

## North Fort Homeowners Association 2012 Annual Membership Meeting Synopsis

The Annual Membership meeting of the North Fort Homeowners Association Board of Directors was convened on January 21, 2012 at the Pineville Fitness Center. Board member Andy Nichol was the acting President for the meeting.

Board members present:  
Carlton Brown      Burt Smith  
Andy Nichol (Acting President)  
Bill Takoch (Acting Secretary)

Officers present:  
Connie Simpson, Treasurer

Guest:  
Bo Ramsay

Homeowners present:  
Jay Frick              Jane Garvey  
Ron Wilson            Tom Wooditch

Hernan Rodriguez

Marcia Rodriguez

**Pineville Presentation:** Prior to the start of the meeting, the Pineville group representative, specifically Mr. James Brown, requested some time to discuss Pineville. In exchange, the HOA was not charged for the meeting room. Mr. Brown shared the following information:

- They had just purchased some cycles so they have started some spin classes in their exercise area. Cost was \$5 per class.
- At the end of February, if you wanted to become a member and you paid the annual fee of \$1020 (\$85 per month) you would get two additional months of free membership. They will waive the initiation fee. This membership will include the use of the outdoor pool as well as the other benefits of the club. They now had three full time personal trainers.
- They were currently putting in a temporary soccer field near the pool area. They would be bringing in top soil and sod for this field. They have started registration for ages up to 12 but may go up to age 18. Practice would be on Tuesday and Thursday and games would be on Tuesday, Thursday and Saturday. In the fall, they would be breaking ground to put in the permanent soccer and baseball/softball fields elsewhere in the development. Plans were to someday have a men's and women's softball league. These sports would be open to the surrounding communities and participants would not have to be members to join in. Plans down the road also included a T ball league during the spring for ages 3 and 4 where the fundamentals of baseball could be shared with the young children. The kids would be furnished with bats, balls and tee shirts for these T ball league.
- Plans were in the works to enlarge the current building to allow for multipurpose room, meeting rooms and a cardio facility. This work would begin in 14 months. Resident Marcia asked whether there were any plans to link North Fort to the Club via sidewalks and Mr. Brown stated that there were no plans for that at the moment but maybe down the road.
- The club name will be changed to "The Club of Flowers Plantation"
- Concerning the vacant area at the intersection of 42 East and Buffalo Road, Mr. Brown stated that Harris-Teeter had signed a letter of intent to build on the site. A sign would go up sometime in April which would announce the changes. A bank would go in as will a café style McDonalds which would use the same brick used at the Pineville development entrances. A Duke emergency care building would also be built at the location.

At the conclusion of his presentation, Mr. Brown handed out free week guest passes and he thanked the group for their time and attention.

**Quorum:** A quorum was declared by the Acting President at 10:34 AM based on the By-Laws of the North Fort Homeowners Association Section 3.5 and the North Carolina Planned Community Act Chapter 47F. (Copies of the budget for 2011 and the meeting agenda were sent to all North Fort residents via US Mail, regardless of whether they were members of the HOA or not and extra copies were also handed out before the meeting to those present. This information was distributed in accordance with Article 3.4 of the North Fort By-Laws.)

**Introduction:** Because we had some new attendees at the meeting, everyone introduced themselves. We received two proxies for absences.

**Financial Report:** The Income Statement for the period January 1, 2011 to December 31, 2011 was handed out and explained to the group by the Treasurer. She explained that we had three lot owners who were past due on their fees and she would get liens out within the next fifteen days to these residents. One owner had paid for one lot and they still owed on the other lot. A letter will be sent to them.

Some discussion was had concerning what the Progress bill covered. It included the electricity used for the lights at the front entrance but did it also include the street lights. Treasurer Connie will call Progress and get the answer to this question. Ron Wilson questioned the \$243 electric bill but was informed that the amount was for one year. Bill Takoch added that the front lights, which shine on the horses, kept burning out. Someday the lighting in that area will need to be revised.

We just received a tax notice (not a bill) for the pond. There should be no taxes on the pond so Connie will look into it to make sure of such.

**Budget:** Acting President Andy Nichol began the review of the proposed budget. He stated that plans were to work on the pond in the spring, however, we would use the funds budgeted last year. Jane Garvey stated that we only had \$5000 in legal reserve which concerned her. Bo Ramsay added that that was an extremely low amount for an HOA. Her HOA maintained a \$50,000 reserve. After some discussion, it was concluded that the \$5000 already saved along with the unspent legal reserve fund from 2011 would bring the total to \$8450. An increase in the dues from \$120 to \$150 would enable the HOA to have legal reserves of around \$10,000. Ms. Garvey made a motion to raise the dues from \$120 to \$150 with the difference being applied to the legal reserve. Ron Wilson seconded the motion. The motion to change the fees to \$150 per year was voted on and approved unanimously. With no further changes, the budget was approved. Treasurer Connie Simpson would send out the 2012 dues letter shortly.

**Covenant discussion:** Bill Takoch gave a status report concerning CEP issues. He stated that we had two outstanding violations at this point in time. Both issues involved home owners on Buffalo Road. In one case, the mail box was not uniform with the rest of the community and there was a boat in the yard which could be seen from the street. We had already sent a letter from our attorney warning that a penalty of \$50 per day would go into effect if the covenant violations were not resolved. Because the violations had not been resolved, we were having the attorney send a second letter per our CEP informing the resident that the \$50 per day penalties had begun. Concerning the second resident, they too have a non-uniform mailbox. At this point we had sent them the first warning letter from the Board which was also in compliance with the CEP. Also it was asked that, for those people on Buffalo, should they be expected to continue to pay all that money every time someone damaged their mailbox. Bill Takoch explained that we were going by the covenants. This was also the case concerning trailers and boats. As long as they could be seen from the street, they were in violation. We still had one resident who was not a member but still maintained a dock on the pond. We would need to address this issue sometime in the near future.

**Covenant discussion (continued):**

Some discussion was had concerning a trailer located on a lot on Benning but the group was informed that the resident was sent an initial letter from the Board in compliance with the CEP and they had since moved the trailer. Resident Rodriguez volunteered to tackle the problem and he was given the name of another resident, Gary Turner, who had volunteered the previous year. He was reminded by resident Jay Frick that we needed 75% of the residents to vote in favor of the proposed changes. Some discussion was had concerning how the new covenants would apply to the residents both pre and post HOA. The following motion was made to address this issue: The legal feasibility of establishing a unified set of restrictive covenants that included a provision maintaining the current membership status of existing residents but required membership in the HOA if and when the lots not currently obligated to join changed ownership in the future. The motion was seconded and passed unanimously by the residents present.

Extensive discussion was had at this time concerning an issue involving Hernan and Marcia Rodriguez. Hernan began by stating that the Board should apply all rules equally especially with respect to signs. The covenants say “no signs” but when they filed a CEP complaint relative to “no trespassing” put up by their neighbors directly across from their driveway, the Board decided that the signs should be allowed. Marcia Rodriguez added that the signs were really ugly and were put right in front of their driveway. She stated that when you drive through the Flowers development, you do not see such signs. In addition, Hernan stated that we had a sign on Buffalo Road which had been there a while and nothing was done about it. He thought that the Board was not dealing with it because it was a pre-HOA residence. It was explained that the sign was only temporary and was put there by the contractor who was building an addition on a resident’s home. Burt Smith stated that Bill could send a letter to the home owner to have the sign removed. Hernan added that the Board had a realtor remove a large sign at a vacant residence at the corner of North Fort and Apache. It seemed that we were not being inconsistent. Bill Takoch explained that although the covenant states “no signs”, we have had signs in the neighborhood for years. If we had asked the resident to remove the signs other signs like invisible fence, security and no trespassing signs at the pond would be prohibited. Andy Nichol explained that the Board was planning to put “no trespassing” signs at the pond to keep unwanted people out. Jane Garvey added that we do not want people to start using the Board to settle personal vendettas. Mr. Rodriguez stated that all he and his wife wanted was for the covenants to be enforced equally and this was an issue for them. Bill Takoch stated that this subject should have been addressed at a monthly Board meeting. Carlton Brown stated that the Board tried to remain unbiased when dealing with these issues. Andy Nichols stated that we would address his concerns at the next Board meeting.

Tom Wooditch also added that his own home is in violation of the covenants for it is not totally brick so it is sometimes tough to maintain the covenants. Ron Wilson stated that he felt that the Board did a good job cleaning things up in the neighborhood and Marcia Rodriguez thanked the Board for doing so.

**Road Update:** Concerning the roads, Jay Frick reported that only Macon and Alamo, because of low population densities, had not been taken over by the DOT. He added that we were in the second year of a four year road maintenance plan which had been developed to save money for road work repair to Macon. Carlton Brown asked if there was any way to further preserve the roads to make them last longer and Jay Frick answered that the DOT would not agree to doing something like that but he could look into it. Jane Garvey added that there was a low spot on Benning that needed to be built up. Jay stated that they did such on Helen Jean with the extra black top.

**New Board Members:** Acting President Nichol stated that again we had no new volunteers to run for the Board. With that said, the present Board members opted to stay on for another year. A resident made a motion to ratify the Board and it was seconded. The motion was voted on and the vote was unanimous to retain the present Board. Carlton Brown explained that the present Board could not go on indefinitely and encouraged those present to volunteer in the future. But he noted that most of those present at the meeting had already volunteered their time in many cases.

**Meeting Minutes:** Jane Garvey questioned how minutes were being maintained. She said the information placed on the web site was one thing but our records had to be complete. Bill Takoch explained that the synopsis placed on the website was the minutes of the meeting with last names left off to protect identities. Ms. Garvey stated that we really needed to include last names in the synopses.

**Open Discussion:** Realtor Bo Ramsay gave an update of what she was experiencing in the neighborhood. She said that there were 31 lots for sale which included the five at the pond. She stated that the company, Dreamland, which owned the back lots paid \$1,000,000 for the properties but had not been able to sale any of the lots. There was one lot with 20 acres which was selling for \$59,000 and there were no buyers. We had six houses for sale in the development and two lots which cost only \$25,000 and they still could not sale the properties. She added that the homes in the Flowers development were selling in the \$300,000 to \$400,000 range but everywhere else building had been slowed because builders could not get construction loans. She was asked whether she had heard anything derogatory about our development which could cause people not to want to buy and she said no, not at all. She added that things were just bad in the realty business. In the Raleigh area they have lost 1500 realtors. There used to be 7000 in Raleigh.

Resident Rodriguez who lived near the entrance of the Dreamland properties expressed concern about people trespassing in the area. The area had turned into a lover's lane and they had heard guns being fired in the area. The chain was down so he put no trespassing signs out at the entrance. Ms. Ramsay stated that they did not want to put up a chain/cable because they wanted prospective buyers to be able to go back there. Hernan asked if the old sign and metal posts could be removed to improve the appearance. To this, a couple of the Board members volunteered to remove the items discussed.

Concerning another issue, Ms. Ramsay had a question for the Architecture Committee. A couple was interested in building in the neighborhood but they wanted to build their home on a slab. It was agreed that plans need to be submitted before a decision could be made.

**Adjournment:** A motion was made and seconded to adjourn the meeting. The vote to adjourn was unanimous. The meeting was adjourned at 12:04 AM.