



RIVIERA DUNES MASTER ASSOCIATION INC.

Property Manager-Castle Group 6311 Atrium Drive, Suite 209 Lakewood Ranch, FL 34202

Board of Directors Meeting Minutes

Wednesday, August 23, 2021 @ 11:30AM

OPEN - Go To Webinar

Call to Order by Chairperson: The meeting was called to order at 11:35a.m. by Deborah Sperry, Board President.

Certifying a Quorum: Deborah Sperry, Saul Fineman, Shay Hawkinberry, Gary Schuster, Drew Denick, Ken Johnson, and Rob Hartwell were present establishing quorum. Megan Heins from Castle Group was also present.

Proof of Notice: The meeting notice was posted onsite in accordance with Florida Statue 720.

Approval of Meeting Minutes: June 23, 2021

Drew Denick made a motion to approve the June 23rd, 2021 meeting minutes. Seconded by Gary Schuster. All were in favor. *Motion passes.*

Reports of Officers & Committee

a) President's Report- Deborah Sperry deferred the President's report at this time and will provide an update at the next meeting.

b) Director Replacement- Deborah Sperry reported that Rob Hartwell has relocated to Virginia to live. Art Mombert as agreed to finish out the term as both the Director and the Delegate. Drew Denick has volunteered to do the Treasurer position as well as serving as the Vice President. Deborah Sperry thanked Rob Hartwell for his service. Drew Denick motioned to approve Art Mombert as the Hammock Director replacement for Rob Hartwell. Saul Fineman seconded. All were in favor. *Motion Passes.* Deborah Sperry made a motion for Drew Denick as Board Treasurer in addition to Vice President. Ken Johnson seconded. All were in favor. *Motion Passes.*

c) Treasurer report-Drew Denick reported that the financials for June looked appropriate at this time. Deborah Sperry reported that the Hammocks Assessment was outstanding. Art Mombert stated that this has been processed. Deborah Sperry reported the operating account shows a negative balance of \$9,912.00. The Reserve



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account is \$443,963.96 as of June 30th, 2021. The July financials are coming out shortly and will be sent to the entire Board.

d) ARC Committee- The ARC committee met the beginning of June to revise the guidelines. The proposed June 10th, 2021, guidelines were posted on the Riviera Dunes website as well as Megan Heins mailed them out to all Associations on June 28th, 2021. There have been no issues brought to the Board's attention. Art Mombert made a motion to accept the revised June 10th, 2021, revised ARC guidelines. Seconded by Drew Denick. All were in favor except Shay Hawkinberry. *Motion Passes*. Deborah Sperry thanked the Architectural Review Committee and all the outside volunteers as well that served on the ARC.

e) Legal Liability Committee-

- Recall-Deborah Sperry reported that after the May 2021 Annual Meeting and election, the Board survived 2 written Board recalls. After 2 months on July 26th, 2021, there was an arbitration win of Final Order of Default. Tallahassee made the final order of default. Shay Hawkinberry failed to enter the final order by the deadline July 20th, 2021. The Tallahassee's Arbitrator has reviewed the factual allegations of the petition and has declined to certify the recall. Saul Fineman, Deborah Sperry, Ken Johnson, and Gary Schuster are official Board members. There are estimated legal fees in the amount of \$9,243.39. On August 2nd, 2021, the Association filed a motion for the attorney's fee and costs to be recovered and the arbitrator, Keith Hope, denied the request on August 11th, 2021. The attorney's fees and costs are not recoverable in these types of cases. The Master Association will be responsible for the fees. The Association can file an appeal with the state court but at this time our legal counsel does not recommend that we do so given that the state court is not going to overturn the division arbitrator on an issue like this.
- Marina Lawsuit- On May 21st, 2021, the Marina filed a lawsuit against the Master Association on June 16th, 2021. The Master Association filed a motion to dismiss the Marina lawsuit based on the fact that the Marina failed to comply with the statutory pursuit mediation requirement



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prescribed by FSA 720.311 and has never received permission from Marina owners via an Association vote for the initial lawsuit or the mediation. On June 18th, the Marina did file to refer to mediation. As of August 5th, 2021, a hearing was held regarding the Marina Lawsuit motion for mediation. Judge Charles Sniffen ruled a motion to refer to mediation. Steve Mezer, the Marina attorney, and Joseph Riopelle, the Master attorney, were both present. The ruling from the judge was that both sides will mediate and have 10 days to agree to a day for mediation to be scheduled within the next 90 days. The official date is October 18th, 2021.

- Legal Expenses To Date 2021:

- Karen Maller, Association Attorney: \$36,257.00.

The below categories are estimated expenses based on the invoice details.

- \$13,470.00 spent on 8th amendment
 - \$2,002.00 spent on Marina Lawsuit
 - \$8,596.00 spent on Apartment-Developer & Road Issues
 - \$2,595.00 spent on Castle transition
 - \$9,000.00 spent on recall

- Refund from Barnes and Walker, \$730.00.

Discussion: Shay Hawkinberry requested copies of the invoices to be given to the Board from each of the law firms to see what was included in those amounts. Deborah Sperry will provide all the Legal invoices for Legal 2021 to be put on the website under Finance / Legal for all to have access.

f) Castle Management Transition items

1. Review & consider proposed Resolution-Uniform Policy for the Payment & Collection of Assessments.

Deborah Sperry reported that the Association has not had a collection policy in place and that it was recommended by Castle that this be adopted. Saul Fineman made a motion to accept the Uniform Policy for the Payment & Collection of Assessments. Seconded by Art Mombert. All were in favor.

Motion Passes.



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2. Review & consider adoption of proposed Records & Request Policy

Saul Fineman made a motion to accept the Records & Request Policy. Drew Denick seconded. All were in favor except Shay Hawkinberry voting no.

Motion Passes.

3. Duncan Seawall Letter

Deborah Sperry reported that Duncan Seawall has agreed to remove the barges from the harbor basin within 1 business day following completion of work. If they do not abide, they have agreed to pay a mooring fee of \$250 each day. The agreement was signed and dated August 8th, 2021. Drew Denick made a motion to accept the letter to agree to the terms and conditions within the letter. Deborah Sperry seconded. Discussion: Shay Hawkinberry recommended the Dock Committee develop a policy to be inclusive of all vendors not just Duncan Seawall. All were in favor. ***Motion Passes.***

4. Signs

Megan Heins had reported that she obtained 3 proposals to get 4 new Association Signs. She recommended the Board go with Signarama for \$380.92. Drew Denick made a motion to approve the Signarama proposal for \$380.92. Deborah seconded. All were in favor. ***Motion Passes.***

Unfinished Business

- a) Budget workshop date- 9.29.2021
This will be set up virtually at 5PM
- b) Budget BOD approval date- 10.20.2021
- c) Annual Meeting date- 3.30.2022
- d) Epoch apartment development update
There was a meeting on August 2nd, 2021, and this meeting was continued to September 27th, 2021.

New Business

Drew Denick reported Gilchrist Landscape is not interested in providing services to the Association anymore due to a payment lapse from Argus to Castle. Megan Heins will get proposals for the Board to consider for the monuments.



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Owner Comments:

1. Valerie Biebuyck- Regarding the upcoming budget workshop, would like a better understanding of the reserve expenses for the Master Association and whether the \$433,963.00 in the reserve account is adequate to cover any anticipated upcoming expenses. Deborah Sperry will work with Castle Management on getting quotes for a Reserve Study. Castle Group's transition team will be helping prepare the first budget. There has not been a recent Reserve Study. The Association meets the standards of FS 720 to not have to have one.
2. Ken Johnson- The Marina Lawsuit- The Association needs to ensure they have an accurate number for money spent regarding the lawsuit to see if there can be any funds recovered.

Adjournment

With no further business the meeting adjourned at 12:27 P.M. Motion made by Gary Schuster. Seconded by Ken Johnson. All were in favor. *Motion passes.*