

**MARGARET'S WALK
HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING
January 18, 2010 @ 6:00 P.M.
FLEMING ISLAND PLANTATION AMENITY CENTER
2300 Town Center Blvd.**

I. CALLING OF ROLL AND CERTIFYING A QUORUM

Ms. Joyce called the meeting to order at 6:02 p.m.

Present:

Danny Kane, President
Don Christofoli, Treasurer
Keith Johnson, Director
Gwen Joyce, Community Association Manager, Severn Trent Services
Mary Kane, Resident
Ms. Johnson, Resident
Mr. McCarthy, Resident

Attendance was taken and a quorum was established.

II. PROOF OF NOTICE OF MEETING

Notice of the meeting was posted 48 hours in advance on the website.

III. OWNERS FORUM:

None

IV. APPROVAL OF MINUTES FOR NOVEMBER 9, 2009

A motion was made by Don Christofoli, seconded by Bill Korn to approve the November 9, 2009 meeting minutes as amended; with all in favor, the motion carried.

V. MANAGER'S REPORT

• **Financials**

Ms. Joyce submitted her status report and the following was discussed:

For the Month of November 2009

Total Income: \$5,443.18
Total Expenses: \$3,871.70
Net Income: \$1,571.48

For the Month of December 2009

Total Income: \$5,780.18
Total Expenses: \$6,987.01
Net Loss: \$1,206.83

Year to Date December 2009

Total Income: \$81,118.20
Total Expenses: \$72,567.51
Net Income: \$ 8,550.69

Mr. Christofoli questioned whether the year to date net income of \$8,550.69 was going to be transferred into reserves. Mr. Kane confirmed that the BOD requested those funds transferred by the end of the year. Ms. Joyce will confirm.

Mr. Kane questioned how they ended the year with net income, yet there was a net loss of \$1,206.83. It should have balanced out and the difference moved to reserves. Mr. Johnson explained that the \$1,206.83 loss was for December only and not for the entire year.

Mr. Korn requested page numbers on the Financial Reports.

- **Delinquencies**

There are 11 delinquent accounts totaling \$4,072.70. All owners were sent a reminder notice.

Mr. Kane requested that liens be placed on the properties listed as 8, 9 and 11 on the Delinquency List. He expressed his displeasure that staff from the Management Company made agreements with two properties without bringing it to the BOD. Ms. Joyce offered to have staff monitor the foreclosures.

Bill Korn MOVED to place liens on the properties listed on the Delinquency List as 8 and 11 and Keith Johnson seconded the motion.

Mr. Kane added the property listed as nine on the Delinquency List.

On VOICE VOTE with all in favor, the prior motion to place liens on the properties listed on the Delinquency List as 8 and 11 was amended to include the property identified as 9, the motion carried.

Mr. Johnson pointed out that the other delinquencies were not due to outstanding assessments. Ms. Joyce explained that liens cannot be issued for anything other than assessments. Mr. Kane supported having Mr. Bob Koncar seek legal advice on collecting money from the remaining delinquencies that could not be liened.

Mr. Kane expressed concern over the bar code situation and supported having residents pay for their bar code in advance instead of the HOA issuing the bar code and awaiting payment. There was consensus from the BOD. Mr. Christofoli suggested placing a reminder on the website. Mr. Kane suggested sending out an email blast.

Mr. Kane questioned what concrete was installed by Hydrodry. Mr. Christofoli explained that this was the concrete for the light at the front entrance. This work was done in July, but was never paid.

- **Violations**

A list of current active violations was provided in the BOD working package from recent inspections. An REC meeting is scheduled for January 28, 2010. The following owners received certified letters and will be asked to appear before the REC:

- 1783 Margaret's Walk Road-*Lawn in bad condition*
- 1646 Marsh Winds Court – *Dead sod*
- 1650 Marsh Winds Court - *Foreclosure*
- 1892 Sentry Oaks Court – *Street parking*

Mr. Korn does not believe that the owner of 1783 Margaret's Walk Road should be invited to speak before the REC as they were invited in February and never showed. Mr. Johnson pointed out that the owner acknowledged that this was a new fine.

Mr. Johnson pointed out that the violations tracker was not up to date as some violations letters were missing, especially the tree letter and others were from June of 2009. Ms. Joyce will forward the tree letter to Mr. Johnson. She explained that the older violations were open items.

Mr. Kane acknowledged that before the REC met at the beginning of Summer, Ms. Donahue was supposed to schedule an orientation meeting with the members of the REC Committee [Ms. Fran Eisert, Mr. Doug Lloyd and Ms. Bonnie Helm], but this never occurred. He believed this should occur between now and January 28 so they understand they have no enforcement powers. He requested that the REC members show 30 minutes prior to the meeting.

Mr. Kane was informed by a builder that the owner of Lot 152 had hired a contractor to clear trees on Lot 153 and remove three Pine trees from their property, without applying to the ARB. He wanted a violation letter sent to the owner. Ms. Joyce will handle.

- **FIP Master HOA**

The Master HOA requested that the MWHO take responsibility for maintaining lawns neglected by owners under Section 11.20 of the covenants. The Master HOA wants the MWHO to change their documents before they would be responsible for maintaining neglected yards in Margaret's Walk.

Mr. Johnson indicated that this was in response to their prior response to the Master HOA. After reading the provision, Mr. Kane believes that the rule does not reflect that the MWHO has to do this, but they have the right to. This matter will be taken under further advisement.

- **2010 Adopted Budget**

The mailing from November 24, 2009 included the 2010 Budget and a letter from the BOD with the latest mailbox information.

- **Mailbox Information**

STMS will begin writing violations to owners who have not updated their mailboxes to the standard FIP requirement. The choice of box is round or square.

- **Annual Invoices**

Annual invoices for the 2010 assessments were mailed to all owners in December. After January 15, 2010 they are considered late.

- **Christmas Decorations**

Ms. Renee Vann coordinated all Christmas decorations including the tea lights for the community. Ms. Vann will forward all outstanding receipts.

- **Reserve Study**

A request for a quote for a Reserve Study has been sent to Reserve Advisors and Dreux Issac & Associates. The study needs to be completed before the next budget year. Ms. Joyce will verify the time frame and provide to the BOD by email.

- **Backflow Repair**

The backflow equipment located in the island just inside of the gate entrance is leaking and was reported to H2O for repair. This leak was discovered when Ms. Joyce noticed icicles hanging from a branch. When she looked at the backflow, she discovered water was trickling. Mr. Korn informed Maintenance Manager, Mr. Russell Bagg about the leak and was told they were left open because of the cold weather. Ms. Joyce will verify.

- **Gate Matters**

The gate hinges were repaired in January by McKinley Fabrication for \$170. The Property Manager received a proposal from Franco Enterprises to sand and paint the gate hinges for \$210 or to sand and prime decorative iron accruements and iron posts, paint posts, accent work and gate for \$575. The BOD requested that Ms. Joyce obtain further quotes.

Mr. Kane did not believe it was worth \$210 to paint the small area around the hinges and offered to paint them himself. He requested that a Welder look at the scrolls on top of the gate to see if they can be permanently affixed as last year four bolts were replaced.

The keypad was not functioning in November/December and repairs were made after much troubleshooting. Commercial Security was contacted when the gate would not function due to a bad motor, but they could not come out so Sunbelt was contacted who immediately responded.

Mr. Kane expressed concern with contacting Sunbelt due to the fact that at one time the motors were originally replaced by Commercial Security and could be under warranty. Ms. Joyce explained that Severn Trent asked Commercial Security to provide warranty information. No invoices have been paid as of this date.

Mr. Johnson reported that the exit gate was half open and making a "chirping" noise. When he reset it, the gate started working however, there are still intermittent issues with the new mechanisms. It is his opinion that the exit gate malfunctions more than the entrance gate as this is the third time this happened since the new mechanisms were installed. Mr. Korn believes the mechanisms should still be under warranty. Ms. Joyce will bring this to Mr. Wachter's attention.

- **Storage Shed**

Ms. Joyce received a bill to prepay for an additional six months rental of a storage shed for \$494.34 and \$988.68 for 12 months. Ms. Mary Kane recalled the HOA paying for 12 months and the contract still being in effect. Ms. Joyce indicated that the expiration date was January 31, 2010. Ms. Joyce will verify and email the BOD.

Mr. Kane confirmed there was not adequate space for the Christmas decorations in the storage shed and believed that the 12 month rental price was high. Ms. Joyce explained that they get one month free for the six month rental and two months free for the 12 month rental. The per month amount was \$82.39.

- **Owners Concerns**

The following concerns were addressed by residents:

- Mr. Chuck Grandmason – *Speeding in neighborhood, blocking of sidewalks and stray cats.*
 - Mr. Kane acknowledged that cars parked on sidewalks and roadways would receive violation letters. The problem was exacerbated by the fact that residents at the end of Margaret's Walk Drive have short driveways.
- Mr. Frank McCarthy – *Review of ARB records for his unit.*
- Mr. Sam Giudice – *Gas company billing every other month and charging a \$2.00 late fee and \$6.00 re-billing fee.*
- Ms. Mary Kane – *Sidewalk maintenance*
 - Ms. Kane informed Ms. Donahue about the sidewalk on the corner of Margaret's Walk Blvd. and Sentry Oak Court at the junction of Lots 56 and 57, which is tilted due to saturation of the ground.
- Ulrich Werner – *Ownership of North perimeter fence.*
 - Ms. Joyce provided several documents that the developer filed to the BOD but she did not find any formal dedication.
 - Mr. Kane pointed out in one document that \$818.18 would be reimbursed at the start of the home construction for each lot when title transfers to a third party user, which substantiates the fence being transferred to the homeowner.
 - Mr. Korn confirmed that the third party user was the homeowner.
 - Mr. Christofoli pointed out that the only portion of the fence that the HOA paid for was where the gas tank was located.
 - Mr. Kane clarified that when title was transferred to the homeowner, the fence became under their ownership.
 - Mr. Johnson indicated that the BOD did not make any decision on ownership, upholding what has been in place since 2002.
 - Mr. Christofoli pointed out that HOA funds could not be used for fences on private property.

- Mr. Kane believes there needs to be a statement on record that the BOD never made a decision on ownership of the fence with a copy of a letter dated May 18, 2001 from the developer, Mr. Mitchell Montgomery corroborating this.

VI. COMMITTEES

- **Architectural Review Board – Mary Kane**
 - Lot 30 – *Approved for a fence and gate* on November 14, 2009.
 - Lot 104 – *Approved for pavers and sidewalk* on December 23, 2009.
 - Lot 138 – *Denied for tree removal*. The owner sent a letter to the BOD requesting his file.
 - Lot 43 – *Approved for a free standing trellis for a Jasmine Plant* on January 12, 2010.
 - Lot 152 – *Pending for a building extension*. Construction should be completed in the next few days.

Mr. Frank McCarthy appealed to the BOD regarding the ARB denial of the removal of his tree. He explained that the tree was improperly planted by his builder as the root ball could be clearly seen. This caused the tree to lean. He was trying to stabilize it so it did not hit his house. He questioned the denial because the BOD did not have to use an Arborist when they removed a tree.

- Ms. Kane pointed out that the ARB and management requests that a certified contractor verify this.
- Mr. Kane acknowledged that the covenants state with any submittal to the ARB, the burden of proof falls to the homeowner. Because MW was established before 2003, it did not fall under the Clay County Tree Ordinance. He did not believe that the ARB was saying no, but was trying to help them make a solid decision.
- Mr. McCarthy questioned why it took 49 days from the date of submittal to the denial. *Ms. Kane acknowledged that from the day the Management Company received it, it took well over three weeks before the ARB received it.*
- Mr. McCarthy suggested obtaining a copy of the form online and emailing it directly the Management Company. *Mr. Kane believed that the form could be emailed along with a scanned copy of the supporting documentation. However, new submittals for construction could not be done online.*
- Ms. Kane requested reimbursement for a printer cartridge. Mr. Korn agreed.
- Mr. Kane indicated that the bottom line was that the ARB could not approve the removal of a tree unless a plan existed showing the size. The ARB was thankful that Mr. McCarthy applied rather than removing the tree.

- Mr. McCarthy is to provide to the ARB a letter from a licensed Arborist about his tree.
- A copy of the Clay County Tree Ordinance and FIP Covenant will be provided to the BOD and to Mr. McCarthy.
- Applications should be forwarded to the ARB from the Management Company in a timely manner. Ms. Joyce will scan applications and email to Ms. Kane to expedite. The originals will follow by mail.
- Mr. Kane should receive a key for the P.O. Box.

Mr. McCarthy supported closing the gates 24/7 during the holidays when the school buses do not run.

- **REC Committee Meeting**

As stated above, the next REC meeting was scheduled for January 28, 2010 and all members will be asked to arrive 30 minutes prior to the meeting. All members were informed about the meeting.

Mr. Korn questioned the status of the Cataldo and Todd violations.

- Cataldo: Was sent a letter to go before the REC regarding lawn maintenance, commercial vehicles, truck with sign and storage shed. Since that time, the storage shed and signs on the truck were removed. Mr. Kane recalled Cataldo saying that they were going to wait until September to redo the lawn, but they never did. They planted rice seed, which is not allowed.
- Todd: Received a violation for a patio covering, however, they were not fined until now.

VIII. DIRECTOR'S OLD BUSINESS

As stated above, Ms. Joyce will obtain an additional bid for the painting of the gates.

IX. DIRECTORS NEW BUSINESS

- Ownership of Fence at 1780 and 1784 Margaret's Walk Road
- Gate Repairs and Expenses

These items were discussed above.

Mr. Kane requested that Austin Outdoor re-sod the grass in the front island between the sidewalk and the road past the 15 mph speed limit sign upon entering the neighborhood.

Mr. Christofoli suspects that Austin Outdoor was waiting for the weather to improve as there were many areas with dead grass.

Mr. Kane addressed the following:

- Believes that there is better material for fencing Lot 4.
 - Mr. Christofoli indicated that this could not be done unless the covenants were changed in FIP.
 - Mr. Kane found provisions that refer specifically to the MW covenants and not to the FIP covenants.
 - Mr. Christofoli disagreed as a covenant cannot be changed unless it was more stringent than the Master Covenants.
 - Mr. Kane believed it was not a covenant but an architectural guideline, which could be changed. He supported taking a closer look into this matter.
 - Mr. Christofoli suggested having an Attorney provide an opinion.
 - Mr. Johnson believed that they should make sure it gets included if they found this was legally sound and there was something in FIP criteria that was not in the MW covenants and they want it as part of their covenants.
 - Mr. Christofoli gave the example of the white fencing that was not banned in the covenants, but some residents have them.
 - Mr. Kane pointed out that the current process was for the ARB to come up with a recommendation to present to the BOD. He believed that the correct process was for the BOD to put recommendations out to the neighborhood and have the owners decide.
 - Mr. Christofoli believes that before this could happen, an Attorney needs to provide a legal opinion as to whether or not this could be done.

X. NEXT BOARD MEETING

The next BOD meeting is scheduled for February 8, 2010 at 6:00 P.M. A notice will be posted will be on the website and at the message center.

X. 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 7:40 P.M.; with all in favor, the motion carried.

Gwen Joyce, L-CAM
Severn Trent Property Management
For Margaret's Walk HOA