

BUTLER CREEK NEWS

BOARD MEMBERS

Sharon Cobb

HOA President

butlercreekhoapresident@gmail.com

Matt Blank

HOA Vice President/ ACC
(requests for outdoor home updates)

Matthewblank216@gmail.com

Volunteer Needed

Treasurer

bchoatreasurer@gmail.com

Alicia Palmquist

Secretary

(Access to butlercreek.org)
btlercreek@yahoo.com

Christa Brogan

Amenities

(Pool/Tennis)

christabrogan@gmail.com

Ryan Benefield

Security

(Key Fobs and Cameras)
Butlercreeksecurities@gmail.com

Volunteer Needed

Social

(Community Events)
BCHOASocial@gmail.com

From the President:

Welcome to the Dog Days of Summer!

We hope you have been able to enjoy the summer and back to school went well for those of you with elementary, tweens and teens. Say hello to your neighbor when you're out and about in the neighborhood - let's continue to create a community that is friendly and welcoming to everyone.

In late June, the Board hand delivered ballots to each home with a proposed Third Amendment to our Declaration of Covenants, Conditions, Restrictions and Easements for Butler Creek Homeowner Association. Each proposal is to be voted on separately (Yes/No) and per our Bylaws, we must have 96 "yes" votes per proposal to make each of the changes.

The Declaration of Covenants, Conditions, Restrictions and Easements for Butler Creek was developed and filed in August 1987. It is now 2023 and the proposed changes address issues that exist today but did not exist in 1987 (i.e. Airbnb, VRBO, vandalism of amenities area by residents and/or guest of residents, everyday use of the internet/email).

These proposals have not been made lightly by the Board and are felt to be appropriate and needed to preserve homeowner property values and protect our amenities areas. Please vote and return your ballot by August 20. If you have misplaced the information, email butlercreekhoapresident@gmail.com to receive another packet. If you have any questions, please email butlercreekhoapresident@gmail.com

- **Proposal #1** - Amend our "no rentals covenant" to further prohibit Owners from utilizing short-term transient rentals sites like Airbnb and VRBO to lease or rent homes in our neighborhood.
- **Proposal #2** - Strengthens the ability of the Board to levy and collect fines for violations of any standards adopted by the HOA's Architectural Control Committee by an owner, occupant, invitee, guest, and tenant.

From the President (Continued)

- **Current Wording to Article X, Section 1 Enforcement (a)**

(a) The Association, the Architectural Control Committee or any Owner shall have the right to enforce by any proceeding at law or in equity all restrictions at law or in equity all restrictions, conditions, covenants, reservations, easements, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association, the Architectural Control Committee or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

- **Proposed Wording to Article X, Section 1 Enforcement (a)**

(a) Each owner, occupant, invitee, guest and tenant shall comply strictly with the Declaration, By-Laws, rules and regulations, architectural control provisions and use restrictions, as amended or modified from time to time. Each owner, occupant, invitee, guest, and tenant shall also comply strictly with the covenants, conditions, easements, and restrictions set forth in the Declaration, the recorded subdivision plat(s) for Butler Creek and in the deed to such owner's Lot, if any. The Board of Directors may impose fines or other sanctions for violations of the foregoing, which shall be collected as provided herein for the collection of assessments. Failure to comply with this Declaration, the By-Laws, the rules and regulations or architectural guidelines shall be grounds for an action to recover sums due for damages or injunctive relief or both including, without limitation, reasonable attorneys' fees actually incurred, maintainable by the Association or an aggrieved owner. Failure by the Association or an owner to enforce any of the foregoing shall in no event be deemed a waiver of the right to do so thereafter. The Association shall have the right to record in the appropriate land records a notice of violation of the Declaration, By-Laws, rules and regulations, or use restrictions and to assess the cost of recording and removing such notice against the owner who is responsible (or whose occupants are responsible) for violating the foregoing. Failure by the Association or by any owner to enforce any covenant or restriction contained herein shall in no event be deemed a waiver of the right to do so thereafter.

- **Proposal #3** – Adds a new Section 9 to the end of Article X for Security which limits the Association's liability (every homeowner is a member of the Association) and states the Association does not represent or warrant that it provides security services in the community.
- **Proposal #4** – Adds a new Section 10 to the end of Article X for Electronic Records, Signatures and Documents which allows the Association and Board to use electronic means for business purposes to the extent permitted by Georgia law provided there is sufficient security, reliability, identification, and verifiability.

Your volunteer Board continues to work diligently to maintain a desirable neighborhood for you and your family.

- A new security fob system has been installed. Please contact Ryan Benefield butlercreeksecurities@gmail.com for your new fob if you have not done so.
- A new landscaper has been engaged that the Board feels will do a more consistent and thorough job.
- Potential replacement of the retaining wall in the pool/tennis are in the Fall 2023 timeframe based on cost and funds availability.

Butler Creek is a great community – let's keep it that way! ~ Sharon Cobb

ACC

Reach out to Matt Blank (matthewblank216@gmail.com) for all ACC requests and approval.

Wondering what updates/changes require ACC approval? The Covenants and By-laws are located on the Butlercreek.org website under Residents & Architectural. No password needed.

A reminder of common violations to the Covenants:

- Modifications of any part of the exterior should be approved by the ACC, even if using the same color paint and/or same color roof.
- Missing siding, peeling paint, and deteriorating trim should be addressed immediately to protect the home from the elements and to maintain curb appeal.
- Long-term parking (more than a day) on any part of the yard **is prohibited by Cobb County**. Each home has adequate driveway space to accommodate homeowners' vehicles.
- Long-term parking (more than 1-2 days) of campers, boats, utility trailers or recreational vehicles is prohibited by the covenants.
- Trash cans should not be visible from the street except on trash pickup days when they are placed at the curb.
- Lack of yard maintenance for grass, weeds, shrubbery maintenance/replacement and removal of fallen limbs.
- Grass or weeds over 12 inches in height **are prohibited by Cobb County**.
- Businesses located in a residence should not be apparent or detectible by sight, sound, or smell from the exterior of the dwelling. This includes branded vehicles, which should be parked in the garage or positioned so the branding is not visible from the street.

Speed/street parking reminders

- Parking on street - We have several residents that habitually park in the street in curves or over the crest of a blind hill. There have been instances of near collisions due to these cars parked repeatedly in these areas. Each homeowner has adequate parking space in their driveways. Except for the occasional social gathering, there should be no parking in the street. Cobb County law requires vehicles parked in the street to be facing the correct direction and if there is an emergency, first responders will push aside any vehicles obstructing the path to get to the affected home.
- Speeding vehicles - The speed limit is 25mph throughout the neighborhood. We encourage all homeowners and their guests to be cautious and slow down!

Pool/Tennis Security

- Contact butlercreeksecurities@gmail.com with any issues.

Reserve the Pavilion

- Please email btllrcreek@yahoo.com to reserve the Pavilion for gatherings or go to <http://www.reservemycourt.com> to set up an account and select Butler Creek as your "club". Approval will be granted for all Butler Creek Homeowners within 24-48 hours.

Yard of the Month

Congratulations to our most recent winners!

- **June** – Tim & Jody Bradley 3263 Standing Peachtree Trail
- **July** – Joe & Cindy Mantineo 3285 Standing Peachtree Trail

Board Member Vacancies

The Board will have **four** openings in July 2024 and we are looking for volunteer replacements for a 3-year term. The Board meets monthly and based on the needs of the neighborhood and the Board member's office, responsibilities include reaching out to vendors, residents, etc. If you are interested, please let Sharon Cobb know (butlercreekhoapresident@gmail.com). Voting on new Board member(s) occurs as part of the annual meeting process.