

Landherr Estates Homeowners Association

2024 Annual Meeting

January 29, 2024, 6:30 pm, at Jeffersontown Senior Citizens Center

HOA BOARD MEMBERS PRESENT: Bob Rountree (President), Chuck Barnett (Vice President), Jim Nelson (Secretary), Matt Currin (Treasurer), Brian Allen (Landscaping Chairperson), Jeannie Miller (Welcome Committee Chairperson), Wes Elmore (Compliance Chairperson) absent due to illness.

HOMEOWNERS: 32 homeowners present

2023 ANNUAL MEETING MINUTES

The minutes were not read and were approved.

HOA BOARD MEMBERS INTRODUCED

Thanked Brian Allen for his 6 years of service on the board.

2023 FINANCIAL REPORT

All expenses for the year were presented and explained. We saved \$2,739.94 from the proposed budget for 2023, therefore the savings were placed into our savings account which has a balance of \$50,422.52. HOA's need a contingency fund for unplanned or uninsured expenses. The 2024 planned budget was presented.

Services provided by Jeffersontown were discussed:

- Waste and recycling from Rumpke
- Police Department
- Street Light program
- Snow and ice removal
- Street and sidewalk maintenance
- Stormwater drainage improvements
 - Fred Fischer, Jeffersontown's city attorney, is still working on eliminating the MSD stormwater drainage charge from our water bills.

ANNUAL REPORT

Board Meetings

- There were 10 board meetings conducted in 2024 including the annual meeting in January 2023 (no meetings in February, June and November).
- Meeting occurred each month via Zoom and / Google Meet
- Any homeowner can request to attend a board meeting to discuss an issue.

Welcome Committee

- Welcomed three new homeowners to Landherr Estates:
 - Mohammed and Assia Biadi - 4003 Landherr Drive
 - Cody and Kiersten McFarland - 4010 Rivulet Lane
 - Sean and Heather Post - 4010 Landherr Drive

Deed Restrictions and Bylaws Compliance Activity

- Home improvement approval requests
 - Deck -1 1919 Landherr Drive
- Compliance Letters issued to homeowners (5)
- Trailers parked on driveways
- Landscaping / Mailbox issues
- Signs in yards

Landscaping Contract

- Grass cutting and weed control in common areas
- Mulching medians
- Tree and bush trimming
- Leaf removal
- Additional landscaping in common areas
- Jeffersontown Public Works mowed the Blankenbaker Parkway medians in 2023.

Communications

- Welcome packet with deed restrictions and bylaws are provided to new homeowners.
- Neighborhood web site (www.landherrestates.com) - planning an upgrade in first quarter of 2024
- Facebook private group page - "Landherr Estates"
- Email communication.

Neighborhood Participation Needed

- We have a low level of community involvement as evidenced by very few board member election ballots mailed in.
- Fantasy football league
- Yard Sale
- Event planning
- Board committees
- Volunteerism
- Social Events

2023 Board Accomplishments

- Worked on bylaws and deed restrictions and policies with legal counsel to create a draft revision for homeowner approval.
- Began planning for LEHA web site future enhancements.
- Worked with Rambling Creek subdivision on the 23-zone-0004 rezoning request for 11311 Taylorsville Road.

Rambling Creek Rezoning Application

- Original request was a zoning change from R4 to R7 to accommodate 76 housing units (34 dwellings per acre) in nine 3-4 story buildings.
- The request has been changed to a R5A rezoning request to allow for 12 dwellings per acre.
- The plan was changed from 9 buildings with 76 apartment units (3-4 stories) to 9 buildings with 40 units townhome units (2 stories).
- R5A allows a max height of 35 feet versus 45 feet for R7.

2024 Goals

- Get approval by homeowners for revised bylaws and deed restrictions along with revision of policies.
- Implement new bylaws and deed restrictions.
- Complete LEHA website future enhancements.
- Repair cracks and stone in the North Entrance median monument.
- Work with Woods at Landherr on their HOA implementation. At this time, we are not planning to annex the Woods into our HOA.
- Work with Rambling Creek on their rezoning case.

Proposed Changes to LEHA Bylaws and Deed Restrictions

These two documents are over 20 years old and are outdated. Since Landherr Estates is fully developed, we need to remove the contractor and developer language. The purpose of the bylaws is define how our HOA functions. It needs to address modern HOA issues and concerns. The Kentucky legislature passed KY SB120 Planned Community Act which will be used to govern HOA's.

Purpose of Deed Restrictions (Articles of Incorporation)

- Developer filed the Article of Incorporation of the Landherr Estates Homeowners Assoc, Inc.
- Every homeowner must be a member of the Association and abide by its bylaws, rules and regulations.
- Purpose of the Association is to serve the common good and general welfare of its members and define:
 - Lots subject to the deed restrictions
 - Primary use restrictions of lots
 - Homeowner's responsibilities to maintain their lots
 - Architectural guidelines for homes
 - Operation, maintenance, and repair of common areas

- The collection, enforcement and use of assessments

Proposed Changes to Deed Restrictions

- Consolidation of Declaration filings to one page
- Removed developer language and restrictions such as membership classes.
- 75% homeowner approval vote to modify deed restrictions (unchanged from current document)
- Detached garages will be allowed if the building materials match the home - up to 4 vehicles allowed in garage (using racks)
- Lots cannot be used for: boarding houses, lodging houses, fraternities or sororities, clubs, hotels, home for social rehab, nursing homes, residences for aged or infirm, residency for the criminal justice system, group homes, etc.
- Incorporate Jeffersontown ordinances into the deed restrictions such as nuisances.
- Better define vehicle and structure use on lots
- Outbuildings or storage facility can be attached permanently to the main residence with Board approval if made of same exterior material as the main residence.
- Detached garage shall be permitted with Board approval if made of same exterior material as the main residence.
- Enhance guidelines for pet ownership.
- Addition of Solar Heating and other Alternative Energy Resource System guidelines
- Enhance visual restriction guidelines to address: generators, oil, and gas tanks, tennis and pickleball courts, exterior playground equipment, recreational structures such as gazebos and pergolas trampolines and basketball goals
- Better define restriction for Obligation to Construct or Reconvey (normal repairs and repair/rebuild)
- Removal of tree requirement
- Garage and yard sales need Board approval.
- No short-term rentals in accordance with the Jeffersontown ordinance
- Lot owner must replace all damaged or improperly removed landscape bushes.
- Lot owner must maintain in good condition their driveway.
- Vehicles cannot block sidewalks.
- Change to the dues collection process and implementation of late fees.
- Annual dues assessments process:
 - Only 1 invoice issued instead of 2 (no late invoice on March 1st)
 - On March 1 (after 60 days), a late charge of \$50 will be assessed to each homeowner each month.
 - After 90 days, the late homeowner will be turned over to legal counsel for collection and possible lien on the property.
- Special assessments require a simple majority approval vote of homeowners.
- Institute a monetary fine policy for deed restriction violations.
- Deed restriction violation fine process:
 - Homeowner will be issued a violation letter outlining the violation.
 - Homeowner will be given 14 days to correct the violation.

- After 14 days, the homeowner will meet with the Board prior to the \$25 per day fines initially being issued.
- Once the account reaches \$500, the account will be handed over to legal counsel for collection and to seek other remedies available to enforce the restrictions of the Association (such as a lien)
- If the violation occurs again the Board reserves the right to fine the homeowner without the benefit of a warning letter and board hearing.
- The Board will determine the fine amount on an annual basis. The board will have the authority to increase the fine amount annually up to 10% without homeowner approval vote.

Purpose of Bylaws

- Bylaws govern how our HOA will operate.
- Outlines the purpose of the HOA.
- Defines operational procedures of the HOA.
- Defines the HOA Board of Director positions and functions.
- Defines operational power of the HOA.

Why the Need for Changes

- Bylaws and deed restrictions are over 20 years old.
- Culture has changed significantly in the last 20 years.
- Development constructions is complete - need to remove items pertaining to developer and construction.
- Need to address modern HOA issues and concerns.
- Improve process to hold homeowners accountable for deed restriction violations.
- Must adhere to KY SB120 Planned Community Act governing HOA's in KU
 - Legislation created a new section of KRS Chapter 381
 - Signed into law on March 23, 2023
 - Created guidelines for newly formed HOA's
 - Guidelines do not apply to existing HOA's
 - Board reviewed legislation and incorporated parts of the legislation into our bylaws and deed restrictions

We reviewed and researched local neighborhood bylaws and deed restrictions from:

- Monticello Place
- Lake Forest
- Woodmont
- Shakes Run
- Douglas Hills
- Springhurst
- Copperfield
- Foxboro
- Hunting Creek
- Bridges of Razor Creek

Proposed Bylaw Changes

- Removed developer language and references.
- Removed two classes of membership in the HOA - Class A and B
- Meeting notifications were changed from mail only to mail and electronically (email and social media)
- Voting changed from just paper to paper and electronic ballot.
- Changed nomination of board director election candidates from committee to selection by Board of Directors
- Voting changed from just homeowner to voting by homeowner, partnership member, corporation or trust, and fiduciaries.
- Quorum for Annual Meeting changed from 1/3 of members to 10% of members.
- Better defined Annual Meeting procedures
- Removed Electoral Districts in the development along with role of developer in Board of Directors election process.
- More clearly defines the duties and powers of the Board of Directors
- More clearly defines the process of hiring a Managing Agent to perform the duties for the HOA such as accountant, attorney, landscaper, vendor. etc.
- Increased expenditure limit authority of the board to up to 50% from 5% of the total budgeted gross expenses (\$1,086 at current budget level) before a homeowner approval vote required.
- Removed special assessment limit of 5% of the budgeted gross expenses of the HOA (\$1,086 at current level)
- Board can borrow up to 50% of the total budgeted gross expenses to repair or restore Common Areas
- Board can borrow money to modify, improve or add amenities with homeowner approval vote
- Bylaws can be amended by simple majority vote of the homeowners (same as current bylaws)

Discussion and input on proposed changes was held.

Election Results

Bob Rountree, Matt Currin, Jim Nelson, and Wes Bain were elected to the board.