

# *Bay Tree Lakes*

## *Property Owners Association*

**July 10, 2014**

The monthly meeting of the Bay Tree Lakes (BTL) Property Owners Association, Inc. (POA) Board of Directors (Board) was held in the Clubhouse on Thursday, July 10, 2014. The following Board members were present: Roger Wright, Brian Wolf, Lee Hauser, Junior Rideout and Clark Valentiner. POA Clerk Tish Hermann. Property Manager Jim Crayton and Assistant Secretary Hank Howell also attended.

Property owners in attendance were Debbi Kettle, Mick Robeson, Maryellen Robeson, Charles Massey, Cathy Ross, Sonya Smith, Scott A. Smith, J.R. Wise and Byron Massey.

President Roger Wright called the meeting to order at 7:04 pm and welcomed all POA members to the meeting, after which Clark Valentiner provided the invocation.

**Approval of Prior Meeting Minutes (June 12, 2014):** Motion to approve was made by Lee Hauser, seconded by Clark Valentiner. Unanimous affirmative vote by those present.

**Approval of Prior Meeting Minutes (June 30, 2014):** Motion to approve was made by Lee Hauser, seconded by Clark Valentiner. Unanimous affirmative vote by those present.

**Approval of Prior Month's Financial Report (June 2014):** Report was presented by Clark Valentiner and is attached herein as Exhibit B. Motion to approve was made by Junior Rideout, seconded by Lee Hauser. Unanimous affirmative vote by those present.

Financials for June 2014:

Operations Checking:	\$ 41,071.87
Pool Checking	\$ 15,010.91
Money Market:	\$ 55,715.52
Total Monies:	\$ 111,798.30
Pool Loan Principal:	\$ 377,750.31
ADA Compliance Principal:	\$ 121,638.55

**POA Clerk's Report (June 2014):** Report was presented by Tish Hermann and is attached herein as Exhibit C. Motion to approve was made by Clark Valentiner, seconded by Brian Wolf. Unanimous affirmative vote by those present.

**Property Manager's Report (June/July 2014):** Report was presented by Jim Crayton and is attached herein as Exhibit D. Motion to approve was made by Junior Rideout, seconded by Lee Hauser. Unanimous affirmative vote by those present.

**Recognition of Some Bay Tree Citizens:** Roger Wright recognized the heroic efforts of some Bay Tree Lakes residents, specifically including **Karen Pack, Terry Randall** and **Junior Rideout**, providing aid involving CPR and our new AED at the pool when our Pool Operator, Donovan Vinson, suffered severe heart problems there on July 2<sup>nd</sup>. As a result of their quick responses and application of knowledge, Mr. Vinson was revived, was transported to a hospital, was treated and returned home within a very few days, where he is now “up and around” and expected to be back to normal, or near-normal, activities soon. A great assist was also provided by **Lynn Rideout** who notified Cathy Vinson and drove her to the hospitals to be with her husband. Roger and the Board express their appreciation for these fine efforts and their examples of BTL neighbors helping neighbors.

#### **Business:**

1. **Fishing Habitats:** Byron Massey presented a real example of one of the hundred plus fishing habitats proposed to be constructed and planted in the canals of Bay Tree Lakes to provide shelter for the bait fish to grow and eventually feed the game fish, enabling more and bigger game fish to grow and be available for our fishing pleasure. The sample was constructed in approximately 15 minutes, was all plastic, implying it would be everlasting in the canals and safe to swimmers, and cost around \$15 to \$16 for the materials which included a 5 gallon pail and some 1” diameter PVC pipe (like that used for lawn sprinkling systems) of various lengths. Debbi Kettle commented that she knew where we could obtain many of the pails for free. The proposal calls for financing and construction by individual residents. Mr. Massey also has proposed stocking of minnows in the “donut” area at the east end of BTL, some of which would be used for stocking the canals and some provided to the supplier in exchange for more game fish in the canals. The Board has agreed to promote and sanction this proposal, contingent upon receipt of a letter of approval from the developer, Steve Jones, Jr., and the production of a plan of implementation (the “rules of engagement”) by Mr. Massey.

2. **Central Mail Boxes:** Debbi Kettle reported that a conversation with our mail delivery person revealed a proposed plan by the Harrells Post Office to cease delivery of U.S. Mail to individual homes in BTL, but to deliver to a central location only, where a small mailbox would be provided for each residence. Ms. Kettle pursued this with the Harrells Postmistress (Sue) who stated that the U.S. Postal Service was pushing this for all locations, as a cost savings measure. Sue stated that the Harrells P.O. will poll many BTL residents and if enough say they are opposed to the idea, it will not be done. Ms. Kettle agreed to provide a document explaining the situation to all residents so they would be prepared to respond if called in the poll. The Property Manager then will post this document on the Bulletin Board at the front gate and on the POA web site.
  
3. **BTL Worship Services:** Roger Wright summarized the request from Carey Horrell and the position of the Board relative to Mr. Horrell's request to use the Clubhouse for Sunday morning non-denominational worship services. The Board had identified several items of concern, including potential conflicts with property owners wishing to rent the Clubhouse on Sundays, the setting of a precedent if no charge for the use of the Clubhouse were made, the issue of other “religious” groups asking for the same benefits, and so on. Mr. Wright had explained the Board's position to Mr. Horrell. Mr. Horrell had then asked if it would be permissible to hold worship services on the beach at the Clubhouse, at 7:30 on Sunday evenings. After some discussion by the Board, and comments from some of the owners present, Junior Rideout moved that Mr. Horrell be allowed use of the beach for his described service, starting at 7:30 pm on August 3rd, with no requirement for any other support from the Board or for privileged use of facilities. The motion was seconded by Roger Wright and passed unanimously by all those present.
  
4. **Alligators in Bay Tree Lakes:** Roger Wright reported that a “small” alligator had been spotted in the canal of BTL a couple of weeks ago, and then a resident reported having seen a “large” alligator in Bay Tree Lake some weeks before that. Mr. Wright had contacted the NCWRC and discussed the situation and was assured that there was no cause for major concern at this time. It is expected that both alligators (if there are two) will move on very soon, following the mating season now in progress. However, NCWRC advises that residents in BTL DO NOT FEED, DO NOT GET CLOSE TO, and DO NOT HARM an alligator. If an alligator is spotted and is misbehaving, NCWRC should be contacted right away.

5. **Horsepen Boat Lift:** This item was covered sufficiently in the Property Manager's report.
6. **POA Financial Audit:** Clark Valentiner reported that he has been in contact with the person who will be conducting the audit of the financial records of the POA. The audit process has started, with the completion of questionnaires underway. The process is likely to take a couple of months.
7. **Fishing Tournament for Labor Day Weekend:** Since circumstances prevented the POA from holding the Fishing Tournament as part of the 4<sup>th</sup> of July celebration, it was agreed to hold the tournament over the Labor Day weekend. Traditionally, the POA has sponsored a "Pig Pickin" on the Saturday before Labor Day. The Board agreed to hold the Fishing Tournament on the morning of August 30<sup>th</sup> this year, expecting that the "Pig Pickin" would be held midday on that day also. Volunteers are needed to plan and organize the tournament.
8. **Street Signs:** This item was covered sufficiently in the Property Manager's report.
9. **Governance Review Committee (GRC) Update:** Lee Hauser, chairman of the GRC, presented a report of the GRC meeting on July 9, 2014, based on the minutes of that meeting which are attached as Exhibit E. Mr. Hauser moved that the Board approve those minutes. Brian Wolf seconded the motion and it passed unanimously by all those present. Mr. Hauser also recommended and then moved that a page be added to the existing POA web site for the posting of actions, minutes, objectives and other GRC items for viewing by all BTL property owners. Brian Wolf seconded the motion and it passed unanimously by all those present.
10. **Storage Lot Coverings:** This item was covered sufficiently in the Property Manager's report.
11. **Job Description for Assistant Secretary:** Roger Wright summarized the primary tasks to be done by the Assistant Secretary, which are to work under the direction of the Board Secretary, preparing minutes of all Board meetings, preparing agendas for scheduled Board meetings, and posting these documents on the POA web site. Mr. Wright agreed to document this summary for the record, and that document is attached as Exhibit F.
12. **Pool Issues:** These items were all addressed in the Property Manager's report. In a brief summary, the 2" gap at the bottom of the fence is no longer an issue; non-

slip mats have been placed in each of the pool bathroom floors; the complaint about the contractor is no longer an issue; an additional camera is to be added once the pricing has been secured and approved; AED training is to be provided as part of the CPR course to be offered to all BTL residents in the very near future; and John Ciccarelli has been certified as a pool operator, and Kelly Allen will be certified soon, also.

### **New Business:**

1. **Private Property Signs:** Signs stating to anyone about to enter a BTL canal from outside our community that the canals are **Private Property** will be posted at the main boat lift from Bay Tree Lake and possibly by the canal below the Sales office near the front of the community. The canals are considered “private waters regulated by the state.”

### **POA Member Comments and Questions:**

1. Byron Massey requested the reference to the “actual law” which clarifies whether the BTL canals are private or public waters. Roger Wright agreed to retrieve the appropriate statute and inform us all. Mick Robeson suggested we consider the canals and Horsepen Lake to be “private waters regulated by the state.”
2. Debbi Kettle asked if it were possible/practical to password protect the POA web site, requiring BTL property owners to sign in before being able to view items on the web site. Jim Crayton explained that one intent of the web site was to publicize and promote the BTL community to others as well as current property owners. Perhaps some pages should be restricted and Mr. Crayton agreed to investigate that possibility.
3. Maryellen Robeson requested additional “NO WAKE ZONE” signs be posted in the east end of the canals where none are present presently. Brian Wolf moved that 3 more “NO WAKE” signs be acquired and set up, two in the canals east of Steve Lewis' house, and a third (perhaps with a broader statement that all of the canals are “NO WAKE” zones) be placed prominently at the boat ramp in front of the Clubhouse. Lee Hauser seconded the motion and it passed unanimously by all those present.
4. Scott A. Smith questioned whether the 30 acres parcel of land, adjacent to Highway 41, east of the Storage Lot, and north of the unpaved portion of Bay Ridge Road, apparently having been sold recently, was considered one lot,

multiple lots, or even a part of BTL for dues paying purposes. The answer was not readily available. Roger Wright moved that the Property Manager discuss this with the POA lawyer, Singletary, and determine if any dues have been or should be paid by any owners of that property. Clark Valentiner seconded and the motion passed unanimously by all those present.

5. Sonya Smith asked about the status of the Tax Revaluation process by Bladen County. Roger Wright summarized the status as previously reported in the minutes of the Board meeting of June 30, 2014.

There being no further business, the meeting was adjourned at 8:56 pm.

Respectfully submitted,  
Lee Hauser  
Secretary

## Exhibit A: Agenda for July 10, 2014 Meeting

### Board of Directors Meeting Agenda

July 10, 2014

Call to Order and Welcome Members and Guests	Roger Wright
Invocation	Clark Valentiner
Approval of Prior Meeting Minutes (June 2014)	Lee Hauser
Approval of Prior Month's Financial Report (June 2014)	Clark Valentiner
POA Clerk's Report (June 2014)	Tish Herrmann
Property Manager's Report (June / July 2014)	Jim Crayton
Recognition of Some Bay Tree Citizens	Roger Wright
<b>Business:</b>	
1. Fishing Habitats	Byron Massey
2. Central Mail Boxes	Roger Wright
3. Bay Tree Lakes Worship Services	Roger Wright
4. Alligators in Bay Tree Lakes	Roger Wright
5. Horsepen Boat Lift	Jim Crayton
6. POA Financial Audit	Clark Valentiner
7. Fishing Tournament for Labor Day	
8. Street Signs	Jim Crayton

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| 9.  | Governance Review Committee (GRC) Update | Lee Hauser   |
| 10. | Storage Lot Coverings                    | Jim Crayton  |
| 11. | Job Description for Assistant Secretary  | Roger Wright |
| 12. | Pool Issues                              | Jim Crayton  |
|     | a. 2" Gap at Bottom of Fence             |              |
|     | b. Slippery Bathroom floors              |              |
|     | c. Complaint About Contractor            |              |
|     | d. Camera on Back Fence                  |              |
|     | e. AED Utilization and Training          |              |
|     | f. Pool Operator Status                  |              |

**New Business:**

1. Private Property Signs

**POA Member Comments:**

- ~ **Please note that POA members that would like to share comments must be recognized by the POA Board President.**
- ~ **Please note also that individual comments will be limited to three (3) minutes.**

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## Exhibit B: Financial Report

Bay Tree Lakes Property Owners Association  
Profit and Loss  
June 2014

	<b>Total</b>
Income	
Non-Profit Income	
Dues	3,918.90
Gate Access	420.00
Pool	1,504.00
Total Non-Profit Income	5,842.90
Total Income	\$5,842.90
Expenses	
Building cleaning	375.00
Building fire protection	130.00
Cost of Labor	
Cost of Labor	
Certified Pool Operator	520.00
Clerk	600.00
Property Manager	1,000.00
Uniforms	213.16
Total Cost of Labor	2,333.16
Total Cost of Labor	2,333.16
Funds transfer	
Interest Paid Pool	1,659.86
Principal Paid Pool	3,637.18
Total Funds transfer	5,297.04
Grounds	
Mowing & cleaning	610.00
Trash removal	37.50
Total Grounds	647.50
Insurance	157.15
Legal & Professional Fees	3,025.96
Member Event	4,231.10
Office Expenses	
Bank Charges	9.95

Internet	72.24
Quick Books Online	26.95
Supplies	410.50
Telephone	215.38
Web site	34.90
Total Office Expenses	769.92
Pool Construction	48,600.82
Repair & Maintenance	
Exercise Room	150.00
Pest Control	990.15
Pool	1,336.00
Supplies & Equipment	48.08
Total Repair & Maintenance	2,524.23
Road Repair & Maintenance	3,152.50
Trailer storage facility	84.00
Utilities	
Electricity	1,112.44
Sewer	80.00
Water	306.15
Total Utilities	1,498.59
Total Expenses	\$72,826.97
Net Operating Income	\$ -66,984.07
Net Income	\$ -66,984.07

# Exhibit C: Clerk's Report

From the Clerk

July 10, 2014

June 30, 2014	Outstanding Dues	\$19,567.67
June 30, 2014	Credit Balance	\$ 2,881.50

Billing July 1, 2014

447.5 lots	\$56,385.00
Interest	675.67
Outstanding Dues	19,567.67
Total Billed	\$76,628.34

Lots reported sold June 2014

<u>Buyer</u>	<u>Lot</u>	<u>Home</u>	<u>Seller</u>
Albert & Karin Smith	262	Fayetteville, NC	Lake Creek Corp *
Kelly & Faye Butler	35	Fayetteville, NC	Brenda Cherry
Tom & Karen Donadeo	140	Cary, NC	Tomahawk Land Carolina II
East Bladen Land Co	45	Harrells, NC	Mark Pearson
Patricia Herrmann	45	Harrells, NC	East Bladen Land Co **
Michael & Wendy Duke	934	Wilmington, NC	South River Land Co
George Alan Bryan	341	Elizabethtown, NC	Lake Creek Corporation*

\* first time lot sale

\*\*amalgamated

Total lots 447.5

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# **Exhibit D: Property Manager's Report**

Property Mgr.s report 7/10/14

- I am happy to report to you that Donovan Vinson is at home and doing well. I think we will see him back at the pool soon. In the mean time you all can help us out by being extra neat with the furniture etc... Kelly Allen and John Cicarelli are helping keep things going in Donovan's absence. John has recently been certified as a Pool Operator.
- At the board's direction I purchased an AED for the Pool/Clubhouse area and installed it in the Pool Pump Room. I also made up an enhanced first aid kit for the pool which includes Oxygen with both adult and child masks, Adult and Child Bag/Valve/Masks to assist with breathing and a Blood Pressure set. As you all know, these items have already been used to save Donovan Vinson's life. Additionally, I have made all the first responders at the Fire Dept. aware of the locations of this equipment. (This will all be moved to the clubhouse when the pool closes for the season.)
- I am working with Ashley Dowless at the hospital to set up CPR classes either here or at the hospital. This is a 4 hr. class and costs \$35 per person. Anyone interested should contact me or Lori Massey to sign up and let us know your preference for a time. Options are: day or night both here or at the hospital.
- The ADA project is finished. All requirements have been met and the documentation and permits have been received. The contractor has been paid in full. Everyone, the board included, seems very happy with the job she did. This has been a stressful project and I for one am glad it is behind us.
- Junior Rideout and I are working to replace some light switches in the cabana with the kind that sense motion and turn off automatically. These were not included in the project but due to lights being left on all night we feel it is necessary to add them. At our insurance agent's suggestion, I have also added some anti-slip mats for the pool bathrooms.
- I have replaced a lot of the temporary signage at the pool with permanent metal signs and will shortly be adding a sign to the main bulletin board encouraging everyone to visit our web site. . I will also shortly be installing a "Private Property" sign beside the main boat lift facing the lake.
- I have been in contact with OmegaSoft about moving the camera on the pump house to the back wall for coverage on that gate. They can do this for around \$130. They are also preparing us a proposal for adding an additional camera there so we don't lose coverage on the pool area. I will know more when they are here next week.
- Co-ordinated the fireworks show for July 5<sup>th</sup>. Arranged Fire Dept. assistance for the show. Place signage for closing the beach per BC Fire Marshall requirements.
- Per board request, I hired two deputies for coverage on the gate for the 4<sup>th</sup> of July week-end. One of them stayed late Saturday to assist with the fireworks.
- I have completed the 2<sup>nd</sup> grass survey. A lot of lot owners got a break last month due to the corporation cutting so many lots in preparation for the sale they conducted. That action eliminated the need for the normal survey.
- We continue to have some problems at the gate. It is at times erratic. We even have had a couple of occasions where device numbers have changed or simply disappeared from the computer file. John and I are continuing to investigate. We had a phone line problem today at the gate but that was fixed by Star in pretty short order.
- Tish and I are working with our lawyer's office to continue going after those with delinquent dues.

The attorney is filing liens for us with those that are severely delinquent. We intend to follow up with further legal action 30 days after the liens are filed.

- The service technician is coming next week to do PM on the main lake boat lift and we will also be looking at the Horsepen lift to see if it can be converted to a different kind of fluid that will not choke up the system.
- Covers for the storage lots and the informational booklets that I mentioned last month are on hold until the GRC can review current policies.
- I have made the developer aware of the need for more street signs within the community.

Finally, I have been looking carefully at the bushes and underbrush that seems to be increasing all over Baytree especially on vacant lots. This includes the bushes that overhang into the canals. We have a lot of reports of wildlife using these areas for nesting and sleeping. This is especially true with rabbits and deer. This creates at least three problems. 1) Rabbits and deer eat shrubbery and plants in our yards and we are constantly at war with them. 2) Rabbits attract foxes and coyotes and large snakes. They are part of their food chain. I'm sure you also remember that foxes are frequent carriers of Rabies and 3) It is very unsightly. So...I am requesting all of us to make a concerted effort to reduce the wildlife habitat inside Baytree by voluntarily cleaning up as much of this as we can. I would suggest that we do the following:

- cut tree limbs to give at least 4 feet of clearance under them.
- Remove all the unnecessary bushes and brush, piles of wood etc... (this would not include ornamentals)
- Clean off the canal banks including the street ends of the canals along Baytree Drive.

If this problem continues, we will soon be overrun by wildlife which has the potential to be a health and safety issue.

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## **Exhibit E: Governance Review Committee Minutes**

**July 9, 2014**

The Governance Review Committee (GRC) of the Bay Tree Lakes (BTL) Property Owners Association, Inc. (POA) held its first meeting on this date, with all seven members of the committee in attendance. They are Lee Hauser (Chairman), Mick Robeson, Mike Smith, John Shaw, Hank Howell, Kelly Butler and Jim Crayton.

Lee Hauser called the meeting to order at 7:07 pm, and provided an invocation. He prefaced the business by asking Hank Howell to take the minutes for this meeting, and by asking each member to consider volunteering as the committee secretary for the duration.

He then reviewed the highlights of the creation of this committee since the POA annual meeting in April of this year, ending with the statement of the GRC mission: "To be the cornerstone for the future of Bay Tree Lakes."

Lee presented the agenda for this meeting which began with each member providing a brief biography of himself, with emphasis on his experience and interest as it relates to the expected committee activities going forward.

Jim Crayton was the last member to provide a brief biography and he concluded by reporting on his efforts over the last few months to reach an understanding and agreement with Steve Jones, Jr., on the future of the Architectural Review Committee and the developer's right of first refusal on property in BTL being sold. He expects to continue these discussions now with Lee Hauser also participating.

The next item on the agenda was to select a regular meeting day and time for the committee. After some discussion, Hank Howell moved that the committee meet regularly at 7:00 pm on the first and third Thursdays of each month. John Shaw seconded the motion and it passed unanimously.

Lee Hauser provided each member with a copy of the primary governing documents, the By-Laws of the BTL POA, the Declaration of Protective Covenants and Restrictions for BTL, and the Rules and Regulations for BTL POA. He informed the members that their assignment, prior to the next meeting on July 17<sup>th</sup>, was to study these documents and prepare any questions that arise for presentation at that next meeting.

A brief period of brainstorming ensued until the meeting was adjourned at 8:04 pm.

Respectfully submitted.  
Hank Howell  
Acting Secretary

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# **Exhibit F: Job Description – Assistant Secretary**

**The Assistant Secretary for the Bay Tree POA Board will work with the Board Secretary (Lee Hauser) to:**

- Properly record all activities and discussion that take place
  - During regularly scheduled monthly meetings
  - During all called and/or special meetings
- Distribute minutes to all board members in a timely manner after a meeting is adjourned.
  - Request board members to review the minutes, nominate corrections, changes and additional information as required
    - Distribute a copy of the corrected/updated minutes to the board members
    - Share a copy of the minutes with the Bay Tree POA webmaster for posting on the Bay Tree POA web page
- The Assistant Secretary will work with the POA Board Secretary to present the minutes (from the previous month) at each monthly board meeting for review, discussion and approval.
- Annual Meeting: The Assistant Secretary will work with the POA Board Secretary to present the previous year Annual Board Meeting minutes to the property owners for review, discussion and approval.