

Mill Creek Home Owners Association
Town Hall Meeting Minutes
Tuesday October 14, 2014, 7 - 8:30 p.m.
Monticello High School – Forum Room
October 14, 2014

Welcome by Brian Lewis. Thank you to Neal Grandy for his services as HOA President for six years. His leadership was instrumental in keeping the association on track. Thanks to Secretary and ARC chair, Naomi Aitken; Vice President Jim Aitken and Board member Addeane Calleigh who provides history and perspective.

The Board has made progress this year in many areas. We revised the Election Process. We expanded communications with and among homeowners. We negotiated professional accounting services, addressed back taxes and produced a solid budget. And we have developed standardized policies and procedures that provide for greater consistency in Board actions.

Homeowners in PUDs (**P**lanned **U**rban **D**evelopments, e.g. Mill Creek) in the Commonwealth of Virginia are required to be members of their HOA. HOAs cannot be disbanded in Virginia and failure to govern does not relieve homeowners of any liability related to covenant violations. Generally, our covenants define restrictions and specify homeowner requirements, while the bylaws provide for and describe HOA governance. The quorum requirement for amending any article of the Declaration (covenants) is 75% of HOA members. Historically this has not been achievable, despite any clear need for change. One example of a change that is needed to our covenants is the prohibition of antennae – which is an infringement of first amendment rights, and thus, constitutionally illegal. There are other restrictions, such as the one prohibiting signs of any kind, which reflect the needs of a new neighborhood and are no longer appropriate for Mill Creek. The Board believes that current enforcement practices should reflect the voice of the homeowners and the neighborhood we live in.

Although the Board is required to enforce the covenants, the manner in which this is done is open to discussion. Of note, 38 of 214 Mill Creek homes are rentals [this is an increase]. There is widespread discontent over renters' behaviors and the upkeep of rental lots and the consensus was that all homeowners have a responsibility to meet appropriate standards and keep property values moving in the right direction. The development of the Complaint form and process allows the Board to respond to concerns of home owners in a consistent manner. The

complaint form is on the website. We are also making the activities of the Board more transparent and have secured space at MHS for monthly open Board meetings.

Board actions must take place within 30 days of any formal request. Failure of the Board to approve or disapprove formal requests within that time period results in approval by default. Although this has occurred in the past, *the major reason for unapproved changes in the HOA is homeowners' failure to request approval.*

Mill Creek has 214 homes. 170 email addresses on our website news feeder represent about 140 homes; 72 people responded to the first HOA survey. Review of survey results – see attached.

Mill Creek (Phase One), AKA Mill Creek 'Classic' has a diverse membership. We have owners who want some changes to better match greener and more budget beneficial products and some who want no changes at all. How do we develop the neighborhood as our own? What do we do about mailboxes? One suggestion is to recreate with the existing design using Hardie Plank®. Do we continue to have a standardized mailbox? A group of owners is needed to make recommendations. The board will not move forward on this issue unless homeowners develop the change proposal.

Foxcroft has signs saying no solicitors. Albemarle County requires licensing, and home owners need to contact police if there is an entity/company creating an annoyance by soliciting in the neighborhood. Signs on the doors of your home are the most effective.

Board practices have historically been ad hoc and consistency has varied. This is not uncommon among small HOAs. Brian Lewis contacted Supervisor Jane Dittmar to recommend that the county provide help to HOA Boards in learning the laws and best practices for managing their neighborhoods. A New Community Engagement Specialist has been hired by the County and will help HOA's improve their knowledge of best management practices. Training should begin in 2015.

Noise is a frequent complaint in many neighborhoods, including Mill Creek. Owners should call the Albemarle County police to report noise violations. This applies to noise after 10 p.m. Also, picking up after your dog is a county ordinance. The Board is working to improve its liaison with the Albemarle County Police Department - they have been very helpful.

The Board has taken recent action relative to complaints regarding cars parked on roadsides – requiring them to be moved into driveways. This is not only an aesthetic issue, but a safety concern, as the Albemarle County Fire Department can't position their trucks effectively when cars are parked on narrow streets. ACFD reminds us that their tower trucks require over 24 feet of street width to operate safely. Any damage to fire vehicles moving obstructing vehicles is charged to the owner whose car is parked in the street. Street parking also negatively impacts snow removal. We can't change that trucks plow the driveways closed. We *can* change our response to that problem, however. The question of whether we pay a private company to remove the snow in an area that wasn't well plowed is currently on the table. There have also been local teenagers who have been hired to clear driveways, and we hope to send out that information as it is known.

Some owners have requested more Mill Creek Social activities. We need volunteers who will plan such events.

The lights are out at the Entrance and need to be replaced, and at least one fixture. In the past Neal had done the repairs and replacements.

Road conditions – we are state maintained. There is a pothole patch link on VDOT's website. Discussion about the land between Foxcroft and Millcreek – who does it belong to? It appears to be Foxcroft's.

We have elderly and disabled neighbors. There is a real need for people to help each other out – do helpful projects.

Attendee mentioned the need for additional locations for waste pick up stations. There are currently three in Mill Creek. Jim Bunn, Barb Mann & Neal Grandy each assure that there are sufficient bags at the stations (Thanks!). Dixon Disposal empties the cans when they collect trash. If there is a suggestion of another location let us know.

The Board will continue to use homeowner input to direct our actions, and we encourage the utilization of the complaint forms. Forms are confidential. We will try to address the complaints quickly.

Sheds – ARC guidance is that there be harmony of design. They are to be stained the same color as the house, and have horizontal, *not* vertical siding. The Board recommends that owners

ask their neighbors who can see the shed what they think. Any new shed must be approved by the ARC.

Election Committee has recommended that we change our annual meeting to the Spring to increase attendance. The Election Committee did a fantastic job. We will have bios for all candidates and look forward to new faces on the board.