

LPHOA Second Special Assessment Meeting
July 20, 2006

A second special assessment meeting was held at Liberty Church on July 20, 2006. This special meeting was due to the fact that in the first special meeting, held June 8, 2006, there was not the required quorum as stated in the by-laws of LPHOA to allow a vote to pass a special assessment.

David Barnes, President LPHOA, called the meeting to order at 7:10 p.m. David informed those present the reason for the meeting was to vote on a special assessment to rebuild the entrance structures or if lacking the required votes, the structures will be removed. There were several questions from homeowners and the board since the meeting held June 8, 2006 pertaining to Article XI, Sections, 3, 4, and 5 of the by-laws regarding a special assessment meeting and the requirements. David consulted with the LPHOA attorney to clarify the actual meaning of Article XI. The attorney stated that it would take 2/3's of all homeowners, or 234 affirmative votes to pass the special assessment. David made a special request of all of those in attendance to please talk with your neighbors to make sure they have voted. There is a 30-day time limit according to the by-laws from the date of tonight's meeting, August 19, 2006, in order to reach the required number of votes to make this assessment pass or fail.

David opened the floor to questions and reminded the homeowners that the meeting was being recorded.

John Bullard N Aster: posed the question to David, "Do we have a quorum for this meeting and is there a required quorum for this meeting?" David responded by telling Mr. Bullard that we did have the required 105 members needed between the actual members in attendance and the proxies that were mailed in. Mr. Bullard also asked that if it took 2/3 affirmative vote of all members of the association to reconstruct the entrance structures, and that is not met, then how is that an automatic decision to tear down the front structures? David stressed that a non-vote is not an automatic yes or no vote. We only have two choices, rebuild or tear down. If the needed 2/3 majority yes or no vote is not met, then the only option is to tear down.

Rudy Swanson N Aster Place: Mr. Swanson stated that at the last "non" meeting we discussed the possibility of saving the columns and making a different top that would be far less money and was disappointed when we put out the "issue" of the last meeting that the homeowners would be billed \$300.00 or the structures would be torn down. He felt that we should have other options. He suggested that a partial repair be done. David stressed that the columns will be used and only the tops would be reconstructed. Mr. Swanson felt that after seeing the pictures of the columns down at the last "non" meeting that it was foolish not to use the old columns and maybe a special assessment of only \$100.00 could be used just to leave the columns and repair the rest of the entrance. David stated that we had three bids in now and the cost of repairing the top above the columns; two bids at \$90,000.00 and one for \$150,000.00 and that this would repair them back to their original state. Mr. Swanson said that "these bids were doing exactly the same thing that we had and we don't have to do the exact same thing and believed that at the last "non" meeting there was a discussion about a lot cheaper way to put a roof on the columns that would be relatively attractive and use the columns and not throw them away". He feels the only two options the homeowners are being given is "the \$300.00 per house, that he doubts will pass, and the other option is throw it away". He also feels that prices being quoted to the homeowners are exorbitant and a cheaper means can be found. David responded by telling Mr. Swanson that the recommendations of the structural engineer hired to assess the structures reported to the board only two options: rebuild as is or tear down and board is only presenting to the homeowners what was recommended to them.

It has been suggested that a re-design of the front entrances be presented to the homeowners. The board is sympathetic to the feelings of Mr. Swanson and to other homeowners who have expressed their desire for a re-design and we're hoping that some of the homeowners would submit some type of design for the board to review and present to the homeowners. In order for a contractor to bid on such a job, there would have to be some type of design in the works to be made available to them. At some point there may be a new design that the board could present to the homeowners along with an estimated cost and a special

assessment to execute those ideas. The board would also like to stress that it may be a very difficult task to complete and have 350 homeowners all agree on a totally new design.

Jane Henry N. Aster Ave: Asked if we have 2/3 votes yes and everyone has to pay the \$300.00, what would happen to those that did not pay. David responded that a lien would be put on the homeowner's property in the amount of \$300.00.

Bob Neal N Butternut Ave: Mr. Neal stated while reading in the paper over the last couple of weeks the homeowners across from Lancaster Park on 71st street had disbanded their homeowners association because they could not agree on anything. If we cannot get this homeowners association to agree, what are we going to do? David told Mr. Neal that we have a good association and by-laws, and that there is an issue that has not been resolved proposing changes to the covenants to bring them more in line with actual construction rules. David also brought up the fact of the Articles of Incorporation has not been passed. By passing the new Articles of Incorporation, it would take the power away from the board and give it back to the people. Board members and committee members have volunteered to go door to door to finish up this matter. David feels that there is no fear of the association breaking down.

David Savage W. Freeport: Stated that he was new in the neighborhood and being an engineer he cannot imagine the cost of the structures being \$90,000.00 to \$150,000.00 and saying the board has only two bids to remove or to re-build. David clarified that comment and told Mr. Savage that the board had one bid for tear down and three for reconstruction. Mr. Savage questioned if we have drawings of the structures and would like to see the breakdown of the cost of material and labor. He feels there is no way it can possibly cost this much money. David told Mr. Savage at the last meeting some of the homeowners told those attending that they had looked into the matter themselves and the bids were not out of line and some thought the bids were cheap. We are not locked into the bids and if the issue passes the board will work those bids as hard as possible and seek more bids trying to get the best price possible. Mr. Savage said that more than likely this issue will not pass from what he is hearing and then asked what money is going to be used to demolish the entrances? He also asked that if some day in the future would we have to vote for another special assessment to re-build, clean up, make it look better again, or leave it the way it will be after demolition? David responded by telling Mr. Savage that the board would be using the "rainy day" fund which we have enough money to cover demolition and everything will be removed down to the stone bases. If it gets down to the stone bases, once again David stressed that there could be some type of new design and that also would have to be approved by 2/3 of the homeowners.

Rick Sawyer-Jones Detroit Street: Mr. Jones, who is a general contractor stated at current prices material per plans that we have drawn right now, is \$45,000.00 just for materials, hence the \$90,000.00, for the demo and everything else. If we do demo right now, he does not want to loose the columns and feels we would be throwing money away if we did that. If the columns are moved and stored for a later date they will not last. If we do pass the assessment and come to some type of agreement he feels that we should look at some way to modify the design to save money. But stressed we need to do it correctly with quality materials.

Del Schuler W. Broadway Court: She cannot see reconstructing a bad problem with what you already have. Looking at the problem and what has been done with the overhead, she suggested leaving the center section and taking down the two outer sections and have a nice area in the middle. Ms. Schuler feels if we wipe out the outside sections, this would save a great deal of money.

Lynette Nash N. Aster: Ms. Nash asked would the columns stand alone without the top structure? David stated that they needed to be connected together and anchored to keep them from moving. Her next question was why the lights were removed from the entryways. The maintenance committee removed them because of the deterioration of the entrances for safety's sake. The lights have been stored and the cost to re-install them on the new structures is \$1700.00 from the electrical contractor who helps maintain the lights in Lancaster Park.

Nancy Davis Hartford: Ms. Davis attended the last meeting and there were a lot of ideas brought up and that David had mentioned today that if the board did have some ideas that they would be bring forth

something new. Ms. Davis was wondering what ever happened to those ideas of doing things differently and was questioning whether the board had even looked over any of them and if there was not another way that was brought up at the last meeting versus the drastic measure that we are facing now. David responded that the board looks at all suggestions brought before them and that no one tendered anything on paper for us to look at and study. Ms. Davis responded by asking, "Then why are we speaking over the mike then? What we speak over the mike is worthless then, is it not good or what? What everyone said last meeting is not recorded and it is not down on tenure that it can be checked and looked into?" David responded that we do not have anyone at the meeting making little drawings to coincide with what is being suggested at the meeting and that any modifications to the front entrances would still require a majority of 234 homeowners voting in favor of an idea. Ms. Davis stated then that no matter what you do, you need 234 homeowners to be in agreement. David responded, correct. Ms. Davis then wanted to know why the lights were taken down without the majority voting on it.

Board member Rob Young responded to Ms. Davis's question and comments by stating that the decision was to rebuild as close to the original condition as possible. You could not possibly have all these options and ideas. Everyone has their own opinion, some like stone, some like brick, other no columns, some like wood, some want it torn down, etc. We have to keep it consistent because we all have to vote on this and the board and all the committees are volunteers and are not paid to do this. Members of the board have spent hours trying to bring this together and have spend their free time knocking on doors, sending out flyers, making calls, and bending over backwards for the homeowners to try and get everyone out for the vote. It is frustrating to the board and the committees and the apathy in the neighborhood is horrible. We have 350 homeowners here and there are only 30 or 40 people here tonight. That is sad. David added that this is after two first class letters and flyers put on homeowners front doors by Jamie and David Stine real estates agents in the neighborhood and you look around and see the response that we have gotten. It is hard to administer the day in and day out items that have to be handled with so little support. The board does not mind people objecting to things because that is what it is all about and everyone has an opinion; but for those that have an opinion about something they would like to see done obviously the better way to get that before the board, is on paper and let us take a look and do whatever we can. Again we would have to go back to 2/3 of the homeowners to approve it.

Brock King, Hartford: Wanted to know if he understood correctly that people were voting tonight and that we had 30 days to get the number of votes needed. David told Mr. King that yes according to the by-laws and the attorney, we have 30 days after this meeting to continue voting. Mr. Kings next question was "Are we allowed to know how many votes have been cast tonight and/or a week from now or at a later date?" David responded by telling Mr. King that the board had not gathered all the votes from tonight's meeting and for those of you at the meeting who have not voted if you would do so then the board would be able to give the homeowners a tally for this evening. Mr. King stated that he would like another tally in a week or so. David said this is not secret information and homeowners may contact the board. Mr. King also wanted to know that if it passed; how long a period of time would we have to make a decision as to what to do. He was very interested in what the engineer had to say and thought he had some good ideas. He was concerned that we would, during the 30 days time frame, have time to look at other options. David stated that after the 30 days if we had 234 votes we would start collecting the money and there is not a time frame deadline and therefore could look at possible other options. David stressed again that if we do not collect the money, there is nothing we can do.

Unknown speaker: Homeowner stated that basically from the turnout tonight, the entrances would be torn down. David told the homeowner that there was a quorum and until all the votes are counted we do not know what is going to happen. If the homeowners do not want them torn down then they need to do everything it takes to get the rest of the residents to vote.

Donald Drain N Aster Ave: Asked if we do get the 234 votes in favor of the assessment and start collecting the money, and collect only a portion of the money, what will happen then. David told Mr. Drain that the money would be refunded to all the homeowners that did pay and there was no danger in losing the money sent in.

Julie Mueller (treasurer LPHOA) N. Detroit St: Wanted to address the question brought up by Nancy Davis regarding the lights being taken down without the vote of the homeowners. It was not necessary to have a vote by the homeowners to take down the lights. They were taken down as a safety measure because of the structures being so rotted that we did not want any kind of damage happening from those lights falling or a fire.

Dennis Mallard N. Aster: Mr. Mallard stated he had a vested interest in the front structures because he lived right at the front of the neighborhood. He does not want to spend \$300.00 either but he sees this just like any other thing that we moved into the neighborhood for; to protect the beauty of the subdivision that we live in and what we paid the extra value of the neighborhood to keep the covenants up and to keep the values of the properties up. Mr. Mallard thinks that if we change the architecture of the design it is going to detract from what we bought into. Most of you do not live as close to the entrances as my neighbors and I do but I think that we all have that same vested interest in the area. Another thing he wanted to be bring up was the fact that maybe we could stagger some type of a payment plan because he felt there had to be some type of a time frame between demolition and reconstruction. David responded by stating that if the assessment passes, you will receive a bill in the mail and it is due on receipt. Unfortunately there is no other option. Mr. Mallard understood it might be a hardship to some people but we all live in a great neighborhood and a great location and feels the front entrances are something we should all be proud of.

Rick Sawyer-Jones again spoke and he would like to see a follow up on the tally in two weeks to see how things are going with the vote and if necessary we should pursue it by going door to door. He made the suggestion that the running tally be posted on signs around the neighborhood.

Unknown speaker: Felt that what Rich Sawyer-Jones stated about putting up signs in the neighborhood was the best idea. People would pay attention to it because they drive by it every day.

Since there were no more comments or questions from the floor, David encouraged all those that had not yet voted to please do so. While waiting on the tally from tonight's meeting, J.T. Thomas, communications committee, showed and described pictures of the front entrances showing the damage. The board thanks J.T. for his excellent presentation and answering questions about the damage from the members present.

Rob Young, board member, reported that the count for tonight's meeting and all proxies sent in was, 160 total votes, 110 yes, and 50 no. Rob asked for volunteers to canvas the neighborhood to be sure that everyone votes.

The board again would like to thank Mary Mills, Monica Goins, Mary Burgess, Marilyn Barnes, and chairperson Julie Karpio for the excellent job they performed at the check-in tables. A special thanks to David Graves and Tracey of Liberty Church. David handles all the audio recordings and video for the meetings and Tracey is the contact for arranging the meeting times and dates.

Meeting was adjourned at 8:15 p.m.

Submitted by Darlene Cardwell