

**3 CHERRY WAY HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS
MEETING MINUTES OF NOVEMBER 12, 2024**

1. CALL TO ORDER:

The meeting was called to order by T. Smith November 12, 2024, at 9:30 AM in the 3 Cherry Way Community Center. T. Smith informed the group that the meeting was being recorded to ensure quality and accuracy in our minutes.

2. ROLL CALL:

A roll call was taken of the Board of Director members by M. Barnes, Recording Secretary. As indicated below, there were five (5) directors in attendance, a quorum.

<u>OFFICE</u>	<u>OFFICER</u>	<u>ATTENDANCE</u>
President	Tony Smith	Yes
Vice President	Jim Dellinger	Yes
Treasurer	Karry Brockman	Yes
Recording Secretary	Marge Barnes	Yes
Corresponding Secretary	Cindy Dubac	Yes

3. AGENDA APPROVAL:

A. C. Dubac/K. Brockman: Motion to approve the meeting agenda (with additions or deletions)

1. **C. Dubac/J. Dellinger:** Motion to Amend:

i) Under Old Business: Item 5c

(1) The BOD received information from AquaTech that the underwater lights were not installed, and the fixtures were on back order. Change to not completed.

ii) Remove under New Business:

(1) Item 6g, RWM to purchase a storage shed. Passed with Amendments, unanimously

4. APPROVE MINUTES:

A. K. Brockman/M. Barnes: Motion to approve the October 8, 2024, 3CW Standard BOD Meeting Minutes. Passed, unanimously.

5. OLD BUSINESS:

A. Receive and file Resolution without a Meeting and Conflict of Interest to authorize 3 Cherry Way HOA to enter into a contractual agreement with Lippard's Landscaping LLC of Mooresville, NC 28115 to provide and plant 166 shrubs on selected 3 Cherry Way HOA common areas at a cost not to exceed \$7,000.00. **Completed.**

B. Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to enter into contractual agreement with B. P. Drainage, Inc., 7804 Commerce Dr., Denver, NC 28037 to repair the drainage at the end of Lambert Ct. for a cost not to exceed \$44,000.00. **Scheduled 11-18-2024 through 11-22-2024. Rescheduled due to workload increase resulting from Hurricane Helene to week of December 2, 2024.**

1. K. Brockman presented the drawing of the needed work to be done at the end of Lambert.

2. T. Smith/K. Brockman explained why the BOD elected to have this repair done.

C. Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to enter into a contractual agreement with AquaTech Pool Management Group, Charlotte, NC to replace two (2) underwater lights and seals, and two (2) underwater light fixtures at a cost not to exceed \$3,200.00. **Not completed.**

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- D. Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to fix the sloped area between Rynbrandt Dr. and Sylvia Ct. using terraces to hold mulch, with volunteers doing the repair at a cost not to exceed \$500.00. **Schedule pending.**
- E. Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to repair a drainage issue at 2212 Skeena Cherry Ct. using community volunteers at a cost not to exceed \$400.00.
Schedule pending.
6. **NEW BUSINESS:**
- A. K. Brockman/C. Dubac: Review and approve the 3 Cherry Way General Membership Ballot for voting at the 3 Cherry Way General Membership Meeting on November 14, 2024.
Passed, unanimously.
- B. J. Dellinger/M. Barnes: Review and approve the Official Tabulation Sheet to be used at the General Membership Meeting November 14, 2024.
Passed, unanimously.
- C. C. Dubac/K. Brockman: Review and approve Residential Rental Contract for 2119 Ravenal Ct.
Passed, unanimously.
- D. C. Dubac/K. Brockman: Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to purchase pea gravel for the perimeter of the pool at a cost not to exceed \$1,000.00.
Passed, unanimously.
- E. C. Dubac/K. Brockman: Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to enter into a renewed contractual agreement with Superior Association Management, 16501 Northcross Dr., Ste. D, Huntersville, NC 28078 to act as our association manager for 2025 for the same fee as 2024.
Passed, unanimously.
- F. M. Barnes/J. Dellinger: Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to enter into a contractual agreement with Darwood Tree Experts, LLC, 843 Odell School Road, Concord, NC 28034 to remove a tree at 2917 Tieton Ct., and remove 3 downed trees on Surefire Ct. to include stump grinding and removal of debris at a cost not to exceed \$2,700.00.
Passed, unanimously.
- ~~G. Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to purchase a storage shed to store items from the Clubhouse at a cost not to exceed \$3,000.00.—~~ Removed.
- H. C. Dubac/K. Brockman: Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to purchase a television for the poolroom in the Clubhouse at a cost not to exceed \$400.00.
Passed, unanimously.
- I. J. Dellinger/K. Brockman: Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to purchase a \$50,000.00 CD that will mature in November of 2026. Passed, unanimously.

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- J. J. Dellinger/M. Barnes: Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to enter into a contractual agreement with Mr. Handyman of Mooresville, 121 N. Commercial Dr., Suite C, Mooresville, NC 28115 to put bollards at the end of Vandalay Drive to prevent vehicles from entering the community at a cost not to exceed \$1700.00. Passed, unanimously.

7. TREASURERS REPORT: (K. Brockman)

- A. M. Barnes/C. Dubac: Receive and file Superior Mgt. September 2024 financials documents. Passed, unanimously.
- B. K. Brockman, Treasurer: Reviewed the summary report of the Superior September 2024 financial report, briefly explaining the current status of 3CW's financials.

8. ACC STATUS REPORT:

- A. Melanie Mellenthien:
1. Phase 1 of the Landscape Plan is completed with the planting of one hundred sixty-six (166) bushes.
 2. Phase 2 has approximately thirty (30) homes effected. There is ninety-three (93) bushes to be planted in February or March of 2025. The homeowners effected will be notified soon.
 3. Discussed the notice to homeowners about removing any plantings for the Phase 2 bushes and no plantings in the 12" area at the foundation and keeping all of the utility boxes accessible.

9. OFFICERS' STATUS REPORTS:

- A. T. Smith, President:
1. Thanked the community for helping to keep the community looking good.
 2. Discussed the General Membership Meeting to be held on November 14, 2024, for the Bylaw amendments and the 2025 Budget.
 3. The 2025 assessment does not require a vote from the community because according to the CC&Rs, a 10% increase is allowed for each year, and the new assessment used the 10% not done in 2024 and used 3.3% from 2025.
- B. J. Dellinger, Vice-President:
- C. K. Brockman, Treasurer:
1. As of Monday, there was a balance in the Operating Account of a little over \$36,000.00.
 - a) After purchasing the \$50,000.00 CD, the Pre-Reserve Account had a little over \$46,000.00.
- D. C. Dubac, Corresponding/Record Retention Secretary:
- E. M. Barnes, Recording Secretary:

10. RESIDENTS COMMENTS/Q & A:

- A. Libby Wilson, 8724 Vandalay Dr.,
1. *Comment*: Thanked the BOD and volunteers who work in the community. Also, she asked those present to bring ideas of improvement to the BOD during meetings to be discussed during the meeting. We can be a part of the problem or a part of the solution.
- B. Phyllis Wilson, 8348 Glacier Dr.,

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1. *Comment:* Regarding the upcoming construction on Lambert, the last time there was construction on our street the contractor left a mess that blew up into our driveway and garage. A BOD member should inspect daily. *BOD Comment:* The last time it was looked at daily by K. Brockman, and he will be looking at the work as it progresses.

C. Melanie Mellenthien, 2227 Cashmere Ct.,

1. *Comment:* Over the last 4 years, over \$21,000.00 has been collected for the Storage Lot. That money has not been used to take care of the Storage Lot. The Storage Lot is not being maintained. It is not fair to charge the people using the Storage Lot another \$10 a month when there are no services.

D. John Gabor, 2375 Stardust Ct.

1. *Comment:* Appreciate K. Brockman's explanation about the drainage work at the end of Lambert. That information should be in the meeting packet for the community.
2. *Comment:* I went to Superior to look at the landscape contract.
 - a The contract has the number of times the community will have the grass cut, weeds sprayed, etc.
 - b There was only one (1) true trimming of the bushes.
 - c Contractor is being paid a flat rate each month whether the work is done or not.
3. *BOD Comment:* The new contract for 2025 will have a monetary penalty for not completing the work on a timely basis.

E. Jim Mercier, 8231 Rainier Dr.,

1. *Question:* What is the interest rate for the new \$50,000.00 CD?
2. *BOD Comment:* A chart was displayed on the TV screen showing all of the CDs that the HOA owns, their value, the interest rate being paid, and their date of maturity. The latest purchase has an interest rate of 4% paid monthly.
 - a The last one was chosen because the Reserve Study identified \$97,000.00 in expenses for 2027 and 2 CD's mature for a total of \$85,000.00.
 - b The interest earned off of the CDs will help fill the shortage of \$12,000.00.
 - c We have earned \$54,000.00 in interest from the CDs this year, which equates to approximately \$6,000.00 per household in equity.

F. Pat Mercier, 8231 Rainier Dr.,

1. *Question:* In the future, could you please consider putting bollards at the end of Tieton as well as the ones on the end of Vandalay? People have told me that golf carts, bicycles, and motorcycles come through there,
2. *BOD Comment:* We will look at that.

G. Judy Okoniewski, 2228 Cashmere Ct.,

1. *Question:* I would like to know where the \$44,000.00 for the Lambert drainage project is coming from. It was not in the Budget. Is this being pulled out of the Reserves?
2. *BOD Comment:* It is not being pulled out of the Reserves. It will be paid out of the Operating Account as we continue to accumulate cash from the assessments.

H. Jeannie Gabor, 2375 Stardust Ct.,

1. *Comment:* Concerning the increase in Storage Lot fees. The increase is over the 10% allowed for 2024 and 2025 because this is a special assessment. ***BOD Comment: The rental fee is not an***

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assessment. Per 5.08 of the Covenants, an assessment is a fee common to all lots and must be changed at a uniform rate for all lots. Simply referring to the rental fee as an assessment in a memo does not change that fact.

2. *Comment:* In the meeting packet, the Resolutions Without a Meeting should list the company name, the quote and quote number, the reason for the repair, the amount, include the contract so that it can be reviewed by the community.
3. *Comment:* The Bean Bros. contract does not have a confidentiality agreement not to share with the community.
4. *Questions:* When did the BOD approve the meeting package for the General Membership Meeting that was sent to Superior to distribute to the community? When was the 3 Cherry Way Membership List provided by Superior approved by the BOD? There is no evidence they were approved.
5. *BOD Comment:* Everything that the BOD does is passed through our attorney for his direction.

I. Dan Okoniewski, 2228 Cashmere Ct.,

1. *Comment/Question:* There was a question that was answered in the June 11, 2024, Meeting Minutes and that was: "Were we paying for the extra mulch Bean Bros. had to bring in." The answer was it was part of the contract, and we were not paying for extra mulch. Recently an Owner Application for Exterior Townhouse or Landscape Repair stating that their area was lacking mulch and was filled with weeds and requested it to be fixed. If we are not paying extra for mulch, why was this approved not to exceed \$500.00?
2. *BOD Comment:* This is a very sloped area where the mulch washes away each time it rains. There has to be a solution found to stop the mulch from washing away. We have not had that scheduled yet.

J. Susan Ocepa, 8769 Vandalay Dr.,

1. *Question:* In our mulched area the landscapers have sprayed for weeds. Is it in the contract that they are to remove the dead weeds from that area?
2. *BOD Comment:* Bean Bros. has not done a good job overall this year. They were supposed to get the weeds up after they died. We are looking to replace Bean Bros. We will talk to them when they are here this week.

K. Margaret Schultz, 8520 Christalina Ln.,

1. My feelings were hurt when I was scolded for sending out an email using Howard's Corner to bring some items to the attention of the BOD and the community. I believe that the HOA is dictating what we can say and do.
2. *BOD Comment:* Apologized for hurting her feelings and explained that the BOD makes mistakes too and we will try to do better.

11. ADJOURNMENT: J. Dellinger/C. Duback: Adjourned the 3CW HOA BOD Meeting November 12, 2024, at 10:39 AM in the 3CW Community Center.