

APPROVED MINUTES  
**Annual Membership Meeting**  
**Dutch Creek Homeowners' & Recreational Association**  
April 30, 2009  
Columbine Library

Marcel Savoie, President, called the Annual Membership meeting to order at 6:37 PM stating that the quorum requirement of 10% of property owners, either in person or represented by a proxy, had been met. Some of the above listed homeowners came in after 7 PM.  
The Agenda of the meeting was projected on the overhead screen. Marcel went through the agenda. No additions were made to the agenda.

**Attendance:**

Directors: Marcel Savoie, Karen Melfi, Dan Dowell, Mark Hannum, Eileen Parker

Other Homeowners: Lucius Day, Chris Pillow, Julie Sobetski, Judith & Dave Anderson, Dale DeBoer, Larry & Linda Money, Jack & Patt Clark, Kathy Aarnio, Kenneth Kordes, Frank McKinney, Dale Cloud, John Wilber, Linda Dowell, Wilbert Hall, Bob & Ann Stong  
Additionally, two women did not sign in.

**NEW BUSINESS**

**SECRETARY:**

Minutes of the 2007-08 Annual Meeting: Secretary, Eileen Parker, pointed out the Annual Meeting notice stated that these Minutes were posted, as corrected by Directors of the Board, on the HOA website.

Additionally, copies were available on the back table. **The motion was made and seconded to accept the minutes as corrected. Motion was passed.**

\*Asking for input and receiving no objections, the following will be taken to the next Regular meeting of the Board of Directors for discussion: Since there is so much time between Annual Membership meetings, the Board may either act as the committee to approve the minutes of the Annual Membership meeting or appoint such a committee. These approved Minutes can be corrected even after they are approved by a motion to amend adopted, ... which requires a two-thirds vote, a majority vote with notice, or a majority of the association members if that is more practical.<sup>1</sup>

Proposed Bylaw Amendments: These were included in the Annual Meeting notice and also a hand-out at the meeting. The ballot indicated each proposed amendment separately and also a place for voting for or against all of them. Marcel stated that it was the auditor who pointed out the need to have the fiscal year used for filing taxes match the fiscal year in the documents. That led us to other amendments of a "housekeeping" nature. **Dave Anderson, after discussion, made the motion to amend Article V, Board of Directors: Selection: Term of Office to strike the phrase, "...who need not be members of the Association..." It was seconded by Dale Cloud.** It was the opinion of Marcel Savoie and Eileen Parker that it is the duty of the Board to give notice of any document changes prior to any vote. The proposed amendments notice did that. Another amendment at this time would circumvent that courtesy even if it is not required – and it may be required. Marcel advised everyone to either vote for or against each amendment at it is proposed. If it is not passed by a majority vote, it will not pass. Further proposed amendments can be taken up prior to the next annual meeting, if desired. After Lou Day raised a point of order to the lack of a vote being taken on a moved and seconded motion, Dave Anderson and Dale Cloud agreed to rescind the motion.

---

<sup>1</sup> Conducting Meetings, 2<sup>nd</sup> edition. ©2005, pgs, 35-36, Community Associations Press, Alexandria, VA

## APPROVED MINUTES

### **ELECTION OF DIRECTORS OF THE BOARD**

The two Board members' positions that were due for election this year were Mark Hannum & Dan Dowell's. Dan Dowell stood for re-election. Mark Hannum did not. Lucius (Lou) Day was on the ballot because he earlier announced his desire to be a Director of the Board again. Marcel Savoie thanked: a) Mark Hannum for his work on the Board; and noted that Mark had served as the ACC (Architectural Control Committee) chairman; b) Dan Dowell has been the Grounds Maintenance chairperson and has done a great job – and has cut the expenditures considerably; and Lou Day has previously served the Association on the Board and has continued to serve as an untiring attendee at meetings, as the webmaster, and as the Pool Gate Security chairman.

The particular officers of the Board and chairman positions are decided by election at the next regular meeting of the Board. Voting at this meeting was for the person and not the position.

Chris Pillow asked about the Director position which has been vacated by the resignation of Troy Brown. The HOA documents state that such a position is to be filled by appointment by the Board of Directors – not by a vote of the membership.

No other nominations came from the floor. Everyone with a ballot was asked to vote. Judy Anderson and Linda Dowell volunteered to count the ballots.

### **FINANCE REPORT**

Kathy Mohrbacher was absent due to having rotator cuff surgery. Marcel went over the report of the budget and finances which was prepared by Director Mohrbacher and included in the "Notice of the Annual Meeting" which went to each homeowner of record. This notice is also on the website. More detailed information is also available on the website.

### **ARCHITECTURAL CONTROL COMMITTEE**

Mark Hannum asked for anyone willing to serve on this committee to see him and sign up.

After giving a simple explanation of the procedures he has used for violation notices and applications for change, he took questions. Frank McKinney wanted to know Mark's opinion of whether or not the HOA has any real control/authority. Director Hannum stated that in almost all cases, there was a good response to the first violation letter sent. In many cases, the direction given in our HOA documents are subject to the subjectivity of the Directors or ACC committee. The ACC committee has "discretion" – subjectivity – in many cases.

A continuing ACC issue has been the owners who "act first and then ask for forgiveness." They, too often, have the work done on their property and then may (or may not) ask for approval after the fact. HOA documents state that the ACC has the discretion to approve, or not approve, applications for change. Often, those approvals are simple and can be handled with a phone call or email (e.g. repainting with same color.)

Dave Anderson asked the Board and the ACC to pay attention to common areas such as the tennis court wind guard along the west fence which has been in disrepair and flying in the wind for quite some time. Karen Melfi answered by saying that wind guard will be taken down soon.

### **BOUNDARY FENCE**

Eileen Parker, appointed chairman of a Boundary Fence committee this past March, handed out a report written by her which shares the committee's work to date.

\*This report is an addendum to these minutes, along with the other available hand-outs from this meeting.

### **POOL & TENNIS COURT(S)**

Karen Melfi stated that the pool is scheduled to open the Saturday of the Memorial Day weekend. The pool hours are to be 5 AM – 9 PM. Mark Romero of Patio Pool & Spa will once again be doing the pool area maintenance (except the landscaping.) He has given her three different levels and costs for meeting the new drain law requirements (Virginia Graeme Baker Pool and Spa Safety Act, passed in 2007) and of which the Board will act upon to have installed as soon as possible where needed.

## APPROVED MINUTES

### Pool & Tennis Courts, cont'd

Karen asked to spread the word that she is looking for a volunteer to be a pool manager and who will report to the Director in charge of the pool oversight this summer. If anyone is or knows an adult who is often there in the summer and might be willing, please let her know.

170 feet of new decorative iron fence which matches the other black fence has been installed to finish the Phase I part of the pool area fencing. Thanks go to Mark Hannum for his contacts with whom we were able to get materials at a reduced cost from initial estimates. The conduit is there for running electric power to a possible security light at the pool security gate. Also, a pad for the light was put in when the fence work was completed. This has been a security concern. Karen thanked Rich Hagan, though absent, for his continuing work on the facility improvements. Also, the chain link fence has been repaired along the west side of the old multi-use court.

Due to the continuing deterioration of the west side of the tennis/multi-use courts, the basket ball hoop was moved to the one tennis court for which the ground cover materials, etc. are being maintained. It was determined by Karen and Rich Hagan that the other two former tennis/multi-use courts will be closed until they are either replaced or torn out. At this time, the cost of replacement is too expensive and is not being budgeted.

### **GROUNDS/LANDSCAPING:**

Dan Dowell thanked the following volunteers for what amounts to about 600-800 hours of work which saves The Association a lot of money each year: Jack & Patt Clark, Dave & Judy Anderson, Rich & Lyn Hagan, Dave Landes, Frank & Pauline McKinney, Dale & Phyllis Cloud, John & Henrietta Peterson and their two sons, Dean & Andrew, Larry & Linda Money, and Nick Walter.

Dan decided to run for re-election because: 1) of encouragement from Lou Day and others and 2) because he really has a few more goals he'd like to see met and 3) plan to get everything he and the other volunteers and the employed vendors do committed to paper so that someone else can more easily step in when needed. He stated that it is discouraging to him and the other volunteers when so few people come to the meeting and when the only feedback he often gets is negative.

Additionally, the Board has approved funds to improve the entrances with some landscaping at the entrances of Caley and Marshall.

There are vendors employed by The Association for Grounds Maintenance for sprinkler maintenance, mowing and fertilizing.

Dale DeBoer asked about possible drainage problem at the native grass planted area on the east side of the tennis court. Dan believes that has been a problem with the landscape contractor and sprinklers. He believes that problem is fixed or soon will be.

Litter Control: Please let him know if you can be a "Trash Walker" – someone who on a regular basis walks specific areas of the community picking up trash. He's been doing it as do a few other people.

Ann Stong stated her opinion about how good everything looks and thanked the Board and everyone else who has been working on the community's appearance, etc.

Dale DeBoer asked if there is a plan to mitigate the coyote problem. Eileen Parker referred him to the HOA website and an article from the Jefferson County Sheriff regarding how to deal with coyotes. One of the recommendations is to haze the coyotes every chance one gets. We should all be doing this to discourage them from becoming too comfortable around humans.

### **ELECTION RESULTS:**

**Directors:** Dan Dowell and Lucius (Lou) Day were elected by majority vote.

**Amendments to the Bylaws:** All of the proposed Bylaw Amendments passed by majority vote.

## APPROVED MINUTES

### **OPEN FORUM:**

John Wilber asked about the practice of having dumpsters provided in the spring for homeowners use. The answer, as provided by Dan Dowell and other Directors, was the misuse and over-use by owners &/or people from neighboring communities led to the Board decision in the past few years to discontinue this service. It was expensive; and it was a nuisance for the Directors and the owners who live nearest the dumpsters.

Mr. Wilber also asked if anyone had experienced vandalism recently; he has seen some on his street, S. Newland Ct. The answer was "not recently." Eileen Parker suggested Neighborhood Watch as a possible help in such matters. Patt Clark said they did look into it and it requires an 80% community "buy-in".

Julie Sobetski asked if there was any way to make an owner water grass, etc. Mark Hannum replied that if it is brought to the attention of the ACC, especially in a year when there are no watering restrictions, the ACC can look into it, case by case.

Linda Dowell inquired as to why we have what seem to be such outdated documents? She knows of other HOA communities which have recently updated documents and which seem to be better fitted to current needs. Marcel Savoie replied that it is an expensive and time-consuming process to rewrite the Declarations. The Bylaws are less cumbersome. Eileen Parker reported the committee that tried to rewrite the Declarations a few years back had a lot of trouble getting any agreement among themselves let alone the needed 80% to amend. Linda expressed concern that the Board seems unable to make policies, then, that address current problems.

**Adjournment:** Marcel thanked everyone for attending and participation; and thanked the Directors of the Board for their time and effort. The meeting adjourned at 8:30 PM

Eileen P. Parker  
Secretary of DCV HOA & Recreational Association  
2008-09