

Brandywine Homeowners' Association
May 14th, 2019 Board Meeting Minutes

Call to Order: The meeting was called to order at 7:01 pm by the Association President, Paul Mouritsen. All board members were present.

Current Board Members:

Paul Mouritsen - President
Angela Taylor - Treasurer

Bill Slover - Vice President
Brian Verse - Secretary

Directors:

Gloria Pazel Ron Reeves Sarah Verse Buz Underill

The following homeowners were also in attendance: Lynn & Mark Koontz, Enrique Menocal, and Zohe Quintero.

Approval of minutes: At 7:03pm, Bill Slover made a **motion** to approve the April 9th meeting minutes as presented. The motion was seconded by Buz Underill. The minutes were approved by a unanimous vote of the Board.

Treasurer Report:

- Angela stated that she has received back payments from 4 homeowners, however there are still a number that are behind but good progress was made this month.
- Angela received the bill from the stable road millings work.
- Angela received a bill from Meyer's Landscaping for \$1,500. Ron said that was sent to Angela in error, and was his personal bill. She will cancel that payment.
- Bill submitted receipts for materials from the picnic table repairs in the common area. Total cost was \$257.11. The tables are now done.

Committee Reports

Recreation:

- Sarah contacted Nidy, and told them we would proceed with the pickleball court lines for \$750 (per the their verbal quote) as approved at the previous meeting. Nidy said they would email a written proposal. When Sarah received it, the price was quoted at \$1300. Sarah questioned the difference in price and Nidy said the price increased due to the summer schedule. Sarah will look to get quotes from other companies.
- A few homeowners have notified the board that the tennis court lights are not operational. The main breaker for the lights is tripped (or turned off) in Patti's stable. Paul has tired ~11 times to contact her, but has not heard back. The lights are still not working. Until the lights are operational, Sarah will wait to schedule Florida Bulb and Ballast to come out and assess the repair of the center lights. The H.O.A. continues to pay Patti \$50 a month to cover the cost of the common area electric use (mainly tennis court lights).
- Sarah as one person identified to help with the playground committee (Lapace), and asked the board for suggestions of others in the neighborhood that might want to participate. The suggested names included Julie Beck, the Whitson's, the Domizioli's, the Gardner's, and/or the Forest's. Mr. Menocal offered to assist if needed as well.

Safety:

- Paul received a call from Bert Forest. He notified Paul that over the weekend a car was driving through the neighborhood after dark shining lights down driveways. He

noticed they circled the neighborhood 2 or 3 times doing the same thing. He called the Sheriff's office to report it and was told that a similar complaint was made from the Police Foundation neighborhood to the South. No description of the car was given.

Landscaping:

- Pastures were mowed this past month; including the North end where Ron recently cleaned up the rope pens.
- Ron got another quote to demolish/haul away the racquetball court from Atlantic Excavation. They quoted \$12,600 for the demolition, and another \$500 for a permit (if needed). This was a verbal quote, Ron will follow up for a written estimate. D.B.I had previously quoted \$14,000.

Architectural:

- No Report, usual roof approvals.
- Paul is concerned about the county's plans for drainage along Brandywine Lane, south of Sugar Creek. He has not heard any update, but has noticed work is progressing at the new home north of Sugar Creek (sidewalk has been raised, swale installed, PVC pipes bored thru the curb onto Sugar Creek). Buz believes they are in the process of getting approval to work south of Sugar Creek. Paul voiced his concern that he does not want his oak trees destroyed.
 - Bill asked if any of this may have helped out the drainage of the LaPace property. Paul did not think so, since all of the work is at the front of the property along Brandywine Lane.

Equity Preservation Committee:

- Brian will send out an email and try to identify the new trailers that have appeared back by the stables. The new millings were laid down in the trailer area, and has improved the appearance.
- Knifley has had a large boat in his driveway for weeks (4814 Sweetgum Place). Paul will attempt to contact the Knifley's.
- Vary has a gingerbread house in his backyard that is visible from the road (4802 Union Cypress Pl). Paul will attempt to contact the Vary's.
- Bill said he took a look at the Mallak's landscaping and only noted that the trees looked smaller than they should. Buz reiterated from the previous meeting that the trees did not meet the diameter required (4 inch thickness), but otherwise everything else was ok. Buz said it was up to the board if they want to take any action. The board agreed not to take any further action.
- Mr. Menocal asked if the HOA landscaping rules/documents were posted somewhere. He was informed that they are on the website, but he admitted that they were a bear to read due to their format. Bill suggested getting the documents updated to a searchable/more easily readable format. This was discussed late last year, but was tabled due to the cost.
- Mr. Menocal also asked about the Spectrum contract and how to get the cable service working. He had trouble with the phone number listed on the HOA website. Brian will double check the phone number (and update if needed) and provide Mr. Menocal with the 866 number others have had success with.

Stables:

- Since the last meeting, Paul has spent a significant amount of time reviewing lease versions with Jim Beadle and Alderman (Patti's Attorney). There has been no real forward progress, just many edits from Alderman. Alderman continues to send back lease versions that have underlined, deleted, and added wording. Versions are not

consistent. Paul stated that the master lease they are working with now is the lease that Patti had in the year 2000. The latest proposal is a 2 year lease (16 of the 24 months free rent, \$500 a month after that) with one 5 year option and a possible second 5 year option. Paul stated that if this additional 5 years was a sticking point to getting Patti to agree to the lease, we would agree to it, but is not confident it will be agreed upon.

- Angela asked why we continue to go back and forth and spend money on attorney fees when no progress is made. Buz stated that this is all part of the court suggested mediation, and the H.O.A. has the ability to declare an impasse and let it go to court.
- Buz stated that if the H.O.A. prevails in court, the court will order her to pay our legal fees. She has an asset we would have a lien against, and we would receive compensation. However, as it occurs a majority of the time, as it gets close to the trial, the two parties often settle. At which point we would be on the hook for our legal fees.
- It is believed that she plans to sell the stable property shortly after acquiring a lease. Buzz asked if there was language in the lease that the H.O.A approves the transfer of the lease to the new owner. Paul agreed that it was included.
- After a short discussion about the lack of ultimate progress over the months since mediation; Buzz suggested we cease negotiations and go to trial, as we don't have much to lose at this point. There is a good chance negotiations may be more reasonable as the trial gets closer.
- Bill, Buzz, and Paul had a discussion to review the lawsuits. A summary is below:
 - The H.O.A. has sued Patti for eviction (due to the refusal to sign a lease)
 - Patti in turn counter-sued the H.O.A, claiming the H.O.A cost her her business
 - The eviction lawsuit is the active suit; and the counter suit is not close to being heard.
 - The first judge suggested Patti/Alderman negotiate a lease because he was in favor of that if it went to court.
 - She does not have legal access to the property, however the H.O.A has never stopped her from accessing it. A lease is required for commercial use (to allow her customers access).
 - Patti's title company is on the hook (title insurance) to compensate her for anything she may have lost (property value) by not having access to the property. The title company has received/agreed upon that wording as part of the previous mediation.
- At 7:51pm, Bill Slover made a **motion** to cease negotiations and move forward with court proceedings. The motion was seconded by Buz Underill. The motion was passed by a unanimous vote of the Board. Paul will call Jim Beadle in the morning.

Old Business:

- None

New Business:

- Bill mentioned that the hand rail and lattice work around the base of the gazebo is rotting and in bad shape. It will need repaired at some point. Buz stated it is part of the structural design to keep the gazebo from racking. Bill will look into estimates for repair.
- Due to a number of board members out of town in June, the decision was made to cancel the June 11th meeting. The next board meeting will be July 9th at the Reeves residence - 4725 Sugar Creek Dr.

Adjournment: At 7:54pm, the meeting was adjourned by Paul Mouritsen.