

**THE WOODS AT MILL VALLEY HOMEOWNERS ASSOCIATION  
MEETING MINUTES**

**Saturday, November 4, 2006**

The Board of Trustees met at the Marysville Public Library on November 4, 2006 at 9:15 am. Members present were Debbie Richmond - Secretary, Sharon Weller - President, Brian O'Kane - Board Member, Steve Smith - Board Member, Jeff Loos - Vice President and Mary Faulkner - DRB member.

**I. Welcome, Introductions & Highlights**

Sharon welcomed homeowners, introduced HOA members and thanked the Board Members, officers, and Committee Chairpersons for their service.

Sharon covered items that have been accomplished so far this year:

- Pond Source has done a good job controlling algae in the pond. There is a lot less scum on the entry pond than last year.
- Lawnsapes has done a better job with the mowing and avoiding shooting grass clippings into the pond.
- Entrance lights have an electrical short.
- Still working on mowing issues for the greenspaces on Chiprock that are in the process of being deeded from Dominion to the city.
- Fountain in the pond on Cobblestone broke and had to be replaced.
- Twice now, vandals have removed loose blocks from the seating benches and thrown them into the pond at Deer Crossing.
- Coverage for the pond benches has been added to the insurance policy.
- Community Garage sale was successful.
- Homeowner dues have been kept the same
- Board is only required to meet once a year but they have been holding meetings on a monthly basis.
- HOA records are now in the new HOA file cabinet.
- Board has been working on a process to address Deed Restriction violations.
- CPA looked over the books and they were fine.
- Tried to keep documents posted online, however, a few times items were not up there as promptly as they should have been.

**II. Officer & Board Member Reports**

**A. Treasurer's Report**

Kyle Keator was not in attendance so Brian gave a short report. The HOA checking account has a balance of 23K. As of 10-29-06 there have been 29K in receipts and 19K has been paid out. 5K has been paid out in the last 6 weeks. 232 homeowners have paid their annual dues since the last time a count was taken, since then some more have trickled in. 21 remain unpaid and liens will be filed.

**B. Board Members Report**

- Steve Smith – Steve does not necessarily agree with the direction that the current board is taking on almost every topic. Other than asking homeowners for money, the Board is operating w/o homeowner input. Homeowners are not allowed to attend Board Member meetings. Meeting minutes have been inaccurate, for example, the Board discusses topics during meetings that are not even contained in the minutes. Steve attempted to record the first Board meeting but other members refused to hold a meeting that was recorded and walked out. Steve believes that documents are being hidden from him because it has been 6 months since the board was elected and he has still not been allowed to

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see bids, receipts or any other HOA documents. As a Board Member, he has the right & responsibility to view all documents relating to the HOA. He was allowed to review some DRB documents covering 2004 & 2005 only. The lawyer has been contacted to find out if Steve is allowed to see HOA documents. The lawyer said yes and said that Steve could even make copies of the documents. Of the 2 times Sharon claimed to offer document to him, the 1<sup>st</sup> time she was a no-show and the 2<sup>nd</sup> time he requested to meet at Copysource during the week and Sharon offered to meet in Columbus at Kinkos on a Saturday morning. Steve has repeatedly told other board members that he can't attend meetings on Saturdays due to mandatory Honda production Saturdays. He still has not seen this years DRB records, bid, contracts or any receipts. 6 months worth of financials were just recently posted to the website and there are duplicate registers, which do not match. The amount budgeted for legal fees have increased from \$350 to \$5,000. Steve encouraged those in attendance not to take his word for all this, just check out the website. When a pond fountain pump breaks, it should be covered under the manufacturer's warranty, instead of just buying a new one. The Board discusses what they want to do, makes a decision to do it. Then they ask the lawyer if they can do it (whatever it is), the lawyer says they can do whatever they want according to the articles of association. Then they say the lawyer told them to do it. The lawyer told them that they can choose to enforce deed restrictions, issue variances, be strict on deed restrictions or be lenient; it's the Board's decision to make. The meeting with the lawyer about Deed Restrictions was very lengthy; he said there should be several, very specific steps taken towards getting violations corrected. They need to be able to stand in a court of law and show everything was done to help homeowners comply. Asking homeowners to modify a fence in Ohio in the winter is not following the lawyer's advice.

- Brian – no comment on Steve's report. He disagrees with Steve but will not comment for the rest of the board & officers. Lights at entrance have a short underground. Only the main sign is currently working, the other 2 were disconnected. Electrician is off until December 1. When he comes back, Brian will follow-up with him. Dominion has been reminded of the 4 areas that they still own and are responsible for mowing. Brian thanked homeowners that have gotten involved in the HOA and thanked the other board members for their service. Pond Source says it's possible to keep the fountain going all winter as long as enough water is kept flowing through the pump to prevent freezing. Farmers Market on Cobblestone went really well. A homeowner spoke up and suggested that the Farmers Market be moved to the school parking lot instead of Cobblestone for safety sake. Dominion sold one of the front lots to the hospital, the other one is for sale. HOA still owns easements near the front that the main sign, pump house and flower bed sits on and is responsible for their maintenance.

### III. Committees, Website & DRB Report

- Safety Committee - Lauralynn Stephens, committee chair, was not in attendance so Brian gave a short report. Safety Committee is made up of 4-5 homeowner volunteers. They have been working with the Marysville PD in addressing traffic & speeding in the neighborhood.
- Beautification Committee – Jeff Loos reported that the front entrance was cleared of dead plant material, low maintenance plants were planted and seasonal color was added by fall decorations consisting of mums, straw bale, scarecrow and cornstalks. They also planted 150 crocus, 50 hyacinths and some daffodil bulbs for spring color. They will make plans for summer color later on. Deer Crossing has some crooked pine trees that still need fixed. Other than the crooked pines, there is no landscaping by the Deer Crossing pond, more trees need added. The blocks from the benches that were thrown in the pond were retrieved and put back in place. Besides Jeff, other committee members are Lauralynn Stephens, Tammy Shepherd, David Bell & Mary Faulkner.
- Website – Craig Bull, website administrator was not in attendance so Sharon reported that the Forum on the HOA website has been closed.

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- DRB – Mary Faulkner reported that the DRB has continued where the former DRB left off last year. In September, the DRB members went around the neighborhood and conducted a “windshield survey” of every single house for possible deed restriction violations and exterior improvements that have been installed by homeowners without DRB approval. They identified parking violations of RV’s, trailers and campers, sheds and fences of questionable size or building materials and above ground pools. She mentioned that even though vinyl & wrought iron fences are now allowed, plans still must be submitted to the DRB to have a variance granted. Letters to homeowners who appeared to have violations from the September “windshield survey” will be mailed out this week. Since it was hard to determine fence heights without going onto the property and measuring, if homeowners receive a fence violation and their fence is only 5 feet tall, let the DRB know and submit plans for project approval. If homeowners have a 6-foot privacy fence, DRB members could not tell if there was an in-ground pool in the yard, so if that is the case, contact the DRB. There are 19 violations left from last year. Joining fences together with your neighbor instead of stopping at the rear corner will be approved as long as the fence you are connecting to is “legal”. However, you still must submit plans to receive a variance. Any exterior changes such as changing front door, color of front door, changing windows, installing storm door, etc must be submitted for approval by DRB. Permanent exterior changes made without approval will be considered in violation of deed restrictions. Phase 2 of DRB enforcement will cover exterior changes that have been made without DRB approval. The DRB’s job is to keep uniformity in the neighborhood by maintaining architectural standards. This is to insure protection of our investment.
- Deed Restriction violations not corrected during 1<sup>st</sup> 30 days will receive \$100 fine. 60 days = \$200. 90 days = letter from HOA lawyer notifying homeowner of impending court action. 80-90 letters are being mailed. There are 33 potential shed violations, 51 fences, some above ground pools, 6 trailers.

**IV. New Business**

Mary has been contacting Real estate agents who are selling houses in the neighborhood and advising them that there is an active HOA in place.

**Q & A and Statements**

- 2 homeowners were told by Dominion that the HOA was defunct.
- Mary was contacted via e-mail by a homeowner anonymously to report their neighbor who was doing exterior improvement w/o DRB approval. Mary stopped by the house of the violator and told them they needed to submit plans to the DRB.
- Mary advised that if you sell your house with an existing violation you are putting the buyer at risk.
- In California, a homeowner sued a HOA for not enforcing deed restrictions. 50 of 2000 homes had basketball hoops. Since they were not made to remove them, it was assumed that the neighborhood was accepting of basketball hoops and the HOA lost the right to enforce no basketball hoops.
- DRB has the authority of give variances on vinyl sheds.
- Question was asked if granting a variance is setting a precedence.
- In Delaware, OH a HOA took a homeowner to court for a fence too far forward. The court told the homeowner to move the fence.
- Homeowner said that restrictions have not been enforced; Brian said that they have been enforced.
- Homeowner states that neighborhood is looked upon as having a hostile environment, a place where people do not want to live. Isn’t that affecting the property values? Homeowners in attendance

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heartily agreed.

- Fence controversy was in the MJT.
- Somebody said that you can piss people off all the time even though you can't make everybody happy all the time.
- With lack of voting on fence issues – is apathy an indication of satisfaction? Does the lack of voting indicate that people are satisfied with the way things are now and by not voting, they are agreeing with current rules? Maybe that's why hardly anybody ever shows up at HOA public meetings.
- Somebody said that perception outside our community is not as bad as we think it is.
- Homeowner stated that contractors doing work on his house have submitted plans to the DRB and have not gotten any response back.
- Is the DRB telling people that in 60 days, if they do not correct violations they will lose the right to vote?
- If you contact DRB to put off moving fence until spring, they will give you an extension.
- Someone suggested that the violation letter state that people have until May 31<sup>st</sup> to move fences but it was denied.
- Somebody was concerned that rules set now can be reversed by the next Board. Per the lawyer, HOA board opinions flip flop all the time but once a variance is granted it cannot be revoked.
- Steve stated that not all deed restrictions are being enforced, only some are and the DRB has the ability to be more human about the violation issues but they just choose not to. The order in which things are being done is not an accident – shut down forum, have meeting, send out violation letters near holidays, in winter so people won't fix violations, won't pay fines and lose power to vote in March.
- A homeowner was mad that the DRB can grant variances when they want to even though it's against deed restrictions. That is how it works, it's stated in the Article of Association.
- Someone stated that in their opinion, 6' fences compartmentalize the neighborhood and give an unfriendly look.
- Someone stated that Deed Restrictions were for Dominion, not us. Dominion uses the same Deed Restrictions for their developments in other cities too, not just here.
- Someone suggested that instead of sending violation letter, that the DRB send out variances. DRB stated that they can't grant variances w/o receiving a plan.
- Someone said to have the DRB submit a plan for the homeowner – that idea was rejected.
- For fences not at the rear corner – if one fence is at rear corner and neighbor connects, then variance would be granted. If both fences are too far forward then variance will not be granted.
- Why did board wait until November to send out letters when they have been in power since April? Brian said delays were caused by the votes sent out to change rules, approve vinyl, approve 6' fences, checking with lawyer and conducting the complete neighborhood audit.
- What other things should homeowners pay attention to? What about play systems and their placement in the yard? Deed Restrictions do not address placement of swing sets.
- DRB said homeowners can submit 1 plan with all improvements on it and to make sure each item includes positioning, dimensions & materials used.
- Steve said he submitted 1 plan for everything and the DRB refused to approve.
- Somebody suggested that the DRB send a template to the homeowners to use when submitting plans.
- Someone suggested having the lawyer clarify variances in writing. Variances should not be in direct opposition to the restrictions.

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- Someone asked why have the DRB waste so much time granting the same variances over & over. Granting variances relies solely on the opinion of DRB members – that is a scary idea. Deed restrictions state that variances can be granted for unnecessary hardships or to overcome practical difficulties. Why not devote time to planning block parties or a welcome wagon?
- There is a house on Fawnmeadow that is for rent. The sign has been in the yard for 2 weeks. The owners work for Honda and will be in Japan for 2 years. Honda will probably put people up in the house while owners are away.
- Homeowner stated that removal of the forum is discouraging.
- Board stated that the forum was just a place to air complaints and to practice character assassination. Mary stated that she has taken screen shots of all posts in case allegations are made at a later date.
- 11:10am - Sharon called an end to the meeting since the time on the room was up.

Adjournment

Minutes prepared by: Debbie Richmond