

FOREST HEIGHTS HOMEOWNERS ASSOCIATION, INC.

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## BOARD OF DIRECTORS MEETING MINUTES

Tuesday, November 10, 2009

Tualatin Valley Fire Station #60 (off Cornell Road)

### Attendance:

#### **Board Members:**

**Present:** Eric Butterfield, Jayne Calkins, Pam Cavagnaro, Sherrill Corbett, Michael Fletcher, Stuart Roberts (arrived at 6:00 pm) and Joseph Schutz (arrived at 6:07 pm)

**Absent:** None

**Association Counsel:** Stuart Cohen

**Association Management Present:** Stephen Herr, General Manager

Molly McManus Oliver, Compliance Coordinator

**Committee Chairs:** Patrick Brown, FHHOA ARC Chair; Don Bielen, FHHOA Budget and Finance Committee Chair; Mary Shuhert, FHHOA Budget and Finance Committee Member

**Owners:** Sharon Brenner, Steve Brenner, Lilya Crystal, Alyson Dueringer, Ann Esvelt, Terry Esvelt, Michelle Huggins, Feng Liang, Dan Peterson, Julie Peterson, Doug Sallman, Mike Weedall, Susan Weedall, John Wyttenberg and Victoria Wyttenberg

**Guests:** Dominic Colletta

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## CALL TO ORDER

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The Forest Heights Homeowners Association Board of Directors (FHHOA, Board, Association) hearing to be followed by Board meeting, was called to order at 5:32 pm by President Fletcher.

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### ARC Appeal Hearing – Vacant Lot Status Estates 5, Lot 279

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Angela Biever, owner of lot ES5279 (Lot 279), had made application to the FHHOA Architectural Review Committee (ARC) to revert her landscaped lot back to vacant lot status. The ARC approved this application subject to Ms. Biever removing all improvements installed by her and planting the lot with native grass for erosion control. The ARC decision was appealed by neighbor Steve Brenner.

Appellant Brenner noted documentation from geologist Dr. Scott Burns indicating that trees and bushes should be retained on the lot as they serve as water removal pumps and add to slope stability. Dr. Burns stated "it is highly recommended that landscaping should NOT be removed from Lot 279." Mr. Brenner also commented that the ARC decision may reduce safety and put other homeowners at risk and is not in keeping with Forest Height's Mission Statement of "...providing a safe and secure living environment." Mr. Brenner also stated that the ARC decision set a problematic precedent. He also reported that he had been watering, mowing and caring for lot 279 responsibly

and hoped to continue to do so. Finally, Mr. Brenner pointed out that there is no process in place to notify nearby and possibly impacted lot owners of ARC decisions in response to homeowner applications.

Doug Sallman, who lives down-slope next to Ms. Biever's lot, stated his concerns about erosion and landslide potential should the lot be cleared of landscaping. He also commented that vacant lots tend to gather trash and pet waste. He believes there is little precedent for the ARC decision. He concluded by saying removal of landscaping was inconsistent with the neighborhood and would negatively impact property values.

Neighbor Alyson Dueringer concurred with the concerns raised by Mr. Brenner and Mr. Sallman.

Attorney Dominic Colletta represented applicant/respondent Angela Biever, as Ms. Biever resides in Florida. Mr. Colletta explained Ms. Biever had owned both lot 279 and lot 280. Mr. and Mrs. Brenner purchased lot 280 from her in January 2009. Ms. Biever had landscaped lot 279 as an extension of the home on lot 280 where the Brenners now live. Mr. and Mrs. Brenner had entered into a contract to purchase lot 279, but that contract has now been terminated. Mr. Colletta stated Ms. Biever is now responsible for and incurs liabilities for lot 279. There is no separate water source on lot 279. The cost for installing water to the lot is prohibitive, and has not been required of any other vacant lot owner. Ms. Biever would be willing to re-grade the lot to its original grading when platted and would retain the rock wall on the property.

Patrick Brown, ARC Chair, explained that the lot is currently improved. To make it an unimproved lot, the ARC believed all plantings should be removed. The ARC did not discuss removal of the rock retaining wall and sidewalk.

President Fletcher asked if there were any plantings on the lot that Ms. Biever would consider not removing if they didn't need watering. He noted specifically the mature trees around the perimeter of the lot. Mr. Colletta indicated he would need to check with Ms. Biever about the cost of maintaining these trees. President Fletcher suggested that the hearing be tabled for 60 days so that Mr. Colletta could discuss the issue of tree maintenance with Ms. Biever. During this time period, the landscape architect from the ARC would identify which trees/plantings could be maintained without watering. The lot markers noting the property line between the two lots should also be identified. Mr. Colletta requested that advance notice be given to Ms. Biever of people coming onto the lot. All parties were in agreement with pending the appeal until the January 2010 Board meeting.

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## OPEN FORUM

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Resident Susan Weedall revisited the issue of the Board creating a policy to review and approve private easements developed between residents and developers or other third parties. President Fletcher asked Ms. Weedall and interested neighbors to present the Board with a policy that the group would like to see implemented. This policy would then be vetted by Association counsel and management.

Michelle Huggins, FHHOA Parks and Recreation Committee Member, noted that Scottie Pippen's former home is back on the market for \$2.7 million. She would like the Board to consider the property for an Association clubhouse. She stated the home is a good value for the price and has many recreational amenities. She would like to bring this issue to a vote of the community. President Fletcher asked that this item come to the Board via the FHHOA Parks and Recreation Committee and that the committee should complete a financial/feasibility analysis.

Resident Julie Peterson stated that there needs to be better communication from the Board. She sighted the status of focus groups and the Association budget process as two examples of topics the Association members need better information from the Board about.

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## CONSENT AGENDA

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Approve Minutes of October 13, 2009 Board Meeting

Director Roberts noted a minor correction needed on page 4.

**Motion by Director Roberts to approve the minutes as corrected, second by Vice President Butterfield. Motion passed unanimously.**

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## MANAGEMENT REPORT

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Manager Herr presented his Management Report to the Board (see attached report).

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## DISCUSSION RELATING TO MANAGERS REPORT

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**Shuttle Ridership Guidelines:** Manager Herr recommended that the shuttle bus guidelines be placed on the consent agenda for the December Board meeting. Any comments should be routed to Manager Herr. Once approved, the guidelines would be posted on the bus and published in the Association newsletter. Director Cavagnaro suggested that a shuttle pass or identification would be the best solution; until then, overcrowding with non-resident student riders will continue. Manager Herr stated the current concerns on the shuttle are less about non-resident riders and more about behavior on the shuttle. The goal of the Guidelines is to promote safe and courteous riding conditions. Director Roberts asked how the guidelines were going to be enforced. The Board directed Manager Herr to investigate a shuttle pass system.

**Collections:** The collection task force reviewed the current A/R list and accounts in collections estimating the bad debt write off for 2009 at \$18,000. A bad debt budget expense for 2010 was established at \$30,000 in the proposed budget.

**Policy Resolution #19:** Board members received a draft of this policy regarding expenditures for non-FHHOA owned property. President Fletcher asked that comments be sent to him. This resolution will be placed on the consent agenda for December.

**Mill Pond - Otak:** Manager Herr recommends approval of Otak's proposal to assist with planning, engineering and surveying services related to Mill Pond maintenance. The cost of this proposal is estimated at \$9,737. Manager Herr asked for a dispensation on the requirement to obtain a second bid because of the history and background Otak has with the project, thus allowing the project to move forward. Director Cavagnaro asked for a more specific breakdown of costs. Director Schutz stated he was disturbed that in the past two years there had been previous decisions not to obtain second bids, and asked that the competitive bid policy resolution either be followed or changed. The Board directed Manager Herr to get a second bid before a decision is made.

**Focus Groups:** Manager Herr stated that Chair Butterfield of the FHHOA Parks and Recreation Committee would prepare a community survey. Based on the results of the survey, focus groups would be utilized to identify community priorities. Vice President Butterfield clarified that at the meeting with John Horvick from DHM Research it was concluded that a survey would be a better mechanism to gauge community interests. They learned that it is premature to form focus groups at this point.

**Landscape RFP:** Director Roberts asked Manager Herr for the status of the landscaping RFP. He stated the G2 Committee wants to know as they are willing to help. Manager Herr stated that his focus has been on tonight's budget presentation, and that his next order of business was to meet with G2 Chair Devidas Gupta about the RFP.

**Snow Preparedness Plan:** Manager Herr passed out a copy of the "Snow Preparedness Plan" directly before the meeting adjourned. Comments from Directors were solicited.

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## OLD BUSINESS

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**Board Code of Conduct:** Directors Calkins and Corbett edited the FHHOA Board Meeting Goals, Objectives and Code of Ethics and Conduct based on comments received at the October Board meeting.

**Motion by Director Corbett to approve the FHHOA Board Meeting Goals, Objectives and Code of Ethics and Conduct, second by Director Roberts. Motion passed unanimously.**

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## NEW BUSINESS

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**2010 Budget Presentation:** FHHOA Budget and Finance Committee Chair Don Bielen gave an overview of the budget. The budget as presented reflects fiscal responsibility and strength, with conservative income projections and aggressive expense projections. The committee prepared a zero-based budget; the largest variable was the common area reserve funds and the maintenance of Mill Pond. Once the budget was adjusted for earlier than expected expenses for Mill Pond, paid out of the common area reserve fund, there were no excess revenues and income equaled expenses. Chair Bielen also emphasized that the role of the committee was to look at the details of the line items, leaving policy making to the Board.

**Highlighted Items from the Budget:**

**Line 14 – Reserve Distribution – Common Area Assessment:** These funds, in the amount of \$90,000, address the monies required for the Mill Pond project that are being reallocated from the Common Area Assessment.

**Line 77 – Irrigation Repair –** Board wants clarification on money saved through irrigation upgrades; Manager Herr to alert Board if there are issues.

**Line 84 – Consultant Services –** Board requested removal of the proposed vendor's name from the comment section because the contract has not been awarded yet.

**Line 94 – Collection Fees –** Board suggested exploring using a collection agency versus a legal firm. Several directors requested a tally of legal fees recovered for the past five years.

**Line 97 – Bad Debt Expense –** Budgeted \$30,000. Based on task force review and current economic conditions.

**Schedule of Community Relations, Newsletter, Board and Committee Expenses, Line 21 –**  
Board decided to reduce the allocated amount for annual Board dinner by \$1000 to \$500.

**Motion by Director Cavagnaro to approve the 2010 budget as amended, second by Director Calkins. Motion passed unanimously.**

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## ADJOURNMENT

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The meeting was adjourned by President Michael Fletcher at 8:27 p.m.

Respectfully submitted,

[/Jayne Calkins/](#)

FHHOA Board of Director, Secretary

[/January 20, 2010/](#)

Date