



17 Hawberry Court
Asheville, 28805

Sovereign Oaks HOA Board Meeting (Approved Nov 1, 2021)

Date: Monday, October 7, 2021

Location: 31 Trail Top Drive

Attendees:

Mark Jordan
Kirsten Kern
Brad Allen
Javier Samayoa
Mike Newton

Mark Jordan called the meeting to Order 7:00 p.m. The Board welcomed newly elected Board member Javier Samayoa to his first BOD meeting.

Mark indicated that outgoing BOD member and Treasurer Art Mandler will continue to maintain the financial statements of the HOA until the Board chooses a replacement and that person is trained in the duties of the position by Art. (Art was not present at the meeting. No non-BOD HOA members were in attendance.)

Board Meeting minutes (September 7th) were approved without change.

Committee Updates

Facilities – Mike Newton

- Recent rains have continued to delay repair at the front entrance. The HOA is waiting on Pisgah Paving to schedule a date. Mike anticipates the HOA is looking at sometime around the end of October. The exit lane will be closed for 48 hours and all traffic will have to route through the entrance side. A notice will go out to HOA members informing them of the status and another communication will inform them when a date has been set. Cones and signage will be installed to direct traffic and warn drivers.
- The large log just downstream from the Bull Creek footbridge washed away during the recent rainstorm. It has not yet been located downstream but did not appear to snag on the Asheville city water main crossing Bull Creek.

DRC – Mike Newton

- Lot #34 (Hannon) will be ready to commence building in a few days, as material prices have declined somewhat since they received final approval last March. The HOA should expect to receive payments from the owner for a non-refundable construction impact fee (\$2,500) and from the builder for a refundable builders'



deposit (\$10,000). There is a remaining \$60 receivable associated with the Lot that needs clarification from the outgoing treasurer.

- The annual HOA fee for Lot # 9 (Velimesis) remains in arrears with interest and penalties continuing to accumulate, total outstanding due is \$1720. Mr. Velimesis has not responded to repeated inquiries. A question was raised about the ability of the HOA to collect. It was pointed out that the HOA can place a lien on the Lot and any unpaid fees and fines will have to be paid before the Lot can be sold or construction commenced. In addition, HOA members who have unpaid HOA invoices can lose the privileges of HOA members, including the right to vote in HOA elections.
- The double lot on Trail Top (Lot #39, Dahl), which was thought to be readying for the DRC process, will be going back on the market.
- The owners of Lot # 9 (Warren) are preparing to move ahead through the DRC with their construction plans.
- Lot #85 (Rawlings) is scheduled to present concept review at the next DRC meeting.
- The DRC is continuing to search for a replacement for architect Aaron Wilson for a paid professional position. He is hoping to move off the DRC in November but has indicated he will continue during an interim period. The search so far has not produced any viable candidates. One interested candidate is located in Greenville, SC which is deemed impractical. The Board agreed with Mike's request to use a professional recruitment site to try to identify candidates. The Board will follow up with Art Mandler for information on the hourly rate and recent compensation history for the paid DRC positions.
- Discussion about controlling DRC Professional fee expenses: Last year the DRC raised its fee for construction review from \$500 to \$750 and instituted a policy whereby review meetings beyond five meetings would incur an additional fee of \$500 to cover professional fees (architect, landscape architect) incurred for those additional meetings. Mike indicated that this has not solved the issue of some HOA residents consuming an inordinate amount of DRC time and resources revisiting previous decisions with which they disagree.
- He cited the following incident as an example illustrating the problem the DRC faces in controlling fee expenses. An HOA member disagreed with a DRC decision about the setback requirements for a requested fence and sought a waiver from the design guidelines, which the DRC declined. He asked for an additional meeting to press his case and was informed that if he wished to continue to meet with the DRC on this issue, he would have to pay the additional \$500 fee. Instead, he sent a series of long e-mails in which he repeated his arguments and demanded a response. This email dialogue took up a significant amount of time and cost the HOA a significant amount of fees paid to the professional members. In the end, the protesting HOA member withdrew his request because the fence waiver he was seeking would interfere with the location of his propane tank. Mike pointed to two additional examples where HOA members, in order to avoid the additional meeting fee charge, have shifted from asking for in-person meetings to pursuing prolonged email exchanges with the DRC on decisions with which they disagree.



- There was a general discussion about modifying the DRC process to include prolonged email dialogue concerning already decided issues as constituting virtual meetings and also incurring an additional fee to cover professional expenses.
- Mike also reported that an HOA member complained to the builder on Lot #36 about the location of the portable toilet across the road from their property. Despite the fact that the location of the toilet had been designated by the DRC as the most accessible and least obstructive to traffic, the builder had the portable toilet moved to a different location which requires the vehicle servicing the toilet to park on Wandering Oaks Way, blocking traffic. The DRC will follow up with the builder and the complaining HOA member and the topic of complaints to builders will be addressed in the next Hot Topics newsletter to HOA members.

Trails & Landscape – Mark Jordan

- No meetings were held this month. The erosion prevention project along Musterfield Trail (up from the Greenhouse) still needs additional work with the addition of rock and a small footbridge. Mark Jordan cleared the trail connecting Hawberry Court and Wandering Oaks Way. The top of the trail entering at the switchback curve near the summit of Wandering Oaks Way was also cleared. The contract with the landscaper, Laurel Crest, comes up for renewal at the end of the year. The committee will discuss whether to renew the contract or seek competitive bids.

Social & Communications –

- No update was available.

General Discussion following issues raised during the Annual Meeting

There was a general discussion on follow up to the complaint raised during the Annual Meeting last month by Tim Owings, 138 Wandering Oaks Way, about prolonged dog barking. Following the Annual Meeting the Board sent a letter to the owners of the dogs in question, asking that they direct their attention towards their dogs' behavior, more closely monitor their barking and off-property behavior and consider seeking professional dog training help. The letter also reminded them that all HOA members, as neighbors, have an obligation to abide by the community covenants concerning control of animals and nuisances and that neighbor-to-neighbor disagreements are best handled by the individuals involved. They were invited to attend the October Board meeting to discuss these issues if they chose to. While they received and opened the email note from the Board they did not respond prior to the meeting.

Conversion of the Greenhouse: Matt Kern. 17 Hawberry Court, brought up the topic of converting the Greenhouse to an open-air pavilion with a fireplace or firepit. While several HOA members have mentioned this possibility, the board decided to solicit a general sense of the HOA membership before pursuing the topic further. The question will be put to the membership in the upcoming Hot Topics newsletter.

Executive Officer Board Positions

The Board discussed Board positions for the upcoming year. The duties of each position were described and discussed for the benefit of new board member Javier Samayoa and all were



asked their thoughts on which board positions they would want. After discussion among all the Board, the following nominations ensued:

- Mark Jordan moved and Brad Allen seconded the nomination of Kirsten Kern for President;
- Brad Allen moved and Kirsten Kern seconded the nomination of Mark Jordan as Vice President;
- Mark Jordan moved and Kirsten Kern seconded the nomination of Brad Allen as Secretary;
- Mark Jordan moved and Kirsten Kern seconded the nomination of Javier Samayoa for Treasurer;
- Mark Jordan moved and Brad Allen seconded the nomination of Mike Newton as Board Member.
- All positions were approved unanimously.

The Board went into Executive Session beginning at 7:55 p.m. to discuss the following:

- A fine and potential revocation of approved builder status;
- Noise complaints about dogs barking;
- Neighbor dispute over unleashed dogs on private property.

Executive Session ended at 8:35 p.m.

Board meeting schedule

- The Board decided to meet the first Monday of each month at 7 p.m. The location will be moved between board members' homes within Sovereign Oaks. The next meeting is scheduled for Monday November 1st at 7:00 p.m. at a location TBD.

The meeting was adjourned at 8:41 p.m.