

THE RIVERVIEW ASSOCIATION, INC.
BOARD MEETING # 7
Zoom
September 9, 2020 9:30am

Attendees: President, Andy Buschbom
Vice President, Brian Casey
Secretary/Treasurer, Geri Kenyon
Directors: Eugene Begley, Griff Griffiths, Dilip Kondepudi
Absent: Ken Altergott
Property Manager, Liz Andricks
Members: Hart, McSweeney, Zajackowski, Hershfield, McGowan

Proof of Notice of Meeting: Proof of Notice was posted 48 hours before the meeting and emailed September 7, 2020.

Quorum: Six board members present. Andy Buschbom welcomed and thanked all for attending and called meeting to order 9:45am.

Approval of Minutes: Motioned by Griff, 2nd by Brian to approve August 4, 2020 board minutes as distributed, all in favor with 6 votes **Motion Carried.**

Financial Report: Liz read financial report as distributed. All owners are current in assessments, largest expense was the insurance of \$27,209.50 & special assessment expense for the pipe relining of all bath stacks \$31,983.50 both items were budgeted.

Geri asked about the letter going to owners from Sabal Palm bank. The bank's 3rd party lockbox provider software was compromised, and some owner checks may have been viewed on the front. The bank will be sending those owners, who may have been affected, notice with information and a number to call if have any questions. Motion by Geri, 2nd by Griff to approve July 31, 2020 financials with 6 votes **Motion Carried.**

Committee Reports:

- **Proposed Annual Meeting Date:** Liz proposed, based on past meetings, the 2020 Annual Owner Meeting be held Saturday, January 16, 2021 at 1:30pm in the Riverview lobby. Motion by Brian, 2nd by Geri with 6 votes **Motion Carried.**
- **Electronic Voting with Becker:** Liz explained, as part of Becker questionnaire in preparation for the Annual Meeting, there is a question regarding electronic voting. If the Board wants to move forward with electronic voting, the Board must adopt a resolution to allow electronic voting. Kevin Edwards, the association attorney, will prepare the resolution and consent forms along with an informational cover letter. The cost is 2 hours of attorney time to prepare at \$350.00 per hour. The electronic voting cost is a flat fee of \$350.00. Motion by Brian, 2nd by Dilip to adopt the resolutions for electronic voting. Yes- Brian, Geri, Andy, Dilip & Eugene, No - Griff **Motion Carried.**

- **Budget Committee Meeting & Date:** Andy and Geri will be on the budget committee and have asked Liz to send out a notice for volunteers for this committee. Once they have 3 or 4 members a meeting date will be set to review budget.
- **Reserve Funding:** Several funding items were discussed including the elevator & parking areas. Eugene looked up the bids obtained last year for paving and they were between 30 & 40K. Andy will be in town this next week to help with the pipe replacement in Stacks 3&4 and will get with Geri to see where the parking lot needs attention. He will call the paving vendors to have a look. Liz reported we are meeting with Otis contractor for the modernization bid for the elevator.
- **Truck Parking Issue:** Andy invited Geri to open the discussion on the truck parking issue. Geri explained she has a contract to sell unit 106 with a clause allowing a small Honda pickup truck to park on the property overnight. Potential owners have asked Geri to plead their case. Eugene said allowing an exemption for this buyer would not look good since the board was asked for a truck exemption May 8, 2020 board meeting for a current owner and it was voted down 4 to 3. That a truck parking rule change is needed was voted on and approved at that same board meeting to be put on the ballot for voting by owners at 2020 Annual Owner Meeting. Griff said the bylaw committee should also discuss specify number of vehicles, Geri said there is a van that never moves for weeks & months at a time. Andy said we need to clarify bylaws to enforce rules we have. After discussion Motion by Eugene, 2nd by Brian to provide a temporary waiver allowing all truck parking over night until annual meeting vote in January Yes- Eugene, Dilip, Brian, Geri, Andy, No- Griff **Motion Carried.** Brian reminded everyone if the truck rule is voted down in January the board will rescind the temporary waiver. Andy will write a letter for the prospective buyers explaining the board decision.
- **Update Bylaws & Rules Committee:** Brian gave background info and described the current problems with bylaws. The committee's approach will be to first focus on owner voting on two main issues prior to the Annual meeting.
 1. **Amending our voting requirements to state approval of “75% of those owners who actually vote” rather than “75% of the voter interests”.** The Declaration currently requires 75% of the “Voting Interests” . The committee recommends changing the requirement to 75% of the “Voters”. There will still have a quorum required of **51%** voting members to be present or by proxy at a properly noticed meeting to be an official meeting. As each unit has one voting interest, the 51% of 47 voting interests is 24 owners necessary to have the meeting where voting is held.
 2. **Making the Riverview an entirely smoke free property.** Riverview is currently a nonsmoking building and property in common access areas. Recently we had problems with smoke from units entering other units and common areas. It has proven to be exceedingly difficult and expensive to contain the smoke within the smoker's unit and prevent traveling into other areas.

We have identified less than four smokers in the building. We propose to make all parts of the building and surrounding property nonsmoking. We propose adding vaping, nonlegal Marijuana and other sources of smoke to the list of prohibited products. Visitors, workmen and renters will also be under this rule. Fines will be implemented to enforce total nonsmoking on Riverview property. There will be no grandfathering of existing smokers.

We need to focus on making sure everyone knows issues and concerns/questions are heard. Griff said there are people here who do not like the feeling that they have to vote or being told what they can and can't do in their personal residence.

Charles Zajackowski explained that there is a difference between a quorum and vote. The quorum is the minimum amount of people to have a valid meeting. The vote will still have to be 75% of the owners voting by proxy or in person. Therefore, a minimum of 35 owners, the required quorum, would have to attend the meeting either in person or proxy.

Committee's Next Steps - Informing Owners:

- A detailed information packet is needed to inform the owners of the issues.
- A video conference is needed to present information to all owners and answer questions.
- For those without internet, an in-person meeting needs to be scheduled (with social distancing).
- Legal input is needed regarding wording of the two proposed amendments.
- Voting procedures need to be established.
- The official vote needs to be held and tallied.

Additional identified problems to be addressed:

- Parking lot issues: fining, trucks, permits
- Emotional Support Animal policy is out of date
- No hurricane evacuation position stated
- Clarification of fines and penalties
- Rules for rejection of ownership and lease applicants
- Rules for leases clarified in the Declaration
- The Board's ability to update the Regulations
- No requirement for owners to have insurance coverage
- Noise mitigation: antiquated carpet requirement in units

(Subsequently changed to focus only on voting requirements during committee meeting September 11, 2020)

Owner Comments:

- **Jill Hershfield**, being on the bylaw committee, she inquired with local communities around us to see what they are doing about the two main by-law issues we have.
 - River Oaks has amended their declaration to require 60% of those who voted to approve a change Smoking is being reviewed.
 - Waterfront has kept their declaration to require 75% of those who voted. Smoking does not seem to be an issue,
 - Both communities allow pets.

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- **Charles Zajackowski** asked if we can legally stop people from doing things in their unit?
- **Andy** said being in a shared community we have authority to implement no smoking. We may get push back from smokers in the building.
- **Geri**- Owners have a right to enjoy air. Smokers have no rights, Secondhand smoke is bad for health.
- **Griff**: Owners have rights in their own unit.
- **Jill**- Nowhere is there a statute that you have a right to smoke.
- **Fred**- is hearing a lot of situations that need to change. 75% of voting interest is not working. We need to have something fair. When you really delve into it, we need to make it a fair system for everyone. So, we can pass amendments that we really need to get updated. Everything will be run by the association's attorney to make sure it is legal.
- **Christe**- 2 comments.
 1. She is not a smoker but agrees that a person should be able to smoke in their own unit. Also, since medical marijuana is legal in the state of Florida if someone carries a medical card it may be legal for them to smoke.
 2. In reference to the van parked out front it does move and she has seen it moved more that what was said earlier.

There being no further business before the board Motion by Griff 2nd by Eugene to adjourn. all in favor **Motion Carried. Meeting closed at 11:14am.**