

Desert Greens 2001 HOA  
Executive Board of Directors Meeting

**DATE:** November 12, 2020 (Thursday)

**TIME:** 10:00 a.m.

**LOCATION:** Clubhouse

**PRESENT:** Michael (Buzz) Held, President; Arlene Chandler, Vice President; Michael Mouer, Treasurer; Louis DeCanio, Director; Darren Proulx, Director, Deborah Hollembaek taking minutes for this meeting

**ABSENT:** Linda Axford, Board Appointed Secretary

**HOMEOWNERS:** (from sign in sheet) Jerry Holmes, Ty Hill, Stan Beal, Marlene Hargis, Karyl and Keith McCoy, Butch and Pat Walters, Tami Stevens, Ulla Mills, Raynette Lopez, Shirley Wiedner, Tim Hollembaek, Joan Fullmer, Nancy Suter, Terry and Cherie Kelly, Dan Miller, Agnes & Jesus Ortiz, Joy Ashcraft, Barb Villa, Bill and Diane Swab, Mary Costa, Bradlyn Kelley, Bob and Judy Haas, Lucy Ritter, Sheri Florio, Ken Booth, Tom Wermager, John Santo, Mike Nelson, Mike Moss, Marietta Rio, Dave Kamoske, Corinne Maxwell, Anne Sand, Alan Grindstaff, Robert Oshiro

**1. CALL TO ORDER & ESTABLISHMENT OF A QUORUM**

**2. HOME OWNER'S FORUM** (*Homeowners may address the Board of Directors only on items listed on this agenda. See NRS 116.31083(6). Substance of their remarks or prepared written remarks will be included in the minutes.*) No comments.

**3. APPROVAL OF PREVIOUS MEETING MINUTES:** October 8, 2020. Louis D. made a motion to accept meeting minutes for October 8, 2020; Arlene C. 2nd. All in favor. Motion passed.

**4. ACKNOWLEDGEMENT OF BOARD MEETING HELD IN EXECUTIVE SESSION: NA**

**5. TREASURER'S REPORT: Michael Mouer** – Report posted on the bulletin board including the Profit & Loss for the month and the Balance Sheet. Aging Report . have had some progress on collections of past due assessments & are expecting some large checks in the near future from banks that have taken over properties.

Buzz H.: Two foreclosures have new owners. Trish Rippie (local realtor) has taken over 581 Montecito and is fixing it up in preparation for sale. 330 Montecito has sold.

**OLD BUSINESS:**

**1. Rules & Regulations: Change the wording regarding use of antennas.** Buzz H. & Tim Hollembaek will work to shorten the change to the Rules & Regulations regarding antennas.

**2. Re-plastering swimming pool: Timing? (Feedback from Sani-Tred – their product not recommended for plastered pools.) –**

**Discussion:** Louis D. wants more information on why the Sani-Tred product will not work. Was planning to suggest we test it on the hot tub. The difference in cost between re-plastering and using Sani-Tred is about \$15,000 by my estimation. None of my sources mentioned surfaces on which it would not work. The company claims it works on just about anything. +

Michael M. made a motion to table this item; Arlene C. 2<sup>nd</sup>; All in favor. Motion passed.

Darren P.: Suggest Louis C. contact the company himself to get his questions / concerns addressed

**3. Damaged telephone boxes: Only two of the eight boxes belonged to AT&T. Six were cable TV.**

Tim H.: The two (2) AT&T boxes have been repaired enough to look presentable. I repaired the six cable TV boxes (cable TV no longer in use). This item has been resolved.

**4. Signage mistakenly bought without Board discussion or approval**

Darren P.: Expense was approved during the February 27, 2020 Executive Board meeting. (Darren P.: %o move up to \$1,000 be spent on signs that need repair and replacement+ Buzz 2nd the motion. All in favor. Motion passed.)Darren P. will submit an invoice for reimbursement.

Board members forgot that the expense was approved. Darren P. concerned that this is the second time the Board has forgotten a motion that passed allowing the Maintenance Committee or himself to spend money on improvements. He has had a number of residents approach him stating, %ou're spending money without approval.+This is simply not true and such rumors are creating dissension and are disparaging to Mr. Proulx and he requests it stop happening. Buzz H. & Arlene C. apologize for the mistake.

**5. Removal of STOP/Street sign at St Andrews & Riviera in order to pour concrete for new driveway. A temporary STOP sign has been placed. Original sign must be replaced immediately.**

Buzz H. - This has happened twice at the same location. Currently, it has been resolved. I understand that to pour concrete or to move a home in on some properties that a sign may have to temporarily come down. Concern has always been that if the sign has to be removed and will be down for several days, a temporary sign must be put up. Worry about a vehicle not stopping because there is no stop sign and an accident ensuing that would be a liability to the HOA. Right now the stop sign is back up. it was down for a little bit over a week and a half. I went around town looking to purchase a stop sign . not available. Ended up buying a %o trespassing sign+that was an octagon. Painted one side red and had stick-on letters that said, %stop+. Took one of the portable speed limit signs that we have and I moved it to that intersection. I didn't want any accidents. What can we do to remedy this problem? There's probably not too many more lots that would require a stop sign being taken down, but does the Board agree that we need some type of policy that if the stop sign is removed that a temporary one is put up immediately?

**Darren:** If it happens again we will address it. The maintenance committee has a budget and could get a temporary sign. If they choose it could be used for other things in the future, if not, I'd deal with it the next time a sign is taken down.

**F. New LED streetlights not bright enough. Need to replace bulbs with 300 or 400-watt corn-cob bulbs Test bulbs installed at 351 Montecito (300 watt) and 781 Montecito (400 watt). Additional cost: \$2300**

Motion was made to table this until a definitive estimate is received from Wireman. Arlene 2nd. Not voted upon. Motion amended by Darren P. that up to \$2,500 be spent with Wireman electric to replace the existing bulbs with brighter ones. No 2<sup>nd</sup>. No vote.

Buzz H.: The streetlights have been upgraded to LED, but in spite of trying samples prior to the installation, we have ended up with insufficient lighting. I find it too dark when driving around in my golf cart. We've discussed it and there is a general consensus on there being insufficient lighting. Tim H. and I have talked to Marvin from Wireman Electric and he put in several test bulbs to evaluate using a light meter and subjective assessment. I think we need to change to a 400-watt corn-cob bulb. Unfortunately, it will cost us approximately an additional \$2300. We do have a few places (around the mailboxes on Brentwood & an area on the north side of Montecito that will require additional lighting when we can get to it. I think we made a mistake going with the 100-watt bulbs.

Michael M.: Are we getting credit for the old bulbs?

Buzz H.: Marvin said we will talk about it and we'd get a credit for the old bulbs. He can't sell them as new bulbs, but he could use them as temporary replacements. He did not specify how much of a credit he could give us.

Michael M.: I move we table this until the next meeting - until we have a definite estimate from Marvin at Wireman Electric and they include the discount or whatever credit we are going to get for the old bulbs.

Louis D.: Expressed concern that because of the positioning of the bulbs we are %osing 90% of that light up there. Lights pointing downward will distribute more light. Originally we went with the LED to save electricity. Is questioning whether the 400-watt bulb will eliminate our savings.

Buzz H.: We'd still save, but not as much.

Discussion between Buzz H. and Louis D. regarding replacing light fixtures to get more downward reflection vs. the cost of doing so.

Darren P.: The previous bulbs were burning out & were quite expensive as well as being very expensive to run (use a lot of energy). Wireman Electric submitted a bid to replace bulbs with LED bulbs. Initially they

replaced 2 bulbs in the community&Darren P., Louis D., & Tim. H. evaluated these lights after dark to determine whether they provided sufficient lighting. We could not identify the two that were replaced because the light that was projected by the old bulbs and the light that was projected by the two new bulbs appeared equal. Therefore we concluded those 2 LED bulbs provided sufficient lighting. Based on that, we made a recommendation to the Board to replace all the existing bulbs with LED bulbs. The same people that did not want the bulbs replaced in the first place now say that the new LED bulbs are not bright enough. It makes no sense to spend an additional \$2,000+ to install brighter bulbs. Unless more information is provided, I would not vote for this expense. The Maintenance Committee also proposed an upgrade to LED lighting in the clubhouse. The same individuals that were against the streetlights being upgraded were against an upgrade in the clubhouse. To upgrade in here is about half the cost to make those streetlights supposedly brighter. It feels like people are just fighting change.

Arlene C.: I believe at the time the trial with two LED bulbs was discussed, Dennis Suter said those bulbs were not bright enough.

Buzz H.:When the trial was done with the two LED bulbs, you had all the other regular lights as well. It is possible that the old lighting made the street brighter than what it was going to be with all LED bulbs. It might have been a deceptive factor. I was out in front of the clubhouse one night with Tim H. and Marvin (Wireman Electric) and Marvin looked down Montecito and said, "My God, it *is* dark+ So, I think we need to do something for the safety of our residents.

Louie D.: If we put these bigger bulbs in and some people are still dissatisfied, are we going to keep changing bulbs over and over?

Buzz H.:There is a motion on the floor to table this until we get more information from Wireman Electric. Is there anyone that 2nd it?Arlene C. 2<sup>nd</sup>.

Discussion amongst Board whether to continue with the discussion before voting on the motion. Darren P. would like to continue the discussion since there are so many homeowners present and their input is important. Regular Board meetings do not draw this many attendees.

Buzz H.: General question to homeowners as to whether the current lighting is adequate at night. General response is "No.+"

Resident: You need more lights. We don't have enough streetlights out there. Go down Inverness there isn't a light down Inverness.

Resident: I walked to the clubhouse for 5 years play cards without a problem. The first time I walked after the installation of the LED bulbs, I couldn't even see the number on my mailbox. I have to have a flashlight now.

Buzz:An inadequate number of streetlights is part of the original planning. The cost of actually adding light poles & fixtures is unknown. And I have no idea about what would be involved with wiring for additional lights. Thank you for your comments everybody. There's a motion on the floor to table it. Tim H. and I will get together with Marvin (Wireman Electric) for an exact amount.And I will add a request for cleaning the lenses.

Resident: Recently came home alone and for the first time in 13 years I did not feel safe because it was dark in my neighborhood. Tabling the issue is also wrong because that's as dangerous as not having stop signs. You can't see.

Buzz H.: The Board has to have an exact bid. In addition, there is a broken light fixture on Hilton Head & Pinehurst that is Wireman Electric's responsibility. It needs to be repaired. The estimate right now for replacing the current LED bulbs with 400-watt bulbs is \$2208.75.

Discussion between Michael M. and Darren P. about Roberts Rules of Order in amending a motion on the floor.

Darren P.: I make a motion that up to \$2,500 be spent with Wireman electric to replace the existing bulbs with brighter ones. No 2<sup>nd</sup>.

(Multiple conversations happening at one time)

Buzz: I will get an estimate from Wireman Electric on changing to those 400 or 500-watt bulbs that we have in the back, with credit for the bulbs already used. Cleaning the lens will help.Also the repair of the broken fixture that wasn't prepared right when they changed the bulbs.

## **7. NEW BUSINESS**

### **A. Change Rules and Regulations to allow propane fire pits.**

Buzz H.: I move that we change our Rules & Regulations to allow propane and butane fire pits. Michael M. 2<sup>nd</sup>.

Discussion

Buzz H.: I do not see how they differ from a propane grill that is allowed.

(Multiple conversations amongst residents and Board . unable to get meaningful content.)

Darren P.: I believe the current regulations should not be changed. Open flame in a community with homes close together is a recipe for disaster. We met with the fire department out here. In the old sections of the community you will have carport close to carport. In some cases there are 3 - 4 inches between carports. The fireman told us that this is a problem and we agreed that in all cases where that could be avoided, we would avoid it. If a car catches on fire, which, according to firemen, is a common thing, it will spread to the next house. Having open flames would be inviting a significant safety risk. Has sent an email to the Fire Chief about this issue . yet to receive a reply.

Discussion about the size and portability of various pits. Flames should not be seen . one example given of a fire pit with flames reaching % up to the carport.+Purpose of the pits: adding ambience.

Arlene C.:I have a fire pit that uses a small can of gel. It doesn't give you huge flames, but it does give you the same effect that you want because that's what I wanted.

Buzz H.: I withdraw the motion. We will have no more discussion on that.

#### **8. HOMEOWNERS' FORUM (*Homeowners may address the Board on issues that concern the community. Except in an emergency, no action will be taken on issues not on the agenda.*)**

Ken Booth: Last HOA meeting I brought up my concern about raising the lot fees on empty lots and nothing has been brought up that I'm hearing here.

(conversations between Michael M. and Ken B. regarding why this was not on this agenda and when will it appear on an agenda)

Ken Booth: I want to express this to the rest of homeowners. The developer has been getting a break on his lots every since the 5 years expired at the origination of this project, which is about 20 years ago. They have been given other breaks all along the process here. The developer got bought out by big pocket money people and they want the same breaks, and are getting the same breaks, not saying they want them but they are getting them. They raised the price of the lots to what are excessive and therefore things are not moving smoothly. And they completely disrupted our community by having leaseholds on these things. I want them to raise what the original document said for them to pay to the same assessment that the rest of us pay. Had they done this we wouldn't have had this last raise for all the people in this development, we all paid for them. There is no need for it. We could be getting another \$5,000 dollars a month from them at this point. Three months of that could pay for this pool. It could pay for more of these other projects that we've got around here. They've got deep pockets. Why should we be footing the bill for them? I want this brought up and I don't know how. I brought it up last time. It didn't get anywhere. I'm bringing it up again now. It is proper for us to vote at this time? How many people would like to see the lot owners pay their fair share? Can I have a show of hands?

(Lots of hands and scattered applause) Well, let's do something about it.

Buzz H.:Thank you, Ken, your time is up.

Darren P.:According to Nevada Revised Statutes, any member of the community can make a written request for an item to be put on the agenda. You can verbally request it, but that doesn't mean it will be on the next agenda. According to Nevada Revised Statutes if you submit it in writing and submit it to the Board it has to be put on the agenda.

Resident :Can we have the financial report posted on the website so everybody can see it?

Michael M.: Yes, I will talk to Patty Maitland about that.

Can all the minutes be posted to the website also? (e.g. Golf Committee, ACC, Activities) so we know what is going on within the community. Especially difficult now with the clubhouse not being used.

I'd also like to see the Board discuss the rules around dogs. Right now we allow 2 dogs per household. I'm not a dog person, maybe I don't understand, but it seems excessive to me. Especially when you are talking about

bringing however many more houses you've got to bring in. Right. I don't know what the count is already but if you work some numbers in your head, we can have 150 - 200 dogs in this community. I don't think this community can support that.

Darren P.: What would you suggest?

Resident: Limiting it to 1 dog per house from now on. I am aware of homes with multiple dogs. I've seen between 4 houses, per the owners, there are 9 dogs in those 4 houses.

Buzz: There is currently a limit of 2 dogs but if someone has a therapy/ comfort /service dog by the fair housing act they are not considered pets. Law says we have to allow everyone to have at least one dog.

We've had people with 3-4 dogs but they are in the house and we have no proof. That is a problem.

Darren P.: ACC should be enforcing the Rules & Regulations.

Buzz H.: Still having a problem with proving it. People do not necessarily register all their animals.

Michael Nelson: Who pays for the HOA's attorney?

Buzz: HOA.

Michael N.: Feel like I am paying to have an attorney tell me I cannot vote.

Michael Mouer.: Not so. Lawyer hired to get a legal opinion pertaining to this issue. You are allowed to vote if you have the property owner assign the right to vote to you.

Michael N.: but I still don't have the right to run for the Board.

Michael Mouer.: Our intent was try to get the lessees the right to vote and run for Board office, but that was not the legal opinion we received.

Buzz H.: Every resident is welcome to use all the amenities

Anne Sand: Weed ground cover on some parts of the golf course that is unsightly and spreading. Can we get rid of it?

Marietta Rio: Money has been spent on an attorney for over a year and we have had no feedback.

Michael M.: Issues were not resolved with the first attorney. Since Sept we have obtained a legal opinion from the new attorney.

Marietta R.: Now we have a divided community and you need to do something to get them to vote and run for office.

Buzz H.: The previous attorney was with the legal firm the HOA had used for years. We were not satisfied with the attorney at that firm that was assigned to us in the last couple of years, so we changed attorneys.

Multiple conversations all at one time.

Arlene C. made a motion to adjourn; Louis D. 2<sup>nd</sup>. All in favor. Meeting adjourned.

Submitted By: Linda Axford (transcribed from audio recording)