

ABEVA BOARD OF DIRECTORS MEETING

Arizona Biltmore Estates Village Association Office
2525 E. Arizona Biltmore Circle D-145 Phoenix, AZ 85016
February 21, 2022

Board Members Present: Mike Baldree, Wes Balmer, John Lynch, Keith Mishkin, Garnet Harding, and Bill McKay

Board Members via Zoom: Will Hawking, Mark Fallaw

Management Present: Carol Jones

Guests: Scott Carpenter, Esq.

Homeowners- Rebecca Heath (Biltmore Greens 3-6), Judith Shafkind (Colony IV), Marcia Finberg (Taliverde),
Richard Arroyo (2 Biltmore)

- I. **Call to Order** - Board Vice-President Will Hawking called the Board of Directors meeting to order at **5:30 pm**
- II. **Resignation of Directors** – Steve Helm and Judith Shafkind have both turned in their resignations as ABEVA Directors effective immediately.
- III. **Homeowner Forum**
 - a) Committee members should be more widespread among the ABEVA owners, not just Board members.
 - b) The parameters around the outside of ABEVA are a big issue.
- IV. **Approval of Minutes-** Wes Balmer motioned to approve the January 17, 2022, Open Session meeting minutes. Garnet Harding made the second. All in favor, motion carried.
- V. **Financials** – Keith Mishkin motioned to approve the January 2022 financials as presented. Wes Balmer made the second. All in favor, motion carried.
- VI. **Old Business**
 - **Election Results** – Candidates with the majority votes are as follows: Mark Baldree, John Lynch, Mike Fallaw, Wes Balmer, and Bill McKay
 - **Insurance** – The reason for the increase is from Judges awarding higher amounts in lawsuits. Therefore, insurance companies raised their rates. It is also extending from the condominium collapse in Florida last year. The amount approved last month was paid. The total increase is \$14,771 or a 67% increase. The largest part of the increase is the Commercial liability which was increased by 162 %. **Wes Balmer made a motion to approve the remaining amount of the insurance premium. Keith Mishkin amended, to get the names of companies that bid the policy from Mahoney. Mark Baldree made the second. All in favor, motion carried.**
 - **Streetlight Replacement** – There is a total of eighty-two (82) streetlights that ABEVA maintains. Currently, 10 have vertical cracks, which have been documented, that need to be replaced. They cannot be repaired. This is for the Architectural Committee to investigate and report back to the Board.
- VII. **New Business**
 - **Election of Officers & Committees:**
 - President** – Keith Mishkin made a motion to elect Garnet Harding as President. **There was no second. All in favor.**
Will Hawking left the meeting
 - Vice-President** – Wes Balmer made a motion to elect Bill McKay as Vice-President. John Lynch made the second. All in favor, motion carried.
 - Treasurer** - Garnet Harding made a motion to elect Keith Mishkin as Treasurer. **There was no second. All in favor.**
 - Secretary** – Definition of duties per Scott Carpenter: During the Annual meeting makes sure the membership list is accurate, make sure delinquents do not vote, usually the manager oversees all of this. Make snap decisions at the Annual meeting. Acts as a corporate Secretary according to ABEVA By-Laws. **Keith Mishkin made a motion to elect John Lynch as Secretary. There was a second. All in favor, motion carried.**

- **Committee Assignments** – see attached
Fairway Lodge & 2 Biltmore Estate homeowners can serve on committees even though they are not ABEVA members. Non-Board members may Chair a committee except the Architectural Committee. A Communication Committee was created, and Marcia Finberg will Chair the Committee. **Bill McKay motioned to approve the Committees as discussed. Keith Mishkin made the second. All in favor, motion carries.**
- **Appointment of New Board Member** – According to Scott Carpenter, the law does not require waiting to appoint someone to the Board. The Board will wait 30 days and have a special meeting in 2 weeks to discuss and. have an email blast sent out about a vacancy on the ABEVA Board?
- **2 Biltmore Estates & Fairway Lodge / ABEVA membership** – The two associations will have to figure out the legal costs. ABEVA should not be required to pay ANY of the legal costs associated with this process per Scott Carpenter.
Scott Carpenter said, “As ABEVA’s attorney my job is to do an amendment that creates the annexation opportunity which will take a vote of the ABEVA members. Then 2/3rds of the ABEVA members (1130 members) will have to vote “Yes” to approve the amendment. The number of “Nos” does not matter. The number of participants does not matter. The membership vote would only have to take place one time.”
“The annexation would also allow an owner of a “Grandfather Lot” to opt into the ABEVA membership. Opting in is permanent and runs with the land. In addition, ABEVA would have architectural control of the home/lot. Same as it would over any association that wants to opt into ABEVA membership.”
Garnet Harding motioned to authorize Scott Carpenter’s office to begin work on the annexation module after FL & 2BE put in writing an agreement to share the cost burden of 1/3rd for each association and ABEVA will pay 1/3rd of the cost. Then ABEVA will put it to a vote of the membership to approve (1130 members will have to vote YES – see above). The cost of the vote will also be split into thirds with FL & 2BE.
ABEVA will pay the attorney fees and then ABEVA will be reimbursed by the 2 associations (2 Biltmore Estates & Fairway Lodge), 1/3rd each. There must be a signed agreement with both associations before any work will begin. Wes Balmer made the second. All in favor, motion carried.

VIII. Committee Reports

- Architectural
- Beautification
- Security Committee
- Employee Review

IX. Adjournment – There being no further business to discuss, Bill McKay made a motion to adjourn to Open Meeting and go into the Executive Meeting. Mike Fallaw made the second. All in favor, the Open Meeting adjourned at

Respectfully,

Beth Rose
Administrative Assistant