



## COVES PHASE II

*PROPERTY OWNERS ASSOCIATION*

*www.covestwo.com – covestwo@gmail.com*

Board of Directors Virtual Meeting and Workshop  
August 17, 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: Vacant

Approval of July 10, 2021 Meeting and Workshop Minutes

Old Business:

1. Resolution 2021-008: Recommendation to Amend the Bylaws of the POA
2. Resolution 2021-011: Recommendation to Owners to Approve Cost Share to Improve Holland Park with Conditions

New Business:

1. Time of Annual POA Meeting to be held October 9, 2021.

Adjournment



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Board of Directors Meeting and  
Annual Meeting Workshop  
July 10, 2021  
Minutes

President Kristifier Paxton called the virtual meeting to order at 5:02 p.m. on July 10, 2021.

Roll call was taken with President Paxton, Vice President Murillo, Treasurer Gay and Secretary Corbin in attendance. Due to the resignation of Kylie Helmick, the At large representative position is vacant at this time. The position will be filled at the annual POA meeting in October.

The minutes of the May 7, 2021 virtual special meeting were posted on the Coves II website so were not read at this time. Secretary Corbin made a motion to approve the minutes with a second from Vice President Murillo. All present vote yes, motion passed.

Treasurer Gay presented the financial report. There was no activity in the month of June.

### Old Business:

1. Resolution 2021-005 Rules of Order of the Association: President Paxton presented Resolution 2021-005 and discussion followed. Following discussion, Secretary Corbin made a motion to approve Resolution 2021-005 as amended, with a second from Vice President Murillo. All present vote yes, motion passed.

### New Business:

1. Treasurer Gay submitted his resignation as Treasurer effective following the annual POA meeting in October.
2. Resolution 2021-009 CIP – Driveway Numbering with Pure Spray: President Paxton presented resolution 2021-009 which will install address numbers on the curbs in front of all the homes in Coves II in accordance with 911 guidelines. After discussion, it was amended to refund the amount paid to the homeowners that have already paid to have the numbers painted on the curbs. President Paxton made a motion to approve Resolution 2021-009 as amended, with a second from Treasurer Gay. All present vote yes, motion passed.
3. Resolution 2021-010 Street Tree Landscaping with City Tree Giveaway: President Paxton presented Resolution 2021-010 which will allow the POA to spend up to \$3,000 to have a professional landscaper to install up to 30 trees on properties in which the homeowners want to have new trees installed or dead trees replaced. Treasurer Gay made a motion to approve Resolution 2021-010 with a second from President Paxton. All present vote yes, motion passed. Vice President Murillo made a motion to approve Resolution 2021-010 as amended, with a second from Secretary Corbin. All present vote yes, motion passed.

### Workshop:



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1. Resolution 2021-007 Recommendation to Amend the Covenants of the POA: Present Paxton presented the revised Covenants to be presented at the Annual POA meeting in October. After review and discussion, Secretary Corbin made a motion to table the recommendation until a special meeting is held in late July or early August, with a second from Vice President Murillo. All present vote yes, motion passed.
- 2.

Due to time constraints, Secretary Corbin made a motion to table all remaining items until the special meeting, with a second from Vice President Murillo. All present vote yes, motion passed.

There being no further business, Vice President Murillo made a motion to adjourn, with a second from Secretary Corbin. President Paxton adjourned the meeting at 7:07 p.m.

PASSED AND APPROVED on \_\_\_\_\_, 2021

APPROVED:

ATTEST:

\_\_\_\_\_  
Kristifier Paxton, President

\_\_\_\_\_  
Denise Corbin, Secretary



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FILE NUMBER RES 2021-007

### ***Recommendation to Amend the Covenants of the POA***

**WHEREAS**, DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE COVES II, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS (Covenants) states in Part 2. Membership and Voting Rights in the Association: Additions “(d) Quorum, Notice and Voting Requirements. The quorum, notice and voting requirements of and pertaining to the Association are set forth within the Bylaws of the Association as the same may be amended from time to time. Subject to the provisions or the Bylaws, any action by or on behalf of the Association, except for actions allowed to be taken by the Board of Directors alone, may be taken with the assent given in writing and signed by Members who collectively hold or control a majority of the outstanding votes of the Association”; and

**WHEREAS**, the Covenants state in Part 4. Duties and Powers of Association “(h) To make reasonable rules and regulations for the operation of the Common Properties and to amend these Covenants from time to time”; and

**WHEREAS**, the Covenants state in Part 11. Regulations “Reasonable regulations concerning the use of the Property, including Common Property and all other areas which the Association maintains, regardless of fee ownership, may be made and amended from time to time by the Association”; and

**WHEREAS**, the Covenants state in Part 12. Enforcement of Obligations; Miscellaneous “(c) Any and all of the provisions contained in these Covenants may be changed or amended at any time by a written instrument signed and acknowledged by the Declarant during such period that the Declarant is the record owner of at least one (1) Lot, or alternatively these Covenants may be amended or terminated at any time by a written instrument signed and acknowledged by the Owners of sixty percent (60%) of the Lots. In the event of any conflict between an amendment or termination property executed by the Declarant (during its ownership of at least one (1) Lot) and any amendment or termination properly executed by the Owners of sixty percent (60%) of the Lots, the instrument executed by the Declarant shall prevail during the time of the Declarant’s ownership of at least one (1) Lot. The provisions of any instrument amending or terminating these Covenants shall be effective from and after the date it is properly recorded”; and

**WHEREAS**, the Board of Directors at the July 10<sup>th</sup> 2021 quarterly Board of Directors meeting identified revisions within the Covenants which the Board recommends revisions.



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

Section 1: The majority of the Board of Directors has reviewed and agreed upon a recommendation for amendments to the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE COVES II, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

Section 2: Said recommended amendments as identified by the Board of Directors at the July 2, 2021 workshop are to be forwarded to the Annual POA Meeting with a Recommendation of Approval.

Section 3: The Board of Directors recommends a combination of those present, written instruments in the form of ballots for those absent, and proxy voting as suitable methods for owners to establish a quorum of at least 27 members.

Section 4: The Board of Directors recognizes that any less than 27 votes in the affirmative, a combination of those present, by written instrument, and by proxy, will result in a failure to amend.

Section 5: The Board of Directors recognizes that an affirmative vote of at least 27 owners by a combination of those present, by written instrument, and by proxy, will result in the need to file said amendments by record. The provisions of any instrument amending or terminating the Covenants shall be effective from and after the date the amendments are properly recorded.

*PASSED and APPROVED on 07/10/2021*

APPROVED:

ATTEST:

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Kristifier Paxton, President

Denise Corbin, Secretary



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FILE NUMBER RES 2021-008

### ***Recommendation to Amend the Bylaws of the POA***

**WHEREAS**, DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE COVES II, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS (Covenants) states in Part 2. Membership and Voting Rights in the Association: Additions “(d) Quorum, Notice and Voting Requirements. The quorum, notice and voting requirements of and pertaining to the Association are set forth within the Bylaws of the Association as the same may be amended from time to time. Subject to the provisions or the Bylaws, any action by or on behalf of the Association, except for actions allowed to be taken by the Board of Directors alone, may be taken with the assent given in writing and signed by Members who collectively hold or control a majority of the outstanding votes of the Association”; and

**WHEREAS**, The Coves II Property Owners Association Bylaws, Article XI Amendments states in 11.1 that “Any and all of the provisions contained in these Bylaws may be changed or amended by an instrument in writing, drafted so as to be recorded with the County Clerk of Washington County, Arkansas, and signed by the Secretary of the Association, subject to the provisions of the Declaration. Such a change or amendment shall require approval by majority vote of all Members except that Declarant may make unilateral changes without the need for consent as long as it owns a Lot”; and

WHEREAS, the Declarant no longer owns any lot; and

WHEREAS, the Board of Directors at the July 10th 2021 quarterly Board of Directors meeting identified revisions within the Bylaws which the Board recommends revisions.

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

Section 1: The majority of the Board of Directors has reviewed and agreed upon a recommendation for amendments to the Bylaws of The Coves II Property Owners Association.

Section 2: Said recommended amendments as identified by the Board of Directors at the July 2, 2021 workshop are to be forwarded to the Annual POA Meeting with a Recommendation of Approval.

Section 3: The Board of Directors recommends a combination of those present, written instruments in the form of ballots for those absent, and proxy voting as suitable methods for owners to establish a quorum of at least 23 members.



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Section 4: The Board of Directors recognizes that any less than 23 votes in the affirmative, a combination of those present, by written instrument, and by proxy, will result in a failure to amend.

Section 5: The Board of Directors recognizes that an affirmative vote of at least 23 members by a combination of those present, by written instrument, and by proxy, will result in the need to file said amendments by record. The provisions of any instrument amending the Bylaws shall be effective from and after the date the amendments are properly recorded.

*PASSED and APPROVED on 07/10/2021*

APPROVED:

ATTEST:

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Kristifier Paxton, President

Denise Corbin, Secretary



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FILE NUMBER RES 2021-11

### ***Capital Improvements Program (CIP) – Holland Park Improvements with Conditions***

**WHEREAS**, Resolution 20-002 established a Capital Improvements Program for The Coves Phase II; and

**WHEREAS**, the improvement adds value to the subdivision and/or Owners as a whole, which may include, but is not limited to advanced atypical maintenance along Common Property, for example between the front of curb to the back of the sidewalk for each and every lot; and

**WHEREAS**, the improvement is **NOT** a part of or becomes a part of the subdivision or is permanently affixed to the subdivision, which would require a waiver from all owners; and

**WHEREAS**, the improvement will be a permanent installation; and

**WHEREAS**, the City of Fayetteville has agreed to pay for the installation of a swing set at Holland Park providing that surrounding POAs agree to pay for the swing set in the amount of \$20,000.

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

Section 1: The Board of Directors recommends to the full POA during the annual meeting a waiver from the requirement that the Board of Directors created which requires improvements paid for with POA funds be a part of the subdivision or permanently affixed to the subdivision.

Section 2: The Board shall forward to the full POA annual meeting with a recommendation to allow the Board of Directors to work with neighboring POAs in a cost share to pay the City of Fayetteville to install a swing set at Holland Park. The total cost has been identified as \$20,000, which requires funding allocations from neighboring POAs for further consideration by the Board of Directors. Participating POAs shall divide the amount of the full installation (\$20,000) by the amount of lots in all participating POAs.

Section 3: The Board of Directors shall accept as approval of this a simple majority of all those present or voting by any instrument at the 2021 full POA meeting.





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Section 4: The Board of Directors recognizes that any installation in a City Park becomes public property and usable by any member of the public, maintained by the City of Fayetteville.

*PASSED and APPROVED on 07/10/2021*

APPROVED:

ATTEST:

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Kristifier Paxton, President

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Denise Corbin, Secretary



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