

**Har-Ber Meadows POA Board Meeting Minutes
November 27, 2017**

Board Members in attendance were: Duane Rhodes, Jason Combs, Ralph Gresham, Chris Sullivan, Rob Lyall, and Ed Franzke

Board Members absent: Rob Stark, Scot Jeffus, Jamey Smithson, and Kevin Nalley

Also in attendance: Property Manager John Duke, Officer John Scott, residents Rebekah Ward and Matt Baker, and Buner Gray as a guest of Rebekah Ward

Designation of Quorum: President Rhodes was late arriving due to a scheduling conflict and Secretary Combs called the meeting called to order at 6:38 p.m.

Resident Concerns: Rebekah Ward was asked to attend the meeting by John Duke to discuss her use of Airbnb to rent out her Har-Ber Meadows home. Ms. Ward stated that she had so eight times prior to any of her neighbors complaining about it. The first complaint stemmed from an Airbnb customer renting her home for the weekend that could not access the garage with the digital code. The neighbor thought the unrecognized men trying to get into Ms. Ward's house was suspicious and confronted them, becoming upset after learning that Ms. Ward was renting out her home to non-residents on a short-term lease. Ms. Ward stated that the Airbnb website allows the home owners listing their properties for rent to include restrictions for the lessees; such as driver's license required, minimum positive reviews from previous lessors, minimum review rating, etc. which can be used to reject applicants. Ms. Ward and Mr. Gray stated that they conduct internet searches on candidates to screen registered sex offenders and criminal convictions before approving an applicant to rent Ms. Ward's home. Ms. Ward and Mr. Gray also require applicants to have at least five lessor reviews and a five-star rating before approving. Ms. Ward stated that Airbnb maintains their own insurance policy to cover property damages by lessees, and that there is no transactional paperwork or contract between the lessor and lessee, only the electronic record of agreement on the Airbnb website or smart phone app. Ms. Ward and Mr. Gray exited the meeting after completing their presentation.

Board members discussed whether property owners leasing their property out for short-term rentals, such as using websites/apps like Airbnb, was in violation of the covenants and by-laws of the POA or not. The covenants and by-laws do not have any language to specifically address short-term home rentals by property owners. However, the board members in attendance declared Airbnb to be a home-based business, as did Ms. Ward and Mr. Gray earlier in the meeting. Home based businesses are addressed in Article IX, Section 2 of the POA covenants. Article IX, Section 2 states that home-based businesses in Har-Ber Meadows are allowed if the owner complies with the six items listed as well as any rules and regulations enacted by the POA board. Not being a nuisance to other residents is one of the requirements of Article IX, Section 2. Considering that Ms. Ward has received complaints and objections from her neighbors about her using Airbnb to rent her home, there have been residents complaining about Airbnb rentals on the neighborhood Facebook group, and 2 residents attended the October meeting to protest residents leasing their homes out for short-term rental, the board has reason to believe that such short-term rentals are a nuisance to residents of Har-Ber Meadows. The board decided to conclude the discussion until more research could be done on the matter and POA general counsel Donnie Rutledge could be consulted.

President's Comments: Bridge column repairs being completed by Diehl Enterprises are about two-thirds of the way complete.

A letter was received in mail addressed to the POA signed Anonymous which listed numerous grievances by its author. The board issued an open invitation to all property owners, including the anonymous author of the letter, to attend all future POA board meetings which are held on the 4th Monday of every month except December at the pool building at 6:30 pm unless otherwise rescheduled by the board. The board welcomes all resident input.

The POA for The Falls subdivision north of Har-Ber Meadows on Har-Ber Avenue has reached out to the board requesting annexation of their neighborhood into Har-Ber Meadows. Preliminary discussions between The Falls POA representatives and Mr. Rhodes and Mr. Duke included the following expectations of The Falls property owners and residents:

- To pay the same annual dues as Har-Ber Meadows property owners due on the same schedule.
- Compliance with all Har-Ber Meadows covenants, by-laws, builder's guide, and POA board enacted rules and regulations by current and future The Falls property owners and residents.
- Har-Ber Meadows POA assumes ownership of all assets of The Falls POA.
- The Falls property owners and residents would assume all rights and privileges of current and future Har-Ber Meadows property owners and residents.

The Falls contains 32 lots and a small parcel of POA-owned green space. The Falls currently owns their streets and sidewalks and is a gated community, however they are in talks with the City of Springdale to take over ownership of the streets and sidewalks. The Falls POA has plans to remove the gates and fountain at the entrance of the subdivision. Their current annual expenses are estimated at \$6,000; collective annual dues at the current \$525 rate that Har-Ber Meadows property owners pay would be \$16,800.

Several residents have reached out requesting a dog park be added to POA owned greenspace. Rhodes would like this be addressed by the long-range planning committee at future meetings and asked board members to do some research on the types of equipment and amenities a dog park would need and what expenses for construction and maintenance would be.

The City of Springdale has changed their rules regarding paid city police officers for additional patrols effective January 1, 2018. For additional patrols, officers will be in uniform, driving marked cars, on the clock, and paid by the city. Har-Ber Meadows will hire additional patrols from the city, be invoiced every two weeks by the city, and pay invoices for the patrols directly to the city. Under the existing system officers are subcontracted directly to Har-Ber Meadows and paid directly by the POA via 1099's. Officers will not be allowed to enforce any POA rules, however this is not perceived to be a problem as we do not ask them to enforce any rules or laws beyond city ordinances and county, state, and federal laws.

The property manager's contract expires at the end of 2017 and Mr. Rhodes would like the board to consider offering a four-year contract to John Duke to continue as the property manager. Chris Sullivan made a motion to offer Management III, LLC and John Duke a four-year contract to continue as the property manager; seconded by Ralph Gresham. Motion passed with a vote of 4-1 with Rob Lyall voting nay.

ARC: 6308 Tall Oaks Loop South has applied for a pergola for their back patio; the ARC has requested additional information on the application.

Security: Mr. Rhodes will address some security concerns in an upcoming newsletter. There have been reports from multiple neighborhoods in Springdale having packages stolen from front porches of houses.

A group of teenagers from Rogers and Springdale were arrested in connection with multiple car break-ins in various neighborhoods.

Secretary's Report: The October meeting minutes were emailed to the board for review. No feedback was received. Ralph Gresham made a motion to accept the minutes, seconded by Chris Sullivan; motion passed.

Treasurer's Report: The October financials were emailed to the board for review prior to the meeting. Ed Franzke made a motion to accept the October financial reports, seconded by Chris Sullivan; motion passed.

Lakes: Winter as typically a slow time of the year for lakes management. Mr. Gresham is concerned about leaves in the streets washing into the lakes with rain, thus fertilizing algae growth in the spring. Previously reported coffee like water conditions in several of the lakes has cleared up on its own.

Landscape and Facilities: Resident Matt Baker has created a list of locations where tree branches are obscuring lights from street lights. A motion was made by Chris Sullivan to hire Dale Creamer to trim the branches, seconded by Ed Franzke; motion passed.

Long-Range Planning: No Report

Property Manager's Report:

- Pool covers are still pending repair. If the lap pool cover cannot be repaired or if repairs are estimated to be an excessive amount, then a new cover will be ordered, previously bid out at \$5,926.50. As soon as the pool covers are ready, Krystal Klear will clean the pools and install the covers.
- Christmas lights were installed and turned on and street light banners were installed, both on Friday the 24th.
- Ross Lake fountain relocation is still waiting on Ozarks Electric to select location; no feedback from Ozarks Electric for weeks, Mr. Duke will reach out to them again.
- One resident requested that bring back Christmas with Santa. The person volunteering to play Santa retired and we have not pursued another Santa. Currently no leads on a person to play Santa.

Adjournment: With no further business, the meeting was adjourned at 8:07 pm. The next meeting will be on Monday January 22nd, 2018 at 6:30 pm at the pool house.

Respectfully submitted this 27th day of November 2017.

Duane Rhodes, President

Jason Combs, Secretary