

**BRANDYWINE HOMEOWNERS ASSOCIATION, INC.
P.O. BOX 37 DELEON SPRINGS, FLORIDA 32130**

Minutes of the 39th Annual General Membership Meeting, held on Thursday, November 5, 2015 at 7:00 PM at the Sanborn Center following a buffet dinner catered by Brian's BBQ.

CALL TO ORDER-The meeting was called to order at 7:00 PM by President Renee Weber.

INTRODUCTION OF DIRECTORS-President Weber introduced the Board members, officers and committee members.

ESTABLISHMENT OF A QUORUM-A quorum was established having 81 members represented either in person or by proxy.

PROOF OF NOTICE-Secretary Liliane Benucci read the proof of notice, verifying that notice of the meeting was mailed or hand delivered to all members at their last known address.

ROLL CALL-Board members present were President Renee Weber, Director Diane Hill, Secretary Liliane Benucci, Director George Marshall, Director Tisa Houck, Director Dee Robertson, Director Lorin Myers, and Treasurer Mark Zirkle.

READING OF THE MINUTES- As the minutes were distributed in the January Mailing, they were not read aloud. There being no questions or corrections it was moved by Myers and seconded by Marshall to approve the minutes as distributed. Carried unanimously.

PRESIDENT'S COMMENTS

Weber thanked the Board members for their support during the past year. She indicated that this has been a very productive year for the Directors, Officers, and committee members, who have worked diligently to bring the HOA's policies and procedures up to current standards, while simultaneously managing the association finances, overseeing the maintenance of the common areas, updating the entrances, approving homeowners' projects, monitoring the community for rules compliance, evaluating the association insurance coverage, and addressing individual member's questions and concerns.

Weber stressed that while we have many people that reap the benefits of membership in the Association, few people are willing to actively participate in running it. We need more members to step up and shoulder the load. This year we need more people to serve on our committees. Next year, there will be four Directors' seats to fill. She asked that members consider volunteering to help keep Brandywine the outstanding community it is.

COMMITTEE REPORTS

FINANCIAL

Zirkle reported the following:

All HOAs in Florida operate under Florida Statute 720.301 through 315. This year our President, Renee Weber, requested all officers and directors to focus our efforts to ensure we are in compliance with the Florida Statutes. This last year we hired a firm, CPA Bernie Mapili, who specializes in HOAs, to ensure our books were in order and to perform a review, which is just short of an audit. It is our understanding that this has not been conducted in the past years. The results were very positive and reflected that we operate in a manner that conforms to the standards for accounting and review services issued by the American Institute of Certified Public Accountants.

Because our retained earnings of close to \$59,000 are nearing our annual budget, we were advised by our CPA to draw down so that we would not be flagged by the IRS and lose our "not for profit status." The board authorized \$10,000 to purchase new entry signs and authorized \$20,000 to be transferred to our reserve funding.

Another area where improvements were made was our insurance needs. An independent insurance audit reflected a deficit in our insurance coverage. There were numerous meetings through many months of planning to achieve the correct policies to present to the HOA Board.

As you might have noticed, the disclaimer at the bottom of our Profit and Loss report states that we operate under voluntary deferred expenditure accounts for capital expenditures and deferred maintenance. What this means is that our earlier board members, specifically Jim Schrader, became proactive in setting funds aside in a reserve account for maintenance or replacement of our common area assets. This would help relieve any special assessments if we had to replace or repair one of these assets. This process of voluntarily setting aside funding was in place prior to it becoming part of the Florida Statute, in which we were grandfathered. This allowed us to pool our reserves,

rather than having required reserve accounts. We have more discretion when it comes to managing the pooled reserves. So everyone is aware, the following are some of our assets that are included in a maintenance area: the walking bridge and trail, signage, ponds, fountains, storage lot, fencing, etc. With all that being said, this is why you will see a \$30,000 overrun of expenditures over our revenues.

In accordance with the Florida Statute, Zirkle disclosed to the membership that the Board compensates two of our Board Directors who perform services outside of their director duties. We entered into a three-year contract with Myers for managing our financials, at a rate of \$450 per month for the first year, and \$500 per month for the two subsequent years. What a great opportunity for BWHOA! The second compensated position is with Benucci for taking the minutes of all meeting and distributing them in a timely manner. This Recording Secretary's position is compensated at \$50 per month. Both contracts have a clause that they can be opened and renegotiated if the association should incur a fiscal budget reduction. We are fortunate to have such dedicated and conscientious individuals that are performing these very thankless jobs.

This year we were able to purchase CDs for our reserve funds that more than tripled the interest rate that we have been receiving since 9/11, when interest rates fell dramatically. For finding ways to invest wisely, keep our HOA solvent, and volunteering selflessly, Zirkle thanked Chris Sorenson, Robertson, Myers, and Weber, who took very active roles in our Finance Committee. Many recommendations were created and sent forward to our Board for their consideration and approvals.

GROUND AND MAINTENANCE

Weber reported the following:

Making certain the meadow is mowed, the streetlights are on and the fountains are flowing: there is always plenty for the Grounds and Maintenance Committee to do. "Our hands on the grounds", Eddie Cress, Ken Jonas, Marshall, and Jim Schrader volunteered their time and labor while making sure our handyman maintenance and repair jobs were done and done well!

The major project this year was working with Mike Graves and the Clean Cuts crew to remove the failing bushes in the center island at the 15A entrance and replacing them with fresh plantings. New plants were, also, put in the West Village Green Road island and around the new Brandywine 15 A entrance sign. We appreciate the members who voluntarily watered the new plantings on West Village Green Road until they were

established. Each of these planting projects revitalized the appearance of our neighborhood.

The delivery of the triploid grass carp for our ponds was delayed due to personnel changes and the ordering requirements of the Lake Doctors and the rapid rise in the pond levels in September. The carp are finally scheduled to arrive tomorrow, November 6. The purpose of the carp is to control plant growth in ponds 2 and 3. They are not game fish and we need everyone's help in protecting them.

Weber contacted Volusia County Road and Bridge about soil erosion along both sides of Brandywine Road near West Village Green Road and Shenandoah Road. On the east side of Brandywine Road, the County cleared vegetation surrounding the storm water drain, applied fill dirt along the shoulder of the road and installed a section of asphalt designed to channel water off the road into the drain. No ground cover was put down in this area because it was declared too shady for any vegetation to survive. The County also put down fill dirt and sod on the west side of Brandywine Road leading to the storm water drain. The Road and Bridge department responded quickly to our concerns and hopefully these measures will resolve what has been an ongoing erosion problem.

We have a good working relationship with our long time lawn maintenance company, Clean Cuts owned by Mike Graves. Routing HOA Board and member requests and concerns through one Board member has proven to be effective in reducing confusion for Mike and the Association. There are many common areas spread throughout Brandywine that have to be mowed, trimmed, weeded and mulched. Members should remember that the Clean Cuts crew attends to these areas on a rotating basis even in the fast growing season. Mike often goes beyond the scope of his contract and always discounts his labor charges for special HOA projects. When confusion arose among members regarding mowing and trimming duties around ponds 2 and 3 after the Brandywine Condominium Owners Association hired a new lawn maintenance company, representatives of the COA, the HOA and Mike met and reached a sensible solution to the matter. Mike has demonstrated over and over that he not only works **for** the HOA but that he sincerely and willingly works **with** the HOA.

The walking path through the condo property to the Brandywine Shopping Center is in disrepair. Both the HOA Board and the COA Board researched who was responsible for its maintenance. Everyone agrees that the COA owns the portion up to its property line near the gate and needs to oversee the care of this section. Beyond that, there is no provision or mandate for either the HOA or the COA to keep up the remainder of this trail.

COA President Shirley Abeles contacted Weber concerning the pond system when flash flooding covered Revere Place Road and water intruded into a condo owner's garage. Thankfully, Dick Fletcher and Jim Schrader responded quickly to this alarming situation. However, there is no easy fix within the current pond system to alleviate flash flooding. The COA and the HOA are coordinating efforts to investigate and improve storm water management in the community.

The COA replaced the old, wooden fencing along the property lines with new, plastic fencing which greatly enhances the appearance of our neighborhood along US17 to the north.

BEAUTIFICATION

Benucci congratulated the members who received monthly beautification awards. Keeping your yards looking nice has a terrific impact on the appearance of our community. Benucci informed the membership that in September the Board voted to also award a \$25 Lowe's gift certificate to monthly award winners.

Since yards are typically non-productive in the winter months, the December award will be given to the property with the best holiday decorations. The committee welcomes suggestions from the membership on regarding who is deserving of the beautification award.

ARB/TREE REMOVAL

Marshall reported the following:

The Architectural Review Board's purpose is to keep the Homeowner's Association and all the Brandywine members aware of activity in the community pertinent to enhancement and improvement of properties, and that the activity is done in a professional manner and according to local rules, covenants, and governing codes.

From November 2014 through October 2015 there were a total of 41 requests reviewed and approved by the members of the Architectural Review Board:

- One request for an in-ground pool with enclosure.
- One request for a garden shed.
- One addition on a residence.
- Three requests for exterior paint jobs.
- Two requests for replacement of exterior siding.
- Thirteen requests for new roofs.
- Twenty requests for tree removal.

Marshall concluded by thanking all of those who followed the guidelines and used the proper procedures to conduct the improvements to our great community. Not only does this enhance the neighborhood, but it helps to increase the value of all the homes.

SIGN COMMITTEE

Marshall reported that during 2015 approximately 24 wood sign structure were constructed and installed at the cost of materials only along Brandywine Road and the walking trail, to replace aged and deteriorated signs and to give continuity to all of the signs. At each end of Brandywine road we also added caution signs, warning of walkers, joggers, and bikes. In addition, our old entrance signs were replaced at both the Highway 17 and 15A entrances, constructed and installed by Orr Signs. Marshall informed the members that this committee was formed only for the sign projects and it not a normal HOA committee.

STORAGE FACILITY

Storage Facility Manager Jerry Hill's report indicated that there are presently 19 items in storage. He also reminded the members of the following:

- The storage area is an enclosed, well-lighted fenced lot with 6' chain link fence and barbed wire on top. A gate key must be obtained from the Manager for use of the lot and a registration form read and signed at the time of receipt of the key. There is no fee for use of the storage lot.
- The lot is for temporary storage of boats, boat trailers, cargo trailers, utility trailers, travel trailers, campers, RVs, or motor homes. Items must be for road use only and maintained with tires inflated.
- All units must have current state licenses and current registrations for boats. All units must be registered with the Facility Manager.
- The storage facility is not for storage of any commercial product or for derelict or abandoned units of any sort. Units must be moved and/or maintained at least yearly.
- The Brandywine Homeowners Association does NOT have insurance to cover any losses to any stored units or items therein. Insurance is the responsibility of the unit owner.

WELCOMING

Weber reported the following:

The Welcoming Committee has been dealing with two recurring issues. When a property in Brandywine was sold, the HOA often had no name or phone number for the new owner so we had to make blind, unannounced visits to these homes. Often times, several trips were made before finally finding the owner at home. Also, we discovered many of these new members had not received our Brandywine governing documents during the sale even though this is required by law. This year, we initiated a new procedure to resolve these concerns. When the HOA is notified of a pending sale, the title company is emailed a file containing our governing documents with a request to forward it to the buyer. We follow up later to confirm that the buyer actually received the documents. In addition, we ask the title company for the buyer's name and contact information. This procedure has been successful in nearly all cases. Now a Welcoming meeting can be scheduled at a convenient time and, since most have already received and reviewed our documents, new owners can ask specific questions about living in Brandywine.

Ten new members were welcomed to Brandywine this year. If requested, the members were given a CD copy of the Brandywine documents. All members were encouraged to register their email addresses with the HOA in order to receive the monthly Brandywine Board meeting minutes and news updates.

Another new procedure was started this year in an effort to make sure the Association has an accurate record of our renters and that all residents understand deed restricted life. Members renting out their homes in Brandywine are sent a letter asking them to provide the HOA with their tenant's name and phone number. This letter, also, reminds the owners to make certain their tenants are informed of our HOA rules and regulations and how to contact the Directors if needed.

RULES COMPLIANCE

Director Diane Hill reported that during the past year, Rules Compliance has become a committee that has worked diligently on refining violation letters and defining of infractions as compared to our rules and regulations and to the Volusia County codes. There have been fewer letters necessary regarding violations of Brandywine community restrictions.

Various letters regarding maintenance of landscaping or structure were sent, however, and included grass cutting, shrubbery trimming, tree care, home appearance, or cosmetics.

Several ongoing violations are trash can storage in front of properties and improper parking of vehicles for extended period, which is both a Brandywine and Volusia County rule.

Hill asked that any residents who observe infractions not obvious to the Board to please make us aware, and to continue to offer a helping hand to our neighbors if or when possible.

Hill thanked everyone for their help in continuing to keep this one of the greatest neighborhoods to live in.

WEB SITE / E-MAIL

Myers reported that this year the communications committee was comprised of himself, Robertson, and Benucci. The committee was responsible for emails, website and the postal mailings. We also added a Facebook page, developed and maintained by Robertson. That group is called Brandywine of DeLand.

Myers also added that all our boards have benefited from the life experiences and careers of our past presidents. This board has benefited from the professionalism, leadership and diplomacy skills that Weber has brought with her. He thanked her for her service.

PLANNING COMMITTEE REPORT

Weber's reports addressed two items:

US17 and Brandywine Road property

Weber continued regular email contact with the property manager of the parcel up for sale at US17 and Brandywine Road concerning necessary upkeep of the grounds.

Early in the year, several HOA and COA members expressed curiosity when a survey was conducted on this land. After learning which contractor had ordered the survey, the interest turned into concern. A few years prior, this same contractor had taken steps to have the Volusia County development plan changed so apartments could be built on the

property instead of condominiums. Weber contacted Mr. Palmer Panton, Director of Volusia County Planning and Development Services and asked the HOA be notified of any attempts to change the development agreement for this parcel. Mr. Panton stated he was not aware of any recent requests.

The property was finally sold in August to a different buyer, NUI Sports, LLC. This company is owned by Wei-Yu-Su who also owns the Brandywine Tennis Club. Plans for the development of this parcel have not been released.

Valley Forge property (aka--blue tarp house, problem property)

The Volusia County Attorney's year and a half long foreclosure case against the owner of this problem property was settled by mediation on May 22. Because the defense's case was based on claim of homestead, making an opposing case to take the property title away became procedurally difficult and possibly unwinnable. Therefore, the focus of the Volusia County Attorney's case centered on foreclosing the Code Enforcement liens on the property and demolishing the building for the good of the community. The defendant did retain ownership of the property; however, the structure was demolished in forty minutes at Volusia County's expense on July 7. The home and pool foundations and concrete slabs were removed in days following. The area of demolition was filled, graded, and seeded according to Volusia County codes.

This foreclosure case was resolved at no monetary expense to the Brandywine HOA; however, untold hours of effort by numerous Board members over a span of years were invested in ridding our neighborhood of this neglected and hazardous structure.

At the August 19 meeting of the Volusia County Code Enforcement Board, the members unanimously voted to reduce the \$596,000 code enforcement lien on the property to a zero balance since this was another condition of the mediation settlement. After the vote, Weber addressed the CE Board stating that the Brandywine HOA was certainly pleased that the unsightly and unsafe structure was gone. However, Weber stated the HOA wanted to be assured that if code violations occurred on this property in the future, all communications and requests would receive full attention by the Code Enforcement Board.

Unfortunately, to the best of our knowledge, the owner has not taken responsibility for the property since the settlement.

UNFINISHED BUSINESS

Weber informed the HOA that the old center sign at the US17 entrance to Brandywine would be taken down and most likely be replaced with a decorative lamp post. At this point the Board is still researching options.

NEW BUSINESS

Weber reported that several projects are in the pipeline: refurbishing the plantings at the US17 entrance, improving lighting at the front entrance, and conducting extensive repairs on the walking bridge.

There was discussion regarding a dilapidated fence along Highway 17, but it was determined that since it was not on HOA property that it would be the responsibility of the homeowners to have the fence removed.

REPORT OF THE NOMINATING COMMITTEE:

Director Hill reported that there are three vacant board positions to be filled. Current Directors Benucci and Myers have agreed to run for an additional two-year term. HOA member Michael Campanella is seeking election for the remaining vacant position.

There being no additional nominations from the floor, Wayne Sanborn moved and Larry Alonzo seconded that the nominations be closed. The motion was carried.

Larry Alonzo moved and Al Sirutis moved to accept the nominees and Benucci, Campanella, and Myers were elected to two-year terms by voice acclamation.

ANNOUNCEMENTS

Weber announced the Directors will have an Organizational Meeting Tuesday, November 10 at 6:30 p.m. at the Condos Clubhouse to elect Officers and approve committee assignments.

ADJOURNMENT- There being no further business to discuss, Marshall moved and Benucci seconded to adjourn the meeting at 7:45 pm. Carried.

Respectfully submitted, Liliane Benucci, Recording Secretary.