



Tuscan Valley Estates Homeowners Association Special Homeowners Meeting Minutes Wednesday, March 23, 2022

Call to Order

The special meeting of the Tuscan Valley Estates Homeowners Association was called to order at 6:35 p.m. on Wednesday, March 23, 2022, at the Richard Simpson Elementary Cafeteria, 3585 Vogel Rd, Arnold, Missouri.

Attendance/Quorum

- 35 lots represented in person, 4 proxies
- Mark Jones facilitated the meeting. Elizabeth Petersen of EHP Management was also in attendance (not requested by or paid for by the HOA), along with her bodyguard.

Business

1. **Sign-in and Quorum Verification:** All residents in attendance signed in and received ballots for electing new Board Directors, and the list of proposed Indenture and By-Law changes for discussion. 39 lots were counted in attendance or by proxy (67% of all 58 lots), exceeding quorum by 11 lots. 20 votes constituted a majority at this meeting.
2. **Removal of the current Board of Directors:** A motion was made and seconded to remove all current Directors from the Tuscan Valley Estates Homeowners Association Board. There was no discussion, so a vote was taken, and the motion passed with 27 yes votes, 8 no votes and 4 abstentions.
3. **Election of new Board members.** Nominations were taken from the floor for candidates to complete each term for the Board of Directors.
 - a. The first Director will serve until the election at the Homeowners Association meeting in November 2024. Mark Jones was nominated with a second. There were no other nominations from the floor for that position. A vote was taken, and all votes cast were yes votes for Mark Jones.
 - b. The second Director will serve until the election at the Homeowners Association meeting in November 2023. Desiree was nominated with a second. There were no other nominations from the floor for that position. A vote was taken, and all votes cast were yes votes for Desiree Stout.
 - c. The third position will serve until the election at the Homeowners Association meeting in November 2022. Michael Beilman was nominated with a second. Mark Monia was also nominated with a second. Multiple calls were given for additional nominations.

A homeowner raised discussion regarding the vote that had already been completed, and the process prescribed by the Indentures for this vote. Section 3.5 of the indentures was read multiple times. Eventually another homeowner pointed out the fact that two new Board Directors had already been voted in properly by the majority of homeowners in attendance and eligible to vote, as prescribed by the Indentures, and that it was time to move forward with voting for the final Board Director. There was a consensus and there were no other nominations from the floor for that position.



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A vote was taken by ballot. Mark Monia received 59% of all votes cast for the final Director position. There were two abstentions.

4. **Update on Jefferson County's takeover of our streets:** At the March 3, 2022, 36 signatures were received in favor of Jefferson County taking over maintenance of the Subdivision's streets. The petition was faxed to Daniel Naunheim at the Jefferson County Public Works by Elizabeth Petersen of EHP Management on March 4, 2022.

Dan had previously communicated to us that he saw no issue with our streets being accepted by the county on May 1, 2022. Once accepted, the county will erect a 20-mph speed limit sign, and any necessary stop signs, which will then be enforceable by the Jefferson County Sheriff's Office. The next step is a vote on the measure by the County Council. We will notify homeowners when that vote is scheduled to take place.

5. **Beautification Project Presentation:** Mark Monia made a presentation of a proposed beautification project for the entrance to our subdivision and the grass circles in the middle of our two cul-de-sacs. After soliciting bids from multiple landscaping companies, he feels that we can spruce up the area surrounding the sign at the entrance to the subdivision on our own. However, due to the amount and type of work to be done, he recommends that we leave the work on the cul-de-sac circles to the professionals. The information will be presented to the new Board of Directors for consideration. Anyone who wishes to volunteer to help on this or any other beautification projects should contact Mark Monia via the Contact Us form on the HOA website: www.TuscanValleyEstates.org. The drawings will be posted on the same website in the coming weeks.
6. **Indenture and By-Law amendments:** There was discussion on several proposed amendments to the Indentures and to the By-Laws. The discussion was very constructive and produced the following verbiage will be voted on by all lot owners shortly. The proposed amendment related to the discharge of fireworks was eliminated after the discussion, due to the challenging nature of enforcement. Here are the remaining eight amendments that will be voted on:

1. **New Indenture - Article XI Section 22 Trash Collection Company**

22. Tuscan Valley Estates residents are required to use only the single trash collection/recycling company chosen by the Board of Directors. The Board of Directors will solicit multiple bids every three years at a minimum with the goal of receiving the best pricing and levels of service. At least 90 days written notification will be sent to all Association Members prior to any change in the service provider.



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2. Article XI Section 21 Garbage (Trash Cans)

21. Current rule: No trash, garbage, rubbish, refuse, debris, trash cans or trash receptacles of any type shall be stored in the open on any Lot; provided, however, after sunrise on any day designated for trash pick-up, trash, garbage, rubbish, refuse and debris secured within appropriate trash cans or receptacles may be placed at the street curbing for pick-up; and, provided, further, that trash cans or receptacles shall be removed and secured within the improvements on each Lot prior to sundown of the same day.

- **Change (replaces the entire paragraph):** Trash/recycling cans or receptacles may be kept in the garage or against one side of the house on non-collection days, provided they are at least 8 feet back from the front of that side of the house and placed on paver stones or a concrete pad. The trash/recycling cans or receptacles may be moved to the curb after 3:00 pm on the day before collection and must be moved back to its storage location by sunrise of the day following collection.

3. Article XI Section 9 Trucks, Boats, etc. (1-ton and commercial vehicles)

9. Except during periods of approved construction, no buses, trucks (other than vans and pick-up trucks not exceeding 3/4 ton) ~~or commercial vehicles (as hereinafter defined)~~, boats, motorcycles, ~~recreational vehicles, campers, house trailers, boat trailers or trailers of any other description~~, or motor vehicles of any kind whatsoever that are unable to move under their own power, shall be permitted to be parked or stored on any Lot unless parked or stored in an enclosed garage. Further, no motor vehicle or equipment shall be repaired or otherwise serviced in front of or adjacent to any residence in the Subdivision. ~~As used herein, "commercial vehicle" shall mean a motor vehicle designed or regularly used for carrying freight and merchandise or more than eight (8) passengers.~~

- **Change:** (other than vans and pick-up trucks not exceeding 1-ton). Commercial vehicles not exceeding 1 ton that a company provides their employee are allowed to be parked in that homeowner's driveway. Only sedans, pickup trucks, vans, and transit style vans are allowed by this provision. Dump trucks, box trucks or other trucks with a separate storage compartment that exceed the height of the cab by more than 12", and tractor trailers are not allowed.

4. Article XI Section 9 Trucks, Boats, etc. (Camper/RV parking)

(Same as above)

- **Change:** Campers, trailers, and RVs may be parked in the owner's driveway for up to 72 cumulative hours in a seven-day period for cleaning, loading, or unloading.



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5. Article XI Section 6 Maintenance (Basketball goals)

6. Each Owner shall maintain and keep his Lot in good order and repair and shall do nothing which would be in violation of law. Trash, rubbish, toys (including portable basketball goals), tools, cases, crates, or any discarded items shall not be left in the front or back yard of any Lot overnight, and no exterior front yard appurtenances, sculptures or bird baths, ~~free-standing basketball standards or similar~~ personal property items shall be placed in the front yard of any Lot.

- **Change:** Free-standing basketball goals may always remain outside on an owner's driveway or patio.

6. Article XI Section 6 Maintenance (Bird baths, sculptures, and fountains)

6. Each Owner shall maintain and keep his Lot in good order and repair and shall do nothing which would be in violation of law. Trash, rubbish, toys (including portable basketball goals), tools, cases, crates, or any discarded items shall not be left in the front or back yard of any Lot overnight, ~~and no exterior front yard appurtenances, sculptures or bird baths,~~ free-standing basketball standards or similar personal property items shall be placed in the front yard of any Lot.

- **Change:** Bird baths, fountains, or sculptures must be approved by the Board of Directors or Architectural Committee before being allowed in the exterior front yard of any lot.

7. Article XI Section 8 Animals (Number of pets)

8. Animals. No animals, reptiles, birds, horses, rabbits, fowl, poultry, cattle or livestock of any kind shall be brought onto or kept on the Property, except that no more than two dogs, cats, or other household pets (except house pets with vicious propensities) may be kept or maintained on any Lot, provided that such pets are not kept for any commercial purpose and are at all times leashed and no "runs" or other outside structures are erected or installed therefor. The keeping of any pet which by reason of its noisiness or other factor is a nuisance (as determined by the Directors in their sole judgment) or annoyance to the neighborhood is prohibited.

- **Change (replaces the entire paragraph):** No animals, reptiles, birds, horses, rabbits, fowl, poultry, cattle or livestock of any kind shall be brought onto or kept on the Property, except that no more than two dogs, cats, or other household pets (except house pets with vicious propensities) may be kept or maintained on any Lot, provided that such pets are not kept for any commercial purpose and are at all times leashed when not within a confined area, and that no "runs" are erected or installed therefor. The Directors may make exceptions to the number of pets allowed on a case-by-case basis. The keeping of any pet which by reason of its noisiness or other factor is a



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nuisance (as determined by the Directors in their sole judgment) or annoyance to the neighborhood is prohibited.

8. By-Laws Article IV Section 4.3 Removal and Vacancies

4.3 The Board may remove any officer whenever in its judgment the best interests of the Association will be served and may fill any vacancy in any office arising because of death, resignation, removal or otherwise, for the unexpired portion of the term.

- **Change (Addition to the end of the existing paragraph):** This provision applies only to the removal of the role as an officer from an individual, whether that individual is a Board Director or not. The removal of an individual as a Board Directors is governed solely by Article III, section 3.5 of the By-Laws (**Removal of Directors and Vacancies**), and Article V, section 6 of the Indenture of Trust and Restrictions (**Removal of Directors**).

Adjournment

A motion was seconded to adjourn the meeting and passed without objection at 8:10 p.m.

Minutes approved by:

Mark Jones, Board President

Mark Monia, Board Vice President/Treasurer

Desiree Stout, Board Secretary