

## FRAGARIA LANDING HOMEOWNERS ASSOCIATION

### Quarterly Board Meeting Minutes

September 26, 2022

(Rescheduled from 09/12/2022)

The FLHA quarterly board meeting was held at the Herrera residence (8456). Present: Elaine Herrera, President; Carol McGhee, Vice President and ACC Chair; Lori Riis-Vestergaard, Treasurer; Michele Benson, Secretary; Robert Miller, elected Director; Ray Bulliman, elected Director; Graham Byng, elected Director; Jan Salomon, ACC member; Herb DeVal, guest; Bob and Lori March, guests; Beth Lohr, guest; Lars Riis-Vestergaard, guest; Mike and Norma Brown, guests; Bruce Martin, ACC member, Brenda Legred and Joseph Kopta, guests; Debra Walker, guest and Berta Allan, guest.

### Treasurer's Report

- Lori Riis-Vestergaard reported that the CD has renewed for 12 months at 1% (the highest yet).  
The Interest income for the last 9 months is now at \$88 (last year it was \$13). The operating fund has \$2637.53, and the road fund has \$22,699.95. The emergency fund is stable at \$10,000. Both budgets are on track.
- The treasurer's report was approved as read. A copy of the report is attached.

### Secretary's Report

- Michele Benson read the minutes from the June 27, 2022, FLHA quarterly board meeting. The minutes were approved as read.

### ACC Report

- Carol McGhee presented the ACC report.
  - **Denied:**
    - 07/08/2022-(8543) Installation of utility shed for impact of existing view of neighbor  
Note: This is the home of Ray Bulliman. He questioned how that conclusion was reached when the impact of the existing view of the neighbor was never given to him as a reason for the rejection. Elaine asked that the Carol continue with the report and the issue could be discussed later in the meeting.
  - **Approved:**
    - 07/19/2022-(8364) Installation of cedar/wire fence in backyard
    - 08/28/2022-(8665) Construction of addition to separate garage/shop. Will match current building
    - 09/21/2022-(8836) Removal of Alder leaning towards the house

## Old Business

- **Gate**

- Lars Riis-Vestergaard reported that several problems have been corrected. The gate is now operable but needs improvement.
- Power to the gate continues to be a challenge. Solar power could potentially be a solution.
- The most concerning problem is that there is no emergency egress. It is possible that a person may not be able to exit the beach road if the gate fails. If emergency services are needed beyond the gate towards the beach, there is no way for them to get in. These are safety and liability issues.
- Lars will explore options (A Knox key and a safety loop detector) to resolve these issues. A cost estimate will be determined; a budget will be developed, and the subject will be put to the membership for a vote.

- **Road Maintenance**

- **Root Survey-** Elaine reported that Carol McGhee, Jan Salomon, and Elaine Herrera walked the road down to 8726 beyond the gate photographed the problem locations.
- There are eight locations along the road where tree roots are causing the road to buckle and break the seal. Most of the areas are small and in front of 8314, 8325, 8654 and three cracks at the bend of 8365 and 8415. The worst cracks are in front of 8525.
- **Next Steps-** The repairs need to be done before the rain comes. Lars Riis-Vestergaard will head up a work party to cut and remove the offending roots and seal the road wherever cutting was done. Bob Miller, Bob March, Berta Allan and Jan Salomon volunteered to help.
- **Services Road (Weed Spraying)-** Weeds are growing in the 2' borders along the road. Elaine attempted to call Senske three times to schedule a second application. Her calls were not returned. At this point, it is unreasonable to request a second application for this year. More efficient application dates will be requested for next year.
- **Misc-** Elaine has a document which lists all the ACC applications, approvals and denials made by the ACC since 2013. It was posted on the FLHA website until last quarter. She asked if it is beneficial and if it should be continued. The general consensus is that it is helpful, and several people volunteered to help to maintain the list. Ray has an updated copy in Excel through last quarter.

- **Leadership Roles on the Board and ACC**
  - **Is it fair that a member of the ACC or board member hold more than one position at any given time?**
    - A discussion was held to determine if it was fair that a board member can simultaneously hold a position of VP as well as be on the ACC. If a tied voting situation arose it would require the Vice President to make the deciding vote and could be a conflict of interest.
    - Norma Brown provided a history of the HOA and why it was not uncommon to have more than one person simultaneously serve on the ACC and the board. Fewer households and individuals were available to participate, leaving positions vacant with no one to fill them.
    - Times are changing and there are more households. It is a good time to update board and ACC activities on how things are done.
    - More effort should be generated towards involving additional members and consideration given to what they have to offer as a contributing member.
    - These matters were acknowledged although there is concern that there will continue to be lack of interest. The Neighborhood Survey results indicated that while members are supportive of various FLHA activities, the majority do not want a leadership role.
    - The issue of a board member simultaneously holding more than one position i.e. (Director, Officer, or ACC Chair) was put to a vote: “We only allow members to hold one position at a time”. The response was approved unanimously. Subsequently, a decision was made for the Vice president/ACC chair to choose one or the other position and to vacate the other. (Post meeting note- On September 27, 2022, the position of Vice President was vacated).
    - Beth Lohr may agree to fill the Vice President position if there are no other volunteers to fill the position.
    - There was a brief mention of the need for a change in the number of ACC members to avoid a voting tie from occurring.
    - Policy will need to be eliminated or changed to reflect the most recent decision to restrict any board member from holding two positions.

- **ACC Briefing**
  - **Ray Bulliman gave a briefing on the “Fragaria Landing HOA Architectural Control Committee”.** (Document attached) *(Note: A correction was made to recommendation #3 on the original document. The last sentence should read “existed since 1983” not 1987).* The following is a very abbreviated overview of the briefing:
    - Facts and data were cited pertaining to the CC& R’s, the ACC, and ACC decision requirements.
    - Federal, State & Local Laws were cited (The Hierarchy of an HOA document and who governs them).
    - A summary of Ray’s FLHA meeting minute’s research. This was in reference to activities such as the ACC guidelines, voting on those guidelines’ enforcement and a reference of the gate to the beach road (discussed at length earlier in the meeting).
    - ACC committee in context of FLHA Covenants 1 and 3.
    - A presentation of Ray’s most recent ACC request. He pointed out several flaws in the ACC process and potential consequences.
    - Summary Analysis summarized the above sections
    - and
    - Tips for handling HOA architectural approvals fairly were suggested.
    - Norma Brown mentioned that she had done research on CC& Rs and found that they are considered a benefit to the homeowner in terms of homeowner’s sales. People want to know that there are some architectural controls to make sure their rights to a view etc. are protected.
    - Another person stated that their research indicates that CCR’s/ACC’s are helpful in maintaining market value for homes until after all the homes have been sold and are of little value once the HOA is turned over to the community to manage.
  - **Ray made four recommendations that he wanted the board to vote on at the conclusion of the presentation.**
    - The first recommendation was that the ACC should be disbanded, which would leave ACC issues up to the board to decide. In response, it was pointed out that disbanding the ACC would be very complex task. The entity is intertwined with the CC & Rs, and changes to the CC& Rs require 75% member approval. It is advisable to thoroughly examine all aspects of such a proposal prior to making any changes.

- The board was not willing to vote on this. This is a proposal that requires more discussion and can then be presented to the general membership for a vote. Ray voiced concern that the subject will not ever be addressed as the issue has been raised on previous occasions over the years but gets dropped.
  - The second recommendation is that the ACC tab on the FLHA website be removed. Ray stated that there was nothing in the meeting minutes documenting information on the tab has been approved by the board or the community.
  - The third recommendation is that a committee needs to be formed to review the current covenants and bring them up to date. Ray made the comment that the board has tried on at least three separate occasions to come up with guidelines and nothing was ever approved or submitted for membership approval. In response, there was a discussion about the lack of enforcement of guidelines and covenants, the need for more transparency of information and the need for input from a several qualified individuals. The board voted on and approved this recommendation.
  - The fourth recommendation was that when committee recommendations are approved by the board, they should be presented to the general membership to vote on.
- **Bus Shelter Repairs**
    - The bus shelter needs minor repairs, primarily a new roof. Lars Riis-Vestergaard has volunteered to make the repairs.
  - **Operations Manual Development**
    - No change in status at this point. This topic was tabled to be discussed at a later date.

## **New Business**

- **Snowplowing**
  - Chris Bossard will no longer be providing the snowplowing service for the FLHA. Elaine has contacted various snowplow services who have turned out to be costly or not available. The plan for 2022-23 is that Lars Riis-Vestergaard will plow (if he is in town) and Bob Miller will be a backup. Otherwise, people who need to go to work etc. on snowy days will need to park at the entrance to Landing Lane. Elaine will forward the plan to the general membership.

- Beth Lohr was authorized to purchase 10 Bags of De-icer.
- **Caution sign at the Beach**
  - This was not addressed due to time constraints.

The next quarterly board meeting: TBA

The meeting was adjourned at 9:10pm.

Minutes submitted by Michele Benson FLHA Secretary