

**BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING - (REGULAR SESSION)  
JANUARY 23, 2020 6:00 P.M. COUNTRY CLUB BOARDROOM**

**BOARD MEMBERS PRESENT:** Vice-Chairperson David Brandenburg, Directors Jim Abrahamson, Jerre Barron, Jr., Teah Bidwell, Jerry Hover, David Whelchel, Steve McKee, and Mary Sinkus.

**BOARD MEMBERS ABSENT:** Chairperson Ruth Hatcher

**BOARD MEMBER PROXY:** Vice-Chairperson Brandenburg held Chairperson Hatcher's unstipulated proxy.

**OTHERS PRESENT:** Chief Operating Officer Tom Judson, Treasurer and Director of Finance and Administration Dwain Mitchell, General Counsel Doug McCash, Corporate Secretary Tammie Loyd, forty-five members and four media representatives.

**I. CALL TO ORDER**

Vice-Chairperson Brandenburg called the meeting to order at 6:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. CELEBRATING SUCCESS**

Mr. McCash explained that the Celebrating Success Award is presented to our employees that have gone over and above the scope of their job. It is a way to publicly recognize and thank them for their hard work and dedication to the POA and its members. Rick Echols presented the Celebrating Success Award to Lake Ranger, Bob Walker. Bob's quick thinking and action helped alleviate loss of property due to an uncontrolled fire in the Lake Avalon boat ramp area.

**IV. SCOTSDALE BRIDGE REPAIR AMENDED MOTION FROM DECEMBER 19, 2019  
REGULAR SESSION BOARD MEETING (BOARD VOTE)**

Mr. Judson stated a motion made and seconded at the December 19, 2019 Regular Session Board Meeting regarding the repair of the Scotsdale Bridge was not voted on. The vote that was taken was on the amendment to the original motion. Since the correct procedures were not followed, Management recommends taking a re-vote on the entire process.

Director McKee motioned to approve a 2020 Capital Project for \$38,000 which will be used toward the development of engineering plans and permitting for the flood damaged bridges at Scotsdale Golf Course. Director Abrahamson seconded. After discussion, Director McKee motioned to amend the original motion to stipulate that the funds for the capital project will come from cuts made to the Operating Budget. Director Barron seconded the motion to amend. There was no discussion. The motion to amend the original motion carried 6-2 with Vice-Chairperson Brandenburg and Director Hover opposing.

Vice-Chairperson Brandenburg called for a vote on the amended motion to approve a 2020 Capital Project for \$38,000 which will be used toward the development of engineering plans and permitting for the flood damaged bridges at Scotsdale Golf Course, with the funds for the Capital Project coming from cuts made to the Operating Budget. Director Hover so moved. Director Bidwell seconded the motion. There was no discussion. The motion passed unanimously.

**V. APPROVAL OF MINUTES (BOARD VOTE)**

Vice-Chairperson Brandenburg called for a motion to approve the minutes from the December 19, 2019 Regular Session Board Meeting. Director Hover motioned to approve the minutes. Director Abrahamson seconded. There was no discussion. The motion passed unanimously.

Vice-Chairperson Brandenburg called for a motion to approve the minutes from the January 16, 2020 Regular Session Board Meeting. Director Sinkus motioned to approve the minutes. Director Hover seconded. There was no discussion. The motion passed unanimously.

**VI. EXECUTIVE SESSION SUMMARY HELD ON JANUARY 9, 2020.**

Mr. McCash stated an Executive Session was held by the Board of Directors on January 9, 2020. The Board of Directors approved POA Resolution 2020-01, which has to do with the Armstrong derivative lawsuit. The Board voted 8-0 to approve Resolution 2020-01, with Chairperson Hatcher recusing herself from the entire Executive Session.

**VII. ELECTION COMMITTEE**

a) Election Committee Chairperson Tom Throne and Election Committee representative, Ann Dahlke conducted the Candidate Lottery. The ballot order of the 2020 Board of Director Candidates are as follows:

Joy Thomas Sawyer  
John Goodman, Jr.  
Janice "Jan" Simms  
Sandy Fosdick  
David Brandenburg  
John Hudec  
Nancy Bunting

b) Mr. Throne stated the assessment increase was approved with a total of 18,689 total votes cast in the election [18,844 was the total weight of ballots cast], 9,857 voted Yes, 8,832 voted No, and there were 143 Abstentions.

**VIII. JOINT ADVISORY COMMITTEE REPORTS**

a) Lakes – Mr. Judson stated there would be a Rules & Regulations Committee meeting, Saturday, January 25, 2020 at 9:00 a.m., in the Boardroom at the Country Club to discuss the Wake Boat recommendations. The meeting is open to the public and will be live streamed on Facebook.

- b) Recreation – Gary Griffin spoke on behalf of the committee and reported the Branchwood pool was currently closed for repairs, and other facilities looked good, with just a few maintenance issues that had been brought to the attention of management.
- c) Golf – Jason Loyd spoke on behalf of the committee and reported that Scotsdale Golf Course will be able to open all 18 holes, weather permitting, due to re-routing golf cart traffic to avoid the bridges that needed repair. Mr. Loyd also stated that Highlands and Dogwood Golf Courses were ranked 4<sup>th</sup> and 5<sup>th</sup>, respectively, in the state of Arkansas by GolfNow. For the next Golf JAC meeting, committee members have been given the challenge to come up with ideas to increase Member rounds.
- d) Community Involvement – John Bowman spoke on behalf of the committee and reported that work had begun on Fireflies & Tailgates with a date and a back-up rain date set in June.

#### **IX. FINANCIAL REPORT BY DWAIN MITCHELL, TREASURER**

Dwain Mitchell reported on the preliminary End of Year 2019 financials. The financial reports can be found at: <https://bellavistapoa.com/governance/financials/> once they are complete.

#### **X. RESPONSE TO PREVIOUS OPEN FORUM COMMENTS**

- a) Vice-Chairperson Brandenburg responded to a comment made at the December Regular meeting regarding the POA devaluing unimproved lot values by selling 348 lots for \$200. He stated that he could not find any proof of any unimproved lot assessed for less than \$3,000 for tax purposes.
- b) Property Owner, Dot Newman requested to relinquish her three minutes to Rick McInnes.
- c) Property Owner, Rick McInnes, spoke regarding the money donated to the City of Bella Vista from a recent bicycle event, fees for use of common property, grants to the City from the Walton Family Foundation and lawsuits from the Trafalgar Road Fire.
- d) Property Owner, Sandy Fosdick, spoke regarding the 2020 budget and questions asked of the Board.
- e) Property Owner, Sheila Heward, spoke regarding the need for an assessment increase.
- f) Property Owner, Joy Sawyer, spoke regarding the need for improvements to be made to the Metfield miniature golf course, and the need for budget cuts.
- g) Property Owner, John Goodman, asked what happens if the assessment increase doesn't pass.

#### **XI. OPEN FORUM – PROPERTY OWNER COMMENTS LIMITED TO 3 MINUTES**

- a) Property Owner Sandy Fosdick shared her concerns regarding the Blowing Springs Connector/Razorback Greenway Extension and Brittany Golf Course.
- b) Property Owner Sussanne Small shared her concerns regarding the recent assessment increase, the re-vote and her townhouse association fees.
- c) Property Owner Joy Sawyer spoke regarding the last-minute voters at the January 16, 2020 Special Meeting, Election results and the freeze on bonuses.

- d) Property Owner Mike Ab shared his support for the Razorback Greenway Extension to Metfield. This would tie in a large portion of the youth population in Bella Vista allowing them to bike to our wonderful amenities.
- e) Property Owner Devon Johnston shared her support for the Blowing Springs Connector/Razorback Greenway Extension and the possibility for seniors to have a safe way to exercise.
- f) Property Owner Roger Scoles shared his concerns regarding over seeding the golf courses.
- g) Property Owner John Goodman, Jr. spoke regarding the assessment increase re-vote and the difference between the assessments for improved and unimproved properties.

## **XII. RESPONSE TO OPEN FORUM**

- a) Mr. Judson stated a map was presented at the March 2019 meeting at Cooper Elementary regarding the Blowing Springs Connector. A map of the proposed trail was presented at that time. A draft version of the agreement was given to the City of Bella Vista. At this time, the POA has not voted on the issue and potentially may do so in February 2020. The POA utilized the services of a golf course architect to assist with the placement of the trails and all safety concerns were taken into consideration.
- b) Mr. Judson stated that the Election Committee made the decision to accept the few votes that were received after 5:30 p.m. Their decision was based upon what they felt was best for the POA and its membership, coupled with the wording on the ballot. There were an additional five votes that were cast after 5:30 p.m., but that did allow an additional five Members to voice their opinion in the election.
- c) Mr. Judson stated that Chairperson Hatcher sent out a memo in November of 2019, stipulating bonuses for Senior Staff are frozen for an entire year. The passing of the recent Assessment Increase does not change that.
- d) Mr. Judson stated that a decision regarding how future votes will be conducted will be an issue that is left up to future board members. The Board cannot seek an additional assessment increase for at least three years. It is extremely difficult for current board members to restrict the actions of future board members.

## **OLD BUSINESS**

## **NEW BUSINESS**

### **XIII. RECAP OF THE VOTE TAKEN DURING THE JANUARY WORK SESSION TO MOVE FORWARD WITH THE REMOVAL OF THE BERKSDALE BRIDGE (#18).**

Vice-Chairperson Brandenburg stated than an urgent situation had taken place due to a recent rain event that caused damage to another pier on the Berksdale #18 Bridge. As a result, the Board took a vote during the January Work Session to move forward with the removal of the Berksdale Bridge (#18).

### **XIV. VOTE TO APPROVE THE ASSESSMENT INCREASE (BOARD VOTE)**

- a) Director Whelchel made a motion to enact the increase to the monthly assessment for improved properties from \$24 to \$37, with the increase going into effect March 1, 2020,

and to keep the monthly assessment for unimproved properties at \$16, as voted on and approved by the members at a Special Meeting held on January 16, 2020. Director Sinkus seconded the motion. After discussion, the motion passed 8-1 with Director McKee opposing.

- b) Director Hover motioned to direct Management to publish a report on a quarterly basis demonstrating that the assessment increase is being used in the following manner:
- i. \$6 of the increase will go toward eliminating or reducing our current fees.
  - ii. \$2 will go to pay for the Trafalgar fire and once all those costs are covered, it will be moved into our reserves.
  - iii. \$4 will go toward operational costs and capital improvements for the future.
  - iv. \$1 will go toward building our reserves.

Director Bidwell seconded the motion. After discussion, the motion passed unanimously.

- c) Director Sinkus motioned to adopt the fee schedule outlined in the 2020 Plan with this fee schedule remaining the same through December 31, 2022. Director Barron/Hover seconded. After discussion, Director McKee motioned to table the motion to adopt the fee schedule as outlined. Director Bidwell seconded. After discussion, the motion to table the motion to adopt the fee schedule passed unanimously.
- d) Mr. Judson stated that a notice of the Assessment Increase will be sent out to all improved property owners before the end of January.

#### **XV. UPDATE FROM THE RULES & REGULATIONS COMMITTEE.**

Director Hover stated the results from the January 8<sup>th</sup>, Rules and Regulations Committee meeting and stated the minutes and supporting documentation are included in this packet and available online. The Rules & Regulations Committee will meet Saturday, January 25<sup>th</sup> at 9:00 a.m. to discuss the Wake Boat Recommendation from the Lakes Joint Advisory Committee. Another meeting will be set after that to discuss the policies that pertain to the 2020 Plan.

#### **XVI. REVISION TO POLICY 1.00**

“Activity Card” shall mean a card that is purchased from the POA which allows access to POA amenities at a discounted rate as approved by the Board and described in the current fee schedule. Starting on March 1, 2020, the terms Activity Card and Photo I.D. will be considered interchangeable.

Director Bidwell motioned to approve the proposed changes to Policy 1.00, which will incorporate the term “Activity Card” into our policies. This is the first of two required readings. Director Barron seconded. After discussion, the motion passed unanimously.

Mr. Judson stated a Photo ID will remain valid until its expiration date, and will be considered the same as an Activity Card. If your refund is \$10 or more, you will receive a check and if your refund is under \$10, the amount will be credited to your account.

**XVII. ANNOUNCEMENTS**

- a) **Rules & Regulations Committee Meeting** – Saturday, January 25<sup>th</sup> at 9:00 a.m. in the Boardroom at the Country Club.
- b) **Board of Directors GM Meeting** – Tuesday, February 4<sup>th</sup> at 4:30 p.m. in the Boardroom at the Country Club. (This is a closed meeting.)
- c) **Board of Directors GM Meeting** – Thursday, February 13<sup>th</sup> at 4:30 p.m. in the Boardroom at the Country Club. (This is a closed meeting.)
- d) **Board of Directors Work Session** – Thursday, February 20<sup>th</sup> at 9:00 a.m. in the Boardroom at the Country Club.
- e) **Board of Directors Regular Session** – Thursday, February 27<sup>th</sup> at 6:00 p.m. in the Boardroom at the Country Club.

**XVIII. ADJOURNMENT**

Vice-Chairperson Brandenburg called for a motion to adjourn the meeting. Director Abrahamson motioned. Director Sinkus seconded. There was no discussion. The motion passed unanimously. The meeting adjourned at 7:07 p.m.

Submitted:

Approved:

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Tammie Loyd, Corporate Secretary

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David Brandenburg, Board Vice-Chairperson