

March 12, 2019 Minutes of the  
Dalton Woods Homeowners' Association, Inc.

Approved

Tracy Earls, President

Tom Northey, Vice President

Adriana Castano, Treasury

Joni Hoffman, Director and Architectural Review Board

Gina Downs, Secretary

Monica Berrios CAM with Leland Mgmt.

Residents attending: John Elfring, Jamie Brady and later Stacy Hess

Motion by Gina Downs to pass minutes as posted. Second by Adriana Castano.  
Passed unanimously

**Leland Mgmt.** reports: Financials for January here but February not available yet.

Adriana Castano expected to see more money moved into reserves at this time.

**Leland Mgmt.:** Explained HOA fee balances and dates payments received, noted the accounts in arrears.

Adriana Castano noted \$1,933 largest outstanding debt asked how far along in the collection process for this account?

**Leland Mgmt.:** responded to Adriana Castano: Attorney requests retainer to foreclose/lien account. Monica did not have the amount of the retainer requested and was asked to find out also what the on-going yearly costs will be with the potential law firm that may file this lien.

It was noted that four accounts are delinquent 90 days or longer.

**Leland Mgmt.:** Accounting for several \$10.00 late/underpays will be reviewed by Monica and reported at next meeting for clarification.

Violation report list reviewed. **Motion** by Joni Hoffman to resume lawn and landscape violation procedure. **Second** by Tracy Earls. Vote was unanimous.

**PASSES**

Consideration of Addendum to motion by Joni Hoffman to continue lawn/landscape violations process year round and not recognize a seasonal 'down time' as currently observed. Adriana Castano does not favor sending violation letters during seasonal 'down time'. Joni Hoffman suggests Oct thru March 15 or November thru Mid-March. Asks what is board recognizing as official 'winter' or 'off-season'? No motion.

Discussion of property with repeated and numerous violations. Currently open violations for vehicles, trailer, driveway, untagged/inoperable vehicles, improperly stored items.

**Question to Leland:** What legal steps can HOA take to enforce 'eviction of tenant/person creating a nuisance' from the community. Leland Mgmt. acknowledges that it requires attorney input and she has not had experience with this type of issue for an HOA.

**Asked Leland Mgmt/Monica:** Find out and share with us what other communities may have experienced in a like situation.

Attending homeowner/neighbor spoke about recent multiple police responses at this particular property. Tracy Earls wants to ask/involve sheriff office to find out what action they suggest an HOA take with a tenant/person creating a nuisance causes an annoyance to homeowners within a private community.

**Leland Mgmt:** Question by Joni Hoffman: Can a nuisance notice be sent? Monica says, yes, attorney can begin with sending nuisance notice. Option is to send nuisance notice from HOA prior to attorney contact (after Tracy Earls speaks with sheriffs office)

**Leland Mgmt./Monica** says our previous mgmt company, Bosshardt, did not turn over adequate paperwork and therefore Leland does not have record or timeline of past notices. Leland Mgmt. must start the notice timeline/process again.

Discussion ensued about if a violation remedied but then repeated later, does it become an entirely new violation? It was put forth that our association rules state 'within a year' the same violation may not re-occur. Ergo, it is a continuation and NOT a 'start over'.

**Leland Mgmt.** reported that a nuisance notice has gone out for the latest large trailer parked on this particular property. Leland/Monica also sending a nuisance notice about the person creating a nuisance, potted plants lined up in front of garage, etc. Many photos showing multiple violations are being stockpiled by Leland.

Several police officers live in Dalton Woods and several board members suggest making informal contact with them to ask their opinions/experience with HOA problems.

Existing ARB guidelines are vague on gazebos and storage sheds (materials, size, location). 'Rear yard' vs 'behind the house' language is confusing to applicants. Drawings were made at this meeting to demonstrate difference between rear yard and rear of house. It was noted that some homes have odd lot layout that complicate ability for structure placement. Should ARB language include ability to grant variance in such cases?

Noted that size maximums are different for various structures. Discussion of whether size requirements should be consistent or should mirror county regulations. Some changes to size requirements were reviewed.

Gazebos, decks and screened enclosures also discussed. For these types of structures, the definition apparently needs clarification regarding materials, roofing, height, etc. Is there a minimum or maximum size currently? Pergalos need to be defined especially as to their difference to a gazebo. Also need to describe size and shape (if applicable) for various outdoor structures.

Joni Hoffman and Leland Mgmt./Monica want to NOT table the ARB updates as there are some outstanding requests from homeowners. Pattern of exterior cladding on sheds should match home. Proposal is for all cladding to be hardi-board material with a stucco (semi-rough) pattern. Proposal is for no exterior cladding that has a wood grain pattern. There was difficulty coming up with clear language at this time. Stated that original documents spelled out that outdoor structure MUST match exterior of house (including roof materials).

**Motion** to table all updates to ARB guidelines until future meeting by Gina Downs. **Second** by Tom Northey. **Passed** with majority.

**Leland Mgmt** reports that bids from Atlantic Pipe Services were enormous. Different storm drain cleaning firm gave bid of \$5,690 to address five locations to remove debris in pipes and outlet boxes. **Adriana Castano asked if this cleaning service includes the water used by them for flushing vs. connecting to fire hydrant and HOA paying for the water???** Map was passed around highlighting the particular drains that currently need to be cleaned. Question asked when was it last done? From memory, Adriana Castano thinks maybe some were cleaned about three years ago at a cost of about \$3K.

Landscaping of common areas. Several rotten trees need to be removed. And several additional trees near power lines also need removal. New lawn maintenance contract is an increase of \$750 a month. Funds have been allotted to address maintenance of existing street signage. \$38,000 remainder (excess) in operating at end of year. Tracy wants to know if some of those funds can be re-allocated to lawn maintenance/front entrance landscape improvements? Monica (Leland Mgmt) strongly suggests waiting until audit is complete and signed off before allocating any of those funds.

Tom Northey talks about moving money in reserves to help fund repaving streets. Dalton Woods has about 2.8 miles of roadway. \$100-125K per mile for an overlay. Or \$200-225K per mile for milling, crushing and using as underlayment our existing asphalt. Tom Northey spoke with Marion County Roads Dept. about our resurfacing project. County may agree to do the repaving work, warranty it, and charge any overage from our reserve fund as an STU (Special Taxing Unit) Marion

County then charges balance of the resurfacing costs to individual property and it is added to their tax bill over a period of time (as a STU).

Marion County Roads reviewed our roads and suggested they are currently in good shape ... although the entrance shows more cracking than the interior roads ... and estimates we have five more years before resurfacing is necessary. But, he stressed that deterioration can occur more quickly based on other factors and reduce that five years.

Road life averages 20 to 25 years depending on quality of original product.

Marion County observes that our front entrance may need additional attention and sooner. Currently Dalton Woods has \$290K for resurfacing in our reserves.

**Question:** How long does the overlay last? Noted: if problems/cracking are allowed to go 'too far', that may impact the life of an overlay. **Question:** Can the administration fee from the county be as low as 5%? Tom Northey will follow up with these questions.

Tom Northey will also ask for how to access code enforcement via internet to report future infractions. This information will be passed along to homeowners.

Discussion of frustration with cost of landscaping maintenance. Also discussed past frustrations with poor quality landscaping and lack of attention to fairly obvious problems. Least obvious areas (large storm retention areas) were suffering from severe neglect.

Noted that this year we are putting \$37K into reserves for road resurfacing. Tom Northey suggests that we consider shifting some or all of that reserve funding instead to refurbishing many obvious elements in our community (moldy lampposts, signage, etc.) that show deterioration. Additional lighting and security cameras could be considered. This fund shifting option to be discussed if decision is made to have county do the resurface and fund the balance thru the STU (Special Taxing Unit).

Money remaining in operating account at the end of the year needs to be allocated. Adriana Castano frustrated with the new management company procedure for payment of HOA bills and banking methods. Adriana Castano has

not been able to access the on-line board access area of Leland website. Leland Mgmt./Monica says she will look into that.

Adriana Castano has been wanting to cease board responsibilities and wants to resign if someone else will take the treasurer responsibilities. Tracy Earls agrees to handle treasurer job. **Motion** by Gina Downs to designate Tracy Earls as treasurer and for both Tracy Earls and Tom Northey added becomes designated signers on HOA bank accounts. **Second** by Adriana Castano. Board unanimously agrees. **Motion Passes**. Tracy Earls is now treasurer. Adriana Castano resigns. (with huge gratitude for her many, many hours of service to her community)

Rennasant Bank holds our money market accounts. Alliance Bank holds our operating accounts. New treasurer, Tracy Earls and second signator, Tom Northey will do paperwork at bank to change signing privileges. One or both of them will request an original copy of all bank account transactions be mailed to them directly.

**Motion** by Tracy Earls to move \$10K into account 1104 from operating acct. 1001. **Seconed** by Tom Northey. **Passes** unanimously.

**Motion** by Tracy Earls to move \$12K from account 1100 to to account 1104. **Second** from Tom Northey. **Passes** unanimously.

**Motion** from Tracy Earles to wave 'soft costs' on account 152500301 but keep hard costs of \$97. **Second** by Tom Nothey. **Passes** unanimously.

**Motion** from Tracy Earls, with a **second** by Joni Hoffman to wave 'soft costs' on account 1525000. **Passes** unanimously.

Board agrees that resident John Elfring (in attendance) would be a welcome addition to the board. John said he would want to discuss with his wife before accepting. John suggests that his wife, Joann, would be a good board member and might be more accessible than John.

The board members unanimously agree to making John Elfring a board member, based upon his (hoped for) near future approval.

Meeting adjourned.