

**MARGARET'S WALK
HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING**

May 21, 2009

@ 7:00 P.M.

**FLEMING ISLAND PLANTATION AMENITY CENTER
2300 Town Center Blvd.**

PRESENT:

Danny Kane - President
Bill Korn – Vice President
Andrea Pressley – Secretary
Don Christofoli - Treasurer
Keith Johnson – Director

ALSO PRESENT:

Jim Ferguson, Community Association Manager, Severn Trent Services

CALL TO ORDER & CERTIFY A QUORUM:

Mr. Kane called the meeting to order at 7:03 p.m.
Attendance was taken and a quorum was established.

PROOF OF NOTICE OF THE MEETING:

Notice of the meeting was posted 48 hours in advance.

SECRETARY'S REPORT:

Approval of the May 21, 2009 BOD Agenda
Approval of the April 2, 2009 BOD Minutes

Mr. Kane requested the Resident Forum and NAC Report be moved to the beginning of the meeting.

A motion was made by Danny Kane, seconded by Bill Korn to move the Resident Forum and NAC Report to the beginning of the meeting, after the proof of notice of the meeting and having residents fill out a Speaker Request Form limiting them to three minutes to speak on any agenda item; the motion carried.

RESIDENT FORUM:

There not being any, the next item followed.

NAC/MHOA Report:

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Ms. Madeline Christofoli reported the following:

- The Resident Forum was moved to the end of the agenda several years ago due to meetings being interrupted by residents.
- Reports will be sent to the President and Mr. Ferguson for inclusion on the resident email list. Mr. Kane will verify that a resident email list exists.
- The NAC has been dissolved.
- The MHOA held their organizational meeting and may start meeting every month. She will attend on behalf of Margaret's Walk.
- They will handle violations and ARB business.
- At their next meeting, they will discuss the management contract and work closely with Severn Trent.
- The Master ARB meets every other Wednesday.
- The Fine Committee meets on the fourth Thursday of each month at 4 p.m.
- The first Summer concert was changed from tomorrow night to this Monday night.

Mr. Ferguson cautioned the BOD about providing anything to the residents that was not in the minutes of the MHOA.

APPROVAL OF MINUTES, BOARD OF DIRECTORS, APRIL 2, 2009:

Mr. Ferguson noted some changes to the minutes, which will be incorporated into the record. The following changes were made to the minutes:

- On Page 2, the statement "*Each lot owner was assessed \$881*" will be stricken.
- On Page 3, the landscape bids ranged from \$17,000 to \$19,000.
- On the bottom of Page 2, the statement "*Ms. Pressley wants Austin Outdoor to add mulch to the flower beds across the street*" will be stricken.
- On Page 6, the statement "*Mr. Kane wants*" will be changed to "*Mr. Kane recommend*" and the motion will be amended to reflect that the variance response will be provided to the BOD before submitting to the Grangers.

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- On Page 8, STS will send a letter to the homeowners to show burden of proof and the ARB denied the invisible dog fence request. It was clarified that the request was denied because the fence was past the mid-way point of the home.
- On Page 10, “Chris Foley” should be changed to “Don Christofoli”.

A motion was made by Don Christofoli, seconded by Keith Johnson to approve the April 2, 2009 meeting minutes as amended; with all in favor, the motion carried.

Annual/Election Results:

President – Danny Kane
Vice President – Bill Korn
Secretary – Andrea Pressley
Treasurer – Don Christofoli
Director – Keith Johnson

PRESIDENT’S REPORT:

Mr. Kane suggested having a Letter from the President including the following goals and objectives as discussed by the BOD:

- Better level of communication with the residents by emails. Mr. Kane will obtain the email addresses and Mr. Korn will maintain it.
- Having a bulletin board to post notices and the website address.
- Having a better turnout at meetings.
- Evaluating repairs and upgrades to the infrastructure.
- Providing goods and services for families in need.
- Having a neighborhood party such as a meet and greet or skins/fins party, BBQ or watermelon social.

There was consensus from the BOD for Mr. Kane to prepare a Letter from the President including the above goals and objectives and provide to the residents by email by next week.

VICE PRESIDENT’S REPORT: None

SECRETARY’S REPORT:

Approval of the May 21, 2009 BOD Agenda: There were no changes to the agenda.

A motion was made by Bill Korn, seconded by Don Christofoli to approve the May 21, 2009 BOD Agenda; with all in favor, the motion carried.

Approval of the April 2, 2009 BOD Minutes: This item was discussed above.

PROPERTY MANAGER’S REPORT:

Mr. Ferguson presented the Property Manager’s Report as of May 21, 2009.

2008 Audit Report

Mr. Ferguson gave an overview of the Financial Statements and Accountant’s Compilation Report the BOD for the year ending December 31, 2008:

- The “*Amount Due to Developer*” was removed.
- The turnover was May 2002, not January 2008.
- All bonds are FDIC insured.
- The Auditor will provide a breakdown of all investments.
- The financial condition of the property was good except for the Reserve Fund.

The BOD authorized Mr. Ferguson to post the Audit to Margaretswalkhoa.com.

- Mr. Christofoli questioned a \$17,000 discrepancy.
 - Mr. Kane explained the funds were supposed to be transferred out of the operating funds at the end of the year so they did not show a profit.
 - Mr. Ferguson clarified that the BOD has the option to move the funds, but they were currently in the operating cash so it was not subject to taxes.
- Mr. Kane requested explanation of how, when and why the funds were transferred at one time.

A motion was made by Danny Kane, seconded by Keith Johnson to approve the 2008 Audit Report and Mr. Ferguson was authorized to post the Audit on the Margaret’s Walk HOA website; with all in favor, the motion carried.

Report on March 31, 2009 Financial Statements:

For the Month of March 2009		Year to Date, March 31, 2009	
Total Income:	\$5,333.02	Total Income	\$28,006.30
Total Expenses	\$4,126.95	Total Expenses	\$24,220.81
Net Income (Loss)	\$1,431.07	Net Income	\$3,785.49

Balance Sheet

- Mr. Kane questioned why a check for December from an ARB Application for \$250 was never deposited.

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- Mr. Ferguson will verify that the check was deposited.
- Mr. Kane questioned why there was a prior year adjustment of \$54.08.
 - Mr. Ferguson indicated this was probably a bill that was paid in 2009 but should have been paid in 2008. He will verify.

Accounts Payable

- Mr. Korn questioned why the invoice for PIP Printing for printing of the annual meeting packages was \$967.
 - Mr. Kane explained there were two mailings.
 - Mr. Ferguson clarified that postage was included at \$2.00 per package along with a return envelope for the proxy.
 - Mr. Kane questioned whether there was a least expensive way to do these mailings. Mr. Ferguson indicated that the HOA was not charged for every copy.
- Mr. Kane addressed the following:
 - Requested an invoice with a breakdown of the copy charges.
 - Questioned why there was a bill for lake maintenance. Mr. Ferguson explained this was for the cutting of the grass around the lakes.
- Questioned why there was an invoice from Fred Oliphant for \$60. Mr. Ferguson thinks this had to do with legal work Mr. Oliphant performed for a lot in foreclosure, but he will verify.
- Questioned why a \$50 invoice was 120 days past due. Mr. Ferguson will check.

Operating Report

- Overall all items were in line with the budget.

Regular Checking Account:

- Mr. Ferguson was added as a signatory to the Regions Bank account as they now require two signatures.
- The statements for Regions Bank are sent to the Post Office box.
- The statements for Compass Bank are sent to the Post Office box.

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- Mr. Kane expressed concern that a vendor (Mr. Ferguson) was allowed to make changes to the HOA account rather than a representative of the HOA without Board approval.
- Mr. Ferguson acknowledged that he was allowed to do this because his name was on the bank card.
- Connie Wiggins, Chris Legitt, Vida Delcom and Adam Mercer were removed from the bank card and replaced with Keith Johnson, Don Christofoli, Jim Ferguson and Danny Kane as authorized signatories.

A motion was made by Don Christofoli, seconded by Bill Korn to remove Connie Wiggins, Chris Legitt, Vida Delcom and Adam Mercer from the Compass Bank signatory card and replaced with Keith Johnson, Don Christofoli, Jim Ferguson and Danny Kane; with all in favor, the motion carried.

Mail Box Expense:

Mr. Kane sees a benefit to keeping the PO Box for another six months as homeowners were still sending mail to the PO Box.

The BOD authorized the payment of \$35 for the PO Box for an additional six months. Mr. Kane noticed that the addressee was outdated and needs to be changed.

Storage Facility:

Mr. Christofoli does not see the need for the storage facility as it costs \$1,000. Heather confirmed they were using the facility to store Christmas decorations. Mr. Kane wants to see what else is stored in the facility.

Delinquencies:

To date, there are 19 delinquencies. Another letter will be sent to the homeowners who have past due amounts. Mr. Ferguson explained that it cost a third of the amount of the delinquencies to send out the letters and he would provide some recommendations to the BOD at the next meeting.

Mr. Kane questioned whether the McCarthy matter was resolved. Mr. Ferguson confirmed that Mr. McCarthy presented a check at the annual meeting.

Mr. Kane noted that a house on Sentry Oak was closing this week and questioned whether the outstanding assessment was included in the closing documents. Mr. Ferguson explained that the owner would receive an Estoppel Letter as part of the settlement.

A motion was made by Don Christofoli, seconded by Keith Johnson to approve the March 31, 2009 Financial Statements; with all in favor, the motion carried.

Project Status Reports:
Replacement of Entrance Gates

Mr. Ferguson reported all of the material has been obtained for the gate. He hoped to be able to present a key to the BOD tonight, but due to inclement weather, the contractor was not done.

Decorative and Landscape Lighting

The irrigation work and low voltage lighting installation for the islands have been scheduled. They need to pour the concrete to run the wire through the conduits. All of the wires sticking out of the ground will be rerouted into a box below the ground. This will allow for the capability of tying the two motors together. Maintenance money will be used to pull out the existing light under Lot 1 and create a circuit for the low voltage lights.

Mr. Ferguson was in the process of obtaining a proposal for the front entrance decorative lighting and felt that the proposal would be lower due to the installation of the conduit.

Ms. Pressley thanked Mr. Ferguson for coordinating the lighting on the Margaret's Walk sign. Mr. Ferguson indicated he only had to replace some bulbs.

Mr. Kane indicated that some lights were off on the bike path. Mr. Ferguson will send an email to Russell Bagg.

Property CCTV System

There are currently two telephone bills for the gate; one for the gate and the other for a CCTV system. The CCTV system was still on hold as it required a modem. Mr. Ferguson will cancel the telephone number for the CCTV, saving \$67 a month.

Front Entrance

At the entrance, the sod has been installed and all repairs have been made, pressure washed and repainted. The contractor did an excellent job and ended up killing a large number of carpenter ants.

Road Resurfacing

Duval Asphalt provided a proposal for \$184,000. Other contractors will provide proposals when the scope of the work is finalized. The bid amount will fluctuate depending on the asphalt cost. The County will only repave main roads and not neighborhood roads.

The pothole in front of 166 or 167 Grand Oaks will cost \$50,000 to repair. There was consensus from the BOD to have the pothole repaired. Mr. Ferguson will look into a less expensive alternative.

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Mr. Kane questioned whether Mr. Ferguson obtained a bid for colored concrete. Mr. Ferguson noted that Duval will provide him with a bid for the colored concrete using better quality paint. As soon as the gates were repaired, they were planning to choose the color for the concrete.

A recommendation was made to obtain a proposal from Barco.

Streetlighting

Clay Electric will replace the broken streetlights within a week if the HOA places orange ribbons around them. Ms. Pressley suggested placing a notice on the website for residents to address broken streetlights. Mr. Ferguson requested that the BOD inform him about any broken lights and he will forward to Mr. Bragg.

Committees

Discussion ensued regarding letters sent out by Severn Trent and BOD members sitting on Committees, which was a violation of the Bi-Laws: At the conclusion of this discussion, there was consensus from the BOD members to obtain a legal opinion regarding the specifics of the Master HOA Rules Enforcement Committee in regards to whether the BOD can allow them to issue citations for violations. They will also speak to the REC members or attend a meeting to see how they operate. If there was no response from the BOD members in regards to the current violation letters within 48 hours, Mr. Ferguson will mail the letters.

ARB COMMITTEE:

- Mr. Kane addressed the following:
 - Questioned whether there was a legal opinion on a BOD member assisting the ARB Committee. Mr. Ferguson noted that the BOD can override any decision made by the ARB Committee.
 - No longer wishes to serve as ARB Chairman.
 - Setting a meeting date.

ARB Approvals:

- Lot 173 – Use of pavers for backyard patio and sidewalk
- Lot 168 – Use of Pentas and Satellite Dish
- Lot 150 – Pool screen enclosure and pavers.
- Lot 174 – House Painting
- Lot 11 – House Painting w/original color – Did not need approval.

At the last meeting, Mr. Granger applied for a variance to have a detached garage added to back of his property. A request was made by the ARB Committee for Mr. Kane to draft a variance

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response letter to present to the Board granting Mr. Granger's request. Mr. Kane read the letter into the record, which will be included in the official proceedings of the meeting.

A motion was made by Don Christofoli, seconded by Keith Johnson to approve the variance request letter prepared by Mr. Kane; with all in favor, the motion carried.

Mr. Kane will send the letter to the Grangers by email and include in the resident list email a request for ARB Committee members.

REC COMMITTEE:

- Stephen Cattone requested re-evaluation of a violation he received for \$1,000 for commercial vehicle parking. He will work with the committee on a solution and offered to cover the logos on the vehicle with white magnets.
 - Mr. Johnson clarified that the \$1,000 fine was for lawn maintenance issues and not for commercial vehicle parking.
 - The first notice was sent in April of 2008 after an inspection by the Property Manager. A second notice was sent in January of 2009 indicating an intent to fine if not addressed. The Rules Enforcement Committee voted in Mr. Cattone's absence in February of 2009 to impose a fine of \$100 per day with a maximum fine of \$1,000.
 - Mr. Cattone indicated his vehicle needs to be parked at his home because he was on-call. He addressed the yard maintenance issues by pulling weeds out of his flower beds and adding mulch. Mr. Johnson noted that even if the logos were covered, the truck was a utility truck and not a pickup truck.
 - Mr. Kane feels the Board took the appropriate steps and it was on the burden of the homeowner to provide the proof. If Mr. Cattone attended the fine hearing, the matter would have been resolved.
 - Mr. Ferguson indicated that the fine was for the weeds and there was no established time period between the first and second notice. He suggested the committee establish one.
 - The Board discussed the implications of dismissing Mr. Cattone's violation. Mr. Johnson agreed to dismiss the violation, with the caveat that the rules of the REC Committee would not be compromised in the future in regards to posting fines.

A motion was made by Danny Kane, seconded by Don Christofoli to dismiss Mr. Cattone's yard maintenance violation due to a timing issue between the first and second notice; with all in favor, the motion carried.

- Mr. Ferguson will confirm the process of the Chairman of the REC Committee.

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- The establishment of a new REC Committee will be put on hold until the requested research was complete.
- Mr. Cattone received another fine for the commercial vehicle.
- Mr. Johnson questioned how a resident can receive another fine.
- Mr. Ferguson confirmed that a resident can be fined up to \$1,000 per incident because the process starts over again.
- A second notice will be sent to Mr. Day of 1615 Margaret's Walk Road as the trailer was seen every day since March.
- A second notice letter will be sent to 1641 Margaret's Walk Road for street parking.
- A second notice letter will be sent to 1648 Margaret's Walk Road for street parking and having a boat and trailer.
- A second notice letter will be sent to 1831 Sentry Oak Court for street parking.
- A first notice letter will be sent to 1878 Sentry Oak Court for trash and miscellaneous items in the driveway since six months past since the first notice was sent on November 25.
- A first notice letter will be sent to 2911 Grande Oaks Way for a boat and trailer.
- Mr. Ferguson expressed concern that the second notice letters were being sent without giving the resident a date to come before the REC Committee. He wants to send another first notice letter with the set date.
- Mr. Kane wants to set a date 30 days from the date of the letter, which can always be changed.
- There was BOD consensus for Mr. Ferguson to send out the second notice letters by certified mail with a compliance date 30 days past the date of the letters and for the letter to Mr. Kenneth Penta be dismissed as the vehicle was no longer parked in the street.
- Mr. Johnson noted that the BOD did not receive copies of the fine letters. Mr. Johnson confirmed that the fine letters were attached to the minutes.

Social Committee Report:

Mr. Kane requested that Heather submit a report to the Board by email prior to the next meeting.

Ms. Pressley requested that Heather not hold the Fourth of July party on July 4th weekend.

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OLD BUSINESS: None.

NEW BUSINESS: None.

Set Next Regular BOD Meeting Date:

The monthly meetings will be held on the third Thursday of each month.

Mr. Christofoli noted the CDD's first draft of the budget was distributed. They plan to reduce the HOA dues by \$31.

Adjournment:

With there being no further business to come before the Board,

A motion was made by Bill Korn, seconded by Don Christofoli to adjourn the meeting at 10:20 p.m.; with all in favor, the motion carried.

James E. Ferguson, CAM
Severn Trent Property Management
For Margaret's Walk