

The Meadows at Coal Creek Homeowners Association, Inc.
Board of Directors Meeting
June 18, 2001

Attendees: Phil Barton, Marian Carr, Ron Cummings and Dave Wilkinson. Guests Lou Warshauski (303-665-7315), President of Town Homes at Coal Creek Home Owner's Association, and Hossein Zia-Shakeri, MCC resident.

Call to Order

Phil Barton called the meeting to order at 6:32 pm.

Discussion of West End Fence Outlot A

The MCC HOA initiated a discussion with the adjacent Town Homes of Coal Creek HOA to clarify ownership and responsibility for maintaining the west and south fences that surround portions of MCC. The west area is known as MCC Outlot A. The MCC HOA and the Town Homes both possess a written agreement dated 1996 outlining responsibilities for fence maintenance (see attached). Given that the documents did not appear completely signed, MCC believed it would be best to clarify the situation in writing for future boards at both developments. In addition, the MCC Board has not been able to determine the exact property line on the west, so it was unclear on whose property the fence lie, and where the 10-foot easement described in association documents was located.

Mr. Warshauski, representing the Town Homes HOA, indicated that he was aware of the agreement and was willing to take responsibility for maintaining that portion of the fence that is located adjacent to Town Homes property (i.e., south of the commercial business on Dahlia Street). He stated that the southern fence was 100% on Town Home property and the Town Homes maintain that fence as well as the portion on Outlot A. The MCC Board agreed to allow the Town Homes to continue to maintain the portion of the Outlot A fence that abuts MCC and the Town Home. The MCC HOA is responsible for maintaining the fence in areas where Outlot A abuts commercial establishments to the west. Both HOA's agreed to act in concert when repair or replacement was required for the fence. Given that the fence was only about 5 years old, it was thought this would not be an issue for many years.

Neither the MCC nor Town Homes HOA was sure where the legal property line is located. Town Homes believe the property line is on the retaining wall on the west side of the fence approximately 2 to 3 feet west of the Outlot A fence. If this is the case, then some of Outlot A is currently located within backyards of MCC property owners on Orchard Drive. To resolve this issue, MCC will attempt to determine the correct property line, either through discussions with the MCC developers, use of a surveyor, or other means. Once the location of the property line is established, additional action by the MCC Board may be necessary depending on the location of the property line.

The MCC Board has the following action items:

- The Board will draft a clarification letter to the Town Homes of Coal Creek to formalize the Outlot A fence responsibilities outlined above.
- The MCC Board will seek to clarify the location of the property line and share this information with the Town Homes.

- The MCC Board will communicate with residents along Outlot A to discuss both fence maintenance and location of the property line, once that is established.

Approval of Prior Meeting Minutes

The minutes from the May meeting were reviewed and approved by all Board members.

ACC Violations/Homeowner Complaints

Several ACC approvals were provided to the HOA files. The homeowner on Orchard Drive constructing the patio cover indicated they had a building permit and ACC approval, which was not in HOA files. The homeowner was asked to provide a copy so HOA files would be complete.

The ACC indicated that some homeowners adjacent to the open HOA-owned walkways were mowing the HOA lawn. The Board will determine if our insurance allows this. If not, then the homeowners will be asked not to maintain the area.

Hearing for 742 Peach Court – Fine for failure to submit plan for arbor, location of arbor into the setback, in violation of both CC&Rs and PUD restrictions.

The Board and the chairperson of the ACC conducted a hearing on the fine and CC&R violations with the affected homeowner at 742 Peach Court (Mr. H. Zia-Shakeri). Mr. Zia-Shakeri stated he did not contest the fine and stated he would pay when a letter is sent from the Board. He apologized for his actions and indicated he received incorrect advice from friends who informed him the setback requirements did not include arbor structures.

Mr. Zia-Shakeri presented a proposal to the Board to modify of the setback requirements for homes facing south with shallow backyards. These setback requirements are in both the CC&Rs and the MCC PUD documents. Mr. Zia-Shakeri indicated he held discussions with the City of Louisville Planning Department regarding the process to change the setback, and what steps must be taken. He shared this information with the Board. The Board stated that they represent the community as a whole, and would require a 75% approval from the community to change the CC&Rs as stated within the CC&Rs. All present agreed in principle that the only structures possibly allowed in the setback would be open shade type of structures of a single story. No request to allow house additions or two-story structures into the setback was proposed.

The Board agreed to evaluate the proposal and act in accordance with community wishes regarding the setback. To this end, the Board agreed to the following:

1. The Board agreed to present information regarding the possibility of modifying the PUD rear setback restrictions to the MCC homeowners and solicit their opinion on this matter. The Board will present a proposal to the homeowners to modify the rear setback requirements to allow certain defined shade structures to be constructed within a portion of the existing 25-foot setback (portion amount and structure parameters to be defined by homeowner committee). The homeowners will be asked to vote in writing whether they: (a) approve proposed modifications to the PUD setback restrictions and wish the Board to pursue the matter; or (b) they do not approve modifications to the PUD setback restrictions and do not want the Board to pursue the matter. The Board requires a 75 percent approval of the homeowners as indicated in the MCC CC&Rs.

2. Because this matter is of community interest potentially affecting almost one half of the homeowners, and a certain amount of time is necessary to develop a proposal and solicit a community vote, the Board and the homeowner at 742 Peach Court agreed to the following:
- The homeowner at 742 Peach Court will be allowed to keep the arbor structure as it currently exists (i.e., no additional modifications are permitted) without additional fines or penalties from the MCC Board until the community vote is conducted. The community vote is anticipated during August or September 2001.
 - The homeowner at 742 Peach Court and possibly others will obtain copies of property plans for homeowners with shallow lots. This material will be provided to the HOA Board to expedite the review of the matter. The target date to provide information to the Board is before middle July 2001. The Board is attempting to send information to the community by August 1, 2001.
 - If the community votes to pursue modifications to the PUD setback restrictions, the Board in conjunction with interested homeowners will pursue the matter with the City of Louisville in accordance with City requirements/process. It is understood that this process may take three or more months and require public hearings. In addition, it is also understood that even if the homeowners wish to modify the setback restrictions, the City of Louisville may reject the proposal. During this part of the process, the homeowner may keep the arbor structure until the outcome of the process is determined.
 - If the City agrees to the proposed PUD setback modifications, the homeowner at 742 Peach Court will comply with whatever new setback requirements are imposed within 45 days of the approval, weather permitting.
 - If the City or the MCC homeowners reject the proposal to modify the PUD setback requirement, the homeowner at 742 Peach Court will at no cost to the community remove the existing arbor structure or modify the structure within 45 days (in accordance with an approved ACC request) to come into compliance with the CC&Rs and the PUD, weather permitting.

Cherry Street Stain Letter to community

Based on informal discussions last week, the Board agreed to solicit a community vote on the issue of maintaining the Cherry Street fence exterior. A letter is being drafted to present the options.

Financial Statement

The budget and actuals were reviewed. The checking account financial statements and returned checks were not reviewed.

Approval of Invoices & Writing of Checks

The following invoices were paid:

- Town & Country Trash
- Farmers Insurance – the premiums appeared to decrease. The Board will double check as it's unusual for insurance premiums to decrease.

- Post Net

Adjourn

The next board will be meeting will be Monday July 16, 2001 at 6:30 p.m. With that the meeting was adjourned at approximately 9:05 p.m.