

Ennisbrook Community HOA Board Meeting

April 28, 2022

6:00pm

HOA Board Meeting

Attendees: Attorney Michael Zenner, Jamie Ralston, Anne Francissen, Jennifer Lalk Thomas, and Shayla Snipes. Paul Allen sent an email stating that he could not attend the meeting and to proceed without him.

Collection Process & Status of Recent Collection Efforts:

- CaseTracker: Winter Capriola Zenner, LLC Assessment Status Report for Ennisbrook Community Association as of April 28th.
 - Reviewed two example in the CaseTracker tool.

Action: Anne Francissen and Suzanne Leverett should get together to further discuss any additional collection efforts and fees.

Pre-Submitted Questions for Michael Zenner of WCZ:

Covenant Questions:

- VI Section 6 : Rentals: We would like to understand the covenant rules around rentals and how we go about setting a rental cap for the neighborhood.
 - Michael: Currently, there is no rental cap in place for Ennisbrook. In effort to change the bylaw to include a rental cap, a 2/3 approval vote must be secured. Homeowners would be voting to amend the bylaws to include a rental cap.
 - Attorney would send out a document requesting a vote regarding a complete prohibition or limiting leasing/rental to a certain percentage.
 - If vote to limit rental/leasing to a certain percentage, RMS (or a similar company) could be used to help manage the lease cap and lease conditions.
 - Current rentals maybe “grandfathered in”. However, if move forward with amending bylaws, current owners of rentals could be required to submit information in effort to secure a permit.

Action: Determine whether to move forward with getting the community to vote on a rental cap/rental prohibition.

- VI Section 29: Security Devices: Is a ring door bell a violation or is this specific to exterior security cameras? How does this affect exterior security cameras installed by the BOD to monitor common areas like the Tennis Courts, Parking lots, Playground, or Basketball courts?
 - Exterior free standing cameras mounted on the house are exterior security devices and would be a violation and prohibited by the covenants. Ring doorbell and cameras installed by the Association are allowed to the extent that no areas are recorded where there is a reasonable expectation of privacy. Tennis Courts, Parking lots, playground, basketball court can be recorded (there is no expectation of privacy in those areas).

Action: Order and install cameras for common areas.

- VII: Insurance: Can you please explain section B?
 - Association maintains common areas and roads/easement. Unless 75% of the association votes not to repair in 60-days then you are required to repair to bring it back up to current codes especially on lifesaving and safety equipment.
- VII: Condemnation: Is this stating that we have 60 days to make any common area repairs, so those areas are able to be accessible to homeowners?
 - The Association and Management Company have more than 60-days to complete common area repairs but Homeowners only have 60-days to vote by a 75% vote not to repair or replace a damaged or destroyed common area
- IX: Annexation: Is this applicable to one lot of for the whole community?
 - Yes. More properties can be added but this provision must receive a 2/3 approval vote by homeowners.
- X Mortgage Provisions:
 - Per Attorney- If there are no issues with the provisions then there is no need to make adjustments to the insurance/provisions.
- XI Easements & Enjoyment: Based upon the language, I do not see any restriction on the number of guests a resident/homeowner can have in the amenities (pool, clubhouse, basketball court, soccer field, tennis court, etc). Is that correct?
 - There are no current restrictions on the number of guest that homeowners can have in the common areas. Based on bylaws, the Board can limit number of guests and inform homeowners of the decision.
- XI Section 5 Easements for Maintenance:
 - Section A: In the event that two homes have significant erosion in between them causing concerns of structural damage, what if any, responsibility due the association have to help them find resolution?
 - The Association does not have a responsibility to help find a resolution.
 - Section B: Easement of Maintenance of streets, curbs, and sidewalks: Is the association responsible for repairing broken curbs or driveway entry slopes?
 - The association is responsible for maintaining common areas and street upkeep. If the resident would like to repair driveway/entry slope then they will need to submit a request and plans.

By Law Questions:

- Article 2 Meetings:
 - Open Meetings: The BOD meets monthly on average and quarterly with the broader association. Are we required to invite them to all meetings? If yes, can we use zoom/virtual to reduce cost of renting out a space monthly?
 - The Board is required to have 4 meetings per year. The meetings must be open meetings. Board can have a section of the meeting that is open and then move into executive session which means at that time the meeting is then closed.

Prior to open meeting, homeowners are asked to submit questions that they would like for the board to add to the agenda. Although added to the agenda, the board does not have to discuss during the open session.

- Homeowners can be notified about the meetings by use of Beacon’s calendar, email, newsletter, etc. Homeowners can attend to observe but can not participate.
- Meetings can be help virtually and/or any other locations

Action: Provide homeowners with the date/time/location of the next meeting.

- Proxies: Recently the BOD completed an Annual Meeting using a hybrid of virtual & in-person options. Agenda and voting instructions were sent via mail to all homeowners. Homeowners had ~2 days to submit their BOD election vote via an online portal called Election Buddy. Homeowners also had the option to vote in person at the meeting as well as online live during the meeting. In the future, do we also need to include a mail-in proxy vote option if voting is offered on-line and the voting window is open for at least a full day?
 - Homeowners can vote in person, written consent, proxy, etc. The Board can incorporate electronic voting into the voting process without changing our current bylaw language.

Water & Sewer Line Responsibility:

- The City of Smyrna has informed 2 homeowners that their water line issues (brown water inside house and water leak before the meter of a private home) are the responsibility of the Association.
- The board and Winter Capriola Zenner, LLC have been in contact with the City of Smyrna who is reinforcing that the Association is responsible for water supply lines within the community as Ennisbrook is a private gated community. The Board has concerns with this position as there could be significant financial burden and liability to the Association. The Board requested Winter Capriola Zenner, LLC provide legal counsel on the issue.
- Winter Capriola Zenner, LLC has provided the following feedback:
 - Article V, Section 1 provides that the Association’s maintenance responsibility includes “utility lines and transmission devices (to the extent not dedicated to and/or maintained by the utility provider or a public agency), whether located on the Common Property or on that part of any Lot lying within the right-of-way of any street shown on any recorded plat of all or part of the Community.”
 - There is some discrepancy as to whether the streets within the Community were dedicated as public rights of way. The plat for the Community contains a note stating “the Owner of the land shown on the plat, dedicates to the use of the public forever all streets, alleys, parks...” This language would suggest that the streets were decided as rights of way. However, this appears to be contrary to other notes on the plat which indicate that Ennisbrook is a “Private Gated Community”, which would suggest that the streets are private. Given that the community has a private gate and that the general public cannot readily access the streets within the Community at all times, ultimately, I believe the streets should and would be considered private streets owned by the Association as Common Property. Since the streets are Common Property and not dedicated public rights of way, we believe the utility lines located underneath the

private streets would also be considered Common Property and within the Association's scope of maintenance and repair responsibility.

- No new information from Attorney Michael during the April 28, 2022 meeting. He shared that the information listed on the plat is conflicting; therefore, he highly recommends getting the opinion of an attorney that specializes in the area of question.
- Anne provided the following attachments: Open Records request, City of Smyrna GIS map in response to Open Record request, Steve Watts email dated 2/4/22, Ennisbrook plat attachment to Steven Watts email dated 2/4/22 Clarence Lau email dated 2/14/22, Open Records Request Log, FOIA response from Heather Corn (city clerk). Anne is awaiting more information and will keep the board updated. (See handouts)
- Action: Board (Anne) to speak with an attorney that specializes in Municipal/ State Law and understand fees for consultations.

Clubhouse Repairs:

- Will move forward with Beacon completing drywall repair and painting the clubhouse. Clubhouse sprinkler system will be repaired by Chief Fire Protection.
- Locks have been changed because no active Board Members nor Management Company had a physical key to the Clubhouse. Board members have keys to front and back doors.
- The clubhouse event scheduled for May 13th has been canceled.

Pool Updates:

- A new motor for the baby pool was ordered due to motor not working. Jamie provided an update regarding concerns and solution.
- Pool is scheduled to open on May 13, 2022. All residents have been notified through newsletter and community signage.

Basketball Court, Tennis Court, Pedestrian Gate:

- The community was provided new codes for the basketball court, tennis court, pool bathroom, and pedestrian gate.

Soccer Field Signage:

- The Ennisbrook Private Property sign for the soccer field has been missing from Church Street. The board decided to replace the sign.

Action: Jennifer to get quotes for a new sign and move forward with ordering the sign.

2022 Ennisbrook Upcoming Events:

- End of school year pool party on June 4, 2022; time to be determined
- Graduation sign was ordered by Jennifer.

Action: Ask residents if anyone would like to serve as a sponsor for certain items. For instance, Keller Williams Realty Team sponsoring an ice cream truck. Determine deadline for response for sponsorship.

Meeting Adjourned around 7:30pm