

## 3/21/16 HOA Meeting Notes

### **In Attendance:**

Trustees & Board Members: Ed Beckett, Robin Dietz, Bob Kruger, Fernando Llerena

Home Owners	Torrey Place address
BECKETT EDWARD JAMES	958 LONG LN
BISCHOFF EDWIN MICHAEL & MARY SUSAN	6003 ROSETREE DR
DERRIG SEAN G & LISA R	961 LONG LN
DIETZ ROBIN & MICHAEL A	1253 ROSETREE DR
ELKOWITZ BRADLEY P & KIM	6006 ROSETREE CT
ELLIOTT WAYNE J & CATHERINE B	944 LONG LN
EZZATI ROSTAM	957 LONG LN
HARBISON RICHARD K & SARA L	953 LONG LN
HARRIS LEONARD	1242 ROSETREE DR
KRUGER ROBERT H & KAREN A	945 LONG LN
LINGO DAVID & KAREN	6001 ROSETREE CT
LLERENA FERNANDO S & CARRA C	1248 ROSETREE DR
MULLINAX DAVID & MEGAN	955 LONG LN
THOMAS WILLIAM	1254 ROSETREE DR
THOMPSON DOUGLAS W & DOROTHY W	1250 ROSETREE DR
VANOVER RONALD L & KATHY	943 LONG LN
WILKINS MELVIN H & CHERYL A	964 LONG LN

By-laws and Covenant Lawyer: Isaac Heintz

### **Recap:**

Greetings and Introduction– Ed Beckett

HOA Bylaw Updates - Isaac Heinz – Provided some brief background on the need to re-write the bylaws and covenant.

- HOA was not appropriately registered with State of OH, this was corrected
- HOA should be able to influence decisions on architecture and buildings inputs despite limitations found in current bylaws
- Declarant still has an influential level of authority as outlined in the original bylaws
- Declarant has been contacted and is not willing to give up current authority.
- Confirmed several principles that drove the need to better establish the definition of a quorum, particular driven by non-participation
- Re-emphasized that a board has to walk a fine line between overly enforcing bylaws and not sufficiently, often dictated by varying expectations of the HOA members.
- Updated covenants will help ensure clear expectations are outlined as to what the HOA board should and can enforce, including clear penalties for infractions. This ensures a consistent approach on how regulations are enforced and doesn't put undue pressure on the board to enforce beyond what's been agreed to.
- New By-laws will need to be voted in with a majority vote. Additional details will be shared as this point is clarified. A committee will be created to continue the progress on this critical piece of work.

Q&A – Ed Beckett, HOA Members

- Dues – Discussed several examples where dues had not been paid due to title search misses, auction etc. Reconfirmed that dues are not optional and there are no mitigating factors that would justify non-

payment including lost mailing, board performance, etc. No follow ups taken as due diligence has been taken to pursue payments.

- HOA Bylaws vs Township Laws – Concern raised about duplication and complexity of having rules in covenants that may or may not exist in township rules. Some examples shared but no clear points were shared. The committee to finalize the covenants will take this into account.
- Historical Board performance – touched on gaps in previous boards' performance and inability to act due to unclear HOA document direction. Re-emphasized the need to close the efforts on updating bylaws and covenants to avoid having this recurring issue. Previous HOA documents clearly showed this has been a persistent issue since at least 2004.
- Current Board Performance/December 2014 Special Meeting – concerns about the validity of the current board were raised. It was acknowledged that the board was remiss in not setting up elections in June 2015. The board has continued to move in the direction set by the December 2014 meeting which was to initiate the strengthening of our covenants and bylaws to better serve the community. The board has also continued the requirement to enforce the covenants as they are written today.
- Re-elections – The question was raised as to whether two or all three seats on the board should be up for election. There were a few votes for either quantity but no strong opinion prevailed. Follow-up taken is to initiate re-election as soon as possible with a targeted date of early June as currently stipulated by the bylaws. No immediate concern was raised on timing. General expectation is that the new board will most likely precede the finalization of the work on the bylaws.

#### HOA Bylaw/Covenant Revision Principles – Bob Kruger

- Reviewed principles and examples that drove changes (addendum at end of the document)

#### Financial Overview – Robin Dietz

- Details posted on Torreyplace.org
- Eight homes with unpaid dues

Special Recognition – Many thanks to Robin Dietz for her many years of commitment to the Treasury role and keeping our books updated.

#### **Summary of Next Steps:**

- New Bylaw and Covenant drafts will be posted on the HOA Website – Ed Beckett
- Homeowners to review and provide feedback to Robert Kruger – target next 30 days - ALL
- Meeting Recap will be posted on the HOA site – Fernando Llerena
- Re-elections will be initiated by calling for volunteers for a nomination committee – Fernando Llerena
- Request your neighbors to register on the site for future communications – ALL
- Request for a social night was suggested, a posting will be placed on the Torrey Place website for volunteers to coordinate

## **Addendum:**

### **Principles/Concerns Driving HOA Document Revisions**

#### 1. Clarification of Rules, Restrictions, Penalties

- Ex. Article 4 – Detail on how assessments are determined and how they are to be used. How non-payment of assessments is to be dealt with. How books, financial records are to be maintained and how members can access such records
- Article 6- Contains more definitions and details as to how land can be used and what is allowable in terms of objects placed and stored on properties—things like storage of garbage/trash, vehicles parking and restrictions

#### 2. Simplification/Clarification of Rules/Procedures to Promote More Effective and Consistent Board of Trustee Functioning

- Through modification in the Code of Regulations-ex. Old doc called for 50% of membership to constitute a quorum; then had to have another meeting and have 1/3 of members; New- voting members present at a meeting constitute a quorum
- Overall modification of the both docs give more clarity and directions as what authority the Board of Trustees has

#### 3. Alignment with State of Ohio Changes in Laws and Regulations Pertaining to HOA Functioning

- Will notice that the overall documents fortunately or unfortunately have a lot more “legalise” in them

#### 4. Getting Rid of Dated, Obsolete Provisions

- The old Covenants had things like the section (IV) allowing for replatting, resubdividing, and rezoning, and class and B membership—provisions that were special for the original developer

#### 5. Move to an Emphasis on Maintenance/Remolding vs Initial Construction

- Whole of Article 7 deals with Maintenance Standards; Article 5- establishes and Architectural Review and Approval Procedure; Article 9- a lot more detail responsibilities as to how the common areas are to be maintained