

NOVEMBER 2017 BOARD MEETING-NOVEMBER 8, 2017 5:30 AT FOLEY PUBLIC LIBRARY

Meeting Call to Order-Deb Peterson, President

Board Members Present

Deb Peterson – President  
Wilma Votta – Vice-President  
David Dalton – Secretary  
Laura Daily – Treasurer  
Vacant – Architecture  
Karen Seeley – Nominating

Trustees Present

Linda Pledger  
Rosemary Kitchens  
Dale Torrence

Mr. Tim O’Leary was present, and was asked to leave the meeting for cause. With a few minor words he did absent himself.

27 attendees (including board and trustees)

Introduction of Gary Smith our Security Guard for the evening.

Pledge of Allegiance-Wilma Votta, Vice President

Prayer-Karen Seeley-Nominations Chair

Reading of the Minutes of (September 10, 2017) - David Dalton

Move to approve the minutes as read: Karen Seeley, Seconded, Wilma Votta.

Aye 5, Nay 0 Approved.

Correspondence-(Deb Peterson) Letters were sent to our attorney for follow up. Bulk Items for pick up protocol.

**Action Items**

**1. Motion to approve 2018 Budget (attached)**

So moved: David Dalton  
Second: Wilma Votta  
Aye: 5 Nay: 0

Approved

**2. Motion to enact a By-Law to reduce the number of Board Members from 6 members to 5 members.**

So moved: David Dalton

Second: Wilma Votta

**Rationale**

- Odd number of voters on the Board will eliminate ties
- Historically, it has been difficult to find people to run /serve on the board
- Articles of Incorporation state By-Law regarding the number of Board members may range from a minimum of 3 to a maximum of 9.

**Board Vote**

Aye: 5 Nay: 0

Approved

**Trustee Vote**

Aye: 3 Nay: 0

Approved

**3. Motion to establish a Five (5) Year Financial Plan to reestablish our reserves.**

So moved: Wilma Votta

Second: Deb Peterson

**Rationale**

- The reserves were depleted in 2014
- The reserves plan was created with the goal of not having to increase the dues amount to increase the reserves for a 5 year period
- The reserves should be placed in a separate account and used for pond repair, natural disasters, and projects deemed necessary by both the Board and the Trustees
- Industry Standards recommend reserves of 2 years of POA Fees plus the costs of anticipated projects (Hickory Pond at 100% responsibility & Jointly Owned / Hampton Pond at 24% responsibility).

- Eliminates the need for Special Assessments once enough funds are placed in the reserves account.

### **Proposed 5 Year Reserves Replenishment Plan**

- Earmark \$100 of the annual dues per home for the operations budget
- Earmark \$50 of the annual dues per home for the reserves
- Earmark \$75 of the annual dues per home for the Property Management Company
- The reserves to be placed in a separate account and used for pond repair, natural disasters, and projects deemed necessary by both the Board of Directors and the Board of Trustees
- The reserves should be placed in a separate account and used for pond repair, natural disasters, and projects deemed necessary by both the Board and the Trustees
- Move \$20,000 from the Operations account, where we currently have \$25,000+, to a separate "Reserves Account" to get it started, then add \$13,950 per year (279 homes x \$50) until we reach the industry financial plateau (2 years of Operations Costs, 2 years of Property Management Costs, and anticipated Projects)

Note: The \$20,000 plus interest obtained through lawsuit settlements currently sits in a separate Storm Water Repair account and has been earmarked for the repair of the Hickory Pond, which will be repaired as soon as the City accomplishes the items identified in Architectural Committee Report you will hear this evening.

#### **Board Vote**

Aye: 5 Nay: 0

#### **Trustee Vote**

Aye: 3 Nay: 0

Approved

#### **4. Motion to authorize new Board Attorney, James Pittman to review the Ashford Park Covenants and By-Laws as they currently exist after receiving Committee recommendations**

So moved: Deb Peterson

Second: David Dalton

- 1) Make recommendations for improvements to the existing Covenants and By-Laws
- 2) Make recommendations to make Covenants and By-Laws consistent for all 8 phases of Ashford Park

3) Make recommendations regarding an overall strategic campaign to get the aforementioned improvements in numbers one (1) & two (2) above approved by the majority of the owners of Ashford Park. Note: It will require 140 votes of the 279 owners to change the covenants.

Payment for such legal action will come from the 2018 budget as well as funds within the current budget with a limit of \$6300. Any additional funding would require a budget amendment in 2018.

**Board Vote**

Aye: 5 Nay: 0

Approved.

- 5. Motion to establish a CC & R's Owners Committee-Appointment of 3-5 Volunteers to recommended changes to the covenants and By-Laws in an effort to reduce legal fees. This was recommended by the Insurance-appointed Attorney as well as our new board attorney. Committee Composition-1 Trustee, 1 Board Member, 1-3 owners who are neither a trustee nor a board member.**

So moved: Deb Peterson

Second: David Dalton

**Board Vote**

Aye: 5 Nay: 0

Approved.

**Informational Items**

**Jerry Delmont** resigned from the Board on October 24, 2017.

**Lee Bochnia, new Ashford Park homeowner**, was approved by the Board on October 30 to serve the remainder of Jerry Delmont's term. Lee will also serve as the Architectural Committee Chair.

**The Board and Board Trustees each voted unanimously on October 24, 2017 to engage The Property Shop of Daphne, Alabama in a 3-year contract** to serve as the property management entity at a cost of \$6 per month per house (\$72 per year) plus a .25 per month set-up fee per year. Total cost per year to each owner \$75. Quarterly payment plans (without late fees) will be available for those with financial hardships. The process for requesting a payment plan will be identified within the 2018 POA Due Invoice. (Handout a list of services The Property Shop will provide for Ashford Park).

**Rationale**

- Too much work and responsibility for those serving as Board Members and Committee Volunteers (in 2017 6 Board Members and 12 committee workers, therefore 18 people out of 279 homes and two of the volunteers came from the same home).
- Lack of consistency in how the covenants have been administered from year-to-year causing legal costs, stress, and discourse within our subdivision.
- The litigious culture places too much pressure on volunteers, who are not professionals. In 2016 an owner sued the POA after the Architectural Committee made an “honest mistake” even though a letter apology was immediately sent.
- Owners policing other owners has created both division and discourse within our neighborhood.
- The aging population of our neighborhood has made it difficult to procure enough volunteers to “share the workload”.

**Attorney James Pittman** of Daphne AL was retained by the Ashford Park Board on October 24, 2017. He was recommended by The Property Shop due to the fact the majority of his practice is POA laws. He will also manage our delinquent Payee accounts at no cost to the POA. Mr. Semmes had a conflict of interest and could not represent the Board.

It should be noted since February 2015, the list of delinquent payees has been reduced from 45 to 4. The placement of liens has insured we get our money now or later, with accrued late fees.

The Ashford Park POA will close all bank accounts at Centennial Bank at the end of the year and move them to Union Bank. The Post Office Box will no longer be needed as of January 1, 2018. The Property Shop’s Post Office Box is # 668 Daphne, AL 36526. All 2018 Dues payments are to be mailed to the Property Shop’s P.O. Box which will, of course, be listed on your 2018 dues invoice.

### **Nomination Process**

Explained by Karen

Call for Nominations for all Board Member Positions (1-year term) and (1) Trustee Position (3-year term)

If you wish to be placed on the ballot, send your name with a ½ page biography to:

Karen Seeley P.O. Box 1078 Foley, Al 36536 or E-mail it to ashparkhoa@gmail.com

Nominations will be closed at midnight December 31, 2017 in order to create paper ballots

Biographies will be published on the Ashford Park Website and Nextdoor

Qualifications: 1) Candidates must be a homeowner per deed in Ashford Park and be a member in good standing, defined as POA fees must be current as of December 31, 2017.

A minimum of two volunteers are required by By-Law to assist the Nomination Chair, Karen Seeley with this process. (Request for volunteers)

**Financial Report** - Laura Daley, Treasurer

**Architectural Committee Report** - Lee Bochnia

Received today copies of architectural committee statistics, copies of warning letters and violations letters which had been verbally requested on October 30 and formally requested, in writing on November 1.

The City of Foley has reached an agreement with Judge Tim Russell, who is the owner of the land due south of the jointly-owned retention pond, for an easement to install a sand drain to handle the overflow of water from the jointly-owned retention pond. The City has also agreed to clean out the debris and other materials that are keeping us from draining the jointly-owned pond so the water from the Hickory Pond can be drained to greatest degree possible so we can dry out the pond. Once the pond is drained and dries out, we will have a professional survey done, so contractors can bid the effectively bid the job. It is likely the earliest the pond repair will occur is the fall of 2018 due to the wet fall season we have incurred.

**Legal Report** - Dale Torrence & Bobbi Hale

**Culverts**

The Board will soon direct our attorney to determine the legal responsibility of the culvert repairs that were completed this year. The Board thanks Jerry Delmont for his work in getting the culverts repaired. Upon his opinion of who is responsible, he will send a letter to the City of Foley requesting payment of the \$7000 + if he believes the City has full or partial responsibility based on the infrastructure adoption documents involving phases 1-8 per City of Foley Proclamation. The POA is in possession of these documents.

**Lewandowski vs Ashford Park POA**

The trial has been set for November 28, 2017 9:00 AM at the Fairhope Satellite Courthouse. Mr. Lewandowski's attorney has petition the court to add another issue to his suit. A Hearing has been scheduled for November 14 to hear the motion to add the issue, which includes contesting the By-Laws passed by our Board in an effort to temporarily bring as much consistency as possible to all 8 Sections of Ashford Park. Since the petition is being requested inside the 42-day window of the trial, it will be up to the judge to allow or disallow the petition for the added issue, which is the purpose of the hearing.

**Meeting with the Foley Chief of Police David Wilson, City Manager Mike Thompson, and Councilman Ralph Hellmich**

Per Chief Wilson the Police have better things to do with their time and will not enforce the parking weight restrictions outlined in City Ordinance regarding vehicles weighing over 10,000 pounds..

### **Judicial Results of the January 2016 Home Invasion at 2538 Ashburn Lane**

Bobbi Hale reported on the results per the e-mail she received from the Chief. One individual was convicted of robbery (Prim) and sentenced to jail, the other assailant (Jones) pled to a lesser crime for testifying against Prim. No charges of home invasion were filed by the District Attorney's Office.

### **Review of Trustee Responsibilities - Deb Peterson**

Trustees are to ensure that the financial obligations of the POA are met, and to be available in resolving any possible disputes between the Board and Homeowners.

### **Audience Q & A**

Question – Why do we need a security guard?

Answer - General protection and minimization of possible conflict.

### **Motion to Adjourn**

So moved: Deb Peterson

Second: Laura Daily.

### **Board:**

Aye: 5 Nay: 0

Respectfully submitted,

David F. Dalton  
Secretary