

**Avalon Homeowners Association**  
**2009 Annual Meeting**  
**December 7, 2009**  
**Minutes**

**Call to Order – Don Presley**

The Annual Meeting of the Avalon HOA was called to order at 6:15 PM in the Jubilee Baptist Church, located at 9264 Pleasant Road, Daphne, AL.

**Quorum – Jerry Davis**

It was determined that 33 Members were signed in and 5 Proxies presented. This number meets the quorum of 25% of the Voting Right established in the Bylaws.

**Minutes of 2008 Meeting – Don Presley**

The minutes of the 2008 Annual Meeting had been posted on the Avalon HOA website a week prior to the meeting. Bo Blackwell (Lot 12) moved and Bob Collins (Lot 97) seconded that the minutes be approved as posted on the website. Motion passed.

**Revision of Avalon HOA Bylaws – Jerry Davis**

The HOA Board had revised the original Bylaws and posted the revised Bylaws on the Avalon website for review and comment by the Avalon homeowners. During the three weeks the revisions were posted only one homeowner made comments and those comments were helpful in the final Bylaws. The changes to the Bylaws were summarized for the homeowners and are attached to these minutes. David Stejskal (Lot 26) recommended that in the future when changes are posted to show the changes by using highlighting and other means to identify where the modifications were made.

**Treasurers Report – Lori Collins**

-Review of current finances for 2009 (see attached) was posted on the Avalon website ten days prior to the Annual Meeting. No comments or questions were made by the homeowners present.

-Presentation of the Board approved Budget for 2010 (see attached), also posted on the Avalon website was made. Cathy Blake (Lot 22) questioned the need to keep the amount of surplus we currently have in our checking account and add to that surplus with a budget for 2010 indicating an additional \$3,850.00 surplus. It was explained that the budget is a starting point for spending and the Board anticipated problems in 2010 with non-payment of dues, additional maintenance around the retention pond & front entrance, and bush-hogging of vacant lots that are not being mowed by their owners. There was agreement that a surplus was necessary but it would be desirable to revise the budget to a more realistic estimate that did not indicate an increase in the surplus in 2010. The Board will review the 2010 budget and post a revised budget on the Website. Some additional discussion of bush-hogging vacant lots took place. The Board's position was explained that it was important to keep all vacant lots in Avalon mowed to maintain a uniform appearance. It was explained that several of the vacant lots were in default adding to the lack of mowing. Any mowing paid by the HOA will be billed to the owners and if not paid, a lien filed against the lot.

-Announcement of 2010 Dues – the Board determined that the 2010 dues for Avalon Homeowners will be \$350 per Member.

### **Architectural Control Committee – Kim Miles**

-There continues to be trailers visible from the street and some cars habitually parked on the street. These violations and safety hazards were discussed with a request for homeowners to resolve these issues.

-The Landscaping and lawn-maintenance contract for 2010 has been renewed with the same company at the same cost as 2009. This contract is several thousand dollars less than the previous contractor.

-ACC will continue its efforts to communicate with homeowners about infractions, improvements and concerns in the neighborhood.

### **Update of Lawsuit Against Avalon HOA – Don Presley**

President Presley presented a summary of the lawsuit filed against the Avalon HOA and others. After the original lawsuit was filed in May 2008, a Summary Judgment was requested for and filed on behalf of the Avalon Homeowners Association. Judge Robert Wilters granted our motion for summary judgment (this ruling absolves the Avalon HOA from any liability) and this motion has been upheld on two different occasions. This litigation is currently under appeal to the Alabama Court of Appeals. We were advised on June 11, 2009 that once the appellate court receives the briefs of all parties, it normally takes the court 3-6 months to rule but there is no set time for this action to be completed. Any changes in the status of this law suit will be reported on the Avalon website under "Avalon Insider"

### **Notification of Future Meetings By Email – Jerry Davis**

Jerry reported that each time a mailing was sent out from the HOA the cost for standard first class postage is currently \$56.76. With the current usage of the Avalon website the Board recommended future "official" notifications be made by Email to conserve funds. After a few minutes of discussion James Kirk (Lot 66) moved and Margie Suhs (Lot 110) seconded to allow official notification of HOA meetings by Email. The motion further required two Email notifications, one to be one month prior to the meeting and a second Email message two weeks prior to the meeting. After this change to the Bylaws, homeowners will have four months to notify the Board of their desire to be notified by US Postal mail rather than Email. There was no further discussion, motion passed with a voice vote.

### **Committee Reports**

Communications – Bo Blackwell (Lot 12), chair person of the Communications Committee reported on the successful stand-up of the Avalon HOA website in August. He reported 102 homeowners have registered on the website but only 46 have logged onto the website since December 1, 2009. The website has two sponsors and Bo requested additional supporting businesses from within Avalon to contact him to become sponsors at the cost of \$40.00 per year. It was also announced that the Communications Committee was seeking new members for the committee to provide administrative support to the operation of the Avalon website.

Neighborhood Watch – Bo Blackwell (Lot 12) reported on the Neighborhood Watch Committee for Mark Engelmeyer the Committee leader who was not able to attend the meeting. The committee has identified block captains with the exception of one still needed for Halcyon Loop. Signs to be placed at the entrance of Avalon have been purchased but have not been attached to posts. The signs will be attached as soon as all block captains are identified and trained. It was emphasized that this program is not to apprehend or in any way provide a protection force for Avalon. This

initiative is intended to make all homeowners more aware of their surroundings and establish a liaison with local law enforcement to enhance their responses when needed in Avalon. Anyone interested in becoming part of this committee can leave a message for Mark Engelmeyer by selecting Neighborhood Watch in the "Contact Us" section of the website.

Beautification – Cathy Blake reported on this newly re-formed committee and the direction it was given by the Board to evaluate the entire subdivision and recommend changes and additions that would beautify the area. It was emphasized that this committee was not to be the work detail to complete the approved improvements but it would planning and coordination the work. The work will be carried out during quarterly work parties organized by the Board. She solicited members for the committee and identified herself as the one who would receive any messages that were sent to the Beautification Committee using the Contact Us page on the website.

#### **Recognition of Avalon Homeowners – Don Presley**

The following Avalon homeowners were recognized for their individual accomplishments for the Avalon Neighborhood:

Steve Audet (Lot 52) for his providing all the materials and much of the labor to install lighting for the gazebo and trees in the common area around the retention pond.

Bob & Lori Collins (Lot 97) for pressure washing the stucco and brick of the front entrance.

Steve and Dyan Perrigin (Lot 55) for furnishing the water to pressure wash the front entrance.

Cathy Blake (Lot 22) & Jerry Davis (Lot 21) for putting up the Christmas Decorations.

#### **Annual Avalon Yard Sale – Jerry Davis**

The homeowners attending the meeting were surveyed about continuing an annual yard sale in Avalon and there was a very positive response. It was explained the Board had decided that the common area around the retention pond would not be used to display items for sale because too many sprinkler heads were broken off the last time the yard sale was held in that area. The sale advertising will be paid by the HOA but items for sale will only be displayed on homeowners property. A volunteer was requested to be an overall coordinator for this event but there were no volunteers. A brief discussion took place as to the best time of year and a consensus for May was established and the Board will research the best date for that sale.

#### **Social Coordinator – Kim Miles**

The Board has received several recommendations for social events to be held in Avalon and asked for a person to be the coordinator of this area. No volunteers were identified but the homeowners were requested to talk with their friends to see if a person for this position could be identified.

#### **Welcome Coordinator – Kim Miles**

The Board is seeking a homeowner to coordinate a program to welcome new residents to Avalon. Mary Vining (Lot 64) volunteered to coordinate this effort and requested anyone who would like to assist to contact her.

legal steps to stop the construction and obtain specific construction specifications to bring the new home to the standard of other homes in Avalon. These concessions included specific external materials and appearances not previously planned as well as internal material upgrades. In addition the agreement (signed by Colony Homes) included a restriction that prevents Colony Homes or any of their subsidiaries from ever constructing new homes in Avalon. It was also explained that the shortfalls of Avalon's Restrictive Covenants that added to this problem were identified during this process and the Board will be revising the Restrictive Covenants in the coming months to ensure consistencies in any new homes built in Avalon.

Leasing of Homes In Avalon – a homeowner asked if it was legal to lease ones home in Avalon. It was explained that the Restrictive Covenants do not restrict the leasing of homes in Avalon.

### **Nominations – Don Presley**

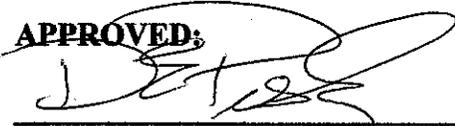
President Presley explained how the current Board of Directors evolved. After the initial Board was formed in 2007, Van Stevens (Lot 3) resigned from the Board, Kim Miles (Lot 128) was appointed by the Board to fill the unexpired term of Van Stevens, Kenny Engle (Lot 50) rotated off the Board in December 2008, Lori Collins (Lot 97) was elected to the Board at last year's annual meeting, Clint Jones (Lot 46) resigned from the Board, Jerry Davis (Lot 21) was appointed by the Board to fill the unexpired term of Clint Jones, Shawn Blair (Lot 37) resigned from the Board, and Lori Collins was appointed as Treasurer to replace Shawn Blair. Don additionally explained that since Kim Miles and Jerry Davis were filling unexpired terms he requested a motion form the board to continue their terms for an additional three years. Rick Hassall (Lot 23) so moved and Paul Brown (Lot 16) seconded the motion. There was no discussion and the motion passed by a unanimous verbal vote.

President Presley further explained that even with Kim Miles and Jerry Davis retention on the Board there remains two vacancies with his planned rotation off the Board. With the change in Bylaws the Board of Directors is responsible for nominations to fill the vacant positions. The two individuals nominated by the Board are: Mary Vining (Lot 64) and Phillip Blake (Lot 22). Then President Presley asked for nominations from the floor. This request was repeated three times with no response. James Kirk (Lot 66) moved that the nominations be closed and Lynne Lanyon (Lot 70) seconded the motion. There was no discussion and the motion passed by unanimous verbal vote. This motion elected Mary Vining and Phillip Blake to the Board of Directors for three year terms. President Presley explained that the new Board would meet in executive session within the week to select officers of the coming year. The outcome of this meeting would be posted on the website.

### **Adjourn – Don Presley**

There being no further business the meeting was adjourned at 7:50 PM

**APPROVED:**

  
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**DON PRESLEY, PRESIDENT**

  
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**JERRY DAVIS, SECRETARY**