

From Immanuel Spira:

Please include last names in discussion in the minutes so we can identify people and whom to follow up with on various discussions.

Thank you for pointing this out and going forward, we will state a person's first and last name.

I would like to get an update on the issue discussed in last year's minutes regarding "land rights separation", ie. the purchasing of properties by outsiders for investment purposes and, in particular, the possible separation of land rights from home ownership. For the record I fully support efforts to stop this from happening here.

The home in question was ultimately relisted as a unit of land plus home and sold. The board is also not in favor of this practice, however, the board is unsure how to proceed if it occurs again and somewhat hesitant to get into an expensive legal proceeding.

From Nancy and Greg Warwick:

Please consider excessive onstreet parking by residents not in immediate area (possible restrictions) will you? We are only asking you to consider and discuss the parking issues and advocate for us with the town.

The roads in Southern Village are owned by the Town of Chapel Hill and parking is enforced by the Town. We are unaware of the parking problem that you noted. You are invited to speak to the board and provide more information.

Please consider issue and rules for short-term rentals and 30-day rentals of single-family houses and sublets/rentals within SF houses: VRBOs and airbnbs.

There are no rules in the Covenants concerning short term rentals in Southern Village. As you know, to change the bylaws, we need a majority of the member to vote which means we would have to collect 458 ballots. There was a town ordinance passed in 2021 that regulated short-term rentals. Certainly, Southern Village needs to comply. We can only act if we become aware of a violation.

From Mario and Monica Rojas:

We are concerned about the expenditure and hassle of setting up an HOA for each townhome group.

For the Westend townhome owners, the hassle and expenditures are about over. The process began over a year ago when the previous SV HOA Treasurer, along with Mill House Properties, was very concerned that all the townhome funds were co-mingled with the main funds, were not legally separate and, if not for the trust in

the SV Board members, could be misappropriated. The expense and effort was to protect this money, so the process started. Consensus has been gained, the lawyer has already been engaged, written up the contract and directions are coming out on how to sign. The cost of \$1,030 was more than covered by recent savings in brickwork because a Westend townhome owner negotiated the price down and saved about \$5,000. Currently, while there are 11 subassociations of SV, there are 4 townhome groups that are still part of the main HOA. Westend is one and they are creating a subassociation now. For the other townhome groups, it may be harder to gain consensus from all the townhome owners. After seeing how things go at Westend, they may follow a similar process.

Is it possible to donate less (or not donate) to the symphony, since the priority is the ponds.

The board considered not providing funding for the NC symphony, however it is a very popular event and the board decided to continue contributing to this event.

Westend townhouses need roof care, and many trims need ER trimming, paint and replacement.

Westend is scheduled to have their roofs replaced this year and to have trim repaired and trim and siding painted in 2026.

From John Christian:

John Christian wrote a lengthy email sharing his concerns. This will be posted on the Southern Village website in its entirety along with responses. I will touch on the highlights here.

John has several concerns regarding the pond repairs. He suggested setting up a separate account for pond repairs similar to the alley fund. He also suggested reconsidering a special assessment if we don't have the funds to cover the ponds near term.

The board will consider a separate reserve fund in the fall when the budgets are prepared for next year. However, the reserve study projects for reserve funds for major pond repairs. The board did a detailed analysis of a special assessment and decided that we would probably not be able to obtain the necessary votes. Instead, we voted unanimously in favor of pushing the pond maintenance projects into 2026.

John asked that the board continue to manage the Ponds for recreational amenities as well as a SCM and budget for beautification and wildlife/fish stocking

and minimize damage to these aquatic resources during dredging and construction. John suggested some restorative vegetative plantings for both wildlife habitat and beautification which could be done concurrently with the repairs to stabilize the banks and restore habitat for visiting wildlife. He recommends discussing this with the respective contractors.

Fortunately, pond 4 (Scroggs) does not need to be dredged at this time. I don't know about the future. The pipe in pond 2 (Brookgreen) will be replaced in 2026. This will require significant draining of the pond. Triangle Pond (the only cost-effective vendor for our pond repairs) does not take any measures to protect the fish. The board will need to consider at the time whether it wants to invest in restocking. Certainly, we can obtain a cost estimate.

The board will discuss fish and vegetation with Triangle Ponds in anticipation of the dredging of pond 1 this year and pipe replacement in pond 2 next year. We must also consider if it makes sense to seed pond 2 when there will be major construction in 2026. PS Ponds performs quarterly inspections of the ponds and they have made several recommendations for types of vegetation which we can follow as we move forward beyond the major maintenance.

Concerning street trees, John is disappointed with the decision to drop our tree contractor.

A letter was sent to all homeowners indicating the the Town of Chapel Hill will maintain the trees in the right of way. The letter also provided a link for reporting a tree problem to the town.

Bcc:

From: donotreply@appfolio.com

Subject: Southern Village Street Trees

Message:

The Town of Chapel Hill will be responsible for maintaining the trees within the ROW (street trees), which includes tasks such as pruning, and removal as needed starting immediately. However, there are certain guidelines and limitations that are important to note:

Tree Parts Beyond the Right-of-Way: The town's responsibility is limited to maintaining trees within the ROW. This includes any limbs or roots that extend beyond the private property line and growing into the ROW (The town would prune these items back to the property line, or to a point that clears the hazard). The town does not prune anything that grows from the ROW and crosses over the property line on to private property. For example, if tree limbs or roots cross into private property, or obstruct structures, it is the property owner's responsibility to address these issues. The private property owner is allowed to prune back limbs only to the ROW and not any further, unless given prior permission from the town. The ROW line extends from the ground into the sky, in a straight, vertical line. The town does not perform maintenance on private property.

Pruning and Removal: The town will only prune or remove trees when necessary to ensure public safety or maintain proper sight lines, pedestrian or vehicular traffic, or signage. The town will also remove trees and stumps as needed and replant (at locations the town deems viable) when appropriate and funding is available, typically in the fall (November), in time for the town's Arbor Day celebration.

Specialty Services: The town does not offer certain specialized services that a private contractor might provide. This includes pest control treatments, such as tree spraying or injections, as well as other services like air spading for root care.

Electrical Hazards: For safety reasons, the town will not perform tree maintenance on or within 10 feet of any electrical hazard.

Liability: The town does not assume responsibility for damage caused by trees or vegetation on private property, including any tree-related damage unless the town was notified of the danger and did not respond in a timely manner.

If you have a tree between the sidewalk and street that has branches blocking the roadway or sidewalk or you think needs to be removed, please go to <http://seeclickfix.com/chapel-hill> to report the issue.

Please contact the Town of Chapel Hill if you have any questions.

John asked if the town has agreed in writing to all street tree management in SV and to replant street trees that are removed? If so can the BOD share the agreement?

We have received an email from Kiler Hamilton, Parks and Recreation Supervisor for the Town of Chapel Hill, with basically the town's responsibilities and these are stated in the letter. His email constitutes the town's agreement in writing and the agreement is also in the letter that was sent to homeowners. He wanted to know if the Town does not replace street would the Board to continue to budget for replacement. The board has budgeted \$35,000 for any work regarding trees including replacment.

Regarding the Reserve Study, John thought it was badly outdated, The reserve study was done in December of 2023, about 14 months ago and the board will probably not consider another reserve study for four more years.

From John Christian:

Hi John,

Thank you for your email regarding primarily the ponds and the trees. I will respond to the best of my ability. For the purposes of the AGM, I will try to condense this interchange somewhat in the interest of time. I also think that some of your suggestions would be better discussed in a board meeting.

On Jan 23, 2025, at 11:38 AM, 'John Christian' via bod <bod@southernvillage.org> wrote:

MANY Thanks so much Suzanne for the detailed and thoughtful response. I appreciate it. I realize it's very difficult to budget now with rising prices and major new escalating pond costs. Overall, I do appreciate the Boards actions to respond to these pressures to maintain essential services while reducing costs. I do have a few thoughts to share with you and the Board. I would also ask if they can be discussed with the membership at the upcoming AGM meeting. Unfortunately I will be on an airplane and cannot join the AGM meeting this year. But I will look forward to the minutes to see the response to my request.

1. **Ponds.** Our ponds are requiring major maintenance/repair costs now after about 30 years of operation. I would suggest the HOA add a new category to the budget with a separate and distinct annual cost based on paying both for current maintenance and repairs...and building a pond maintenance reserve (Just like the Alley fund). It would highlight this cost and normalize a new annual payment to avoid a major future cost when dredging or other major repairs are needed in the future. I would think it would be justifiable under the circumstances. If this strategy will not cover the near term projected pond costs then I would urge the Board to reconsider a special assessment. .

The idea of a separate reserve fund for pond maintenance has some merit, however if you look at the reserves study, It projects the reserve amounts necessary to cover future pond maintenance. The budget for the common areas is prepared in the fall and the

board will consider whether it wants a separate fund for ponds at that time. Concerning near term pond costs, the board did a very detailed analysis that considered a special assessment. In the end, we didn't think we would be able to get the necessary votes from homeowners in favor of that approach. Instead, we voted unanimously in favor of spreading the pond maintenance projects into 2026.

I would also urge the board to continue to manage the Ponds for recreational amenities as well as a SCM and budget for beautification and wildlife/fish stocking. I would recommend focusing such efforts specifically on the Scroggs and Brookgreen Ponds which are a major focal point for our amenities. Many kids and adults enjoy fishing for bluegills and bass, Harry the Heron (needs fish!), the Mallard family (needs vegetation) and Hungry Turtle feeding at Brookgreen Pond.

Fortunately, pond 4 (Scroggs) does not need to be dredged at this time. I don't know about the future. The pipe in pond 2 (Brookgreen) will be replaced in 2026. This will require significant draining of the pond. Triangle Pond (the only cost-effective vendor for our pond repairs) does not take any measures to protect the fish. The fish will likely flow into the stream upon draining. The board will need to consider at the time whether it wants to invest in restocking. Certainly, we can obtain a cost estimate.

My understanding is that all 4 ponds were stocked with fish years ago and recently there was a significant HOA budgeted effort to beautify and create a habitat/runoff buffer on the Brookgreen pond by aquatic plantings and leaving a 6 feet buffer on all the ponds from mowing to minimize runoff and create wildlife habitat. The pond maintenance contractor (Dragonfly) also did a limited release of dragonflies that has taken hold and are fun to observe. These HOA investments will be lost if the dredging contractor has to dredge the entire basin and disturb the entire perimeter of the pond. Of course restoration of SCM function is the top priority but there may be strategies to minimize damage to these aquatic resources during dredging and construction. The most immediate need would be to minimize damage to the existing vegetative buffer from the dredging and not fully drain the ponds to allow existing fish and turtles

refuge—if at all possible. I would recommend this be discussed with the respective contractors.

We will discuss fish and vegetation with Triangle Ponds in anticipation of the dredging of pond 1. Their contract states: "Seeding & strawing of all disturbed areas." In addition, PS Ponds provided us with a quarterly review of the ponds. It was recommended that pond 1 needs supplemental seeding in the fall; pond 2 (Brookgreen) needs supplemental seeding in the fall along with supplemental hibiscus plantings; pond 3 (after the pipe replacement) still needs some supplemental seeding; and pond 4 (Scroggs) needs a plant variety (butterfly garden). The board will take this up later this year. It must also consider if it makes sense to seed pond 2 when there will be major construction in 2026.

Any future fisheries restoration would need to come, if needed, after the pond dredging and outlet construction was completed and the ponds had refilled fully and the sediment load reduced. This would probably take a year or two. But some restorative vegetative plantings for both wildlife habitat and beautification could be done immediately concurrent with the repairs to stabilize the banks and restore habitat for visiting wildlife.

I would urge the Board to ask the dredging contractors to minimize damage to these resources if feasible and recommend the Board include funding of fish and wildlife protection and restoration as well as beautification plantings as we proceed with the dredging and repairs to the Scroggs and Brookgreen Ponds. Restoring SCM function is of course the priority.

We will definitely keep fish and vegetation in mind going forward.

2. **Street Trees.** I am disappointed with the decision to drop our tree contractor. However, I understand the rationale at this point given the budget issues. Also Davey Tree has done a good job maintaining the street trees so a year or two without HOA or Town maintenance should not have a major impact.

There will be Town maintenance as discussed and noted below.

As a past Board member I was informed that there was a long standing agreement with the Town (My understanding it was from when SV was first developed by DR Bryan) that

the SV HOA would be responsible for street tree management including pruning (mainly overhanging streets), and replanting trees that were removed. The Town would be responsible for storm damage affecting streets, sidewalk repair and removal of diseased trees.

This has been updated. I will insert here the letter that was sent to all homeowners regarding the role that the town will play in the maintenance of right of way trees in Southern Village;



I would like to note the link in the second last paragraph which allows homeowners to report a tree problem to the town.

If the Town has now committed to be responsible for ALL street tree management including pruning, storm damage, insect control, removal and replanting, that would be great and I would applaud the Board's effort to shift these costs. But I seriously doubt that is the case. The Town has budget issues too. Our street trees help define our unique community and provide needed shade and beautification and studies have shown they help slow down traffic. The street trees are important to maintaining the long term value of our community, My concern based on past experience is the Town will take no action other than removal of trees that become a hazard.

Has the City agreed in writing to all street tree management in SV and to replant street trees that are removed? If so can the BOD share the agreement? If the Town will not agree to replace street trees that are removed, I would urge the Board to continue to budget for replacement. I see in the 2025 budget there is 0 budgeted for tree replacement but 35K for tree maintenance. Perhaps this should be switched...or at least merged so HOA can replace trees that die or the Town removes. Can you explain what the 35K tree maintenance line is covering if the Town has agreed for full responsibility for street tree management?

We have received an email from Kiler Hamilton, Parks and Recreation Supervisor for the Town of Chapel Hill, with basically the town's responsibilities and these are stated in the above letter. This constitutes the town's agreement in writing. It is noted that the town does not provide insect management or tree feeding. The board has decided on this approach with the proviso that we will

see how it goes. It is possible that in 2027 we can again enlist Davey Tree. The \$35,000 simply refers to any tree work including plantings.

I recommend that the BOD put out an email notice that inform residents of this change and the ramifications and provide guidance on how to contact the Town if there is a street tree issue in the interim.

See notice to homeowners above.

3. **Reserve Study.** It appears from your response that the Reserve study is badly outdated. I can understand it with COVID and recent inflationary economic pressures. I would urge the BOD to revise the Study as soon as possible to better identify future costs and then adjust HOA dues accordingly.

The reserve study was performed on December 15, 2023 or approximately 13 months ago. The board will probably not consider another reserve study for four more years.