

**Seahurst West Addition
Community Meeting on Covenants
October 14, 2004**

Meeting Summary

The meeting was called to order at 7:40 p.m. by Knut Ringen, covenants committee member and discussion leader for the meeting. In attendance were Knut Ringen, Jackie Randall, Alex Reid, Vicky Fisher, Mike & Maria Little, Bob Krakowski, Susan St. Clair, Mary McGarry, Jay O'Donnell, Lee & Carol Sanders, Ann and Samia El-Moslimany and daughter, Jim & Rebecca DeVaney, Judy Seiwerath, and Bruce Beck. Two topics were planned for the evening. One was a continuing discussion of what restrictions the community wanted in the covenants and the other was governance.

Knut first invited comments/corrections on his Meeting Summary of the September 27, 2004, meeting. Many thought it was a good consensus of the last meeting. There was a concern that the use of the term "association" might imply we were moving toward becoming a community association rather than a neighborhood that had Covenants. There was confusion/concern about the conflicting language in VIII Duration of Restrictions in the current Covenants as to whether residents or lot owners would have a vote in the '06 meeting. Some thought there was less clarity of thought than the Summary conveyed. One questioned whether safety had been an item of concern at the last meeting. Some wondered how we could be able to know what the community was agreeing to without some voting. It was suggested that we go through the list of restrictions at the end of Knut's summary and vote on whether we wanted these restrictions. This idea was agreed to while noting that this vote was not binding on the community as any revisions in the covenants must come before the whole community in '06. Further, voting to have such a restriction did not mean that the exact language in the restriction was yet settled.

The following is a list of restrictions that the majority voted were desired in the new Covenants.

1. **Preservation of views** (now Article X). Tree views might be in this but might also be in a mediation section of the Covenants if the community adds any such provisions. Tree issues may be covered by local government regulations.

2. **Maintenance of Roads and Utilities** (now Article XIV). Changes are needed as the board does not administer the utilities but must interface with the local government authorities that do. Road maintenance remains a priority of the community.

3. Lot maintenance (XIII & XIV). **Maintaining the two common lots** is a clear need in the community.

4. Drainage, water runoff and soil erosion (XVII). The majority wanted a **separate covenant on drainage, runoff and erosion**, but there was not clarity on needing the current language in XVII that property owners must maintain their property

in order not to create a hazard to other's property or the road and common lots. Septic tank language is no longer needed.

5. **Assessments (XV).** The ability to assess the community is a priority because of funds needed for road and common lot maintenance.

6. Though not on Knut's list, the issue of home business activity (XII) was raised. The group thought that a **permissive restriction allowing business activity in the home** is in tune with the modern world and should be allowed but with provisions that home businesses, for example, not interfere with parking, block or damage the road, or be advertised with large signs or neon lights or otherwise be a nuisance.

The group also discussed a possible Nuisance article now covered in XII (signs, billboards), IX (single family definition and rentals) and XI (pets). It was decided that a volunteer (Thank you Maria Little.) would research whether the city or county government have current rules/regulations that speak to these issues before we decide if we need restrictive Covenants in these areas.

The group had some interest in using mediation or similar processes to settle some issues in the community (for example pets and noise) but asked for more information. Jay O'Donnel will bring information to the next meeting about language from home owners associations that include such processes.

The group, recalling that the Covenants committee could spend money to consult a lawyer on issues relating to changing the Covenants, asked the committee to meet with a lawyer before the next meeting, if possible, to clarify

a. The legal differences between a home owners association and a neighbor with covenants-especially whether there are advantages/disadvantages with respect to legal issues and liability of the individual members and the board.

b. The pros and cons of incorporation for a home owners association or a neighborhood with covenants-again especially clarifying liability issues.

c. Whether individual homeowner's liability insurance would cover issues on the road and common lots, or whether we need a community wide insurance.

The group did not discuss **governance** as planned and this will be discussed at the **next meeting on Wednesday November 17, 2004 from 7:00-8:00 p.m. at the Moslimany's.** The possibility of having some **mediation** processes in the covenants will be discussed at the next meeting, time permitting. Knut distributed a page summarizing governance issues to help us prepare for the next meeting.

Vicky, Fisher, Note Taker.