

The Crossings
Home Owners Association Board Meeting
February 12, 2008
 (Non-traditional BOD meeting)

Visitors

Kelly Parker, Hawthorne Management
 Safety Committee
 Patrick Dugan
 Homeowner Hearing

Board Members	Attended Meeting:	Y	N
----------------------	--------------------------	----------	----------

Diane Krebs – President		X	
Jim Wilmoth – Vice President / Pool Liaison (via teleconference)		X	
Toni Emehel – Secretary / Social Liaison		X	
Ken Kauffman – Treasurer		X	
Carolyn Spellman – ARC Liaison		X	

Meeting Agenda

- Review January minutes for approval
- Hearing for CCR violation
- BOD general business
- Safety Committee
- Patrick Dugan
- Oasis Landscaping

Meeting Minutes

Board Actions

- There was one hearing scheduled in which the homeowner did not show. A follow up letter will be sent.
- The BOD scheduled a meeting with homeowner Patrick Dugan at 8:45pm in which he appeared at the meeting around 7:20pm with Safety Committee Chair, Dave Willard. The BOD reminded Mr. Dugan that his meeting time was not until 8:45pm and that the since BOD was in a closed board meeting he would not be allowed to sit in on the meeting. Thus, Mr. Dugan was asked to wait in another area until his meeting time.

This sparked a hostile response from Safety Committee Chair, Dave Willard over the BOD's right to have closed board meetings. Kelly Parker of Hawthorne Management was on hand to explain to Dave and others the difference between open board meetings and closed board meetings. Kelly used the community Bylaws to guide her explanation to Dave. This did not end the conversation on the subject as remarks begin to fly against the BOD, with the specific reference to the BOD as "you people." This remark really struck a nerve with the BOD as the current BOD has worked hard to remove the divide between the BOD and the community and totally remove the "us/them" mindset. It appears that some homeowners are still a bit bruised from unresolved conflict from board members of prior terms. Once we moved past those bruise marks and everyone realized that there is a new board in tact, the meeting flowed smoothly and Mr. Dugan took a seat in the room just down the hall.

At 8:45pm Mr. Dugan returned to the meeting room to discuss the BOD's recent decision not to allow Mr. Dugan to plant trees on community property directly behind the homeowner's property. This meeting was being held by the request of the homeowner. After hearing Mr. Dugan's appeal to the BOD, the BOD decided to stand on their prior position.

The BOD's decision was based on a matter of setting precedence in the community for homeowners who wish to utilize community property and subsequent funds to either provide increased privacy of the homeowners' lot or to support the homeowner's lifestyle that may have out grown their property. In the case, the homeowner knowingly planted trees on community property, which later died. The BOD, assuming that the HOA was responsible for planting the trees, instructed Oasis Landscaping to remove the dead trees. While Oasis was attempting to remove the dead trees from community property, the homeowner approached Oasis staff and demanded that the immediately cease all action to remove the dead trees. As a result, the HOA incurred cost for an appraisal to determine who had control over the dead trees.

Once it was determined that the dead trees were in fact on community property, the homeowner was offered an opportunity to remove the trees himself and reimburse the HOA for funds expended in getting a survey to determine what he already knew. Based on correspondence and discussion with the homeowner, it was determined that the homeowner's interest was focused on the continued use of community property to broaden his own property borders. As a matter of precedence, the BOD decided that it would not be in the best interest of the community to allow homeowners use community property for the purpose of expanding homeowner property borders. The rationale behind this decision is as follows:

1. This was an unknown encroachment until the homeowner brought it to the BOD's attention. Recent arguments that "others in the community have planted on community property and the BOD has said nothing about it" heavily influenced the BOD's decision to NOT set a precedent of allowing homeowners to expand the borders of homeowner property lots by using community for landscape plantings, play equipment, storage buildings, parking or otherwise.
2. To allow encroachments of this nature will only lead to increased undesired use of community property to support homeowner lifestyles that no longer fit their property boundaries/lots. For example, a homeowner who does not have space

on their lot for a storage building, jungle gyms or swimming pool may see an opportunity to expand their property borders with the use of community. When these items deteriorate, as in the present case, the HOA will be forced to absorb the costs of protecting the appearance of the community's common areas at the expense of ALL homeowners in the community.

3. To allow encroachments for the purpose of homeowner landscaping desires that do not fit within the perimeters of the homeowner's lot would likely begin a domino effect of requests for homeowners desiring to improve the quality of their lot with the extended use of plantings on community property. For example: There are hundreds of lots in the community that are not afforded bordering trees for privacy. It appears that most homeowners have found other ways of making their lots private without the use of community property. If the BOD was to allow an encroachment for one homeowner desiring add a tree buffer on community property, we would have to be consistent across the board and allow all other homeowners the same of similar encroachments. At the end of the day, as in the current matter, the HOA would likely expend unnecessary funds in maintaining these plantings and/or removing them in the case of deterioration. This could get very costly to an already strained HOA reserve.
4. To allow an encroachment specific to landscaping and/or plantings on community property would create hostile opportunities for the HOA landscaping service, who would likely be confronted at every juncture a homeowner thought that the landscape company was interfering with plantings that the put on community property. It would be an unmanageable undertaking to keep track of community plantings versus the homeowner. Thus, to maintain control over the community property the BOD rightfully decided to disallow homeowner landscape/planting encroachments on community property.

Budget Review

Review of the operating budget. There were no areas of concern.

Other Business

- Meeting with Lawrence of Oasis Landscaping: The BOD reviewed the recent recommendations presented by Oasis for landscaping seeding the community property. It appears that Oasis is recommending the property be Harley raked prior to seeding the property with Bermuda, a hot weather grass. This process would include polarizing the ground, breaking the dirt up into clumps and hauling it away so that the ground could be reseeded and fertilized. The reason this process is being recommended is because of the drought situation and the fact that the fescue would have to be removed so that it will not overtake and/or compete with the Bermuda seeding for growth. To reduce the costs, it was decided that Oasis would look into the cost effectiveness of using the extracted swimming pool water to insure seed germination since we are in a drought. All in all, the current recommendation would be very, very costly to seed with Bermuda in an appropriate manner that would produce the best results. However, the current contract allows for aeration and seeding with fescue at no additional costs to the HOA. The only reason the BOD was

considering Bermuda is because of the ongoing condition of the landscaping due to the absence of an irrigation system and the added stress of the drought.

After some discussion, the BOD decided that we will put the Bermuda seeding on hold and move forward with the service that are already covered under our current landscaping agreement.

- Meeting with Dave Willard: While Dave has had many volunteers to start community watch programs in their subdivisions, he has had very little response from the volunteers. The last flyers that Dave distributed to residents seemed effective, but now the task is getting homeowners to move towards action. We agreed that the BOD would design a safety committee flyer for distribution and Dave's group of volunteers would distribute the flyers.
 1. Dave was reminded of the HOA funds that the BOD is making available for community crime watch annual meetings in 2008. The amount is \$150 per subdivision on a reimbursement basis.
 2. The BOD also discussed the issue with the safety gate at the pool and the need to come up with a plan to allow homeowners more access to the parking lot and tot lot during day light hours. The decision was made to unlock the gate and leave it open on a trial basis for 30 days. Dave will be issued a key to the gate lock within the next 24hrs. Dave also agreed to monitor any suspicious activity that may take place in the parking lot and lock the gate if needed. Dave will keep the BOD abreast of any problems of leaving the safety gate open (i.e. folks parking overnight, tractor trailers, cars hanging out and such.)
 - It was also determined tat at some point we may need to put up a sign that gives specific hours of when vehicles are allowed in the parking lot. Diane will look into this. It was determined that the sign should read 6:00am – 10:00pm
 - Kelly, from Hawthorne will look into getting the community some "No Parking" stickers for violators in the parking lot at inappropriate times. She also suggested keeping a log of tag numbers (of violators)
 - Ken will look into contracting with a towing company if we decide to post "Towing Enforced" signs.

We decided to revisit the issue if a problem develops. Otherwise, the BOD and Safety Committee Chair agreed that we should leave the safety gate open.

- The community is moving up on The City's list for street light installation. The concern is determining an equitable way to decide which subdivision gets lights first. Thus, all subdivisions were put into a hat and Dave drew names to determine the order of street light installation when the time comes: The order is as follows:
 1. Hunters Ridge II
 2. Stone Ridge
 3. Forest Ridge
 4. Ivey Ridge
 5. Cedar Ridge

Action Items

- Diane will get Dave keys to the safety gate within the next 24 hours.
- Diane will look into obtaining parking lot signs to denote the hours of authorized parking in the swimming pool area lot.
- Kelly, from Hawthorne will look into getting the community some “No Parking” stickers for violators in the parking lot at inappropriate times.
- Ken will look into contracting with a towing company if we decide to post “Towing Enforced” signs.
- Toni will develop a Safety Committee flyer for distribution.
- Follow up letter needs to be drafted to Mr. Dugan confirming BOD’s position.
- Follow up letter needs to be sent to the homeowner who did not show for the hearing.

Next meeting scheduled March 13, 2008