



# *Bay Tree Lakes*

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## *Property Owners Association*

### **Monthly Board of Directors Meeting August 10, 2010**

The Bay Tree Lakes Property Owner's Association, Inc Board of Directors monthly meeting was held at the Club House on Tuesday August 10, 2010. The following Board Members were present: Charles Atkinson, Clark Wooten, Clark Valentiner, Junior Rideout, and Dennis Ford. Others present were Tish Herrmann (POA Clerk). Roy Dew (Property Manager) was on vacation. The following POA members were also present: Hank Howell, George Starke, Alfred Tyndall, Michael Dilello, John and Mary Jo Ciccarella, Mick and Maryellen Robeson, Allen and Tanya Wells, Terry Packer, Brian Wolf, Henry and Colette Cashwell, Michael Smith, and Sonya Smith.

President Charles Atkinson called the meeting to order at 7:03 pm at which time everyone was welcomed to the meeting. President Atkinson expressed his appreciation for everyone's attendance.

Clark Valentiner gave the invocation.

President Atkinson distributed the agenda. (Attached as Exhibit A)

#### **Approval of July 13, 2010 minutes** (Attached as Exhibit B)

There were no corrections.

#### **Approval of Financial Report** (Attached as Exhibit C)

There were no corrections.

#### **Property Manager's Report** (Attached as Exhibit D)

There were no corrections.

#### **Clerks Report** (Attached as Exhibit E)

There were no corrections.

#### **Approval of Consent Items**

In order to expedite the meeting, members reviewed all reports prior to the meeting. President Atkinson asked for any comments or questions regarding any of the reports. There being no other comments a motion was made by Clark Wooten and seconded by Clark Valentiner to approve the reports as presented. The motion was unanimously approved.

## **POA Member Comments & Concerns**

### **BTL Fire Department:**

Charles Atkinson advised that he wanted to add a couple more items to the agenda for the Board's discussion and approval. The items were the annual pig picking and the donation that the community regularly makes to the Bay Tree Lakes Fire Department. The pig picking is actually prepared by the Fire Department for the community at a cost of \$6.00 a plate with 300 persons expected at the event for a total cost of \$1800.00. The Fire Department also sponsors an annual golf tournament in October and the board and community contribute \$1500.00 to this event as a sponsor. Both of these events are the major fund raisers for the BTL Fire Department for the year. Clark Valentiner made a motion to ask the Fire Department to plan the food for the pig picking and recommended a donation of \$1500.00 for our support for the golf tournament. The motion was seconded by Dennis Ford. The motion was unanimously approved.

### **Dues:**

Marlene Johnson sent a complaint to the Board indicating that she did not like the wording of the letter that was sent to her regarding dues. The form letter is the same letter that has been used for several years. Charles Atkinson was going to respond back to Marlene Johnson.

### **Business:**

#### **Lake and Canal Issues:**

##### **Committee Report on Lake and Canal Study:**

Clark Wooten advised that the committee and Board continue to work on and monitor the water issues at Bay Tree. He indicated that we are working with professionals and getting a better idea about how water moves in our community.

##### **Horsepen Lift and Channel Marking & Response to letter to Corporation:**

Clark Wooten advised that he sent a letter to the Corporation about the broken Horsepen lift. Clark indicated that Stephen Jones Jr. responded a few days ago and told him that the lift had been fixed. Stephen Jones Jr. indicated that a contractor took the lift to Fayetteville and made some adjustments and repairs and then returned the lift. Clark Wooten gave Stephen Jones Jr. credit for quickly repairing and addressing an issue for the community. Several property owners indicated that they had recently used the lift and that it was working correctly.

The channel that was dug to help property owners access the lift area from the Horsepen Lake side has not been marked. Clark Wooten is going to gather information on what is required to complete that task in Horsepen Lake.

### **Policies:**

Clark Valentiner presented the new policy on posting items on the bulletin board. The policy had previously been reviewed by board members. Junior Rideout made a motion to accept the new bulletin board policy and Clark Wooten seconded the motion. The motion was unanimously approved. It was agreed to place the new policy on the community website in the policy section and to place a copy of the policy on the bulletin board.

## **Buildings and Grounds:**

### **Road issues:**

Roy Dew was on vacation for this board meeting so Clark Wooten discussed the need to place sod along the side of the road at the bridge on Horsepen Drive because of erosion. Clark will work up the cost on the repairs. Mike Smith indicated that there were several areas where the side of the walk needed some sod because it was beginning to erode and undermine the walk. Clark Wooten indicated that he would also look at those areas and report back.

### **Buildings:**

Roy Dew was on vacation and Mike Dilello helped with the exercise room report. Mike indicated that one of the recently donated pieces of equipment had broken in the past week. Mike also asked the Board if we as a community were paying for two cable boxes since there were two in the exercise room. Charles Atkinson advised that we were not and had not been billed for this in the past. Mike also indicated that the ceiling fan was too low and needed to be a hugger style of fan or someone would eventually break because it is too low. Mike further stated that we need to install a vented fan in the bathroom and board member Rideout indicated that the install was scheduled and that the fan would soon be installed. Mike Dilello also asked about the rules for access. Dennis Ford suggested a committee to look at providing the board with a set of rules and Mike Dilello volunteered to help Dennis Ford on the committee. No other property members volunteered to assist with the formation of the new policies.

Charles Atkinson indicated that he was willing to hear suggestions on how to sell the foosball and pool table. Dennis Ford suggested researching to obtain a base price to start the closed bidding, to take photographs of the items and place them on the community website and on the community bulletin board for 45 days. At the conclusion of the 45 days the bids will be opened and the highest bid above the base starting price will be given the first opportunity to make the purchase for each item. The board agreed to the process.

Junior Rideout discussed the asphalt singles that fell off of the community clubhouse. He indicated that the shingles were a high quality shingle that was installed poorly resulting in the failure. New shingles to replace those that fell have been ordered at a cost of \$1000.00. The company that installed the shingles almost 10 years ago has not been found. George Stark indicated that the installers were Northside Builders out of St. Pauls. Charles Atkinson thought that it might benefit the community to contact the insurance agent and ask for his opinion on the incident.

### **Speeding and Vehicle Traffic:**

Clark Valentiner indicated that he was concerned regarding speeders in the community and with golf carts and four wheel vehicles driving on the streets after dark with no headlights or tail lights. Clark also indicated that some property owners had requested that we consider placing a new speed bump between the entrance gate and Bull Bay Drive. Brian Wolf indicated that when speeders crest the hill going over the canal headed toward Horsepen that you can't see the car on the other side until it crests the top of the

hill and you hope that they are on their side of the road. Brian Wolf also indicated that the kids that are riding the golf carts and four wheelers are not careless in front of their own home but do some things away from home that is dangerous because they do not know the rules of the road. Mike Smith indicated that parents let their 5, 6, and 7 year olds drive four wheelers and golf carts on the street unsupervised. Dennis Ford discussed the law regarding public vehicular areas and enforcing rules on private streets. Tish Hermann suggested that we put a letter regarding speeders and safety on our roads in the letter that we are mailing out in the next few days regarding the Pig Pickin. The board agreed.

Follow Up on Community Service:

At the previous board meeting Paige Scott and Wyatt Beard apologized to the board and to the Bay Tree Community for causing damage to the recreation room. Both agreed to community service that was scheduled for August 1, 2010. The young ladies cleaned up the beach and did an outstanding job. They picked up almost a full pickup load of debris. President Charles Atkinson wanted to give the community an update on the community service project and commended the girls and their family for the way that this incident was handled.

**Other Reports & Issues:**

Report from Security Committee/Larceny:

Dennis Ford advised that he was resigning from the Security Committee and that Brian Wolf agreed to chair the committee. All agreed to this change. No other information was discussed.

Architectural Study Committee Update:

George Starke indicated that he was waiting on Steven Jones to contact him again regarding further discussion. George said that on June 12, 2010 he met with Stephen Jones Jr. to discuss the Architecture Guidelines revisions. As a result of that discussion Stephen Jones Jr. indicated that he would provide our committee newly revised Guidelines shortly. On July 14, 2010 George sent an email asking Stephen Jones Jr. if he had a chance to include his revisions in our updated document. That same day Stephen Jones Jr. responded by email that he might be able to provide the revised Guidelines in the next few days. On August 3, 2010 George sent another email to Stephen Jones Jr. asking him if he had a chance to revise the Guidelines. Later that day Stephen Jones Jr. indicated by email that it may be a few days before he can get to the Guidelines. As of the meeting time, George said that he had not heard further from Stephen Jones, Jr. Charles Atkinson thanked George Starke for his hard work on the Guidelines and asked George to stick with it because this was a very good thing that helps protect our community. Mike Smith indicated that in 1997 he attempted to get the Guidelines revised and the Board rejected it and would not let it proceed.

Fire Department Request:

The Bay Tree Lakes Volunteer Fire Department requested to use the community clubhouse free of charge for a meeting/dinner. Clark Valentiner made the motion to approve and Junior Rideout seconded the motion. The motion was unanimously approved.

#### John Ciccarelli Complaint Review:

The Board received an anonymous complaint that the Ciccarelli's were operating a Jet Ski business out of their home. The Board sent a letter to the Ciccarelli's asking them to respond to the complaint so that the board could resolve the matter. A letter was received regarding John Ciccarelli's position on the complaint of operating a Jet Ski business. John Ciccarelli came to the Board meeting in July and voiced his opinion regarding the complaint and indicated that he was doing this as a hobby. The Board decided to seek council advice concerning the Restrictive Covenants and John Ciccarelli's response before proceeding with finalizing the complaint. The Board closed the complaint as unfounded at the meeting. The website is not operating and business cards are no longer posted on the bulletin board. Mr. Ciccarelli will receive a letter for his records from the Board advising that this issue has been resolved.

#### Several Requests to Review Minutes:

Charles Atkinson advised that the Board has received several requests to review minutes. Three property owners have inquired in the last month. Charles Atkinson advised that any property owner can look at any record that we have. He indicated that one request was for five years of minutes that would take time to prepare. Charles Atkinson suggested a new procedure that will allow property owners to see what they want to see and not be so labor intensive on the Board. He is looking at a way to address this issue by narrowing the scope of the request so that we could get the requested information to the property owner in a timely manner.

#### Agenda:

John Ciccarelli wanted to know if the agenda for the meeting could be established before the meeting so folks could review and come if they want to. Sonya Smith said that she did not know the procedure for the website but wanted to know could the agenda be posted before the meeting. Charles Atkinson responded by saying that it takes more time to post items to the website and that posting the agenda this way would not make it in time for property owners to review. Dennis Ford suggested posting the agenda on the new bulletin board the morning of the meeting since the agenda is normally set by that time. Charles Atkinson commented that it is easy for folks to come to a meeting and throw stones at the Board and that the board members all work full time and work for the community four or five hours a week also. Tonya Wells suggested an email tree to pass the agenda to property owners. Clark Valentiner agreed to post the agenda on the new bulletin board prior to the meeting each month. Sonja Smith asked Charles Atkinson if he passed out an agenda before the meeting and Charles Atkinson replied that he did not arrive in time to do that, that he just got to the meeting in time to start.

Sonja Smith stated that folks should not be able to go to our website and see our business. She indicated that we need to log on. George Starke indicated that if people want to buy property at Bay Tree Lakes that they may want to look first at the web site to view the budget to see how active the community. George said that there is no better way to know about the community than through the site. Charles Atkinson requested for George Starke to see what cost are associated with a password system and if it could be done. Hank Howell indicated that he has experience with some sites that have a section for members

only. Brain Wolf wanted to know how to police the site when folks pass their log in numbers to others and said that we would be right back where we started. Tish Hermann asked members what do we have to hide that we do not want people to see.

Charles Atkinson asked George Starke how many hits that we receive on the community web site each month. George Starke replied that he estimated about 600 hits a month for last year and that there has been an increase for this year.

(Note: George Starke researched and sent an email to Dennis Ford after the meeting with updated information on Charles Atkinson's question about the number of hits to the site. The site received an average of 660 hits a month last year and is averaging 962 hits a month so far this year.)

Exercise Room:

Henry Cashwell advised that he was banned from the recreation room before it was made into an exercise room and his card did not work. He said that he was banned, tried and convicted for something his son allegedly did, a son that does not live in the home any longer, and was not told about the ban. He said that his wife went to use the card and found out that it did not work. He asked that the card be reinstated and asked the board to let people know in the future if their privileges are going to be revoked. Charles Atkinson agreed and saw no reason not to renew the card to the active status.

Board adjourned the meeting at 8:12 PM with executive session to follow.

**Executive Session:**

Executive Session began at 8:22 and ended at 9:10 PM.

**Adjourn:**

With there being no other business, at 9:10 PM a motion was made by Dennis Ford to adjourn seconded by Clark Wooten. The motion carried.

Respectfully submitted,  
Dennis Ford  
Secretary  
Bay Tree POA

**Bay Tree Lakes Property Owners Association  
Profit & Loss  
July 2010**

Total	
Income	
Non-Profit Income	
Dues	25,741.09
Gate Access	180.00
Mowing Income	325.00
Rental	200.00
Roads	10,260.00
Total Non-Profit Income	36,706.09
Total Income	\$36,706.09
Expenses	
Cost of Labor	
Cost of Labor	
Clerk	500.00
Guard	980.00
Prop Mgr Mileage	490.05
Property Manager	993.75
Total Cost of Labor	2,963.80
Total Cost of Labor	2,963.80
Funds transfer	5,230.00
Gate	564.14
Grounds	
Mowing & cleaning	2,150.00
Trash removal	450.00
Total Grounds	2,600.00
Member Event	343.86
Office Expenses	
Bank Charges	85.86
Internet	71.40
Postage	5.54
Quick Books Online	24.95
Telephone	146.95
Web site	80.00
Total Office Expenses	414.70
Repair & Maintenance	
Cabana	32.26
Clubhouse	2,087.24
Total Repair & Maintenance	2,119.50
Trailer storage facility	78.00
Utilities	
Electricity	758.79
Water/Sewer	137.85
Total Utilities	896.64
Total Expenses	\$15,210.64
Net Operating Income	\$21,495.45
Net Income	\$21,495.45

## **Property Managers report for July 2010**

### Clubhouse:

- Slab of shingles came loose and slipped on the east end near the ridge cap.
- Another small slab has come off near this location
- The shingles were installed in 2001 the company that installed is no long in business. The shingles are of very high quality. Very poor workmanship is the reason they are coming loose . It is 2 to 3 weeks delivery on the shingles to make the repair.
- The exercise room scope of work is completed
- The equipment that Allen Stepro donated has been moved to the exercise room. This is a real nice piece of equipment.

### Cabana:

- Had a water leak in the men's restroom and had to replace on the commode.
- Replaced the trash can holder, the old one was broken

### Playground:

- Replaced shackles on the swing set
- Replaced the trash can holder, the old one was broken

### Gatehouse:

- Replaced the monitor for the camera's system, the old one would not work.

### Lot mowing:

- The survey is being completed according to the policy. It seems that the lots the POA has mowed has a slow rate of being paid by the property owner. The board needs to discuss this issue.

### Horsepen boat lift:

- Lake Creek had the cylinder removed and replaced the seals. I and not sure this has completely fixed the problem, but I understand it works better.

### Streets:

- The street has not been repaired (water leak) in front of Denis Ford house.



**From the Clerk  
August 10, 2010**

**Dues:**

Outstanding Balance July 31, 2010: \$48,491.48

Credit Balance July 31, 2010: \$3,739.26

**Lots reported sold in July**

<u>Buyer</u>	<u>Lot</u>	<u>Home</u>	<u>Seller</u>
Victor Czar	581	Sanford, NC	Randall Whitaker
Lee & Nancy Hauser	57	Elizabethtown, NC	Was Joe Geisen's