

**2009 ABEVA ANNUAL MEETING
FEBRUARY 5, 2009
MINUTES**

WELCOME

Harvey Shrednick, President, called the 2009 Annual Meeting to order at 6:39 p.m. by welcoming the residents.

Mr. Shrednick thanked Andrew Stegen, General Manager of the Resort, for providing the room at a reduced rate and for providing the complimentary cookies and beverages.

CONFIRMATION OF QUORUM

Marcia Finberg, Secretary, confirmed that there was a quorum represented and verified that the Affidavit of Meeting Notice has been approved in accordance with Article V, Section 5.6 of the ABEVA Bylaws.

INTRODUCTION OF BOARD MEMBERS

Board Members Stephen Hoffman, Marcia Finberg, L.A. Larry Shafkind, Jim Bell, Heather Litton, Bill Mee, Camille Ercolano, Dr. Arnold Serbin and Janice Ventura were introduced.

Roberta Peterson, Executive Director, was introduced. Ms. Peterson introduced her Assistant, Beryl Ross.

MINUTES

MOTION made and seconded to approve the Minutes of the 2008 Annual Meeting as presented. The motion carried unanimously.

CLARIFICATION OF VOTING

Ms. Peterson stated that in accordance with legislation passed in 2005, proxies are no longer permitted. Also in accordance with ARS 33-1821, anyone who did not mail in their ballot must be given the opportunity to vote at the Meeting. Ballots were distributed to those who needed them. Completed ballots were returned to Ms. Ross.

COMMUNITY UPDATE

Greg Stanton, former Councilman and now Deputy Attorney General, spoke to the Membership. He reported that about \$150 million in programs has been cut from the City's budget which was approved on Tuesday. The City was, however, able to restore some programs that were originally intended to be cut. About 1,000 positions have been cut. Some of these displaced employees will move to lower level positions.

Mr. Stanton stated that the City now has ten days in which to fill his position on the City Council (one year remaining), and there are sixteen candidates for the position. A vote has been scheduled for February 10, 2009. There was a question with regard to obtaining a list of the candidates. There was also a question with regard to whether ABEVA would have any input in the selection. Homeowners can attend the Meeting on February 10, 2009. Interviews with the candidates will be public.

In response to a question about the regressive tax system, Mr. Stanton stated that fees for programs such as the after-school program will increase. Additionally, property taxes will also be addressed.

In response to a question from the floor, Mr. Stanton stated that none of the City's libraries will be closed, however library hours may be affected and there could be a need for future closures.

Mr. Stanton stated that the City of Phoenix will possibly appeal the loss at the Court of Appeals with regard to the subsidy given to the developer of City North.

Mr. Stanton stated that while violent crime is decreasing, property crime such as vandalism, theft, etc., is on the rise.

Andrew Stegen, General Manager, Arizona Biltmore, spoke to the Membership, giving a brief review of his background. He stated that the Resort is still owned by Morgan Stanley. It is anticipated that the Biltmore Grill will be open by the end of June. The renovations of the Arizona Wing are nearly complete. The Aztec Room, Gold Room and the Grand Ballroom should be complete within the next six weeks. Once these rooms are completed, the lobby will be renovated.

The Resort will be 80 years old on February 23, 2009; a list of celebrations will be made available.

There was a question with regard to plans for promotions to bring residents in to the spa to help to improve business. Mr. Stegen stated that many corporations no longer pay for spa treatments, lavish dinners or golf for their employees. It is anticipated, however, that there will be an announcement of some type of promotion in the next month or so.

A Homeowner stated that parking should be addressed. All of the closest parking is valet parking, so those using the spa must park a substantial distance away. This issue is being addressed.

Homeowners who experience difficulty with the golf course should contact Mr. Stegen. There is concern that the golf course is not as hospitable as the resort.

It was requested that Mr. Stegen speak to employees about their excessive speed while driving through the property. Noise should also be addressed. Homeowners should be very specific when they call Ms. Peterson with complaints about speed and noise.

TREASURERS REPORT

Steve Hoffman, Treasurer, reported that there was no increase in Association fees; they remain at \$275.00 annually.

In July 2008 the Association had a full Reserve Study and it was determined that the Association was on-target. While ABEVA is struggling more this year with collections and more than 25 Trustee Sales and Bankruptcies, the Association is in very good financial shape.

STATE OF THE ASSOCIATION

Mr. Shrednick reported on the following:

- **Thunderbird Trail Path:** This was a success with work being of high quality.
- **Fiscal Responsibility:** The Board and Management continue to manage the Association's finances and to keep the Association in a good financial position.
- **Tax Issue:** While ABEVA does not own any land, they have a beneficial interest with the resort on Parcel 20. The Board was very diligent when taxes increased from \$50.00 to almost \$40,000.00, and the taxes are now less than \$5,000.00. While negotiations were occurring, the resort agreed to pay the entire tax bill as opposed to the one-third which is their normal share.
- **Improved and continued relationships with the Resort/Golf Club/Fashion Park/Wrigley Mansion/Condo Developer**

- **Water pressure** has been weak in past years, but new lines are being installed which will help to resolve these problems over the next two to three years.
- **Enhancements:** The Board continues to work to see that streets are well-maintained, signage is maintained, and the property is kept in good condition. Street sealing was done this past spring and will be done on the loop road in March 2009.

Mr. Shrednick thanked the Board Members and staff for their service to the community.

Jasper Hawkins, Chairman of the PUD Ad Hoc Committee, was present to speak to the Membership. The resort had indicated a desire to rezone the 36 acres that the facility sits on. It is anticipated that the report on this issue may be ready in a week or so.

Some of the negotiations with the hotel include:

- Increase in building set-backs
- Heliport was removed
- Height of some buildings has been increased and some have been reduced
- A proposal for tennis courts on the roofs of buildings has been removed.
- The historic pool and amenities will remain where it currently is; improvements are planned.
- ABEVA will be involved in all future changes on the hotel property.

Homeowners are encouraged to share their opinions and ask questions to ensure that the final product best meets the needs of the Association.

The report will be put on the website and made available to Homeowners once it is completed and received.

There was a question regarding what could happen if the hotel again changes ownership. The draft of the PUD is in place, so no changes could be done without the knowledge of ABEVA.

ELECTION RESULTS

Heather Litton announced that there had been six available positions. Election results were tabulated by the accounting firm of McEntee and Associates. The new Board Members are Marcia Finberg, Larry Shafkind, Heather Litton, Dr. Arnold Serbin, Jay Swart (two year terms) and Mark Monserez (one year term). New Board Members were asked to stand and be recognized.

EXECUTIVE DIRECTORS REPORT

Roberta Peterson reported that one of major amenities is the roving guard. They drive in excess of 55,000 miles per year and go over 639 speed bumps per day.

Telephone stickers are available for Homeowners who need them; these stickers have the patrol contact information.

Ms. Peterson continues to serve on the Board for the Biltmore Area Partnership. Current projects include establishment of a rubber tire trolley and the establishment of a business district. The Camelback Underbridge Cleaning was one of the projects addressed by the Partnership. The City contributes only \$2,500.00 per year for this cleaning with an actual cost of in excess of \$13,000.00. Updates are given in the ABEVA Briefs.

Ms. Peterson represents the Association at CAI Meetings and keeps the Board updated on all new laws. It is anticipated that 15 to 20 new laws affecting HOA's will be introduced this year.

There were sixty-five homes that changed ownership in the past year generating \$19,200.00 in Transfer & Disclosure fees.

There are ninety homes that have not paid their annual dues as of today.

There were more than twenty-five Trustee Sales and several Bankruptcies during the past year.

The Website allows Homeowners access to Minutes, the ABEVA Briefs, account information, and other information that is pertinent to the Association. The Brief is also distributed by email.

Danny's Car Wash cards are late; however Danny's will honor the 2008 cards until the 2009 cards are available.

OPEN FORUM

There was a question about converting the roving patrol to a hybrid vehicle. While this has been considered, it was determined that there would be no savings to the Association.

There was a question about what is happening with the Wrigley Mansion and Taliverde. Taliverde made a motion to dismiss the adverse possession law suit (affecting the common area below the Mansion). No further information is available at this time.

There was a question with regard to the Scott Cole house. They are trying to sell this in as-is condition as a part of the bankruptcy. There is nothing in the documents that require building on a lot within a specific time or completing construction in a specific time. Ms. Peterson stated that the screening was cut to allow the wind to go through it.

In response to a question with regard to the guard house, Ms. Litton stated that at one time, Claremont was open to all residents; however guard gates were installed to keep traffic down. It is felt that the burden for maintaining the guard house was placed on ABEVA. The current system is at capacity and there is no way to upgrade. The ABEVA Association has voted to advise the three affected Associations that if they feel there is a need for upgrades, it is their responsibility. Legal Counsel has been retained by the three affected Associations in an effort to reverse this decision.

It was requested that more notice of the Board Meetings be included in the newsletter. Meetings are the third Monday of every month with the possible exception of one or two months in the summer.

There was a question about the need for enhanced lighting. Some of the lighting is antiquated and the trees are growing to the point that they obscure some of the lighting. The area will be surveyed and a determination made on the areas that need improvement.

There was a question with regard to whether ABEVA has responsibility for signage on Biltmore Circle where there are three stop signs. These signs were installed because of accidents in that area. It was pointed out that coming to a full stop causes more pollution.

There being no further business to come before the Membership, the 2009 ABEVA Annual Meeting was adjourned at 8:10 p.m.

Respectfully submitted,
Jody Brown, Recording Secretary
MINUTES & MORE

