

Cherry Point HOA CC&R Review Meeting 2018-01-22 Minutes

Cherry Point CCR Review Meeting 1/22/19 6:00 Thomas Jefferson High School (TJ) Community Room # 111 at TJ, 40 neighbors attended.

Notes *[in brackets & italics are responses by board members]*

Welcome –introduction by Michael McCloskey

Robert Smetana - Lessons learned, in the past this neighborhood had to pay to take to court to tear down a pop top, so ask to include definitions of what is 1 story, split, etc. Clarify stucco, is it acceptable. Removal of livestock – don't want clucking chickens. Quantify architectural review & define more clearly what is allowed. Encourage more clarity in what is allowed. The CC&Rs are defending our neighborhood and are needed. {later} Sorry I said anything about chickens, but still don't want them.

Linda Baggus - Are the 1956 covenants still valid? *[yes]* In general, what's been presented is authoritarian and oppressive. Page 5 is oppression of free speech; I want to be able to put political signs in yard. *[the revised CC&R allows political signs, per Colorado Law; the current 1956 covenants do not]* Don't like the short- term rental terms and don't want to share the rental information, such as the rental terms and the license plate numbers of the renters. I don't like that you can't operate a business. *[this is no change from the 1956 covenants]* I don't like the no nuisance or annoyance or offensive activity, since that is subjective. *[this is no change from the 1956 covenants]* Color of paint pits a few people & their tastes against everyone else. Brick, stucco, stone – what about stone, lots of people have stone. *[this is no change from the 1956 covenants]* I think we should follow Denver's rules about mowing grass & keeping down weeds and that's all we should have. I say vote NO. *[A NO vote means we will keep the 1956 covenants]*

Deb Mueller-Hruza - If that part about the Airbnb's stays in, then I will vote against it. The Airbnb's have their own restrictions about renting (parking, noise, etc.) that are sufficient, so we don't need to restrict them. Our neighborhood is not a good neighborhood for partying, but more of a neighborhood for families to rent. When you get into too many restrictions, it pits neighbor against neighbor. I'm also bothered by the painting restriction. If there is an issue with some neighbor painting their house pink or purple, then neighbors should just discuss with neighbors. There's no form for the ARC and I would like one for consistency.

Sally Murray - Just for clarification, if we vote no, we go back to original 1956 covenants. I would like to have chickens. I've had them before & they are quieter than my neighbor's dog.

Cary Mead – Everyone should read this reference from the AARP around rules. I'm concerned about the Provision D.17.d. about an existing structure that was built that was not within the covenants. The way this is worded currently, it looks like everything in the past is reopened. Denver does care about nuisance laws. I lived in a neighborhood where neighbors complained about a drug house and the city did force the renters to move. We need to be very, very careful of the wording. I have had a crazy neighbor

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before and the wording can give a Crazy rights. {later} I see from the Board minutes that at one time the Board approved spending up to \$6500 on the attorney for the CC&R revision process. How much has the HOA spent on this? *{total in 2017 & 2018 we have spent \$2,658.25 attorney, \$151.29 printing and will probably spend at least another \$500-600 on postage & printing to send out the ballots}*

Lisa & Alvin Lucero – You used to send out a card with an envelope to put your check in. My elderly neighbor doesn't know how/where to send her check to join the HOA.

Sharon Witkin – 49 years in neighborhood. I would like to see the document updated. We live in a beautiful neighborhood & want to keep it that way. I am against Airbnb & don't want them next door. I am more concerned about yards that are quite disgraceful & are a blight in the neighborhood – need to keep mowed & weeds down. There's a house on Happy Canyon/Eudora with 2 addresses & want to know why – are they renting out the basement? About the setbacks, our much larger setbacks than the city of Denver allows gives us privacy & quiet. At my mother's home in the Hilltop neighborhood you can hear the neighbors in their kitchen because the houses are so close together. [later] We had a group home on Eudora several years ago. The HOA fought it but because of disability laws we lost that one.

Susan Tandler – John & I thank you for all of your hard work. We are the scrape on S. Glencoe & we are rebuilding a single level home. The upkeep is important. Trash cans in the front of the yard and other upkeep like that is important. I want there to be info about Airbnb's & a lot of neighborhoods are trying to deal with short term rentals being party houses. It's a good thing.

Dianne Hornbrook – I've lived in my house 52 years & love the neighborhood. My neighbor next door has chickens & I don't hear a peep out of them. A lot of work & thought has gone into the CC&R revision process. In 1956, there were quite a few builders living in our neighborhood & the business restriction was to keep construction companies out.

Joe Guzzetta – Does the City have any rules & regulations about short term rentals? *{yes, they are recently published, and we could default to those rules}*

Ron Wessel – The Denver regulations are created by politicians. How will these revisions, based on our conversations today and tomorrow, be incorporated & distributed to the neighborhood? *{We will publish these meeting minutes on our website and all correspondence we have received about the proposed CC&Rs. The Board will discuss & reach a consensus on a final version & then we will publish it on the website cherrypointhoa.com. That is the version that will be sent out with the ballot.}*

Paulla Shira – Maybe we should define “having a home business” better.

Tess Henry – We are zoned R0 in Denver, so that means you can't have employees at your home.

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Mike & Jonna Fitzgerald – Been here 8 years & this is the nicest neighborhood we've ever lived in. Commend your work on the CC&R revisions so far. We live in entrepreneurial times, so to totally restrict businesses is unreasonable. Everything changes & change is inevitable. The more flexible the document the better.

Paul Williams - I would be more concerned about these senior nursing facilities that are popping up all over the place. *{the covenants, 1956 & Revised, restrict us to single family residences}*

Mark Shira – List what are the benefits of joining to get more people to join the HOA.

Mike Roman – What about the vote, if husband & wife one is for & one is against? *{Each household is limited to one ballot, so you either need to agree or get to the mail first!}* I think on short term rentals, if you defer to Denver's rules then you don't need to list it at all in the CC&Rs.

Brian Moore – I'm trying to understand the voting process. Will we be voting line by line or on the complete document? *{You will receive a ballot to vote yes or no to the entire Revised CC&R document, not line by line. You will also receive a copy of the Revised document, a letter explaining what it's about & the deadline, a stamped addressed return envelope, and a copy of the Summary that you have gotten tonight.}*

Constance McCloskey - I think what you don't get is that this is for the extraordinary circumstances, not for just ordinary neighborhood issues, or having nurses renting a room. Our son had to deal with a neighbor issue and he ended up having to move.

Barbara Peterka – How does enforcement work? What happens? Do people come to the board or what? *{It depends upon the issue. We are all volunteers and we do not have patrols looking for problems. We always prefer neighbors to work things out among themselves. A lot of times, calling Denver's 311 hotline is a good option}*

Meeting was adjourned at 8:00 PM.

Minutes by Teresa Sparkman, Secretary/Treasurer