

## Minutes of the IRF Board Meeting, November 14, 2017, Glenwood Elementary School

The meeting was called to order at 6:35pm. Board members present, Erick Kearns, Tonya Anderson, Donald Darcy, Cindy Rauch and Matt Merciez.

September BOD Minutes were approved with a motion to dispense of the reading and approve as written by Cindy, Erick. Motion carried

Mark Young reviewed UPA management report after motion by Don/Erick. Motion carried

Javier Medina reviewed the Committee report and made a suggestion for 6 ARB members. It was rejected due to written bylaws requiring only 3 w/1 alternate.

Diane Merciez reviewed the newsletter asking for any articles to be in by the following Tuesday.

Sharolyn Rancour reviewed the Social Committee events, citing all upcoming events for the next year. She requested a budget of 250.00 for the Holiday Lights event. Approval motioned by Cindy/Erick. Motion carried.

Mark Young reviewed the Budget Review and Adoption. Raising Homeowners dues were discussed and decided not to raise the dues. All were in favor of shifting the money to reserve funds to cover special assessment costs and keep the present budget.

Motion to move to homeowner's forum by Don/Erick. Motion carried. Homeowners forum opened at 7:05PM.

Given the number of homeowners in attendance, each homeowner was given 3 minutes to present their statements.

Diane Merciez opposed the raising of dues for special assessments stating that it should come out of our reserve fund. Discussion was made about the fees charged by UPA and what it included. Javier Medina stated that if the UPA wants our business, they need to accommodate mailing expenses. Alfonso Wynn asked how special assessments were going to be charged. The answer was there would be no special assessments charged to the homeowners. Next meeting of the BOD was set for Dec 12th to vote on budget.

Motion to close Homeowners forum by Don/Matt at 7:10pm. Motion carried. Homeowners asked if they could leave, response was yes, homeowners left leaving only the BOD.

Moved to Unfinished Business at 7:10pm by motion from Matt/Erick. Motion carried. Donald Darcy presented a letter from Thompson Law Group. It was a served notice from his lawyer. Erick wanted proper insurance coverage for the homeowners to cover the injunction. Motion to get the insurance Matt/Don. Motion carried. Letter is as follows:



# THOMPSON LAW GROUP

A PROFESSIONAL LIMITED LIABILITY COMPANY

November 14, 2017

## VIA HAND DELIVERY

Indian River Farms Owner's Association  
Attn: Board Members

Re: Surface Water Drainage Retention Pond

Dear Board Members:

Please be advised that this firm has been retained by several owners of lots within the Indian River Farms Owner's Association (the Association). It is my understanding that the Board of Directors of the Association intend to hire landscaping contractors to enter upon the lots of Association members who's lots are subject to a certain Drainage and Impoundment Easement granted to the City of Virginia Beach for the maintenance of a certain surface water drainage retention pond.

Pursuant to Section 4.1 of Article IV of the Declaration of Covenants, Restrictions, Reservations and Easements of Indian River Farms (the Declarations), the Association has the authority to maintain, manage, operate and control, for the benefit of the Members, various improvements found within the "Common Area" of the Association.

Pursuant to Section 1.7 of Article I of the Declarations a "Common Area" is defined as, *inter alia*, all of the real estate specifically designated as "Common Area" on recorded plats of the Properties, in Exhibit C to the Declaration and any amendments thereto.

The retention pond is not set forth as a Common Area on any of the governing documents of the Association. Therefore, the Association has no authority or control over it. Moreover, the dedicated easements of record clearly grant the City of Virginia Beach, not the Association, a right to access and maintain the retention pond.

Therefore, please except this correspondence as express notice that any attempt by the Association to enter upon the lots of my clients shall be deemed a trespass and violation of the Association's authority under the aforesaid Declarations, Bylaws, Rules and Regulations.

Motion to accept All Things Green 2018 Budget the same as 2017 Matt/Erick. Motion carried. Motion for audit and taxes to remain the same Matt/Erick. Motion carried.

Motion by Matt/Don to move to executive session at 7:49pm. Motion carried.

Meeting adjourned 8:28 with motion from Don/Erick. Motion carried.

Submitted by Tonya Anderson

Approved Matt Ma Date 12/12/17