

**BETZ LANDING HOMEOWNERS ASSOCIATION (BLHOA)
ANNUAL MEMBERS' MEETING
SATURDAY, OCTOBER 17, 2020
THE MEETING HOUSE AT THE TAVERN, HEATHSVILLE, VA**

MINUTES

MEETING CALLED TO ORDER AT 2:00 P.M.

VERIFICATION OF QUORUM (DEBBIE HARVEY)

Dave Dustin, President
Jerry Harvey, Vice President
Donna Keeney, Treasurer
Matt Church, Director
Mark Shaughnessy, Director
Kurt Bulger, Director
Sam Frye, Director
Debbie Harvey, Officer

MAINTENANCE COMMITTEE

Terrie Dustin, Maintenance Chair

MINUTES FROM SEPTEMBER MEETING

Jeff Plumb made motion to waive reading of the minutes with a second from Elaine Moore and to pass them as written. All present accepted with no dissent.

SELECTION OF VOLUNTEERS TO COUNT VOTES

Four volunteers were selected to process ballots with oversight from Nominating Chairman, Jerry Harvey and Director Matt Church. The volunteers were Annette Morgan, Pam Plumb, Cindy Ivester and Vicky Shaughnessy.

ASSOCIATION MEMBER AND VISITOR REMARKS

Ted Jenkins brought up the AirBNB issue stating that he had lived in the community for 11 to 12 years, has read the by-laws and covenants and he feels that while you can rent your property out, there are no commercial businesses allowed in the community. He is asking if the AirBNB is commercial or residential and are the owners living there. While he feels there are lots of

situations that can be looked at, he considers AirBNBs commercial, like a motel/hotel. He knows that there are opinions on both sides, he feels that the community are homes for the most part, as weekenders or full time. If property was bought as an AirBNB and if it is compared to short term rental, this looks like a motel/hotel. He is concerned that the BLHOA could be sued for allowing the AirBNB. He would also like to work things out without legal involved, since lawyers like to fight.

Pam West indicates that she lives right next door to the AirBNB and there have been 4-5 groups over a month period. They are loud, irritating and she wanted to know who said AirBNBs were allowed.

Abby Thoennes indicated that it is her home that is the AirBNB and that it was not to be an AirBNB originally. They have read the by-laws and covenants and they have, in writing, allowance for an AirBNB by a current board member, specifically Sam Frye. She has not received any noise complaints, no documents and no police calls. She further indicated that she had each tenant sign the covenants, advise them of quiet hours and if they are causing an issue, this needs to be communicated to she or her husband. She states that she and her husband are not trying to circumvent covenants. She did this because she had a baby and didn't want the property to sit vacant. She vets the customers and does a special cleaning per COVID protocols.

Elaine Moore asked if meeting was being taped.

Abby Thoennes stated that she was not taping the meeting.

Lauren Church indicated that she was glad to have this out in the open. She knows that they (the Churches) were called to help out at Abby and Chasen Thoennes' home. A guest at their home had a problem with the washing machine. She is all for helping out and making good memories but the guests from the AirBNB are making bad memories.

Abby Thoennes asked that the issues be made known to them and not get the whole community involved which causes a lot of hearsay.

Pam West indicated that there are lots of issues. In the past month, six ladies were screaming on the dock about 4:00 p.m. This went on for over an hour and she did not feel that they were vetted. This disturbed her weekend.

Chasen Thoennes claimed that he had video and he offered to share this video regarding the above incident.

Nannette Smith stated that she had a complaint to file with the police from a AirBNB tenant's dog approaching her on the road. She is allergic to dogs and she stated that the dog's owner stood there and did nothing to keep the dog from approaching her. She did ask several times for the dog owner to call their dog away from her. She tried to file an official complaint and the police would not allow a report because she did not know the name of the owner of the dog. She feels that the rules in the end govern what goes on in the future. Community has to maintain community and she encourages research into AirBNBs and make up your own mind regarding

same. She spoke about information regarding AirBNBs in Forbes Magazine as well as visiting a site called AirBNB Hell.

Jeff Plumb stated that AirBNBs are not a component of the property values and may cause other properties to go down in value, having a domino effect. We need to follow the rules and this is only open to the HOA and not to the public. He also asked about another potential AirBNB on Steamboat Lane. He saw big kids on little minibikes going up and down the road. He wanted to call police since they were on state roadways, he believes that they are subject to prosecution and if they are connected to an AirBNB and prosecution of the AirBNB owners. He wants peace and quiet and wants the area to be kept beautiful with the great people in the community.

Cathy Sarmiento is a realtor and knows of by-laws and covenants. She also looked at the links to the Virginia State Code and believes that this is virgin soil. Her personal opinion is that the rules at the time of property becoming an AirBNB along with COVID causes issues for sales. Renting while trying to sell needs to have the approval of a majority of the property owners and not just the Board of Directors. She further stated that we need feedback, to formulate language to make changes and then alternatives of no short term rentals under 30 days.

Nannette Smith said a decision or policy needs to remain permanent and she feels that her home is worth fighting for. She urges each of us to inform ourselves before making a decision and to look into property values with any changes that may be made.

Sam Frye told us that he, in error, advised a listing real estate agent that potential buyers could have an AirBNB. He was in charge of sending the disclosure packages to all sorts of people. He received an email from Alice Rivera, read the email stating that she was involved with one listing in the community and that 1143 Steamboat was coming up for listing soon. She asked about five questions; dues, public boat ramp/pier, Atlantic Broadband for cable and does HOA allow rentals through AirBNB or short term rentals. Sam answered "yes to all" and went on and explained some things with regard to the boat ramp, boat yard storage, etc.

Dave Dustin advised that we only knew of the email through our legal counsel a few days prior to this meeting.

Abby Thoennes responded that she said she could provide the information to us.

Mark Shaughnessy said that he has lived in the community for 17 years and that Sam Frye has consistently worked for the community while on the Board and otherwise, and that he did not feel that Sam intentionally meant to condone the AirBNB or short term rentals to be allowed.

Patricia Mrzglod said that a mistake was made and that we need to work to fix it. Maybe we can give people an option of grandfathering the AirBNB and not allow any further AirBNBs. If we do not do this, we will likely incur lots of legal fees.

Dave Dustin indicated that we are working towards a resolution and that the next board will get with legal and see what our options are for prohibiting future AirBNBs.

Patricia Mrzglod suggested working with neighbors. She was walking her dog and saw five cars on another property and she did not know who the people at the home were.

Lauren Church and Janet Frye indicated that the five cars on the property were family of the property owners.

Dave Dustin wanted to make clear that there is no animosity against Abby and Chasen Thoennes.

Lauren Church said AirBNBs are not specifically addressed in our covenants and there needs to be clarification. She is also concerned about people in our community saying that there is a personal agenda by the BOD, when we authorize and empower them to take care of the community.

Ted Jenkins told Abby Thoennes that there is no problem with her personally but that we need to pursue this issue with AirBNBs and correct the covenants.

Mark Shaughnessy stated that when he listed his property for sale he was asked about AirBNB's in the community so this definitely needs to be addressed.

Nannette Smith said that while property values may increase, there is an environmental key that also needs to be addressed. We need to ask ourselves what type of profile we want of our community. She also stated that we need to put ourselves in Abby Thoennes' position and look at this from their perspective.

Teresa Neil asked if minibikes and go-carts were allowed. They were being driven on driveways or in fields and she considered this to be obnoxious behavior.

Patricia Mrzglod said that there was a group that was loud with a big kid on a minibike and a man on an electric bike. Both were really loud and when seen for the second time, noted that they went into the driveway next to the Plumb's.

Dave Dustin said there is a rule that prohibits obnoxious and loud behavior.

Jeff Plumb stated that we should put out the traffic laws regarding minibikes on public roads and provide warning to all property owners. Advise minibikes should not be on state roads and that they are considered in violation of the noise statute. If they continue to be on public roads, then call the police.

Pam Plumb asked where the AirBNB was located.

Dave Dustin stated that it was next door to Mark Shaughnessy with a lot in between the two properties.

Matt Church stated that there will be three new people elected to the Board. There are a total of nine BOD with each serving a three year term, and three board of directors are elected each year. There have been lots of emails and language about illegal activity on the part of the Board. The

Board may make errors in accordance with the by-laws and occasionally go outside by-laws, but when error is noted, Board goes back and fixes same. The Board is human and tries its best to make things right according to by-laws and covenants and property owners should remember that we are all human.

Annette Morgan brought up that in previous meetings, there was talk about a bid on dredging up to the community boat ramp/pier area to remove silt so that depth would be greater.

Dave Dustin spoke with Army Corp of Engineers after a lot of run around and basically we need a sponsor from Congress to get it approved and that the process is lengthy. He then spoke with a retired Army Corp person that indicated that there is no way it would get dredged because the silt will continue to come back in. Bob Morgan stated that he would look into this but that we would have to pay for this ourselves.

Nannette Smith stated that it used to be done years ago.

ACTION ITEM: Joe Stieve stated that trees were down after the storm and that they came from Bush Mill Park over to their side and would like to know who is responsible for removal of those trees.

Dave Dustin stated that you may or may not be able to apply for funds.

TREASURER'S REPORT

Donna Keeney advised that books have been reconciled and that there was \$2,674.88 in checking. Investment CD's and Vanguard are at \$186,863 and Vanguard is up \$2,273+ in value.

Expenses so far this year are the installation of a new septic pump and electricity work associated with bathrooms repaired along with lawn care during summer at \$1,862 with most going to lawn care. The electricity at the boat landing will be cut off in near future.

Delinquencies on HOA fees show that one response from a lot owner indicated that they had been very ill and will shortly be paying their two years. The other five properties have yielded no response after another reminder sent in June. Sam Frye said to wait until January before reminding again and he also noted that liens need to be renewed by the end of February.

Donna also indicated that she and Lauren Church developed a one page sheet that is a welcome letter from our community and it provides general information on the area.

Jeff Plumb made motion to accept treasurer's report as submitted with a second from Abby Thoennes. All agreed to the report as presented.

Cathy Sarmiento indicated that she was a new property owner and there was no way to contact anyone. It was suggested that the website URL be placed on all emails, letters, etc.

ARCHITECTURAL CONTROL COMMITTEE

Dave Dustin provided report since Bob Morgan was not present at the meeting. There was not a lot for this year. There was a tree down, a modification to a home and Donna Keeney has gotten a beautiful garage erected.

MAINTENANCE COMMITTEE

Dave Dustin gave report on behalf of Terrie Dustin.

Sam Frye, Kurt Bulger, Matt Church and Dave Dustin repaired the pier and will stain it after the wood has had a chance to dry out.

The restroom pump went bad and had to be replaced.

The HOA had a fund for repair of roads in the community that we thought was for \$50,000. This was for maintenance of the private roads such as Indian Trail. Now that there are enough residents on Indian Trail, once the road is in good repair, we can turn it over to VDOT. We also found out that there is \$130,000 in the fund versus \$50,000 and that it is covered by Blue Green Company in Boca Raton, Florida. We have been provided with papers on this fund and they are good through December 31, 2020. At that time, it will need to be renewed. We have estimates for repairs on Indian Trail of \$20,000 and, once completed, the road will be turned over to VDOT.

Matt Church indicated that this fund is only used to repair private roads to meet state standards prior to turning them over to the state.

Terrie Dustin stated that if there are repairs needed on Steamboat Lane to let her know so that she can complete a request to VDOT. It is easier to get all problems on one request, rather than individuals completing a request for one problem.

Jeff Plumb indicated that they have a hole in the road near them.

Terrie Dustin stated all plumbing fixed, the pipes have been drained and the restrooms are closed for the winter. There are signs up that they are closed. Combinations are going to be changed.

PRESIDENT'S REPORT

Dave Dustin welcomed three new property owners, Marshall Thielen, Cathy and Mike Sarmiento and Garland and Joanne Gills.

With regard to short term rentals, we will continue consulting with legal counsel. Our legal counsel used Virginia Code 55.1-18, 19 to create a Rule to prohibit future AirBNBs in our community. The new Rule is a complement to our by-laws and covenants. President presented the Rule prohibiting AirBNBs to the Board and was unanimously approved. This Rule was put in place on 10/10/2020. It was noted that this could easily be changed or removed by future BOD, so it is recommended that a modification to our covenants that specifically prohibits short term rentals be presented to all members of the BLHOA for their approval.

Matt Church made motion to accept President's report and Jeff Plumb seconded. All ayes with two nays by Cathy Sarmiento and Abby Thoennes.

NEW BUSINESS

Jerry Harvey thanked everyone for their help with counting of votes. The elected directors are Marshall Ticer, Nannette Smith and Dave Dustin.

Teresa Neil was nominated to the Architectural Control Committee.

Dave Dustin will be the new nominating committee chairman for 2021 and Jeff Plumb and Cathy Sarmiento volunteered to help with the nominating process.

AJOURNMENT

Jeff Plumb made motion to adjourn meeting with Garland Dillard seconding. All ayes with no dissent.