

**The Meadows at Coal Creek Homeowners Association, Inc.**  
**Annual Meeting**  
**June 5, 2001**

**Attendees:** Board of Directors, 30 homeowners in person, and 10 proxies representing 11 properties (one proxy represented two homes)

**Call to Order**

The meeting was called to order at 6:40 p.m. All in attendance were asked to introduce themselves and state their address. Meeting packets were made available which included the following:

- Agenda
- Budget/Balance Sheet
- Board Resolutions on collection policy, enforcement policy and satellite dish and antennae placement policy
- Picnic signup

**Proof of Notice/Determination of Quorum**

- Proof of notice was provided
- Proxies were received from 10 homeowners representing 11 properties
- 30 homeowners signed in at the door (which was confirmed after subsequent review to eliminate any duplicate addresses.
- A quorum of the 102 homeowners for election of officers was not obtained.

**Approval of Prior Meeting Minutes**

The minutes from the 2000 meeting were read to the meeting attendees -

**Board of Directors Report**

*Landscaping Committee Report*

Resident Gail Palmer presented the report from the Landscaping Committee. She reported that current contractor Blade Runners would redo the center community entrance island starting June 14, 2001. The junipers will be removed and perennials will be placed at each end. The soil will be amended. Because the island water is City of Louisville controlled, addition water from adjacent homeowners may be needed to help the plants get established.

Ms. Palmer discussed the plan to install shrubs in the right-of-way "triangles". She briefed the meeting on water limitations on the walkways and told the group that sod was not an option due to water access issues. She conducted a straw vote of the members present to see if sod, or rock/shrub landscaping would be preferred along the walkways. The homeowners present overwhelmingly preferred the rock/shrubs landscaping. Based on funding availability, this course will be pursued.

*Maintenance and Snow Removal*

Homeowners noted that the mowing service was not performing in a timely manner but snow removal services appeared adequate.

## Summary of Board Resolutions

The Board summarized the resolutions that were developed during the last year. Resolutions were developed primarily to clarify requirements and ambiguous language in Meadows at Coal Creek (MCC) governing documents. Resolutions developed since last year were: rental and leases; handling of association funds; asset repair and replacement; confidential records; miscellaneous fees; insurance requirements; satellite dish; collections; enforcement of CC&Rs; and proxy voting.

One homeowner stated the opinion that the homeowners should have been asked to vote on the use and amount of fines. The Board stated that the fine policy was a clarification of an existing enforcement policy and not creation of new policy and that the fines were in line with other developments.

### **Financial Statement Review**

The financial statements were reviewed. There was a homeowner question on the negative budget number in the financial statement. The Board stated this was a "credit" from insurance money that was paid to the Association for the damage to the tree on the center island.

### **Architectural Committee Report**

ACC lead Dave Wilkinson presented a summary of ACC activity over the last year. He indicated that it was mostly a good year for the ACC and that most issues were able to be resolved with discussions rather than punitive measures. He noted that some homeowners still keep their large blue trashcans in visible locations and that this was not acceptable. If space is an issue he noted, smaller cans are available for the disposal firm.

The ACC also noted that there have been several cases where exterior projects were initiated without prior approval from the ACC, which is required according to MCC CC&Rs. Dave reviewed the process for all in attendance to ensure everyone was aware of the requirements.

In direct response to construction of structures without ACC approval, and concern that the structures were not in accordance with CC&R or PUD requirements, the ACC initiated, effective June 5, 2001, the requirement that for all structures that require building permits, a copy of the permit approval must accompany the ACC request form to ensure that exterior structures are constructed in accordance with city requirements.

### **Election of New Board Member**

Despite the lack of a quorum, a majority of those attending voted for Marian Carr to remain on the Board as Secretary/Vice President for a 3-year term.

### **Picnic**

The homeowners attending the meeting voted that they wanted another picnic this year, and a signup sheet was made available for volunteers.

### **Newsletter**

The homeowners in attendance indicated they appreciated the newsletter. They also requested an updated directory. The Board agreed to add the directory information to the next newsletter and provide an updated directory in time for the picnic.



## **Perimeter Fence Discussion**

The Board and the community discussed options and ideas for addressing maintenance of the Cherry Street fence. The Board indicated that proposals from vendors for staining the fence would be about \$1,600 for the exterior and could be paid for from the current budget. There was a lively discussion of the pros and cons of maintaining the fence including discussions of front and rear maintenance issues, and the impact of the fence on the community as a whole. Key elements of the discussion were:

- A majority of homeowners present (as indicated by a straw vote) wanted to pay to have the front fence stained by the Association to ensure a uniform appearance that would enhance the community as a whole.
- Some homeowners present were adamantly opposed to the Association taking any financial responsibility for the front fence, as it was the responsibility of each homeowner along the fence to maintain the fence. They indicated that it was not fair for the HOA to maintain some fences to the benefit of a small group of people while others along other perimeter fences got no such financial assistance. They also indicated it would set precedence and the HOA would forever be involved in maintaining the Cherry Street fence.

A straw vote was conducted to gauge the opinion of the community. Eighteen persons present and 10 proxies "voted" to pay for exterior only maintenance this year from existing funds. One person "voted" for the association to pay 50% of the cost of the exterior staining, and 5 people and one proxy "voted" to pay nothing toward the maintenance of the fence.

One homeowner indicated that they were very displeased with the vote and felt that it did not represent the feelings of the community as a whole as an official quorum was not present. The Board indicated that the "vote" was taken to get an understanding of the community wishes, but was not required to move forward with the activity as it was within the duties of the Board to make these type of decisions.

## **Setback Discussion**

Homeowner Michael Reis made a presentation to the community on his desire to modify the PUD to allow certain types of structures into the current 25-foot setback. Both the CC&Rs and the PUD do not allow construction of structures within 25-feet of the property line in the rear of the house. Although this limitation impacts all MCC, it is most keenly felt by those living on the cul-de-sac streets that have very shallow back yards.

Mr. Reis desires to construct an arbor structure that would encroach into the setback. He indicated that he felt that the PUD could be modified if the homeowners wanted this to occur. He suggested that provisions could be drafted to define the type of structures (such as an arbor but not a house "addition") that would be allowed and the distance they could be permitted into the setback. He also indicated that he was willing to work with the City to obtain the modifications. He thought the cost to obtain approval would be between \$400-750 to the City, which he wanted the Association to pay, or possibly the impacted homeowners. Mr. Reis indicated he would continue to attempt to gain community support for this measure. As it currently stands, both the PUD and the CC&Rs require the 25-foot setback and modifications to the CC&Rs require a 75% approval of the membership prior to 2005, and 66 <sup>2</sup>/<sub>3</sub>% thereafter.

## **Open Forum**

During the open forum discussion homeowners raised a concern regarding the lack of stop/yield signs in the community and the lack of some street name signs in certain locations. The Board agreed to investigate these issues.

### **Adjourn**

The meeting was adjourned at approximately 8:45 p.m..