

2011 ANNUAL MEETING MINUTES – DRAFT  
(Minutes to be approved at the 2012 Annual Meeting)



# SLOA



## APRIL 30, 2011 ANNUAL MEETING MINUTES

**BOARD MEMEBERS PRESENT:**

Jeanie Bettcher, President

Dennis Williams - Director

John Streety, Treasurer

David Parra - Director

Rick Wilson, Director

**MEETING LOCATION:** Seminole First Baptist Church

As those in attendance and/or represented by proxy totaled 123, a quorum was established. Association President, Jeanie Bettcher called the meeting to order at 9:31 a.m. Jeanie asked everyone that wished to address the Board to please state their name in order to aid those who were taking minutes.

**2010 ANNUAL MEETING MINUTES:** Jeanie Bettcher offered the minutes for approval. As there were no corrections or additions to the minutes, Leslie Powell made a motion to accept the minutes. Dennis Howerton seconded. Jeanie asked everyone to mark their ballot to approve or not approve the minutes. (She noted ballots were to be turned in toward the end of the meeting at which time they would be tabulated.)

**SLOA TREASURER’S REPORT:** The President noted that John Streety had asked her prior to the this meeting if she would present the Treasurer’s report on his behalf. As of 4-28-11 the Association was in possession of the following amounts:

Checking Account ..... \$35,876.56

Money Market ..... \$86,002.31

**TOTAL..... \$121,878.87**

Discussion was opened concerning the 2011 budget. Michelle Nelson asked why there was such a drastic drop in the SLOA property taxes. Jeanie noted that Baldwin County had re-appraised all “common areas” for all associations, and the tax was to be the same for all common areas.

Jeanie noted the reason for the difference is SLOA insurance costs from 2010 to 2011 was because the insurance company only billed for liability insurance in 2010. The bond insurance is usually paid in November of each year, but for some reason the insurance company did not bill the bond

insurance until January 2011. Since the amount was budgeted for in 2010, paying it in 2011 did not create any additional costs to the Association.

Bob Walraven made a motion to approve the budget. Bobby Perkins seconded the motion. Jeanie asked everyone to mark their ballots accordingly.

**ANNUAL ASSESSMENT:** The President indicated that the Board cannot take a stand one way or another as to whether or not the annual assessment should or should not be increased. The decision must be made by the Members based upon the banking and budget information presented by the Board.

Mike House made a motion to vote whether or not to increase the 2012 annual assessment. Kenny McDonald seconded the motion. Jeanie asked everyone to mark their ballots accordingly.

Rick Mathisen questioned the order of business. He suggested that we sign our ballots. Jeanie noted that ballots did not have to be signed as it was no one's business how another person voted. She noted that there had been problems with previous Boards knowing who had voted for whom/what and as a result some lot owners were unfairly approached and criticized by other lot owners.

**BOARD OF DIRECTOR POSITIONS:** Jeanie opened discussion regarding the open Board positions. Deborah Stevens wanted to know how many positions were open for the 2011-2013 term. It was noted that there were four vacant positions. The four individuals receiving the highest number of votes would become the new Board members.

Mike Tyszkiewicz suggested that we withhold the vote on the annual assessment increase until we conclude discussion on new business. He felt there might be a need for additional money for additional projects.

Scott Rich made a motion to postpone the vote on increasing the annual assessment until after new business.

Mary Lou Leahy noted that we are now discussing old business, and we are not discussing special assessments. Old business must be addressed before any new business.

Jeanie stated that the Board is following Robert's Rules of Order, and that a motion has already been made, seconded and called for on whether or not to increase the annual assessment.

Bill Vinzant said that we need to vote on each motion as it comes up instead of waiting until the end. Jeanie indicated that we cannot do a voice or hand raised vote due to the number of lots (there would be no way to tell if the hand raised was for 1, 2, 3 or more lots). Jeanie stated that everyone can vote now by marking their ballot(s) as each item is undergoes a 1st and 2nd motion, or they can vote on all the issues by marking their ballot(s) at the end of the meeting. There should be one ballot for every lot owned.

The President returned the discussion to the open Board positions. The floor was opened for nominations. No nominations were given from the floor. The four Board members that had volunteered to serve and thus were nominated by the Board gave a brief statement as to their background and where they lived within the Association (much the same as was on the document provided in the SLOA Member packet).

Gloria Tyszkiewicz stated that she feels everyone needs to know how each new Board member feels on the issues. Mary Lou Leahy noted it was not necessary for people to know what Board members did and did not want to see done in the Association, because Board members are supposed to act on the what the lot owners want, not their own personal agendas.

Linda Williams made a motion to vote on the nominees. Bobby Perkins seconded the motion. Jeanie asked everyone to please mark their ballots accordingly.

### **NEW BUSINESS:**

GRUENLOH & ASSOCIATIONS REPORT: Jeanie noted that the report from Gruenloh and Associates was inaccurate as they missed one of the February 2010 entries noted on the SLOA checkbook stubs. The letter sent with their breakdown indicated that they were not responsible for auditing our records, only for reporting the expenditures. Basically they used our Quicken report, check stubs and receipts and put together a list of how they thought we spent our money. The cost for their report was \$450.00.

As the Covenants were written prior to the invention of home computers and financial software, Jeanie asked if the Association might want to consider removing the section from the Covenants that requires an outside audit of SLOA records. Sue Bremser wanted to know if all records were provided to Gruenloh. Jeanie confirmed that they were in possession of all SLOA 2010 accounting records (check stubs, receipts, deposit slips, bank statements, etc.) Discussion ensued and as numerous individuals (Anna Toler, Mike Tyszkiewicz, and Ginger Barnhill) noted, the outside audit serves to protect individuals who are involved in the distribution of SLOA funds. Marylou Leahy suggested that we express dissatisfaction with Gruenloh. Mike House noted that he had experienced problems with Gruenloh in the past and no longer used that firm. Scott Rich wanted to know if an outside audit was called for in the covenants. Jeanie noted that was the case. It was suggested that the Board seek out a different auditing firm for the 2011 audit. As this is a requirement of the covenants, no motion was necessary and the Board will act accordingly and seek out another firm for the 2011 audit.

2010 SLOA MEMBER WISH LISTS: So everyone would have a better understanding of how the Board based its decision not to pursue projects within the Association, Jeanie noted that every lot owner was sent a "Wish List" in their 2010 annual meeting packet. Members were asked to mark YES or NO beside the items identified on the form as well as write in anything not listed that they would like to see implemented in the neighborhood. Of the 219 forms mailed out, only 54 were returned to the Board. Following is a breakdown of the information provided on those forms:

**DESIGNATED ON FORM**

Donovan Landing Entrance Enhancement .....	Yes .... 23	No.....31
Seminole Landing East Entrance Enhancement .....	Yes .... 27	No.....27
Boat Launch Gazebo & Picnic Area.....	Yes ..... 9	No.....45
Boat Launch Enlargement.....	Yes .... 10	No.....44
Boat Dock Enlargement .....	Yes .... 15	No.....39
Common Area Gazebos (one for each common area) .....	Yes ..... 9	No.....44
Pond Fountains .....	Yes .... 10	No.....44
Common Area Jungle Gyms (one for each common area).....	Yes ..... 8	No.....46
Additional Street Lighting .....	Yes ..... 7	No.....46
Street & Pole Light Shields.....	Yes .... 11	No.....43

**WRITE-IN SUGGESTIONS** ( ) Indicates how many people wrote-in these suggestions on their list.

- (2) Fall get together (covered dish) where everyone can get to know one another
- (1) Survey common areas before doing any work. Boat launch area/property is maxed out
- (1) Put in a “DEAD END” or “NO OUTLET” sign for East and West Erin Pond Roads
- (1) Quarterly newsletter, security (signage, security patrol)
- (2) Golf course
- (3) Entrance gates
- (2) Dock/fishing pier for Donovan Landing common area
- (1) Implement Robert’s Rules of Order during annual meeting
- (1) Dig out south end of Big Erin Pond to make a “finger” for deeper/more fishing area
- (1) Boat launch in Big Erin Pond
- (1) Fish cleaning station at boat launch
- (3) Club House

Jeanie noted it was clear from these results that the overall message from the lot owners was that they did not wish to see any changes within the Association nor did they want to see the annual assessment increased.

Jeanie stated that the boat launch area was maxed out as the Association did not own the property on either side of the launch.

She stated that plans were underway to four-lane Highway 90 at some point in the future, and that the only thing holding this back was the fact that Alabama did not have the funds at this time.

**SECURITY:** Jeanie noted that the Board had discussed the recent robberies, and she subsequently contacted the Sheriff’s office to find out what it would cost to hire an off-duty officer to patrol the neighborhood. The cost would be \$30.00 an hour with a minimum of three hours. If the Association was patrolled three hours a night/seven days a week, the cost would be \$32,760.00 annually. The cost would go down with fewer hours, but even with 42 hours a month the cost would be \$15,120.00 a year.

Mike Tyszkiewicz indicated that the results of the survey were skewed as there were more lot owners on the Seminole Landing side as compared to the Donovan Landing side. He said it wasn’t fair that

Jeanie had fixed “her” entrance was that Donovan Landing was being ignored. She noted that all three entrances were “her” entrances the same as they are for everyone in the Association.

Because the Donovan Landing and east Seminole Landing entrances had received the most yes votes for some form of enhancement, the Board had hoped to send out a capital improvement proposal for the Seminole Landing east entrance in January. However, this endeavor was put on hold until clarification of property ownership could be determined. No further improvements will be made to the entrances until the ownership issue is resolved. Rick Wilson stated that we cannot move forward at this time because we do not own the property. Jeanie noted that measures were being taken to address this issue, and the Board would seek legal assistance if all other else failed.

Mike Tyszkiewicz said that in 2009 some 65 people voted to increase the dues. Jeanie pointed out once again that the vote was illegal as it was not done according to the covenants. In addition lot owner ballots had been altered following the 2009 meeting so the information Mike was given was false. Jeanie noted that every Board must include all lot owners in decisions that affect them financially.

Grege Rynder stated that we are going to have to address issues with Marty Donovan regarding erosion on his property. It was his understanding that all entrances were to be improved.

Jeanie noted that approximately eight years ago when she was serving on the Board, an attempt was made to install sprinklers up the hill on both sides of Seminole Landing’s east entrance. The holes were dug, but before the pipe could be installed, we were told by the developer that we could not put them on Navonod property. Grege asked if we could set up a meeting to address the erosion problem, and that he would serve on a committee to meet with Mr. Donovan.

Jeanie noted that she had been in discussions with Marty Donovan, and that the Seminole Landing east entrance sign was on State property, and that the other two entrance signs were on Navonod property.

Mike Tyszkiewicz asked if there were any legal issues with the Donovan’s erosion problems affecting our roads.

Monty Gilbert asked if we could split costs with Navonod or perhaps buy the property.

Jeanie noted that Association funds could not be used to purchase property. There are only three things for which assessment funds can be used: maintaining the grounds, paying taxes and capital improvements. Purchasing land is not considered a capital improvement.

Al Laskowski said the entrance signs look good, and that the new company that was mowing was doing a good job. He also stated that when he mowed the eroding bank he did it by hand instead of using a mower which the new company was using. He felt that this would erode the bank further if they continued to use the mowers. He did not feel that it would erode much further is trimmed by hand.

Jeanie asked if Mike Tyszkiewicz and Grege Rynder would serve on a committee regarding the entrances to Donovan Landing and Seminole Landing.

In regards to the illegal parking along Highway 90 near the Styx River Bridge and the entrance to Donovan Landing, Jeanie noted that Marty Donovan was aware of the problem. The Board had looked in to using a tow truck service, but no one wanted to drive that far out to move illegally parked cars. Jeanie said that County Sheriff Deputies could not write parking tickets, that only police officer could write parking tickets and Seminole does not have a police department. The Board plans to write to the County Commissioner to see if they can write an ordinance that would allow the Sheriffs to write tickets. In the meantime, everyone should make the effort to call the Sheriff's Office or the State Highway Patrol whenever there were cars parked along Highway 90.

Rick Mathisen stated trash was being thrown from these cars, and we should complain to the County about the littering. We should take pictures to document the littering situation. Michelle Nelson said that she picks up the trash while walking. Jeanie indicated that the Board would get the proper county contacts and send this to everyone that has an SLOA email address, as well as post that information on the SLOA website.

Jeanie stated that homeowner's can call about people trespassing on private property if they are parked on the SLOA right-of-way. Only the Donovans can stop the trespassing on their property, and it doesn't seem as if they are going to do anything about it on their end.

NAVONOD PROPERTY FOR SALE: Al Laskowski noted that Marty Donovan is selling 2.1 acres along Highway 90 and the east entrance to Seminole Landing and that Marty can convey rights to the road to the individual that purchases that property. We should look into trying to buy that land.

Jeanie stated that no one can use Association roads unless they pay for the usage. No one can use lots unless they are guided by our covenants. She said she believed this would be upheld in court, as other outparcels within the Association are governed by the covenants. She again noted that Association funds could not be used to purchase land.

Marylou Leahy stated that her outparcel is not ruled by the covenants. Jeanie stated that is true, as long as you don't have to use the roads to get to your outparcel.

Monte Gilbert stated that those types of outparcels could not have anything built on them like a Tom Thumb.

Mike Tyszkiewicz said they and Marty Donovan can do anything they want. Could we use the capital improvement fund to buy land? Again, Jeanie noted that the covenants outline that assessment funds can only be used to pay taxes, maintain Association property and capital improvements.

Vicky Brunelle stated that in her opinion land is not a capital improvement.

Mike Tyszkiewicz stated that his concern was the property values of the neighborhood.

Anna Toler indicated that we need to know exactly what is at stake before we vote on this item.

Mike Tyszkiewicz suggested that we could form an LLC and buy the land ourselves.

Ruth Perkins said that no one is going to vote to buy property.

Ken Fiveash stated that the Association should not get into the realty business. If members don't vote to increase the assessments, then they won't vote to buy a \$30,000 piece of property.

Dennis Howerton asked exactly what piece of property is being discussed that Mr. Donovan wants to sell. Al Laskowski stated that the 2.1 acres for sale cost \$170,000.00.

Jeanie noted that when Marty sold the clay pit to HHH Construction, he did not allow them access onto Association Roads.

Dennis Howerton noted that Navonod owns all the surrounding property, and that homeowners could not buy all the properties to solve our problems.

Jeanie stated that if there were 30 to 40 concerned Members, the Board would then bring the matter before the entire Association. However, the Board was not going to send material out to everyone if only 10 to 12 people wanted to see something done.

Mike Tyszkiewicz stated that we needed to put a "green belt" between Association and commercial properties.

Gloria Tyszkiewicz asked just how much property does the Association have at each entrance. Jeanie noted that Association property stops at the metal survey poles.

Rose Patterson wanted to know if we could build a fence between the Association's property and the commercial property.

Monte Gilbert stated that Navonod is required to disclose to buyers what the surrounding properties could be used for in the future.

Marion Grubb stated that we needed to form a committee to further study this issue. She also made a motion that we finish the discussion on new business. Rose Patterson seconded the motion. Jeanie called for everyone to turn in their ballots.

While the ballots were being counted, she stated that the Board welcomes everyone's input, and if enough people show an interest in something, the Board would gladly bring it before the entire Association. Jeanie noted, however, that the Board will not respond to anonymous correspondence of any kind.

Bob Walraven stated that if a vehicle is on Association streets that we can have it towed.

Jeanie stated that the Board wanted to thank everyone that helped with Association issues and/or served on committees.

Linda Lake asked if the meeting had ended. Jeanie noted that the meeting was still in session.

Mickey Soderlind wanted to know about the "records storage". Jeanie noted that the Board voted to secure a facility where the eight boxes of SLOA records as well as meeting signs, etc., could be stored. The storage room cost \$32.00 a month.

Mickey Soderlind asked what the \$6,000 miscellaneous fund. He said it shows \$1,082.00 was actually spent in 2010. Jeanie explained that the \$6,000 fund was to be used in the case of an emergency or an unexpected necessary cost. She gave the example where the Sweetwater Loop aerator was quoted at one price, but when it was actually purchased it ended up costing more money. The added cost was taken from the miscellaneous fund.

Mickey Soderlind noted that the insurance had doubled. Jeanie noted that this was explained earlier and that the insurance company billed us later than usual so part of the payment was in 2011 instead of 2010.

Anna Toler asked why \$28,000 was in the checking account instead of the money market account. Jeanie stated that we are a non-profit Association, and we don't know if we have to pay taxes on the interest we accrue. We are not supposed to have outstanding money which is not allocated.

Mike Tyszkiewicz stated that we have to have reserves.

Scott Rich indicated that the Association should hire a firm to study our projected needs over the next 25 years so we will be better prepared to maintain our Association. Jeanie said she believes that is what the Board is doing now; unless the Association as a whole requests that we do something different.

Scott Rich indicated that the study was needed so we can budget for all improvements, and that it was important for future planning. Jeanie noted the Members were the ones that made these types of decisions, and that based on the information previously provided, they are not interested in future projects but prefer that the Association be maintained as it is being done now.

Gloria Tyszkiewicz expressed concern over the high cost of replacing lost boat launch keys. Jeanie stated that unfortunately people have been giving out boat keys to friends and family and then asking for a second key because they lost their key. Having to pay \$100.00 will prevent boat launch keys from getting into the wrong hands. "Lost keys" will be reviewed by the Board on a case to case basis.

Marion Grubb made a motion to adjourn the meeting. Bill Vinzant seconded the motion. The meeting adjourned at approximately 11:20 a.m.

**VOTING RESULTS ARE AS FOLLOWS:**

**MINUTES:** APPROVED – 109

**2011 BUDGET:** APPROVED - 106 / DISAPPROVED - 3

**ANNUAL ASSESSMENT INCREASE:** NO: 82 YES: 24 [Dues will remain \$174.90 for 2012]

**BOARD MEMBERS FOR 2010-2012 TERM:** Karen Howerton, Leslie Powell, Dennis Williams and Rick Wilson.