

# Applevue Newsletter

July 2024

Orchards/Villas Homeowners Association, Inc.

The Orchards board of directors would like to remind everyone that "Official" Communications from the Orchards Board of Directors ONLY comes from All-Pro and has done so since contracting with them in December 2023. Emails you receive from anyone else outside of All-Pro is considered personal email and in no way is representative or approved by the Orchards Board of Directors.

## Director Vacancies:

On June 19<sup>th</sup>, the Orchards Board of Directors and the Master Board of Directors received written resignation notices from Derrick Hipp and Jason Watson. We thank them for their service on both the Orchards and Master Boards and wish them well in their future endeavors. The Orchards Board of Directors was still able to conduct business with 3 of the 5 remaining Directors, which were Danny Brock, Paul Stacy, and Paris Hylton, which represents a quorum.

Per our by-laws "*Master Deeds of the Orchards and Villas*" located in the owner portal on our website, there are processes that must be followed, and they outline the term limits for our elections, how to properly fill our vacancies, and the process to choose our officers (President, VP, Secretary and Treasurer).

The term limits of the elected board of directors are outlined in the "*Master Deed of the Orchards and Villas*". States that all successful candidates elected will serve a 24-month term. Please note, there was an error in All-Pro communication that was sent out prior to the February election that stated that the 2 candidates with the

most votes would serve a 36-month term, the next two would serve a 24-month term, and the candidate with the least votes would serve a 12-month term. This is NOT in the Orchard by-laws; however, it does state this for the Riverview and Master Board by-laws, which is where the confusion happened.

To fill the open vacancies, there are official processes and procedures that must be followed to nominate interim replacements for existing vacancies on the Orchards Board of Directors, and once those vacancies are filled, then a meeting amongst the Directors will take place to vote on the officers (President, VP, Secretary and Treasurer), and the result of the vote is recorded in the meeting minutes, officially published by the Secretary and All-Pro.

The Orchards Board of Directors wanted to ensure that our association members understand that the number of votes a candidate received in February in no way designates which officer role they were elected to. Refer to the paragraph below in our by-laws [exhibit B, Section 4-b](#) on the designation of these officer roles.

Once the interim vacancies and officers' roles are voted on and filled, those two interim directors will serve until the next official community vote, which is currently scheduled for February 2025. They will have to then run for election at the owners meeting at that time, if they so choose, and the successful candidates will serve a 24-month term. The following year in 2026, assuming no more resignations, the remaining 3 positions will be up for election, and so on every year after.

Currently there has been only one official nomination of Cheri Mashburn that occurred in a special meeting called on June 24, 2024, you can refer to the meeting minutes published on our website, and there were discussions regarding other candidates, but no motions were made to nominate anyone else in this meeting.

For more detailed information on these processes, please refer to the following Sections of our By-laws located in the "*Master Deeds of the Orchards and Villas*":

**Exhibit B, Section 4-i** - Defines the process to fill vacancies (There are several methods to choose from (we chose the method defined in the last sentence)

**Exhibit B Section 5-a** - The officer designation process. (President, VP, Secretary and Treasurer)

**Exhibit B, Section 4-b** - Defines the "Term Limits" for elections

The Orchards Board of Directors would like to ask our association members to familiarize themselves with our by-laws outlined above, regarding the vacancies, terms, process of filling officer roles, and perform their own due diligence to derive at the facts, and compare them with any information you may receive outside our official channel of communication via All-Pro.

In response to an email some of you may have received on July 3<sup>rd</sup>, again, this is not a board approved communication, and the process in which the author of the email describes the sequence of events, citing the number of votes, and designation of officer roles, not only does not match our Orchards by-laws, but shows that the author does not understand and/or chooses not to abide by our by-laws. Any information stated in that email is not approved endorsed by the Orchards Board of Directors and is simply a personal email sent out to owners.

**The Orchards Board of Directors takes your privacy seriously and sends out official communications to association members via All-Pro ONLY and would not use information such as email distribution lists for personal issues or political gain.**

Our by-laws define the process required to move forward and build back our Orchards Board of Directors. Once these interim roles have been filled and officers elected, we will have All-Pro to send out another communication outlining the changes.

### **Orchards Community Priority Issues:**

On July 5<sup>th</sup> the Fire Marshal inspected our properties and we had some violations that need to be addressed by August 8<sup>th</sup>. The violations pertain to the 911 Emergency code, and the numbering of our buildings are not up to code, and the gate needs "Knox Box" access for first responders. Also, the signs at our community intersections that have the directions to the units and the unit numbers need to be expanded. We have validated unit numbers with the city's database and will begin replacing the unit number signs with a different sign that has reflection for night and has better visibility (not hidden behind trees or shrubs). Work is being done to secure additional signs that will be needed at each of our intersections to show the appropriate unit numbers at these intersections.

Street light Electrical sensors - intermittently work that control the power to rows of streetlights for units 201-409. Troubleshooting for this issue is in process.

Functionality of our gates - The board met and decided that the investment needed to replace/repair our gates is too expensive at this time and is more than \$35k. The decision was made to disable the gates and leave them open all the time as they do at River View, who had similar issues. The gates have been open for a while now and there have not been any negative repercussions with having them open. And this also eliminates a finding from the Fire Marshal.

## **Closing of the Directors Meetings for July and October**

Per the All-Pro communication that went out last week, The Orchards Board of Directors has decided to close the Directors Meetings until the board can be fully assembled and officers assigned. In addition, we learned from the inspection at the clubhouse that the maximum capacity for the meeting area is 16 persons. Alternate locations for this meeting would cost us money for July and October, and we would need to reserve an alternate location for these meetings. This saves us money, and per the survey results regarding HOA Fees the consensus is our fees are high already but will cover this topic later in the newsletter. We will look at re-opening these meetings and publishing a schedule in Q4 for 2025. The By-laws state that only the Annual owners meeting (currently scheduled every February) is required to be open, and the prior board out of courtesy held open meetings each quarter. River View and the Master Board meetings are only open to owner one annually. And just to clarify, we are not rescheduling the February meeting to May as we have been asked to do. We will keep our OPEN February 2025 Annual owners meeting.

## **Master Board Issues and updates:**

The Master Board is currently addressing several issues from the inspection as well such as the electrical panels in the clubhouse and pool house. The 911 Address signs at the pool, the "Knox Box" for the pool gate and pump house.

The Master Board has recently replaced heaters for the pool and Spa, as well as, installed UV lights for the pool and spa to aid in keeping the water cleaner.

The Master Board has asked the Orchards and the River View communities to review a proposal around a "Rules Enforcement Person" for the properties, including the pool, and clubhouse, but these are only in the discussion phase currently. The Orchards Board has countered with a request to see how much it would cost for this person seasonally (June, July, August) vs. the annual cost of \$14.5k or \$9.00 per month per unit added to our fees. See Meeting Minutes from July 12<sup>th</sup> on our website for more information.

There was also a proposal from the Master Board that the Orchards Community fund a firepit upgrade at the River Walk out of our reserves. The board met on July 12 and voted to NOT proceed with this and save our community \$4000.00 due to the investment being in a flash flood zone and there is no utilization statistics for the existing firepit. See Meeting Minutes from July 12<sup>th</sup> on our website for more information.

There was another proposal from the Master Board that the Orchards Community fund bumpers at the overflow parking area near the pool. The board met on July 12 and voted to NOT proceed with this and save our community \$1000.00 plus installation. The foot traffic does not use the sidewalk anyway, they walk through the main gates and in the street directly to the pool. There are no obstacles impeding the sidewalk now if people were to use it now too. See Meeting Minutes from July 12<sup>th</sup> on our website for more information.

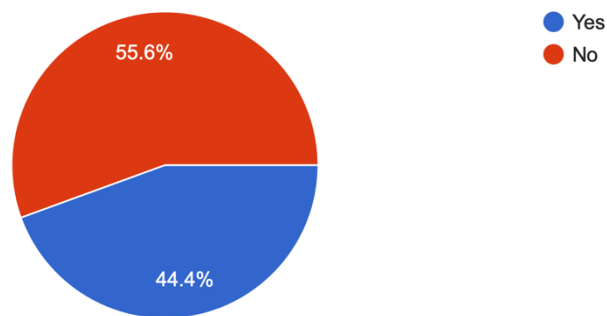
The Master Board has adopted and approved a Nuisance Policy, that is available for review on our website. This policy has already been approved for all communities as of June 2024. We highly encourage owners to familiarize themselves with this policy as homeowners can be fined for violations by the Master Board.

## Survey Results:

Thanks to everyone who completed the survey. The purpose of the survey was to understand the owners' answers to these questions to determine future courses of action to keep our HOA Fees as low as possible. There were 18 of 55 responses (33%) Please see the survey results below:

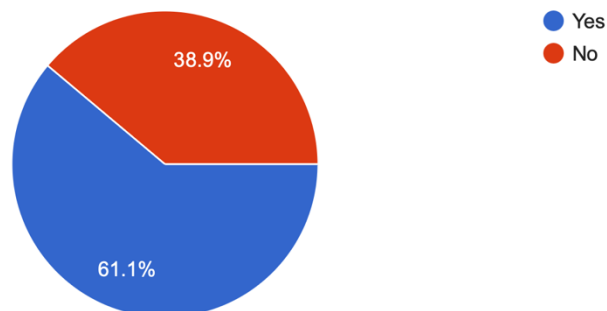
Are you currently satisfied with the upkeep and look / appeal of our community?

18 responses



Are you currently satisfied with the frequency in which our lawn care provider cuts our grass seasonally?

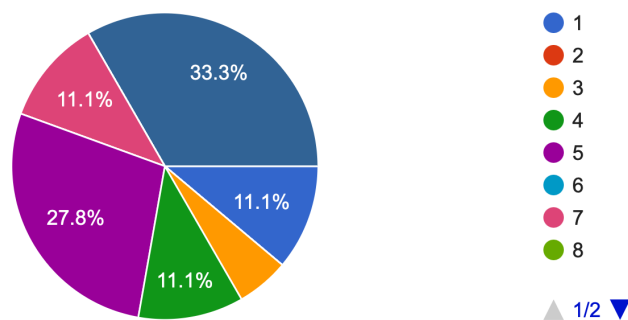
18 responses



Based on the data from these two questions above, the appearance is not landscape or lawncare related. There are other things that need to be done to improve the appeal and look of our community. I will cover these in the summary below.

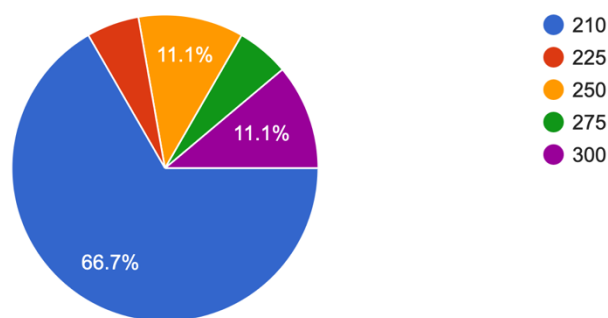
On a Scale of 1 to 10, with 1 being the lowest and 10 being the highest, where do you feel our current HOA fee of 210.00 per months aligns with...y Market for condos that have the same amenities?

18 responses



Based on the reviews of our HOA budget and your answers above, what do you feel is a fair HOA Fee per month?

18 responses



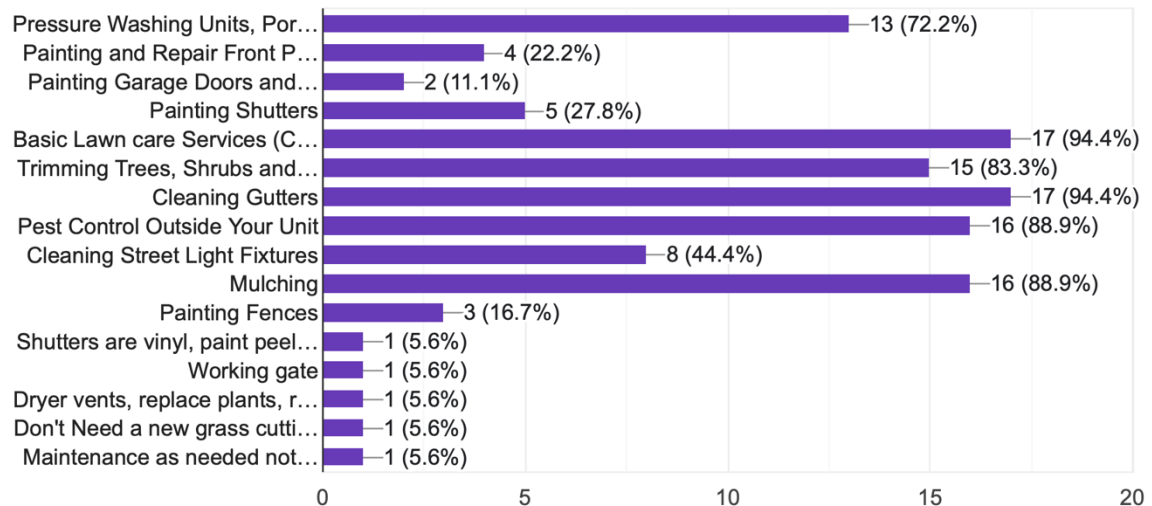
Based on the data from these 2 questions, the majority of our owners feel that our fees are among the highest for condos in Sevier County, at \$210.00 per



month. And feel the fee should stay at this level going forward. We are between 4-5 on the scale with our fee structure.

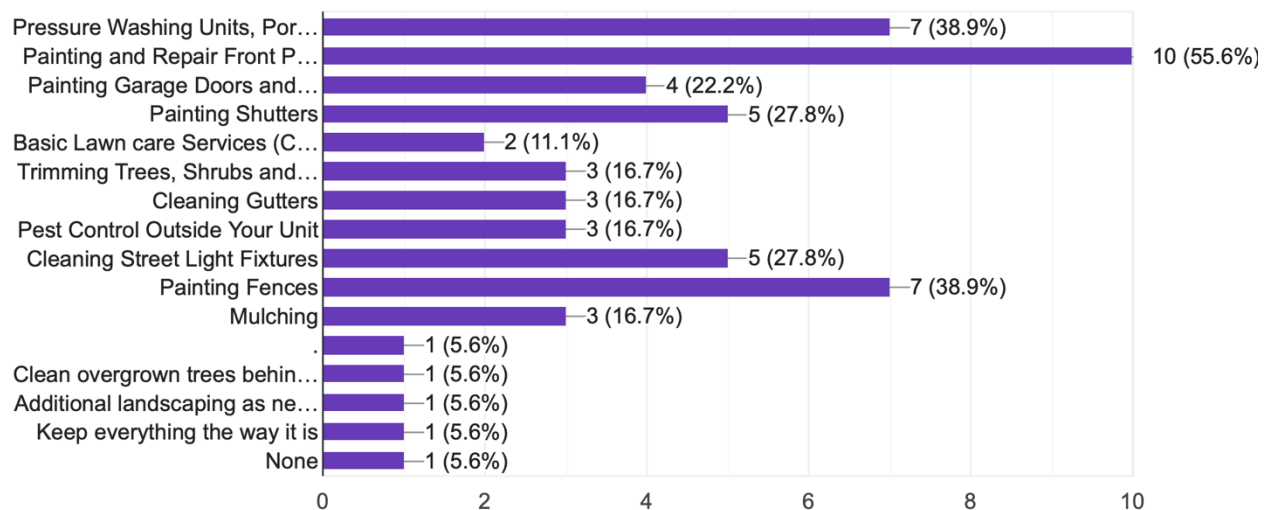
What services do you expect from your HOA on an ANNUAL basis?

18 responses



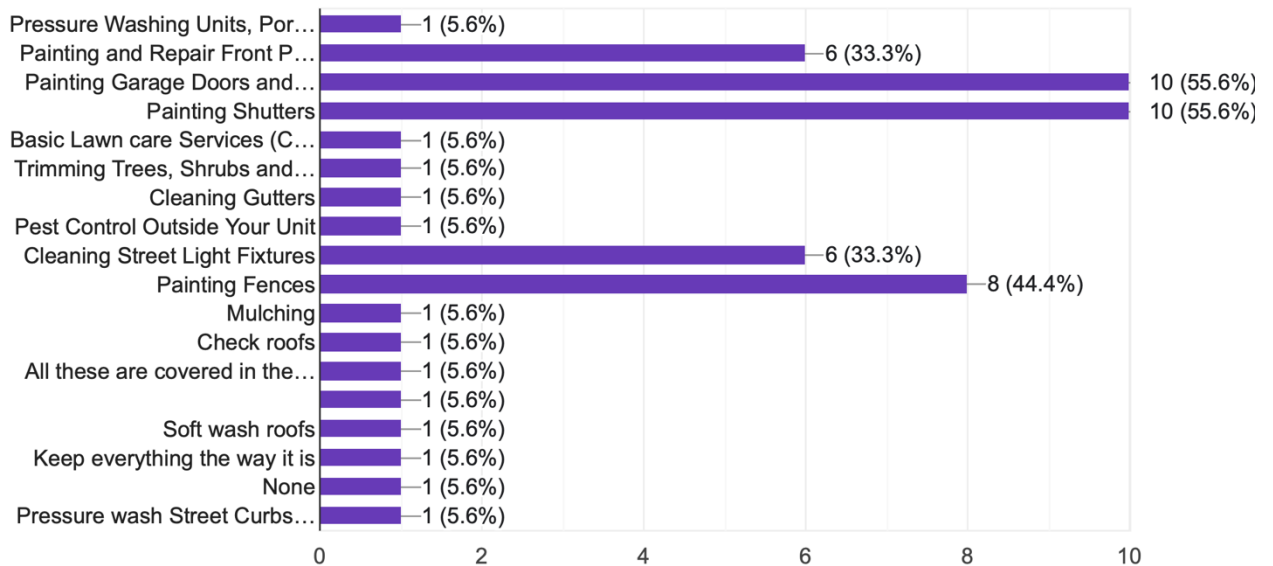
What services do you expect from your HOA every 2 to 3 years?

18 responses



### What services do you expect from your HOA every 4 to 5 years?

18 responses



The data from the survey shows the following services expectation and their frequency to keep things looking good and functioning properly: **(This is where we feel the appearance improvements from the first question comes into play minus the lawncare items)**

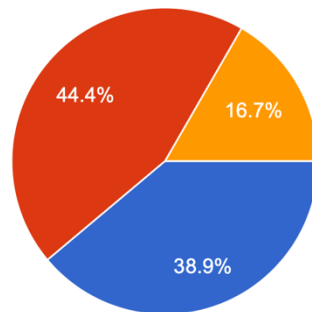
**Annually** - Pressure wash units and curbs, Basic Lawncare, Tree Trimming, Gutter cleaning, outside unit pest control, Mulching, cleaning street light fixtures

**Every 2-3 years** - Paint and Repair Porches

**Every 4-5 years** - Paint Garage Doors and Driveway, Paint Shutters, Paint Privacy fences,

### What Best Describes Your Current Ownership Status?

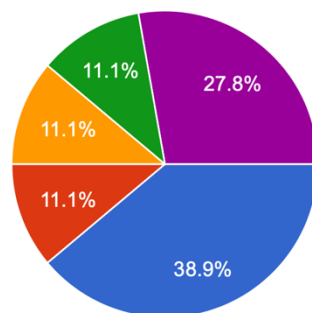
18 responses



- This is my primary residence
- This is my vacation home and I don't rent it out
- This is my investment property and I do rent it out

### What is the frequency that you Personally use your Orchards Unit?

18 responses



- This is my primary residence and I am here all the time
- 3 weeks per month
- 2 weeks per month
- 1 week per month
- 4 weeks or greater in between visits

### Survey Summary:

Based on all the data from the questions, it appears we have the opportunity maintain and or minimize our costs by compromising and going back to our lawncare vendors and reduce the number of times per month they seasonally cut out grass from weekly to 2 times per month, and then get a quote for every 24 months to pressure wash our units and curbs, and paint and repair our porches. Spread this part of the cost across 24 months, and we may be in the same ballpark as we are now for annual lawncare plus a couple of A-la-Cart items. (We will have to await the quotes to determine the actual outcome). This would accommodate most of the services expected by owners within the 12-24-month timeframe and we would be able to stay within or close to budget for these categories, which means not raising HOA Fees for these services. The other services are in the 4-5-year ranges and we should be able to absorb those from a budget perspective as well, so this is very positive.

Sincerely,

Orchards Board of Directors