

## Open Board Meeting –May 7, 2018

### Board Member present:

Debbie Sapliway

Larry Willis

Cherie Hardie

Bob Sook

Glenn Gunther

43 members of the POA also attended.

The meeting was called to order by the President, Debbie Sapliway, at 5:15 pm.

### Old Business:

Debbie thanked Joel Gorgrant, Greg Nevitt and John Sapliway for the very nice job they did replacing the rotting boards along the boat ramp and some of the boards on the retaining wall. She stated they will look at doing more work on the walls in the fall.

New fencing has been installed between the front gates.

Debbie thanked Carissa Ford for ordering the new chairs for the Gazebo. She said one has broken. It was returned and will be reordered.

Under pending projects. They started installing the gate operator today and will hopefully finish soon. The landscaping was started today and hopefully will finish next week. We are still waiting for a quote on the boat storage ramp. We have received 5 quotes so far and we are waiting for one more on the final design. When it is received we will commence the project.

### New Business:

Cherie discussed the March financials as follows:

Financials for March

Available on request.

Other Business:

The board voted to hold the 2018 annual meeting on September 16, 2018 at 4:00pm at the Gazebo. The nominating committee is Bunky Ford, Heidi Sook, and Shawn Scott. Glen Gunther will be the chairperson.

The board will send out a letter asking for those that are interested in running for the board of directors, and a letter asking for volunteers for the 2018 - 2019 Nominating Committee at least 60 days before the meeting.

The board voted to impose liens on accounts 90 days past due.

Debbie updated the membership on the progress of securing advice and quotes on the maintenance of the ponds.

ARC update. Carissa updated the membership on current activity. We expect 1 H&H lot to close in May and 1 to close in June. The ARC has given 2 new approvals for lots 65 and 84. These are both H&H. We are also expecting lot 69 plans this week. Lot 10 on the corner has been given a preliminary approval, and we expect to hear from lot 50 very soon as well. That could give us at least 7 new neighbors by year end.

Questions submitted from the membership:

Amber Bell asked the Board if they would be interested in increasing the interest rate on our CD from 1.25% to 1.50%. We are allowed a onetime bump. The risk is the rate could go higher later, but the board voted to accept the offer and increase the rate to 1.50%.

Jerry Sadauskas questions were next:

Debbie asked Jerry if he wanted to ask his questions or did he want Debbie to read them. Jerry asked Debbie to read them, because he said he probably didn't remember what he wrote:

1. The board has created a conundrum by obtaining a second legal opinion regarding the ponds. Both opinions were prepared by licensed attorneys and contradict each other. Many of the residents do not want to accept the second evaluations as you do not want to accept the first. The funding of maintenance of the ponds needs to be put to a Community vote. Perhaps a special assessment needs to be directed at pond property owners. **Debbie's answer: The Board was requested to find an attorney by Greta at the January meeting, which we did. The current attorney specializes in community associations while the prior attorney is a certified specialist in taxation law and estate planning and probate law. As the ponds benefit most Pelican Bay residents as runoff from all phase 2 lots goes into the ponds, a special assessment against the pond lot owners would not be appropriate. The ponds are a POA responsibility.** Many residents expressed their individual opinions. Gregg Marcellas stated that the ponds are tearing the neighborhood apart, and he can walk through the neighborhood and people won't speak to him because of the ponds. Greg stated that the pond owners were told at closing the pond was theirs. **Cherie stated she was not told that at closing.** Good information, but the relevant points are that the plats state that both the drainage easements and the lakes are private and the responsibility of the Association, and the Declaration references the plats bringing their restrictions into control of the Association. Attorney Michael Roberts (Turner/ Padget) also details that the conveyance of the lots is subject to the easements of record

shown on the aforesaid plats. Cathy Honeycutt explained the history of Pelican Bay and then commented that you could talk to many attorney's and they would all have different opinions, but in this case they could only have two opinions, either the POA is responsible or they are not. She also stated it is not final until a judge rules, and it may not be final then because of appeals. Judges are attorneys and attorneys have different opinions. Libby Costner and John Sapliway both had comments.

Marjee Henderson asked for a question to be heard now that would be answered at the next meeting. Her question was "what is defined by maintenance for the POA and what is defined by maintenance for the homeowner?"

2. The work at the front gate by M&M needs to be completed. As you know the ornamental magnolias are over whelmed by vines and under growth. M&M did a great job outside the gate and in the restoration of the areas damaged by their truck. As of this AM Mike Mathis still has not been paid for work performed. Previously contractors who performed work for PB were not paid in a timely manner and refused to bid on our projects. **Debbie's answer: M&M was paid on Thursday of last week. There were two problems, One, Jerry resigned with the project incomplete and nobody was sure what Jerry included in the scope of work. Second was M&M crushed a sprinkler head and we needed to know how much to deduct from his bill before we paid him.** Jerry said he checked all the sprinkler heads after M&M left and they worked, and Glenn stated that M&M admitted they crushed the head.

3. All I hear are promises relative to the ARC's work at the boat storage area. When are spots going to be assigned, stickers for those using it sold or otherwise issued and the quagmire on the grass/road corrected. **Debbie's answer. Still waiting on quotes and as soon as they are received we will be ready to go.**

4. Why is there no effort against the lot owners on the water way side of Anchor Road who have numerous fallen trees on their property and a general messiness being taken to have them clean it up? **Debbie's answer. She is currently working with them.**

5. Why can't the POA help the homeowners along the drainage ditch i.e. Rodney/Clarissa? Control erosion. **Debbie's answer: One solution is planting vegetation.** Many members contributed to the discussion including Kyle Russ, Nikki Scott, Ray Brick, Bunky Ford and Richard Sliker. Becky Elmendorf asked the board to form a committee and she volunteered Ken to help with the project and the Board accepted the offer. Ray Brick made a great point by saying that whatever was used to kill the growth along that ditch was probably against the law. **Debbie stated that he was correct. Dave Fuss from the county stated that by the looks of the property by the first culvert whatever was used was against the law. The herbicide needs to be Clemson certifies and approved because of runoff into US water.** Nikki commented that years ago she and Tom had to pay to fix the drainage easement that ran along their property. Kyle Russ talked about the ditch and the responsibility to maintain it. He offered many points about who was involved in allowing it to happen and on responsibility. Kyle stated that if the POA doesn't maintain the ditch he will maintain it. Several questioned if we can control misquotes, and Bunky said the there are services that will treat to control them.

**Debbie showed the plats and invited everyone to look at them. Two residents viewed the plats.**

The meeting was adjourned.