

Rock Creek Hills Citizens' Association Minutes of the May 13, 2010 meeting

Joe Rosenberg, President, called the meeting to order.

Old Business:

1. Minutes of the January 31, 2010 meeting.

Motion: To approve the minutes of the January 31, 2010 meeting.

Vote: Approved with no opposition

2. David Hall filed the Treasurer's position, which was not filed by the January 2010 elections. A formal Treasurer's report was not available for this meeting.

Note: David Hall, treasurer, submitted a report to the Executive Committee on 5/16/2010. This summary is from that report.

Previous Balance (January 31,2010)	\$30,716.15
Receipts	\$5,001.00
Expenditures	\$7,869.01
Balance (May 16, 2010)	\$27,848.14

New Business:

1. The main topic of discussion was a covenants matter concerning a fence constructed at 9604 Hillridge Drive. The home is not on a corner lot, but the lot is adjacent to both Hillridge Drive and East Bexhill Drive. The house faces Hillridge Drive.

There was extensive discussion concerning the history of covenants in Rock Creek Hills; RCHCI's enforcement of the covenants; definitions of "line fence"; can a home have two front yards; risks of binding arbitration; risks of litigation; etc.

Ms. Donna McMillan attended as RCHCI's legal counsel.

The owner of the home proposed a number of compromises, in an effort to resolve the covenants dispute. It is unknown whether these proposals are still on the table; but non-binding votes of RCHCA members were taken to determine the course if any of these proposals is acceptable to the majority of those attending and voting.

The general non-binding votes are:

- i. The fence is fine and no action is required.

Vote: 18

- ii. I don't feel that the fence is acceptable.

Vote: 61

- iii. RCHCI should negotiate with the owner based on any of the 3 proposals.

Vote: 35

- iv. RCHCI should not consider any of the 3 proposals.

Vote: 31

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The specific proposals and non-binding votes are:

- a. Replace the existing fence with a new black aluminum fence about three feet behind the current fence location, with shrubs of Hatwells' selection planted in front of the fence.

Non-binding vote:

For: 16
Against: 45

- b. Replace the existing fence with one of similar composition (pressure treated wood) located about 13 feet further from E. Bexhill from the current fence's location, with shrubs of Hatwells' selection planted in front of the fence.

Discussion included the possibility that the homeowner would agree to move the fence about 8 feet further from E. Bexhill.

Non-binding vote:

For: 35
Against: 31

- c. Remove the existing fence and replace it in the same location with Skip Laurel shrubs to form an evergreen hedge. When purchased, Skip Laurels will be 36" and later grow to a height of roughly 9 feet at a rate of 6-8" per year. In lieu of a fence, a green PVC coated metal mesh will be attached to spikes located behind each shrub. It is claimed in the proposal that the wire mesh will allow the bush leaves to run through the holes, effectively removing the bulk of the visibility over time.

Non-binding vote:

For: 26
Against: 43

A fourth compromise proposal was put forth by Keith Emery and put to another non-binding vote. He proposed that the evergreen hedge with wire mesh backing from proposal (c) be considered for placement at the same location as in proposal (b), with the additional requirement that a landscaper be asked by RCHCI to opine on the appropriate spacing between hedges.

Non-binding vote:

For: 17
Against: 42

If RCHCI cannot negotiate an agreement to resolve the covenants dispute, binding arbitration is an option; if the homeowners (David and Katherine Hatwell) agree to submit to binding arbitration.

Motion: If the Hatwell's are agreeable to submitting the covenants dispute to binding arbitration, RCHCI should participate in binding arbitration. Further, RCHCA agrees to provide RCHCI funding in the \$3,000 to \$7,000 range to cover the cost of binding arbitration.

For: 26
Against: 25

If RCHCI cannot negotiate an agreement to resolve the covenants dispute, and the Hatwell's do not agree to submit the dispute to binding arbitration; the only options are to ignore the covenants issue or to file a lawsuit.

Non-binding vote: Authorize RCHCI to engage in a lawsuit to enforce the covenants should the other options to reach an agreement fail.

For: 48
Against: 7

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2. There are a number covenants violations that have been in existence for years. How should RCHCI handle these covenants violations?

Tabled

Adjournment

Motion: To adjourn

Vote: Approved

The Financial Record from the Treasurers' Report is:

A Treasurer's report was not available at the May meeting. David Hall, treasurer, submitted a report to the Executive Committee on 5/16/2010. This summary is from that report.

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