

PODICKORY POINT COMMUNITY ASSOCIATION BUSINESS MEETING MINUTES
SUNDAY 22 JANUARY 2017

I. The first PPCA business meeting of 2017 opened at 5 pm at the Podickory Point clubhouse, followed by a family meal. The agenda consisted of

- A. The election of the 2017 PPCA Board Officers;
- B. A report from our representative to the Broadneck Council of Communities on their last meeting; and
- C. A report from the PPCA covenants review committee formed at our last meeting.

II. The meeting was called to order by Chary Izquierdo at 5:30 p.m. A headcount of members in good standing was taken to determine we were at quorum. In attendance were:

2102 Bay Front Ter	Angela Lemon
2104 Bay Front Ter	Carol Brocious
2105 Bay Front Ter	Richard Brill and Nancy Watts
2107 Bay Front Ter	John Fiackos
2115 Bay Front Ter	Chary Izquierdo
2117 Bay Front Ter	Coralee & Lough Kuhn
2101 Harbor Dr	Kathy Polk
2102 Harbor Dr	Anne Sessions
2103 Harbor Dr	Kathy and George Gauniel
2106 Harbor Dr	June and Bob Heimbuch
2107 Harbor Dr	Dieter Grotheer
2110 Harbor Dr	Scott and Tamara Mucci and child
2112 Harbor Dr	Margie & Gerry Preis
2115 Harbor Dr	Diane Anderson
2127 Harbor Dr	George McNeal
1353 Tydings Rd	Krissy Miclean and four children

Members in good standing filled out ballots to elect:

For President	Jeff Wilson or Chary Izquierdo
For Vice President	Carol Brocious or Anne Sessions (Gisela Grotheer withdrew)
For Secretary	Diane Anderson (Holly Tompkins withdrew)
For Treasurer	Bob Heimbuch
For Social Comm	June Heimbuch and Kathy Gauniel and Diane Anderson

Completed ballots were tallied by Kathy Polk, including ballots completed by proxy votes from:

2104 Harbor Dr	Frank Howard
2110 Bay Front Ter	Gail & Doran Miller
2111 Harbor Dr	Larry & Dana Cate
1355 Tydings Rd	Joan & Herman Urbach

The voting results were

For President	Chary Izquierdo
For Vice President	Anne Sessions
For Secretary	Diane Anderson
For Treasurer	Bob Heimbuch
For Social Comm	June Heimbuch and Kathy Gauniel and Diane Anderson

III. As the PPCA representative to the Broadneck Council of Communities, George McNeal reported on their last meeting, reiterating that the highway signs on Route 50 and I-495 will inform drivers when Sandy Point State Park is closed so drivers will not continue their drive causing backups on Oceanic Drive and College Parkway; and he said that the planning for the future bay bridge expansion is continuing with studies to decide on the location and the environmental impacts.

IV. Then as the Chairman of the Covenants and By-Laws Committee formed at our November 2016 meeting to review our standing covenants for enforceability, George McNeal reported on the committee findings. (See enclosed committee report which was emailed to all members on 20 January 2017 to prepare for the discussion at this meeting.)

A. There was a discussion for clarity on the purpose of the committee. The question the committee addressed was whether the existing covenants are enforceable and their answer is "yes." The committee identified specific clauses that authorize PPCA covenant enforcement.

B. However, the committee opined that to succeed at enforcement, the community should take certain actions. These were discussed in turn.

1. First is a matter of community will. We must decide whether or not we want to enforce the covenants. A discussion of the merits of doing so ensued. Then a motion was made and seconded to vote on whether the community wants to enforce our covenants. By a vote of 14 yea to 2 nay (17 yea to 3 nay, including proxies) it was decided that the PPCA will enforce our covenants.

2. Second, is a matter of process. The committee recommended that another committee be formed to suggest revisions to our covenants and by-laws which include guidelines for how to address violations, including procedures for citing violations, an appeal process, and what to do in case of non-compliance. Discussion ensued.

a. Chary Izquierdo stated that, as president, when she receives a complaint about a covenant violation she gives the offending neighbor a verbal or email notice. Most neighbors want to be good neighbors and immediately comply. It is a rare for a neighbor to willfully decide not to comply and it is not clear what steps the board should take. She said she would prefer to appeal to a neighbor's better nature but it's difficult when not all violations result in a complaint. She noted that in years past, members have occasionally violated covenants building fences or sheds without approval, wintering boats in their yards, raising chickens, etc., without complaints from neighbors.

b. Kathy Polk said that most neighbors would prefer to not complain but some violations are more onerous than others, using an outhouse in a yard as an extreme example so as not to offend anyone.

c. Krissy Miclean said that they never received a copy of the covenants and were unaware that they are in violation of the covenants with their unapproved fence (which she says protects their children from speeders on Tydings Road) and the chickens they are raising (which she believes will prevent her children from lyme disease since chickens consume deer ticks). Neighbors responded that whether or not they received a copy, Podickory Point is registered with the county as a covenanted community, that the covenants convey with their property and that they should have received a copy at settlement. It was suggested they talk to their realtor.

d. Coralee Kuhn brought up the expense of lawyers in getting our covenants enforced can be very high. She also said that we should have an attorney participate in the review. Chary Izquierdo responded that as members of the BCC we asked for and received information from other communities on the peninsula about their covenants and experiences enforcing them to use.

e. Coralee Kuhn also said that covenant enforcement can get nasty. She shared her experience when she was on the board trying to enforce our covenants. One angry neighbor slashed her tires, egged her house, and flooded her son's car interior with a hose left running, etc. (Thankfully, that neighbor has moved away.)

f. Others also contributed to the discussion, with most present agreeing we should enforce the covenants as they help maintain our property values.

g. Finally, Carol Brocious moved that we proceed with a committee. Richard Brill seconded it. Discussion followed on whether this committee should be the same as the previous one. George McNeal made a strong case that it would help get

community buy-in to form the committee with additional or different neighbors and neighbors were in agreement. By a vote of 14 to 2 a "Covenants and By-laws Revision Committee" was created to develop equitable application and implementation of procedures addressing violations (as the Covenants and By-Laws Committee recommended) and also charged to study potential attorney fees. The following neighbors volunteered to be on the committee: Diane Anderson, Carol Brocious, Kathy Gauniel, and Dieter Grotheer. Krissy Miclean also wanted to join but had to check her other commitments. The committee will call her when they've chosen a date for their first meeting and will also invite any other neighbor that wishes to participate in the work of the committee. George McNeal will forward a copy of the bylaw revisions written up in 2005.

V. As treasurer Bob Heimbuch reported all but three household members paid their HOA fees for 2016 and it is now time to pay our 2017 fees which can be mailed or dropped off at his home at 2106 Harbor Drive.

VI. Our next meeting is scheduled for the week after Easter, on Sunday 23 April 2017 at 7pm.

Respectfully submitted
Chary Izquierdo

Report of the Covenant and By-Laws Committee

22 January 2017

To: Podickory Point Community Association, Inc

This committee was charged to examine the existing covenants and by-laws of the community. Specifically, it was charged to provide an assessment of what would be required in order to draft a set of enforceable governing documents.

The committee met on 10 January 2017. From this meeting the committee identified that the current **By-Laws of the Podickory Point Community Association, Inc. (PPCA)** are dated 2006, (copy attached). Also, identified and attached are the current **Podickory Land Covenants** dated 27 December 1984, (LIBER 3831 Page 560).

Question: Are the existing covenants enforceable?

It is the consensus of the committee that the answer is yes. The committee cites paragraphs 20, 25, 29, and 31 contained in the attached covenants as supporting documentation.

Having identified specific clauses that authorize **PPCA** covenant enforcement, the committee determined that the community must address the following concerns if the documents are to be enforced.

1) **PPCA** must decide whether or not to enforce the covenants.
2) If enforcement is the community decision, then the community should appoint /elect a covenant /by-law revision committee to develop equitable application and implementation of procedures addressing violations. At a minimum the guidelines should include:

- a) Established procedures for citing violations.
- b) Development of an appeal process.
- c) Outline **PPCA** action(s) for non-compliance.

The committee realizes that drafting revised covenants and by-laws is a major undertaking. Before any effort of this nature is taken, the community should be in agreement that enforcement of the covenants should include guidelines that must be followed by **All** homeowners.

We realize that the community documents are agreed to during the purchase process. That purchase represents an investment in a community we call home.

Respectfully Submitted
Covenant and By-Laws Committee,

Carol Brocious, Sapna Brown, Bradley Cole, James Hanrahan, Frank Howard, and G. D. Mc Neal