

Keys at Kure Beach Homeowners Association

BOARD OF MANAGERS MEETING - March 7, 2009 - 9:00 AM

MINUTES

Board present: Harry Birch, Micki Hobson, Bryan Strickland, Tim Upton, Ed Wilkinson

Accountant: Grace McGee

Committee Coordinators/members present: Betty Swann, Jennifer Scott, Barbara Upton

Other Homeowners in attendance: Carl Bryant, new KBV Board Mbr.; Linda Newton

Meeting called to order at 9:00 AM by Tim Upton, President.

Minutes of previous meeting (email 1/27/09) adopted.

FINANCE

--presented by Grace McGee

1. CHECK DETAIL - Jan. & Feb., 2009 **ATTACHMENT A-1 & 2**
2. P& L and BALANCE SHEET - as of Feb. 28, 2009 **ATTACHMENT A-3a & b**
3. P & L Budget vs Actual - Jan - Feb, 2009 **ATTACHMENT A-4**
4. ACCOUNTS RECEIVABLE Aging Summary - 3/6/09 **ATTACHMENT A-5**
ACTION SUMMARY:
Accounts to be turned over to new Attorney (see item #5 below) for next steps in collection process are as follows:
 - a) Numbers 4, 5, and 10 in excess of \$1,000
 - b) Numbers 8 and 11, in excess of \$3,000

5. NEW LEGAL COUNSEL

--report from Tim

As part of research for new legal counsel, Tim and Ed met with attorney Andrew K. McVey, Member of Murchison, Taylor & Gibson, PLLC (law firm).

ATTACHMENT B

Firm employs 11 attorneys, client list includes 25 homeowners associations of varying size, focal points of expertise include environmental issues and lien procurement.

Firm requires no retainer; Hourly rates = \$89 paralegal, \$250 attorney.

Additional firms researched with similar expertise did not meet Keys financial and/or size requirements for timely attention.

DISCUSSION: Consolidating legal counsel with Kure Beach Village HOA was considered; due to conflict of interest potential, consensus was not to do so.

MOTION (called by ED, seconded by Harry)

“To hire Murchison, Taylor & Gibson to provide Keys HOA legal counsel as directed by the Keys Board of Managers.”

APPROVED: Unanimous consent.

5. NEW LEGAL COUNSEL (cont.)

Tim will provide the following information to Andrew McVey:

- a) Website access for review of By-Laws.
- b) Process and Documents currently used by Keys for Accounts Receivable retrieval
- c) Authorization to take appropriate 'next steps' with 5 homeowners referenced in Accounts Receivable Aging Summary (Item #4 above)
- d) Authorization for delivery of notice by Sheriff if/when appropriate

6. LIENS & FORECLOSURES

POLICY: Renters will be notified of any liens placed on property they are leasing.

ARCHITECTURE

1. CHANGE REQUESTS: None

2. RE-SHINGLING -- 4 new applications received:

- a) Hladik/Yergler -- 605/601 SPL
- b) Chadwick/Strickland -- 610/614 SPL

3. RE-PAINTING COMMITTEE -- update -- Ed

- a) Committee met w/ Home Depot paint department personnel to discuss new exterior paint product by Behr Co. Complete report of all products researched will be provided at next board meeting.
- b) Consideration of requesting change in the re-shingling schedule, among other issues, is dependent upon rough estimates of cost for Liquid Vinyl siding vs. other exterior paints. Clarification for those who misunderstood this item: The Committee is fully aware, and brought to the Board's attention at the last meeting, that ANY change in the re-shingling schedule would require approval from owners at the next HOA Annual Meeting. The Committee's goal is to provide a variety of options, reflecting as many points of view as possible, from which the Board can construct an action plan to be presented to owners for final approval.

LANDSCAPE

1. DRAINAGE

- a) Nancy Brickman - 821 KVV - letter of concern re excessive water surrounding property reviewed by Tim and Bill Costigan. No meters or pipes appear to be leaking; water was turned off in August. Recommended gutters be placed across rear of unit. Bushes have been trimmed additional inches from side of unit. Canady recommends fan under unit for those w/ excessive moisture.
- b) Stepping stones between units experiencing standing water.
ACTION: Request estimate for purchase and installation from Sam's Landscaping.

2. RUBBER MULCH

Dupont Premium Rubber Mulch 'test site' completed. Cost exceeded \$900 approved expense by \$569 due to error in calculation of test area size.

MOTION: (called by Ed, seconded by Harry)

"To authorize additional expense for mulch test."

APPROVED: Unanimous consent.

Sample of mulch has been placed on file for comparison in 15 years!

3. SPRINKLERS

a) Damaged sprinkler head replacement: Rules & Regs provide option for owners to be charged for damage to those located adjacent to driveways. The ongoing debate will forever be who's at fault. Because heads are a minimal expense, consensus of current Board is for HOA to continue to incur the expense.

b) Irrigation clocks (total = 28): Tim charted monthly water usage of each meter over 3 year period. Major spikes in usage are evident. While some of these are result of damage to pipes and/or sprinkler heads, they may also correspond to clocks which do not shut sprinklers off in the event of rain.

ACTION: Board agreed to purchase one rain sensor attachment (@ \$80) to test performance and determine efficacy of adding rain sensor to all clocks.

4. POND AERATION REQUIREMENTS

-- Tim

Per recommendation of pond maintenance contractor, pond fountain timer was reset in Feb. to run for 4 1/2 hrs. daily during balance of 'winter' days/month.

ACTION: Research a) when to increase hours b) how many daytime hours during peak heat season are recommended. Time-of-use meter may or may not be warranted.

5. FEEDING OF WILD ANIMALS -- Lake side: ducks & geese

It has been noted that residents are placing various food on grounds, particularly for ducks.

This is problematic for several reasons: a) attracts migratory animals and puts them in jeopardy, b) attracts moles, mice, foxes and possums and puts lawns and residents in jeopardy! **ACTION:** Distribute flyer regarding these dangers. No assignment made.

6. PLANT & TREE TRIMMING

a) Major trimming throughout grounds to be completed this month. Landscaper requested compensation for the additional dumping fees (to date \$500) which Board has approved. Discussion re obtaining chipper to produce mulch from trimmings for re-use on grounds tabled until further discussion w/ landscaper.

b) Height regulations -- Ed raised question re adherence to regulations specified in manual.

Discussion included full range of opinions from "all plantings around all units must look exactly the same" to "plants around units are not all in themselves the same and thus will not look the same even if trimmed to identical specs." The issue is at once one of aesthetics (qualifiable) and of implementation (quantifiable) -- and is further complicated by other issues such units not being located in similar positions. [Example: rear decks of those on lake side have privacy issues not relevant to those on woods side.]

ACTION: Landscape Committee will continue to review this issue.

INSURANCE DECLARATIONS - Tim

- a) Tim in process of contacting owners whose wind/hail and/or fire insurance appear to be inadequate.
- b) Carl Bryant requested Board a member to be liaison for disseminating advocacy information relevant to NC insurance rate regulations. Micki volunteered.

HOME OWNER MANUAL UPDATES - mailed/hand delivered 1/31/09 per schedule

NEW BUSINESS

1. POND OWNERSHIP / RENEWAL APPLICATION

Keys & KBV deeds to out buildings, pools, club houses, tennis courts and retention pond may not in proper order and Keys may be in violation of NC permit requirements for retention pond owners. **KBV** hired Joseph S. Hill, Jr. & Associates to review and prepare pond renewal permits. Invoice for those services dated March 4, 2009 is **\$2,795** which KBV has turned over to Keys for payment. Results of research are not adequate.

ACTION: Hill & Associates research report and materials and other relevant documents will be provided to new attorney, Andrew McVey for counsel as to next steps for equitable solution.

2. KBV HOA activity announcements

- Carl Bryant

- a) KBV has new website - ID = kbv PASSWORD = homeowner
- b) Construction of a playground for kids is being considered. Site recommendations requested.
- c) Pool Monitor position available for hire. Duties = daily opening and closing of both pools and occasional check for ID's during day. Period: April 15 - Sept. 30

NEXT MANAGERS MEETING:

CHANGE DATE from second Saturday in May to SAT. JUNE 6

[Note 3/8/09 - Club House reserved for new date and notice of change will be posted. -MH]

Meeting adjourned at 12:00 PM

ITEMS FOR FUTURE AGENDAS:

1. Roofs -

- a) Research **solar panel** options; including pictorial renderings for potential presentation to owners. Energy and long term monetary savings will likely be of increasing interest.