

# OCHL - 12 HOMEOWNERS ASSOCIATION

## ARCHITECTUAL CONTROL COMMITTEE (ACC) MINUTES

ACC Members: Dani Folsom, Chair, Joe Rystrom, Secretary, MaryLynn Birney, Phillip Falk, Ahmed ASH Hussain, Michael McMillan, Al Prescott (Windward Bluff Liaison)

Wednesday, October 4, 2023

ACC Members in Attendance: MaryLynn Birney, Ahmed ASH Hussain, Michael McMillan, Al Prescott (Windward Bluff Liaison), Joe Rystrom.

Others in Attendance: LeRoy McNulty

Meeting called to order at 6:10 PM by Secretary Rystrom

**Approval of Minutes:** Minutes for August 16, 2023 are APPROVED.

### **OLD BUSINESS:**

#### 1. Solar Panel Issue

The ACC briefly discussed updates; ACC had hoped to meet McNulty and his representative in November or December to finalize the issue. However, McNulty's representative requested an extension for meeting with ACC to postpone until January, due to representative having jury duty and McNulty scheduled for a surgical procedure. ACC granted the extension request. HOA attorney has sent a letter in reference, and has not yet heard back as of Dec 8. Meeting shall be scheduled for near the end of January 2023.

UPDATE 01/30/2023 The ACC met with the McNulty's and their representative Mr. Tousley on Mon, Jan 30, at 7:30 PM, at Rose Hill Center, to provide an opportunity to dialogue on the solar panel noncompliance issue. HOA legal counsel was also present. The meeting lasted for approximately 75 minutes, and both sides had an opportunity to present their case. At the end, Mr. McNulty agreed to submit a proposal to relocate the panels to the back of the home, and/or ground mounted panels by the end of the week.

UPDATE 02/06/2023 Email excerpt received from Mr. McNulty: I heard from Blossom Solar today. They are working on a secondary plan to modify the originally installed configuration of our solar arrays. The rooftop and ground options will need to be measured to see what will fit. I don't know when that might be happening, but they are working on it.

UPDATE 02/15/2023 McNulty updated Rystrom that the Solar Blossom rep is just now getting back to him, due to death in the family. McNulty also said the relocation of panels may necessitate replacing the roof. More information to follow.

UPDATE 03/01/2023 McNulty updated the ACC at meeting that he is still working on getting a bid and plan from Solar Blossom. Per McNulty, another solar panel contractor informed him it would cost \$20,000 to relocate panels and repair roof, and he is getting a bid and plan from this contractor as well. The Committee reiterated its position that it is in the best interest of both parties to resolve this matter without going through the costly arbitration process. McNulty said he would need more time to get plans and bids, as he and wife are leaving town for family reasons for three weeks starting Mar 3. McNulty said his neighbor, however, would continue getting plans and bids in his absence. Chair Folsom agreed to extend the date to April 1, for McNulty to submit plans to ACC to relocate or move panels, in accordance with HOA Solar Panel Policy. McNulty accepted.

UPDATE 03/01/2023 McNulty sent email to Folsom on March 1, after the meeting, with a single image as a proposal: front facing panels facing the street, to be moved to other front facing positions facing the street. This proposal is not in accordance with HOA Solar Panel Policy.

UPDATE 06/07/2023 McNulty was present to update that he has enlisted three solar contractors to assess removing the offending, street facing panels from his roof. Blossom, the installing contractor has ceased communication per McNulty. A second contractor quoted \$30,000 to remove the panels which included roof repairs but is not interested in the work at this time. A third contractor (1st Choice Electric) came back with the exact same solar design as is currently installed and ignored the HOA solar policy. McNulty informed that he has sent a letter to Kevin Britt that we need to go to arbitration.

UPDATE 07/19/2023 Solar panel issue status was discussed. HOA legal counsel requested statements from ACC board members. Discuss the tree trimming from the county perspective (Hussain). HOA Attorney requesting a written statement on where the solar panels need to be moved. Per WA policy, the Solar Panels cannot be above the roof line per Folsom.

UPDATE 08/16/2023 Arbitration requested by the solar panel owner. HOA has reviewed WA and Mukilteo related solar panel rules.

UPDATE 09/25/2023 Response sent from HOA legal representatives to McNulty legal representatives, in reference to his arbitration request / solar panels.

## 2. Playground Equipment / Park

Playground equipment refresh to be determined. A committee to be formed for the equipment and possibly BBQ pedestals. Picnic tables and cedar to be priced out.

UPDATE 10/04/2023 Discussed park renewal/refresh, playground and options. McNulty offered to look at benches and tables.

STATUS: OPEN

**NEW BUSINESS:**

1. McNulty pointed out 5 dead arborvitae at HP and Clubhouse Ln and 2 at the bottom of St. Andrews. ACC was aware of the former and will add St Andrews to contractor for replacement.

2. Applications for Approval of Improvements received:

Replace driveway on Bayview Dr. - *approved*

Install new A/C unit on Bayview Dr. - *approved*

Meeting adjourned at 6:40 PM by Secretary Rystrom