

Southern Village Homeowners BOD Meeting Minutes
March 14, 2023, 10:30 AM via Zoom

Present:

Kevin Kelly, President
Sam Benen, Treasurer
Kin Van Horn
Suzanne Lyman, Secretary
Patsy Smith, Director of HOA Operations

Absent:

Rana Singh, Vice President

Also present:

Mr. Vernon
Rodger Traynor

Establish Quorum / Call to Order

Quorum: 4 of 5 members present

Meeting called to order by Kevin at 10:32 AM

Kevin went over the agenda and asked if anyone wanted to add any items. Contents of the email relating to composting and gas-powered leaf blowers that Sam sent to the board members on Friday, March 10th will be discussed in the sustainability section

Approve Agenda:

Agenda approved by a unanimous vote of the four members present

Open Comments:

While Rodger Traynor would typically speak during open comments, he asked if he could speak during the sustainability section of the meeting. There were no objections.

ARB Request (300 Highgrove)

Mr. Vernon, of 300 Highgrove, had submitted an ARB request with eight separate proposals for his yard. Two of the proposals were denied, two were approved and the decision on four were unclear. He wants to appeal the parts that were denied and clarify the other parts. During his presentation, Mr. Vernon referred to his "Revised Landscaping Submission". His main concerns revolve around his proposed plan for two different extensions of his current

driveway. Because of the layout of the driveway, he said it is difficult to get cars in and out of the garage. He is proposing two changes: 1) extend the driveway back toward the lot line in back so there is more room to maneuver. It was not clear to Mr. Vernon in the original submission if this part was approved. 2) extend the paving at a right angle to the driveway at the front of the house closer to the street. See diagram from the appeal below:



Mr. Vernon provided us with some context for this parking pad: He has three cars and had previously parked one on the street in front of the house. The car was hit and totaled as another car came around the corner and as a result, he no longer parks on the street. He stated that a relative visits two or three months per year and that his third car would be parked on this parking pad during those times so the visitor could use the car. Mr. Vernon showed us photos taken from the front of the house with a car parked where the proposed parking pad would be located to demonstrate that this area would be barely visible from

the front of the house because of the wall of trees and the box hedge. See below:



View from across the street looking directly at the car. You can see it's entirely covered by trees and shrubs. Pictures were taken during the winter, during the spring, summer, and fall the greenery would provide even more coverage.

Looking at this area from an angle does show a bit of the car. He also indicated that he is willing to use a material other than concrete if that would make the parking pad more acceptable to the board.

Suzanne stated that this patio/parking pad is either at the side of the front of the house or the front of the side of the house, and that it might violate the covenants which state that patios must be placed at the side or the back of the house. Kim's view is that technically this parking pad could be thought of as being on the side.

Kevin stated that it was good to have context presented by Mr. Vernon and after absorbing all of the material provided, he thought the board would come to a decision within a week. The outcome could conceivably be either approval, denial or referring the appeal back to the ARB. Kevin's view of the ARB is that it has significant knowledge of zoning and covenant requirements and the history of other similar ARB requests that have been reviewed. As such, he has high regard for the ARB. Kim informed Mr. Vernon that she and Suzanne independently looked at the property and took some photos to show that the parking pad would not be visible from the street and provided them to the board members prior to this meeting. Kim also spoke to the previous chair of the ARB to get clarification of what was approved and what was not approved. Extending the driveway back was approved as was the pavement for the trash and recycling bins and the landscaping. Placement of the shed was approved if it met setback guidelines. Mr. Vernon said that the new drawings for the shed show it moved somewhat away from the lot line even though he learned that the

town of Chapel Hill has a zero-setback requirement. Kim also let Mr. Vernon know that the board is aware that three neighbors approved of his proposed project.

Approve February 27, and March 2, 2023, Minutes

Kim moved to approve the minutes and they were approved by a unanimous vote.

Board Reports

a) President

No updated report at this date

b) Treasurer

Sam would like to put some funds in 6-month Treasury bills to earn interest (~4.9%; yielding about \$7000 in 6 months) and he contacted the HOA bookkeeper who said we could put away \$300,000 for 6 months (\$200,000 from alleyways, \$50,000 from general reserves and \$50,000 from West End). Kim asked about the plans to enlist a new accounting firm, (Bernard Robinson & Co.) and Sam said there would be a meeting with them, and anyone could sit in on the meeting. Kim moved to vote on the transfer of the \$300,000 to Treasury bills and the initiative was approved by a unanimous vote.

Committee Updates

Parks

i) Corner Parks-underway; the initial grading and beginning of the foundation completed; the shelter will be built.

ii) Scroggs Pathway-work will begin on this soon

iii) Central Park-Basketball drainage-\$5742 for regrading and moving drains; In the discussion of this project, it was agreed that it is needed to protect the resurfacing investment that has already taken place and to correct the drainage problem. The funds for this work have already been budgeted. Kim moved to approve the drainage correction expenditure and it was approved by a unanimous vote.

The soccer group has not paid for last two years of their agreement so we have that infusion of funds now (~\$7000) which will be put back into the field.

Sustainability

Compost: Sam reported that the two existing bins were starting to get filled up and he wants to go neighborhood wide with this initiative so he proposed going to three bins which would bring the total cost to \$45/week (\$15/bin/week). He expressed concern about the bins still getting

too full, however we could go to two pickups/week instead of one, thus doubling the cost. (The \$7000 interest from the treasury bill would easily cover this cost.) Kevin agreed with adding an extra bin. Kevin moved to approve the third bin. It was approved by a unanimous vote.

Sam worked with the sustainability committee to draft a message that will be sent to the entire community via email about the composting initiative. He provided the text to the board members in an email prior to the meeting. Kevin thought it was detailed and lets people know precisely what they can compost and the location of the bins. There was a motion to approve this letter and it was approved by a unanimous vote.

Gas-powered leaf blowers: Thus far, Patsy said that she asked Ruppert to not use them. This is a trial at this time and if there is pushback, they might blow once/month. She continued that the quality of work needs to be maintained and the expectations of the homeowners, particularly the townhome owners who pay for a landscaping service, need to be met. A couple of electric leaf blowers will be obtained. Kim also raised the issue of gas-powered trimmers which she said are just as loud. Sam has written a board resolution stating the following which he read into the meeting and which Patsy shared on the screen during Sam's presentation:

- We would like SV to be a gasoline leaf blower-free neighborhood
- Gasoline leaf blowers cause horrendous noise disturbances for neighbors
- They are harmful to the environment and are hazardous to the health of passers-by
- Our preferred methods of cleaning up leaves are either electric blowers (quieter, cleaner, more environmentally friendly) or hand raking
- We believe this will be a boon to the quality of life of our current residents. And it will have a long-term positive impact on property values by appealing to buyers who are environmentally conscious and/or work from home, two rapidly growing demographics in our region.

Because there are other types of gas-powered equipment, such as trimmers and mowers, Sam suggested using the term "two-stroke engines" or gasoline-powered landscaping equipment in the wording of the resolution. If this resolution is approved by the board then it will be communicated to the homeowners. It is thought that if homeowners see that this is a value of the board, they can go to their landscapers and ask for a quieter option. Suzanne related that she identified a landscaping company that uses all electric equipment and asked if we could look into hiring a new landscaping company. The sustainability committee has already identified and vetted four such companies. Kevin supports the general direction of this resolution but believes there could be a reaction to any change. An example was given by Patsy of the initiative to approve solar panels on the front roof of houses and the pushback at the time. Now there is almost no mention of the solar panels. Kim said we need to proceed gently.

Rodger Traynor took his turn to speak. He believes the HOA should show leadership on the initiative to have a leaf-blower-free neighborhood, but he thinks that the only way to achieve the goal is to amend the covenants to prohibit gas-powered leaf blowers. Rodger agrees that the board should pass a resolution and distribute it to the homeowners, but that we should amend the covenants. The amendment needs to have an enforcement mechanism, such as a fine for one offense and greater fine for a subsequent offense. The mechanical process of

amending the covenants requires approximately 700 signatures. To accomplish this, we need to communicate to all of the owners, and Rodger stated that we need to have an up-to-date list of homeowners. Patsy said there were 673 members, and we would need 505 members to vote in favor of the amendment. Rodger stated that in order to do this correctly we would need a legal opinion as to whether an amendment change is enforceable with the 505 signatures, and we might have an expense associated with this. Rodger restated that he wants a total ban on gas-powered leaf blowers. (In a follow-up conversation with Patsy, Rodger and Suzanne on March 15th, Patsy indicated that there are currently 529 single family homes and 141 townhomes which is 670 total households. Seventy-five per cent would be 503 votes. Each household gets one vote, not each person. This information was emailed to the entire board.)

Suzanne commented that an alternative to gas-powered leaf blowers to the signatories needs to be offered. She also brought up the recent survey in which 40% of respondents would like to ban gas-powered leaf blowers and 32% of respondents didn't like gas-powered leaf blowers but didn't see an alternative. Based on this she thought it would be difficult to reach 75% in favor of an amendment. Kim was concerned about going at this in such a hardline manner, and she suggested that there would likely be an organized backlash to the amendment and provided two anecdotes to support this. Kevin brought up the concept of liberty or the ability to choose. A change to the covenant would affect a homeowner's liberty. He stated that "The flipping of the light switch (i.e., an amendment) approach would fail stupendously". Rodger disagreed that changing the covenants is like "flipping a switch", but rather that it may take some time to acquire the necessary votes. Kim's view is that health concerns should be the number one selling point. She said that we need to work on the language of the resolution. Sam's view is that we are hurting our neighbors and people are suffering.

Suzanne wanted to know if we want to take any actions on what Rodger spoke about today. The conversation migrated back to the resolution and messaging to the community. Sam's view is that we are hurting our neighbors and people are suffering. Kim said that it would be good to find one example of a child with asthma, that it would go a long way toward justifying a leaf blower ban. It would also be good to find an example of another local or North Carolina community that has prohibited gas-powered leaf blowers. Sam discussed negative health effects the PM 2.5 particles.

ARB

Michelle reported that several solar panels were approved. Kim wanted to know what the timeline would be on a decision regarding the 300 Highgrove ARB denial. Kevin said it would be about a week. Kevin stated that any material supplied by the owner for the appeal should also be shared with the ARB.

New Business

400 block of Parkside Circle

Suzanne brought before the board some of the concerns expressed by Joy Mermin concerning the natural area behind the homes on the 400 block of Parkside Circle. This area is a triangle bordered on either side by alleys and also backing up to the townhomes on Copperline Drive. The proposal that reflects Joy's concerns are as follows:

1. Remove Silver thorn bush (unsightly and potential safety problem) (you were informed in an email from Michelle on Sept. 21, 2022 that it would be taken care of)
2. Removal of stump from fallen tree during hurricane Michael
3. Removal of dead trees from Island
4. Removal of fallen trees and branches laying on various parts of island
5. removal of invasive ivy (ivy has extended up several trees and will eventually kill the trees)
6. Planting of Beauty berry bush (this could possibly be taken up by the parks committee)

Suzanne asked Patsy whether the HOA is responsible for this area and also for historical perspective about maintenance of these types of areas. Patsy confirmed that the HOA is responsible and that there are a number of these areas next to alleys in SV. To dig out the stump would cost over \$1000 and typically a stump is left in place. Patsy will look into the cost of grinding down the stump. Typically, the HOA makes certain that the canopy over the alley does not interfere with cars or trucks driving through. The HOA doesn't typically clean natural areas. A forester from Duke who was consulted a few years ago said that dead trees and branches should lie there. Suzanne also asked Patsy to find the cost of grinding the stump as well as removing the silver thorn bush. Kim said she would back Ruppert removing the ivy from the trees.

Adjourn

Kim moved to adjourn the meeting at 12:28 PM. Approved by a unanimous vote.

Next meeting

The next board meeting is scheduled for May 9th, 2023 at 10:30 AM via zoom.