

Brighton East Homeowners Association Semi- Annual Meeting

March 2, 2015

All board members were in attendance. There were **23** homeowners in attendance.

President Edwards welcomed the homeowners in attendance and introduced our 6th district councilwoman, Angela Evans.

Highlights from Councilwoman Angela Evans

- Environmental Quality and Public Works committee to determine if the prioritizing schedule of roads and streets needs to be revised/updated. Will ask that Kavenaugh Lane be placed back on list.
- EPA has declared that the city's sewer system needs a major overhaul estimated to cost over \$600 million. The project will take approximately 2 years to complete. Tax payers might see a 12% tax increase on their monthly sewer bill to cover the cost.
- The expansion of the Brighton East Rail Trail connecting it to the Liberty Park Trail is on track.
- Widening of Todds Road is still on track. Waiting on the state to release the easements before actual work can begin. No date has been set for construction. Current issues with the road will be addressed with the widening of the road.
- The construction of a new WMCA is scheduled to begin this summer and completed by the winter of 2016. The facility will be located in the Hamburg area off Sir Barton Way near Tuscany.
- A new high school will be built on Winchester Road in the Hamburg area.
- Can expect more growth in the Patchen Wilkes and Summerfield areas.
- City council exploring using a different kind of material to pave Man O' War.

Update on Fairways of Andover

The construction has expanded from 2 phases to 3. Currently, thirty-nine of the forty-three homes have been built and sold. The cost of these homes range from \$249,000-\$419,000. Phase 2 contains thirty-five lots all of which have been sold. The build-out has been delayed pending the outcome of the redistricting of the school zone. Phase 3 has thirteen lots around the retention basin and will require permission from the city to start construction. This could take 2 – 3 years. Altogether there will be 91 new homes.

Discussion on the Amendments to By-Laws and Revisions to Restrictive Covenant

A question was raised regarding the procedural process to amend the by-laws and covenant. The answer given was based on the association's attorney, Eric Kaughman. The process involves 2 steps.

1. A majority (2/3) of homeowners must vote yes.
2. The majority voting yes must all sign the amended covenant which is then filed at the county clerk's office.

Generally speaking, there was a good deal of discussion and a number of questions from the homeowners in attendance. From these discussions some suggestions were made by homeowners. Some of these proposed ideas/suggestions will be considered by the Board.

By-Laws

Item 1: Change Section 4 – Membership and Dues, part (d), sixth sentence

Any member who's dues are not paid by November 1st the Homeowner Association will place a 10% monthly fine on the unpaid balance.

Passed

Item 2: Add part (f) to Section 4 – Membership and Dues to state:

It shall be the duty of the Board to prepare a budget, including an adequate reserve fund, of the estimated operating costs of the Association for the upcoming fiscal year. Such budget shall include a breakdown of all costs reasonably anticipated to be incurred by the Association for the upcoming fiscal year. The annual dues assessment per homeowner shall be computed by dividing the total estimated operating costs of the Association by the number of homeowner lots in the Association. The Board shall distribute the budget and assessment computation for the upcoming fiscal year to all homeowners at least thirty (30) days prior to the September semi-annual meeting. The budget and annual dues assessment for the upcoming fiscal year shall become effective at the September semi-annual meeting unless disapproved by a majority vote of the entire Association membership. Notwithstanding the foregoing, however, in the event the Board fails for any reason to establish the budget for the upcoming fiscal year, then and until such time as a budget shall have been determined as provided herein, the budget and annual dues assessment in effect for the current fiscal year shall continue for the upcoming fiscal year.

Passed

Note – A question was raised about what would happen if the proposed budget failed to be approved--how would it affect the dues. (It was made clear that dues cannot be raised without the approval of the majority of homeowners.) It was clarified that if the homeowners disapproved the proposed budget, the current budget would stay in effect until newly elected board members proposed a budget that gained approval from the homeowners. There was some discussion regarding the need to contract out some of the tasks (landscaping maintenance, etc.) which have been done by homeowners on a voluntary basis.

Item 3: Add part (g) to Section 4: Membership and Dues to state:

Any member who is elected to serve on the Board of Directors for the Homeowner's Association will be exempt from paying annual dues assessment.

Passed

Note – Agreed to change the amendment to state: Any member who is elected to serve on the Board of Directors for the Homeowner's

Association will be exempt from paying the annual dues assessment during that member's term of service on the Board of Directors.

Restrictive Covenant Amendments (location varies amongst the 3 covenants)

Item 1: Add three sentences to the end of Section 9 Enforcement, to state:

Failed (added wording appears in red)

Add: After written notification to the property owner of noncompliance with any provision of these Restrictive Covenants, the Board on behalf of the Homeowners Association, shall assess a fine of \$10 per day to any property owner that does not bring his/her property into compliance within fourteen (14) calendar days. Within that fourteen (14) calendar day period, the property owner may submit a written request to the Board for an extension of time, in order to make the necessary modifications to become compliant **and/or to request a hearing before the Board in order to present evidence or testimony which may contradict the Board's initial finding of non-compliance and cause the Board to rescind said finding.** The Board reserves the right to evaluate any ~~such~~ request **for an extension of time** on a case by case basis, and grant or deny any request for extension of time, depending upon the complexity of each situation. **The Board will respond to any request for hearing on its initial finding of non-compliance with a letter stating a date and time on which the property owner may be heard by the Board. At the conclusion of any such hearing, the votes of a majority of the Board members shall be conclusive as to whether the Board's initial finding shall be sustained or rescinded.**

Item 2: Change Section 6. NUISANCES, as follows:

Failed (added wording appears in red)

From: No noxious or offensive activity shall be carried upon any lot nor shall anything be done thereon which may be or become annoyance or nuisance to the neighborhood? No immobile or "junk" cars, trailers or recreational vehicles shall be allowed to be parked upon streets or public rights-of-way in this unit. No Satellite dishes, outside clotheslines, vegetable gardens, short wave or "ham" radios and short wave towers shall be allowed unless approved by the developer.

To: No noxious or offensive activity shall be carried upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No immobile or "junk" cars, and no trailers, boats or recreational vehicles regardless of condition, shall remain on the lawns, driveways, streets or public rights-of-way in this unit for longer than **twenty four (24)**~~twelve (12)~~ consecutive hours, **and shall then be either removed from the neighborhood or** ~~but may be stored inside the~~ homeowner's garage for extended periods. No outside swimming pools, clotheslines, vegetable gardens, short wave or "ham" radios, short wave towers, poles or antennas of any type shall be allowed unless approved by the Association. Outdoor holiday lighting

and decorations, such as for, but not limited to, the holidays of Christmas and Halloween, shall be put up no earlier than thirty (30) days prior to and taken down no later than thirty (30) days after the calendar date of the official holiday, as recognized by the United States of America.

Item 3: New Amendment Section 15. ANIMALS, as follows:

Failed

15. ANIMALS. No animals, including reptiles, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets (meaning domestic pets traditionally recognized as household pets in this geographic area) may be kept provided that they are not kept, bred or maintained for any commercial or breeding purposes. All household pets, including dogs and cats, shall at all times be confined to the lot occupied by the homeowner of such pet except that such pets may be walked on leashes on the sidewalks and across streets. However, no "dog runs" of any type or material or any type of permanent dog or pet shelter shall be permitted on any lot.

**Next board meeting is tentatively scheduled for March 6th,
7:30 at Gigi's home.**

Addendum –

The information on this page was copied from Pat Riley's March 4th email. It has been added here for convenience and informational value.

Here are the statistics from the 03/02/5 semi-annual meeting and ballots that were returned:

37 ballots were returned in total, 14 via US Mail prior to the 3/02 meeting.

23 members attended the 3/02 meeting, so a quorum (127 homeowners x 10% = 13) was present at the meeting to conduct business.

There WERE a sufficient number of votes to pass all three (3) proposed Amendments to the By-Laws.

There WERE NOT a sufficient number of votes to pass proposed Amendments to the Restrictive Covenants for any of the three subdivisions; Brighton East, Scully Properties or St Andrews Walk. Note: Requirements are more stringent for passage for Restrictive Covenants than for By-Laws.

The voting results were as follows:

Amendments to By-Laws -

All three (3) Amendments PASSED, as there was a quorum (minimum of 13 homeowners) at the meeting and at least 51% of those homeowners voted in "In Favor" of these proposals. The Board will contact the attorney we've contracted with to legally enact these changes to the By-Laws. Subsequently, all 127 homeowners will be notified of these changes.

10% Late Fee To Be Assessed Nov 1st, Rather Than Dec 1st - PASSED (27 In Favor/10 Against)

Upcoming Fiscal Year Budget To Be Mailed 30 Days Prior to Sep Meeting - PASSED (33 In Favor/4 Against)

Board Members Dues Exemption - PASSED (36 In Favor/1 Against)

Amendments to Restrictive Covenants -

The votes were NOT SUFFICIENT to proceed with the additional steps required to legally amend the Restrictive Covenants for any of the three subdivisions (Brighton East, Scully Properties, or St Andrews Walk). To move forward with the amendment processes outlined in the Restrictive Covenants of each subdivision (which are different for each of the three), it would have required 46 votes "In Favor" from Brighton East homeowners, 16 votes "In Favor" from Scully Properties homeowners and 8 votes "In Favor" from St Andrews Walk homeowners. However, the votes we did receive, indicate we're moving in the right direction, since "In Favor" votes were higher than "Against" votes on each proposal. Again, we intend to send revisions out and solicit feedback from each homeowner that provided an email address at the meeting or on a voting ballot.

Revised Enforcement Provisions - Brighton East (18 In Favor/5 Against), Scully Prop (5 In Favor/2 Against), St Andrews (4 In Favor/1 Against)

Revised Nuisance Provisions - Brighton East (14 In Favor/10 Against), Scully Prop (5 In Favor/2 Against), St Andrews (5 In Favor/0 Against)

New Restriction on Animals (Brighton East only) - Brighton East (16 In Favor/7 Against)