

ROTONDA WEST ASSOCIATION, INC.
646 Rotonda Circle, Rotonda West, FL 33947

Board of Directors Meeting
Thursday, April 8, 2021 – 2:00PM

MINUTES

PRESENT: Patricia Aho, Sam Besase, Patti Cowin, Bernie Schmelz, Jerry Eldred, Diane Shaw

ABSENT: Stephan Froggatt

Management: Derrick Hedges, RWA Manager

Members: Joe Harris, Annette Casteel, Holly Car, Donna Stogsdill, William Bennett, Maureen McDowell, Randy Keller, Barb Peszko, Susan Carter, Cynthia Chatham, Jim Shaw, Phil Pugliese (via zoom) Ellen Cassanos, Bob Bondeson, Joe, Kentandbonnieanselment, Jan Patmalnieks, Susan S, Johna Donahue, tmdev, iPad (2), Todd Williams, Linda's iPad, Les Goodman, Incas, Pat's iPad, Michael Donahue, Jim Shaw, Nancy Ward-Snyder, David Kelly, Tina Traversa, Florida Lanai, Andrew Currie, Mushu, Mauren K (Mushu), Maciej Wojcik, Miss Loni, Cheryl Gwartney, Susan S, Richard Hayward

The Meeting was called to order by President Aho at 2:00 PM. The meeting was properly noticed, and a quorum was present.

The Pledge of Allegiance to the United States of America was said by all.

Director Cowin moved the Board to approve the Meeting Minutes for the 25 March 2021 BOD Meeting. 2nd by Director Shaw. Discussion to accept with misspelling of Ellen Cassano's last name. Motion Unanimously approved.

President Aho asked all members that are attending the meeting via zoom to please provide us with your names and addresses as it is very difficult to provide a correct record for our minutes when it is simply information related to the electronic equipment that you have, so please let the host Mr. Harris know your names and addresses.

President Aho reminded everyone to mute their cellphones. Also, asked members to please avoid personal attacks, abusive language and direct your communications to the Board as a whole. Failure to comply, you will be asked to stop speaking.

MEMBERS INPUT (Agenda Items)

- William Bennett presented the following questions to the Board regarding the Broadmoor Park Mowing Agreement/Application. Mr. Bennett requests that the RWA to present

survey lines of the Broadmoor Park boundaries. If Charlotte County owns the canals, why are RWA monies being used to maintain these canals? When these issues are presented, is it possible for the Board to hold a separate meeting with the members that are being directly affected by issues such as these?

- Susan Carter stated that they are being asked to provide the Board their contractor's license and insurance, why aren't all property owners asked to provide the same information? The document requires the property owner to maintain the approved area to a 1st Class manner. Please provide a description of 1st Class manner. If the agreement is not signed with the RWA be held to the same standards? Also, will a mowing schedule be provided to members? If there is currently landscape, rocks, pavers, etc. and the member does not sign the agreement, will they be asked to remove these items? Please clarify where these requested easements will be located.
- Cynthia Chatham stated that she would like to address some falsehoods that went through at the last board meeting in that Broadmoor Park was not brought up by the residents and no one wants this to be over more than the people being affected by the issue. Agrees that the RWA maintain the property that was gifted to us, however, the mowing mentioned mowing schedule is not acceptable and feels that it will not maintain the property in its current state. How much money is the RWA going to spend to remove things that they do not like, and how much money have they already spent on legal fees over this agreement? She also states that it is the RWA's responsibility to provide burden of proof that these encroachment issues occurred after the RWA acquired this land. Ms. Chatham questioned about zoom meetings that are missing on the website? The Board claims to represent everyone but does not feel as though this is being done.
- Todd Williams states that he has been advised by his attorney not to sign the Broadmoor Park mowing agreement for liability issues, therefore, he will be depending on the RWA to mow the small area between the pond and his home. However, he expects the RWA to maintain the area the same as he is expected to maintain his own property by the RWA deed restrictions. He would also like to hear an official Board statement that they will maintain these areas accordingly.
- Ellen Cassanos presented questions and statements to the Board with regards to Broadmoor mowing agreement and wanting to find some balance between homeowners and the RWA Board and feels this needed balance is long overdue. The properties in question have been maintained by homeowners for the past 30 years without issues. Also mentions that if this agreement is signed by members, they are liable for any accidents or injuries that may occur while maintaining these areas. She is willing to be responsible for her own issues if something may occur but is not willing to take on the responsibility of the actions of others that may be on this property at any given time.

President Aho thanked everyone for their input.

OFFICERS, EMPLOYEES & CONTRACTORS REPORTS

Treasurer's Report: Director Besase

Director Besase provided a written report which is attached to these minutes.

Director Eldred asked for clarification of the independent auditor adjustment. Director Besase clarified that the adjustment is to move wages reported in 2021 that were 2020 wages to be adjusted and reported in the correct year.

Manager's Report: Derrick Hedges, Manager

- Manager Hedges provided a written report which is attached to these minutes. Administration operations, maintenance staff work projects, and contractor and vendor updates were provided.

Deed Restrictions Violations: Holly Carr, Administrator

- President Aho requested Ms. Carr to please provide an explanation regarding yard signs. Ms. Carr stated that any type of yard sign, such as yard sale or a contractor sign needs to have prior written approval from the RWA before posting. Duration that signs can be posted in a member's yard are 3 days for a yard sale sign and 7 days for a contractor's sign, then signs must be removed. If signs are not removed, you will be fined. Approval forms are in the RWA Administration Building.
- President Aho stated that there are 38 violations listed in the Board packet for approval. There were no questions regarding the 38 violations. Motion made by Director Cowin to levy the fines on members for violations listed numbers 1 through 38. If confirmed by the Compliance Committee, these fines shall be automatically imposed, and 2nd by Director Schmelz. Motion unanimously approved.
- President Aho thanked Ms. Carr as well as the Compliance Officer for their reports as well as a summary of actions taken for reported violations.

COMMITTEE REPORTS

Activities Committee – Donna Stogsdill (Chair)

- Ms. Stogsdill would like to remind everyone about the Volunteer Appreciation Picnic, at this time 50 RSVP's that have been received to attend the picnic.
- The Activities Committee is still looking for a leader to head the committee for the Christmas Parade.
- Ms. Stogsdill presented some ideas that will be formally presented to the Board. They are Summer Concerts in the Park, a Fishing Event for Kids, and possibly a Luau for Adults. The Committee will work up a budget for these events and present it to the Board later. Ms. Stogsdill would like to confirm that applications are to be completed for these events and if so, where are those applications? President Aho stated that all applications for the use of the Community Center and all RWA Property can be found on the RWA website. However, for a committee you would presenting your overall event to the Board in a different way for approval and therefore, would not need to use these specific applications.

Administration/Personnel – President Aho (Chair)

President Aho stated that there was a brief meeting with Manager Hedges under the requirement to meet with the manager to ensure that there is enough money in the 2021 Budget for any salary increases he wishes to make to staff as the Board does not have any oversight in this role regarding specific salary increases. Manager Hedges assured the Board that there is sufficient money in the budget. He answered the one question that he had to answer for the Administration and Personnel Committee.

Aquatic Committee – Stan Plizga (Chair)

No Report.

Budget & Finance Committee – Wayne Legris (Chair)

No Report.

Buildings & Grounds – Director Besase (Chair)

- Director Besase provided a written report which is attached to these minutes.
- Director Shaw asked a question regarding the naming of the ponds as well as give possible donations to commemorate the ponds around Broadmoor park. Director Eldred explained that this is just an idea, and nothing has been decided at this time.

Communications – Karen Harvey (Chair)

No Report.

Compliance – Barb Peszko (Vice-Chair)

- Ms. Peszko provided a written report which is attached to these minutes. Motion was made by Director Besase to approve the nomination of Barb Peszko as the Chairperson to the Compliance Committee. Motion was 2nd by Director Schmelz. Motion passed Unanimously. President Aho gave a grateful thanks to Ms. Peszko.
- Ms. Peszko asked the Board to reconsider the revamping of the RMC fining system. Currently a member is fined for an RMC application but does not get fined for the Deed Restriction portion of this process. Also, Ms. Peszko asked for two new members to join the Compliance Committee, one from the Oakland Hills section and one from the Pebble Beach section. If anyone is interested in joining their committee, please come to the next meeting on April 29th and watch our actions. President Aho thanked Ms. Peszko for raising concern regarding the fining system for the Compliance Committee and agrees that this revamping idea should be addressed.

Deed Restriction – Director Schmelz (Chair)

No Report.

Election Committee – President Aho (Chair)

- President Aho pre provided a written report which included a schedule of election related events to take place before the annual meeting. It is attached to these minutes.
- Director Besase asked for clarification of the August 13 time schedule for the materials due from Candidates? President Aho clarified the dates and times on the Election timetable. Director Schmelz asked if there is a way that Candidate Night’s time schedule be compressed? President Aho stated that there would not be enough time to give the membership and the Election committee enough time to solicit and receive questions for candidates during candidate’s night. Additionally, she stated that there would not be enough time for the Election Committee as well as the Board to approve the candidates, if the time is compressed any further. Director Besase reviews the timeline with the mailings. Director Shaw asked for clarification of which mailing goes first? Local or Foreign? President Aho stated that mailings will be sent out with local domestic first and then Mr. Mitchel will work to get the international mailings out. Maureen McDowell added that the choice to send out the local domestic mailing first was that these individuals would be more apt to come to Candidates Night. Motion made by Director Besase to approve the timetable for the Election timetable as presented in the Board packet. Director Shaw 2nd the Motion. Motion Unanimously Approved.

Residential Modifications Committee – Barb Peszko (Chair)

Ms. Peszko provided a written report which is attached to these minutes.

Wildlife Committee – Cari Hale (Chair)

No Report.

UNFINISHED BUSINESS

- President Aho mentions the standing item relating to any changes to the current limitations to the opening of the Administration Building as well as the Community Center regarding the COVID19 restrictions that are in place. Currently there are no changes.

NEW BUSINESS & COMMUNICATIONS – President Aho

President Aho opens discussion regarding issues of the mowing in common areas related to Broadmoor Park.

- All Directors have received a copy of the FAQ’s (Frequently Asked Questions) from the RWA Attorney who was asked to write a clarification of the Broadmoor Park Mowing and Maintenance Agreement Application. President Aho asked for a Motion to de-classify the FAQ’s for presentation to the members of RWA. Motion made by Director Cowin for the Board to de-classify as confidential the “Frequently Asked Questions” Regarding Maintenance of Broadmoor Park by Adjacent Lot/Tract Owners” and further distribute this to interested members and post on the RWA Website. Director Besase 2nd the Motion. Motion Unanimously Approved.
- President Aho asked the Board for a list of mowing applications that they would like to set aside for further discussion. Applications 6, 9, 11, 19, 20, 21, 22, 23, 25, 27, 28, 29,

32, 34. Motion made by Director Schmelz to Approve all the mowing agreements that "HAVE NOT" been set aside. Motion 2nd by Director Shaw. Motion Unanimously Approved.

- Director Cowin requesting clarification for what looks to be a fire pit on the requested mowing area for application #6. Manager Hedges clarified that it is not a fire pit, but they are boulders and rocks. Director Shaw made a Motion to Approve Mowing area. Motion 2nd by Director Besase. Motion Unanimously approved.
- Director Besase requests verification that application #6 being a triangular lot that is not taking away from the neighboring side lots that may or may not want to mow. Manager Hedges verified that the neighboring lots have agreed to mow, and applications were previously approved. All 3 members have worked out together as to what they each will mow. Director Cowin made a Motion to approve application #9 that the neighbors have worked out the lines of demarcation. Motion 2nd by Director Shaw. Discussion raised by Director Schmelz with regards to liability with the way Section 5 of the agreement reads. President Aho disagreed with the concern of Director Schmelz, as the members have worked out an agreement among themselves. Director Shaw brings to the discussion that among all the discontent mentioned through this entire process, we have these three neighbors that have come together and worked things out for themselves and should be supported. Motion Unanimously approved.
- Director Cowin and Director Besase had similar questions with regards to application #11 regarding line demarcation of neighboring properties. Application is set aside until Manager Hedges talks with neighboring property owners and verify that they agree with mowing area as per application #11.
- Director Shaw questions application #19 that was signed but mentions "shells," what are they looking to mow? Director Cowin mentions that the agreement says mowing and maintenance, and this would be to maintain this area. Director Shaw asks if they had permission to shell mentioned area? Director Cowin mentions that hard scaping was prior to the purchase of Broadmoor park and should be grandfathered in. Director Schmelz disagrees to grandfather application #19. Director Shaw made a Motion to Disapprove application #19. Motion 2nd by Director Eldred. Director Cowin mentions that the hard scaping was put in prior to December 2010. Director Schmelz stated that if this hard scaping was put in prior to Broadmoor Park that application #19 should be approved. Motion to Disapprove (Approved to Disapprove 4-2)
- Directors Shaw, Eldred, Cowin, and President Aho question property lines of application #20. Application set aside for Manager Hedges to clarify with property owner and neighbors.
- President Aho questions property lines of application #21. Director Besase clarifies that application is in connection with application #9. Motion to Approve application #21 made by Director Shaw. Motion 2nd by Director Besase. Motion Unanimously Approved.
- President Aho requested a Motion for the approval of application #22 in connection with prior discussion and approval of application #'s 9 & 21. Director Shaw made a Motion to Approve application #22. Motion 2nd by Director Besase. Motion Unanimously Approved.

- Director Besase received clarification of the pond attached to application #23 by Manager Hedges. Motion to Approve application #23 made by Director Besase. Motion 2nd by Director Eldred. Motion Unanimously Approved.
- Director Besase questioned no signature in application #25. Manager Hedges confirms that signature has been received. Director Shaw made a Motion to Approve application #25. Motion 2nd by Director Eldred. Motion Unanimously Approved.
- Director Cowin and President Aho question application # 27 to remove vines from the mowing area. Director Cowin mentioned concerns that they may be muscadine vines that the wildlife feed on. President Aho questioned the shape of property lines. Application was set aside for Manager Hedges to address the Board's concerns. Director Besase mentioned that applicants should not write on the applications their specific requests. This is strictly a "Mowing and Maintenance" application. Any additional requests should be presented separately.
- Director Shaw questions application# 28. There does not appear to be a choice of 1 or 2 on the application made by the member. The Board agrees to set application #28 aside until selection is made.
- Director Besase asked for clarification of selection made on application #29. Clarification was made by Directors. Director Besase made a Motion to Approve application #29. Motion 2nd by Director Shaw. Motion Unanimously Approved.
- Director Besase questioned application #32 as it refers to 2 lots. Clarification made that member owns 2 lots and they will mow to the pond on their second lot. Director Cowin made a Motion to Approve application #32. Director Eldred 2nd the Motion. Motion Unanimously Approved.
- Director Cowin questions application #34. Clarification is needed on if the lot in question is improved or unimproved in connection with the application agreement? Manager Hedges will contact property owner for clarification of application request. Application #34 has been set aside until clarification is made.
- President Aho thanked Manager Hedges for his hard work in reaching out the members in acquiring the answers requested by the Board for clarification.
- President Aho presents an application for use of a common area. The application is for the use of the Community Center for a Memorial Service for one of our members that unfortunately passed away on Easter Sunday. Memorial attendance will be for 40 people on April 15, 2021 4:30pm – 7:00pm. They are also asking to of the of the monitors for a Zoom presentation of the celebration of life movie. Director Schmelz made a Motion to Approve the use of Community Center for the Celebration of Life Memorial. Director Cowin 2nd the Motion. Discussion regarding the use of the of the monitors as well as staff being on hand during the Celebration. Applicant understands the COVID-19 restrictions as well as the fee for the use of the equipment. Motion Unanimously approved.

MEMBERS INPUT (Non-Agenda Items)

Cynthia Chatham asked the Board to provide a mowing schedule to the RWA members that involve the Broadmoor Park mowing areas. Ms. Chatham also asked if new employees and contract employees have background checks done prior to the RWA hiring them? Ms. Chatham also stated that she looks forward to the up coming election as she believes that the community is ready to have some positivity, community spirit.

DIRECTOR INPUT

- Direct Schmelz mentions that we keep hearing about the mowing agreement and the concerns from the members regarding the properties that will not be mowed by the property owners and how will they be maintained. Will they be maintained as the adjoining properties that are going to be mowed and maintained by the property owners? Will they be maintained to 8"? Both Director Eldred and Director Besase state that it is intended to keep the properties mowed to the 8" standard. With, Director Schmelz offering the following Motion: The RWA Board of Director agrees that the RWA shall mow the areas where property owners adjacent to Broadmoor Park choose to no longer mow behind their residences to the height of not more than 8" which is consistent with past practice and the current deed restrictions (weather delays excepted). President Aho 2nd the Motion for purposes of discussion. Director Besase stated that we have mentioned many times that we would adhere to the 8" mowing. Director Eldred stated that he is in favor of ensuring that the grounds are mowed to 8", however, does not want the Board to be hamstrung with a number of motions, and hopes that the members that have this land continue to maintain their properties. Director Schmelz is concerned that there is a level of distrust that the mowing of 8" will not be withheld. This issue has been going on since February of last year (2020) and members are tired of dealing with it, and it is preventing us from moving forward. Director Schmelz believes that if the Board can assure the members through this motion that those properties will be maintained to the 8" standard which the members that are signing the agreements are agreeing to that a lot of the rancor will go away. Director Eldred asked Manager Hedges if these areas were going to be mowed to the 8" standard. Manager Hedges agreed that they will be kept up to the 8" standard. Motion Fails with a 4 - 2 vote.
- Director Cowin stated that her input is a response to members input that have been requested by numerous members of the community. Property survey of Broadmoor Park; a property survey of Broadmoor Park and would much to costly to do so. Surveying of the properties that back up to Broadmoor Park that are in question, it would make better sense to use the survey of those adjoining areas. As far as first-class mowing is concerned for the different types of properties, it is stated in the Deed Restrictions for lawns to be held to an 8" standard. Regarding the maintenance of the canals, the RWA maintains the canals to keep them nice for the betterment of the community. Director Cowin continued to answer the questions that have been repeatedly brought to the Board in previous meetings.
- Director Eldred reports no input.

- Director Shaw encourages everyone to read the Broadmoor Park Frequently Asked Questions that were released to the members during today's meeting and feels that it will answer a lot of the questions that you have and reassure you regarding some of the fears that you have as well. Director Shaw also mentioned the comments from members stating that there should have been a meeting regarding this agreement, and that there was an extensive meeting held and everyone could speak. For those members that feel they were left out, they were not, the workshop arranged by the RWA was set up for members to have the opportunity to speak.
- President Aho addressed the comment that because she herself or any of the Directors may live in the earlier developed sections of Rotonda West Community does not mean that they care any less about the Community as a whole and are less likely to support all the sections that make up our Rotonda West Community.
- Director Besase reaffirms the questions of the members and the input from the Board.

ADJOURNMENT

Meeting adjourned at 3:56 pm.

Next Board Meeting: 22 April 2021, 2 PM

Respectfully Submitted,
Annette Casteel,
Minutes Clerk/Admin. Assistant

Attachments:

Agenda
Minutes
Reports