

# ASHFORD PARK PROPERTY OWNERS' ASSOCIATION

## **Agenda**

September 13, 2017 Ashford Park Board Meeting – Foley Public Library

Board Members present: Deborah Peterson, President; Wilma Votta, Vide-President; David Dalton-Secretary; Laura Daily-Treasurer; Karen Seeley-Nominations

Trustees Present: Linda Pledger and Rosemary Kitchens

5:30 pm Meeting called to Order-Deb Peterson

Pledge of Allegiance-Karen Seeley

Vision Statement for Ashford Park-Wilma Votta

Introduction of New Ashford Park Members – Welcome Mr. and Mrs. C. Brown

Presidents Report/Correspondence-Deb Peterson

Who owns the fences? Letter was sent to Meriam Boutwell for an answer to help with this issue.

Deena Townsend of the City of Foley provided information regarding the use bio-degradable yard waste bags has been placed on next door and will be placed on the website this week.

In summary from Deena: The Sanitation Department would like to share information concerning our new Sanitation Ordinance. The full signed copy of Ordinance: 17-2032-ORD is attached, and I have highlighted a few key points that may affect your subdivision. I have also attached a Sanitation Brochure for home use. In addition, in an effort to make things even easier, I would like to summarize some of the main changes:

- 1) Yard waste such as leaves or lawn clippings may be placed in biodegradable yard waste bags and then placed curbside. Plastic bags will not be collected as yard waste starting October 1st.
- 2) Yard waste cannot exceed six (6) cubic yards per weekly pickup. Excessive yard waste shall be charged one-hundred dollars (\$100.00) per load (20 cubic yards) over the initial pickup.
- 3) Yard waste generated by a contractor will not be collected as it is the contractors' responsibility.
- 4) Tires must be taken to Magnolia Landfill for disposal by the resident.

Thanks to the Architectural Committee for the great work of repairing the broken storm water culverts

Snake issues regarding ponds will be addressed in next segment.

Hickory Pond Process per the recommendation of City of Foley Environmental Manager, Leslie Gahagan.

Recap of August 14 work session with Leslie Gahagen:

She states, "Snakes are ubiquitous to this area and we will never be without them. Our intent is to control them. Our pond is like any other pond in the area. Pond scum and critters are normal. It is 'One of those

things' ". There are many natural processes involved: Weather and elevations are issues with our pond right now. We have "wetland soil" that will never dry out and Leslie is proposing that we transition from the current pond to wetland prairie grasses (which can initially be quite expensive) to create a new wetland system that is being successfully used in other areas around here. Leslie will be working with a grass specialist, Gena Todia. Wetland wildflowers can be planted but the cost can be very expensive and out of our budget. If the prairie wetland is successful, we may implement it in our other ponds. The cost can be anywhere from \$10,000 to \$85,000 if we would have to rebuild from scratch.

Recap on Sept. 7th meeting with LG and David Green, GreenCo. owner, regarding repair of the Hickory Pond. We may need to start by spraying and killing all the weeds currently in the pond to reduce the cost of their removal. Flatten the dirt mound in the middle of the pond. All pipes bring storm water to the pond will need to be identified and numbered. David Green will be sending us a bid to implement the directives of LG. We want to get this started in able to seed the pond by the end of December 2017. He would like to build a relationship with our HOA to maintain the ponds for years to come. This will require maintenance every 3 years to remove the sediment at the cost of about \$8,000 to \$10,000.

Our goal is to get the pond "repaired" by early 2018 and then maintained every 3 years. (Our ponds have not been maintained for at least 3 years or more)

- Recommendations from Leslie Gahan
- Survey pond elevations noting in-fall pipes and outfall
  - Excavate materials to create highest elevation at in-fall pipes and lowest at outfall location while removing "island" pocket in center
  - Create low flow channel from in-fall pipes to outfall
  - Attempt to reach natural grady soils throughout pond
  - Plant wetland grasses & several wetland tree species (planting list to be determined by wetland scientist)

Our goal is to get the pond "repaired" by early 2018 (weather permitting) and maintained every 3 years.

#### Maintenance for Ashford Park Storm-water Management Facility off of Hickory Street

- Annually inspect for invasive trees (Chinese tallow) & remove
- For first two growing seasons, monitor areas of growth and replant bare areas

#### **Old Business-Karen Seeley**

Help is needed to file about 300 pieces of correspondence in official HOA files. E-mail Deb Peterson at ashparkhoa@gmail.com to volunteer. Or let a board member know that you would like to volunteer. Can anyone in attendance tonight help? Laura Daily will help.

We have a petty cash box for small expenditures under \$10.

Pictures will be taken the day a violation is identified by the Arch. Comm. in order to start the 30-day notice for a fine, and will be implemented this month.

All common areas have been identified for homeowners and police.

Thank you to our Flag volunteers.

#### **New Business**

## Committee Reports

Treasurer's Report-Laura Daily – Our Bank account with the name “Assistant Fund” has been closed. The Ashford Park POA now has a general fund and a storm water repair fund.

Architectural Committee-Teri Mellies and Jerry Brandt

Summary of Violations to date

March 10 April 27 May 11

(1 fine)

June 4 July 0 August 0 September 4

(3 fines)

Legal-Bob Webb - Lewandowski vs Ashford Park POA

Based on a court decision, our current Covenants have been vacated and we will now be governed by the original Covenants for you specific unit/phase. While the general Covenants have not changed substantially there are minor variations in the wording between the Covenants governing unit/phases 1-8.

The differences are listed in your handouts and noted below:

Recommended Board Actions-Pass new By-Laws to offset the omissions and differences in the Original Covenants.

Note: Phases 1-4 of the original covenants are the same. Phases 5-8 are the same. There are 6 specific areas where there are differences in the original covenants when comparing phases 1-4 with phases 5-8 or omissions. (Many thanks to Past President /Current Trustee Dale Torrence for cross-referencing the Original Covenants vs per each phase plus vs the 2012 Covenants).

Differences

1. Paragraph 2 references outbuildings. In phases 1-8, the original covenants prohibit pre-fabricated outbuildings and makes no reference to shingled roofs.

Recommendation: Create a By-Laws that states, Outbuildings must have shingled roofs

Recommended By-Law Verbiage: All outbuildings must have asphalt shingles on roofs

2. Paragraph 3-references building plans. This will have minimal impact on the architectural committee since Ashford Park is built out at this point. All new Architectural Committee inspector references and voting decisions must be based on the original covenants and must be consistent as to in which phase the applicant resides.

Recommendation # 1: Create a worksheet for both owners and Architectural Committee Inspectors that identifies all addresses within each of the 8 phases. Instruct the Architectural Committee Inspectors and Voters to use the original covenants per each phase as their reference tool.

No By-Law required

3. Paragraph 8 references fences. In phases 5-8 of the original covenants must be at least 6 and not higher than 8 feet. In phases 1-4 of the original covenants, no limitation is identified. Note the City of Foley ordinance prohibits fences to higher than 6 feet.

Recommendation #2 Create a By-Law that limits fences to 6 ft. and with reference of the City Ordinance that limits fence heights to 6 ft. in the By-Law.

Recommended By-Law Verbiage: The City of Foley ordinance states fence heights cannot be shorter or taller than 6 feet. The City will not typically issue permits of fencing higher or lower than 6 feet. The Architectural Committee will not issue an approval unless the owner has procured a City Building Permit. Therefore, fence heights shall be 6 feet in height unless an owner can obtain a variance from the City. In that case the Architectural Committee will issue an approval based on the variance assuming all other criteria has been met in the submission process.

4. Paragraph 11 references Trailers. The verbiage in Phases 1-4 of the original document is different than Phases 5-8, but the exclusions are identical.

Recommendation-no action required

5. There is no reference to lawn maintenance in the original covenants

Recommendation: Create a By-Law that is measurable in refence to Lawn Maintenance

Recommended By-Law Verbiage: Grass higher than 6 inches tall shall be considered a violation. Edging will be required on all driveway, sidewalks, and curb. Grass extending more than 3 inches over the concrete area identified above shall be considered a violation. Trimming is also required. Untrimmed areas reaching a height greater than 6 inches will be considered a violation.

6. There is no reference to garbage cans in the original covenants.

Recommendation: Create a By-Law to manage this issue

Recommended By-Law Verbiage: Garbage cans may be placed on the curb no earlier than 4:00 PM the day before the day of scheduled pick up. Garbage cans must be removed from the street and placed in a spot where they cannot be seen from the street. Garbage containers left on the street, curb, sidewalk or driveway must be taken from the street, yard, curb, sidewalk, or driveway by midnight of the day the trash is picked up. Failure to comply will result in a violation.

IMPORTANT: Board will need to decide the fine amounts of each new By-Law above and add those fine amounts the existing By-Law fine schedule, which means the Board will need to update and record the updated "fine schedule" before recording all of the changes at the satellite courthouse.

Committee Reports (continued)

Treasures Report- Laura Daily\_See page 8

Welcome to Ashford Park Committee-Teri Mellies - Number of new neighbors/renters as of September 6, 2017 since the last meeting-8

5 Year Financial Plan Report-Dave Dalton

We are moving on creating a Pond Maintenance Reserve, and presently have approximately \$20,000 available in this fund. We hope to move additional funds into this account as our budget permits. Because we do not know what the cost of bringing our pond into compliance with City Code, we do not have a final figure available.

**New Action Items**

**Proposed By-Laws for Covenants Conformity-**

1. Motion to consider for Covenants Conformity- All outbuildings must have asphalt shingles  
Do I have a motion to approve action item # 1  
I have received a motion from David Dalton  
Do I have a second? I received a motion from Laura Daily  
Any discussion from the board:  
All in favor say Aye  
All oppose say Nay  
The Ayes have it unanimously.
  
2. Motion to consider for Covenants Conformity - Fence heights may be 6 ft. – 8 ft. in height per the Original Covenants. It should be noted there is City ordinance that limits fence heights to 6 feet (not taller or shorter) and they will not issue building permits for a fence taller than 6 feet. Failure to comply will result in a violation.  
Do I have a motion to approve action item # 2  
I have received a motion from David Dalton  
Do I have a second? I received a motion from Karen Seeley  
Any discussion from the board:  
All in favor say Aye  
All oppose say Nay  
The Ayes have it unanimously .
  
3. Motion to consider for Covenants Conformity - Grass higher than 6 inches tall shall be considered a violation. Edging will be required on all driveways, sidewalks, and curb. Grass extending more than 3 inches over the concrete area identified above shall be considered a violation. Trimming is also required. Untrimmed areas reaching a height greater than 6 inches will be considered a violation. Note: The original covenants do not address lawn maintenance. Failure to comply will result in a violation.  
Do I have a motion to approve action item # 3  
I have received a motion from David Dalton  
Do I have a second? I received a motion from Laura Daily  
Any discussion from the board: This was recommended by the Architectural Committee.  
All in favor say Aye  
All oppose say Nay  
The Ayes have it unanimously .

4. Motion to consider for Covenants Conformity– Garbage/Recycle receptacles may be placed on the curb no earlier than 4:00 PM the day before the day of scheduled pick up. Garbage/Recycle receptacles must be removed from the street and placed in a spot where they cannot be seen from the street. Garbage/Recycle receptacles left on the street, curb, or driveway must be taken from the street, yard curb, sidewalk, or driveway by midnight of the day the trash is picked up. Failure to comply will result in a violation.

Do I have a motion to approve action item # 4

I have received a motion from David Dalton

Do I have a second? I received a motion from Karen Seeley

Any discussion from board: Exceptions can be addressed to the Architectural Committee or Board

All in favor say Aye

All oppose say Nay

The Ayes have it unanimously.

5. Motion to consider for Covenants Conformity - All new Ashford Park Owners will be required to provide their contact information (Full Name, Phone Number, and E-mail address to the POA within 14 days after taking ownership of their new property. In additions, owners are also required to provide the same contact information for renters if they are renting their property within 14 days of the rental term.

Do I have a motion to approve action item # 5

I have received a motion from David Dalton

Do I have a second? I received a motion from Karen Seeley

Any discussion from board: This is needed to keep the database up to date for HOA purposes only.

All in favor say Aye

All oppose say Nay

The Ayes have it unanimously.

#### **Other Board Actions Items**

1. Motion to consider - Grandfathering in all actions on behalf of homeowners and architectural committee's to-date to indemnify all regarding differentiations between the 2012 Covenants and the Original Covenants Phases 1-4 & 5-8. It should be noted, the Original Covenants will be used from this date forward as they are currently written.

Do I have a motion to approve action item # 1

I have received a motion from David Dalton

Do I have a second? I received a motion from Wilma Votta

Any discussion from the board:

All in favor say Aye

All oppose say Nay

The Ayes have it unanimously.

2. Motion to consider - The repair of the Hickory Pond per the specs of City of Foley Environmental Manager, Leslie Gahagan using a competitive sealed bid process administered by our Hickory Pond Committee, Architectural Committee, and Board. The Board has earmarked \$20,000 in a separate account to pay for this project. The \$20,000 came from 3 lawsuit settlements. The motion gives the Board the authority to implement a special assessment if needed.

Do I have a motion to approve action item # 2

I have received a motion from David Dalton

Do I have a second? I received a motion from Karen Seeley

Any discussion from the board:

All in favor say Aye

All oppose say Nay

The Ayes have it unanimously.

Audience Questions: Will the Hickory Pond continue to flow the way it currently does? YES

Bob Webb – Open Closed bid from GreenCo. No specific amount was given for the repair of the pond. Too many factors involved. We will again discuss pond repair with David Green and other contractors and look at doing the repair in steps. We will accept the terms on approval of Leslie Gahagan.

(Side Note: The Board and Trustees and the President of Hampton Park, Robert Schroeder and several of his Board members met with Leslie G on Monday Sept. 13. Jerry Delmont and Deb Peterson met with David Green Tuesday the 14<sup>th</sup>. All agree that we have an issue with the drainage at the dam on the Hampton joint pond. Jerry D and Robert Schroeder will meet Friday the 22<sup>nd</sup> with City officials to look at getting financial help to unblock standing water by the dam and get it flowing properly.)

I, Deb Peterson, move the meeting stands adjourned to meet again on November 8<sup>th</sup> at 5:30 pm at the Foley Library.

Do I have a second? Laura Daily

All in favor say Aye

All oppose say Nay

The Ayes have it.

Meeting adjourned at 7:10 pm

Respectfully submitted,

David Dalton

Treasurers Report as of September 13, 2017

ASHFORD PARK PROPERTY HOMEOWNER'S MEETING TREASURER'S REPORT FOR SEPTEMBER 13, 2017

BALANCE IN WORKING ACCOUNT: \$36,882.03

BALANCE IN POND MAINTENANCE ACCOUNT: \$20,003.89

EXPENDITURES SINCE THE JUNE 2017 MEETING:

LAWN SERVICE \$4950.00

POSTAGE \$23.04

CULVERT REPAIR \$7675.00

POND MAINTENANCE UNTIL DEC 31, 2017 \$700.00

SIGNS \$39.70

TOTAL SPENT: \$13,387.74

SINCERELY,

LAURA DAILY

TREASURER