

**Meeting of Planters HOA Board of Directors
December 6, 2022 (re-scheduled from 12/13/22)**

The December 2022 meeting of the Planters HOA was brought to order by Frank Pratt, President, at 6:28pm.

Board Members	Present	Absent	Board Members	Present	Absent
Frank Pratt	X		David Van Hook	X	
AJ Wilson	X		Clay Gentry	X	
Angie Clouse	X		(VACANT)	N/A	N/A
Christie Breedlove	X				

Tasha Jenkins, Resident Manager, was not in attendance.

Motion was made by AJ Wilson and second by Clay Gentry for Approval of minutes from the November 2022 HOA Board Meetings

ACC Report (no change since last meeting):

Date Submitted	Address	Request	Status	Notes
11/5/2022	59 Colonial Circle	paint exterior	approved	

Activities

- Cookies with santa took place and went well with both photographer and Santa paid.

Budget

- No Report

Building and Grounds

- There was discussion about playground inspections, but nothing firm decided.

Management

- Clubhouse Usage: 34 hours with no deposits held

Welcoming

- None

Nominating

- Dee Dee Langston has volunteered to return to the Board, though she will not be able to do so until January, 2023.

Treasurer:

- Current Balances:
 - Checking: \$43,109.08
 - Savings: \$50,012.67
 - Interest: \$2.71

Violations:

Homeowner	Address	Reason	Status	Letter Sent
Tun	52 Planters Dr	Debris on lot	Open	09/25/22
Heard	41 Planters Dr	Debris on lot	Open	11/12/22

President

- No report

Old Business:

- Finalization of plans for the Special Meeting, 12/09/2022.
 - Leslie Vaughn Simmons, Esq.'s office responded to the Board's inquiry. Her opinions is as follows:
 - A quorum for both the biannual meetings and the special meeting is defined as 60% of the homes who are in good standing (or 30% at the second meeting.) Thus, to calculate the minimum number of homeowners needed at a special meeting, the number of homes that are not in good standing is subtracted from 399. 60% of the difference (rounded up to next highest whole number) is the minimum needed for a quorum.
 - Rationalize: The bylaws clearly state that the Board may revoke voting privileges for homeowners who are not in good standing. The covenants do not address the suspension of voting privileges for members who are not in good standing. The covenants would prevail if there is a conflict between the covenants and bylaws. However, since there is no conflicting language in the covenants, the clause in the bylaws applies to both special meetings and biannual meetings.
 - Anyone, including a renter or someone who does not live in the neighborhood, can be designated as a proxy by a homeowner, since this is not specifically prohibited in the covenants or bylaws.
 - Frank Pratt made the point that a homeowner who is delinquent on his or her dues apparently does not automatically lose the right

to vote. Per Ms. Simmons's opinion, and the covenants, "The Board of Directors shall have the power to suspend voting rights of a member during any period in which the member shall be in default." This implies that a homeowner's right to vote is not suspended until the Board exercises its authority to declare the homeowner ineligible to vote.

- Regarding short-term rentals of homes in the neighborhood (e.g. via "Airbnb,") Ms. Simmons stated, "short-term rentals can be restricted. It can be restricted under a leasing provision, no leases shorter than 12 months and must be approved by the board. It can also be restricted under residential use. A leasing provision is more clear than the residential use." If the Board decides to restrict short-term rentals, it's unclear of any homes that are being offered for short-term rental could continue in this manner. The Board might be able to prohibit the homeowner from accepting any future rental requests. The Board could also add a grandfather clause to allow homes that were already renting homes on a short-term basis to continue to offer the home for rent.

There are plans to set up zoom for meeting.

New Business:

- Discussion of recent requests from homeowners to have access to the HOA's monthly bank statements. Homeowners may schedule an appointment with Tasha to review.
- Discussion of Frank Pratt's point regarding suspension of a homeowner's voting privileges
- Motion to declare delinquent members/homeowners ineligible to vote. Angie Clouse made motion with Aj Wilson seconding...no opposed.

Adjournment

- The meeting was adjourned by Frank Pratt at 7:31pm.
- The next Board is scheduled for will be on 01/10/2023 @ 6:30 PM.