

Oakton Mill Estates (OME) HOA

ANNUAL/SPECIAL MEETING – November 29, 2023, 7 pm Oakton Library—In person

In attendance:

Board Members: Lucas Black (phone); David Buss; Nick Butler; Iman Elbakry (phone); Rebecca Greene; Rob Hallbach (phone); Ed Hanlon; Chris Lanks; Andrea Woodhouse.

HOA Lot Owners: Rebecca Chanin, Alan Gilbert, Judy Mahoney, Charles and Dottie Balch, Bill Bagutsky, Larry Tarr, John Ambler, Sara Ross (HOA Attorney).

I. Annual Meeting

Last Quarter's Meeting Minutes and Special Minutes:

- Last quarter's meeting minutes and special minutes from October 4 and 11 were approved unanimously.

Rob's Treasury Report:

- Rob reported that there were a few late fees this past year. He also reported there were two home sales. He reported that the common area maintenance in 2023 was lower than in 2022, and that cleanup of the bamboo increased the cost. Rob reported that administrative costs in 2023 were similar to last year's administrative costs. He reported that insurance costs have increased because of the addition of theft insurance to the policy. He reported that expenses were nearly \$11,000 higher than revenues so our HOA needed to go into reserve funds, which currently were at \$34,000. He stated that next year costs should go back to where they had been.
- Rob noted the HOA was not planning to increase HOA annual fees, which are \$115 per year.
- Sara Ross stated that reserve studies are conducted by HOAs every 5 years. She said such studies look at different areas like common areas, determine what the useful life is of sidewalks, etc., and assess how much HOAs should be setting aside. Rob said he thinks our HOA is exempt from this because our HOA does not have sidewalks or street lights, just common property. Sara replied that every association is required to have a reserve study for the purpose of making sure to set aside enough money. Rob says he will go back and look at the process for that. Ed says the Board would consider doing a reserve study at the first quarterly meeting and will ask Sara Ross for recommendations.

Board Membership:

- For 2024, one member (Rebecca Greene) is leaving as of January 2024 and 9 members remain. The bylaws state that our HOA needs to have six members at a minimum.

Social Committee:

- The social committee reported that there has not been a meeting all year and no fall events transpired, and it was asked whether the HOA should retire this committee or continue with it next year. There was consensus at the annual meeting to try and revitalize

the committee, perhaps with new members. In the past our HOA held events including a picnic and progressive dinners, food trucks, fall cleanups, and Halloween parties.

- Judy suggested our HOA try to have two events a year, one progressive dinner and one family event. Alan suggested sending out a neighborhood email, and posting in the Facebook group.
- During discussion, it was noted that if the committee gets reconstituted, the Board could ask the committee what they need and then request the Board for sufficient funds to allow the committee to host planned events. Rob noted that although there was no line item in the 2024 proposed budget, potentially \$1,000 could be assigned from the administrative proposed budget for social committee purposes for 2024. Ed noted the Board could discuss the social committee's proposed 2024 budget and activities during the Board's 1Q 2024 meeting.
- Ed noted he'd email the current members of the social committee to see if someone would be willing to chair the committee for 2024.

AECC Report:

- David Buss noted he was Chair of the Architectural and Environmental Control Committee (AECC), and that the two other AECC members are Christine Foreso and John Ambler. David reported that there were seven applications this year for different home modifications, five were for outside changes to homes and two were for fencing.
- David noted that a project has begun that he had no record of having gone through AECC application and review—a pool on Oakton Ridge Circle. One homeowner suggested that it could be that this homeowner did not know he/she needs to put in an application, and that a phone call or email should be sent to them, asking if they are aware of the fact that they needed to put in an application to the AECC. Ed noted he would send David the contact information for the homeowner and David said he would contact the owners to inform them of the need to submit an AECC application.
- A discussion occurred on how to appropriately coordinate with HOA lot owners who construct a project on their property that should have gone through AECC application and review. It was noted that if a lot owner plans on selling, the home owner has to give the realtor a letter saying that there are no covenant violations, and if the covenants require a lot owner to make an AECC application this could be an issue. Judy suggested that if AECC applications increase in number, then there may be a need to increase the number of HOA volunteers who would serve on the AECC. It was agreed that the Board or the AECC should clarify to lot owners what projects require an application and which do not. Ed noted he would like to see a list of which are the projects that need an application, including any major land modification. Sara says that associations have developed design guidelines, that specifies what projects require an application. Ed suggested that the AECC and/or the Board could hold a brainstorming session to identify such a list of projects.

Covenant Committee Report:

October 4, 2024 Special Meeting

- Ed noted that the October 4, 2023 special meeting resulted in passing four amendments to the governing documents. The first two amendments allow sheds and two car garages to

be constructed; amendments 3 and 4 allow the Board to adopt design standards for the construction or installation of an addition to a residence, other structures, and improvements on a Lot; and require lot owners to apply to our HOA's AECC prior to the construction of an addition to a residence, other structures, and improvements on a Lot.

- Ed stated that Sara Ross is working on officially recording the votes with the county. Ed noted there have been some delays in recording the voting because some of the consent forms were fuzzy in eyes of the county, so the voting results were not official yet. Sara noted she had a process to move the recording along, and would be sending Ed something for his signature within a day or two. Ed would then sign and notarize the document to officially make those four amendments changed in our covenants. Sara noted the same process would occur for the second round of amendments.

Construction requirements for sheds and third car garages

- Ed gave a brief history of how the construction requirements document was developed by the Board. He noted that in December 2021, an introductory meeting of the covenant committee and Board President occurred to begin developing construction requirements document and set objectives for the Covenant Committee. Between December 2021-February 2022, the Covenant Subcommittee drafted specific guidelines for sheds and third car garages, and drafted factors to consider. In February 2022, the Covenant Subcommittee presented the draft guidelines to the Board for a Board vote. The Board decided to bring the draft guidelines to an Informational Meeting for the full HOA, and then hold a Special Meeting of the full HOA for a vote. Between February-April 2022, the Board reviewed draft documents, and the Covenant Committee updated the documents (draft PowerPoint and three Attachments) for presentation to lot owners.
- On April 23, 2022, all four documents were sent to all HOA lot owners, with a note that an information meeting will occur on 5/16/22. One of the documents was a draft "HOA Guidelines for Sheds and Third Car Garage" document for review. An Information Meeting occurred on 5/16/22, and twenty sets of comments from HOA members were received on the draft construction guidelines document, some quite detailed. The Covenant Committee considered each set of comments, developed a 'comment response report', and updated the construction requirements/guidelines document.
- On 8/3/23, Ed sent HOA Lot Owners an email and mailing noting the upcoming HOA Special Meeting, and that relevant documents included on the HOA website included a draft construction requirements document for sheds/garages. In the email/ mailing and at the 10/4/23 special meeting, Ed and David noted if either or both the shed and garage Amendments passed, then construction requirements for those Amendments would be adopted by the HOA Board.
- At the 10/4/23 Special meeting, all 4 proposed amendments passed, including the shed and garage amendments. At the October special meeting, Carl Hahn requested that the current draft construction requirements document be provided again to HOA lot owners for review by HOA lot owners.
- On 10/17/23, Ed sent an email and mailing to all HOA lot owners requesting HOA lot owner comments within a month on the proposed Construction Requirements document that was placed onto our HOA website for comment. Ed noted that as of 11/29/23, six sets of comments from HOA lot owners were received, and that the covenant committee will consider these comments, develop a comment response report, and update the draft

construction requirements document, which the covenant committee and Board would review for approval. Ed noted that if the comment response report and updated draft construction requirements document are available by late December/early January, he'll put this topic on our 1Q 2024 Board meeting agenda.

- Ed noted that at the 1Q 2024 Board meeting, the Board will hopefully be able to weigh in on the document, raise any additional questions or comments, and try to address comments that were raised. If the Board finds the document is acceptable, a motion would be made at the 1Q 2024 Board meeting for the Board to adopt the resolution. If the Board passes it, then Ed would develop the final resolution and request that it be posted onto our HOA website. If the Board does not reach agreement at the 1Q meeting then the document would be updated accordingly and returned to the Board via email after covenant committee okay. Ed noted the Board can potentially adopt the document via email if need be. Once the document was adopted by the Board, Ed will send an email to HOA lot owners with a mailing to lot owners without email that adopted requirements are on the HOA website.
- Ed noted that his additional recommendation is also that each year, at each HOA annual meeting, the adopted construction requirements document be put on the meeting agenda with a request for HOA members to provide any suggestions for changes. Ed noted the Covenant Committee/Board/AECC would update the document each year assuming the Board receives suggestions for changes that the AECC and Board agrees would improve the document.
- It was discussed whether the AECC should develop a mock-up draft application for a shed or garage application to the AECC. Ed noted the Board and the AECC would consider that suggestion and perhaps develop such a mock-up for HOA lot owner use.

New Business:

Neighborhood Security Update:

- Ed stated that there were several car break-ins between 5-6 am on November 2. Eight homes have had car break-ins, some of the cars had doors unlocked, some were locked, and credit cards and cell phones were stolen out of the cars. On November 2, Ed called Fairfax Police, Fair Oaks Police District Station (the station that patrols Oakton). A station officer noted that after a police report is filed, an officer would come out, do an investigation, and look for prints. They would inform the victims what's going on in relation to their particular break-in. The station officer also noted that the district office's crime prevention officer works with the Board of Supervisors to identify next steps regarding police reports.
- On November 3, Ed spoke with Officer Richard Genus, the crime prevention officer of the Fair Oaks Police District Station. Officer Genus noted he's asked that officers perform more patrols in the neighborhood. He noted that when they have time, they'll do these extra patrols (it could be early morning, late afternoon, other times).
- On November 28, Ed spoke again with Officer Genus, asking if they've been able to catch the thieves, and/or put on more patrols for our neighborhood. Officer Genus noted no one's been arrested yet, and that these break-ins have not been assigned to a crime detective. He noted patrols are occurring more frequently in the neighborhood, and that if the break-ins occur again, this will probably be assigned to a crime detective since this

would then be considered a recurring problem. Ed noted that with the recent car break-ins in the neighborhood, 2 of the 8 lots affected had video surveillance. The police were made aware of these videos.

- Bill Bagutsky, lot owner in our HOA, gave a presentation noting he served in the past on a formal neighborhood watch program, and briefly outlined what they did to start up and run a neighborhood watch. Bill and his neighbors drove through the neighborhood all night in shifts and if they saw anything suspicious, they would call the county police. After Bill's presentation, Ed noted he will inform all the lot owners about crimes in the neighborhood, and asked whether our HOA wants to go further and form a neighborhood watch or does our HOA want to do anything else. Discussion occurred and the meeting participants agreed there was not enough HOA interest or manpower to run such a program for our HOA neighborhood. During his discussion, Bill also noted there is an iPhone / Android App called SpotCrime+, available at <https://spotcrime.com/>. It's free and works on iPhones and iPads. When you open the map and tap on a crime icon, the App allows you to drill down a couple of times for more information to become aware of crimes that have occurred in our neighborhood.
- One homeowner suggested that HOA lot owners consider purchasing outdoor security camera home surveillance devices to increase their security. One homeowner mentioned that the Ring system puts out a monthly report of crime in the area. Ed suggested that instead of a neighborhood watch group, an option is to send information to HOA lot owners about technology that's available, such as Ring cameras, to make people aware, as well as reminders for home owners to lock their cars.
- One home owner asked if our HOA can have fake signs posted that say there is a neighborhood watch. Sara (HOA attorney) noted that if you have those signs posted there is potential for liability if there really is not an actual neighborhood watch formed.
- Ed noted he'd send a follow-up email to HOA lot owners providing an update on these security issues.
- Ed then asked if any additional issues were needing discussion at the annual meeting. Hearing none, Ed then noted they would then transition into the Special Meeting portion of the meeting where the ten amendments that were released for HOA voting were to be discussed.

II. Special Meeting

- Ed presented slides for the special meeting, and noted that on 10/17/23, he sent out email and mailing notifications to all HOA lot owners providing a second set of ten Proposed Amendments to our HOA's recorded Declaration of Covenants, Conditions and Restrictions ("Declaration") in our 'Governing Documents'. In the email/ mailing notice, it was noted that voting ballots were to be received by 11/29/23, when/where a special meeting would be held to present the ten amendments, allow for discussion on the amendments, and signed voting ballots were to be received.
- Ed noted that our HOA attorney Sara Ross advised the Board that these ten proposed amendments would provide additional necessary protections for our HOA and elected officers, in light of recent changes in Virginia law, and to ensure that the Association

continues to function in accordance with the current provisions of the Virginia Property Owners' Association Act.

- Ed began reviewing slides describing each amendment, and a lot owner requested that this not be necessary unless any lot owner wanted to discuss any particular proposed amendment. Hearing no request for discussion on any amendment, Ed then moved on to later slides in the presentation.
- Ed noted that in the 10/17/23 email/ mailing that he sent out to HOA lot owners, a summary chart noted that the summary for amendment 5 was actually the summary for amendment 6, and the summary for amendment 6 was actually the summary for amendment 5. Ed noted he discussed this with attorney Sara Ross, and that this would not be an issue nor affect the outcome of voting results.
- Ed reviewed the 'Rules and Details Regarding All Ten Amendments', noting that only one voting consent form per lot within the HOA is allowed, and that HOA lot owners submitting the voting consent form may vote Yes or No to each of the 10 Proposed Amendments. Ed noted that since there are 83 lots owned within the Oakton Mill Estates HOA, $83 \times .6 = 49.8 = 50$ lot owners must vote 'yes' for a Proposed Amendment to pass and be accepted. Ed noted that if any or all of the ten Proposed Amendments passes and is accepted, then the Oakton Mill Estates HOA Declaration would be amended to incorporate that Amendment(s). Ed also noted that the language changes to the Declaration associated with all ten Proposed Amendments are noted within the voting consent form.
- Ed described the process to notify Lot Owners about the amendments and voting, and stated that on October 17, information was sent via regular U.S. mail and email notice to all HOA Lot Owners with a copy of the consent form and notice that an 11/29/23 Annual/Special Meeting would occur. Ed noted separate emails were sent to all lot owners with email addresses in the HOA Directory, and a separate regular U.S. mailing that included a Consent Form, cover note and stamped return envelope was sent to all 83 Lot Owners. Ed also noted that on November 9-10, he sent reminder email notices to Lot Owners with email addresses who had not yet submitted consent forms. He also noted that on November 27, he sent a final reminder email to all Lot Owners with email addresses in HOA Directory, and separate reminder email notices to Lot Owners with email addresses who have not yet submitted consent forms. Ed also noted that signs were placed on Oakton Ridge Court, Melanie Lane and Samaga Lane ten days in advance of this meeting.
- Ed noted there were no registered speakers who requested time to speak at the meeting, then asked if anyone wanted to speak who were in attendance either in the room or on the Zoom connection. No one asked to speak or asked any questions. Ed noted anyone in the room could then hand in their signed voting forms.
- Ed described the results of HOA Lot Owner voting on the ten Proposed Amendments, noting that as of 11/29/23, Ed received 57 signed ballots from lot owners, with 26 lot owners not voting yet. Ed noted that in contrast, for the four amendments related to sheds and garages that were voted on by lot owners in October 2023, 72 signed ballots from lot owners were received, with ten lot owners not voting. Ed suggested that perhaps voter fatigue possibly caused less lot owners to vote. Ed also noted that for the second set of amendments, there was no informational meeting held before the consent forms were sent out, as had occurred for the first set of four amendments that were voted on in October.

- Ed noted the ballots for the ten amendments were still being tabulated, as there have been and may be last minute additions (including up to midnight that night and mail postmarked as of 11/29/23today). Ed noted that once the votes have been tabulated and certified, the Association will send out notice of the voting results via email. Ed stated that the Board would not release preliminary results, even if the Board was highly confident.
- Ed asked if there were any further questions. Hearing none, the meeting was adjourned at 8:30 pm

Respectfully Submitted,
Rebecca Greene, HOA Secretary