

Ashford Park POA November 7, 2019 Foley Public Library

Opened at 5:35 Pledge (minus flag)

Roll Call: JoAnne Fisher, Carol Zambrano, Teri Mellies, Jerry Delmont, Ralph Lewandowski and Attorney Asa Baugher. (all present)

Welcome New Homeowners: Caroline and Tony Teoli (formerly from Missouri) Teri and Henry Rye (formerly from Topeka, Kansas) Bob Looney (formerly from Georgia)

\*Karen Seeley, a former Board member, moved to Oklahoma recently to be closer to her brother. She is doing well and she wishes everyone here the best. \*

Agenda order was changed---Asa's son was ill and he may need to leave.

- 1) Jerry read the resolution that the bylaws were amended as written and will be recorded as such and made the motion. Teri seconded the motion. Roll call vote passed anonymously.
- 2) Jerry made a motion that the Board accept the bylaws and Carol seconded it. Roll call vote passed anonymously. Copies of bylaws will be available to homeowners on the website and on Baldwin County Probate.
- 3) Jerry made a motion to have Asa record the bylaws at the Baldwin County Probate and JoAnne seconded it. Roll call vote passed anonymously.

Open for Questions for Asa

- 1) Parking on grass: This is NOT addressed in the covenants. It is under the city of Foley's discretion. It is something that the city is currently looking at writing new ordinances to control as well as parking and blocking sidewalks. The CITY is the only one with the power to enforce this issue. However, if the city realizes that this community feels strongly about the issue, it may be more likely to come when contacting. So, Asa recommends contacting city ordinance officer. It may take more than one call. The more they hear, the more enforcement we may receive. It is not in the covenants for the Board to address.
- 2) There was a comment that there are fences in disrepair and a window air conditioning unit: Asa said this is within the parameters of the Architecture Committee to investigate. Asa emphasized this: Whatever you are asking about, IS IT LISTED IN THE COVENANTS DIRECTLY? If it is in the restrictive covenants, an assessment can be applied. But the steps of the investigation still must be followed and documented. If not and you go beyond the covenants in" your" it was already tried in the court and Ashford Park was told NOT to do this. Asa felt that AC units as described is not specifically prohibited in the covenants. It should be taken on a case by case basis. The Board stated they have not been any complaints or addresses given to the Committee and no one on the Committee had seen the issues described. Questions were asked as to who is responsible for finding such issues. The Board has a total of five people and could use some help. Some addressed concerns that "ratting" on a neighbor might not work for them. The Board emphasized if it is a covenant violation, we are ALL homeowners. Write an email on the website. Names are never shared, and this can at least give the Board a direction to look.
- 3) A question was asked if the new 2020 Board **fine** homeowner next year? Asa indicated that it has already been shown by the court and the judge said it is illegal. Asa could not support any board taking that action. \* Can a Unit, such as Unit 1, split off from the rest of the subdivision? Asa was not sure if it was possible, but they might be able to amend their covenants with the permission of the Board. However, that is ill-advised. It would create again different covenants for each phase. His recommendation was to wait until all phases were ready and create one document. Asa was not sure if each phase is able to "secede" and how that could be handled

in terms of finances. Can the POA dissolve itself? Asa did not think it was possible, but it was not something he had researched

4) Questions were asked to the Board as to why the attorney fees for 2019 are as high as they are. Our costs were compared to Parish Lakes. Initially, the attorney helped the Board in rewriting the bylaws. The Board did not attempt to do this on their own and create bylaws that could cause legal problems. There have been multiple lawsuits and threats of lawsuits in Ashford Park POA. The Board explained that rather than get into litigation this year, the Board asked for legal advice before getting the POA into trouble. The Board felt legal trouble was far more expensive than legal advice. Some in the audience felt that is why we have insurance. Our insurance has paid out tremendous amounts of money because of these problems in the past. There is a very strong potential for our insurance to skyrocket or for us to be dropped. There were homeowners that thought that a current lawsuit they were aware of was over thus the costs should go down. The Board informed them that this is not true and even though the insurance provides lawyers, the POA attorney must be included and is needed to provide information to the attorneys provided through the insurance company.

5) Some present felt that the neighborhood looks shabby. Asa and the Board indicated again that only issues specifically addressed in the covenants can be addressed. Garbage cans and other things that were previously "a fine" are NOT part of what the Board can deal with. Not everyone agreed with how the neighborhood looks.

6). Can individual Board members be sued? Normally, it is assumed that an entire Board takes actions as a group. However, if an investigation shows that an **individual member went beyond their authority, and willfully** makes decisions on their own, that cause problems for the community, the individual person can be held accountable.

7) Jerry gave the background again on moving funds (20,000) from the pond fund and 20,000 from the general fund. He investigated two banks and Edward Jones. Edward Jones gave the best rates on a CD that is guaranteed, and we can withdraw our money at any time. This will enable us to earn a little bit of money. In addition, the Board has decided NOT to use the meadow grass at this time.

8) Jerry explained that Firths, our landscaping company, offered a three-year contract. This would include 24 cuttings per year and Firths will bill \$1100 each month for 12 months. This keeps the costs the same for the POA and gives a standard per month payment. Firths also agreed to maintain the shrubs at the entrances. Jerry made a motion to accept the contract offered by Firths and JoAnne seconded. A roll call vote was unanimous to accept the contract.

9) Jerry Explained the purpose of the increase in dues from \$150.00 to \$200.00. Fifty dollars out of each payment will be deposited into the dedicated pond account to build for future pond maintenance. Teri made a motion to accept the dues as described. Carol seconded the motion. A roll call vote was unanimous to accept the dues at \$200.00.

10) Ralph indicated that only courtesy letters were sent up to this point in the year. There were no violations that required an assessment.

11) JoAnne provided a graph which shows a pictorial image of where we are spending our money. Some felt that the graph does not give any information, while others complemented the graph.

10) Teri reported that four liens were placed on homeowners, with Asa's assistance. The layout of the financial report on the website was changed from portrait to landscape to make it easier to read. Questions were asked regarding the financial reports, one specifically about the amount due to Hampton for our share of the pond. The total for the year is \$750.00 One

homeowner felt that not being able to see the entire checking register on the website created confusion and that only having access to debits (what the Board spends) as well as credits (what the Board takes in) does not allow someone to keep a daily account of the Board finances. The purpose of the financials on the website was to let homeowners be aware of how money is spent, not to give an open checkbook. Asa indicated that it is the job of the Board to keep financial records, not every homeowner. The financial page was an idea to help, not to confuse, but an POA register is not found on websites. Jerry suggested that if anyone wanted to help that much, please run for office in 2020. Jerry and Teri will NOT be running. Ralph, JoAnne and Carol are the only current members running in the next election.

11) In 2018, records show that anyone in Ashford Park who purchased a home paid a total of \$200.00 in estoppel/transfer fees. (\$100.00 to The Property Shop and \$100.00 to Ashford Park) This fee is included in closing costs. Most other years, the fee for Ashford Park has been \$25.00. There was nothing the Board could do about the amount collected by The Property Shop. However, the Board and the homeowners present agreed that there was no reason for those homeowners to have paid more. Those homeowners will see a reduction of \$75.00 on their 2020 dues.

Repairs were made on the electric lines at the Ashford/Hampton entrance.

11) Carol discussed the annual meeting which will be held at the Senior Center on Rose Street in Foley on January 7 at 5:30. If you want to run for the Board, send your information into the website [ashparkhoa@gmail.com](mailto:ashparkhoa@gmail.com) Give a brief biography about yourself and why you want to run. You may also send them to Ashford Park POA PO Box 1078 Foley, AL 36536.  
\*\*\*\*\*Reminder that proxies must be notarized---one will be included with your dues---no exceptions\*\*\*

Twenty-three people attended the meeting.

Meeting adjourned 7:20