

*November 23, 2004*  
*Colony Board Meeting (Residents, Inc.)*

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*The meeting was held at President, Fred Fiscus' home. The following board members were present: Fred Fiscus, Randy Daniel, Martha Taylor, Carin Lovell and Jerry Nicholson.*

- 1. Meeting was called to order at 2:15pm.*
- 2. The minutes were read from the Oct. 14 meeting.*
- 3. We reviewed Chuck Saylor's letter approving the speed hump plan that the membership voted to enact. This was ok'd by the board.*
- 4. We discussed the details of the agreement amendment to make sure we have all components together when we meet with Allen Wahls next week.*
- 5. Carin brought up the need for signage at the entrance for communication with neighbors - ie. meetings, crime notices, picnic, small groups...*
- 6. There was some discussion about traffic problems at New Circle and Versailles Road. Fred was to look into meeting with the Versailles Road Coalition to discuss.*
- 7. We discussed getting a group together to go carolling in the neighborhood. Fred will be choir director, and Carin will get together sheet music.*

*The meeting adjourned at 3:30pm.*

October 14, 2004

Colony Neighborhood Associations Meeting (Residents, Inc.)

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The annual meeting was held at St. Raphael's Episcopal Church on Thursday, October 14, 2004. There were 21 neighborhood members present (see sign-in list). President, Fred Fiscus called the meeting to order at 7:15pm.

The minutes from the May 2004 Annual Meeting were read by Secretary, Carin Lovell. The minutes were amended to state that Randy Daniel (not Frankie Daniel) had seconded a motion at the Annual meeting. Fred Fiscus moved to accept the amended minutes, and Jerry Morse seconded the motion.

The Treasurers Report was not able to be given, due to Treasurer, Fred O'Bryan's absence.

Fiscus informed the members that the board had obtained liability insurance for the association and the board members.

Junior Oldham inquired to why we had not gone through with petitions to amend the agreement as had previously been voted on in the Annual meeting.

Fred Fiscus then explained the primary reason for the specially called meeting of the membership. Fred explained that he had contacted our attorney, Bruce Simpson about the drafting of the petitions, and Simpson explained that the petitions were not necessary, since the parties that drafted the agreement were always free to make amendments to the contract as long as both parties agreed.

He advised to the board to draft a proposal to present to the membership for a vote. The proposal would outline the requirements for the developer to meet in order for us to obtain from litigation against them. The board came to a unanimous decision to compromise on the issues of speed humps and roundabout, and sent a newsletter with the proposal, diagrams, proxy, new directory and notice of the special meeting.

New Vice-President, Jerry Nicholson, addressed the members regarding the need for the members to approve the proposal. Discussions and clarifications of the proposal ensued.

Junior Oldham asked about the status of the electricity to the front pond, which Jerry Nicholson who had inspected it, stated that KU needs to inspect it, and run electricity to it.

Tom Smith asked about the status of replacing the fencing behind his property, which he indicated was included in the agreement. Fred Fiscus and Jerry Nicholson said they would check into it, and if needed would be added to the list of items the developer was responsible for.

Jean Sandifer moved that we vote on the proposal. Doris Vineyard seconded.

Ballots were passed out, and votes and proxy votes counted. 23 were in favor, 2 objected. Proposal was accepted. The board will await approval from the city on the revised speed hump and roundabout plans, then arrange a meeting with the developer.

Randy Daniel asked for a moment of silence for Paul Sturgill who recently passed away.

Jerry Morse brought up the possibility of doing a petition for a majority vote to obtain trash services from the Division of Public Works. He seemed to think this would save each resident quite a bit on their trash collection bills. It was determined that more math needed to be done to assess the savings.

Randy Daniel moved to adjourn, Martha Taylor seconded.

The meeting concluded at 8:15pm.

These minutes respectfully submitted by Carin Lovell, Secretary.



October 2004

Dear Colony Residents,

The Colony Association Board has several important items of business for your consideration: Enclosed you will find the following:

1. **The 2004 Light and Maintenance Fund bill.** In the past these have been sent out in January. We ask that you remit this voluntary payment now and future bills will be distributed in the summer months. If you have already paid, please disregard this current bill.
2. **Notice of a Special Colony Membership meeting to be held Oct. 14, at 7pm. at St. Raphael Church.** At our annual meeting in May, the membership voted to circulate a petition to reduce the number of those in favor of amending the original contract with the developer from 70% to 51%.

However, our attorney, Bruce Simpson, has advised that this is not necessary. Instead, he has given us a written opinion which follows:

*I would recommend, if there is an interest in amending the agreement, the Board consider such amendments first and then submit the proposed amendment(s) to the eligible voting members of the association for a vote. (In relation to our agreement) ...Even though the agreed judgment specifies that it takes 70% to change the restrictions, the parties to the agreed judgment are always free to amend the agreed judgment.*

The board has unanimously agreed to a proposal (enclosed) that outlines amendments that we will put forth to the membership for a vote. If this proposal is accepted, we will then negotiate with the developer in lieu of continued litigation. The board feels that this proposal is a reasonable compromise on issues that have divided our neighborhood for years. If you cannot attend this special meeting, please send in your proxy vote on the inside.

3. **Proposal Letter and Design Changes.** Please read enclosed carefully as these changes will affect our entire neighborhood.
4. **2004-2005 Colony Directory.** Note: a downloadable Directory will also be sent to those members with email addresses.

The board feels that this is an exciting time for our neighborhood and we hope everyone will participate in the upcoming vote on the design changes. Additionally, we plan some positive activities in the next few months that we think many of you will enjoy.

We welcome any ideas, suggestions or opinions. Just contact one of us listed below to share them.

President  
Fred Fiscus  
1249 Colonial Drive  
Home: 225-9976  
Work: 231-6290  
Fax: 231-6296  
Cell: 221-8865  
E-mail:  
fredf@wrogers.com

Vice-President  
Jerry Nicholson  
1252 Colonial Dr.  
Home: 225-1539  
E-mail:  
jerry.nicholson  
@insightbb.com

Treasurer  
Fred M. O'Bryan  
1245 Standish Way  
Home: 233-0471  
Cell: 494-4350  
E-mail:  
fredmobryan  
@insightbb.com

Secretary  
Carin Lovell  
1280 Colonial Dr  
Home: 233-4455  
Work: 269-0064  
Fax: 269-0066  
E-mail:  
carin@bydesigned.com

Member At Large  
Martha Taylor  
1236 Standish Way  
Home: 254-9626  
Fax: 254-9627  
Cell 1-408-483-0570  
E-mail:  
mstaylor@ix.netcom.com

Member At Large  
Randy Daniel  
1272 Standish Way  
Home: 225-8824  
E-mail:  
erdani01@pop.uky.edu

Member At Large  
Lowell Bush  
1241 Colonial Drive  
Home: 859-254-9212  
Work: 257-5020  
ext 80764  
Cell: 333-4707  
E-mail:  
lpbush1@uky.edu

# Residents Inc. Board Proposal for Amendment to the Agreement

*A special meeting will be held on Oct. 14th at 7pm at St. Raphael Church on Parkers Mill Rd.*

*As an attempt to compromise, the board of Residents, Inc. will put forward the following proposal to the general membership for a vote to accept the proposal or reject it. Proxy votes will be accepted, and have to be received by Oct. 13. If accepted, the board will negotiate with the developer to complete the following items as set forth in the "agreement" in lieu of continued litigation.*

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1. Install three speed humps as indicated on Display #1. These speed hump placements have been approved by the city.

2. All of the interior islands need to be landscaped, as provided by the agreement. Lowell Bush, the developer and their landscaping contractor have reviewed the revised plans and agreed to them.

3. In lieu of a full Roundabout, we would like the developer to remove the asphalt within the circle (east-west coordinates) and include that area a revised landscaping plan. The north-south portion of Standish will remain untouched. See display #2.

4. The access easements to the large lake need to be cleared (trees currently impede access), fitted with an approved walkway and maintained as required in the agreement. Display #3 indicates these easements, and we propose an aesthetically pleasing walkway consisting of trench with pea gravel or recycled tire mulch (preferred).

5. The Versailles Road retention pond needs to be cleaned, mowed and maintained. 90% of the pond is less than 1 foot deep. Even by the dam and spill over it is less than 2 feet deep. A sprinkler was installed into the pond but the electrical meter was never installed.

The overflow abutment was rebuilt last year, but was build too low and will never allow enough water into the pond to achieve an ecological balance. These issues need to be corrected.

6. The roadways in the Colony need to be repaired and repaved where appropriate, as provided by the agreement.

7. The fencing on Versailles Road needs a second coat of paint.

8. The water drainage problem that effects the Lovell, Web and Richardson properties needs to be corrected as stipulated in the Agreement page 4, item 4.

Note: All other requirements of the developer included in the agreement remain as written.

Timeframe in which to complete:

Items 2,3,4,5,7 & 8 by Dec. 30, 2004.

Items 1,6 by April 1, 2005.

If you cannot attend the meeting, you may send in your proxy vote (detach this sheet).  
**PROXY VOTE: (only one vote per household)**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

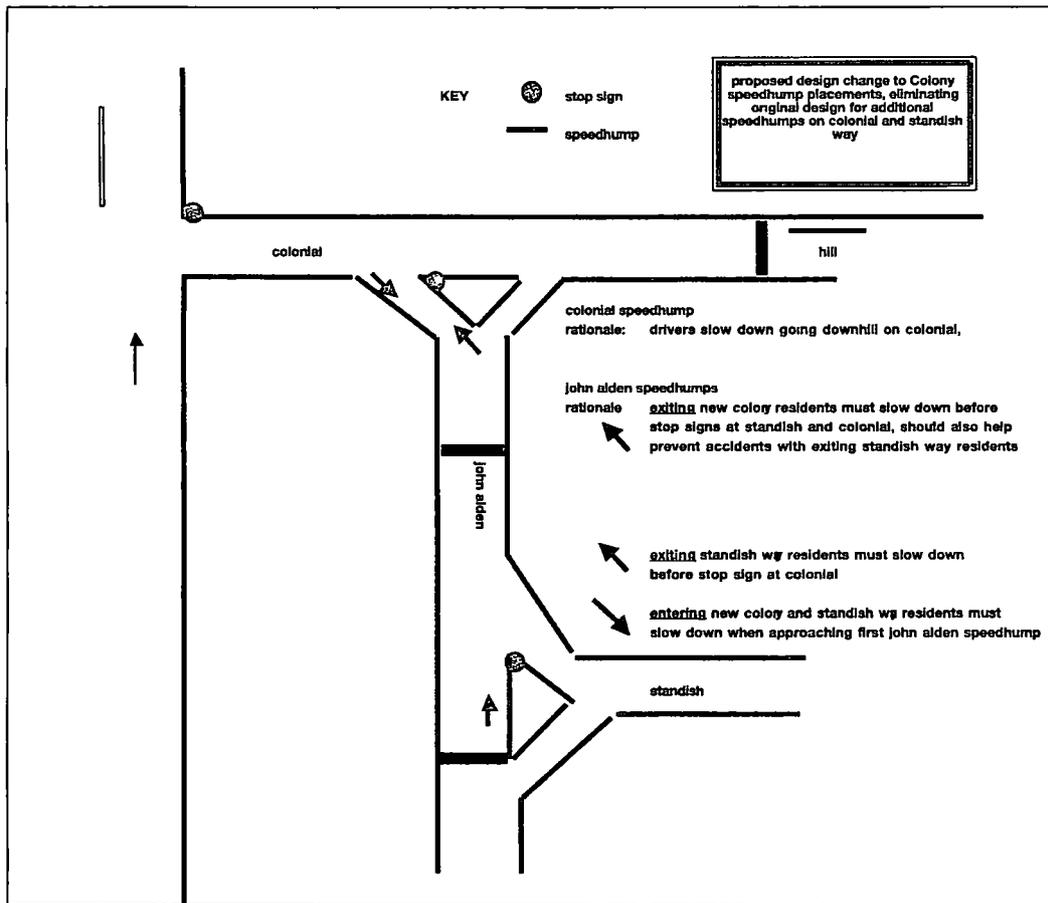
I vote YES for this proposed amendment to the agreement.

I vote NO for this proposed amendment to the agreement.

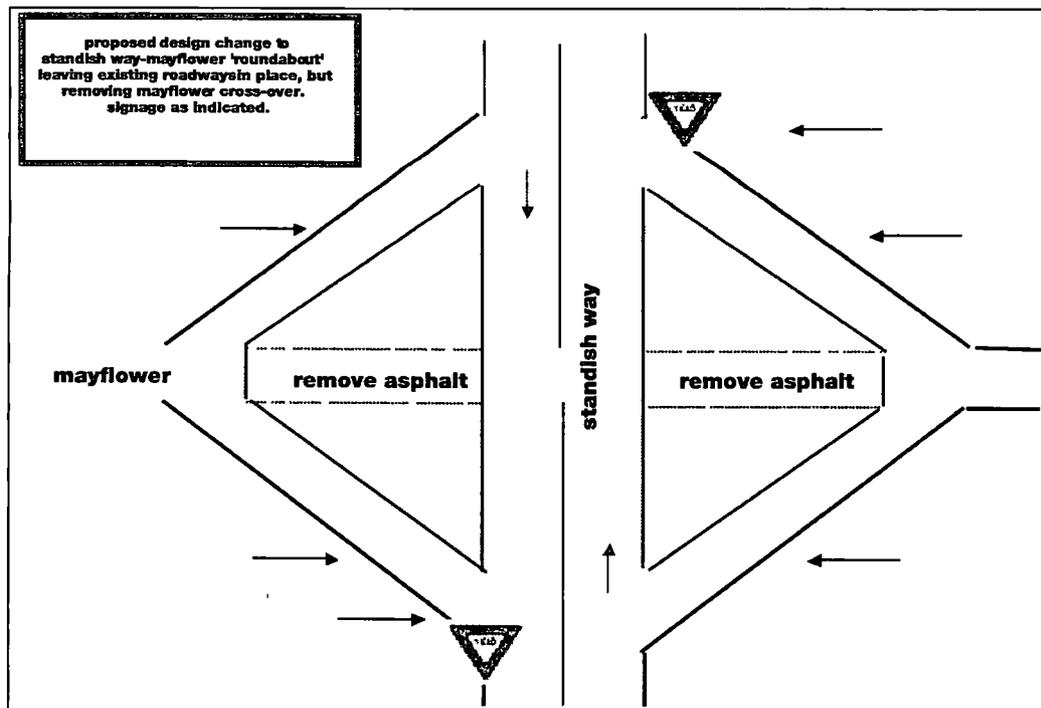
signature: \_\_\_\_\_

Please mail to Secretary Carin Lovell, 1280 Colonial Drive, 40504 so that she receives it by Oct 13th.

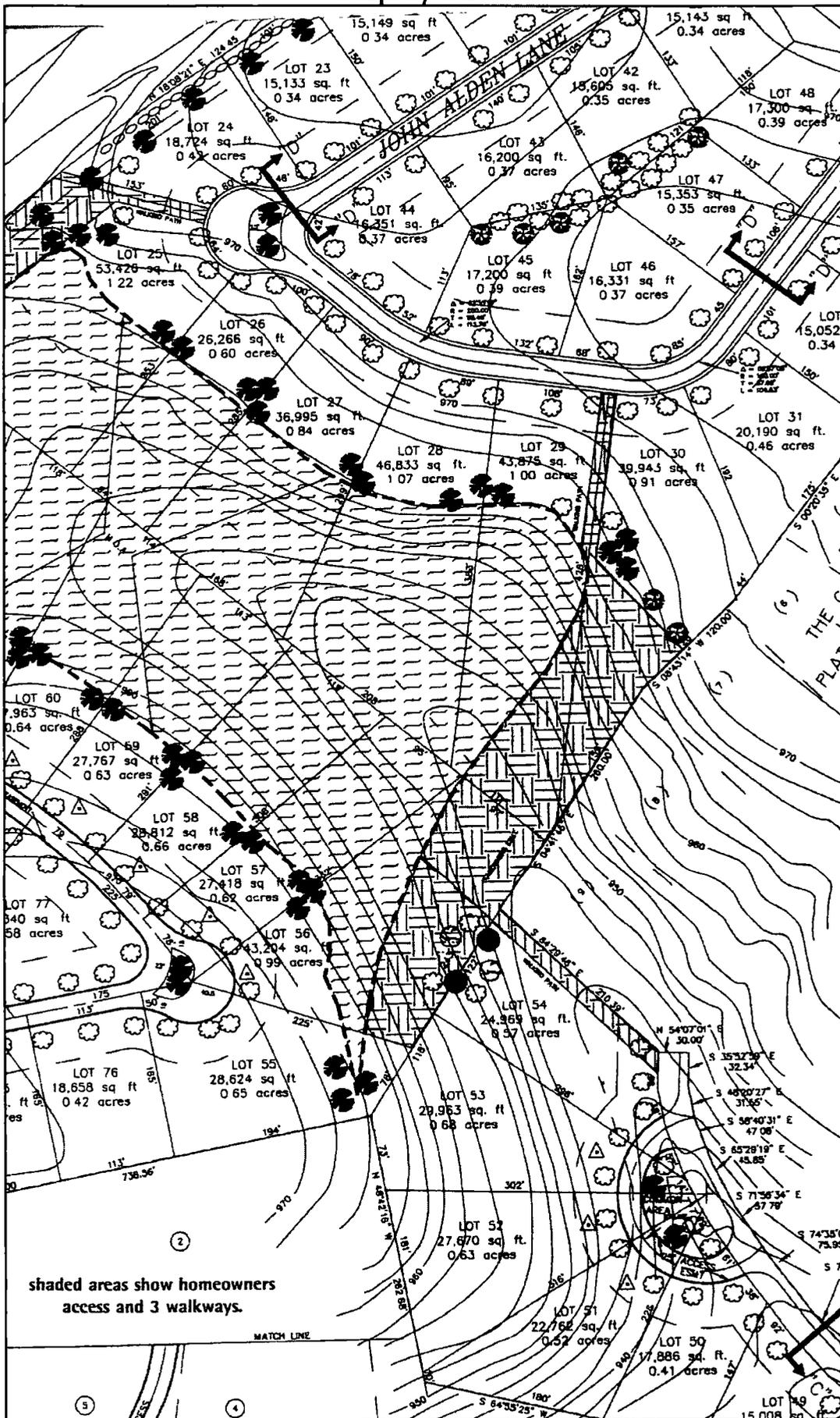
# Display #1



# Display #2



# Display #3





**Subject:** RE: Colony needs

**Date:** Wednesday, September 29, 2004 1:19 AM

**From:** Jerry Nicholson <Jerry.Nicholson@insightbb.com>

**To:** Carin Lovell <carin@bydesigned.com>, Lowell Bush <lpbush1@uky.edu>, Fred O'Bryan <fredmobryan@insightbb.com>, Fred Fiscus <fredf@wrogers.com>, Bill and Martha Taylor <mstaylor@ix.netcom.com>, Randy and Frankie Daniel <erdani01@pop.uky.edu>, David Meeks <mmt@qx.net>

Here is what I found out about the small pond in the front:

- About 90% of the pond is less than 1 foot deep. Even by the dam and spill over it is less than 2 feet deep.
- A sprinkler was installed into the pond but the electrical meter was never installed.
- The overflow abutment was rebuilt last year, in my opinion the thing was build too low and will never allow enough water into the pond to achieve an ecological balance.
- Spoke to some of the neighbors in the new section by this pond. They are very disgusted with the developers. They claim to have called the developer several times about getting the sprinkler hooked up and mowing around the pond.

Unless we can get 4-5 feet of water into the pond we will never be able to control the algae growth and smell. We need to discuss further.

Jerry

-----Original Message-----

**From:** Carin Lovell [mailto:carin@bydesigned.com]

**Sent:** Tuesday, September 28, 2004 10:43 AM

**To:** Lowell Bush; Fred O'Bryan; Fred Fiscus; Bill and Martha Taylor; Randy and Frankie Daniel; David Meeks; Carin Lovell; Jerry Nicholson

**Subject:** Colony needs

Guys,

Specifically, these are the things we need by Friday:

- Fred O,Bryan was going to look for the illustrations around the lake and get a new quote for board insurance.
- Lowell was going to find the new landscaping plans.
- Fred Fiscus was going to get the insurance.
- Jerry was going to find out about the lake so we would know what specifically to put in the proposal to the developer.

**By Design**

1280 Colonial Drive

September 23, 2004

Colony Board Meeting (Residents, Inc.)

*The meeting was held at Secretary Carin Lovell's home. The following board members were present: Lowell Bush, Fred Fiscus, Fred O'Bryan, Martha Taylor, Carin Lovell and new board vice-president, Jerry Nicholson.*

- 1. The minutes were read from the July 25th board meeting.*
- 2. Fred O'Bryan gave the treasurer's report (attached). The current balance in the account is \$3,549 as of Sept. 7, 2004. Fred indicated that apx. \$750 per year is spent for lighting the Colony. Approximately two-thirds of the households contribute to the Light and Maintenance Fund. There was discussion that the 2004 bills had not yet been distributed. It was decided to go ahead and distribute them door-to-door and instead of billing for the 2005 fund in January, we would wait until later in the spring.*
- 3. The board voted to obtain insurance for the board and its members. Fred had a quote for \$300-500, Steve had gotten a quote for \$750, and Fred O'Bryan is going to obtain a quote from his sources and report his finding by Oct 1. Carin Lovell moved that Fred Fiscus is then approved to obtain insurance after he determines the best coverage from the three quotes, and Martha Taylor seconded.*
- 4. The board discussed the letter from Bruce Simpson recommending that we present a proposal before the general membership at a special meeting for a vote to accept our proposal for amending the contract with the developer. The proposal would outline the requirements of the developer to meet in order for us to obtain from litigation against them. Miraculous as it was, the board came to a consensus on the requirements of the proposal (attached). It was decided that October 1st would be the deadline for questions/items/clarifications to be collected to send a notice to the membership that the special meeting would be held on Oct. 14, 2004 (confirmed by St. Raphael Church) at 7pm.*
- 5. The new Colony Directory was discussed. Update cards were handed out this week, and Martha Taylor is updating the Directory in Word. Jerry Nicholson or Dave Kessler will transfer the information into an Excel database for us once the Word file is complete. We decided to distribute hardcopies as well as e-mail a PDF file to those who have e-mail addresses.*

*The meeting adjourned at 8:45pm.*

*Residents, Inc. Treasurer's Report  
as of Sept. 7, 2004*

*Checks written since May 2004 meeting:*

<i>7-18 Randy Daniel - picnic expenses</i>	<i>\$30.28</i>
<i>8-7 KU Entrance lights</i>	<i>\$200.00</i>
<i>8-16 Bruce Simpson @\$175 hr.</i>	<i>\$1,303.75</i>
<i>9-7 Post Office Box (reimburse Steve Edger)</i>	<i>\$69.00</i>
<i>9-7 KU Post lights</i>	<i>\$200.00</i>
<i>KU credit for entrance lights</i>	<i>&lt;165.01&gt;</i>
<i>KU credit for pole lights</i>	<i>&lt;158.31&gt;</i>
<i>Balance as of 9/7/04</i>	<i>\$3,549.00</i>

*September 2004  
Colony Board Meeting Agenda*

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*Minutes*

*Treasurers Report*

*Board Insurance*

*Letter from Bruce Simpson*

*Proposals for speed humps & vote*

*Discussion on what to include in negotiations with developer*

*Colony Directory*

*Other Business (increasing dues)*

## *Colony Board Proposal for Amendment to the Agreement with the Developer*

*The board of Residents, Inc. put forward the following proposal to the general membership for a vote to accept the proposal or reject it. If accepted, the board will negotiate with the developer to complete the following items as set forth in the "agreement" in lieu of continued litigation.*

- 1. Install three speed humps as indicated on Display #1. These speed humps placements have previously been approved by the city.*
- 2. All of the interior island need to be landscaped, as provided by the agreement. Lowell Bush, the developer and their landscaping contractor have reviewed the items that need to be done and maintained as indicated on Display #2.*
- 3. In lieu of a full Roundabout, we would like the developer to remove the asphalt within the circle (east-west coordinates) and include that area a revised landscaping plan.*
- 4. The access easements to the large lake need to be cleared (trees currently impede access), fitted with an approved walkway and maintained as required in the agreement. Display #3 indicates these easements, and Display #4 indicates a possible construction to be discussed.*
- 5. The Versailles Road retention pond needs to be cleaned, mowed and maintained. Additionally, either the leak has not been fixed, or the water level is set at too low a level. The aerator needs to be operational.*
- 6. The roadways in the Colony need to be repaired and repaved where appropriate, as provided by the agreement.*
- 7. The fencing on Versailles Road needs a second coat of paint.*

*Timeframe in which to complete \_\_\_\_\_.*

**Subject: Re: Colony board meeting**  
**Date:** Saturday, September 18, 2004 8:01 PM  
**From:** Fred M. O'Bryan <fredmobryan@insightbb.com>  
**To:** Carin Lovell <carin@bydesigned.com>

**My vote is yes for Jerry to be on the board. See you this Thursday evening.**

**Fred**

----- Original Message -----

**From:** Carin Lovell <mailto:carin@bydesigned.com>  
**To:** Lowell Bush <mailto:lpbush1@uky.edu> ; Fred O'Bryan <mailto:fredmobryan@insightbb.com> ; Fred Fiscus <mailto:fredf@wrogers.com> ; Bill and Martha Taylor <mailto:mstaylor@ix.netcom.com> ; Randy and Frankie Daniel <mailto:erdani01@pop.uky.edu> ; David Meeks <mailto:mmt@qx.net> ; Carin Lovell <mailto:carin@bydesigned.com>  
**Sent:** Saturday, September 18, 2004 11:03 AM  
**Subject:** Colony board meeting

We will have a board meeting at my house at 6:45 next Thursday, the 23rd.

I will try to get a copy of the stipulations of the lawsuit for your review before we meet so we can make our recommendations for a vote. Also, again is attached the letter from Bruce Simpson outlining his recommendations. If you cannot open this file, go to [www.adobe.com](http://www.adobe.com) <<http://www.adobe.com>> and download Acrobat Reader (free).

Additionally, Fred Fiscus has stepped up from Vice President to President as a result of Steve Edger resigning. He has talked with Jerry Nicholson who has agreed to fill the Vice President opening if elected by the board.

To expedite matters so that we can have a full board meeting next week, please e-mail me with a „yes% or „no% vote to determine eligibility for Jerry to the board. Please let me know ASAP.

Thanks.

Carin

**By Design**

1280 Colonial Drive  
Lexington, KY 40504



**Subject: Re: Colony board meeting**  
**Date: Saturday, September 18, 2004 12:53 PM**  
**From: E. Randolph Daniel <erdani01@pop.uky.edu>**  
**To: Carin Lovell <carin@bydesigned.com>**

I agree to the election of Jerry Nicholson to the office of vice-president. As I told you before, I am willing for the board to get insurance and to work out a deal with the developer to put in four or five speed humps on John Aldin and on Colonial from Lowell Bush's home northward [two on Aldin and preferably two on Colonial]. No roundabout. Horsefarm fence next to Tom and Mikki Smith's has been taken care of by the Clarks who put such a fence on their lot. I will be in Richmond, Virginia that night. Randy

At 11:03 AM 9/18/04 -0400, you wrote:

>We will have a board meeting at my house at 6:45 next Thursday, the 23rd.

>

>I will try to get a copy of the stipulations of the lawsuit for your  
>review before we meet so we can make our recommendations for a vote. Also,  
>again is attached the letter from Bruce Simpson outlining his  
>recommendations. If you cannot open this file, go to [www.adobe.com](http://www.adobe.com) and  
>download Acrobat Reader (free).

>

>Additionally, Fred Fiscus has stepped up from Vice President to President  
>as a result of Steve Edger resigning. He has talked with Jerry Nicholson  
>who has agreed to fill the Vice President opening if elected by the board.

>

>To expedite matters so that we can have a full board meeting next week,  
>please e-mail me with a yes or no vote to determine eligibility  
>for Jerry to the board. Please let me know ASAP.

>

>Thanks.

>

>Carin

>

>

> By Design  
> 1280 Colonial Drive  
> Lexington, KY 40504  
> 859-269-0064  
> 859-269-0066 (fax)  
> [www.bydesigned.com](http://www.bydesigned.com)  
> [carin@bydesigned.com](mailto:carin@bydesigned.com)

I vote "yes to elect Jerry Nicholson to Residents Inc. board as Vice President.

Carin H. Lovell

A handwritten signature in black ink that reads "Carin H. Lovell". The signature is written in a cursive style with a large, looping initial 'C' and a distinct 'H'.

**Subject:** re: colony  
**Date:** Monday, September 20, 2004 2:38 PM  
**From:** mstaylor@ix.netcom.com  
**Reply-To:** mstaylor@ix.netcom.com  
**To:** <carin@bydesigned.com>

carin, i vote 'yes' for jerry nicholson for vice president of the colony association board of directors.

martha

----- Original Message -----

**From:** Carin Lovell  
**To:** Martha Taylor  
**Sent:** Monday, September 20, 2004 2:16 PM  
**Subject:** Colony

Martha,

Haven't had a chance to get those addresses for you yet, I will this afternoon.

In the meantime, can you just send me an e-mail with a 'yes' for Jerry Nicholson for my files?

Thanks.

By Design  
1280 Colonial Drive  
Lexington, KY 40504  
859-269-0064  
859-269-0066 (fax)  
www.bydesigned.com  
carin@bydesigned.com

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**Subject:** RE: Colony board meeting  
**Date:** Monday, September 20, 2004 1:42 PM  
**From:** Fred Fiscus <fredf@wrogers.com>  
**To:** Carin Lovell <carin@bydesigned.com>

I will be there.

I vote yes for Jerry Nicholson to be Vice President

---

**From:** Carin Lovell [mailto:carin@bydesigned.com]  
**Sent:** Saturday, September 18, 2004 10:03 AM  
**To:** Lowell Bush; Fred O'Bryan; Fred Fiscus; Bill and Martha Taylor; Randy and Frankie Daniel; David Meeks; Carin Lovell  
**Subject:** Colony board meeting

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To expedite matters so that we can have a full board meeting next week, please e-mail me with a "yes" or "no" vote to determine eligibility for Jerry to the board. Please let me know ASAP.

Thanks.

Carin

**By Design**

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1280 Colonial Drive  
Lexington, KY 40504

THE COLONY NEIGHBORHOOD ASSOCIATION  
(aka Residents, Inc.)

BOARD MEETING MINUTES  
Sunday, July 25, 2004

The meeting was held at Secretary Carin Lovell's home. The following Board Members were present: Lowell Bush, Fred Fiscus, Steve Edger, Randy Daniel, Martha Taylor and Carin Lovell. Fred O'Bryan and David Meeks were out of town. A quorum was established. The meeting was called to order at 3:15pm.

1. Board President Steve Edger was asked to determine the date of the 90 day extension of the lawsuit. He indicated he would e-mail this information to all board members.

2. Numerous discussions entailed regarding modifying the "Agreement" with the developer. Personal opinions were expressed and recognized as to speed hump needs or lack thereof. However, the board recognizes the mandate voted on by the membership at the last Annual Meeting to circulate a petition to solicit the 70% requirement needed to modify the "Agreement" to a simple majority (51%) in order to make modifications thereto.

The Secretary will mail a notice that the petitions will be circulated, along with a postcard to be returned to update member information for the forthcoming directory (attached). It was decided that if the board is successful in soliciting the 70% of signatures to modify the contract, then the board would discuss options in order to put forth a motion to modify the "Agreement" at a special meeting

3. Several board members questioned why they had not received notices about the light fund dues. A consensus was that the light fund bills should be sent out right away – and on a consistent yearly basis in January.

4. Discussion ensued on the expense of the front entrance lighting. The lighting at the entrance is costing us almost \$30 per month. Steve Edger will talk with Fred O'Bryan about his research on the matter, and determine a way to reduce expenses. Some ideas were to decrease voltage, reduce hours on the timer, replacing the light fixtures, or disengaging a few of the lights or a combination of any suggestions.

The meeting adjourned at 4:45pm.

Post Board Meeting Activity:

President Steve Edger hand-delivered a letter stating his resignation to Carin Lovell later that afternoon. As read:

To the board of Residents, Inc.

After sitting through the meeting that we had today it became clear that only two of the members understand what bearing the past has on the present. And to that end, I will no longer participate in the destruction of the contract as it is written. Effective immediately is my resignation from the position of President.

Steven E. Edger

Sunday July 25, 2004

To the board of Residents Inc.

After sitting through the meeting that we had today it became clear that only two of the members understand what bearing the past has on the present. And to that end, I will no longer participate in the destruction of the contract as it is written. Effectively immediately is my resignation from the position of President.

Sincerely,

Steven E. Edger

Residents Inc. Board Meeting  
June 2, 2004

The board met at 6:40. Present were Steve Edger, Martha Taylor, Lowell Bush, and Randy Daniel. Later Fred Fiscus joined us. A motion was made by Randy Daniel to authorize Steve Edger to obtain liability insurance for the officers and for the board. Martha Taylor seconded the motion. Lowell dis-

sented because he did not know whether we had authority to spend the money or had the money. Eventually the concensus seemed to be that the financial situation needed to be clarified before insurance was obtained. The drafting and circulating a petition to eliminate the 70 clause from the agreement was discussed. Steve feared that this would break the contract and that the contractor would then do nothing. No motion was made and no action taken. The speed humps were discussed. Edger, Fiscus, Taylor, and Daniel were all willing to see one or more speed humps on John Aldin and perhaps one or two at the northern end of Colonial. Lowell is under the impression that the city wants a network of speed humps and it was agreed that nothing further would be done until Chuck Saylor was consulted. There was brief discussion about the right-of-way at the southern end of Standish next to the property of Tom and Mikki Smith. No action was taken. The meeting adjourned at 7:55. For the secretary, Randy Daniel

#  
5,350

**Subject: Colony board meeting**

**Date:** Tuesday, July 20, 2004 1:23 PM

**From:** Carin Lovell <carin@bydesigned.com>

**To:** 2004-05 Colony Board

Dear Board Members,

What a wonderful day we had Sunday! Beautiful weather, lovely location, great food, and most of all having a positive gathering with our neighbors!

Our thanks to the gracious hospitality of Bill and Martha Taylor for opening their home for a wonderful time!

In order to have more positive energy in our neighborhood, we'll have to work to put the issues with the developer behind us. So, our board needs to meet and follow through with the wishes of the majority of our neighbors. In particular, the members voted to circulate a petition - and there were several questions raised at the last board meeting before we could move forward.

I think our objective for this next board meeting (Sunday, July 25, 3pm at my house) is to bring those answers and be prepared to move forward to be an effective board for Residents, Inc.

I've attached the General Meeting minutes and the last board meeting minutes for you to review before you come to the meeting - so everyone is on the same page. I will also make copies of the operating bylaws (which you all should have) and bring them to the meeting.

In particular what we'll need:

Steve Edger: quote for board insurance and application to put forward, status of lawsuit and deadline as discussed with our lawyer and associated costs, any discussions with developer (including utility easement pressure on pond right-of-ways), status of pond electricity

Fred O'Bryan: current treasurers report (can you find out what the outstanding lawyers fees are), estimated AR for light fund

Randy Daniel: Has talked with Chuck Saylor, who has confirmed that the city will approve any amount of speed humps (if any) that the membership votes to install - as long as we comply with city specs with regard to installation. This is also covered in the Q&A that we got from Chuck last year.

Lowell Bush: What are the revised landscape plans that you've discussed with the

developer? I don't think the board has seen the revised plan. What is the status here?

Martha Taylor: has agreed to update the Colony directory. Does anyone know where the database is?

See you Sunday! Please let me know if you cannot attend.

Thanks.

Carin Lovell  
Secretary

## **By Design**

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# THE COLONY NEIGHBORHOOD ASSOCIATION

(aka Residents Inc.)

## ANNUAL MEETING MINUTES

Thursday, May 20, 2004

The annual meeting was held at St. Raphael's Episcopal Church on Thursday, May 20, 2004. There were 20 neighborhood members present (see sign-in list). Outgoing President David Meeks called the meeting to order at 7:05 p.m.

**Paula Savigny- Senior Warden at St. Raphael welcomed us**, stated they had waived any usage fees for us and generally wanted to be "good neighbors". If we needed anything just ask them...

**Frankie Daniel asked for a moment of silence** on behalf of long-time Colony residents who had passed away during the past year...

**Allen Wahl (a contractor acting as representative for J. Williams Inc.)** addressed the group, gave a status report on pending issues and answered questions from the floor:

KEY point: there are still several issues that are causing snags which have delayed the completion of the Contract with us. Most significant are previous requested changes to the agreement and the continued threatened lawsuits we have against them. In addition, J. Williams Inc has been threatened with lawsuits from individual residents in both the new and old Colony.

SPEED HUMPS: original plan called for 8 humps, none on Standish Way. We have asked for a change to 6 humps. J. Williams have been out and placed temporary markings on the road where the humps would be. These are only general guidelines. Common sense and City Road requirements will determine where the actual final placement will be. There will not be any humps in front of driveways, mailboxes or fire hydrants and within certain distances from same.

TRAFFIC CIRCLE: At this point-this issue is out of our control because the City has certain requirements (curbing) that J. Williams must meet-- even though we don't want the curbing as stated in the Contract. Unless we can agree to completely remove the Circle, we will have to live with what the City wants.

IMPROVED WALKWAYS & PUBLIC ACCESS EASEMENTS: J. Williams are dealing with Dr. Becknell's obstruction of public access—he has threatened suit—and are now trying to force the issue by using the KU utility access as basis for removal. The public access walkway next to New Circle has no snags, can be installed and will be handicapped accessible. Allen confirmed that "an improved walkway" would consist of poured concrete. The public access at the rear of the neighborhood is currently obstructed due to final construction of newest house. There is an issue of how to keep this Open....due to the grade of the land there—there is no way it can ever be made to meet both the city/state handicapped accessibility requirements. This is a major snag and the Contract will have to be amended in order to move forward.

POND NEXT TO VERSAILLES ROAD: New aerator (not a fountain) and electricity has been installed and is waiting for final KU approval before it can be turned on. It will then run 24/7.

FLOWERS AND LANDSCAPED COMMON AREAS: due to our continued/multiple proposed changes, they have stopped work on this until we can make a final decision.

OUR PENDING LAWSUIT: [as per David Meeks] on Friday 21-tomorrow-our lawyer Bruce Simpson will appear in court to ask for a continuance and will say we are still working with developer on issues. The City may or may not allow us to do that, if they don't, they will throw the suit out.

Question from the floor—Allen Wahl confirmed that the Contract is a legal document that is in effect for a 30 year period and has provisions for renewing perpetually every 30 years after that. *He also confirmed that in order to amend the Contract it takes approval of 70% of the lot owners in the new Colony and 70% of the residents of the old Colony.* At this point Allen Wahl left the meeting and we thanked him for his time.

**Past Minutes:** Julie Springer, outgoing Secretary, read the minutes from the last annual meeting. David Meeks moved to accept the minutes as read; Allen Blanton seconded. Motion approved.

**Treasurer's Report:** Fred O'Bryan, Treasurer, gave the following report:

Expenses for the past year:

77.08 10 copies of contract  
133.14 supplies-President  
137.61 plants for Versailles Road entrance  
49.93 supplies-Secretary: postage, envelopes  
401.99 KU-neighborhood lights for 11 months @ 6.54 per  
266.52 KU-entrance lights for 9 months @ 29.61 per

Assets for past year:

\$5,352.43 Bank balance as of May 20, 2004  
108.44 KU-credit in entrance light fund  
91.69 KY-credit for other lights-7 poles

*Randy*

~~Frankie~~ Daniel motioned to accept the Treasurer's report as stated. Fred Fiscus seconded. Motion passed.

**President's Report:** David Meeks stated the Colony has been operating for 43 years without D & O insurance (Directors and Officers) and noted that the incoming Board should immediately secure this insurance to protect themselves from threatened lawsuits. This threat effectually stopped the outgoing Board from pressing forward with any business and will continue to do so until it is eliminated. Due to this, there is no slate of officers to present for election because no one wants to run for office.

David proposed a way to amend the Contract and lay the groundwork for eliminating the previously listed snags: circulate a new petition that will change the 70% requirement needed to make any changes to a "simple majority of those present (with proxy) at any particular meeting who can vote—"new Colony lot owners and old Colony residents". Then a separate meeting can be called, with proper notice, to address the final pending issue of the snags and their amendments. Discussion ensued from the floor. **Randy Daniel made a motion to circulate a petition to be sent to all lot owners in the new Colony and all residents of the old Colony to ask for a change in Section 18 of the J. Williams Inc. Contract. This proposed change is to delete the 70% requirement and replace it with a simple majority (51%), with proxy. Jean Sandifer seconded. Motion passed.** David additionally asked for a show of hands, all agreed,

two opposed the change. David suggested that the new President contract with a neutral third party to circulate the petitions. Only one vote per household will be allowed.

**Annual Elections:** David put forth the following as new officers for the term of one year:

Fred O'Bryan for Treasurer  
Lowell Bush for member-at-large

then opened the floor for discussion and recommendations for nominations. The following slate was put forth of new Board members for the term of one year:

Steven Adger for President  
Fred Fiscus for Vice President (President Elect)  
Carin Lovell for Secretary  
Martha Taylor for Member-at-large  
Randy Daniel for Member-at-large  
David Meeks will be Ex-Officio President

Frankie Daniel made a motion to accept the slate as it, Allen Blanton seconded. No oppositions from the floor. Motion approved.

**New Business:**

1. Junior Odom wants the new President to address the following:
  - a. The Wheeler household using Colonial Drive to park on-is a major safety issue and impediment to traffic
  - b. speeding on Colonial Drive
  - c. cars running stop signs at Standish and John Alden
  - d. city not cutting grass in easement area behind John Alden-it is now 3' high
2. the Neighborhood Picnic will be held on Sunday June 13<sup>th</sup> at the same location. Carin Lovell will send out notices.
3. Fred O'Bryan will send out annual bills (voluntary) for the \$25.00 neighborhood Association Fee. This is used primarily for the light fund.

Randy Daniel made a motion to adjourn; Junior Odom seconded. Motion passed.

The meeting was adjourned at 9:10 p.m.

These minutes respectfully submitted by Julie Springer, outgoing Secretary.

Annual Meeting 5/20/04

SIGN-IN SHEET

1.	Barbara Crocker	26
2	Frank Cathy O'Byrne	27
3	Carin Lovell	28
4	Jana C Kessler	29
5	Brenda Ormswold	30
6	B.M. Taylor	31
7	Jerry Morse	32
8	STEVEN J. JONES	33
9	Wm. J. Taylor	34
10	Jean Allen	35
11	Gandy James	36
12	Virginia Hogan	37
13	Lynn Hogan	38
14	Jan Sandiford	39
15	David Miller	40
16	Howard (Kusgore)	41
17	FRED FISCH	42
18	Jane Baumbach	43
19	Julie Sprunger	44
20		45
21		46
22		47
23		48
24		49
25		50

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