

Keys at Kure Beach Homeowner's Association Minutes

February 8, 2023

5:00 PM @ the Clubhouse and via Zoom

Board Members Present: Russ Timmons, Nancy Brickman, Frank Watkins, Lollo Eriksson, Eve MacCurry

Office Staff: Grace McGee, Kim Garguilo

Owners: Ed Wilkinson, Craig Galbraith, Wayne VanDyck, Mark Bennett

Board actions taken since the last meeting:

- The Board approved the minutes for 1/10/23.
- The Board approved a window replacement request for 809 Sloop Pointe Lane
- The Board approved Sam's contract for 2023

Bike Path

Before the scheduled agenda items, owner, Ed Wilkinson stated that he wished to present an update to the Board concerning the bike path. At a recent town meeting, 3/4 of the town council and the mayor requested a feasibility study to examine putting a bike path on Dow Road. Kure Beach will also examine all of the possible bike routes. One of the possible bike routes would take the route through MOTSU land behind the homes on Settlers Lane.

The HOA for Beachwalk has written to the Town and made a formal objection to that option because of concerns regarding flooding and overwhelming their retention ponds. Ed gave an explanation of the kind of soils found in Kure Beach and the propensity for possible flooding. He stated that all of the Keys and adjoining properties are built on wetlands. He stated that it is unwise to build on wetlands. Ed discussed soil types and presented the Board with a map. He also claimed that the Carolina Beach Greenway is subject to flooding.

Lollo stated that more study from experts should inform decisions about whether or not to support a bike path on the land behind the houses on Settlers Lane. He said that it was important to get input from expert engineers. Prior to the meeting, Lollo had consulted with Jim Mesimer and his engineer who stated that of course paving is reducing the permeability of water on the paved area. However compensatory techniques are used to help water run-off and direct it towards a collecting ditch and pipe system. He also said that he is on the Carolina Beach Greenway almost every day and that there has never been flooding on the Greenway bike path. He also stated that the traffic on it, even in high tourist season, is minimal or reasonable. He strongly pointed out that the Key's HOA should not be influenced by or take part in lobbying activities for or against the bike path, but let experts complete the feasibility plan. Experts should evaluate thus allowing for a neutral and informed

decision. Arguments which are made up and not backed by facts should not drive decision making.

Ed said that he was not trying to lobby either way, just presenting an update, He also wanted to inform the Board that the Beachwalk HOA president will be contacting the Board to lobby the Board to vigorously oppose the bike path behind the homes on Settlers Way. Lollo again said that all decisions must be fact driven

Owner Craig Galbraith said that part of the drainage problem was mismatched pipes with smaller and larger dimensions . He also said that the mayor of Kure Beach is not in favor of putting in more pavement in downtown Kure Beach. Additionally, he also said that a study has shown that Kure Beach is fortunate to have a very high soil permeability where water penetrates the soil effectively.

1 Financial Report

Grace McGee gave the financial report. Reviewing the financials, Grace indicated that there were just a few checks that were not typical monthly bills. The first two checks were for estimated income tax to the IRS and the State of North Carolina. Additional checks were paid to Eve MacCurry for reimbursement for the zoom subscription, TruGreen for services in December, and Jeff Cline for irrigation repairs.

Grace then discussed the fact that \$34,000 was in the budget for Sam's contract. The actual contract was negotiated for \$39,000. Grace discussed the need for the board to consider shifting money from other budget items. For example, \$6,000 is in the budget for irrigation around the pond. Grace proposed that some of that money could be reallocated to pay for Sam's contract. Lollo said he is still not sure how much he would need in the budget for irrigation. Lollo said he would speak with Kevin and Jeff Cline. Grace also said that another area that can be explored is money allocated for sinkholes. The budget has \$2500. If not needed for that purpose, it could possibly be reallocated to cover Sam's contract.

Next, Grace looked at the balance sheet which shows the money that was rolled over to a CD and is earning 4.6% interest. At this time, all of the HOA's CDs have interest rates in very decent shape.

In reference to the dues receivable on the balance sheet, Grace indicated that there are only two owners who are of concern because they are delinquent. The owner indicated as #1 has been emailed and mailed a 15 day notice letter that if payment is not received, a lien will be filed. The owner indicated as #2 was emailed a statement.

2. Insurance

Kim gave an update. She called Kim at Network realty regarding securing proof of insurance for all owners. They will be meeting next month. Nancy sent all the documents to Network. Now the Keys HOA administration and Network will be on the same page.

3. Pond

The Board discussed the information provided by Kevin that the pump runs 24/7. The Board discussed whether the pump needs to run 24 hours per day, or

perhaps it might clog up if it only ran from 9 AM to 8 PM for example. Frank will discuss this with Kevin. The need to dredge the pond was also discussed. Grace said that there was not money in the budget to dredge the pond, the cost of which is 60% Keys and 40% Kure Beach Village.

4. Architecture

- Request Review - Architecture: Not covered at the meeting. Discussion postponed.
- Patios

In 2013, an owner put in a patio using pavers without asking permission from the Board by filling out the appropriate architectural form. Until recently, this patio had been hidden by shrubbery. Recently, the shrubbery had to be removed. Once it was discovered, the owner was informed that the patio did not conform with the regulations.

The owner then submitted an architectural request to be granted permission retroactively. The owner acknowledge his mistake; however, he also claimed that he had not known that the request had been necessary. The owner explained that the reason he had wanted the patio was that he had wished to enlarge his back deck, but he could not do so because of electrical wiring which made it problematic to make his deck larger. The pavers he used to create the patio covered an area that would have been allowed if he could have enlarged his deck.

Nancy stated that the regulations are that the maximum allowed distance for pavers is 70" from the house. The patio in question exceeded this dimension. Frank and Lollo questioned whether the regulations had been in effect at the time that the owner had put in the patio. Lollo questioned if the Board was considering asking the owner to change the size of the patio after it had existed for ten years.

Eve stated that rules are rules and not arbitrary. However, she felt that there was a point to be made since this owner had desired to enlarge his porch, but because of the design of his house having electrical outlets next to his porch was unable to do so. Eve said that there are only three buildings which have the garage between the units. Because of this, could the Board make it allowable for only those units to have the larger patio area. After some further discussion, Lollo made the motion that houses with garages in the middle that have limitations on extending the decks be allowed to have the enlarged patio size. In addition, these patios should be hidden by shrubbery. This is true for those units only. Russ seconded the motion. The motion passed.

Nancy stated that a concern going forward might be that if both units wanted the enlarged patio a privacy screen might be requested, and suggested that the Board make a decision on this now before it becomes an issue. This discussion was postponed.

- Garden boxes (back & side of property; dimensions)

Lollo began the discussion of allowing garden boxes in the Rules and Regulations. He suggested 200 gallon boxes in brown, beige or green so that they would blend in with the shrubbery. These boxes could be in the back and at the side of units only. These boxes should be hidden by shrubs. Lollo made the motion that such boxes be allowed. Russ seconded it. The motion passed.

- Privacy fences, screens, bushes for the back yards

Lollo showed samples of privacy fences and foliage options for offering options to hide garbage cans and bicycles especially in units which can't provide other viable options such as the quads. No decision was made at the meeting regarding this. However, the Board assigned Lollo and Russ the job of identifying privacy solutions that would fit our area with reasonable prices. Such examples would be presented to the Board at a future meeting for consideration and decision making.

5. Landscaping

- Request Review - Landscaping: Not covered at the meeting. Discussion postponed.
- Additional Irrigation resource

Since the last meeting, Kevin reached out to Jeff Cline whose company deals with irrigation. The Board had felt that the irrigation resources around the pond had failed. Kevin and Mr. Cline investigated and found that the system was sound and could be rehabilitated for an initial sum of \$600.00 with more needed to get it completely up and running within the budget. This was a very positive circumstance, and a major step forward for irrigation around the pond. Lollo is going to request a ballpark estimate for irrigation around the pond using Jeff Cline's services.

Lollo said that it was his preference to keep Mike Malin's company for the irrigation for all other areas, and use Jeff Cline for irrigation around the pond. The only concern about relying on Jeff is that he may be phasing out of the business. Frank mentioned that even if Jeff is retiring, there is the possibility that someone will take over his business. Regardless, we can always ask Kevin for other recommendations. It was concurred that, for now, a Mike/Jeff balance was appropriate.

Other irrigation / landscape items

- Irrigation plan for pond area
This plan needs to be discussed with Kevin and Jeff Cline
- Underground pipe maintenance (storm water and other) – need Kevin's input. Not addressed at the meeting. Discussion postponed
- Sinkhole update - Tree cut proposal from Fitness Tree and decision about Live Oak at the pond. Lollo said that regretfully the live oak in the pond area must be removed because of potential damage to the pipes from the tree roots. Fitness Tree proposes that this can be done for \$585.
- Removal of front yard tree at SPL

Lollo proposed that the tree needs to be removed. There is also a branch which needs to be removed behind 801-805 Sloop Pointe Lane.

- 2023 Mulch & Pine plan (locations, timing and oversight)

Lollo will discuss the estimated cost, date, and timing with Sam's Landscaping and send the Board a proposal for consideration and decision before the next meeting.

- 2023 Beautification plan: Not addressed at the meeting. Discussion postponed.
- Tree pruning and high bush pruning

Lollo discussed that some of the bushes near some of the units have grown too high and need to be pruned. Some of these bushes have not been adequately pruned

at the owner's request. Lollo is going to instruct Sam's to trim and prune these bushes so they will conform to correct size.

- Sam's 2023 contract

Sam's 2023 contract was confirmed and signed on 1/31/23. Lollo discussed the fact that if the Board requests any planting or special projects as outlined in the contract, the HOA will be responsible for the materials (example shrubs, flowers, and the equipment to do the job); however, the cost of the labor is included in the current contract.

- Contracts for other outsourcing services (Rainstorm Solutions, Fitness Tree, Malin's Irrigation, Dragonfly, (Other??) Not addressed at the meeting. Discussion postponed.

6. Other

- Termite inspection Not addressed at the meeting. Discussion postponed.

At the conclusion of the meeting, Nancy Brickman informed the Board that she is resigning her position as a member of the Board effective February 9, 2023.

The next meeting will be held on March 7, 2023 at 5:00 pm