

**LAKE MOOVALYA KEYS II**  
**Board of Directors Meeting**

**APRIL 20, 2015**  
**Robert Gory Realty**

**CALL TO ORDER**

President Stefanie Hartnell called the meeting to order at 5:31 p.m.

**PRESENT** Stefanie Hartnell, Robert Gory & Chuck Baker  
John Mihelich (6:05 p.m.)

**ABSENT** Todd Cramer

**OTHERS PRESENT** *Recording Secretary:* Sue Thomson  
*Guests:* Kit Furnell (62), Gary Svider (23/24), Cheryl Samuelson (12) & Betty Ockershausen (56)

***Beach*** - The hooks for tie offs have been replaced at the sea wall. There was discussion about whether or not the sand should be turned to freshen it up. Mike Dyer did not present a formal proposal but indicated through Ms. Thomson that it would cost about \$500. Since turning the sand would not remove any trash, cigarette butts, etc., the Board wasn't convinced that merely turning the sand would accomplish what is needed. No action was taken.

***Landscaping*** – Mr. Mihelich was to talk to Bill Berry and Otis about trimming the mesquite tree at the corner and the bougainvillea across the drive that is now partially obscuring the Keys II landmark sign. Since Mr Mihelich is not yet present, Ms. Thomson will follow up, and it was requested that we get separate bids from Otis on both projects then ask Mr. Berry if he wants to split the cost on the mesquite tree project.

***Annual Meeting Documents*** – Ms. Samuelson asked for an annual meeting agenda request regarding street maintenance. She said some owners would like to be educated by T&C Seal Coating on the various processes involved in keeping the streets properly maintained. For instance, why was only a crack fill done this past week, and why is there already re-crevassing occurring in some of the fills? Also, regarding potholes, what causes material to come up through the holes? Ms. Hartnell said the streets sometimes blister and the surface material flakes off. This happened a few years ago, and Mr. Gory said that occurred at Lots 30/31 and was due to watering issues which have since been resolved. Ms. Samuelson wondered how long it would be until we need a major overhaul of our streets. Mr. Baker said we had a 10-year plan at Keys I, and a major overhaul is very, very expensive, so to substantially delay that,

Keys I does preventative maintenance, and the roads have thus far held up very well. Mr. Baker said we could ask T&C for a similar 10-year plan for Keys II. It was decided that Ms. Thomson would ask T&C to either have a representative come to our annual meeting next month to explain the processes, or that they send us a letter of recommendation that we could present to the membership at that time. Ms. Thomson said that because *Street Maintenance* is already on the Annual Meeting Agenda, nothing further needs to be stated on the Agenda in that regard.

Ms. Thomson having previously distributed to the Board members the Annual Meeting documents for approval, *Mr. Baker moved to approve the 2014 financials, 2015 Budget, Notice, Agenda and Ballot. Ms. Hartnell seconded the motion and the motion carried unanimously.* Ms. Thomson said she would distribute the Annual Meeting documents to homeowners in the next day or two

*[Mr. Svider, via telephone message to Ms. Thomson later in the evening, asked that he be put on the ballot.]*

***Trespassers on the Beach*** – Lou Ann Miller previously reported noticing trespassers on the beach. No details were provided, but when someone went to check out the situation, the people were no longer on the beach. Ms. Hartnell reminded everyone to keep the gate locked and just keep an eye out for unauthorized persons on the beach.

***CC&R's*** – Ms. Samuelson, who earlier in the day presented a cover letter and a three-page document outlining dozens of proposed changes by a group of homeowners opposed to the draft CC&R's, stated that her letter was carefully prepared, and while presented in earnest, she and the group feel strongly about the requested changes. Ms. Hartnell said she would be willing to sit down with the group and look at each request item, one by one. Ms. Hartnell concurred that there are things in sections 11 and 12 that should be changed, and there should be no charge for the Board reviewing and approving building plans.

Mr. Gory said proposed changes would have to go out to everyone for a vote, and Ms. Samuelson said one of the group's requested changes is keeping the homeowner approval rate for making any changes at 75% versus changing it to 2/3 as is stated in the draft CC&R's. Mr. Mihelich said we would still need a legal review to see if a re-draft complies with current laws. Ms. Samuelson presented a simplified CC&R's copy from a Tucson HOA, noting that the format of the document is much shorter and easier to read.

Mr. Gory said it would be expensive to have Mr. Churchill review the opposition group's proposal, compare it with the existing draft then render his opinion on it. We need to be transparent with all homeowners, so that gets very expensive. Mr. Baker said you're never going to get everyone to agree, that there's got to be a matter of trust in what legal counsel presents and that common sense will be practiced. Mr. Baker said someone will eventually do something that the HOA can't stop if we don't have an effective set of guidelines.

Ms. Ockershausen said we need to compare the proposal with the existing draft. Mr. Mihelich said he and Mr. Cramer and Mr. Churchill spent several hundred hours getting the existing version out for a vote, and it will take another 100-200 hours to get to the point of being able to send out a re-draft. He also said the same 20 people who didn't want to vote before will still not want vote on a re-draft. Ms. Samuelson said we should then send them something more readable. Mr. Gory said if you don't know all the statutes, it will be difficult to get a simple legal document. Ms. Samuelson said she believed some of the legal terminology of the current draft is not essential, and she would prefer our having a real estate attorney handle this matter. Mr. Gory pointed out that Mr. Churchill has experience in preparing CC&R's for other associations, and that our area has canals and waterways, and Mr. Churchill is qualified to address our unique needs.

Mr. Baker suggested Ms. Samuelson get a small group together to meet with Mr. Churchill so he can explain to them why the document is written the way it is. Mr. Baker said when the Keys I CC&R's were being re-done, they had several meetings with Mr. Churchill before getting the new document approved. Mr. Mihelich said there are a lot of tough issues in the proposed changes, and he said someone who is articulate should be talking to Mr. Churchill, but he warned that Mr. Churchill is not going to agree to many of the proposed changes. He said Mr. Churchill convinced him and Mr. Cramer that he was doing the best he could for our neighborhood and that he acknowledged that this is not a simple campaign. Mr. Gory said the opposition list has gotten longer, with some of the items being personal issues. He said there are items not spelled out in the existing draft because the law takes care of those issues.

Mr. Mihelich said Ms. Samuelson needs Mr. Cramer on her committee and that we could expect to spend \$10,000 to \$15,000 in additional legal expense, and we would still have a document that won't pass. Mr. Gory said the minority is holding up the majority. Mr. Baker said many of the yes votes didn't completely read the document, but they had enough confidence in it to give their approval.

There was a discussion about who recanted their votes and how many just didn't vote at all. Mr. Svider said we would need a whole new recount, as last year's votes are now dead. Mr. Mihelich said the thousands of dollars that would need to be spent, on top of the approximate \$5,000 already spent on the existing draft, would still not produce a positive outcome and we'd be better off doing nothing. Ms. Samuelson said, *perfect that would be much simpler.*

**Future Meeting Date** - The next regular meeting date after the Annual Meeting is July 20.

**Adjournment** - The meeting adjourned at 6:46 p.m.

Submitted by Sue Thomson  
Recording Secretary