

# **ASHFORD PARK HOA MEETING**

**JULY 10, 2023**

**5:00 p.m. Foley Public Library**

Present: Lee Bochnia, President; Sybil Owen, Architecture Chair; Anita Phelps, Secretary; Sally Gedosch, Treasurer; and Asa Baugher, Attorney. Absent was Carol Zambrano, Vice-President with an excused absence from the Board.

The meeting began with the President, Lee Bochnia, leading the Pledge of Allegiance. The Secretary, Anita Phelps, took the roll call with the officers attending answering present. Lee welcomed the homeowners attending the HOA meeting.

Sally Gedosch, Treasurer: The Main account has \$30,558.33, the pond account has \$12,834.87 and the CD has \$20,000. The CD will become due on July 20<sup>th</sup> and it will have about \$560.00 in interest. The Board is looking into reinvesting this CD into a short-term CD, not a year investment but maybe a 5 or 6 month or 3 month investment to earn interest. We have 10 owners who have not paid their 2023 dues yet. They have until the end of the year before we turn their names over to our attorney to attach liens to their property. A question was asked if they are repeat offenders and Sally answered that 2 of them are.

Anita Phelps, Secretary: There have been 4 homes that have been sold since our April 4<sup>th</sup> meeting and 2 more are pending that the paperwork has not been received yet. Homes seem to be selling quickly again and the homes are getting good prices. We have had 160 HOA Information Sheets returned to us with their 2023 annual dues. This form was mailed out with the dues statement the first of December. These 160 sheets have been checked and updated in our HOA database. The secretary thanked those present for their response and if by any chance, you did not fill out this form, extras would be on the table. The secretary asked those present to mark their calendars for the next POA meeting which will be held on October 3<sup>rd</sup> at the library at 5:00 p.m.

Sybil Owen, Architecture Chair: Reported the following: There have been 15 Courtesy/Violation Letters that were emailed or mailed out. 12 Issues have been closed. 3 pending next step violation notices. 3 Covenant violation issued. And 2 were closed.

Issues included: Trailers/Campers/Boats; Yard/House Maintenance; Outbuildings; Fencing; Pets; Parking; and Signage. 6 permit requests received and approved: 2 window replacements; 1 outbuilding; 2 fences; and 1 driveway paver.

Planned Projects: 6 foot fence replacement north side West Ashford Park Drive Common Area in the Fall of 2023. 4 foot fence removal south side West Ashford Park Drive Common Area. 3 each Hot Pavement Signs donated by the Neighbors Helping Neighbors Committee. Two of these will be placed on Park Avenue. Bobbie Hale spoke up and stated there was some money left over from a group in the past called Neighbors Helping Neighbors. This was money collected at garage sales and the former committee decided to spend \$150.00 of this money for

Hot Pavement Signs to be placed in prominent places so people could be aware of the pavement being hot on their dogs feet as they were walking their pets.

Lee Bochnia, President: Lee and the former President, Jerry Delmont attended the HOA Presidents Meeting held at the City of Foley on April 15<sup>th</sup> and there is to be another one this coming Saturday, July 15<sup>th</sup>. At the last meeting, Frances Holt Jones was the guest speaker and some of the things that were discussed were: There is going to be a commission developed for oversight in DOT; Reducing the grocery tax; Insurance ....rate increase....non-admitted and admitted. This would be for those established insurance companies and not insurance companies that after storms and come back and charge premiums or contact people the following year and increase their premiums; and don't forget about flood insurance policies, as we are all in a flood zone. Make sure that homeowners have wind insurance on your policies. Your fire insurance is not going to cover hurricanes. The Juniper extension is almost finished at 12 and 59....waiting on ALDOT. And the improvement at 20 and 59 ....again waiting on ALDOT. They are going to put another traffic signal on 59 over by Texas Roadhouse. The City of Foley is adding another water tank as well.

As to the ponds, you have to start somewhere and we're going to get the biggest bang from concentrating first on the East Ashford Park Pond: It is draining into the channel behind the high school. It is full of debris and everything is over grown. The building of the homes in Lafayette cut off our access to this drainage. The ground is starting to erode. The biggest cost is removing debris from East Ashford Park and Kitchen Detention Pond. We plan on removing the debris, cut as much as we can all the way from Lafayette behind the school and all the way to the drainage ditch over on East Ashford Park. This will give us space and room to bring in equipment. Unfortunately, it is going to cause the neighbors on either side of the ditch some heartache because the ground is eroding all the way up to their fence line and they are starting to see concrete.

The HOA Board is going to address this pretty quickly and once we get that almost done and cleared out, we are going to dredge the channel. We are taking bids on these projects and they are expensive. One bid has come in for \$43,000.00, this bid was for clearing out the ditch and debris and removing it by trucks to the dump over on Magnolia Springs. There was another bid for removing the debris for \$11,000.00. So, you can see the bid differences. The same thing will apply for the East Ashford Park Detention Pond and the Kitchen Detention Pond.....we are going to have to return these to the original plans as everything is built up and the culverts are below grade level. There is now water in all of our culverts coming off the streets that are holding anywhere from six inches to one foot of water in some of these culverts. This is causing erosion around the culverts and causing the concrete to crack. We are going to go in and fix approximately 15 culverts. We are receiving bids from three different companies to do this work. The companies are MAKO, Greenco, and Southern Timber Tree Service.

Lee and a few others have been writing letters since May to the Mayor, and Charlie Ebert regarding the Hampton Pond. Lee wanted to personally thank Robert and Jan Whitton for spearheading this letter writing campaign to make the city leaders aware of the problems we are encountering with the Hampton Pond. We have changed focus from the Hickory Pond to the

Hampton Pond recently. The Hampton Pond has not been maintained for many years. There is a lot of debris and so much overgrowth of foliage and cattails, and other things, that the water is not draining properly. Lee has approached Bob Schrader, the president of Hampton Park, and he really doesn't want to hear about problems with the Hampton Pond. I have tried talking to Bob a couple of times and he is trying to sell this overgrowth and cattails as the residents of Hampton Park want to enjoy the wildlife. The homeowner's of Hampton Park have told that they like looking at the birds and the snakes. In my opinion, Bob is not being totally honest. They might like to watch the wildlife, but I don't think they have the money that it is going to cost to dredge the Hampton Pond. We have been paying out 25% or 24% share of the upkeep on this pond. The question was asked as to what our money was spent on year after year?. Lee said that he cannot answer that question yet, but he plans on getting to the bottom of this. We have to address all these problems and get them fixed.

Lee continued: Along with the letters to the Mayor and Commissioner, I have been contacting Leslie Gahagen, Environmental Director for the City of Foley. Around June 15<sup>th</sup> of this year, she sent people out to the Hampton Pond to look it over. At that time we had been having a lot of rain and water was at the top of the spillway. The other side of the spillway was also at the top and it was clogged up and going south of the entrance as well. Leslie has sent letters to Bob Schroeder at Hampton Park regarding this problem. Hampton Park has 45 days to come up with a plan of action. Jan Whitton asked a question regarding what our percentage of the money pays for at Hampton Park Pond and if we had ever found a contract between Ashford Park and Hampton Park. Lee told Jan that we still had not been able to locate this contract and he is continuing to try and locate this contract. Lee has looked through public records and has not been able to come up with any contracts. We are not hiding anything, we continue to look for the contract of years ago.

I have talked to the contractor who cuts the weeds down and he said that he is contracted to make two loops around the pond. The City doesn't really specify where our property lines are. He is going to continue to try and figure out what portion of the Hampton Park pond that we actually own. Bobbie Hale asked the question if the former developers, Kaiser, might be able to help us with this information. Lee said that Bobbie brings up a good point: the problem that we have is that these two ponds are the only two privately owned ponds in the City of Foley. And Lee said that he will give the City of Foley and the mayor and Leslie a lot of credit regarding helping us clean out the debris near the high school and with the beaver situation as well.

Lee stated at the moment our hands are tied as to what we can do, so please be patient as we work through this. Asa, our attorney, said correct me if I am wrong, but that is what you were doing when you went to Leslie....she has gone out and looked at the situation and has issued the 45-day letter that is using the appropriate authorities that govern over these areas. This letter is going to give Hampton 45 days to present a plan to the city that can be approved to correct the problem. And if they do not, then it will be up to the regulatory authority to enforce these regulations in that area and that's really the power that we have is to use these external avenues of enforcement. If Hampton is not going to listen to us: then they will find out that they have to listen to the environmental agency when it causes them pain in the form of fines (like they

threatened us with a few years ago as to \$500.00 a day or some craziness like that). So that is where this is heading and that is the process that we have begun by bringing this to Hampton Park's attention. There was a comment/suggestion to not pay the bill that Hampton gives us until we can get some answers from them. Robert Whitton spoke up and said that he and Jan had spent a lot of time looking into ways to eradicate the cattail problems and he has the paperwork with him that he received from Auburn University that is very impressive. Robert and Jan had one company that gave them a quote to eradicate all the cattails. There are different thoughts on how to get rid of them, one is through herbicides and poisons. One was to go in and dredge and actually dig them out completely and remove the cattails. Lee said that the city said any chemicals will lead to trouble. Lesley, Director of EPA, said she doesn't advise using any herbicides and chemicals and not doing anything upstream until we get the downstream pond problem completed. We feel as if Lesley is well respected and knowledgeable and in the past has not steered Ashford Park wrong.

Lee said that during the past years the HOA has spent a lot of money on the Hickory Pond drainage and we had to pretty much neglect the rest of the community. 279 people have paid dues in this community and everyone expects some type of fair share and we have to start addressing the problems that have collected over the years especially since Hurricane Sally. So in my opinion, we have to start somewhere and I'm not going to spend all of our money addressing a problem that is upstream from an existing problem that we are waiting to get fixed or I can go in and spend money on a problem that is going to give us a lot of bang for our bucks right away. We don't have a lot of money coming in and you kind of have to spend your money wisely. Robert (Whitton) asked a question: are you saying that the previous board did not do a good job or did nothing? Lee said that I totally disagree with Robert's line of questioning that the previous board(s) did not do anything or did things wrong. That is completely wrong as the previous board(s) did a lot of work and you should have seen all the equipment and machines that were out there dredging and reshaping the Hickory Pond. The previous board did not say let's just kiss away some money and let's just do this or that. They had to fix those problems and now we have other problems that have come up since Hurricane Sally.

Right at the moment, I will try and keep the weeds down where you guys live and try to control this at a minimal cost. Plus try and concentrate on what resources we have on starting some of these other projects that we need to do. As a reminder, that these boards are made up totally of volunteers and these people spend a lot of time and many hours are spent doing behind the scenes things that go unrecognized. I drive through the neighborhood a lot and so does Sybil and her committee and every time I drive through I look at that canal and I think it should be empty and there should be no water, but unfortunately there is. So please keep those letters and emails going to the city and councilman, but always remember to keep them respectful. We can put a couple of the examples on the website so people can see what to say when they are writing to the City of Foley.

Bobbie (Hale) spoke up and said that she had a concern that needed to be addressed to the HOA. She said you know I walk all the time and I have been walking down Parkford and my friend Tammy (Cooper) was backing out of her driveway and I stopped her and asked her about all the

different license plates from different states like Mississippi and Louisiana that I have been noticing in the driveway across the street from her. She said the house is a VRBO and they were not happy about it. Asa spoke up and said that this has come up for discussion before and there is really nothing that the HOA can do about this as there is a plethora of case laws coming all the way down from the Supreme Court that says that we cannot discriminate based on this fact. And what it really comes down to whether or not the structure itself is built for a residential purpose and I don't think anyone can disagree that even a short-term rental is still being used for residential purposes. So that pretty well takes out any fight of any kind of AirB&B argument. The only other area that I have found that could possibly be a violation is if someone were placing signs and banners and things of that nature on their lot to advertise their rentals, which is just not the way that is done. This is all handled by the Internet. The only place that I have seen this being done this way is some homes that are on the waterfront and you will occasionally see a banner. But that doesn't seem to be the case here in Ashford Park. Now should an owner decide to do this and it becomes an issue and we could take it up with the owners at that time. So basically with our covenants it is the owners private right to use their property as they see fit and that's the only place that we would be able to do anything if it was not being used for residential purposes. And we do not have the power to change the covenants until the year 2028.

Bobbie stated that she was afraid that the whole neighborhood was going to change and she was afraid that we might be renting to sex offenders. Someone spoke up and said that there was sex offenders living all over the city of Foley. We think there are three VRBO homes in Ashford Park, one on Fulton Loop, Parkford, and Hickory. There was much discussion back and forth regarding the pros and cons of short term rentals mainly VRBO's. Joy (Rowland) spoke up and said that she would rather look out on the VRBO property than some of the homes near her that were owned. In this particular case, the VRBO looked well maintained, as it had to be or they would not meet the standards set by VRBO. These homes have to stay within the bounds that are governed by this agency.

Some comments were made about unfinished fences and cars parked in yards all the time. Lee said that those complaints could be looked into.

Lee and Sally brought up the fact that the board would be looking at changing a couple of the by-laws. One of the things that we are looking into is changing the date of December 1<sup>st</sup> to a date in January when the dues notices are sent out. We feel by sending these out by the first of December that the dues notices get lost in Christmas mail and with the holidays in general. If we change the date to January, we will have the envelope stamped on the outside stating that the annual dues are enclosed. We are also looking at shortening the due date from 120 days to 60 days.

There was a question from a homeowner who lives on 573 Vestige Mews. She said that when we had all that rain a few weeks ago that her backyard was knee deep in water. Pictures were shown to Lee and he said that he would go over and look at the situation.

A lady spoke up that her father lives at 611 Fulton Loop (she is in the process of having her name put on the deed), she was told that we could just listen to her complaint as she was not the

homeowner. She said that she was the president of the HOA where she lived in Florida. She was there saying that there were a lot of cars parked in the yard near where her father lives. Her father was in and out of the hospital and she was there staying with him and her father would like the car situation looked into. Lee told her that they would look into this.

Since the library will be turning the lights off on us in about 2 minutes, the meeting was adjourned. The next meeting will be held at the library at 5:00 on October 3<sup>rd</sup>.

Thank you to the 17 homeowners, 4 Board of Director's, 1 Board Attorney and 2 non-homeowners who took time to attend the quarterly meeting.