

**MARINER'S POINTE HOMEOWNERS ASSOCIATION, INC.**

**SPECIAL MEETING OF OWNERS ASSOCIATION**

**January 27, 2020**

MINUTES

The Mariner's Pointe Homeowners Association, Inc. held a Special Meeting of Owners on Monday January 27, 2020 @ 6:00pm in the conference room of Little & Young, Inc. located at 2939 Breezewood Avenue Suite 100 Fayetteville, NC.

Tammy Six & Amanda Adcox from Little & Young, Inc. were present. Attorney Scott Flowers from Hutchens Law Firm was also present. There were thirty six (36) Lots represented by owners present and there were no proxies to report. There was a quorum present for the meeting.

Brent Crowell called the meeting to order at 6:00pm. Brent gave an introduction of the Board, Little & Young Representatives, and the Attorney. Brent then presented the guidelines and the purpose for the meeting.

Brent turned the floor over to Cindy Rosado (point of contact for concerned owners) to give her a chance to present her opening remarks.

Mark Michel read the petition to the homeowners and turned the floor over to Cindy to present the concerns listed on the petition.

Cindy asked what the address was for the principal office of corporations. Attorney Scott Flowers explained the difference between the registered agent and the principal office of corporation. Scott stated that they could amend this as it is likely no homeowner would want to list their personal address as the principal office. A homeowner suggested that since a quorum was present a vote could take place to amend the by-laws. Scott explained that a vote could not take place because it was not listed on the meeting agenda.

Cindy asked why the annual meeting was not held in the correct month in previous years. Tammy explained that there are many reasons why the meeting could have been held in a different month. Tammy stated that when the Developer relinquishes control we do not make homeowners wait to have their first meeting in the month stated in the by-laws. Tammy also stated that meetings have been moved around due to hours being cut at the public library. Tammy concluded by stating the last two (2) annual meetings had been held in the correct month. Cindy stated that the annual meetings should continue to be held in September.

Cindy asked if a nomination committee had been established. Mark stated that a nomination committee had not been established. Mark went on to explain that the Board can elect to nominate officers, but there had not been a need for a nomination committee due to lack of participation. Attorney Scott Flowers stated that this was something that could be put on the agenda for the next annual meeting.

Cindy asked why Board meetings have not been open to homeowners. Mark explained that no notice to homeowners is required when scheduling Board meetings. Mark went on to explain that in order to

attend a Board meeting you would need to reach out to Little & Young to get put on the agenda. Several owners stated that they were not aware of this process. Attorney Scott Flowers stated that going forward homeowners needed to reach out to Tammy or Amanda to be put on the agenda for the next Board meeting. A homeowner said that it was also a homeowner's responsibility to ask about the quarterly Board meetings. Another homeowner suggested adding this process along with other recommended changes to the Mariners Pointe Rules and Regulation to save on cost that would be incurred by going through the legal process of amending the by-laws, the Board concurred with this suggestion.

Cindy questioned the duties of the Board of Directors and stated there are no records of acts. She went on to question flowers that were purchased for an outgoing Board member, and also how the fountain and cameras were decided on. Brent stated that the Board has the authority to make aesthetic changes. Tammy explained that if there was something specific she wanted to know about we could look for it in Heather's (previous employee) emails. A previous Board member stated that the previous Board installed the fountain to help with algae in the pond and that all members approved of that. He also explained that the dock addition was modified because the future of Lake Upchurch was unknown. The previous Board did not want to spend homeowners money if they did not know how long it would be before the lake was fixed. This previous Board member went on to explain that the handout Cindy had provided indicating that there had been ~\$63,000.00 placed into reserves was misleading in that ~\$30,000.00 was from the assessment of the dock project of which ~20,000.00 was returned to homeowners and ~\$10,000.00 was spent on the initial phase of the dock project leaving somewhere in the range of \$33,000.00 since 2015 placed in the reserve account for boards to make aesthetic improvements with. Cindy also made mention of a payment to fix a flooding issue in 2015. Amanda and Tammy will look into this payment.

A homeowner inquired about the tree that was removed from the corner of the retention pond. He stated that the removal was more expensive than it should have been and that Little & Young needed to get estimates from other landscaping companies. The homeowner also questioned Snow's certifications and their schedule of service. Brent mentioned that previous Board members received landscaping quotes from companies other than Snow's and Snow's had the best price. Tammy and Amanda will get landscaping quotes from other companies and will present them to the Board. Cindy went on to state that Snow's had not been in the neighborhood since December 9, 2019 and further mentioned that there was a requirement for a certain height that grass was to be at as well as pointing out that there needed to be some erosion control looked into with regards to the retention pond maintenance; the board agreed to look into these requirements. Tammy stated she would pull camera footage to verify when they were in the neighborhood last.

A homeowner stated that better cameras were needed at the entrance because footage was not clear. Tammy presented screen shots from the entrance cameras that showed the cameras do work. Tammy and Amanda will contact Safewatch to see what can be done to help with the clarity on the license plate camera. Brent stated that there was some confusion with the policy to obtain footage from the cameras. Brent went on to state that the policy going forward would be to file a police report and the requested footage would be pulled and turned over to police.

Cindy asked why an audit had never been conducted. Mark explained that an audit had not been done because the Board never requested one and it has never been budgeted for. Mark went on to state that

there were never any significant concerns with the budget to spend money on an audit. Mark also stated that if homeowners wanted to have an audit done that is something that can be added to the budget in the future. Mark went on to further explain that the annual HOA dues were on par with the budget requirements and to meet reserve requirements and there was no room to make big expenditures without saving the reserve over time or doing an assessment for additional funds for a specific reason.

Cindy asked about the specific duties of the Board of Directors. Tammy explained that the Board has elected to have Little & Young compose their meeting minutes, mail outs, newsletters, etc. Tammy went on to explain that Little & Young's accounting department acts as the treasurer on behalf of the Board. Mark explained that after listening to concerns during a Community Watch meeting in November the board recognized the need for expenditure oversight. The Board decided that the third member of the board not holding the office of President or Vice-President would look through checks, invoices, and emails to make sure that everything matches up. Mark also stated that the Board would welcome anyone with an accounting degree to look at the financials. One homeowner spoke up and stated she was a CPA. She gave her information to Mark.

A homeowner questioned the amount spent on office expenses. Tammy and the Board explained that there were quite a few mail outs sent in the past few years regarding updates on Lake Upchurch, the DOT project, the special assessment, newsletters, etc. Tammy also stated that office expenses pay for Mariner's Pointe envelopes and letterhead. Homeowners asked if Little & Young could start emailing notifications rather than sending everything by mail to cut costs. Attorney Scott Flowers explained that there are things the HOA is required by law to mail out. Tammy stated that Little & Young could start posting the newsletter & meeting minutes to the website so homeowners have access to that information. The Board stated that going forward they would send Little & Young the information they want included in their newsletters.

Brent let the homeowners know that the next Board meeting would be scheduled in April. Brent reiterated that any homeowner that wants to attend the next Board meeting needs to reach out to Amanda or Tammy to be put on the meeting agenda. The items on the petition that were not discussed during this meeting will be addressed at the next annual meeting in September.

Brent adjourned the meeting at 8:15pm.

Respectfully Submitted,

Amanda Adcox  
Association Manager  
Little & Young, Inc.