



Crenshaw Manor Homeowners' Association Annual Meeting

Tuesday, January 9, 2018 - 7:00 to 9:00 pm – Hope Lutheran Church, Wake Forest

Minutes

1. Welcome/Call to Order

Cole McCook called the meeting to order at 7:08pm. Welcomed everyone to meeting.

2. Crenshaw Corners Updates

Mike Parker presented on responses from the developer of Crenshaw Corners, Joe Gentry, on questions sent from the small committee of residents in communication with the developer.

- Concerns about the fencing- approved buffer was put in, not the wooden wall along one part of Crenshaw Point.
- Fence elevation- 8ft high fence and approved by town, the hills make it uneven at points, but it is 8ft along its entirety. The landscaping should block the view that some residents have over the fence where the land is lower and the fence doesn't cover as much.
- Lights are LED so they are a brighter light source- Mike recommends we fight for shields to be placed over the lights on 3 sides so that some of the light and glare is shielded. Pole heights are 25ft.
- The developer is going to remove the two spotlights that are shining on the front of the building.
- The generator start time- the store is on a remote start and can pull itself off the utility grid if needed. They are looking into ways to reduce the noise and evaluating if a wall to help with sound is needed.

The discussion was then opened up to questions from the residents present.

- Developer said they were putting up a burm and then a fence. The fence they put in is not consistently 8ft. tall as promised.
 - Response: The developer may be willing to hear these concerns, but may need to be leveraged through the Town.
- Why is there a privacy wall if the gates are left open?
 - This is being watched as it has not been open recently, but is a security concern if it doesn't remained closed and locked.
- Concerns about the generator and disturbance from it turning on at different hours.
 - Uncertain if the generator is loaded at a certain time. The sound ordinance will be looked into and residents are recommended to file a complaint with the town.
- Concern about one resident's property not being protected by the current fence and maintenance of the retaining pond put in behind the property regarding security and mosquito control.

- How will vegetation privacy be handled moving forward
 - The developer has finished planting the required vegetation as described in the plans to the Town, but a final inspection will be done and the Town may require more vegetation be put in.
 - Discussion: Residents commented that the neighborhood could come together to provide help (maybe funds) to those affected by the development to put in more vegetation.
- Other lots are still open and will need to be developed. Whoever it is sold to will also have to have plans approved and some vegetation may be required and they will also bring in more lighting. It is important the neighborhood keeps watch of how things progress.

3. Procedures for Election of 2018 Officers and Architectural Control Committee

- Appointment of Vote Counting Committee
 - Frank Krebs and Lynn Stuechel volunteered
- Presentation of 2018 Slate of Officers by 2017 Board
 - President- Cole McCook, 941 Jones Wynd
 - Vice President- Eric Fortune, 937 Jones Wynd
 - Treasurer- vacant
 - Secretary/Communication Chair- vacant
 - Membership Chair- Patti Trainor, 1550 Crenshaw Point
- Nominations from the Floor/Closing of Nominations
 - Todd Juracek volunteered for Communications Chair & Secretary
 - Cole McCook presented that if no one volunteers come forward as Treasurer that an outside source will be sought
 - Teresa Black, 2017 Treasurer, presented a company that could manage all responsibilities of the treasurer for \$450 per month. This would require a \$50 increase in annual dues per lot which would be in effect next year if this option were chosen.
 - Concerns were brought up by residents regarding other neighborhoods who hired companies and lost a lot of money as well as how their fees would increase per year.
 - Paul Moseley volunteered for Treasurer
- Presentation of 2018 Slate for ACC by 2017 Board
 - Chair- Jason Black, 1021 Jones Wynd
 - George Aux, 1529 Crenshaw Point
 - Phil Clawson, 1010 Jones Wynd
- Nominations from the Floor/Closing of Nominations
 - Theresa Bryant and Todd Fortune volunteered to join as ACC Board Members
- Voting by CMHOA Members

- Interim Recess for Counting Committee to Count Votes
- Announcement of Results of Voting
 - Majority vote approved HOA Board Members and those nominated in addition to ACC Board Members and volunteers
 - 2018 HOA and ACC Board
 - President- Cole McCook
 - Vice President- Eric Fortune
 - Treasurer- Paul Moseley
 - Secretary/Communications Chair- Todd Juracek
 - Membership Chair- Patti Trainor
 - ACC Chair- Jason Black
 - ACC Member- George Aux
 - ACC Member- Phil Clawson
 - ACC Member- Theresa Bryant
 - ACC Member- Todd Fortune

4. Presentation/Discussion of Annual Report of Board

- Cole McCook asked for questions- none asked
- New residents in attendance were introduced and welcomed

5. Presentation/Discussion of 2017 CMHOA Annual Budget

- Teresa Black reported on the annual budget (finalized budget that was voted on and approved is attached).
- Questions from residents
- Why are the professional fees so high?
 - Teresa responded: charges for collection of dues and with one resident who challenged the fee collection drove up fees this year. This was due to the past board waiving attorney fees, which are typically an expense of the resident appealing the fees. The Board was advised by an attorney to honor waving fees again in order to collect on the overdue annual dues and interest. Moving forward, recommendation is to not waive attorney fees.
- Presentation/Discussion of outsourcing fee collection
- Voting in budget for next year
 - 2018 budget was approved.

6. Presentation/Discussion of Combined Covenants

- Cole McCook put forward a motion for the vote to be conducted at another date, which was seconded and approved by residents in attendance. Topic moved forward as discussion only
- Roger Knight, attorney working with the HOA board on combined covenants, was introduced. John Winnings served as parliamentarian to assist in discussion progressing.

- Goal of combined covenants presented: simplify and rectify discrepancies between covenants of each phase. Each phases covenants have different language due to Steve Gould working in new components for phases as he would run into issues with previous phases as they were developed.
- Roger Knight introduced himself and his background.
 - He has been working with HOA's since 1994 and he helped write the Planned Community Act. 60% of what he does is work with HOA. Crenshaw Manor is unique in that the neighborhood wasn't set up as an HOA, but only covenants. Covenants are promises to do or not do certain things. The association is different. Association is a corporate entity. He has tried to streamline the covenants as many of the restrictions/requirements/promises were already things you had to do and throughout this project, were made easier to understand and interpret. You also have a situation where there are still people who aren't HOA members. The NC Supreme Court ruled years ago that you can't force anyone to join association, must be voluntary.
- Discussion from Residents present:
 - What problems has the board had as a result of the different language used? Why is this being worked on?
 - This project was voted on by the neighborhood two years ago, so this past year's board has been moving forward on an action previously voted forward by the neighborhood. For the ACC, it is incredibly time consuming to review each phases covenants each time a violation is brought up and difficult to have homeowners uphold the covenants due to the different language and restrictions applied in each phase. Steve Gould wrote them and gave great power to the ACC because he was the ACC and some of that power is not needed. It is also difficult to promote the many different covenants to prospective buyers.
 - Given that it takes 67% of the lot owners to pass the combined covenants, it seems impossible to get the covenants passed if only continue to do town hall meetings. Recommendation for small meetings to be put together for neighbors to come together and work on the issues in the covenants then take a vote once many of the issues are ironed out.
 - Voted on and approved with John Winings leading this initiative.
 - How are the covenants going to be enforceable since they currently are not which is an issue in the neighborhood?
 - Response from Roger Knight: Part of the amendment is to adopt Chapter 47F NCGS which has enforcement provisions to enforce fines after a hearing is conducted if that is the outcome decided upon. Right now the only way to enforce is to bring forward a lawsuit. Through interviewing the stakeholders, NC took model from other states which provides right to impose a fine. There is a due process hearing built into Chapter 47F. The fine has to be reasonable about the month, length, and recurring nature of the fine. Can be up to \$100 per violation and can be imposed again if it recurs. 75% of the time, the vote to impose a fine makes the parties involved come to an agreement. If someone digs in their heels, the Board has to decide how to move forward and if they will take the resident to court.
 - Why do we need Chapter 47F? Concern about the board, now or in future, abusing this provision.
 - The board is not 100% sold on adopting all of Chapter 47F, but we do agree on the components that allow enforcement of covenants. The board needs the

tools to do enforce the covenants. Right now the board received complaints, but has to rely on residents holding themselves accountable to the covenants for something to be done unless decided to bring forward a lawsuit which we want to only use as last resort.

- Concerns about non-members upholding new covenants
 - Response from Roger Knight: Non- members of the association can not be subject to fines from the HOA (HOA and covenants are separate), but they are held to the covenants and can be taken to court if not upholding covenants.
- Were there representatives from all phases working on the covenants in the past?
 - Volunteers were requested at the last annual meeting, but no residents came forward which is why the board has been responsible for this project.
- Does each phase need to vote on adoption of the covenants?
 - Response from Roger Knight: Yes, which is why it is important for residents across the neighborhood to work on this. Non-members though do not have to adopt the new covenants since they do not get a vote, though it is highly encouraged that they do adopt the new covenants as again they are written to simplify and better define the language used.
 - **Note: The board will be following up on this information as it is inconsistent with information previously provided.*
- Can properties be protected from being “out of compliance” if considered “in compliance” under current covenants?
 - Example brought forward: The draft states that only concrete can be used on the driveway, but some residents have pavers.
 - Response from Roger Knight: if there are architectural standard changes, there can be wording that grandfathers in the homes so that they are not out of compliance.
- Does Chapter 47F have to be used moving?
 - Response from the board: if Chapter 47F is not adopted, we need to build in enforcement components that have been historically left out.
 - Response from Roger Knight: it doesn’t make sense not to adopt Chapter 47F, because it is meant to be an asset to communities rather than a problem. However, Chapter 47F can be amended and not fully adopted. All communities built after 1999 automatically have Chapter 47F as part of covenants. Enforcement language can however be built in without adopting Chapter 47F.
- Why are we concerned about Chapter 47F? The neighborhoods around us that we aspire to have all been built since 1999, which means Chapter 47F applies to them. We should reach out to them to see if they have such issues with Chapter 47F as seem to be concerns of our neighborhood.

7. Additional Discussion

- Thanking Teresa Black for her years of service on the Board.
- Vote to use HOA funds for social events- Approved

8. Adjourn

- Meeting was adjourned at 9:01pm.