it will happen.  
Judy Parker, Lot 319, the last proposal was not understood by many people, they felt that if they did that, they did not have a vote, because you went 50 plus 1.

On a roll call vote Bob Albaugh, Bill Church, Tony Donato, Erich Hohm, Bob Leonard and Dave Shannon voted yes, Lee Adkison voted no. The motion passed.

2. **Approve Feb. 7 CCC fines.** Motion by Erich Hohm, seconded by Bob Albaugh to approve the February 7, 2008, CCC fines. Motion passed unanimously.
  
3. Motion by Dave Shannon, seconded by Bob Albaugh to add an item to the agenda, pertaining to hearings in bankruptcy court regarding the agreement with Sun Resorts. Dave Shannon stated that Mr. Bufalini has filed a motion for a hearing with the bankruptcy court where he claims that Sun Resorts is in breach of the Settlement Agreement. Our attorney has asked if the Association would like Taylor & Carls to represent us at the hearing. Mr. Shannon feels that the Board should make this decision. Mr. Hohm stated that he does not think that we need to defend ourselves on this, we do not need a lawyer to represent us in this case, and it will just cost us more money. Tony Donato agrees, does not think we need to have any legal representation there. First, we have to get some information together ourselves and find out where we stand. Then once we have that then we can speak to someone from the standpoint of representing us if that needs to be done, but not going to this specific hearing. Mr. Shannon stated that confusion may be because there are two items on the agenda. Mr. Albaugh agrees that we should not spend money for a lawyer until we really have to, does not think we have to defend ourselves here. Motion by Erich Hohm, seconded by Tony Donato, that we inform the lawyer that we do not need his services for this particular instance.  
Rina Schoen, Lot 1205, concerned that Mr. Bufalini has gone to the court on behalf of whom? Mr. Hohm answered himself (Mr. Bufalini). Mrs. Schoen then asked who is Mr. Bufalini accusing, is it Lee Adkison. Mr. Adkison stated yes. There was further discussion regarding Association involvement. Mr. Adkison is current with all assessments, electric bills, there is no problem as far as the Association is concerned. Mrs. Schoen questioned if there is any recourse to stop Mr. Bufalini from harassment. Mr. Shannon answered no more than we would have to stop you, or any other unit owner. On a roll call vote Bob Albaugh, Bill Church, Tony Donato, Erich Hohm, Bob Leonard and Dave Shannon voted yes. Lee Adkison abstained from the vote. The motion passed.

## VII. NEW BUSINESS

1. **Approve CCC fines and letters going to CCC.** Motion by Bob Albaugh, seconded by Erich Hohm to approve fines from and letters going to CCC Committee. In regards to Lot 663, Mr. Leonard stated that he has seen 12-15 people on the vacant lot and believes that some people are sleeping in the shed.  
Faye Hohm, Lot 115, on this lot they tore the fence down to the next lot and still have not fixed it as they promised. Has seen them sleeping in that shed.

Carl Vandergrift, Lot 742, what about the Fire Marshall or Board of Health. Mr. Hohm explained that they have to catch them in the act and Code Enforcement does not work at night.

Judy Parker, Lot 319, is there someone we can talk to; someone we can go to, there has to be someone out there who can help.

After this discussion the motion passed unanimously.

2. **Approve the funds for renewal of the D & O Policy.** Motion by Dave Shannon, seconded by Erich Hohm to approve the funds for renewal of the D & O Policy. Motion passed unanimously.
3. **Approve Landscaping Contract.**  
Mr. Shannon recommended approval of the Advantage Lawn Care proposal. Motion by Dave Shannon, seconded by Lee Adkison to accept the Advantage Lawn Care proposal for the next twelve months service. Rina Schoen, Lot 1205, there were a lot of complaints with the previous service of mowing dirt, cutting grass where there is no grass. The twelve month contract at a by the month rate seems like a lot of money at certain times of year. Mr. Shannon replied that the annual fee is prorated over the entire year and the frequency of cutting is spelled out in the contract. Motion passed unanimously.
4. **Accept Lenny Marote's resignation from the Board.** Mr. Marote's resignation letter was read by Dave Shannon. Motion by Dave Shannon and seconded by Tony Donato to accept Lenny Marote's resignation. Motion passed unanimously.
5. **Discuss method of replacing vacancy on the Board of Directors and fill positions.** Mr. Church stated that we are filling two vacancies on the Board and read the names of the persons who have applied.
  - a. Sophie Bufalini
  - b. Drew Guyett
  - c. Jack Jordan
  - d. Florence McNeill
  - e. Elvin Roe
  - f. Carl Vandergrift

Mr. Adkison requested to ask questions of Florence McNeill and Elvin Roe. Mr. Roe was working and was not present. Mr. Adkison asked Ms. McNeill what was meant by one of the comments on her Candidate Sheet that said to have a smooth running team of Board members who represent the unit owners. There was a clarification that Ms. McNeill acknowledges that Sun Resorts is also a unit owner.

Mr. Shannon stated that this is not a secret ballot; all Directors are putting their name on their ballots.

On the first vote each Director voted for two candidates. Sophie Bufalini and Drew Guyett received 0 votes, Jack Jordan received 2 votes, Florence McNeill, Elvin Roe and Carl Vandergrift each received 4 votes. Sophie Bufalini, Drew Guyett and Jack Jordan were dropped from the vote.

Dave Shannon nominated Elvin Roe for the position of Director. Erich Hohm nominated Florence McNeill for the position of Director. Bob Albaugh nominated Carl Vandergrift for the position of Director.

On the second vote each Director voted for two candidates. Florence McNeill received 6 votes, Elvin Roe and Carl Vandergrift each received 4 votes.