

Lakeside Development Homeowners Association

Annual HOA Meeting Agenda

Saturday June 6, 2009

1:00 PM

Bowman Library

Community Room

1. **Call to Order** Board Members present: Nick Cornwell (President), Tony Varda (Treasurer) , Barney Stine (Vice President), Ron Wible and Melissa Corder (Secretary). Attorney for the Association, Mark Stivers, present. Speakers present: Major Eckman of the Frederick County Sheriff's Department and Gene Fisher (Shawnee District Representative to the Frederick County Board of Supervisors). In addition to the 5 Board Members, there were 29 members and/or interested parties present. Nick called the meeting to order at 1:05 PM.

2. **Welcome/ Opening Comments/ Introduction of Board Members** Nick welcomed everyone to the annual meeting, introduced the Board Members and welcomed Mssrs. Stivers, and Fishers and Major Eckman.

3. **Old Business** Nick advised that the meeting would now address old business matters.

A. **Reading of previous minutes** Nick asked Melissa to read the minutes from the previous Annual Meeting. She read the minutes and Nick asked for a vote to accept the minutes as read. Tony motioned to accept the minutes and Melissa seconded the motion. All voted aye. There were no nays cast.

B. **Reports from Treasurer** Nick said the next order of business is the Annual Budget and Treasurer's report. Tony read the approved budget for the coming year starting July 1, 2009, and ending June 30, 2010. It is anticipated that all sources of revenue for the coming year will total \$41,300.00. The expenses projected for this same period total \$39,905.00. There is a projected budget surplus of \$1,395.00. Nick asked for a motion to accept the approved budget report. Ron motioned to accept the budget report and Tony seconded the motion. All voted aye. There were no nays cast.

Tony then read Treasurer's report as of May 31, 2009. The current assets in the checking and savings accounts total \$90,449.18. Accounts receivable total \$4,085.28, and the total assets amount to \$94,534.46. Nick asked for a motion to accept the Treasurer's report. Mr. Foster motioned to accept and Melissa seconded the motion. All voted aye. There were no nays cast.

C. **Streetlight update** Tony advised that we now have 26 street lights and we would like to have a total of 35. He asked that the members please notify him of anyone that may want one. Barney noted that any lights that are placed need to be near a green box and that trenching is expensive but we are looking to put any in that will benefit safety and security.

D. Disclosure Packet Nick advised that thanks to our attorney, Mark Stivers, we now have an updated HOA Disclosure packet. The reason we updated the packet is because of a new law that created a Board of Associations in Virginia. We are required to pay a portion of the dues to the Commonwealth to support the Board of Associations.

Mark Stivers explained the following actions taken by the LDHOA to comply with the new law in summary to the group: The disclosure packet is necessary when selling your home. An innovation is to put the disclosure packet in electronic form, which LDHOA has done. This packet is also available to print from the website. The last 6 copies of LDHOA meeting minutes are also on the website. We now have fidelity bonds for LDHOA officers and common area general liability insurance coverage. Also we now have errors and omission insurance coverage to encourage members of the LDHOA to be board members without the risk of tort law suits for actions taken by the LDHOA. Also the funds belonging to the LDHOA are covered in the event of embezzlement by a member of the LDHOA Board.

Mr. Foster asked for clarification on LDHOA responsibilities or liabilities regarding realtors not disclosing that there is an HOA. Mark Stivers answered the question in a broad scope of potential scenarios that would encourage homeowners to make sure the fact that there is an HOA is disclosed.

E. Dog Waste (and other pet issues) Nick discussed dog waste left while walking dogs not being cleaned up by pet owners and that it is discourteous of anyone to allow their pet to leave waste on another's property. A meeting participant brought up that cats are being permitted to roam and spray and another suggested the LDHOA post signs reminding people they are required to pick up waste left by their pets. Major Eckman said there is no law regarding licensure or roaming of cats. Sending a letter to homeowners reminding them of their responsibility to clean up after their pet was recommended by a participant. Melissa advised that the SPCA has cat traps available to put on your property and you can have animal control pick up them up. Mr. Foster mentioned a spray available at the hardware store that will keep the animals off your property. Another meeting participant discussed the Ferrell cats running lose. Major Eckman said that if you feed an animal it is yours according to law. He said we could call his office about stray animals. A few meeting participants suggested that we send a letter to everyone about dog waste, the availability of cat traps and the spray. Another suggested a leaflet for reminding people to clean up their animal's waste. Nick said that we are not going to be able control this completely and including this information in the dues notice would be done, however sending a separate notice is an undue expense. Mr. Foster said that because people from other neighborhoods outside our association are walking through our neighborhoods we would be wasting our money to try and control the activities of those who walk through with their pets and don't clean up after them.

F. Subdivision Clean Up (Common Area) Ron Wible discussed the neighborhood cleanup by the boy scouts which occurs four to six times per year. The trash situation is getting worse. He found the remains of a butchered deer recently and Tony phoned VDOT which took care of it. Ron said the scouts picked up a trailer's worth of trash this time. The food containers are the worst. Plastic toddler play sets being discarded in the common areas is a big problem too.

G. Land Donation to Stephens City Volunteer Fire and Rescue Update Nick presented the information he has on this issue as follows: The insurance costs for homeowners will not go down by having a fire station here. The Fire Department is willing to pay our attorney fees for the agreement and transfer of the land and other closing costs to the LDHOA. Nick said it will be a long, drawn-out process. Barney Stine said he is in support of it because of the reduction in response time. Another landowner said the condo building burned in 20 minutes and another asked how many trucks would be at the proposed station. Nick said it would be run by volunteers and it would be one ambulance and one engine. Nick said money is the reason it will take so long and that the LDHOA donated the land for the library. Another landowner expressed that low impact construction would be best. Gene Fisher said that the fire departments are losing volunteers, which is because of the type of people in the community has changed. They are looking into funding for a paid staff. They are looking at PPEA funding. Also there is a possible location on Route 277 by Sherando High School. The County is currently providing some career staffing to support each station. Gene said 3 acres is required for a site. The developer of the Lutheran home has donated land for a future site.

4. **New Business** Gene Fisher was asked to speak by Nick and he informed the group that the County Board of Supervisors has tried to stay tax neutral. Some residential assessments have gone down and commercial and other types of property have gone up. The personal property tax revenue is neutral. The home foreclosures in the County are concentrated in the area east of Interstate 81 and some of the rural areas. The County has completed a rural area study to try to preserve open space and agricultural production. They are considering transfer of development rights from farmer's property to other properties that have been identified for development by the County Board. He discussed the creativeness of the farmers to incorporate tourism into agriculture.

Nick then introduced Major Eckman. The Major informed the group that there were 452 Police calls for our neighborhood of which there were 2 burglaries in the last 6 months. There were 13 calls about animals running loose. Police calls are at over 10,000 for the County. The County website is <http://www.frederick.co.va.us> to find out about crime and other areas of interest in the County. Neighborhood watch news is on line with a summary of what is going on in the area. He stressed the need for pool and playground safety with the schools being in recess. We have experienced an increase in fraud for driveway paving and tree cutting and other home improvement scams. You can sign up on line for the neighborhood watch newsletter. Telephone solicitations are generally scams if they promise something that sounds too good to be true. The North end of the County has experienced a few burglaries while the people are home during the night. There is an increase in larceny because of the economy. Please call us for anything you are concerned with, because they are here to serve.

A meeting participant asked about the level of gang activity in the area. The Major said it is mainly graffiti from wanna-be tough kids. The group was asked to be proactive in keeping the graffiti reported to keep it cleaned up. Tennis shoes on utility lines signifying a drug dealer's territory was brought up by a meeting participant. The Major advised the following: The shoes on power poles are another issue entirely and advised that the drug culture is the source of gang activity. We have not had much of it in our County. We still have our gang task force. We homeowners can reduce the potential for crime by keeping

the common areas clean and mowed, and keep your outside lights on at night, and making sure windows/doors are locked, keep your property up by not allowing bushes to get big enough for someone to hide behind. Keep an eye out for and report vehicles that are unfamiliar as they are a signal of potential crime. A home that has several people coming and going all the time is a signal of drug activity and should be reported. The folks that are home all the time are our best source of info.

Tony mentioned that the Hackberry and Somerset and Chinkapin and Somerset stop signs are being ignored by drivers. Tony asked if the police get complaints of towing companies ripping off customers. The Major said that these stop signs can be added to the list of ones to watch and that the State has started to address problems from towing companies by passing regulations to address charges.

Many of the group complained about speeding in the area especially by pizza delivery drivers. It was suggested to call the pizza store with the vehicle type and color and/or tag number. Major Eckman said speeding is the number one complaint.

A landowner asked about what to do about a tenant occupied property that has debris piled up in the yards. The meeting participant was advised to call the LDHOA.

Others in the group asked about whether parking on the street is permitted and what to do about trash cans being left out by the street. The major said that if a vehicle is blocking the travel lane it should be reported. Melissa advised that in Lakeside Manor Subdivision parking on the street and trash cans visible from the street are not permitted per the covenants.

A. **Election of Board Member** Nick asked for nominations for another member since we are losing one. Larry Miller of Fairlawn Court volunteered. Nick asked for a motion to approve Larry as our new Board member. Tony motioned to approve Larry as our new Board member and Ron seconded. There were all aye and no nay votes.

B. **Proposed Budget for 2009-2010 (Presented by Doug Mort of Sareen)** Mr. Mort asked to be excused from the meeting and reduced the Association fee from Sareen by \$200.00 for the year, so this item was addressed by Tony along with the Treasurer's report.

C. **HOA Fee Reduction Discussion** Nick introduced the subject and asked for comment. A meeting participant said we should make investments with the money we have. Nick said that we already do, that we manage our money very well and mowing is our largest expense. Mr. Foster said that our money situation was poor previously, but is okay now. Nick said our mowing contract is good through 2011. Tony said that the cost of our mowing contractor is low and if it were to be increased it would be a reserved amount. A meeting participant asked about how we go about collecting past dues and that it seems some people are just not paying. Tony advised that we have a process for collecting past due Association fees with our attorney and accounting firm that works well, but steps must be followed which take time. Mark Stivers said that the nonpayment of Association fees becomes a lien on the property and when the property sells or is refinanced it must be paid for title to transfer with the exception in the instance of foreclosure.

A meeting participant brought up concerns over 109 Clearwater Ct. and that the grass is up to the armpits in height. Tony said that he went to the property and the occupants were moving out. He contacted the County and a letter was sent on May 21st. The County was contacted again and Tony will follow up. Tony has taken care of several of these over the past few months. Ron said he received a complaint about a property on Golden Pond Circle.

Discussion turned back to the reduction in the HOA fees for 2009-2010 fiscal year. Nick asked for a motion of whether to reduce the HOA fee. Mark Stivers advised the Board to be cautious of the proposal and to stipulate specifically what it was proposing. Melissa motioned that the maximum amount of the LDHOA Association fee per lot is and will remain \$60.00 dollars, however for the 2009/2010 fiscal year the Board will approve reducing the amount to \$50.00 per lot. Tony seconded the motion. Vote was delayed as another item was brought up where the Board had previously voted to help people with fixed incomes that cannot pay their dues. Mark Stivers said we would need to look into this and it may be inadvisable and also advised that the vote for the reduction in fees for the year remains with the Board. Nick said projects are not likely to come that would be made part of this year's budget or based on what was proposed of a nature our budget can afford. Barney Stine suggested and Nick asked for a show of hands of those opposed to a reduction in dues as motioned and only 4 of those present opposed. Melissa again made the motion. Tony and Ron seconded the motion and the motioned was passed by the Board.

5. **Q&A Session** with Sareen, Mark Stivers, Frederick County Sherriff's Office, Stephens City Volunteer Fire and Rescue and Gene Fisher. Representatives from Sareen and the Stephens City Volunteer Fire Department were not present at the meeting. Opportunity for Q&A with Mark Stivers, Major Eckman and Gene Fisher occurred previously during the meeting.

6. **Closing Statements and Adjournment** Nick asked if there were any other issues to be addressed and hearing none thanked those that came to the meeting and showing an interest in the association. Nick adjourned the meeting at 3:15 PM.