

2008 Annual Meeting of Residents, Inc.

June 26, 2008 at 7PM

St. Raphael Episcopal Church
AGENDA

- Meeting Called to Order
- Acknowledgement of Residents Lost / Welcome to New Residents

- Report by Secretary (Carin Lovell)
 - Read and Approve Minutes of 2007 Annual Meeting
 - Directory Update – Information needed from Dues Notice Reply
- Financial Report by Treasurer (Linda Birk)
 - Current Condition, 2007 Fund Receipts and 2007 Expenditures
 - 2008 Budget and Dues Increase Necessary for 2008
- Report on Activities and Actions for the Past Year by Members of the Board
 - General Statement on 2007 Efforts and Progress (**Bill Taylor**)
 - Street & Entrance Lights (**Mike Hart**)
 - Entrance Light Problems – New Colony Sharing
 - Street Light Repairs / Plans to Replace – Move Lights
 - Possible Use of City Grant Match Programs for Funding
 - Landscaping & Neighborhood Appearance (**Jock Shaw**)
 - Year Round Maintenance of Four New Areas + Entrance
 - Versailles Corridor efforts toward World Equestrian Games
 - City Regulations & Services – (**Ellen Tunnell**)
 - City Services versus Private Contractors
 - City Monitoring for Code & Permit Compliance
 - Annual Picnic & Interest in Collective Yard Sale (**Dana Maloney**)
- Election of Coming Year's Board of Directors
 - Call for Members Interested in Serving
 - Presentation of Proposed Directors/Officers Slate
 - Floor Nominations & Vote
- New Business Items
 - Discussion of Survey delivered with Notice of Annual Meeting
 - Other New Business
- Adjourn

June 17, 2008

Board Meeting (Residents, Inc.)

Meeting called to order at 6pm at Jock and Liz Shaw's home. Present were Bill Taylor, Mike Hart, Jock Shaw, Carin Lovell, Ellen Tunnell and Linda Birk.

The minutes were read by Ellen Tunnell. A few minor changes were made, then approved with changes.

Carin has sent out the meeting notice yesterday with the letter from Bill about the proposed CC&R's for the association.

The purpose of this board meeting was to determine strategy for presenting the survey for implementing CC&R's and to determine agenda for the Annual Meeting on June 26.

The agenda discussed as is follows:

- Have available with the sign in sheet, agendas and extra copies of the survey.
- Read minutes from previous Annual Meeting
- Recognize new residents and those who have passed on.
- Treasurer's Report (and have copies available). Recognize that the New Colony has pitched in for apx. half of the entrance lights' lighting bill.
- Review Past Activities
 - Lighting efforts (Mike)
 - Landscaping (Jock)
 - Picnic (Dana - thank Shaws)
 - Compliance Efforts (Ellen)
- New Business
 - Meeting on July 10 with Neighborhood Watch officer and LFUCG Urban Co. Forester to discuss maintaining and preserving our trees.
 - City Services (Ellen - see attached info)
 - Yard Sale (Dana)
 - Directory (Carin)
 - Picnic (Dana, and ask for volunteer to host this year)
 - Grant for Versailles Road Corridor (Jock)
 - Election of Officers
 - Survey for CC&R's (Bill)

Residents have asked the board to protect our neighborhood's integrity, based on homeowner's complaints regarding problems the past few years, and the changing nature of the neighborhood as a whole with many homes being sold. So the basis for the solution to the homeowner's requests is the implementation of CC&Rs.

- set meeting to discuss further if needed
- discuss treasurer's report and need to increase dues with projections.
- because of the New Colony CC&R's, we have a good situation to base our minor requirements
- Deeds of restriction in this day and age would add value to their property - it would assure new potential residents that the character of the neighborhood would not be compromised - especially given the climate of what is happening around us
- dues: increase dues to \$125 to meet projected budget, there are 52 households paying (68%).

after picnic send past dues with names

Meeting was adjourned at 8:30pm.

Respectfully, Carin Lovell, Secretary

Residents, Inc
Treasurer's Report

JUN 1, 2007 – JUN 26, 2008

Assets \$1522.95 as of JUN 26, 2008

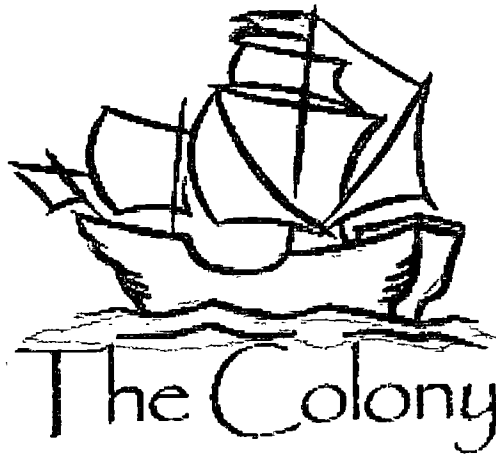
Total receipts \$1890 [\$30 X 51 res + \$100 X 1 res + \$260 (*New Colony)]

Total expenditures

	2007	2008 projected
KU		
Entrance \$38/mo	\$ 456	\$ 240 (*½)
Street lights \$46/mo	\$ 552	\$ 600
Board insurance	\$ 562	\$ 560
Maintenance common green spaces	\$1686	\$2,500
Picnic	\$ 94	\$ 100
Misc		
Duplication	\$ 69	\$ 70
Deliveries	\$ 45	\$ 50
P.O. Box + 2 nd key	\$ 75	\$ 75
KST/filing fee	\$ 04	\$ 04
Copies & postage 05-06	\$ 199	NA
Electrical srvs	\$ 29	\$ 50
Move light poles	NA	\$1500
Contingency	NA	\$1000
	\$3771	\$6749

Linda Birk

JUN 26, 2008



2008 Annual Meeting of Residents, Inc.

Board Slate for 2009 Directors and Officers

- President & Director Bill Taylor 1236 Standish Way
- Vice President & Director Mike Hart 1268 Colonial Drive
- Treasurer & Director Linda Birk 1240 Standish Way
- Secretary & Director Ellen Tunnell 1272 Colonial Drive
- At Large Director Carin Lovell 1280 Colonial Drive
- At Large Director Jock Shaw 4025 Mayflower Lane
- At Large Director Dana Maloney 1253 Standish Way

Meeting of Residents, Inc. Board of Directors
November 16, 2008 @ 4PM Home of Linda Birk

Agenda

- **Bill Taylor**
 - Call Meeting to Order
 - Minutes of Last Meeting?
 - Mention Success of Picnic
 - Reminder of Neighborhood Watch Meeting and Follow-through?? (See copies of emails Below)
 - Mention Email Reports on Meeting in Mayor's Office and ND1 Option (See Below)
- **Linda Birk**
 - Update on Dues Compliance, Expenditures versus Budget (effects of energy saving bulbs used in entrance lights), Current Bank Balance.
 - Projected Balance going into next Annual Meeting in May?
- **Mike Hart**
 - **Lighting Agenda Action Items at Beginning of Year** – recommendations for use of two idle lamps at entrance. Repair or replace damaged light in front Lawrence House. Repairs to other street lights. Update.
 - **Report and Plans going forward until Next Annual Meeting**
 - Discussion of Energy Saving, Self Ballasted Bulb Use in Street Lights?
 - Placement of a new light at rear of Colony
- **Jock Shaw**
 - Update on Landscaping (cost and satisfaction) of Common Areas
 - Update on 2010 Versailles Road Project
 - Mention of Friction with New Colony Neighbor? Resolution?
- **Ellen Tunnell**
 - Report from recent Neighborhood Assoc. Meeting?
 - Webster/Voisnet Wall Completion and Rental Unit Maintenance Activity?
- **Bill Taylor**
 - Discussion of ND1 Option instead of pursuit of CC&Rs for Colony.
 - Comments to recent Emails
 - Comments from Prof. Carpenter on preserving character of Colony.
- **Any Other Business**
- **Ajourn**

In an August 8 email to Fellow BOD members, WHT wrote:

Here are my thoughts on best approach to follow through on recent neighborhood watch briefing.

- Divide Colony up into 4 to 6 areas with one or more houses having wider views of neighbors in the area.
- Choose among these "wider view" homes ones where the residents are more often at home, spend time outside and/or are walkers.
- Designate 4 to 6 "area watchers" who will agree to speak directly with homes in their area and explain reporting uncommon or suspicious items.
- Reports go to "area watcher" who report to Police directly.
- Designate one of Area Watchers as Point of Contact with New Colony neighborhood watch Captain
- By email get an individual area map and area watcher phone and email to homes in each Area along with police pamphlet.

For example, for my portion of Standish Way between Mayflower and John Alden, I would pick the Vineyards due to (1) their wide view, (2) being almost always at home and having lots of yard activities. Can you all help fill with similar suggestions for other natural areas of division of the Colony?

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In an October 17 Email to the Colony BOD, WHT wrote:

I met Dianne Parrish at the Mayor's little get together and after I make my little speech on our neighborhood's desire to ensure continuity of the "nature" of the Colony, everyone said we need to think about enacting ND-1 zoning. Of course, in my high state of ignorance, I said, "what's that" and Dianne promised to send me these files. I have not read this but glancing at it says this may be something to propose our own special version. WHT

Bill and Joy, it was good to meet you at the neighborhood meeting this week. I'm forwarding a couple of documents regarding ND-1 for your information. The first one is an agenda for a neighborhood meeting where the ND-1 committee presented its work and proposals. Please note that the committee had done a ton of work prior to this presentation. However, each time a general presentation was made and more people reviewed the proposed guidelines, we discovered important things that made the proposed guidelines better. We just discovered recently, for example, that there is no appeals process for ND-1 variance other than the standard zone change process which is cumbersome and expensive and doesn't make sense for this. The Planning staff has developed a proposal to address this issue that we hope will be approved concurrent with the ND-1 proposal.

And in general, Planning staff will be able to provide you with excellent information about this. We have worked with Rachel Phillips [rphillip@lfucg.com] and I think she is good to work with and very knowledgeable.

I need to add my disclaimer here because I was not on the ND-1 committee. I attended some of the meetings of the committee but was not involved in the heavy lifting at all. The people who actually did the work would be able to be much more helpful than I and I will be glad to give you some contact information if you like.

The other attachment is the ND-1 ordinance which outlines the zone procedure and elements. I am not certain whether the ordinance has been modified from this version or not, but assume it will be when we add the appeals process in 2009.

I hope this helps. Please let me know if you would like any additional information.

Diane Parrish

JDP Associates, LLC

173 Louisiana Avenue

Lexington, KY 40502

ARTICLE 29

NEIGHBORHOOD DESIGN CHARACTER OVERLAY (ND-1) ZONE

29-1 INTENT - In order to promote the economic and general welfare of the people of Fayette County and of the general public; and to ensure the complementary, orderly and efficient growth and development of Fayette County, it is deemed essential by the Lexington-Fayette Urban County Council that the qualities relating to the visual characteristics that give a distinct identity to an area and a harmonious appearance of structures which stabilize neighborhoods and maintain their character, be protected, conserved and preserved.

29-1(a) PURPOSE - It is the purpose of this Article to permit neighborhoods the opportunity to request that the Lexington-Fayette Urban County Government impose additional regulatory requirements upon their neighborhood areas in order to help conserve those visual characteristics. It is the finding of the Lexington-Fayette Urban County Council that the individual nature and character of this county cannot be properly maintained or enhanced unless its distinctive neighborhoods and areas are protected, conserved and preserved.

29-1(b) POLICIES - The Lexington-Fayette Urban County Council hereby declares that it is necessary as a matter of public policy to preserve, protect and conserve the beauty and heritage of the county; to improve the quality of its environment through identification, conservation and maintenance of neighborhoods, areas, or places which constitute or reflect distinctive features of the architectural or cultural traditions of the city. The protection of these areas is essential in promoting the public welfare by making the city a more attractive and desirable place in which to live and work.

29-1(c) GOALS - The goal of this Article is to effect the purpose and policy, as set forth in the above findings; and specifically, but not exclusively, to:

- (1) Give such designations and to enact such regulations as are needed to protect against destruction, degradation, or encroachment upon neighborhoods, areas or places having a special, unique or distinctive character of aesthetic, architectural or cultural significance which serves as the identity of a neighborhood.
- (2) Encourage the use of existing buildings through adaptive rehabilitation so as to enhance the diversity and interest of the county. Such encouragement shall not imply a particular zoning designation.
- (3) Encourage construction that will lead to continuation, conservation and improvement in a manner appropriate to the scale and physical character of the original buildings. Assure that new construction is in harmony with the scale and physical character of the original buildings of the neighborhood through the use of design standards.
- (4) Prevent the creation of environmental influences adverse to such purposes
- (5) Foster civic pride in the value of accomplishments of the past.
- (6) Promote the educational, cultural, economic and general welfare of the people.

29-2 APPLICATION REGULATIONS - The classifications and regulations hereunder shall be established in addition to the zone classifications and regulations as shown on the zoning map atlas for the subject areas. These regulations are intended to preserve, protect and conserve neighborhoods and areas. The uses, dimensions and other requirements for said zones, as provided in the Zoning Ordinance, shall apply, except where modified as conditional zoning restrictions determined under these regulations. ND-1 regulations shall only apply to residential zones and non-conforming residential uses. The rezoning of an underlying zone does not automatically remove ND-1 standards, and the applicant would need to request that the overlay restrictions either be removed or revised as conditions appropriate to the non-residential use. Where there are conflicts between the procedures and regulations within the Zoning Ordinance, the more restrictive shall apply.

29-3 OVERLAY DISTRICT DESIGNATION CRITERIA - An area, neighborhood or place meeting one or more of the following criteria shall be eligible for designation as a Neighborhood Design Character (ND-1) District:

- (1) It is an older area that, if placed under an ND-1 classification, may result in sufficient improvement to qualify it as an H-1 District in the future. H-1 District properties and design- nated National Register Historic Districts are not eligible for ND-1 designation;
- (2) It is a newer area that does not have historic significance. In this case, the overall charac- ter of the neighborhood would be maintained;
- (3) There is a need to protect the visual charac- teristics that give a neighborhood its distinct identity;
- (4) The existing neighborhood is characterized by a variety of building types that establish a significant and distinguishable identity;
- (5) It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;
- (6) It has character as a geographically definable area possessing a significant concentration of buildings or structures united by past events or by its plan or physical development; or
- (7) It has character as an established and geographically definable residential neighbor- hood, agricultural area or business district, united by culture, architectural style or physical plan and development.

29-4 DESIGNATION OF ZONES PROTECTED BY NEIGHBORHOOD DESIGN CHARACTER OVERLAYS

29-4(a) PURPOSE – To further the goals and purposes of this Article and the preservation, protection, conservation and use of neighborhood design character districts, the Urban County Council shall have the authority to designate zones protected by a neighborhood design character overlay.

29-4(b) PROCEDURE – The procedure for application and designation are as follows herein:

29-4(b)(1) DESIGN STANDARDS ANALY- SIS – The applicant shall prepare a design analysis of the proposed overlay district as follows:

- (a) Establish a clear, decipherable set of neighborhood features to describe the character of individual building types. This set shall define the relationships among features and shall serve as a tool to identify common elements in a neighbor- hood.
- (b) Conduct architectural surveys so as to define present character of the neighborhood. The applicant shall conduct a field survey containing, but not limited to, the following criteria: distinc- tive building features; represented building styles; typical building components; finishing materials; siting of buildings; landscape treatment; degree of visual continuity; degree of density; and degree of compatibility of new structures with historical context.
- (c) Conduct architectural surveys so as to define early character of neighborhood. The applicant shall conduct a field survey containing, but not limited to, the following criteria: distinctive building features; represented building styles; typical building components; finishing materials; siting of buildings; landscape treatment; degree of visual continuity; degree of density; and degree of compatibility of new structures with historical context.
- (d) Develop preservation goals for the neighborhood and identify important characteristics to be respected by comparing the degree of change between early and present-day character.
- (e) Identify and project future character, based on potential change from present-day trends and regulations. Based on the present scenario, identify if the neigh- borhood will preserve its integrity and meet its design goals for the community.

29-4(c) DESIGN STANDARDS – The following criteria for new construction or additions shall be based on the design standards analysis within each district. The following are categories of design standards that shall be eligible for overlay regulations and may modify existing zoning or subdivision regulations as conditional zoning restrictions. It is not required that each of the following be addressed; instead, to utilize only those elements as applicable or desirable to conserve the neighborhood character and as determined in the design standards analysis. All proposed standards should be specific and measurable.

- (1) Exterior building material restrictions
- (2) Roof lines and shape requirements
- (3) Repeating elements
- (4) Landscaping requirements
- (5) Minimum window and door opening requirements
- (6) Front building features

- (7) Garage door restrictions
- (8) Lot widths
- (9) Building orientation
- (10) Building heights
- (11) Building setbacks
- (12) Rear yard building setbacks
- (13) Accessory structures
- (14) Bulk plane restrictions; and
- (15) Off-street parking design

29-4(d) APPLICATION – An application for the establishment of a neighborhood character overlay district may be filed only by the Lexington-Fayette Urban County Council, Planning Commission, or the owners of the subject properties. The Board of Architectural Review, the Historic Preservation Commission, or an individual Lexington-Fayette Urban County citizen may request that the Lexington-Fayette Urban County Council or the Planning Commission initiate a zone map amendment. The application shall demonstrate significant neighborhood support to be regulated as an ND-1 overlay district.

Said application shall be filed with the Planning Commission and transmitted to the Historic Preservation Division for its review and consultation.

29-4(e) OWNER NOTIFICATION – Specific design standards shall be included in property owner notifications as determined desirable and recommended for each proposed district.

29-5 BUILDING PERMIT REVIEW PROCESS - All building permit applications will be required to comply with adopted design standards for applicable building improvements on property located within a designated neighborhood design character overlay district and/or as approved by the Planning Commission.

29-6 COMPLIANCE WITH OTHER CODES, STATUTES AND REGULATIONS - In order to prevent purposeful neglect of structures within zones protected by neighborhood design character overlays, all properties shall comply with the BOCA, adopted Basic Property Maintenance Code, as well as all other applicable codes, statutes and regulations. To accomplish this, the Division of Code Enforcement shall quarterly compile and forward to the Planning Commission a list of those properties in zones with neighborhood design character overlays which have been found to be in violation of the BOCA Basic Property Maintenance Code.

**CHEVY CHASE NEIGHBORHOOD ASSOCIATION
MONDAY, MARCH 17, 2008
7:00-8:30 PM
CHRIST THE KING**

AGENDA

1. PRELIMINARY RESIDENTIAL NEIGHBORHOOD DESIGN STANDARDS

The following is a list of categories for proposed changes that will be explained at the meeting and a planned door-to-door canvas of the neighborhood.

- Suggestion 1—Building Size
- Suggestion 2—Rear Yard Setbacks
- Suggestion 3—Building Heights
- Suggestion 4—Roof Pitches
- Suggestion 5—Wall Openings
- Suggestion 6—Accessory Structures
- Suggestion 7—Floor Plans and Exterior Elevations
- Suggestion 8—R-3 and R-1T Garages

2. NEIGHBORHOOD COMMENT ON PRELIMINARY ND-1 STANDARDS

- Please take time to attend, listen and comment on the preliminary neighbor-designed standards that are intended to conserve the character of the Chevy Chase neighborhood.

3. PETITION VOLUNTEER TRAINING

Next meeting Mon. April 21, 7pm, Candidates' Forum, Morton Middle School

FREQUENTLY ASKED QUESTIONS

What is ND-1?

- Protects character and design of older neighborhoods
- Is an overlay to current zoning
- Is neighborhood driven
- Is **not** historic preservation

How does ND-1 help the Chevy Chase neighborhood?

- Creates standards that keep new construction/additions compatible and in scale with our existing neighborhood
- Fosters pride in our community
- Is tailored to our neighborhood
- Protects property values

How does ND-1 affect me?

- Does not restrict your choice of construction materials
- Affects only the exterior of new construction/additions
- Does not increase taxes
- Does not affect your choice of paint color

What characteristics in Chevy Chase does ND-1 protect?

- Character and scale
- Open spaces and green spaces
- Architectural integrity

Does it change the way I get a building permit?

- No. ND-1 standards become part of the normal permit process
- Architectural review is **not** required.

What happens next?

- After 51% of property owners approval, the petition is submitted to city planning for ND-1 application and public hearings
- After public hearings, city council moves for final approval

Email to BOD from WHT on Thoughts Related to ND-1.

Folks, When you have time to look over the ND-1 files as I did this weekend, I tried to think of quantitative measures or general characteristics of the Colony that could be enacted by this overlay zoning choice so as to keep the "character and essence" of our neighborhood. Here are my first thoughts.

- (1) The Colony has large lots, relatively speaking. I would suggest a prohibition against division of any of Colony lot so as to increase the number of single family residences in the future as a starter.
- (2) The Colony has relatively small "lot coverage percentages" (footprint area of residence as a percentage of the total lot area) and any new construction after a tear down should only be allowed to increase the footprint by say, 20%, from what was torn down and cannot exceed the current average coverage percentage by more than 20%.
- (3) The Colony has many one story homes with only a few modest second stories, so I would limit height of any new construction or major renovations to no more than 5 feet increase in max height above what exists today for any given lot.
- (4) The Colony original CC&Rs did not permit separate garages or outbuildings except by permission and I suggest this be woven into our ND-1 Restrictions.
- (5) The Colony is diverse from an architectural point of view with emphasis on 50s and 60s styles. One means of keeping this characteristic is to have a "general statement of this characteristic" woven into the zoning definition for the building department, but this is touchy/feely stuff that is easily circumvented by pressure on the local politicians and bureaucrats.
- (6) I think the "setback" from the street is one of the major features of Colony that makes it special. I suggest any new construction after a tear down or major renovation should be required to keep the existing set back.
- (7) In a recent conversation with Jock he suggested a prohibition against any "above ground" basement or underground level access. He can explain this more fully at our meeting. WHT

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- Divide Colony up into 4 to 6 areas with one or more houses having wider views of neighbors in the area.
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Resident, Inc.

Treasurer's Report
For the year ended May 31, 2007

Beginning Cash June 1, 2006

\$ 2,814.65

Cash Receipts:

Association Dues (74% of Households Paid \$30 each)	1,590.00
Settlement with Developer (One Time Item - Non-repeating)	1,500.00
Miscellaneous	75.00
Total	<u>3,165.00</u>

Cash Disbursements:

Board Insurance (Will be \$600 for 6/07 to 6/08)	60.00
Lighting (KU)	675.98
Legal Fees	475.00
Landscape Maintenance	720.00
PO Box	59.60
Safety Cones	86.18
Miscellaneous	38.95
Total	<u>2,115.71</u>

Net Receipts Over Disbursements

1,049.29

Ending Cash May 31, 2007

\$ 3,863.94

Ending Cash Balance per May 31, 2007 Bank Statement

\$ 3,863.94

Recurring Expenses	
Projected Budget	
For Year Ending May 31, 2008	
	1,600
	600
	800
	900
	60
	200
Total	2,560
	-960
	Need to Raise Annual Fee to \$50????

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RESTRICTIVE COVENANTS DATED MARCH 15th,
1948, RECORDED APRIL 19th, 1948, IN
DEED BOOK 438, PAGE 260, FAYETTE COUNTY,
COURT CLERK'S OFFICE.

1. No house on the lot or lots hereby conveyed or any part thereof shall be used for other than residence purposes except that an outbuilding appurtenant to the dwelling house may be used for purposes incident thereto, but not for habitation by any person other than domestic servant in the employ of the owner or occupant of the main dwelling house.

2. No lot hereby conveyed, nor any part thereof, shall be sold or leased to any Negro or mulatto or to any organization or association of Negro or mulatto, nor shall any Negro or mulatto be permitted to occupy said property; provided that this restriction shall not forbid any owner or lessee from having his Negro or mulatto servants reside on the premises while employed as such.

3. No dwelling house shall (a) be built upon any lot hereby sold or on any combination or subdivision thereof having a total frontage of less than 100 feet, nor (b) cost less than Twelve Thousand (\$12,000.00) Dollars, the word "cost" here meaning the market cost of the dwelling house, or of such dwelling house, as of the middle of the year 1946, nor (c) be an apartment house nor duplex dwelling, nor be more than a one-family unit (d) be built without the Grantor's prior written approval of the plans therefor or of a sketch thereof.

4. No part of any dwelling house upon the property hereby conveyed shall extend beyond the building lines as shown on the recorded plat of said subdivision, nor be closer to any side lot line than 15 feet.

5. Any garage to be built upon the within conveyed property shall be built in or as a part of the dwelling house.

6. Not more than one building may be put on the within conveyed property without the Grantors written approval.

7. No animal may be quartered on the within conveyed property, except small household pets.

8. The Grantor hereby reserves the right to place, install and maintain poles and underground conduits for pipes and wiring and the like, in, under and over the easement strip indicated on the recorded plat of said subdivision to carry gas, water, electric light, power, heat and telephone lines or any of them or the like, across the property; and the right is hereby reserved to enter upon said property at any and all reasonable times for the purpose of installation and maintenance of such public utility lines, and an easement is reserved in the said property for these purposes and also for the purpose of reaching the road or street with such poles, conduits, pipes, wires and the like, if necessary; but this reservation of right shall impose no obligation on the Grantor to place, install or maintain any such poles, conduits, pipes or wires or the like on the within granted premises.

The terms, conditions and restrictions stated in the eight numbered paragraphs above shall be binding for a period of not less than thirty (30) years from the 1st day of June, 1946, and a breach of any of them shall operate as a forfeiture of the property conveyed and cause the absolute ownership thereof, to revert to and be vested in the Grantor or its successors or assignee, which (or who) in that event, shall have the right immediately to demand and enter and have possession of the forfeited property, provided however, that no such forfeiture shall be effected unless within six months after the occurrence of the breach complained of, the Grantor or its successor or assignee shall have made written demand on the owner of the property in question to remedy such breach and unless

such breach shall not then have been remedied within a reasonable time after such written demand and provided, further, that no such forfeiture shall destroy or impair any lien upon or right or claim to or against the property in question held by any innocent bona fide mortgagee, lienee, or purchaser for value, claiming under a right acquired prior to such breach.

The Grantor neither promises nor represents that any part of the Colony Subdivision shall ever be made, or become the site of a club, but the Grantor shall maintain street lights and park areas as shown on the recorded plat of said subdivision until the end of the calendar year 1955.



Lexington-Fayette Urban County Government

Jim Newberry, Mayor

November 11, 2008

Mr. Bill Taylor, President
Colony Neighborhood Association
P.O. Box 8713
Lexington, KY 40533

Dear Mr. Taylor:

Lexington is many things, but at its heart, it is a collection of distinctive neighborhoods, each one adding to the rich fabric of our community. I regularly attend neighborhoods meetings and that's when I hear, first hand, what is really on the minds of local citizens.

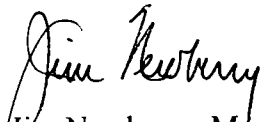
The way we address neighborhood issues often has a direct and immediate impact on the quality of life neighbors experience. In fact, positive resolution of neighborhood issues often has more of an impact on the quality of life in Lexington than virtually any other government initiative.

I think you would agree that we have a shared responsibility to make Lexington the best city it can be. Clearly, the city can't do this work alone. We need to work together.

I hope you had a chance to attend the recent Neighborhood Summit. I would, however, like to be able to visit with you in a smaller setting. Therefore, I would like to invite you to join me and several other leaders of neighborhoods near you to a meeting from 5:30—7:30 p.m., Wednesday, December 3. The meeting will be held in my office at the Government Center, 200 E. Main St, 12th Floor. Please RSVP to Marianne Blodgett at 258-3100 or via e-mail at mblodgett@lfucg.com. If you are unable to attend, I welcome another representative from your neighborhood association in your place. Please ask that person to RSVP.

I look forward to meeting with you and hearing your suggestions and concerns.

Sincerely,


Jim Newberry, Mayor

Cc: Councilmember Henson

Please note this information is intended for the president of your neighborhood association based on the most up-to-date data our office has on file. If you are not the correct recipient of this letter, please forward to your neighborhood president or send us the correct information to the email address above. Thank you for your assistance!

Subject: Approach to Neighborhood Watch

Date: Friday, August 8, 2008 10:35 AM

From: whtii@aol.com

To: <carin@bydesigned.com>, <mikedanam@aol.com>, <etunnell@wlectv.com>, <lbirk@insightbb.com>, <lleslie44@insightbb.com>, <tathart@hotmail.com>

Conversation: Approach to Neighborhood Watch

Fellow BOD members,

Here are my thoughts on best approach to follow through on recent neighborhood watch briefing.

- Divide Colony up into 4 to 6 areas with one or more houses having wider views of neighbors in the area.
- Choose among these "wider view" homes ones where the residents are more often at home, spend time outside and/or are walkers.
- Designate 4 to 6 "area watchers" who will agree to speak directly with homes in their area and explain reporting uncommon or suspicious items.
- Reports go to "area watcher" who report to Police directly.
- Designate one of Area Watchers as Point of Contact with New Colony neighborhood watch Captain
- By email get an individual area map and area watcher phone and email to homes in each Area along with police pamphlet.

For example, for my portion of Standish Way between Mayflower and John Alden, I would pick the Vineyards due to their wide view, being almost always at home and having lots of yard activities. Can you all help fill with similiar suggestions for other natural areas of division of the Colony?

When I find out **if** I will be here on next Tues. evening, I will call BOD Mtg at Linda Birks for 6:30pm
Tues, Aug. 12. WHT

Residents, Inc
Treasurer's Report

JUN 1, 2007 – JUN 26, 2008

Bank Balance
Assets

\$1522.95 as of JUN 26, 2008

Total receipts

\$1890 [\$30 X 51 res + \$100 X 1 res + \$260 (*New Colony)]

\$1630 from Residents

Total expenditures

	2007	2008 projected
KU		
Entrance \$38/mo	\$ 456	\$ 240 (*1/2)
Street lights \$46/mo	\$ 552	\$ 600
Board insurance	\$ 562	\$ 560
Maintenance common green spaces	\$1686	\$2,500 ✓
Picnic	\$ 94	\$ 100
Misc		
Duplication <i>(dir, correspond)</i>	\$ 69	\$ 70
Deliveries	\$ 45	\$ 50
P.O. Box + 2 nd key	\$ 75	\$ 75
KST/filing fee	\$ 04	\$ 04
Copies & postage 05-06	\$ 199	NA
Electrical srvs	\$ 29	\$ 50
Move light poles	NA	\$1500 ✓
Contingency	NA	\$1000 ✓

\$3771

\$75 + 52 = 3400

\$6749

\$125 + 52 = \$6500

Linda Birk

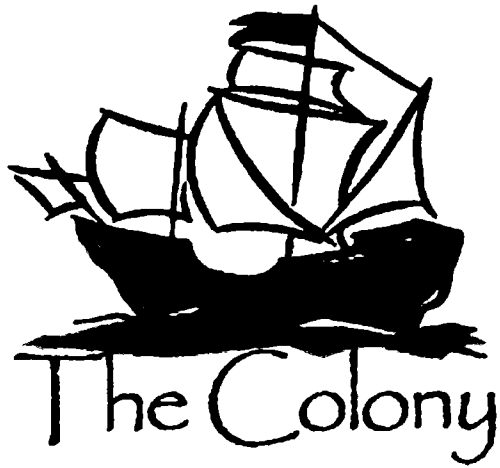
JUN 26, 2008

*01 dues collected (\$1630)
did not cover expenses (\$2091 shortage)
Judgy to have (\$3400) reserve from
Settlement.
Need to increase dues + encourage more for to
\$400 dues.*

Birk
copy

<i>Residents' INC dues paid 2007</i>	Residents' outstanding balance 2007
<p style="text-align: center;">Colonial Dr</p> <p>Wheeler, 1205 Odom, 1212 Huff, 1216 Ward, 1224 Blakeley, 1228 Jordan, 1229 Soard, 1236 (vacant) Larmour, 1237 Burnett, 1240 Bush, 1241 Kelly-Lawrence, 1244 Morse, 1245 Nicholson, 1252</p>	<p style="text-align: center;">Colonial Dr</p> <p>Webster, 1200 Jackson, 1208 (vacant) Lawrence, 1209 Grunwald, 1220 Weisenfluh, 1225 (new) Osborne, 1232 Morrissey, 1233 Willoughby, 1248 Fiscus, 1249 Knippenberg, 1257 (vacant) Bost, 1264 Dennis, 1265 Bostick, 1269 Hurst-Rimmer, 1276</p>
<p style="text-align: center;">Standish Way</p> <p>Kessler, 1228 Lyon, 1232 Mackenzie, 1233 Taylor, 1236 Vineyard, 1237 Birk, 1240 Downer, 1241 O'Bryan, 1245 Whitlow, 1249 Maloney, 1253 Ligon, 1256</p>	<p style="text-align: center;">Standish Way</p> <p>Rainey, 1244 (vacant) Mahmoud, 1248 (vacant) Meeks, 1252 (vacant) Ward, 1264 SM Clark, 1277 SM Rose, 1281 SM Lakow, 1289 SM Richardson, 1299</p>
<p style="text-align: center;">John Alden Ln</p> <p>Taylor, 4009 Edger, 4016 Grogan, 4017 Mitchell, 4021 SM Breeze, 4025</p>	<p style="text-align: center;">John Alden Ln</p> <p>McGuire, 4013</p>
<p style="text-align: center;">Mayflower Ln</p> <p>Musgrove, 4004 Sandifer, 4008 Shaw, 4025</p>	<p style="text-align: center;">Mayflower Ln</p>
<p style="text-align: center;">Versailles Rd</p> <p>Myers, 2492 Yeary, 2504</p>	<p style="text-align: center;">Versailles Rd</p> <p>Leadingham-Hanson, 2512 Cawby, 2516 (vacant)</p>
<p style="text-align: center;">T = 50 + 2 social members (SM)</p>	<p style="text-align: center;">T = 16 + 6 vacant houses + 4 SM</p>

Dues



2008 Annual Meeting of Residents, Inc.

Board Slate for 2009 Directors and Officers

- | | | |
|-----------------------------|---------------|---------------------|
| ➤ President & Director | Bill Taylor | 1236 Standish Way |
| ➤ Vice President & Director | Mike Hart | 1268 Colonial Drive |
| ➤ Treasurer & Director | Linda Birk | 1240 Standish Way |
| ➤ Secretary & Director | Ellen Tunnell | 1272 Colonial Drive |
| ➤ At Large Director | Carin Lovell | 1280 Colonial Drive |
| ➤ At Large Director | Jock Shaw | 4025 Mayflower Lane |
| ➤ At Large Director | Dana Maloney | 1253 Standish Way |

June 17, 2008

Board Meeting (Residents, Inc.)

Meeting called to order at 6pm at Jock and Liz Shaw's home. Present were Bill Taylor, Mike Hart, Jock Shaw, Carin Lovell, Ellen Tunnell and Linda Birk.

The minutes were read by Ellen Tunnell. A few minor changes were made, then approved with changes.

Carin has sent out the meeting notice yesterday with the letter from Bill about the proposed CC&R's for the association.

The purpose of this board meeting was to determine strategy for presenting the survey for implementing CC&R's and to determine agenda for the Annual Meeting on June 26.

The agenda discussed as is follows:

- Have available with the sign in sheet, agendas and extra copies of the survey.
- Read minutes from previous Annual Meeting
- Recognize new residents and those who have passed on.
- Treasurer's Report (and have copies available). Recognize that the New Colony has pitched in for apx. half of the entrance lights' lighting bill.
- Review Past Activities
 - Lighting efforts (Mike)
 - Landscaping (Jock)
 - Picnic (Dana - thank Shaws)
 - Compliance Efforts (Ellen)
- New Business
 - Meeting on July 10 with Neighborhood Watch officer and LFUCG Urban Co. Forester to discuss maintaining and preserving our trees.
 - City Services (Ellen - see attached info)
 - Yard Sale (Dana)
 - Directory (Carin)
 - Picnic (Dana, and ask for volunteer to host this year)
 - Grant for Versailles Road Corridor (Jock)
 - Election of Officers
 - Survey for CC&R's (Bill)

Residents have asked the board to protect our neighborhood's integrity, based on homeowner's complaints regarding problems the past few years, and the changing nature of the neighborhood as a whole with many homes being sold. So the basis for the solution to the homeowner's requests is the implementation of CC&Rs.

- set meeting to discuss further if needed
- discuss treasurer's report and need to increase dues with projections.
- because of the New Colony CC&R's, we have a good situation to base our minor requirements
- Deeds of restriction in this day and age would add value to their property - it would assure new potential residents that the character of the neighborhood would not be compromised - especially given the climate of what is happening around us
- dues: increase dues to \$125 to meet projected budget, there are 52 households paying (68%).

after picnic send past dues with names

Meeting was adjourned at 8:30pm.

Respectfully, Carin Lovell, Secretary

Minutes - read by Ellen

Send as Word doc

Leeke - Tom Stungel meeting notice
Get last year's minutes

Send Bill last year's
am provision

Recycling & Leaf Removal, Lenny, Snow Removal
Garbage - Ellen - will do more research

assessment

.1596 x property value of every \$100
5100 - get copy of letter

Sign in - give agendas & extra copies of the survey

Introduce New people

Recognize deceased & moved away

Minutes

Treasurers Report - w/ ~~new~~ recogn. that new ^{apx half} Colony paid
add legal fees in pro, ectra

Past Activities

Lighting

Landscaping - maintenance contractor

Webster Compliance

New

Neighborhood Watch
City Services

July 10

Arborist

Yard Sale - ch w/ Dana

Directing

Grant for Versailles Rd

Picnic - volunteer to host in Sept

Election of Officers

Dues
Treasurers
report
projections

Survey results reported & board recommendation

0

Dues \$125 do meet projected budget @
Sept. 1st - due 55 paying - 70%
~~after picnic~~
after picnic send past dues w/ names

Convey - we were asked to

Basis for solution to homeowners complaints regarding
problems in the past few years. Residents have asked
our board to do to protect our neighborhood's
integrity.

Because of new Colony CC&R's - we have a good
situation of the New Colony.

Deeds of Restriction would add value to their property.

send Dana @ church email about July 10
dana.srec@insgubbb.com



Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT
Commissioner's Office Department of Environmental Quality

*Carrin -
This is the info (copy)
re: switching to
city services.*

May 29, 2008

Ms. Ellen Tunnell
1272 Colonial Dr.
Lexington, KY 40504

Per your request for information to initiate the process to receive government garbage service, please find enclosed a petition form and information on the service, including estimated costs per household.

In order to initiate the legal process to add an urban service, a petition must be circulated among the property owners (**signatures of renters cannot be accepted**) on your street. In order to qualify for consideration in the legal process, 51% of the property owners must have signed the petition in support of adding the urban service. The addresses on Colonial Dr. range from 1200 - 1280 and there are 36 property owners. Therefore, in order to qualify to vote, your petition must be signed by 19 property owners.

The completed petition must be returned by August 1, 2008 by mail or in person, to the Department of Environmental Quality, Attention: Urban Services, 200 East Main Street, Room 635, Lexington, KY 40507. You will be notified within 30 days of the return of your petition if your street qualified to participate in the legal process.

If the returned petition has the required number of signatures to qualify for the legal process, in late October of 2008, the property owners on your street will receive voting cards by certified mail. (Kentucky Law requires that the Urban County Government notify each property owner by certified mail of a proposed increase in property tax.) If 51% of the people who return the voting cards support the addition of the service, the change will occur. Property owners on your street will then be notified in November of the results of the voting.

If you have any questions after reviewing this information, please call me at (859) 425-2800.

Sincerely,

Louise Caldwell-Grant
Administration Officer
Department of Environmental Quality

Enclosures

HORSE CAPITAL OF THE WORLD

Here is what you will want to know about the Lexington-Fayette Urban County Government's garbage and recycling services as you consider changing from your private to government service.

Included in the government service at no additional charge are:

- ① A 95-gallon garbage cart (called "Herbie") that is collected once a week. Set bulky items that won't fit in the Herbie beside it on your collection day.
- ② Old appliances and up to four tires (off the rim) are collected when you request a pick up through LexCall, 425-2255.
- ③ A 95-gallon yard waste cart (called "Lenny") or coupons for free paper yard waste bags at most grocery and discount stores. Yard waste is collected once a week—the same day as your garbage is collected, turned into mulch, and made available to citizens with government service. (Voluntary Program)
- ④ A 60-gallon recycling cart (called "Rosie") where only glass is separated from all other recyclable materials. The Rosie is emptied once a week—the same day as your garbage is collected. (Voluntary Program)
- ⑤ "Backyard service" for both the Herbie and Rosie for people who are physically unable to roll the cart. The physical disability must be documented by a physician on a government form.

The cost for LFUCG garbage service is paid in two ways – on your property taxes for the collection service, plus a \$4.50-a-month disposal fee per Herbie cart charged on your water bill. For businesses and residential properties that have dumpsters the disposal fee is based on the size of your container:

- 4cy dumpster - \$24.10
- 6cy dumpster - \$36.15
- 8cy dumpster - \$48.20

Here is how it works: The cost of government garbage service on your property taxes would be .159 cents on each \$100 of the assessed value of your house. To find out how much your property tax would increase, take the assessed value of your house, as shown on your property tax bill, and multiply it by \$.0159.

Here are some examples:

<u>Property Assessment</u>	<u>Tax Increase</u>
\$100,000	\$159.00
\$120,000	\$190.80
\$140,000	\$222.60

The \$4.50 monthly fee on your water bill adds up to \$54 a year.

Government vs. Private: To compare the cost of government garbage service to your private service, figure out how much your property taxes would increase and add the \$54 annual disposal fee to give you the total cost of government garbage service, e.g. \$159 + \$54 = \$213. Compare that to your private company's garbage bill. You might also want to compare the services you receive for your money.

What is the process to get government service? Prior to August 1 of any year, 51% of the property owners (not renters) on the street would have to sign a petition showing interest in voting on a change to government service. When that petition is submitted to the Public Works prior to August 1, a certified letter with a voting card is sent to all property owners around the middle of October. A voting card for or against government service must be returned by the voting deadline for the vote to count. The votes are then tabulated, and if 51% of the people voting want to change to government garbage service, the council approves the change. However, the switch from private to government service does not begin until the following July, when the new tax year begins. At that time the \$4.50 monthly fee starts showing up on your water bill, and the increase in your taxes for the government garbage service will appear on your fall property tax bill.



If you have questions or need more information, call 311 for LexCall, or the Department of Environmental Quality at 859-425-2800.

May 20, 2008

Meeting was called to order at 6pm at the home of Liz and Jock Shaw. Present were Bill Taylor, Jock Shaw, Dana Maloney, Linda Birk, Ellen Tunnell, and Mike Hart. Carin Lovell and Liz Shaw arrived during the meeting.

Ellen read the previous board minutes as submitted by Carin. The board moved to accept the minutes.

New business as follows:

Michael Harrison, president of the "New" Colony has already cut a check for \$260 to cover the New Colony's lighting expenditures for 2008.

Mike Hart reports that replacing the Lawrence pole is not going to be a big deal. No permit is required.

Jock Shaw reported that he has found individuals who have done a great job with island maintenance and would like to keep them as our regular island maintenance contractors. The board moved to accept.

Jock updated the Versailles Road corridor grant information. We now have the plan done through the Hillcrest Cemetery. Jock suggests that the grant put new fencing in so we don't have to cut down all the bushes behind New Colony houses. If we are successful at building the new fence, the grant will pay for that.

Dana Maloney brought up the picnic and the board agreed that September was a good month to have it. Linda Birk is considering having at her house.

The Board slate was discussed. Carin Lovell prefers to become a member-at-large and step down as Secretary. Ellen Tunnell agreed to attempt the position. The recommended slate to be presented in the upcoming association annual meeting was as follows:

Bill Taylor, President
Mike Hart, Vice-President
Ellen Tunnell, Secretary
Linda Birk, Treasurer
Jock Shaw
Dana Maloney, Member at large
Carin Lovell, Member at large

Martha Taylor, Honorary member

A discussion regarding the position of President elect ensued with no particular conclusion.

DNO insurance was renewed and next year's premium has been paid.

Linda Birk submitted the budget report which is attached. The balance as of 5/19 is \$1,696.94. The report projects 2008 expenditures at \$6222.

A major discussion was had regarding dues. The board concurred that members need to know that dues must be raised. Our goal is to continue to protect the integrity of the neighborhood and additional expenses will be incurred in order to do this...maintenance, etc.

The next board meeting will be held June 17 in preparation for the June 26 Annual Association meeting.

Meeting was adjourned.

April 20, 2008

Board Meeting (Residents, Inc.)

Meeting was called to order at 6:30pm at Bill Taylor's home. Present were Bill Taylor, President; Mike Hart, Vice-President; Linda Birk, Treasurer; Carin Lovell, Secretary; and members at large Jock Shaw, and Ellen Tunnell.

Carin read the previous board minutes. The board moved to accept the minutes.

New Business is as follows:

It was noted that we have a new Council member, Peggy Henson who is very supportive of the neighborhood associations.

Member at large, Jock Shaw attended a Versailles Corridor Coalition meeting to discuss beautification of the corridor to get ready for the 2010 Equestrian Games. They received a \$150,000 grant for improvements from the Airport to Manchester street. Thanks to Jock, the funds were reallocated to spend a bulk of the funds between Circle 4 to Alexandria with landscaping and white fencing. This will be a great improvement for our neighborhood. Thanks to Jock!

Member at large, Jock Shaw also has been responsible for the landscaping this past year - which he has done a wonderful job. He has received an estimate from one company for this year's maintenance, and gave them a trial run. Jock will also get an estimate from McGee Springs who also does a lot of work for residents in the Colony. We will compare quotes and work at our next meeting.

Vice President Mike Hart reviewed the problems we had earlier in the year with the entrance lighting. He had to replace the powerblock, electronic eye, and fixed the lamp lights because everything blew. He now has a diagram how the entrance is wired (note to give to secretary). The remaining work at the entrance is to replace some low voltage lights now that the spring is here and they are available. There was discussion about the New Colony pitching in on the electric bill for the entrance lights. Bill Taylor will follow up with Mike Harrison, the Association's president on this.

We also discussed moving the two orphaned light poles at the entrance. It was determined that the pole at the Lawrence's needs to be replaced with one, and to move one to the back of the Colony on old Colony land as not to make issue with the New Colony residents who reside there.

Mike will talk to KU about moving the poles for us and report at the next meeting. Mike will also get new estimates to refurbish all the street lights - sanding, priming and painting (black).

Discussion ensued again about the Webster/Voisignet property. Ellen had called Pam to check on permits. They got a new permit in December to continue with the wall. The dirt can stay as long as they're working under the permits. Concern was also voiced about Mr. Blanton's home which sold this year - with trash and state of disrepair.

Linda Birk, Treasurer gave us a balance on account of \$2,646 less the \$700 current invoice given for maintenance. The need to increase dues was discussed. Linda will prepare a justification for this for the next board meeting.