



Kissing Camels Property Owners Association, Inc.

**COVENANT COMMITTEE SPECIAL HEARING
February 23, 2022**

Minutes

Call to Order – The Covenant Committee Hearing was called to order at 1:30 PM in person and via Zoom by Chairman Ken Rodrigues.

Establish Quorum – Quorum was established.

Member	Ken Rodrigues	Present
Member	Dave Parrish	Present
Member	Jason Akovenko	Present
Board Liaison	Marie Parkinson	Present

Diane Hampson, KCPOA Community Manager, and Teresa Lamothe, Assistant Manager represented RowCal

Introduction of Guests

Rebecca Taraborelli, owner of 3750 Cumulus View
Luke Travins, VP of Executive Board and Security Committee Chair
Brad Harvey, CALM Committee Chair

Ken Rodrigues presented an overview of the Hearing process:

1. Determine Violation
2. Discussion
3. Owner input
4. Executive Session
5. Publish decision in open session
6. Send Letter of Determination to 3750 Cumulus View

Determine Violation

1. Diane Hampson recapped the sequence of events:
 - a. The treehouse was discovered in the Summer of 2021 by a resident hiking the Nature Trail
 - b. In November 2021, Tall Timbers provided a proposal to remove the tree and treehouse.
 - i. Treehouse was built in a way that would impede simply removing treehouse
 - ii. Tree was dead/dying; best to remove entire tree and structure
 - iii. Total cost to remove tree, treehouse, and haul off all debris - \$3800

- c. Security Committee member Del Wedge posted a notice about treehouse being removed. No response received
- d. Security had to cut locks off of treehouse, discovered pictures of minors, determined where one of the minors lived (3750 Cumulus View)
- e. Treehouse removed at the end of November
- f. Management sent reimbursement request and invoice to 3750 Cumulus View

Discussion

- 1. Ken asked Luke Travins if a notice was posted. Luke confirmed Del Wedge posted the notice about treehouse being removed.
- 2. Diane confirmed there was excess debris around the treehouse – a tire swing, ladder slats nailed into the tree, fencing around the treehouse.

Owner Input:

- 1. Ken allowed owner Taraborelli to speak about issue: Taraborelli commented:
 - a. Only conversation was with the Security officers to confirm the minor in the photo was owner’s son
 - b. There were others involved in erecting the treehouse. Owner did not reveal names of additional responsible parties
 - c. Did not understand why owners were singled out
 - d. Did not understand why “removing a dead tree” was so expensive. Diane explained it was not just the tree, but debris haul off, and because of the location of the treehouse, it required more manual labor to haul debris away, which also included use of a dumpster.
- 2. Dave Parrish commented that although other owners were involved, all owners have “joint and several liability” for the cost; However, if Taraborelli would not implicate the other owners involved, the cost was assessed to 3750 Cumulus View
- 3. Luke thanked the owners for attending the hearing and willingness to resolve the issue.

Executive Session

- 1. The Committee adjourned to Executive Session at 2:32 pm. The Committee reconvened in Open Meeting at 2:50 pm

Decision

- 1. **A motion was made and seconded to assess the owners of 3750 Cumulus View \$3800 to reimburse KCPOA the cost of removing the tree, treehouse, and any other materials related to removal of the treehouse in the Common Area (Rodrigues/Parkinson). Motion carried.** The basis for the decision is found in KCPOA Use, Maintenance, and Living Environment Standard, 2.8 and Amended and Restated Declaration of Covenants, Conditions, Restrictions, and Reservations Section 4.12, which state, respectively:
 - i. 2.8 Swing Sets, Playhouses, Play Areas, etc.: No recreational structure, playhouse, swing set, jungle gym, slide or other similar apparatus shall be constructed or placed upon any Lot unless it is approved by the Board prior to construction and/or installation, and unless it is constructed and/or installed to minimize visual impact in compliance with guidelines published by the Board.

- ii. Section 4.12 Easement for Enforcement. In addition to all rights and remedies of the Association pursuant to the Governing Documents, the Executive Board and its duly authorized agents shall have an easement over, upon and across each Unit and all Local Common Areas for the purposes of curing any violation of the Governing Documents occurring within a Unit or the Local Common Area including the removal of any Improvement placed or erected in violation of Article 9 below. The right of entry set forth in this Section may be without prior notice to ascertain the nature or confirm the existence of such violation; provided, however, prior to removing or causing to be removed any real or personal property from any Unit or Local Common Area, the Association shall first provide notice of its intentions and an opportunity for such Owner or representative on behalf of a Local Common Area, to be heard.

Adjournment- With no further business to discuss, the meeting was adjourned at 3:25 PM.