

# Heisley Park Questions and Answers

1. What is Green Space?
  - A. Common Space = natural landscape or landscaped areas that are owned by all residents in the development. Some of these areas are maintained weekly, some bi-weekly, some not at all. No common space is to have any personal structures on them.
  - B. Conservation space = Wetlands, or other natural areas abutting against either residents property or common space property is not to be modified by any resident. There are a number of different types of conservation spaces, with different rules. In fairness to all they cannot be developed or used by anyone
  - C. \*\* If there is some concern about the vegetation disturbing a residents property or threat of damaging your property (dead tree..), please notify the management company or HOA.
  - D. In fairness to all, Common Areas are just that, areas that can be utilized by ALL residents, subject to easements and other legal restrictions,
2. I heard the President of the HOA can be a dictator, is this true?
  - A. That is not true. Every member of the HOA has the same authority in voting as all the other members on the board.
3. What duties does the board members have?
  - A. The board is made up of members of the neighborhood in good standing. They are required to uphold the declarations (main governing document we all signed when we purchased the home) along with the design guidelines. This is also defined by state law. The board must treat all residents equally.
    - ◆ Refer to Article VI {6} of Declaration and Exhibit C of the Declarations
4. What is the purpose of an HOA?
  - A. Rather than give my thoughts, I did a quick search on the internet and found a nice simple 10 page document that I believe most of the community would agree with.
    - ◆ [https://www.hoa-usa.com/files/documents/HOA-USA Guide to Understanding Homeowner Associations.pdf](https://www.hoa-usa.com/files/documents/HOA-USA%20Guide%20to%20Understanding%20Homeowner%20Associations.pdf)
  - B. \* My personal reason for buying a home with an HOA is to ensure my property value won't be brought down as everyone is required to maintain their property.
5. Why do we need board members? Why not just let the HOA go to receivership?
  - A. If the neighborhood could not get members of the community to volunteer to manage the HOA, the association could go into receivership. This would/could be costly to have a judge appoint a full time management company and attorneys to file monthly reports to the courts. Obviously this would most certainly increase the cost of our annual HOA fees.
6. How do you get to become a board member?
  - A. As stated in the code of regulations for Heisley Park HOA Inc. Article III section 4, an election will take place at the annual meeting.
7. Why does the board need/have a lawyer?
  - A. The board of trustees is not comprised of attorneys and at times clarifications are needed to interpret the documents governing the HOA. If a variance or agreement cannot be met between the resident and the HOA the resident can have an attorney contact the board. Per article XV (type-o in declaration on page 28 shows XIV) under Miscellaneous, 15.3 the interpretation of the board will be favored unless adjudication by a court of competent jurisdiction. (means member will have to take this to city court)
    - ◆ Section 15.3 it titled "Construction" but it should read "**Construction and Interpretation**"
  - B. Some recent issues were made public on social media and the board is now spending additional money to deal with clarification of the Declarations, Design Guidelines, and Code of Regulations.

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8. I've read the declarations and I don't see where I need to submit changes made to the exterior of my home. Where is this listed?
  - A. As stated in the very first sentence of the design guidelines. "The following standards have been developed and promulgated by the Declarant in accordance with Article IX {9} Section 9.2.2 of the Declaration and are applicable to all new construction **and all modifications or improvements.**" One example is color schemes: All dwelling units shall be in conformance with the original color scheme as promulgated by the Developer. The Developer/Builder would be Mortell, who hired Ryan Homes. When we bought our new homes, the future owner had to pick certain colors to go with the exterior color scheme of the home. One could argue interior or exterior, but who is going to argue if the inside of your home looks bad?
  
9. In the answer to question 8, how do I know what my original colors are? Where are they promulgated?
  - A. Attempts were made with the developer to get a list of colors, but they all depend on the color scheme of the home. If you have tan siding and replace it with something not tan, then the improvement should be submitted for to the Design review committee as stated in the Code of Regulations, Article V {5} Section 3. In the event there is no design review committee, the board of trustees will act as the design review committee. While this is not listed as such, it's implied as it states the board **MAY** appoint, but not required. If we have volunteers to take this on, the board would appreciate the help.
  
10. I've been living in the development for years and never had a problem or citation. Why all of the sudden are there so many citations being issued?
  - A. Just because you didn't get one, doesn't mean others haven't received one.
    - ◆ One resident was given a citation, and responded back with about 38 annotated pictures of violations on other lots within the development. 36 of those pointed out did receive citations, but the additional 2 prompted the HOA to cite those lots as well.
  - B. Certain sections of the development are now older and nothing lasts forever, so maintenance is required. Certainly the latest phase has nice new homes, but they could also have poor or no lawn care.
  - C. Many of the earlier phases of the development have great landscape, however, people want to change things on the exterior of their home because the design may be dated. Some early phases were not allowed to have anything but vinyl siding. Now they have various brick or stone fronts. If someone wants to propose something from the original design, submit it and the board and management company will review and if it's suitable for the neighborhood, it will most likely be approved.
  
11. We are new to the neighborhood and wanted to have some say about the big green space open area behind Spruce. Why weren't we approached to what was going into that spot?
  - A. Initially there was an option to have this be a public park but the residents wanted a private area. Once that was approved by the city, a "Green Space" committee was formed a couple years back, which took a survey and made a proposal to the board. Initially, it was going to just be a big unmanaged area until funds could be raised to put some amenities in the areas. The landscaping company took on that space without an increase in the landscaping fees. Then based on the residents feedback and maintenance fees, the board decided to get bids and have school students propose plans (no \$\$ spent) Two of the top designs were presented by the students at a board meeting which had a resident attendance of 15 people, plus the board. Now the board is acting on those plans to get this moving forward with phase 1.

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12. I was cited for holiday decorations. Why was this?
- A. The citation was delivered on May 5<sup>th</sup>. The inspection of the neighborhood was done at the end of April. That's 4 months after Christmas. As the management company did respond back with Article VII (8) Upkeep of the property in of the Declarations
    - ◆ *"8.1. Lots. Each and every Lot, its Dwelling Unit and any improvement erected thereon shall be maintained in a reasonable manner in accordance with the standard generally prevailing throughout the Properties.*
    - ◆ *Siting this rule in the Declarations, if the standard was that the majority of the owners left their holiday lights up all year your situation would be acceptable. Due to the fact that the vast majority of the owners take their holiday lights down sets the standard."*
  - B. While there is no specific date on length of time holiday decorations, the board agreed that 4 months after a holiday is excessive, though we did understand some had lights on the roof and those were assumed that the resident would wait for better weather. But ground level decorations and wreaths on doors could easily be taken down.
  - C. Prior to 2015, it was common for the Management Company to do the spring inspections without any board input. Since then board members are present and discuss potential issues and vote as needed.
13. Why doesn't the management company respond in a timely manner when questioned about a citation?
- A. The citation was issued on Saturday May 5<sup>th</sup>. On Tuesday May 8<sup>th</sup> an email was sent to the Management company for clarification. Wed May 9<sup>th</sup> the resident sent an email to the board at 9:55PM. At 10:25PM our board President sent an email to the management company asking for a response. At 10:34PM the board President sent a reply to the resident thanking them for bringing that to the board's attention. On Thursday May 10<sup>th</sup> at 7:59am, the management company did reply with the clarification on the citation.
  - B. While this one instance isn't always the case, the board had received other feedback from residents which had played a big part in working to getting a new management company.
  - C. Unfortunately, many residents prefer to comment on Social Media rather than contact the board.
  - D. A residents had commented that they had sent an email to the board and since they didn't get a reply, "they weren't about to send another email." I personally looked into this and found that this same resident did submit an email for a prior communication and that issue was resolved and communicated successfully via email. But when that resident claims they had another issue the board never received any email from this resident.
  - E. We even had a home owner (not original owner) get a letter from the city stating they must remove a tree (which they had to pay for out of their own pocket) that was not even on their property, because the previous owner planted a tree (on the conservation easement) that was not approved by the city. The board worked with the city and the conservation group regarding how to help rectify the situation and it was resolved. If prior HOA inspections would have caught this, the new homeowner would not have had to pay for this to be fixed.

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14. Why doesn't the board post or reply on the social media app "NextDoor"?
- A. The board does not have any control over social media and there is no way for the board to verify the accounts. No board member controls what can be posted or taken down. Also if you look at the Next Door Community Guidelines these aren't always always being adhered to. ☹
- ◆ Be helpful, not hurtful
    - Disagreements and Conflicts
    - Public Shaming
    - Personal disputes and grievances
    - Crime and Safety
  - ◆ Do not use Nextdoor as a soapbox
- B. An example of one instance was that a board member replied to a post trying to direct the homeowner to submit the question to the HOA and it was immediately taken out of context that the board wanted to control everything the homeowners are doing. (A question was asked what trees could be planted, a member of the board mentioned to contact the board, then people took that as the board wanting to control everything, when actually the board was trying to help.)
15. How much money is being spent on a venue for the open meetings?
- A. Free. Riverside allows us to use the space for free, however, the meetings must revolve around the schools schedule. Reserving the one large meeting room typically requires a two month notice.
- B. \*\* Should the board spend money on reserving a meeting room every month or every quarter to ensure all residents can attend? And if so, how much extra will that cost per year? (I don't know the answer to this at this time. If anyone would like to take this task on, please do and report back to the board on their findings.)
16. Why is there a time limit for residents to ask questions when the HOA opens up the floor for questions at meetings?
- A. We have over 480 homes in the development. In order to get to more residents to be heard, a limit must be set.
- B. State Law and our declarations do not require resident comments. The board has chosen to allow comments in the interest of good communication
17. How much money is being spent on the website?
- A. About \$60-\$70 a year.
18. What is considered maintenance? I have been cited for not maintaining \_\_\_\_\_.
- A. While our current documents don't go into detail on how each item on a lot must be maintained, I believe the majority of people would agree with the following statement. (copied from another developments document)
- B. \*\*\* *Each Lot and any improvements thereon shall be kept in good order and repair, including, but not limited to, seeding, watering and mowing all lawns, pruning and cutting of trees and shrubbery, and painting or other appropriate external care of all buildings and other Improvements, all in a manner and with such frequency as is consistent with good property management.*
- C. We could go into great detail defining each type of maintenance, but prefer to rely on common sense. This is one design area that is being evaluated
19. Why doesn't the board know all the answers to the questions that are asked at the meetings?
- A. Last meeting, even though many noticed the date was initially wrong, not one person submitted any questions to Barnett Management ahead of time.

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20. Why isn't the website up to date with all the minutes from all the meetings that are had? Is the board trying to hide something?
- A. The website is maintained by the voluntarily to help provide information to the homeowners without having to go through the management company. According to the Code of Regulations, Article VII {7} section 4 Books and Records Inspection by Members part b, (I have no idea where part "a" is, I suspect this is another type-o). If anyone would like to volunteer to manage a website for free, the board would appreciate the help.
  - B. Prior to 2015 there was less communication and less meetings. While it's not perfect it has improved over time.
  - C. The content is not controlled by just one person.
  - D. We are hoping this improves with a new management company
21. How can 5 people represent the neighborhood? There isn't a good representation of the neighborhood on the board.
- A. I really don't know where to start to answer this question but I'll give this a shot. Out of 480 lots, 3 people volunteered, and 2 homeowners that attended a meeting (which consisted of somewhere around 12 people), ended up volunteering to fill the open two spots on the board.
22. (Encroachment/ Green space in my backyard) I've been here for 10-1/2 years. The grass has been mowed this way from the day we moved in. I don't understand why all of the sudden it's a problem.
- A. Some residents have encroached excessively causing the attention of not only by the residents and management company, but also the United States Army Corps of Engineers. (I sent the notification to the resident who asked for proof)
  - B. If the HOA is to cite people for encroaching 15 feet beyond there property line how far should they be allowed to encroach? We can't define "a little encroachment." How does the HOA prevent a legal dispute as to why one resident is cited and not another?
  - C. In October 10, 2017 it was noted at a general board meeting that a land survey was going to be done in the spring of 2018.
  - D. We all pay insurance and taxes on Common Areas. Is it fair that some folks have built structures, including fences and pools on that land.
  - E. We didn't take possession of some of that land until the last few years,, therefore couldn't do anything
23. Where did the latest design guidelines come from?
- A. The current design guidelines were put into effect in December of 2015 from a different board President, not the current board president.
24. Where did the dollar value for the citation fee's come from?
- A. This was voted on an approved by a prior board, not the current board.
25. Why can't we have specific design guidelines spelled out so there is no question on what's allowed and what's not allowed?
- A. I (Joel) for one is against detailing what colors can and can't be on one's home. Common sense is used. There are 5 people on the board and if the 5 residents on the board can't approve or disapprove the proposed change, then where do we go? A committee? Then what if they don't vote in favor of the resident that wants the change? Then do we take a vote of X number of residents? Then if the vote is not in favor once again, do we keep getting more residents to vote until 51% agree that the color is acceptable?

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- B. If colors were specified, there would be an enormous amount of grey areas (no pun intended) as to what shade of tan or blue is allowed. At what point is a dark tan not approved? Colors are based off of a color scheme. Take a look at some homes with off color garage doors. Why some are tan but the rest of the house has white trim? This is why the residents are required to submit a design change request. The board and management company need something to hold the resident accountable for completing the job as it was proposed and approved. If a resident makes a change and they are cited for unapproved changes, why is that the HOA's fault? If a change was made but wasn't noticed or reported by anyone, (meaning it was so subtle that it didn't draw attention to it) then the resident was able to "get away" with not getting an approval. While the board does not recommend risking this, it happens. No one is going to keep track of all the color schemes of each home after it is built. If that was a requirement of the management company or board, that's going to cost a lot of money to maintain it. (Reviewing it every year to look for unapproved changes.) Maybe move this under section 9?