

Weatherby HOA - Minutes

Non-permitted parking issue vote on wording change to CCR sections 6.23 & 6.25

Meeting Date: 10/22/2013

Board Members in Attendance: Steve Berner, Raymond Swearingen, Rich Tarter, Becky Fox, Craig Cox

Meeting Location: Alphy's Pizza

Lots represented at meeting in person or proxy: 02,06,07,08,09,10,11,12,15,16,17,18,19,20,22,25,26,27,29,31,32,33,34,35,38,39

Meeting called to order at: 7:15pm

Quorum: Yes

- 1) Meeting brought to Order
- 2) Presidents Greeting
 - Explained reason for meeting
- 3) Reviewed current wording of CCR sections 6.23 & 6.25
- 4) Discussed reasons for proposed changes
- 5) Discussed questions regarding wording and reasoning for temporary parking
- 6) Discussed past issues and concerns
- 7) Discussed difference between civil and criminal issue related to parking
- 8) Discussed scope of HOA authority
- 9) Discussed nuisance issues and what is considered a nuisance
 - What the board can do regarding nuisance issues
- 10) Discussed boundaries of guidelines and CCR's
- 11) Discussed escalation of disagreement issues
 - If there is a legal entity then the legal entity deals with the issue
 - If no legal entity the boundaries of CCR's considered
 - Each situation brought to board is address in most logical and reasonable way available

- i) If legal entity has jurisdiction board will defer to legal entity
- ii) If not and addressed in CCR's board will pursue the most reasonable resolution available based on guidelines

12) Discussed community projects

13) Discussed how we as a community can help if a neighbor is in need of help

14) Discussed HOA history of working with those who cannot pay their annual assessment to establish a reasonable payment plan if the homeowner requests it

15) Vote to change CCR sections 6.23 & 6.25

- 75% of all those eligible to vote must vote in the affirmative to pass a change to the CCR's

- i) 33 homeowners eligible to vote

- ii) 75% of 33 is 24.75 therefore 25 yes votes required to pass

- Votes cast and counted

- i) 27 ballots cast

- ii) 6.23 – 26 Yes votes

- iii) 6.25 – 24 Yes votes

- 6.23 – Change Passed

- 6.25 – Change Failed

16) Discussed results of vote

17) Adjournment 8:00 PM

Current wording of CCR Sections 6.23 and 6.25

Section 6.23. Non-Permitted Parking. No boats, boat trailers, house trailers, campers, motor homes, or any part thereof, shall be stored or permitted to remain on any residential site or Lot for more than forty-eight {48} hours unless the same is stored or placed in a garage or other fully enclosed space, or is entirely screened so as not to be visible from any street and abutting Lots. All screening is to be approved by the Declarant or the Architectural Control Committee. Commercial vehicles {which shall include but not be limited to automobiles which display any type of commercial signage}, disabled and/or non-operational vehicles shall be subject to the same restrictions. Upon forty-eight (48) hours notice to the Owner of a Lot where an improperly parked or stored vehicle, boat, or other.

Section 6.25. Vehicle Storage. Each residence shall have an enclosed garage providing sufficient storage for at least one automobile. No garage shall be permanently enclosed or converted to other use without the substitution of another garage. Automobiles shall not be parked on a driveway or street in lieu of being parked in an available space in the garage. Garage doors shall be kept closed at all times practicable. Vehicles shall be adequately maintained to ensure that leaking fluids from the vehicles will not occur. if any leaking occurs on a driveway or Street, the leaking shall be promptly cleaned and the driveway or street returned to its normal condition.

Proposed new wording of CCR Sections 6.23 and 6.25

Section 6.23 Non-Permitted Parking

a. No car, truck, van, boat, trailer, camper, recreational vehicle, vehicle canopy, or any other vehicle, vessel, or item associated with any of the foregoing, whether operational or not, may be stored, parked, or permitted to remain on any residential site or Lot except as provided in subsection b.

b. The following exceptions to subsection a. apply if and only if the Owner is in full compliance with part 6.25 and there is no violation of any other section of this Declaration or any law, and no nuisance is created or maintained:

(i) Owner may park or store the item inside the Owner's fully enclosed and fully permitted garage or is entirely screened so as not to be visible from any street and abutting lots.

(ii) Owner may park automobiles, vans, sport utility vehicles, or pickup trucks, on the driveway or parking pad of the Owner's lot if and only if such items are functioning and family-sized or smaller. Any proposed new driveway or parking pad is an "improvement" requiring approval under Article Vi.

c. In the event of any violation of this part 6.23, the Association may, in addition to any and all other available remedies, after forty-eight (48) hours notice, have the offending item removed at the Owner's expense.

Section 6.25 Vehicle / Vessel/ item Storage. Each residence shall have an enclosed garage providing sufficient storage for at least one of the vehicles Owner keeps on the Lot. No garage shall be permanently enclosed or converted to other use without the substitution of another garage. Garage doors shall be kept closed at all times practicable. Vehicles, vessels and other items shall be adequately maintained to ensure that they do not leak any fluids. If any leaking occurs on a driveway or street, the leaking shall be promptly cleaned and the driveway or street returned to its normal condition.

Automobiles and other items referenced in Section 6.23 b. (ii) shall not be parked on a driveway or street in lieu of being parked in an available space in the garage. Parking is not allowed on portions of streets needed for passage of traffic or in areas marked for pedestrian, bicycles, or other non-parking use. Where parking is allowed, it is allowed only on a temporary basis.