

**Minutes of Board of Directors Meeting  
Taberna Homeowners' Association  
July 8, 2009**

**Board Members Attending:**

Gene Peele	President
George McNulty,	Vice President
Linda Pickens	Secretary
Suzanne Forsythe	Treasurer
Willis Vincent	Member at Large
Rick Layton	Member at Large
Steve Harman	Member at Large

**Also Attending:**

Jim Wilson, Chairman, Building & Grounds Committee  
Bob Moore, Chairman, Finance Committee  
David Pickens, Finance Committee  
Dave Myers, Representative of Abbington Woods  
Beverly Roberson, Representative of Abbington Woods  
Don Loudin, Representative of Abbington Woods  
Bill Bradbury, Representative of One Taberna Way

The Meeting was called to order by Gene Peele at 5:25pm, there being a quorum present.

**Landscape Maintenance Contracts:**

The Building and Grounds Committee evaluated the bids received for maintaining Todd Denson Park and Arbon Green, Boleyn Creek, Taberna Landing, the common areas throughout Taberna, and bushhogging vacant lots. Jim Wilson presented a summary of the bids evaluated by B&G. The Board unanimously approved a Motion made by Steve Harman, seconded by George McNulty, to accept the recommendations of B&G and award the Taberna Landscape Maintenance Contract #1, and the Todd Denson Park and Arbon Green contract to Reed Landscape; to award the Taberna Landing contract to MES; to award the Common Area Maintenance and bushhogging contracts to Young; and to award the Boleyn Creek contract to Kut-Rite.

Bill Bradbury, a Representative of One Taberna Way, presented an analysis of the bids received. Based on the recommendation of the Representatives, Suzanne Forsythe made a Motion, seconded by George McNulty, to approve awarding the maintenance contract to Fred Leonard,. The Motion was unanimously passed.

Don Loudin presented a summary analysis of the bids received by Abbington Woods. After discussion with the Representatives, the Board decided to delay awarding the contract until October of this year.

The Board agreed to send a letter to all contractors submitting bids informing them of the Board decision.

At the conclusion of the presentations, the Representatives and Committee members left the meeting at 6:15 pm.

**Minutes:**

Suzanne Forsythe made a motion to approve the Minutes of the June 10, 2009 Meeting, which was seconded by Rick Layton. The Minutes were unanimously approved and accepted.

**Treasurer's Report:**

The Treasurer gave the following report:

**Cash and Accounts Receivable:** The total cash in the operating checking accounts as of July 10, is \$149,388. Total Accounts Receivable as of June 30, 2009 is \$11,750, largely attributable to bushhogging invoices and late fees. The total Accounts Receivable as of July 3, is \$44,265 attributable to second half dues invoices for Boleyn and Taberna Landings and third-quarter dues invoices for Abington Woods and One Taberna Way.

**Late Fees:** 19 late fees were mailed out in the first week of June to delinquent property owners based on open balances as of June 30, 2009.

**Liens:** Currently, there are 9 outstanding liens on 5 properties. The Board discussed the legal options available for collection, and it was determined that Gene Peele and Suzanne Forsythe will seek guidance from the HOA attorney.. In June, the Board approved commencing legal action against one property owner; however, the Treasurer has not taken action as she wants to consult with the HOA Attorney. The Board approved sending a demand letter to an additional delinquent property owner. Suzanne Forsythe made a motion, seconded by Gene Peele, to file 8 additional liens on property owners and 1 lien against a commercial lot owner. The Motion was unanimously passed.

Gene Peele made a Motion to accept the Treasurer's report, which was seconded by Rick Layton. The Motion was passed unanimously.

**Accounting Contracts:**

The Board discussed the pending contracts submitted by the HOA accountant for calendar year 2010.. Steve Harman made a Motion, which was seconded by George McNulty, to approve the HOA accounting contracts. The Motion was unanimously approved.

### Open Items:

- 1) Website: No change in status.
- 2) Digital Backup of Association Records: Gene Peele met with CRMI on July 9. A meeting will be set up in the next week for a representative of CRMI to review the existing records to determine the scope of the project and to submit a bid.
- 3) Easement for Fence at Front Entrance: No change in status.
- 4) Todd Denson Park: The Board received a bid for installing a chain link fence along the rear of the Park, between the existing side fencing, to prevent access to the swamp/wetlands. Suzanne Forsythe made a Motion to approve installing the fence, at a cost not to exceed \$1,228.00, which was seconded by Linda Pickens. The Motion was unanimously passed.
- 5) Beautification Plan: Gene Peele directed the Treasurer to determine the amount of any residual funds available in the latter part of 2009 for upgrades to the common areas.
- 6) Community Picnic: Rick Layton provided the Board with an update on plans for the Community Picnic and the anticipated costs. The Picnic is scheduled for September 26.
- 7) Easement with Country Club: The owner of the Country Club has informed Gene Peele that the dead trees will be replaced by the nursery in the fall of this year. A meeting will be scheduled to sign the Easement Agreement.
- 8) Repairs to Canoe Dock: No change in status.
- 9) Wetlands Maintenance: Bob Costanzo, the Wetlands Committee, arranged a meeting with Tracy Wheeler of the Army Corps of Engineers to discuss wetlands management within Taberna. Ms. Wheeler is responsible for enforcing wetlands management and can levy an \$11,000 fine per violation for disturbing existing 404 wetlands within Taberna. A key violation which may incur a fine is changing the ground level of an existing wetlands. A meeting with the individual responsible for stormwater management will be scheduled.
- 10) Repairs at 4-Way Stop Sign: Further repairs were made to the area to improve drainage so that water drains properly which appear to be working. The cost to date for the repairs is approximately \$1,300. Gene Peele is still awaiting information from the City of New Bern as to what type of decorative barrier will be permitted to be installed to prevent vehicles from driving onto the repaired area.

### Covenant Violations:

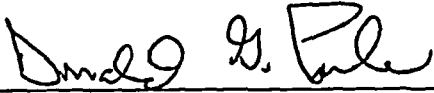
Willis Vincent reported on Covenant violations pertaining to a possible home business, trash receptacles and propane tanks.


**2010 Budget Preparations:**

The Board reviewed the 2009 Budget to identify areas of possible cost savings for the 2010 Budget. The Board noted that the largest Budget expenses are the landscaping maintenance costs, which is a fixed expense. The Board's recommendations will be forwarded to the Finance Committee for its consideration when developing the proposed 2010 Budget. The increase in City water and electrical rates and its impact on the 2010 Budget was discussed. Gene Peele will send an email to Jim Wilson, Chairman of B&G, requesting conservation efforts to limit water expenses. Areas where a savings in water costs may be achieved were operating the sprinklers at the main entrance to Taberna only when insufficient rain has fallen and adjusting the sprinklers so that water is not sprayed on the street.

There being no further business before the Board, a Motion was made by Linda Pickens to adjourn, which was seconded by Gene Peele. The Motion passed and the meeting was adjourned at 7:45 pm. The next meeting of the Board of Directors will be held on **August 12, 2009** at 5:30 pm.

**Approved by the Board of Directors:**

  
\_\_\_\_\_  
By: Gene Peele, President

  
\_\_\_\_\_  
Date:

● **BACKGROUND**

**MATERIAL**

**FOR**

**MATTERS**

● **DISCUSSED**

**AT**

**BOARD**

**MEETING**

●

● **BACKGROUND**

**MATERIAL**

**FOR**

**MATTERS**

● **DISCUSSED**

**AT**

**BOARD**

● **MEETING**

**Taberna Homeowners Association  
Board of Directors  
Agenda  
July 8, 2009 @ 5:30**

- |              |  |  |
|--------------|--|--|
| <b>I.</b>    | <b>Opening Remarks</b>   | <b>Gene Peele</b>  |
| <b>II.</b>   | <b>Adoption of Minutes</b>   | <b>Linda Pickens</b>   |
| <b>III.</b>  | <b>Treasurer's Report</b>  | <b>Suzanne Forsythe</b>  |
| <b>IV.</b>   | <b>Old Business</b>  |  |
|              | <ul style="list-style-type: none"><li>• <b>Presentation of Contract Bids</b></li><li>• <b>Status of Action on Liens</b></li><li>• <b>Status Old Business Open Items</b></li><li>• <b>Picnic Planning</b></li></ul> | <b>OTW, B&amp;G, Abbington<br/>Suzanne Forsythe<br/>Gene Peele/All<br/>Rick Layton</b> |
| <b>V.</b>    | <b>New Business</b>  |  |
|              | <ul style="list-style-type: none"><li>• <b>Review of Covenant Violations</b></li></ul>   | <b>Willis Vincent/Gene Peele</b>   |
| <b>VI.</b>   | <b>Good of the Order</b>   |  |
| <b>VII.</b>  | <b>Confirm Next Meeting</b>  |  |
| <b>VIII.</b> | <b>Adjournment</b>   |  |

**SUMMARY OF BIDS**

CONTRACTOR		MES	FRED LEONARD (Taberna CC)	WEBB LANDSCAPING	CUT RITE
Annual Bid	2010	\$33,480	\$58,800	\$40,920	\$38,880
	2011	\$34,968	\$58,800	\$42,950	\$38,880
Price Comparison		Lowest bid	Highest Bid	Intermediate Bid	Intermediate Bid
Response to RFB Requirements		No exceptions noted.	No exceptions noted.	One positive suggestion: For March reduce to one mowing & up weed control.	No exceptions noted.
Adequacy of Resources for Job		No small mower to cut narrow openings	Yes	Yes. Specializes in weed control and fertilization.	Yes
Past Performance and Experience		As the current contractor, poor weed control. Insufficient fertilizer.	Excellent. As evidenced by Taberna One contract.	Excellent community rapport.	Good. As evidenced by Boleyn Loop contract.
Adequacy of Insurance		On file with association.	Yes	Verification of workman's comp required.	Yes
References		Yes. Some negative provided by AW homeowners unsolicited.	Yes	Good reputation for home landscape work within Taberna and Creekside HOA.	Yes

**SUMMARY AND RECOMMENDATION OF SELECTION COMMITTEE:**

**Cost:**

A. MES is the current holder of the Abbington Woods contract and submitted a low bid that is 25% lower than the current contract amount. We feel this is a low-ball bid to avoid losing the contract he is currently performing and he may cut corners in the performance of the work to make up for the low bid.

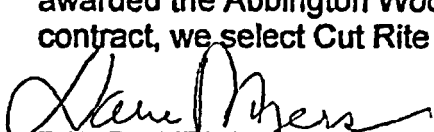
B. The two intermediate bids are reasonable and both are below the current contract cost.

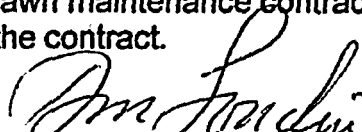
**Performance Risk:** All of the contractors are known within Taberna and are capable of performing the contract with appropriate equipment and personnel.

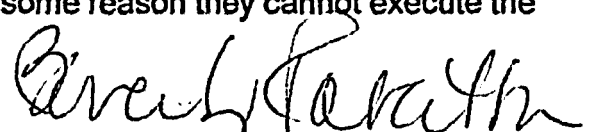
**Reputation and References:** We are satisfied with the references provided.

**Insurance Requirements:** Insurance documentation of the selected contractor must be on file with the HOA prior to beginning the contract in January 2010.

**Recommendation:** The committee believes that Webb Landscaping offers the best value along with greater assurance for weed control and adequate fertilization. We recommend Webb Landscaping be awarded the Abbington Woods lawn maintenance contract. If for some reason they cannot execute the contract, we select Cut Rite for the contract.

  
DAVE MYERS

  
DON JORDAN

  
BEVERLY ROBERTSON



**ONE TABERNA WAY LANDSCAPE VENDOR COMPARISON AND SELECTION  
2010 - 2011 CONTRACT**

\* It is noted that OTW has a representative, John Carrigan, who acts as an on-site supervisor of landscape operations and who maintains continuous contact with the contractor and labor personnel.

VENDOR	COST	MANPOWER	EQUIPMENT	REFERENCES	PAST EXPERIENCE
<b>FRED LEONARD</b>	Services - \$16,200/yr Pine St - \$6.75/bale... 500 bales - \$3,375 Shrubs - Cost x2 Large Patch - \$90/application all units - \$1,250 for 2 apps	8 - 10 people	mowers, blowers edgers, weedeats tanks, sprayers tillers - ON SITE	OTW, Taberna CC Pat Bryant, Mike Deichmann - all in VERY NICE shape and well maintained	OTW for two years. Residents well pleased with condition of property.
<b>MES SERVICES</b>	Services - \$121/unit/mo = \$23,232/yr Pine St - material + 15% and \$30/man hr 500 bales @\$4.00 + 15% = \$2,300 labor @ \$60/hr for 16 hours = \$960 Total for Pine St = \$3,260 Shrubs - Cost plus 15% and \$30/man hour Large Patch - Cost plus 15% and \$30 per man hour	1 - 4 people	mowers, blowers weedeats, sprayer attached to mower and backpacks	All Nuechatal area residential - 304 Nue, 102 Uster 108 Uster, and 105 Varlais. 108 Uster very nice. 102 Uster had weeds in beds 105 Varlais - BAD front	None with OTW
<b>TOP CHOICE CUT AND CLEAN</b>	No Response No Response				
<b>SELECTION AND JUSTIFICATION</b>	Fred Leonard is selected because: (1) Substantial overall cost savings (\$7,000.00 in basic services alone); (2) Excellent past; experience with OTW; (3) References in substantially better condition and were larger, more complex properties; (4) Equipment is on site and appears to be more professional; (5) Larger labor force; and (6) Leonard gives appearance of being a more professional, reliable, and experienced contractor.				
<b>APPROVED</b>	Bruce B. Wood	William Bradbury, Jr.		06/09/2009	

Bid Summaries

Revised 6/23/09

Companies solicited but not bidding were: Cut & Clean, Hollywood, Moore's Lawn and J. Young, Jr.

Those bids with the X are those recommended for contracts by the Buildings and Grounds Committee.

Taberna Landscape Maintenance Contract #1

	<u>Reed Landscape X</u>	<u>Kut-Rite</u>	<u>2008-2009</u>
Items A & B 2010	\$57,360	\$57,000	\$55,728
Items A & B 2011	\$57,360	\$59,400	
Other Services 2010	\$19,162	\$25,445	\$18,162
Other Services 2011	\$19,162	\$27,195	
Total Contract 2010	\$76,522	\$82,445	\$73,890
Total Contract 2011	\$76,522	\$86,595	

Taberna Park and Arbon Green

	<u>Reed Landscape X</u>	<u>F. Leonard</u>	<u>MES</u>	<u>2008-2009</u>
Total 2010	\$10,600	\$14,550	\$7,200	\$10,120
Total 2011	\$10,600	\$14,550	\$7,275	

Taberna Landing

	<u>Reed</u>	<u>F. Leonard</u>	<u>Kut-Rite</u>	<u>Webb</u>	<u>MES X</u>	<u>2008-2009</u>
Total 2010	\$4080	\$3800	\$3700	\$3375	\$3250	\$3370
Total 2011	\$4080	\$3800	\$4000	\$3630	\$3430	\$3370

Common Area Maintenance

Note that Emmen Road was removed from this contract – thus the reduction from 2008/9.

	<u>Reed</u>	<u>Young X</u>	<u>Webb</u>	<u>MES</u>	<u>2008-2009</u>
Total 2010	\$8120	\$7480	\$1360	\$6900	\$7980
Total 2011	\$8120	\$7480	\$1440	\$7400	

Bushhogging and Lot Front Mowing

	<u>Young X</u>	<u>2008-2009</u>
2010/11 Bushhogging/acre/time	\$144	\$128
2010/11 Mowing/lot/time	\$14.75	\$12.75

Landscape Maintenance Boleyn Creek Community

	<u>F. Leonard</u>	<u>Webb</u>	<u>MES</u>	<u>Kut-Rite X</u>	2008/2009
Total 2010	\$36,800	\$14,700	\$13,248	\$14,400	\$14,340/
Total 2011	\$36,800	\$15,360	\$13,536	\$15,000	\$15,060

Taberna HOA Board of Directors – Open Items  
8 July 2009

Subject	Date Initial Discussion	Target Resolution Date	Responsible Person/Board	Comments	Completion Date
Update THOA Web Site	2008	Summer 2009	Peele/Windham <i>no change</i>	Purpose is to improve community visibility via web updates. Status presented at 21 Jan 09 BOD mtg. Peele/Windham to take pictures for addition to site. Gene/Alva met on 19 Jun to review proposed changes. Alva is meeting with web site developer to estimate costs.	TBD
Digital Backup for THOA records	12/2006	Fall 2009	Peele/Costanzo <i>will set cost proposal</i>	Need to plan for records backup. Met with CRMI 7 Jul. They will come to office to review files and give us a proposal. Gene action to set up visit	TBD
Fence Easement for Front Entrance	2006	September 2007 – TBD pending ECB decisions	Peele/BOD <i>no change</i>	Easement resolved with Fred Morton and Dunkin Donuts. ECB unwilling to talk until they make development decisions. Nothing new to report as of 8 Jul.	TBD
Landscaping & Maintenance Contracts for 2010/2011	Jan 2009	Aug 2009, contracts awarded	BOD, Jim Wilson B&G, & sub-committees	Goal is to release bids and select contractors NLT end of Aug. Peele met with B&G 18 Feb. B&G, Abbington Woods, & OTW	8 Jul - B&G, Abbington, & OTW to

				released Board approved RFQs. All bids were received by 12 June. Recommended contractor selections to be presented at the 8 Jul BOD meeting. Milestones are driven by the by Budget Process. Selection process is complete and a contract for Emmen Rd landscape improvements and 2010 and 2011 maintenance was signed 10 June.	recommend selections to Board
Beautification Plan	January 2006	Dec 2009	THOA Board in conjunction with B & G	BOD implemented a 3-5 year plan for changes to beautify Taberna (ref. 2006 annual meeting). Depending on 2010 budget decisions, 2009 may be the last year for the current Beautification Project that began in 2006. Completed mods to Front Entrance, planted trees on Taberna Way, and Emmen Rd. Enhancements (\$11.8K) to 2 entry islands completed. B&G recommended improvements to bridges and front of new Townhouses. Board decided instead to go with Emmen Rd upgrades. Some residual 2009 Beautification funds will be available for Fall 2009 upgrades.	TBD, completion depends on 2009 Board review & decisions relative to the 2010 budget.

Determine what new equipment to install at Todd Denson Park to enhance community use (renamed from basketball court)	Nov 08	TBD	Linda to receive polling results. Board decision on results.  <i>fence = \$12,28</i> <i>2nd BID =</i>	Proposed concept (\$13.9K) for basketball court presented at Nov 08 Board mtg. Need to explore pros & cons and develop proposal for how to do it. Board decided to poll owners on their wishes for park enhancements. New email address created. Less than 10 responded. No one requested Basketball Ct. Most responses supported pet fencing. Board needs to decide whether to pursue any of these items in 2009 or later. Many residents continue to push for the pet fencing. Updated fence proposals received 8 Jul.	TBD
Annual Community Picnic	Feb 09	Nov 09	Board Decision to have picnic and form committee. Rick Layton	Board needs to confirm plan and form committee in late spring. Residences were asked for comments in Apr Tribune. No input received as of 13 May. Rick Layton has agreed to chair effort. We are tentatively planning 26 September. Jul Tribune will again ask for volunteers.	Committee to be identified by early Jul
Taberna CC/HOA Agreement on landscaping	Fall 08	May 09	Peele	Lawyers drafted agreement HOA easement and for golf course to maintain landscaping purchased by HOA. Awaiting go ahead to sign with Fred Leonard.	Jul 09

Repair stairs on canoe dock and remove graffiti on gazebo	Feb 09	TBD	Peele/B&G	B&G has appointed a monitor for the dock area. New steps are being ordered. This is to be scheduled for summer 2009	TBD
Report from Bob Costanzo on Wetlands Management	Feb 09	Jun 09	Bob Costanzo	Bob held meeting with a Wetlands expert from the Corps on 24 June. No problems anticipated. Need to have another meeting with a storm drainage expert regarding Taberna's permits.	Aug 09
Have Attorney Issue Demand Letters on Open liens	11 Mar 09	May/Jun 09	Suzanne	Attorney prepared draft. Board approved and attorney sent letters to lienholders. Suzanne to update us.	Jul 09
4 Way Stop Repairs	8 Apr	June 09	Gene/B&G	Board approved B&G recommended repair by Reed. Reed has redone the repair to address the drainage problem. City contacted re adding Decorative barriers. Legal issues preclude HOA installing any barriers. City (Danny Meadows) volunteered to examine possible barriers they could install.	Summer 09
25 MPH Speed Limit	8 Apr	Jun 09	Rick/NB Police	B&G proposed lowering speed limit to 25 mph everywhere. The majority of responses to the Tribune article opposed lowering the speed limit. Results of two months of speed monitoring within Taberna don't support lowering the limit.	Closed at 10 Jun BOD meeting

Taberna HOA Board of Directors – Closed Items  
10 June 2009

Subject	Date Initial Discussion	Target Resolution Date	Responsible Person/Board	Comments	Completion Date
Vendetti Covenant Violations	2006	Feb 2009	Peele/BOD	Numerous violations of boat and trailer covenants. Fined \$100 by Adjudicatory Panel. Appeal denied by Board 21 Jan 09. Fine Paid	Closed
Etta Daniel's Insurance Claim, 101 Valais Ct	22 Sep 2008	Mar 2009	Peele/BOD	22 Sep ltr received from homeowner demanding reimbursement for tree damage to house. Issue turned over to insurance agent on 25 Sep 08. Cincinnati Ins Co. denied claim in 11 Feb 09 letter	Closed
Review of Tree Removal Decisions	Sep 2008	Spring 2009	Turner/ACC	Daniel's situation required a review of past decisions to limit HOA liability. ACC completed review and no further action required	Closed
Drainage from Lots at 122 & 123 Friburg Rd.	Summer 2008	3/2009	Peele	Property owners were notified by Costanzo ltr on 8 Nov 08. Follow-up Ltrs sent in Jan 09. One lot has been repaired. Other lot owner to visit on 27 Feb to discuss required repairs. Another lot owner needs to be contacted as erosion also caused	Closed



HOA Office Lease	Feb 09	Apr 09	Peele/Forsythe	Need to verify when lease needs extension. Board authorized Suzanne to renew current lease. New lease negotiated for Board approval. Approved and signed	Closed
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# TABERNA

Taberna Home Owners Association  
Board of Directors  
1005 Taberna Circle  
New Bern, NC 28562

Gene Peele, President  
George McNulty, Vice President  
Linda Pickens, Secretary  
Suzanne Forsythe, Treasurer

Representatives:  
Steve Harman  
Willis Vincent  
Rick Layton

July 7, 2009

Mr. Charlie Webb  
204 Baden Ct.  
New Bern, N.C 28562

RE: Taberna Adjudicatory Panel letter, dated May 27, 2008

Dear Charlie:

In May 2008 the Adjudicatory Panel, reference the letter above, found that you had violated the Taberna covenants repeatedly pursuant to the improper conduct of a landscaping business from your residence. Fines and/or legal action against you were waived with the understanding that you would strictly adhere to the covenants in the future and you were given a minor variance that allowed you from time to time to park a truck and trailer in front of your residence during lunch hour.

The Board received information in June and July from our Building and Grounds Committee and other residents in your neighborhood that indicate you have not been complying with the covenants and the direction you were given in the letter. Specifically, you have continued to load and unload trailers and move landscape equipment to and from your residence and have parked trucks and trailers for extended periods (e.g., long trailer in driveway at 7:30 on 6/10, on 6/13 there was a blue pick-up with trailer parked in your driveway in the morning and in the evening there was a trailer with rider mower parked in front of your garage door, on 6/16 there was a trailer in your driveway, on 6/17 there was a blue pick-up with trailer in front of your home from 1:30 p.m. to about 5:30 p.m., on 6/17 a white pick-up truck was parked in your driveway loaded with sod, on 6/18 a blue pick-up truck with small trailer and riding mower was parked in front of your home at 1:30 to nearly 5:00 p.m., and a colored chemical spill was recently noted from your driveway and extending down the street). We have four residents in your area who report that this type of activity was heavily conducted in the spring.

These reports collectively indicate that you have not adhered to our covenants and your verbal assurances made to our Adjudicatory Panel in May 2008. Your violations and the persistent nature of your violations are considered a nuisance by your neighbors and the Association as they are detrimental to maintaining a clean and attractive condition in your neighborhood.

Based on the information we have received, the Board is fining you \$100 for these recent violations. In the event that further violations of this type are documented to the Board, you will be fined a maximum

monetary fine of \$100 per day per violation and/or legal actions as prescribed by statute will be taken against you without further notification or deliberation.

You will be receiving an invoice from our Treasurer requesting prompt payment of your fine. You will be assessed late fees if this fine is not paid in accordance with the invoice due date. Fines are considered assessments against your property. Accordingly, if you continue to refuse to pay the fine, the BOD may determine it appropriate to place a lien against your property.

The Board wishes to resolve this matter expeditiously and requests that you comply with the Taberna covenants. Your assistance in resolving this matter would be greatly appreciated.

Sincerely,

Gene Peele, President  
Taberna Home Owners Association

cc: George McNulty, Suzanne Forsythe, Steve Harman, Willis Vincent, Rick Layton, Linda Pickens,  
John Reichenbach

Gene Peele, President - Taberna HOA  
303 Emmen Road  
New Bern, NC, 28562

June 25, 2009

Gene:

*My understanding is there has been a further complaint on Lawn Maintenance equipment stored in my back yard. I have a lawn tractor and other tools and equipment for my personal use in maintaining my own yard, stored in a far corner of my back yard behind some shrubbery, I kept a tarp over them for weather protection. I did not have room in my garage for this equipment.*

*Although I do not think this was a valid complaint, this week I moved all of this personal equipment to the Creek Side Storage Yard where my son has two spaces rented. I thought I had approval from the Board to park my small trailer on the street in front of my home when I went into lunch. I do not know if someone has complained about this, but starting this week I just park the trailer in my driveway while I am having lunch.*

*My son does provide lawn service to the house across the street from my home, so one day a week he has to park his trailer on the street in the front of the house while he works on their yard.*

*You or any member of the Board or Community has my approval to come on my property, at any time, to check to see if I am in full compliance with the HOA rules. I welcome this.*

Sincerely;



Charles Webb

Cc: Don Loudin  
Dave Myers  
Clay Carson

Gene Peele

From: WsVincent@aol.com  
 Sent: Friday, June 19, 2009 11:47 AM  
 To: Hclayc4@aol.com  
 Cc: dgpeele@embarqmail.com; jcrjbr@suddenlink.net  
 Subject: Re: Running Activity at 204 Baden Ct.

Clay: I will share this information with John Reichenbach since the Adjudicatory Panel retains jurisdiction over this case definitely. In the event that further violations are documented to the Panel as you described below, a fine of \$100 per day per violation can be imposed on Charlie Webb. I will also share your report with Gene Peele.

Willis

In a message dated 6/18/2009 10:11:09 P.M. Eastern Daylight Time, Hclayc4 writes:

6/8/09 Riding lawnmower sitting at back end of drive-way  
 6/9/09 Same as above  
 6/10/09 Long trailer parked in driveway at 7:30 am. Small trailer with tailgate down parked in front of home at 12:30 pm  
 6/13/09 Blue pick-up truck with trailer parked in drive-way in a.m. Trailer with rider mower parked in front of garage door in p.m.  
 6/16/09 Trailer parked in drive-way.  
 6/17/09 Blue pick-up with trailer in front of home from 1:30 p.m, to almost 5:30 p.m. White pick-up truck parked in drive-way loaded with sod.  
 6/18/09 Blue pick-up truck with small trailer & riding mower parked in front of home at 1:30 to nearly 5:00 pm

I did not note the day, but blue pick-up truck with trailer parked in front of home plus white pick up truck with large covered trailer parked on opposite side of street while cutting lawn at 201 Baden Ct. This street was almost blocked for local traffic.

This used to be a quiet, low volume traffic section of Taberna, but not anymore. I dare say a covenant violation is being broken at this location practically every day.

Dell Days of Deals! June 15-24 - A New Deal Everyday!

Download the [AOL Classifieds Toolbar](#) for local deals at your fingertips.

## **TABERNA ADJUDICATORY PANEL**

3950 US Highway 70 East  
New Bern, N.C. 28560

May 27, 2008

Charlie and Frances Webb  
204 Baden Court  
New Bern, NC 28562

Dear Charlie and Frances:

The Taberna Adjudicatory Panel ("Panel") held a hearing concerning your alleged violation of the Taberna Protective Covenants, Rules, Regulations and/or Building Guidelines and Standards at 8:00 PM on Thursday, May 22, 2008, in the conference room of the Taberna HOA offices.

A representative of the Taberna HOA Board of Directors made a presentation based upon the frequent and continued improper parking, overnight or for extended periods, of trucks and trailers on your property, other vacant or building lots, adjacent streets, and wetlands, as well as the improper dumping and/or storage of landscaping materials at those locations and leakage of chemicals onto the streets, all of which pursuant to the improper conduct of a landscaping business from your residence. The presentation including dated photographs of the violations, as well as copies of written notifications sent to you in January and February, 2008.

The Panel, having given due consideration to your recent effort to redress the scope of your violations and your verbal assurances during the hearing that all remaining violations would promptly be cleared, concluded as follows:

1. The violations described above were confirmed as impermissible under the terms of the Taberna Protective Covenants et al;
2. Applicable monetary fines and/or legal action against you pertaining to violations committed prior to this date will be waived with the provision that it remains your responsibility to know and understand the Taberna Protective Covenants et al and to adhere strictly to them;
3. The Panel will retain jurisdiction over this case indefinitely and, in the event that further violations of the type described above are documented to the Panel, maximum monetary fines of \$100 per day per violation and/or legal actions as prescribed by statute will be taken against you without further notification or deliberation;
4. The Panel will permit only one minor variance from its ruling, i.e. that you may park one truck and trailer on the street in front of your residence from time to time during your lunch hour.

Very truly yours,

John C. Reichenbach  
Chairperson

cc: Jim Krise; Bob Costanzo; George McNulty,  
Bob Costanzo, Brian Scoggins, Chuck Censullo

# Proposal

## SEEGARS FENCE COMPANY INC. OF NEWPORT

CHAIN LINK-WOOD-INDUSTRIAL-RESIDENTIAL

PO BOX 430 - 5960 HWY 70

NEWPORT, NORTH CAROLINA 28570

PHONE: (252) 223-2260

FAX: (252) 223-2168

PROPOSAL SUBMITTED TO:

TABERNIA H.O.A.

ATT: GENE PEELE

PHONE

(252) 635-1684

DATE

July 9, 2009

STREET

JOB NAME

FENCING FOR PARK AREA

CITY, STATE, AND ZIP CODE

NEW BERN, N.C. 28560

PROP SAL NUMBER

ARN-1387

We hereby submit specifications to FURNISH AND INSTALL APPROXIMATELY 369 LF OF 4 FOOT HIGH RESIDENTIAL CHAIN LINK FENCE USING THE FOLLOWING:

4 X 11 1/2 GAUGE GALVANIZED FABRIC

1 3/8 INCH OD TUBULAR WEIGHT TOP RAIL

1 5/8 INCH OD TUBULAR WEIGHT LINE POSTS

2 1/2 INCH OD TUBULAR WEIGHT TERMINAL, CORNER, AND GATE POSTS

1 - 4 FOOT WALK GATE WITH HARDWARE

1 - 5 FOOT WALK GATE WITH HARDWARE

**BID: \$ 2,090.00**

**OPTION 1:** TO INSTALL REAR SECTION OF FENCE ONLY: **BID \$1,137.00**  
INITIAL IF CHOOSING: \_\_\_\_\_

**OPTION 2:** TO INSTALL FRONT SECTION OF FENCE ONLY: **BID \$1,143.00**  
INITIAL IF CHOOSING: \_\_\_\_\_

**OPTION 3:** TO CHANGE 5 FT. WALK GATE TO 10 FT. DOUBLE DRIVE GATE: **ADD \$50.00 TO BID PRICE**  
INITIAL IF CHOOSING: \_\_\_\_\_

**We propose** hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

~~~~~ AS LISTED ABOVE ~~~~~

\_\_\_\_\_ dollars (\$ \*\*\*\*\* )

Payment to be made as follows:

**30 DAYS UPON COMPLETION OF FENCE WORK**

All materials guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practice. Any alteration or deviation from above specification involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. Owner to carry fire, tornado and other necessary insurance

Our workers are fully covered by Workmen's Compensation Insurance.

**Acceptance of Proposal**-The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do work as specified. Payment will be made as outlined above.

Authorized

Signature **TERRY M. HOFFMAN**

Note: This proposal may be  
withdrawn by us if not accepted within 10 days

**PREPARED BY: TERRY HOFFMAN**

Date of Acceptance \_\_\_\_\_, 2009

Signature \_\_\_\_\_



Michael F. Easley, Governor

William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Coleen H. Sullins, Director  
Division of Water Quality

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DIVISION OF WATER QUALITY  
November 19, 2007

Taberna Master Homeowners Association  
Attn: Mr. Robert Costanzo  
1005 Taberna Circle  
New Bern, NC 28562

Subject: Stormwater Permit No. SW7070422  
Taberna Subdivision  
Low Density Stormwater Project  
Craven County

Dear: Mr. Costanzo:

The Washington Regional Office received your request to transfer all existing stormwater permits for Taberna Subdivision to the Taberna Master Homeowners Association (MHA). After reviewing our stormwater files, and the information provided by your representatives, it has been determined that the project will comply with the Stormwater Regulations set forth in Title 15A NCAC 2H.1000. We are forwarding Permit No. SW7070422 dated November 19, 2007 to the Taberna Master Homeowners Association.

This permit replaces all previous state stormwater permits issued for the Taberna Subdivision, and shall be effective from the date of issuance until rescinded and shall be subject to the conditions and limitations as specified therein.

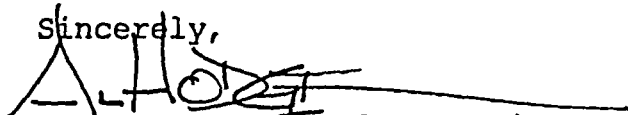
If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within thirty (30) days following receipt of this permit. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, NC 27611-7447. Unless such demands are made this permit shall be final and binding.



Taberna Master Homeowners Association  
November 19, 2007  
Page Two

If you have any questions, or need additional information concerning this matter, please contact Bill Moore at (252)948-3919.

Sincerely,



Al Hodge, Regional Supervisor  
Surface Water Protection Section  
Washington Regional Office

cc: City of New Bern Planning/Inspections  
WaRO Files  
Central Files

STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WATER QUALITY

STATE STORMWATER MANAGEMENT PERMIT

LOW DENSITY DEVELOPMENT

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules and Regulations

PERMISSION IS HEREBY GRANTED TO

Taberna Master Homeowners Association  
Craven County

FOR THE

construction, operation and maintenance of stormwater management systems in compliance with the provisions of 15A NCAC 2H.1000 (hereafter referred to as the "stormwater rules") and the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division of Water Quality and considered a part of this permit for grassed swales, curb outlet swales and vegetated buffers to serve Taberna Subdivision located off US70 near New Bern, NC.

The permit replaces all previous state stormwater permits issued for the Taberna Subdivision, and shall be effective from the date of issuance until rescinded and shall be subject to the following specific conditions and limitations:

I. DESIGN STANDARDS

1. The following criteria are approved as meeting the stormwater rules for this project:
  - a. The total project area for Taberna Subdivision is 718.58 acres. Total area included in PUD is 653.42 acres.
  - b. Total number of single family lots is 780.
  - c. Total allowable impervious area for the residential lots is 136 acres.
  - d. Allowable built-upon area must be consistent with the "as-built" plans and deed restrictions submitted by the permittee.

2. The overall tract built-upon area percentage or lot sizes for the project must be maintained at levels at least as stringent as the low density levels specified in the stormwater rules.
3. The development must demonstrate that no areas within the project site are of such high density that stormwater runoff threatens water quality.
4. Approved plans and specifications for projects covered by this permit are incorporated by reference and are enforceable parts of the permit.
5. The only runoff conveyance systems allowed would be vegetated conveyances such as swales with minimum side slopes of 3:1 (H:V) or curb outlet systems as defined in the stormwater rules and approved by the Division.
6. No piping shall be allowed except:
  - a. That minimum amount necessary to direct runoff beneath an impervious surface such as a road
  - b. That minimum amount needed under driveways to provide access to lots.
7. Projects covered by this permit will maintain a minimum 30 foot wide vegetative buffer between all impervious areas and surface waters.
8. No homeowner/lot owner/developer shall be allowed to fill in, alter, or pipe any vegetative practices (such as swales) shown on the approved plans as part of the stormwater management system without submitting a revision to the permit and receiving approval from the Division.
9. Each of the lots in the subdivision will be limited to the amount of built-upon area indicated in the approved plans and consistent with item 1 above.
10. The permittee is responsible for verifying that the proposed home plans do not exceed the allowable built-upon area. Once the lot transfer is complete, the home plan may not be revised without approval from the permittee, and responsibility for meeting the built-upon area limit is transferred to the individual homeowner.
11. Deed restrictions are incorporated into this permit by reference and must be recorded with the Office of Register of Deeds. Recorded deed restrictions must include, as a minimum, the following statements related to stormwater management:

- a. A statement of the allowable built-upon area per lot in the following form:  
"The allowable built-upon area per lot shall not exceed the square feet in the recorded deed restrictions, inclusive of that portion of the right-of-way between the front lot line and the edge of the pavement, structures, pavement, walkways of brick, stone, slate, not including wood decking."
  - b. Items related to stormwater management must remain in the deed restriction, and this is to be indicated by including the following: "The covenants pertaining to stormwater regulations may not be changed or deleted without concurrence of the State."
  - c. To assure that vegetated conveyances are not piped (in accordance with item 5) deed restrictions must indicate that: "Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with the development except for average driveway crossings, is strictly prohibited by any persons."
12. The Engineer/Owner/Developer/Permittee must certify in writing that the project's stormwater controls, and impervious surfaces have been constructed within substantial intent of the approved plans and specifications.
13. The following items will require a modification to the permit:
- a. Any revision to the approved plans, regardless of size
  - b. Project name change
  - c. Transfer of ownership
  - d. Redesign or addition to the approved amount of built-upon area
  - e. Further subdivision of the project area.
- In addition, the Director may determine that other revisions to the project should require a modification to the permit.
14. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall

provide copies of revised plans and certification in writing to the Director that the changes have been made.

## II. SCHEDULE OF COMPLIANCE

1. The permittee shall comply with the following schedule for construction and maintenance of the Low Density Option stormwater systems:
  - a. Swales and other vegetated conveyances shall be constructed in their entirety, vegetated, and be operational for their intended use prior to the construction of any built-upon surface except roads.
  - b. During construction, erosion shall be kept to a minimum and any eroded areas of the swales or other vegetated conveyances will be repaired immediately.
2. The permittee shall at all times provide the operation and maintenance necessary to operate the permitted stormwater management systems at optimum efficiency to include:
  - a. Inspections
  - b. Sediment removal
  - c. Mowing, and revegetating of the side slopes
  - d. Immediate repair of eroded areas
  - e. Maintenance of side slopes in accordance with approved plans and specifications.
3. The permittee shall keep copies of the recorded deed restrictions limiting built-upon area per lot in accordance with Part I, item 11.
4. The permittee shall keep a copy of the most current Master Plan showing all development, including streets and drainage features. Any proposed changes to existing drainage features (ie swales, vegetated buffers, drainage easements) will require an updated Master Plan and a permit modification.
5. The permittee shall submit all information requested by the Director or his representative within the time frame specified in the written information request.

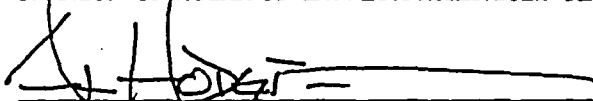
## III. GENERAL CONDITIONS

1. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to an enforcement action by the Division of Water Quality, in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C.
2. The permit issued shall continue in force and effect until revoked or terminated.

3. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination does not stay any permit condition.
4. The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules and regulations contained in Title 15A of the North Carolina Administrative Code, Subchapter 2H.1000; and North Carolina General Statute 143-215.1 et.al.
5. The permittee shall submit to the Director and shall have received approval for revised plans, specifications, and calculations prior to construction, for those revisions under any of the following conditions:
  - a. Any additions, deletions or redesign of the previously permitted amount of built-upon area proposed regardless of the size of the modification.
  - b. Further subdivision of the project area.
6. The permit is not transferable to any person except after notice to and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name and incorporate such other requirements as may be necessary. A formal permit request must be submitted to the Division of Water Quality accompanied by the appropriate fee, documentation from both parties involved, and other supporting materials as may be appropriate. The approval of this request will be considered on its merits, and may or may not be approved.
7. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (local, state and federal) that have jurisdiction.

Permit issued this the 19 th day of November, 2007.

**NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION**



for Coleen H. Sullins, Director  
Division of Water Quality

By Authority of the Environmental Management Commission

Permit Number SW7070422

STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WATER QUALITY

GENERAL PERMIT

TO CLEAR AND GRADE A PROPOSED SITE

UNDER 15A NCAC 2H .1000

In compliance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules and Regulations promulgated and adopted by the North Carolina Environmental Management Commission.

All owners or developers of projects where either a CAMA Major Permit or a Sedimentation Erosion Control Plan approval is required, and the proposed final development plan is not known, are hereby authorized to clear and grade a proposed development site in compliance with the General Permit conditions and the provisions of 15A NCAC 2H .1000 (hereafter referred to as the "*stormwater rules*"), the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division of Water Quality and considered a part of this general permit.

The General Permit shall become effective on September 1, 2003.

Signed this 13<sup>th</sup> day of August, 2003.

*Original signed by Alan W. Klimek, P.E.*

\_\_\_\_\_  
Alan W. Klimek, P.E., Director  
Division of Water Quality  
By the Authority of the Environmental Management Commission

## **PERMITTED ACTIVITIES**

Until this permit is modified or rescinded, permittees are authorized to clear and grade a proposed site subject to the following standards. All stormwater runoff from these projects shall be in accordance with the attached schedules as follows.

Section A – Final Limitation and Controls

Section B – Schedule of Compliance

Section C – General Conditions

### **STANDARD CONDITION FOR GENERAL PERMITS**

This General Permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgement, or decree.

### **GENERAL PERMIT COVERAGE**

All persons desiring to be covered by this General Permit must register with the DWQ or appropriate delegated agency by the filing of a Notice of Intent (NOI) and applicable fees. The NOI shall be submitted and a certificate of coverage issued prior to the clearing and grading of a proposed site.

Any owner or developer not wishing to be covered or limited by this General Permit may make application for an individual Stormwater Management Permit in accordance with NCAC 2H.1000, stating the reasons supporting the request. Any application for an individual permit should be made at least 90 days prior to the time the permit is needed.

This General Permit does not cover activities covered by an individual permit. Any person conducting an activity covered by an individual permit but which could be covered by this General Permit may request that the individual permit be rescinded and coverage under this General Permit be provided.

The definition of any word or phrase in this General Permit shall be the same as given in Article 21, Chapter 143 of the General Statutes of North Carolina, as amended. Other words and phrases used in the General Permit are defined in 15A NCAC 2H.1002.



## SECTION A: FINAL LIMITATIONS AND CONTROLS

During the period beginning on the effective date of the general permit, the Permittee is authorized to clear and grade a proposed site. Stormwater runoff from the site shall be in accordance with the following conditions:

1. Only clearing and grading activities are permitted. The permittee must submit a modification and receive approval prior to the construction of any built-upon surfaces.
2. The clearing and grading activity approved for this site is subject to the Sedimentation Erosion Control (SEC) requirements of North Carolina, therefore, a stormwater management permit is required for any future development on any part of the project area covered by the SEC plan.
3. Approved plans and specifications for projects covered by this permit are incorporated by reference and are enforceable parts of the permit.
4. No new stormwater piping shall be allowed except that minimum amount necessary to direct runoff beneath an impervious surface such as a road and that minimum amount needed under driveways to provide access to lots.
5. The only runoff conveyance systems allowed will be vegetated conveyances such as swales with minimum side slopes of 3:1 (H:V) as defined in the stormwater rules and approved by the Division.
6. The approved Site & Grading plan shall contain the following items:
  - a. A clear vicinity map showing the direction and distance to the nearest town or city, street name, street number and the nearest intersection of two major roads.
  - b. The receiving waters.
  - c. The site drawn to scale showing all proposed built-upon surfaces.
  - d. All existing and proposed contours and spot elevations.
  - e. A legend of all symbols used on the site plan.
  - f. A delineation of the property lines with bearings and distances.
  - g. A delineation of jurisdictional 401/404 wetlands and coastal wetlands, or a note on the plans stating that none exist.
  - h. A delineation of the 575' AEC area as applicable.
  - i. A delineation of the 30' buffer area.
  - j. A calculation of the proposed amount of built-upon area.

**SECTION B: SCHEDULE OF COMPLIANCE**

1. The permittee shall at all times provide adequate stabilization measures in conformance with the approved Site & Grading Plan and Erosion Control Plan.
2. The permittee shall submit all information requested by the Director or his representative within the time frame specified in the written information request.
3. The permittee shall submit to the Director and shall have received approval for revised plans, specifications, and calculations prior to construction, including, but not limited to, the following items:
  - a. Any revision to the approved plans, regardless of size.
  - b. Project name change.
  - c. Transfer of ownership.
  - d. Redesign of, addition to or deletion of the approved amount of built-upon area, regardless of size.
  - e. Further subdivision of the project area.
  - f. Alteration of the proposed drainage.
4. The Director may determine that revisions to the project will require a modification to permit coverage.
5. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the General Permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made.
6. Any ponds built or expanded on this project after land disturbance has begun, that might be used as a stormwater treatment device in the future, must be constructed with a forebay and a 10' wide 6:1 sloped vegetated shelf, per the requirements of the stormwater rules.
7. The site may not be subdivided, sold, or developed with impervious surfaces until a modification to this permit is submitted and approved.

**SECTION C: GENERAL CONDITIONS**

1. Failure to abide by the conditions and limitations contained in the General Permit is considered a violation of NCAC 2H.1000, and is grounds for enforcement action in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C, or for certificate of coverage termination, revocation and reissuance, or modification in accordance with NCGS 143-215.1.
2. The certificate of coverage is not transferable except after notice to and approval by the Director. In the event of an ownership change, the Director may require a separate NOI and certificate of coverage. The approval of this request will be considered on its merits, and may or may not be approved. The permittee is responsible for compliance with all permit conditions until such time as the Director approves the transfer.
3. The issuance of this general permit does not prohibit the Director from reopening and modifying the general permit, revoking and reissuing the general permit, or terminating the general permit as allowed by the laws, rules, and regulations contained in NCGS 143-215.1 and 15A NCAC 2H.1000.
4. The certificate of coverage is issued in accordance with this general permit and may be modified, revoked and reissued, or terminated for cause. The notification of planned modifications or non-compliance does not stay any general permit condition.
5. Upon the presentation of proper credentials, and during normal business hours, the permittee shall allow the Director, an authorized representative of the Director, or DENR staff, to enter the property, inspect the project for compliance with the permit, and sample or monitor for water quality.
6. The permittee shall notify the Division of any name, ownership or mailing address changes within 30 days.
7. Any person who knowingly makes any false statement, representation, or certification regarding the project shall be subject to civil or criminal penalties.
8. The General Permit, Notice of Intent, Certificate of Coverage, approved plans and supporting documentation are considered public record and are open for inspection.