

**Minutes of the
Old Dorsey Place Homeowners Association
General Meeting
May 27, 2015**

Call to Order – Dick Kline, President, called the meeting to order at 7:30 p.m.

I. **Introduction of Officers** – Dick Kline introduced the officers in attendance.

The following Board Members were present:

President: Dick Kline
Vice President: Bob Pessolano
Secretary: Don Battcher
Treasurer: John Balbach
Section 1 Niki Rutledge
Section 2 Dick Bowles
Section 3 Ralph Walz
Section 4A Susan Drake
Section 4B Jerry Klopfenstein

The following Members were absent: None

- II. **Special Guests: Councilwoman Marilyn Parker and her legislative aide Lisa Chapman** – Dick Kline introduced Councilwoman Marilyn Parker, our elected 18th District Louisville Metro Council Representative. Councilwoman Parker discussed the various issues she has worked on during the past year.
- A. Representative Parker explained that her budget priorities are always those projects which serve the greatest public purpose. She looks for projects that have more than a 5 year life span. She described herself as the most conservative member of the Metro Council in terms of budget allocations and expenditures. She has worked to have Lagrange Road repaved. In 2010 Dorsey Lane was repaved but was merely skimmed. She is working with public works regarding the rating. She described that a road has to be rated 55 or lower to even have an estimate prepared for repaving. Currently, Dorsey Lane has a rating of 77. She has asked that public works re-rate the road based on its current condition.
 - B. Regarding sidewalks, she reported that new sidewalks have been installed near liquor barn on Bunsen Parkway and that cost was being split with TARC
 - C. Representative Parker discussed the parks initiatives at area parks, including AB Sawyer Park. The amount of approximately \$800,000.00 has been allocated for the trail leading from AB Sawyer Park, under Hurstbourne Parkway and through Forrest Green. She explained the allocated federal funds held at the State level were in danger of being lost. She described it as a quagmire that required attention from herself, Lisa Chapman, the county attorney, the city of Lyndon and Metroparks. She reports that the funding was not lost and that the project will

move forward. It will include a tunnel under Hurstbourne Parkway and sidewalks throughout the park.

- D. In another Park related matter, she described a possible splash park would be built at Robison Park, which is in another district adjoining Metro 18th District.
- E. She described that her office could not have any role in disputes among neighbors regarding deed restrictions.
- F. Representative Parker next addressed concerns regarding increased PVA assessments. She described that PVA did not re-assess in 2012 –13 but that more sales have now caused PVA to re-assess many properties. PVA uses MLS sales records. She described a computerized process which is supposed to speed the re-assessments. Representative Parker recommended that anyone who faces a PVA re-assessment should appeal as quickly as possible if they believe they have grounds for an appeal. She described that the current re-assessment process is based on software that provides a flyover view from a 40% angle to determine if decks, room additions, pools etc. have been added to the property.
- G. Rep. Parker encouraged all residents to email any concerns to either her or her legislative assistant, Lisa Chapman, regarding any issues:
Marilyn.Parker@louisvilleky.gov or Lisa.Chapman@louisvilleky.gov

III. **Special Guests:**

Kathleen Smith, Chief of Staff to the president of the University of Louisville,
Brian Lavin President, NTS,
Matt Ricketts, V.P., NTS
Glenn Price, Attorney, Frost Brown Todd, the zoning attorney for the University of Louisville and NTS

- A. Glenn Price introduced the other special guest. Mr. Price briefly described that a zoning change was being sought by the University of Louisville and NTS for portions of the ShelbyHurst development. He said that the public hearing would be in early summer and the process should conclude sometime around Labor Day.
- B. Brian Lavin, President of NTS, spoke about the 50th year anniversary of NTS and the developments that began 50 years ago with Plainview farm, Oxmoor Woods, Elk Creek, Lake Forest and various other developments in and around Louisville. He discussed that 5 years ago the University of Louisville selected NTS to develop the ShelbyHurst property. The first building constructed, referred to as the Churchill Downs building because of its name on the top floor, is a multi-tenant building that was completed 3 years ago. It is 100% leased. The second building, referred to as the Steel Technologies building, will also soon be 100% leased. The success of the projects has prompted the rezoning process.
- C. Mr. Lavin said that NTS and the University take the project very seriously. The University and NTS are sensitive to the thoughts and concerns of the adjoining neighbors. They want the development of the property to be unique and done in a lasting way since the University of Louisville will retain ownership of the property and will always operate and maintain it in the highest quality way possible. Mr. Lavin then introduced Matt Ricketts, Vice President of NTS.

- D. Matt Ricketts explained that the University and NTS want to be good neighbors and to get out ahead with the facts about the re-zoning application process. In 2010 most of Shelby campus was rezoned OR 3 for office use. He described the current re-zoning application in 3 phases:
- First, an application will be filed for parcels fronting on the north side of Shelbyville Road, across from the restaurant PF Chang's, to re-zone those parcels from OR-3 to C-2. This would allow for development of such as uses as restaurants or a hotel instead of office use.
 - Second, an application will be filed for property across from the Whipps Mill entrance to re-zone that portion from OR-3 to R-4. This would allow for residential multifamily apartments.
 - Third, an application will be filed for the parcel of property adjoining Old Dorsey Place (and the rear yards of homes located on the west side of Tamarisk Parkway) to re-zone that property from OR-3 to C-2. This would allow for the development of parcels for commercial use including such things as small restaurants, a coffee shop, drycleaner, ice cream shop and other similar uses. The development plan also calls for a smaller three-story office building. To explain smaller, he described that the Churchill Downs and Steel Technologies buildings have a 120,000 ft.² foot print. The proposed building would have a 90,000 ft.² foot print. The proposed building would be 3 stories tall, while the Churchill Downs and Steel Technologies buildings are 4 stories tall.
- E. Matt Ricketts explained that the University and NTS are required by local zoning code to provide for a 50 foot buffer between the rear of the homes on Tamarisk Parkway and the developed property. Instead of 50 feet, the University and NTS propose a 120 foot buffer. He also said that zoning code requires a 200 foot buffer between the proposed office building to be built on the parcel, but that NTS and the University would provide a 400 foot buffer and limit the height to 45 feet.
- F. Mr. Ricketts then described peak traffic congestion and how the development of the entire area for office use would create the worst-case scenario by increasing peak traffic during morning and afternoon rush hour. It would also create additional peak traffic during lunch hours as office workers left to drive to lunch and other services.
- G. NTS has modeled proposed traffic improvements on that worst-case scenario, even though the proposed re-zoning development plan is now going to create less office use and more available services within walking distance. Mr. Ricketts emphasized that NTS and U of L want to be good neighbors. Today, over 1000 employees work in the current buildings. Many of them would desire to have places to walk to during lunch breaks.
- H. He said NTS would set the bar high in terms of attracting the best quality tenants to fit with the existing high quality tenants in the newly developed Churchill Downs and Steel Technologies buildings.
- I. A question was asked by an ODPHA member as to whether fast food restaurants would be built on the property. Mr. Ricketts said that his personal office looks out over the parcel and that it would do no one any good to have a poorly designed and managed development. He emphasized that the University wants to

- be a good neighbor and is in this for the long term since the University will continue to own the property. He said high lease rates will help to create a first class development and fast food and gas stations would not fit that profile.
- J. A question was asked whether or not NTS had considered the wildlife that moves out of the forest areas into the neighborhood when trees are removed and development takes place. Mr. Ricketts replied that NTS would do everything possible to be good neighbors.
 - K. A question was asked whether the re-zoning was a “done deal” and whether any input from adjoining neighbors would be of any consequence. Mr. Ricketts explained again that NTS and the University desire to be good neighbors and want the input from the neighbors to reduce concerns.
 - L. A comment was made by one neighbor that the multicolored lighting on the Steel Technologies building was, in his opinion, “atrocious.” Mr. Ricketts replied that he had received many compliments on the architecture and lighting of the buildings but he heard the concern and that no new building constructed would have lighting that faced into any adjoining neighborhood.
 - M. A question was raised as to the timeline for the development. Glenn Price responded that was actually in the pre-application process currently and that an application would be filed within about 3 weeks. He said that a neighborhood meeting would be held soon thereafter. He said one neighborhood meeting was required and it was possible it would be held in a building on Shelby campus. In about 2 months, he said a public hearing would be held, possibly downtown or possibly on Shelby campus. The planning and zoning commission would then vote on the proposal. The matter of the Shelbyville Road and Hurstbourne Lane parcels would then be voted on by the entire Metro Council. The Whipps Mill parcel would be voted on by the City of Lyndon. Mr. Price said that the entire process would take about 6 months and should be concluded by Thanksgiving, 2015.
 - N. Mr. Ricketts said this was the start of the process and he wanted to set up an open line of communication with the neighborhood and hoped that a committee would be formed and with a single lead person to contact regarding questions and concerns.
 - O. A question was raised regarding the specific transportation improvements proposed by NTS. Mr. Ricketts explained that on Whipps Mill Road, a new traffic light would be proposed. On Whittington Parkway at Shelbyville Road, more capacity for turn lanes would be proposed. On Shelbyville Road and Hurstbourne Lane, two turn lanes would be proposed for traffic leaving Southbound Hurstbourne Parkway onto Eastbound Shelbyville Road. For Eastbound Shelbyville Road, a lengthened turning lane from Shelbyville Road onto N. Hurstbourne Parkway would be proposed. Finally, a de-acceleration lane would be proposed on North Hurstbourne Parkway to turn right into the new development.
 - P. A question was raised whether any of the transportation improvements could include re-timing of the light at Tamarisk Parkway. Dick Kline responded that he had previously worked with the state highway department regarding our request and neighbors complaints about the length of the light waiting time at various

points in the day. The state highway department had responded then that the traffic timing was “set in stone.”

Neighbors were encouraged to volunteer to serve on a the committee to provide feedback regarding this rezoning process. Neighbors can express their interest in volunteering via the neighborhood Facebook page or through the neighborhood email address to Susan Drake at odphoa@gmail.com

- IV. **Review and Approval of Previous Meeting Minutes** –Based upon the amount of business conducted in this year’s General Meeting, Jerry Klopfenstein made a motion that the reading of the minutes from the May 20, 2014 General Meeting be dispensed with and upon motion, duly seconded and unanimous approval, the minutes were approved as written. Susan Drake reported that the minutes of the General Meetings are available at the neighborhood website, <http://www.olddorseyplace.com>. Susan also reported that she would email any neighbor a copy of the minutes upon request. Request may be made through Facebook or the newly established email address: odphoa@gmail.com.

V. **Old Business**

- A. **Signs** - Dick Kline reminded everyone of the existing rule that "leader signs" -- those real estate and yard signs at the entrances to the neighborhoods or locations other than the homeowners lawn --are only allowed the day of the open house or yard sale and then must be removed.
- B. **Directory** –Susan Drake reported that the biannual re-print the Neighborhood Directory will be done at year-end this year. There will be a form included with the Dues statement for residents to notify of any necessary changes to the Directory. Advertisement can be submitted to the board for inclusion in the directory. Ads cost \$25 for a quarter-page \$50 for half-page and \$75 for a full-page
- C. **Snow Removal** – Dick Kline reported that winter weather resulted in a substantially decreased expenditures for snow removal and ice salting during the past winter.
- D. **Sidewalk Repair** –Dick said that we can continue to seek Metro government funding through Councilwoman Parker’s office for sidewalk repairs in the neighborhood. Neighbors can call 311 for consideration. Only those sidewalks with a 1 ½ to 2 inch displacement will be considered. A question was raised by a neighbor as to whether she could pay for sidewalk repair herself. Dick Kline said he did not think there was anything that would prohibit someone from paying for the repair themselves.

VI. **New Business:**

- A. **Treasurer’s Report:** John Balbach, Treasurer, reviewed the Statement of Cash Flow, attached hereto. John noted that payments to LG&E for rental of

the lights and the utility costs is still our largest single expenditure. John responded to all questions. Upon Motion, duly seconded, the Treasurer's Report was accepted and unanimously approved.

- B. Dues Billing – John reported that the annual dues of \$100 will be due as usual on July 1, 2015. Dues billing will be mailed to all 290 homeowners by June 1. A ballot for election of Board members will be included with the Dues billing. For anyone paying electronically through their bank, the ballot should be returned by mail or email to odphoa@gmail.com
- C. Hiring a Private Management Company, Dues and Deed Restrictions – Ralph Walz discussed the report he submitted to the Board regarding how other neighborhood associations enforce their deed restrictions through the hiring of a private management company. Ralph looked at other subdivisions and compared the relatively low cost of our dues compared to other neighborhoods.
- During the course of his review of condominiums and homeowners associations, Ralph discovered that many associations hired private management companies to bill and collect dues, develop websites, coordinate landscaping and snow removal contractors, set up holiday decorations and various other services. Ralph described how the property manager would perform any or all of the services currently provided by the volunteer board.
 - Ralph described that in the course of his investigation he obtained copies of many of the other deed restrictions used by newer subdivisions and that the new incoming board could review and propose a neighborhood-wide vote on new deed restrictions. Ralph described how our current set of deed restrictions are subject to interpretation and do not provide as clear an answer as some other sets of deed restrictions provide. He described how it is also sometimes difficult for neighbors to go head-to-head over disputes with their own neighbors and that use of a independent property manager would help in that regard.
 - One management company Ralph spoke to was Bill Stout Properties. He found that the management company could be hired for \$800 per month. That would be \$9600 per year divided by the 290 households or \$33 per household.
 - Ralph said that the matter has been tabled by the current board for consideration, to be addressed by the new board that will take office effective September, 2015.
 - A question was raised as to whether a private property manager would result in an increase in cost. The neighbor asking the question mentioned experience with the prior property manager at a condominium where she had previously resided. She described that the property manager seemed to choose contractors that they always used, rather than obtaining competitive bids.
 - A question/comment was made that 3 or 4 members of our association are not in compliance with the deed restrictions and that

this noncompliance has resulted in discussion of litigation. The cost of the litigation was discussed. The new board will be faced with possible dues increases and other issues related to that potential cost.

- A comment was made that mediation or arbitration could possibly be used to reduce the cost of deed restriction compliance issues.
- A comment was made that many people have been lifelong residents of Kentucky cannot answer the question: “What is the motto of Kentucky? What is the motto that is printed on our flag and the seal of the Commonwealth of Kentucky? The comment was made that the answer is just as applicable today as it was then --and it applies to our neighborhood association as well: “United we stand, divided we fall.”

- D. Nomination of 2015-2016 Board of Directors – Dick Kline opened the nominations for the 2011-2012 Board of Directors. All neighbors were again encouraged to volunteer their name for any position on the Board. As in the past, a slate of candidates is nominated to be placed on the ballots, which will be mailed with the Dues statement. Write-In-Ballots are also accepted.

As previously discussed in a neighborhood newsletter, Dick Kline, Don Battcher, John Balbach, Dick Bowles, Niki Rutledge and Bob Pessolano will not place their names in nomination for the Board this year. Each of them has individually contributed more than 10 years of volunteer service to the Association and each is thanked for the many years of service. Dick Kline has served the longest of any current board member, with 13 years as president as well as years of prior service in other capacities.

Ralph Walz, Jerry Klopfenstein and Susan Drake will be on the ballot for the 2015-2016 term.

Upon Motion, second and unanimous approval, each of the following names were placed in nomination, duly seconded and unanimously approved:

President – Brett Garvey
Vice President – Colleen Balderson
Secretary – Liddell Vaughn
Treasurer – Susan Drake

Members at Large:

Section 1 – Ann Christensen, Jon Schmidt, Jaarad Taylor
Section 2 – Adam Green, Karen Garner, Dinah Walsh
Section 3 – Ralph Walz
Section 4a – Jerry Klopfenstein
Section 4b – Stephen Tweed

A comment was made that it was certainly unusual and very welcome to have multiple candidates place their names in nomination to volunteer their time and talent to the

Association. All neighbors, and especially those who have placed their names in nomination but are not elected, are encouraged to volunteer in other ways including the pending committee regarding the ShelbyHurst rezoning process.

The Building Industry Association was once again thanked for their generosity in providing their facility and boardroom for our annual meeting.

There being no further business, upon motion, second and unanimous approval, the meeting was adjourned.

Respectfully submitted,

Donald S. Battcher, Secretary