

# **Candlewood Ridge – Carriage Wood Homeowners’ Association**

## **Minutes of the Meeting January 19, 2010**

The following is a summary of the meeting minutes and is not yet approved by the board.

**Board Members Present:** George McGill, Jerry Woolett, Sondra Woolett, Curt Whitaker, John Newcome, John Utz, Valerie Frazier

**Others Present:** 20 Homeowners, 3 children under 10, Elmira Utz – Recording Secretary, Officer Sam Shirley and Karl Rufeuler Renton Fire Department

This monthly meeting was called to order at 7:00 pm. at the King County Sheriff’s Office – Fairwood Storefront.

**Fire Department Report:** Since last HOA meeting Chief Peterso has been appointed interim Fire Chief (formally Deputy Fire Chief). There were not any large fires since the previous report. The New Aid Car has been sent out for bids and will be assigned to station 17 on Petrovisky. Electrical fires are still the most common at this time. Please do not overload outlets, such as with multiple power strips.

**Police Report:** More burglaries have been reported in the area-1/3 of incidents were to unlocked residences. Some occurred when residents were home. Lock your doors and windows and do not ignore knocks. Always answer, even if it's without opening the door. Report any suspicious activity to 911 immediately.

Recently two Pit Bulls attacked other dogs and people in the neighborhood and were put down by King County Animal Control.

Question posed by homeowners regarding school bus law compliance as it has been noted that residents are not observing the law in our neighborhoods. Please, always stop when the school buses have their flashers on and stop sign deployed. Exercise caution and slow down to under 20 mph in the presence of school children.

Question posed by homeowner about how the extra patrols in our HOA are paid for. Officer Shirley explained that these patrols are on his off hours and are in addition to the minimum services provided by the county-and that it is a common practice for officers to be hired for such extra security patrols by private citizens such as HOA's, constructions companies, events, etc.

Question about hearing helicopters in the neighborhood-especially on Friday night. Officer Shirley explained that the helicopters are on patrol just like patrol cars but that you may hear them more frequently when there is a call which requires them-such as when a perpetrator is being apprehended.

Homeowner reported a guard rail is damaged between the HOA entrances on Petrovisky-Officer Shirley is aware of the problem.

**Approval of Last Month’s Minutes:** A motion was made to approve the December board meeting minutes as written. It was seconded and passed. Signing of the minutes took place by

the board.

**Homeowner Concerns:** Letter received from the Johnson's for their HOA appeal (requested by the Johnson's to be entered into the minutes).

Question raised about a board members business and why it was not considered a violation of the CC&R's. It was explained that the issue was referred to the HOA attorney, as were other home business related concerns. Because the business is not operated out of the home and thus doesn't have any associated activity it is not a violation. Using a home address to receive business correspondence is not the same as operating a business in the home. This question was additionally addressed by the recent lawsuit regarding a home daycare in the neighborhood and was confirmed as not a violation. Homeowner expressed dissatisfaction with this explanation as "unfair."

HO reports that she opened her Daycare because she had the impression that Day Care's are allowed in the HOA. She says there is a problem because in 1991 the board said as long as there were "no complaints" she would be allowed to keep her home daycare center in the HOA. HO cites that children have grown up in her home and are now grown and returning to the neighborhood. HO asserts that daycares are important to building community. The HOA board explained that the minutes do not report any such permission granted and that the minutes were reviewed as part of the recent lawsuit. Additionally, the CC&R's do not allow for such a waiver on the part of the HOA board even if they wanted to issue one.

HO says home daycare businesses are different than commercial daycare centers and should be considered differently. HOA board reports that the CC&R's do not make a distinction and that is what the HOA board is legally bound to follow. Additionally, it was shared that the question was posed to the attorney who specializes in HOA law and it was confirmed.

HO asserts that the HOA is not consistent in applying the CC&R's. HOA board member explains that the HOA board is a "reactive board" which cannot act unless a violation is brought to it's attention in writing, either through a complaint from a HO or through a written notice recorded on public record, such as in the recent lawsuit which identified other businesses in the HOA that the board was previously unaware of. So violations in the neighborhood can't be acted on unless brought to the board's attention, in the manner explained, as the board does not have the resources to actively police the neighborhood. This is why enforcement may seem inconsistent but is not. All cases are handled in the same manner.

HO asked what "plans for compliance" means for home daycare centers asked to close. The HOA explains that a date of closure should be set and shared with the HOA board. A reasonable time frame for families to find new childcare will be honored.

HO asked why the HOA board doesn't change the Bylaws so home daycare businesses are allowed in the HOA neighborhoods. Explanation of the bylaws and CC&R's was given by a HOA board member. The Bylaws cannot overturn the CC&R's so while the Bylaws can be amended they cannot do so in a way that overturns the rules established in the CC&R's.

HO asked how hard it is to change the CC&R's. HOA board member gave example of banning rental houses, which has been requested in the past. A letter was sent out and very few responses were received.

HO asked how to change the CC&R's. An HOA board member explained that the board members cannot interpret the CC&R's but that the document explicitly explains how to change the CC&R's.

Request was made for assistance in judging if any prepared change the CC&R's would be legally valid by having the HOA attorney review. HOA board member requested that the proposed language be sent to the HOA email and that HOA board member would research the question.

HO expressed concern regarding the lack of time designated for discussion of the Daycare issue in the HOA Annual Meeting. HOA board member explained that extra space has been rented and an additional half hour of time has been allotted to help with this concern.

HOA board member offered to put a poll on the HOA website to help gauge the interest on the part of home owners in changing the CC&R's to allow home based businesses such as daycares.

HO question-does the HOA get back to HO's regarding closed complaints. HOA board member replied that "yes, we try to do so, but there may be times when it's been missed in the past."

HO discussed dangerous situation with school buses and construction areas. HOA board member offered to research the marking of the school bus stops with the Kent School district so the problem can possibly be addressed.

HO asked if any HOA board members are paid. HOA board member explained that none of the directors are paid but that two officers who do not have voting privileges on the board, are paid. This includes the book keeper and the recording secretary who are considered paid employees.

HO asked recording secretary if she does the minutes in her home. It was explained that the main note taking is done at the meetings and that doing other work in the home is not the same as operating a business in the home.

## **Committee Reports:**

### **Treasurer's Report:**

#### 1. End of Year 2009 Financial Statement Summary Facts:

\* We ended the year with almost \$10000 more income than expenses. As a result of this surplus we were able to start 2010 with \$14815 in our operating fund, putting us in very good financial shape to begin the year.

\* We were under or very close to budget in all areas except legal which was exceptionally over our projected budget. Between \$5000 and \$6000 was expended in support of the legal action brought against the HOA which is now resolved. Most of this may be recovered. The remainder of the \$18700 dollars was mainly used in seeking legal help in collecting super delinquent accounts and understanding the HOAs options in collecting from homeowners who

have declared Chapter 13 bankruptcy. Many of these expenditures may also be recoverable. A few have been recovered.

\* End of year 2010 Reserves are as follows:

1. Capital Fund \$35,267.65
2. Legal \$20,000.00
3. General \$25,000.00

2. At the end of the year we ended up with 35 delinquent accounts, which is down from the 57 we had at the beginning of October. Four of the delinquent accounts are in the hands of our attorney.

3. Some of our homeowners received an anonymous flyer entitled "Stop Paying for the Fairwood Flyer with Homeowners' Dues". It stated the HOA was asking for a 3% increase in dues that wouldn't be needed if we dropped it, when in actuality no increase in dues has been purposed for 2010. Furthermore it indicated that homeowners can get their local news from the Renton Reporter, which is only true for our homeowners on Candlewood Ridge, but not in Carriage Wood. It suggested we could publish our minutes for free on the Fairwood Community News website which is true. However, we already provide access to our minutes on our website and there is no need to duplicate the effort. We have been informed by several of our homeowners in the past that they don't have or want access to the web. Several homeowners complained to us when the Flyer wasn't published for a few months. Approximately half the ACC requests we receive use the form printed in the Fairwood Flyer. So far we have heard from less than a handful of people on the subject. At this point in time, dropping the Fairwood Flyer doesn't appear to be necessary.

#### **Architectural Report:**

1. One ACC request was submitted since the last meeting. It was for a fence and gate.
2. Reminder - Our CC&Rs and Rules and Regulations clearly state that exterior projects such as roofs, painting, fencing, decks, driveways, major landscaping and patios require the submission and approval of an ACC request before commencing the project. The ACC has up to 30 days to respond to an ACC request but tries to respond much sooner than that. It is recommended that if a response to an ACC request has not been received within two weeks, the homeowner should contact the ACC Chairman via email at [architecture@crwhoa.org](mailto:architecture@crwhoa.org) or by leaving a voice message at 425-738-8611. For emergency type repairs notify the ACC Chairman as indicated above and mention that it is an emergency type situation. Please do not contact the ACC chairman via a home phone number.

3. Please remember we do not accept ACC request forms via email. Please mail them to CR/CW HOA, PO Box 58397, Renton, WA 98058.

#### **Common Areas Maintenance Report:**

1: Reminder to all Homeowners – It is our responsibility (Not King County's) to keep the

Street drains clear. Please clear the debris and leaves from the drains by your house  
And at the ends of your street.

2: We have had several branches fall onto the paths at CR Park. Please contact [president@crwhoa.org](mailto:president@crwhoa.org) or call 425-738-8611 and leave a message if you notice any trees or branches at either park or any of the Common areas or entrances.

3: Be aware that the wooden bridge surface at CR Park, can be extremely slippery when the temperature gets near freezing.

4: A car has hit the new block wall at the center of the CR Entrance. About 6 blocks were moved – they are very heavy so we will probably have to pay to have them put back where they should be, luckily none were broken. Canber will fix them when the weather improves.

5: Another car has run up onto the other end of the center island and damaged a tree and a bush –Canber will check and advise.

6: Canber has been advised that the board approved their quote for the work at the CW retention Pond. They will get rid of the weeds in the sidewalk also.

7: Canber has trimmed the plum trees along the Lake Youngs Retention Pond. They also trimmed several cottonwood trees that were in danger of falling.

8: We have had a written request to have the trees in CW Park that border houses inspected to see if they are in danger of possibly falling in a bad wind.

Please keep a watch for suspicious Activity and call 911 – we have a new case number to use when reporting after hours or unruly activity in the parks -09-179682.

Reminder: Our parks are private parks which exist for the use and enjoyment of HOA residents, their families and guests. They are not public parks. Our park Usage rules apply to everyone. Following are some of the rules that have been Established to maximize safety, and minimize liability and maintenance costs:

A. Park Hours: 9:00 am to dusk.

B. No Smoking, alcohol, drugs, loud music, golfing, motorized vehicles or Fireworks are allowed.

C. Animals must be leashed and owners are responsible for cleaning up after their animals.

Please report any suspicious activity in our parks by calling 911. Reference case #09-179682 when calling.

### **Complaints Negotiations Report:**

1. There are currently 24 open active complaints
  - a.. 5 are in the fines stage – Two have been turned over to attorney & 1 of these is in Chapter 13 bankruptcy

- b. 14 have received their 1st non-compliance letter
  - c.. 3 have received their 2nd certified non-compliance letters
  - d. 2 have received the 3rd and final certified non-compliance letters, meaning fines are eminent.
- 2. Seven non-compliance issues were closed since the last meeting.
  - 3. Reminder:

All complaints must be submitted in writing and signed by the author. We do not typically react to anonymous complaints submitted by letter, email or phone. We also want to remind everyone that neither the Board of Directors nor the complaint committee patrols the neighborhood looking for violations. We are all volunteers and we don't have the resources to hire someone to do it for us. We only react to the written signed complaints of homeowners. Therefore just because a violation has not been detected or reported for a long period of time, does not mean it is no longer a violation.

### **Legal and Insurance Report:**

The HOA attorney reports the motion for reimbursement of attorney's fees resulted in a judgment against the Lowery's in the amount of approximately \$111,000.00.

Lowery's submitted a "pro se" appeal (which means it was filed by the homeowners and not by an attorney for them) -to appeal the attorneys fees judgment awarded by the court. Date of the appeal unknown at this time.

### **Rental Home / Change of Address Committee**

Changes of Address and Rentals

- Reminder – When HOA correspondence needs to be delivered to an address other than the HOA street address, your HOA needs to be notified in writing of the correct address to send the correspondence. This applies to absentee homeowners who are renting or leasing their homes, homes that are vacant, and homeowners who choose to receive their correspondence at a PO Box or alternate address. In addition homeowners who are renting or leasing are required to comply the provisions of the Leasing/Rental of Homes/Tenants Rules and Regulations.

### **Capital Improvement Committee:**

Let us know of any other suggestions for Capital Improvements.

### **Old Business:**

Status of Annual Meeting Plans-room reserved, all homeowners will be welcome and checked in by the book keeper.

**New Business:** Officer Shirley will present at the Annual Meeting.

Question posed by homeowner-do HO's have the right to pose questions to the attorney

regarding the CC&R's. Question will be posed to the attorney by the legal chair.

**Welcoming Committee** – If you are new to the neighborhood and would like an HOA information packet, call the HOA phone number at 425-738-8611 and leave a voice message or send an email request to [info@crcwhoa.org](mailto:info@crcwhoa.org).

**Special Topics:** Visit our Website and contact the HOA via Email at:

Web – [www.crcwhoa.org](http://www.crcwhoa.org)

Email – [info@crcwhoa.org](mailto:info@crcwhoa.org)

A motion was made to adjourn the meeting at 8:45 pm.

**Next Board Meetings:**

- Annual Meeting at 7:00 at the Fairwood Community United Methodist Church in the Multi-purpose building.
  - February 16<sup>th</sup>
  - March 16<sup>th</sup>

Meetings are usually held at **7:00 pm.** at the Sheriff's Office, Albertson's Shopping Center. All Homeowners are welcome to attend.

**Candlewood Ridge / Carriage Wood Announcements & Reminders**

**\*ACC Requests** - The HOA CC&Rs and Rules and Regulations documents clearly state that exterior projects such as roofs, painting, fencing, decks and patios require the submission and approval of an ACC request before commencing the project. The ACC has up to 30 days to respond to an ACC request but tries to respond much sooner. It is recommended that if a response to an ACC request has not been received within two weeks, the homeowner contact the ACC Chairperson via email at [architecture@crcwhoa.org](mailto:architecture@crcwhoa.org) or by leaving a voice message at 425-227-4227. ACC request forms can be found in the Fairwood Flyer or on the HOA website at [www.crcwhoa.org](http://www.crcwhoa.org). *Please do not contact the ACC Chairperson via a home phone number.*

**\*Carriage Wood and Candlewood Ridge Parks** – A policy has been established to maximum safety, minimize liability and maintenance costs, while allowing homeowners of the association to enjoy our parks. Rules to accomplish this include:

- Park hours: 9:00 am until dusk
- No smoking, alcohol, drugs, loud music, golf, motorized vehicles or fireworks are allowed
- Animals must be leashed and owners are responsible for cleaning up after their animals

Please report suspicious activity in the parks by calling 911. Reference case number 09-179682 when calling.

**\*HOA Website** - Visit the CR/CW HOA website at [www.crewhoa.org](http://www.crewhoa.org) to read messages on our Bulletin Board, monthly meeting Minutes, Rules and Regulations documents and much more!

**\*Trash and Recycle Receptacles** – A friendly reminder to homeowners that Garbage Cans, Recycle and Yard Waste Receptacles are to be properly stored behind a fence or inside the garage where they are not visible from the street.