

**Old Dorsey Place
General Meeting of the Homeowners Association
May 19, 2016**

Call to Order: Bret Garvey 7:35

I. Introduction of Officers: Brett Garvey

President: Brett Garvey
Vice President: Colleen Balderson
Treasurer: Susan Drake
Secretary: Michelle Morris
Area 1 Rep: Jaared Taylor (absent)
Area 2 Rep: Karen Garner
Area 3 Rep: Ralph Walz
Area 4A Rep: Jerry Klopfenstein
Area 4B Rep: Steven Tweed

II. Approval of 2015 Minutes: Brett Garvey.

Brett explained to homeowners that minutes from the May 27, 2015 General Meeting were available at the front of the room and are also available on the Old Dorsey Place website. He asked for questions regarding the previous minutes. There were no questions asked. Colleen Balderson made the motion to waive the reading aloud of the 2015 General Meeting minutes and to approve the minutes at this time. Seconded by Ralph Walz. Brett called for a vote of a show of hands to approve the previous minutes. The majority raised hands in approval, none opposed so the minutes were approved.

III. Introduction of Councilwoman Marilyn Parker: Brett Garvey

Councilwoman Marilyn Parker gave an update of District 8, including:

- A. Dorsey Lane was recently paved. She reported that this road repaving happened fairly quickly and was a result of her filing it as a public safety issue.
- B. She spoke about the plans regarding a walking trail connecting Forest Green, AB Sawyer Park and UofL Shelby Campus. She described it as a multi use green space with sidewalks and a tunnel under Hurstbourne Parkway. The project is going through the bidding process now. No start date indicated.
- C. Regarding AB Sawyer Park, she spoke of an approximately 2 million dollar multi-phase project. The first phase will begin with the safety issues of the parking lot entrance and the parking lot repaving. Future phases will include a new picnic pavilion, upgraded picnic area and a new playground.
- D. There are plans in place for a Splash Park in Robison Park. This park is not in our district, but is in a district nearby.
- E. There will be a zoning hearing on June 16, 2016 held specifically to address the UofL Shelby Campus property that borders Shelbyville Road. There are no plans to discuss zoning of the Hurstbourne property adjacent to Old Dorsey Place.

- F. She spoke of her future goals for district 18, which included securing funding for road repair and addressing a great deal of backlog of deferred maintenance.
- G. She spoke of the increase in the crime rate in the district, and reminded homeowners to lock cars at night and keep porch lights on. She also mentioned the success some neighborhoods have with a Facebook-like computer system called Nextdoor.com where neighbors can post notices about suspicious activity.
- H. Councilwoman Marilyn Parker can be reached at 574-1118 or at Marilyn.parker@louky.gov

IV. Crime Reports: Susan Drake

- A. Susan introduced Al Katcher, an ODP resident working with LMPD's 8th division regarding Crime Prevention. He announced that there will be a Crime Prevention Forum on May 21, 2016 from 10:00-12:30 at Northeast Christian Church. Subjects to be discussed include the Heroin Overdose Program and Body Cameras. The Better Business Bureau will have a presentation addressing current scams and how to avoid them. (There was a flyer handed out, which will be included with these minutes.)
- B. Susan discussed the recent increase in car break ins. Unfortunately; most of the vehicles were left unlocked, making them easy targets. She reminded us to keep an eye out for suspicious activity and to watch out for each other.
- C. There is a need for a resident to take the lead on a Neighborhood Watch program. Anyone interested should email ODPHOA@gmail.com.

V. Shelbyhurst Development UofL: Stephen Tweed

- A. There is an ODP Shelbyhurst Committee made up of 9 neighborhood homeowners who met and worked on ideas concerning the Binding Elements of the project. Steven showed a slide picturing the specific area, explaining it was the currently undeveloped property adjacent to Tamarisk Parkway along Hurstborne Parkway. The area nearest Hurstbourne would be mainly commercial development and the area closest to the neighborhood would be office development. He explained the 120' buffer zones and the transition zones outlined on the slide.
- B. Stephen outlined the categories of the Binding Elements, including:
 - i. Property landscaping and preservation
 - ii. Traffic patterns
 - iii. Commercial section: There shall be no gas or service businesses, no cellular towers and no outdoor entertainment or sound systems. There shall be limited hours of operation and limited hours of deliveries and trash pick-up.
 - iv. Office section: Building height limited to 3 stories. Parking lot lights shall be down pointing. No lighting on the ODP side of the building. There shall be an evergreen tree barrier and a sound barrier.
 - v. Safety and Security
 - vi. Construction
 - vii. Enforcement
- C. Stephen then opened the floor for questions and comments. The following reflects the discussion on the floor during this question and answer session. (Some questions

may be paraphrased or combined with other questions, but this is an overview of comments, questions and answers.)

Q: Is the portion of the Binding Elements prohibiting gas stations and service stations in writing?

A: No, it is in draft form at this time. It appears the developers are focusing on the Shelbyville Road portion of the project first, so we will wait until they get to us. The time frame for development is unknown at this time

Q: Did you discuss signage?

A: At the entrance with the traffic light, there will be a monument style sign. Each parcel will also have the opportunity to have signs on the building, but the entrance will be monument style. There is a pattern book that shows the styles the developers may choose, but we are confident it will be done in good taste.

Q: What are our options if the developers do not follow the Binding Elements, specifically noise issues?

A: ODP will have individuals who will communicate directly with NTS and will maintain an open pathway of communication. As far as noise complaints, UofL will empower their police department to handle and enforce noise complaints during construction.

Q: What “teeth” does our Binding Element document have?

A: City Zoning has the power to enforce this. A Binding Element is an agreed upon, filed document and our committee is doing everything it can to close loopholes and make everything clear. In the short term, the committee threatened to completely pull out of negotiations with NTS until they agreed that there would not be a gas station. So far, it has included some give and take.

Comment: A homeowner expressed her distrust of the NTS developers, explaining that in the past, she owned and operated a business and had an agreement with some of these individuals. Promises were broken and the homeowner warned the board to be cautious when working with developers.

Q: A homeowner expressed concern regarding the proposed C-2 zoning and felt that C-1 should be negotiated.

A: At this time, we feel like the Binding Elements covers everything. This far into the discussion, it may be too late to negotiate something like that.

Q: Will the three-story building be taller than the tree line?

A: As it appears, the land slopes enough that the top of the three-story building will not be taller than the tree line.

Q: What about the wildlife currently in the woods? The homeowner expressed concern that the wildlife will come into the neighborhood.

A: Yes, there will certainly be some migration of that wildlife, but at this time there isn't a good solution available.

Q: Regarding traffic, this is going to make a bad situation much worse.

A: NTS and UofL are working on traffic pattern studies and possible solutions. Unfortunately, there will be more traffic and there won't be a way to make everyone happy, but at least this is a concern that they are taking seriously.

Q: Has the Whipps Mill development been cancelled? (Referring to the proposed apartment building development). A homeowner reported seeing survey crews measuring in the area recently.

A: The last official word ODP has received reported the apartments were no longer under development.

Q: There are nine buildings shown on this proposal map. Can we negotiate it down to 6 or fewer? And what about placement?

A: As negotiations proceeded, we felt that there had to be some give-and-take from both sides. We felt like they gave up on the gas station, so we had to be a little flexible as to where specific businesses were located. The photo shows 9 buildings, but a business owner may want two lots and just put one building on it. At this time, it's too early to know exactly how things will look.

Q: How will we know about zoning meetings?

A: The homeowners along Tamarisk abutting the development will be notified in writing of zoning meetings. In addition, the board will attempt to notify everyone either by flyers or Facebook notifications or whatever other means necessary.

VI. Deed Restrictions: Ralph Walz

- A. Ralph explained that a Deed Restriction is an enforceable document that homeowners agree to adhere to when they buy a house in a neighborhood with such an agreement. The deed restrictions are designed to protect the value of the neighborhood and to promote good neighbor relationships.
- B. Old Dorsey Place was finished in 5 different phases and unfortunately that leaves us with 5 slightly different sets of deed restrictions with different renewal dates. It is Ralph's hope that eventually these can be reorganized into a single, more up to date list of deed restrictions. He admits that some of the items listed are somewhat vague and seem designed to protect the neighborhood developers, and as such are no longer relevant to the current neighborhood.
- C. As new neighbors move in and as existing homeowners wish to make improvements on their property, it becomes challenging to enforce these restrictions. In addition, there have been some issues with past interpretations of the deed restrictions placing some homeowners outside of compliance. With our current budget, we have limited funding to enforce past issues but the current board is committed to improving the value of your property by enforcing deed restrictions.
- D. The board solicited proposals from several management companies, but at this time the board would rather not pursue this option.
- E. At this time, the biggest issues include: Fences, New Construction, Lawn Care and Parking. Ralph also warned of other potential future issues, none of which have become a problem yet, including: Drones, above ground pools, AirBnB rentals.
- F. Deed Restriction Review Process: There will be a specific process for review and approval of exterior improvements.

1. The homeowner submits his request to the board in writing ODPHOA@gmail.com, including as many drawings and pictures as necessary to show the scope and design of the project.
2. The homeowner's Area Representative and the Construction Review Committee will review the request. This may include a visit to the homeowner's property.
3. There will then be a recommendation to the full Board to either approve or deny approval of the project. The homeowner will receive notification within two weeks of submission of all requested plan details.

G. Questions and Comments: At this time, Ralph opened the floor for questions and comments. The following is an overview of the questions and comments discussed on the floor:

Q: Will there be any consideration for "grandfathering in" an out of compliance structure?

A: Previous inconsistencies and limited funding make it hard to enforce these past structures, but going forward, the board is committed to protecting and enforcing the deed restrictions. Ralph acknowledged that most of us have at some time done something outside of the deed restrictions, either out of ignorance or because we just didn't think to have it approved. He says there is no plan to go out and do an audit on already existing improvements, but on future improvements the Deed Restriction Review Process will be followed.

Q: Is there a way to publicly post that a project has received approval, like a sign in the yard or a paper in the window? That way neighbors would be aware that the construction had been approved.

A: Susan suggested that any neighbors with questions regarding any construction project are invited to email at ODPHOA@gmail.com. She would welcome any emails and would be happy to reply.

Q: There are some homeowners residing on Dorsey Way that feel like they receive no benefits from being included in Old Dorsey Place and would like to know how to petition for their removal.

A: Stephen answered that at this time, we don't have all the information necessary to make this kind of change. It would require legal advice. He will put this on the agenda for the next Board meeting.

VII. Financial: Susan Drake

- A. Susan reviewed the Cash Flow Statement that was given out at the beginning of the meeting. She specifically pointed out that with the current \$100 annual dues, the financial expenditures exceeded the dues received and this has occurred for the past 3 years. This has resulted in a depletion of the reserves and puts the current board in the uncomfortable position of needing to request a fee increase.
- B. Susan requested an increase of \$60 to the annual fee, bringing the total per home to \$160 per year. This fee increase is necessary to pay current expenses and to cushion against unanticipated expenses such as legal fees or excessive snow removal. The landscaping is aging, so a small increase in landscaping is reflected in the budget. Out of budgetary constraints, Susan pointed out that there are no flowers planted at

the entrance of the neighborhood this year. She also said that the holiday decorations are deteriorating and need to be replaced.

- C. At this time, a homeowner broke in with a question, asking how many homes were currently represented at this meeting. The answer was 48. The homeowner then asked how many homes existed in the HOA. The answer was 290. The homeowner then pointed out that a large number of homeowners were either busy or unable to come to the meeting and that these votes either for or against a dues increase should be considered. In an effort to be fair to all homeowners, Reginald Bruce made a motion to amend the current bylaws regarding the dues increase, seconded by Donna Kaphammer.
- i. As there was a new Motion on the floor, Stephen Tweed opened the floor for discussion regarding the new motion. Discussion included but was not limited to the following:
 - a. A homeowner asked where budget cuts could occur, and pointed to legal fees potentially being a limited expense instead of an ongoing one, mentioning an assessment instead of a fee increase.
 - b. A homeowner stated that \$160 really wasn't that much compared to some other neighborhoods, and that the board gave everyone plenty of notice regarding the agenda and the fee increase vote.
 - c. A homeowner acknowledged that \$60 was a really big jump and wondered if a smaller increase could work.
 - d. A homeowner stated that he would rather just jump straight to \$160 this year instead of having this same conversation every year for smaller increases.
 - e. A homeowner asked if this increase goes through, is there any chance of a future reduction in dues if the reserve reaches a certain point? Susan responded with yes, if the reserve reaches a certain amount, there would no reason to keep fees at the \$160. Stephan said a prudent reserve would be one year of operating expenses.
 - f. Reginald Bruce clarified his motion to the following: Dues assessments greater than \$20 per year shall have a ballot sent to homeowners. A majority of ballots received shall be the decision.
 - g. A homeowner argued that such a ballot would be sent out without all of this discussion included, and they wouldn't really even know what they were voting on.
 - h. A homeowner pointed out that the letter clearly stated a vote would take place, and argued we should just get on with the vote. (Stephen pointed out that we had to vote on the new Motion first).
 - i. Stephen stood and said to please hear his comments as a homeowner, not as a board member. He strongly encouraged the homeowners present to vote against this new motion as it disregards all of the hard work of our current treasurer. The neighborhood needed the increase and simple math verifies this fact.
 - j. Reginald Bruce rebutted by pointing out that he has served on boards before and feels like this is an unfair way to vote for a dues increase. He has neighbors who would like to be here but have schedule conflicts, and he thinks their votes should count too. He argued that a

ballot vote for an increase over \$20 was a fair way to hear everyone's voice.

- k. At this time, a homeowner made a motion to close discussion and a homeowner seconded it. Stephen Tweed made a call for a vote regarding the new motion, and asked for homeowners to please raise their cards indicating their vote. (Note: upon entrance to the meeting, each homeowner signed in and each home was given one white card with which to signify their vote.) The motion would move based on a simple majority of votes of those present.
 - l. First, Stephen asked for a show of those in favor of the new motion. Count: 10. Then a show of those opposed and the majority of those present voted down the motion.
- D. After the "new motion" vote, a homeowner asked if the Scheduled vote required a motion and a second, but it was determined that since it was already under an agenda item introduced by a member of the HOA Board, that a motion was not necessary. So, Stephen opened the floor to further discussion of the \$60 increase.
- i. A homeowner asked how many times in previous years have we had to dip into reserves to cover expenses. Susan answered by showing slide #41 indicating that we operated in a deficit in years 2002/2003, 2006/2007, 2007/2008, 2009/2010, 2011/2012, 2013/2014, 2014/2015 and projected for 2015/2016. She also indicated she was unable to locate financial statements for the 2004/2005 and 2008/2009 budgets. So in answer to the question, she indicated operating in a deficit for at least 8 of the last 14 years.
 - ii. A homeowner asked what a good reserve amount would be. Stephen answered a conservative reserve would be one year of operating expenses. We currently have 1/3 of that.
 - iii. A homeowner asked if future budget analysis could break down how much time our legal advisor spent on NTS / Uof L concerns versus ODP deed restriction interventions. Susan indicated that future budget reviews would show this.
 - iv. A homeowner asked if there could be a reduction in snow removal costs if this were contracted ahead of time. Instead of making a call on individual snow removal, could we contract with a company for a given amount of money for all snow removal throughout the snow season. Colleen Balderson, VP, expressed that that would be a great idea, but none of the contractors she has contacted would grant such a contract within the limits of our budget. Susan pointed to the year we only needed \$500 for snow removal and said she didn't want to risk everyone's money and sign a several thousand dollar contract if there was a chance for a light snow year. Colleen expressed that if anyone knew of someone who would consider a contract such as this, please forward that information to her.
 - v. As there was a lull in discussion, Dick Bowles made a motion to vote on the possible \$60 fee increase. Seconded by Keith Parrot. Stephen Tweed announced the Call to Vote, thus ending discussion.
- E. Call To Vote: Stephen Tweed
- i. As before, all homeowners were asked to raise their white card (one per home) given to them upon admission to the Annual General Meeting. The

- vote would carry with a simple majority of those homeowners present. The request was to either vote in favor of, or against, a dues increase of \$60 per home bringing the total amount owed per home to \$160 per year.
- ii. First, Stephen asked for a show of those in favor of the increase to please indicate their vote with a show of cards. He asked for a second person to help tally votes and it was confirmed by (me) Michelle Morris. Those in favor numbered 36, thus passing by a majority of those present.

VIII. Nominations of Officers and Directors: Brett Garvey

- A. Brett Garvey applauded the current board for their hard work and their countless hours of volunteer time. He then opened the floor for Officer and Area Rep nominations, saying that even though a space may be currently filled, all nominations would be voted on. It was noted that Michelle Morris was currently filling the secretary space due to a recent vacancy. A homeowner made the motion that all current board members shall be nominated to fill current roles. A homeowner seconded the motion, so all current Board members were thusly nominated for their existing roles.
- B. Karen Garner nominated Matt Wilkerson for Area Rep 4A. Matt accepted the nomination.

IX. Closing: Brett Garvey

- A. A homeowner made the motion to close the meeting. A homeowner seconded the motion. A show of hands was asked to adjourn the meeting, and then asked if there were any opposed: No opposed, so the meeting was adjourned at 9:40.
- B. Random closing statements: there are volunteer opportunities for the Halloween party, Holiday decorations, improvements to the website as well as opportunities to help with the Neighborhood watch.
- C. Susan encouraged everyone to utilize the ODPHOA@gmail.com email.