

Board of Trustees Minutes 10-20-2005

This meeting of the Board of Trustees was held at the home of Sharon Weller on October 20<sup>th</sup> at 7:00 p.m. Those present were Patrick Soller, Jeri O’Kane, Heidi McMahon, Rod Davis and Sharon Weller.

First on the agenda Soller discussed Eufinger’s memorandum, stating that it was clear in that it addressed the petition as not counting as a vote and that it would take all homeowners to change the voting power. He suggested that it be put on the website and others agreed. O’Kane mentioned that a newsletter would be going out before the meeting so that it would be a good idea to add it there as well. The other members agreed on this also. O’Kane also recommended that Steve Smith be emailed a copy of Eufinger’s memorandum.

A date to meet with the homeowners was discussed. Soller felt that perhaps a Saturday meeting would be a good thing to try since homeowners at the last meeting issued concern with the evening meeting time. In lieu of that, the Board agreed on a November 12<sup>th</sup> meeting date to be held from 10:00—12:00 a.m. at Creekview, providing it would be available on a Saturday. Weller suggested that since a 10 day notice is required for such meetings that it also be put in the newsletter as our official notice to the members of such assembly and be sure it was sent out in a timely manner. It was agreed to do so.

Soller listed the following items as agenda items for the November meeting:

- Humane Society Update
- Neighborhood Watch Update
- Review of Eufinger’s memorandum/decision

In mentioning the Humane Society, Soller brought up for discussion that once the cats had been trapped, neutered, fed, etc. that it would also seem like they were now domesticated with the homeowner becoming responsible/liable for them. Other Board members agreed that this might be the case and although the Humane Society may follow-through with the process, the Board is not endorsing it as a “Board/Homeowner undertaking”.

A discussion of the deed restrictions and what to do about them was also an item Soller brought up for discussion. Davis questioned whether or not the DRB was to return to the enforcement of the deed restrictions. All members of the Board agreed that this would be the case. Since the enforcement was to begin again, new violations are to get letters and current violations that have not been taken care of, should get fine notices. Davis also suggested that it might be a good idea to use a mediator if there is ever a debate over ‘what fits’. The topic of grandfathering was discussed and it was agreed that grandfathering would not take place.

At the time the petition was presented, it was suggested that a committee be formed to look into some areas of the restrictions. Therefore, the Board decided to form a committee that would meet and bring back information to the Board within a given timeframe. After some discussion, Davis and McMahon volunteered to be on the committee, along with members of the Association. Since Steve Smith had been instrumental in trying to make changes, it was also decided that he would be asked to be on the committee so that the Board could also get his input. Although a committee was being formed and changes would probably be forthcoming, it was also discussed and

decided that there had to be some written guidelines that would need to be followed so that changes don't occur arbitrarily, etc. For instance:

- How often a vote on changes would occur
- When votes are conducted
- % of people for a change to be valid/presented
- How Board is to proceed

It was suggested that before we put out wording for changes in the restrictions to be voted on, that we have an attorney make sure we have used appropriate language and it is understood within the law as it is meant/presented.

McMahon brought up that the Board needs to have regular meetings until the end of their terms. Weller chimed in as agreement because she had suggested this in emails. With issues outstanding, controversy that needed calming, and committees having been formed, both felt that a definite progression should follow.

Having discussed whether or not to continue with Eufinger's services in a previous meeting and in emails, it was further discussed. Weller felt that another attorney should be hired because Eufinger's timeline alone was an issue. She also mentioned that she had the same experience with him when using his services in a personal matter. The discussion continued and while some agreed, it was also brought up that attorneys in Columbus who might specialize more in this area, would perhaps not be available on our timeline or even cost more due to travel, etc. No decision to change was made.

Another issue brought before the Board by O'Kane was that Kim Haas had contacted her to ask what all the money for flowers/beautification had been spent on. O'Kane reported a balance of approximately \$28,000. She also reported that 3 new homeowners had paid dues, but there were a couple who had not. She is going to bill them the appropriate amount. She also reported that some still owe late fees while others owe dues and late fees. She asked whether or not to go ahead and send out liens because some were at that step in the process. McMahon and Weller agree to send them since they had already been issued 3<sup>rd</sup> notices. Soller suggested giving them an additional 30 days. It was also questioned whether or not to file liens on the ones who owe \$10.00. It was agreed that to be fair, they also had to be filed.

O'Kane had also contacted *Water's Edge* again concerning fountains. It had been agreed in emails that the Tornado would be purchased, but the Board discussed the horsepower of the motor to ensure it would suffice. O'Kane reported that it would cost approximately \$5,000 for a 2 HP motor and to have lights. After some discussion, she was to check on pricing of a 5 HP motor. She was also to check to see if they would exchange the current fountain for a different one to put on Deer Crossing. If not, the old one up front would be moved there. It was also decided that a white light would be ordered. She suggested that Eubanks do the electric on the new pond since he had been doing our work and was doing a good job.

The condition of the pond was discussed. It was decided that another treatment needed done. Weller also suggested that somehow the scum/grass, etc. needed to be sifted out in order to get it looking good and that while we were told that the fertilizer seemed to create an issue with the algae, other ponds didn't seem to have that problem. O'Kane is supposed to put in a request with the company to be notified when they are going to put on chemicals and how much they are using. O'Kane also conveyed that the front lights had burned out so they would need to be replaced.

McMahon said that the trees at the Deer Crossing pond should be installed by the end of October.

Having no further business, the meeting was adjourned.