

# Summary of HOA Annual Meeting

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## Action Items

### **Speaker B** Investigate electrical ownership/responsibility

Take responsibility to investigate ownership/responsibility of the electrical cabinet/conduit, gather relevant documents and report findings to the new board.

### **Speaker G** Coordinate with Duke Energy & locate meters

Follow up with Duke Energy (request already placed) to locate each meter, obtain written findings about where ownership splits, and then inspect the full cabinet to determine which sections are homeowner vs utility responsibility.

### **Speaker A** On-site technical inspection

With Bob (Speaker G), perform an on-site inspection tomorrow to identify wiring, split points, and the condition of cabinets/conduits and report back to attendees.

### **Speaker G** Dig into panel separations

Once Duke provides information, examine where each conduit separates to individual homeowners and document which party is responsible for each portion and the breakers/meters involved.

### **Speaker F** Provide documents and owner communication support

Email copies of contracts, minutes and documents to the new board and assist management company communications with owners (help locate and notify absentee owners as needed).

## Overview

- **Board slate confirmed:** 4 candidates (Larry, Mary Ann, Robert/Bob, Pat) were accepted and will form the new board (officer appointments to follow).
- Major utilities controversy: debate over whether the electrical cabinet/conduits are **homeowner** or **HOA** responsibility; recent deterioration and water infiltration noted.
- Preliminary cost estimates: **\$5–6k** quoted for a 4-unit replacement scenario; individual homeowner exposure of about **\$1,500** in some cases; cabinet unit estimated ≈ **\$1,000** each.
- Next steps assigned: on-site inspection and documentation to determine ownership/split point, obtain Duke Energy findings, gather contracts/bylaws, and prepare for bylaw/board decisions.

## Nominations & Board Slate

- Held election of new directors (agenda item five).
- Several candidates expressed interest.
- Mr. Lawrence rescinded his nomination.
- Phillips rescinded his nomination.
- Final candidates named: **Larry, Mary Ann, and Robert** to replace three outgoing members.

- **Pat Cavanaugh** volunteered, producing a slate of **four** candidates: **Mary Ann O'Connor, Pat Cavanaugh, Larry, Robert.**
- **Mary Ann** expressed interest in serving as **treasurer**.
- Bylaws state board size may be **three or five**.
- Group agreed to proceed with **four** board members, with option to add a fifth later.
- Concern noted about voting procedure with four board members; issue to be addressed at next meeting.
- Motion was made to approve the proposed slate.

## Utilities clause & conduit definition

- Meeting opened to discuss the controversial Accept Utilities clause.
- Legal counsel defined "utility" as "conduit" in their letter.
- Conduit is the housing for wires that go to the electrical box.
- Electrical box serving units **1911–1921** is deteriorating.
- **Five of six** residents were aware of the deterioration.
- Growth and rust surround the box.
- **Three** circuit breakers blew within the last **year**.
- Water ingress from the sprinkler system is causing rust.
- Landscapers directed sprinkler spray onto the box.
- Animals and vegetation enter through rusted holes in the box.
- Duke Energy stated they supply electricity and meters and are not responsible for the box.
- Legal counsel advised that conduits are the responsibility of each individual homeowner.
- Ownership and responsibility for the box were described as complicated and suitable for HOA-level resolution.
- Boxes have been neglected and not maintained or painted for years.
- Changing responsibility to the HOA requires a bylaw change.
- Bylaw changes were described as inexpensive.
- Estimate for replacing the box for a four-unit ensemble was **\$5,000–\$6,000**.
- A board member volunteered to take care of the issue.
- One resident requested Duke to locate their meter and provide recommendations.
- Resident plans to research the separation point where conduit responsibility transfers from the provider to individual meters/breakers.
- Speaker referenced a Tampa example where provider responsibility ended at a point of connection shared by multiple houses.
- Legal opinions were considered valid but subject to alternative interpretations.

## Electrical box condition & ownership debate

- Unit covers **1911–1921**.
- **5 of 6** residents were made aware of deteriorating electrical box.
- Electrical box showed rust, vegetation growth, and structural deterioration.
- **3 circuit breakers** blew within the last year.
- Water intrusion from the sprinkler system caused rust; landscapers directed sprinkler flow.
- Sprinkler system maintenance is HOA responsibility.
- Duke Energy supplies electricity and meters and disclaimed responsibility for the box.
- Legal counsel advised conduits are homeowner responsibility.
- Ownership and responsibility for box/conduits are legally complex and ambiguous.
- Some homeowners argued expense should be HOA responsibility rather than individual.
- Replacement estimate for a four-unit ensemble was **\$5,000–\$6,000**.
- If liability falls on an individual homeowner, estimated out-of-pocket cost was **\$1,500**.
- If association pays, cost would be split **47 ways**.
- Problem has existed since formation in **1986**; recent accelerated deterioration prompted dispute.
- New board has been appointed and will investigate the issue.
- Bylaws would require amendment to assign responsibility to the HOA; amendment cost approx **\$500**.
- Website maintenance cost **\$500/year**; recommendation made to reassess or discontinue.
- Some boxes have rusted holes permitting animals and vegetation ingress.
- Homeowner requested Duke Energy to locate meters and identify separation point between utility and homeowner responsibility.
- Past homeowner experience showed utilities repair conduit when problem is on utility side; determining the physical separation point is necessary to assign responsibility.

## Costs, replacement logistics & who pays

- **New board** to investigate electrical responsibility and other issues at first board meeting.
- Electric service enters from Duke at a main panel and splits to individual meters; responsibility transfers at the meter.
- If fault is before the meter, **Duke** is responsible; if after the meter, homeowner or **HOA** is responsible.
- Bob and colleague will inspect the panel **tomorrow** to determine which side of the meter the issue lies and report back.
- Past Tampa example: Duke inspected, identified deteriorated conduit wrap, and repaired because issue was on Duke's side.
- Attorney's written opinion was based strictly on existing documents; vocabulary dispute exists about whether the box is a conduit.
- Management company can assist owner-to-owner communication if the board approves and documentation exists.
- Management cannot send repair bills or place liens without board approval and documented ownership/responsibility.
- Board can approve repairs and then place a lien to recover costs if owners do not pay.

- Two affected units include one rental and one for sale, complicating owner contact and responsiveness.
- Suggestion to discontinue the website due to poor maintenance and **\$500 per year** cost; new board to review.
- Document or covenant amendments are possible and estimated at about **\$500** to enact changes to clarify responsibilities.
- Recommendation to table definitive action in the large meeting and defer resolution to the new board.

## Transition, documents & officer appointments

- Board positions: **president, treasurer, secretary**.
- **Marianne** expressed interest in the **treasurer** position.
- If **Marianne** becomes treasurer, **president** and **secretary** remain unfilled.
- Requested copy of the **vileals** (bylaws) – available on the website.
- Requested copy of the contract with the **manager**.
- Requested copy of the contract with the **maintenance and landscaping** group.
- Speaker with **14 years** on the board advised reading the landscaping rule and insisted on written documentation.
- Website confirmed as functioning; bylaws listed there.
- Current board will transfer all books, contracts, minutes, and documents to the new board during the transition.
- One speaker has copies of all contracts and can email them to the new board.
- Board meetings occur **third Wednesday** of every month at **6 p.m.**.
- New board will hold an organizational meeting to appoint officers.
- Landscaping providers changed **three** times; **Laloa's** considered most likely to perform satisfactorily.
- Board contact via email is available for communications.
- Urgency to decide positions and complete the board transition immediately.