

**THE GLEN OF PACIFIC GROVE HOMEOWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING**

August 3, 1998  
36 Glen Lake Drive  
Pacific Grove, CA  
5:00 PM

**MINUTES**

**1.0 CALL TO ORDER 5:00 PM**

**2.0 ROLL CALL**

Jack Rutherford	President	Present
Diane Hardcastle	Vice-President	Present
Glen Grossman	Secretary-Treasure	Present
Mark Risley	Director	Absent
Chuck Adams	Director	Present
Joseph Chaffers	MCC	Present
Also Present:	Wolfgang Haas, Phil Coniglio	

**3.0 AGENDA REVIEW, RESIDENT REQUESTS, CONSENT CALENDAR  
APPROVAL**

The following items were added to the agenda: 7.01 Contract term dates, 7.02 Architectural control proposed guidelines, 7.03 Bridge and Curb, 7.04 Mesh over storm drain

**4.0 APPROVAL OF PREVIOUS MEETING MINUTES**

4.01 Minutes- July 6, 1998. On motion made by Grossman; seconded by Adams and carried, it was resolved to approve the minutes as presented.

**5.0 REPORTS**

**5.01 Delinquency Reports -6.30.98**

**5.02 Financial Reports - 6.30.98**

**5.03 Bank Statements -6.30.98**

**5.04 MCC Billing Report -6.30.98**

On motion made by Grossman, seconded by Adams and carried, items 5.01 through 5.04 were accepted as presented.

**6.0 UNFINISHED BUSINESS**

- 6.01 Paint:** Rutherford met with Terry Mallery our lawyer who suggested mediation and to obtain an expert opinion by a painting consultant; Grossman suggested a flat rate or contingency fee with our lawyer and to take care of painting before winter rains; Rutherford suggested to put all extra improvements aside until this matter is resolved including road slurry; MCC suggested to have Dennis Sullivan submit bid with a helper on contactor's letterhead at a cost of \$20,000.00 and spread the work over 2 years and to consider not going forward with the suit. On motion by Grossman; seconded by Adams, it was moved to look into mediation and arbitration with a flat rate for entire job and to have Dennis Sullivan submit a bid. DEFER. OPEN ITEM
- 6.02 Parking cars in garages:** It was moved by Grossman; seconded by Adams to have MCC send respective letters formatted by Grossman to the tenants and landlords of #9, 12, 13, 76, 14, 54 and 82 regarding parking violations. CLOSED ITEM
- 6.03 Enforcement of parking rules:** Grossman's handout (third paragraph; see attachment) referred to changing language in rules about parking. It was moved by Grossman and seconded by Adams to ammend language and add them into the existing rules due to water sprinkler heads and bushes being broken and backed up on and general unsightliness . DEFER. OPEN ITEM
- 6.04 Tennis court resurfacing:** Adams reported that for \$3,000.00 to \$4,000.00, 3 coats could be applied to fill in the cracks or a newer process which puts a ½ inch coating that lasts 20-25 years and guaranteed for 10 years at a cost of \$20,000.00 <sup>15k</sup> to \$25,000.00 are available. It was decided to hold off on this item. DEFER. OPEN ITEM
- 6.05 Trash can removal:** solved. CLOSED ITEM
- 6.06 Slurry of roads:** Cost \$8,000.00 and is cost effective to save road due to washing of cars which causes water to penetrate and create chuck holes; but consensus to hold off on this item. DEFER. OPEN ITEM
- 6.07 Pedestrian gate:** Adams and Rutherford to discuss it further. DEFER. OPEN ITEM

7.0 NEW BUSINESS

- 7.01 **Contract termination dates:** Grossman's handout (first and second paragraphs; see attachment) referred to the fact that all contracts which require monthly expenditures need to have one common ending date being April 30. It was moved by Grossman, seconded by Hardcastle and carried. CLOSED ITEM
- 7.02 **Architectural control proposed guidelines:** Grossman's handout (fourth paragraph; see attachment) refers to the fact that the Architectural Control Committee is the only meeting required by the CC & R's and that because of the absence of guidelines or criteria that approval or disapproval depends upon the membership and not upon any objective standard. In order to protect the Board and Committee guidelines must be developed. He proposes the Committee meet and report back to the Board with proposed guidelines. Under discussion Haas objected stating that the Committee is not qualified to design these guidelines and requested to have samples of existing guidelines from other Homeowner's Associations be obtained. MCC will look into their resources. Grossman motions to confirm Wolfgang Haas as chair and to confirm the appointments of Ron Johnson and Jane Smale as the Committee; Adams seconded and it carried. In a second motion Grossman moved to add altering of exteriors into the rules and regulations; Hardcastle seconded, motion carried with Adams abstaining. DEFER. OPEN ITEM
- 7.03 **Bridge and Curbs:** It was moved by Grossman; seconded by Adams to have Dennis Sullivan paint the bridge and curbs as needed. DEFER. OPEN ITEM
- 7.04 **Mesh over storm drains:** It was discussed to cover over storm drain with mesh to prevent racoons access into the property. DEFER. OPEN ITEM

**8.0 CORRESPONDENCE**

8.01 General Correspondence: None

8.02 Board Correspondence: None

**9.0 ADJOURNMENT**

9.01 Set Next Meeting Date, Time and Place: August 31, 1998; 5:00 PM;  
@ #36 Glen Lake Drive

9.02 Adjourn: 7:30 PM

The Board has several contracts which require expenditures on a monthly basis. Our insurance contracts through KBK and Transamerica and with Property Services come to mind. These contracts terminate in the middle of the Association's fiscal year. In the past, mid-fiscal year cost increases for these services have negatively impacted upon our budget. Furthermore, it is difficult for the Board to keep track of when each contract expires. In order to avoid future negative surprises and to assist the Board in keeping control of the budget, all contracts with the Board which require monthly expenditures need to have one common ending date.

The budget committee usually drafts a budget in June for approval by the Board in early July. The budget committee needs to know about any price increases in monthly contracts by the time it meets.

**THEREFORE**, I move that all contracts with the Board which require monthly expenditures be immediately amended to provide for an ending date of <sup>APRIL 30</sup> ~~May 31st~~ and that all future contracts with the Board which require monthly expenditures provide for an ending date of May 31st.

The Board voted to ban parking in driveways parallel with the street and Glen Grossman was designated to formulate the precise language for the Rules and Regulations. I propose the following language to be included under the heading "Parking" in the Rules and Regulations: "Parking of vehicles in driveways is unsightly and discouraged. Parking parallel with Glen Lake Drive is forbidden. If a vehicle is parked in a driveway, it must be parked perpendicular to Glen Lake Drive and must not extend beyond the driveway."

The ARCHITECTURAL CONTROL COMMITTEE is required by article VI of the CC&R and its membership (three members of the Association) appointed by the Board pursuant to that article. Under article VI, any proposed structure or alteration to an exterior must be approved in writing as to "harmony of external design and location in relation to surrounding structures and topography" by the Committee. Otherwise, the proposed structure or alteration is unlawful. However, the Committee must act within 30 days after the proposal has been submitted or the proposal is deemed approved by operation of law. The Committee is not given the authority to approve or disapprove a proposed structure or alteration based upon any other factor (e.g., safety, cost, or conflict with some other governing provision). Nor is the Committee expressly given the authority to issue guidelines or criteria for determining "harmony of external design and location in relation to surrounding structures and topography." The absence of guidelines or criteria means that approval or disapproval literally depends upon the membership of the Committee and not upon any objective standard. The Board is thus vulnerable to claims of unfairness, arbitrariness, or worse. A Board cannot lawfully act in an arbitrary fashion. In order to protect the Association from liability, guidelines and criteria for the Architectural Control Committee must be developed. The Committee itself is perhaps best situated to develop guidelines and criteria. The Committee also needs written procedural rules, however informal, for running itself and its hearings. **THEREFORE**, I propose that the Architectural Control Committee be ordered to meet and report back to the Board with proposed guidelines/criteria for determining "harmony of external design and location in relation to surrounding structures and topography" and with proposed needs written procedural rules, however informal, for running itself (and its hearings if it chooses to hold hearings).