

# *Bay Tree Lakes*

## *Property Owners Association*

### **Monthly Board of Directors Meeting**

The Bay Tree Lakes Property Owner's Association, Inc. Board of Directors monthly meeting was held at the Clubhouse on Thursday, October 10, 2013. The following Board Members were present: Troy Votaw, Clark Valentiner, Jim Crayton, Junior Rideout and Roger Wright. Staff present was: Tish Herrmann (POA Clerk), JR Wise, and Donovan Vinson (Assistant Property Managers). Approximately twelve property owners attended the meeting.

President Troy Votaw called the meeting to order at 7:00 pm and welcomed all POA members to the meeting. Clark Valentiner gave the invocation.

**Approval of Previous Months minutes:** September 2013, Jim Crayton 1<sup>st</sup>, Clark Valentiner 2<sup>nd</sup>.

**Approval of SEPTEMBER Financial Report:** (Attached as Exhibit B) Junior Rideout 1<sup>st</sup>, Jim Crayton 2<sup>nd</sup>.

Operations Checking: \$71, 762.98  
Pool Checking: \$21, 304.69  
Money Market: \$55, 651.83  
Total Monies: \$148,719.50

**Approval of Property Manager's Report:** (Attached as Exhibit C)

Submitted by Jim Crayton

Junior Rideout 1<sup>st</sup>, Clark Valentiner 2<sup>nd</sup>

- 5 wind shield tags issued this month.
- 911 gate operation was tested successfully.
- Installed bulbs in motion-light fixtures at main entrance. All the bulbs had burned out.
- JR Wise got beach sand leveled and cleaned on both sides of pier.
- Began working on a long range plan with Cathy Ross and others to upgrade and improve the picnic areas and the playground. Plan will include landscaping as well as other improvements using volunteer labor where possible.
- Helped facilitate a community-wide open house on Sept. 22<sup>nd</sup>. This was done in an effort to assist those residents with homes for sale. Two homes were shown.
- Had reports of fire alarm problems at the clubhouse. Problem was caused by a faulty ground-fault outlet which was replaced. Thanks to Bob Latham. (note: this was also causing a loss of all Star Telephone services to the building, including TVs in exercise room)

- Had treadmill serviced in exercise room. Problem was a lack of lubrication on the belt. It will need lubricating about every two-three weeks. Supplies have been ordered. Nothing else was wrong with it. (note: a new light commercial treadmill will cost between \$2,800-\$3,300)
- Rearranged clubhouse office and discarded old computers and parts etc...
- Tested Horsepen boat lift.

**Approval of Clerks Report:** (Attached as Exhibit D) Submitted by Tish Hermann

Clark Valentiner 1<sup>st</sup> Roger Wright 2<sup>nd</sup>

October 10, 2013

September 30, 2013 Outstanding dues: \$18,752.38

September 30, 2013 Credit Balance: \$3,269.38

Billing October 1, 2013: 439.5 lots

Lots reported sold September 2013: 15

**Business & Issues:**

- **NC Wildlife Commission:** NC Wildlife officers McConnell and Campbell reviewed NC law concerning “private” and “public” bodies of water.
- A body of water with multiple landowners around the perimeter of the body of water is considered “Public Water” by the state of NC.
  - Bladen County register of deeds confirms multiple landowners around the Bay Tree canals and for that reason our canals are considered “public water” by the state of NC.
    - The Canals are subject to all rules and regulations of the NC Wildlife Commission.
- Options:
  - Accept the fact that our canals are public water and comply with all rules and regulations on the NC Wildlife Commission.
    - The advantage to Bay Tree Property owners is that the NCWC will enforce all NC laws including trespassing when reported by a property owner.
    - Canal property owners can obtain a “**LAND OWNER AND GUEST LICENSE**” that will permit guest of a property owner to fish while on the property owner’s property (including property owner’s pier) without a NC fishing license.
      - Cost for this license is \$50.00/A and can be purchased online at NC Wildlife.org
  - Bay Tree property owners can petition the **NC Wildlife Director** to grant permission to make the Bay Tree canals “Private”.
    - Officer Mc Connell indicated that he believes this will require unanimous agreement from all property owners around the perimeter of the Bay Tree canals.
      - ACTION ITEM: Officer McConnell will confirm if 100% participation is required and if not the required percentage of canal

- property owners.
  - The negative side of this option is the NC Wildlife Commission has no authority to enforce rules and regulations in the canals if they are considered private.
- **ACTION Plan:**
  - Communicate to all Bay Tree citizens that the Bay Tree Canals and Horsepen Lake are currently considered “Public” waters and all NC Wildlife Commission regulations and laws that apply to Bay Tree Lake also apply to the Bay Tree canal system and Horsepen Lake.
    - **PLEASE NOTE---please help us get this information to all property owners by sharing with neighbors and friends that you come in contact with the NCWC rules pertaining to the canals and Horsepen.**
  - The POA Board will survey Bay Tree Lake canal property owners and determine if there is an interest in petitioning the NC Wildlife Commission Director to grant “Private” status for the canals.
- **Pool Update**
  - Board Member Wright shared the following information concerning the pool.
  - To successfully complete and open the Bay Tree pool we must:
    - Fully understand and comply with all NC rules and regulations pertaining to “Public” pools.
      - **This means that our pool must meet all “ADA” requirements.**
  - The office of Laurel Wright (NC DOI) strongly suggested that we hire an Architect and Planning firm that is well versed in NC ADA and DOI requirements for public pools.
  - In response to this sound advice the POA Board has entered into an agreement with: G. Cleveland Pate, PLLC—Architecture-Planning out of Raleigh, NC.
    - This is a two part agreement
  - **Part 1**—G. Cleveland Pate, PLLC will develop a detailed plan (road map) for all required upgrades and corrections needed to bring our pool in compliance with NC Building Code (ANSI-A117,1), NC Dept of Health and Human Services Environmental Health NCPH.
    - **Fee for these services will be \$2,650.**
    - **Please note**—payment to G. Cleveland Pate, PLLC will not be made until the office of Laurel Wright (NC DOI) has signed off on the Pate plan and confirmed that the Pate Plan is a roadmap that if followed will satisfy all requirements of NC and Bladen County for Public pools.
      - **The Pate roadmap is to include all NC and Bladen County DOI and ADA requirements.**
  - **Part 2**---The POA has entered into an agreement with G. Cleveland Pate, PLLC to provide drawings and plans to bring the existing bath house up to NC ADA and DOI specifications.
  - **No payment** will be made to G. Cleveland Pate, PLLC, until the office of Laurel Wright (NC DOI) has signed off on the Pate plan and confirmed the Pate plan is a road map and if followed will satisfy all DOI and ADA requirements of NC and Bladen County.
  - **Fee for these services is \$4,800.**
    - **The Pate roadmap is to include all NC and Bladen County DOI and**

### **ADA requirements**

- **The Board distributed the pool financial paper trail to the membership attending the October 10, meeting and will be prepared to respond to questions and comments pertaining to these documents at our November meeting.**
- **The Bay Tree POA Board will take no further action on the pool until we have received and properly reviewed the G. Cleveland Pate, PLLC report and conferred with the office of Laurel Wright (DOI NC).**
  - **Update will be shared at the November POA meeting.**
- The Bay tree POA Board recognizes there are historical rules and regulations that govern and control key issues in our community that are now controlled by the Developer because the Corporation has a majority vote. Many of these rules and regulations were established during the early years of the Bay Tree Development. Many current property owners believe the Developer's influence and ability to control outcome of "key" votes is no longer in the best interest of the Bay Tree community and believe it is now time for the Developer to turn control over to the Bay Tree POA..
  - Issues that many of our property owners believe need to be under the Bay Tree POA Board include:
    - Covenants and By-Laws
    - Maintenance and road ownership
    - First Right of refusal for property being sold (Eliminate this requirement)
    - Architectural Committee
    - Developing a plan to replenish lake water levels
    - A process for managing sewer concerns (short and long term)
    - Pool project
      - Clear understanding of the developer's responsibilities and duties for all of the issues above.
  - The POA Board is in the process of reviewing these issues and developing a "move forward" plan that may well lead the Bay Tree POA Board to seek legal counsel from a well qualified POA/HOA attorney to determine:
    - If there is a legal path the Bay Tree POA Board can take to gain control of the above issues.
      - Determine the approximate cost of legal fees associated with our efforts to gain control of the above issues.
      - What are our options with the Developer?
      - Are there compelling reasons for the Developer to convey ownership/control of the above issues to the Bay Tree POA?
  - The POA Board recognizes the legal expertise and understanding of POA/HOA rules, regulations and governing laws most probably does not reside in Bladen County and for this reason if we choose to engage legal counsel our focus will be on finding this expertise in the Wilmington, Fayetteville, or Raleigh areas.
    - The Board will provide a detailed update of our investigation and action plan for this issue at our November, 2013 POA Meeting.
- The board acknowledges the need for a skilled parliamentarian to assist in insuring that our meetings are properly managed.
  - If you are a skilled parliamentarian and would like to use your skills to contribute

to the community please advise the board.

Minutes submitted by:  
Roger B. Wright  
POA Board Secretary

From the Clerk

October 10, 2013

September 30, 2013 Outstanding Dues: \$18,752.38  
September 30, 2013 Credit Balance: \$ 3,269.38

Billing October 1, 2013

439.5 lots	\$55,377.00	
Interest		537.73
Outstanding Balance	18,752.38	
Total Billed		\$74,667.11

Lots reported sold September 2013

Buyer		Home		
Lot	Seller			
Charles Matthew Hardee	Elizabethtown, NC	527		Lake Bay East, LLC
Charles Matthew Hardee	Elizabethtown, NC	584		Lake Bay East, LLC
Charles Matthew Hardee	Elizabethtown, NC	548		East Bladen Land
Company				
Charles Matthew Hardee	Elizabethtown, NC	168		East Bladen Land
Company				
South River Land Co.	Elizabethtown, NC	216		Lake Creek
Corporation				
South River Land Co	Elizabethtown, NC	217		Lake Creek
Corporation				
South River Land Co.	Elizabethtown, NC	534		Lake Creek
Corporation				
Tomahawk Land Carolina II	Elizabethtown, NC	429		Lake Creek Corporation
Tomahawk Land Carolina II	Elizabethtown, NC	535		East Bladen Land Company
Tomahawk Land Carolina II	Elizabethtown, NC	538.5		East Bladen Land Company
Tomahawk Land Carolina II	Elizabethtown, NC	140		Lake Creek Corporation *
Tomahawk Land Carolina II	Elizabethtown, NC	150		Lake Creek Corporation *
Tomahawk Land Carolina II	Elizabethtown, NC	151		Lake Creek Corporation *
Tomahawk Land Carolina II	Elizabethtown, NC	261		Lake Creek Corporation
Tomahawk Land Carolina II	Elizabethtown, NC	263		Lake Creek Corporation *

\*Not previously sold