

The Plantations Owner's Association Board and Condo Council Meeting



*Board Meeting January 15, 2016 7 PM
Plantations Clubhouse - Lewes*

The Plantations Owners Board: Board Members- Jim Anderson - President(Absent), Sal Somma – Vice President (Absent), Sherry Minear – Treasurer, Lisa Travis – Secretary, Paul Carey - Director

The Plantations Condo Council: Council Members are- Sal Somma/President (Absent), Jim Anderson - Vice President (Absent) Sherry Minear – Treasurer, Lisa Travis - Secretary

Sherry Minear address the owners to advise that both presidents were absent and that she would be running the meeting.

Sal Somma joined by phone in order to vote on an agenda item that required a quorum.

Owners Forum (15 minutes)

Sign up sheet

This portion of the meeting was opened at 7:10 PM.

***Tom Terrell** brought up the issue regarding the parking lot. Signs are posted, but visitors are still parking. Wants to know when we will start to implement towing of the cars. If we are not going to tow anyone, why not lease out the parking lot to Dave Marshall Tennis and Fitness to make some money for the Plantations.*

Lisa Travis informed Tom that her, and other board members have been stickering cars, and Seascape has come over to the parking lot, but when they arrive the meetings have let out and the cars are gone.

Sherry advised that there is an action item on the agenda and would be addressed during the meeting.

Norma Terrell submitted a letter that she read regarding the installation of a Shed in the community. See letter below.

SHED

Hi. I am Norma Terrell, one of the Single Family Home Owners. I realize that most of you here tonight are Condo Owners but I would like to state my opinion of what I call a deplorable deed this board has done to the single family owners.

I'm sure that most of you do not even know of the controversy of putting a shed in our community, because the application was never presented at a regular meeting. It was all done behind "closed doors."

At first the shed proposal was turned down because those of us who have lived here for years knew it was common knowledge that no shed was ever allowed. In fact, three applications for a shed were previously turned down. The three owners abided by the board's decision. But my neighbor did not accept a refusal, and aggressively continued.

Unfortunately, we discovered that there was no stipulation in our Covenant regarding sheds. When we heard the board was calling an architectural review meeting, we quickly drew up a petition to see who would be in favor and who would be against a shed. Many were not home or available but there were 19 out of 32 who signed that they did not want a shed in our community. This was presented to that special architectural review meeting. I also showed the petition to my neighbor so she could see the shed opposition, but she just didn't care. She wanted a shed and that was all there was to it.

At one point we were told that nothing would be decided until after January. The board could have held their decision until the application could be presented at a regular meeting. But obviously they didn't want it presented at a meeting because they already knew the majority did not want a shed, and if it was turned down again, they suspected she might start a lawsuit. So, totally disregarding the majority wishes for a voice, they just approved her application and pushed it through behind "closed doors."

I feel the board has done a terrible injustice to the single family home owners. The board was elected to represent all of us, not just one person. A proposal for an amendment to the covenant should have been presented to the owners for a vote with majority ruling. Whichever way the vote went, at least it would have been fair. This did not happen.

The shed is sitting on four cinder blocks and to me is an eyesore. It looks like a barn with green barn like doors and green shutters on windows. It devalues our property. We want a high class development, not a trailer park, and this shed is not class. It is especially offensive to me because it is right in my face, and this is what I look at when I sit on my deck. I imagine it is offensive to other home owners also because they know it could open up a "can of worms" for the future, and their voice was ignored.

I am disgusted with the board's decision to allow a shed in our community, and also disgusted that they didn't even allow us a vote. They were totally unfair to the single family home owners. It is something they would like to sweep under the rug, and because of this, I need to speak out and thought you should know of their unjust tactics.

Carol Mathis and Mr. Costas Also signed up to discuss the shed and just wanted to know how the board came to the decision they did. Was it a legal decision, did we have input for our attorney, etc. Mr. Costas was especially upset because he had applied for a shed some years ago and was told by Barry Nichols that no sheds were allowed.

Sherry Minear advised that the board would address the entire Shed issue during the Architectural Review portion of the agenda. Jim Anderson gave Sherry the timeline and actions that the board took

Bob Dickey addressed the FHA approval process, and wanted to know if the board has re-addressed the Plantations application to apply to be FHA certified.

Jack Travis wanted to compliment Seascape on the job they did on the grounds. Broken signs around the development are being fixed within a couple of days. Dumpsters are being kept clean.

He also complimented the beautiful holiday decorations.

Nick addressed the board to advise that after 3 years the trees were finally removed, but wanted to address the section of land across from his unit that is full of weeds, and poison oak (200 x 18).

Chris advised that we just put funding into the budget this past November to be able to address this common area. Budget for condo owners was running in a deficit due to the lawsuit, but as previously communicated, this has been addressed and plans are underway to clean out this area when weather permits.

Nick inquired as to what the plans were to clean out the area. Chris Nichols advised that the board approved extending the irrigation system to cover that area, rototill the area to make sure everything below the surface is dead and then try to seed. If the seed doesn't take, sod will be placed on the area.

Call to Order Board/Council Meeting

This was started at 7:35 PM.

A quorum was achieved for the condo association with Sal Somma via teleconference.

Lisa Travis made a motion to appoint Chris Flood as the final member to the condo Association with Sal Somma seconding that motion.

President's Report – Sal Somma (Condo)

- *Leaf cleanup in the condo courtyards have been completed with landscaping also being completed.*
- *Landscaping of Building 20 has been completed.*
- *Supplemental plantings have been installed at Building 21 per the recommendation of the Landscape committee*
- *Work has been ongoing to clear trees off of the condo buildings and steps*
- *Sal congratulated Chris Flood to the board*

Sherry advised that Jim Anderson had some talking points regarding the ARB and parking lot which would be addressed later in the meetings at the appropriate time in the agenda.

Approval of previous meeting minutes

Lisa Travis made a motion to approve the July 17, 2015 Minutes, Sal Somma seconded. The board approved 5-0.

Owners Treasurer Report (Sherry Minear)

- *Checking and Reserve Balances*
 - *Checking: \$5,145.61*
 - *Savings: \$35,060.50*
 - *TOTAL: \$40,206.11*
- *Budget vs. Actual*

Nick asked a question regarding the ground outside of the homeowners' houses. He was informed that it was common ground for the condos and not the homeowners as homeowners have no common ground.

Budget vs. Actual (year end 2015)

Items under budget: landscaping, ponds and fountains,

Security Gate maintenance, and Utilities

A/R Aging Summary:

- \$16,628.16
- \$15,018.12 are over 90 days and have been addressed with attorney for next steps

Sal Somma made a motion to accept the treasurer's report, Lisa Travis seconded the motion. The board approved 5-0.

Old Business:

Parking Issues and Passes – *Chris Nichols would like to have someone make a motion to authorize a tow truck to come and monitor the parking lot to initiate towing illegally parked vehicles. This is a matter of safeguarding the community against any potential insurance claims.*

- *Lisa Travis asked how much and where it would come from in the budget. \$200 per hour, but if cars were towed, the fee would be charged to the owner of the vehicle. Security would be the line item this would be billed against.*
- *Looking to get an authorization to employ tow truck
Just during peak times (Tuesdays and Saturdays) to sit for up to an hour to monitor parking lot.*
- *Mr. Bloomquist asked if we could look into possibly getting a security guard to place cones on certain days and monitor the cars trying to park in the lot. Could that be cheaper than to tow the cars. Chris advised that to employ a security company is 6 hour minimum.*
- *Bob Dickey advised that Wednesday is also a heavy day for traffic.*
- *Paul Carey asked what the purpose was for the parking lot. Lisa Travis explained that is was for the overflow for owners families to park and also if they attended meetings at the clubhouse.*
- *Paul expressed that he believes each condo and homeowner has enough spaces in front of their buildings and doesn't really utilize the parking lot. The lot does not have access directly from the Plantations property. Paul's recommendation was to build an access road directly on Plantations property to stop people from assuming the parking lot was for the clubhouse.*
- *Jim asked if we could put some bigger signs on the parking lot.*
- *Chris Flood asked what the increase in cost for insurance would be to cover the parking lot. If it was negligible, could we just pay it and close this piece of business. This was addressed by the board and wasn't an option as we already pay to cover the lot, but any accidents would increase our policy.*
- *Sherry would like to get a vote by the board members to authorize a tow truck and what our cap would be.*

Lisa Travis made a motion to authorize a tow truck to sit in the parking lot on those days that are peak times to monitor traffic.

Chris Flood amended the motion to include a cap on how much the Association would incur to monitor this situation.

Sherry Minear also amended the motion to include marking the spaces with "Reserved".

Chris Nichols advised that to paint the parking spots would cost approximately \$200 when the company comes to paint all the parking lots.

Paul Carey asked we could look at a more permanent solution.

Sherry made a motion to authorize towing company, up to \$600 cap for a trial period (until \$600 has been exhausted) and get spaces marked "Reserved".

Sal Somma seconded the motion. Board approved 5-0

Paul Carey expressed looking into Mr. Bloomquist's idea of a security guard. Chris Nichols will get pricing.

Paul Carey would also like to survey the community to see how many guest parking spots there are in if the parking lot is truly needed.

Worthy Collection Efforts/Lawsuit:

- Chris Nichols gave an update on the collection of monies from the Worthy Unit. Currently owed is \$14,626.04 (condo), \$7,955.08 (owners) \$22,581.12.
- Federal Government is currently in process of seizing the property.
- Attorney informed lawyers for the government that property is in both names, and when they sell property, half will be awarded to Mrs. Worthy. At that time, we can proceed with collections from Mrs. Worthy as she has no liens against her, only Mr. Worthy.
- Building is on Boone Hall Road and they are original owners.

Burton Property

- Single family home seized by the IRS and sold.
- Attorney has advised that Association has no right to any monies as the seizure by the IRS was for both owners of the residence.

Sherry Minear made a motion to write off the balance owed of \$2,656.34 due to inability to recoup.

Paul Carey seconded the motion. Board approved 5-0.

FHA Approval

- Chris Nichols advised that Association employed company to attempt to get Association FHA approved.
- Additional stumbling block for FHA approval is our current covenant states that owners cannot rent unit/SFH for less than a One Year time frame.
- Next steps would be documents committee would have to review and revise covenants to amend rental guidelines. This would have to be put before the members and approved at 67%.

Lisa Travis made a motion to have Paul Carey work with Documents committee to review process on getting Plantations approved for FHA status.

Chris Flood seconded the motion. Board approved 5-0.

NEW BUSINESS

Request to Plant Trees on Common Property

Nancy Brooks has indicated a request for proposal to plant Green Giant Arborvitae trees along Plantations Road behind Building #14 at the expense of Judy Brune. This is to replace the trees that are have died due to the construction on Plantations Road for a sound barrier.

Scott's would plant these trees and maintain them.

Lisa Travis made a motion to approve the planting of the trees at Bldg. 14 at the expense of the homeowner.

Chris Flood seconded the motion. Board approved 5-0

COMMITTEE REPORT

Architectural Review Committee (ARC)

Sherry spoke with Jim Anderson earlier in the week regarding the approval of the shed

Jim Anderson, Chris Nichols, Bill Deist, Paul Carey

Issue – Received a shed application that was denied on first and second attempts. Application was re-submitted with revisions made to comply with covenants.

Meeting that was held at Seascape office was to make sure we as officers did everything within the legal boundaries as to not get the development involved in any type of lawsuit.

Board was guided by attorney, and process.

Paul Carey informed that when he joined the HOA, he noted that the ARC was referred to as the ARB (Architectural Review Board). He noted that there is nothing in the covenants that referred to an Architectural Review Board.

He continued to voice criticism against previous Boards as he did not believe they were following the direction of the covenants when it came to approving requests for homeowner/condo owner improvements.

Paul recommended that we create an Architectural Review Committee for owners to submit requests for improvements, those requests get reviewed by the committee, and then presented to the board for review and decision.

Paul continued to review the guidelines on what could be placed on a homeowner's property, the setback guidelines by the county and The Plantations guidelines.

Paul expressed concern that the Board was making decisions based on personal opinion, not on rules.

Paul went on to advise that homeowners need to obtain a permit.

Nick informed the board that we are opening the community to a lawsuit due to the fact that we rejected applications in the past, and approved some applications now.

Sherry Minear explained to Nick that we have followed the process, our attorney is confident that we have all the paperwork to defend these decisions and that we cannot go backwards and speculate why the previous homeowners requests were denied.

Chris Nichols advised that Seascope Management has never and will never have any decision making for The Plantations community.

He went on to advise the floor of the gaps that people had questions.

- 1. An attorney was consulted*
- 2. The request was submitted to the ARC*

A decision was not made, but the rules were employed as to whether the request complied with covenants.

Nick asked if we could put stipulations on what the shed should look like.

Mr. Terrell commented that his wife was not complaining about the covenants, but rather the request did not come before the board for approval in an open session. He was inquiring as to why a majority vote wasn't taken.

Paul Carey advised that how the board handled the approving of Ms. Lowe's shed was proper and within law.

Chris Nichols also informed that a vote could not have been taken as the covenants dictate whether the request is approved or denied.

We could amend the covenants with a 67% majority vote, and Mr. Terrell stated that 19 out of 32 homeowners was a majority.

He was corrected and informed that all condo owners (232 owners) are also homeowners, and it would have needed the majority of these as well.

Mr. Terrell asked what the process was to place something on his property to block the shed from his view.

He was instructed to submit a request.

Chris Nichols was going to re-read the covenants to see if that included plant life for the single family homes.

Mr. Bloomquist asked that the board put in some restrictions on what type of shed can be placed on SFH lots. This will limit what type of shed can be placed in the community.

Sherry Minear asked if Jim Anderson could please reach out to Mr. Bloomquist.

DOCUMENTS COMMITTEE

At next meeting, committee will have proposal to allow absentee voting for the condo owners.

FINANCE COMMITTEE

Nothing to report

FLAG COMMITTEE

3 x 5 flag to fly during bad weather to save the bigger flag.

Chris mentioned that it may not fit as the grommets may not match, but he will do his best.

Flag was shortened as it had ripped, and have as a Storm Flag.

LANDSCAPING COMMITTEE

Entrance to be completed in front of the new signs.

Asked if pruning trees was part of landscaping.

NOMINATING COMMITTEE

Nothing to report

SECURITY COMMITTEE

Nothing to report

New gates are working great.

WASTEWATER COMMITTEE

Wastewater is up to date on credit owed to all owners.

January 2017 will be next time credit is due.

WEBSITE COMMITTEE

All new members have been added. Chris Flood will be added after this meeting.

CONDO REPORT

Condo Treasurer Report (Sherry Minear)

- *Checking and Reserve Balances*
 - *Checking: \$6,525.62*

DRAFT

- Savings: \$201,281.26
- TOTAL: \$207,806.88
- *Budget vs. Actual*
Overall, \$300,000 vs. \$330,000 budget
- *Aging Summary*
 - Balance is \$24,442.42. Over 90 days is \$25,368.13. Difference is due to some owners prepaying dues. All over 90 days dues have been addressed, and affirmative action has been taken.

Lisa Travis made a motion to accept the Treasurer's report.

Chris Flood seconded the motion. Board approved 4-0.

PROPERTY MANAGERS REPORT

Owners - Entrance signs have been installed. One light has to be lowered.

Leaf clean up completed in all common areas.

Holiday decorations were very nice this year.

Seascope hired a property care manager to do handyman type jobs within the community.

Spoken with Post Office regarding the installation of the new mailboxes. They are scheduling to install them the first or second week of February.

Posts were all painted, 4 Speed Limit signs and a 3 Yield sign has been replaced.

Condos – Crawl space issues has risen.

Chip will be checking all crawl spaces on a regular basis to make sure pumps are working.

In process of doing Large Project.

Painting and roofing bids will be coming in March. Evaluate courtyard walls and steps.

Snow stakes have been placed around the community.

Have made arrangements to have 2 crews ready to start at Plantations.

Sherry Minear made a motion to adjust.

Lisa Travis seconded the motion. All approved 5-0.

DRAFT