

PCE Covenants Meeting  
Monday, 8/21/17

Introductions were made by Steve Nathan:

Steve introduced the Covenants Committee: Linda Alexander, Lisa Petros, Cate Wilson, George Anderjack (board member), Steve Nathan (board member), Bill Arth (board president)

Charlie Tygard (worked as dues collector for the board) – Asked the committee to explain the process for passing new covenants or alterations to existing covenants. Acknowledged that the current covenants are out of date. Communicated that we need reasonable standards for our neighbors to maintain property values.

Steve (Board Member, Covenants Committee Leader) : 2/3 majority of the homeowners must be obtained to pass covenants.

Joel Bunkowske– His goal is that the voices of the people are heard and that what everybody wants as a neighborhood. He suggested that we use surveying technology to accumulate the opinions of the homeowners. Survey Monkey was mentioned. #1 – people who want to be involved electronically; #2 – send a snail mail letter with the ballot. Emphasized that we vote in pieces instead of an all the covenants to be reviewed at one time. Joel asked that we make the by-laws work for us. Joel volunteered to help out in a legal capacity related to legal matters and questions.

Steve: We have discussed Survey Monkey as an option. The challenge to this approach is related to neighbors who are not available to electronic tools. We want to extend the vote to many residents as we can. Our current by-laws do not have any provisions to allow an electronic vote for the final vote.

Bill Arth (Board President): communicated that the 2/3 vote will be a challenge. We aren't sure how the final vote will look like because our covenants asks for a "hand vote" to pass new covenants. We are looking into the legalities as to the possibility of an electronic vote.

Bob Neal: Created the website that we use today. The website does contain survey functionality (called: "Poll"). You have to be a member of the website, put in your email address to answer questions, in order to complete survey questions. Bob volunteered to help out if we decide to utilize the current website as a tool.

Charlie: Asked what the greatest needs are related to the covenants. The existing covenants give the board a lot of authority to make the decision of what is acceptable versus standards being set in the covenants. The existing covenants are very restricted.

Steve's Response: What we hear from our neighbors are items like: Parking, Speeders, Dog Poop, Yard Maintenance are the main issues. These are things the covenants don't have the reach to affect these concerns. The existing covenants have the statement that we have the right to maintain the "Harmony of exterior design" for our community. We have to figure out what

things are important to us. We recounted the mailbox notices sent out several years back to the majority of the neighborhood.

Steve suggested that we make a provision for an appeal process. He also stated that it seems to make more sense that decision making isn't consolidated in a few people. We discussed the ebb and flow of past boards and how involved they are. We need clear definitions of the rules and methods of enforcement.

Joel B: Procedure is what is needed in the covenants to help dictate the process and steps. Talked about the process of sending letters in the past and then the process of attorneys. We need to go to talk to the people in person and the need to have the human element to approach the situation. Often, there is a major event/illness in the family.

There can be issues of mental illness and other diseases like cancer affecting our neighbors.

Mary Collins: Talked about setting up a fund and have crews of neighbors that could help neighbors, a "neighbors helping neighbors" concept to help our neighbors with repairs. Mary is willing to donate postage for this type of an effort

Steve: Agreed that we could do this.

Sean Koonce: Observation, on the latest letter, the tone was terrific. Had a question, how often are the common areas mowed? Also had an issue with a tree limb that fell in the common ground. He wanted to know if the guys that do the mowing had moved the branch.

Steve response: George Anderjack and Bill Arth wrote the latest covenants letters. Tim Fields runs the committee related to common grounds, we have always had an issue with what is common ground and where to mow and blow. Recommended that Sean reaches out to Tim Fields about the issue he is experiencing in mowing around the common grounds. The maintenance of the common grounds has varied by board.

Deana Stephenson: One of the goals of the group is to more clearly define the requirements. As we are crafting the surveys, she would like to hear what the top 10 issues are. It's all for the good of neighborhood, the list of concerns: 1) homeowners renting to multiple people in a "boarding house" fashion is a concern; 2) Parking on the street issues, requiring people to park in garage or driveway.

Bill: We are looking at these meeting to give us the top ten.

Steve: We would like to write restrictions about minimum renting time frames and composition. On parking, we have a lot of unclear language about parking in the current covenants. Steve has talked to metro public works and found that the HOA has no authority to govern parking on public streets. A cop will not come out to write a ticket and companies won't tow because they may not make the money from it. If we try to enforce it, we

could be sued. If someone is parked the wrong way or on blocks, metro could potentially enforce that with tickets.

Mary: Like her house, there are some houses that have limited parking capacity that make it difficult to not park on the street.

Steve: There are some streets (Autumnwood and Forrest Oaks) that are too narrow to allow both side parking and meet Metro's "Emergency Vehicle Access" codes. We can ask Metro to make those streets one side parking only.

Janice Butler: Moved in June. First experience with HOA. Maybe suggest general courtesy / etiquette items and how to be a good neighbor.

Bill/Steve: Renters are not voting members. There is one vote per site. We don't currently have a good method to police that. Agreed that courtesy is important.

Joel: On renting, we had a neighbor that sold to a real estate company that made the home a rental. Asked if we want to craft restrictions about allowing homes to be purchased for rental purposes. Joel isn't sure if it is legal to block a real estate company. Some HOAs are finding some restrictions where that we

Steve: We need to work to find a happy balance in that we don't hinder someone who needs to rent a property but we expect certain guidelines are met. We will talk about selling to a real estate company. We also need to understand the issue to arrive where people are comfortable. We could establish a max percentage of renters in the neighborhood.

Bob: Is interested in what we might do about solar panels. Is thinking about if he could install panels or shingles.

Steve: He said we will have to look at this in the covenants. We may need to address size and shape and installation location.

Joel: We will have to sacrifice their personal opinions and people will comply for the greater good. Reas

Steve: The majority of us don't want to dictate how many bushes and types are in each yard and very specific requirements about roof materials, etc. We have talked about pre-approved lists.

Jerry Harris: Along with house values, he is concerned with upkeep issues on certain houses. The item of specific concern is a rental house. He is concerned with the penalties for long standing issues and refusals to participant.

Joel: There must be teeth after the niceties, there needs to be the will to enforce the issues.

George Anderjack: Wanted to know how to get more homeowners involved. Delighted to see people who are willing to volunteer. Encourage folks who have

time to volunteer. We need larger participation and more people involved.

Steve: You don't have to be a board member to be involved.

Joel: The board is doing a great job. The tenor and tone of the meeting is the best in several years.

Meeting was adjourned.

PCE Covenants Meeting  
Saturday, 8/26/17

Introductions were made by Steve Nathan:

Steve introduced the covenants committee: Cate Wilson, Steve Nathan (board member), Bill Arth (board president), Jesse Moore (Board), Tim Fields (board), Diane Comer (board)

Steve described the meeting -for homeowners to tell us what they want in covenants. Big 3 that we commonly hear at the annual meetings: parking, speeding, dog poop

Linda Dobb : Wanted to know what the process is for making recommendation. Suggested that we look into web based meetings. Asked about the projected timeline.

Steve Response: We expect to have future meetings like this where we talk about specific covenants. Manageable pieces that we can discuss. We are looking at the current covenants to see what technologies can be used. Our current website has some surveying functionality. Will have a document that everyone will have to vote on where 2/3 of all homeowners will have to approve. Shooting for 2018 meeting to vote

Stephen Shook: Suggested that the mail box colors be corrected. Would like to covenant to reflect fence materials that are something other than wood. Not chain link but wrought iron or other nice. They wanted to extend their driveway to extend their parking options. Would like another option for parking to be considered

Jesse - the covenants should consider other materials for fencing. A lot of us weren't involved in other covenants. On adding a parking place in the yard, we have to consider how that might look if the whole neighborhood. If we do it for one person, we have to approve for other homeowners.

Steve: Every idea will be considered. Discussed the role of the architecture committee to maintain the harmony of our neighborhood. We have to consider what the actions of each of us will have on our neighbors and the impact on home sales. Discussed the conversation Steve had with metro

about the HOA's inability to enforce parking restrictions on street parking because we don't have the authority to enforce these types of restrictions. The requirements of the codes that streets with both side parking must be 30 feet wide minimum. Metro can come out and decide which side of the street loses parking and putting signs in people's yards. We need have conversations to discuss.

Larry Repasky: Asked if the covenants will renew. He has a cutout in his driveway but it was put in by the contractor. Asked if we are looking at rules that are code driven. He raised a concern about 2 families living in one house. Asked if we will limit the flying flags over a length of time or leaving a nativity outside for a length of time as examples.

Jesse: They rolled over for another 10 years but they don't expire.

Steve: They keep rolling over. 2 years ago, it was easier where a 50% majority was required to pass them. Today, it requires 2/3 majority. We have had some issues where the homes have moved out of state and the tenants don't care for the property properly. There are HOA's that limit the ability to rent the house. We can also talk about establishing language about how renting homes take place in the matter of getting lease approvals from the board. We don't have a way to monitor rentals today. We usually get neighbor complaints that alert the board to rental situations.

Bill: The covenants mandate that the dwellings are single family dwellings. If the families are related, that is likely not something we would take action against.

Steve: We need to have discussions about what the process is to change covenants

Linda: Suggested that we build some flexibility of rules that allow us to update the covenants between 10 year periods. Flexible over time that address changes to culture and other changes occurring. Examples: above ground pools

Steve: The reason we have the exceptions to the existing rules is due to having different boards (lax boards, strict boards, board makeup). Steve's feeling that we need covenants that make sure the variety of the board makeup doesn't change. We need to make the architecture review committee to be bigger and allow for an appeal process for homeowners back to the full board.

Larry: It is almost as if the neighborhood has become a "free for all"

Steve: If we establish reasonable guidelines that we agree on, we have to give our board the necessary "teeth" to enforce the rules. The board needs the authority to maintain our restrictions.

Jo Sanders: Every day is trash day in PCE. Concerned that trash cans need to be out of sight. The trash can is left out a lot of the week.

Jesse: There's nothing in the covenants to restrict cans. The board tried to get one company to pick up trash. He agrees that it should be in the restrictions. He is amazed at how willful people are when asked to bring their trash can in. People respond with other issues with other properties. A lot of this stuff isn't in the covenants. Even with fines or liens, these don't influence behavior. The board has a difficult time enforcing the rules.

Stephen: Is afraid that we will make the neighborhood so sterile that is a place that people don't want to live. If we do end up making restrictions on rentals, give a sample rental agreement. Limit the items that the architectural committee is involved in.

Steve: We could streamline the process by pre-approved colors or shingles, etc. Items outside the pre-approvals would then go to the architectural committee.

Jesse: Agreed with the pre-approval idea.

Tim: Been on the board less than a year, the board has tried to be responsive. The board is all volunteers so they try to be responsive. If board hears from you, they want to be responsive to your needs and don't want to take away your freedoms. He was upset with the covenants and that is why went to the meeting last year. He volunteered for the board.

Linda: Recently, had some new neighbors move in who are violating covenants and wondering if they don't know about the covenants. We used to have a newsletter that listed the issues that the board has had to deal with and it gave an appreciation of the issues being encountered. New members to the neighborhood should get information. Can we think about our communication plan and communicating a web address?

Steve: We did have a newsletter.

John Comer: Mentioned the 2/3 majority, he would recommend that a simple majority be required to change the covenants.

Diane: If there are concerns with new neighbors, email Diane. She is new to the board in January. Has done 6 home visits since May: covenant, bylaws, \$10 gift card from Ace, contact info on paper, form to give the board their contact info.

Jesse: We all signed the covenants when we closed on our house. The enforcement is not in the existing covenants. People usually say they won't do something and the board doesn't have the ability to enforce them.

Larry: If we sign them at closing, can we tell them that they should follow the covenants.

Stephen: Suggested that the meeting notice signs get moved around to show as you are driving back home.

Sandra Scott: Asked about outbuildings. Specifically, one around a pool. They put a shed around the pool pipes. Happened 3-4 years ago.

Jesse: Probably done without board knowledge. Yes, it is in the covenants about this building.

Steve: He believes that if you buy into the neighborhood, you are still responsible for the building. The plans for the pool should've been submitted to the committee.

Brenda Nathan: What would fix the problem of non compliance, what would make your job easier?

Jesse: We need specificity on the issue and someone or a group dictated that has the final decision. The board hired someone to do yard maintenance and the homeowner met the mowers with a machete. It is difficult to do this type of work.

Steve: We have to discuss at what point we want to allow the HOA to enter the property and remove unapproved items or conduct maintenance. We need to consider approving a process for getting a court judgment that is delivered to the homeowner.

Linda: They had an issue that had to be litigated and it took metro 7 years to come out and look at an easement issue. Leveraging fines should be an option that is due with annual dues.

Jesse: Fines need to be a number that is of significance. If not paid, their voting rights are removed.

Steve: We talked about hardships on Monday. We talked about ways to assist our neighbors. Mary Collins suggested a "Go Fund Me" type site to help our neighbors. We could have a group of neighbors that could show up and help a homeowner.

Barbara Walthrop: Asked if we could negotiate a reduced price with trash companies. Can we specify where garbage cans can be put (not on sidewalks or on the street)?

Steve: We did try this before and the response was that homeowners don't want to be told with garbage companies to use.

Jesse: The response was one of resistance. Some people don't pay for their garbage pickup because they use another neighbors garbage.

Stephen: Asked if we could have trash contractors pick up on a same day.

Brenda: Can we include it as a part of our dues?

Tim: This would be tough to include this given how long we have been in existence.

Steve: We would have to do this in the covenants or have a vote.

Jesse: There might be difficulty in the HOA in collecting these amounts. It has to be an amount that is less than homeowners would pay on their own.

Linda: If we don't maintain higher standards, with the newer developments, are our competition and they have more contemporary guidelines that address these issues. If we don't take action soon, our home values will continue to go down. We need to explain that this is an issue of our neighborhood esteem and this is how we maintain our neighborhood.

Brenda: Can we make recommendations about speed in covenants?

Steve: This issue has been going on for years. We have put up signs in the past. We had Metro out to catch people.

Jesse: It didn't help and people were very mad. We have had Metro come out to talk about traffic calming and we couldn't put up stop signs or speed bumps unless we have a certain volume. Suggested that we revisit it again.

Stan Scott: Suggested that we had suggested changes added to the website to communicate them better.

Meeting was adjourned.