

**Southern Village Homeowners BOD Meeting Minutes
May 9, 2023, 10:30 AM via Zoom**

Present:

Kevin Kelly, President
Rana Singh, Vice President
Sam Benen, Treasurer
Kim Van Horn
Suzanne Lyman, Secretary
Patsy Smith, Director of HOA Operations

Also present:

Rodger Traynor

Establish Quorum / Call to Order

Quorum: 5 of 5 members present
Meeting called to order by Kevin at 10:32 AM

Approve Agenda:

Agenda approved by a unanimous vote of the five 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.

Approve March 14, 2023, Minutes

The minutes from this meeting were not emailed to the members prior to today. They will be sent by Patsy after this meeting and voted on via email.

Post meeting note: The minutes from 2/27, 3/2 and 3/14 were approved by a vote of 4 members of the board via email.

Board Reports

a) **President**

Kevin reviewed the manager's report and the ARB report prior to this meeting. There is continued maintenance of the common areas including ponds, questions from community about Corner Parks (not moving forward), appreciation for addressing the

field and basketball courts and good feedback from some families about the improvements to the Scroggs path. Ruppert has done a good job on grading.

b) Treasurer

Sam stated that there is \$600,000 of reserves in treasuries earning 4.5-5% interest. He is working on drawing up a balance sheet. We have assets but what are our liabilities. He also expressed interest in doing a new reserve study in the next year (the last one was in 2016). Patsy said this was needed too. Sam had two asks:

- a) Request a legal budget to engage a law firm to determine the steps needed to bring to a vote a change the covenants to reflect the board's interest in prohibiting the use of gas-powered leaf blowers.

The board voted unanimously to approve a legal budget up to \$3000.

- b) Currently the compost bins (3) are picked up once/week. Sam would like to increase the pickup to twice/week because there have been reports that the bins are becoming buggy. This program has been very well received and we would like to keep the area behind Edward Jones clean. This will be voted on during sustainability.

Committee Updates

Parks

i) Corner Parks-underway; need permitting for gathering shelter. Travis inadvertently submitted landscaping for permitting. Patsy spoke with someone from Chapel Hill to rectify this. Travis Blake from NC Building will now be the general contractor for the two Corner Parks. Permit will include everything needed for next 5 years for Corner Parks. Everything has been submitted for permitting. Chapel Hill bricks on the street may have bled into the storm drain and though it was not a problem, Ruppert will move them. Patsy thinks we are weeks away for the permitting.

ii) Arbors-need a permit; the decision was to use cedar (~\$12,000 which is within the budget that was allotted for Parks (\$100,000)). Kevin wanted to know if pricing will hold and Patsy will check into this. Ruppert was chosen for the contractor and cedar was chosen so the work would match previous work in SV.

The arbor was voted on and approved unanimously.

iii) Scroggs pathway- Kevin will report if there is any runoff after a rain.

IV Central Park basketball court drainage-work is in progress. The contractor found a pipe they did not previously know about. They had to take care of more drainage. They also found fungus that they are treating. Patsy and Michelle will walk the area on May 10.

Sustainability

1) Meeting with Ruppert representatives-members of the sustainability committee were invited to a meeting with Ruppert representatives on May 10, 2023, to discuss the possibility of their company switching to electric leaf blowers

2) Resolution-a final version of the resolution to reduce the use of gas-powered leaf blowers was presented by Sam. Broadly, it lets homeowners know that the board has the banning of gas-powered leaf blowers in its sights; it is a quality-of-life issue with more people working from home and it is narrowly targeted to just include these leaf blowers which are the loudest, most obnoxious, most harmful to the environment and least useful machines. The blowing just moves leaves around. We are going to engage a lawyer and talk to the landscapers. The resolution in full follows and is also posted separately on the Southern Village website:

The elected Board of Directors of SVHOA unanimously resolves as follows concerning the use of gasoline-powered leaf blowers (GPLBs) in our community:

- It is a stated aim of this Board to make SV a GPLB-free neighborhood.
- To that end, we are pursuing a few actions in the near term:
 - o We have asked our commercial landscaping provider to reduce the frequency of blowing. They have also agreed to procure one or two electric leaf blowers for routine use.
 - o When it comes time to renew our landscaping contract, the ability of the landscaping company to do the job with quieter, more environmentally-friendly tools will be a major factor in the Board's decision whether to hire—and this will be communicated to any landscaping companies interested in bidding on the job.
 - o We have vetted four lawn service providers who use electric leaf blowers as a resource for those neighbors who wish to make a switch from gas-powered leaf blowers in their own backyards.
 - o We are engaging a law firm to research and recommend the path forward for changing our covenants to include a ban on GPLBs.
- GPLBs are harmful to our quality of life in SV
 - o They cause horrendous noise disturbances for our neighbors, especially those working at home or with young children sleeping. The noise emitted by a gas-powered leaf blower, even at distances up to 800 feet, is nearly twice the 55-decibel threshold at which sound is considered harmful by the World Health

Organization. The low frequency sounds travel long distances and can penetrate walls.

- o Gas-powered leaf blowers are harmful to the environment, hazardous to the health of the operators, passers-by, and nearby residents. They burn an oil-gas mixture that generates high levels of ozone-forming chemicals, disperse fine particulate matter (“PM2.5”). PM2.5s, which have a diameter of less than 2.5 micrometers, are inhaled by passers-by and are well-known contributors to cardiovascular disease, asthma, COPD, lung cancer, premature births, and other serious health conditions.

- o COPD, lung cancer, premature births, and other serious health conditions.

- o The exhaust from gas-powered leaf blowers contains substantially more air contaminants in an hour of blowing than an automobile driving 1,100 miles.

- o Short-term expediency and resistance to change are not sufficient reasons to persist with GPLBs. This resolution is specific to gasoline-powered leaf blowers, not all gas-powered equipment.

- o We are not opposed to the continued use of gas-powered mowers and edgers, for example.

- o It is our view that GPLBs are the most harmful and disruptive, and the most easily replaced by equally (if not more) effective methods.

- o Our preferred methods of managing leaves and yard clippings are by using electric-powered leaf blowers, which are now widely available, as well as hand raking or simply ‘leaving the leaves.’

- o GPLBs are the least effective of all the landscaping equipment. For example, countless times one crew will blow from one yard into another, only for another crew to come along shortly after and blow it right back. GPLBs do not eliminate leaves or clippings, they just move around our neighborhood.

- o The substantial negative health impact to both the landscape workers and residents trapped in the vicinity of GPLB usage far outweighs any notions of efficiency or landscape beautification.

We believe this resolution will be a boon to the quality of life of our current residents and will support property values in the long term by appealing to buyers who are environmentally conscious and/or work from home, two rapidly growing demographics in our region.

There followed a discussion about sending the resolution out broadly via email to ease people into this, place the resolution in the minutes of the meeting, post on the website and adding a line that we don't anticipate an additional cost to the homeowners. Sam views this resolution as an internal document for the board to determine how we are going to approach this issue. Future boards may ask why we took the steps that we did and we can point to this document. Suzanne asked if we could email this document to the members of the SVHOA and it would be a signaling mechanism and serve to be a preface to the future effort to vote on an amendment to the covenants banning gas-powered leaf blowers. Kevin believes the resolution should be communicated to the SVHOA to indicate that the board sees this as a priority. Then the board will follow up with the residents. The board would like to know from homeowners if they read and understood the resolution and it would like to convey the next steps, ie. engaging an attorney to draft a change to the covenants. Sam has no objection to this document going out broadly. Patsy states that people need to be eased into this. Kim raised the question of whether there would be a special assessment. Patsy doesn't associate the cost with this. Some members of the board will also talk to Ruppert landscapers on May 10, 2023, about the possibility of switching to electric leaf blowers. Patsy believes that people will ask if they have to fire their landscapers.

The resolution was approved by unanimous vote.

Discussion will follow this week about Millhouse communicating the resolution to the SVHOA members.

Vote on increasing compost pick up to twice/week was approved unanimously.

Rodger brought up engaging a lawyer. The \$3000 for legal fees was approved earlier in the meeting.

ARB-Kim serves on the ARB and is the liaison between the ARB and the board.

- 1) The ARB would appreciate it if a letter was sent out to homeowners reminding them that changes to the home or major landscaping changes need to come before the ARB for review. The letter should be accompanied by the ARB guidelines. Kim will work with Michelle to draft a letter. There is a clear, documented process for violations. This begins with a letter to correct the violation, followed by a second letter to correct by a

certain date, and followed, if necessary, by a hearing before the board and a fine. The maximum allowable fine is \$100 as set by state law.

- 2) 204 Overlake: A violation was brought to the attention of the board by Patsy and Michelle. A bus is parked in the back yard and has been there for about 2 years. Also, the front and back yard are a mess. The homeowners were notified by a letter on April 26, 2023 and they asked for 90 days to accrue the money and have the time to correct the situation and relocate the bus. They are showing intent to correct this violation. We need a clear process if they exceed 90 days. The board discussed ramifications if they don't move the bus and these include a second letter that says the bus needs to be removed in 2 weeks, possibly giving notice monthly, an invitation to a hearing and if they don't attend the hearing, then imposing fines. The board only needs to get involved if there is a hearing and fines.
- 3) Kim brought to the board's attention that there are a few houses in the neighborhood whose upkeep and maintenance do not meet Southern Village standards. The owners may not have the funds for the upkeep. Kevin queried what if a member of the community can't maintain the home. What is the process concerning the board and what are the board's legal boundaries. Kevin would like to talk to the owners to get the full context. There were no good answers at this time other than writing a letter to the owner. Address this again at the next board meeting.
- 4) Devil strips. This is the area between the street and the sidewalk. The ARB shared that the guidelines state that these areas cannot be covered with bark mulch. The strips need to be grass or plantings 6 inches high or less. Currently the HOA is maintaining these strips. The board needs to know the location of these strips. This information can then be given to Ruppert. Patsy said that both grass and sod have been tried in the past and nothing seems to grow in some of these areas. It was also noted that these are only guidelines. There was no resolution at this time.
- 5) Outside cats are the number one cause of songbirds dying. Sam stated that the board has no collective expertise concerning this problem and the board would not know where to start. However, he will work on a HOA case form that can be posted on the SV website. A case could be brought before the board showing why the board should get involved. Patsy said this is not a board issue and that if people have concerns about loose cats, they should call Animal control.

Manager Report

- 1) THII roofs will be replaced mid-May and Highgrove roofs will be replaced in June.
- 2) THI front trim, railings and bay windows will be repaired and painted beginning May 16.
- 3) There are two ponds with two aerators each. They are 20-21 years old. An unidentified person cut the ties securing the on/off handle at the Scroggs Pond and turned it off because it was too loud. It was suggested that a padlock should be used to secure the handle.

There was a unanimous vote to replace the aerators.

Sustainability continued-Prior to the board meeting a letter written by Rodger Traynor was circulated to the members. This was a letter intended to engage a lawyer from Jordan Price Law firm for the purpose of amending the covenants to prohibit the use of gas-powered leaf blowers. It was suggested by Patsy that this should be an exploratory letter to review the covenants and declarations, how to go about making a change and what it would look like to eliminate gas-powered leaf blowers. She also suggested that the letter be simpler and that the discussion of a \$500 fine for violation of an amendment be removed from the letter because a \$500 fine would be illegal (The state mandates a fine not to exceed \$100). Suzanne will work on the letter.

New Business-none

Adjourn-motion by Kevin at 12:23 PM; approved unanimously.

Next meeting

The next board meeting is scheduled for September 12th, 2023, at 10:30 AM via zoom.