

**Tomahawk Creek HOA Board Meeting
July 20, 2006**

5:45 PM TC HOA Officers and Management Company Pre-Meeting

Participants: John Clock, Linda South, Steve McWilliams, Gayle Voyles, Cynthia Selder, and Melissa

Discussion Topics:

Social Committee Budget: A motion was made to increase the social committee budget to \$3,000 which would allow the committee to hold a second pool party, an October and winter party. John Clock stated that this motion would actually only increase the social committee's budget by \$500. The motion was seconded and unanimously approved.

Status of Delinquent HOA Dues: John Clock sent letters out to 3 homeowners who were delinquent on HOA dues. His question for the board was whether they wanted to file a lien on the three homeowners' units since they had only paid a portion of what they owed in response to his letter and had not contacted him, per the letter. The board discussed waiting since it was close to August 1st to see if the individuals paid their remaining balance. There is a lien on one homeowners' property, which is now 61-90 days delinquent. The Tiehen Group was advised to follow the Declarations and Bylaws on any liens.

John Clock's Report:

Wheel-Dips – Cynthia and a specialist have evaluated which driveways will be done this year. The week after labor day is when the company contracted will begin the work. The budget will allow us to have 18 driveways repaired (6 garages/3 buildings). John is afraid there is a problem with the price he was given this year, or the actual way they will repair. \$11,400 budgeted for this project. The owner is on vacation, but John will follow-up with him upon his return. John added that we will budget in 2007 at least \$10,000 to complete the wheel dip repairs.

Financial Status: \$15, 440 income, which is more than what we anticipated, as of June 30, 2006. This is partially due to cable fees being higher than expected, as well as late fees and maintenance fees.

Landscape: The board discussed having Signature not mow from the edge of the pond to three feet out in order to create a more natural habitat; as a study to see if the tall grass helps minimize the geese problem.

Termites: The work will begin Monday and take two weeks to complete the process. Holes will be drilled near the foundation around the outside perimeter of each building. The termite lady, from Terminix, will participate in tonight's open meeting to answer questions regarding the contract and warranty. Water leakage issues, not taken care of in a timely manner, may cause the warranty to not be valid. As John read the contract to board members it became clear that there were a number of questions that will needed to

be answered tonight before signing the contract. This contract is only for *one* type of termite. The board decided that this project should *not* start Monday; we need to have the attorney look at this contract.

Steve McWilliams' Question: Water damage, not repaired in a timely manner, nullifies the warranty for that building, or entire property? The contract sounds like it was designed for a one building structure. John stated that he thought we needed 33 separate contracts—one for each building.

The billing practice:

Does the board want to charge a late fee after the approved period for homeowners to pay the special assessment? The letter will mention a \$25 late fee if special assessment fees are not paid by the 105 day payment period. Each homeowner will need to pay their special assessment fee by check or money order. The accountants will round down the special assessment fees.

Cynthia had four issues to share with the board:

1. Fire marshal came out and recommended that we do *not* allow parking in undesignated parking areas; such as by curbs. Cynthia or Steve will mention this in the open meeting and post what the fire marshal has said on the bulletin board. In the future, the board will paint the curbs red or yellow to show that vehicles should not be parking along the curbs (by A, B, J, K units).
2. Roof Leak – 15E – Cynthia hasn't gotten very far. She has called Bordner Roofing for advice on how to handle his issue. The board can show that there have been two separate repairs done related to his unit. At this point, the board can't answer his question of *if* the roof leaks again who will pay for the inside damage. He should fix his ceiling damage and if it happens again he will need to report it to Cynthia. There was a discussion around how future decisions would be made: Would there be a certain length of time (after the roof of a unit had been repaired) that the HOA should be responsible for repairing inside damage? It was decided that those decisions will be based on case by case basis.
3. Pauls Corporation took the two nice golf carts and left us with the maintenance golf cart. Currently it doesn't work. Cynthia asked if the board would approve the management company purchasing six batteries at \$70 apiece to get it up and running. The board approved the request.
4. A new resident's back of unit faces Tomahawk Creek. She wanted to pay to have some shrubs removed? Could she do this? Steve suggested that the homeowner take her request to the Landscaping Committee. If the Landscaping Committee didn't have a problem with the request then the board would consider it.

Termite Representative Joined The Officers:

Each building will have an agreement, plus there will be one main contract for the Complex.

Water Leakage Issue – Purchaser required to make timely repairs. If we had this

issue in one building would it affect the other buildings' warranty?

The Representative said she can have the contract re-written to meet our expectations.

Structural Modification, or Soil added or removed around the foundation phrase of contract: Asphalt driveway work for wheel dips considered an alteration? No, on the asphalt work as John described. Concrete slabs by front doors are also ok.

If Signature lays mulch at foundation?—Having a cactus and rock alternative to mulch would be better, but a few inches of mulch would not cause a problem.

Terminix performs services in coordination of laws and could terminate an agreement due to a change in law. The board decided to hold off on starting the process until after the HOA's attorney approves the contract.

Last Few Issues Discussed Before the Open Meeting:

The board needs to vote to approve all minutes tonight and then post them on the website within a week. Cynthia will be able to hand out hard copies upon request.

The date for the August 19th pool party was approved.

**The Open Meeting Began promptly at 7:00 PM with
About 25-30 homeowners attended the meeting.**

Board and Management Participants: John Clock, Linda South, Steve McWilliams, Gayle Voyles, Cynthia Selder, and Melissa Schulte.

Kimberly, Terminix Representative, was first on the agenda to answer any questions regarding the termite treatment, contract, and warranty.

Homeowners' Questions:

1. Will there be information sent out regarding the schedule for the termite work?
Response: The workers will need access to ground floor concrete. Furniture will need to be moved away from the walls of units.
2. When will the work begin?
Response: Hopefully, work will begin within the next 10 days.
3. Will both painting and termite treatments be going on at the same time?
Response: The painting work and termite treatments will be coordinated by Cynthia.
4. When do we need to pay our special assessment fee?
Response: The special assessment payment time period has not started, yet. Everyone will have notice of the time period allowed for special assessment payments.
5. Are we still having trouble with the trash compactor?
Response: It was jammed earlier this week; someone put a pole lamp in the

compactor. Steve has seen a substantial improvement over the past six weeks.

President's Report:

- The board has extended the social committee's budget by \$500 to allow for a second pool party which will be held on August 19th.
- Financially, we are about \$15,000 above the anticipated budget.
- The Fire Marshall has told our property manager that vehicles parked in undesignated parking places (along curbs, etc.) is not allowed; those areas are considered fire lanes. Cars can be towed.
- We need volunteers to serve on the Nominating and Architectural Standards Committees. Linda South held up the two committees' notebooks that have each committee's roles and responsibilities listed.
- The Covenants Committee has submitted its suggested revisions for the Declaration and By-Laws. The board is in the process of reviewing them, now.
- 18-36 Wheel-Dips will be repaired this year and the remainder of targeted driveways will be dealt with next year.

The President asked if there were any other questions or issues that homeowners wanted to discuss.

- **The ponds issue** – The geese don't appear to be scared off by the swans. Homeowner attended a meeting at the Discovery Center and learned about natural measures that could be taken to help with our geese issue. She suggested having the landscaping committee not mow the grass 18 inches out from the pond. The TC President announced that the officers had discussed that same approach during the pre-meeting and Cynthia would be talking to Signature Lawn about this in the near future. He also added that if we develop a plan and begin working on this issue the Conservation Dept. will come in once to remove the geese.
- **The latest storm** – areas on the property (north end) were flooded. Steve reminded homeowners that we are in a flood plain and that the construction area behind our property is bringing silt down to the pond. He also stated that the board is in the process of trying to get help from the city.
- **What are the orange dots on some driveways?** The President announced that those mark the wheel dips (in the asphalt) scheduled to be repaired this summer.

- **Another homeowner announced that she lived on the second floor, but would like to have her windows cleaned.** She was told that the By-Laws state that windows are homeowners' responsibility.
- **Suggestion from a homeowner:** Removing mulch from around the pool and putting little stones. After the latest storm the pool was full of mulch.
- **There was a Request for Minutes and Board Notices to be Posted Online**
- **Where is the board on reviewing the revised declarations and by-laws?**
The board president reminded homeowners that we don't have many people doing a lot of work, and the attorney will need to approve them, too. He then stated that probably they won't be ready to vote on until the beginning of 2007.
- **When the buildings are painted will anything be done to the decks?**
Cynthia, property manager, stated that the decks will be treated. She also said that each homeowner would get a notice on their door informing them of when their building's painting process would begin.
- **Homeowner's Suggestion:** I think it would be nice to have an American Flag with a light, so it wouldn't have to be taken down. Steve said he'd have Cynthia get a bid and get back to the homeowners on this issue.

The President reminded homeowners that during the past downpour several board members and homeowners noticed gutters that were clogged. He asked homeowners to please report the specific location of clogged gutters, to Cynthia, as soon as they notice them. He then explained how one would know a gutter was clogged: you will notice water coming off the building, but not out the gutter.

- Did the voting percentage pertain to those that voted, or of all homeowners?
Linda South reported that two-thirds of *all* homeowners approved the termite treatments and special assessment and that the board had followed the existing by-laws.

The meeting was dismissed at 7:25 pm

Respectfully submitted by
Gayle Voyles,
TC HOA Secretary