

**Prairie Creek Park POA  
Annual Membership Meeting  
November 1, 2012  
Approved Minutes**

**Call to Order:** The meeting was called to order at approximately 7:00 PM, by President Roni Murray, at the Charlotte Harbor Event and Conference Center.

**Establish a Quorum:** A quorum was established with 102 lots represented in person or by proxy.

Board Members present were: Dave Akerstrom, Clay Gates, Chuck Kindle, Roni Murray, Don Schmidt, and Bob Winfrey. Joe Konkolics was absent.

Also in attendance were the following: Sherry Danko representing Star Hospitality Management and Ernest Sturges, Association Attorney.

**Pledge of Allegiance:** Roni Murray led those present in reciting the Pledge of Allegiance. The pledge was followed by a brief moment of silence to remember all those affected by Hurricane Sandy.

**Approval of Minutes:** A motion was made and seconded to approve the November 3, 2011 annual meeting minutes. The motion carried.

**Reports of Officers:**

President: Roni Murray advised that owners would be given the opportunity to speak and ask questions. Discussion on the recall will be limited per the Attorney's instructions as the arbitration procedure is in progress. Roni Murray reported on the following accomplishments: hired Star Hospitality Management to assist the Board in managing the POA correctly and in accordance with the Documents and Statute; changed banks to Florida Shores Bank which provides for earning interest on all accounts including the operating account—thus limiting the number of required transfers between accounts; hired Ernest Sturges from the firm of Goldman, Tiseo, and Sturges to be the Association attorney—Mr. Sturges has significantly reduced the number of delinquencies and provides sound advice to the Board; changed insurance agents and was able to obtain the same level of coverage at one-half the cost of the previous year; changed mowing contract to include both dry and wet mows; performed research and selected a new road surface (as used by the County) which if properly maintained will be a much less expensive alternative to the traditional surface; later votes will be tallied to approve reserves including a road reserve; and the 2013 budget was reduced to \$167 by using some prior year surplus—owners should expect the fee to go back up some in 2014.

Treasurer: Bob Winfrey reported as follows: moved two bank accounts to Florida Shores Bank to benefit from interest on both accounts; balances of \$7,994.26 in the operating account and \$67,622.48 in the surplus money market as of October 31, 2012 and fiscal year 2012 is on target to end with a \$50,000 surplus to be applied to 2013 assuming legal expenses do not significantly increase more than expected due to the recall; and \$21,800.07 in bad debts with \$14,556.16 in doubtful accounts with hopes of collecting the difference of \$7,243.88. On foreclosed properties, the POA will receive the lesser of 1% of the original mortgage or the last 12 months assessments.

Deed Restrictions: Although there was no formal report from Don Schmidt, Roni Murray began discussion on enforcing the deed restrictions. Sherry Danko had asked the Board for some guidance on how strictly to enforce the documents during her drive through inspections. The Board decided to bring this to the membership at this meeting for their input. The first issue raised involved political signs. Ernie Sturges advised the Deed Restrictions trump the First Amendment and therefore political signs are disallowed as only 12" X 18" sales and rental signs are allowed. Discussion followed touching on the following: methods of enforcement (letters, fining committee, mediation, &/or action in the circuit court); many violations have gotten out of hand over the years; impact on architectural review; need to focus on the bigger issues; equitable enforcement for all owners; the need to update the deed restrictions and bylaws; unrealistic irrigation requirements; foreclosure properties in disrepair, etc. Ernie Sturges specifically mentioned the Martinez home. The Judge did not grant the POA authority to enter the property and take corrective measures after the initial formal request. Rather, he gave Mr. Martinez additional time (approximately 120 days) to remedy the situation. Mr. Sturges expects to request and be granted authorization from the Judge in December to enter property and take action.

Brief discussion on the Corporate Resolution to create reserves followed. Members could still obtain ballots at the sign-in desk and vote. Election balloting has not yet been closed.

Roni Murray brought the discussion to a conclusion by saying it was time to “draw a line in the sand” and from this point forward enforce the deed restrictions. There was overwhelming support from the membership to take such action. The topic of spreading manure on the right-of-way area was noted to be disallowed under the pollution section of the deed restrictions. Don Schmidt indicated Sherry Danko would perform the inspection and mail a first notice giving 30 days to comply; if no action is taken, a second letter will be sent with another 30 days; if still no remedy is made, then formal action will be taken as indicated earlier in the discussion.

Communications: Roni Murray encouraged owners to provide their e-mails to Star to enable easier communications. The blind carbon copy feature would be used. Owners were also encouraged to regularly visit the POA website to keep informed.

Committee to Revise Documents: Owners agreed it was time to pursue revising the Documents. Roni Murray advised a committee should be formed to review the documents and present suggested changes to the Board. The Board would review and subsequently pass along to Ernie Sturges for final review. A vote could be taken at a special membership meeting or at the next annual meeting. Ernie Sturges confirmed a 2/3 vote of the membership would be required for the Declaration of Restrictions. A couple of owners volunteered, and Don Schmidt asked anyone interested in serving on the committee to see him during the break or after the meeting.

**Old Business:** None.

### **New Business:**

#### Owner Comments:

An owner raised concerns about the negative impact on his property insurance due to not having fire hydrants. Discussion followed including mention of the potential related costs. Roni Murray agreed to have Sherry Danko research and bring information to the Board.

An owner began discussion on the recall vote asking why the Board chose not to certify the vote. It was also asked how the election would impact the arbitration. Considerable questions were raised. The arbitration is the required legal proceeding when a Board does not certify a recall vote. Ernie Sturges advised this is an ongoing legal process, and the specific details cannot be discussed at this time. In addition, any impact of the election would be determined by the arbitrator. In response to a request, Ernie Sturges encouraged owners to review the minutes of the meeting and to bring questions to the “owner representative” for the recall who is attorney Glenn Siegel. Mr. Sturges also noted the arbitrator is assigned by the Division of Business and Professional Regulation. He believed the arbitrator’s name is Leslie Anderson but could not be certain as the file was at the office. He further noted that the arbitrator is like a judge—and a judge would likely not accept any direct contact from a witness. A question was raised about who will pay the legal fees. Ernie Sturges responded that the proceedings will include a prevailing party clause. The arbitrator can award what she considers reasonable (all, part, or nothing) under the circumstances. In response to a question, Mr. Sturges noted owner testimony would be required only if the arbitrator so desired. Lastly, he added that the timeframe for conclusion of the arbitration will be up to the arbitrator.

Self-Nominations: Roni Murray explained four names were on the ballot: Charles Kindle, Joseph Konkolics, Roni Murray, and Wayne Onofri. The ballot also provided for write-in votes. Three positions were open. In response to a question about refusing a late submission of an intent from Jeff Clark, Roni Murray discussed fairness to all members and compared the process to governmental elections which also had filing deadlines. Roni Murray called for self-nominations. Jeff Clark and Rena Winfrey self-nominated themselves.

Jeff Clark, Rena Winfrey, Charles Kindle, Roni Murray each gave a short presentation regarding their background, experience, and position. Roni Murray added some comments about Joe Konkolics who was unavailable due to a work commitment.

Roni Murray and Ernie Sturges made some brief remarks about voting on the rollover of any surplus funds into the next fiscal year.

Roni Murray apologized to Wayne Onofri for not giving him the opportunity to speak as yet. Wayne Onofri then gave his presentation about experience, background, and position.

A motion was made and seconded to close self-nominations. The motion carried.

The meeting was recessed to submit final ballots and to allow for the vote count.

The meeting reconvened, and Sherry Danko made the following announcements:

The meeting notice and agenda were distributed and posted in accordance with the Association Bylaws and FL Statute 720.

In response to a question about a financial report, Sherry Danko advised she did not include a partial year financial report in the annual meeting packet as Star's procedure was to mail a full year-end financial. meeting minutes, and owners' roster at the end of the year. Anyone wishing a report sooner should contact the Star office.

Election Results:

The following three individuals received the most votes: Jeff Clark, Charles Kindle, and Wayne Onofri. As requested, the vote results were:

Charles Kindle	55
Joseph Konkolics	39
Roni Murray	38
Wayne Onofri	57
Karen Borrego	1
Jeff Clark	48
Parke Sprague	1
Rena Winfrey	12

The vote on the rollover of surplus funds passed 58 "yes" votes to 17 "no" votes.

The vote to establish reserves failed with 56 "yes" votes and 20 "no" votes. (A majority of the total membership was required.)

**Adjournment:** With no further business to come before the membership, a motion was made and seconded to adjourn the meeting. The motion carried.

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Roni Murray, President