

**3 CHERRY WAY HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS  
MEETING MINUTES OF JANUARY 9, 2024**

**1. CALL TO ORDER:**

The meeting was called to order by T. Smith on January 9, 2024, at 9:30 AM in the 3 Cherry Way Community Center. T. Smith informed the group that the meeting was being recorded to ensure quality and accuracy in our minutes.

**2. ROLL CALL:**

A roll call was taken of the Board of Director members by M. Barnes, Recording Secretary. As indicated below, there were five directors in attendance, a quorum.

<u>OFFICE</u>	<u>OFFICER</u>	<u>ATTENDANCE</u>
President	Tony Smith	Yes
Vice President	Jim Dellinger	Yes
Treasurer	Karry Brockman	Yes
Recording Secretary	Marge Barnes	Yes
Corresponding Secretary	Jim Mercier	Yes

**3. AGENDA APPROVAL:**

A. K. Brockman/J. Dellinger: Motion to approve the meeting agenda (With additions or deletions)  
Passed, unanimously.

**4. APPROVE MINUTES:**

A. M. Barnes/K. Brockman: Motion to approve the December 12, 2023 3CW Standard BOD Meeting Minutes.  
Passed, unanimously.

**5. OLD BUSINESS:** None.

**6. NEW BUSINESS:**

- A. J. Dellinger/K. Brockman: Review and approve contract with Lake Norman Sewer & Septic Services to repair the drainage issue on Lambert Ct. Passed, unanimously.
- B. J. Mercier/K. Brockman: Receive and file Conflict of Interest for Lake Norman Sewer & Septic Services. Passed, unanimously.
- C. J. Mercier/J. Dellinger: Review and approve Mission Statement/Scope of Work letter for the Landscape Management Ad hoc Committee. Passed, unanimously.
- D. M. Barnes/J. Dellinger: Appoint Melanie Mellenthien to the Landscape Management Ad hoc Committee. The term will expire January 9, 2025. Passed, unanimously.
- E. J. Dellinger/K. Brockman: Appoint Pat Mercier to the Landscape Management Ad hoc Committee. The term will expire January 9, 2025. Passed, unanimously.
- F. K. Brockman/J. Mercier: Appoint Cindy Dubac to the Landscape Management Ad hoc Committee. The term will expire January 9, 2025. Passed, unanimously.

**7. TREASURERS REPORT (K. BROCKMAN)**

A. J. Mercier/M. Barnes: Receive and file Superior Mgt. November 2023 financials documents.  
Passed, unanimously.

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- B. J. Mercier/T. Smith:** Approve the transfer of funds from the 3CW SouthState General Operating Account X7105 in the amount of \$40,000.00 to the 3CW SouthState Pre-reserve Account X7108.  
Passed, unanimously.
- C. T. Smith/J. Mercier:** Approve the transfer of funds from SouthState Pre-reserve Account X7108 in the amount of \$80,000.00 to the S. A. Stone Investment Account.  
Passed, unanimously.

**8. OFFICERS' STATUS REPORTS:**

**A. T. Smith, President:**

1. A section of the mailbox was pried open on the side closest to the Clubhouse. It is the first section on the left. This has been reported to the Sheriff's Department and to the United States Post Office. The mail in that section was stolen. An attempt was made to open the second section of the mailbox door, but it was not opened. K. Brockman put out a list of all of the mailboxes by the street address to the community. The owners of the individual mailboxes must now go to the Post Office in Denver to pick up their mail until we can get the lock fixed. We were informed by the USPS that the HOA is responsible for repairing the door. We are currently working with the USPS to get the lock repaired.
2. We do have a sewage drain problem down at Vogue and Vandalay. The stoppage appeared to be in one home then it migrated to two homes. What we don't know is if the second home experienced the stoppages because no one was home last week. We have been in contact with a couple of companies to try and work on the problem. Also, to that end, K. Brockman is trying to get us a map of the entire community that shows where the sewage lines are and where they run. We were surprised to find out that the sewage line coming out of Van Ct. goes back up hill to Vandalay rather than back down to Glacier.

**B. J. Dellinger, Vice-President:**

1. The new landscape company has begun working at 3 Cherry Way. Right now they are getting a baseline on the entire community as far as mowing, trimming, weeding, etc. They will regularly be here working.

**C. K. Brockman, Treasurer:**

1. Presented a summary through the end of November 2023.
2. The summary shows all of the expenses year-to-date through November 2023 with a column comparing the budget to these expenses.
3. The end of the month year-to-date expenses at the end of November were \$312,718 against a budget of \$363,799, which is favorable.
4. Net income – When you take the income from assessments and a few other sources of income and subtract out all of the expenses, we have a net income for the year of \$203,845 that compares to a budget of \$149,756. We are very favorable there.
5. Discussed the balance remaining in the 3 accounts (Operating, Pre-Reserve and Reserve) at the end of November.

**9. RESIDENTS COMMENTS/Q & A:**

- A. Jim Valenti, 2256 Early Robin Dr.,** Have you decided anything about the gutters as of yet? *BOD Comment: T. Smith:* We have not. One of the things we are trying to do is look at the Reserve Study and see how that puts those into play. The amount of money we are taking in monthly is doing a great

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job in keeping up and putting money into the reserves, but we need to look at it and see exactly what extent of repairs the HOA will be able to take on. The gutters are not included in the Covenant as a requirement, so that is something we are looking at.

**B. Judy Okoniewski, 2228 Cashmere Ct,**

1. My first comment is about the roofs. Have you guys decided who is responsible for the roofs, the HOA, or the homeowner? *BOD Comment: T. Smith:* According to the Covenants, the HOA is responsible for replacing the roofs.
2. I think that individuals need to have their own gutters cleaned and not the HOA.
3. At the General Meeting, someone suggested that we put up gates for the community. In my opinion, it would be foolish. Number 1, the expense would be astronomical. Number 2, are you going to have the old folks pushing buttons to get in? They can hardly make it around the traffic circle without wrecking.

**C. Phyllis Wilson, 8348 Glacier Dr.,**

1. We had our gutters cleaned and they were full of birdseed. There is a large number of bird feeders in our area of the community. Something needs to be done; either clean out the gutters throughout the whole community or have all of the bird feeders removed. *BOD Comment: T. Smith:* The Rules and Regulations for our community are being reviewed to see what does need to be in there. With that being said, when those are brought out to the community, probably in the next few months, we will give it to the community and talk about rules and how we want to enforce them. It could include bird feeders. To your point about the gutters, I don't have trees on the backside of my house, but my gutters stopped up.
2. Regarding the Landscape Management Ad hoc Committee, I have a concern about the way the document is written now. Is the team of three going to be able to handle that? *BOD Comment: T. Smith:* That is part of what we are looking at is what the Architectural Control Committee guidelines look like. The ACC Guidelines are part of what we will bring forward to the community once we put them together. We have two alternatives; one is a twenty-page guideline and the other is seven pages in length. Right now the Architectural Committee is an elected position, and we only have one person on that. Now we have the Landscape Management Ad hoc Committee to help the Architectural Committee.
3. How much effort is it going to be to determine what can be planted on the front and the sides of our homes? Is this going to be up to one person or a broader approach? *BOD Comment: T. Smith:* Right now the way we are trying to work it is that it will ultimately reside with the Board. Once we get the Architectural Committee figured out, either get two more people to run for the Committee, or amend the Covenants so that it would be an appointed committee and we could get three people on there. Again, there will be collaboration between the committee, the Board, and the community. We have no intention of dictating what can be done but working with the community through Open Forum Meetings to get the consensus of the community.
4. I think things are getting worse and worse here concerning what people are putting in their common area or not keeping up with what they put in. *BOD Comment: T. Smith:* We don't have any official governance that controls what can or cannot be done. If someone does something that another may think is overboard or not enough, we don't have the official governance to control it.
5. What is the plan for those that have already pulled out their bushes and put other plantings in their area? *BOD Comment: T. Smith:* Right now, I don't know. We will have to have discussions and see where it goes. Some of them are quite tasteful, in my opinion, but another person might not agree. The bottom line is that some people have spent a lot of time and money on their area.

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6. The last comment I have is that the Mission Statement for the Landscape Management Ad hoc Committee is reporting to the Corresponding Secretary on the Board. I think I have read something in the Bylaws or Rules and Regulations that said an Ad hoc Committee member should not be a spouse. *BOD Comment: T. Smith:* We will have to look at that, but these Ad hoc Committees officially report to the Board. The Board member assigned to an Ad hoc Committee is the overseer that makes contacts with them, has discussions with them, and then brings the information to the Board. The Board will either approve or disapprove.

**D. John Gabor, 2375 Stardust Ct.,**

1. A comment concerning the Architectural Committee, it does report to the Board even though they are elected. Our legal counsel said that it should not be independent of the Board. So to protect the general population, we said that the AC would report to the Board.
2. When will the 2023 end of the year financial statement be ready? *BOD Comment: K. Brockman:* We have not received the December 2023 financials as of yet. It will be at our next monthly meeting in February. The financial reports will be reviewed by the Audit Committee to make sure there aren't any mistakes or corrections to be made.
3. The assumptions that the reserve study company was given, are those available? *BOD Comment: K. Brockman:* We gave them some information. We did not coach them on what to put in it or not put in it. They did their own independent study without our involvement in it. That study is very comprehensive. The Audit Team is going to meet soon and go over it. There is a learning process on how to use the information in there. There is a very large, interactive spreadsheet in it that can be used to adjust or customize the reserve study. It looks at 30 years and most of the impact starts in 2029. The first five years are light in expenses, but after 2029 the expenses start to increase. The total number of expenses that they identified in this reserve study over 30 years is \$13M. It contains numerous items and the Audit Team will look at it and bring any recommendations to the Board. Then we will have to decide how to share information with the community. John Gabor: So, you are saying that you gave them no assumptions? *BOD Comment: K. Brockman:* That's right. The only information we gave them was the aging of the buildings so that they could stage things like roof replacement over the thirty-year period. John Gabor: If you want to change items in the report to include or remove, is there a cost for that? *BOD Comment: K. Brockman:* No, we have access to the spreadsheet and can customize it any way we want.

- E. Susan Ocepa, 8769 Vandalay Dr.,** I have a concern about the mailbox break in. Could we get more lighting or cameras because it could happen again? *BOD Comment: T. Smith:* One of the things that we have had a discussion on that will be in our working meeting is the idea of cameras. It has been brought up before this particularly to catch unwanted visitors in the middle of the night and come down Royal Ann. So we've talked about it before to see what goes on in front of the Clubhouse, the pool area, and now the mailbox area.

- F. Annie Taylor, 8901 Sweet Cherry Ln.,** Concerning the gutter issue, cleaning out the lines and popups in homeowner's yards is very difficult for elderly people. Also, if I cleaned out my gutters and no one else did in my quad, I still am at risk for blockage. *BOD Comment: T. Smith:* That last point has actually been a point of discussion with the BOD. We understand from talking to gutter cleaner, R & W Gutters, their standard is that they clean out the gutters only. They do not go down into the ground and clean out the lines to the popups. *BOD Comment: K. Brockman:* We had a problem with one of the gutters on the Clubhouse and we had R & W come out and fix that. I watched them as they went around cleaning out the gutters. What they do is actually get up on the roof and use a leaf blower to

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blow debris out of the gutter, but as they come to a downspout they blow out the debris down the downspout and out the popup. It is a very easy process for them to go around and clean out the gutters and make sure the downspouts and popups are working.

- G.** Joe Waryold, 8823 Vandalay Dr., General construction of these units is very good. We've been here about five years, and in that time we have cleaned out the dryer vent multiple times. The dryer vent goes up and vents out the roof. Why can't we survey these units and perhaps run the vent behind the dryer vent along the wall and somehow come out on a level plane to a collection unit. Is that possible? *BOD Comment: T. Smith:* One of the things is where the dryer is located. There is no easy access to an outside wall. The line would have to come out through the garage in an open area and then out the brick wall. The easiest and cheapest way is to schedule an annual or semi-annual cleaning of your dryer vent, which will eliminate fire hazard. It is a very complicated fix and a very expensive fix as well. *BOD Comment: J. Dellinger:* I have investigated this. I talked to a couple of contractors. It is not a great fix, but there is a box that can be put in your laundry room that will collect the lint from the dryer. The problem is you have to empty it every other time and the heat builds up in your laundry room. This is a relatively inexpensive fix, but it is not a very good solution.
- H.** Melanie Mellenthien, 2227 Cashmere Ct., I have looked at several sources regarding Architectural Control Committees and Landscape Committees. The consensus is there should be two documents: one for architectural and one for landscaping. Architectural changes are easy to approve such as changing a doorknob on the front porch, and other items cannot be done. Architectural is very cut and dry; you can either have the item or you can't. Landscaping changes are grayer and that is something that will take time. The area in front and the side of your residence is not the property of the homeowner. There has to be control of what people are planting in those areas and be aware that some homeowners have paid a lot of money for their area's landscape plantings. If somebody gets sick, or passes away or sells the property, what recourse do you have to make somebody take care of it because it isn't their property? There could be two different legal opinions: one lawyer says the homeowner must take care of what is planted, and another lawyer can say that the homeowner doesn't have to take care of it because it is not your property. This is an issue that the BOD has to look at. If you allow somebody to do something on common property, can you legally make them take care of it? If the Landscape Management Ad hoc Committee is looking at planting bushes where they were pulled out, what recourse do you have if the current homeowner takes them out? *BOD Comment: T. Smith:* You are right in that architectural and landscaping are two very different things. Could you and the other two women on the Committee along with J. Mercier come up with a landscaping guideline to use as a starting point for the BOD to look at. Right now we are limited in saying what you can or cannot do.
- I.** Phyllis Wilson, 8348 Glacier Dr., I also agree that architectural and landscaping need to be split. Take it one step farther by taking down the unapproved ACC Guidelines that currently exist because they have unrealistic mandates such as if a window is broken it should be replaced within seven days. *BOD Comment: T. Smith:* We are trying to get the Violation and Enforcement Policy approved along with the Fines and Fees Schedules so that we can enforce the Governing Documents. Then, we will be looking at the ACC Guidelines.
- J.** Margaret Schultz, 8529 Christalina Ln., My brother, who sells real estate, came to visit me, and told me that my yard looked like an old lady's. He began to pick up things and throw them away. The takeaway from this is that a person who sells real estate may help in deciding what should or shouldn't be in the common areas so that the community looks good. *BOD Comment: T. Smith:* One of the

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things that will come out of our looking at the landscaping is the amount of yard art that can be in the common areas. We are looking at prioritizing items, but at the same time there are things that we have to get figured out. For example, during last year's May meeting that BOD tried to get Covenant amendments passed, but there were not enough HOA members there for the required number of votes. So we are trying to get changes done so that we don't get a company buying in here and the units becoming rentals. *BOD Comment: J. Mercier:* Voter participation – it is very hard to get 67% of the population to turn out and vote at the General Membership Meetings. We have not had 67% in the three elections we have had recently. If we want to get these Covenant changes passed, we need to have people participate.

- K.** John Gabor, 2375 Stardust Ct., You might get better participation if you schedule the General Membership Meetings so you would have a four-hour meeting held in the Clubhouse where people could come in and vote and leave. Every hour you could have a fifteen minute review and then they can vote and walk out. All you need is to have a quorum to start the meeting. The Bylaws have no restrictions on the General Membership Meetings. *BOD Comment: T. Smith:* I think that is a great idea. We will need to talk to our attorney to make sure that it can be done that way. *BOD Comment: J. Mercier:* It may be difficult to get the 20 voting members here initially to get the quorum.
- L.** Mike Price, 8893 Sweet Cherry Ln., I haven't been coming the last couple of months. The reason I quit coming was because people were not getting along. I appreciate everybody getting along today; it's wonderful, so keep it up.

**10. BOD COMMENT:**

- A.** J. Mercier – Corresponding Secretary: I just wanted to thank everybody that is responding to the insurance letters that I have been sending out to the community. I have been getting a good response on the issues of people not having insurance on record, expired insurance, and the \$1M liability requirement. I sent out numerous letters to people that were in violation of the covenants, which lists everything that needs to be on your policies. If you haven't received a letter from me, then everything is fine.

- 11. ADJOURNMENT:** J. Dellinger/J. Mercier: Adjourned the 3CW HOA BOD Meeting January 9, 2024 at 10:25 AM in the 3CW Community Center.