

**FOXCLIFF ESTATES SOUTH HOMEOWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
June 14, 2004**

**Officers & Directors Present:** Calvin Kelly  
Chuck Molzon  
Bruce Kohl  
Chris Read  
Cindy Vogel  
Carolyn Holland

**Guests** Bonnie Kohl  
Joyce Brennaman  
Craig Dahl  
Jason Young  
Art Brill

**Legal Counsel** Rod Bray

**Meeting Called to order 6:07 p.m.**

**I. Call to Order- Welcome**

Meeting called to order by Calvin Kelly.

Jessica Crouch, the pool manager, presented a letter to the Board for their review later in the meeting regarding the pine trees at the pool area.

**II Review of Agenda**

**A. Additions to Agenda**

Calvin stated that there was a correction under D-2-b-v, stating that it should read Dining Barrier, rather than Drainage Barrier.

Chuck asked at D-2-b-vi be added as Mapleturn Utility Letter.

Chuck asked that Action Item Tracking be added as item D-2-b-vii.

Cindy asked that the Social Committee report be deleted for this month, but would add back next month.

**B. Approval of Agenda**

Motion was made by Chuck and seconded by Chris to approve agenda as amended.

**III Review of Meeting Minutes - April 2004 Supplemental & May 2004**

**A. Additions/Alterations to Minutes**

The Board agreed to table the approval of the minutes until they had time to review them further.

**IV Communications and Announcements**

**A. From the President**

Calvin announced he had sent a second letter to residents regarding the Pathway project and had received two affirmative replies. Calvin stated he would keep Board informed as to what was happening with this issue.

Calvin also apologized for being away several days recently and not being available to other board members.

## **V Financial Report**

Calvin presented a brief financial report and stated that there was nothing out of the ordinary for the month. He stated that we are under budget on most everything. He further stated that he and Carolyn are working on formatting a budget report and explained how it would read. Cindy requested a copy of the expenses for the Easter Egg Hunt. Carolyn to have report to Cindy by end of week.

## **VI Committee Reports**

### **A. Safety Committee**

Calvin discussed the issue of motor vehicles and unlicensed drivers as scooters, and golf carts has become an issue in the community. Calvin cited two events of accidents in the community as examples that our roads are not always safe, especially for underage drivers. He further stated that we have approached the county for assistance in our recent traffic control agreement. Issues of discussion included applicable state law and how it applies to our community and what liability we have as an Association. Chuck stated that some Members thought the Board position was to ignore the issue of motorized skateboards in the past. Calvin commented that the Board had not ignored the situation, but was simply unclear as to how to deal with what was a new situation at that time and currently more than just motorized skateboards are being used. Jason Young asked the board if there could be a waiver signed to allow underage drivers the right to operate motorized vehicles on our roadways. Calvin stated that there was limited discussion in the past regarding waivers; however, all aspects of waivers had not been explored yet. Calvin will speak with Rod Bray by end of this week on the issue.

### **B. Roads Lakes and Common Areas**

2a. Country Club Road-Insight Cable/ditch repair. (Discussed under legal issues)

2c. Bruce stated he had been in contact with Wallace Construction and the resurfacing would begin within the next four weeks. He further stated he would contact them and postpone the sealing of the parking lot until after the clubhouse entry was completed.

Bruce stated that in a recent conversation with Mark Fletcher, three drainage areas have been identified that need to be addressed. Mark has identified breakdowns in the integrity of the drainage tiles in these areas. This was noted only as "for future reference" in our infrastructure planning activities. Mark would not be willing to perform the expected repairs, so this type of work is outside his expertise.

### **C. Covenants & Restrictions**

Calvin reported that Bob Altizer has a meeting scheduled with this committee on June 18<sup>th</sup> to discuss changes in the Covenants.

### **D. Clubhouse, Pool and Tennis Courts**

Cindy reported on the following:

Tennis Court work has been completed and there is no standing water. She stated there are no visible signs as to where the cracks were. Cindy will also be obtaining estimates for new signage at the courts regarding hours, rules of use, etc.

Cindy reported that the new gutters have been installed and the old ones recycled with a net profit of \$19.25.

The chimney repair is nearing completion. The window seal is to be completed tomorrow and the work on bridge completed today.

The exhaust fan in the chemical room is satisfactorily installed.

The chemical feeder is satisfactorily installed.

Cindy reported that IPM is working out great and the lifeguards are doing an outstanding job. She stated that the lifeguards are giving swim lessons to pre-school children and lessons would be open soon for the community.

Cindy requested funds to purchase a diaper deck in the ladies restroom to allow pool patrons to have a place to appropriately attend to diaper needs. Chuck made motion and Chris seconded to budget \$150 for a changing station.

Cindy additionally requested funds for a shop-vac for the for the pool area at a cost of \$50. Chris made motion and Chuck seconded to purchase the shop vac. Motion carried. It was agreed that the funds for the purchase would be split between the pool budget and the office budget.

Cindy discussed the need for a telephone, other than the pay phone, in the pool area, as there is a need to contact the management company on occasion and the potential to make an emergency call also exists. It was agreed that a phone extension be placed in the chemical room for the use by lifeguards to make calls to pool management company. A register of calls will be kept for use in reconciling the phone bill.

Chuck gave a report on vending machines stating that to date we have made a profit of \$35.92. He stated that although there had been some problem with the ice cream sales in the beginning, sales and collections were going well now and he recommended that the sale of ice cream continue.

Cindy discussed the dining barrier, stating that the lane lines were not working. Cindy will check into other means of barricading the dining area.

Cindy explained to the Board the issue of the pine trees outside the pool area adjacent to the baby pool. She stated that the needles were getting into the drains and causing a lot of problems. She requested that the pine trees be removed. After some discussion it was agreed to remove the pines trees as soon as possible.

Calvin asked Cindy to prepare a survey regarding the pool for the newsletter.

Chuck concluded discussion with regard to the cost of the water/sewer usage for the clubhouse. Chuck stated that he would like to prepare a letter to Mapleturn Utilities requesting that the classification of the clubhouse be changed from the commercial rate to the residential rate. Board agreed to allow Chuck to prepare a letter for Randy to review.

## **E. Building Control**

Chuck reported on the following construction activity:

- A. 240/241 (Ratts): Steady progress. All exterior brick and stone work is complete. Finishing eaves, overhangs, and exterior trim Lot. Homeowner requested and BCC approved extension of building time until 1 Sep, 2004.
- B. Lot 258 (Barchman): Construction complete. Mailbox initially installed on pavement line. Mailbox moved back one (1) foot. Construction deposit returned in full.
- C. Lot 519/520 (Payne): Good progress. Brick work complete, placing driveway fill on site. Interior work going well, drywall complete, trim and painting work underway. Outstanding issue of working on Sunday still needs to be discussed.
- D. Lot 687 (Young): Essentially no work accomplished, no groundbreaking. Letter sent to Young's on 2 June, 2004 advising that construction approval is withdrawn due to not meeting construction start date. Lot owner advised to remove drive and restore lots by 1 July, 2004. One telephone contact with the Young's was made by Chuck as result of letter. Chuck stated that he had spoken with Mr. Young and he will comply with the letter. Mr. Young stated he hoped to get started on his building with 90 days. Chuck advised him that

he would have to come back to board for approval again. Chuck recommended that we continue to allow vehicle access on the site for 90 days and if complaints of traffic at the site are received then action will be taken. Calvin asked Chuck to prepare a statement summarizing conversation between he and Mr. Young.

- E. Lot 806 (Johnson): Construction complete. Some interior trim work still to be accomplished but will be performed by homeowner, no contractor involvement. Construction deposit returned in full.
- F. Lot 818 (Shaw): Good progress, home substantially complete. Doing primary landscaping. Awaiting request for walk-through inspection.
- G. Lot 822 (Peal): Construction complete. Walk-through inspection performed, whereby noted that mailbox on pavement line. Mailbox subsequently moved back one (1) foot. Noted piles of "fire wood" on adjacent lot, homeowner said they would take care of problem. Noted that mailbox is not standard size. BCC decision to withhold \$100 until conforming mailbox installed, homeowner advised. Return of deposit less \$250 assessment and \$150 withhold awaits Board signatures.
- H. Lot 830 (Ricci): Construction underway. Portable toilet placed, new footers and crawlspace walls poured and dirt backfilled around foundation. Garage floor poured. Slow progress.
- I. Lot 863 (Spina): No change since last report. House plans approved. Temporary electrical pole installed. No ground breaking yet.
- J. Lot 873 (Horrell): Construction complete. Walk-through inspection performed. Noted that grading at front of yard not complete (culvert and swales.) Adjacent lot still has piles of rock from Horrel house. Builder to remove rocks, fix grading, culvert, and drainage ditch. Builder to also remove/gravel "drive" and seed adjacent lot. Return of deposit less \$250 assessment and \$500 withhold for grading and other work awaiting Board signatures.
- K. Lots 290/291 (Runkel): Plans submitted, awaiting neighbor inputs and review/approval by BCC and Board. Preconstruction meeting set for tomorrow.

#### INTERIM BOARD ACTIONS

Chuck noted that several actions have been taken over the past month requiring BCC action or input as follows:

- A. Lot 821 (Greer) Mr. & Mrs. Greer requested approval to build a large deck in their back yard, leading down to a dock on the big lake. BCC approved the request, restricting the size of the dock and stipulating that erosion be controlled under the deck and that no silting or erosion in to the lake is allowed.
- B. Lot 955 (Bunnel) Mr. & Mrs. Bunnel requested approval to install windows in place of the screen in the gazebo attached to the back of their home. They were advised that wood, vinyl or aluminum clad windows are the standard. No other BCC action required.
- C. Lot 723 (Hammond) Mr. & Mrs. Hammond requested approval to install a brick mailbox to replace the vandalized mailbox on their property. Approval was granted with the normal stipulations of one (1) foot back from edge of road, "break-away" features, and release of liability for "substantial" structure so close to road. No further BCC action required.
- D. Lot 559 (Baxter) Continuing to monitor potential for drainage problems due to newly installed culvert. No problems noted to date. Grass coming in nicely over culvert.

A proposed guideline / schedule of assessments for various infractions of the FESHA Construction Requirements and Rules was discussed, as well as proposed changes to the Construction Requirements and Rules. It was decided that Chuck would forward corrected copies to members.

#### **F. Social Committee**

No report this month.

## **G. Association Office**

Calvin discussed the Association computer and stated that he would be making a clean reinstall of the operating system as soon as possible. He stated he would be able to recover some of the e-mails and was purchasing Zone-Alert as a firewall/anti-virus package.

Calvin distributed copies of the Association Office Manager job description and asked Board to look over and make any notes or changes to him within two weeks. Discussion was tabled until next meeting.

At Chuck's request, Action Items were discussed and agreement was reached on the way in which they are tracked. Calvin asked Carolyn to look at the May minutes and list all the action items.

The cost of the parking lot lights was discussed. Cindy volunteered to contact Cinergy and inquire if there is a less expensive method of lighting the lot. Cindy will make contact by July 12<sup>th</sup>.

Calvin stated that he will be writing a response letter by the end of the week to David Toombs, regarding a request to build a fence on his property due to problems with a neighbor's dog(s).

## **VII Legal**

(Legal report presented earlier in meeting to accommodate Rod Bray's schedule)

Rod Bray submitted letter of opinion to the Board with regard to whether the Association was obligated to construct new roadways. This opinion was requested pursuant to a request from Bill Brennaman regarding a section of platted, but unfinished, road at the end of Country Club Road adjacent to lot 981, owned by Mr. Brennaman. The opinion noted that it was not the obligation of the Association, but instead only of the original developer, to complete and/or build roadways. Bruce Kohl made a statement that he had read in a previous settlement agreement regarding the roads that the Association was obligated to complete roads. Carolyn will pull documents for Calvin and Rod to review prior to further discussion.

Board inquired of Rod his opinion with regard to accepting a Bond or Letter of Credit in place of a Certified/Cashiers Check for a construction deposit. Rod explained that they are both a secure method of deposit, but if there was a claim we would have to work with the bonding company or the bank backing the paper and sometimes that can be difficult. It was decided to continue to only accept certified/cashiers checks for construction deposits.

The situation with Insight Cable and the roadway problem on Country Club Road was discussed. The Board inquired of Rod that if Insight does not repair the area properly, can the Association demand that they move their cable out of our right-of-way. Rod stated they cannot have their cable in our right of way without our permission as this is a matter of trespass. A question was posed as to whether we had even granted them an easement to do work in subdivision. Board asked Carolyn to go to the County Recorder's office and research the granting of an easement by FESHA to Insight. Carolyn to report by Friday, June 18, 2004. Bruce further stated they are waiting on weather to dry up which would probably be in mid-July before continuing work, if at all. Rod stated that they do not have an obligation to give us notification of work being done, but should do so as a courtesy.

There being no further business, Chris made motion to adjourn, seconded by Cindy.