

**3 CHERRY WAY HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS
MEETING MINUTES OF JUNE 10, 2025**

1. CALL TO ORDER:

The meeting was called to order by K. Brockman on June 10, 2025, at 9:30 AM in the 3 Cherry Way Community Clubhouse.

2. ROLL CALL:

A roll call was taken of the Board of Director members by M. Barnes, Recording Secretary. As indicated below, there were five (5) directors in attendance, a quorum.

<u>OFFICE</u>	<u>OFFICER</u>	<u>ATTENDANCE</u>
President	Karry Brockman	Yes
Vice President	Cindy Dubac	Yes
Treasurer	Curt Hendricks	Yes
Recording Secretary	Marge Barnes	Yes
Corresponding Secretary	Patricia LaCourse	Yes

3. AGENDA APPROVAL:

A. C. Hendricks/C. Dubac: Motion to approve the meeting agenda (with additions or deletions).

1. M. Barnes/P. Lacourse – Added Item 6G to Review and Approve Rick Earnhart Builders, Inc. to fix the roof at 2334 Sylvia Ct. to authorize 3 Cherry Way to enter into a contractual agreement with Rick Earnhardt Builders, Inc., 3294 St James Church Rd, Denver, NC 28037 to repair the roof at 2334 Sylvia Ct. at a cost not to exceed \$1,400.00. Passed, unanimously.

4. APPROVE MINUTES:

A. C. Dubac/ P. LaCourse: Motion to approve the May 13, 2025, 3CW Standard BOD Meeting Minutes. Passed, unanimously.

B. C. Dubac/P. LaCourse: Motion to approve the May 15, 2025, General Membership Meeting Minutes. Passed, unanimously.

5. OLD BUSINESS: None.

6. NEW BUSINESS:

A. C. Dubac/P. LaCourse: Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to enter a contractual agreement with Mr. Handyman of Mooresville, 121 N. Commercial Dr., Mooresville, NC 28115 to install new lighting at the front entrance circle at a cost not to exceed \$1,800.00. Passed, unanimously.

B. C. Dubac/M. Barnes: Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to enter into a contractual agreement with Landmark Fences of Lake Norman 3328 N. NC 16, Denver, NC 28037 to put a railing along the sidewalk on Royal Anne Dr. (west side) to prevent people from stepping down onto the drain at 2453 Royal Anne Dr. at a cost not to exceed \$1,350.00. Passed, unanimously.

C. C. Dubac/P. LaCourse: Receive and file Resolution Without a Meeting to authorize 3 Cherry Way to enter into a contractual agreement with Mr. Handyman of Mooresville, 121 N. Commercial Dr., Mooresville, NC 28115 to paint trim at 8359 Ulster Ct. at a cost not to exceed \$750.00. Passed, unanimously.

3 CHERRY WAY HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS
MEETING MINUTES OF JUNE 10, 2025

- D. C. Hendricks/P. LaCourse: Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to enter a contractual agreement with Rick Earnhardt Builders, Inc., 3294 St. James Church Rd., Denver, NC 28037 to repair the roof at 8244 Rainier Dr. at a cost not to exceed \$1,400.00. Passed, unanimously.
- E. C. Hendricks/P. LaCourse: Receive and file Resolution Without a Meeting for 3 Cherry Way HOA to purchase roofing materials at a cost not to exceed \$2,630.00. Passed, unanimously.
- F. M. Barnes/P. LaCourse: Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to enter into a contractual agreement with Denver Plumbing Co., PO Box 350, Denver, NC 28037 to repair a broken sewer line under Rainier Dr. at the front of the Storage Lot at a cost not to Exceed \$3,600.00. Passed, unanimously.

7. TREASURERS REPORT: (C. Hendricks)

- A. M. Barnes/P. LaCourse: Receive and file Superior Mgt. April 2025 financials documents. Passed, unanimously.
1. Total Operating Income April 2025 Year-to-Date was \$100 under the Budget.
 2. The Summary has a new column to show the percentage of our income for each line item in the Budget.
 3. Pool is over budget. We have spent year-to-date \$11,013.00 with a year-to-date budget of \$4,633.00. We had a large expense for the pool that was unexpected, the underwater lights, which came in even over the original estimate.
 4. Everything else is under budget.
 5. Operating Expenses were 60.82% of our total income, which means we are only using 60% of our money for expenses.
 6. The Year-to-Date Net Income is 39.18%. Roughly, we are saving 40% of the income.
 7. Assets at the end of April 2025:
 - a) Operations Account: \$62,004.32
 - b) Pre-Reserves: \$67,867.13
 - c) S. A. Stone Account: \$1,272,663.40.
 8. Documents have been submitted to our CPA to send an amended tax return for 3CW for 2024.
 - a) The original tax return used mark-to-market figures as income along with the interest earned, which should not have been used.
 - b) Chuck George found the error.
 - c) We should be refunded approximately \$1,500.00.
 9. *Comment: K. Brockman, President:* Chuck George is our only auditor, and we could use more help with the Audit/Investment Committee. Chuck does an audit every month on our finances. Please consider applying for this committee.

8. ACC STATUS REPORT:

- A. P. Mercier: Absent.
- B. Jim McClellan:
1. Violation Letters have gone out to the community. They are supposed to know what the procedures are when they receive the letters, but they don't.
 2. Website under ACC Documents and then Landscape makes references for the Violation Enforcement and Compliance Policy and Procedure available in the library, but it is not there.
 3. Perhaps the Violation PP could be moved to next to the Governing Documents that does not have a password.
 4. These are threatening letters from Superior.
 5. *BOD Comments:* This is the first time that 3CW is issuing violations.
 - i) Our state statutes and our Governing Documents are what the BOD has to comply with.

**3 CHERRY WAY HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS
MEETING MINUTES OF JUNE 10, 2025**

- ii) We've been working back and forth with Superior to get their computer system to work with our Governing Documents and the State Statute 47F.
- iii) We are also living with things that took place prior to the issuing of the Violation PP.
- iv) Part of the contract we have with Superior is to handle the violations.
- v) This is very common with HOA's to have a management company to handle violations.
- vi) The BOD would always like to work with the homeowners to handle the process and take care of any concerns you may have.
- vii) The majority of the violations are from the ASG and the LSG, and they are minor, i.e., roll up your hose.
- viii) Explained the process in detail through each step of the process.

9. OFFICERS' STATUS REPORTS:

A. K. Brockman, President:

- 1. Grass mowing – recently Larry Wilson pointed out to me that the landscaper is no longer bagging the grass. The grass baggers they use are breaking belts and they are looking into how to fix this problem.
- 2. Termite treatment is finished. The primary treatment is in the soil under the concrete slab. Then, every year they do a treatment that freshens up the prevention treatment. The treatment is more for pests/bugs.
- 3. The net was fixed on the Pickle Ball Court.

B. C. Dubac, Vice-President:

- 1. There are concerns about rentals here in the community.
 - a) It requires 67% of the community to vote for changes for the CC&Rs, which currently states that the minimum rental period is 12 months.
 - b) The attorney stated that with the difficulty changing the CC&Rs, we could put changes into the Bylaws, which we did.
 - c) The Bylaws state that 10% of the homes in 3CW can be rentals or 20 homes.
 - d) Currently, we have 12 or 13 actual rentals that have a lease.
 - e) We are developing a Rental Policy and have a legal opinion on what a rental is.
 - f) We are also working on the Election Policy to allow mail-in voting, which may allow us to get to the 67% needed to pass amendments for the CC&Rs.

C. C. Hendricks, Treasurer:

D. P. LaCourse, Corresponding/Record Retention Secretary:

E. M. Barnes, Recording Secretary:

10. RESIDENTS COMMENTS/Q & A:

A. Jim Dellinger, 8220 Symphony Ct.

- 1. *Question:* Is there an update on the berm?
 - a) *BOD Answer:* C. Dubac is working on a quote to plant junipers at the top of the berm. The quote should be here within a couple of days to have the BOD look at it. Lippard's has given us ideas on what to do with the western end of the berm also.
- 2. *Comment:* I was in charge of real estate signs when I was on the BOD. The policy is that there are no signs at the entrances to the community.
 - a) *BOD Comment:* The best thing is to let the BOD know when something is in violation so that the BOD can take appropriate action.

**3 CHERRY WAY HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS
MEETING MINUTES OF JUNE 10, 2025**

B. Judy Brockman, 2523 Rynbrandt Dr.

1. *Question:* The only sign you can have is at the property only? How do people get to the property without additional signage?
 - a) *BOD Answer:* The only allowed sign per the Rules and Regulations one in the mulch at the residence. We would have to have multiple signs at intersections throughout the community to help potential buyers to find the property for sale.

C. Gail Foster, 8726 Vandalay Dr.

1. *Question:* Concerning the treatment that was done when the building was done. How long does that treatment last? Then, when that time limit has expired, What happens then?
 - a) *BOD Answer:* I just sent an email to Dellinger Exterminators asking them how long the initial treatment lasts. We may be able to put something on the website about the original termite treatment. As long as we do the annual treatment, the termite treatment stays in effect.

D. Jim Valenti, 2256 Early Robin Dr.

1. *Question:* Is there anyway we can get a sign that says, “Dead-End Street, No Turn Around” at the beginning of Early Robin to help stop people from driving down the street and using our driveways to turn around?
 - a) *BOD Answer:* Please turn in an ACC Request to have that looked at by the BOD.

E. David Kelly, 2230 Cashmere

1. *Question:* The Rules and Regulations were change to allow resident guests to go to the pool without the resident. Would this also apply to the Clubhouse? Can a resident guest come in the Clubhouse without a resident?
 - a) *BOD Answer:* That is an oversight by the BOD.
 - (1) The average age in 3CW is 76-3/4 years.
 - (2) A lot of residents cannot come to the pool physically or tolerate the heat.
 - (3) The Clubhouse was not addressed and will be addressed.
 - b) Carol McClelland asked about bringing family or friends who are visiting to play Bunco, Bingo and Triva. Is that any different?
 - c) *BOD Answers:*
 - (1) The BOD is aware that that has been going on for at least 6 years or more.
 - (2) The reason we have the policy for events in the Clubhouse is because outside guests raises liability issues for the BOD.
 - (3) The BOD’s purpose is to try and eliminate liability issues. There is no way we can cover everything.

F. Susie Williams, 8891 Sweet Cherry Ln.

1. *Question:* When is the shrubbery going to be trimmed?
 - a) *BOD Answer:* Right now I don’t know and will have to get with the landscape company to find out.
2. *Question:* What can be done about adult children who bring their grandchildren to the pool and then allow them to run and jump? Someone will get hurt.
 - a) *BOD Answer:* The rules are posted down at the pool. We have no one to force compliance with the rules that are also on the website.
 - (1) If you see a situation at the pool that is dangerous, you can contact someone from the BOD, and we will come down there to address it.

**3 CHERRY WAY HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS
MEETING MINUTES OF JUNE 10, 2025**

G. Rich Lodge, 2505 Tulare Ct.

1. *Question:* All of us had the 1-year warranty on our home when we first moved in. This is relative to the sewage problem down at the end of Rainier. Are there any warranties on the community currently?
 - a) *BOD Answer:* Those warranties were issued to the new residents at the west end of the development as the builder was getting ready to turn the community over to the HOA. It was a normal warranty covering your home over the individual appliance warranties and the windows. There were no other warranties issued to our knowledge.
2. *Question:* How did that sewer line break under the pavement at the end of Rainier?
 - a) *BOD Answer:* We do not know when or why that line was broken. It was causing a backup. This has been the second one that has broken. The builder will not come back to fix this type of issue.

H. Karyl McClelland, 8328 North Star Ct.

1. *Question:*
 - a) A neighbor received a violation letter and were very upset and didn't know what to do. I think the letter was very scary. The only thing they saw is the \$25 a day fines and do not read the rest of the letter. The letter did not explain what they should do.
 - b) There could be an ad hoc committee that can talk to these people and tell them what to do.
 - c) We should, including the BOD, be helpful to our neighbors
 - d) *BOD Comment:* We appreciate the feedback.
 - (1) Originally, the final paragraph of the letter was to be removed and found out from our legal counsel that we could not remove the paragraph because it is required by the State Statute 47F that HOAs have to follow.
 - (2) People need to be aware that when there is a violation there will be consequences. The verbiage in the Violation PP has been approved by the BOD and it based on legal opinion. The ACC is asked to look at the violations and I have meetings with the ACC regarding the violations.
 - (3) We need to be sure that the Governing Documents are followed. We have to be compliant with State statutes and the Governing Documents.
 - (4) There are solutions to it and people can reach out to the BOD.
 - (5) We are short-handed in the majority of the Standing Committees and the ad hoc committees. We have not received any applications to help serve the community, which puts the BOD at a disadvantage.

I. Jim McClellan, 8328 North Star Ct.

1. *Comment:* Thanked Chuck George for finding the error in the tax return for 2024, and the BOD for all you do.
2. *Comment:* Japanese beetles have arrived and it's time to treat your bushes and flowering plants to prevent the beetles from eating them.
3. *Comment:* Thanked the BOD for moving the \$50 termite treatment fee into the assessment payment so that we don't have to write that separate check each year.
 - a) *BOD Comment:* The best treatment I have found for Japanese beetles is at Lowes called Tree and Shrub liquid that you mix with water and pour around the roots at the trunk. You only have to do it once a year and there will be no Japanese beetles.

J. Libby Wilson, 8724 Vandalay Dr.

1. *Comment:* The termite treatment that happened about a month ago missed quite a bit of the areas around my home and my neighbors. They came back to spray the side of the house. They sprayed erratically and did not do a thorough job.

**3 CHERRY WAY HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS
MEETING MINUTES OF JUNE 10, 2025**

- a) *BOD Comment:* We have to use Dellinger Exterminators because if we used another company it would put the termite treatment under the slabs null and void, and they would not pay for any termite damage that may occur. This is a freshening treatment that is only done once a year. It is hard for the BOD to police these activities.

K. Annie Taylor, 8901 Sweet Cherry Ln.

- 1. There are many people living here that should not be living at 3 CW. Some people are not capable of taking care of themselves, which puts a burden on their neighbors. We do help them, but it gets difficult. I do not like to be asked to check on a person's wife to see if they are still living or have a confrontation with another neighbor on how to take care of his wife. There are people here that their children will not even check on them. We were told it was an active community for 55+.
 - a) *BOD Comment:* The BOD has to be very careful not to step over our boundaries. Maybe the County services can help these folks.
 - b) *BOD Comment:* If you know of a neighbor who is having difficulty, you can call the Sheriff's Office for a wellness check.
 - (1) The BOD does not have jurisdiction to enter the homes per State statutes.
 - (2) Also, can call County Social Services.

11. ADJOURNMENT: P. LaCourse/M. Barnes: Adjourned the 3CW HOA BOD meeting June 10, 2025, at 11:01 AM in the 3CW Community Clubhouse.