

**WEST MEADOWS ESTATES HOMEOWNERS ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
WEDNESDAY / NOVEMBER 14, 2018**

Location: Rose Residence
2856 Islander Avenue NW – Salem, OR 97304

Notice of meeting was posted on all entrance signs indicating location and time of the Board meeting. The posting met the three-day prior notice of meeting requirement (posted at 6:05 AM on November 12, 2018).

Board Members Present: Mike Eastlund, Janice Rose, Barry Solomon and Chris Mott were present for the meeting.

Miles McCary informed the secretary that he was going to be a few minutes late as he was delayed by traffic.

The meeting was called to order by President, Mike Eastlund, at 7:03 PM. Mike Eastlund confirmed quorum and introduced the Board to the community members present.

Miles McCary joined the meeting in progress at 7.06 PM

Read and Approve Minutes:

Minutes of the September 11, 2018 Board meeting were reviewed by Board members (draft Board minutes were distributed to each Board member prior to the meeting and posted on the web-site). Janice Rose made a motion to accept the minutes as written. Barry Solomon seconded the motion.

Discussion: No discussion. The vote was called – (5) in favor (voice vote).

Treasurer's Report: Janice Rose reported as follows:

Columbia Bank / Checking	\$ 8,328.63
ING Direct / Reserve Savings Account	41,831.00
Columbia Bank / Savings (Professional Fees)	17,163.86
Columbia Bank / Savings (Fines & Fees)	<u>18,055.39</u>
Total	\$ 85,378.88

Expenses / To-Date:

Bad Debt	4,247.16
Bank Service Charges	10.75
Compliance Fees (Refunded to Builders)	8,000.00
Insurance: Commercial General Liability	705.53
Insurance: Professional Liability	3,358.98
Landscape Maintenance	4,580.00
Landscape Maintenance: Bark	2,700.00

Landscape Maintenance: Nursery Supplies	121.60
Landscape Maintenance: Repairs	1,000.00
Licenses & Permits	50.00
Postage & Delivery	398.92
Printing & Reproduction	1,543.80
Professional Fees: Accounting	300.00
Professional Fees: Compliance	3,850.00
Professional Fees: Legal Fees	739.25
Repairs: Lights & Sprinkler Repairs	252.50
Reserve Fund	19,180.00
Sign Expense	223.50
Supplies: Office	54.61
Utilities: Gas & Electric	394.38
Utilities: PO Box Rental/Keys	90.00
Utilities: Water	2,757.97
Website Domain (3-Yr Fee / 2018 – 2020)	194.35
Welcome Committee	1,675.54
Interest Income	<u>(122.46)</u>
 Total Expenses / Checking / To Date	 \$ 56,306.38

Committee Reports:

ACC Committee: Chris Mott reported that two properties under construction were completed and on the market. Two new houses are currently being framed.

All house-paint requests have been completed, except for two who have an approved compliance plan in place. One house is in foreclosure and we are working with the bank to have it repainted.

One house was painted without ACC approval. An appeal has been filed with the Board regarding the orange trim color that was rejected by the ACC.

One patio-cover addition, which did not have ACC approval, has been removed and a new cover is being constructed with an ACC approved plan.

We are working with one member to repaint a house that ended up purple.

Compliance Committee: The HOA is maintaining the yard for one foreclosed property; all charges will be paid by the bank.

225 compliance letters have gone out year-to-date. Most properties are in compliance. The Compliance Committee is currently working on two barking dog complaints; one is at the fine stage.

The contract for compliance services expires this year; we will be preparing a Request for Proposal for compliance services for budget year 2019.

Welcoming Committee: Janice Rose reported that three welcome packages had been delivered since the last Board meeting of September 11, 2018.

Old Business:

No old business.

Open Forum:

No comments.

New Business:

- a. Janice Rose made a motion that we publish a Request for Proposal for compliance inspection for Budget year 2019. Miles McCary seconded the motion.

Discussion: No discussion, the vote was called – (5) in favor (voice vote).

- b. The Board heard the appeal of a member who questions the ACC's decision and authority to reject a paint color they selected:

BACKGROUND:

A member called to question if orange trim paint being applied to a house was approved. There was no record of a paint approval for the address provided. An inspection was made by an ACC member who found that the trim of the house was being painted orange. The owner was advised of HOA requirements. The owner requested paint approval via email. The ACC examined and rejected the color painted on the house. A letter was sent assessing a fine and outlining three options. The owner chose to appeal.

The CC&R's in section 5 & 8 and Board Policy #406, defines approved colors and the process to acquire paint approval.

The owners explained that there is another house in our community that was painted the color she desired and it was their opinion that everyone sees colors differently and that the color she desired was an earth tone.

It was explained to the member that the house she referenced was approved in error by a previous Board and on advise of council the property was grandfathered and a conditional permit provided.

Mike Eastlund explained that the CC&R's Section 5 and 8 specifies the following:

- No Owner shall erect, place or alter any building or other structure in this Subdivision until the building plans, specifications, exterior design, color and plot plan have been approved in writing by the Architectural Control Committee.

- All building materials to be incorporated into and visible as a part of any building or other structure in the Subdivision may be regulated by the Architectural Control Committee. Exterior finish shall be semi-transparent or solid stains in earth-tone colors unless otherwise approved by the Architectural Control Committee.

Chris Mott made a motion the member's appeal of the ACC rejection of the paint color be denied and that the member be required to do one of the following:

- Repaint the trim with the original trim color or
- Paint as many two-foot long paint samples as the member desires on a sun exposed and shaded area of the trim for ACC review and approval and that the members contact the secretary for paint color inspection.

Miles McCary seconded the motion.

Discussion: The member argued against the motion's wording of ACC approval. The member was out of order with the argument and with no motion to amend the motion, the vote was called – (5) in favor (voice vote).

- c. The Board heard the appeal of a member who objected to the ACC's decision to reject a plan for a patio cover addition to his house.

BACKGROUND:

The appellant questions the authority of the ACC's decision.

The CC&R's in sections 5 & 8 requires the ACC to determine if a structure is in harmony with other existing buildings. ACC past practice has been to require a remodel, addition and auxiliary buildings to be in harmony by matching the existing building on the property in design and materials.

The rejected flat-roof patio cover was not in harmony with the existing gable roof. The pictured structure made of vinyl or metal would not be in harmony with materials of existing structure.

Board Policy 401, Appendix 8.5 Auxiliary Buildings, illustrates an exception the ACC may allow for non-conforming structures such as arbors or green houses on a case by case basis, but an exemption is not required.

In support of the appeal the member argued the following:

- The powdered covered aluminum in the proposed structure was better than wood
- It would be more expensive to build a gable-roof structure similar to his house
- The structure would not be seen from the front of the house
- He had four pictures of non-compliant structures within the subdivision that were not as nice as his proposed structure, so his structure should be approved.

Mike Eastlund assured the member that the information he presented of non-compliant structures would be evaluated and enforcement would commence as necessary. He also read into the minutes the following:

CC&R's, Section 5: PRIOR APPROVAL OF PLANS:

The Architectural Control Committee review shall include, but not be limited to, review of the size, conformity, value, location, and harmony of the external design with the existing structures in the Subdivision and with the requirements included in this Restated Declaration, and as to the location of the building with respect to the topography and finished ground elevation.

Section 8: BUILDING MATERIALS: All building materials to be incorporated into and visible as a part of any building or other structure in the Subdivision may be regulated by the Architectural Control Committee.

Janice Rose made a motion that the appeal of the ACC rejection of the proposed patio cover be denied because the ACC was acting within their authority and past practice and the proposed addition was not in harmony with the existing structure in design or materials.

Barry Solomon seconded the motion.

Discussion: No discussion. The vote was called – (5) in favor (voice vote).

- d. The Board heard the appeal of a member who objected to the assessment of legal fees to enforce provisions of the CC&R's.

BACKGROUND:

The appellant threatened, via email to the ACC chairperson, to build a non-approved patio cover. The matter was referred to council for legal enforcement. Section 21 of the CC&R's and Bylaws, Section 9.3: authorizes the Board to enforce and provides for the collection of all costs. In addition, ORS 94.704 (8) allows the Board of Directors to determine if any common expense is the fault of any owner and allows the homeowner's association to assess the expense exclusively against the lot of the owner.

Before assessing costs for legal fees, the Board was advised by council that assessing fees to enforce provisions of the governing documents would be appropriate and legal.

The appellant provided references from the Oregon Revised Statutes that said the HOA could charge legal fees for the collection of debts and that the assessment was not the result of a debt. He also explained that he was not attempting to threaten to violate HOA rules and that he was just expressing frustration. He and his wife were apologetic for the email.

Mike Eastlund made a motion to suspend the assessment of legal fees.

Chris Mott seconded the motion.

Discussion: No discussion. The vote was called – (5) in favor (voice vote).

Adjournment:

Mike Eastlund made a motion to adjourn the meeting at 8:30 PM. Janice Rose seconded the motion.

Discussion: No discussion. The vote was called – (5) in favor.

Meeting adjourned.

Submitted by: Janice Rose, Secretary/Treasurer