

**OAK CREEK ASSOCIATION**  
**Homeowners' Meeting Minutes**  
**July 20, 2004**

**I. Welcome:** By Scott Clifton at 7:00 at the Orange Township Hall.

**II. Reports:**

A. Treasurer's (Glen Tooman): We are in receipt of 92.2% of the 2004 dues. 30 homeowners have not paid; 13 of which have been previously liened. Although we anticipate the remaining 17 will pay before 8/1/04; if they don't, lien procedures will be started. To date, the Association is approximately \$1,000 under budget.

B. Grounds/Maintenance (Suzi Wagner)

1. Ponds and Fountains: Algae in southern most pond is under control with the bi-weekly chemical treatments. The southern most pond presents the greatest challenge because it is the most shallow of the three and has no water movement. The South Fountain is currently not working. There appears to be an electrical problem. The Lake Doctors' fountain service person will be out 7/27 to determine what the problem is.

2. NW corner of E. Powell @ S. Old State: The water meter is installed. Quick Electric is installing the electric, Oak Creek Landscaping will install new stone and plantings, and Sweetwater is scheduled to install the irrigation system. All work is expected to be completed by the end of the month of July.

Dick Ray approved and signed off on the proposal. Mike McCarthy has 3 reservations: 2 political; 1 legal. Politically, he wonders if (1.) the township will want to maintain a separation between homeowner-owned and township-owned property in the right of way (tree lawns are considered part of the right of way). An initial response is that the homeowner owns property in the right of way; i.e., the mailboxes and plantings, and in other developments, designer street-sign posts. (2) Does the township want to allow private entities other than the utilities to do work in the right of way. Response: Tip-Dan is "AEP's installer" for this area; that is, AEP said Tip-Dan would be the installer. He suggested we may side step these issues by installing the streetlights with signs inside the sidewalk (between the sidewalk and house).\* The legal issue is "down lighting." So we need to choose a fixture other than a globe as used in Wynstone. (Samples were passed around). We may give the township a couple of light fixtures to choose from. Once everything is resolved, we will be in a position to present a proposal to the Township Trustees for final approval. After approval by Orange Township, we will be in a position to get final figures from Tip-Dan and present same to homeowners and prepare for a vote. A special election meeting will be called for the purpose of voting on special assessment to fund the project, voting will also be allowed by mail, and door-to-door canvassing to be sure we reach as many homeowners as possible. As the numbers stand right now, we would ask for a one-time special assessment of \$300, payable over 1 to 3 years providing the contractor can arrange financing. We are also researching the use of credit cards. Monitor the website for updates.

**III. Miscellaneous/Open Discussion:**

A. The Association has contacted the Delaware County Engineer's Office to ask that they review the speed limit on the stretch of E. Powell Road between 750 and S. Old

State for the purpose of reducing the speed limit from 45 to 35 mph. It will be an Ohio Department of Transportation (ODOT) decision. However the procedure is first for the county to conduct an 85% of speed limit study (using radar) and if more than 85% traveling the highway speed, then they will conduct a 100% speed study. The data will be submitted to ODOT. If we are unsuccessful in reducing the speed limit we may be successful in getting "recommended" speed limit signs. Which are yellow.

B. There was discussion about the problem with vacant property that has been foreclosed on and the condition of the yards. The trustees will be contacting the attorney to see if the Association has recourse against the property owner for reimbursement of costs if the Association cuts the yards. Assuming there is no way to recover costs, the discussion moved to should the Association consider spending its funds (dues) to maintain such property, and if so, for how long and how frequently in order to maintain property values. This would require a vote of members at meeting. None is planned at this time.

**III. Next Homeowners' Meeting Date:** November 16, 2004

**IV. Adjourned:** Meeting adjourned at 8:50 p.m.

***\*Since the date of the meeting, Attorney Mike McCarthy called to say that Dick Gladman (zoning) brought to his attention that there is a history of the township allowing streetlights to be installed in the right of ways by a homeowners association. This should take care of the 2 political reservations.***