



MINUTES Sovereign Oaks HOA Board Meeting (Approved July 12, 2021)
Monday, June 7, 2021
28 Hawberry Court

Present:

Mark Jordan, President

Kirsten Kern, Vice President (via phone)

Brad Allen, Secretary

Art Mandler, Treasurer

Mike Newton, Member

No non-board HOA members were present.

Meeting was called to order at 11:32 a.m.

- I. Board Meeting minutes (May 3rd) were approved unanimously.
- II. Treasurer's Report (See attached)
 - The HOA has received \$~166K in income for the year, about \$20K shy of budget. There are still two unpaid invoices for Association dues fees (Lot # 64, Taylor; Lot #9, Velimeses). In addition, the HOA anticipates construction impact fee payments estimated at ~\$10,000. Unpaid association fees are accruing 8% annual interest. Per the HOA by-laws, delinquent invoices beyond six months will incur a \$150 late fee. An additional invoice will be sent out to the two delinquent members.
 - The HOA has spent ~30% of its budgeted expenditures through the first 5 months of the year. Absent any unforeseen expenses, the HOA will have more financial resources this year compared to last year to invest in needed maintenance and repairs (e.g.; the Greenhouse, trails and landscaping.)
 - The Treasurer's Report was unanimously accepted as submitted.
- III. Kirsten Kern submitted a written report from the Greenhouse Committee updating the HOA BOD on committee activity (see attached)
 - In addition to the Committee Report, Kirsten observed that there is need for a comprehensive plan for maintenance and trail upkeep around the Greenhouse and noted that the work is too much to rely on a small group of volunteers long term (Currently made up of Nancy Hoer, Amanda Galvin, Kirsten Kern and Harry Koolen).
 - Art Mandler suggested that with increased budget flexibility, the HOA may be able to invest up to \$5,000 in the Greenhouse facility and grounds and asked through Kristen that the committee come up with a priority list of items to address. This would not include repair of the greenhouse roof, however, which is still on the HOA maintenance agenda, slated possibly for next spring. Mike Newton will update the estimate for roof repair which is now more than a year old. The previous estimate was around \$10,000.
 - Mark Jordan said he will discuss overlooked landscaping projects and needs around the Greenhouse with Laurel Crest, the HOA landscape contractor.



IV. Facilities Committee Update Mike Newton

- Christian Kern and Mike Newton mowed the swimming hole access trail and the area surrounding the storm water retention pond below the Trail Top cul-de-sac. The county inspects retention ponds every three years or sooner and can make unannounced inspection visits. Mike suggested the basins need to be mowed at least twice a year to keep weed growth and trees out and be kept in a ready state for inspection.
- The trail around the treehouse and bamboo grove was widened and cleaned up.
- Mike is inviting a contractor with a wood chipper to come in to chip downed branches in specific areas where adjacent owners can share the cost. The contractor who performed that work along Trail Top and Brookside last month (Smart Fellers) was deemed too costly and uncooperative.
- Pisgah Pavers will repave along the road at the front entrance when paving driveways of lots under construction in Sovereign Oaks. They will give the HOA 5 to 7 days notice. There was a general discussion about notifying the community and ensuring traffic safety during the repaving.
- It was also observed that Laurel Crest has not done an adequate job of mowing certain areas (e.g.; Lots #19 & #58, Musterfield Creek Trail) which they are responsible for. Mark Jordan will follow up with them, outlining where the mowing needs to take place.

V. DRC Update — Mike Newton

- There is no meeting scheduled this month, but much building activity is underway. Two major issues were discussed, one concerning Lot #55, the other concerning Lot #75.
- Mike Newton and Brad Allen met with Toby Jernigan, production manager for Livingstone construction about the status of Lot #55 (Tremlett) which is now approaching 21 months under construction, well beyond the 18-month limit on the period of construction specified in the by-law and to which Livingstone agreed.
- The Company owner, Sean Sullivan, has acknowledge in writing to the DRC that he is aware they have exceeded the 18-month limit. Communication issues with the Lot owner were cited as one reason for delays. Livingstone had also indicated in previous written communications to the BOD that it expected to complete construction by June 30th, but Mr. Jernigan, at this meeting, acknowledged that it is unlikely.
- Construction delays have also impacted the adjacent lot, Lot #56 (Samayoa/Gupta). The DRC has repeatedly expressed concern to Livingstone that the lack of adequate water runoff management on Lot #55 has eroded the access road and trail leading to Lot #56 and the lot owner for that adjacent lot is preparing to build but is unable to commence lot clearing until the access road is stabilized.
- The lot #55 owner (Tremlett) has also requested of the DRC a further delay in finishing landscape installation elements until after he moves in, so that he can oversee installation himself. He also wants to delay installing a paved driveway until after he moves in. This request presents a problem since it would delay addressing the water runoff issues impacting the adjacent Lot. The DRC will deny the request for a delay in installing some sort of water management hardscaping and, with delaying the



installation of a paved driveway, will insist that a bond be paid by Mr. Tremlett to ensure completion of the required water management issues.

- The DRC will send a letter to Mr. Tremlett informing him of their decision and the reasons why.
- The Board also discussed imposing a fine on Livingstone for exceeding the 18-month limit if the June 30th deadline is not met. The Board will consult with the HOA attorney about this.
- Concerning Lot #75 (Sindy), Mike also reported that JAG Construction was clearing trees along Bull Creek on the Lot without DRC approval. Several trees fell across the creek onto adjacent lot owners' property (Lot #97, Lochen), taking down additional trees on that lot as well. In addition, one tree from Lot #75 hit the Asheville City water main as it crosses Bull Creek. The Water Department came out to clean and inspect the right-of-way from the bamboo path to Bull Creek.
- Mike said he spoke with the JAG construction supervisor on-site at the time and indicated that the trees had been taken down without approval, which is subject to a fine. The JAG representative indicated he was carrying out the orders of the lot owner. The company did remove the felled trees and debris from the creek and the adjacent lot.
- Art Mandler moved and Brad Allen seconded a motion to begin the process of imposing a fine, per the North Carolina Planned Communities Act, on the construction company for removal of trees without DRC approval. The motion passed unanimously. The Board will consult with the HOA Attorney about this issue.

VI. Trails and Landscapes Committee—Mark Jordan

- Work parties have provided maintenance on the lower greenhouse, upper Musterfield trails, and, as previously mentioned, wood chips have been spread on the area below the Greenhouse. There is still a need to finish stabilizing the path from Wandering Oaks to the Greenhouse and to keep truck traffic accessing Lot #25 (Stoneburner) off that pathway. Mike Newton said he will contact the lot owner/builder to move the portable toilet away from the pathway and onto the construction site access road instead.
- Mark said the committee will need some funds to pay for seeding and spreading of wood chips and will forward that information to the treasurer.
- The committee is also planning on installing a handrail on the footbridge crossing Bull Creek. The question of liability was raised and Mark said he would explore it with the HOA attorney.
- The issue of water runoff on the trail behind Lot # 27 (Schroder) was raised and options discussed to mitigate it. Mike Newton pointed out that the trail between the Blue Ridge Parkway Visitor Center and the Craft Center Store has successfully managed water in trails with pavers and gravel. Mark said he would explore options.
- Mark asked that the Treasurer consider creating a separate budget line item for trail maintenance separate from landscaping.
- Invoices will be issued for bush hogging on Lots #10 & #19 that the HOA contracted for on behalf of Lot Owners.



- Art Mandler informed the board that he has cut a trail on the south side of Lot 11, which he owns adjacent to his home site on Lot #12, and is willing to open up access to the community. He asked if a trail sign could be put up there. Mike Newton will follow up.
- There was a general discussion about turning the water main right-of-way into a trail as well. There was general agreement that it would be a good idea.

VII. Social and Communications Committee – Art Mandler

- The Committee had its first meeting and has activity planned each month through the end of the year. Highlights include a food truck in June, the book club restarting, and a wine tasting with a sommelier at the Greenhouse in September.

VIII. Discussion Topics

- There was a discussion of signage on lots for sale that are not under construction. The by-laws allow only one “for sale” sign, but it was noted that on two lots (19, Valiante; #83, Cole) for sale a builder (Grammatico) has also put up a sign advertising his firm. Mark will follow up with both the Lot Owners and builder to bring the signage into compliance and ask Mr. Grammatico to remove his sign.
- A notice will go out reminding Lot Owners that they are responsible for mowing or mulching the strip of road frontage adjacent to their property. The HOA landscape contractor mows the frontage of lots not yet under construction, but there was some confusion about lots scheduled for construction that have not yet broken ground. There was discussion and agreement that these lots will continue to be mowed by the landscape contractor, until ground is broken on a lot site.
- Annual Meeting – Art Mandler pointed out that the original date set for the Annual Meeting, September 16th is Yom Kippur, The Board agreed to reschedule the meeting for the 23rd, or another date, pending availability of the Riceville Firehouse.
- The preliminary budget and the Annual Meeting planning and agenda will be presented and discussed at the next BOD meeting.

The meeting was adjourned at 1:01 p.m.