

Weatherby HOA

Meeting Minutes: 07/17/2011

Board Members in Attendance: Steve Berner, Brian Vocca, Martin Scoones, Raymond Swearingen, Rich Tarter

Meeting Location: Lot 11, Steve Berner's residence

Community Member in Attendance: none

Meeting called to order at: 6:04 PM

Quorum: Yes

- 1) Bring Meeting to Order
- 2) Review and Approve Minutes for 06/19/11
 - MSP 3/0/2 – Minutes Approved (Only members present at 6/19 meeting voted)
 - Discussed process for approving minutes
- 3) Open Forum - no community members present
- 4) ACC Report
 - Discussed Anne Marie's attendance at 6/19/11 board meeting
 - i) Specifically ACC past issues review
 - Discussed ACC process that Rich follows including personal visits with those who have ACC violations and/or issues
 - Discussed recruiting addition ACC members
- 5) Discussed specific community members responses to various letters send out by board in June
 - Discussed Response to dog letter and Rich's conversation with a specific home owner regarding their response
 - i) Dog letter was a direct response to complaints about dogs to the board
 - ii) Letter was prompted by a specific incident involving a community member's dog in which some community members felt the dog was a danger to another neighbors children
 - iii) Letter was intended, in part, to alleviate liability of the HOA by making sure dog owners in community are aware of laws and HOA rules regarding dogs
- 6) Discussed a community member who expressed an interest in sponsoring a social committee for organizing community get-togethers

7) Additional ACC items

- Discussed yard situation update regarding a specific home owner. Some work has been done. Discussed response received regarding open compliance issue.
- Discussed another resident who might be willing to be on ACC
- Discussed a specific home owner who corrected their ACC approval request therefore bringing recent change to yard into compliance

8) Financials update

- Discussed a specific home owner who has submitted payment plan. Plan accepted by board and is in process
- Discussed a specific home owner who paid past due assessment in full
- Discussed a specific home owner who is past due on assessment. Letter requesting payment plan sent, awaiting response
- Discussed a specific home owner who now has payment plan in place
- Discussed specific home owners that have not paid assessment nor made appropriate payment plan arrangements
- Discussed change to collection policy and letters to those who are not compliant
- Discussed visit to a specific home owner should be made with more than one board member
- Discussed a specific home owner who had not paid assessment nor non-compliance fines
- Discussed specific home owners who have a payment plan in place
- Discussed specific home owners with outstanding assessments and fines
- Discussed how to collect debts from those not making payment arrangements
- Discussed assessments and non-compliance
 - i) Many community members pay assessment without complaint
 - ii) Some community members not in favor placing heavy fines on those not making payments
 - iii) Discussed if heavy fining can have unintended affect
 - iv) Some community members think board should be tougher on non-compliant
 - v) Discussed that we don't want situation to get out of control

- Changes to fine policy - discussed the following:
 - i) Reasons behind past fine policy changes
 - ii) Changes to address those truly having financial difficulties vs those choosing to shine us on to avoid payment. Board does not know nor is it our business but we get put in the middle
 - iii) Tools available to board to collect assessments and fines
 - iv) Past times when liens have had the desired effect and other times when a waste of money to file
 - v) If we can go to small claims court to demand payment
 - vi) Lien and foreclosure process
 - vii) Different fine levels for people with excessive amounts past due
 - viii) Trigger point for excessive past due fines
 - ix) 12% interest on past due accounts
 - x) Not having previously proposed retroactive monthly fine when payment missed
 - xi) Idea that after 6 months past due 12% penalty becomes \$100 a month fine
 - xii) Raising to 24% instead of 12% (works out to 2% a month over 1%)
 - xiii) Billing process and flexibility of payment plans. Payment plans need not be monthly
 - xiv) Notification letters
 - xv) After 6 months past due instate \$100 file
 - xvi) Change past due interest from 12% to 24% on all past due items
 - xvii) How to be fair with those who pay assessments on time and those who don't
 - xviii) How best to notify community of policy change
 - xix) Wording of 5.F to retain right to file lien instead of will file lien as currently worded
 - xx) If changes are fair and flexible with those making honest attempts to remediate
 - xxi) Those currently on payment plan will retain current 12% interest rate and not be subject to new 24% rate unless they do not make payments as agreed
 - xxii) Different scenarios with those currently past due without payment arraignments in place and how best to notify of how changes will affect them

- xxiii) We are making progress with compliance and assessments. New policy with teeth should help encourage those past due to get a payment plan in place
- xxiv) Anne Marie to send out extra cover letter with new policy change to those currently on payment plans explaining they will be grandfathered under old policy and not subject to rate change
- xxv) Anne Marie to send out a different letter to those past due and not currently on a payment plan to clarify they need to setup a plan before the new policy goes into effect in order to not be negatively affected by the changes
- xxvi) Letters to be tailored to each past due situation
- xxvii) Payment plans must be reasonable and board must accept/agree with proposed plans
- xxviii) Steve to check with HOA lawyer for input and send draft of changes to Martin for letters
- xxix) Each resident currently affected to receive letter tailored to their specific situation and current agreement with board
- xxx) Martin to put letter together and policy change together for board to review

9) Pond Plans and landscaping

- Landscaping done until fall planting
- Waterfall maintenance and repair taken care of
- Pond maintenance pending with county. Rich to ask Craig to follow up with county.
- Discussed pumps have been replaced and we should now start to see reduced power consumption and lower electricity bills
- Discussed replacement back flow valves now in place
- Discussed pond outlet pipes raised to elevate pond level and reduce cavitation damage
- Discussed pumps are now on timers but lights are not. Rich to look into.

10) Review actions on properties

- Discussed one specific property

11) November annual meeting amendments

- Parking resolution tabled until next month because of time constraints

12) Updates on website and Anne Marie's contract

- Martin to post Anne Marie's contract on web site to clarify her duties and responsibilities
- Discussed her charge to do lot compliance assessments could cost \$400-500 per assessment trip
- Discussed where to place her contract on web site navigation (under docs page)
- Discussed that she has never enacted a fee increase for her services
- Discovered not all board members had copy of Anne Marie's contract
 - i) Steve to make additional copies for all board members

13) Dog nuisances issues

- Discussed that if any questions/complaints about dog home owners should file a complaint with county
- Board can't do anything until a report is filed with county

14) Discussed and reviewed board members notebooks to see if we all have all documents

- Determined some missing - Steve to make copies of missing documents for all board members
- Brian to send updated community map to board members

15) Adjournment 8:30 PM

- MSP 5-0 to Adjourn