

Delamar HOA Newsletter

MAY 2017

2017 Graduates

Congratulations to
Delamar's 2017 high
school graduates!
WE ARE SO PROUD OF YOU!



- **Brook Goodrow** (Forsyth Central High School)
- **Charles Jennings** (Pinecrest Academy)
- **George Mikhail** (South Forsyth High School)

Last (and First) Day of School

The last day of the 2016-2017 Forsyth County school year is **Friday, May 26**. The 2017-2018 school year begins on **Thursday, August 3**.

Selling Your House

Please be aware that it is the seller's responsibility to inform any potential buyer that the properties in Delamar are governed by an association and its covenants. If you need a copy of the covenants, please e-mail us at **DelamarHOA@gmail.com**.

Contact Information

As hard as we try to keep it current, our e-mail address list frequently gets out of date. It is very important to keep this information updated because it is used by our block captains to alert the community to important or emergency information. Please send any updates to **DelamarHOA@gmail.com**.

Complaints or Concerns

If you need to reach the Delamar HOA with a complaint or concern, it is best to contact us via email at **DelamarHOA@gmail.com**. This allows us keep track of issues that arise between scheduled meetings and respond in a timely manner. You can also send a letter to the HOA at **P.O. Box 3201, Cumming, Georgia, 30028**.

Lawn Maintenance and Weed Control

Spring is here and the flowers are in bloom. But along with these very welcome spring flowers come a host of not-so-welcome early spring bloomers which invade even the most carefully tended lawns and gardens:

WEEDS. Please treat weeds in your lawn before they become a bigger problem for you (and your neighbors). If you need recommendations for a lawn treatment company or need some advice about how to treat them on your own, please let us know. We have several homeowners who are happy to share their knowledge and experience with a healthy, green, weed-free lawn.

Spring Clean with a PURPOSE



It's the time of year for cleaning out your closets and cabinets. Remember the sense of accomplishment you feel when you get rid of the things that your family doesn't need or use

anymore? When you do your spring cleaning this year, you can now also help your neighbors in need in Forsyth County. Donate your gently used clothing, toys and furniture to The Place of Forsyth County.

If you are not familiar with this wonderful nonprofit organization, now is the time to get to know it. **Their mission is to assist people in Forsyth County with essential needs and to teach them how to be self-sufficient.** Last year, 27,304 people received assistance from The Place of Forsyth County. Their programs include a food pantry, emergency assistance, thrift store, youth summer camp, Holiday House, and workplace development.

Visit their website at **<http://theplaceofforsyth.org/>** for more information, including details about free furniture pickup. Other donations can be dropped off Monday through Saturday between 9:00am and 4:00pm.



Delamar HOA Newsletter

JUNE 2017

NEIGHBORHOOD ASSESSMENTS

As we move into the less- hectic days of summer, the Delamar HOA Board will begin conducting occasional assessments of the neighborhood. If a house or yard is in obvious need of repair or maintenance, we will be sending the homeowner a notice. Some of the notices we send out will be a result of this assessment; others will be in response to an official complaint sent to us.

What will you be focusing on first?

Our first priority is to address any issues which have the greatest chance to negatively affect the neighborhood as a whole. We try to look at the neighborhood through the eyes of someone who is considering buying a home here. Is the home's exterior well-kept and properly maintained? Is the lawn neat, clean and attractive? Is the fence in good condition? Do the people who live here take pride in their homes and their neighborhood? The categories of the checklist include:

- **Condition of home exterior** (siding or stucco; trim; windows; doors; roof; gutters/downspouts; sheds; fences; garage doors; mailbox)
- **Condition of yard and landscaping** (grass, trees/branches; bushes; flower beds/islands)
- **Miscellaneous items** (non-working vehicles; vehicles parked on grass; trailers; recreational equipment in front yard)

What are the most common complaints you receive?

Nearly all of the complaints we receive involve the condition of a house or yard in the neighborhood. Information about upkeep and maintenance requirements is covered in **Section 5.01** of our covenants (see page 2). The Board's responsibilities are explained in **5.02(b)**.

I have seen my neighbors break the same rules and nothing was done about it.

Why are you picking on me?

The purpose of the notice is to correct a situation that needs to be addressed – **it is NOT a personal attack on any particular homeowner**. While it may appear that no action has been taken against your neighbor, this is likely not the case. Perhaps your neighbor has recently received a violation notice and has been given a few weeks to fix the problem. Maybe no one has filed a complaint against your neighbor so no notice was sent. Or maybe your neighbor has been given notice and refuses to do anything to resolve the issue (this rarely happens) and the Board is discussing next steps, such as a lien on the property. If a violation notice has been issued to your neighbor, the most we can do is confirm that we are in contact with your neighbor about a covenant issue. Just as we won't discuss your violations with your neighbors, we won't discuss your neighbor's violations with you. Our intent is to treat everyone equally.

As a Board, we strive to:

- Gather as much information as possible about the facts surrounding the issue
- Respond to you in a timely manner and keep you informed throughout the process
- Remain neutral and non-confrontational when gathering information
- Consider the issue from all perspectives in order to have a better understanding of the issue
- Standardize procedures in dealing with violations
- Follow those procedures as consistently as possible
- Do our best to resolve any issues presented to us fairly, efficiently, and respectfully

What happens if I don't comply?

We will ask that you have repairs done by a specific date. If you are unable to complete the repairs or maintenance by the given date, you will be asked to provide the Board with a plan for when and how the items will be addressed. **If the items are not addressed in the timeframe given, you may be fined until the issues are corrected.**

How to Live Peacefully in a Neighborhood with Covenants

- **Properly maintain your home.**
Whether you love having an HOA or hate it, the reality is that you are in a neighborhood that has one. You are responsible for keeping your property at a certain level of repair. Please do your part! No one wants to look at peeling paint, dirty siding, rampant weeds, overgrown trees and shrubs, trash on the lawn, broken blinds, or rotting wood. **Your job is to abide by the covenants by keeping your house and yard clean and neat.** If you have financial or health issues that prevent you from being able to maintain your home, let us know. We will do whatever we can to help.
- **Try resolving issues with your neighbor before approaching the Board.**
It's entirely possible that your neighbors aren't aware there is a problem. Explain your issue politely and suggest a resolution. Listen to them. However, if your neighbor becomes hostile or aggressive or threatening, please remove yourself from the situation immediately.
- **If you need to alert the Board to an issue or complaint, notify us by e-mail or U.S. mail.**
We are only human. Sometimes it's hard to remember the details of a conversation. Having it in writing helps decrease the chances of a misunderstanding. It also serves as proof that a complaint was made.
- **If your neighbor or the Board approaches you about an issue, please listen with an open mind.**
Being defensive or hostile is not going to help the situation at all.



Thank you in advance for your cooperation and adherence to the covenants. Please let us know if you have any questions or concerns.

The 2017 Delamar HOA Board

FROM THE DELAMAR HOA COVENANTS:

ARTICLE V, MAINTENANCE

Section 5.01, Responsibilities of Owners

Unless specifically identified herein as being the responsibility of the Association, all maintenance and repair of Lots, together with all other improvements thereon or therein, exterior or interior, shall be the responsibility of the Owner of such Lot. **Each Owner shall be responsible for maintaining his or its Lot in a neat, clean and sanitary condition and such responsibility shall include but not be limited to the maintenance and care of all interior and exterior surfaces of all improvements, buildings and other structures located on the Lot (including repainting) and all landscaping.** As provided in Section 5.02(b) hereof, each Owner shall also be obligated to pay for the costs incurred by the Association for repairing, replacing, maintaining or cleaning any item which is the responsibility of such owner but which responsibility such Owner fails or refuses to discharge. No Owner shall do any work to his Lot which, in the reasonable opinion of the Architectural Control Committee, would jeopardize the soundness and safety of the Subdivision or impair any easement or hereditament thereto, without in every such case obtaining the prior written approval of the Architectural Control Committee. **No building or structure shall be permitted to fall into disrepair and each building and Structure on a Lot shall at all times be kept in good condition and repair and adequately painted or otherwise finished.**

ARTICLE V, MAINTENANCE

Section 5.02(b), Responsibilities of Association

In the event that [the Board] determines that: (i) any Owner has failed or refused to discharge properly his or its obligations with regard to the maintenance, cleaning, repair or replacement of items for which he or it is responsible hereunder, or (ii) that the need for maintenance, cleaning, repair or replacement which is the responsibility of the Association hereunder is caused through the willful or negligent act of an Owner, his family, tenants, guests or invitees, then, in either event, [the Association], except in the event of an emergency situation, shall give such Owner written notice of [the Association's] intent to provide such necessary maintenance, cleaning, repair or replacement, at the sole cost and expense of such Owner, and setting forth with reasonable particularity the maintenance, cleaning, repairs or replacement deemed necessary. Except in the event of emergency situations, such owner shall have ten (10) days within which to complete the same in a good and workmanlike manner, or in the event that such maintenance, cleaning, repair or replacement is not capable of completion within said ten (10) day period, to commence said maintenance, cleaning, repair or replacement and diligently proceed to complete the same in a good and workmanlike manner. In the event of emergency situations or the failure of any Owner to comply with the provisions hereof after such notice, [the Association] may provide (but shall not have the obligation to so provide) any such maintenance, cleaning, repair or replacement at the sole cost and expense of such Owner, and said cost shall be added to and become a part of the assessment to which such Owner and his Lot are subject and shall be collected as provided for herein for the collection of assessments.

PLEASE CONTACT US IF YOU NEED A COPY OF THE COVENANTS.



Delamar HOA Newsletter

AUGUST 2017

NEIGHBORHOOD ASSESSMENTS

The Delamar HOA Board has conducted its first comprehensive assessment of the neighborhood. If your house or yard is in obvious need of repair or maintenance, you will receive a notice. As a reminder, below are the "neat and clean" standards used by the Board to assess the condition of each home:

- **The house exterior** (siding, roof, windows, doors, trim, garage doors and fence) **is in good condition** (painted and clean; no wood rot; no peeling; no dirt, algae, moss or mildew; no missing or damaged shingles; no vines)
- **The landscaping is well maintained and yard is free of debris** (grass is regularly cut; clippings are bagged; clippings are cleaned from street or on driveway; lawn is edged; weeds are controlled; islands and beds are mulched and free of weeds; trees, bushes, and plants are healthy and trimmed or pruned regularly)
- There are **no trailers, boats, or non-working vehicles** in driveway or in yard and **no cars are parked in the grass or yard**
- **Waste and recycling cans** are kept behind fence or screen
- **Mailbox and post** are in good condition (painted, no rust, numbers are visible, no stick-on numbers, no dents, no loose or missing parts)

If you need assistance with any issues around your home, there are a variety of resources available including HomeAdvisor, NextDoor, Angie's List, and Thumbtack. You can also talk to your neighbors who have had similar work done.

Thank you in advance for your attention to the maintenance and repair requests.

Board changes

Our thanks to **Stephen Gafford**, who was president of the Delamar HOA Board in early 2017. Due to unforeseen circumstances, he is no longer able to continue serving on the Board. **Susan Phillips** filled in for a few months but is unable to finish out the year. If you are willing to serve on the Board as president or in some other capacity, please contact a current Board member or email us at DelamarHOA@gmail.com.

New and former neighbors

Welcome to:

- Rich and Eric Petrosino
- Zulma and Alfredo Campos Del Rio
- Bill and Melanie Potts

Farewell and best wishes to:

- The Jennings family
- The Jacobs family
- The Stephenson family
- The McKnight family

Annual meeting

The Board has been discussing making changes to the covenants, specifically removing any references to the development company. Any changes to the covenants will require a vote from a majority of homeowners. **Your participation in this process is absolutely critical to the well-being of Delamar.** Other items that may be introduced for a vote:

- Limiting the number of rental properties allowed in the neighborhood
- Waste container storage options
- Parking (driveway, street, garage)

Watch for more details about the 2017 annual meeting (to be held in November) and the proposed covenant changes.



Anna McCarthy, daughter of Steve McCarthy, will serve as drum major for the 2017 Forsyth Central High School Flash of Crimson Band. **Congratulations, Anna!**

If you have any good news you want to share with your Delamar neighbors, please let us know!



Delamar HOA Newsletter

SEPTEMBER 2017

It's been a very busy month for the HOA Board because of two main issues: the Haw Creek Trunk Sewer Extension project and the neighborhood assessments. There have been numerous emails, letters, and conversations regarding both issues so we wanted to share some information with you and hopefully clear up some misperceptions and misinformation.

The Haw Creek Trunk Sewer Extension

When Delamar was built in the 1990s, tying in to city sewer system was not a viable or affordable option. Without access to the city's sewer system, the only option was to have septic tanks installed on each lot. Every lot in Delamar has a septic tank.

In the last two decades, Forsyth County has seen enormous growth. In response, the city of Cumming created the [Sewer Master Plan 2050](#). The purpose of the plan is to "serve as long-term guidance to protect water quality and public health while also preserving City assets."

One of the projects within the master plan is the Haw Creek Trunk Sewer Extension and Cruse Marketplace Pump Station Decommission. According to Andrew Lovejoy, the project's design engineer, "The primary purpose of the [Haw Creek] project is to decommission the wastewater pump station located behind Cruse Marketplace. With all of the new development along Highway 20, the station operates above its design capacity." The pump station will be removed and replaced with a gravity sewer line. The new sewer line is in the process of being constructed. It starts near the current pump station on Samples Road and runs behind Delamar, adjacent to Haw Creek. The property lines of several homes on Delamar Drive back up to Haw Creek.

Because of our neighborhood's close proximity to the construction site, residents were informed in August that there would be blasting along Haw Creek. This notification came in the form of a flyer and it was placed on mailboxes in the neighborhood. One homeowner started doing research and expressed serious concern about the impact to Delamar residents. On August 21, the homeowner sent an email to the Board. Until the receipt of this email, the Board had not been contacted by the City and was therefore not aware of the project.

The homeowner told the Board that some Delamar homeowners were approached about bringing the sewer into our neighborhood and these homeowners had declined the City's offer. The homeowner wanted to know why everyone in Delamar was not consulted about the possibility of having sewer service. The homeowner stated that if we did not "take advantage of this opportunity [we will] pay the entire expense in the future to bring the sewer into the neighborhood."

According to the engineering drawings provided to the HOA Board from Mr. Lovejoy, the City originally planned for the main trunk line to run adjacent to Haw Creek with plans to cross the creek onto Delamar properties in four separate locations, creating four sewer extensions. In theory, these extensions would allow Delamar residents future access to the main trunk line. Since the City was already going through the time, effort, and expense to install a main trunk line, adding

KEY POINTS: Haw Creek Sewer Project

- The City of Cumming is in the process of installing a main sewer trunk along Haw Creek which runs along the property line of several Delamar homeowners
- The City contacted six Delamar homeowners (whose property lines run along Haw Creek) to request an easement to allow the City to install sewer extensions in their backyards
- Some or all of the six Delamar homeowners declined the request for an easement
- The City did not offer to connect the six homeowners to the main sewer system if they granted the easement
- The City did not contact the remaining 56 Delamar homeowners about the project because easements from these owners were not required
- The City did not contact the HOA Board about the project because the project did not involve the entire neighborhood
- The City has no current plans to offer sewer system to individual homeowners or the subdivision as a whole

sewer extensions as part of the current project would presumably be more cost efficient than adding them after the project was finished. However, according to a resident whose property runs along the creek, much of the land where the sewer line is being constructed is comprised of granite. This granite is so hard that it cannot be drilled out; it can only be blasted out. By running the sewer line across the creek to these six properties, the City could potentially avoid the areas of granite, which could save considerable time and cost.

The proposed locations of these four cross-creek sewer extensions impacted the private property of six different Delamar homeowners. The City's easement acquisition agent, Jenna Thompson, contacted these six homeowners and requested permission on behalf of the City to place sewer extensions on these properties. According to Mr. Lovejoy, some or all of the six homeowners declined to grant easements to the city. As a result, the city does not currently intend to further pursue building the sewer extensions into Delamar.

Questions and Answers Regarding the Haw Creek Trunk Sewer Extension

Why didn't the Delamar Homeowners Association Board know what was going on in our neighborhood?

Why weren't all the homes in Delamar notified about this situation and the potential impact to us all?

The Board didn't know what was going on because the Board was never contacted directly about the project. The City's representative reached out to the six individual homeowners whose properties would be affected, but it did not contact or notify the remaining 56 homes. According to Mr. Lovejoy, "The HOA and its interior residents were not notified because easements from these owners were not required."

Why didn't the six homeowners allow an easement onto their property?

We can't answer on behalf of the six homeowners. Maybe they didn't want a sewer extension in their backyard. Maybe they were worried that it might lower their property value. Maybe they didn't want the city tearing up their yard. But it was their decision to make.

Are there future plans to put sewer service in Delamar?

According to the Sewer Master Plan 2050, there are no current or future plans to offer sewer service to Delamar. In an email to the HOA Board, Mr. Lovejoy said, "we have not done any analysis on how sewer could serve the Delamar community."

If sewer service is eventually offered to Delamar, who will pay for it?

The Sewer Master Plan 2050 does not specify how future connection costs will be funded, but chances are excellent that the homeowners will foot most (if not all) of the bill if sewer service is ever offered to the neighborhood.

Do the homeowners in Delamar realize that septic systems don't last forever?

Several Delamar homeowners have experienced total septic failure and had to replace their entire system. According to various sources, the average life expectancy of a septic tank is 25-30 years. Proper maintenance may help extend the life of your system. In April 2015, we provided the following information in the Delamar newsletter:

Failing septic systems are expensive to repair or replace, and improper maintenance is a common cause of early system failure. The minimal amount of preventative maintenance that septic systems require costs very little in comparison to the cost of a new system. For example, it could cost up to \$10,000 or more to replace a failing septic system, compared to \$300 average per year costs to have a septic system routinely pumped and inspected. Two local companies that have consistently good reviews are Amos Pump Service at (770) 887-0414 and Banks Septic at (770) 889-2708. It is recommended that you have your septic tank pumped every three to five years.

The HOA Board and the neighbors who are a part of it have zero consideration for the neighbors of Delamar.

This could not be further from the truth. Frankly, it is an insult to imply or outright state that we have "zero consideration" for our neighborhood. We serve on the Board because we care. We care deeply. We understand that many people are upset because they don't think the Board acted in a timely manner to address this issue. We apologize for that. **We wanted to make sure we fully understood the situation before we addressed the neighborhood.** Again, we weren't contacted by the City regarding this project so we had a lot of catching up to do.

NEIGHBORHOOD ASSESSMENTS

We knew some people would be upset with the neighborhood assessments, but we didn't quite expect the level of negativity expressed by some homeowners. In the past month alone, the Board has been called "shallow", "immature", "irresponsible", "cowardly", "petty", and "power-hungry". We have been threatened with lawsuits. We have been accused of withholding information. We have been accused of not following the same rules we try to enforce.

KEY POINTS: Neighborhood Assessments

- The purpose of having an HOA is to protect the values of the homes in the neighborhood by enforcing the covenants
- In July and August, the HOA Board conducted comprehensive assessments on the exterior condition of every lot in Delamar
- Each property was assessed using the same checklist and the same criteria
- Four Board members were assigned 15 or 16 homes each; they were not allowed to assess their own homes
- The final tally included nearly 170 items, including 30 issues with the exterior of homes; 79 issues with landscaping; 10 issues with mailboxes; 26 issues with trash cans; four issues with trailers; two issues with recreational equipment in the front yard; three issues with vehicles parked improperly or non-operational vehicles stored in the driveway; and 12 "other" issues such as vines growing on the exterior, broken window blinds, and mulch piles
- Reassessments will be conducted between now and October 8 to ensure issues have been resolved
- A meeting will be held on **Wednesday, October 25** to discuss proposed amendment changes and the possibility of hiring a property management company to handle violations and fee collections

Questions and Answers Regarding the Neighborhood Assessments

Why did the Board do these assessments?

In June 2017, homeowners were notified that the Board would be conducting an assessment on each home in the neighborhood. We explained that the purpose of the assessments was to determine which homes were in obvious need of repair or maintenance. Our job as the Board is to protect the value of the homes in the neighborhood by enforcing the covenants. We wanted to address any issues which had the greatest chance to negatively affect the neighborhood as a whole. We looked at each home through the eyes of someone who would consider buying a home here. Is the home's exterior well-kept and properly maintained? Is the lawn neat, clean and attractive? Is the fence in good condition? To our knowledge, no other Board had done a comprehensive assessment of the neighborhood. In the past, we have only focused on individual complaints and violations, so this was a big step.

How were the assessments performed?

We used the same set of criteria and the same form for every home. Every home in the neighborhood was assessed (including the homes of every Board member). The categories of the checklist included the condition of home exterior (siding or stucco; trim; windows; doors; roof; gutters/downspouts; sheds; fences; garage doors; mailbox); the condition of yard and landscaping (grass, trees/branches; bushes; flower beds/islands); and miscellaneous items (non-working vehicles; vehicles parked on grass; trailers or boats in the driveway or yard; etc.). The assessment assignments were split among four Board members. Two Board members assessed 16 homes each and two Board members assessed 15 homes each for a total of 62 homes. Board members were not allowed to assess their own homes.

Why was the date on my assessment crossed out and a new date written?

Because we are a Board comprised of volunteers, we each assessed our group of homes as our schedules would allow. Some finished in July, others finished in August. We set a completion deadline of August 24. The assessment date in the upper right corner of the form was supposed to indicate the actual date the notices were sent rather than the day the assessment was made. For example, the first group of assessments were completed on July 12 but not mailed until August 28, so July 12 was crossed out and the new date of August 28 was written in red ink. A homeowner was upset about this and thought we were trying to make it look like we were implying a date of second notice. This was a misunderstanding.

We never meant to imply that the date in red was a second notice. It was simply meant to indicate that some time had passed between the time the assessment was done and when the assessment was actually mailed out.

Nobody has enforced these covenants before, so why are you doing it now?

Whether you love having an HOA or hate it, the reality is that you are in a neighborhood that has one. You knew that when you moved in. Simply being a resident in this neighborhood means you agree to abide by the covenants. You can't opt out or ignore them. Even if previous Boards have not enforced the covenant about garbage cans being hidden from street view, it doesn't mean that the covenant goes away. We understand that it may be a shock for the Board to suddenly start enforcing covenants when we have been more lenient in the past. However, the Board still has the duty and the right to enforce the covenants.

My neighbor doesn't abide by the covenants. Why should I?

You are responsible for you and your home so we suggest that you first make certain you are following the covenants before you point out the violations of others. It's quite possible that while you are busy pointing at someone in the neighborhood, they are pointing right back at you. And while it may appear that no action has been taken against your neighbor, this is very likely not the case. Perhaps your neighbor has recently received a violation notice and has been given a few weeks to fix the problem. Or maybe your neighbor has been given notice and refuses to do anything to resolve the issue (this rarely happens) and the Board is discussing next steps, such as a lien on the property. If a violation notice has been issued to your neighbor, the most we can do is confirm that we are in contact with your neighbor about a covenant issue. Just as we won't discuss your violations with your neighbors, we won't discuss your neighbor's violations with you. Our intent is to treat everyone equally.

Why are you targeting me?

Everyone was assessed on the same criteria. Each homeowner was treated the same. Nobody was singled out or targeted.

These covenants are outdated and need to be changed.

We agree. We as a neighborhood need to revisit the covenants and make some changes. Should we eliminate the covenant that says you have to park in your driveway? Should we remove the rule that says your garbage cans must be kept out of sight? Should we limit the number of rentals allowed in the neighborhood? Should we hire a property management company? Many people have expressed strong opinions about these issues. However, we can't alter the covenants on a whim. If we want to amend the covenants, 75% of the homeowners must vote to change them. The Board has will hold an Association meeting on **Wednesday, October 25** to discuss the covenants and any proposed amendments, including hiring a property management company to handle violations and the collection of annual fees.

The bottom line is this: if you want to change things, you have to be involved. You are a part of this neighborhood and your voice counts. We encourage you to be a part of the process and the solution.

Please contact us via email (DelamarHOA@gmail.com) or via postal mail (P.O. Box 3201, Cumming, GA 30028) if you have any questions or concerns. **We are also looking for people to serve on the 2018 Board.**

Sincerely,

The 2017 Delamar HOA Board

Susan Phillips, Interim President

Keisha Schroeder, Vice President

Bill Wild, Treasurer

Rie Irish, Secretary

Bill Toll, Historian