

The Meadows at Coal Creek Homeowners Association, Inc.  
Special Purpose Board of Directors Meeting  
October 4, 2001

The Board of Directors held a special purpose Board of Directors meeting to accomplish the following objectives:

- Discuss attorney response to MCC fence questions
- Sign checks prior to upcoming vacation of MCC Treasurer

Attendees: Phil Barton, Marian Carr, Ron Cummings, and Dave Wilkinson

#### Options for Fence Maintenance Review/Discussion

The Board of Directors and ACC met to discuss a path forward for the community perimeter fences and HOA-owned fences and discuss the finding on this issue by MCC legal counsel. See attached legal response for additional detail.

The following issues were discussed:

- All present agreed that the community should vote on who should maintain the fences in the community that are not HOA-owned as defined in the PUD.
- The following voting options will be developed. The outcome of the vote will be determined by a majority of a quorum.
  1. HOA maintains all fences and raises dues some amount to cover maintenance
  2. HOA only maintains front exterior of the Cherry street fence and all others are maintained by either the HOA (if defined as such in the PUD) or by the homeowners.
  3. HOA maintains only those fences it is required to maintain according to the PUD and the homeowners maintain all other fences.
- The current fence maintenance resolution must be revised, as it is legally inaccurate regarding maintenance of certain HOA-owned fences. Legal counsel states that if the PUD determines ownership, the Board cannot give that ownership/responsibility by resolution to someone else. The PUD states the HOA owns certain fences and the existing resolution requires that individual homeowners maintain those fences. The resolution will be modified..
- Legal counsel indicated that the HOA CANNOT maintain fences that are located on private property (even if the HOA owns the fence). If the community votes to have the HOA maintain some fences, and those fences are on the private property of the homeowner, then the HOA cannot maintain the fence without permission of the homeowner. This is true even if the HOA owns the fence. Therefore, the HOA needs to know the location of the Cherry Street fence, and other fences to determine if they are on HOA, City of Louisville or private property. A survey will be obtained to answer this question. This survey will be done prior to the vote.
- Once the survey is complete the Board will likely go forward with the vote. The Board may reevaluate the voting issues if all fences are found to be on private property creating potential issues regarding obtaining permission to maintain the fences.
- A maintenance policy can be developed for all MCC fences and the ACC will develop these fence maintenance requirements.

### **Approval of Invoices & Writing of Checks**

The following invoices were paid:

- Town & Country Trash
- Blade Runners landscape installation and maintenance

### **Adjourn**

The meeting was adjourned at 8:00 p.m.