



## **Bella Vista Condominium, Inc.**

**2515 S. Atlantic Avenue  
Daytona Beach Shores, FL 32118**

**BELLA  
VISTA**

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### **Board of Directors Meeting**

**Date: Saturday, February 5, 2022 Time: 10 a.m (EST)**

**Location: Club Room, 2515 S. Atlantic Ave., Daytona Beach Shores, FL**

**Attendance via Zoom will be available for all Association Members\***

### **AGENDA**

- I. Call to Order
- II. Calling of Roll
- III. Proof of meeting notice
- IV. Reading/Approval of previous minutes
- V. Introduction of Dan Webster, Association attorney
- VI. Review meeting "Rules of Engagement" for in person and Zoom participation\*\*
- VII. Update on building/maintenance improvements
- VIII. Update on Building & Grounds Committee Charter
- IX. Discuss additional committees e.g. Christmas Décor, Landscape improvements, etc.
- X. Open discussion as time allows
- XI. Adjournment at 11:00 a.m. EST (Special Membership Meeting to follow)

### **Special Membership Meeting @ 11:10 a.m.**

#### **AGENDA**

- I. Call to Order
- II. Roll Call
- III. Proof of meeting notice
- IV. Reiteration of rules of engagement
- V. Address "Bella Vista Working Group" communications
  - a. Emails, certified mailings, and information requests
  - b. Board Performance
  - c. Transparency
  - d. Manner of working
- VI. Open discussion as time allows
- VII. Adjournment

\*A Zoom invitation will be sent via email to association members approximately 24 hours prior to start of meeting. The email will be sent to the email addresses provided by owners for all official Bella Vista communications.

\*\*In order to provide each member the opportunity to speak, we kindly request a three (3) minute limit per member per topic. We sincerely appreciate your understanding and cooperation.

## Bella Vista BOD Meeting 2/5/22 Minutes

Meeting called to order at 10:00am by Michael Pulong, president. Immediately Paul Tibiri interjected stating Point of Order and quoting multiple Florida Statutes and Bylaws. Mr. Tibiri accused the board of multiple infractions, illegal acts, and requested each of the members' resignation. Mr. Tibiri stated Mr. Pulong is not the President of the association as he was illegally appointed by the board and no minutes from any meeting regarding the appointment exist. Dorothy Retzke spoke that the board has an obligation to appoint a board member after the resignation of Joanne Randall and stated it is allowed Florida statutes by a vote of remaining board members. The association attorney was introduced and stated the remaining board members can appoint a board member and suggested the board, at this meeting, ratify the decision to appoint Mr. Pulong as president. Mrs. Retzke attempted to call the meeting to order, requested roll call, each board member, Joni Zindell, Amy Watts, James Aten, and Dorothy Retzke stated their names. Mrs. Retzke made a motion to ratify Mr. Pulong as president. Mr. Tibiri asked Mrs. Retzke her position on the board, to which she answered secretary and Mr. Tibiri stated only when the president or vice president are not present should the secretary preside over the meeting. Dan Webster, association attorney stated Roberts Rules of Order and asked Mr. Tibiri to stop interrupting the meeting. Joni Zindell called the meeting to order and made a motion to ratify Mr. Pulong as president, the motion was second and carried unanimously. Mr. Pulong continued the meeting as president by introducing Mr. Webster as the association attorney and explained he was there due to many inquiries by a group of individuals and the board wanted to ensure it was acting in accordance with Florida law. Mr. Tibiri stated the board has not properly run meetings by allowing Mr. Aten to run the November meeting and that meetings have been held without knowledge to the association. He again stated the board was not following the law. It was reiterated the lawyer was present to aid in following the law. Mr. Tibiri stated the board should know the law and follow the letter of the law and asking what it is the board does not understand regarding following the law. Multiple interruptions followed until Mr. Pulong gained control and moved on to approving prior meeting minutes. A motion was made to approve the minutes, it was second and carried unanimously.

Michael moved to the next agenda item and discussed regular maintenance, current projects of cleaning, painting, fountain lights, exterior lights, and fountain tile work. Next Mr. Pulong moved onto the Building and Grounds committee and their charter. Mr. Mark Kleckner was present via Zoom and introduced himself and his co-committee members, Dave Quint, Suzanne Mino, Bruce Bressler, and Ed Walker. Mr. Kleckner stated they met in January and drafted a charter with the main focus to review, evaluate, and make suggestions to the BOD. There is a form on the Bella Vista website and a form available at the meeting to fill out. The committee will reach out to ownership about common areas, remodeling, and the club room. The Building and Grounds committee plans to hold monthly walks of the building to address areas of concern. Mrs. Furlong asked if the committee should be approached about everything and it

was stated that Wes can be told of daily issues, but the form can be used and larger issues should be made on the suggestion form if possible. Mr. Pilon explained it will be advisory, not decision making. The committee was called into question as not being a committee because a meeting was not properly held to create it. A motion was made by Mrs. Retzke to create a Building and Grounds committee, named the members, and the motion was second and carried unanimously.

Next order of business was the discussion of other committees and Andy Krieger asked why his wife, Nicole, was not appointed to the Rental Committee and why more people were not selected. Mrs. Retzke explained the committee was 3 people, when Michael was appointed to the board, one vacancy on the rental committee existed. Chris Tibiri asked why more people cannot be added. Discussion followed and a motion was made to allow five members on the rental committee to keep committees with the same number of persons. The motion was second and carried unanimously. Mrs. Retzke also stated seven owners requested to be part of the Building and Grounds committee and only two were not selected because of one being on another committee and one being a family member of a Board member. She stated not allowing a family member is to avoid the perception of conflict of interest and anyone already on a committee should not be appointed to another committee to allow as many owners as possible the opportunity to serve.

David Doring stated issues with parking and Mr. Pilon stated it can become part of the rental committee charter. It was reiterated by Mr. Webster that committees are an advisory to the board. Parking passes and the enforcement of parking passes and parking in owner spaces continued. Suzanne Mino stated her parking space had someone else in it and was told to park elsewhere. The person in her space was eventually found, notified and moved. Towing cars was discussed. Mrs. Mino asked about parking spaces and storage units. Mrs. Kostner asked about golf carts in orange spaces. The orange spaces in the lower garage were discussed as first come first serve and they are not deeded to anyone. Looking into the rules of golf carts was discussed. Parking spaces and inconsistency of deeds was discussed. Mrs. Retzke stated the developer, Doug Cook, double deeded some spaces and it was not known until units were sold and the errors were discovered. Mr. Webster suggested everyone check their closing documents and deeds and verify the information. Sharon Clark asked if association spaces are for sale and Mrs. Retzke stated this has been discussed and there is no fair way to sell them. Storage lockers were discussed and Mrs. Retzke stated Doug did not have enough and the 08 stack, 01 stack and 10 stack were not given storage, but over time they were built and some owners, including herself had cages built a few years ago. Mrs. Mino stated Mrs. Retzke purchased two parking spaces and Mrs. Retzke explained that one was from the developer and the other was a space she does not own, it was a temporary purchase from her uncle which went back to the owner of 406 when the unit was sold. Owners not parking in their deeded space ensued and continued. Mrs. Doring stated the bottom line is bylaws and rules are not followed or enforced such as owners parking in their deeded space, glass at pool, and kids at pool running. Mr. Pilon stated if something is seen to bring it to the attention of Wes or a

board member, or politely speak to the person. We cannot police everyone, but owners should be able to speak to other owners and reiterate rules. Mr. Tibiri stated the board should follow bylaws and enforce the rules. Mr. Piling stated the formation of other committees would come in the future such as Christmas decorating, landscape, and common area decorating.

Unit entry doors were the next topic of discussion and the inability of the Board to find a company to install doors. Mrs. Jo Shuler stated she has a new door. Mrs. Retzke explained the company who installed her door would not do any other doors after that test door. They would not return phone calls. Other companies that the board tried did the same, not call or come back after a test door was installed. Mr. Clark stated the issue is with door size and he cannot find a door that fits. The meeting was running over allotted time and Mr. Piling called for adjournment at 11:38am. The motion was second and carried unanimously. An announcement was made there will be a 15 minute break and the Special Meeting will be called to order.

Special Meeting of the Board of Directors was called to order by Michael Piling at 11:51 am. Mr. Piling stated the meeting was called due to signatures of twelve unit owners requesting a meeting. Mr. Piling stated they requested 15 minutes of uninterrupted speaking time. Mr. Piling handed the floor to Mr. Paul Tibiri who stated the petition is due to rules not being followed and it was avoidable if a special committee was appointed as discussed at the November meeting. He stated the aim of the petition is for owner input and to have a properly functioning board that follows the law and does not dictate information to the association. He stated the board lacks transparency and failed their responsibilities to owners. Mr. Tibiri read emails in their entirety from Mrs. Retzke to the board regarding the appointment of a replacement for Joanne Randall. The emails were November 30<sup>th</sup>, December 1<sup>st</sup>, and December 2<sup>nd</sup> between board members and to the entire membership to announce Michael's appointment. Quoting Florida Statutes Mr. Tibiri stated this is association business without notice to the membership and not allowing members to speak to it so it is illegal action by the board. He continued by reading the December 8<sup>th</sup> email from the BOD regarding the Building and Grounds Committee. He stated this is not the independent committee the group petitioned for and that was agreed upon at the November meeting. He requested the emails be added to the minutes and stated it is about following the rule of law. He stated the meeting in November was illegal due to Mrs. Randall not being present thus Mrs. Zindell should have presided over the meeting, but it was run by James Aten. He stated the board members should all resign. When the 15 minutes were up, Mrs. Retzke stated the letter given to the then President, Joanne Randall, prior to the November meeting is available for all owners to read as copies are available. She read the objectives of surveying owners, conducting an independent analysis of owner's input, submitting finds to the BOD, and making all raw data available to owners and BOD. Mrs. Retzke stated that all of the objectives of the petition can be met with the independent Building and Grounds Committee as part of their charter and she stated she does not understand what he and the group want. The information requests were mentioned

and discussion followed on providing owner names, addresses, email addresses, and phone numbers. The law requires associations to provide unit number, names, addresses to any owner who requests them. The board was accused on not providing documents as requested and required. Mr. Piong stated all information was provided per the requests. Mr. Tibiri stated by law records need to be maintained and provided. Mr. Webster stated a list does not need to be compiled, but if it exists it will be shared with requesting members. Several owners asked what the records were wanted for and why they are requesting it. Several owners asked what they wish to accomplish and stated privacy matters. Mr. Tibiri stated the group wants the board to follow the rule of law and follow the rules. An owner stated Mr. Tibiri is bitter against the board and asked what he has against them followed by asking if they ever stole money or did anything to hurt the association. Mr. Tibiri reiterated the board should follow the law. Owner stated they are doing the best they can. He was asked if they are expected to be lawyers. Mrs. Flood asked Mr. Webster how long someone can serve and about an 8 year term limit. He was uncertain and Mrs. Retzke spoke that from 2018 on, a member can serve 8 years. Changes to the bylaws were mentioned of electing 2 members one year and 3 members the next. Mr. Tibiri was told to run for the board and he stated he does not want to run but wants the board to follow the law. It was stated Florida Statutes are 86 pages and they should be known and understood. Mrs. Zimba asked why is the group giving so much issue to the BOD and siding neighbor against neighbor and that everyone should work together. An owner who previously owned at Peninsula stated management missteps cost hundreds of thousands of dollars and purchased at Bella Vista due to hearing great things about our management and building. Mr. Furlong stated he does not understand the hatred. Another owner questioned Mr. Tibiri's survey results stating 11 owners gave the board an F and she found it odd that any other responses were outliers. She stated she has owned at Bella Vista for 8-9 years and loves the place. She stated this has tainted her feelings for this place. She said she wanted to educate herself and feels there is a spreading of false information. She thanked the board. Mr. Piong stated this is a place all should feel welcome and we should work together.

Mr. Doring stated he is a full time resident and we cannot go into a time machine but moving forward board members should not cast votes via email and all meetings should be open to all members. Any meetings where final decisions are made about expenditures and building maintenance should be known to all owners so they can approve or disapprove. It was stated board members cannot vote by email and meetings need to be held to vote and the law should be referenced if necessary. A webinar or Zoom can be used as long as notice is made and posted to owners if a vote is to take place.

A reminder to provide the association with proper and correct email addresses was mentioned and that is not the association responsibility to ask for the information. The owner should provide the information to Wes. Joni Zindell made a motion to adjourn the meeting at 1:07pm. It was second and carried unanimously.