

**Fern Crest Homeowners Association
Board Meeting Minutes – September 2, 2008
Sunrise Elementary School**

In Attendance:

Scott Manthey – President
John Meyer – Vice President
Gerald Shirley – Treasurer
Paul Dunn – Board Member at Large
James Tungsvik – Community Manager

0.0 Homeowner Forum

0.01 Parminder Dhillon appeared and asked to address the Board relating to landscaping requirements that he has not yet met, and for which some fines have been levied. He requested approval to make some changes to his fence.

0.01.1 It was recommended that he document his proposed fence changes in a PIC application.

0.01.2 He noted that he was out of the country for three months and has not finished his backyard yet.

0.01.3 He requested that the board rescind his fines.

0.01.4 It was agreed that the board would extend a deadline by three weeks after an approval for his landscaping changes was approved.

0.01.5 It was stated that the board would consider a request to rescind fines only after the conditions that he is being fined for have been documented as cleared.

0.02 Natalie Suroweiki appeared with questions on the rental cap.

0.02.1 How did we get to a rental cap?

0.02.2 What about if they are 20 down on the list?

0.02.3 Scott answered the question about the discussion to set the rental cap and how we arrived with the number. The decision was made last December – till then it was 0.

0.03 Art Kraft asked about the off-duty sheriff deputy. Does he report back? What interval?
Gerry reported.

0.04 There was a general discussion of recent events with police and helicopters.

Formal board meeting was called to order at 6:40 PM

1.0 President Manthey reported that a Quorum was present

2.0 It was moved and seconded to excuse Troy Parke

3.0 President's Report

3.01 President Manthey noted an overall reduction in the mischief level in the neighborhood, and made recognition of John Meyer's efforts in this area. He also noted that it seems we are getting a higher level of attention by the Sheriff's office in responding to calls for service in the Fern Crest Neighborhood.

4.0 Treasurer's Report

4.01 Gerald Shirley reported that he has received and reviewed August's financials from Around The Clock.

4.02 He is working to prepare the claims against CDC

4.03 He would like to get a report from Around the Clock on legal fees expended to resolve issues created by CDC's negligence.

5.0 Committee Reports

5.01 Communications Committee

5.01.1 Johnlynn reported that the next newsletter has a deadline for submissions of October 15, and wants material from EVERY Board member.

5.01.2 James took an action item to look at other associations' newsletters for ideas and materials as well.

5.02 Blockwatch

5.02.1 John summarized his emailed report (included herein)

Blockwatch/Safety Report

Fern Crest HOA Board Meeting

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5.02.2 Had Intolight turn out the light adjacent to the basketball court and the play equipment. This has greatly reduced the problem we have had with late night noise and vandalism.

5.02.3 Met with the King County Sheriff Liaison Officer.

5.02.4 Discussed out problems with our park. He agreed that turning the light out was the right approach. He said that gangs from Seattle and south tend to look for lighted parks to hang out in and generally problems follow.

5.02.5 Discussed concerns about problems in the neighborhood. They have increased patrols in our neighborhood (I have witnessed this). This last week two events were handled within minutes well before becoming problems.

5.02.6 We have been hiring off-duty KC Sheriff's officers to patrol on four house shifts. We have been splitting time and cost with Fern Crest West. We believe that this visibility along with increase patrols has helped reduce problems.

5.02.7 Our Liaison officer has helped us schedule off-duty officers who are routinely patrolling our area during their on-duty shifts. This benefits us as they become familiar with our problem areas and times and will tend to patrol more during this time during their on-shifts (we become "good customers" because we also hire them off-duty)

5.02.8 He made some good suggestions regarding initiating effective Blockwatch Groups.

5.02.9 I have contacted two of our local residents about helping to activate a Blockwatch group on 227th St. Liaison officer stated that getting a couple of good Blockwatch groups going and advertising their successes prompt others to get involved in their areas.

5.02.10 We need to look at budgeting for Blockwatch Block parties (individual blocks can block off their street and have a BBQ and other activities to keep people involved). The Sheriff's office says this is crucial to keeping the groups active. You have to keep people interacting because when they get complacent, the Blockwatch tends to fall apart and is not effective.

5.02.11 Would like to budget for 2009 National Night Out. Use the large park to bring EVERYONE together.

5.03 Parks

- 5.03.1 Scott Manthey reported
- 5.03.2 Yesterday – div 3 park trees moved and a patch – sod did not take - he will follow up.
- 5.03.3 New picnic table ordered for div 1 park – eta still unknown.
- 5.03.4 Heard noise the other day in park, and found kids using pieces of the old table to pound on bb hoop. Already taken apart after repairs that were made recently
- 5.03.5 Garbage situation getting better – waste management has been picking up – John worked to get it picked up every Friday
- 5.03.6 BB net is almost gone – he wants to leave empty think about chain for next year.

5.04 Property Improvement Committee

- 5.04.1 Report Summarized by Paul Dunn (Included herein)

Fern Crest Homeowners Association

Property Improvement Committee Report to the Board

September 2, 2008

General Report:

1. We are receiving high percentage of PIC applications without a Quadrant site plan. In some cases, the owners are providing drawings of their own that deliver the information needed, in others, the applications are being logged and sent back as DENIED because of lacking information.

August Property Improvement Applications:

Nine PIC Applications were received in August, 2008

5 applications are in the voting process right now, and should clear voting in the next 2 or 3 days.

3 Applications were denied due to lack of sufficient information. Of these 3, 2 have not resubmitted their applications.

Old Business:

1. **Window Air Conditioners:** A modified motion to change PIC standards for Window Air Conditioners will be presented at the October, 2008 Board Meeting.
2. **Driveway/Walkway Extensions:** The Architect is now reviewing any new driveway extension requests in view of:
 - a. Impervious surface and runoff restrictions
 - b. County Codes regarding property line setbacks and maximum driveway frontage.

New Business:

None

Pending Requests Needing Board Discussion:

None

6.0 Community Manager's Report

6.01 James reported on the last drive through inspections.

6.02 There are 2 pending legal issues regarding rentals.

6.03 James is meeting with John Meyer and the law firm to discuss the Miller's wall situation.

7.0 Old Business

7.01 An issue to be read into the record. In August, a timeline for actions was sent to the owner of Fern Crest Lot # 1040 by Gregory Cromwell of Curran Law Firm, and the owner was told to terminate the rental. The owner's attorney responded that because the Fern Crest HOA had delayed in a response, the owner had entered into another 1 year lease with the tenant at this lot. Cromwell responded that because the owner knew this action was pending, the owner should not have leased the property. Owner's attorney also gave notice that the attorney was no longer representing the owner. Cromwell requested the board to authorize him to write a letter to the owners stating that a \$300 per week fine would begin on a date to be determined, and would continue until the owner demonstrated compliance. Cromwell stated that because the tenant is not at fault, the HOA may not be able to break the lease, the the HOA can impose and accrue fines, and seek judgment in court to find that we are legally correct, collect rent to fulfill fines, and then order that no further rentals following the expiration of the lease can occur.

- 7.01.1 A motion was made by John Meyer to begin assessing fines on September 1, 2008. The motion was seconded and carried.
- 7.01.2 An action item to James Tungsvik was issued to send the order to the attorney and commence this action.

7.02 Miller's Wall

- 7.02.1 A complete package containing the ad-hoc committee report has been sent to Mr. Cromwell at the Curran Law firm as background to research and discuss the situation. The central question is; "whose responsibility is this?"

8.0 New Business

8.01 Room Rentals

- 8.01.1 CC&R's were sent to attorney for review relating to room rental question. The attorney reported that it would be tough to defend sanctioning an owner for renting a room. Mr. Cromwell analyzed and made recommendations for new wording in CC&R's and rules. John Meyer explained the language.

8.01.1.1 Discussion on this issue ensued:

Gerry is reluctant to change CC&R's and used the example of a single owner buying and taking roommates. The question of language around the definition of lineal descendants was raised – Paul thought it might be entering into the realm of Cousins. Gerry and Paul both endorse "Wholesome Use." Scott does not want to limit "Co-occupants" Scott noted that we only find out about these issues when there are violations of other rules. Maybe we should take action from a violations point of view. It was noted that rental homes at FCW are allowed only 3 vehicles to park. Gerry noted that most of the complaints regarding these homes surround parking and noise and suggested that a rules change might be the answer.

8.01.1.2 A plan to move forward was proposed;

- Put a parking rules package on the October Agenda
- Adopt rule change 9

8.01.1.3 A motion was made by Paul Dunn to accept Section 9 Rules Change entitled. Motion seconded by Gerry Shirley.

8.01.2 \$500 Rental Application Fee

8.01.2.1 John Meyer presented this issue and brought it forward for discussion:

Legal fees cost us to handle rentals – legal or not.

What about Hardship?

James Tungsvik suggested that hardship cases could be handled on a case by case basis.

Scott M. would like it to be more objective.

John Meyer gave an example of a homeowner who backed us into a corner claiming we have made exceptions – and we have been able to show equal enforcement.

The HOA paid \$4781 in legal fees surrounding rental issues in July 2008

Paul asked about fees to pay for the “bad guys” vs legit requests?

Scott acknowledged this point

James suggested we consider a \$250 fine to meet halfway

Gerry mentioned that as a homeowner/landlord, this could become a legitimate business expense. He feels the 300-500 dollars would be ok.

Gerry suggested \$500 application first, then an annual fee.

8.01.2.2 Gerry moved to pass rules language for rental application fee. John
Seconded.

8.01.2.3 Discussion on the motion ensued.

Paul noted that he was swayed following an emotional appeal
(unsolicited) from Mr. Kraft in the audience.

8.01.2.4 Motion was passed 3-0

9.0 Other Business:

9.01 Gerry noted he would like to see the web page make some things available without the need for a neighbor to log in. It was agreed that anything with personal information on the web site would still require login. Anything else of a general nature should be made public.

10.0 Adjourn

10.01 A motion to adjourn was made and seconded at 7:56 PM.