
ABOA SUMMMER DIGEST

August 2005

President's Message

Jordan Wiess

The president's message is brief. The Board members have been very busy dealing with a substantial number of issues, from road reconstruction and associated impacts to enforcement of the rules of the association, to putting on a well-run picnic, though dampened by the moist weather. I want to extend a big thanks to the Board members and very active volunteers for their support and enthusiastic work effort.

The ABOA is currently in the evaluation and implementation stage of several issues/changes, which will impact all the members of our association. The first is a change to the house rules, regarding the parking of recreational vehicles: notification, response time, and imposed fines. The second is an increase in the annual dues to ensure operating and future capital improvement budgets are covered; and the third is a potential movement to a management company to assist the Board of Directors in fulfilling the responsibilities outlined in the ABOA By-laws and CC&R's. As you read through this newsletter you will find an article on each of these topics and how it may impact the association and the membership.

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Common Area Dumping

During the ABOA spring clean up of the ABOA common areas we found trash, lawn clippings and other yard wastes dumped within our property. Specifically, this refuse has been dumped behind homes onto common properties owned by all Bayshore West homeowners.

The majority of the dumping has been occurring in Tract I (the common use area behind homes on the interior of Bettles Bay Loop) and Tract H (along Bayshore Drive).

Most of the waste appears to have been either dumped last fall or this spring. In a couple of instances there appears to be a continual dumping of yard clippings.



Tract I Dumping Ground

Last year the ABOA Board members and several volunteers cleaned all the identified trash and waste that was dumped into Tract I. This year the ABOA is contracting and paying a third party to do the initial clean up of this area. This initial clean up will be done at the expense of the general membership.

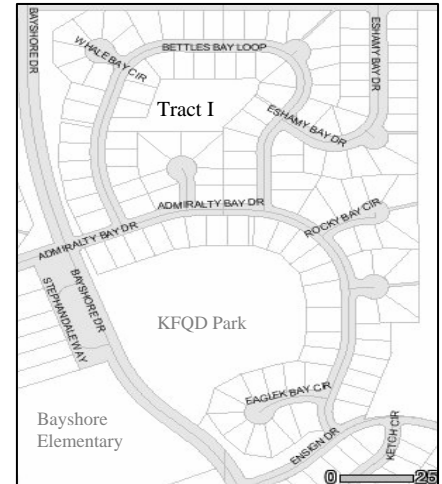


Fig. 1 Location of Tract I

After the initial clean up the ABOA will be monitoring the common areas for continued dumping of waste. If waste disposition is identified the offending property will be fined \$25 per instance, as per the ABOA House Rules, and the owner will be billed for the actual clean-up cost.

Historically, the ABOA has sent out several newsletters to all homeowners discussing their obligations for disposal, storage, and dumping of waste. The guidelines are detailed below.

GARBAGE AND REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. All such material shall be kept in sanitary containers. Such material shall not be disposed of by incineration. Trash shall be deposited in secure, sanitary containers and shall be placed out for pick-up no earlier than twenty-four (24) hours prior to pick-up. All containers must be removed no later than twenty-four (24) hours after pick-up.

NUISANCES

No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon which may be, or may become, a nuisance, or cause unreasonable embarrassment, disturbance, or annoyance to other owners in the enjoyment of their lots or living units or in the enjoyment of common properties. No repair or restoration of any vehicles shall be permitted on any portion of any lot or upon the common area except for emergency repairs thereto, and then only to the extent necessary to enable movement thereof to a proper repair facility.

The term "any lot" also includes the common properties held by the ABOA, and is applicable to any and all the ABOA owners in whole or in part who may use or abuse that property.

Dues Increase

The ABOA board of directors has approved an increase in the general dues from \$120 per year to \$275 per year. This increase is effective immediately and will be reflected in the annual dues invoice due out next month. There are several drivers for an increase which include, but are not limited to:

- **MOA policy change in property taxation.** Recently, the MOA assessed the taxable value of the ABOA common properties (Tracts I, K, L, H), and added these properties to the MOA taxable base. These new taxes have increased the annual costs of the association.
- **Increased maintenance of the common areas.** During last two summers, the lawn strip along 100th Avenue has not been mown by the municipality. Our contracted maintenance service absorbed this mowing at no additional cost and it is time to pay them. Also, the cost of clean up due to dumping of garbage and yard waste within the ABOA properties, as described in the associated article in this newsletter, needs to be budgeted.
- **Landscaping.** The landscaping contract has held flat for the last 3 years. The ABOA fully expects to see escalation in this contract over the next few years.
- **Reserve Fund.** The general increase in costs the ABOA reserves for capital improvements and capital repair is diminishing. We need to ensure there are funds in reserve to maintain the capital assets the ABOA owns.
- **Private Management.** If the ABOA chooses to contract a management company to aid in the fulfillment of the by-laws and CC&R's, **the added cost will result in an additional dues increase to fully offset the fees.**



The last increase in annual dues was 13 years ago, from \$80 - \$120. A 2/3 vote of the homeowners to purchase Tract I in 1998 added a special assessment of \$134 per home for a period of 5 years. Tract I was paid off in 2003.

Recreational Vehicles

Although the number of infractions appear to steady year to year, the ABOA see two commonalities each year. First: although a large number of owners have recreational vehicles, generally there is a small number who consistently violate the house rules, either throughout the season, or from season to season. Second: boats, planes, utility trailers (with or without toys on them) are not recreational vehicles as defined by the CC&R's or house rules, yet we still see them for extended periods.

When the association was created the covenants stipulated that recreational vehicles were not allowed to be parked or stored within the subdivision. Subsequent Board of Directors created the house rules which provided some leniency for these vehicles, namely they could remain in the

area for 72 hours for loading/unloading etc, with the main intent still being that the vehicles were to remain outside the neighborhood more than inside. This rule is contingent on the 72-hour rule not being abused.

The ABOA has not at this time repealed the 72-hour rule for recreational vehicles, but is reviewing the following changes to the house rules regarding recreational vehicles:

- No change to the definition of Recreational vehicles.
- No change to the 72-hr rule for defined Recreational Vehicles.
- No change to the requirement to remove the vehicle for a period of 24-hrs
- Notification: After a vehicle has remained in the area for greater than 72 hours a notice will be posted both on the vehicle and the residence. The owner then has 24 hours to remove the vehicle from the area.

Fines

- If the vehicle is not removed within the 24 hour period the following fine structure will be imposed on the owner:
 - ⇒ \$100 for the first offense.
 - ⇒ \$150 for the second offense, additionally a 24-hour rule will be imposed such that the vehicle may only remain in the area for 24 hrs, not 72 hrs.
 - ⇒ \$200 for the third and subsequent offenses.
- Undefined vehicles (boats, planes, utility trailers (with or without toys on them), snow machines, 4-wheelers etc. can not be in the area for more than 24 hours. After 24 hours the same notification and fine structure will be imposed.

It is the owners' responsibility to ensure all covenants and rules are followed. Under no circumstances is an owner removed from the obligations outlined above, or outlined in any of the ABOA governing documents.

Professional Property Management

This issue was discussed at the Annual General Meeting in February and the homeowners directed the board to pursue looking into professional property management. The board has identified the following three levels of private management, which would increase annual dues between \$180 - \$300.

Minimal Private Management Involvement

1. Homeowners and ABOA Board will act as the eyes and ears of the Association.
2. Violations of Bylaws, CC&Rs, and house rules will be reported to the management company by phone or e-mail from the homeowners or the Board.
3. The management company will act on all Architectural and Vehicular violations with letters to the homeowners, levying and processing fines, and pursuing any additional action as outlined by the Board, up to and including liens and foreclosure procedures.

4. The management company will conduct **seasonal** drive-thru inspections (i.e. Spring and Fall) to report and enforce house rules such as Christmas light removal.
5. The management company will attend all ABOA Board of Director meetings, including the Annual General Meeting. (up to 12 meetings per year)
6. The management company will be involved in all contracting that the ABOA engages in.

Intermediate Private Management Involvement

In addition to the services provided for minimal involvement the following additional tasks will be required:

7. The management company will conduct **monthly** drive-thru inspections to report and enforce house rules.
8. The management company will coordinate, print, and ensure delivery of all newsletters, flyers, and notifications to the ABOA membership.

Maximum Private Management Involvement

In addition to the services provided for minimal involvement the following additional tasks will be required:

9. The management company will conduct **weekly** drive-thru inspections to report and enforce Bylaws, CC&Rs, and house rules.
10. The management company will complete all accounting transactions for the ABOA, up to and including:
 - Invoicing of annual dues
 - Collection of dues
 - Payment of all bills
 - All banking requirements
 - Compilation and distribution of resale certificates
 - Annual tax reporting
 - All subsidiary ledger accounting
 - All general ledger accounting

Privatizing Considerations

It is expected that the move to private management will create a more uniform application of the house rules and timely follow-up on discrepancies. A hotline or email based reporting system for violations will considerably decrease time involved identifying violations.

During the past several years the neighborhood has suffered from a lack of volunteer involvement. This has limited the effectiveness of the active board members as they try to wear all hats, and has also led to burnout of some very talented people we have been fortunate to have serve on the board.

It is true that keeping our neighborhood held to the high standards created at its inception is time consuming. Consistent monitoring is necessary to ensure everyone is held to the same standard. Our volunteers have active professional and family lives, which limits their time available to devote to the association.

Needed Improvements

Due to homeowners' perceptions that the board was slacking in enforcing the house rules, the board last year made a concerted effort to ensure all homes were equally assessed as to compliance with house rules and everyone was aware of their responsibilities as a homeowner. Several new volunteers joined the board specifically to address this issue. We saw significant improvements to several properties and received positive reinforcement from the membership for this effort. We found that in most cases, the homeowners were simply unaware of a particular rule or just needed a gentle reminder and the violations were quickly addressed.

We also became aware of the increased vigilance required as homes age and homeowners change. Follow-up on discrepancies is still inadequate. Fines are rarely assessed and significant time is spent working with homeowners on the more serious offenses. In this day and age, volunteers simply do not have the required time to devote to ensuring the standards that were in place when we bought our homes are maintained.

Recent Efforts



As property owners, we need to take particular care not to take the quality of this subdivision for granted. The original owners crafted a very fair document protecting each homeowner and ensuring that negligent neighbors would not impact property values. Homeownership and membership in the association may not be separated. Upon ownership, every owner became a voting member of the association and is required to abide by the house rules and is protected by the CC&Rs.

All homeowners profit from an active homeowners' association, even those who may be hostile to the concept. The ABOA and homeowners were solely responsible for protecting Tract I from future high-density development such as an apartment complex. The ABOA has recently played an instrumental role in ensuring this subdivision is allowed to attend Dimond High School, securing funding for the Bayshore West road reconstruction project, working with the school district to alleviate the need for a chain link fence at the rear of properties abutting Mears grounds, and protecting the owners of Whale Bay Circle from losing substantial areas of their backyards to the Bayshore Drive rehabilitation.

The privatization will allow the board of directors to focus their energies on these and similar issues, while providing an impartial agency to address the house rule violations in a fair and consistent manner.

To send your comments and concerns about this issue to any board member, please go to the ABOA website:

ABOA Links and Contacts

E-mail: Go to: <http://www.aboa.org/local/contact>

Web Page: <http://www.aboa.org>

Architectural Notes

Please pick up/remove bags of leaves and grass from the front yard. These should not be visible all week long from the street. Same with garbage cans.

Garbage cans and containers to be picked up or emptied should be put at curbside on the morning of pick up – this is the new city of Anchorage law. Fines can be levied by the City for violations.

ABOA Picnic Wet But Fun!



The picnic held on May 21, 2005 was a great, if soggy, success! Thanks for everyone who helped put it together and who came and shared in the fun!

If folks would prefer to have it later in the summer next year – especially if we get weather like this year, please let the ABOA Board know and we'll start thinking about holding it later in June or July or August.

New Access to Tract I!

School kids will have a shortcut across Tract I to Mears this fall as the eagerly anticipated pathway from the intersection of Eshamy Bay and Bettles Bay into Tract I is paved this fall.



New paved access to Tract I from Eshamy/Bettles Bay

This pathway on ABOA common property between 3030 and 3036 Bettles Bay will allow access to the common area behind homes on the interior of Bettles Bay Loop, referred to as Tract I. This common area is owned by every property owner within the Bayshore West subdivision. The 132 homes within the subdivision each paid a special assessment of \$134 for 5 years to purchase this land, preventing future high density development and preserving the green space. Future plans for Tract I include landscaping and possibly some type of low maintenance common area improvements.

THANK-YOU to the previous board members and homeowners, who had the foresight to preserve this green space for the use & enjoyment of all owners. The 2/3 vote of the homeowners to purchase this land in 1998 indicates the commitment of the ABOA property owners to maintain a high-quality neighborhood.

Bayshore Drive Update

The alternative to enlarge the curve between Bayshore drive and 100th Avenue was not pursued by the MOA and the current intersection at Bayshore Drive and 100th will be maintained. The previous alternative would have removed the trees and brick wall at the corner of Bayshore and 100th, bringing the roadway closer to the homes on Whale Bay Circle, creating drainage and noise problems for these homes.

A detailed report of the public meeting held June 29 at Mears Middle School will be sent to all homeowners. Included is an overview of the current plans for pedestrian walkways and road calming measures. Further information can be found by calling PM&E Project Manager, Robert Palmer at 343-8111 palmerc@ci.anchorage.ak.us or visiting the project website at www.bayshoreproject.com

Hotlines

Pothole Patrol 343-8277

Street Maintenance Control Center: Contact for snow plowing, pothole patching, flooding in a road, dust control, or getting an icy intersection sanded.

Parking Enforcement 343-8500 Parking Violations 276-7275

Cars may not be parked on City streets for over 24-hrs, except on weekends. Cars are not allowed to park on streets during winter to enable removal of snow and access for emergency vehicles. To report problems, contact the above APD numbers.

Animal Control 343-8119 or 343-8162

Barking Dogs? Stray Cats? Contact Anchorage Animal Care & Control Center.

<http://animal.ci.anchorage.ak.us/acc/default.asp>

Mark Your Calendars!

- ABOA meetings **3rd Monday** of each month
7 p.m. 3011 Admiralty Bay Drive 344-7619
- **31 October** 2005 Deadline for annual due payment.
- Bayshore/Klatt community Council meets at 7 p.m. the **1st Thursday** of each month, Klatt Elementary School.

ABOA BOARD

(e) **President** Jordan Wiess 3011 Admiralty Bay Drive 344-7619

(e) **Vice President** Cathy Poulos 3149 Bettles Bay Lp. 349-4346

(e) **Treasurer** Gary Rogers 2910 Rocky Bay Circle 243-7415

(e) **Member** George Ives 3132 Bettles Bay Loop 269-3445

(e) **Grounds** Jim LaBau 2951 Admiralty Bay 344-1018

Secretary Marie Steele 2901 Rocky Bay Circle 269-7604

Vehicular Todd Loudon 3160 Bettles Bay Loop 349-7370

Architectural Gary Rogers 2910 Rocky Bay Circle 243-7415

Accountant Reliance Tax Accounting 516 E Fireweed Lane 561-0998

(e) denotes elected Board of Director