

# **Door Creek Homeowner's Association**

## **Minutes of Board and Architectural Control Meeting 2013-05-09**

*Revised minutes of 2013-06-22*

A joint meeting of the DCHOA Board and the Architectural Control Committee (ACC) was held on May 9, 2013.

Members in attendance:

- E. J. Pazdziora, President
- Mark Riordan, Secretary
- Jim Newton, board member at large
- Todd Littel, board member at large, ACC member, and liaison between the board and the ACC
- Curtis Knox (via teleconference), ACC member
- Scott Jensen, ACC member
- Megan Mathison, ACC member

Joel Hughes, Treasurer and ACC member, could not attend due to a professional emergency, but was available via phone if necessary to cast a tie-breaking vote.

Meeting was called to order at 6:40pm.

### **Summaries of past business**

#### **Annual meeting**

The minutes of the annual meeting on April 13, 2013 were read and approved. These minutes are available on the DCHOA website at <http://www.doorcreekhoa.com/> as *2013 Annual Meeting Notes*.

#### **Special meeting**

The minutes of the special meeting held on April 13, 2013 - immediately after the annual meeting - were read and approved. This meeting assigned roles to the newly-elected board members. These minutes are also available on the website, as *2013 Special Meeting notes - Board Elections*.

#### **6914 Dominion variance**

The fence at 6914 Dominion is too tall, and would require a variance to conform with neighborhood covenants. At the annual meeting, ACC member Maria reported that the ACC's vote to grant a variance was 2-2, constituting a deadlock on the issue. A subsequent vote, tallied on April 24, 2013, came to a 3-1-1 (yes/no/no vote) result, approving the fence as built, based on section C-7 of the DCHOA Conditions, Covenants, and Restrictions. A document summarizing the situation was read and approved by the board. This document is available on the website as *2013 Special Meeting notes - Board Elections*.

#### **2012 covenant vote**

In 2012, the Association polled all members on proposed changes to the covenants.

Although the overall results of the vote have been known for months, and a large document containing scanned copies of all cast ballots was posted to the website on Oct 27, 2012, a statistical breakdown of the voting results has never officially been made available until now. The results were:

200 of the 215 households in the Associate returned ballots.

On the by-law change, the votes were 183 yes and 14 no.

On the B-14 outbuilding changes, the votes were 154 yes and 44 no. (Some members failed to vote on some issues.)

For such a vote to pass, at least 67% of the households must cast a yes vote. 67% of 215 is 144; thus, both measures passed.

It was agreed that the scanned copies of the ballots be taken down from the website, as the document's public availability violates the homeowners' likely expectation of being able to cast secret ballots. This is an action item for E.J.

## **ACC business**

### **ACC makeup**

The 5-member makeup of the ACC, as summarized at the beginning of these minutes, was approved by email on May 3, 2013. Only 3 Association members applied, necessitating the appointment of 2 Board members to the committee.

Todd Littel was given the key to the Association's post office box in Cottage Grove. He agreed to check the box at least weekly. Reasonably prompt checking of the post office box (which is open 24/7) is needed because the ACC has only 30 days from the date of submission to respond to homeowner requests.

### **6934 Mill Bluff fence**

The fence at 6934 Mill Bluff is not in compliance with the covenants. The situation is complex, because the previous ACC failed to act within 30 days of the homeowners submitting plans, and hence approved the fence by default. However, the fence that was built was not the same as described by the written plans, nor was it the same as differently described verbally to an ACC member prior to construction of the fence. There is a rumor of a complaint by a neighbor, but no *documented* complaints have been received by the ACC or the Board.

The ACC voted 4-0-1 (one member not being present) to approve a variance for the fence as it stands. Joel will send a letter to the homeowners making it clear that the fence is approved due to the lack of a timely response from the ACC.

### **Wyalusing trailer**

A homeowner on Wyalusing has a large trailer parked on the driveway, in violation of section B-4 of the covenants. The homeowner was told at the 2012 annual meeting that the trailer was OK; however, at a later date, a letter was sent stating there was a violation. . The homeowner is angry about the conflicting messages, and maintains that the trailer is well-maintained and that it would be impractical to keep it off-site because it's used often. The President contacted an attorney about enforcing section B-4 here, and the attorney advised against it, since there are other homeowners in violation of B-4, and chances are good that selective enforcement would not be upheld in a court. (The homeowner has threatened a lawsuit.) It was also pointed out that the homeowner *could* legally keep the trailer on the street, where it would be even less attractive. Based on these arguments, the ACC voted 4-0-1 (one member not present) to send a letter to the homeowner that no

action would be taken, but that we will reserve the right to take action in the future if complaints are received.

It was agreed that all communications from the ACC to homeowners will be reviewed by the entire ACC.

### **Amnicon mailbox and trailer**

A homeowner on Amnicon is in violation of the covenants with both a mailbox and a trailer. The mailbox is egregiously out of compliance. We believe that the homeowner will install a compliant mailbox if informed of the arrangement we have recently made to easily provide mailbox posts from a reputable vendor. (Information on this is available on the website.) Todd will write the homeowner and inform him of this arrangement. The address of the Amnicon house was not available at the meeting, but E.J. agreed to provide it to Todd promptly.

Regarding the 4'x4' utility trailer, Todd agreed to talk to the homeowner and see whether he would move it into the garage.

### **Highcliff awning**

About 7 days ago, the ACC received a request from 757 Highcliff to approve the installation of a sunset awning. This request was approved at the meeting by a 4-0-1 vote. An approval letter will be sent to the homeowner. There is a template for approval letters; E.J. will put it on the Association website.

### **Future meetings**

The ACC will meet monthly, unless there is no pending business. The ACC determined that the meetings should be on Thursdays; however, no specific schedule was arrived at during the meeting.

The Board will meet quarterly. Their meetings will coincide with every third ACC meeting. Hence, the dates of the Board meetings will not be determined until the ACC determines the dates of its meetings.

It was decided that, if possible, both Board and ACC meetings will be non-public. *[Editor's note: this decision was reversed several days later.]* (This excludes the annual meeting, of course.) This will allow Board and especially ACC members to speak more freely than would be possible if members were present. However, we are not certain what the covenants have to say about this. Mark will research this.

It was suggested that we could put a statement on the website that if members have an issue they'd like the Board or the ACC to address, they could communicate it prior to the meetings. However, the mechanism for this (for example, a specific email address) was not given.

The Association notebooks were handed over to Mark, the new Secretary.

Meeting was adjourned at 8:30pm.