



04 FEB 2023
10:30am
Harrietts Bluff
Baptist Church

Meeting Type: Annual

Meeting called to order: at 10:51am by Sean Ince

Note Taker: Christy Goins

Attendees: Sean Ince (President) Christy Goins (Secretary), Mike Hanna (Board 4), Brandon Crenshaw (Board 5), Stephanie Miller (Treasurer), and 57+ members

President welcomed all attendees, introduced current board of directors, and special welcome to Misty Harbor's newest residents and owners.

Mr. Cressman expressed that meeting would not be an official meeting without approval of the 2022 annual meeting minutes. Another resident made motion to proceed with meeting without last annual meeting minutes approval until secretary could pull last year's minutes on her computer. Motion was 2nded, majority voted aye. Motion to move forward with meeting passed.

OLD BUSINESS

- **Litigation with builder resolved:** President explained past circumstances with Readick construction. Readick construction agreed not to build on his vacant lot until a new building plan is submitted to the ARB that is in compliance with the ARB guidelines in effect at the time of his future submission and approved by the ARB and Board of Directors.

Gates: Mr. Crenshaw explained the difficulties experienced with current 20 year system. Front, Service, and Pool gates all operate on three different systems and no longer allow for old codes to be removed, problematic for new codes to be uploaded, dropping codes, etc. New system will put all gates within Misty Harbor on one system and is expandable (can include storage yard if decided on in future). New system will remove need for landline (local number) phones to open remotely, owner may issue visitor passes to guests, owners may grant access with cell phone app, new system will take pictures of anyone who enters code into key pad, will operate with RFID headlight tags rather than easily copied bar codes. Mr. Weinkle presented a variety of different RFID tags in his possession that were previously tested (prior to 2022) at the Misty Harbor front gate.

2022 Annual Meeting Minutes- read out loud by Secretary, approved by attendees.

Resident asked about landscaping bids. Resident suggested asking for a proposal from several landscaping companies with a fixed amount in mind, for example ‘What will you do for \$40,000’ rather than obtaining a quote for known needed landscaping services in an effort to lower the amount spent on landscaping. President explained that the oncoming board would make the decision regarding landscaping.

Pool Building: Mr. Carter expressed, that at the 2020 annual meeting, it was agreed that all large and new spending on projects would be discussed with the community prior to committing monies to said projects. He questioned why that was not honored in the decision to enclose pool building. Mr. Weinkle explained how the decision was made and that requesting a majority vote is not in the covenants. Although it may have been discussed to make seeking community majority approval a part of policy, it was never made as a resolution to put to vote amongst the entire Misty Harbor membership. For a resolution to pass, Mr. Weinkle explained it would require at least 113 affirmative votes to pass. Since even the annual board elections never receive 113 votes total, then no resolution would likely ever pass to change any of the covenants or bylaws.

Mr. Cressman made a motion requiring the board to call for a vote of members in attendance of all-called member meetings, to approve all capital expenditures of \$2,000 or more and/or any action that would raise operating expense by \$250 or more per year. Mr. Carter 2nded motion. Discussion ensued.

Motion was put to vote: 17 attendees (by lot count) voted in favor, 31 attendees voted against. Motion was declined.

Misty Harbor Roads: Mr. Hanna presented update on the roads, what the issues have been, when Asphalt Paving Solutions would return to repair (sometime in March), and what areas would be repaired. Mr. Pedigo, who is a civil engineer with specialties in road systems, expressed the need for the new board to address oxidation in the pool parking area as well as cracks throughout community.

Mr. Franklin referred to Mr. Cressman’s motion asking that the board put the topic of board spending on the agenda for community discussion at the next board meeting.

Mr. Carter informed the board and attendees that according to 4.6 in the covenants two signatures are required to be on all contracts.

Covenant Enforcement: Ms. Smith spoke to addressing covenant enforcement, specifically regarding boats and trailers in driveways. She asked Mrs. Goins and Mr. Crenshaw why was nothing done in the 9 months she was asking for enforcement, and how can they reassure her that covenants would be enforced moving forward. Mrs. Goins explained that since there previously were no policies in place to actually address covenant enforcement, such as reasonable fines and fine schedules, the board wanted to make sure every policy, action, etc. was thoroughly researched before setting a new policy. For example, in her (Mrs. Goins) research she learned that one of the covenant rules is unenforceable under Federal law and that to try to enforce, would open Misty Harbor up to costly litigation. Now that the research has been concluded, a fine schedule is now in place, but added that the \$\$ amounts per fines can be discussed and changed at a future meeting asking for community input. Attendees presented a couple different points of view regarding what should and should not be allowed.

Mr. Ince suggested adding covenants, rules, and enforcement on the next board meeting's agenda.

Meetings: Mr. Ince stated that the next 12 months of monthly meetings are on the schedule for the 2nd Tuesday every month (at the pool building) and posted on the PayHoa website. He encouraged all to attend in order to provide input and feedback on the happenings within Misty Harbor. Ms. Smith asked if the old website would continue to be updated with the minutes, Mr. Ince stated that it would be up to the next board. The old website is difficult and time consuming to update, however, all meeting minutes will be available on the PayHoa website as they become approved.

Mr. Turner expressed concern about the number of contractors parking on the streets during construction, speed of drivers, noise of contractor vehicles, and large trucks entering and exiting through front gate. He asked if the association would pay an off-duty officer to help enforce the speed limits. Mr. Ince expressed that because it is a closed community that they likely cannot help. The owner's and contractor's name should be displayed on all contractor vehicles for accountability.

New Business:

Mr. Ince presented projects that need further community input:

Camera systems, pool deck and pool resurfacing, pool shades and pool furniture, exploring options for upgrading the recreational storage yard.

A resident asked when pool is open. Mr. Ince responded it is open year-round. Another resident stated he believed that it was recommended that pool not be used during winter months. Board needs to consult with the pool maintenance company for clarification.

Presentation of Reports:

Mrs. Miller presented Treasurer's Report. Mr. Carter expressed the need to have special assessments for 'special' projects rather than pull from reserve funds.

Mr. Griffith presented ARB report: two new home builds and one outbuilding approved since October.

Mr. Griffith presented and explained changes in the newly revised ARB guidelines.

There was discussion regarding the variances allowed for the approval of the newly approved outbuilding. The variances were 1. Exceeding 12 feet by 16 feet for sheds (no maximum size provision in guidelines for detached garages) 2. Street facing garage door. 3. Footprint beyond sidelines of house. The same 3 variances were approved for all previously constructed detached garage/workshops throughout the community. The most current approved detached garage/workshop will only have a small percentage visible from the street, unlike all other structures of its type throughout the community approved by previous ARBs.

Mr. Weinkle stated that the impact of waterflow on an area already proving to be problematic without all the adjacent lots being developed yet could be made more problematic with an additional building placed. Mr. Griffith explained that if there is already a drainage issue, then it needs to be addressed as there may be a blockage in the culvert running under the street or a blockage in a swale down the line.

Meeting Adjourned- 2:55