

SHOAL CREEK FARMS HOME OWNERS ASSOCIATION

BOARD MEETING MINUTES

MARCH 28, 2019

317 BLUE HERON DRIVE

7:00-10:30 PM

Board Members Present:

Sharyn Dickerson, President- Voting Member

Ron Sims, Vice-President- Voting Member

Gary Adcox- Voting Member

Asa Boynton- Voting Member

Vicki Robinson- Voting Member

Janine Durden, Secretary- Non-Voting Member

Joy Barrett, Treasurer- Non-Voting Member (Present via Telephone)

- I) **Confirm Quorum.** The meeting was called to order by Sharyn Dickerson at 7:00 PM.

- II) **Approve Minutes.**
 - A) The minutes from **the February 21, 2019 Board Meeting** were presented. A motion was made by Asa Boynton to accept the minutes as written and was seconded by Gary Adcox. All voted to approve the minutes and the motion was carried.

 - B) Sharyn Dickerson made a motion for an amendment to the previously approved **January 17, 2019 Board Meeting** minutes to include an explanation of the annual dues not being increased because of Robert's Rule of Order was not followed for having a quorum at the time of the vote. Asa Boynton seconded the motion. All voted in favor and the motion was carried.

 - C) A request was made from a resident to strike her name and comment from **the February 18, 2019 Special Meeting** minutes since she felt it did not reflect what she said at the meeting. Vicki Robinson made the motion to honor that request and it was seconded by Asa Boynton. There was a unanimous vote and the motion carried.
Action: Gary Adcox will make the above stated correction to the posted minutes on the website.

- III) **Treasurer's Report.** Joy Barrett, Treasurer, reported via telephone the current balance in the checking account as of February 28, 2019 was \$32,458.33. Expenses paid out since the last Board meeting includes \$1000 to Dixie Landscaping for January and February 2019; \$25.93 to Georgia Power; \$91.43 to Cindy Hickson for web posting site for July-December 2018; \$66.36 to Janine Durden for Hospitality Committee new neighbors welcome and sympathy cards and postage; and \$375.00 attorney fees from July 2018-Oct 30, 2018. Joy then reported the income of total dues collected for 2019 was \$18,525. This figure represents 70 residents paid dues (plus one late fee of \$25) and 4 lot owners for a total of 74 paid homeowners. There is one resident that is in arrears.

IV) Special Committee Reports.

A) **Covenants & By Laws.** The covenants that are on file at the Athens-Clarke County Courthouse are the original from 1987. The By-Laws that are currently being referenced and executed were not on file; however it is noted that it is not a requirement for the By-Laws to be on file with the covenants. In response to a resident's concern that the HOA's definition of a quorum was ambiguous, Sharyn Dickerson researched and was able to find substantiation from minutes dated June 2005. "Section 3.07. Quorum. Except as otherwise provided in the Declaration or in these Bylaws, the presence in person or by proxy at the beginning of any meeting of the Owners entitled to cast fifty-one (51%), thirty (30%) percent of the votes of the Association shall constitute a quorum for a meeting of the Association. Any provision in the Declaration concerning quorums is specifically incorporated herein." The interpretation of this is that it takes 51% of the Owners who are entitled to cast a vote to pass a measure as long as there is a quorum present defined as 30% of the Owners.

B) Lake Key Issues Report & Discussion.

- i) **Dam Overflow Project.** Bob Synk is the contact person with the project engineers and continues to write the updates that are being sent out to the neighborhood. It has been brought to the Board's attention that fencing is needed around the outlet's concrete headwall to keep anyone from injury. In addition, there are 4 white pipes, or vents, that are sticking up out of the water that might also need to be protected by fencing. These are expenses that were not planned or budgeted for. **Action: Ron Sims and Asa Boynton will obtain quotes for these two fencing projects.**
- ii) **Muskrats.** Ron Sims presented a handout on muskrats and the damage that they are inflicting at the dam. The tunnels, or holes, the muskrats have dug can significantly weaken the dam. A management plan is needed for the muskrat population in addition to a barrier on the dam to keep them from digging. Wire mesh is needed at the dam end of the lake. Joy Barrett informed the Board that in the 2019 budget, there is \$4000 for "maintenance", \$3000 for "contingency" and \$500 for "miscellaneous". Gary Adcox made the motion to get quotes to repair and prevent further damage to the dam in an amount not to exceed \$5000 and to complete the project before the lake refills. Vicki Robinson suggested getting a wildlife specialist to verify the holes were made by muskrats before we proceed with bids. There was not a second on Gary's motion, so Vicki made the motion to evaluate and verify the muskrat damage. If a problem exists, the Board will obtain quotes not to exceed \$5000 for prevention. Ron Sims seconded the motion. There was a unanimous vote to approve and the motion carried. **Action: Sharyn Dickerson will call the DNR to get their input and also talk with contractor about the mesh to protect the dam.**
- iii) **Farm Impact.** A letter was sent to the Board from Carter and Shelley Dodd on March 27, 2019 with the purpose of providing details about the hoop houses and to supply additional information about the (approved) farm business at 545 Millstone Circle. (See Attachment) Since the February 2019 Board meeting, it was brought to Sharyn Dickerson's attention that a farm, in close proximity to nearby Lake Oglethorpe, "killed" that lake by eutrophication. Sharyn Dickerson consulted with 4 environmental experts at UGA for their opinions on the current situation at SCF. Three of the four experts were of the opinion that the farm can negatively affect the community lake by sedimentation, and nitrogen balance altered by pesticides and fertilizers, whether organic or not. A nutrient management program must be created and implemented by Carter and Shelley Dodd to protect the health of the lake.

Since the Dodds are already operating as a commercial business without providing a completed Nutrient Management Plan, they are out of compliance with the covenants. Sharyn Dickerson made a motion to have a letter sent to the Dodds informing them to cease and desist commercial farming. Asa Boynton seconded the motion. The discussion followed that the Board should request that all future correspondences be submitted at least one week prior to regularly scheduled meetings so that the Board has adequate time to review. Also, the impact of the farm regarding resale value of homes has yet to be fully addressed. A vote was taken and all were in favor, except Vicki Robinson, who opposed.

- iv) **Sediment Issues.** A letter was sent to the Board on March 19, 2019 from a group of homeowners with property adjacent to the lake inlet. Their intent was to serve notice that they plan to move forward with dredging of the inlet/fore bay and surrounding areas while the lake level is drawn down for construction. (See Attachment) Sharyn Dickerson sent a response on March 21, 2019 that their proposed action is not authorized per the minutes from the August 26, 2018 Lake Meeting of the neighborhood. At that meeting, members voted to focus on education to reduce the sediment entering the lake. This was the neighborhood's vote and not the Board's. The lake is an asset of Shoal Creek Farms HOA and not the personal property of the adjacent homeowners, so any action that affects or impacts the lake must be approved by all homeowners. The "Lake Inlet Homeowners" were advised by Sharyn Dickerson to reference Section 3.03 of the By Laws to call a special meeting of the HOA in order to bring this matter back before the entire membership for reconsideration and a vote. In a separate request to the Board, Chris Gazlay asked for permission to have a boat launching area on his property. He was informed that he would have to have a permit to do so.

C) **Compliance Issues.**

- i) **Boats, RVs, and Trailers.** It has been brought to the Board's attention that there are a number of properties that are out of compliance with the Covenants of Shoal Creek Farms. (Article IV, E) In order for a violation to take place; the evidence must be visible from the street. Gary Adcox provided photos of the properties that are in violation in addition to residents in violation (Article IV, D) of adequate parking. Issues with approval of plans for fences, driveways, swimming pools, barn, shed or structure was discussed. (Article IV, B) Gary Adcox made a motion to request the owners at 205 Millstone Circle to remove privacy fence that was not approved by the ARC and ensure that the front fence will match the fencing in the common areas at the entrance of the neighborhood. Vicki Robinson seconded the motion. A unanimous vote was taken and the motion carried. **Action: Gary Adcox will work with the Board to send letters to those in violation with a request to correct the issue.**
- ii) **Rentals- Short-term and long-term.** Concerns have been voiced from neighbors that there are properties in the neighborhood that are not being maintained for single-family residential use. Short-term rentals, such as "Airbnb" were listed also as a concern. This is a topic that the Board will revisit at a later date.

V) **Special Orders**

- VI) **New Business.** Janine Durden, Secretary, shared with the Board a number of emails that she has received from a resident that is concerned that the business of SCF (that could be perceived as negative) is available to the public when it is posted on our website. After a discussion, there was a

consensus that the minutes will no longer be posted on the website, but instead sent out via email to the neighborhood. All of the 2016, 2017, 2018, and 2019 Board Meeting Minutes have been deleted from the website. **Action: The Board is exploring options to make these minutes available to SCF residents only.**

VII) Adjourn. A motion to adjourn was made by Ron Sims followed by a second by Asa Boynton. All in favor. The meeting was adjourned at 10:30 PM.

The next Board meeting is scheduled for Thursday, April 18, 2019 at 7:00 PM. Location is TBD.