

# **THE CHARTERWOOD ASSOCIATION, INC.**

## **ANNUAL MEETING MINUTES**

**MARCH 6, 2006**

### **PENDING FINAL APPROVAL AT THE 2007 ANNUAL MEETING**

#### **CALL TO ORDER**

The meeting was called to order at 7:03 p.m. at St. Andrew Presbyterian Church, 3096 So. Sheridan. The Board President, Dave Hauser, thanked all who were attending the Meeting.

#### **VERIFICATION OF PROXIES & ESTABLISH A QUORUM**

Based on the 17 Homeowners/Families in attendance plus 16 Proxies received, there was a 31% plus quorum present to conduct the Meeting.

#### **PROOF OF NOTICE OF MEETING**

Such Notice has been timely provided for the Meeting and, per Senate Bill 05-100, also posted in the Charterwood neighborhood.

#### **APPROVAL OF PRIOR MEETING MINUTES**

The Homeowners were asked to consider the Minutes from the March 21, 2005 Annual Meeting for approval. A motion was made and seconded to approve the minutes. The vote was unanimous.

#### **INTRODUCTIONS**

Dave Hauser introduced the Board of Directors. In attendance were the Vice President and Acting Treasurer, Perry Sant; Special Projects, Sun Coates; and Secretary, Bill Oliver.

Dave introduced the Architectural Control Committee (ACC) member in attendance Ruth Lang. Currently, there are two other members on the ACC who were not at the meeting; Harry Stackhouse and Tim Orwick.

Introduced representing Charterwood's Management Company, Western States Property Services, was our Project Manager, Earl Johnson.

## **NOMINATIONS AND ELECTION OF THREE DIRECTORS**

One of the main purposes of this Meeting in addition to providing Charterwood members with an update of the Association's status and an open forum in that regard, is to elect three new Directors and seek additional members for the ACC. At this time Perry Sant's and Sun Coates' terms are expiring and Solara Cochran's Director position is open due to her moving from the neighborhood. Based on this, Rick Forester and Mark Stiles agreed to be nominated for the open two year terms. In addition, Sun Coates agreed to be nominated to continue serving in the one year term position. All of the nominations were seconded, and all were unanimously voted to the Board by the quorum.

## **ARCHITECTURAL CONTROL COMMITTEE**

Charterwood residents Elmer Barela and Bill Johnson both volunteered to become new members of the ACC

## **MANAGER'S UPDATE**

None-Profit Tax Resolution – Earl Johnson reviewed the related Resolution for 2006 that included in the Annual Meeting packets. It precludes any carryover of operating funds into the next fiscal year from being taxed inasmuch as the Association is a nonprofit organization. A motion was made and seconded to approve the Resolution. The vote was unanimous.

Financials/Budget – Earl presented an update of the financials for the month ending January 31, 2006 along with the 2006 Charterwood Operating Budget. He noted that the cash assets identified on the status page (operating budget and reserve account) need to be rebalanced to reflect \$23.9K and \$30K respectively. These assets show an overall improvement of almost \$9K from a few years ago. The year-end actuals were about \$4K under the associated budget. There were discussions regarding various expenses plus acknowledgement that many would be increasing this year including water and repair labor. He also said expenditures for an Audit are planned in 2006. This is a result of the Board and Management Company changes over the past few years (and also is in consonance with Senate Bill 05-100). Expenditures may be further increased this year some as we get into maintenance efforts like working on the sprinkler system, though, still within the overall income plan.

The \$45 per month assessment remains the same for 2006 as it has for the past two years. The fees for weekly pickup of trash continue to be included in that amount. Western State Property Services is available to answer any related questions about member accounts. Electronic Funds Transfer payments continues to be available to Charterwood Homeowners.

## **OFFICER'S REPORTS**

President – Dave Hauser discussed a number of things including a need for broader participation of Charterwood Association members in future Boards and ACC's. Those participating are representatives of the overall community in maintaining the quality of the neighborhood.

## OFFICER'S REPORTS (Cont.)

Everyone's help is requested in complying with the Association to prevent deterioration of Charterwood property values. Some examples cited include responding to and complying with paint notification letters, submitting Design Review Requests for paint colors, roofing, windows landscape and external changes. Also minimize parking cars on streets (use garages), control barking dogs.

We have gone to a year round Landscape contract to try and better maintain the common areas; especially in regard to continuing fall cleanup into the winter months. At present, we also have the contractor started on installing an edging around the perimeter rocked in areas.

As noted in the 07/05 & 09/05 Meeting Minutes, we met with five other nearby Associations (Thraemoor and Lakewood Estates Town Homes, Patio Homes, Filing 1 & Filing 2 Homes) and representatives of the City of Lakewood and Lakewood Police regarding many concerns including the Park, vandalism and speeders/stop sign runners. Some progress has been made with these as a result of the meetings. Last fall, Lakewood Police did start some evening bicycle patrols in the area plus have been more visible in the area.

Dave said a Board/ACC/Management Company neighborhood walk around will occur in the next month or so to review the state of Lots and Homes. Letters will be sent to those Homeowners whose residence or fence needs painting plus for yards in disrepair.

Vice President – Perry Sant discussed highlights of the Lakewood Estate Parks survey committee that he worked and his meeting with the City of Lakewood regarding the results. He was very happy with the 62% participation of Charterwood residents. Tennis Courts received the most votes followed by small picnic area, swings, basketball courts and off leash dog run.

Special Projects – Sun Coates stated she was impressed with Charterwood's representation and participation at the two joint Homeowner Association Board meetings held last summer. She noted that the Charterwood Board members were actively involved in discussing all of the agenda subjects and concerns.

Secretary - Bill Oliver reported on a number of Board-related items, some of which are follow ups to items discussed last year:

- Board Meeting Minutes/Newsletter: The Board has sustained its goal to maintain communications with Association members. As a result, it has continued to prepare, discount copy and hand distribute Minutes/Newsletter Items after every Board and Annual Meeting. We also maintain a Charterwood website where one can find recent Minutes and also many prior Newsletter items. The site also identifies when and where for the next Board Meeting.
- Trash Collection Contract: Going into the second year of a three year contract, we continue to benefit from the favorable rates negotiated. The Allied Waste Services representative has been helpful in providing us information on the many features about the contract that customers normally don't seem to be advised of. (Ref. 01/05 & 02/05 Newsletters)

## OFFICER'S REPORTS (Cont.)

- Common Area Drainage Culvert: As a reminder, the storm water drainage culvert is controlled by the City of Lakewood with a Charterwood obligation to maintain it. The Board has had to periodically clear the rocks and debris blocking it. Request anyone observing kids trying to block the drainage to notify the Board, ACC or Management Company so they can advise their parents of the concern. Rick Forester noted that this area is a flood concern.
- Shared Common Area Fence Study: The '04-'05 study looking at the feasibility of turning over responsibility of shared common area fences to the sharing Homeowners is closed. It will remain with the Association who per the Covenants is responsible for the owned common areas and the landscaped areas along the associated Lakewood right-of-ways; both of which include common area fences.
- Single Family Homes: This past year there was a problem where a Charterwood Home was not being used as a private single family resident but instead, for multiple tenants against the Covenants. This problem is now gone. If any member has a similar concern about a neighboring home, please notify the Board, Management Company or ACC about it.

Management Company - Earl noted that the one of the primary problems in all HOA's is with external changes being made to lots with ACC approval. Design Review Requests (DRR's) are required prior to making any changes in this regard.

A related problem is with Homeowners taking down or altering their portion of the shared common area fence. Emphasize that a DRR is required before anything can be done to this fence by Homeowners. If they damage the fence, they will be charged for the repairs the Association has to make to it. DRR coordination with the ACC hopefully helps prevent this occurring.

### Senate Bill 05-100

As noted in recent minutes, this Bill was passed regarding Homeowner Associations. It addresses numerous items including xeriscaping, political flags, American flags, the ACC process, emergency vehicle parking and roofing. It also addresses numerous operational issues like collections, conflict of interest, meetings/notices, enforcement of covenants and rules, records, reserve funds, voting, audits, education of board members and homeowners, attorney fees, disputes, insurance and disclosure responsibilities of home sellers to buyers.

This Bill has had an impact on the Homeowner Handbook we've been preparing. The original draft was completed the end of last May. The Bill was passed June 5<sup>th</sup>. As a result, we've had to greatly expand the Handbook to incorporate all of the Bill's provisions. Our Attorney has been a great help in preparing some of the required legal procedures. The revised update went into legal review in January. Now there is a Senate Bill 06-089 going through the State Legislature to correct many of the problems in the original Bill. 06-089 passed the State Senate on March 1<sup>st</sup>. Once approved by the House and signed by the Governor, we'll have to further revise the draft along with our Attorney revising his write-ups incorporating the changes before final review and publication.

## **OFFICER'S REPORTS** (Cont.)

Concerning the Homeowner Education noted in the Bill, the Board is offering an education meeting regarding the Association to any Homeowner. For this meeting, it has reserved a room at this church for Monday, April 3<sup>rd</sup>, at 7:00 p.m. Any interested Homeowner is invited to attend.

### **Parking on Charterwood Streets**

This has become an increasing street parking problem in some areas of Charterwood. It is especially prevalent in the 2460 block of So. Harlan Ct. where not only is there a large group of automobiles parked on the street but also a large commercial van being long term stored there. Also occasionally found in the neighborhood are excess vehicles being stashed by the common areas or by their entryways or exits. Discussed was a proposed revision to the Covenants that would limit Homeowners and residents to parking their cars only in their garages and driveways.

Meeting attendees observed that the street parking situation is a symptom of the problem; not the problem. The problem is some Homeowners are no longer using their garages for parking their operating vehicles but instead are using them to store excess junk and/or inoperable vehicles. Accordingly, all residents are encouraged to first use their garages for parking operating vehicles and then driveways before using the streets. At this time most were not supportive of the proposed Covenant change.

### **HOMEOWNERS' FORUM**

There were some questions regarding Senate Bill 05-100 related requirements of home sellers to now provide disclosure packages to buyers. Real Estate agents are aware of these requirements and will help the seller with this. The required data, which in our case should include the Covenants, ByLaws, Minutes, financials, identification of the current assessment amount, can be obtained from the Management Company at a nominal cost for running copies, mail, etc. A comment was made that once the Handbook goes into effect that it would be helpful to include in the disclosure package.

There were also questions regarding the collection of delinquent assessments. Noted was that Senate Bill 05-100 reaffirms the right of HOA's to collect assessments. This can become a very expensive process for Homeowners with extended delinquences. They can be charged not only for the delinquent payments, but related aspects including interest, attorney costs for demand letters and filings resultant court costs, etc.. The collection process starts with late notices, then demand letters and eventually can lead to liens, garnishment of wages and foreclosure.

A Homeowner questioned some of the house colors in the area that don't seem to harmonize with all of the others. Can't the Association limit the colors? Many agreed with this. The Board and Management Co. concurred that even with the application of the many lessons learned about colors over the years, one or two will still slip through the screening process. In these cases the approved color on the whole house doesn't look as good as the 2' x 2' screening swatch. This last year, the Board and ACC unsuccessfully tried to find the original approved color palettes for when the homes were first built. This might be a subject for the ACC to further look into this year.

**ANNUAL MEETING ADJOURNMENT**

With no further business, a motion was made, seconded and approved to adjourn the Meeting.  
Time of adjournment was 8:27 p.m.

*Charterwood Web Site:* <http://www.neighborhoodlink.com/jeffco/cwood>