

CROSS CREEK HOMEOWNER'S ASSOCIATION  
Board Meeting Minutes for Oct 14, 2010

Board Members Present: Pam, Tom, Don, Dustin, Kevin, Brian & Kelli  
Quorum present

Staff Members Present: Vivian, Pat and Lee

Staff Members Absent: Julie

The minutes for the month of September were read and approved as written. Minutes for special meeting of 10/12 were read and approved as written. This meeting was in review of a meeting with Vial Fotheringham concerning businesses in the CrossCreek HOA boundaries.

**Treasurer Report:** Don reports past due letters will need to be sent out and a letter composed. We cannot refer to Vial Fotheringham without first sending past due letters. Don also gave a brief operating costs report, approximately \$56,259.09 in reserves and \$40,792.25 operating budget.

**Property Standards:** Normally meets on second Wednesday of each month, in November will meet the second Tues of the month. One of our pair of walkers will be leaving in January so we'll have to pare down the distribution of work to three areas again.

**RV Lot:** Lot is full, no spaces for anyone new.

**Pool Maintenance:** Kelli deferred to Lee to report about the need for a new pool heater. Lee said he selected the "Pool Man" who estimated \$3400 installed for a new pool heater and would want half down but Lee needs board approval. Don pointed out that that was not in the budget, we had only allowed \$2500 for maintenance repairs. Don asked if he could hold off for 30 days to have time to review the budget. It was decided to table the discussion until budgets are reviewed.

Vivian suggested we contact the utilities for an energy audit or more energy efficient and perhaps there are other ways to cut costs. Perhaps several things could be incorporated. Lee and Kelli will be making the calls and report back within 90 days with a status report every 30 days. Any decision about the pool heater will wait until after the energy audit.

**Rec Center:** Kevin reports \$163.00 was turned in for four rentals. He said rental are picking up for fall/winter. Pat asked if we could look into maybe having dance classes or some other activity at the rec center for kids. Dustin said he knew someone who taught dance classes. Vivian explained how we used to have dance classes etc at the Rec Center and how payment worked. The suggestion was made to have something in the Times so we could find out if there was any

interest. Kevin feels that the bylaws may not allow that activity in the Rec Center so he will have to review the bylaws first.

Lee reported that the left door was left unlocked and the floors weren't mopped. He also reported that the Wednesday night renters were being obnoxious to neighbors

**Presidents Report:** Board members met with attorney on Sept 21,2010. A power point presentation was then presented to cover what information was relayed in this meeting and what the Board's actions have been and will be. A brief bulleted synopsis follows with full presentation being in the Cross Creek files:

Should home owners in the HOA boundaries be allowed to fun in-home day care?

Issue has been on the table since 2007

Legal advice has not changed since 2008

Attorney's opinion in September 2008 re Day Care Facilities/Home Offices, Article III, Section (a) (covenants) states that all property within CrossCreek shall be used only for residential purposes; *However, I understand that multiple owners at Cross Creek operate small daycares. The burden of enforcing Article III, Section (a) would be costly and take a significant amount of time if challenged Thus, the best option may be to regulate any of the adverse effects of the day care operations, such as noise,parking, etc.*

Attorney gave his written opinion in Sept 2008, and then was invited to a Board meeting in Oct where he gave the same information.

The same opinions were in letter written to the board in February 2009 re daycare issues

In Sept 2009 a homeowner was present to talk about her babysitting business out of her home and looking for board support. The minutes reflect that "our covenants clearly state that businesses are not allowed, however the board has decided to overlook those business for the time being"

In a Board meeting in July, homeowner Charley Thornbrugh said he had sent a letter to the board for discussion. Since a quorum was not available the discussion was tables. In August again, same homeowner wanted his letter visited, and stated the letter was regarding businesses in CrossCreek which are in violation of our covenants. The Board assured him the matter would be discussed. This letter was never received by the current board. The letter was actually sent to the previous board in April.

Certified letter was received from Cheryl & Rick Wrzenski re day care and businesses in general in our CCHOA boundaries

Email from David Estrada was received by Board in October 2010 re day care and businesses in general in our CCHOA boundaries.

#### **ORS 657A.440**

**657.440 Application of zoning ordinances to registered or certified family child care homes.** (1) A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or

certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposed, including area zoned for single-family dwellings.

Parties involved in this were encouraged to seek mediation

Board Plan of Action:

- Continue to encourage mediation
- Establish a "nuisance" definition
- Revise and update property standards additions and clarifications document including a "nuisance" definition
- Deliver (mail) said document to all homeowners which would then make the document enforceable
- Until there is a change in ORS 657A.440 this board's position on this issue will not change

Old Business: Speeders, Don has drafted a letter to send to Washington County Sheriff's Department, Washington County Traffic, Division of Land Use and Planning and Arbor Homes re the very evident use of Rosa Rd and speeders coming from the Arbor Homes development.

The motion was made to have Pat contact Cathy Watkins re deliver of the remainder of the covenants and negotiate her delivery of the covenants up to \$50. Motion carried unanimously and Pat will contact Cathy.

New Business: Discussion was held regarding elimination of the current phone bin system where each board member has their own bin for homeowners to leave phone messages. The majority of the board thinks that the system can be eliminated saving the association money. Board members can be contacted by leaving a note in the reek center mail slot or email. The motion was made to eliminate the phone system and carried unanimously.

Homeowner comments: None

Meeting adjourned 8:13pm