

REGULAR MEETING OF THE
HOT SPRINGS VILLAGE
PROPERTY OWNERS' ASSOCIATION
BOARD OF DIRECTORS
9:00 A.M., NOVEMBER 19, 2008
OUACHITA BUILDING

A regular meeting of the Hot Springs Village Property Owners' Association Board of Directors was held 9:00 a.m., Wednesday, November 19, 2008 at the Ouachita Building.

Board members attending: President Bob Shoemaker, Vice President Mike Misch, Jeff Atkins, Dick Breckon, Paul Day, Teri Jackson and Bill Linam.

Attending from staff were: General Manager Dave Johnston, Treasurer Wayne Copeland, Asst. to the General Manager Linda Mayhood, Attorney Don Schnipper, Dir. of Public Safety Laroy Cornett, Dir. of Recreation Larry Koonse, Dir. of Planning & Inspections Steve White, Dir. of Golf John Paul, Dir. of Public Works David Whitlow, Communications Specialist Stacy Hoover and Secretary Suzette Tadlock.

Also attending were: Holly Daste, Village Voice and Jeff Smith, Sentinel Record.

Approximately 45 people were in the audience.

Call to Order: President Shoemaker called the meeting to order at 9:00 a.m.

Prayer/Pledge: Director Dick Breckon gave the prayer followed by the pledge of allegiance.

Guests: None

Order of Business: The order of business was approved as submitted.

Minutes/Notes: The minutes of October 15, 2008 regular meeting and November 5, 2008 work session were approved as submitted.

President's Comments: President Shoemaker expressed his appreciation for the great amount of time spent on the 2009 Budget by the Board of Directors, Recreation, Golf and Research and Special Projects Committees and staff. He commented on the deer hunt proposal on the agenda and stated today's issue before the board is not the final step in the approval of an urban deer hunt for Hot Springs Village.

Board Comments: V.P. Misch commented on the many things which we have to be thankful.

Gen. Mgr.'s Report: Dave Johnston gave the General Manager's Report (see written report attached). He advised the new speed signs have been installed on DeSoto Blvd., Ponce de Leon Drive and Balearic Rd. Mr. Johnston commented on annual fees coming in for 2009 and tee times forms. Discussion of the General Manager's Report followed.

Treasurer's Report: Wayne Copeland gave the Treasurer's Report (see written report attached). Discussion of the Treasurer's Report followed.

Standing Com. Reports: President Shoemaker called on standing committee representatives for their comments.

Minutes Recvd. & Filed: The following standing committee reports were received and filed: Golf 10-9-08; Common Property & Forest 11-3-08; Governmental Affairs 10-3-08; Lake & Water 11-12-08; Recreation 10-13-08; Public works 10-16-08; Research & Special Projects 10-27-08; Trails 10-14-08

Architectural Control Com. Minutes Received: 10-16-08; Nov. 6, 2008.

Questions: President Shoemaker called on questions from the audience. Bill Drayer, 7 Campeon Ct., commented on his opposition to a deer hunt in Hot Springs Village. He recommended feeding the deer birth control.

Susan O'Neal, Segovia Courts, asked about responsibility of exterior maintenance in town houses.

An unknown lady addressed the Board opposing the deer hunt. She recommended purchase of a whistle to avoid the deer from hitting cars.

Linda Brown, 33 Partusa, read facts about deer hunts and referred the Board to a website is <http://www.urbandeer.info/deermgmtoptions.html>.

Bob Breshear asked if the Villagers would have an opportunity to vote on the deer hunt.

2009 Board Election: V.P. Misch MOVED to approve the 2009 Board of Directors calendar and candidate application. Director Day SECONDED the motion. The motion was unanimously APPROVED.

Chp. 5, Art. 1, ACC Policy: Director Atkins MOVED to approve the revision to Chp. Five, Article 1 of the Architectural Control Policy. V.P. Misch SECONDED the motion. Discussion followed. The motion was unanimously APPROVED.

Deer Management Program: Director Breckon MOVED to approve the recommended Deer Management Program which includes an urban deer hunt for September 14 – 27, 2009. V.P. Misch SECONDED the motion. Discussion followed. The motion was unanimously APPROVED.

Break: The meeting was recessed for a break from 9:50 a.m. to 10:00 a.m.

HEARINGS: A break in the regular meeting was held at 10:00 a.m. in order to conduct hearings relative to boat registration violations.

Boat Decal Violators: Dave Johnston reviewed the background for determining boat decal violators (see memo attached). He advised the list has been narrowed down to thirteen property owner households that were sent notices to appear today. Of these, three have not responded i.e. Mr. and Mrs. Zachary Archer, Mr. and Mrs. Gary Stellpflug and Donna Zaorski and Bernard Plemel. It was noted that those who were late in paying had to pay a \$20 late fee.

Attorney Don Schnipper took over the hearing. He verified that these property owners were not in attendance at the hearing.

Director Linam MOVED to suspend privileges until they have paid but for a minimum of thirty days for these three households who have been requested to appear and have not appeared and have not purchased or displayed their boat sticker as of this date. Director Jackson SECONDED the motion. Discussion followed. The motion was unanimously APPROVED.

Terry Masot: Attorney Don Schnipper called on Mr. Terry Masot to determine if he was in attendance at the meeting. It was determined that he was not. Mr. Schnipper stated that Mr. and Mrs. Terry Masot were property owners of lot 15, block 2 of Collado Subdivision, a.k.a. 61 Collado Ln. and since they are property owners under the Declaration it gives the Board authority to take action against the member that violates the published rules and regulations of the POA. Mr. Schnipper stated under the Information and Regulations publication by the POA, page 13, there are two sections that deal with golf carts and use of golf carts which read as follows:

“The Director of Golf and staff serve as representatives of the POA and have full authority to enforce all rules and regulations, which relate to the operation of the golf facilities.

“Operators of both private and rented power golf carts must observe the posted cart rules of the day.”

Mr. Masot is being cited by the Board as a violator of the posted cart rules as of October 15, 2008. Mr. Masot was sent a letter on October 17, 2008 advising him of this hearing at 10:00 a.m., November 19, 2008. He was charged with not observing the posted cart rules of the day on Cortez Golf Course, October 15, 2008. Cortez golf course is currently cath paths only. Mr. Masot has a medical that was still restricted to cart path only on this date.

Mr. Schnipper next called on witnesses to the incident on October 15, 2008. If the Board does find Mr. Masot guilty of this infraction they can suspend the privileges of the Masot household for a period up to 30 days.

Ms. Pat Roberts joined the table to testify to the allegations against Mr. Masot. Ms. Roberts advised she was manager of the Granada Pro Shop. She stated she and her partner were paired with Mr. and Mrs. Masot in a scramble at Cortez Golf Course on October 15, 2008. The Cortez Marshal advised them that golf carts were restricted to cart paths only including medical flags. Signs were also posted in the pro shop stating "all carts on paths on all holes, including medical flags". All golf shops have these signs and use them when instructed. Mr. Masot stated he has a medical flag so he was warning them in advance that he was going to drive to the holes which he proceeded to do on No. 9-17. After holes 9, 10 and 11, Marcie Drews, Cortez Golf Shop Manager and Tom Heffer, Sectional Mgr., informed Mr. Masot that he was not allowed to ride on the fairways. He told Marcie that she needed to read the rules. Marcie stated she had read the rules and offered his money back. Mr. Masot said no, I'm not quitting and I'm riding on the fairways. A Police officer arrived when they were on Hole 17 advised Mr. Masot that he would have to leave the golf course. Mr. Masot told the Officer as soon as he finished putting. As Mr. Masot drove to leave the golf course he traveled on the cart path until he couldn't go any further and proceeded to drive on the 18th fairway. Ms. Roberts advised there was no question he violated the golf cart rules that day.

Marcie Drews, Cortez Pro Shop Manager, next testified. She stated she was working on October 15, 2008. Ms. Drews stated there was a cart usage sign posted in the Pro Shop that day, restricting all carts to the cart trail, which included medical flags. Ms. Drews stated she and Tom Heffer observed Mr. Masot riding on the fairways from the pro shop on holes 9, 10 and 11. She and Mr. Heffer approached Mr. Masot on No. 11 to ask him to please follow the rules of the day and stay on the cart paths. Mr. Masot stated he was not going to stay on the cart paths, he had a medical flag and he was going to drive where he wanted to. Ms. Drews advised Mr. Masot that in that case we need to give you your money back, if you will follow me in I'll be happy to do that. Mr. Masot said I am not quitting and I am driving on the fairways. She and Mr. Heffer went back to the pro shop and called the Police Dept. The officers responded quickly. We told them the situation and they went out and took Mr. Masot off the course. They brought him to the pro shop. He was a little aggravated. He did get all his money back for the tournament and for the greens fees for he and his wife. He had some interaction with the Police Officer. Mr. Masot left in his car and had his wife drive the car so he could be on the passenger side and go by the pro shop window and held up his middle finger all the way across. There was no question that he was violating the golf cart rules for the day on Cortez Golf Course on October 15, 2008.

Don Schnipper advised that Sgt. Ornelas was in attendance to testify that he and another officer went out and escorted Mr. Masot off the golf course but they did not call on him. Mr. Schnipper stated the Board has the right to suspend the privileges for up to 30 days, take no action, or any kind of variation on the suspension.

Dave Johnston advised Mr. Masot had called him to advise that he had dismissed his attorney and was not going to pursue the matter and was not going to be protesting our regulations any longer from that day forward. This was subsequent to October 15, 2008.

Mr. Schnipper asked if there was anyone in attendance to speak for Mr. Masot. No one came forward.

When asked, John Paul stated there was an incident with Mr. Masot in the POA parking lot but did not elaborate.

V.P. Misch MOVED to suspend Mr. Masot's privileges for 30 days. Director Breckon SECONDED the motion. Discussion followed. Mr. Atkins stated he would like to ensure that Mr. Masot doesn't play during this suspension as a guest, family member or anything else because during this last incident Mr. Masot was still under suspension but he played as a guest with a family coupon card. Mr. Atkins does not want this to happen again, for Mr. Masot or anyone else to get any refunds of any kind and wants Mr. Masot to appear again next month for a 30 days suspension because he was not here to address these concerns today.

Director Jackson would like staff to review the practice of refunding fees in cases where participants are removed from POA facilities for violations. John Paul advised he would make this a procedure.

Director Atkins stated if somebody willingly drives on a golf course hole that is closed and damages that hole he should be arrested for damaging the property. Mr. Schnipper advised this could be done as long as the Pro Shop personnel document this damage and would be in addition to the suspension.

Mr. Schnipper stated he did not know how we could stop property owners from making someone their guest. All we can do is suspend privileges for 30 days. If the guest violates a rule we can remove them from the premises but we cannot suspend privileges, as they don't have any..

Following discussion, the motion was unanimously APPROVED.

The hearing ended at 10:30 a.m. and President Shoemaker took over the meeting.

2009 Fees:

V.P. Misch MOVED to approve the 2009 Fee Schedule as recently distributed. Director Breckon SECONDED the motion. Discussion followed. It was suggested that the Board look at more consistency among the boat, cart and private cart registrations for next year.

Mr. Johnston advised that further on the agenda item 19. relative to False Alarm fees if approved would change the fee schedule charge from 24 months to 12 months.

Following discussion, the motion was unanimously APPROVED.

2009 Budget: V.P. Misch MOVED to adopt the significantly amended recommended annual operating and capital budget for 2009 as described on the attached. Director Day SECONDED the motion. Discussion followed. Following discussion the motion was unanimously APPROVED.

False Alarm Fee: Director Day MOVED to accept staff's recommendation to amend the last sentence of Section 2., Chapter Three, Article 14 to read: "A 12 month period without a false alarm at a business or residence will make the business or residence eligible for another no charge fee and the fee process will begin anew." Director Breckon SECONDED the motion. Discussion followed. The motion CARRIED with Directors Day, Breckon, Jackson, Misch and Atkins voting in favor and Director Linam voting against.

Granada Restaurant: Director Linam MOVED to authorize a lease with Carl Orlando for food and beverage services at the Granada Terrace on the Greens Restaurant. V.P. Misch SECONDED the motion. Discussion followed. Director Jackson commented that she was a firm believer in "promoting from within if a qualified candidate is in contention. It was her feeling that the vendor not chosen had earned the right to be awarded this contract." Following discussion, the motion CARRIED with Directors Linam, Misch, Atkins, Day and Breckon voting in favor and Director Jackson voting against.

Mr. Orlando commented that he would like to bring the Granada Restaurant to a higher level.

Expenditures: Director Jackson MOVED to approve the 2009 Annual Fertilizers, Fungicides, Soil Amendments Herbicides, Insecticides in amount of \$776,124.10. Director Linam SECONDED the motion. The motion was unanimously APPROVED.

Director Linam MOVED to approve the expenditure for replacement of Manderla Lift Station in amount of \$22,843. Director Jackson SECONDED the motion. The motion was unanimously APPROVED.

Questions from Audience: None.

Adjournment: The meeting adjourned at 10:45 a.m.

Executive Session: A brief executive session followed the regular meeting.

President

Secretary