

# *Bay Tree Lakes*

## *Property Owners Association*

**June 12, 2014**

The monthly meeting of the Bay Tree Lakes (BTL) Property Owners Association, Inc. (POA) Board of Directors (Board) was held in the Clubhouse on Thursday, June 12, 2014. The following Board members were present: Roger Wright, Brian Wolf, Lee Hauser and Junior Rideout. Board member Clark Valentiner was out of town. POA Clerk Tish Hermann and Property Manager Jim Crayton also attended.

Property owners in attendance were Debbi Kettle, Mick Robeson, John Shaw, George Starke, Larry T. Barnes, Brenda Barnes, Cathy Ross, J.R. Wise, Kire Wise, Hank Howell, Glenn Page and LeAnne Page.

President Roger Wright called the meeting to order at 7:01 pm and welcomed all POA members to the meeting, after which he provided the invocation.

Roger Wright then explained to the non-Board members present, that even though the agenda suggests that POA members should hold all comments and questions to the end of the business meeting, a POA member should raise his/her hand and be recognized to speak if the comment or question is pertinent to the topic under discussion by the Board. POA members are encouraged to advise the Board of any issue that should be included on the agenda, at least ten days in advance of the scheduled meeting.

**Approval of Prior Meeting Minutes (May 2014):** Motion to approve was made by Roger Wright, seconded by Junior Rideout. Unanimous affirmative vote by those present.

**Approval of Prior Month's Financial Report (May 2014):** Treasurer Clark Valentiner was not present to present the subject report, so no report was given, and no motion to approve was made.

[However, after the meeting, The Financial Report was provided and is attached herein as Exhibit B. The major monthly financial numbers were as follows:

## Financials for May 2014

Operations Checking: \$ 53,166.80

Pool Checking: \$ 69,900.05

Money Market Acct: \$ 55,708.88

Total Monies: \$ 178,775.73

Pool Principal: \$380,533.92 (Same as last month – Pmt not drafted until  
06 June 14 )

ADA Compliance Principal: \$122,492.12 ( As of 28 May 14 )]

**POA Clerk's Report (May 2014):** Report was presented by Tish Hermann and is attached herein as Exhibit C. Motion to approve was made by Lee Hauser, seconded by Brian Wolf. Unanimous affirmative vote by those present.

**Property Manager's Report (May/June 2014):** Report was presented by Jim Crayton and is attached herein as Exhibit D. Motion to approve was made by Junior Rideout, seconded by Brian Wolf. Unanimous affirmative vote by those present.

### **Business:**

1. **Develop a plan to cover the Secretary duties** - Roger Wright announced that Hank Howell has volunteered to take minutes of the official Board meetings while the Job Description for the “part-time Administrative Assistant” is being developed by the Board. This position was approved by the Board at its May 2014 meeting.
2. **Town Hall Meeting----June 22, 2014:** The start time for this meeting was confirmed to be 2:00 pm on Sunday, June 22<sup>nd</sup>, at the Clubhouse. The purpose of the meeting is to assemble all BTL property owners for a discussion with the POA Board of Directors on the current and future issues involving the BTL community. The Board asks that all BTL property owners attend and participate in the Town Hall Meeting.

At this point in the meeting, Roger Wright informed the Board that he had recently been informed that a complaint had been filed with the NC Licensing Board of General Contractors by a BTL property owner regarding the work of one or more contractors involved in the construction of the BTL swimming pool and pool house facilities. The complaint was filed unilaterally by the individual

without any action or authorization by the Board. Wright advised all Board members, especially those who served during the period of pool construction, that they will likely be called upon to respond to questions from the state licensing board. He also stated that the complaint had halted any further negotiations between the Board and pool contractors regarding resolution of a few minor remaining pool issues.

3. **Fourth of July (July 5, 2014) Celebration—2014:** This year's July 4<sup>th</sup> neighborhood celebration is scheduled for Saturday, July 5<sup>th</sup>. The activities will be modeled after the 2013 celebration, including a children's fishing tournament in the morning, a parade in the afternoon, followed by hot dogs and ice cream before the Flotilla at sunset, and a grand fireworks display over the lake after dark. However, Team Leaders are needed, urgently, to organize and supervise these activities., particularly for the fishing tournament and the flotilla. Judges are also needed, for the flotilla competition. BTL residents are asked please to inform a Board member or the Property Manager if he/she is willing to volunteer and serve in one of these positions. A more detailed schedule of events will be posted as the information becomes available.
4. **Beach Day at the pool --- June 21:** Following positive comments about the pool opening party on May 31<sup>st</sup>, suggestions were made that there should be more of this type of activity. The Board has agreed to sponsor an evening of **Beach Music and More** at the cabana on Saturday, June 21<sup>st</sup> from 7 to 10 pm. Beach music, as well as other genres, will be provided by our local DJ, Lee Hauser. Residents are encouraged to bring CD's, Ipods or other means of delivery to patch into Lee's sound system, as well as their own refreshments and chairs. Additional similar activities may be scheduled in the future, perhaps as part of the July 4<sup>th</sup> celebration.
5. **Update on activity concerning the covenants/by-laws review team led by Lee Hauser:** At the May 2014 meeting of the Board, it was agreed to form a team of five (5) people to review the 1972 covenants and other governances, to define what is on the books today, what is needed to meet the needs and expectations of BTL today and in the future, and what we must do to be in harmony with state and county laws/rules, and to produce document(s) that define our governing rules and regulations. Lee Hauser reported that he has identified five people to serve on the team: Jim Crayton, Mick Robeson, Hank Howell, Lee Hauser and Kelly Butler, with John Shaw as an alternate. Discussion by the Board stressed the need to review the 1972 POA covenants and by-laws, the 1986 Lake Tree Corporation's covenants update as these apply to the POA's governance, plus the 1998

agreement between the developer and the Board which concerned the role of the Architectural Review Committee (ARC), the right of first refusal, and the authorization of the Board to enforce the covenants. Property Manager Jim Crayton reported that he had already been involved in positive discussions regarding architectural standards with Steve Jones, Jr. Roger Wright stressed that there should be no further meetings on this subject with the developer without a member of the Board being present.

To follow through on previous board action to create a team to study governance documents and make recommendations to the Board, Lee Hauser made the motion that the Board should form a Policy Review Team, with the 5 identified members. Junior Rideout seconded the motion and it passed with a unanimous affirmative vote of those present.

Lee Hauser then moved the mission of the Policy Review Team will be to review the covenants and restrictions and by-laws and associated documents and recommend needed changes to the BTL POA Board, with priority given to the ARC functions and standards and the “right of first refusal.” Brian Wolf seconded the motion and it passed with a unanimous affirmative vote of those present.

## **6. Enforcement Issues:**

**a. Dog Policy** – Jim Crayton's discussions with Bladen County Animal Control revealed prior discussions on this issue which had resulted in the BTL POA deferring enforcement of this issue to them. Bladen County Animal Control policy and law will prevail and will be enforced by that organization when contacted to do so. A copy of that policy is available from the Property Manager.

**b. Unsightly Yard Issues** – A definition of an “unsightly yard” is needed before any action can be taken toward enforcement. Roger Wright suggested a “sub-team” of the Policy Review Team be formed to define standards for this issue specifically and gain approval and permission from the POA's attorney and the developer. No action was taken and the issue tabled, to be reviewed at the July meeting.

**c. Storage Lot** – Some users of the Storage Lot have not confined their use of the Storage Lot to their assigned spaces. Some property owners that should be using the Storage Lot have chosen not to do so, some due to a reluctance to leave their boat and/or trailer out in the open, uncovered. Jim Crayton recommends that the Storage Lot policy be modified so as to allow metal coverings to be erected by property owners on their assigned spaces. This should encourage use of the

Storage Lot and reduce problems of boats and trailers and covers on individual home lots. Questions were raised by Board members as to the liability of the Board and POA, and as to the long term maintenance requirements. The property manager was asked to review this issue further and present again for consideration at the July meeting.

- 7. Financial Audit:** No action was taken on this topic due to the absence of the Treasurer, Clark Valentiner.
- 8. POA Code of Conduct:** Roger Wright proposed that the Board undertake a retreat of 10 to 12 hours at which these “rules of engagement” would be produced, as a Code of Conduct for the POA Board members. Brian Wolf suggested a review of what other similar organizations have done relative to this topic. Roger Wright agreed to pursue this topic with Board members individually to schedule the needed discussions.
- 9. Additional “Needs” for the pool:**
  - a.** Several “needs” were mentioned to complete the pool and cabana project. There is also some minor work to be completed by the contractors. A final walk-thru is anticipated within a week, after which the final “bill” from the contractors is expected.
  - b.** The property manager has identified a need for better camera coverage at the back gate area. There was no back gate when the current cameras were installed. A new camera and motion detector light was suggested.
  - c.** The property manager has identified a need for an Automated External Defibrillator (AED) at the pool. A good used and recertified unit should cost no more than \$500. Junior Rideout moved that an AED be acquired at a cost not to exceed \$700. Lee Hauser seconded the motion and it passed with a unanimous affirmative vote of those present. Brian Wolf suggested training on the unit and CPR be provided to members of the Board and all interested BTL property owners. Jim Crayton agreed to investigate the training opportunities and report to the Board at the July meeting.
  - d.** Jim Crayton informed the Board that a new assistant for the Pool Operator, Donovan Vinson, has been identified. Kelly Allen will assume the duties of the Pool Operator in the absence of the Pool Operator.
- 10. Other Business:** Brian Wolf moved that the Board authorize purchase of a basic cell phone for use by the Property Manager (and the Assistant Property Managers when on duty) to avoid use of a personal cell phone, with the cost for service not to exceed \$45 per month for the basic service (i.e., not including taxes and fees).

Lee Hauser seconded the motion and it passed with a unanimous affirmative vote of those present.

There being no further business, the meeting was adjourned at 9:07 pm.

Minutes submitted by  
Roger Wright  
President / Acting Secretary

# **Exhibit A: Agenda for June 12, 2014 Meeting**

## **Board of Directors Meeting Agenda**

June 12, 2014

### **Call to Order and Welcome Members and Guests**

**Roger Wright**

### **Invocation**

1. Approval of Prior Meeting Minutes (May 2014) Roger B. Wright
2. Approval of Prior Month's Financial Report (May 2014) Clark Valentiner
3. POA Clerk's Report (May 2014) Tish Hermann
4. Property Manager's Report (May/June, 2014) Jim Crayton

### **Business:**

1. Develop a plan to cover the Secretary duties
2. Town Hall Meeting----June 22, 2014
3. Fourth of July (July 5, 2014) Celebration—2014
  - a. Team requirements.
4. Beach Day at the pool---June, 21 (suggested by Lee)
5. Update on activity concerning the covenant/by-laws review team led by Lee Hauser
  - a. Define needed, wanted and required changes
    - i. Confirm team members
6. Enforcement Issues
  - a. Dog policy (F/U from Property Mgr. discussions with County Officials)
  - b. Unsightly yard issues
  - c. Storage lot
    - i. Lot assignment
    - ii. Covered spaces
    - iii. Other
7. Financial Audit

8. POA Code of Conduct
9. Additional "Needs" for the pool
  - a. Kool Deck update/review
  - b. Rails
  - c. Cabana face lift
  - d. Paint
  - e. Additional lighting
  - f. Other
10. Other Business

**POA Member Comments:**

- **Please note POA Members that would like to share comments must be recognized by the POA BOARD President.**
- **Please note individual comments will be limited to Three (3) minutes.**

~ ~ ~ ~ ~

## **Exhibit B: Financial Report**

Bay Tree Lakes Property Owners Association  
Profit and Loss  
May 2014

	<b>Total</b>
Income	
Non-Profit Income	
Dues	4,759.95
Gate Access	475.00
Pool	1,872.00
Total Non-Profit Income	7,106.95
Total Income	\$7,106.95
Expenses	
Building cleaning	300.00
Building fire protection	65.00
Cost of Labor	
Cost of Labor	
Asst Property Manager - JC	145.00
Certified Pool Operator	755.00
Clerk	600.00
Property Manager	1,000.00
Total Cost of Labor	2,500.00
Total Cost of Labor	2,500.00
Funds transfer	
Interest Paid Pool	1,646.32
Principal Paid Pool	3,650.72
Total Funds transfer	5,297.04
Grounds	
Mowing & cleaning	375.00
Total Grounds	375.00
Legal & Professional Fees	5,000.00
Member Event	92.29
Office Expenses	
Bank Charges	9.95
Internet	72.24

Postage	108.49
Quick Books Online	26.95
Supplies	13.87
Telephone	208.27
Total Office Expenses	439.77
Pool Construction	47,035.67
Repair & Maintenance	
Gate	1,104.60
Total Repair & Maintenance	1,104.60
Taxes & Licenses	100.00
Trailer storage facility	83.00
Utilities	
Electricity	670.75
Sewer	80.00
Water	40.30
Total Utilities	791.05
Total Expenses	\$63,183.42
Net Operating Income	\$ -56,076.47
Net Income	\$ -56,076.47

Monday, Jun 02, 2014 10:26:50 PM PDT GMT-4 - Cash Basis

This report was created using QuickBooks Online Plus.

~ ~ ~ ~ ~

## Exhibit C: Clerk's Report

From the Clerk

**June 12, 2014**

May 31, 2014      Outstanding Dues    \$27,528.56  
May 31, 2014      Credit Balance        \$ 5,537.50

**Lots reported sold April 2014**

<b>Buyer</b>	<b>Lot</b>	<b>Home</b>	<b>Seller</b>
John & Elizabeth Silva	649	Fayetteville, NC	Lake Bay East*
Ellis R Baker	548	Fayetteville, NC	C. M. Hardee
Arthur & Janet Warren	918	Newton Grove, NC	Lake Bay East*

\*first time lot sale

Total lots 446.5

~ ~ ~ ~ ~

# **Exhibit D: Property Manager's Report**

Property Managers Report – June 12, 2014

Gate Cards    Windshield Tags

It has been a busy month. As you know we got the pool open and are finished except for the repairs to the irrigation system which should be taking place very soon. Drawing on my experience as an EMT, I have put together a good first aid kit for the pool area. It is housed in a blue plastic tub in in the pump room.

Discussion Items:

- When the security cameras were originally installed there was no “back gate”. I would recommend that we either move an existing camera or have a new one installed to cover this area. I also think we need to install a few motion lights inside the fence. The existing lighting is not sufficient for good video should we have an event inside.
- I would also recommend that we purchase an AED device for the common areas. It could be housed in the pool area during the summer and in the clubhouse during the winter months. A refurbished/recertified one can be bought for approximately \$700.

The opening went very smoothly. We received numerous positive comments about the pool and Cabana. Most owners now have their pool gate cards. John Ciccarelli and I worked several hours getting this done on and before opening day. Tish worked several mornings after the opening and is now handling the pool cards. Anyone needing a card needs to contact her. She can get you a pool card and also program your regular gate card to work at the pool.

The pool opening ceremony and the beach party went very well. Everyone who attended seemed very pleased with the Carolina Breakers and there has been a lot of interested expressed in doing something similar on a regular basis.

Regarding the 4<sup>th</sup> of July celebration, we have scheduled fireworks again this year. They will take place on Saturday, July 5<sup>th</sup>.

Discussion Items:

- It is my understanding the some new chairpersons may be needed.

The biggest issue this month has been the entrance gate. We had a lightning strike about three weeks ago that wiped out the memory of the system and also damaged many of the computer components. It took several days and two trips by the repair techs. for many of the issues to manifest themselves and be repaired. Hopefully we are in “like new” condition now.

Discussion Items:

- It was recommended that we keep a spare controller and motherboard on hand. Both are user replaceable and having them will likely save us the cost of a service call which averages \$500+.

Over the years POA boards have developed policies and rules derived from the Restrictive Covenants and Bylaws. In several recent conversations with our attorney the issue of publishing the rules, in a manner the court would say is reasonable and sufficient, has been discussed. Having them published only on the web site is not likely to meet this test. Therefore, I have begun work on putting together a booklet that will have all the

Policies and Procedures, the Restrictive Covenants and the POA Bylaws in it. Once this is compiled we would mail (or email) it out to all the property owners. This would serve to better inform our members of all the rules etc... as well as position the POA better legally should action be required. I believe that a pro-active approach like this will lead to better understanding and better compliance.

Discussion Items:

- It is my intent to work with our staff to further develop an email database that can be used as a means of communication with POA members.
- I would be helpful if we can identify a volunteer with publication experience to help compile the booklet.
- Further along this line, I have been meeting with Steve Jones trying to reach agreement on Architectural Review Polices and putting a review committee in place. What we are working on is a simple (one or two page) statement of the architectural standards. The structure for this already exists in an agreement signed several years ago (1998) between Lake Creek Corp. and the POA. This agreement also establishes a 15 day time limit on the right of first refusal and reconfirms the POA's right to enforce the Covenants and Restrictions and other regulations. It had apparently been worked out with Steve Jones Sr. and the board. Steve Jr. said he had never seen it and previous boards had not pushed it. He seems supportive and his only issue is making sure we have a mutually agreeable understanding as to what the standards are and how we manage the process.

I have been in discussion with Bladen County's Animal Control Department about our dog situation and have discovered that the issue has come up before with them and that basically we defer enforcement to them on this issue.

Discussion Items:

- I have a copy of the county ordinance with a note from a previous board included.

Finally, I would like to recommend to the board that we adopt a policy that would allow property owners to erect covers over their assigned storage spaces in the trailer storage area. These would be the typical aluminum structures that can be moved if necessary. There is great practical benefit to this and also it is my opinion that it would also serve to defuse the need to erect them on private lots.

~ ~ ~ ~ ~