

**VILLAGE WALK SOUTH OF VERO BEACH
HOMEOWNERS ASSOCIATION, INC.**

BOARD OF DIRECTORS MEETING

MARCH 3, 2009

1. CALL TO ORDER:

Robert McKinley, President, chaired the meeting. The meeting was called to order at 6:04 PM.

The following directors were in attendance:

Hank Schulte
Sandy Fontana
Tom Collins
Bob McKinley
Steve Guest
Barb Conits

Deb Coburn, Property Manager, was also in attendance.

Bob McKinley declared that a quorum was present and discussed the agenda for the meeting.

2. APPROVAL OF MINUTES:

Motion: to approve the February 3, 2009 minutes – Sandy Fontana, seconded by Bob McKinley.

Motion: passed unanimously.

3. OWNER'S COMMENTS AND QUESTIONS

Bob McKinley invited any questions or comments from homeowners present and stated that they may also address the rules when the item is discussed by the board.

There were no questions or comments from the homeowners at this time. .

4. PRESIDENT'S REPORT – Bob McKinley

Bob McKinley said that not much has changed since the last meeting. Mr. Kennedy's company and Carter & Assoc. have made an offer of \$35,000, which

has been rejected based on advice from the Associations attorneys. We have cost estimates in the hundreds of thousands of dollars, and feel that the offer is inadequate. We invited the opposing parties to attend mediation, which was not responded to, and so we have instructed our attorneys to file and serve the suit by the 15th of this month.

Tom Collins reported that the draft claim is done, and our attorneys would like to schedule a conference call to discuss.

Bob McKinley continued by saying that other parties have become involved. It appears that Ray Kennedy's wife's company was the licensed general contractor and she has referred the matter to her insurer. At any rate, the Association has been patient in giving every opportunity for voluntary settlement and now it is time to press ahead without further delay.

5. MANAGER'S REPORT – Deb Coburn

The Property Manager, Debbie Coburn, provided information on the collection of special assessments. So far \$83,200 has been received plus some interest on late payments for a total of \$83,591. The statistics are that 71 owners have paid in full, 17 still owe the last installment of \$500, 7 are making payments toward the total under an agreed payment plan. Seven (7) owners have paid nothing. Of those 7, one will be paid from closing proceeds when a house sale closes in March. In one case the owner is deceased and the estate has been in contact with the Property Manager to make payment arrangements. Five have made no effort to pay or arrangements to pay.

A discussion ensued about sending notices of intent to lien and filing claims for lien against the non-paying units as well as the procedural steps and enforcements measures to be taken.

A motion was brought by Sandy Fontana and was seconded by Barb Conits. The original motion was amended. The effect of the amended motion was to authorize the Property Manager to proceed with action on the five who have not paid anything on their assessment, plus the 17 who have only paid half of the total, including filing a lien on their respective properties. The motion was approved unanimously.

The Property Manager also advised on a relatively recent federal statute called the Virginia Graeme Baker Pool and Spa Safety Act. It requires that a mitigation device be installed on all public pools to remove the hazard caused by drains that can entrap a child by suction and thereby cause drowning. The Act is already in force and our pool is non-compliant. There is no choice in the matter and we must proceed to spend approximately \$375 to become compliant. There is only one company in the area doing this and other pool companies seem to refer people to that one company – Family Pools of Port St. Lucie.

Moved by Tom Collins seconded by Steve Guest that the Property Manager be authorized to proceed with the installation at a cost of \$375. Motion passed unanimously.

Debra Coburn moved on to the matter of the 2008 financial statements which have been prepared by the Associations accountants and which have been provided in draft form to the board. She requested that the board submit any comments by Friday, March 6, 2009. Silence by any board member will be deemed to be approval of the draft statement as presented. She noted that Tom Collins has already made comments.

Regarding the painting contract, a walk-through inspection will be conducted tomorrow morning, to ensure the punch list is completed before final payment is made. The painter fixed most of the soffits that were dislodged by power-washing himself and hired a contractor to fix the remainder. Debra felt that the painter has gone above and beyond the requirements and, in fact, had done extras.

6. TREASURER'S REPORT AND 2009 BUDGET

Barb Conits delivered the Treasurer's report.

Money Market Account:	\$43,833.42
Operating acct:	\$842.96 (topped up as required from MM Acct)
Special Assessment MMA	\$56,798.90

Debra Coburn discussed the need to have checking privileges added to the Special Assessment MM Account so that it could be used as the payment source for litigation-related expenses, rather than having to transfer money from it to the Operating Account. This was in response to a suggestion by our accountants. Sandy Fontana noted that only 6 debits per month are permitted on such accounts and only 3 of those can be checks. Debra Coburn felt that the number of payments per month could be made to work in terms of the 3 checks we would be allowed to write.

The financial statements will be available for distribution to homeowners at the March 17, 2009 annual general meeting.

7. Rules Committee – Steve Guest

Steve Guest advised that the Rules Committee (himself, Verity Minahan, Sue Jordan) had completed a redrafting of the existing rules. The most recent draft has been provided to the board. He suggested that there be a discussion now and then some further revisions so that a draft set of rules could be presented

to the owners at the March 17, 2009 meeting. The owners could then make their comments prior to the April 7, 2009 board meeting, with the hope that the rules could be finalized at that time.

He indicated that his approach in making revisions was to start from a premise that people should be free to do as they wish unless there are valid reasons for proscribing their conduct. There is also a need to try to accommodate the reasonable requirements of owners and balance those with the community interest. He had adopted that approach in drafting the revisions concerning motor homes. He thought it reasonable that owners be permitted to bring their motor homes onto the property and to park them overnight when they are loading to leave on a trip or unloading after returning from a trip. He had also included a provision allowing visitors of an owner to park their motor homes in the east visitor parking area (on 7th Street) for a limited period. However, he subsequently noticed that the Declaration of Covenants contains a 24-hour limit on motor homes. Since the rules can not over-ride the Declaration he would have to make further revisions to have them conform with the Declaration.

Another example of that philosophical approach is the removal of the 40 Lb. weight limit for dogs. He indicated that there are many breeds of dog that are perfectly gentle, such as collies, golden labs, sheep dogs etc, which exceed the limit but are harmless. The revisions contain an outright ban on pit bulls, Staffordshire terriers and other like breeds that are known to have vicious tendencies. Hank Schulte interjected that the rules also prohibit tethering a dog outdoors. Steve Guest continued by saying that the issue of dog droppings has been raised in support of the weight limit, in the sense that larger dogs leave larger droppings; however, there is already a rule requiring owners to immediately pick up after their dogs and so what is the rationale for the limit? We reside in a community of single-family homes. It is not as if we live in an elevated building where residents must share a hallway or elevator with a Marmaduke-sized dog and might reasonably object to that. At any rate people might consider these matters and make their comments.

The revisions also deal with the right of owners to lease their units for shorter terms than the prevailing standard of three months. Tom Collins said that any such rentals could only be of furnished units at relatively high rents and so the tenants would likely be responsible people who are on vacation.

Steve Guest advised that the revisions also provide an enforcement mechanism. Currently, the rules are "toothless" in as much as there is no provision that assigns any consequence to an infraction. The revisions provide a notification and enforcement mechanism with fines that are typically \$10 per day or per occurrence. There is also a requirement to investigate complaints before taking action and an appeal process. Bob McKinley expressed reservations about the fines and the fact that the Board would be placed in a position of judge and jury. He also thought that the person making a complaint

should be identified. Tom Collins thought it unfair to force disclosure of the person complaining as many people would then be intimidated and would not come forward. He was in favor of an enforcement mechanism as were Barb Conits and Sandy Fontana.

Steve Guest added that the revisions now contain traffic provisions imposing a 15 MPH speed limit and a requirement to actually stop at the stop signs. Presently, all we have are the signs with no rule to back them up. Simply erecting a sign on a stick has no meaning unless there is a rule to enforce it. There followed a discussion on speed bumps and the fact that the initiative taken by the prior board had been allowed to go dormant. Steve Guest said that the proposed speed bumps on 6th Street were objectionable to those who live east of them and would have to drive over them daily; whereas those who live on 6th lane would get off scot-free. In answer to a question from Murielle McKinley regarding whether a speed limit sign would be erected, he commented that we must consider the cluttered appearance from signage, if possible.

Debra Coburn mentioned that other HOA's she is involved with have a violations committee and impose fines of \$100. She is in favor of having an enforcement mechanism; otherwise the rules are of little use.

Robert Guest of 643 5th Avenue asked whether we should make owners of rented units responsible for all infractions by their tenants.

Sandy Fontana asked about motor homes being allowed to run their diesel engines at night and whether they were permitted to be occupied while parked on the property. There was no resolution of those questions but a comment was made that idling be limited to 20 minutes.

8. OTHER BUSINESS

A. Steve Guest discussed the up-coming Annual General Meeting scheduled for March 17, 2009 and that so far there are 3 candidates for the 2 directors positions to be filled: Harvey Rendleman, Mike Hanner and Hank Schulte (who is seeking re-election). Candidate resumes will be available and candidates will have an opportunity to address the meeting. In answer to a question regarding publishing the resumes, Steve Guest said that we will have resumes but because there can be nominations from the floor, we can't be definitive.

Bob McKinley also solicited proxies from absentee homeowners.

B. Recommendations for painting of future phases – Tom Collins

Regarding the painting of Phase 1 and what we have learned from it for future phases, Tom Collins stated that some homes will need to have only the trim painted. All of the hardy board siding didn't need to be painted, which wasn't evident until after it was cleaned. The homes that face north all needed to be

power washed. This takes off some of the paint. We could just touch up those surfaces. The south-facing homes needed to be painted, due to constant sun exposure and fading. In the future, we should review which sides need full painting and which don't. Hardy board is a concrete and adhesive mixture, and doesn't need painting in order to preserve it, unlike wood. We should spend more time deciding what needs painting and/or power washing rather than full coverage. We will need to work with a painter we can trust in order to get fair estimates. We should pay to power wash them, then look at them. White trim is all wood and will need to be painted completely.

Marlene Broering asked about wind mitigation reports and whether anyone has filled in the on-line request. (At the last meeting there was a suggestion that several owners get together and obtain a group price for wind mitigation reports in order to lower their insurance costs and www.compassrestoration.com was suggested. Click on "Inspection Request Form on the sidebar.) She said it is hard to know whether others have followed up.

C. Sodding of berm – Tom Collins The sodding is done.

D. Dying Trees – Tom Collins We have an inordinately high rate of loss of our palm trees. We have lost about 15 so far and 4 in the last month. One large tree by the Jordan's house has been removed, one of them is dying and a third seems to be infected. Dale Bushong has sent various remedies but none is guaranteed and no one has a cure. Tom read an excerpt from a recent e-mail from Dale, as follows:

I counted 56 palms. Again I don't want to mislead anyone as to the cause or cure of this disease and I surely don't want to second guess Dr. Elliott but upon inspection of all the palms that have died I've noticed an infestation of wood ants within the bud and boots of the palms. It seems that these ants are digesting or perhaps chewing the decaying wood mixing it with some excretions and depositing it throughout the palm. It appears that some other ants were actually feeding on the fungus that has grown within these excretions. Could it be some type of mutation of this fungus causing the decline of the palms? Ants carrying the mutated fungus from tree to tree? Will spraying the trees stop the decline? Maybe, if they are put on a quarterly program. Are there insects carrying this fungus from other properties or from the trash pile on the property north of VWS? There are just too many unknowns to give a reasonable assurance to the home owners that this will resolve the problem.

Tom Collins said that the cost of spraying the 56 trees would be \$15 per tree for a total of about \$1,000 and that might have to be done 4 times, with no guarantee. Other options discussed were to talk to the County Extension officer, a tree farm grower, or someone else knowledgeable in trees (an arborist or university professional). Planting other species of trees was suggested. Tom Collins undertook to visit the tree farm on 58th Avenue and see if they have any suggestions. Sandy was asked to contact the Extension Officer.

E. Dean Woodrich commented that Village Walk North has many mature palms, all healthy. Another area had spindly oaks, and other green-leaf trees. Tom Collins

replied that there are two types of oaks on this property—laurel oaks (currently flowering) and live oaks (which are not in bloom yet.)

9. ADJOURNMENT

The meeting adjourned at 7:50 PM.