

**Minutes of the  
VAPM HOA Board Meeting  
May 17, 2021**

Present: Kenzie Rakes, Walter Teague, Stephan Kiefer, Russ Swindell (by phone)  
Absent: Bill Lynch  
Guest: Hunt Willis

**Special Business**

Hunt Willis brought the current Board up-to-date on the Airbnb issues that impact Pilot Mill. See the files for background information.

1. The Board discussed whether to issue an RFP (Request for Proposal) to a number of Property Management Companies (PMCs) in the area. The Board decided that we would collect information on some of the PMCs but not issue an RFP at this time.
2. Little by Little daycare. The board discussed our options in regards leasing the land. Matt Waters, an attorney retained by Kohn-Ell, wrote a letter to LbL in March 2021 telling them, because of liability issues, they needed to stop using land that belongs to VAPM. They have stopped. Most recently (April 29, 2021), he drafted a lease agreement. It is the Board's understanding that, regardless of the "hold harmless" language in that agreement, individual homeowners can still be sued.

The Board voted 4-0-1 (abstention) not to offer the decision choice (lease or not) to the homeowners but to ask Matt Waters to tell LbL that our decision for them to stop using the land stands. Kenzie will communicate this to Matt.

There was no discussion about communicating a history of the entire matter to the VAPM community.

3. Encroachment issue at 1109 N. Blount Street. Bill Lynch wrote this summary:

§ Between 2015 and 2016 homeowner removed HOA trees (cannot find a request or approval)  
§ 2015 Michael Schuler (homeowner) submitted an Architectural Change Request Form, to add ~200 SF pavers  
§ ACC approved application  
§ 2021 Don & Kathy Fagan (current homeowner) submitted an Architectural Change Request Form to add pergola and build masonry wall. ACC requested additional information including a survey. Survey shows planned pergola on HOA property. Survey confirmed improvements completed 2015 are also on HOA property

The Board voted (4-0-1 abstention)) to allow for an encroachment since the current owners had no responsibility; the taking of the land was done before they purchased it. Matt Waters will do an encroachment agreement/letter. The current owners will pay the lawyer's fee in this matter.

The issue of constructing a pergola and a masonry wall are separate issues that are left to the Architectural Committee.

There is an additional encroachment at 1220 North Blount Street from 2011 but there is only an unsigned draft copy. We need a final copy. Mordecai Associates caused an aluminum fence to be constructed "...but small portions of which cross over the boundary line between Lot 104 and Open Space Lot 113 in a southerly direction from Lot 104 in order to abut or "tie into" Pilot Mill's masonry and wrought iron wall; and..."

Russ brought up the question of who is responsible for the several trees that are/were part of the Common Element but are now fenced in.

## **Ongoing Business**

4. Financial matters: Kiefer had brought up the idea of getting a reserve study done. This would probably cost \$2-3,000. Biff's opinion is that we are too small and have too few Common Elements (e.g., no clubhouse or swimming pool) to justify it. Here's a paraphrase of what he wrote:

The costly items that are HOA responsibility are: the asphalt alleys, the front entry sign, and three irrigation controller units.

The irrigation controllers were changed out about 4 years ago to the tune of about \$1,500 each. Raleigh Paving is working on getting us an estimate.

Kiefer withdrew his motion of requesting a reserve study.

Kiefer expanded on his previous motion that we should evaluate whether we need to raise the homeowner assessments. He submitted to the Board categories of expenses and income that are needed to make a determination.

5. Architectural Committee had Kohn-Ell to send letters requesting home improvement to the homeowners at 1131 and 1135 Harp. The homeowner at 1131 asked for additional information.
6. Social Committee discussed that it is time to bring back events. Walter updated the Boar on planned events and outings. He mentioned the BBQ extravaganza, courtyard parties, and the Holiday tours.
7. Landscape Committee discussed that Fetsko does provide a service of taking care of courtyards for individual homeowners.

The removal of four trees behind 1220 North Blount was accomplished on May 13, 2021.

#### **Next meeting**

- June 21

**(d) Criteria for Establishing Annual Assessment.**

**Amendments**

ARTICLE XIV of the bylaws reads:

**AMENDMENTS**

Section 1. Amendment by Board. These Bylaws may be amended or repealed and new Bylaws adopted by the Board of Directors.

Section 2. Amendment by the Members. These Bylaws may be amended at a regular or special meeting of the Members, by a vote of a majority of Members present in person or by proxy.

N.B., Article V, Section 3 of the Covenant reads:

...the annual assessment may be increased or decreased by an affirmative vote of two-thirds (2/3) of each class of members who are voting in person or by proxy, at a meeting duly called for such purpose...

The Covenants makes reference to 80% of the votes in these ways:

...borrow money for the purpose of improving the Common Elements... (p 4), and

...to dedicate or transfer all or any part of the Common Elements to any public agency... (p 4), and

...exchange with Declarant or any other owner of a Lot in Mordecai Village a portion of the Common Elements for a portion of the real property owned by the Declarant or such Owner... (p 5)