



FOREST HILL HOME OWNERS ASSOCIATION, INC.

BOARD OF TRUSTEES MEETING

**October 25th, 2017**

The Forest Hill Home Owners, Inc. Board of Trustees, met on Wednesday, October 25th, 2017 at 7:00 pm.

The meeting was held at the McGregor Home, 14,900 Private Drive, East Cleveland 44112.

**Officers in Attendance:** Chris Hubbert, Chair of Board of Trustees; Leslie Jones, President; Sharon Leary, Secretary; Anthony Rupcic, Treasurer; Mary Rice, Vice President of Membership; David Smotzer, Chair of Standards.

**Absent Officer:** Jo Fox, Senior Vice President.

**Trustees:** 31 of 45 trustees were in attendance; 14 were absent. (See last page for roster details.)

**Call to Order, Welcome, Points of Order, Review of Agenda**

The meeting was called to order at 7:16 pm by Christopher Hubbert who thanked McGregor House for their hospitality. Attendees were reminded of the common goals of FHHO trustees to improve the neighborliness of the FHHO community and the need to proceed with civility during all discussions and disagreements. Christopher reported he had been made aware there may have been a plan to “secretly record the meeting”. Christopher asked if any person who wished to acknowledge this but no one came forward.

**Secretary Review and Passing of June 25th 2017 Trustee Minutes (7:18 pm)**

Sharon Leary thanked the East Cleveland Neighborhood Group for rescheduling their meeting so that the McGregor Home meeting room would be available to the Board of Trustees for this meeting.

The minutes of the June 25th, 2017 trustee meeting had been emailed to all trustees and officers prior to the meeting. Sharon Leary asked if there were any corrections. Mike Wells

requested a list of meeting attendees be attached to the minutes. Sharon Leary and Christopher Hubbert agreed that this would be done.

**ACTION: A motion was made by Eileen Smotzer and seconded by Dale Rothenberger to accept the June 25, 2017 minutes, with the correction of the attachment of attendees. A show of hands showed that the motion was accepted by consensus.**

### **Treasurer's Report and Donation Trends (7:20 pm)**

Anthony Rupcic presented the report "*Forest Hill Home Owners, Inc. Consolidated Financial Report for The Calendar Year January 1, 2017 through October 25, 2017*" which was distributed in handout form. He reviewed the categories and accepted questions.

- Ken Tench requested clarification of the items covered in the category listed as "cash basis".
- Sharon Leary requested clarification of the types of insurance covered by the item described as "insurance". Mr. Rupcic explained that the insurance policy covered both property insurance for the cottage and FHHO-owned lots and the maximum possible indemnity insurance for officers and trustees.
- Mike Reilly requested clarification of the categorization and amount of the income obtained from the sale of the Mayfield lot. Anthony Rupcic responded with a more detailed review of the transaction, explaining that the funds received were included with items shown as "cash".

**ACTION: A motion was made By Christopher Hubbert and seconded by Dale Rothenberger to accept the treasurer's report without corrections. The motion was carried by a voice vote with no dissensions. Thus, it was accepted by consensus.**

### **Street Gatherings, Aging in Place, and Other Social Activities (7:29 pm)**

Donna Kolb distributed a handout entitled "*To FHHO Trustees from Your Social Activities Committee, October 25, 2017.*" She then reviewed the planned events:

- Annual Forest Hill Park Clean-up and Celebration, asking trustees to encourage participation and engagement by promoting the wonderful asset the park provides.
- December Peace Lights Displays. Ask trustees to encourage residents to revive the FH tradition of light displays with emphasis on the widespread use of outdoor lights, window candles, and luminarias to symbolize peace.
- Preparation of Aging In Place Resource
- Forest Hill Happy Hour/Social
- Street Gatherings. Encourage Trustees to organize events on their designated street. More information, perhaps with supportive hands-outs and "how-to" plans will be provided at the Spring Trustee meeting.
- Forest Hill Mega-Garage Sale. Plans for another annual mega-garage sale in the Spring.

She concluded by pointing out that the handout included a tear off on which trustees could indicate a committee on which they would be willing to serve. She explained that these would be collected from each trustee upon exit.

### **Status of Eastwick Legal Action (7:34 pm)**

Christopher Hubbert delineated the major issues with 3101 Eastwick and reviewed the status of the ongoing litigation. He reported that the case was dismissed without prejudice. This means that FHHO may reopen the case pending further review of the benefits of proceeding. He reported that he will be seeking input during this period. This report was followed with a discussion period that included various comments and questions from attendees.

Changing the topic, Mike Reilly initiated a discourse on blighted properties, identifying the three worst-case properties – they were located on Walden, Cleviden, and Hereford. He also announced that a group of California investors were purchasing FHHO properties, implying that this was a good thing for Forest Hill. He then demanded to know why we didn't use litigation as a source of revenue. Christopher Hubbert explained that while nuisance abatement can be used to acquire ownership of a property, this has not been a focus of FHHO because it requires the legal costs of obtaining a judgment against the owner. Rather, we have limited action to filing liens. Christopher Hubbert agreed that other options could be explored.

### **Reorganization of Standards and New Enforcement Procedures (7:43 pm)**

David Smotzer distributed a handout "*Statement of Housing and Standards.*" After giving attendees time to review the material, he summarized the strategy that will be implemented for standards compliance going forward. He reported that in developing this strategic plan, he had consulted with prior Standards co-chairs, Dale Rothenberger and Dean Sieck.

Main features of his plan are:

- There will be a six-month "grace period" on existing fines and violations. The period will be used to educate the homeowners concerning their responsibility to submit the paperwork for a permit or a variance to Standards and for homeowners to correct violations and pay existing fines. If homeowners are not in compliance by April 1, 2017, then notification of enforcement will be sent to the homeowner and action taken. All unresolved issues will receive equal enforcement.
- For ongoing identification of violations, four or more volunteer inspectors will canvas **all** FHHO houses on a regular basis. The inspectors will take digital photographs and document the violations through a mobile application that will interface with a

standards database. Strategically designed “yellow” hang-tags will be posted on the door of homes with violations as an initial notification to the home owner.

- Standards regulations will be updated to ensure clarity. The updated standards will be submitted to both the Executive Committee and the Board of Trustees for approval.

David Smotzer sees this strategy as a way to prevent minor issues from leading to major issues, protecting future property values. Priorities include all levels of housing (historical preservation, bank-owned, and resident-owned homes). He added that every homeowner must use the on-line permit application process before starting any exterior work and that applications for variances must be accompanied by completed forms from all neighbors and will be evaluated on a case-by-case basis. He noted that the original intent of the Rockefeller’s garden community design was to be a “open garden community” and Standards will endeavor to maintain that intent through non-political enforcement of fence and shed regulation.

He stated his belief that in the future, the “professional” volunteer committee will need at least one paid employee (a secretary position). He reported that his ultimate goal is that the strategy will become so successful that there will be fewer compliance issues, allowing Standards to transition to more of a resource for homeowners. To avoid conflicts of interest, David Smotzer reported that he will refrain from accepting any FHHO contract work while serving as Standards Chair.

David Smotzer concluded his presentation with a reminder that the goal of the FHHO-established standards documents has always been to provide a way of enforcing the intent of Rockefeller’s covenants, maintaining the quality of Forest Hill homes to the highest possible standards

#### Comments and Questions.

Mike Wells (MW) commented that there was an unresolved issue regarding two homeowners receiving unequal enforcement for similar exterior modifications. David Smotzer replied it is not under his purview to argue the actions taken by past Executive Committees, Standards Committees, or homeowners. Standards, under new leadership is looking ahead to level the playing field and standardize the process.

Jeff King (JK) commented that he was fined in a case where a neighbor was not fined with a similar external structure. David Smotzer reiterated that the purpose of updating the Standards process was to look ahead and create a plan in which properties are addressed equally.

Mike Reilly inquired whether fines will be approved by the board. He stated that since the board supervises the executive committee, the board should supervise fines. He stated that unequal enforcement will alienate home owners. He stated that standards regulations are a Board decision. Dave Smotzer replied that individual fines will be issued under his authority and reiterated yet again that all homeowners will receive equal enforcement treatment. Eileen Smotzer (ES) also commented that minor and major compliance issues will be given equal attention, as they both affect property values.

Fiona Reilly (FR) commented the board should have input and approval of standards regulations and Catherine Wells (CW) agreed and added that volunteers will not be adequate. Dave Smotzer referred attendees to the specific plan on the handout.

He clarified that that this handout shows that according to his plan, as standards regulations are updated they will be submitted to the Executive Committee. The Executive Committee will then submit them to the board. In response to further questioning, Christopher Hubbert clarified that whenever standards regulations are updated they are presented to the board.

Ken Tench commented that if the board gives permission, the board can retract permission and inquired if the board votes on the standards issues. Christopher Hubbert stated that while the standards regulations are presented to the board whenever updated, the whole board does not vote on enforcement of each standards violation.

It was noted that according to the FHHO bylaws, any officer can be recalled.

Matthieu Ramsey requested that trustees put an end to the repetitive disputes that have persisted in emails (e.g., the 5-page email received from Fiona Reilly the day before this meeting; this is on file with these minutes) and are now persisting in this meeting.

Lee Barbee (LB) commented that FHHO has not done an adequate job historically to address title transfer fee notification. Dave Smotzer stated that transfer fees were not under the purview of the Standards committee. Sharon Leary commented that MLS and title transfer management are handled by two volunteer groups that trustees may check off on their Volunteer Choices Handout as they leave the meeting.

Sharon Leary requested clarification of the fine schedule, comparing minor and major infractions. She reported that upon surveying one square block she had observed many minor violations, which in totality diminished the appearance of the block. David Smotzer clarified that minor and major violations will be reflected in a corresponding graded fee schedule. The Standards report ended with applause from the attendees.

## **Government Interaction and Outside Group Collaboration (8:40 PM)**

### Bank-owned Homes

Les Jones (LJ) reviewed the status of the 26 bank-owned homes that were designated for action starting in the spring of 2015 and has now been reduced to just three. He also reported that there were currently 10 bank-owned homes (including the three from the previous list) plus one home tied up in probate court that he would proceed with official notification using the same process as was launched by the Forest Hill Action Committee. LJ confirmed that the process starts with a certified letter outlining the current condition of the property and based on the response from the bank or servicing company would proceed further to final action. Mike Reilly asked if 1460 Blackmore, which he had just purchased, was on the list. Both Anthony Ruprcic and Les Jones confirmed that it was on the list.

### Unrelated Question

Ken Tench inquired whether the board could increase frequency of scheduled meetings and Christopher Hubbert confirmed that quarterly meetings would be appropriate.

### President's Words of Appreciation

Les Jones expressed appreciation for several people and groups who have contributed their time and skills to FHHO. Congratulations and thank you to:

- The Social Activity Group for the successful donor appreciation party which was well attended and included five East Cleveland and Cleveland Heights city officials.
- The 29 volunteers who helped make the *40th Anniversary Heights Heritage Home & Garden Tour* successful by guiding 929 guests through the three FHHO homes.
- Kesha and Jamain Owens for their successful renovation of a midcentury FHHO home, which had an open house and also received recognition from Cleveland Heights.

### Forest Hill Neighborhood Organizations

Leslie Jones provided an organizational chart of the current active Forest Hill neighborhood organizations that have a relationship with FHHO (enclosed in file). For each, he reported on the type of organization, the potential for goal overlap and for collaboration with FHHO. Leslie Jones reported that the East Cleveland Neighborhood Group, led by Frank Ricchi (FR) has met for 23 weeks with very successful and collegial negotiations with East Cleveland Mayor's office staff for budgeting maintenance of streets, sidewalks, street lights, tree trimming and removal, and fall leaf pick-up, all basic city services that had not been occurring previously. Leslie Jones reported that he attends meetings of as many of the listed groups as he is able.

Ken Tench inquired if the FH Swim Club is listed on the organizational chart and Leslie Jones said no, while FHHO sold them the land many years ago, this non-profit organization operates completely independently and has no relationship with FHHO.

#### Ken Tench: Unrelated Question

Ken Tench inquired if FHHO can increase communication frequency to home owners and Leslie Jones confirmed this is planned.

#### Government Interactions

*Tax Abatement:* Leslie Jones reported that FHHO is seeking a tax-abatement for the Blue Cottage and partnership with an established 501(c)(3) status in order to lower FHHO taxes and increase available dollars for community-based projects.

*Signage:* He also reported on the status of FHHO signage concept, including the contacts he has established with Cleveland Heights Architectural Review Board and Law Department to seek approval for non-commercial neighborhood signage (this would be the first residential neighborhood in Cleveland Heights, other than neighborhoods on the National Historic Registry, granted permission for their own signage). While he had determined that permission might be granted, he also found that Cleveland Heights would require 60% of all Forest Hill homeowner signatures would be required in support of the program. LJ estimated the cost of just a couple of monument signs, for example on either side of Burlington at the Burlington/Mayfield entrance to Forest Hill, would be around \$7,000 to \$8,000. He also commented that the original plan submitted to Cleveland Heights, to do both monument signs and sign toppers, could cost as much as \$20,000 to implement while a full replacement of all street signage, as proposed by the Forest Hill Historic Preservation Society group, could run close to \$100,000.

*Transfer Fees:* Les Jones concluded by pointing out that volunteers are needed to help FHHO move forward with successful title transfer fee management of the 30 to 40 title transfers in Forest Hill per year.

#### **Governance and By-Laws (9:04 PM)**

*(LJ presented this segment as Jo Fox was unable to attend due to hospitalization).* Leslie Jones reviewed the history of the by-laws committee. At the request of Les Jones, Senior VP, David McMurray had originally agreed to chair a working group, comprised of members of his choosing to reevaluate our bylaws. However, after one organizational meeting of a group comprised of himself, Mike Reilly, Mike Wells, Clark Rice and Ken Tench, Mr. McMurray resigned as Senior VP and Trustee. Several weeks later, Les Jones asked Jo Fox (JF), who had replaced Mr. McMurray as Senior VP, to Chair a bylaws committee, selecting members whom she felt would be best qualified. In consultation with members of the EC

and several trustees, Jo Fox compiled a list of individuals she thought would have the necessary expertise to address governance issues in an open, educated, unbiased manner. Many of the people on this list, which included both trustee and non-trustee residents, declined to join the committee. Currently, those who have accepted are Christopher Hubbert, Sharon Leary, Jan Milic (JM), and Frank Ricchi.

Clark Rice expressed his outrage at not being included in the newly formed group. Mike Reilly, Mike Wells, and Ken Tench soon joined in. (JM) pointed out that maybe they were not included because they did not fit the criteria that were being looked for in bylaws committee members.

By now, the order of the meeting had broken down, it was impossible for individuals to be heard over the noise, and attendees were interrupting each other as well as making personal comments. Mike Wells was heard by some to call out to the President in a raised voice “you are hopeless” and “you are an ass”. The secretary had to move to a seat away from Mike Wells due to his not complying with a request to discontinue shouting and pointing. Since she still could not hear individual voices over Mike Wells’s shouting, the minutes are less than complete for this segment of bylaws committee complaints from the four outraged trustees.

As the discord quieted, Mike Wells inquired if the bylaws group might be open to more members. Fiona Reilly agreed. Sharon Leary also agreed, adding that non-trustee residents and East Cleveland residents need to be included. No specific process for finding residents who would agree to participate was discussed.

### **Other Business**

Lee Barbee inquired if he was still a trustee and Les Jones clarified that Lee Barbee had indicated he was resigning from FHHO due to a conflict (the unapproved use of FHHO name to secure a meeting room at McGregor for an unapproved public meeting). Lee Barbee reported he had “recanted” his resignation in an email, which Les Jones denied seeing. Mike Reilly questioned the equality of accepting Rosanna Sprague back as a trustee after she, according to Mike Reilly, had resigned. Les Jones denied Rosanna Sprague had resigned.

**ACTION: A motion was made to reinstate Lee Barbee as a trustee and carried by consensus.**

Les Jones stated that, in the long term, he wants to see **every** homeowner **pay \$50 per year** to FHHO, although he did not clarify how this was to be accomplished. He reminded attendees that volunteers are needed for the MSL listing management to be successful and that they should sign the volunteer sheet on their way out.



## **Trustee Involvement and Responsibilities**

Due to time constraints, this agenda item, which included a motion that Mike Reilly be removed from the board and discussion of the question as to why many trustees were not fulfilling their fiduciary responsibility of serving on a committee, was postponed for a future meeting. The meeting ended as Les Jones reported he does not appreciate the “bickering” or the long, critical, and threatening emails being sent to the EC, trustees, and residents.

## **Adjournment**

The meeting was called to a close by Les Jones at 9:34 pm.

Sharon Leary

Sharon Leary  
FHHO Secretary

**Trustees Present (31)**

Lee Barbee  
 Robert Cameron  
 Dyeatra Carter-Williams  
 Eda Daniel  
 Kristen Fragassi  
 Mary Hall  
 Hattie Helm  
 Christopher Hubbert  
 Fernando John  
 Leslie Jones  
 Pamela King  
 Donna Kolb  
 John Langner  
 Sharon Leary  
 Hester Lewellen  
 Kate Lewis  
 Jan Millic  
 Trina Prufer  
 Matthieu Ramsey  
 Fiona Reilly  
 Mike Reilly  
 Frank Ricchi  
 Clark Rice  
 Mary Rice  
 Ronald Ross  
 Dale Rothenberger  
 Anthony Rupcic  
 Eileen Smotzer  
 Ken Tench  
 Catherine Wells  
 Mike Wells

**Trustees Absent (14)**

Dorothy Broz  
 Bennanaye Brooks  
 Marsha Cappy  
 Judy Charlick  
 Marty Golnick  
 Sue Kenney  
 Mace Mench  
 Sandra Morgan  
 Rich O'Donnell  
 Gerry Saidel  
 Jim Simpson  
 Rosanna Sprague  
 David Ward  
 Nate Wright

**Trustees Resigned (3)**

Pete Grebus  
 Peter Schofield  
 Dave Mc.Murray

**Resident Attendees**

Jeff King, 1365, Forest Hill Blvd.  
 Erica Stewart, 1111, Hereford Rd.  
 Lemuel Stewart, 1111 Hereford Rd.

**Non-Resident Attendee**

Lynch (ineligible) (unknown)

The number of Trustees decreased from 48 to 45 due to the resignations since the last meeting of 3 Trustees: Pete Grebus, Peter Schofield, and Dave McMurray. Resignation letters are on file.

Sign-in Sheets, handouts, and emails referred to in the minutes are on file. These include the 5 page email sent by Fiona Reilly to residents 24 hr before the meeting that had been referred to by at least one Trustee and by Les Jones during the meeting. This email repeats the problems that Les Jones and the Reilly's had with the 2016 elections and the same historical accusations that the EC has had to deal with many times before, such as that of Jeff King's fine. It ends with a the threat to current officers that a lawsuit is coming, implies that these officers are personally liable for the actions of past officers, and threatens that when sued, the officers will not be covered by FHHO's liability insurance. Numerous trustees responded with emails of appreciation to the officers and these are also filed. The email also resulted in confidential communications from numerous individuals requesting that the officers perform their fiduciary responsibility to stop the actions of trustees who are harassing, bullying, preventing the association from moving forward, and decreasing property values with the negativity they are bringing to the neighborhood. Others asked the officers to take action to protect elected officials from litigation.