

**Lakeside Development Homeowners Association
Annual Meeting Agenda
Saturday, June 11, 2011 at 1:00 pm
Bowman Library Community Room**

1. **Call to Order** - Association President, Chris Bean called the meeting to order at 1:06 PM. Board Members present: Chris Bean (President), Tony Varda (Treasurer), Ron Wible, Mike Stottlemeyer, and Melissa Corder (Secretary). In addition to the Board Members, there were 26 residents; Legal Counsel for the LDHOA, Mark Stivers; and 2 Frederick County Law Enforcement representatives, Sheriff Robert T. Williamson and Major Eckman present.

2. **Welcome and Introduction of Board Members** - Chris welcomed everyone in attendance to the meeting, spoke of the items that would be covered on the agenda, and introduced the Board Members. Chris asked that anyone who speaks to please identify themselves first so that the Secretary can keep the minutes. Melissa said that questions and comments from any participants who do not identify themselves, will result in their question or comment not being included in the minutes, because she is not going to be rude and interrupt persons while they speak or stop the meeting to ask who they are each time they say something.

3. **Approval of 2010 Annual Meeting Minutes** - Chris advised the group that the minutes of last year's annual meeting are typically read in total, consisting of 5 or so pages. Mr. Gilbert Foster motioned to only read the highlights of the prior meeting minutes, and Ms. Diane (unknown last name since she did not sign in or divulge this information) seconded the motion. Chris asked for a vote of those in favor and the motion passed with no dissenting votes.

Melissa was asked to read the portions of the minutes that would be relevant to today's meeting and to start with the portion where Major Eckman had spoken, which she did. Chris asked for a motion to accept the minutes as written and Diane (unknown last name since she did not sign in or divulge this information) motioned to accept the minutes. Mr. Pat O'Hara seconded the motion. Chris asked for a vote of those in favor and the motion passed with no dissenting votes.

4. Treasurer's Reports

- a. **Financial Position of the Association** - Chris asked Tony to read the Balance Sheet Report. Tony read the Report as of May 31, 2011.

Tony referred everyone to the packet they had received in the mail with the meeting announcement, and advised that the current assets in the checking and savings accounts total \$80,176.12. Accounts receivable total \$5,068.10, and the total assets amount to \$85,244.22. The expenditures for the year exceeded the income for the year by \$2,158.83, largely as a result

of the reduction in HOA dues, which the Board of Directors had voted to reduce in an effort to assist property owners with the economic conditions many families are facing without harming the HOA's stability. The checking and savings accounts are at the Bank of Clark County, and the savings are kept in CD's, which are paying nominal interest rates at this time.

Diane asked if there are any restrictions on where the funds are invested.

Tony advised that there are none specifically.

Diane advised that she is aware of and has her money invested in real estate fund investments paying 7% to 8% at this time.

Mark Stiver's advised that since the LDHOA is a non-profit organization, the Board is obligated to utilize prudent investment vehicles. He urges to Board to use those vehicles with guaranteed stability, since as volunteers they can be personally responsible for losses on risky investments, which given market volatility at this time, real estate investments could be considered an at risk investment.

Chris said that the Board will take the possibility of using other banks and investment vehicles under advisement.

Tony answered a question from an unidentified attendee that we are not obligated to use any specific bank and that he could and would shop around for better CD rates at other institutions, but anticipates that better rates may be available soon.

Mark Stivers said that other options for investments exist, however there are additional fees associated with these.

Melissa stated emphatically that she shall not be personally responsible or liable for any losses that the LDHOA incurs for any reason.

Melissa said that the LDHOA should be extremely grateful for having Tony Varda as its Treasurer, as he does a perfect job for us in this capacity, dedicating much of his personal time and attention to the matters of the Association, and has been very successful in making the Association financially stable.

Mark Stivers stressed to the group that the LDHOA is very successful and stable in comparison to many HOA, and knows firsthand that Tony scrutinizes every bill before authorizing payment, as he does not hesitate to address items on Mark's invoices for legal fees.

b. Proposed Budget for 2011-2012 - Chris asked Tony to present the July

1, 2011 through June 30, 2012 Budget, which he did, and referenced as being in the package that was mailed out. Tony asked if there were any questions regarding the budget.

Hearing no questions, Chris asked for a motion to accept the Treasurer's reports. Don Browder Motioned to accept the Treasurer's reports, and Matt Holman seconded the motion. Chris asked for a vote of those in favor and the motion passed with no dissenting votes.

c. Street Light Report - Chris asked Tony to present the Street Light Report.

Tony advised that we now have 37 street lights, and the 38th to be located on Jasmine Court will be installed in the next week or so at the latest.

Tony asked that if you know of anywhere that a street light is needed especially within 10 feet of the large green electrical boxes to please contact him.

Tony also mentioned that usually the non-operative street lights along Hackberry Drive are mentioned at the meeting each year, so he contacted the President of that HOA, since those street lights are not within our community, and she advised that they were in the process of being repaired, but have run into a problem with them and are at a standstill at present.

5. Guest Speakers: Chris introduced Sheriff Williamson and asked that he provide an update on crime issues in the community.

a. Frederick Co. Sheriff, Robert T. Williamson: Crime and Safety Report

Sheriff Williamson advised that there were 56 complaints in the LDHOA this past year to include 2 Breaking and Entering, and some Larcenies, but most crimes in our area are in the nature of traffic stops and other low level misdemeanors. Last year, Major Eckman reported there were 19 complaints in a 6 month period at the last meeting, so crime is definitely rising.

Sheriff Williamson said that what he would really like to do at this meeting is to hear from us and asked for any questions or concerns we might have regarding the community.

In answer to concerns from meeting attendees that did not identify themselves, regarding use of the Common Areas and private property by up to 60 persons at a time from dusk through 3:00 or 4:00 AM during warmer weather, the Sheriff will increase patrols along Chinquapin Drive and Surry Club in the area of Appleton Downs. He also suggested that the LDHOA consider restricting the hours for use of the Common Areas between the hours of 11:00 PM and 6:00 AM.

Mark Stivers concurred that it is within the authority of the LDHOA to limit the hours the Common Areas are available for use.

The Sheriff said officers will be able to enforce the no trespassing hours and the police will respond to calls for trespass on private property anytime, even if the call is anonymous. He also reconfirmed that Frederick County does not have a curfew.

Melissa Corder reminded everyone that this was discussed last year and the year before, and Major Eckman had advised last year that if we want a County curfew for minors, we need to contact our County Council Member, Gene Fisher. Also if you want kids to have something to do in the evenings, make recommendations for capital improvements to the Board for next year's budget to utilize some of the funds we have on hand, but be prepared to donate some of your time to that cause as they need to be monitored and programs require participation from responsible adults. She also said there are things for the kids to do such as the 4-H, and Community Youth Development Center, and Sports/Recreation.

Sheriff Williamson said that there are various Explorer Scout Clubs via several organizations, as well as Parks and Rec.

Ms. Pat Brelsford said that she does not want us to pay to entertain these kids. She asked "What do they want us to do for them play music and sing and dance?"

Mr. Matt Holman motioned that the Board set a curfew For Common Area use between 10 PM and 6 AM. Chris asked if what Matt is proposing is for the group to have a vote to amend the bylaws to close or set a curfew for use of the Common Areas between the hours of 10:00 PM and 6:00 AM? Matt confirmed this, and Chris asked for a second to the motion. Ms. Debbie Stottlemeyer seconded the motion. Chris asked for a vote of those in favor and the motion passed with no dissenting votes.

Mark Stivers advised that the Board would have to send notices to each property owner advising the hours of the curfew and post signs with the hours of no trespassing when those areas would be closed to use.

Sheriff Williamson said that if we are interested in pursuing a countywide curfew for minors that we can also contact Chairman Shickle at the County Board of Supervisors.

Mr. Gilbert Foster addressed Sheriff Williamson saying that his neighbors have pool parties that last until 12: 00 PM to 1:00 AM, but he is reluctant to say anything to them, since he likes to try and get along with his neighbors, and does not want to create bad feelings.

The Sheriff said that anyone can call to make a complaint anonymously, so there is no need to put yourself in a confrontational situation. Everyone should be able to sleep at night without being disturbed by parties, and usually all it takes is an officer speaking with the homeowner or tenant to stop the problem, and if it escalates to anything more the officers can address that too.

Tony then asked about a call made to the police department in relation to possible drug activity at a residence on Woodbridge Court. Sheriff Williamson said the police responded to the lady's phone call complaint and through the database realized that it was the same address where there is an active summons for a young person for probation violation, who used to reside there and apparently is occasionally still frequenting the property as his mother lives there, however the young person was not present when the police arrived and were permitted to search the property.

Sheriff Williamson then referred to the previous year's minutes in regards to scams for offers of paving, construction, and painting work being prevalent in the summer months, and reminded us that we should be on guard for them. He said that as an example, the scammers will knock on your door or approach you when you are outside, offering to pave your driveway or do other work for a nominal fee of say \$200.00. He cautioned that if an offer sounds too good to be true it generally is, and that as a precaution, we should ask to see the Frederick County business license of any contractor before hiring them to ensure they are a legitimate business. Sheriff Williamson suggested that if this or any other offer to perform work is made to you in this manner, you should call the police before hiring them to see if there has been a problem with this company or individual before, because once the scammer gets you to agree to the work, they will then proceed to spread gravel coated with a small amount of asphalt or oil or other black substance on your driveway, claim the work is complete and demand \$1,500.00 from you instead of the \$200.00. He said that even though his office puts out notices every year, they will receive 25 or so calls every year reporting the scam. He said these are not local people, but people that routinely travel up and down the east coast all year long and live off of these operations.

Sheriff Williamson then advised that his office is easy to contact and that his home number is in the phone book if need be. The office phone number is (540) 662-6168, and his email address is rwilliamson@co.frederick.va.us and the Sheriff's Office website address is www.co.frederick.va.us/sheriff/default.aspx, which contains arrest information for the County; the link to the State Police sex offenders web site, neighborhood watch program, etc.

Chris and the group then thanked both Sheriff Williamson and Major Eckman for attending our meeting and Sheriff Williamson for addressing the group.

6. New Business – Chris introduced the 2 matters of new business.

- a. Trash and Trash Can Proposal to Amend Covenants – Chris advised that there has been concern expressed by some regarding trashcans being left in plain view or in the street in front of homes resulting in the proposed amendment. Chris read the proposed amendment. Melissa asked for a change to the amendment language to say “visible from the street” instead of visible from the front of the dwelling, since the back of her neighbors home is immediately adjacent to the side and front of her home, which could result in her neighbor placing the trashcans in plain view of her front porch and the smell of them wafting to her front door as well.

Chris said that he prefers that we have discussion prior to making any moving on making and changes to the amendment as written and asked for any discussion from the group.

Pat O’Hara suggested that a member of the Board speak with anyone that is keeping their trashcans in plain view.

Melissa said she has spoken with one neighbor that keeps them out front in the street and was told that the reason they are kept there instead of in the garage is because the neighbor does not wash them out and they smell.

Chris read an email from a resident Matthew Haas concerning his thoughts on the proposed amendment stating that it would be difficult to comply with the hours of the 24 hour period allowed for the cans to be in front of homes for pick up because of his personal schedule, and feels leaving the cans out front does not detract from the appearance of the neighborhood or affect property values.

Melissa disagreed with the view point of the cans not detracting from the appearance of the neighborhood.

Ron Wible expressed that the cans being left out to be blown around by the wind causes a safety issue.

James Walsh said that his schedule and the schedule of others would require the hours be expanded.

Gilbert Foster motioned that the issue be tabled and studied further.

Mark Stivers said that the Board does not have to put matters such as these out for a vote to the property owners. Powers of the Board allow for any violation to progress through a process to resolve it. First if there is thought to be a violation to the covenants, determination of which of the 26 Deeds of Dedication under the LDHOA umbrella applies to the property in question would have to be made, and then review of the applicable deed of dedication to determine the rules for that particular property must be completed, which upon determination that a violation exists the process to address the violation can begin. The Board typically would send out a notice of violation giving a specific time period for correction of the violation. If the violation is not corrected then the Board can send another notice to the property owner advising that if the violation is not corrected within a specific time frame that a fine will be imposed. He believes that the fines range from \$50.00 to \$900.00 per violation. Following that the Board may proceed to take the matter to Court seeking an order requiring the property owner to comply.

Ron Wible said that we should table the matter for now and reconsider the wording.

Pat O'Hara said we should drop the matter.

Chris said the matter is tabled for now and will be reviewed further by the Board.

- b. Disclosure Package Report** – Chris then said that the next order of business is the revised disclosure package that has been in the works for several years and has finally been completed. Chris asked Mark Stivers to talk to us about it.

Mark explained the following: The Disclosure Package is received by the purchaser when they have entered into a contract to purchase a property subject to covenants and restrictions outlined in the deed of dedication for the subdivision, and in our case one of the 26 Deeds of Dedication of the LDHOA. The package advises the purchaser whether there are outstanding fees or violations on the property they are purchasing. It also makes available the minutes of the last 6 meetings by the Board, which we accomplish by having the minutes available on line. The disclosure package will change over time is relevant to the present time when the property is purchased. The Disclosure Package is available on CD from Sareen Associates for a fee of \$50.00. The local Real Estate Agents are familiar with the requirement for these to be provided to the purchaser and the Agent usually takes care of providing a copy to them. If for some reason the purchaser is not provided with a copy as required they can walk away from the property closing without penalty.

Mark changed subjects at this point and discussed the recent Board activities regarding the 24 overdue Association Dues accounts on various properties, which were included on a list provided in the package mailed out to property owners when the notice for this meeting was sent out. He said the 24 outstanding non-payments are low in comparison to other Associations. The Board filed actions with the Court to collect the funds and 12 have paid; 2 are on payment plans; 5 had judgments entered to include attorney's fees and costs, so that in the event the property is sold with the exception of through bankruptcy or tax lien sale, the LDHOA will get its money; 3 of the cases are pending; and 2 of the proposed actions are being processed. In the future he recommends that the LDHOA send a memorandum of lien which will negate much of the attorney fees and costs.

Chris thanked Mark for the information and for coming to the meeting.

7. Old Business – Chris moved the meeting onto old business and asked if there was anything the group wished to discuss. Cheryl Treadway spoke up and said after further thought she feels that we should revisit the vote the group just took on restricting the hours of use of the Common Areas, since it would affect everyone and not just minors. She felt that the group was making this motion to address minors congregating in the common areas during the night and she knows that some people like to walk their dogs late at night and very early in the morning.

After much discussion by most, a motion was made by Mark Stottlemeyer to change the language from trespassing to loitering, which was seconded by Matt Holben, with Chris calling for a vote which passed with one nay vote from Melissa.

The vote was followed by continued discussion of the subject by many in the group, which pointed out that we could not discriminate the use of the area by a specific population of the community, and that if persons are walking across the property from one place to another it is unlikely they would be reported or arrested for trespassing, and that with the language saying loitering as opposed to trespassing the police would only be able to make those loitering move off the property and when the police left they could move back on and told to get off over and over again without penalty. With the language of trespassing the police could enforce the rule with penalty. Chris said he was reluctant to take further motion on the matter since there were differences in what the group wanted.

Melissa asked to speak and said she felt the group had done something good for their neighbors, and with the original vote had really accomplished something by alleviating what is a growing problem for the people who live adjacent to the Common Areas of the Community, and pointed out the following to the group: This issue has been discussed for the last 3 meetings, and nothing has been done to address it even though the numbers of persons

using the Common Areas at night has reportedly grown from groups of 10 to groups of up to 60, starting at dusk and continuing till 4:00 AM, and appears to mainly consist of minors without parental supervision. That the odor of marijuana has been reported and the trash left behind consisted of empty alcoholic beverage containers. The original vote had teeth, and gave the police something to enforce, prevent possible injury of persons being on the Common Areas including shores of the lake when it is the most dark outside, which is better for the LDHOA in regards to potential injury and insurance costs, and lastly it can deter the potential for crime as most of the Common Areas are to the rear of residences allowing anyone check properties for potential breaking and entering to hang around these areas as they please.

Cheryl Treadway motioned that we vote to go back to the original approved language. Kim Nash seconded the motion and Chris asked for a show of hands for those in favor of going back to the original language, and those opposed wishing to stay with the word loitering, which passed in favor of the original language for the hours of use for the Common Areas citing no trespassing, with no dissenting votes.

Chris asked if there are any other issues of old business. Pat Brelsford asked that the grass mowing be redone for the property that is in foreclosure, at 110 Clearwater Court, since it looks very poor like a billy goat cut it instead of a lawnmower. Tony said he would follow up on that. He reminded the group that the property owner has 10 days from notice to cut over grown grass and 30 days to address illegal cars.

8. **For the good of the order** – Chris asked if there are any other items to be addressed for the good of the order. Phoenix Hearn stood up and announced that her environmental cleanup group, which has been cleaning up trash and debris from the lake for several months, is posting more signs around the lake, this time to tell people who fish to take their trash with them.

Ron Wible mentioned that the local Boy Scout Troop was doing this annually, but interest has waned in the troop. He suggested that maybe the Association should team up with Pat's group for the cleanup this year.

9. Adjournment – Chris asked if there was any further business and hearing none adjourned the meeting at 3:20 PM.