

WEST MEADOWS ESTATES HOMEOWNERS ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
WEDNESDAY / JANUARY 22, 2020

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 approximately 7:00 PM, November 19, 2020).

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

The meeting was called to order by President, Mike Eastlund, at 7:00 PM. Mike Eastlund confirmed quorum and introduced the Board to the community members present.

Read and Approve Minutes:

Minutes of the May 14, 2019 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). Chris Mott made a motion to accept the minutes as written.

Janice Rose 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	\$ 4,244.60
ING Direct / Reserve Savings Account	61,264.78
Columbia Bank / Savings (Fines & Fees)	18,907.49
Columbia Bank / Savings (Professional Fees)	<u>19,407.26</u>
Total	\$103,824.13

Expenses / To-Date:

Dues & Subscriptions	76.00
Insurance: Commercial General Liability	.00
Insurance: Professional Liability	3,358.98
Landscape Maintenance	400.00
Landscape Maintenance: Bark	.00
Postage & Delivery	.00
Printing & Reproduction	81.00
Professional Fees: Accounting	.00
Professional Fees: Compliance	374.63
Professional Fees: Legal Fees	.00
Reserve Fund	.00
Utilities: Gas & Electric	47.36

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Utilities: PO Box Rental/Keys	212.00
Utilities: Water	41.91
Website Domain (3-Yr Fee / 2018 – 2020)	.00
Welcome Committee	30.83
Interest Income	<u>.00</u>

Total Expenses / Checking / To Date \$ 4,622.71

Committee Reports:

ACC Committee: Chris Mott reported the following:

- There is one home under construction and two plans have been approved for construction.
- Only one home identified in 2018 for repaint remains unpainted. The house is in foreclosure and we are working with the mortgage company. Fines have been assessed and the file is currently in the hands of the attorney.
- Four homes identified in 2019 for repaint or repair remains unpainted. Three members have submitted ACC approved plans to repaint in 2020.
- The manager of a rental home submitted a plan to paint a house, but never followed through. Fine letters have been sent to the owner.
- One auxiliary building, which does not meet CC&R and Board requirements and was built without ACC approval, has been referred to the Board for legal action because the member has not corrected the problem or submitted a correction plan.
- The ACC received complaints regarding a batting cage in a member's yard. The cage was built prior to consulting the ACC. The member was asked to remove the cage that was built without approval. The member exercised the right to appeal, which will be addressed in new business.

The process we are using to receive and handle requests for ACC review is working well, with most members receiving an answer within 24 hours. Unfortunately, some members continue to build or change structures before acquiring approval.

Compliance Committee:

The first year of our new compliance protocols have worked well. Our contractor makes four random inspections a month. The inspector identified 171 violations of the CC&R's and Board Policy. There were 88 "OOPS" notices placed on trash cans and recreational vehicles. There are five open violations from 2019. The violation status is as follows:

- One landscape issue, which is scheduled to be resolved.
- A barking dog, which is referred to the Board for legal action

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- One unapproved paint issue being appealed to the Board
- One unapproved structure issue being appealed to the Board
- One auxiliary building in process

Welcoming Committee: Janice Rose reported that fourteen (14) welcome packages had been delivered since the last Board meeting. She said that they emphasize the importance of ACC approval before exterior changes are made and that she often hears statements of praise for positive appearance of the community.

Old Business:

No old business.

Open Forum:

No comments.

New Business:

Item #1: An appeal of the color “white” as an approved earth-tone color.

Before any discussion occurred, Chris Mott left the meeting after an earlier recusal because of an employment issue.

Background:

The Board members were provided documents showing the following:

- August 21, 2019, the member received regulation violation warning letter # 120-19 for failure to acquire ACC approval prior to changing the paint color of the member’s home.
- On August 31, 2019, the member sent an email to the Board Secretary that explained why they thought they had acquired ACC approval.
- On September 3, 2019, a letter from the Board Secretary, which explained to the member that an ACC approval is required before a structure can be painted an approved earth-tone color and they must acquire a conditional-use permit to maintain a non-CC&R compliant condition until changes can be made.
- On September 8, 2019, an email was received from the member with a letter attached dated September 8, 2019. The letter requested that all fines be cancelled and that ACC approve the color they painted their home, or grant them a long-term exception to maintain a non-CC&R compliant condition, if the ACC does not approve Pure White as an earth-tone color. He also provided an argument why white should be considered an earth-tone.
- On September 9, 2019, the secretary responded by return email. The member was advised the ACC had reviewed the chosen paint color and white was rejected as an earth-tone as required by the CC&R’s. She did suspend the fine

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- as requested and the member was granted a conditional-use permit until an appeal could be resolved by the Board.
- On September 24, 2019, the member sent an additional letter explaining why white should be considered an approved earth-tone color.
- The member was notified by email that his appeal would be discussed at the meeting. The member was not present for the meeting.

Barry Solomon made a motion to:

- Reject the member's appeal to allow pure white as an approved earth-tone color
- To require a repaint of the house with a color approved by the ACC
- Grant the member a conditional-use permit and suspend fines until May 15, 2020 to allow the member time to repaint the house.

Janice Rose seconded the motion.

Discussion: Board members discussed Board policy, which defines approved earth-tone colors and that the ACC has been allowed to approve very light earth-tone colors. The Board discussed that the member was once a Board president and established the standards for how enforcement is done today. The vote was called – (4) in favor (voice vote).

The secretary was asked to notify the member and Chris Mott returned to the Board meeting after the vote.

Item #2: A fine appeal

Background:

A member had been assessed fines of \$250 per month for a total of \$750.00 for failure to respond to, or correct a maintenance violation after multiple letters. This was a second similar event where large fines had previously been suspended. Board policy requires the issue to be addressed by the Board.

The member was present to address the Board. The member identified overwhelming issues dealing with extended family. She also explained she was ready to pay the fines and wanted to offer to her sincere apology for failure to correct the problem or respond. She also expressed her appreciation for the work of the Board and community volunteers.

Chris Mott made a motion to:

- Accept the member's explanation and suspend the member's fines.

Miles McCary seconded the motion.

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

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Item #3: Appeal of violation warning letter

Background:

- On August 21, 2019, the member received regulation violation warning letter # 1-20 for failure to acquire ACC approval prior to construction of a batting cage.
- The member appealed the letter and asked to speak with the Board.

The member was present to address the Board. She explained her husband is a volunteer coach for a little league team and that the batting cage was a temporary structure used once or twice a week. She explained that they studied the auxiliary building and other Board policies and found no reference to basketball courts and backboards, trampolines, yard swings and swimming pools that were located in yards throughout the community and assumed that a temporary batting cage was the same.

There was discussion with the Board and members present.

Chris Mott made a motion to:

- Allow the batting cage since it is a temporary device and not a structure, similar to basketball backboards, trampolines etc. and there is no Board policy or CC&R which is violated.

Mike Eastlund seconded the motion.

Discussion: There was discussion regarding the impact on home values and that no previous Board had identified temporary yard devices as something they wanted to regulate, since they are not identified as an issue in the CC&R's.

The vote was called – (5) in favor (voice vote).

Item #4: Referral of unresolved auxiliary building issue to attorney

Background:

- On March 16, 2019, the Community Compliance Officer wrote a letter to the member regarding construction of an auxiliary building without ACC approval.
- On July 3, 2019, a new letter was sent to the member advising them that the roof of the auxiliary building identified on March 16, 2019, was still not in compliance and in addition, a second non-compliant, non-approved auxiliary building (green house) was now observed at the back corner of the property. The owner was asked to submit plans to bring the second building into compliance.
- July 5, 6 and 7 emails were sent to and from the Board Secretary regarding the greenhouse.
- On July 24, 2019, Mike Eastlund recused himself from the issue because he had previous business transactions with the member.

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- On July 24, 2019, ACC member Stewart Rose sent an email to the other ACC members explaining the situation as of that date and the requirements for a greenhouse. The email included pictures of the non-compliant greenhouse that did not meet set-back requirements.
- On July 25, 2019, Chairman Mott sent a letter regarding the non-compliant greenhouse explaining the options for compliance.
- On or about August 29, 2019, the member asked Mike Eastlund to request a meeting with ACC members.
- August 29, 2019, Chairman Mott sent a letter to the member explaining the requirements and that the ACC members were not authorized to change Board rules. The member was advised a visit would be possible if she would provide dates and times that would work for her. The member was also granted a 60-day conditional-use permit to correct the problem.
- November 19, 2019, Chairman Mott sent another letter to the member granting an additional ten days to correct the problem or he would re-impose suspended fines, add new fines and refer the file to the attorney for court action.

Chris Mott made a motion to:

Send a final letter to the member specifying:

- The assessment of fines mentioned in the November 19, 2019 letter
- That the member has an additional 10 days to submit a plan for ACC approval with a specified due date for correction.
- That if the member does not respond, the member will be referred for legal action.

Miles McCary seconded the motion.

Discussion: No discussion. The vote was called – (4) in favor (voice vote).

2020 Draft HOA Budget

Janice Rose presented the 2020 draft HOA budget.

Chris Mott made a motion to adopt the 2020 draft budget as written.

Mike Eastlund seconded the motion.

Discussion: Short discussion before the vote was called – (5) in favor (voice vote)

Adjournment:

Mike Eastlund made a motion to adjourn the meeting at 8:45 PM.

Chris Mott seconded the motion.

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

Submitted by: Janice Rose, Secretary/Treasurer