

Cherry Point HOA CC&R Review Meeting 2018-01-23 Minutes

Cherry Point CCR Review Meeting 1/23/19 6:00 Thomas Jefferson High School (TJ) Community Room # 111 at TJ, 24 neighbors attended.

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

Welcome – Ken Cilia

Introduction & Procedures - Michael McCloskey

Jim Bain – Is there anything about solar? *[You cannot limit solar panels.]* My main comment is B.10. about Dumping ground, my concern is with roll-off containers for construction. Should we address that as far as location & duration is concerned? *[The Denver code requires that all be out of the public right of way unless they have paid a permit to be on the street. The Revised Covenants are trying to limit the construction period, which would limit it to 365 days.]*

James Grasmick – Is the 365 days up for discussion? *[yes]* I'm struggling to figure out what the changes are and now I see from your Summary says 'See Old Covenants'. {later} There is a house that has been painted lime green, but what can you do? I thought there was a regulation that no house could be over 2 stories, but what about the house on Glencoe – it looks very high, is it one story? Should there be a height restriction? *[It is one story, a gentleman last night suggested that we define one story, split level, trilevel.]*

David Adams – Been in area for 40 years & have 2 people on my block who have more seniority on me. And also have people on block with significant renovations. This person said they tried to contact the ACC & got no response & gave up on them. I don't like that you need to talk to a Committee when you are working with qualified contractors. I don't think I should be responsible for a charge that someone fines me. I also don't like that they are appointed by the board. Why can't it be open to the association? I also don't like that the paint has to be approved. Cherry Point was one of the last custom areas in Denver before they went to the track cookie cutter homes. Recently I went to Stapleton & all house colors made me sick because they were all tans and browns. We are all capable of making decisions & don't want a committee to be making for me. I've seen a bunch of new fences go up & these are custom & goes along with custom remodel. *[all good points. The time table timelines we think are reasonable. The covenants that we have going forward are basically the same as what we are going with today. We aren't proposing anything different than what you are already exposed to. We aren't giving you a choice to choose from; the requirements are that it be in harmony with the community.]*

Geoff Hauer – Appreciate what you've done. I have one thing to explain, D.5. p 15 for future amendments of the declarations. *[this is the declaration that will be recorded with the City/County of Denver. This carries that original declaration forward, amended but keeps the right to amend it going forward. It should say "owners", not members (typo).]* Also, the Bylaws don't have any method to remove a Board member & it should be added. *[yes]* I think you should allow out buildings on a property to allow caregivers & servants to live in it. 'Professional uses' is a holdover from the original covenants.

Cherry Point HOA CC&R Review Meeting 2018-01-23 Minutes

Would like to see clarification on that. The size of the sign is not in standing with modern real estate signs. The intrusion of the owners' association on leasing of homes – would like to revert to the city for short term & on longer term & think the terms are over reach for the HOA to declare the lease in default. *[that section will be revised wholesale].* A 7000 lbs. vehicle is too small because a Suburban is 7700 lbs.

Cary Mead – How is this going to streamline the process? *[The 1956 Covenants left a vacuum. Any one of use could sue any other of us to force us to follow the Covenants. What we're trying to do is have a formal process & make it all as convenient for the volunteers as much as for the neighborhood.]* There's an AARP article out there about HOA suing and homeowners getting liens put on their houses & they lose their homes. *[We can add language to it to say that we can only assess reasonable attorney fees to avoid that type of situation.]* In many circumstances it's required to have a super majority instead of a simple majority. *[Not here]*

Mike Roman – Suggestion on levying fines, give a certain amount of time to pay fines before it's given over to a lien. Are garage doors included in the square feet calculation? *[yes]*

Jihan Bailly - We had no idea there was an HOA 3 years ago when we moved in. We don't know what the original Covenants are. How can we send feedback on this to you? *[The new and revised Covenants are on the website cherrypointhoa.com. You can also get them from the City of Denver. On the website, there is a form, or you can send email to us.]*

John Yelenick – Been here 40 years. I've held every single position on the board here. Allow capitalism work by following the police rules of the city of Denver. We hired attorneys Rothberger to transact all business and everything required a supermajority. On 2/28/2005, due to the inactions of the HOA Board, they let their incorporation lapse. Teresa Sparkman reinstated the HOA illegally in June 2018, since to reinstate it required a supermajority vote of the neighborhood. *[Our attorney advised us in January 2018 that we were acting in good faith. We would like to see your documentation that the Board decided to dissolve the HOA in 2005 and that to reinstate it requires a supermajority vote, since we have no knowledge of either.]*

Mike Roman – One way to get around it would be to make a new Cherry Point Homeowners Association. The servants' quarters issue – I agree with Geoff, there is a current trend in new homes, to allow something “subject to zoning”. I would also not want to allow casitas to be used for Brbo.

Judy Wilner - Am I voting to update the Covenants or reestablish a Homeowners Association? *[we are voting on the Revised Covenants]*

Geoff – Since the Covenants are empowering the HOA, I think that should be more clearly defined.

Cherry Point HOA CC&R Review Meeting 2018-01-23 Minutes

Cary – I heard there was a flyer going around the neighborhood, so I think everything should be put out there and posted without judgement. *[agreed]*

Meeting was adjourned at 8:00 PM.

Minutes by Teresa Sparkman, Secretary/Treasurer