

**AVERY PARK HOMEOWNER'S ASSOCIATION**  
**ANNUAL MEETING MINUTES**

Saturday, June 10, 2023

Foundry Church

1491 E. State Road 434, Winter Springs, FL 32708

**ATTENDANCE**

**Board of Directors:**

- Danny Kavanaugh, Josh Hogan, Michele Marino

**Top Notch:**

- Marilyn Vance, Gasner Guerrier, Ashley Roghelia

**Homeowners:**

Jean Versino	Robert & Connie Link
Kristin Hogan	Garrett Chapman
Carlos Latorre	John & Melanie Iriye
Nancy & Cleve O' Neal	William Prendergast
JD Thoms	Bill & Linda Files
Debra McCloskey	John Thomson
Scott Meister	Maria Sadison
Bev Brown	Kelly & Chad Thomas
Linda Timmons	Hakan Guvenc
Dawn Tinder	Ralph & Debbie Waterhouse
Brett Galloway	Justin Nescott
Lou Eyer mann	Bruno Mangiarelli
Tim McGraw	Stephen & Jeannette Sanger
Mary Jo Klausing	Cvijeta Markovic
Ed & Kari Maggard	Bruno Mangiarelli
Jean Versino	Cheryl Winter
Greta Olsen	John & Kathleen Tracy
Mark & Amy Erickson	

**ELECTION COMMITTEE**

Ralph Waterhouse, Mary Jo Klausing & Debbie Waterhouse supervised and conducted the vote count.

Jean Versino collected attendee signatures and on behalf of the Acting Secretary collected proxies and provided them to the elections committee.

**QUORUM**

Danny Kavanaugh established a quorum was represented (49 in person/6 represented by proxy).

**MEETING CALLED TO ORDER**

Upon establishing a quorum Vice-President, Danny Kavanaugh called the meeting to order at 10:10 AM. Counting of votes commenced.

## **OPEN DISCUSSION**

During the verification and calculation of votes the floor was opened for questions and discussion.

- Bill Files (310 Balfour)) requested the board and Top Notch Management introduce themselves for homeowners attending their first meeting. Introductions followed.
- Lou Eyermann (200 Burgess) asked the community to consider the following seven items moving forward with the new board.
  1. The board members after being elected attend certification training.
  2. Consider a new management company
  3. Obtain an insurance policy for at least \$5M
  4. HOA Board hire an attorney
  5. Immediate fix the drainage issues plaguing the community
  6. Ensure funds are managed properly since previous management company did not properly manage funds
  7. Decide if the community would be better served as part of the Winter Springs Town Center

Additional comments the new board needs to take 30 days to establish a plan, and take action on the plan within 30 days.

Commented on some owners discussing bringing a lawsuit against the HOA. If this occurs it could impact marketability of homes.

Questioned how the funds were distributed from a bank foreclosure on a home (years ago) which was the result from non-payment of HOA dues?

Mary Jo Klausing supported by Ed Maggard stated much of the funds were used to make repairs to the home, maintain it and pay fees and other expenses associated with the foreclose. Other funds were distributed to the general fund.

- John Iriye (303 Balfour) attempted to explain the process of HOA recouping funds following a bank foreclosure.
- Dawn Tinder (126 Avery Lake) stated as a realtor selling in Avery Park all our homes were very marketable however disclosures on street and road drain issues should be disclosed the seller statements on the home.
- Scott Meister (116 Avery Lake) volunteered for the Grounds committee
- John Tracy (427 Park Lake) defended previous boards who had served following negative comments on lack of action by boards stating that as a previous board member everyone does the best they can as a volunteer. That we need to leave the past in the past and look towards the future.
- Debra McCloskey (110 Avery Lake) commented on the board should seek competitive bids on all work and contracts and not just automatically renew a contract with a vendor. Michele Marino responded that a minimum of 3 bids are requested on any work needed that is not already under contract and when contracts are expiring additional bids are requested. The selection of vendors is made based on price, reputation, working relationships, and reliability of vendor.
- Question was asked if we have law firm representing the HOA. Danny Kavanaugh responded the HOA has a retainer with Kaye-Bender and Rembaum.

- Josh Hogan, Treasurer explained the process of moving funds around from various accounts to make repairs to storm drains. The HOA has requested guidance from legal counsel on using various funds to offset the cost the storm drain repairs.
- Mark Erickson (217 Burgess) raised the question of how the By-laws address the term of office for newly elected members.
  - Section 5.3 states: "Just prior to each Annual Meeting thereafter, a new member of the Board shall be elected to fill vacancies created by the death, resignation, removal, judicial adjudication of mental incompetence or expiration of the terms of past members of the Board, and the term of each member of the board shall be two (2) years."
  - As this was not a function of filling a vacancy by appointment the argument was made for all elected on this day to serve a two (2) year terms. Danny Kavanaugh, Mark Erickson and John Iriye reviewed the By-law section and concluded the language was not definitive and awarding two (2) year terms to those elected would not interfere with the staggered terms requirement.

**ELECTION RESULTS**

A total of 70 votes including 27 proxies were counted. The following three (3) candidates were successful and will commence Board of Directors duties immediately and serve two (2) year terms, as determined following the discussion of Section 5.3 of the By-laws. Current Board members Joshua Hogan and Michele Marino will serve one (1) year terms meeting the staggered terms requirements.

Tony Dossett (202 Burgess) - 56 votes  
 Mark Erickson (217 Burgess) - 53 votes  
 JD Thoms (108 Avery Lake) - 46 votes

Other results included:

- o Ed Maggard - 27 votes
- o Harry Timmons - 23 votes
- o Phil Karr - 2 votes

Write-in candidates included:

- o Bruno Mangiarelli
- o Justin Nescott
- o Tom Coradetti
- o Debbie McCloskey
- o Christina Higley

**NEXT BOARD MEETING** June 19, 2023, 7:00pm, at the Wedgewood Tennis Villas.

**ADJOURNMENT** With no further business, a motion to adjourn the meeting was made at 11:10 AM by Danny Kavanaugh, seconded by Michele Marino. Meeting adjourned.

Note: The newly elected board members met briefly to identify positions on the board and discuss transition with Top Notch Management.

Respectfully Submitted,

Michele Marino, Acting Secretary