

Hope Valley Green Homeowners Association
Homeowners Meeting Minutes – October 8, 2007
7 pm @ St. Stephens Episcopal Church

Directors and Officers present: Byron Johnson, Barry Weston, Paul Gramann, Carl Harris
32 total homeowners present.

Reviewed notes from the last meeting

The minutes from the July 23rd meeting were reviewed and approved.

Financial Report and Dues discussion

Carl Harris was introduced as the newly appointed treasurer. He reported that the current check book balance was \$17,911. He was expecting about \$350 in bills to come in soon which would leave us with over \$17,500 in the bank. The 2007 dues had not yet been collected.

The 2007 dues had been previously set at \$205, the same as 2006 dues. This dues amount should bring in another \$13,000 this year. Paul reported that we spend between \$4000 and \$5500 each year on recurring expenses. We have also spent over \$6000 some years on special expenses (eg. landscaping and fence repair) resulting in total yearly expenses ranging from \$4000 to \$10,000. There was some discussion about lowering the dues but after we couldn't set a direction regarding the fence, we decided not to change the dues for 2007. The 2007 dues will be collected by the end of the year.

It was reported that everyone was up to date on their dues except for two homeowners who had not paid either their 2005 or 2006 dues. These homeowners have been sent demand letters from an attorney demanding payment and informing them of our intent to pursue a lien if they do not pay.

There was also some discussion about our budgeting process for setting money aside for future expenses. Byron explained that, for quite a while, we didn't have much money in the bank. Now that we do, it's a good time to consider a process for allocating our money for future expenses.

ARB Update

Elizabeth indicated that there had been no ARB requests lately. Several homeowners had painted their homes but did not change the color of their homes, so an approval was not needed. The ARB is working on putting together an approved paint palette that will include all the existing home colors along with a few additional ones.

There is a small dead tree near the left entrance post. It is a replacement for one of the small trees that had been stolen a while back. We decided to wait until it starts raining again before we replace it.

Dead Tree on HV Road

We agreed that the dead Cyprus tree along Hope Valley Road in the back yard of 3303 Meadowrun belongs to the homeowner. The ARB was asked to contact the homeowners and ask them to cut the tree down.

Trespassing Concern

Laura Hancock of 3317 discussed the problem of people cutting through her yard to and from King Charles Rd., which leads to Garrett Road and Jordan High School. She asked us to help spread the word that they do not want people cutting through their yard. She also explained that she had and will continue to involve the police to help with this trespassing problem.

Shaunda George told us that she called the police when she heard some people climb the fence from her yard into the Atkins cemetery late one night. It turned out to be some of our neighborhood kids whose parents were at our meeting.

Aggressive Dog update

Barry gave an update on this issue. The board received written statements from 7 homeowners indicating that they considered Molly to be aggressive and/or a nuisance/annoyance to the neighborhood. Barry had spoken with Debra (the owner) several times since our last meeting including just before this meeting. Barry gave Debra a bark collar for Molly which was loaned from a homeowner. Debra agreed to use the bark collar and to confine Molly to the back yard so she couldn't charge at people in the street. Most people at the meeting felt that the situation was much

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better in that Molly was not barking and charging as much. Even so, Molly had still barked and charged at some homeowners recently. Barry agreed to help Debra construct a temporary barrier to keep Molly in her back yard.

Invisible Dog Fences

Elizabeth thought that Durham city ordinances require invisible dog fences to be installed 15 feet inside the property line. Several homeowners have invisible fences that are installed much closer to the lot lines. Sheila agreed to look into this issue and contact her invisible fence contractor to see if they are aware of this restriction and if they would move the fence at no charge if it had been installed in conflict with this city ordinance.

Construction Update

Terry Jones and Don Ferrier met with Mr. Walker Harris, the contractor and builder of the town homes under construction behind us. Terry said Mr. Harris was open to discussing the kind of fence they would install. Terry provided him with a picture of the type of fence that was promised during the earlier meetings. She hopes to get something from Mr. Harris in writing agreeing to the same type of fence. Terry will also give a copy of the fence picture and plans to Byron so the board can follow up with Mr. Harris if needed.

Mr. Harris also explained that he prefers to build fences after all the construction is done in case some final grading is required. The homeowners at our meeting seemed willing to wait as long as the fence is built as promised. Barry encouraged us to be sure we are satisfied with the fence before the city issues a CO for the town homes behind us. Otherwise, the city won't have much leverage to have the fence constructed or corrected.

Mr. Ferrier mentioned concerns that his vehicles get very dirty due to all the construction and that the builder's fuel farm (500 gallon gas tank) is right behind his house. Mr. Ferrier was encouraged to write to Mr. Harris about the tank to see if he'd move it.

Community Watch update

Terry talked with Gerry (Sunningdale HOA) and then had an email sent via our email list to our homeowners regarding the community watch. Only one homeowner responded to the email. Terry also mentioned that we would need 50% attendance at the initial community watch meeting. By a show of hands, nearly everyone at our meeting agreed to attend the initial community watch meeting. Terry mentioned that we might be able to use a proxy from other homeowners to make it to the needed 50%. She also mentioned that the community watch signs could take a year to be posted. Barry mentioned that we could probably buy the signs and post them ourselves if we wanted them sooner. Terry will continue to lead the community watch effort.

Possible Neighborhood Playground

Several people mentioned that there didn't seem to be a good place in our common areas for a playground. Since Laura couldn't attend our meeting we tabled this discussion for now.

Front Landscaping Quotes

Elizabeth presented two quotes she had obtained from Southwest Landscaping (our current company) and Chris Van Goethem Landscaping for maintaining the front common areas. The quotes included separate prices for the regular mowing of our grass along Hope Valley Road and additional landscaping tasks (pruning, trimming, weeding, planting, etc.). The two quotes were given to the board to study and determine the next steps.

In addition to common area maintenance, the quotes included prices for cleaning a drainage ditch between two homes on Meadowrun and edging the sidewalk on Meadowrun and Sun Valley. We had a discussion about the association maintaining the drainage ditch on homeowners' property. Several people expressed the opinion that the homeowners were responsible for maintaining that ditch.

During this discussion, the need to replace the red bud trees up front was mentioned. Elizabeth also mentioned that the front entrance landscaping needs sprucing up. Someone suggested that we should wait for rain and the lifting of water restrictions before we replace anything up front.

Fence Committee Report and Discussion

Jennifer Harris introduced this topic with a brief review of the fence history. This 1400 foot long fence was installed for the developer by Dickerson Fence almost 10 years ago and currently serves as a noise, privacy, and security barrier between Hope Valley Road and the homes in our neighborhood. In the past two years it has started leaning and has needed repairs which have cost us about \$4500. Jennifer explained that this type of fence typically has a 15 year lifetime and so we expect our fence to last about 5 more years. In the mean time it may need some additional maintenance, replacing warped boards and applying a fresh coat of paint. Many homeowners have expressed the opinion that the fence is unattractive and does not reflect well on our community. We formed the fence committee, lead by Jennifer, to investigate options for replacing the fence with an attractive one.

Since the last meeting, a survey of the homeowners was conducted to gauge support for various fence options and responses representing 57% of the homes were obtained. These results were presented at the meeting and will be posted on our web site. The fence committee determined that the fence was actually installed and sits on eight (8) homeowners' properties, not on HOA property or on an HOA easement. The fence committee consulted with an attorney to obtain some legal guidance with regard to repairing and/or replacing the fence. The attorney's response is also posted on our website. In brief, the lawyer's opinion was that ongoing repairs to the fence could only be performed with written permission from the homeowners on whose land the fence resides. He recommended obtaining an easement for the fence from the 8 homeowners if we determine that we want the HOA to maintain and/or replace the fence in perpetuity. Most people seemed to accept the lawyer's opinion that a fence easement (or some other change) would be needed if the HOA were to continue caring for the fence long term. Some asserted that an easement was a requirement for all repairs requiring HOA funds.

A discussion ensued in which many opinions were expressed. The opinions ranged from wanting the 8 homeowners to maintain their fence themselves, to wanting the HOA to maintain it. Some only wanted the HOA to be responsible for the fence if the fence would be replaced with a nicer one. Some thought a solid fence was needed. Some preferred the current fence be removed and replaced with a landscaped border (eg. Leyland Cypress). Some thought the fence benefited only the 8 homeowners; others thought it benefited the entire neighborhood. One estimate for replacing the fence with an attractive aluminum fence was \$70,000 whereas a new wooden fence would be roughly \$25,000, depending on the design. After a fair amount of discussion, there did not seem to be a consensus on how to resolve the various opinions or move forward. Byron closed this discussion by asking the 8 homeowners to meet and bring back a proposal to be considered at a subsequent meeting.

Future Meetings

The next meeting was scheduled for January 14, 2008

Submitted by Paul Gramann