

**TC HOA Board of Directors Meeting  
February 13, 2007 6:30 – 9:30 PM**

Cynthia's Updates for the TC HOA Board

- Paul Johnston is a homeowner that rents his unit; the unit is above Larry Rudder's unit. Larry's ceiling has been damaged from a water leak. Cynthia shared with Paul that condo owners need to have condo insurance. Mr. Johnston didn't feel he had this financial responsibility. Now there is another renter and another water leak. Finally a plumber came out and repaired Larry's damage. However, the insurance company is not paying. Paul wants a letter from the TC HOA that states he is responsible to submit to his insurance company. Linda South identified Article 5: Section 2 of the By-Laws as the appropriate governing documents for Cynthia to share with Mr. Johnston.
- Building 10: Water pipe has been repaired; Cynthia hasn't received an invoice, yet. 10A got water in master bedroom closet and master bathroom; fans were installed and a de-humidifier. 10C homeowner has called and said she hadn't been in for two or three days. She inquired when she could return to her unit. Cynthia explained that she could have returned earlier. Orange extension cord (to the fan) was through the garage inside door—letting in cold air due to the homeowner having covered her outlet in the garage. Cynthia told her she should have called Cynthia when they first put the extension cord in the partially opened inside door to the unit. The homeowner wants her electric bill paid because of all the cold air that came into the unit over the period of several days.
- 18L: There is no new information, at this point.
- Building 05L: Not only has the sidewalk raised by the curb, but the driveway has also sunken.

HOA Board Members Questions and/or Comments for Cynthia

- Any other bids for building 15; two companies are scheduled to come out. John has called two engineers to come out and look at building 05 and 15.
- Linda suggested we have Vasilie, through his connections with the city, help us out with satellite images of flood plains issues; springs, etc. The data might help us budget, by seeing trends over a series of years.
- Cynthia received another call today from 04L—similar issue. Front entry tile has cracked and big crack in the sidewalk. L units seem to have pressure points.
- As a board we want to be sure that homeowners of L units are dealt with in a timely manner. Cynthia has asked each homeowner to submit documentation in writing. Linda asked if we are in compliance with fire regulations concerning these units. Cynthia stated that because the garage doors have manual access, we

are ok. If settling causes a problem they still have their garage to exit. Cynthia then stated that IF there was a fire in a garage we could have a problem since some can't get out their front doors.

- Linda asked the method of communication with the homeowners. Cynthia stated that she is handling most through emails and asking for documentation in writing. The board determined that March is probably the soonest the HOA could deal with the issues, due to the weather.

#### Key Points of the Boards' Discussion After Cynthia Left

- John McKelvey shared the minutes from the Architectural Standards Committee as he passed the minutes out to other board members. The Committee's suggestion was that their committee conduct the survey of homeowners of whether they want storm doors. John recommended we go ahead and let them do this. When we get votes back, it seems that we ought to use, this is a major item; there should be a quorum of voters that vote approval of one of the options. John's personal opinion was shared that it should require a 51% approval to pass. John tends to agree with Debra regarding the issue of quorum be based on numbers of units. You would have to have 179 votes; with 51% approving one particular option. Debra shared that a brief explanation for each option would help homeowners who did not attend the meeting. Example: Bldg. option – each building wanting storm doors would have to have signed approval by all homeowners of the specific building. Linda, Debra, John, and Gayle all agreed to accept the Architectural Committee's recommendation and John's idea of needing 51% for the quorum. The HOA Board members stated that a mailing regarding this issue would include a survey, photo of the proposed storm door, deadline for returning the survey, and a date for the dumpster large item pick up, website information, etc.
- Discussion of whether the current By-Laws would allow the board to make a decision regarding the storm doors followed. Linda, said as the By-Laws are currently written, according to the attorney; and how we've been operating. All quorums have been weighted quorums. Only three ways to vote; Article 2 section 5 of By-Laws: a] amend to by-laws requires 67% of 356 of total eligible to vote (if current on dues and not suspended due to violations) 119 homeowners  
b] special assessment votes requires a quorum of 1/3 of people, c]everything else is 51%.
- Linda said we need to propose what we want to set for the quorum in revised By-Laws. John proposed, two kinds of votes while thinking about our diverse population:  
1) those involving payment of money by homeowners (need 119 homeowners and a mix of types of units) -If issue involved costing homeowners money the quorum should be 51% of people that own a unit; ½ of those have to vote yes – that is a weighted vote).

2) non-monetary issues(1/3 homeowners required for a quorum; 51% of the 1/3 carries). By-Laws Revision and/or Amendments: should stay 2/3 of all homeowners have to vote to approve; it is a weighted vote. We want a high hurdle; we don't want these changed easily—could trigger lawsuits.

Discussion on the topic included the idea that people who bought into this complex with the idea of having weighted votes. It was determined that what the HOA Board was doing was only changing the figures for quorums. Everyone approved of the proposed plan, but Debra stated that she wasn't totally comfortable with the money issue and would ponder it some more. Linda was to formulate the proposal into the By-Laws Revision.

- Discussion transpired concerning whether the lawyer shed any more light on common element vs. limited common element. Debra said that she assumed the board had the right to determine whether something is limited or common. Linda stated that, according to the attorney, the board could make and interpret rules governing the complex. The attorney had recognized that the language in by-laws was ambiguous on this topic. What the previous board used as rationale for the assigned parking regulation was the part of the governing documents which stated that each unit for sale is guaranteed a parking place. *Section of Parking: G.*
- The HOA has to make decisions regarding repairs and determine whether it comes from HOA dues or a special assessment. The asphalt people were hired to deal with wheel whips. John shared that, in his opinion, painting the curbs will cause a problem. Debra stated that if we explain the rationale parking may not always be an issue.
- Recording of Minutes: Board discussed that the synopsis format is to be read at the meetings. John doesn't think verbatim is essential and might not allow Gayle to participate for pre-board meetings. Decision made: Minutes will include the following: key topics in synopsis format, recorded votes by member (who made a motion and who seconded) and the outcome of the vote. The only time the board felt minutes should be verbatim was when the covenants committee is meeting with a homeowner regarding an issue.
- **Appointment of Social Committee:** Getting close to needing to appoint someone. Daphne Reitz had agreed to serve by signing up during the annual meeting. Linda will add the need for a social committee to the President's Letter. Daphne could serve on the committee.
- Gerald Clamors offered to serve on the Nominating Committee; the board unanimously approved him to serve on the committee.
- Landscape – No for the Palm tree proposed by the Landscaping Company. More perennials or annuals with (lots of color) staggered heights. Need the bid on the

grass. The board decided to have the company e-mail a powerpoint showing the type of plants and design for their approval.

- Linda showed Ken the survey for the storm door and let him know that it will go out with brief descriptions of each option and with the a letter from the President. It was determined that a self-addressed envelope would be included in the mailing for off-site homeowners.
- Linda talked to board members about the need for an audit this year. She was expecting the service to cost about \$2,000. The board determined that it made sense to have the audit done during the second half of year. John said that there were probably auditors that specialize on homes associations. The board will get contract with a company soon, but actually have the audit in the fall. Board members agreed to submit names of companies to consider.
- HOA Website Update: Ken owns the domain name of TCCHA and he'll turn it over to our association. Gerald Clamors has agreed to help design and maintain the website for HOA postings. Ken estimated the fees for hosting the site to be around \$20 - \$30 a month. Ken stated that he would probably pay the fee through the end of this year. The board will check with Gerald to see when the website will be operational.
- By-Laws – Article 5; Section 3b (page 15) Assessments made against unit owners... Insurance agent, Keith Turnbaugh, will bring the certificate of insurance to the Thursday night meeting. Linda had asked Keith to address how we can be assured that the deductible is adequate at all times. At one point the board had questioned whether we should require homeowners to carry insurance to cover overall complex deductible. Keith will share what our current overall deductible is. The attorney had not thought forcing homeowners to carry insurance to cover the overall deductible was a good idea. Keith will explain exactly what the TC HOA insurance covers and what individual homeowners should have as condo insurance.
- Update on Building 15's Issue – Ken stated that he had gone up there last night after the rain. The problem wasn't as bad a she had envisioned. Key points of the discussion: People bought what they bought—top of the curb/best scenario is even with the garage. Worse case scenario – six inch curb higher than level of garage floor. They bought their units with the drainage situation. Who is supposed to pay? Especially in this case, if you look at other driveways—their driveways slope away from the garages. They had a real estate agent look at it, and should have had it inspected. Can the HOA afford to assume all financial costs? Repair work – trench drain would take water off to the north. Getting rid of the curbs, the one garage would still have an issue. Linda understood that the affected homeowners were asking for two other companies to give bids. Ken and John went around and looked at a variety of other problems on the property.

New bid, as of today...do the demolition of asphalt curb; pour concrete driveway; sealcoat with Mack 1 Sealant @ \$5,830. Trench Drain into the Apron; original bid was @ \$3,410, but McConnell would now do the job for \$1,534. Ken recommended that the board approve McConnell to complete the Trench Drain at \$1,534. Essential Question: Is a limited common area an HOA expense or homeowner expense? Linda explained that her understanding was that because *common* water falls off the building right at the base of the garage door it was an HOA responsibility. Before we were willing to pay almost \$3,500, so let's approve paying the \$1,534 work. Ken's opinion is that the wheel dip work done by McConnell did not drastically worsen their condition. From a precedent point of view, they bought the units with a design flaw (sloping down to garage door), but because there is a possibility that McConnell's wheel dip repairs may have impacted where the water ponds, the HOA is willing to pay the \$1,534 to see if the Trench Drain will resolve the issue.