

Minutes of Board of Directors Meeting
Taberna Homeowners' Association
November 3, 2010

Board Members Attending:

Rick Layton	President
Linda Pickens	Secretary
James Dugan	Treasurer
Willis Vincent	Member at Large
John Serumgard	Member at Large
Russell Packard	Member at Large

Absent: George McNulty, Vice President

Rick Layton called the meeting to order at 5:30pm, there being a quorum present.

Minutes:

John Serumgard made a Motion to approve the October Minutes, which was seconded by Russ Packard. The Motion passed unanimously and the Minutes were approved.

Treasurer's Report:

Jim Dugan provided his report which is attached.

The Treasurer made the following Motion, which was seconded by John Serumgard:

Motion to have any monies remaining at the end of the year in the Taberna Master Homeowners Association bank accounts and the bank accounts of the Abbington Woods, Boleyn Creek, One Taberna Way and Taberna Landing Sub-Associations be used for forward operating expenses and deficits of these accounts.

The Motion was unanimously passed.

The Treasurer received the Financial Reports for the period July-September 2010. He reviewed revised and approved the Reports. Linda Pickens requested that Board members receive a copy of the Variance Report. Russ Packard noted that the Board needs to approve the Variance Report each month as per the Goals and Objectives.

The revised accounting contracts for the Master and Sub-Associations have not yet been received from the HOA Accountant.

John Serumgard made a Motion to accept the Treasurer's report, which was seconded by Willis Vincent. The Motion passed unanimously and the Treasurer's Report was approved.

Resident Complaints:

Russ Packard was asked by residents about the status of clearing a window in Todd Denson Park. Rick Layton responded that we are waiting for the winter months (when the threat of snakes in the wetlands lessens) to perform the clearing. Russ also stated he'd received a complaint that the flagpole at the entrance to Taberna wasn't straight. That issue is being rectified.

Flooding:

John Serumgard reported that he had been contacted by a neighbor concerning roads flooding during the heavy rain received in October. The resident inquired whether the HOA is addressing the flooding issue with the City. Rick reported that he drove around Taberna with a City employee the day after the heavy flooding to assess the flooded areas. It was noted that the street drains direct the flow of water into the wetlands and, if there is significant rainfall, the water will eventually be prevented from draining. Linda Pickens expressed a concern that there is a life safety issue if residents cannot evacuate due to high water in the streets. Rick will pursue this issue with the City and ask Fire Chief Bob Aster to attend the Annual Meeting to address residents' concerns.

City of New Bern Single Family Ordinance:

John Serumgard reported on his investigation of the City Ordinances regarding what constitutes a single family residence. The Board determined that, based on the current City Ordinance which defines what constitutes a "family," no further action is required to establish a "single family" policy for Taberna.

HOA Website Update:

Linda Pickens reported that the website has been updated to include the Summary of Covenants and Rules.

Covenant Violations:

Willis reported that six violation notices were sent in the last month: 3 for sign violations, 1 for a trailer violation, one for an RV violation, and 1 for nuisance.

Annual Meeting:

Rick Layton reported that three candidates have volunteered to serve on the 2011 Board: Chip Rice, Chris McCausland and Al Lefebvre. Rick will circulate information on the candidates to the Board.

The Annual Meeting is set for December 8th at Creekside Elementary School.

There being no further business before the Board, John Serumgard made a Motion to adjourn, which was seconded by Linda Pickens. The Motion passed and the meeting was adjourned at 6:33 pm. The next meeting of the Board of Directors will be prior to the Annual Meeting on **December 8, 2010.**

These Minutes were approved by the Board of Directors via email vote as there was no regularly scheduled Board meeting in December. Rick Layton, Linda Pickens, Jim Dugan, John Serumgard and Willis Vincent voted to approve the Minutes. George McNulty and Russ Packard did not vote.

**Treasurer's Report
James Dugan, Treasurer
Wednesday, November 3, 2010**

The status of 2009 aged receivables is as follows:

Taberna Master HOA had three court cases in the fall of 2009:

1. Two owners entered payment plans and both have paid their account in full. The liens and judgments against both have been released.
2. The third judgment property owner said he will pay the July 2010 lien first and then the judgment. There has been no further contact and no payments. Balance owed is now \$1,545.50, of which \$380 is for 2010. Late fees continue to accrue at \$20 per month.

The remaining 2009 Taberna Master and Sub-Association dues assessments have been paid or otherwise resolved.

The 2010 Taberna Master HOA dues were 99.1% collected as of October 31st.

Total Aged Receivables were \$8,605.67 as of October 31st. Of this amount, \$3,661.50 is over 90 days due. Amounts less than 90 days due include lawn mowing, bush-hogging, miscellaneous items, and late fees. Late fees are being assessed to the properties not in bankruptcy for dues and/or late fees not paid by October 31st and to properties that have not paid miscellaneous fees that are past due. Two owners have paid in advance for 2011 HOA dues because of deployment or assignment overseas.

2010 Sub-Association dues status:

Abbingtion Woods: Aged receivables total \$4,562.50. 1/3 of 3rd quarter dues invoiced to a foreclosing bank in September are past due. Twenty 4th quarter dues are now past due. Six rental units pay monthly and are current. One military owner provided checks to be deposited when due through the 3rd quarter of 2011 due to deployment to Afghanistan.

Boleyn Creek Villas: Aged receivables total \$875.00. Seven 4th quarter dues are now past due. One owner paid in advance for 1st & 2nd quarters of 2011.

One Taberna Way: Aged receivables total \$3,625.00. Six 4th quarter dues are now past due. A lien is in place on one property for the first three quarters dues.

Taberna Landing: Aged receivables total \$450.00. Two 4th quarter dues are now past due.

HOA Invoices: All invoices received by October 31th have been forwarded to the Accountant for payment.

Lien Status: Fourteen liens were placed on twelve properties on July 13th. Two of these properties have since gone into bankruptcy. Five have paid their balance, including one with two liens. Of the remaining five, one has two liens.

Accountant: Our Accountant, Mona Sadler, for the year 2011, has revised her proposed contracts, but did not reword one portion to which the board objected. We have discussed the wording and she is having it reviewed by her attorney.

BB&T Trust Accounts:	Beginning of Year End of Year	Sept 30th End of 3rd Quarter	Nov. 2 (Online)
Taberna Master Deposit Acct (IDA)	\$15,805.08	\$60,656.30	\$51,626.44
Taberna Master Operating Acct	15,540.49	24,776.02	4,133.44
Abbington Woods Operating Acct	1,990.14	9,869.44	10,663.44
Boleyn Creek Villas Operating Acct	1,543.43	2,269.41	3,869.70
One Taberna Way Operating Acct	15,858.85	15,803.10	13,839.10
One Taberna CD	8,616.30	8,702.46	8,702.46
Taberna Landings Operating Acct	1,510.72	2,662.52	3,562.52
Taberna Landings CD	5,034.67	5,085.01	5,085.01

Scott & Stringfellow:	Beginning of Year End of Year	Sept 30th End of 3rd Quarter	Nov. 2 (Online)
Taberna Master Reserve	\$96,453.69	\$98,626.64	110,142.57
Taberna Emergency Reserve	50,693.54	51,546.15	51,843.77
Abbington Woods	12,529.11	12,743.49	12,909.89
Boleyn Creek Villas	3,994.58	4,036.91	4,046.40
One Taberna Way	38,316.52	44,157.09	46,296.30
Taberna Landings	12,598.88	12,668.12	12,678.72

"Online" bank balances do not reflect checks and deposits that have not cleared the bank.

"Online" S&S balances include unrealized gain/loss amounts. All of Taberna's investments with Scott & Stringfellow are in FDIC insured CDs or money market accounts. As CDs mature and as cash accounts reach \$1,000, they are being reinvested in new CDs in \$1000 increments. The advantage over every other type of investment is that the principal is guaranteed through FDIC for up to \$250,000.

Reserve Funding:

The annual reserve funding has been transferred to Scott & Stringfellow for the HOA Master, Abbington Woods, and One Taberna Way. As in prior years, the reserve funding for Boleyn Creek and Taberna Landings will be held until late December and transferred if funds permit.

Third Quarter (to date) Financial Reports:

General Ledgers and HOA Account Variance reports for the third quarter were received September 30th and have been reviewed, revised, and approved.

2011 Budgets:

The 2011 Budgets have been approved by the board. An abbreviated version has been prepared for the annual meeting package to be sent to owners.

The following motion must be approved and put into the minutes to officially and legally permit the carrying over of any unused cash into the next year and must be worded exactly as follows: **"MOTION to have any monies remaining at the end of the year in the Taberna Master Homeowners Association bank accounts and the bank accounts of the Abbington Woods, Boleyn Creek, One Taberna Way, and Taberna**

Landing Sub-Associations be used for forward operating expenses and deficits of these accounts.”



Taberna Home Owners Association

Agenda

Board of Directors

November 3, 2010

President's Remarks

Rick Layton

Adoption of Minutes

Linda Pickens

Treasurer's Report

Jim Dugan

Old Business

New Business

Flooding

John Serumgard

Community Standards

John Serumgard

Violations

Willis Vincent

Good of the Order

Confirm Next Meeting

December 8th, 7:00

Adjournment

**BACKGROUND
MATERIAL
FOR
MATTERS
DISCUSSED
AT
BOARD
MEETING**

Linda Pickens

From: j.serumgard@suddenlink.net
Sent: Tuesday, November 02, 2010 9:46 PM
To: wsvincent@aol.com; ricklayton@msn.com; j.serumgard@suddenlink.net; rpackard@caro-san.com; lindapickens676@suddenlink.net; mmcnuity@suddenlink.net; jimdugan@embarqmail.com
Subject: City ordinances re: family and group homes
Attachments: Family Definition.pdf; Group Home ordinance0001.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Board members:

I met with Greg McCoy, New Bern Zoning Enforcement Officer last Friday, Oct 29 and he provided the following information.

New Bern passed a new group home ordinance in 2009. A copy is attached. The key points are to refine definitions and to provide a 2500 ft buffer between such homes.

New Bern also has enacted a revised definition of "family" for zoning purposes. A copy of it is also attached. A family is an individual or two or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit in a dwelling unit. Up to two unrelated individuals can now be included in this family unit.

We can discuss the implications of these ordinances at our meeting.

Incidentally, Mr McCoy was very complimentary of the Taberna HOA for its vigilance enforcing its covenants as it has greatly reduced the number of zoning violation cases with which he has had to deal compared to other neighborhoods.

John

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John Serumgard
j.serumgard@suddenlink.net
Check this out!
<http://www.tabernacares.org>

New Bern Ordin.

- (27) *Day care home (large)*: A child care arrangement as described above in which the provider may care for between six and 12 children when any child present is preschool-aged and a maximum of 15 children when all are school-aged. (Definition subject to change in N.C.G.S.)
- (28) *Designated buffer*: An area of land adjacent to lakes or watercourses that pursuant to section 15-389(d) remains undisturbed in order to reduce the sedimentation and pollution of such lakes, creeks, or watercourses.
- (29) *Developer*: A person who is responsible for undertaking any activity involving changes to improved or unimproved real estate, including, but not limited to, the division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure or building; the mining, dredging, filling, grading, paving, drilling, or excavation of any land; and other land disturbing activities.
- (30) *Development*: That which is to be done pursuant to a zoning, special use, conditional use, or sign permit. [The term includes] any manmade change to improved or unimproved real estate, including, but not limited to, the division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure; the mining, dredging, filling, grading, paving, excavation, or drilling of land; and other land disturbing activities.
- (31) *Dimensional nonconformity*: A nonconforming situation that occurs when the height, size, or maximum floorspace or floor-to-area ratio of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
- (32) *Driveway*: A private way, beginning at the property line of a lot abutting a public road, private road, easement or private right-of-way, giving access from a public road, recorded easement, recorded private road or private right-of-way, and leading to a building, use, or structure on that lot.
- (33) *Duplex*: (See *Residence, duplex*.)
- (34) *Dwelling unit*: A structure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.
- (35) *Expenditure*: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.
- (36) *Extraterritorial planning area*: That portion of the city's planning jurisdiction that lies outside the city's corporate boundaries.
- (37) *Family*: An individual, or two or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit in a dwelling unit. For purposes of the land use ordinance, a number of persons not exceeding two separate from and in addition to an individual, or the persons related by blood, adoption or marriage, may live and cook together as a single housekeeping unit in a dwelling unit although they are not all related by blood, adoption or marriage, and shall be deemed to constitute a family. Additionally, six or fewer foster children placed in a family foster home licensed by the state separate from and in addition to an individual, or the persons related by blood, adoption or marriage, may live and cook together as a single housekeeping unit in a dwelling unit although they are not all related by blood, adoption or marriage, and shall be deemed to constitute a family. Family shall also include those individuals residing in a family care home as defined in this article II.

New Definition

AN ORDINANCE TO AMEND ARTICLE II. DEFINITIONS OF APPENDIX A OF THE LAND USE ORDINANCE OF THE CITY OF NEW BERN

THAT WHEREAS, the Planning and Zoning Board of the City of New Bern unanimously recommends that certain amendments be made to Appendix A "Land Use" of the Code of Ordinances of the City of New Bern; and

WHEREAS, the City's planning staff further recommends approval of said proposed amendments; and

WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect said revisions to Appendix A "Land Use" of the Code of Ordinances of the City of New Bern.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

SECTION 1. That Section 15-15. "Basic definitions and interpretations." of Article II "Definitions" of Appendix A of the Land Use Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-15(17) "*Child care home*" in its entirety, and inserting in its stead the following:

"Child care home: A home for not more than six (6) orphaned, adandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit."

SECTION 2. That Section 15-15. "Basic definitions and interpretations." of Article II "Definitions" of Appendix A of the Land Use Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-15(18) "*Child care institution*" in its entirety, and inserting in its stead the following:

"Child care institution: An institutional facility housing more than six (6) orphaned, adandoned, dependent, abused, or neglected children."

SECTION 3. That Section 15-15. "Basic definitions and interpretations." of Article II "Definitions" of Appendix A of the Land Use Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-15(47) "*Handicapped, aged, or infirm home*" in its entirety, and renumbering subsequent subsections accordingly.

SECTION 4. That Section 15-15. "Basic definitions and interpretations." of Article II "Definitions" of Appendix A of the Land Use Ordinance of the City of New Bern be and the same is hereby amended by adding the definition for "Family care home" as follows:

"Family care home: A home licensed by the state with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident persons with disabilities suffering from a variety of long term or acute disabilities."

SECTION 5. That Section 15-15. "Basic definitions and interpretations." of Article II "Definitions" of Appendix A of the Land Use Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-15(48) "*Handicapped, aged, or infirm institution*" in its entirety, and inserting in its stead the following:

"Handicapped, aged, or infirm institution: An institutional facility that provides residential care for more than six (6) aged, disabled, or handicapped persons whose principal need is a home that provides the sheltered or personal care their age or disability necessitates. Medical care at such a facility is only occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. The residents of such a facility do not occupy separate dwelling units, and this distinguishes such a facility from a multifamily development occupied by the elderly, handicapped or disabled."

SECTION 6. That Section 15-163. "Particular uses." of Article XI "Supplementary Use Regulations" of Appendix A of the Land Use Ordinance of the City of New Bern be and the same is hereby amended by adding subsection (f) "Family care homes" as follows:

"(f) *Family care homes.* A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all districts where residential uses are allowed; provided, however, that a family care home shall be prohibited from locating within 2,500 feet of an existing family care home. The separation distance requirement between family care homes shall be measured from the closest point of each lot property line in a straight line. Family care homes existing as of February 24, 2009 shall be considered non-conforming situations subject to the provisions of Article VIII to the extent that such homes do not comply with the separation distance established in this section. "

SECTION 7. This ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 24th DAY OF FEBRUARY, 2009.


CITY CLERK


MAYOR

New Bern Ordlin .

- (27) *Day care home (large)*: A child care arrangement as described above in which the provider may care for between six and 12 children when any child present is preschool-aged and a maximum of 15 children when all are school-aged. (Definition subject to change in N.C.G.S.)
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New Definition

AN ORDINANCE TO AMEND ARTICLE II. DEFINITIONS OF APPENDIX A OF THE LAND USE ORDINANCE OF THE CITY OF NEW BERN

THAT WHEREAS, the Planning and Zoning Board of the City of New Bern unanimously recommends that certain amendments be made to Appendix A "Land Use" of the Code of Ordinances of the City of New Bern; and

WHEREAS, the City's planning staff further recommends approval of said proposed amendments; and

WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect said revisions to Appendix A "Land Use" of the Code of Ordinances of the City of New Bern.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

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SECTION 6. That Section 15-163. "Particular uses." of Article XI "Supplementary Use Regulations" of Appendix A of the Land Use Ordinance of the City of New Bern be and the same is hereby amended by adding subsection (f) "Family care homes" as follows:

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SECTION 7. This ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 24th DAY OF FEBRUARY, 2009.


CITY CLERK


MAYOR