

# *Bay Tree Lakes*

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## *Property Owners Association*

March 13, 2014

The Bay Tree Lakes Property Owner's Association, Inc. Board of Directors monthly meeting was held at the Clubhouse on Thursday, March 13, 2014. The following Board Members were present: Troy Votaw, Clark Valentiner, Brian Wolf, Junior Rideout and Roger Wright. POA Clerk Tish Herrmann and Property Manager Jim Crayton attended.

**Property Owners in attendance:**

|                             |                |
|-----------------------------|----------------|
| Mick Robeson                | Rick Lashmit   |
| Jim Smith                   | Terry Randall  |
| Hank Howell                 | Cathy Ross     |
| Larry and Brenda Barnes     | Ed Stone       |
| John and Tonia Shaw         | Lee Hauser     |
| John and Mary Jo Ciccarelli | Karen Pack     |
| Chris and Brenda Cherry     | Donovan Vinson |
| JR Wise                     |                |

\*\*\*PLEASE note if you attended the meeting but did not sign the attendance sheet your name is not included on this list.

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 Prior Meeting Minutes:** February, 2014 Roger Wright 1<sup>st</sup>, Clark Valentiner 2<sup>nd</sup> Unanimous affirmative vote by the board

**Approval of Prior Month's Financial Report:** February, 2014j (Attached as Exhibit A) Junior Rideout 1<sup>st</sup>, Roger Wright 2<sup>nd</sup> Unanimous affirmative vote by the board.

Financials for February 2014:

General Checking: \$ 36,100.30

Pool Checking: \$ 46,956.84

Money Market: \$55,688.51

Total Monies: \$ 138,745.65

Pool Loan Principal: \$ 386,114.55 ( 04 Mar 2014 )

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

Submitted by Jim Crayton Clark Valentiner 1<sup>st</sup>, Junior Rideout 2nd Unanimous affirmative vote by the Board

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

Jim Crayton 1<sup>st</sup> Roger Wright 2nd Unanimous affirmative vote by the Board

**Business & Issues:**

- **Web Site Update:**

- John Ciccarelli is the webmaster for the Bay Tree POA web page.
  - Manages site
  - Site is dynamic and new features will be added
  - Functioning Bulletin Board
    - Items of interest
- We welcome feedback and suggestions for the website from all property owners

- **NC Wildlife Commission:**

- We have been advised by NCWC that our petition to privatize the canals and Horse Pen Lake is now the subject of a debate within NCWC.
  - Some within the NCWC organization have suggested that because our canals and Horse Pen cover more than ten acres they cannot be privatized.
    - NCWC has scheduled a meeting the week of March 17, to discuss and hopefully resolve this issue.
      - We are cautiously optimistic the ruling will be in our favor and no further action will be taken until we receive a response from NCWC.
        - If we receive a negative response we believe we can demonstrate precedence based on other bodies of water greater than 10 acres in size being granted private status.

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- Detailed facts will need to be gathered to confirm this statement.

### **Bladen County Tax Re-evaluation:**

- We continue to ask for the support of all Bay Tree Property Owners in gathering factual information that may influence tax values and position ourselves to present this data to the Bladen County Tax Administrator in a factual, united and compelling manner.

### **Cabana Renovation:**

- Property Manager Jim Crayton reported:
  - Work on the Cabana is proceeding on schedule.
    - Demolition is complete
    - Interior flooring and framing is complete
    - Electric and Plumbing rough in will start March 14.
- Electrical and Plumbing rough-in inspection should take place on March 16 or March 17.
- Project completion date is on schedule

### **Pool Update/May Pool Party:**

- President Votaw gave a brief history of the pool building process and in doing so shared the following points:
  - During the summer of 2013 the POA Board thought the Bladen County Department of Inspection requirements had been met and a “Certificate of Occupancy” (CO) would be issued for the pool in July, 2013.
  - The Bladen County Inspectors visited the pool to do the final inspection and found the pool telephone did not have a dial tone.
    - For this reason the “CO” was not issued.
- President Votaw shared that shortly after the “CO” was not issued because of the phone the NC DOI stepped in and triggered the following events:
  - Effectively communicated to the Bladen County DOI that they did not fully understand the requirements for a “Public” pool.
  - Effectively communicated to the POA Board that our pool did not meet NC code for a “Public” pool.
    - Specifically as pertains to “ADA” requirements.
- Laurel Wright of the NC Department of Inspection visited our pool and made the following recommendations:
  - Understand the Requirements for a “Public” pool.
    - Hire a certified architect that fully understands the requirements for a “Public” pool.

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- Allow the Architect to develop a detailed plan
  - A step by step road map as to what is required to meet the NC DOI requirements.
- Hire a contractor that understands the requirements and allow that contractor to take the steps outlined by the architect and approved by NC DOI.
- President Votaw acknowledged in hindsight it now seems apparent that prior to starting the pool project proper due diligence was not done and in doing so took responsibility as a board member and offered an apology for the path the pool project has taken.
- President Votaw then stated that the advice and direction from Laurel Wright has now been embraced and outlined the steps.
  - **Laurel Wright NC DOI recommendations**
  - **Cleve Pate Architect (endorsed by Laurel Wright NC DOI)**
  - **Infinity Construction (endorsed by Cleve Pate and also low bidder)**
- President Votaw reminded us the original plan did not require a short term renovation of the Cabana.
  - Bladen County DOI indicated that we could delay this project for approximately one year and still get a “CO” for the pool.
  - NC DOI did not agree and advise that we did not have enough facilities to accommodate the number of people that could gather at the pool at one time and for this reason a CO for the pool would not be issued until additional facilities were added.
- President Votaw shared that Architect Cleve Pate was asked to prepare plans to renovate the Cabana to meet the NC DOI facility requirements.
  - It took approximately two months to finalize the plan.
  - Once the plan was received, reviewed and confirmed to meet NC DOI requirements:
    - The plan was sent to four (4) Contractors for bids.
      - One contractor declined
      - Three Quoted
  - It took approximately three weeks to get the quotes back:
    - The board was very surprised to find all three quotes to be greater than \$216,499..
  - The Board sat down with the low bidder (\$216,500) and reviewed the projected cost and determined that approximately 20% of the cost was related to required improvements outside of the Cabana.
- The Board inquired about the Cabana renovation cost vs. tearing down the Cabana and building a new building:

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- The contractor advised a new building would add additional cost however it would also add a good bit of time to the process.
  - Architect would need to start over
    - Perhaps as much as two months
- Recognizing the Cabana would be totally gutted (inside) and exposing all floor joists, ceiling joists and wall studs.
  - Repairing as needed
- The Board made a judgment call to refurbish and be prepared to open the pool in May of 2014
- The Cabana will go through a detailed commercial upgrade that will provide enough facilities to meet the needs of those that are using the pool
  - Additionally the Pool and Cabana will be ADA compliant.
- President Votaw advised the cost of refurbishing the Cabana will not require an adjustment on the pool assessment fee---it will remain at \$12.00 per month.
- President Votaw advised the pool loan will be increased by \$125,000 and the balance will be paid from the POA general fund.

### **POA Board Attorney (s) Requirements:**

- Board Member Roger Wright shared that POA Board Attorney Cynthia Singletary has started sending letters to property owners with delinquent dues.
  - The letter communicates the consequences of not paying dues.
  - These consequences include:
    - Loss of all privileges associated with being a property owner except usage of the gate to enter/exit Bay Tree
    - A lien will be filed and executed (law suit)
  - The Board policy allows the board to work with and develop a payment plan if the property owner requires more time to catch up back dues.
  - The board's position is that we do not want to send any letters and respectfully ask that those behind with their dues talk with the board and make arrangements to resolve the issue without triggering the Bladen County legal system..
    - **PLEASE KNOW WE DO NOT WANT TO PURSUE DUES THROUGH THE COURT SYSTEM HOWEVER WE FEEL THAT WE MUST TAKE THE NECESSARY ACTION TO COLLECT THE DELINQUENT DUES.**

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### **POA Expertise:**

- Board member Roger Wright made a motion to delay implementation of the plan approved at the January 9, monthly POA meeting to form a “One-Vote Majority team” consisting of:
  - Two property owners
  - Two board members
    - Until May, 2014
  - The motion was seconded by Junior Rideout and unanimously approved by the board.
    - Reason for requesting delay:
      - New Board members coming on in April
      - More time needed to do further and more detailed due diligence
        - Other factors may influence our position and outcome

### **Duke Power Concerns/Issues:**

- Board Member Brian Wolf pointed out that Bay Tree is served by Four County and Duke Power:
  - Four County lower rates, better service
  - Duke higher rates, poor service.
- Board member Wolf suggested that we should unite and define and effectively communicate our concerns to Duke Power.
- Determine if there is an opportunity to petition for all of Bay Tree to be served by Four County.
- **PLEASE CONTACT Brian Wolf (phone# 910-991-5159) if you would like to be a working member of the team that will be formed to investigate possibilities and deliver a message to Duke Power.**

### **AGENDA 2014 Annual Meeting:**

- The board is developing the agenda for the 2014 annual meeting.
  - Please advise if you have issues that you believe should be included on the agenda.

### **Other Business:**

- Board member Roger Wright made a motion for the POA Board to contribute \$350. to the Bay Tree Women’s Club as a contribution for the food to be served at the May 31, Pool Party/Luau.
  - Please note the Bay Tree Women’s Club will provide food and refreshments.
  - Motion seconded by Junior Rideout and unanimously approved by the board.

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- A motion was made by Junior Rideout and seconded by Brian Wolf to allow the Bladen Water rescue to use our common property to conduct a water rescue exercise and training class about the second week in June.
- Vote was unanimously approved by the board.
- The board agreed to close out our association with Lewis, Deese and Nance Attorneys.
  - This positions the team that will be formed in May, to use the attorney they believe best suited to achieve the goal.
- The Board agreed to review the "Deposit" policy for club house rental with the idea of making sure our policy is in the best interest of property owners.
- After the meeting property owners were given and opportunity to review the drawings for the Cabana and contract with Infinity Construction.

There being no further business a motion to adjourn was made by Clark Valentiner and seconded by Brian Wolf:

Vote to adjourn was unanimous by the board.

Minutes submitted by:  
Roger B. Wright  
POA Board Secretary

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Bay Tree Lakes Property Owners Association  
Profit and Loss  
February 2014

|                            | <b>Total</b>      |
|----------------------------|-------------------|
| Income                     |                   |
| Non-Profit Income          |                   |
| Dues                       | 6,091.36          |
| Gate Access                | 175.00            |
| Pool                       | 2,512.00          |
| Total Non-Profit Income    | <b>8,778.36</b>   |
| Total Income               | <b>\$8,778.36</b> |
| Expenses                   |                   |
| Building cleaning          | 375.00            |
| Cost of Labor              |                   |
| Cost of Labor              |                   |
| Asst Property Manager - JC | 205.00            |
| Clerk                      | 600.00            |
| Property Manager           | 890.52            |
| Total Cost of Labor        | <b>1,695.52</b>   |
| Total Cost of Labor        | <b>1,695.52</b>   |
| Funds transfer             |                   |
| Interest Paid Pool         | 1,265.56          |
| Principal Paid Pool        | 2,747.15          |
| Total Funds transfer       | <b>4,012.71</b>   |
| Office Expenses            |                   |
| Bank Charges               | 9.95              |
| Equipment                  | 351.30            |
| Internet                   | 72.21             |
| Postage                    | 101.50            |
| Quick Books Online         | 26.95             |
| Supplies                   | 10.45             |
| Telephone                  | 204.78            |
| Web site                   | 269.90            |
| Total Office Expenses      | <b>1,047.04</b>   |



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|                            |                      |
|----------------------------|----------------------|
| Repair & Maintenance       |                      |
| Clubhouse                  | 350.00               |
| Gate                       | 775.58               |
| Pool                       | 76,398.00            |
| Total Repair & Maintenance | <b>77,523.58</b>     |
| Trailer storage facility   | 84.00                |
| Utilities                  |                      |
| Electricity                | 731.44               |
| Sewer                      | 80.00                |
| Water                      | 35.28                |
| Total Utilities            | <b>846.72</b>        |
| Total Expenses             | <b>\$85,584.57</b>   |
| Net Operating Income       | <b>\$ -76,806.21</b> |
| Net Income                 | <b>\$ -76,806.21</b> |

Wednesday, Mar 12, 2014 03:34:15 PM PDT GMT-4 - Cash Basis

This report was created using QuickBooks Online Plus.

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### **Exhibit “B”**

#### Property Mgrs. Report

March 13, 2014

I have been devoting a lot of time to the cabana project and have developed a good working relationship with the contractor. Work on the cabana is proceeding on schedule. Demolition is complete and interior flooring and framing is complete. Electric rough in has begun and plumbing should start Friday. Concrete work began yesterday and some was actually pored today. We anticipate having our first inspection Monday or Tuesday. The contractor sees no reason at this time why the project should not be finished on time.

I have been in contact with DeVane builders and Tarheel Construction about finishing their part of the pool project . I anticipate no problem with their part being complete by the time the cabana is finished.

The pier decking is not in good shape and needs attention. I am reviewing the plan to repair and/or replace the decking and will advise the board of my findings and recommendation on how to deal with this issue as soon as possible.

I issued one contractor code (Infinity-cabana); 3-gate cards and 3 windshield tags since the last meeting.

John Ciccarelli has taken over as our webmaster and is doing a great job. We are now controlling our web site content and adding new features as we go. So far we have changed the look of the site and added a bulletin board of sorts to the home page. This is where you will find items of interest in the short term. It is not a replacement for the calendar but instead a way to highlight upcoming events and other “special interest” items. We welcome suggestions anyone has to make the site better. Things we are exploring are a way to send emails from the web site and a possible new site host. The site being down earlier this week was due to a problem with Star, the site host, and not anything we could control.

Per board instructions I am working with our attorney on sending letters to property owners with delinquent dues accounts and other restrictive covenant issues. The letters are being staggered as our attorney has told us she wants to do her due diligence on each one to make sure she confirms all information before sending the letters. It is my intent to bring a lot more consistency to the enforcement process concerning all issues within the community. In order to accomplish this the community needs to know that I am the first point of contact with any issues that arise within the community as my new job description requires.

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I made a number of courtesy calls to property owners about tree limbs down and other debris caused by recent weather events. I am happy to report that most seemed appreciative and that everyone has cooperated very well with this and the community is looking good.

The generator worked well during the recent power outages but we continue to have gate issues. The problem this week was an electronic controller board in the right hand entry gate. This board was a spare that we were using while the original board was being repaired from the last breakdown. It has been replaced by a loaner from the company and is also being repaired.

I have been approached by Bladen Water Rescue about having a rescue exercise and training class here about the 2<sup>nd</sup> week in June. Since we have traditionally worked with them I told them I didn't see a problem with it. They will do some diving in the canal and have a couple of scenarios in the lake. This will not be of the scope of operation that was here two years ago. That was a state wide drill and this is local only.

As to the future: it is my goal to be proactive in responding to the community's needs. I am working on a number of initiatives that I would like to see enacted and will be presenting them as they are developed. Some of those include improvements to our infrastructure, neighborhood beautification as well as the common properties, and expanding activity opportunities. I welcome input from the community in helping identify ways to enhance the quality of life at Baytree Lakes.

On a personal note: I am having some minor surgery next Wednesday and will have a short period of recuperation. By Friday I should be able to at least resume fielding calls. One of our assistants will cover the gate house next Wednesday and Friday and will provide any needed services in the short term.

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**Exhibit "C"**

From the Clerk

March 13, 2014

|                   |                  |             |
|-------------------|------------------|-------------|
| February 28, 2014 | Outstanding Dues | \$32,170.58 |
| February 28, 2014 | Credit Balance:  | \$5,796.07  |

Lots reported sold February 2014

| Buyer                     | Lot | Home     | Seller                    |
|---------------------------|-----|----------|---------------------------|
| Theodore/Caroline Lyons   | 432 | Apex, NC | Lake Creek Corp (new lot) |
| Billable lots: 444.5 Lots |     |          |                           |

|                      |     |                   |              |
|----------------------|-----|-------------------|--------------|
| South River Land Co. | 133 | Elizabethtown, NC | Steve Ussery |
|----------------------|-----|-------------------|--------------|

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BAY TREE POA BOARD  
CALLED MEETING  
February 21, 2014

\*\*\*Note this meeting was a planning meeting held in the home of Board Member Jim Crayton and had two specific purposes

- Planning session for 2014 and beyond
- Confirm payment strategy for the Cabana remodel

Summary of planning session will be sent out as a separate update

Discussion: to review the cabana renovation contract cost and determine the best method to pay the \$216,500 cost.

1. Motion made by board member Jim Crayton to increase the outstanding pool loan by \$125,000 and take the balance of \$91,500 from the General Fund.
  - a. Motion seconded by Clark Valentiner
2. Discussion
  - a. Reminder \$216,500 is a N-T-E price
  - b. We can increase the loan amount by \$125,000 and pay the revised payment without increasing our dues or putting pressure on our cash flow position
3. Board members Votaw, Valentiner, Crayton and Wright voted in favor of the motion.
  - a. Board member Junior Rideout was not present at this meeting (daughter surgery).
4. Board member Jim Crayton offered another motion to authorize board member Troy Votaw to talk with the bank about adding the \$125,000 to our current loan.
  - a. Motion seconded by Clark Valentiner.
    - i. Board members Votaw, Valentiner, Crayton and Wright voted in favor of this motion.
  - b. Board member Junior Rideout was not present at this meeting (daughter surgery).