

**Annual General Membership Meeting of Brandywine Estates Homeowners  
December 10<sup>th</sup>, 2019 Meeting Minutes**

**Call to Order:** The meeting was called to order at 7:02pm by the Association President, Paul Mouritsen.

**Current Board Members:**

Paul Mouritsen - President

Bill Slover - Vice President

Angela Taylor - Treasurer

Brian Verse - Secretary

Buz Underill - Immediate Past President

**Directors:**

Gloria Pazel

Ron Reeves

Sarah Verse

**Welcome:**

Paul welcomed the homeowners and acknowledged that the neighborhood is changing with many new families.

**Approval of Minutes:**

Paul stated that a copy of the previous year's annual meeting minutes were included in the packet that was mailed to the homeowners. He asked if there were any questions regarding the minutes; there were none. He requested a motion to approve the minutes as presented. At 7:05PM, Eloise Evans made a **motion** to approve the December 2018 annual minutes as presented. The motion was seconded by Burt Forest. The motion was approved by a unanimous vote.

**Treasurer Report:**

- Angela began by thanking the homeowners for their on-time submission of dues. She stated there is ~ 2% past due rate, and reminded homeowners that they are due on the 1st of the month, every month, in advance. She said a large number of homeowners choose to use their bank's bill pay option, and that is a very convenient way to pay.
- Angela reviewed the major cost items from 2019: the new entrance sign, additional sod at the front entrance, removal of old trees around the property, the stable road millings, and the resurfacing of the tennis courts. Other items included mowing of the pastures, pressure washing the racquetball courts, and legal fees.
- Angela acknowledged that the power is currently off at the tennis courts, and that is another project the board is working on. The plan is to install a new FPL meter/box on the HOA's property away from the stables (currently power to the tennis courts comes from the stables).
- A homeowner asked about the HOA reserves, and what they were projected to be at the end of the year. Angela stated she did not have the exact number, but the HOA has ~ \$55k in the bank.

- Angela reviewed the proposed 2020 budget. There is no special assessment and no increase in dues. The HOA is projected to have an excess of \$3200 at the end of the year. The planned projects include:
  - Additional tree trimmed/removed
  - Gazebo repairs
  - Pressure washing of the front entrance
  - Pasture maintenance
  - Stable irrigation equipment removal
  - Cable Contract: Angela stated that the portion of each homeowner's dues that covers the cable and internet is currently \$46 per month. There is an annual 5% increase, however that does *not* get passed along to the homeowners.

Angela opened the 2020 budget up for questions:

- Mr. Beck asked what the proposed monthly dues are; Angela said it is still \$100, no increase.
- Mr. Tartaro asked about the irrigation equipment around the stables, and what the entails. Ron stated that it is the equipment that runs the sprinklers around the stables, racquetball courts, and tennis courts that has not been used in years. The stable owner has requested it be removed since it is on her property.
- Mrs. Quintero asked about the condition of the racquetball courts. Angela stated that they are usable, and were recently pressure washed at a homeowner's request. There is no power to the lights at the moment, since those are on the same box as the tennis courts. The doors will need repairs at some point, but are not locked.
- Mr. O'Reilly asked about the timeframe for the electrical box relocation. Ron stated that the permitting process is underway, but did not believe they would get to it before the end of the year. Most likely in early January.
- Mr. Forest asked if the new house on Brandywine Lane was on the neighborhood map. Paul said it was, and pointed out the address (2460 Brandywine Lane). Mrs. Beck asked if the new home was part of the neighborhood. Angela said it was, and is required to follow all the same rules and guidelines.
- A question was asked if Mr. Armstrong's lot was still available. Paul said it was, but the only way to build a home is if you hire Armstrong Homes to construct the house.

At 7:17 PM, Paul Mouritsen requested a motion to approve the budget as presented. Gloria Pazel made a **motion** to approve the 2020 budget. Robbi Treise seconded the motion, and the homeowners approved by a unanimous vote.

## Election of Officers for 2020

- Paul reviewed the candidates as identified on the ballots mailed out last month:
  - President: Paul Mouritsen & Jennifer Machella
  - Vice President: Bill Slover & Jodie Hicks
  - Secretary: Brian Verse
  - Treasurer: Angela Taylor
  - Directors (three openings): Gloria Pazel, Shawna Slate, Sarah Verse
- Jennifer Machella pulled her name off the ballot for President
- Jodie Hicks pulled her name off the ballot for Vice President
- Paul clarified that the number of Directors can be anywhere from 2 to 4. The board has had 3 Directors for the last couple of years. Directors are 2 year terms. Buz Underill is also a voting member of the board as “Immediate Past President”.
- At 7:20PM, Buz Underill made a **motion** to accept the ballot/slate by Acclamation. The motion was seconded by Pat Bettice. The motion was approved by a unanimous vote.

The election results are as follows:

- President: Paul Mouritsen
- Vice President: Bill Slover
- Secretary: Brian Verse
- Treasurer: Angela Taylor
- Directors: Gloria Pazel, Shawna Slate, Sarah Verse

## Committee Reports

### Recreation:

- Sarah presented a proposal for installing a commercial-style playground in the common area. Paul stated that there have been a few families that have expressed interest over the years.
- For a fairly basic playground (by commercial standards), the estimate was ~\$50k.
  - The playground itself was ~\$20k, the remaining cost was ground prep, permitting, final ground cover, etc.
- A few homeowners said they had used PlayLoft on US1, but that was for their residential setups.
- Mrs. Quintero stated that she was as interested in a playground, but would like to see more get-togethers for the neighborhood kids.

### Safety:

- As usual, speeding is a continual issue. The speed limit is 20 MPH. Gloria noted that there are more children in the neighborhood now than in recent years.
- A homeowner asked about the sign that clocks speed (as mentioned in the meeting last year); Paul stated that it was expensive.
- Paul asked that folks use a little more common sense. The minimal time it saves speeding is not worth the risk.
- Mrs. Hicks stated that it's not only speeders, but also individuals running the stop sign on Grassmere Dr., especially when the bus is picking or dropping off children.
- Paul stated that speed bumps require 90% homeowner approval since there is only one road in and out of the neighborhood. He reminded homeowners that the roads in the

neighborhood are county owned. If a group of homeowners want to go door to door and get 90% to approve speed bumps, it could happen.

- Angela suggested homeowners call the Sheriff and report incidents, which may increase patrolling.
- Homeowners agreed that it isn't just residents. Contractors, lawn crews, UPS, and/or FedEx drivers are also part of the problem.
- A homeowner suggested sending a letter out with the monthly statements to all residents reminding them of the speed limits.
- Paul reminded homeowners that the complaints to the county about the potholes were beneficial to getting the roads repaved a few years back. Calls to the Sheriff's department will be addressed.

### **Stables:**

- Paul stated that mediation with Patti began right after the annual meeting two years ago (December 2017 until March of 2018. It then resumed in January of 2019). There was roughly 60 hours spent in mediation, to which no resolution was made. He reiterated that it was a very frustrating experience.
  - The mediation consisted of the back and forth over a lease agreement that always ended in her contention that she does not need to pay any money to use the pastures that belong to the homeowners association.
- Patti's title company, who she got her title through, wanted the HOA to agree that Patti could access her barns. The HOA had agreed to that in December of 2017. The HOA has never restricted Patti from accessing her property, only everyone else (her clients). The HOA's stance is that she must pay/sign a lease with the HOA to allow that to happen.
- Paul stated this has not gone anywhere for a very long time. On two occasions, Patti has come to his house saying she will sign a lease if it says "X,Y, & Z." Paul points out that the lease says the same "X,Y,&Z". She says she'll come back and sign; to which she never has.
- There was a court hearing a month ago, the first of several. The judge ruled that she could access her property. Which is something we agreed to in December of 2017. Some of the other things she asked for in that hearing, the judge said "no".
- Paul stated that she is trying to sell the stables, but believes the price is unreasonable for what it is.
- Paul noted that the fences around the pastures have deteriorated, and will also need a significant investment to repair. At last year's annual meeting it was stated that the HOA would keep the fences along the road presentable, but not up and down the sides. The discussions with the attorneys was that the HOA does not damage the fences, the horses do, and thus they are required to repair/maintain them.
- Paul stated that in mediation, the HOA offered her 8 months free rent, along with other items if they signed a lease (same lease as 2002/2003 timeframe). They kept asking for that, plus a large cash settlement from the HOA's insurance company.
- After getting nowhere (and spending a lot of money on attorney fees), the board made the decision to stop negotiating, and wait for the trial.
  - The trial deals with the eviction and access to the HOA's property. Patti was using the HOA's property without access or compensation (no lease). A lease would give her access.
- Paul asked if there were any questions:
  - Mr. Macdonald asked Paul to explain what her primary issues with the lease were, and what the HOA was asking for her to pay. Paul stated that we expected her to pay \$500 a month for access to the pastures, and other work "in-kind" to maintain the fences. The HOA would pay for the materials to do this, she would provide the labor.

- This is the same lease terms from the early 2000s. Her contention has to do with verbiage that was in the stableminium documents going back to the mid '80s. It said that she doesn't have to pay for those things. The stableminium no longer exists, and thus that language can not define what she is obligated to now (the judge has agreed to this).
- Mr. O'Reilly asked that if she is willing to sit on the property without running a business, does the HOA have any legal ramifications? Paul said there is none, and that the likely scenario is that she sells the stables. Paul stated that he believes she is asking \$60k-\$65k per barn.
- There has been some interest from potential buyers. On at least two occasions, buyers have contacted Paul about signing a lease if they bought the stables. Each time, the buyers have not returned after talking with Patti. It is believed the price has changed multiple times. Paul stated that he is not going to waste time negotiating a lease with a potential buyer unless they have a signed agreement to purchase the stables.
- Mrs. Allen stated that the land is equestrian use only. Paul said it is part of the PUD here, and that is the only thing it can be used for.

### **Landscaping:**

- Ron reviewed that over the previous year, a number of trees and pepper trees have been trimmed up/removed around the stable area.
- Ron presented an estimate for landscape work at the front entrance that was in the budget. It is to replace mulch, trim 30 palm trees, and remove a dead palm.
- Paul stated that at the last board meeting (November), there was a discussion about replacing the mulch at the front entrance with rocks. Rocks will last longer than mulch, however there is additional cost to remove the mulch, put down weed mat, add boards to stop the rocks from rolling down the hill, etc. Ron stated this estimate was for \$22k. Angela said that it would take about 5 years for that cost to break even. Historically, the board spends \$4k-\$6k on mulch a year. This is something the board will continue to evaluate in the coming months.

### **Architectural:**

- Paul said there was a question about building a shed on one's property. The answer was "No, the declarations preclude this." As a reminder all documents are on the HOA's website (<http://www.brandywineestateshoa.com>).
- A homeowner asked what it would take to change that. Buz stated that 2 or 3 times that has been voted on, but has never received the required 75% approval.

### **Old Business:**

- None

### **New Business:**

- None
- Paul brought up the drainage issue at the front of the development (since the new house was built). In order to drain the water from the property, the county approved the pump system through the curbing (Not the HOA).
  - It is a temporary solution to an ongoing improvement to the drainage along BrandywineLane. There is a swale that runs under Sugar Creek, but goes no-where. The county is working to re-route the drainage down to Ranch Rd.

- Paul held up a sign that a homeowner put in the ground near the curb drains. He stated that this is not an HOA problem; but a county problem and that a fix is in the works.
- Mrs. Allen asked if the HOA had heard anymore development of the TownCenter along 192.
  - Paul stated that he keeps up to date with the West Melbourne City Council minutes.
  - In June of 2018 they approved the temporary request to move forward.
  - The development company (out of Miami), presented their plans.
  - There is no approval for access to this development from Brandywine Lane. The plat has been approved, and any deviation from that would require another approval process.
  - Paul stated that West Melbourne has said on multiple occasions that they will *not* approve access along Brandywine Lane because it is not a through road.
  - Proposed construction is to start in 2021 with the “high end” apartments. It is believed the appartements will be closer to 192, than the back of the Brandywine development.
  - The traffic at 192 and Brandywine Lane should alleviate once the North end of the parkway opens up.
  - Mrs. Quintero asked if we are now West Melbourne, or Melbourne. Paul stated we are Melbourne/County. And the reason for that is because this area is on septic systems. West Melbourne does not allow septic systems. Buz stated that the main sewer lines are here, but not individual hook ups.
- Paul mentioned that the county has plans to clean out all the swales within Brandywine Estates, and that should begin shortly. He expects it to take a few months.
- Paul closed by acknowledging the new homeowners within the last year, and said “thank you” to all the homeowners for all the work the residents do to keep Brandywine Estates a great place to live.

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