

Meeting Minutes June 2024

Board Members in Attendance: Gretchen Bobst, Denis Mingallon (on phone), Joe Harwood (absent), Kevin Buck, Seth Rector (absent)

HOA Members in Attendance: Fred Kaylor, Barb Yeager, Tim & Jana Rhoad

Old Business – For updates, see New Business below.

New Business

Voting results from May 28 Voting Meeting (from the HOA website): The HOA has 136 homes. 16 homes in HOA were deemed ineligible for voting by a unanimous decision by the HOA Board due to delinquent dues (from 2023 or earlier), as per HOA Bylaws Article 3, Sections 2 & 3. Legal interpretation of HOA Covenants Article IX, Section 1 allowed for the 16 ineligible homes to be subtracted from the total number (100%) of HOA homes/votes and the (75%) affirmative vote number needed for passage of an issue.

The Math: $136 - 16 = 120$, with 120 votes representing 100% of the eligible votes, and 90 votes representing the 75% affirmative vote of that total needed to pass an issue (as per Article IX, Section 1). Voting is governed by Article IX, Section 1, NOT a simple majority.

Issue #1 – Allowing above-ground fences not securing a pool.

Total Votes received for this issue: 100. Votes Yes 53, Votes No 47.

Issue failed, due to not having reached a 75% affirmative vote of the total eligible votes.

Issue #2 – Allowing storage sheds.

Total votes received for this issue: 100. Votes Yes 65, Votes No 35.

Issue failed, due to not having reached a 75% affirmative vote of the total eligible votes.

Issue #3 – Recognizing electronic methods of voting as an official way to vote on issues for the HOA.

Total Votes received for this issue: 99. Votes Yes 89, Votes No 10.

Issue failed, due to not having reached a 75% affirmative vote of the total eligible votes.

Issue #4 – Allowing the use of electronic methods as a primary way to send out dues statements and notifications of past due or other financial notifications.

Total Votes received for this issue: 98. Votes Yes 78, Votes No 20.

Issue failed, due to not having reached a 75% affirmative vote of the total eligible votes.

Shed Request - Received an email shed request on June 4th from owners of 56 Otterbein. Board to discuss at tonight's meeting. There was a lot of discussion at the Voting Meeting on May 28th regarding Article VI, Section 2 of the Covenants that would seem to give the HOA board or the appointed Architectural Committee permission to approve fences and sheds following the homeowner's written submittal of plans and specifications to the Board. Jeff Heck is looking into a legal interpretation of this part of the covenants. Plus, we have had two homeowners volunteer to be on the Architectural Committee, but nothing has been organized or decided yet.

Shed request for 56 Otterbein was denied based on the interpretation received from Jeff Heck.

*This interpretation states that "under general contract construction rules, the more specific rule governs over the more general. Thus, as it relates to Article VI, Section 5 specifically prohibits sheds (i.e., outbuildings) within the association. Article VI, Section 2 requires that any kind of building, fence, or other structure **generally** (and one that is not specifically prohibited elsewhere) must be approved by a properly appointed architectural control committee or the Board itself if no architectural control committee has been appointed considering the specific factors and consideration further set forth in that Section. That would include any other addition to an existing house, fence, a deck, or any other structure connected to an existing house/building. Again, any kind, type, style, size etc. of fence would have to be approved by the architectural control committee*

or the board, but it must be consistent with the limitations of section 2. The determinations in this regard would be final under these provisions. However, again, note that because outbuildings are specifically prohibited, under rules of contract interpretation, any kind of shed or other outbuilding would be prohibited. The rest of the prohibited items in that section should be self-explanatory, for example a stand-alone garage, etc. and whether temporary or permanent in nature.”

*Since the vote to change the covenants regarding sheds did **not** pass, the specific language in Section 5 of Article VI (that specifically prohibits sheds/outbuildings) takes precedence over the general language in Section 2 of Article VI. If there came a time when a successful homeowner vote were to permit sheds in the Association, then the process outlined in Section 2 of Article VI would apply.*

Financial: Checking as of 6/11/24: \$11,385.73, Savings as of 6/11/24: \$9,111.41

Deposits since last Quarterly Meeting: \$13,192.80

Bills paid since last Quarterly Meeting:

- Reimbursement to Gretchen Bobst: \$751.36 (PO Box rental for 2024 (\$82.00), 1st Half Property taxes (\$551.71), copies and postage from 2023 (copies \$16.95, postage \$100.80)
- Order Checks: \$82.82
- Banking fees: \$21.00 (\$7.00 statement charge/month)
- IRS tax return prep & filing: \$300.00
- Mowing (4/14 - 5/21): \$2,880.00
- Liability Insurance: \$1,051.00
- 2nd Half Property Taxes: \$551.71
- Postage for Dues & Voting mailings: \$204.00
- Copies for Dues & Voting mailings: \$59.71
- Supplies for Dues & Voting Mailings: \$87.20

Dues – Dues statements were mailed at the end of March, with a due date of May 1, 2024. (16) homes still owe dues ranging from 2019-2024. (39) homes still owe 2024 dues only.

Annual Neighborhood Garage Sale for 2024 is the third weekend in July (Friday, July 19th & Saturday, July 20th) from 8 AM to 4 PM. We get more prospective buyers if there are more sales near each other.

Common area flooding on Dartmouth/Norfolk – Joe took a video of the flooding coming down out of the Dartmouth/Norfolk common area that went under his deck and nearly into his house. The self-dug trench in his yard was overwhelmed due to the huge volume of stormwater from last Wednesday’s torrential rains. Currently, he is unable to get a quote from a contractor to see about digging out the original catchment basin in his yard (that has filled in with years’ worth of dirt & flood debris) because the Village of Lexington has an easement in that area. *Joe would like to revisit this issue with the current Village Administrator.*

Common Area Tree Maintenance – Gretchen authorized Meadows Lawn Care to cut up and remove tree limbs near the base of the tree near the road at the bottom of Spoon Hill common area after receiving a quote of \$100 for the work. Once the limbs are gone, the mowers will be able to mow & maintain the area.

From the May 28th Voting Meeting, a homeowner was concerned about a long-downed tree (possibly behind 144 or 150 Otterbein?) on Spoon Hill. Dan Meadows from our mowing company is to look around Spoon Hill next time he mows and get back to Gretchen about the possible problem area.

Dan is working up a group of quotes for various tree issues he discovered around the common areas. Gretchen will take these to the Board for discussion. Dan stated that it would be easier and cheaper to do things all at one time, if possible, since the equipment would be in the area.

Mowing – Mowing has begun for the year. Gretchen met with Dan Meadows at the start of mowing season to discuss problem areas and any areas that were missed last year. One homeowner on Otterbein contacted

Gretchen about mowing areas that were being missed and her concern has since been resolved. *If you have concerns about the mowing, please contact any board member. Dan Meadows also said that homeowners can let he or his people know of issues or ask them questions as well.*

Areas Needing Attention: 52 Norfolk Drive is an ongoing concern. Gretchen went out to walk the property following a complaint from a neighbor and found several areas of concern. A letter was sent to the homeowner, who is not in residence. Gretchen was also in contact with Peter Them, Village Administrator, about village codes which are not being followed by the property. He indicated that they would send a letter as well. Peter had been out to the property in the spring regarding a complaint about high grass and overgrown bushes. *Will touch base with Jeff Heck about options if the homeowner does not start taking some action.*