

Board of Directors Virtual Meeting February 2, 2021 – 6:00 p.m.

AGENDA

Call to Order: President Paxton

Roll Call: President: Kristifier Paxton Vice President: Houston Murillo Treasurer: John Gay Secretary: Denise Corbin At Large Position: Kylie Helmick

Approval of January 5, 2021 Virtual Meeting Minutes

New Business:

- 1. Resolution 2021-001: Covered Entertainment Areas, etc.
- 2. Resolution 2021-002: Legal Services for POA Business
- 3. Resolution 2021-004: Reimbursement of Office Expenses, Decorations and Solar Lighting
- 4. Owners Discussion Session

Announcements:

- 1. Announcement of moving to quarterly meetings being the first Tuesday in January, April, July, and October (Full POA Meeting). The Annual Dues will be adopted in the beginning of January and sent out by the last day in January of each year.
- 2. Discussion of the October Meeting being held in person for the Full POA Meeting and maintaining the virtual meetings for Board of Director's meeting indefinitely.

Adjournment



Board of Directors Virtual Meeting January 5, 2021 Minutes

President Kristifier Paxton called the virtual meeting to order at 6:00 p.m. on January 5, 2021.

Roll call was taken with President Paxton, Vice President Murillo, Treasurer Gay and Secretary Corbin in attendance. At large representative Helmick was excused.

The minutes of the December 2, 2020 virtual special meeting were posted on the Coves II website but were reviewed at this time. One change was recommended. Secretary Corbin made a motion to approve the change in the minutes, with a second from Vice President Murillo. All present vote yes, motion passed 4-0 Secretary Corbin then made a motion to approve the minutes with a second from Treasurer Gay. All present vote yes, motion passed 4-0.

Treasurer John Gay presented a financial report which included limited information from HOA Solutions. There were several expenses that were questioned and discussed at this time. It was suggested that we should contact an attorney and discuss this further and present a resolution to that effect at the February 2, 2021 meeting. It was also discussed to seek bids from other insurance companies for the liability insurance on the Coves II monument at the entrance on Springfield Dr.

Old Business:

 Resolution 2020-005 CIP Woolsey Trail Connection, which was tabled at the November 2020 meeting was presented at this time. Discussion followed. It was determined that a connection to the trail would not be feasible in the space between 1202 and 1214 S. Gentle Valley Dr. Secretary Gay made a motion to deny resolution 2020-005, with a second from Secretary Corbin. All present vote yes, motion passed 4-0. Resolution 202-005 is denied.

New Business:

1. President Paxton presented an overview of the tree inspection with John Scott of the forestry division of the City of Fayetteville. He showed which trees are dead, dying or missing and presented the recommendations from Mr. Scott. The City of Fayetteville has set aside 30 trees which will be given to the POA for replacement in October. The POA will be responsible for planting the new trees.



Announcements:

1. It was announced there will be an Architectural Control Committee meeting immediately following the adjournment of this meeting.

There being no further business, Secretary Corbin made a motion to adjourn, with a second from Vice President Murillo. All present vote yes. President Paxton adjourned the meeting at 6:59 p.m.

PASSED AND APPROVED on February 2, 2021

APPROVED:

ATTEST:

Kristifier Paxton, President



Architectural Control Committee Virtual Meeting January 5, 2021 Minutes

President Kristifier Paxton called the virtual meeting to order at 7:00 p.m. on January 5, 2021.

Roll call was taken with President Paxton, Vice President Murillo, Treasurer Gay and Secretary Corbin in attendance. At large representative Helmick was excused. One homeowner/resident also joined the meeting.

New Business:

- John Gay requested approval to erect a wooden play set in his yard at 1285 S. Gentle Valley Dr. Vice President Murillo made a motion to approve the play set, with a second from Secretary Corbin. Motion passed 3-0 with John Gay recusing.
- Kristifier Paxton requested approval to erect a wooded play set in his yard at 1166 S. Gentle Valley Dr. Treasurer Gay made a motion to approve the play set, with a second from Secretary Corbin. Motion passed 3-0 with Kristifier Paxton recusing.

The homeowner/resident in attendance had several questions which President Paxton addressed and answered.

There being no further business, President Paxton adjourned the meeting at 8:00 p.m.

PASSED AND APPROVED on February 2, 2021

APPROVED:

ATTEST:

Kristifier Paxton, President



COVERED ENTERTAINMENT AREAS, GUEST HOUSES, POOL HOUSES, STORAGE BUILDINGS, ADDITIONS OR OTHER STRUCTURES

WHEREAS, Covenants Part 9, Section (a) states "<u>Residential Lots</u>. All Lots within the Subdivision shall be used, known and described as Residential Lots. Only one single family residential dwelling consisting of not less than 1,100 square feet of heated and cooled finished space shall be permitted on each Lot. In addition, only customary and usual necessary structures may be constructed on each Lot as may be permitted by the City. No building or structure intended for or adopted to business purposes shall be erected, placed, permitted or maintained on any Lot. This Covenant shall be construed as prohibiting the engaging in or practice of any commerce, industry, business, trade or profession within the Subdivision and/or within any Lot. The restrictions on use herein contained shall be cumulative of and in addition to such restrictions on usage as may from time to time be applicable under and pursuant to the statutes, rules, regulations and ordinances of the City or any other governmental authority or political subdivision having jurisdiction over the Subdivision"; and

WHEREAS, Covenants Part 9, Section (c) states "Submission of Plans. In order to maintain a beautiful and pleasing setting in the Subdivision two (2) sets of building and site improvement plans and specifications must be submitted to the Architectural Control Committee ("Committee") for its approval prior to the commencement of construction. The Committee shall act to enforce the requirements of these Covenants in a reasonable manner. The Committee has the authority to maintain the architectural conformity of the Subdivision, and in consideration thereof shall determine that the proposed construction shall not detract from the development and shall enhance the purpose of the development to provide a beautiful and pleasing setting in the Subdivision. The Committee shall consider such matters as the proposed square footage, location, materials, exterior style and landscaping, etc. The Committee may adopt rules or bylaws explaining the mechanics of its operation and providing for a twenty-one (21) day maximum time within which plans must be reviewed and approved or disapproved after submission, and if not approved or disapproved in that period, that the same shall be considered as automatically approved. The Board may also exercise the duties of the Committee in the event the Board deems it necessary and efficient to do so"; and

WHEREAS, the Covenants Part 9, Section (h) states "Garage and Detached Structures and Storage Buildings. All residences constructed in the Subdivision shall have a private garage to accommodate a minimum of one (1) automobile. No carports are allowed on the side, rear or front yards of any Lots. Each garage shall be fully enclosed and contain a full-length overhead style door. All garage doors are to be kept closed when not entering or exiting the garage. Any detached structure to be built on a Lot,



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such as a covered entertainment area, guest house, pool house, storage building, or other structure, shall conform to the basic styling and materials of the residential dwelling. Any detached structure contemplated for construction by any home owner or lot owner must, prior to construction, submit acceptable plans to the Committee for approval. The Committee has complete and sole discretion to approve, modify, deny or change any request for an addition to any existing structure"; and

WHEREAS, the Covenants Part 9, Section (f) states "Additions to Existing Structures. All additions shall conform to the basic styling and materials of the dwelling on any Lot. All additions shall fall within the building set-backs on said Lot and shall not be placed over any drainage or utility easement. All improvements shall be constructed in accordance to applicable City codes, rules and regulations. Any additions contemplated by the home owner or lot owner must submit plans prior to construction to the Committee for approval. The Committee has complete and sole discretion to approve, modify, deny or change any request for an addition to an existing structure."

NOW THEREFOR, BE IT RESOLVED BY THE BOARD OF DIRECTORS:

<u>Section 1</u>: The Board of Directors considers a "residential dwelling", "single family home" or "dwelling" as the primary single-family structure consisting of not less than 1,100 square feet of heated and cooled finished space fronting the street as originally built on the lot, or rebuilt in the footprint of the original structure in the event the original construction is demolished, destroyed, or otherwise replaced. A construction of a new residential dwelling requires review and approval of the Architectural Control Committee.

<u>Section 2</u>: The Board of Directors considers a "Pool House or Guest House" as an "Accessory Dwelling Unit" (or ADU). An ADU shall meet the minimum requirements of the Covenants, City Ordinances, and State or Federal Laws.

<u>Section 3</u>: The Board of Directors authorizes for consideration to the Architectural Control Committee for not more than one ADU per lot, which must conform to the basic styling and materials of the residential dwelling.

<u>Section 4</u>: Storage Buildings, Covered Entertainment Areas (e.g. non-vehicular use pergolas, gazebos, or covered patio), and/or other structures must be considered and reviewed on a case-by-case basis by the Architectural Control Committee. Storage Buildings that exceed 144 square feet shall automatically be considered an ADU by the Board of Directors. A single storage building that is 144 square feet or less will be considered as a "Shed" by the Board of Directors, and does not require approval of the



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Architectural Control Committee. Sheds must comply with ordinance by the City of Fayetteville, and any other local, state, or federal laws.

<u>Section 5</u>: The Architectural Control Committee may not consider two (2) story ADUs or taller for approval. Two (2) story or taller storage buildings, sheds, ADUs, or any building other than the primary residence is prohibited.

<u>Section 6</u>: An ADU attached or within the residential structure will be considered an addition by the Architectural Control Committee, and must conform to the Covenants Part 9, Section (f). Additions that require an Accessory Dwelling Unit approval by the City of Fayetteville shall be considered as the "one ADU, which shall conform to the basic styling and materials of the residential dwelling" as discussed in Section 3 of this Resolution. An ADU must face the City Street or the City Trail for lots along City of Fayetteville trail easements, and must meet the City of Fayetteville requirements for Accessory Dwelling Units.

<u>Section 7</u>: The Architectural Control Committee will require the ADU to have one dedicated paved or gravel parking in addition to existing parking prior to the construction of the ADU with an appropriate Private Access Easement to the right-of-way. Any such requirement is in addition to any Code required by the City of Fayetteville. Demonstrated parking must be fully within the Lot, and must not be considered in right-of-way, grass, or common space.

<u>Section 8:</u> Owners are not be permitted to add additional curb cuts to any lot at the City Street for any reason.

<u>Section 9</u>: Owners are required to receive any and all required City, State, or Federal approvals and permits prior to any construction. Architectural Control Committee Determinations should not be considered as an authorization to build without first acquiring any and all required permits.

Section 10: No structure may be placed on Common Properties by Owners.

<u>Section 11</u>: No structure may be placed on POA Easements, nor in areas prohibited for by local, state, or federal ordinance or law.

<u>Section 12:</u> Covered parking areas and/or carports, either temporary or permanent, attached or detached from the residential structure or an ADU, are prohibited.



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<u>Section 13</u>: The Architectural Control Committee reserves the right to approve or deny any proposal by a simple majority vote of the whole Committee of five members, or at least 3 votes to approve or deny. The Architectural Control committee requires 3 members to be present for quorum.

<u>Section 14</u>: All other requirements as listed in Covenants, City of Fayetteville Ordinance, State & Federal Law apply in addition to this policy.

<u>Section 15</u>: Construction must be limited to 6:00am – 8:00pm. Best stormwater management practices must be taken to prevent mud and sediment in the street, in common areas, and on neighboring properties. Stockpiles must be maintained on the lot and not on sidewalks, streets, or common areas. Stockpiles must be removed or used within 30 days.

<u>Section 16:</u> Construction on any lot may not result in changes to drainage that would impact a neighboring property owner. All lots must drain either to the street or a drainage easement.

<u>Section 17:</u> Appeals of the Architectural Control Committee may be requested in writing within 10 days to the Secretary and presented at the next full meeting of the POA to all Owners. An owner may not resubmit the same request within 1 year of the denial, unless the President determines that major modifications have been made to the request that could change the consideration. An exception to this requirement is if the item is tabled. Tabling an Architectural Control Committee item will be considered a denial of the original request as requested which must be heard again within 21 days or resubmittal of any changes. The Committee may not table the same item more than 2 times. Appeals may not be considered for projects rejected by a greater governing body, such as the City of Fayetteville.

<u>Section 18</u>: Construction of covered entertainment areas, guest houses, pool houses, storage buildings, additions, or other structures without approval from the Architectural Control Committee, and/or any violation of this policy, will result in a Stop Work Order in writing by the POA President. Failure to Stop Work until approval may result in a \$100 per day fine, which will be charged to the property owner as an individual assessment, including the day which the Stop Work Order was issued. The Individual Assessment must first be approved by the Board of Directors in a manner pursuant to the Privacy Policy. Any work that is completed prior to the Architectural Control Committee approval may require changes, or may be approved or denied, by the Architectural Control Committee any required revisions or removal. Beyond the date specified, the owner will continue to be assessed \$100 per day fine unless the President or Vice-President provides a 30-day



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extension. The President or Vice-President may only grant one extension. Beyond the 30-day extension, the owner shall continue to be assessed \$100 per day fine. Liens will be placed on the homeowner in increments of \$500.

PASSED and APPROVED on 02/02/2021

APPROVED:

ATTEST:

Kristifier Paxton, President



FILE NUMBER RES 2021-002

LEGAL SERVICES FOR THE POA WITH KNIGHT LAW FIRM

WHEREAS, the Covenants, Section 4, *Duties and Powers* of the association states, "The affairs of the Association shall be conducted by its Board. In addition to the duties and powers of the Association as set forth in the Bylaws, or as hereinabove set forth, and in order to carry out the obligations of the Association, the Board shall have the following rights and powers and may provide for and pay for, out of assessments, the means to exercise the following rights and powers" part (b) stating "Hire legal and accounting services to serve the Association"; and

WHEREAS, the Covenants, Section 3, *Assessments*, part (g) <u>Collection</u>. states "No set-off shall be allowed to any Lot Owner for repairs or improvements, or for services contracted for by any Lot Owner without the express written authorization of the Board. The Board shall be entitled to collect from the Lot Owner all legal costs, including a reasonable attorney's fee incurred by the Association in connection with or incidental to the collection of such assessment, or in connection with the enforcement of the lien resulting therefrom. The lien of the assessments shall be subordinate to the lien of any bona fide first mortgage upon a Lot"; and

WHEREAS, the Covenants, Section 12, *Enforcement of Obligations; Miscellaneous* states "(a) Each Owner shall be governed by and shall comply with the terms of these Covenants and the Bylaws of the Association. Upon failure of an Owner to so comply, the Declarant, the Association, any mortgagees having a first lien, or other Owners shall have the right to institute legal proceedings, and the prevailing party shall be entitled to recover its or his legal costs, including reasonable attorney's fees. The failure of any of the foregoing named entities or persons to enforce any right, requirement, restriction, covenant, or other provision of the hereinabove named documents, shall not be deemed to be a waiver of the right to seek judicial redress against subsequent noncompliance therewith"; and

WHEREAS, the President of the Association gathered or attempted to gather three quotes for consideration for legal services, being Knight Law Firm with a quote of \$175 per hour to \$300 per hour depending on which attorney is completing required work, Hall Estill Attorneys at Law being \$435 per hour, and Sexton Bailey Attorneys without a quote provided; and

WHEREAS, the President explored options with the University of Arkansas "Pro Bono" program and found that the POA is not eligible for these services; and

WHEREAS, the Board of Directors expressed a need for legal services.

NOW THEREFOR, BE IT RESOLVED BY THE BOARD OF DIRECTORS:

<u>Section 1</u>: The Board authorizes an agreement with Knight Law Firm to provide legal services as needed for official matters of the POA.

<u>Section 2</u>: The Board authorizes the President, Vice-President when acting in the capacity of the President or in actions against the President, and the Treasurer the ability to utilize legal services on behalf of the POA as needed.



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<u>Section 3</u>: The Board hereby defines "reasonable attorney's fee" as the full invoiced amount or combination of multiple invoices for any specific legal action as provided by Knight Law Firm to include hourly rates and also any additional fees associated with any legal actions taken on behalf of the POA.

<u>Section 4</u>: The Board authorizes the Treasurer to apply an Individual Assessment to lot owners for reasonable attorney's fees as defined in the Covenants if any Owner unsuccessfully takes any legal actions against the POA. The Board of Directors may allow payment arrangements on a case-by-case basis in payment amounts and times to be determined by the Board of Directors.

<u>Section 5</u>: The Board authorizes the Treasurer to apply an Individual Assessment to lot owners for reasonable attorney's fees as defined in the Covenants for any failed collections. The Board of Directors may allow payment arrangements on a case-by-case basis in payment amounts and times to be determined by the Board of Directors.

<u>Section 6</u>: The Board authorizes the President in conjunction with the Treasurer to utilize legal services to process any lien of any bona fide first mortgage upon a Lot as defined in the Covenants in increments of \$500. Any such legal services shall be subject to <u>Section 4</u> and <u>Section 5</u> of this resolution.

PASSED and APPROVED on 02/02/2021

APPROVED:

ATTEST:

Kristifier Paxton, President



FILE NUMBER RES 2021-004

REIMBURSEMENT OF FUNDS – OFFICE EXPENSES, DECORATIONS & SOLAR LIGHTING FOR THE POA

WHEREAS, RES 2020-001 states in Section 1 that any reimbursement requires a copy of the receipt from any transaction attached to a Resolution for consideration to the Board of Directors for repayment. Said Resolution shall include a copy of said receipts as an attached Exhibit, and must be provided to the Secretary to hear at the next scheduled Board of Directors meeting. The Board of Directors reserves the right to deny, but are not obligated to deny, any reimbursement of funds that were not agreed upon prior to said payments being completed; and

WHEREAS, RES 2020-001 states in Section 2 that any individual reimbursement must be for the maintenance or organization of the POA to be shared among all members, limited to physical maintenance of common spaces by Owners or Directors or fees associated with digital or paper documentation, to include the POA website, software, and office supplies and/or equipment, which may be required in order to comply with requirements in the bylaws or covenants, or other fees that may be associated with normal operation of the POA; and

WHEREAS, RES 2020-001 states in Section 3 that any reimbursement must first be approved by the Board of Directors by Resolution prior to any purchase, unless said cost is a reoccurring Board Approved regular or required payments or for emergency maintenance or needs as approved by the President in writing; and

WHEREAS, RES 2020-001 states in Section 4 that the Board approves regular payments for existing utilities, existing web hosting, existing website domain, existing contractual obligations or work completed, the establishment of an online payment method, existing insurance, existing requirements for detention pond maintenance, existing common space maintenance (not to include Capital Improvement Program maintenance which requires a Resolution for each Capital Improvement item), Record Management Software (e.g. QuickBooks or similar software for the Treasurer's use) or other regular payments as determined by the Board. Regular payments being defined as payments that have been previously made on a regular basis prior to this resolution or approved within this resolution; and

WHEREAS, RES 2020-001 states in Section 5 that regular or required payments that require new accounts, contracts, or any other agreement to be created shall require a Resolution to be approved by the Board of Directors for new services; and

WHEREAS, RES 2020-001 states in Section 6 that reimbursement requests shall be submitted to the President or Treasurer and presented as an agenda item to the Secretary and placed on the next available agenda as a Resolution, and shall require a



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simple majority vote in favor to approve. Reimbursements to Directors require a recusal of the director involved in the reimbursement; and

WHEREAS, the Treasurer Director is a director involved in the reimbursement and shall recuse; and

WHEREAS, the reimbursement requested by the President is for holiday decorations, typical maintenance, and office supplies for the POA

NOW THEREFOR, BE IT RESOLVED BY THE BOARD OF DIRECTORS:

<u>Section 1</u>: John Gay may be reimbursed in the amount of <u>**\$40**</u> for QuickBooks Online Essentials recurring charge for Dec 05 - Jan 05 and Jan 05 - Feb 05 as shown on provided invoice.

<u>Section 2</u>: The Board of Directors authorizes future monthly costs of \$20 associated with QuickBooks Online Essentials for official POA business as a **regular payment** that may be paid by the Treasurer to himself from the POA Arvest account for continued use of QuickBooks Online Essentials without further resolutions required pursuant to Section 5 of Resolution 2020-001.

<u>Section 3</u>: The Board of Directors authorizes a reimbursement for holiday decorations and solar lighting placed in the POA easement in December by Darcy Gay for maintenance and holiday décor in the amount of <u>\$181.36</u>, being a combination of \$87.91 for four solar lights for the Coves rock, \$38.49 for a wreath, and \$54.96 for miscellaneous holiday décor.

Section 4: The Board of Directors accepts Exhibits A, B, and C as attached.

Section 5: The Board authorizes a total reimbursement in the amount of <u>\$221.36</u> to be paid to John Gay.

PASSED and APPROVED on 02/02/2021

APPROVED:

ATTEST:

Kristifier Paxton, President

Denise Corbin, SECRETARY



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Receipt Exhibits A – Lowe's & Hobby Lobby

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	HOBBY LOBBY. Super Savings, Super Selection!
LOWE'S HOME CENTERS. 110	3180 N College Ave Suite 3
3231 W. MARTIN LUTHER KING FAVETEVINIS, HK /2704 (4/3) 307-3007	Fayetteville, AR 72703 Hobby Lobby Store #95 (479) 582-1910
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Receipt Exhibit B – Hobby Lobby

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Receipt Exhibits C - QuickBooks

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