

**Blairstone Forest Community Association**  
**2017 Annual Meeting Minutes - January 26, 2017**

Reception at 6:30 P.M.

Presentations at 7:00 P.M.

Annual Meeting of Homeowners at 7:30 P.M. - 9:00 P.M.

Board Members - Cainnon Gregg, Jane McElroy, Fred Willes

6:30 P.M. Reception with Refreshments

The food was planned by Karen Willes, BFCA Secretary. It was put out by K. Willes and Kim Baxley.

At 7:00 P.M. LCSO Deputy Jessica Ikner was introduced by Jim Brock. She discussed the LCSO Neighborhood Crime Watch.

BFCA NCW Chair, Jim Brock introduced our Block Captains. They are:

There was a call for all Ballots and Proxy Ballots to be turned in before the 7:30 P.M. deadline.

At 7:30 P.M. the BFCA Annual Meeting was called to order by Fred Willes.

The Directors, Officers, and Association Manager were introduced.

Present at the 2017 Annual Meeting were: Association Members - Kim Baxley, Mary Brand, Karin Brewster, Jim Brock (NCW Chair), Liz Conn, Ranelle Christle, Lynda Davis, Carolyn DeVita, Sue Dinges, Debbie Dowler, John Dowler, Sylvia Gamble, Llona Geiger, Maria Haragrone, Will Lasley, Venus Mikanagu, Bruce Nickerson, Lisa Nicholson, Gaylen Phillips, Tracie Priest, Johnny Richardson, Frank Roycraft, Gary Smith, Sandi Smith, Sherry Smyly with Sammy, Margaret Stephens, Keith Tucker, Onnie Tucker, Bill Walter, Stephen Wright, Directors - Jane McElroy (Treasurer), Cainnon Gregg (Vice President), Fred Willes (President), Karen Willes (Secretary), Kelly Rojas (Association Manager), and John Rojas.

F. Willes asked if there were any nominations from the floor for the Director seat up for election. Justin Green was nominated. As homeowners prepared to vote, Jim Brock withdrew his name for consideration. K. Rojas certified that a quorum was present - in person, by ballot, or by proxy ballot. Ballots and proxy

ballots were counted by K. Rojas, J. Rojas, K. Willes and C. Gregg. Justin Green was elected to the BFCA Board of Directors.

F. Willes gave the President's report summary. He asked those present to update our contact information for email and phone numbers.

The results of the vote to Amend BFCA By-Laws, Article V, by adding a Section 3 was announced. As there were not 44 ballots and proxy ballots, a quorum, the measure failed.

J. McElroy gave the Treasurer's Report.

All of the Annual Reports are posted on the Website, [www.blairstoneforesthoa.com](http://www.blairstoneforesthoa.com).

F. Willes conducted a Straw Poll about amending By-Laws and Covenants. The purpose was to determine if there is enough preliminary support to warrant an attempt to actually make changes in either document. Since there was no quorum for amending the By-Laws at this meeting, F. Willes did not think it worth the expense of trying to amend the Covenants. Association members were asked to continue to think about the changes proposed. (The straw poll handout was paid for by F. Willes and no Association money was used.) That document is attached to these minutes.

Questions and Concerns - All questions were addressed.

#### 2017 Board of Directors Meeting Schedule

Thursday, February 2, 2017	Thursday, April 6, 2017
Thursday, June 1, 2017	Thursday, August 3, 2017
Thursday, October 5, 2017	Thursday, December 7, 2017

All meetings in 2017 will be held in the meeting room at the Hilaman Golf Course at 2737 Blair Stone Road at 6:00 P.M.

Websites - [www.blairstoneforesthoa.com](http://www.blairstoneforesthoa.com) and [www.Nextdoor.com](http://www.Nextdoor.com)

## **Proposed Changes to the BFCA Covenants**

Amending the Covenants is subject to the rules in Article IX, Section 2. Changing the Covenants requires 75% approval of the Board of Directors (100% since there are only 3 Directors) and 75% of voting Association members. OR 80% of all voting members.

### **I. Rent to whomever you choose**

I propose to delete Article II, Section 4 dealing with the "Use as Private Single Family Residence."

It reads as follows:

"No home or house constructed on any individual lot shall be occupied or used except for single family residential purposes by the individual lot owner. This section is specifically intended and designed to prevent or prohibit the use of homes or houses constructed on individual lots from being used as transient lodging facilities. Casual or social guests of the individual lot owner may utilize or live in such homes for an extended period of time so long as the owner of the individual lot is also currently living in that home. The Grantor hereof may, however, the above notwithstanding, use such houses or homes for model home sites and for display and sales offices."

The reasons for removing Article II, Section 4 are:

1. It is nearly impossible to determine who is renting.
2. Homeowners are aware of rental situations and do not report it to the Board of Directors.
3. There is no great sentiment for enforcing this section.
4. It would place homeowners in charge of their property.

The reason for not removing Article II, Section 4 are:

1. There is concern that we may become a community of rental Units, changing the character of Blairstone Forest.  
(However, it has been pointed out that we are already in this condition.)

### **II. Your Property, Your Trees, Your Choice**

I propose to amend Article II, Section 13 addressing "Cutting Trees - Penalties."

The amendment would remove tree cutting restrictions on private property. It would retain the current penalty for cutting trees on common land.

The amended Article II, Section 13 would read as follows.

"A. There is no restriction on cutting any tree on the private property of the homeowner.

However, there are restrictions and penalties for cutting living trees on common land. Those are as follows:

B. No living tree with a trunk diameter of six (6) inches in diameter or greater as measured three feet from the ground shall be cut or have its roots or root system damaged.

C. Whosoever shall violate this section shall be assessed, subject to the terms and conditions of assessments contained in Paragraphs VII. 1 and VII 6, 7, and 8 set out herein a penalty in the amount of \$150.00 per inch of circumference (not diameter) of any tree, bush or shrub so molested.

D. The circumferential measurement set out above by which penalties are determined shall be measured three feet from the ground.

E. If the question of whether the tree is on private property or common land, it will be the responsibility of the homeowner to prove that it is on private property. Failing to prove that the tree is/was on private property invokes paragraphs B, C, and D, of Article II, Section 13."

The reasons for the changes are:

1. The decision about trees on private property is the right and responsibility of the homeowner.
2. The Board of Directors currently grants variances for the removal of nearly all trees on private property.
3. It will facilitate the homeowner acting in the most timely manner when addressing a tree issue.
4. It will enable and require the Board of Directors to protect and manage the trees on common land.

The reasons against making these changes are:

1. It may change the appearance of our community.
2. Some lots may be "clear-cut."

Rebuttal to the reasons against making the changes are:

1. Common land will not be impacted. The community will have the same appearance.
2. The cost of removing trees is such that homeowners are not likely to remove trees unless there are concerns for the safety of people or property.
3. Only four lots are possible to be clear-cut. Three are undeveloped. The third has a pool belonging to the

homeowner beside the pool. The lot would have to be sold and the pool removed for the lot to be developed. This is less than 3% of the property in the BFCA.

### **III. One House, One Assessment, One Vote**

I propose amending the definition "Individual Lot or Lots" for the following street addresses. 1715 Brookside Blvd. (C-17 and 18), 1731 Brookside Blvd. (C-12 and 13), 1741 Brookside Blvd. (C-7 and 8) [This is a unique situation where a house is on one lot and a pool on the other. Regarding these two lots would only be if they are maintained as a house and pool, with the same homeowner. When the lots are separated, this definition is moot, and they become two lots for purposes of assessment.], 1747 Brookside Blvd. (C-4 and 5). Each is two "lots" on the BFCA map. Each is a single street address. Each homeowner is paying two assessments. 1721 Silverwood Dr. (F-51.5) and 1713 Silverwood Dr. (F-49.5) are both on 1.5 lots on the map. Each is a single street address. Each homeowner is paying 1.5 assessments.

There are undeveloped lots beside 1744 Silverwood Dr. and 1693 Silverwood Dr. As long as they are the property of the addresses above, they could be considered one lot. An attorney would have to clarify the distinction.

This would be paired with the change to Article II, Section 2, change to the By-Laws.

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### **Proposed Amendments to BFCA By-Laws**

Article XIII, Section 1 states "These By-Laws may be amended, at a regular or special meeting of the members, by a vote of a majority of a quorum of members present in person or by proxy, except that the Federal Housing Administration or the Veterans Administration shall have the right to veto amendments while there is Class B membership."

There is no longer a Class B membership.

Therefore, with proxy votes, we could, by majority vote, with a quorum present in person or by proxy, approve the amendments to the By-Laws at the Annual Meeting.

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This proposal is from Fred Willes, alone. No homeowner to which this would apply has made any request to him.

#### **IV. Is paired with III**

Article II, Section 2 states "Section 4. "Individual Lot" shall mean and refer to any plot of land as appropriately shown in the Declaration of Restrictive Covenants with the exception of the Common Area."

I would like to amend this definition. I want it to read "Individual Lot" shall mean and refer to any plot of land as appropriately shown in the Declaration of Restrictive Covenants with the following exceptions - Common Area, any lot, or lots having a single dwelling located thereupon."

That would make the following properties single lots - 1715 Brookside Blvd. (2 assessments), 1731 Brookside Blvd. (2 assessments), 1741 Brookside Blvd. (2 assessments), 1747 Brookside Blvd. (2 assessments), 1713 Silverwood Dr. (1.5 assessments), and 1721 Silverwood Dr. (1.5 assessments). That would mean that those homeowners would owe one Assessment. That would only be true for 1741 Brookside Blvd. as long as the pool is maintained as part of the house on that property. Those homeowners would pay one assessment and have one vote at all meetings.

Reasons for this change.

1. Fairness to those homeowners. They do not use the roads or common lands 2.0 or 1.5 as often as anyone else.
2. They are paying property taxes on the increased value of their property. We should not be taxing them extra.

Reasons against this change.

1. They knew, and accepted, the increased assessment when they bought the property.
2. It will decrease Association revenue by five assessments.

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#### **V. Board of Directors to be Homeowners**

Article IV, Section states ". The affairs of this association shall be managed by a Board of three directors, who need not be members of the Association."

I would like to amend this to read "The affairs of this association shall be managed by a Board of three directors, who must be Association members in good standing. To be a member of the Association one must have his or her name on the deed, as recorded by the Clerk of the Court or the Property Appraiser. Being in good standing means that one is current on assessments and owes no fine to the Association."

This would require that the BFCA Directors be homeowners in good standing.

Reasons for the change.

1. As currently stated, a Director who is not an Association member cannot vote on any issue before the entire Association.
2. As a Director, a non-homeowner could raise assessments on homeowners or impose a special assessment which he or she would not have to pay.
3. No one who owes money to the Association should be eligible to be in a position as a Director, where he or she might vote to waive that debt.
4. We could have an entire Board of Directors making decisions for the Association who have no real, property, ties to the Association.

Reasons against the change.

1. We might exclude very capable individuals.
2. It might be seen as an infringement on homeowner rights to exclude a partner from ownership of a home.

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## **VI. Brings By-Laws into alignment with Covenants**

Article IX states that the interest free grace period on assessments, due January 1, is "thirty (30) days."

I would amend this to state "ten (10) days."

That will bring the By-Laws into compliance with the Covenants. The 10 day grace period of the Covenants takes precedence over the By-Laws. This change would simply make them the same.