

TC HOA Meeting
May 24, 2007
6:00 PM

Participants: Jennifer Nearing, Stephanie Easley, Ken Patrick, Gayle Voyles, Linda South, John Clock, Cynthia Selder, Debra Smith, Joe P, Judy Brewster, D.J., Jim S., Jori Church. (four others I didn't personally know)

The meeting was called to order promptly at 6 PM by TC HOA President, Linda South.

Candidates for board members:

Stephanie Easley – 16L – One bedroom/study with a garage.

Lived here since November, 2002 in the first phase. I bought under Pauls Corporation and am a teacher for the KCMSD. Previously, president of another HOA complex (24 units) we were self-managed and did much of the work ourselves. We had a lot of little old ladies in their 90s and we changed their light bulbs. Equity issues between buildings; if one building is falling down we have to pay to repair. We learned how to allocate funds on what is most important. Experience working with people; being told they hated me. It was frustrating, but fun—finding creative community things. Stephanie was in charge of professional development monies for five years; again working with diverse groups of people, listening and dealing with multiple issues. We had to put leans on property following state of MO regulations. We kept records. I wanted to get involved, and have been coming to the meetings. When we look at the percentage of people involved in the meetings, it isn't a big percentage of our community.

Questions

Debra Smith: Have you read the By-Laws and Declarations?

Yes, I haven't gone through them recently. Before, everyone paid the same HOA dues. There were 20 ft variances in her previous place; percentages of weighted votes, here.

Any other questions? None

Farrah Staples, 11628(I) one bedroom, upstairs, no garage

The reason I am here is that I've spent much time in property management (5.5 years); have been a regional manager; responsible for managing budgets, managed staff, and investments. I have an understanding of the value of the property, and even worked for the Tiehen Group and managed HOAs. I have not read our By-Laws and Declarations; I've only lived here since April. On a personal level, I'm really easy to work with. I am one of those people that will be open to other sides and respect others' views, while I may have my own opinion.

Questions? None

Jennifer Nearing: 11615 D (one bedroom/no garage)

I've lived here for 5 years; have been to all board meetings (during and after Pauls' Management of the Complex)

I have worked at an architectural firm for seven years, and have worn many hats while working there: ordering supplies and doing whatever needs to be done. I have an interest in the issues of our community, and am enthusiastic, customer-service oriented, and get along well with others.

Questions? None

Judy Brewster 15(H) - Resident since Oct. 2002, bought from Pauls. I have worked in the Kansas City area since the 1970s as an administrative assistant. I have a Bachelor of Business degree from Baker University, and have served on several boards. I love it here and want to maintain a positive community environment. I am volunteering my services because I believe I bring a variety of skills, such as common sense, experience working with a variety of people, and I feel I could help our community with HOA issues. I want to be sure we have a good choice for the next board member.

Questions? None

Is there anyone else here that I haven't recognized that is interested in a board position? I see no hands, ok.

Linda South: This appointment would finish out this year; replacement of John McKelvey who was filling the open position.

Linda, please review for accuracy – I wasn't sure I got it right.

Debra: If the By-Laws don't get changed, everyone's term will expire in Dec.

Linda South: Those voted in Dec. were 2 year positions.

5 board members; upcoming election (07-08) there will be two people, then three.
Last election (06) for this year term of two years (first election after Pauls)

Before the end of this month we anticipate letting everyone know of our decision.

You are welcome to stay;

Notes from Board's Discussion:

Record for the minutes—votes taken by email or phone...

CD – moved to 12 month

Are there any questions or comments concerning the April financials?

No questions

Concrete bids:

John and Cynthia

Two bids: JB Curb and Walsh Construction (used when we first started management; last year we used JB Curb) Board decided to go with JB Curb.

We have bids in.

The original bid for what Cynthia and John *first* thought needed to be done this summer was \$38,000. This year crumbling sidewalks – trip hazards need to be done for sure.

Total bid for concrete repairs (Gayle, John, and Cynthia walked the property to determine which areas must be done this summer)

Other areas were identified for next go round.

Cynthia: Gayle walked the property with me; determined the same thing. Crumbling, trip hazards, and dangerous areas, and C and L units/freezing ground/door issue. We will have to determine what all the board wants completed (\$30,000). Concrete repairs were budgeted at \$14,000. Completing the work by buildings/phases is one option, but we still have dangerous areas that we need to address.

Ken: Have we had quality control discussion with the contractor?

Cynthia: I think a lot of the damage this year probably got worse when the treating for ice occurred.

Ken: Some use sealants to keep from damaging during the winter months' snow and ice removal.

BIDS:

Walsh's bid is about \$43,000; people were unhappy with the 2005 work this contractor did.

\$38,000 JB Curb – no complaints on their work

Who gave the \$30,000?

John Clock - by changing which areas HAD to be replaced this summer.

We could really only shave about \$8,000 off.

Ken: Apples to apples \$43,000 to \$38,000

Debra: Who did building 11's patch job?

John Clock: 2005 extensive concrete problems; Walsh did some patching to keep areas from further deterioration, but were not pleasing to the eye. We've redone some and plan to redo all of them, eventually. There was a mix up in communication; we'd never suggest patches again. It was the wrong process.

John Clock's recommendation, after reviewing the budget... spend the money and replace the concrete. City Regulations on repairing concrete: trip hazards and dangerous area (crumbling and/or raise in pavement).

Debra: Why does the City pay for Hallbrook's sidewalks? I think Tiehen manages them. This was listed in their newsletter.

John Clock: Maintenance provided – here; other HOAs are not maintenance provided. Ours is a private property with limited access. Hallbrook is not a good comparison from that standpoint; Huntington Farms – Tiehen takes care of their sidewalks.

Linda: Even though the bid is higher than currently budgeted...what should we be concerned with?

I think I have John's handout to use to revise and/or complete this section, but it is not with me now.

John: Budget Proposal – first top part of the page (yet to spend)

13000 remove algae from ponds, \$6,000 bushes (maybe wouldn't have to spend) \$4,000

clean gutters (might be able to skip a year); wheel dips – wait until next year.

\$4,000/mo into reserve

\$62,969 expenses in current budget --- we may not have to spend

Actual income \$267,609

Budgeted \$520, 263

\$787,872

Actual expenses 234,578

Refer to John's handout)

Potential savings: \$83,900

We need to spend \$57,000 on wood rot

\$20,000 on concrete

\$3,400 Building 15

\$1,000 Geese

\$10,000 Misc

Total \$89,400

John Clock: Continued: We have a healthy reserve 345,000 (including operating reserve) as of the end of April

If we don't spend the \$63,000, and the rest of the year goes as planned, we could do those things we need to do and only have about a \$7,500 deficit. **John's recommendation is to take care of the majority of concrete issues as possible this summer. We're half way through the year and things are looking pretty solid.**

Debra: \$57,000 on wood rot \$70,000 bid (\$57,000) what is that \$14,000? It was budgeted.

Ken: Concrete; if we go ahead with the \$38,000 plan, how long do they believe it will take to complete the work?

John: Weather permitting, they could start next week.

Ken: How long to complete?

John Clock: Probably two to three weeks. It might take a little longer due to extensive work required by the C and L units.

Ken – just wanted to be sure there would be enough time to get the work done while the weather conditions were appropriate for the work.

Debra - \$38,000 includes C and L units?

John: No; Cynthia: Yes

John: rerouting drainage underneath would have a few additional expenses.

Process includes adding gravel under sidewalk, insulation by door, and redirect the drain. It shouldn't be substantial.

Vote on the Issue: Any questions?

Debra – Declarations if any issues are specific to a unit or specific building it would be ok to assess them.

Linda: Common water falling off the roof – caused the water problem and that is why the HOA paid part of Building 15's repair expenses.

Ken: When the blacktop contractor did their work they redirected where the water would pond. This could have added to the water/drainage issue. It put the ponding closer to the garage.

Linda: I think on limited common areas those particular units could be assessed; I think stoops and doorway is an HOA responsibility

Debra:

9B of By-Laws or Declarations....

“The Board of Directors shall have the power to assess specially pursuant to this Paragraph, as in its discretion, it shall deem appropriate. Failure of the Board of Directors to exercise its authority under this Paragraph shall not be grounds for any action against the Association or the Board of Directors and shall not constitute a waiver of the Board's right to exercise its authority under this Paragraph in the future with respect to any expenses, including an expense for which the Board has not previously exercised its authority under this Paragraph.

(b)(i) Except for Common Expenses incurred for maintenance and repair of items which are the Association's maintenance responsibility, any expense incurred by the Association for the benefit of less than all of the Units may be specially assessed equitably among all of the Units which are benefited according to the benefit received (including, but not limited to, carport maintenance for Units for which carports are assigned to an individual Unit, and Common Expenses for Limited Common Areas and Facilities which may be allocated to the Units to which such Limited Common Areas and Facilities are assigned.

Linda South: If someone thought that was the case they could make the case.

Debra: What is the history? There comes a point where the board must decide when to enforce an assessment.

Ken: Speaking for myself – these are sidewalks that are used by everyone. Cynthia: Sidewalk going up to the door.

Other questions:

Motion to go forward with the concrete:

Ken: I move for the \$38,000 package; Gayle seconded the motion. Questions or

Discussions: All in favor? The motion was unanimously approved.

PAY PHONE – John Clock – Your pay phone (A T & T raised the rate 30%) Other properties The Thiehen Group manages decided to pull pay phones at pools, if not required by city regulations.

Alternative Option: Purchasing and installing a 911 phone; it has a nice cabinet with a phone inside that can only be used for dialing 911.

COST: One time \$320 charge; installation of line \$45; jack \$125 (may need to install the Jack). Monthly cost would be approximately \$45. Currently, we pay just under \$90 a month for the pay phone by the pool. If you add up all expenses; in a year, the \$1,040 usage for 1 year of pay phone, compared to \$1,048-- why bother? The next year (and each year thereafter) you would save about \$575. That is money that could be saved. Year round change – initial outlay more than budgeted, but once into 2008, you will be saving.

Ken: Have we looked at other private pay phones?

If cheap, \$25/month. John said he could look into that. This 911 phone is what The Thiehen Group has been doing at other properties.

Ken: Let's take one more meeting and look into the private pay phones.

Consensus: To have John check for Ken on alternative pay phones.

Jori Church: Tinting Demonstration

Cut down on cooling costs; 10A and 25D ; Jori went inside and looked out and from outside in. 25D loves her tinted windows. Jori noticed a cut down on the glare and heat; outside there was not a real noticeable difference between her widow and her neighbors.

Reflective – Not allowed

Currently on the windows: Jori pointed out the two different tints that are on the two units we all looked at. The committee decided the benefit of the tinting for homeowners outweighed the concerns for the association. OK, so which tints will be allowed and which will not. Current policy, bring the sample to the Architectural Standards Committee along with form in order for it to be removed, brought to the Board, and approved, or not. We wanted to keep the current policy- added wording (bring their sample in and the approved tints will be kept on file). Window tinting and glazing –

Any questions? Cost differences? (Ken)

Window Tinting Discussion: Jori asked board members to take a look at a variety of samples of window tints; each one has their total energy rejection percentage identified. Choices: Bronze, gray, gray, gray, green, green. The ones that are the darkest are the ones you've looked at.

Board Question: Would there be another choice that would help save money without being so noticeably darker than neighboring windows?

Ken: I think the darker ones are the ones that provide the greatest homeowner savings, related to cooling costs.

Do we force people to have a gray tinting? We can consider that.

Cynthia: Let's have a vendor come out and show us examples; we could select two to accept. Homeowners then select products that match our approved color choices.

Jori: Question: We could require a gray. The rest of the committee wanted people to have flexibility to have color of their choice.

Ken: For uniformity; shades of gray – not so drastic of a change.

Debra: Why did this come up in the first place?

Some people's units have the light shining directly (western or southern exposure).

Now: It is a case by case decision. Homeowners would still apply, but they'd have samples of approved tints to look at.

Establish guidelines for window tinting – no coloring, no reflective, nothing too dark.

Ken: If we can set a policy that is clearly stated. Select the darkest gray we would accept and one lighter gray.

How do you want to do this? Cynthia recommended we look this over again, and finish the discussion at our next meeting.

Could we wait until the next community meeting?

Linda: Is that dark one up on the right, ok?

Ken: I make a motion that we approve that tint or lighter. Visible light transmitted 36% or greater. Not sure how the percentage statement works. Any second? A sample of each tint must be brought along with an improvement application. We'll keep a sample of each tint on file, in the management office. All tinting must be done on the same face of the building; reflective materials are not allowed; must keep windows in good repair.

All in favor; Debra (abstained)

Good News

\$10,500 irrigation bid \$7,000 actual invoice

John didn't have anything else, pressing – except

The person owing the most money on our delinquent list – I think we should move forward with this \$1,500. This is someone living here; there is a lien—if he sells his property we won't lose. The Tiehen Group has contacted this individual many times over two years. Associated cost: \$400 - \$600 range to sue the owner; \$50 for a collection letter to be sent.

Gayle made a motion to send the letter; Ken seconded; and it was unanimously approved.

John: Anything else?

Cynthia: Bid for line around the pond for geese control; double lines – one device; works with a pulley. Behind the buildings – geese getting up to property patios. Discussing doing ½ of the pond on one side and behind 30, 29, and 26 buildings. Total amount to buy the materials required \$729.75; Bill can install. It is a company from Minnesota (they know geese). Epic - \$1,600 line and rebar – not as professional. They still will be able to mow.

Linda South: Does it present any pet or children issues? Not that we are aware of. Thoughts?

Have we spent our landscaping budget? John: No John: I think it would be worth the \$700 to try it. We've tried pepper pellets; has to be reapplied each time it rains.

What is the warranty?

Ken: I move to purchase and install the equipment. Debra seconded; it was unanimously approved.

On-Going HOA Issue Since day 1 – Pet waste

Cynthia – I've managed a lot of properties with the \$329 for Pet Waste Kit; but we'd have to keep replacing the bags. This year most complaints have been near the clubhouse, by the tennis courts, and the trash compactor

Gayle – I don't think those breaking the rule will use the bags.

John: Another property – it did make a difference. Your dedicated dog owner will pick up after their dog. One of the genuine problems is that they don't want to carry around the residue with them. We aren't making it easy for them to follow the guidelines. I think there will be a percentage of homeowners who will use them.

Cynthia thinks we need several, but we could buy a few; monitor and see if it helps. It helped the property downtown. John thinks it is something to consider as an experiment. You get 400 bags.

Ken moved we try three; Debra seconded. Linda: I'm concerned about having one near the clubhouse – it seems like that the ones on the Parkway are very visible. It might send a strange community. Debra: Not visible from the Parkway.

The tennis courts and compactor areas were identified for the HOA experiment. Other comments: All in favor; Gayle abstained. It was approved, by Linda South breaking the tie.

Next meeting – June 21st

Linda South: I am curious to know if we could change this meeting to June 14th.

The next meeting will be 6:00 on June 14th and regular meeting on the 14th at 7 PM.

Debra: Where in the By-Laws are the minimum number of HOA meetings stipulated?

Linda: There is nothing that limits or sets a minimum number of meetings. Pauls Corp met quarterly.

Solicitation Signs: Questions?

John and Cynthia: John spoke to the codes enforcement department of the City and to the Police. Solicitation is not illegal, as long as not soliciting for money. No Leawood Code to restrict it.

Religious and political door knocking is not illegal, as long as they were not asking for money. However, if the person continues to return after the homeowner asks them not to return, the homeowner could file harassment charges against the individual.

Owners have requested that we have a **NO CONTACT LIST**. John will address this issue at the June 14th Meeting.

Debra: They have in their directory not listed—but they are public in the regular phone book.

Cynthia: If they specified unlisted in our HOA Directory, they are *not* to be called.

Gerald Clamors Saturday Market Issue – Linda, at our last meeting we briefly discussed the Saturday morning coffees. We’ve had good feedback on it. Gerald asked about people selling baked goods, crafts, etc. Linda handed out Gerald’s proposal.

The board decided to review the By-Laws to see if the “profit” regulation applies to this case OR if Leawood would require a license, if a market is held each week. Linda asked Cynthia to check with the City to see if a business license would be required.

John: Flea Market?

Linda: Baking goods sold to go with their coffee.

Jori – The idea with the baked goods – we’ve checked the By-Laws – this is aimed at people recouping their baking costs, but would probably spill over to other specialties: like the pie lady (selling pie slices). We don’t want to ask you all to budget cost for food; so this was intended to help homeowners enjoy Saturday coffees.

Cynthia will check with the City.

Two ladies in our community that want to do a newsletter.

Linda South: They would do it monthly; start out slow, maybe, doing it quarterly. Calendar of Events; they could supply a prototype; it occurs to me that we discussed doing newsletters last year. If we didn’t mail them out we could save money; at that time homeowners suggested we could post things on the bulletin board. They are willing to do this newsletter at no cost to the HOA. They wanted to hand deliver to each unit – we know that is a problem.

Debra: Who are the two individuals?

Linda wasn’t sure how they would distribute it. Daphne Reitz and Amy Steirs are the two ladies that would like to produce and distribute the newsletter.

Debra: Amy sent me a profane voice mail message; I don't think she is an appropriate person to do this.

Cynthia: The lady downstairs from Amy will not allow Cynthia to say anything to her.
Debra – police have been here regarding Amy.

Linda South: The Newsletter would have to be approved by the board.

Ken: Any individual would have a right to do a newsletter; it is a question of HOA endorsement, or lack of endorsement.

Debra: I'll go have people sign a petition to get other homeowners to make them aware that the newsletter is co-produced by the homeowner that left me a profane voice mail message.

Ken: We have a desperate need to involve more homeowners in community.

Linda South: We'll have the two homeowners submit a sample/prototype; all content would also have to be board approved.

Debra: How Hypocritical to slander me, but allow this lady to produce the newsletter for the association.

Ken: There is a recording of a voice mail message you left another board member.

John: My concern of doing a newsletter processed by a homeowner - You are looking at a homeowner wanting to do this with a mailing cost over \$200. I have a property that a real estate man offered to produce the newsletter and he'd run a small add. He saves that HOA \$1,500 a year.

John: My suggestion: Find out what their reasons for wanting to produce the newsletter is; do they have an agenda?

Debra – Blasted Amy's recorded phone message as the board was conducting HOA business.

Ken, "Debra, You are out of order; turn it off."

Debra - When someone calls me a Bitch that is criminal—slanderous and I'll

Linda – We are trying to handle HOA business.

Debra: I've had problems and others have had problems. I've played this for the police.

If you do this, we'll have serious issues.

Linda South: All we have asked is to have them submit a prototype; let's go on.

TC HOA Website:

Ken: It has been paid for and is being set up. Hosting site is www.tcchoa.com and the host is GoDaddy It will be used for posting official HOA documents. The decision is to get it up quickly in a functional format; we can work on format/aesthetic appeal later.

This could become our official HOA Site.

We do have a fair number of people who are not on the internet. People in the business center could help individuals. We could train people how to access the website in the business center during Saturday morning coffees. We could probably have wifi available for next to nothing. Gerlald has taken on the lion share of development and maintenance of the site; he is open to having others help him with this task.

When should it be up and running?

Jori: He just finished a big project; we're leaving Sat. for vacation. Gerlad bought \$200 on books to learn how to do the website. He'll figure out how to program it – hopefully he'll have it up soon.

Ken – the hosting company will walk him through it.
He'll know more to share with homeowners by June 14th.

Anything else from anybody?

Ken – one thing – dealing with vendors and the Tiehen Group, we need to have it clearly understood that IF there is going to be a change in the reporting system to the board it should only be determined by the entire board—not individual board members setting standards for them.

Debra: Fine, good segway. It seems to me that a highlights of what occurred during the week is a reasonable request. What is the issue with that?

Issue: You specifically requested the Tiehen Group to produce another report – weekly.

Debra, Ken, read my email's Subject: Request for ... Please confirm and let me know. What is the problem; what is the issue?

Debra: Given the circumstances I don't want to accept email from The Tiehen Group. *Everyone* goes one on one with John Clock; even people not on the board.

Is there an issue with us asking for ...

John Clock will email everyone if there is something needing immediate attention.

Debra: I think for \$111,000 a year – Management Company Fee we could get a weekly report. I have a feeler out and homeowners think that is a great idea.

John: \$111,000 for The Tiehen Maintenance?

Debra: Yes, Cynthia, and You.

John: You are paying about \$2,750/month as a management team. I've never sent out an email saying I have to get a response back on the same day. If there is a reason for a weekly report, we'd do it. We don't do one for any other property.

Debra: I'd like to see a calendar for HOA.

Linda South: We have a budget and a timeline of events.

Debra: I want another one.

John Clock: There is a legend that shows the expected times for projects. Sometimes things change, but the plan is there.

Debra: In categories, I don't see specifics.

Linda South: That is why we have monthly meetings in place of quarterly. John does answer board members' emails.

Debra: I need agendas for meetings sooner; I'd like something before the day before regarding the agenda, so we can do some study.

Board Response: Anyone can send Linda agenda items. John can't get an agenda done a week before because there would be more things needing to be added.

Other board members stated that they did not need a weekly highlights report from John Clock.

Kim McCallis, requested we revisit her piano lesson issue. Her proposed amendment to TC Declaration a:

Residential Use. Each Unit shall be primarily used for residential purposes. Any secondary trade or business conducted in or from a Unit or any part of the Property by the Owner or occupant resident in the Unit must (i) adhere to the Home Occupations provision of the Leawood Development Ordinance (Article 4, 16-4-10) and (ii) ensure that any vehicular traffic associated with such home occupations adheres to the residential Parking Rules and Regulations (XIII Parking/Vehicles, revised 2-9-06). Additionally, any traffic associated with home occupations may not make use of designated "Visitor Parking" spaces on the Property. The terms "business" or "trade," as used in this provision, shall be construed to have their ordinary, generally accepted meanings, and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (i) such activity is engaged in full or part-time; (ii) such activity is intended to or does generate a profit; or (iii) a license is required therefore. Leasing of Units shall not be considered a business activity violative of this subparagraph.

Boldface denotes amended section.

Background – last page of her proposal to the By-Laws.

By-Laws most recent format and Declaration

We need to get the most recent format of the By-Laws and Declaration to our community as soon as we can, by taking out Pauls and going with that. That is basically what the

declaration is and what the By-Laws is. Proposition Sheet if we wanted to (at the final vote; after having the meeting) have homeowners vote on these propositions.

Absentee ballot issue Proposition 4 – vote on each separately

I added each, for clarity

#5 – Moving of annual meetings from After to Before.

Ken: This is different from what we previously discussed. I thought we were going to do the generic change.

Linda: This was intended as a starting point for our discussion.

Absentee Ballot and Annual Meeting Separately. We could take the residential use section out... (Kim's request); Ken would like for us to not include it in this document.

Ken: Just having a clean removal of the Pauls Corp references to them and Declarations and ByLaws, changing meeting date, and the vote issue. Where we add absentee ...

Debra: You better state the suggested revisions represent the majority of the board—not the entire board; IF same square footage is used I won't approve it.

Linda – Please look this over before we send it out to our Attorney and then put out to the community.

Debra – When do you want our take?

Linda – As soon as possible – by next week.

Debra: I should be able to review by Monday.

Look over By-Laws and Declarations and let other board members know of any concerns. We'd like to get these out to homeowners in June. Let's let the community decide what they want to do.

Ken: 2/3rds of weighted votes must approve to make the revision official.

Linda: I suppose that people can always find something to object to. As long as there isn't anything other than removing Pauls Corp. out we should be ok.

Debra: Why must we meet next week, why can't we just vote for the Installation of New Director by phone?

Board Response: We may want to exchange ideas regarding the issue before voting.

Next Tuesday, May 29th at 6 PM – We could say yes or no to bylaws and declarations revisions.

Anything else?

Ken moved that we adjourned and the meeting was adjourned.

Respectfully submitted,
Gayle A. Voyles, TC HOA
Secretary and Treasurer