

6/11/11

Meeting Minutes for Bay Meadows Property Owners Association Annual Meeting Minutes (June 11, 2011)

11:00 A.M. Bubba Brews Grill at Beach Island Marina (Maynardville)

In attendance: Carolyn DeWitt and Breck DeWitt – Lot 13, Karen and Bill Schwab - Lots 5 & 6, Jim and Debora Deam - Lot 12, Renae Jackson and Bobby Ponds Lot- 29, Grace Davila-Perez and Zoila Garcia – Lot 4, Marsha Grandell-Stevenson and Stuart Ann Bentley – Lot 9, Wendy and Jose Vilhena – Lot 43.

The meeting opened with each attendee introducing them and the lot numbers own.

Meeting was called to order by Carolyn DeWitt., President

President's report:

- Officer restructure:

Officer restructure changes were made as a decision of the Board to restructure roles and responsibilities due to work load and communication challenges not being met by the past president and co-president resulting in long resolution times of Board issues. By-laws allowed the Board to make changes in order to be able to better serve the property owners. In addition the new Board as structured, under provisions in the By-Laws, has enabled appointment of a new role of VP Property and Facilities Management. The new structure is:

President: Carolyn DeWitt barker_ca@bellsouth.net 615-498-0998

Treasurer: Deborah Deam deborahdeam@att.net 561-762-0050

Secretary: Grace Davila davilag@bellsouth.net 305-458-2882

VP Property and Facilities Management: Joel Densmore 561-716-6747

- Tax Lien 2006

On 2.23.2011 the President, Treasurer and Secretary were initially contacted by Ed Lengyel, and subsequently by several POA owners in regards to a letter from the Union County Tax Attorney. The letter stated many of our owners were being named as defendants in a suit for back taxes, that were not paid by Waterfront Group, prior to re-sale of the lots to us as the current owners. Our Treasurer, Deborah Deam who has had other business dealings with both the County and Waterfront on our behalf, spoke to Lynn Omohundro, the Waterfront legal counsel and along with our President Carolyn DeWitt were able obtain and resolve on 3/2/11, Proof of satisfaction by means of copy of receipt of payment for said delinquent taxes from the Clerk and Master's office in Union County which was then forwarded to all owners to keep for their records.

During this period, communications were being sent sometimes 2-3 times a day to owners via email and subsequently by mail with final resolution.

- **Status of Relationship with local government**

Working with local government, however, they are working with a 1950's environment, with no email, etc. with very limited administration support, thereby sometimes going through a time warp to get any information or cooperation.

We have not been able to get cooperation from the Sheriff's office as to better protection, support and resolution when police reports are filed. The example of the 3 stolen floats to our dock and now subsequent 2 additional floats have been taken. The local residents although initially identifying the alleged culprits, later do not want to participate in the witnessing in fear of repercussions. To them.

Carolyn addressed the erosion issue (caused by over flooded ditches on either side of the road filling up due to extreme rain periods eroding the gravel) with Clayton Helms (Roads Director). He at first was reluctant to take responsibility and indicated statutes outlined that "roads in Baymeadows are not County Jurisdiction" and that properties needed to be at least 60% occupied in order for them to assume any responsibility for maintenance of roads.

Carolyn investigated the issue with the original land survey team and was able to dispute with Helms the jurisdiction issue showing they were responsible even before Waterfront owned the property. Helms then agreed to regrade the gravel roads on the property and they are in significantly better condition than in 2010. Some areas of erosion still exist on the road going down towards to the marina and also unless you have a suitable SUV, you may have difficulty getting to the end paved area near the marina.

We will continue our efforts with Clayton Helms regarding the erosion, however should we not get continued cooperation from the county, such cost for erosion repair and to pave the road could cost about \$50,000. Obviously a member vote and special assessment would be needed in order for that expenditure to take place. There has not been a motion made before the annual meeting of this kind.

A meeting was being arranged for Friday June 10, 2011 to be attended by Joel Densmore with the Sheriff, the Mayor and Clayton Helms to discuss these issues, however due to family emergency, Joel was not able to come to meeting and therefore cancelled. We will try to have meeting or a conference rescheduled.

Treasurer's report

Deborah Deam Treasurer filed the below report:

We are in good shape, only 3 properties with liens (2 back taxes, Lot 19, 32 Lot 38 foreclosed), we anticipate recouping once foreclosure is resolved and the other 2 once the county tax collector puts properties up for auction.

Delinquencies as follows:

Jacques Dieuvil – Lot 19:

Owes for 2008, 2009, 2010 and 2011. Liens have been placed for all 4 years, all correspondences returned unopened. Property taxes have never been paid, Union County is scheduling an auction.

Joe & Lisa Stutler – Lot 38:

Property went into foreclosure on May 19, 2011, Liens in place for 2009, 2010 and 2011

Michael Loehlein - Lot 32:

Lien in place for late fees applied to 2010 dues

All owners are current for 2011 with the exception of Lot 19 and Lot 38 as noted above.

Due to the great efforts of Deb, collection of POA fees has been very good, keeping to strict deadlines and follow up with notices and liens when appropriate.

Review of Treasurer's report (See attachment A – Treasurer's report)

Monies are kept in a non- interest bearing account to avoid tax implications, as of now, our association is a non-for-profit organization.

Secretary's Report:

Secretary Grace Devila submitted the below report:

- Communications:

Website:

We currently maintain Website which allows owners to view Covenants, Bylaws, annual meeting announcements, annual meeting minutes and directory of owners with contact information. Our current cost is roughly \$70.00 per year. Although not a lot of owners indicated they use it, it was decided to keep it due to low cost and ultimately a way to keep informed in the event the owner has not updated their contact information and was not getting communication.

Please remember the URL is: www.baymeadowspoa.com

Login: BayPOA password: Owner

WebEx/Conference calling:

Depending on the facilities we use for next year's annual meeting, we may consider the possibilities for Audio and online conference calling for members that are not able to attend. Internet access and phone line access would be needed.

Email communication:

Email will continue to be the primary method of communication for all matters, it is therefore imperative that you maintain us up to date with your email address so that we may be able to communicate with you. The recent back tax issue was an excellent example of the need to have immediate access to you in order to keep you informed.

Snail mail:

Postcards or regular U.S. mail will be used for those individuals who have not provided or maintained a current email with us.

Only Annual Meeting notices, Annual Meeting Minutes and Dues Invoices will be mailed.

It is also extremely important that owners notify us of any changes to their street address, consequences as a result of this failure will be owner's responsibility.

New Business:

Dock Repair/Removal Options:

In April 2010, the Deams discovered the 3 floats stolen; Joel Densmore filed police report in April 2010. More recently 2 additional floats were stolen in 2011. Police report was filed for first theft which has gone without acceptable response despite several discussions with the Union County Sheriff's department.

Possible effects due to missing floats include continued damage to the dock and potential liabilities for injuries due to risk hazards. It is very likely that theft will be a recurring event due to no occupancy, lack of security and low water levels allowing easy access to floats.

Original cost of dock to Waterfront was \$65,940.00. The board has researched the following options to address vulnerability, risk and costs:

Options:

1. Replacement of 3 floats, labor to affix to dock installed about \$1400.00 (now that 2 more floats have been taken, we estimate now to be \$2350.00)
2. Replacement of 3 floats, labor to affix to dock installed plus winching \$2,220.00 (now that 2 more floats have been taken, we estimate now to be \$3,170.00) (*requires constant maintenance as water level changes*)
3. Replacement of 3 floats, labor to affix to dock installed plus the pole with concrete bracket. \$2,200.00 (now that 2 more floats have been taken, we

estimate now to be \$3150.00)(*Self adjusting solution to water level, however 9 months of year, low water gives access to floats to be stolen*)

4. Removal of dock:

- a. Quote #1 for removal of the dock and store it until people live there (*risks still exist on theft in storage area*) \$1,800.00 (*removal of first 30ft of dock*) plus storage costs approx. \$300.00 a month (*\$100.00 pickup and \$100.00 delivery fee*)
- b. Quote #2 from (Shorty – Fred Bailey) for removal \$1,200.00, will store dock in his facility and will not charge us for storage.

Concerns were raised as to the risk of storing the dock at Shorty's facility. Inquiries will be made with our insurance company to see if we will be able to insure the dock to be stored off site and an agreement will be drafted for Shorty's signature identifying the ownership of said dock to be the property of Bay Meadows POA.

Motion was made by Stuart Ann Bentley for resolution using Option 4b on removal of dock and accepting Shorty's quote:
Second by Jim Deam

Resolution for No.4b removal of dock by Shorty \$1200.00 passed.

Costs increase for maintenance:

For Bush hogging, maintenance of posts and signs, picking up trash, currently our budget is for \$1500.00 three times a year.
Costs have increased for Shorty due to increased cost of gas.

Motion was made by Deb Deam for resolution to increase the Shorty's fee to assist covering increase in gas prices to \$1,750.00 per mowing event.
Second by Grace Davila

Resolution for fee increase passed.

Security Issues:

As we have no current dwellings and we have voted on removing the dock for now, there is no pressing issue that may require major security initiatives, however, we still have fire risks due to bon fires, trespassing, Erosion to roads due to unauthorized trucks and recreational vehicles and damage to other common areas, although it has reduced. Consideration should be made to continue being proactive in some type of security. Research has been made on some options although may not be necessary now or feasible, we still wish to present for information.

Security options:

1. Real Security camera in dock area would require electricity and a place to store VCR/DVD within 150 ft. of wireless camera. (This option not feasible as we do not have place to store equipment, additionally, recording is only for 7 days and video would not be available when theft detected after 7 days.
2. Fake Security camera in dock area
 - a. 20 ft. telephone pole with 3 ft. dug underground leaving 17th ft. high with "fake camera \$400.00 (parts and installation)
 - b. 20 ft. telephone pole with 3 ft. dug underground leaving 17th ft. high with "fake" camera and "fake" solar panel \$600.00
 - c. New signs indicating surveillance underway and violators will be prosecuted.
3. (2) Gates with keypad on entrance and automatic opener on exit installed \$ 5,975.00 plus tax each
 - Estimated cost per foot a fence mid 20's
 - Would require electricity install, establishment of electricity account and monthly bill to association.

A fourth option was recommended by Breck DeWitt in the meeting to do research on possibly installing a Motion detection camera with infrared which is battery operated (battery lasts about 6 months. One located in the front entrance to be located on the entrance sign for Baymeadows which would be pointed at oncoming traffic. This would trigger with the motion of the outgoing traffic and capturing the picture of the vehicle or persons as they leave and come in. The second would be in the dock area. The images would be captured in a disk and may be retrieved as needed.

Concerns were raised as to the quality of the image due to distance and width the camera can capture. Research is to be done to determine these features. Breck mentioned the costs are not exorbitant, as each camera runs about \$250.00 each.

A motion was made by Breck Dewitt for a provisional budget for acquisition of these cameras in the amount of \$1,000.00 provided conditions for security concerns continue as will be monitored by Shorty, research is done for suitable equipment and discussions with the local authorities take place so that in the event we install these cameras, they will proceed with appropriate prosecution. Breck volunteered to install the cameras. Joel is to follow up with arranging of meeting with Sheriff, the Mayor for security issues and with Clayton for the ditch issue.

Deb Deam seconded the motion.

The motion passed.

Shorty, came by to talk to us, he expressed issues remain with trespassing, bon fires. Shorty's wife asked for clarification on access to a second dock and who had legal access to it and since access is being done through our property and there were people camping in this area who claimed they had legal rights to access it. We will have to option clarification on this issue as we are not sure of the answer.

We will be sending Shorty a copy of plat map to be informed of the area of our development.

Questions from membership:

Has anyone begun to build? No

Has anyone sold their lot and if so for how much? No

Any efforts to have an appraisal of the properties for the purpose of tax reductions?

Deb Deam subsequent to above question contacted the tax office. If we can plead for tax reduction based on current property taxes or if each owner has to plead it individually.

The Tax Assessor's office provided her the following requirements:

1. Taxes may only be appealed once per year with the Equalization Board
2. Appeals are considered by the Board the first 3 days of June (June 1, 2, 3)
3. Appeals must be made by individual owners in person or by letter
4. If by written request, address to Donna Jones, Tax Assessor, asking her to make request of the Equalization Board on your behalf:

Donna Jones
Union County Tax Assessor
901 Main Street
Suite 115
Maynardville, TN 37807
865-992-3211

As an FYI, Tammy, in the assessor's office, told Deam that the area is undergoing a reappraisal and we MAY see a reduction based on their findings. This process is expected to get underway next month and MAY be completed by the first of the year. Nothing guaranteed, but it could happen based on this exercise.

It appears we just missed the date for this year.

Overton Road sign not back up, will have Joel discuss with Clayton

Peg and Tim McDonald are trying to sell their Lot 33, anyone interested, please contact them.

Other issues:

Carolyn brought up an idea to allowing Public Safety resident (local police or fire employee) to live free on our development, where they can put a trailer. This would somewhat give us someone that can be on-site to monitor the area. This would require us to write up an “offer” and contact the two groups to see if anyone would be interested. Carolyn volunteers to do this.

Marsha Grandell motioned one year for an authority Public Safety resident to live on our development for free motion was seconded by Wendy Vilhena.
Motion passed.

Carolyn also brought another idea to which will outlined in a communication to all owners to see if they would have an interest to “Bundle” all of our properties and engage a realtor to sell full parcel to a another developer. This admittedly would be a large undertaking as all owners would have to agree to sell and provide a minimum acceptable price for their lot(s). A project team would have to be formed to just investigate this option with all owners and put the agreement in place. Karen mentioned the local realtors informed the current pricing on land is 60 cents on the dollar. No one will be pressured or coerced to agree to this potential option. But those in attendance at the meeting felt it was worth investigating.

Currently all lots that were listed for sale, the listings have expired. Only 2 lots for sale are currently listed, Bill and Karen Schwab.

We would need to get 2 of our owners involved in researching for this initiative. Bill Schwab volunteered to take ½ ownership of this project. If you are interested in participating in this project with Bill, please let us know. Your cooperation will be truly appreciated.

Karen mentioned that she would like to see if it could be allowed in the covenants for camping more than 7 days per 30 day period as indicated in item 13.

Karen Schwab motioned to allow 30 days per 6 month period for RV camping.
Grace Davila-Perez seconded the motion.
Motion passed.

Meeting adjourn 2:00 p.m.