

## **TC Board Meeting**

July 10, 2007

7:00 PM

**Participants:** Jori Church, Carolyn McKelvey, Cynthia Selder, Debra Smith, Gayle Voyles, Linda South, Ken Patrick, and Jennifer Nearing.

Linda South turned the meeting over to Jori to address the patio extension issue which is the focus of this board meeting.

### **We have 3-4 applications to review:**

**01J Ira East** - He owns the unit; at the end near the street, as you enter the property. This resident complained about the utility boxes. Epic suggested pulling the bed out to a tear drop formation and plant tall (maiden grasses/5 gallons) maintained each fall. The owner would pay \$135 to have the work done, grasses themselves.

Two things he actually asked for: stepping stones to go from the door to the street. Architectural Committee didn't approve this request. Guests park by the pool; that is why he requested the stepping stones.

Grasses would be difficult to maintain; original committee's opinion. Due to observing similar grasses on the property, Jori shared that she thought the board should consider approving the request.

Gayle shared that consistency is what the Board has always stressed. Ken shared that he didn't care about inconsistency.

Cynthia suggested that the Board try it out, to see if it does work. She thought maybe the HOA should pay. Debra shared that she thought it was a good idea.

Carolyn McKelvey then shared that Ed and his wife had shared that they didn't like the grasses, but that she did.

Linda: The larger issue is that we have an owner who is willing to enhance the property.

### Discussion points:

Any owner willing to purchase would have to go through this process.  
Each homeowner will have to ask permission.

Gayle: Reminded the group that the board needed to be careful – if they allow the inconsistency they will be setting a precedent.

Stepping Stones: Board said NO

Vote regarding Allowing the Owner to Pay for Epic to Plant the Grasses: Gayle, NO, Ken, Yes, Debra, Yes, --but if a trial TC HOA pays for it. Jennifer: Yes, at the owner's cost. Decision: To allow the grasses to be planted at the owner's cost.

**Jori – Next, the next one is Marion Sharp's for a patio extension.**

Cynthia shared that at the far side of Marion's patio there was a significant slope and erosion issue, so she allowed Marion to hire Bill, the maintenance guy, to extend the patio in hopes that it would reduce the erosion. Mike McGrew, Landscaping Committee approved as long as even base of sand. Blue insulation is peaking through; Bill was worried about the quality of the work. Cynthia said extend it so it won't go down. Put the paving stones to stop the slope from going down. Bill was worried about the erosion. Cynthia said there had been a communication issue between Bill, Marion, and Cynthia. Cynthia didn't think anyone had said that the extension could be that large.

Liability Issue for TC HOA– Carolyn asked, What if someone steps off the patio and breaks a bone? It was pointed out that the extension is on common space which is an HOA responsibility. Allowing this patio extension, and any others, gives common space to one homeowner.

Cynthia said we could go back on this and tell homeowners we can not allow extended patios, due to insurance issues.

Linda made the point that her patio doesn't fit the specific criteria. Cynthia thinks that is what needs to happen. A suggestion was made to have Marion cut back on the size of the patio extension; to be level with the brick wall.

Jori: I don't know if this is the proper time to bring this up, but Patti Fogerty has also submitted an application to have her patio extended. It was signed by the same Landscaping Committee Chair.

Gayle said it has always been a rule that these needed to be approved by the board.

Question: How many homeowners have extended patios? 5 or 6 – Cynthia has a list.

Ken said that the board should grandfather this in. If they sell their property, they will need to do away with the patio extension and restore the common space to its former condition. So, what about the insurance issue? It is a liability for the homeowner, too.

Jori: **What do we say to Marion Sharp (18a)?** She needs to cut it back to the brick wall. It doesn't meet specifications. **The board unanimously agreed to have her extension reduced in size.**

3 approved 01a, 18a, 15A: TWO OTHERS THAT DIDN'T SEEK APPROVAL THROUGH THE Committee.

Cynthia's opinion: Only have three pavers as an extension.

Ed's was an example: He has Units A and B; the patio extension curves around for both.

Those that were not approved: Patio extensions are not approved; but homeowners believed they were. Therefore, we deal with them by grandfathering them in. They must restore to the original condition before selling their property.

Marion needs to remove four rows; Patti Fogarty thought hers was approved, but in the process of moving and selling hadn't actually made the change; however, her application was signed off by Mike McGrew. She wrote Linda, today, thinking Linda had approved.

Cynthia had spoken with Patti and thought Mike McGrew had approved. Cynthia thinks she should be allowed to extend two feet.

Patti's is to be an extended patio with reddish tile. Cynthia gave her Ed Reitz' drawing as an example. Debra, if she has it signed say YES, but if she sells she has to restore. The board agreed that it should only be a two feet extension, since she did not submit a drawing, but her application had been signed off on.

Carolyn's comment: These 3 that are grandfathered in, are exceptions and there will never be others approved.

**Board Decision: Those who did it without approval are out, unless they can provide documentation of the approval.** Tom Scanlon has one. 09A – over a year – did it on their own and have solar lights. Remove everything from the common area. 04A – will have to remove their patio extension since they did not have approval. Remove rock and pavers and sod, when the time is right to put down sod. They said they did this because of a drainage issue. The drainage issue is going to be taken care of. They pay for the sod since they didn't get approval.

**Owners also need to know about the additional liability issue.**

**Last application – 23A – Jori and Gerald's application.** In the common area, requesting permission to add a bird feeder. They don't have a patio, so they put it in the bushes outside their window which faces the field. The Architectural Standards Committee thought possibly standards should be set. Then, later it was decided to handle these on a case by case issue. If a nuisance to neighbors the homeowner would be asked to remove them. Birdbath is hanging and is well cared for.

Ken – what we have to watch out for is every use of common area is a precedent; everytime we allow something to be placed in common spaces.

Linda: The board has the power to make decisions Pg 2 of Rules: Alterations  
Nothing should be hung or placed which would or might create an unsightly appearance.  
Linda thought we could amend the rule to say it was up to the board's ruling.

This is a pet friendly place.

What are we allowed to put on the front stoop? Flower pots are only allowed on the stoop and patio.

Ken: The By-Laws and Declarations say we can't do it.

Linda: Thinks it is up to the board.

Declarations, page 7, #6 Use of Common Areas and Facilities

Jori's question: Who says something to the people that have all of the stuff in the mulch?

Debra: If people complain then enforce the declarations and by-laws, rules and regulations.

Little personal touches on our space is ok, but unsightly and nuisance items are where we have to draw the line.

Procedures' Clarification: No more patio extensions will be approved (other than those grandfathered in) and there are architectural guidelines. It is ok if I go ahead and update the architectural guidelines, right?

The board said, yes and that they should be posted on the website.

Jori stated that she would give board members the opportunity to review the guidelines before they would be posted on the website.

**30H pretty flowers planted in the ground.** They need to remove those.

**January – May minutes released for Gerald to place on the website.**

The board discussed the need to send a mailing to off-site homeowners regarding the association's new website, by-laws and declarations, etc., in the near future.

Linda reported that she felt it important for the board to get moving on finalizing the by-laws and declarations revisions. Jennifer stated that she still had some questions, so Jennifer, Ken, and Linda will meet on Wed., July 18<sup>th</sup> at 6:30 PM to discuss her questions. Gayle has to teach from 5:30 – 9:50 that evening, but someone will keep the minutes of that meeting.

President South reminded everyone of the next HOA meeting that will be held on July 19<sup>th</sup>, and adjourned the meeting at 8:30 pm.