

**Annual General Membership Meeting of Brandywine Estates Homeowners  
December 8<sup>th</sup>, 2020 Meeting Minutes**

**Call to Order:** The meeting was called to order at 7:01pm 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

Shawna Slate

**Approval of Minutes:**

Paul stated that a copy of the previous year's annual meeting minutes were sent to each homeowner in the packet. It outlined last year's detailed discussions, some of which we will talk to again shortly. He asked if there were any questions regarding the minutes; there were none. At 7:03, he requested a motion to approve the minutes. Ron Reeves made a **motion** to approve the December 2019 annual minutes, and the motion was seconded by Angela Taylor. The motion was approved by a unanimous vote.

**Treasurer Report:**

- Angela began by thanking the homeowners for their on-time submission of dues. Without timely payments, it can make it difficult to pay our bills. Angela reviewed the major cost items from this past year: putting new mulch at the front entrance and tree trimming around the property. Other than that, costs were the usual monthly expenses. She added that at the tail end of last year, a new power meter/box was installed by the stables to run electricity to the racquetball and tennis courts. That area had previously been powered by the stable owner. A Mr. Beck asked what that electric was costing us, and Angela estimated it was ~\$40 a month, but it does fluctuate with tennis court use.
- Angela asked if there were any questions from this past year; there were none. She said it was a fairly uneventful year due to the virus, no picnic, ect.

**2021 Budget Discussion**

- Angela stated that there are no large planned expenditures this coming year. Just the usual front entrance maintenance and tree trimming. The bulk cable contract does go up 5% each year. The proposed budget does show a small loss, but Angela stated this is due to being overly conservative. In the event it does occur, there are reserves to cover it. She asked if there were any questions about the 2021 proposed budget.
  - Paul stated that there were no hurricanes this past year, and that did save us cleanup costs.
  - Mrs. Quintero asked about the racquetball court, and if there were any plans to repair the doors. Sarah stated that last time the doors were repaired, they were kicked back in. The Board is open to ideas from the homeowners on what else could be done. Mrs.

Quintero suggested perhaps re-purposing the structure for something else. She believes it could be a safety concern as it sits now. Paul stated that it has been power-washed in the previous year, but does not believe there is an outpouring of use/desire to use it from the homeowners.

- Mr. Beck asked if it could be removed, Angela stated that the board did get a quote to remove and haul away, and it was \$10k+. He asked if a basketball hoop could be installed in its place. Paul said these are all things that are welcome to be discussed. Angela reminded the homeowners that this is the purpose of this and every monthly meeting the board holds. Send ideas to either of the two email addresses, or by all means attend a meeting and speak up.
  - Mr. Whitson suggested replacing the doors and putting locks on, like the tennis courts. Mike O'Reilly noted that the wooden doors that are installed now easily break. Steel doors are the ideal option, but due to the custom size, are expensive.
  - Mr. Tartaro suggested more people consider taking up Racketball. He enjoys it, and the courts were one of the draws to this neighborhood when he moved a few years back.
  - A homeowner suggested doing something with it in the coming years, as it may discourage Spacecoast town Center residents from using the amenities.
- o Mr. Hussain asked about the state of the tennis court lights. He said they recently moved into the neighborhood, and use the courts daily.
- Paul stated that the light timers have repaired twice, and continue to break. The plastic knobs are very poor quality. The board is actively looking to find better quality timers.
  - A homeowner asked if any tennis clubs were using the courts. There seems to be a lot of people from outside the neighborhood that come in and play. Angela stated that keys are only given to residents. There are many guests that regularly come in and play with homeowners, which is perfectly acceptable, but they should not have possession of a key, and should not be there without the homeowner.
- o Mr. O'Reilly asked how much money was in the reserve account. Angela stated that there is ~\$12k in the savings account, but our total cash position is ~\$60k. He asked what was the adequate amount for hurricane damage. Angela stated what we have is more than enough, but we are also insured. She did note that our D&O policy is being canceled, but our insurance agency is looking for additional quotes.
- Ron stated that cleanup from debris is usually in the \$2k range.
- o Mrs. Quintero asked if there were any plans to update/paint the gazebo. Angela stated that Bill Slover had been doing work out there recently, but it has not been painted. A few homeowners did say they use it on a regular basis. Paul stated there were plans to

make some general repairs to the gazebo, but when the picnic was canceled, they fell to the bottom of the priority list.

- o Mr. Reynolds asked if there were any changes this year with regards to dues payments/Bill Pay info. Angela said there was not, and that she prefers that method of payment. More and more homeowners have gone to it and it does help with keeping past dues down. Dues are still due on the 1st of the month. If the bank asks for an account number, you can use your home address.
- o Mr. O'Reilly asked about the pasture maintenance line item and if that included fence boards. Angela stated it was for mowing the grass only. It is \$800 each time they come out.

At 7:23 PM, Paul Mouritsen requested a motion to approve the budget as presented. Robert Basta made a **motion** to approve the 2021 budget. Mike O'Reilly seconded the motion, and the homeowners approved by a unanimous vote.

Before moving on to the election of officers, Paul asked any new residents in the neighborhood to introduce themselves. Mr. Hussain and Mr. James introduced themselves and were welcomed by the homeowners.

### **Election of Officers for 2021**

- Paul reviewed the candidates identified on the ballots mailed out last month, and asked each one to stand:
  - o President: T.J. Kushner
  - o Vice President: Buz Underill & Jodie Hicks
  - o Secretary: Brian Verse
  - o Treasurer: Angela Taylor
  - o Directors: Ron Reeves & Zohe Quintero
- Paul asked if there were any additional nominations from the floor for any of the positions on the ballot. There were none.
- Ballots were handed in and counted while the meeting proceeded.

### **Committee Reports**

#### **Recreation:**

- Sarah stated she is continuing to work on finding another company to repair the tennis court lights.
  - o A homeowner suggested looking into solar lights for tennis courts. Paul stated that for that size area, a small solar farm would need to be installed.
- Sarah asked if anyone had any questions. Mr. Hussain offered to help maintain the courts in any way needed. Paul stated extra hands are always needed when the wind screens need to come down prior to a hurricane.
- Mike O'Reilly said he would submit receipts for pest control. He plans to spray the courts and gazebo area in the near future.

## Safety:

- Speeding is a continual issue along Sugar Creek and Grassmere. Please follow the posted speed limit.
- Paul stated that the streets within the neighborhood are county roads. If you see someone speeding/joyriding 4 wheelers or golf carts, please call the Sheriff. The HOA has no authority over the roads.
- A homeowner raised their concern with kids driving golf carts on the streets.
- A homeowner asked if there was any known crime recently. Paul stated he was not aware of any. Paul suggested keeping an eye on the "NextDoor" website for this kind of information in the area. If you see something suspicious, please call the Sheriff.

## Stables:

- Paul started by reminding homeowners of the current situation
  - Patti took over ownership of the stables in 2016 when Wally defaulted on his loan. Since then; himself, Buz, Mike, and others have all tried to negotiate a lease with her to get her back in business.
  - In 2017 the HOA issued an eviction notice. As a result, she sued the HOA. She filed two lawsuits. The first argued that she had the right to come/go to the stables with her clients. The second was for damages (for putting her out of business). In 2017, the board granted her access to the stables, but only her as the owner.
  - There have been two hearings on the first lawsuit. The first one was a year ago. Paul and Angela attended. Patti was represented by her title company, who sold her access to the property without realizing that it was contingent upon a valid lease. Paul stated that the judge in that case ruled that she can come/go. - Something the HOA has never stopped her from doing. The second hearing was a few weeks ago. This was for her client's access. Paul read the Judge's order (dated 12/7/20), which combined the results from both hearings. In summary, it stated that Patti has access to Tracts E & F (her properties) for private purposes only, but does not have the right to use the property of Brandywine Homeowners Association for facilities or operation of a commercial business without authority of owner of Tract A (HOA's property).
  - Paul stated they have 30 days to appeal this decision, but our attorneys believe strongly that she does not have grounds for an appeal.
  - As for the second lawsuit for damages; Patti's stance is that the HOA should be held responsible for her loss of business. She started out asking for \$450,000 in damages. Paul states we are insured against this sort of thing, however since the first lawsuit has ruled in the HOA's favor, it is highly unlikely this second lawsuit will move forward.
  - A homeowner asked if it would be cheaper for the HOA to buy the properties, instead of paying for the Attorney's fees. Paul and Angela disagreed. One of our attorneys is covered by the insurance company. Angela estimates we spent ~ \$13k in attorney's fees.
- The rumors that the board would not sign a lease is not true. The board's position has always been that we would negotiate a lease with whomever wants to purchase the stables, regardless of who that is. However, the board will not waste time on that activity until a signed document with the intent to purchase the stables is presented to the HOA.
- Paul reminded the homeowners that to be able to have horses in the pastures again, would require a significant cost to repair the fences (~\$50-\$70k based on previous replacement costs). Unlikely that the residents would pay for it with a special assessment, the plan was to work that repair into a lease.
- Mr. Beck suggested looking at material other than wood when the time comes.

- Mike O'Reilly stated that he believes the only way to get horses back in the stables/pastures is for someone else to own the stables.
- Mr. Tartaro asked what kind of capital expense might be needed to start up a horse business. Paul stated you'd have to contact Patti and ask; he did not have the answer.
- Mr. Outlaw said he spoke with Patti on three separate occasions about buying the stables. He said she was not serious about selling, and not serious about the price. Once she found out he lived here, she offered to board the horses for him. He said her asking price was \$150,000 for both stables. He offered her \$30,000 and she didn't want to discuss it further. He noted that these discussions did take place prior to the judge's ruling, so perhaps things have changed. His business partner did not think it was a wise decision based on the condition of the stables.
- Paul stated that Mr. Outlaw's experience with Patti has been a small window into what the HOA has been dealing with since 2016; it is not rational.
- Mr. Beck asked at what point we might go after her for our legal expenses. Paul said that is the next step. In fact from the recent ruling, all legal fees are on her from this point forward. He does not see anything else coming of this since she did not have a legal right to be here, she can't claim damages.
- Mr. Witson asked if there was a cost to totally cut our losses and move on. Although he does believe it makes this neighborhood special and separates us from others. Paul estimated it would take a few thousand dollars to remove the fences.
- Paul stated that this has consumed most of the board's time for the last few years, he has numerous copies of leases that she agreed she would sign, then never did.
- Mr. Koontz suggested if a few homeowners are interested in buying it and running the stables, then pool their money and buy it, but leave Brandywine HOA out of it.
- There was a small discussion about whether or not the horses affect the home values. Some residents believe they do, others do not. Angela stated that homes that have recently gone on the market have sold without issue, and quickly. Mr. James stated that he was unaware of the horses when he moved in 3 weeks ago. It did not affect his decision to buy, and he offered above asking price to make sure they got the home.
- Mike O'Reilly suggested polling the neighborhood and finding out how many truly do care about the horses, and at what cost (assuming a special assessment is required).
- Buz stated that there is no reason to do anything right now until the lawsuits are finalized.

### **TownCenter Discussion**

- Paul stated 3-4 weeks ago, there was a lot of excitement about a letter that was sent out. The letter that was published was a request to re-zone the land behind the boot store, and under the power lines. What happens to that, we won't know because very little can be done under a power line. Paul has been following this for a few years, and the developers have committed to no access to Brandywine Lane. The city has requested utility access, not public access to Brandywine Lane. Paul stated that may change down the road, but not this year.
- Buz believes access down the road would be a benefit to us. He does not believe traffic will flow from the town center to Brandywine Lane, there is no exit to the South. In a few years when there is a grocery store and other businesses, it will be beneficial to the residents here and in the police foundation to access those stores without having to go under i95 and making a U-turn.
- Paul stated that there is a long way to go before this is an issue, as the first phase is all apartments. He believes it will help the property values.
- Mrs. Whitson asked what is the best way to keep the residents informed. She was unaware of it before Alice posted something on the NextDoor website. Paul stated there have been

articles in the paper for years, and noted that Christy Fischer is the person in charge of West Melbourne Planning and Economic Development. Angela also stated that if it is discussed at a board meeting, the minutes will be posted on the website the following month. She believes there is a lot of apathy in the community when it comes to this. Paul stated there are also public hearings. Paul reiterated it is just a re-zoning hearing tonight at the city council, it may/maynot be approved.

- Robert Basta mentioned that the land just to the West of us, directly behind the homes that border the West side of the neighborhood has all been sold as well. They saw them surveying the land recently.

#### **Landscaping:**

- Ron has the estimate to re-mulch the front entrance. It's \$40 a yard and 80 yards are required. They did a full count of the trees to trim: 116 trees. However all won't get trimmed, but Ron will mark out which ones need trimmed.

#### **Architectural:**

- Buz had nothing new to report.
- Paul reminded home owners to submit approvals before making changes to their property (paint color, roof, landscaping). All forms are on the website.  
<http://www.brandywineestateshoa.com>
- Mr. Hussain asked about cutting the pepper trees that are encroaching on his property from the West side (Platt's property). He was told that was OK.

#### **Old Business:**

- None

#### **New Business:**

- None

#### **Election Results:**

- Angela announced the election results as follows:
  - President: T.J. Kushner
  - Vice President: Buz Underhill & Jodie Hicks (tie vote)
  - Treasurer: Angela Taylor
  - Secretary: Brian Verse
  - Directors: Ron Reeves and Zohe Quintero
- Angela asked what we should do since there was a tie vote for Vice President. Angela stated that her and Gloria counted the ballots multiple times.
- Paul did not know what the procedure was for a tie vote, and stated there is nothing in the bylaws for this scenario. Angela suggested having a re-vote for vice president, however Brian pointed out that a few homeowners had left early (who had previously voted).
- Paul suggested having more than one vice president this year if this group approves it.
- At 8:33 PM, Mr. James made a **motion** to approve having two vice presidents. Mrs. Allen seconded the motion, and the homeowners approved by a unanimous vote.

**Adjournment:** At 8:33pm Paul Mouritsen adjourned the meeting.