

## HARTLAKE ESTATES ANNUAL MEETING

@Lekasky's – 20 Hartlake Rd.

Saturday, April 16, 2011

10:00 a.m.

1. Call to Order: 10:10 am
2. Roll Call  
Sign in sheet distributed
3. Q&A with Gary Snelling

Gary gave an update on broadband, The county agreement is the companies did not have to provide service to neighborhoods with less than 20 homes/mile but Hartlake meets that criteria. The county is working on developing a plan to take to the companies. The neighbors will have to commit to getting the service or they won't come in. Rick said someone on Stork has cable already. Gary said the county did come out and survey the roads to develop a plan with the county through a bond. Tom said he has copies of the proposal to discuss at the meeting. The county is in the process of redistricting and have been working on it for the last three months 92k to 120k of increase in the population, Hartlake will maintain the same precinct. Most of the changes are in Falmouth and up north. Gary asked if anyone had any questions. Tom asked if there was any update on bringing a restaurant and they meet with Applebees but they are off the table, they are in the process of talking to Olive Garden, they are trying to "sell" the location to the restaurants, they showed the population on 17. Restaurants look at day (lunch) and dinner and currently we do not have any business to draw in a lunch crowd, they are trying to show them the number of retirement communities, FBI is moving into Celebrate Virginia which will add to lunch. Tom asked if they had talked Cracker Barrel, the issue is many of the restaurants are many companies and like Bonefish Grill, Outbacks, and Carrabas have a 50 mile policy. Jacky says she is seeing Tim's catering at the house on Route 17 and some restaurants starts as catering. Someone does actually live on the property. Jackie says an old historic house would make a nice restaurant but Gary said the issue is bringing up to code. Tom asked are our tax rates effect it at all and Gary said it is simply supply and demand. Lewis asked if the county had talked to some of the local restaurants to coming into 17. Gary said they haven't but even some of the small business are struggling. Howard asked if anything is going into the cleared lot across from Walmart Gary said he is just getting is site ready. Someone asked where Aldies is going and Gary said he believed has backed out. Rob asked about 3 lanes, Gary said the survey is going on right now, it's a long term project – 4 lanes from Stafford Lakes and the college to 95. They will start property acquisition right now and the utility move will take over a year – completion date is 2015. They asked if the ramp is going to be expanded but right now there is no plan and that is going to be a big issue. Gary is trying to address this. Rick said we really need a bypass and Gary said when the easement was put in there was a clause that said no bridge could be put in but Stafford made them take the clause out, the issue is the

environmental issues is huge, it's taken them 15 years just to get the dam approved through the corps of engineers.

Tom said the dam issue will be discussed today and that Gary had given us a figure to fix the lake but the issue is we are at a standstill is who actually owns and we can't figure out who has responsibility for it. Gary said the county has hired a new attorney and he will ask him to review it and develop a legal opinion. Rick said he even ask the state to make a determination and they wouldn't. Christine asked if Gary has an e-mail distribution for updates and Gary said yes the homeowners just have to. Lee said we are having an issue of people firing guns in the neighborhood, the a law says they can but our bi-laws say they can't, Gary said it's based on zoning and he thinks we are zoned A1 and mean we are agriculture, he has someone else having the same issue. Gary is going to ask the lawyer to look at is, Howard said he sent it to the Sheriff's department and they said the county would need to change the zone and right now it's just a civil suite, Gary said HOA laws are pretty strong in Virginia and in many cases HOA supersedes Virginia law. Gary said the HOA would have to take them to court. Tom said the owners were given the HOA when the purchased. Lee said there are communities that were able to change their zoning and how was this done? Gary said he has not been involved developing a no shooting zone but Gary said the majority of the neighborhoods have to vote to approve it. Lee says neighborhood stop him all the time. Rick said a lot of the shooting is coming from Kings Grant, Charlie said that they hunt on their property. Charlie said we've tried to get into a be a no shooting zone before and we weren't not successful. One homeowner wanted to ensure self-defense would not be an issue since self-defense is always allowed. The homeowner is concerned because their kids are outside and a neighbor just comes out and shoots off their deck and he is very afraid one of his children will get hit. Tom has talked to a homeowner and the homeowner believes it is right to shoot in their yard which is by law.

4. Approval of Last Meeting's Minutes – meeting minutes were approved by e-mail. Tom said he will work to update the HOA website with all the old news.
5. Treasurer's Report
  - a. Final 2010 Budget to Actual Expenses  
Lou Ella will send softcopy  
Checks 4 outstanding expenses were approved by the board.
  - b. Status of Special Assessment Funds  
\$39K was the assessment in 2010– is left in the checking account \$8,350 we are still owed \$2,150  
Tom asked if we have leins, Lou said we have leins on two of the properties, we have not filed leins who are at least talking to Lou ella have not been leined yet. Lou Ella asked if anyone had heard from Brumbey and no one has.  
Treasurers report is approved.
6. Review of FY2011 Budget – not everyone had read Tom's e-mail so he tabled it for the new board.
7. Review of Reserve Study – Virginia requires a reserve study even if its not funded. Tom said since we don't have common areas we only have the two signs, roads, and culverts. Last year

we did a reserve study that was approved by the board, we waived putting anything into the reserve account but we did state we should put \$5,000 in the reserve in 2011 and the new board will need to review.

8. Old Business

a. Mail Service

Tom stated we had a run in with the postmaster last year after the road were in bad shape after the biizzard and the postmaster wanted us to actually pave and Tom had a meeting with him. So the HOA does need to keep addressing road.

b. Trash Service

to date we have only received 18 responses. Tom asked if they company would give us a list of customers and Howard said they company would not give him a list. We need 2/3 to sign up. We need 37 homeowners. Bob asked if anyone has thought about going to door to door and polling.

c. Roads Committee Report

i. Road Repairs

ii. Paving Plan for 2011

for 2011 we need to fix the potholes and finish Hartlake finished. When Gary was here he mentioned the county doing a bond to finish all the bonds. The county came up with a special tax district to finance loans to pave the roads and pay for it through the county property tax increase. The county then changed the terms and conditions and it became totally unaffordable. Gary came in and had the county look at it again. Copies of plan were available to the meeting attendees. Tom said the new board will need to address it, the good side is the roads will be done all at once, the bad side is property tax. Bob said the current homeowners don't read anything and this is the time to read anything and this would be a good time to go door to door, Rick did this the last time. Howard said Lake Arrow head did a special tax district to do their roads and it was very successful. Charlie said working with the county is not going to work, we are paying through the nose to fix the roads and its going to cost, lets do it right the first time. Lou Ella said we can't collect money as it is. Charlie said nobody is going to help us out. Tom said the more we spend on gravel road it's less to chip and tar. Tom said previous boards had let the gravel roads go to chip and tar and now we are paying to get everything back into good shape. Tom said Rhoades to make it last we need to dig up and start from the dirt up.

Charlie has been here 20 years and the roads are in worst shape, Bob asked how many trash trucks were here 20 years ago – none, there were only 23 houses. Bob said look at how many cars are now traveling on our roads then we did 20 years ago. Mike said he's been working on the roads over the years and we've had to do a lot of work and they are getting a little better every year. We are doing well with what we've got.

iii. Road Maintenance Agreement

Road maintenance was sent out to the neighborhood for a vote and ballots were due on 8 April. Lenders are looking at documents like the Road agreement so it's important. 16 yes, 3 nos and 59 no responses. According to the Virginia Property Act any non returned vote is considered a yes vote.

d. Sale of Tractor – tractor was sold for \$1,100.

e. Dam Repair Tom just wanted to give a short history of the situation we are in – the issue has been who owns the dam and we had gone out to the community to vote to agree to have a study done and the homeowners said no but the HOA had maintained it for 25 year so the community is at a standoff on repairing the dam. Tom had made it a priority to try to addresses the issue and proposed hiring a surveyor to resurvey to say who owns the dam. The dam continues to fall about. Tom was previous asked to create a dam evacuation plan and had proposed the board approve and the board didn't approve it. Tom doesn't think at this time any progress will be made. Lou Ella said the bi-laws have a use of the lake bi-laws and Lou Ella. The survey said the plates he looked at show the dam in a different place. Mike said maybe we should just go ahead and try to put the two pipes in we still have. Tom said the new regulations said in order to do any repairs they must be to code. The McAfees are running.

9. New Business

a. Neighborhood Cleanup Day – 4 June meet at the dam 9 a.m. and the Kaskey's will host a potluck picnic. 3 p.m. Bob said the trucks have crushed some of the culverts restricting the water flow. Mike said he has access to a back hoe so maybe we can replace at least the one on Hartlake since it's rusted out.

b. Dam Evacuation Plan

Tom was previous asked to create a dam evacuation plan and had proposed the board approve and the board didn't approve it. Tom doesn't think at this time any progress will be made

c. Attorney

Tom wen to Gordon Gay and Gordon lost all his files Tom had given him on the dam and Tom recommends the new board look at retaining a new attorney.

10. Elections

We did not have a quorum so we have to send a new ballot out. Therefore the old board is still in place.

11. Adjournment

Meeting of new Board.

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