

9-22-2018 MMS HOA Approved Special Board Meeting Minutes

Board Members Present: Tom Condon, Molly Rothman, Gail Johnson

Board Members Absent: Charles Stolar

Board Members Recused: Diane Keep

Architectural Committee Members Present: Cathy Moseley, Jonathan Mills, Doug Keep, Sandra Austin, and Patricia Feingold

Guests: Andrea Goodman, Donald Goodman, Jackson Goodman, Ted Johnson, John Myers, Rachel Wheeler (Myers) and Chris Tacelli

1. **Call to order:** Tom Condon called the meeting to order at 8:05am. Tom explained the protocol for the meeting; total time for the Open Forum was 15 minutes and maximum amount of time allocated to each speaker was 3 minutes because 5 guests asked to speak.
2. **Open Forum:** Andrea Goodman, Doug Keep, Diane Keep, Patricia Feingold, Sandra Austin, and John Myers spoke in the following order:
 - a. Andrea Goodman: Stated that the Goodman's contacted all affected homeowners to work out the road-widening requirement; obtained MMS Architectural Committee approval for their home remodel; obtained a Santa Barbara County Local Development Permit (LDP) and Santa Barbara County Fire Department (FD) approval of their road widening plans. Desire to start their house-building project without further delay.
 - b. Doug Keep: Concurred with Andrea that they met with the neighbors in Feb. 2018 and that a road-widening plan was accepted at that meeting. A neighbor withdrew support after the meeting. Raised other issues including the "centerline precedent" for MMS Roads and concern about drainage. Submitted the following documents:
 - i. Road-widening plan discussed at the Feb. 2018 meeting with affected neighbors, "Austin Road East Road Widening Important Questions for the More Mesa Shores Board of Directors", and 1986 Via Valverde West Road Construction Project plan.
 - c. Diane Keep: Stated that the Goodman's road-widening plan impacted the Keeps property by 70% of the total increase.
 - d. Patricia Feingold: Stated her support for the hard work of the Architectural Committee in developing the draft MMS Road Widening Guideline and for the Board's processes. Requested expeditious resolution to the issues.
 - e. Sandra Austin: Cited Association's attorney memo, where it stated the proposed road expansion must be in the easement; conditions had been met by the Goodmans; encouraged the Board to move this project along.
 - f. John Myers: Stated that impact of road widening needed to be equitable. Confirmed the results of the neighborhood meeting held in Feb. 2018; raised issue of Board transparency, referencing Aug. 16, 2018 letter sent by the Board to the Goodmans and a letter sent by the Goodmans to Charlie Stolar on Sept. 4, 2018; stated that the safety buffer requirement was new requirement.

Donald Goodman handed the Board a letter from Ashley & Vance Engineering, Inc., of Santa Barbara that concluded "...the widening maintains the location of the existing flowline along the south side of Austin Road so that storm water will continue to flow to the existing area drain on the south side of the intersection with Orchid Drive. "

3. Goodman Road Improvement Plan

Molly Rothman referred to the Aug. 16, 2018 Road Widening and Construction Letter sent by the Board to the Goodmans. She affirmed that safety concerns were met by the Goodman's road widening plan. Stated the proposed road met Fire Department's 24' width requirement, included a 3' safety buffer on both sides of the road as requested by a neighbor, and the road was within the right of way/easement.

Gail Johnson concurred with Molly. Pointed out that safety concerns with the southeast end of the widened road could be mitigated with use of reflectors and other visual aids. Asked for proof of Fire Department approval. Donald Goodman pointed to the Fire Department stamp on the physical plans. She also stated the requirement for a signed road-widening agreement between the Association and the Goodmans before the project commenced. Read email from Charles Stolar, who because of his absence, was unable to vote on the plan's approval.

Tom Condon commented that the Associations attorney, Steve Wiley, stated in writing that the Goodmans have the right to widen the road and referenced Page 2 Paragraph 4 from the 4-17-2018 memo he sent to Diane Keep that stated, "...there is no particular reason why the More Mesa Shores HOA could not or should not agree to cooperate with Mr. Goodman in order to allow him to use his contractor to construct the Austin Road upgrades, provided he is willing to enter into a simple written agreement with the HOA which agreement contains the appropriate legal assurances needed in this context to protect the interests of the MMS HOA. ...". Tom also referenced Page 3 Paragraph 3 of that memo.

Tom stated that the Board doesn't mediate fairness and discussed Board transparency; Board has made a concerted attempt to be transparent and will continue to work on it. Gail noted that all Board agendas were sent to 6 Association Members including Mr. Myers 4 days in advance of all open Board meeting; Approved Board Meeting Minutes also distributed to those same 6 Members within 2 days of approval. Board Meeting Minutes posted on the MMS website within 1 day of approval.

Action Items:

- Tom called for a vote of the Board Members present; approval of Goodman's Road Widening plans passed unanimously.
- Must have written agreement signed by Donald & Andrea Goodman and a member of the Board that, among other things, indemnifies the HOA, before the project commences.

Meeting was adjourned at 8:35am.

Minutes submitted by G. Johnson

11/15/18