

# **Villas at the Country Club**

## Minutes of Special Board Meeting

Date: August 25, 2022  
Location: via teleconference  
Board Attendees: Robert Evans, Dicksey Rhoads, David Senior, David Starling, Ken White  
Meeting Start: 9:30a

The special meeting of the VCC HOA Board of Directors was called to order by David Senior with a full quorum of Board members in attendance.

### **Approval, Discussion, and Action Items**

#### I. Action Items

##### Exception Request for Unit 204 in North Building.

Background: On July 6, 2022, Ben Young, as representing the owners of Unit 204, presented a request for Association approval to install hard flooring in Unit 204 to accommodate a partially disabled resident. A discussion was held that no such approval could be given unless the installed flooring met the decibel tests to meet similar conditions with carpet flooring. A motion was made by Ken White that approval be reconsidered upon receipt of appropriate decibel testing indicating that sound levels would be consistent with carpet flooring. The motion was seconded by Bob Evans and approved by unanimous vote.

Decibel testing has been completed and the Board met to discuss results and the specific petition of Karla Young, the owner of unit 204, who has notified the Association of intent to install vinyl plank flooring, citing the Fair Housing section of the Americans with Disabilities Act. The notice provided to the Association is in part as follows:

“NOW, THEREFORE, she is formally notifying the HOA Board of her intent to change the flooring in her living room from carpet to luxury vinyl plank. To minimize the noise, she has selected flooring with “mute step” padding and insulation which gives the flooring an impact insulation class (IIC) equal to or above carpet flooring. She also acknowledges and agrees that the flooring will be changed back to carpet prior to selling or listing the property for sale. She requests that the board acknowledge and accept this at the next board meeting on July 6, 2022.”

The Association has not challenged Karla Young’s disability. Additionally, the Association has every intention to comply with ADA laws and requirements for persons with disabilities.

The Association is governed by CC&R’s, and specific to this petition, section 6.1 of the CC&R’s prohibit the installation of hard floor surfaces. Of note, the Association has established precedence when receiving and denying a previous petition for the installation of a hard floor surface for a disabled owner.

The Board discussed the Young CC&R exception petition and denied the petition because of the requested use of hard floor surfaces. The Association did motion, second, and approve the following motion:

Action:

A motion was made by Bob Evans to approve the installation of ADA compliant carpet in unit 204 with the following conditions:

1. The provisions of section 6.1 of the CC&R's will be followed, to include appropriate (cork or similar) padding underlayment.
2. The installation of carpet will meet ADA requirements, including but not limited to assurance that the ADA-compliant flooring be level, slip-resistant, and firm."
3. The installation must be inspected by a member of the Board.

The motion was seconded by Ken White and was opened for comment and question. Ken White mentioned that no sound testing had been conducted on carpet with a padding underlayment. It was suggested that the Association recommend that unit 204 use a cork underlayment for the ADA-compliant carpet overlay. Dicksy Rhoads mentioned that the sound testing produced results that were very loud, but indistinguishable to the human ear between the materials tested. David Starling asked if David Senior had consulted with the Association attorney, Doug Shumway. David Senior reported that he had and had received advice to comply with ADA regulations. David Senior reported that the Association had every intention to comply.

After discussion, a vote was called and the motion carried unanimously.