

**Annual General Membership Meeting of Brandywine Estates Homeowners
December 11th, 2018 Meeting Minutes**

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

Current Board Members:

Paul Mouritsen - President
Angela Taylor - Treasurer
Buz Underill - Past President

Brian Verse - Vice President
James Coffey - Secretary

Directors:

Gloria Pazel Ron Reeves Sarah Verse Sherry Covell

Approval of Minutes:

Upon calling the meeting to order, Paul Mouritsen reminded all in attendance that a copy of the previous year's meeting minutes were included in the packet that was mailed to all homeowners. Paul summarized them at a high level, and requested a motion to approve the minutes as presented. At 7:03PM, Ron Reeves made a **motion** to approve the December 2017 annual minutes as presented. The motion was seconded by Robbi Treise. The motion was approved by a unanimous vote.

Treasurer Report:

In Angela Taylor's absence, Paul Mouritsen presented the Treasurer Report as follows:

- Paul reminded the homeowners that a copy of the proposed 2019 budget was included in the packet, and stated that a couple of major projects have been completed or are in work with the current 2018 budget. This includes the repair/re-grading of the stable road, and the replacement of the original wood sign at the entrance to the neighborhood. Paul passed around a picture of the final design that the Sign Committee presented to the board.
- Paul outlined the line items listed under "Other Expenses". The major expenses include installation of additional sod around the front entrance (to keep the mulch from washing away) and resurfacing of the tennis courts.
- A couple years ago, the dues were raised to \$100/mo. In an effort to not increase the monthly dues again, Paul outlined the proposed (one time) \$600 assessment to each homeowner. This could be paid all at once, or \$50 a month for the 2019 calendar year. The purpose of the special assessment is to cover the upcoming expenses outlined above, replenish the reserves due to hurricane cleanup costs, and the ongoing legal fees pertaining to the stables. Paul stated that current reserves are ~\$38,000.
- Paul reminded homeowners that this is an assessment, not an increase in dues. At the end of 2019, dues will return to \$100/mo.
- Paul stated that the other lurking/major expense is the cost of replacing the pasture fencing has not gone away. A majority of the fencing is rotted, and will need a significant investment once horses return. The board is not proposing any work this year, other than continuing to repair boards as needed for aesthetic sake.

- Karen Slover asked about current sections that are completely gone (near their residence), and if those would get fixed. Paul stated that eventually they will get replaced, but there are no plans to fix those near term.
- Paul estimates the cost to replace all fencing at \$80k-\$100k.
- Mike O’Rielly requested the fences along the road and walking trail continue to be maintained as long as significant expenses aren’t needed. Paul agreed, and stated that is the plan.
- A homeowner asked if the HOA has a breakdown of what the quotes and bids are for the special assessment items.
 - Ron Reeves outlined the Lawn Care-Extra line item of \$16,000. Ron explained that the \$16,000 is above/beyond the yearly lawn contract. It covers potential hurricane clean up, planned tree trimming & removal, and the front entrance sod/mulching. The front entrance proposal for sod/mulching was \$6000.
- Mike O’Rielly asked if the intention of the board was to do all of the proposed work now, or wait to collect the assessment first. Paul stated that the plan is to complete the work using current reserves, and that the assessment would replenish it.
- Jodie Hicks asked if the H.O.A. had gotten multiple bids on the budget line items, stating that ~\$1600 for the lawn contract seems like a lot. Ron Reeves stated that \$1600 is a reasonable number. The responsibilities of the Flawless Landscaping contract include all common areas in the neighborhood (common area around the stables, front entrance, riding trails, around the pastures, a monthly detailing of the trees, etc.). Paul stated that the stable owner was keeping up with some of that, but that responsibility now falls on the H.O.A. Pasture maintenance is not included in this, that is a separate line item. The pastures are mowed quarterly.
 - Van Reynolds requested that Flawless trim around the edge of the tennis courts. Grass has begun to grow inside the fence. Ron Reeves acknowledged that Flawless had lost their touch recently, but after a meeting with them, they had fixed their shortcomings.
- Paul began to run down the Operating Expenses, he touched on the Spectrum cable contract, and its annual 5% increase.
- Paul explained the Electric Stables cost of \$50 a month. The electricity for the HOA common area comes from Patti’s barn. The \$50 a month compensates her for the HOA’s portion of the electricity used. The board is exploring installing an additional electrical meter, but early indications are it will be very expensive.
- Legal Fees: Paul stated there is a good chance the HOA could recoup a portion of the legal fees that have been accrued. More details will be discussed during the stables section.

Paul opened the budget up for questions:

- A homeowner asked about a previous assessment of \$200. Paul and Jim Coffey explained that covered the painting of the fences, the decking of the racquetball courts, and to trim trees around the stables.

- A homeowner asked about the stable road repair and if it would be paved. Paul explained that it would not be paved, but millings would be installed which are ground up left-overs when a crew removes to top layer of a road.
- Jodie Hicks asked if there had been any additional discussions with the cable contract in order to improve service. If upgraded service is desired, Spectrum either doesn't provide it or charges "out the nose" for it. Paul stated that while there are a few homeowners that would like 300mb speed, we can't get it because Spectrum doesn't have the infrastructure in this area to provide that speed. Paul has spent many hours on the phone with Spectrum trying to get that resolved, however they have no plans to install that infrastructure here. (Spectrum advertises that speed on TV). This contract started out with 60 mb/sec internet, but has gone up to the standard 100 mb/sec now. Paul stated that when Spectrum pitched the revised contract, it was discussed that homeowners could get additional speed for a nominal up-charge. But after signing the contract, it turns out to not be the case.
 - Paul reviewed the history of the contract and why it was initially conceived.
 - Jodie pointed out that a large portion of the monthly expenses is the cable contract. If we no longer had it, special assessments might not be needed.
 - Paul pointed out the rate paid through the contract is much cheaper than the standard rate for the same service if homeowners had individual accounts.

At 7:28 PM, Paul Mouritsen requested a motion to approve the budget as presented. Bill Slover made a **motion** to approve the 2019 budget. Ron Reeves seconded and the homeowners approved by a unanimous vote.

- Jim Coffey clarified to the homeowners that the approved budget included the \$50/month (\$600) special assessment. Paul reiterated that the special assessment of \$600 per home is for one year, and will go away after 12 months.

Election of Officers for 2019

- Ballots were registered via Jim Coffey as homeowners entered.
- Paul stated that if proxy ballots were turned in, Jim has them.
- Paul reviewed the candidates as identified on the ballots mailed out last month:
 - Paul Mouritsen - President
 - Bill Slover - Vice President
 - Brian Verse - Secretary
 - Angela Taylor - Treasurer
 - Ron Reeves - Director (only one director position open)
- Paul opened up the floor for nominations for President.
 - No nominations were made. At 7:30PM, Robbi Treise made a **motion** to close nominations for President. The motion was seconded by Buz Underill. The motion was approved by a unanimous vote.
- Paul opened up the floor for nominations for Vice President.
 - No nominations were made. At 7:30PM, Ron Reeves made a **motion** to close nominations for Vice President. The motion was seconded by Burt Forest. The motion was approved by a unanimous vote.
- Paul opened up the floor for nominations for Secretary.

- No nominations were made. At 7:31PM, Jim Coffey made a **motion** to close nominations for Secretary. The motion was seconded by Ron Reeve. The motion was approved by a unanimous vote.
- Paul opened up the floor for nominations for Treasurer.
 - No nominations were made. At 7:31PM, Burt Forest made a **motion** to close nominations for Treasurer. The motion was seconded by Jim Coffey. The motion was approved by a unanimous vote.
- Paul opened up the floor for nominations for the open Director position. Paul explained that Gloria Pazel and Sarah Verse are also directors. They have another year to go on their 2 year term. The bylaws state that the HOA can have from three to five directors.
 - A homeowner asked about Sherry Covell's position. Paul clarified that she had a one year term since she replaced his position as a result of him being elected President last year.
 - No nominations were made. At 7:32PM, Jim Coffey made a **motion** to close nominations for Director. The motion was seconded by Ron Reeves. The motion was approved by a unanimous vote.
- Based on the lack of floor nominations and only one candidate currently nominated for each position; Paul requested a motion to accept the ballot/slate by proclamation. At 7:33PM, Buz Underhill made a **motion** to accept the slate by proclamation. The motion was seconded by Jan Treise. The motion was approved by a unanimous vote. The election results are as follows:
 - President: Paul Mouritsen
 - Secretary: Brian Verse
 - Director: Ron Reeves
 - Vice President: Bill Slover
 - Treasurer: Angela Taylor

Committee Reports

Recreation:

- Sarah stated she is planning to organize another Spring picnic. If any homeowners have suggestions to please contact her.
- Sarah brought the tennis court resurfacing estimates (from Nidy and Lancelot) in case anyone wanted to review.
 - Mike O'Rielly asked about the timing for the work. Paul stated it is expected to begin in January/February timeframe.
- Julie Beck asked about the Racquetball courts, and what their status is. Paul stated that the courts are currently locked. Teenagers were seen loitering in the courts doing questionable activities. Paul stated that he has not had anyone complain about not having access. A few tennis players do use them from time to time, but they have become very dirty/moldy. There has been some desire to tear them down, but that would require a majority vote of the homeowners. At the moment, there are no plans to invest either way in the courts.
- A homeowner raised the concern of the current amenities, and how they compare to newer communities. If we want to be an upscale community, more amenities are going to be needed. He would like to see the HOA use the common area in more ways, maybe install a basketball court or playground. Paul stated he understands that concern, but until the litigation with the stable owner is over, we can't have those conversations.

Safety:

- As usual, speeding is a continual issue. The speed limit is 20MPH. Gloria asked if you have contractors or lawn crews, please remind them of the speed limit.
- Paul reminded homeowners that the board has no enforcement authority on a public/county owned street.
- One homeowner reiterated that cars speed down Sugar Creek and if his children are playing in the driveway, he feels they are endangered.
- The topic of speed bumps/humps was discussed. Paul stated that to get speed bumps installed, it would require 90% approval of the homeowners in the neighborhood. The HOA does not own the roads, they are county owned. This neighborhood has one way in and one way out. Paul stated that the reason they were installed on Pennsylvania is because there is another way out of that neighborhood (Brandywine Lane).
- Paul stated he would be happy to talk to individuals as needed/identified, but cautions anyone who wants to get confrontational with speeders, as you never know what might happen. If homeowners would like to combat speeders, please file a complaint with the Brevard Sheriff's Office. With enough complaints, they may increase their patrol.
- A homeowner suggested sending a letter out to all residents reminding them of the speed limits. Paul stated that had been done in the past, but perhaps it is something to consider again.
- A homeowner suggested perhaps a sign with the radar gun in it that displays your speed/flashes as you drive by.

Stables:

- Paul began with a recap of the stable situation from this time last year. Last year's annual meeting minutes consisted of 4 pages of stable related discussion. Various homeowners stated that they knew exactly what Patti would agree to because she told them. The Annual meeting was on the 12th of December, and the first mediation was the next Friday. Paul stated that he and Angela Taylor spend 16 hours there the first day. It continued on Saturday, and then another 40 hours beyond that (at our expense with the mediator). The items that Patti had told homeowners she would agree to were not true. She would agree to some things, then take other items back; it was a never ending cycle with a constant back and forth over the lease details.
- In March ('18), Paul stated he ran into Patti at the stables, and suggested she sign the lease she had in 2002; with the caveat that she would have to pay some amount each month (she had already agreed to \$500 a month). Paul stated that the board also offered her 8 months free rent. Paul said it went nowhere, just as previous HOA presidents can attest to.
- Later in March, Paul did receive an updated lease document that included verbiage that she is entitled to use the HOA property without paying rent. She contests that arrangement was something that was in effect in the original plat when it was a stable-minium. Paul stated that all went away when the stable-minium was collapsed. Patti does not have the right to use the HOA property without paying for it. Paul told Patti that if she removed that article in the lease, we would sign the lease tomorrow (it had everything she agreed to in mediation). Patti claimed she didn't know that was in the lease and would return the next day with a copy with that removed. She did not return.
- Due to the never ending back/forth, the board has agreed that the 8 months free rent is no longer on the table. Paul stated that this nonsense has been going on for 3 years and 8 months.
- Paul explained the attorneys involved: Jim Beadle - the HOA's attorney; Mr. Alder - the Title Insurance company's attorney; Mr. Alderman - Patti's attorney. Paul stated that the Title Insurance company is involved because there was never a clean title to her property.

- Paul stated that Jim Beadle called and informed him that Mr. Alderman (Patti's attorney) had contacted Mr. Alder (Title Insurance attorney) to inform him that Patti would like to go back to mediation. Mr. Alder informed Mr. Alderman that the HOA was not interested in mediation anymore because Patti is refusing to pay for access. Mr. Alder acknowledged that they understand she would have to pay for access, and would like to restart that dialogue, and everything would be back on the table. Alder's title insurance company would pay for the mediation this time around, and stated that the HOA may be able to get its previous legal expenses reimbursed. Paul stated that the board has decided to meet with them again, but everything we agreed to previously is off the table. The starting point is the 2002 lease + compensation each month for use of the pastures.
- Paul stated that the reason Patti is interested in mediation again is because the previous Judge told them Patti will have to pay for access, and suggested going back to mediation as it would be the quicker/cheaper conclusion. In the meantime that judge was promoted to another circuit. If anything picks back up, we will be issued another judge.
- Mike O'Rielly asked if there was some number the board was working towards for monthly compensation. Paul stated that the board has consistently talked about \$500 a month, and believes that does not seem unreasonable with the number of horses she has had there previously.
- Paul stated that whatever the monthly charge is, it will never be enough for the HOA to put it aside and replace the fences.
- Paul stated she is currently trying to sell the stables, and believes she is running another stable down in Grant.
- Mike O'Rielly asked if the board is taking the attitude of even just a \$1 of compensation and she agrees to take care of the paddocks, road, keeps the fences maintained, and the community gets the horses back, would that be acceptable? - There would be no more pasture maintenance expense, and the community would gain equity preservation. Paul stated that the lease is written that the HOA buys the boards, and she performs the repairs, which is still a lot of money. She would be responsible for the pasture mowing and the area around the stables.
- Paul stated that she has never once come back with a counter offer for monthly compensation. It has consistently been nothing (zero).
- A homeowner asked if Patti sold the stables, could the new owner use it for something else. Buz stated it is zoned PUD (Planned Unit Development) as aquestian.

Landscaping:

- Nothing additional to report (landscaping was discussed during the 2019 Budget)

Equity Preservation Committee:

- No updates.
- Mike O'Rielly asked if the HOA is doing drive arounds of the neighborhoods, Paul stated that is occurring.

Old Business:

- None

New Business:

- None
- Paul brought up the pending development of the West Melbourne Town Center at the corner

of the St. Johns Heritage Parkway and US192. Paul stated that the board had a somewhat impromptu meeting with the developers where they spent an hour and a half reviewing their proposal. The board's concern is with the NW section of Brandywine Estates, and how their development may affect the boundary of the property. Paul believes they are still at least a year away from breaking ground as they are still working zoning issues. There will be no access to that development from Brandywine Lane.

- A homeowner voiced his concern about the drainage plan that might change once the Town Center is built. His house often gets surrounded by water after major storms. Paul stated that was a concern that was raised with the developers, and that they had the correct sized retention ponds planned to address that. Paul also believes the County will not approve anything that will affect the current/established homes.
- A homeowner asked how they could find out more about the Town Center and become involved in the zoning/approval meetings. Paul stated that anyone that would like to attend those meetings can. The Commissioner meeting info is on the City of West Melbourne website. He also stated that the minutes from their meetings are posted there. Paul stated he goes to the meetings and encourages all interested homeowners to attend as well.
- A homeowner asked about the potential for a traffic light at Brandywine Lane and US192. Paul believes that once the parkway is extended to the new Ellis Road exit, a majority of the traffic concerns will go away. There are no discussions about a traffic light.
- David Beck voiced his concern about the many cars that make a U-Turn at the Brandywine Lane turning lane to access I-95 South, and if there was someone the homeowners could contact to request a no U-Turn sign be installed. Contacting the County Commissioner was suggested.
- Mike O'Rielly asked if the minutes were posted on the HOA website (<https://www.brandywineestateshoa.com/>). Paul stated the monthly & annual minutes, bylaws, declarations, and architectural review documents are all posted. And any/all updates pertaining to the stables are within minutes of the monthly meetings.

Adjournment: At 8:26pm Gloria Pazel made a motion to adjourn. The motion was seconded by Ron Reeves and the homeowners voted unanimously in affirmation.