



July 29, 2026

Dear McCullough Members:

As mentioned in last week's McCullough Minute email, enclosed for your review is a set of proposed Amendments to the Declaration of Protective Covenants and Easements for McCullough Neighborhood (CCR's), which both clarify and reduce the Association's maintenance responsibilities with respect to any lake, pond, dam, or appurtenant structure(s) located within our community (not including permitted detention or retention ponds and facilities).

As promised, the Board again investigated numerous options with respect to repairing the Crystal Springs lake amenity and failed dam. We engaged engineer Michael C. Gallant, PE, who assisted the Association with the lake and dam litigation. Mr. Gallant provided the Association with several options for repair with the goal of returning the lake to its pre-development condition. The Board has evaluated these options, and the *only option* which would allow the lake to possibly hold two-thirds of the water it previously held is estimated to cost approximately \$4 million. The cost of such repairs would necessitate a special assessment equal to approximately \$5,400.00 per property.

The Board does not believe it is in the best interest of the Association to expend such funds, but before submitting a special assessment vote to the community, we ask that you consider amending the declaration to provide the Association with more flexibility regarding its maintenance and repair responsibilities with respect to any lake, pond, or dam within the community, that is not a permitted BMP or stormwater facility.

The Board held an Open Board Meeting in May and recognized the desire, and need, for homeowner involvement in the decision-making process. The CCR's can only be amended by the lot owners within our community. **This is your opportunity to be involved in the process by casting your vote.**

Pursuant to Section 55A-7-08 of the North Carolina Nonprofit Corporation Act, the vote for the proposed Amendment change will take place via electronic and written ballot rather than at an in-person membership meeting. Accordingly, you may cast your vote electronically via the online voting platform, ElectionBuddy or using the enclosed written ballot. Electronic instructions will be emailed and texted to owners on Wednesday, July 29, 2026 at 5pm coming from *McCullough Neighborhood Association Inc.* You will simply be voting **for** or **against** the proposed Amendments as a single voting package. Each lot has one vote.

The Board asks that you vote as soon as possible. Owners who have not voted will receive reminders throughout the open voting period. Voting closes at 5:00pm on October 31, 2026. It takes an affirmative vote of at least sixty-seven percent (67%) of the total lot owners to approve the proposed Amendment, which is 498 votes. Once you cast your vote, it may not be changed or rescinded.

Your Board unanimously believes the proposed declaration amendments are in the best interest of the Association and supports the amendments. As mentioned previously, if the amendments are *not* approved, the next step is for the Board to propose another vote to the lot owners, seeking approval of a special assessment of approximately \$5,400.00 per lot.

If you have any questions, please do not hesitate to contact any member of the Board. See attached the Frequently Asked Questions (FAQs) which may answer most of your questions.

Sincerely,

Board of Directors
McCullough Neighborhood Association, Inc.

Amendment to the Declaration of Protective Covenants and Easements (CCRs) Background and FAQs

Background

The McCullough Neighborhood was developed on the former Crystal Springs Golf Course. While the golf course was in operation, a man-made lake was created by constructing an earthen dam that restricted the natural flow of water from the wooded area behind what is now Gladden Hill and from higher elevations extending beyond Flint Hill Road toward Sugar Creek. This man-made lake is *not* regulated by Mecklenburg County or the State of North Carolina or State of South Carolina.

The man-made lake was used to irrigate the golf course. After the golf course was sold to John Wieland Homes and Neighborhoods, the original Developer of McCullough, around 2006, little or no maintenance was performed on the dam's drainage components.

As additional homes were built in and around the community, water runoff into the lake increased because more water flowed from streets, sidewalks, and lots with impervious surfaces.

In late 2021, the dam failed and the lake drained. The Association Board of Directors then began evaluating options to repair the dam and restore the lake. Repairs were completed in June 2024. However, in late July and early August 2024, two significant rain events filled the lake and overtopped the dam, causing it to fail again.

Following that failure, the Board pursued legal action against the engineer and general contractor which was shared with the membership. In December 2025, the Association entered into a settlement agreement with the parties. This was also disclosed to the Association.

Early in 2026, the Board engaged Michael C. Gallant, PE, a professional engineer, to evaluate options for restoring the lake to pre-2021 conditions. Mr. Gallant had assisted the Association with the litigation and was already familiar with the challenges involved. He provided several restoration options. Unfortunately, only one option would come close to restoring the original lake footprint, though it would not fully match it. This option is also the most expensive.

Frequently Asked Questions (FAQs)

Q. Where is Crystal Lake and the Dam located?

A. The location is between Country Lake Drive/NC and Havencrest Drive/SC. Images below depict the location of the dam, located in North Carolina.



Q. Why did the Dam fail twice over the past 5-year period.

A. Simply – the development of homes increased the amount of water the lake could hold. Additional information can be found in both minutes and previous presentations by the Board posted on the McCulloughHOA.com website.

Q. Will the proposed dam construction restore the lake to its pre-2021 size?

A. It is anticipated, based on Mr. Gallant’s assessment, that the lake would only fill to approximately 2/3 of its original size and depth.

Q. Why is the Board requesting this change to the Declaration?

A. Article V Section 1iii of the Declaration, states that the Association will maintain “any lake, dam and appurtenant structures located within the Community;” Without this change, the Association will have to proceed with a costly project that we believe will not fully restore the lake.

Q. If we were to proceed with this project how much would it cost?

A. The option that gets closest to refilling the lake has an estimated cost of \$4,000,000. That includes surveying, engineering, and construction costs without regard to inflation.

Q. If we approve the change to the Declaration, what happens?

A. The current and future Boards will have more flexibility in determining the level of maintenance and repair of any lake, pond or dam within McCullough.

Q. If we don’t approve the change to the Declaration what happens next?

A. The Board would pursue a vote to the membership to approve a special assessment of approximately \$5,400.00/lot. That is \$4,000,000 divided equally amongst 742 lots.

Q. Does the vote require 67% of all votes, or 67% of the whole community?

A. 67% of the whole community. To pass, an affirmative vote of 498 for votes is required.

Q. If the amendment passes what happens to the land where the lake and dam are located?

A. Other than maintenance and safety considerations, the land will remain *as is* and continue to have a small stream running through it toward Little Sugar Creek.

Q. If the amendment vote passes, will the Board still seek a special assessment for \$5,400?

A. No, the Board does not believe the proposed repairs to the lake and dam are in the best interest of the community and the amendment language will provide the Board with the flexibility to make this decision, which it currently does not have under current governing documents.

Q. Who should I contact if I am not sure how to vote/didn't get the email/text with voting instructions?

A. On-Site Community Manager Kieley Wilson by:

Email: McCullough@Kuester.com

Phone: 704-659-6255

Office/Clubhouse: 12030 Miller Glen Ct, Pineville, NC 28134

Q. How do I vote?

A. You will receive an email and text from McCullough Neighborhood Association Inc. with instructions to vote electronically. A unique identifier is assigned to each voter. The voting system allows multiple email addresses for each voter; however, will only accept 1 ballot submission. Once a ballot is cast, it cannot be changed or rescinded.

Q. Will I get reminders to vote?

A. Yes! If you have not voted, you will receive weekly reminders from the electronic election system. After submitting your ballot, voters will receive a copy of the confirmation in their email.

Q. When will the amendment results be shared?

A. The deadline to vote is 5:00pm on Saturday, October 31, 2026. The Board will share the results in the McCullough Minute the following week and post them on the McCulloughHOA.com website.