



June 2023 XLIII
Carolina Preserve
HOA NEWS

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HOA President's Comments

By Judy Nixon



It's that time of year again when residents should consider running for the HOA Board of Directors. For new owners and not so new owners, the following explains generally the HOA Board election process and the role of the Board of Directors and its responsibilities in managing the Carolina Preserve HOA. Carolina Preserve is a nonprofit corporation organized under the laws of North Carolina. In addition to Federal Statutes, the HOA Declaration of Covenants, Articles of Incorporation and By-Laws ("HOA governing documents"), the CP Board of Directors is subject to NC nonprofit corporation and planned development laws, which are largely reiterated in the HOA governing documents. The Board of Directors is responsible, among other things, for maintaining the HOA common areas, enforcing the governing documents, and protecting the HOA's fiscal health. Decisions to meet those objectives are delegated to the Board of Directors by CP homeowners via a democratically held election each year. The HOA is not managed by a consensus of over 2,200 residents, but rather by resident volunteers the CP community elects to the Board. So, how does the election process work?

HOA Board elections are conducted by an independent Election Task Force, made up of resident volunteers who are not running for any Board position and are not related to anyone running for a Board position or currently on the Board to avoid any perceived conflict of interest. Votes are cast electronically via Survey Monkey, a third-party contractor, or via written ballot which are available at the Bradford Hall front desk during the voting period. Only owners can vote and only one vote per candidate / per household is permitted. All paper ballots submitted are counted by the Election Task Force members and added to the tallies provided by Survey Monkey, after verifying that there are no duplicate ballots. All votes are retained in CP records permanently. Since CP has been governed by owner elected Boards of Directors for approximately eleven years, there have not been any disputes or questions raised as to the efficiency, effectiveness, or legitimacy of Board elections; the process works. Elections are held in the fall and newly elected members are announced at the CP Annual Meeting in November, which this year is November 21, 2023. The CP Board of Directors consists of seven elected resident volunteers, with each director's term being two years. No board member can serve more than three consecutive terms. Board membership is staggered. For this election, there are three Board positions open, with terms running 2024-2025. There will be more information forthcoming about the upcoming HOA election so stay tuned!

I Want to Know... Frequently Asked Questions

This recurring HOA Newsletter article addresses frequent questions by Carolina Preserve Residents.

Resident Design Guidelines Compliance:

Q: Does the HOA check homes for compliance with the CP Design Guidelines?

A: Yes, homes are checked for compliance, however, there are 1,360 homes in Carolina Preserve and it can take time. That is why it is important for residents to bring issues to Management's attention if they see that there may be violations.

Q: Are letters sent to residents if Design Guidelines violations are found?

A: Yes, letters are sent to residents if Management determines there are Design Guidelines violations. Those letters also contain the corrective actions the resident(s) must take within a specified timeframe. Residents have the right to appeal to the Board the violation citation and corrective action they have been directed to take. The Board then reviews the facts surrounding the violation and makes a determination. If the Board upholds Management's determination, the resident(s) must cure the violation within a specified amount of time.

Q: Does Management follow up to make sure the violations have been corrected?

A: Yes, Management does follow up to determine if the specified corrective action has been taken within the specified timeframe.



Q: Are there consequences if residents do not comply with Design Guidelines or take corrective actions?

A: If resident(s) do not comply with the guidelines and the Board has made a determination, if applicable, there are consequences. The Declaration of Covenants, provides the Board with authority, after a due process hearing, to impose sanctions, which among other things, can be monetary. If a resident has been cited for violations, that information is not shared with the general community due to privacy concerns. However, if sanctions have been imposed after a due process hearing, that fact along with the basis for the sanctions is ratified at an open Board of Directors working meeting, without identifying the resident(s) involved.

Q: Thank you for addressing homeowner compliance in the May HOA Newsletter. Does that also mean homes without sod in the front yards will be addressed?

A: As explained in the Newsletter, homeowners who are not complying with **any** CP Design Guidelines, will be cited for violations and directed to take corrective action within a specified timeframe. Residents are responsible for being aware of Design Guidelines requirements, which can be found on the CP website under the "Governance" "CP Documents" tabs.

Miscellaneous:

Q: When will the HOA resume offering keys for the lockers?

A: Providing keys for the lockers at Bradford Hall was discontinued during the height of COVID. Management planned to reinstitute providing locker keys but several new workers at the front desk needed to be trained in the process first. Providing locker keys was reinstated as of May 22, 2023. Be sure to have your CP ID to provide at the front desk to get locker keys.

Q: Will the Board commit to limiting executive sessions to just the items explicitly allowed in the applicable NC statute?

A: The CP Board of Directors is committed to complying with applicable NC statutes and the HOA governing documents. The applicable NC statutes include the North Carolina Nonprofit Corporation Act, Chapter 55A, and the North Carolina Planned Community Act, Chapter 47F. While both statutes require an annual meeting of the owners, (Section 55A-7-01; Section 47F-3-108(a)), neither statute requires Open Board of Directors meetings nor prohibits Executive Sessions. Neither applicable NC statute nor Robert's Rules of Order, which generally applies to how CP meetings are run, limit the topics which can be discussed in Executive Session. Additionally, the CP By-Laws and Board Operating Procedures do not limit the topics that can be discussed during Board of Directors Executive Sessions but do provide examples of some of the topics that may be discussed. Both NC statutes also provide, in addition to the required annual meeting, that owners will be given an opportunity at regular intervals to address the Board with comments or issues of interest or concern. Section 47F-3-108 (b); Section 55A-7-01. Our understanding is that NC courts have found quarterly opportunities for members to address the Board to be sufficient. The CP Board of Directors, however, for transparency purposes, goes beyond quarterly opportunities and holds monthly Open Board Working Meetings, two community meetings, two budget presentation meetings and then the required annual meeting, all of which afford owners opportunities to ask questions and comment.

Finally, except for confidential matters, the CP Board does not make decisions in Executive Session. Before a decision is made, it is presented and discussed at the Open Board Working Meeting. The CP Board also solicits community comment and input where applicable before making a decision. For example, before deciding on recommendations about the Beckingham Loop development, conversion of the Yates Store/Del Webb entrance fountains, revising numerous governing documents, and developing and putting out for a vote Amendment 8 to the Declaration of Covenants, all proposals were presented in detail at open Board working meetings, in meeting minutes, and in the monthly HOA Newsletters. The community was then provided with 30-day comment periods, the results of which the Board reported at subsequent open Board working meetings and has in the past made revisions based on those comments. The CP Board of Directors keeps the CP community informed as to community matters via numerous methods including, monthly open board working meetings, monthly HOA Newsletters, meeting minutes, and direct responses to residents' emails, to name a few.

CP News in Brief

June 2023

MONTHLY UPDATES

Vol 2 Issue 6

May 16, 2023, Community Meeting:

On May 16, 2023, the Board of Directors (“Board”) reported to the CP Community progress on numerous projects up to the date of the meeting. A majority of the goals and objectives to be accomplished by May 16th and set out by the Board in February 2023, have been met! Progress continues to be made on other goals and projects, such as the Hybrid Modality search and Del Webb/Yates Store entrance fountains conversion. If you missed the May 16th Board of Directors Community Meeting, the meeting was video recorded and the recording is posted on the homepage of the CP website for you to view and be informed about your community. You can also access the meeting PowerPoint on the CP website under the “Governance” “CP Documents” tabs. It is important to get accurate information from the Board and Management. The Board makes multiple information resources available to all residents so please stay informed and take advantage of those resources.

Marsalis Retaining Wall Repairs:

Large projects, such as the Bradford Hall Pavilion, the pickleball courts, Beckingham Loop Park development and others take time. The foregoing projects all took at least one and a half to two years to complete. The Marsalis repair project is no different but is more challenging and complex. To refresh your memory from past Board information provided to the community, initially, there was the question of determining the cause of the collapse. It turned out to be due to beaver dams, increased storms and rainfall and an undersized culvert for the volume of water that runs through it. Determining who was responsible for the repairs was also unclear. After considerable research it was determined CP HOA is solely responsible for the repairs and associated costs and there are no legal actions available to minimize the cost. The Board, in response to community feedback, obtained multiple legal opinions that all reached those conclusions. The Board subsequently sought to negotiate with the Town of Cary (TOC) for cost sharing the repairs because Marsalis is a TOC dedicated road and we also looked into whether there were federal or state grant programs that could provide funding assistance for a comprehensive solution to the causes of the collapse. While initially promising, those efforts ultimately were unsuccessful. There also are multiple players involved, such as the Town of Cary, Army Corps of Engineers, and NC Environmental departments; all of whom need to review and sign off on any repair plans. To top it off, Harris Engineering, the engineering company contracted to draft the Marsalis repair plans, notified the HOA in late February 2023 it was releasing the contract due to company organizational changes. The HOA contracted with a new engineering company, Stewart Engineering, at no additional cost and under the same terms as the Harris Engineering contract. So where are we now?

As you can see there have been many moving parts to this project, but Stewart Engineering has drafted plans, had some discussions with TOC about the plans and now needs to communicate with the Army Corps of Engineers before any next step can be taken. The Board understands the Marsalis retaining wall area is stable and Stormworx, the HOA’s storm water and retaining wall contractor, monitors its condition on an ongoing basis. We will keep you posted when there are any updates to provide.

CP News in Brief

HOA Board Election Task Force Volunteers Needed:

Yes, HOA Board elections are around the corner so now is the time to volunteer to be an Election Task Force member. Even if you do not have experience, the Election Task Force and the election process are all documented down to the work instruction level so this is a fairly straightforward assignment. In addition to the documentation, there will be a Board liaison to the task force (someone who is rolling off the Board), and a Management Team representative for guidance. There will be three other experienced volunteers who can mentor newcomers and past Election Task Force members have always made themselves available for questions if needed. Major tasks include coordinating resident applications, organizing the “Meet the Candidates” event, ongoing communications, and counting the votes. This Task Force is one of the most important and is critical to an organized and smooth election process the CP community can rely upon. Additionally, it’s a great way to meet fellow residents, learn the process, and volunteer for community work that is not too time-consuming, so please consider volunteering. If you are interested in participating, contact Christine Hast at Christine@kuester.com.

Mailbox and Signpost Task Force Wrap Up:

Our Curb Appeal is Now Significantly Improved

In early May, the Street Sign and Mailbox Post Improvement Task Force completed their objective to address the damage caused by string trimming. Recall that the decorative black sleeves were easily damaged revealing the white PVC base material. Protective metal sleeves have been added to 1146 mailbox posts and the Task Force removed PVC sleeves from and repainted 100 street signposts to address the damage. A summary of the work was covered at the Community Meeting, May 16 and can be viewed in the meeting recording or minutes.

Here are 4 wrap-up points you should know.

- 1) The one-time addition of the metal, protective cover to mailbox posts was made possible by the HOA Board in order to promote community-wide participation. Each resident continues to own their mailbox and post assembly and is responsible to maintain it in good working condition and appearance.
- 2) As a reminder to residents who have retained bricks at the bottom of their mailbox posts: they should NOT be removed. That would expose the very bottom of the sleeve which would then be subject to string trimmer damage.
- 3) Yardnique is accountable for any damage they cause to your mailbox post assembly, ex. if they use the string trimmer above the 6” cover, the sleeve will be damaged exposing the white PVC. Residents should use the current [work order form](#) to initiate any repair.

CP News in Brief

- 4) For those who need to replace their complete mailbox post assembly in the future, two reputable post replacement vendors have been educated about how obtain the correct materials and correctly add a shield at the bottom of the PVC sleeve at installation. They also can replace just the mailbox:
- 5) Mailbox Medix, 919-757-2253, mailboxmedix@gmail.com, Contact: Bob Reardon
 - 6) ZBox, 919-280-7506, eric@zboxinc.com, www.Zboxinc.com, Contact: Eric Hostetler

Mailboxes Before



Mailboxes After



The **Go Green Task Force** is up and running

The purpose of the Task Force is to identify energy solutions for CP, and to identify species of plants and practices consistent with the local environment. The Task Force consists of a chair from the HOA Board (David Jackson) and six individuals with an interest in green energy solutions and environmental practices (David Baker, John Bowser, Rick Kirkpatrick, Kent Kjellgren, Co-Chair Ron Madl, and Linda Woodbury.)

The mission of the Task force is to identify areas in which we can **Go Green**. They plan to make recommendations regarding landscaping practices and to follow items in the Strategic Plan regarding **Go Green** initiatives. Some examples include energy usage at Bradford Hall, community plantings and irrigation, recycling, and renewable energy, as well as native plants, pollinators, and drought tolerant species.

The Task Force is expected to complete its work by September 1, 2023. Look for information provided by the task force in HOA Board meetings, the Club Express web page message board, eblasts, Lifestyle Newsletter articles, as well as updates at HOA Board meetings.

The Task Force welcomes your suggestions and ideas. Several CP residents have already contacted us. If you have ideas to suggest, please email them to go.green@cpamberly.net.

2023 Financials At A Glance

By Jerry Warren, HOA Treasurer

OPERATIONS (\$000'S)				
	April YTD			Full Year
	Actuals	Budget	B/(W) Budget	Budget
Income	1,628	1,630	(2)	4,900
Uses:				
Reserves	(229)	(210)	(19)	(875)
Expenses	(1,449)	(1,437)	(12)	(4,046)
Net	(50)	(17)	(32)	(21)

**Note B/(W) means: B is a positive number: higher income or lower expenses
(W) Is a negative number: lower income or higher Expenses**

RESERVES + EQUITY (\$000'S)						
	Replacement	Villa	IIF	Painting	Oper Resv (Equity)	Tot Reserves +Equity
12/31/2022	1,050	310	102	41	638	2,141
Contributions	200	-	23	6	(50)	179
Interest	7	1	-	-	-	8
Expenses	(262)	-	(111)	(7)	-	(380)
4/30/2023	995	311	14	40	588	1,948

Treasurer's Comments

By Jerry Warren, HOA Treasurer

April revenues were \$409K, \$1K under Budget due to a few minor variances in fee accounts. Expenses were \$115K over Budget due primarily to higher landscape costs (+\$132K seasonal mulch expenses all billed in April rather than split between Mar/Apr/May; will even out next month), offset by -\$7K lower service expenses (-\$5K initial audit fee already paid in March and -\$2K lower legal expense), -\$4K lower Lifestyle expenses, and -\$6K in several other monthly timing variances. This resulted in monthly net of \$-123K, \$116K under Budget for April but only \$32K unfavorable YTD. As mentioned last month, these variances are primarily due to timing differences as they swing positive and negative month to month but remain close to Budget on a YTD basis. Our re-forecast for the year still remains close to Budget.

Resale fees were on Budget in April for the second month in a row with five home sales. Resales have now picked up after a slow start in January and February and we are \$11K below Budget on a YTD basis. So far there have been five resales in May month-to-date.

The Replacement reserve is now at \$995K, down \$51K from last month. This month's major expense items were \$36K for new energy efficient lights in Bradford Hall as a result of our energy audit, \$22K for the indoor pool renovation, \$9K for stormwater management, \$7K for the mailbox post project, \$7K for common area repair, and \$2K for the Marsalis project.



ARC Makes It Easy For You

By Ken Merten, Architectural Review Committee

The paragraph below was previously published, but there is a need for further elaboration.

“One issue that surfaces too frequently is the replacement of a street tree with a tree that is smaller than the minimum requirements (2” caliper measured at 6” off the ground, and 8’ tall). Keep in mind that having to remove a newly planted tree and replacing it with another larger tree can be quite expensive. Your contractor is in the “business” of selling trees, but the homeowner must be in the “business” of making sure that the tree conforms to the minimum standards.”

A couple of things, first is that removing and replacing a street tree is a Fast Track. Submitting a Fast Track form stipulates that you agree to all the requirements listed on the form. For street trees, you must identify the type of tree you will plant. This implies that you need to have purchased the required size tree BEFORE you submit the Fast Track, which only takes a minute or two to fill out, and then submit it to the ARC drop box outside Bradford Hall. Then you can immediately proceed with the replacement.

One other element regarding street trees is that ARC will be doing post audits as soon as possible after the new trees have been planted. If there is an issue with size, Robert Hamilton, Facilities/Operations Director will be informed which will initiate the violation process.

Keep in mind that CP’s Street Tree guidelines have been mandated and approved by the Town of Cary.

Some homeowners have had difficulty finding the tree of their choice in the required size, which can be an issue. The only alternative is to select a different type tree, and the Design Guidelines offers 14 different choices in order to meet the Guidelines.

Architectural Submissions

Everything you need to know for Architectural Submissions

Robert Hamilton is your staff liaison to the ARC Committee and will be processing all architectural request submissions.

He can be reached at RobertH@Kuester.com

A box labeled ARC Modification Request and Fast Tracks is beside the front entrance at Bradford Hall.



Note: All Modification Requests to be placed on the agenda for consideration MUST be turned in at Bradford Hall by Wednesday 12 noon, seven days before the scheduled meeting.

Meetings are held twice a month on the 2nd & 4th Wednesdays

Please note the box is for architectural requests only – no other forms of communication will be accepted through this box.

If you email your request, it must be in PDF form and not by a picture from your phone or JPEG.

Getting to Know Your Kuester Staff

By Jeff Diton

In this month's article, we continue to spotlight a very special group of Kuester Staff – the front desk receptionists. Today we are featuring **Harlean Botha**, and in future articles we hope to cover the entire front desk staff.



Harlean Botha moved to Carolina Preserve in 2019 and has been working at the front desk for just over a year. Born and raised in Nanty Glo, Pennsylvania in the western part of the state, she moved to Mount Hope, West Virginia when she was thirteen. In her pre-Carolina Preserve career, Harlean was a radiology administrator for several hospitals in Westchester County, New York. After moving to North Carolina in 2006 to be near her daughter, son-in-law, and two grandchildren, she worked for Fidelity Investments as a Customer Service Representative.

When Harlean and her husband Steven decided it was time to retire, they wanted to downsize and find a nice retirement community. They decided on Carolina Preserve because they liked the house and the neighborhood, and the close proximity to their grandchildren.

When she's not spending time with her family, Harlean enjoys traveling, reading and greeting residents at the front desk of Bradford Hall. She is also the secretary for the Lifestyle Advisory Committee this year. Harlean is also a member of the CAP group – Citizens Assisting Police - where she primarily walks the parks and greenways greeting citizens, and performs other tasks for the police when necessary.

Jeff: *What is your favorite part of the job?*

Harlean: *Interacting with residents as they enter Bradford Hall (as proof of this, Harlean chatted with several residents about the community and fun things going on while I was interviewing her at the front desk).*

Jeff: *If there was one thing you could change about your job, what would it be?*

Harlean: *It would be great if residents kept up with the Lifestyle Newsletter and HOA Board Newsletter so they could have all the information they need about news in the community and the great activities we have here.*

Again, we are so lucky to have front desk receptionists who greet us so warmly as we enter Bradford Hall, and serve as marvelous ambassadors to our community when potential new residents visit. Don't forget to smile and say "hi" right back to Harlean next time you enter Bradford Hall!



Finance Committee

The Finance Committee, composed of eight members, reports directly to the HOA Board through the Treasurer. It provides advice and counsel to the Treasurer, who attends each monthly meeting along with the General Manager.

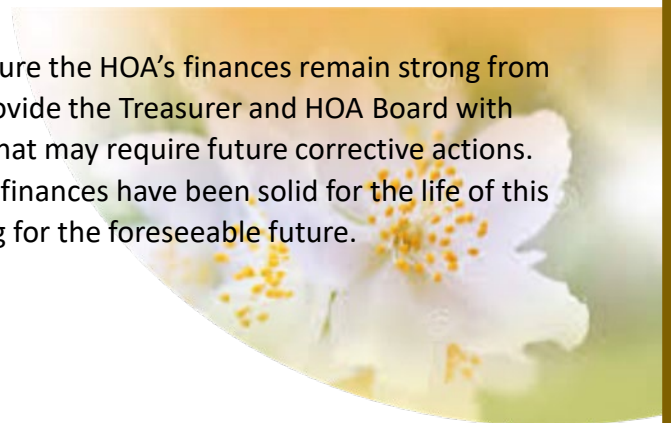
Finance Committee duties fall within four major areas:

- **Review financial accounts.** Each income, expense, and reserve account within the financial statement is reviewed monthly. Variances from the budgeted amount are investigated to explain why the disparity occurred.
- **Develop end-of-year projections.** As the year proceeds, information derived from exploring monthly deviations allows for development of a projection of how closely actual income, expenses, and reserves will be to the budgeted amounts. This end-of-year projection is provided by the Treasurer to the Board in early fall to assist with upcoming financial decisions.
- **Help prepare draft budgets.** After receiving guidance from the HOA Board on future budget priorities, the committee helps the Treasurer develop draft budgets for the next year and the following two years. These draft budgets are submitted to the HOA Board for its review and revision, prior to being finalized.
- **Conduct special reviews.** If the Treasurer and/or HOA Board have specific requests for information related to finances, the committee is charged with conducting these special studies or reviews.

Each committee member is assigned two or more specific financial areas for which they have review responsibility. This assignment normally involves reviewing 15 or more specific income, expense and/or reserve accounts prior to each monthly meeting to identify and investigate deviations from the budgeted amounts. Results of each investigation is reported at the monthly meeting to help identify trends and patterns that could impact the overall finances.

The primary goal of the committee is to ensure the HOA's finances remain strong from year to year, while a secondary goal is to provide the Treasurer and HOA Board with advance notice of any trends and patterns that may require future corrective actions. Fortunately for all of us, Carolina Preserve's finances have been solid for the life of this community, and are poised to remain strong for the foreseeable future.

Dennis L. Hefner, Chair
Finance Committee



2023 Committees

Architectural Review Committee

Steve Botha | John Bongino | Elizabeth Diton | Bill Gurecki

Claire Hammitt | Ken Merten

Board Liaison: David Jackson | Staff Liaison: Robert Hamilton

Club & Group Advisor Committee

Wanda Abel | Claudia Clissold | Joel Glassman | Cynthia Jackson

Cara Lehman | Francine McElhinney | Marie Milazzo

Paulette Shekell | Sandra Stein

Board Liaison: Robert Griffith | Staff Liaison: Laurene Adkins

Finance Committee

Dennis Curtin | Steve Harrison | Don Ferranti | Dennis Hefner

John Kasarda | Rahul Parikh | Paul Wolf | Ted Young

Board Liaison: Jerry Warren | Staff Liaison: Christine Hast

Information Technology Committee

Jean Curtin | Dennis Curtin | Alan DeCrane | Brian Dos Santos

Sally Longinotti | Margaret Horst

Amy Levine | Robert Willenberg

Board Liaison: Sharon Valvona | Staff Liaison: Glenda Hunter

Lifestyle Advisory Committee

Harlean Botha | Alora Burton | Marianne Frisch

Jackie Millslagle | Louise Stanley | David Streifford

Gayle Streifford | Lynnette Womble

Board Liaison: Jeff Diton | Staff Liaison: Terrie Murray

2023 Board

Judith Nixon
President

Robert Griffith
Vice President

Sharon Valvona
Secretary

Jerry Warren
Treasurer

Jeff Diton
Assistant Secretary

David Jackson
Member at Large

Ron Oliveri
Member at Large

Mark Your Calendar

**HOA Board Community
Meeting**
June 20th | 11:00am
GoToWebinar
