

January 19, 2006
7 PM
Tomahawk Creek HOA
Open Forum

Issue: The New Parking Rules

Steve brought the meeting to order explaining that anyone speaking should announce who they are before they make their statement of concern.

The floor is open:

Ken Patrick (Bldg. 3) – Trucks, certain lengths, and signs on the trucks issue: I noticed someone is parking on 115th street. I have a truck and I am going to park it in my covered parking space.

Steve – The current board did not write all of the rules and regulations. We are in the process of reviewing and rewriting them since the Pauls Corp. is totally out of the picture. Many of the by-laws have not been enforced; we are not trying to run everything. In general the By-Laws were written to protect the developer. When we finish re-writing the By-Laws all owners will have the opportunity to vote to approve the new By-Laws.

Linda South provided some background information on the existing parking rules: The Covenants Committee took the declarations and By-Laws, reviewed them, along with the Tiehen Management Company's. Everything can be found in the By-Laws.

Todd – Identify which page supports the existing parking regulation.

Steve explained that the original rules and regulations governing parking had been changed.

Ed Reitz – Why were we not able to vote on the change? Why is it left to the board's discretion? None of us have received what you have in your hands.

Steve- The point is we took the cumulative documents and comprised one clear document. The parking regulation was voted on.

Steve – Declarations and By-Laws are different than Regulations. The board can change the regulations without a vote by the owners. The real issue is not what we changed, or compiled. Let's focus on the issue that this meeting was scheduled to address. We do have the right to make changes, as necessary.

Ed Reitz-As long as it goes with the By-Laws.

Steve- We haven't changed anything in a substantive way.

Laura Tedescki- I live over there. The heartburn for me, the by-laws were interpreted a certain way. The lawyer stood up and said that the By-Laws could be interpreted either way. Some are disadvantaged, at some times, but they didn't buy a covered space (22%) of our residences. This policy disadvantages 50% of our residences. There has to be another way of dealing with this issue. The board, in their zealously, have overstepped their bounds and have gone against the agreement I had with Andrew. If you agree with me, clap your hands. *Several homeowners clapped hands.*

Steve- Read the rule that explains that every unit must have at least one parking space. Where is that parking space? You are saying open parking when the by-laws say every homeowner *must* have a parking space.

Laura Tedescki – parking spaces are considered as a limited common element (for homeowner and their guests).

Why is this a question?

Steve- In terms of how I look at it, I am hearing people say that having their garage and driveway isn't enough, so they want to inconvenience others so they can have more.

Homeowner Comment: There is NO visitor parking in the north section of the property.

Laura- You are assuming that all of that parking is being taken up; if you walk this property you will see that most have open spaces. Steve's example assumes.

Dave Johnson – If the people who reside in a building get along; they should be able to work out their own parking plan. If my son is parked in a spot, the one-bedroom owner only needs come knock on my door. I support that it would be better to leave the parking open. When I bought, no one said those spots will be taken. Those one-bedroom homeowners should buy a carport.

Gayle Voyles reminded homeowners that there are not enough carports for everyone.

Homeowner Comment: One-bedroom homeowners with carports should only be allowed to park in their carport.

Jennifer-If I have someone come over, I want the space in front of my unit to be available for my guest.

Steve-Apparently, people think we sit around and don't talk about these ideas. If parking spaces are unassigned, whose car do you tow? How do you know whose it is? Assigned parking helps in several ways.

Dave Johnson-I think mutual agreements between people living in the building is a better plan.

Laura-Where is 22% coming from 165/garages; 165 do not have garages. 72% owners do not have a garage or carport.

Steve: When you bought the carport, as a condo owner—you were not told you were giving up your parking space in front of your unit. In my mind, the carports are not part of the equation: People bought them for weather protection, or whatever, but did not give up their right to park in the space in front of their unit.

Ken -One bedroom/study thought they could park the extra car in one of those 6 spaces.

First come, first serve to the six spaces in front of the one bedroom units. If reasonable and fair, you can't make owners have to go to visitor parking because someone's friend took their spot.

Why are we disadvantaging 51%?

If Tom Scanlon was here; he sells more condo units in Johnson County—he would say that is not true.

Steve- At the end of the day I can't go around and ask 350 people what they were told.

Ron Falcon- One bedroom unit owners are being put in a lower class, by saying we don't have a right to a parking space in front of our unit.

How are you disadvantaging others? That driveway is a limited common area, too.

It is limited: Limited common areas-reserved for the exclusive use of one or more, but less than all of the units.

Steve-How is it fair for people with garages to disadvantage other owners because they need more than two parking spaces.

Bob Porter-Could there be a reconciler than one bedroom owners without a carport could have a space marked for them, but those with a carport need to park in their carport?

One bedroom owner- I was taken aback, because the By-Laws were written, interpreted, and the Board is wrong for holding another meeting, but let me tell my story. I bought a one-bedroom and was told there was a place out front for me, if I needed more, to purchase a carport. My neighbors were told the say thing; if you have two cars you'll probably want to purchase a carport for \$4,000. I think what is going on here is frivolous; a group of people are saying, yea I have a place in my garage and in my driveway, but if I beat you home I get a third place. It is wrong and shouldn't be considered.

The pool isn't used heavily on Monday's; I have 20 friends that should be able to come over. It is wrong—the Board makes decisions to protect all homeowners. Talk about the

value of the one-bedrooms, try to sell a one-bedroom under the policy you want the board to adopt.

Todd-We are waiting from a letter from Pauls, who are talking to their attorney. They didn't tell anyone you had guaranteed parking space. Andrew is saying that they told people who were buying that it was open parking.

Loretta Voyles-They probably thought it was common sense.

Todd-What buildings are there major parking spaces?
Several.

Both work, live in a one bedroom; they are entitled to one spot in front of their condo.

It was an apartment complex prior to becoming a condo community.

Steve-Open parking; first come first serve. It speaks of exclusive assignment of parking space. One of these six belongs to you. The reason we are marking the parking space, then a building can get together and work out arrangements. But, as people move in and out, each building would have to start all over again.

We are trying to save HOA dues, patrolling the parking. Assigned parking makes it more efficient, too.

Laura-reserve parking for a few would be better than going out there to mark numbers on all parking spaces.

Taking something that everyone had equal access to. Wait; exclusive use of one or more, but less than all. You are saying everyone should have equal rights.

Laura-How do you know that? Steve, Yes, I'm interpreting the By-Laws, and because it was voted.

Linda South-If all the spots are marked, that protects all owners here. Guests would see that they couldn't park there. Leawood Police said that if you don't have assigned spaces you don't have enforceable parking. If you want a car towed, they can't come on the property and tow the vehicles, unless the owner called for that specific vehicle to be towed.

Ron, Jennifer – That is right; we have illegal activity going on up in our area. We can't have cars towed because of the ongoing issues with the parking plan.

Each condo has one guaranteed parking spot – your space (of a two-bedroom) would be your driveway (if you chose not to park in your garage).

Vasille – 11614 – no carport in front of my unit. There are six spaces. Three + 3/driveways. Each one has an assigned.

Why don't you assign spaces to those needing them; not the others?

Compromise-Assign spaces to those who do not have a carport or garage and take that up for a vote.

Steve: Every unit offered for lease or sale must include at least one parking space for the homeowner. It does not say anything about whether people have garages and/or carport.

You are guaranteed one spot—regardless of whether one or two bedroom unit.

Five Minute – Warning

Laura- If we go for a compromise, I should write the rules and regulations.

Bob Porter- Do you really think you should take the third space – in front of my space? Whether you got home first or not, doesn't matter. If I am parked in my carport and my wife is parked in my spot in front of my house-you can park in my wife's space?

This is frivolous; the board has done what it believes is in the best interest of the homeowners. If you look into most HOA court cases, judges support the board's decision (usually).

Steve: By in large, this doesn't look like a huge amount of homeowners concerned about this issue.

Bob Porter-I don't think anyone believes that after paying \$4,000 for a carport, that the purchase should eliminate them from the one assigned spot by their condo, as per the by-laws.

KIM(?) -10B – I don't think we're getting anywhere, or will tonight. The fact of the matter is, this is a community. If you need all of these spaces—go buy a house. I heard the assigned parking issues; is it possible to assign 5 and leave one/building for a visitor? There has to be a compromise?

Steve: Where's the parking space when I sell my unit?

Bob: Why can't visitors park in the visitors parking spots?

Each unit offered for sale, must have a parking space, or a garage.

Steve: We are setting this up so each building can work their problems out however they like, and the By-Laws support our decision. **“TO MAKE AND ENFORCE REASONABLE RULES AND REGULATIONS TO GOVERN THE PROPERTY.”**

Vote OF all 356 units if changing the rules and regulations.

Be fiscally responsible and to make and enforce rules that are fair to all homeowners.

We have listened to you.

Dave Johnson: Carports can be bought and sold—that theory would only work for today.

You are a property owner, having rights (per the By-Laws), above the visitors on the property.

Open to designated –I'd think the county assessor would be involved. It is a limited common area.

Steve:

I understand that everyone is entitled to one spot.

Steve: Reserved for the exclusive use of one, or more, but less than all. (That statement is not supporting open parking)

Dave- Put your resume in and run for the board, if you want.

Dave Johnson: Don't come off totally one-sided. Are you not trying to push everyone into the policy.

Steve- It is a board decision.

Ryan Gerstner started this issue. It came to the board, the Covenants Committee, and then back to the board. In terms of my mind made up, this is what the board decided. We were willing to listen.

Dave-my community is our building. How we resolve this is up to us. As long as, Jennifer says I will always park in my carport. Factor in the carports.

Linda- we want each building to resolve issues, but it doesn't always happen.

Community: Assign the spaces.

Issues like that are less about parking, but are more about a management issue. Something management should take care of. The police should be notified. It is a legal issue if the police can't come and tow a car. I lost my tag, can I have a new tag. Now, two tags are out there.

Businesses monitor their parking lot.

Steve: At 8:25, If you want to take your issue to the covenant committee, be our guest. I think the direction we're going allows you the opportunity to sit down and form a community and resolve your community's issues.

Steve: We believe this management system allows communities to resolve issues, while protecting homeowners' rights. It facilitates selling units/required space.

Dave – Let's run pilot programs in different places.

Scott-In Chicago, when you buy a condo you also buy a spot, if you want to. If you park in the street you have a sticker to show. The police are managing that one.

What I am not hearing is a plan that better protects homeowners' rights.

Ed Reitz-only reserve handicapped spots. We are not going along with the disability's act.

Dave: Steve, you said, there really aren't that many problems, now. No, I didn't say that.

Bob Porter: Garage and driveway (2 spaces). Tell me what is right, if you take one of the one-bedroom spaces? Read the By-Laws. Show me *if* any of the legal documents support your way of thinking

The meeting was officially dismissed at 8:45 pm.

Respectfully submitted by
Gayle Voyles,
TC HOA Secretary