

Southmoor Park East Homeowners Association, Inc.  
REGULAR BOARD MEETING  
November 13, 2019 - 7:00 PM  
Citywide Bank

MINUTES

Board members present: Casey Funk, Robert Finkelmeier, Cecile Cohan, Ethan Lew, Stephen Rohs, Patrick Morgan, Jack Green, Rebecca Stuart, Bob Engel, Troy Hendelman. Absent: Fred Jorgensen.

Visitors: Tatiana Willis (Ithaca Pl), Marina Gridinskaya (Ithaca Pl), Nancy Mitchell (former SPEHA resident), Stan and Liz Wolfson (Peach Way), Sam Latkin (Peach Way), Scott Cunningham (Narcissus Way), Glenda Hudson (Ithaca Pl), Lori Lee (Olive St), Lois Kahn (Eastman Ave), Lakeshia and Stuart Horner (Magnolia Way), Corky Kyle (Green Cross Rep), Anatoliy Portnoy (Owner of Green Cross), Valerie Cohn (Oxford Ave), Chris Hand (Niagara Way), and John Howell (Olive St).

1. Casey Funk called the meeting to order at 7:00 PM and declared a quorum present.
2. The Board reviewed the Sept. 11, Sept. 25, and Oct. 9, 2019 Board Minutes. Motion to approve all by, Robert Finkelmeier, seconded by Bob Engel; unanimously approved (reference “09/11/19 Board Minutes.pdf”, “09/25/19 Board Minutes.pdf” “10/09/19 Board Minutes.pdf”).
3. President’s Report – Nothing to report
4. Southmoor School Report – Nothing to report
5. Information items:
  - a. D&O Insurance- Casey Funk is still looking for options. Defer to special action by email.
6. Action Items:
  - a. Miscellaneous Expense Actions:
    - \$22.00 Fireball Creative for web services Motion to approve by, Jack Green, seconded Troy Hendelman, the board unanimously approved.
    - \$26.00 to Casey Funk for lost BBQ utensils. Motion to approve by, Jack Green, seconded Troy Hendelman, the board unanimously approved. (Stephen Rohs will look to see if any left in his care).
  - b. Miscellaneous Actions:
    - Assignment of Lien filed against 7101 E Oxford Ave

**Summary to Visitors by Casey Funk:** 2015 Property was in serious disrepair. Neighbors described home condition as “Horrible”. It appears since 2015 some repairs have been made (fixing broken windows, garage door rehung, and matching paint for most of home). It is still in disrepair as of Nov. 1, 2019 and requires more work to be brought up to standard including planting grass or groundcover on dirt front and back yards. Other complaints concern the inside of the house and are not verified. The SPEHA and SPEHA Board only intends to require the property to be kept up appropriately as priority is to maintain property value. Having home in clear disrepair causes value to go down. A Lien was filed against the property for each SPEHA dues and fines for lack of upkeep for 2015, 2016, 2017, 2018, and 2019. The total due for SPEHA lien(s) is now approximately \$76,000.00. Numerous attempts have been made to communicate with homeowner by board members in person, by certified mail, and by phone.

There has been no response. People who answer the door at residence are not the homeowner and have said that they are relatives. It is not clear who lives there. SPEHA Board was approached by a couple of gentlemen who say they have purchased all other liens against property (estimated by them to be \$200,000) with intent to purchase or foreclose to complete a “flip”. Board is discussing options and would like neighbor input as well as advice from council as the intent is to have the property improved not to collect on the lien.

*Lively Discussion with immediate neighbors and board members concerning state of property, possibilities to convince homeowner to make improvements, and realization that it may not matter what board chooses as foreclosure may be imminent. Even with foreclosure or purchase there are no guarantees that property will be immediately improved. Motion by Troy Hendelman to have attorneys speak to each other and come to agreement concerning settlement was seconded by CC Cohan and vote began with Nay Bob Engel and Stephen Rohs so amendment agreed on to change motion to following:*

**Motion: Troy Hendelman** - Have our attorney collaborate with the lien buyers attorney to determine if we can arrive at an agreement whereby our lien is assigned/transferred to the lien buyer with half of the lien payable in cash at transfer and the remaining amount financed through the HOA via a seller carry note (nominal or no interest) or similar, with the seller carry note able to be forgiven at a later date subject to the lien buyer meeting specific requirements as set forth by the HOA board (e.g. foreclosing and taking possession of the property, making needed improvements to the property, etc.) within a designated time frame.

*Additional Discussion- The seller carry note should be secured with a pledge of cash collateral equal to the amount of the note, such that if the requirements are not met within the designated time frame or the buyer violates the terms of the agreement (tries to resell the lien for example), we offset the cash collateral against the note and realize the full amount...which is the same effect as if the buyer had foreclosed out our lien.*

**Motion Seconded** by CC Cohan and the board unanimously approved.

c. Green Cross LLC Application for retail/recreational marijuana license at 3400 S Oneida Way-

Corky Kyle- Worries that the board, neighbors, and visitors at meeting do not have enough information to make a judgement about their application for a recreational marijuana license. Green Cross was in business in the neighborhood before Green Man. They have been good neighbors, own the property, have focused this time around (they applied for license 2 years ago and failed) on community involvement and outreach. They have invited the SPEHA board and neighbors to an Open House to further educate us. They support local schools and have received thank you notes from students. Corky would like to have a Neighborhood Agreement to help with licensing process.

Board asked if Anatoliy would like to speak since it is his family business. Anatoliy is a family man with children and feels that he will not be able to compete and succeed in his legal business without this license.

*Discussion- Wellshire East HOA representative present (did not sign visitor sheet). They are opposing as HOA formally and plan to petition as they feel the recreational side of the shop will degrade property values, add unwanted traffic, and possible public smoking. They also opposed the license 2 years ago with 197 signatures out of 243 homes. Questions concerning possible hash production and processing were answered clearly with “no, we do not process hash”. Green Cross has been in business at their location for 6 years. No formal complaints have been filed. Notice of the application by Green Cross*

*was sent out to SPEHA residents by constant contact blast and on NextDoor. Only 8 comments have been received so far. 7 oppose. 1 support.*

**Motion-** Patrick Morgan to table discussion until we have more information from SPEHA members. Send a survey to neighbors to see if board should take a position. Seconded by Troy Hendelman and the board unanimously approved. (Corky Kyle agreed as well and will provide a statement for survey)

- d. 3826 S Magnolia Way Solar Panels- Panels are flush to roof and will face south. Make is OriK Energy. Motion to approve- Jack Green, Seconded by Rebecca Stuart and the board unanimously approved.
- e. 7950 E Hampden- CVS Pharmacy has applied for a “fermented beer license”. No action needed. Informative only.

7. Treasurer’s Report (Green) –Reports attached.

-Financials

-Budget Report

-Lien Policy- Casey Funk. Policy to be refined to have notices sent to Homeowner and Residence by certified mail and email. Motion to approve by, Rebecca Stuart, seconded by Troy Hendelman, the board unanimously approved.

8. Newsletter & Bulletins (Finkelmeier, Funk) – Nothing to report

9. Parks & Neighborhood (Green) – Nothing to report

10. Traffic & Safety (Morgan, Finkelmeier) – Traffic Arrows installed for both turns from Hampden at Oneida and Poplar streets. Concern about U-Turns.

11. Website Report (Finkelmeier) – Nothing to report

12. Architectural, Covenants and Bylaws- none.

13. Neighborhood issues- Gart property at Southmoor Station is under construction. Appears Kendra Black’s vision did not get to the property developers. Both the medical office and childcare center appear to be in the works.

14. Old Business – none.

15. New Business- none.

16. Adjournment - Motion to adjourn at 8:45 PM by Troy Hendelman, seconded by CC Cohan and unanimously approved.

Next meeting: December 11, 2019