

Sparkling Waters Homeowners Association (SWHA)
Special Meeting
Sunday, October 7th, 2018

Members Represented:

1. Akins, Ellis and Alicia
2. Bone, Ryan
3. Bushelle, Bill and Paula
4. Graham, Alicia and Barry
5. Lio, Christopher and Joan
6. Montgomery, Billy and Cynthia
7. Totty, Christine
8. Manion, Lisa and Michael (2)
9. Manning, Jamie
10. Russell, Stephanie
11. Saxey, Tom,
12. Shaw, Michael
13. Stinson, John
14. Styba, Scott
15. Totty, John and Christine

By Proxy:

1. Broyles, Philip
2. Gildea, Jim
3. Gusoff, Daniel
4. Hale, Eleanor
5. Hoy, Neil
6. Lio, Chris
7. Montgomery, Billy
8. Nation, Andrew
9. Rogacki, John
10. Spolski, John
11. Whitecotton, Don

Participated in Writing as Permitted by the CRR:

12. Hawk, Kenneth
13. Milliken, Leslie
14. Smith, Jackie
15. Russo, Troy (2)

Meeting was called to order by President Barry Graham at 2:10 PM.

1. Homeowner Introductions

Covenants, Restrictions and Reservations (CR&R) define a quorum as 51% or 22 of the 42 lots represented. For a change to the CR&R, a 2/3 majority or 28 members voting in favor, is required. 25 lots were represented at the meeting, but with 5 more participating in writing after the meeting as allowed by the By-Laws, the 2/3 majority requirement is met.

2. Proposed CR&R Change:

Modified paragraph 17 to add the following statement prepared by the SWHA Attorney from Becker & Poliakoff: *“The Board of Directors shall have the power to give up to a ONE HUNDRED DOLLAR (\$100.00) credit on annual assessments per lot in exchange for in-kind volunteer work by the lot owner. The foregoing credit and in-kind volunteer work must be approved in advance by the Board of Directors with respect to each lot.”*

While the attorney concurred that current practice to allow a \$100 credit for volunteer work is legally permissible; he stated that it must be added to the Covenants, Restrictions and Reservations.

3. Voting Issues

A. Christine Totty made the motion to approve the proposed change to the CR&R. Seconded by John Stinson. 24 of the 25 lots represented voted in favor of the proposed CR&R change. 1 was opposed. 5 additional property owners participated in writing after the meeting, bringing the total vote in favor of the CR&R change to 29, meeting the 2/3 majority requirement.

B. Ryan Bone is resigning his position as Director at Large since he is moving. Ellis Akins nominated John Stinson as the new Director at Large. Ryan Bone made the motion that John Stinson be elected Director at Large. Tom Saxey seconded. The 25 represented all voted in favor of electing John Stinson as the new director, which more than meets the quorum (51%) requirement to elect members of the Board of Directors.

4. Jamie Manning asked about what could be done to limit property owners from turning their homes into Bed and Breakfasts. Barry Graham answered that the CR&R (para 8) states that *“No noxious or offensive trade or activity shall be carried out on any home site nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.”* Tom Saxey noted that B&B would probably not legally meet the definition of “noxious business.”

5. President Barry Graham adjourned the special meeting at 2:54 PM.

Attachment: Briefing slides presented at October 7, 2018 special meeting.

Minutes as recorded by:

Alicia Graham, SWHA Secretary

Approved by:

Barry Graham, SWHA President