

CLAIRMONT MANOR HOMEOWNERS' ASSOCIATION, INC.
P.O. BOX 371, CULPEPER, VA 22701
www.clairmontmanor.com

- A Covenant Community -

2009 Annual Meeting Minutes

3/10/09, 6:00 PM – 8:00 PM, at Germanna Community College, Culpeper Campus

The meeting was called to order at 6:15 PM. The meeting was chaired by President, Leslie Probst. In attendance were Officers Leslie Probst and Lisa Fettig; Directors Leslie Probst, Dencil Johnson, Tim Gonzalez, and Chuck Suter <NOTE: Directors Dave Dunwody and Angelo Sorrentino resigned this year>; ACC Member Butch Fettig <NOTE: ACC Members Dave Dunwody and Angelo Sorrentino resigned this year>; and Members Frederick Ayers, Jack Inskeep, Lisa McPherson, Bob McMichaels, Paige Timberlake, Sharon Gonzalez, and Jim Underhill. There were 14 voting parties present, not constituting a quorum of the members (**38 is a quorum**). The meeting proceeded with the understanding that it lacked a quorum and that any matters voted on would also be mailed to the non-attending members to secure a quorum vote.

An Agenda, a copy of the 2008 Finances, and a copy of the 2009 Budget were presented to each member. A copy of each is attached hereto. These minutes are recorded in order of the Agenda.

Present 2008 Accounting: After members reviewed the 2008 Accounting, several questions were answered and clarifications were presented. The Treasurer, Lisa Fettig, went over each line item answering questions as they arose. An explanation of the multiple lot owners' roll-back assessments was presented. Chuck Suter asked if CMHOA would receive the roll-back assessment on the lot currently under construction on Clair Manor Drive, which was sold by a multiple-lot owner. CMHOA did collect the roll-back assessment. The system in place seems to be working well. Bob McMichael asked about the Assessment Overpayments. Occasionally a member will overpay their assessment. The overpayment is tracked and deducted from the members' next assessment. Sharon Gonzalez asked about the costs associated with the Covenant Packages. CMHOA is allowed, by law, to charge up to \$100 per covenant package. The purchaser is responsible for this cost, not the member. The actual cost to the association for creating the covenant package is minimal, thus generating income for the association.

Present Approved 2009 Budget: Members reviewed the 2009 Budget. The Treasurer shared that the Board of Directors meets annually in January to adopt the year's budget. The proposed budget is created by the Treasurer based on the previous years' actual expenses. Most costs go up, but some do come down.

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Notice of Annual Assessment Increase: The Board announced a 5% increase in the Annual Assessment amount **effective July 1, 2009**. Annual Assessments will go from \$210.00 per year to **\$220.50 per year**, an increase of \$10.50 per year. Several members questioned why the Annual Assessments were raised. The increase will help absorb the increased expenses. Frederick Ayers asked about the increase in costs while comparing the 2008 Accounting to the 2009 Budget. The actual costs in 2008 compared to the 2008 budget are examples of those cost increases.

Present 2008 ACC Status: **Notice was given that two ACC members have resigned, leaving only one ACC member. Our covenants require three members to serve on the ACC.** The Board asked if anyone present would be interested in serving. No volunteers stepped forward. The Board shared that the remaining ACC member, Butch Fettig, will contact members who were suggested at the January Board of Directors meeting in an effort to fill the two positions.

Community Beautification Project: The ACC received numerous complaints about the dead and dying trees along the main roads in Clairmont. **It is the responsibility of the homeowner to remove any dead trees on their property, even if they are in an easement along the road. Additionally, the homeowner must replace any trees they remove.** In an effort to improve the condition of our community and to reach out to members who are not responsive in their covenant violations, the ACC will volunteer their time and efforts to cut down dead (and almost dead) trees along the main roads in Clairmont and to replace fallen fence boards at the entry. This effort will be held in the Spring with clear communication to the members about the project, allowing time for the community to respond, if needed.

Misunderstandings About the Covenants: We have learned through discussions with members this year that there are some misunderstandings about items that are or are not allowed by the covenants. The most common misunderstandings are: (1) Mailboxes. The Covenants have very detailed plan requirements for mailboxes. It is possible that the rigidity of the mailbox requirement may be changed in the future IF the covenants are legally changed, but until that time, **all mailboxes in Clairmont have to be constructed as outlined in the Covenants.** You likely know if you are in violation of this clause. If you are, please correct your violation by installing a new mailbox to the specifications outlined in the covenants. This issue will be addressed by the ACC.; (2) Swimming Pools. The covenants allow IN-ground swimming pools. Any plans for an in-ground swimming pool must follow the approval process outlined in the covenants and the ACC must approve it. Additionally, a swimming pool must be approved by Culpeper County; (3) Fences. The covenants allow above ground fences in the community. Any plans for a fence must follow the approval process outlined in the covenants and the ACC must approve it; and (4) Front Load Garages. The covenants allow front-load garages. Any plans for a front load garage must follow the approval process outlined in the covenants and the ACC must approve it. Additionally, a front-load garage must be approved by Culpeper County.

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It appears that these items have been misunderstood due to a past interpretation issue or preference issues. The current ACC is committed to serving the community as outlined in the covenants, without adding to or detracting from the covenants. The ACC wants to accommodate the members to the full extent that the covenants allow.

Covenant Enforcement: When the ACC had three members last year, 11 covenant violation notices were sent to members. These violations were considered more substantial items (i.e. RVs, boats, trailers, dead trees, fencing maintenance, building maintenance, erosion control), not including mailboxes. 9 of those violations have been or are being corrected. Thank You to all the members who corrected their violations. The 2 remaining issues have requested a hearing with the ACC, one seeking advice on how to correct the violation. When the ACC has three members, as required, the hearings will be held.

Jack Inskeep asked about a past issue with the lack of stucco on the front of the home previously owned by the Gayhearts. The CMHOA attorney has reviewed the Gayheart's file and determined that Mr. Gayheart was NOT seeking to modify the covenants with his Petition to change the construction materials from stucco to siding and that Mr. Gayheart DID secure 51% CMHOA member approval in his Petition for a change in construction materials from stucco to siding for the entire front of his home. Given those facts and that other homes in Clairmont were constructed without covering some portion of the front of the homes with a stone/brick/stucco material, the Petition is deemed reasonable by the ACC and Board of Directors at this time, thus approving the change in construction materials from stucco to siding. Therefore, the home is NOT in violation of the covenants.

The members discussed, at length, amending the Covenants or completely voiding the Covenants. Either of these options requires a great deal of participation of the members. We cannot move forward until participation improves. Covenant Amendment is likely appropriate, however, the members must participate in the meetings to reach that point. We strongly encourage all members to participate to make this community what we want it to be, through updated Covenants.

Elect Board of Directors: Due to the lack of a quorum at this meeting, we proceeded with nominations and voting for the Board of Directors with the understanding that a mail-in-ballot will be required for members not in attendance.

Members present at the meeting who are not currently serving were asked if they were willing to serve on the Board. No volunteers stepped forward. The following members were nominated, the nominations were seconded and carried with no opposing votes, 11 favorable votes, and these nominees are willing to serve as **Directors:**

Dencil Johnson, Chuck Suter, Leslie Probst, and Tim Gonzalez

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These individuals will serve as acting Directors until the required votes are secured.
A mail-in-ballot will be sent to all members not in attendance at the meeting.

Discuss Family Gathering: CMHOA would like to hold a community picnic in late spring on the common area. The Secretary and any volunteers will coordinate this event. More details will follow. We hope it will be a great success!

Discuss Quarterly Newsletter and Directory: We would like to revisit a quarterly newsletter and/or a directory. Some discussion was held about using the secured section of the website for this purpose. The Officers will look into that option. More details will follow.

Open Forum for Member's Discussion Topics:

CMHOA Website: Leslie Probst was thanked for managing the CMHOA website, www.clairmontmanor.com. It has proven very helpful. If members have not joined the Owners' Forum on the website, please do so.

Landscaping: CMHOA contracted Gearing Landscaping, Inc. to maintain the front entry landscaping. Members agreed that he did a great job in the fall improving and maintaining the landscaping. We look forward to his work throughout the year.

Broken Fence due to accident: Members questioned the circumstances around the broken fence and damaged landscaping just beyond the left front entry to Clairmont. The gentleman in the accident was not harmed, did promptly contact us, a bid was secured from Gearing Landscaping Inc. to repair the damages (bid amount is \$588.88), the bid has been approved by the insurance underwriter, we await a check from the insurance company and await scheduling of the repairs with Gearing Landscaping, Inc..

Tree damage from mowers: Members asked that we notify the mowers to be more careful when weed-eating around the trees along Old Orange Road. It is suspected that they are damaging the trees with the weed-eaters. The Secretary will contact Mr. E.J. Mills, mowing contractor, to discuss this concern.

2010 Annual Meeting: Members questioned why we have the meeting when we do. CMHOA Bylaws require we have the Annual Members Meeting the second Tuesday in March. It was requested to begin the meeting at 7:00PM. Due to the specific meeting date outlined in the Bylaw, we are limited in our facility choices to meet that requirement. Every effort will be made to begin at 7:00 PM as requested.

Adjourn Meeting

There being no further business before the Board, the meeting was adjourned at 7:10 PM.

Should you have any questions, please contact Lisa Fettig, Treasurer/Secretary, at (540) 829-0112, blwcva55@comcast.net.