

June 7, 2023 Minutes

The Bluffs HOA Annual Meeting
Holland Branch Library

SIGN IN 5:30-6:00 pm

CALL TO ORDER 6:00 pm

22 members attended, the full HOA Board was in attendance.

- Introduction of Gene R. Abercrombie (herein referred to as GA) of Eastman and Smith, legal counsel for the Bluffs HOA
- Questions from members submitted prior to meeting: see attached
- Questions from the floor:
 - A. Can condos operate independently from Master HOA?
GA reply
 - 1.violation of Trust agreement with mortgage lender signed at closing;
 - 2.creating plans for road usage;
 - 3.creating and filing an amendment requesting separation. Amendments require 100% approval of the condo Board.Conclusion is that while it may be possible, the many legal and financial hurdles would outweigh any perceived benefit.

- B. Can fines be levied for bylaw violations?

GA reply

After citing several examples, GA advised that the best means of enforcement is to have a "fine amendment" in place in the bylaws. Said amendment would

1. clearly define the bylaw in question
2. actions/inactions that constitute a violation,
3. state the amount being levied
4. state deadline for payment
5. consequences for no payment.

- C. Is the Board liable for pitbull injuries?

GA reply

There followed a discussion regarding the issue of animal injury lawsuits and animals. Since the Bluffs bylaws specifically prohibit pitbulls and other aggressive breeds, there is a likelihood that a lawsuit would stand, with the Condo association board as well as the Master board being named. GA cited some damages as high as \$50,000.

This is from our bylaws Article I, Section 1.5

Other than two dogs, two cats and two small birds, suitably maintained and housed within a residential dwelling in conformance with any rules and regulations which may

be adopted by the Association, no animal of any sort may be kept, bred or maintained within any residence within the Plat without the prior written approval of the Association. Any pet causing or creating a nuisance or unreasonable disturbance shall be subject to permanent removal and exclusion from the Plat in accordance with the rules and regulations adopted by the Association. Pitbulls and other vicious animals are strictly prohibited in the Plat, etc.

D. Can all services, such as trash removal, be placed under one umbrella?

Discussion centered around benefits of using one trash removal company. This discussion also cited road wear and tear with the use of multiple contractors.

Board will pursue.

PROJECTS REPORTS and ASSESSMENT

- Entry wall beautification: repairs, diseased shrub removal, and plan for The Bluffs west wall
Karen: shrub removal is completed, we have quotes for stump removal. Suggestion to ask Savory, which will be done.
- Fire Hydrants
Karen: quotes for the three buried hydrants are approximately \$3,000 each for a total of \$9,000. One was repaired this year because of the increase in price with the others scheduled for 2024. It is anticipated that one will likely cost more than \$3,000 because of a previous attempt by the builder to raise it but was never accomplished because of difficulties. Question RE cause of sinking, Answer is sandy soil.
- Street maintenance and **ASSESSMENT**
Karen: Contractors have warned that delayed maintenance will result in escalation of scope of work and escalating costs. Already a quote from last year has increased by \$600. There followed a discussion of funding through an assessment. Question RE amount and timing. Answer is that the board is **assessing \$700 per resident that is due September 1, 2024**. Amount may change if contractor costs increase. Question RE if the assessment could be voted on by the residents.
RA: Assessments and increases in annual dues are at the discretion of the Board.
There followed a brief explanation of responsibility for private roads vs county. The developer planned The Bluffs road as a private road, therefore the county assumes no responsibility for same.
- Green Space and Hafner's Ditch maintenance
Karen: The HOA is responsible for maintaining the green space and the retention pond. Residents are cautioned RE dumping because County engineers pointed out that these are meant to control flooding in our neighborhood and homes. Hafner's Ditch is County responsibility and we are "on the list" for cleanout.

FINANCIAL REPORT (handout)

A copy of The Bluffs Annual Financial report (2022) and first half Expense Report (2023) will be distributed by the Treasurer

- Operating Fund
- Reserve Fund impact

PRESIDENT'S REPORT

- Rentals (Article I Sec. 1.3)
- Realtor guidelines

The board has sent letters to realtors to inform of annual dues and amount of upcoming assessment.

Question: to GA: is it legal to do this?

Reply: it is perfectly legal, prudent and proactive to do so, as long as the communication contains no judgment calls.

- Bylaw reminders: pets, landscaping, mailbox standards and maintenance (Article II Sec 2.10)

Meeting adjourned at 7:35 by Judy Stead

Respectfully submitted JAS 06/13/23

REMINDER: Article I, Section 1.8 All rubbish, debris and garbage shall be stored within the garage or an underground container. Each Lot owner shall regularly pick up all garbage, trash, refuse or rubbish on the owner's lot. Garbage, trash, refuse or rubbish that is required to be placed at the front of the lot in order to be collected may be placed and kept at the front of the lot after 5:00 pm on the day before collection day. All garbage, trash, refuse or rubbish must be placed in appropriate trash facilities or bags.