

SILVERHEELS NEW AMENDED COVENANTS COMMITTEE (SNACC)

Minutes of 02/16/22 Meeting

(7:00 PM via Zoom)

Approved at 03/03/22 Meeting

1. Attendance

Members Present: Rich Bainbridge, Tony Boccio, Luis Canales, Ann Erdle, Natalie Gorak, Lesley & Ed Hall, Gail & Steve Kloppel, Mary Manka, Lane Mathison, Maria Mitchell, Mike Peterson, Tyler & Kylie Pontius, Charlie Schultz, Maria Smaldone, Jeffrey Togie

Members Absent: Susan Barden, Lillian Wissel, both with previous notice; Zach Loos

Moderator Present: JB Burghardt

Observer: Laura Biewick

Quorum: With 17 voting Members present, a quorum was confirmed.

Member Resignation: Art Recek notified SNACC Members by email shortly before the meeting that he has resigned from the Committee.

2. Minutes

The Minutes of the 02/03/22 meeting previously provided to the Members were approved with no changes.

3. Continue Section-by-Section Review of Proposed Modifications to Article 2, using draft v5, starting with Section 2.3

Section 2.3 Dwelling Units

The first order of business for this Section was to define the term “Dwelling Unit”. Several definitions of “Dwelling Unit” were included with the v5 materials JB provided to the Committee in advance of the meeting, including one prepared by Charlie Schultz which incorporated much of the definition used by Park County. Each was discussed, along with related questions and issues. After discussion, a motion was made, seconded, and unanimously approved to adopt the definition proposed by Charlie.

Discussion continued regarding the content of the Section itself. The need for the sentence “All Dwelling Units shall comply with the requirements of the Colorado Residential Building Conservation Act. Of 1977...” (which came from the original 1979 Covenants) was discussed, with a majority concluding that it would be a helpful reminder to retain, but that enforcement would be up to the County or the State, not to SROA. After further discussion, a motion was made and seconded to approve Section 2.3 as written in v5. The motion passed by majority vote.

In the course of this discussion, it also was agreed to insert (where appropriate within Article 2) a new provision substantially adopting the language from the original 1979 Covenants, Section 3, first sentence: “A building permit must be obtained from Park County, prior to

construction of any structure.” JB will attempt to place this provision in an appropriate location in the next version (v6) for review at the next meeting.

Section 2.4 Driveways and Culverts; Flagpole Driveways

JB explained that this Section combined two related topics that were separated in prior versions of the Covenants, with minimal wording changes. Charlie Schultz explained that the only change from the original 1979 Covenants was the addition of clarifying language that parties on flagpole lots are equally responsible for their maintenance. There was no further discussion, and a motion was made and seconded to approve Section 2.4 as written. The motion passed unanimously.

Section 2.5 Sewage Disposal Systems

A motion was made and seconded to approve Section 2.5 as written. There was no discussion and the motion passed unanimously.

Section 2.6 Architectural Advisory and Review Committee - Purpose

Prior to the meeting, Members Lesley Hall and Steve & Gail Kloppel had emailed all other Members their separate suggestions for the appropriate name of the (current) Architectural Control Committee and their views regarding its purpose and function. The Committee members agreed with Steve’s suggestion that, before anything else, we should discuss and vote on whether our Association should continue to have an architectural committee (whatever its name might be) at all. Steve expressed his belief that the strength and value of the Covenants is directly related to the existence and proper functioning of the architectural committee. The committee can help all owners (whether building new structures or making changes to existing structures) understand what they need to do to be in compliance with the Covenants. Both he and Gail expressed their view that having an architectural committee has served us well for over 40 years and should be maintained. Lesley explained that other members of the community do not believe we need an architectural committee at all; however, she stated that if we are to have one, her first option would be for the committee to have only an advisory function, without the power to review or approve anything. The architectural committee could gather information from Park County to disseminate to new owners about how to comply with County requirements. This would remove the burden and problems sometimes associated with neighbors telling neighbors what they can and cannot do. Instead, the entire burden of review and approval would fall on the County. Leslie’s second option would be for the committee to have only limited authority: over color, elevation, and dimensions of structures.

Many Members then provided their personal viewpoints on this issue, revealing a significant variety of opinions. In general summary:

- A number of Members noted that all of us bought lots in Silverheels rather than someplace else for a reason: this is a unique and beautiful community where care went into creating a special environment unlike most other subdivisions in the County (or even other parts of Colorado). What makes this community unique is how it was laid out to begin with, and how the Covenants took our community beyond what the County

alone otherwise would require. The historic role of the ACC has been to apply its understanding of the Covenants in reviewing and approving or disapproving architectural proposals from Owners. Thus, they argued, we need an architectural committee of some kind.

- While few Members disputed this position, there was a considerable disparity of views as to *what level* of review and authority is appropriate for an architectural committee. Some members expressed support for the view that the committee should be advisory only; others expressed that the review function is critical to maintaining the standards that have generally guided building in Silverheels for decades. A number of Members stressed their belief that the current ACC's Guidelines have gone too far, and they questioned the authority of the ACC to have issued the Guidelines in the first place. Some also felt that the ACC was trying to substitute its own taste as to details of architectural design rather than limiting itself to the general points set forth in our existing Covenants. Both members of the current ACC who serve on this Committee disputed this and stressed that the ACC's only objective in promulgating the Guidelines was to help Owners understand what historically has guided ACCs in the past, without having been put into writing before; personal taste and opinion played no part in what they drafted.
- Consistency from one architectural committee membership to the next was another issue discussed. If one architectural committee has approved an Owner's application, is that decision binding on future committees who may feel that the prior committee was too lax?
- JB pointed out that all of these issues, and others, must and will be addressed in due order if we first decide that there will continue to be an architectural committee; but the issue before us right now is whether we have one at all.

Ultimately, a motion was made and seconded to vote on the following question: Should the SROA continue to have an architectural committee (with a name and authority yet to be determined)? A majority voted in favor of retaining an architectural committee.

With the existence of the architectural committee approved, discussion proceeded on what its name should be. In general summary:

- Several Members expressed that the name should reflect, at least to some degree, the primary purpose of the committee.
- The major issue was whether the committee should have primarily (or even exclusively) an advisory function, or whether it should have primarily a review function with the opportunity to provide advice in advance of review. Many Members spoke in favor of their respective views on this question.
- It was noted that the review function currently contemplated in the draft we are working under (although this could be modified when we get to upcoming Sections) would not empower the architectural committee to go beyond review and approval or disapproval of an application; all matters of enforcement of its decisions would be the province of the Board.

After further discussion, a motion was made and seconded to call the architectural committee the “Architectural Review Committee” (ARC). After further discussion, the motion passed by majority vote. The “purpose” portion of Section 2.6 will be the first topic at our next meeting.

4. New Business

Because of Art Recek’s resignation, the question of maintaining the quorum number of 17 lots was raised. At the inception of this Committee, we agreed that a quorum should be 80% of the lots represented on the Committee. With Art’s resignation the Committee now has 20 lots represented, which results in a quorum requirement of 16 lots. The question then was raised as to whether additional Members should be solicited. It was noted that in order to join the Committee, an SROA member would need to commit to “catch up” by reviewing all prior Minutes and materials, and hopefully listening to all Zoom replays of our prior meetings, so that they can hit the ground running and not necessitate a further review of decisions already made. No new names for potential members were mentioned, but it was agreed that we would wait until the next meeting to see if anyone else expresses interest in joining the Committee on this basis.

Gail and Steve commended Kylie on the great job she did with the reworked newsletter and the new website. All agreed that she has done a wonderful job on both.

It was noted that the current ACC Guidelines can be found on the new website.

5. Next Meeting

Because of political party caucuses taking place on Wednesday, March 2, the next SNACC meeting will be held instead on Thursday, March 3, at 7:00 PM via Zoom.

6. Adjournment

The meeting was adjourned at 9:01 PM.