

**FOXCLIFF ESTATES SOUTH HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS
MEETING
March 8, 2004**

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

Guest Bonnie Kohl
Craig Dahl
Staber & Linda Dearth
Bill Brennaman
Jeff Morris
Mark Dice
Mike & Lori Engle
Katrina Vogel

Legal Council Rod Bray

Meeting Called to order 7:05 p.m.

I. Call to Order-Welcome Meeting was called to order by Calvin Kelly.

II Review of Agenda

A. Additions/Deletions to Agenda

Calvin asked if there were any additions to the agenda. Mike Engle, Lot 670, asked to be put on agenda regarding a water/drainage issue on his property. Calvin stated would be discussed under Roads Committee report.

Mr. Sloan asked to discuss permission to drive horses through subdivision. Calvin stated he would place at top of agenda.

Staber and Linda Dearth asked to address the issue of silting in the big lake.

Bill Brennaman requested to discuss Lot 981 and the need for a road to that lot.

Calvin asked that approval of the 2003 Annual Audit be added to financial report. He asked that road sign replacement be added to Roads report. Also, Country Club Road Damage and Insight Communications. He asked that scheduled trash pickup be added. Under legal issues add Association events on Association property. Move Concrete Truck, Country Club Road/Fox Court East from Roads to Building Committee. Remove Jim & Susan Peal appeal from Community Issues.

Chuck stated there were two sets of plans to approve.

Carolyn added under clubhouse, a request to use the clubhouse for a dance in the upper level with approximately 200 people. She also requested that access to big lake be added as well as a resident requesting to give violin lessons in the clubhouse.

Greg Bires asked that Dry Hydrants update be added to agenda. Lastly direction on transferring funds. Calvin asked that access to big lake be added to roads committee report, both of the clubhouse issues be added to end of clubhouse report. Dry

Hydrants be added to other. Lot 670 and Lot 525 added to Roads and Lot 981 under Other. Calvin asked for a motion to approve the amended agenda. Chuck made motion and Cindy seconded. Motion carried.

III Review of January Minutes

Chuck made motion and Bruce seconded to approve the January minutes. Motion carried

IV Communications and Announcements

Calvin welcomed Bruce Kohl and Cindy Vogel to the board. Also announced that the next Mapletown cleanup will be March 27th.

V Financial Report

Calvin stated that the Audit of Financial Statements were presented at the annual meeting. Calvin asked for a motion to approve. Cindy inquired as to the notes to financial Note B-Member Assessments stating that dues are due by January 31st of each year, and stating that liens would be placed on the properties when assessments are thirty days or more delinquent. Those statements were deemed incorrect as the board had changed the due date to the last day of February and set up a policy to allow the first week of March to serve as a "grace" period, then statements would be sent and on or about the 21st of March liens would be filed. Calvin stated he would get those items corrected and would table approval until April meeting.

Calvin stated that February financial report was showing normal activity, with the largest items being cost of annual audit, snow removal and payroll. He stated that outstanding dues were about \$13,900. Calvin further stated that Carolyn would be making courtesy calls to residents. Chuck asked that the date at the top of the financial statement be changed to reflect January through February rather than January through December. Chuck made a motion to approve the financial report with above change, Bruce seconded, motion carried.

VI Committee Reports

SAFETY COMMITTEE

Calvin reported that a tentative plan was to have the first Crime Watch committee meeting prior to the next Board Meeting, with a meeting with law enforcement during board meeting with membership. Chris Read to set up.

Calvin stated he was hoping to get update on vandalism. He was hoping to get flyer into newsletter with regard to what actions are being taken by the prosecutor's office. If not in the newsletter a separate flyer will go out.

Chuck Molzon reported that a tree had fallen across Country Club Road damaging one of our road signs. Bruce will follow up with Chris.

ROADS, LAKES AND COMMON AREAS

Bruce stated that the committee had met for their initial meeting. He stated that the committee discussed the outstanding items that Paul had left to accomplish this year. Those items included

a shed to house equipment and signs and sign post. He stated that Paul would be preparing the documentation for the remainder of the road work and Bruce will work with him on this. He stated that Greg Bires has reported that our lake treatment contract is in good shape. Bruce to contact Craig Oleksy with regard to adding an article about lake treatment into the newsletter.

Bruce stated that committee member, Jerry Byle, has agreed to follow up with **Insight Communication** with regard to the bridge on Country Club Road. Bruce to have more information at next Board Meeting.

Calvin stated that we needed some additional **signs for North Country Club Road**. Bruce stated it was his understanding that Chris Read was in charge of the signs. Calvin stated that he would work with Carolyn on ordering the signs and would pick them up. Bruce to give Calvin a count of how many signs need to be ordered.

Calvin discussed **scheduled trash pickup**. He stated that coming out of winter the roadways within the sub-division need to be cleaned up. He stated there were three ways of getting this done; board members could pick up trash, have a community clean-up day or pay someone to pick up the trash on some kind of scheduled basis.

Calvin stated that he would speak with Christine DeVincent with regard to expanding the Mapletown Clean up day to a Community clean up day.

Bob Sloan approached Board requesting permission to drive his horses through the sub-division. After discussion Chuck made a motion and Bruce seconded to permit Mr. Sloan to drive his horses over old pavement for at least one year with clean up in timely fashion. Motion carried. Calvin to follow up with letter.

Mike and Lori Engle, Lot 670, approached board with regard to the ditch behind their home. Mike distributed pictures to the board to show the water in his yard. After some discussion it was decided that Bruce would check into ownership of the ditch, possible solutions of ditch and if any floodplain issues with DNR. Calvin further stated that we need to see if we have easement rights for drainage issues.

Staber and Linda Dearth approached board with issue of **silting on the big lake**. Mr. Dearth explained the situation behind his home and how it occurred. Board will check into and see what actions can be taken.

CLUBHOUSE, POOL AND TENNIS COURTS

Cindy gave update on Clubhouse Committee. She indicated that her committee had met.

Storage - She presented an assortment of items that were in the closet adjacent to the furnace room. She asked for permission to discard items. Board approved.

Table & Chair Storage - She stated that the table and chairs sitting out in the room was not a good idea. She further stated that she had measured both closets in the entry hall and would like to move things out of the larger closet and put in the smaller

closet and change locks on doors. Motion was made by Bruce and seconded by Chuck to approve up to \$50 for materials to switch contents of closets. Motion carried.

Wheel Chair Ramp - Cindy stated she had had a discussion with a person from the State Building Commissioners Services and was told that when you install something for the handicapped you have to make your entire facility compliant with the American Disabilities Act. This would encompass making many changes within the building. Calvin stated that we could build a walkway to assist wheel chair visitors to the clubhouse as a courtesy to the community. After further discussion it was decided that Cindy would secure other estimates prior to next meeting.

Pool - Cindy stated that she had been in touch with Randy at Mapletown with regard to filling the pool. He stated that first fill is free.

Staffing - Board discussed the requirements of Pool Manager. It was decided to run an ad in the Herald-Times, Martinsville Reporter-Times and the Indianapolis Star.

Vending Machines - Cindy discussed the current vending machines and stated that there was a need for new machines. After some discussion it was decided to contact Crown Vending and Mark Wilson to get bids. It was stated that the pop machine be placed outside. A discussion as to who is liable for damages if placed outside. Cindy to have information to present to board at next meeting.

Budget Breakdown - Cindy inquired about both the pool and clubhouse budget. Calvin explained the budgets and gave Cindy information to review.

State of CPT - Cindy stated she had forwarded a list of items to the board that needed to be done. She asked for permission to take care of the smaller items. Calvin stated we had an account at Bender's and asked that she get prices on everything and Board would discuss further at April meeting. Chuck made a motion to allocate \$250 to resolve the most urgent needs of clubhouse. Bruce seconded. Motion carried.

Foundation - Cindy explained that the drainage tiles around the building are clogged with dirt and roots and water cannot get through them. She stated that the river birch trees need to be removed. She stated that she has a committee of volunteers that are digging out the old pipe and new pipe will be replaced. She has contacted the underground people to mark site.

Gutters & Roof - Cindy stated that there was a few areas where the roof is leaking. She stated that her volunteers have gone onto the roof and caulked several areas. She stated that the ridge vents were not replaced when roofed last. Bruce stated that the seals were broken on the ridge vents.

BUILDING CONTROL - Chuck stated that the building control monitors were not writing down anything in the files. He reported on the following sites:

Barchman - Lot 258 - Very close to completion. Cabinets and woodworking done, painting mostly done, close to tile and carpet.

Ratts - Lots 240/241 - Going slow. A lot of electric and duct work going in. Making progress, but going slow. Chuck questioned if they would meet the one year requirement for completion.

Horrell - Lot 873 - Carpeting and painting mostly done. Should be in sometime in April.

Ricci - Lot 830 - Plans submitted. Not complete. Chuck has contacted Mr. Ricci by phone and letter. Getting close to time to either approve or disapprove plans.

Johnson - Lot 806 - Appears they have moved in. Brick work in progress and landscaping needs to be done.

Shaw - Lot 818 - Brick almost complete. Interior is all drywalled. Issue with regard to excessive mud on road. They have cleaned it.

Peal - Lot 822 - Appears they have moved in. Couple of issues for the building control committee to discuss.

Young - Lot 687 - No activity. They have until June 1st to start.

Payne - Lot 519 - Going up fairly quickly. One issue of burning some construction materials, advised they were not supposed to do that. Will speak with them this week about some of the materials piling up around the house.

Spina - Lot 863 - Plans received for a spec home. It appears to meet all the requirements and building control needs to approve those plans.

Chuck stated that he noticed that some of the people are not following all the rules all the time. Chuck posed question to the board on how strict we want to apply our restrictions.

Chuck asked if a warning was warranted or should a fine be assessed. After some discussion it was decided that Chuck would investigate further and board would discuss at next meeting.

Concrete Trucks - Chuck has spoken with site manager of the site where the concrete truck came from that damaged lot 804. Manager stated he would speak with concrete company and would get back with Chuck. Chuck is to meet with them on Wednesday about another issue. They are aware that the culvert pipe is crushed and suggested that Fletcher would quote and repair and we would bill to them. Calvin stated he would rather have Fletcher quote bill them directly and leave Association out of the middle of the situation. Chuck stated that there are some gouges in the dirt and top soil and seed was also needed to prepare area. Chuck to contact Mark Fletcher.

SOCIAL COMMITTEE -

Cindy announced that we now have a five member social committee. She stated they have met and have done some planning and will be sending out a survey. She stated that a luncheon has been planned for March 17th as well as a St. Patrick's Day Party for adults only that evening. The date for the Easter Egg Hunt has been set for April 3rd. The committee is discussing a Derby Day Party with more information at next meeting. Cindy stated that the luncheons had shown a profit in the past and that profit has been used to

pay for decorations. Cindy asked if it was alright to make a profit on some of the social events. It was decided that all monies be accounted for through the general account.

ASSOCIATION MANAGER

Carolyn reported on the following:

Newsletter - Carolyn stated she was waiting to hear from Craig Oleksy as to the status of the newsletter. She stated that she had received an e-mail that she should have it in hand by Wednesday.

Directory - She stated that the directory is ready to go to Craig as soon as she gets the newsletter back for review.

Delinquency - Carolyn stated that she had forwarded statements to both delinquent association members and advertising customers.

VIII Legal Issues

Calvin inquired if Rod had forwarded a new retainer contract. Rod stated it had been prepared and he would forward. Rod updated the Board with regard to the recent vandalism issues. Rod stated he had spoken with investigators and prosecutor. Investigation is still underway. One young man has retained an attorney. Rod stated that no one had been officially charged to date, however, charges would be filed when investigation was completed and forward to prosecutor. He will keep Board advised. Calvin stated that association had put together a file with pictures on the damage to the lots that were a part of the vandalism. He asked Rod if we, as an association, could take action on behalf of the members, rather than each member going alone, look for restitution that would be pro-rated on the lots that we felt were damaged and then what the estimate would be to get them repaired. Rod stated that the association would be providing a service. He stated we would need to get a notice out to the owners involved, take in one lump sum to prosecutor with a breakdown by member. Calvin stated that Mark Fletcher could probably quote what it would take to grade and seed. Calvin stated he would like to make an agreement with the homeowner to allow the association to be the coordinator in this effort. Calvin asked Rod if he knew, even though there is nothing in the covenants, if there was any action we could take against the homeowner, as not being in good standing. Rod stated we could file a civil suit for trespass against them. In that type of case, we could receive three times damages. Rod stated he would check into this issue further.

Calvin asked Rod when the association sponsors an event for members on the property, what are our issues with regard to alcohol. Rod stated that we should probably check with our insurance company. He further stated that we are open to some liability. Bruce stated that we plan to monitor the drinking and offer a ride home, if necessary. Rod stated that what the law would look for is negligence on our part. Carolyn asked Rod for an update on Lot 693, Freeman. Rod stated that he was filing the answer and if it goes to sheriff sale and if it sales for more than the balance then we would probably get our money.

**VIII Community Issues
& Concerns**

Bill Brennaman - Lot 981 - Mr. Brennaman approached the board with the issue of there being no road to lot 981. He stated that the lot has a barricade on it and the plat map shows a road onto the property. He stated that the paving actually stops at the edge of Fox Hollow Drive. Mr. Brennaman stated he has been working for the past year on cleaning up lot. After some discussion board gave Mr. Brennaman permission to remove barricade. Calvin and Chuck to meet with Mr.

Brennaman to see about removing barricade, with assistance from Mark Fletcher. Calvin stated that until we have plans submitted for the lot, we cannot discuss putting a road in.

Unightly Lot - 813 - Calvin stated that we have had complaints from neighbors regarding the unsightliness of Lot 813. Calvin to write owner requesting that lot be cleaned up within 30 days.

Reliable Net - Bruce gave board an update on the progress status of Reliable Net. Bruce stated that Reliable is currently negotiating for some tower sites not inside our neighborhood that would provide the coverage that everyone is interested in. Reliable Net is going to be doing the GPS reading, going to be looking for the most logical places to put a tower here. They are looking at towers that do not look like towers. He will be ready at our next board meeting to present some specifics, i.e., tower locations, looks, cost -if any. Bruce will forward information that can be forwarded to community to update them on issue.

Dry Hydrants - Calvin will check to see where issuestands.

Access to Big Lake - Chuck stated that the current access is impassable. After some discussion it was decided that Calvin and Carolyn would work on what the plat map says.

A motion was made by Chuck and seconded by Bruce to adjourn. Motion carried.
Meeting adjourned at 10:45 p.m.