

**FOXCLIFF ESTATES SOUTH HOMEOWNERS ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING MINUTES
December 12, 2005**

OFFICERS/MEMBERS PRESENT: **Chuck Molzon
Calvin Kelly
Bob Altizer
Bruce Kohl
Cindy Vogel**

ASSOCIATION MANAGER: **Carolyn Holland**

Guest **Lori Engle
Bonnie Kohl
John Mayberry
Craig Dahl
Kurt Vogel
Jim and Laura Reuter
Jerry & Claire Byle
Bill & Victor Jr. Spina
Mark & Luv Simzisko**

Chuck Molzon called meeting to order at 7:07 p.m.

Agenda – Bob Altizer requested that Social Committee events be added as item A-1 under New Business. Chuck Molzon requested that Item A. “Development of Adjoining Property” under new business be deleted, seeing that the individual requesting item was not present.

November Meeting Minutes –Bob Altizer made a motion, and Calvin Kelly seconded, to approve the November Meeting Minutes as written.

Communications – Chuck Molzon thanked everyone for their patience with getting the streets cleared of snow this past week. Bob Altizer announced that a Technical Advisory Committee had been formed as part of the Building Control Committee, which would consist of an architect and a builder. More information would appear in the newsletter.

Committee Reports – See Committee Reports attached.

Clubhouse – Bob Altizer stated that he had reported that there were two Clubhouse rentals during November, when in fact there were four rentals. He further stated that he had put a blanket on the hot water heater to help in conserving energy. A corrected reported was forwarded to board members and will attach minutes.

Communications – Bruce reported that he hoped to get Fox Tales out by the weekend.

Pool and Tennis Courts – Cindy reported that she is waiting on more input on the valve repair before moving forward. Chuck Molzon noted that a \$15 check for pool guest fees that had been misplaced at Cindy Vogel’s house since August had been found and deposited into FESHA accounts.

Social Committee – Bob Altizer reported that with the Santa Visit the social committee is still under budget. Bob Altizer made a motion to allow social committee to spend up to \$100 on the Cookie Exchange and \$200 on the Christmas Cocktail Party. Bruce Kohl seconded. Motion carried.

Single Garbage Service – Board inquired as to how the garbage service would bill and how to communicate findings of committee to membership. John Mayberry stated that payment could be made on a quarterly, semi-annual or annual basis by the association. A motion was made by Calvin Kelly and seconded by Bob Altizer to form an ad hoc committee to communicate information to community. Motion carried.

Drainage Committee – Cindy Vogel made a motion and Bob Altizer seconded to change the drainage committee from an ad-hoc committee to a standing committee with a minimum of five and a maximum of eight members. Motion carried. Board further appointed Cindy Vogel as Board liaison for committee.

Association Committee Report – (See Report attached.) Chuck Molzon stated that Mrs. Holland has eight hours of comp time and rather than have the office closed this near the end of the year and since it is within the budget that we authorize eight hours of comp time. Calvin made the motion to pay Mrs. Holland for eight hours of comp time. Bob Altizer seconded motion. Bruce Kohl voted “No” and Cindy Vogel abstained. Chuck Molzon voted aye. Motion carried.

Financial Report – Calvin Kelly reported on the accounting review. Calvin requested comments back in two weeks. Calvin briefly discussed a proposal for a full audit.

Legal – See attached.

Old Business

Swale between Lots 686 & 687 – Chuck Molzon stated that a letter was written to the Young’s by our attorney. We are awaiting a response from the Young’s. Chuck. Chuck stated that Mrs. Young had come in and made 97+ copies of her file, and that the board had agreed that the first 10 copies would be free. Bob Altizer made a motion to charge Mrs. Young for 87 copies at 10 cents per copy. Calvin Kelly seconded. Calvin Kelly and Bob Altizer voted AYE, Cindy Vogel and Bruce Kohl voted NO. Chuck Molzon voted AYE and motion carried. Chuck Molzon noted that Mrs. Young had requested to copy a neighbor’s file and that, based on privacy concerns, he had denied the request pending a decision of the Board. Discussion followed as to whether homeowner files are “public” or

“private” and that the Board would consult with our attorney to help determine their status. After further discussion Bob made a motion and Cindy Vogel seconded not to charge Mrs. Young for the copies at this time. Motion carried.

Non-Compliant Enclosed Porch (883-Spina/Simzisko) After some discussion it was agreed that parties would meet with Board on Tuesday December 13th at 6:30 p.m. to try and resolve issues.

New Business

Confirm Electronic Decisions:

- a. Santa Visit on December 10, 2005. Calvin Kelly, Bob Altizer and Chuck Molzon voted AYE. Cindy Vogel and Bruce Kohl vote NO. Motion carried.
- b. Waiver for Lot 283 –3/4 bath. Calvin Kelly, Bob Altizer and Cindy Vogel voted AYE. Bruce Kohl abstained. Motion carried.
- c. Approval for Driveway re-alignment on lot 832. Calvin Kelly, Bob Altizer and Chuck Molzon voted AYE. Cindy Vogel and Bruce Kohl abstained. Motion carried.
- d. Approval of Patio on Lot 612. All members voted AYE. Motion carried.

Vandalism in Foxcliff – Chuck Molzon discussed some vandalism that had been occurring in Foxcliff South. After some discussion Bob Altizer made a motion and Calvin Kelly seconded to advertise a \$100 reward for the apprehension of persons doing the vandalism. Motion carried.

Potential Assessment-Lot 669 – Chuck Molzon discussed issues uncompleted items on the home on lot 669. Calvin Kelly made motion and Bob Altizer seconded to begin assessing owner \$175/week until all items are completed. Motion carried.

Proposed By-Law Changes Bob Altizer presented three changes to the by-laws. Bob Altizer moved and Calvin Kelly seconded to adopt the first proposed change. After discussion, Bob Altizer and Calvin Kelly voted AYE, Bruce Kohl voted NO. Cindy Vogel stated that votes could not be taken until, according to Indiana code, the membership was notified and refused to vote. Chuck Molzon voted NO thus creating a tie and the motion failed. The Board agreed to table the proposed changes until the next meeting and to notify membership of proposed changes.

Changes to Construction Requirements and Rules - Bonus Rooms. Bob Altizer made a motion and Cindy Vogel seconded to remove the requirement for a ¾ bath as part of a bonus room. Motion carried. Bob Altizer made a motion and Bruce Kohl seconded to define a bonus room in the construction requirements. Motion carried.

Approval of Office Lease Contract for 2006 – Calvin Kelly made a motion and Bob Altizer seconded to approve the office lease at the current rate of rent.

Budget Discussion – Calvin Kelly distributed the budget and went over it line by line using an overhead so the membership could follow. After some discussion, Mr. Kelly recommended that there be a 12.5% increase in the association dues in order to fund the reserve accounts and meet the general expenses. Board agreed to vote via e-mail by December 19th. Mr. Kelly further stated that the installation of the sign in front of the clubhouse should occur with the first two weeks of the January.

Member Complaints – Mr. James Reuter (Lot 738/739) approached the board with regard to a letter he had received concerning parking on the roadway. After some discussion, it was decided to take no action at this time.

There being no further business meeting was adjourned at 10:50 p.m.

BUILDING CONTROL COMMITTEE REPORT – Chuck Molzon

I. GENERAL ACTIVITY

Construction of new homes within the neighborhood continues.

- a. Lot 256 (Lopez / U-Build-It): Brick 90% complete, working on interior trim, walls painted. Ready for cabinets. Good progress
- b. Lot 283 (Howell): Home framed. Waiver approved to delete $\frac{3}{4}$ bath from second level. Good progress
- c. Lot 513 (Filiatreau / Dillon): Site cleaned. Ready for brick. Additional interior mechanical work in progress, walls insulated. Improving progress, still slow. Plan to pour driveway ASAP. Spoke with builder concerning minimum drainage around home.
- d. Lot 612 (Thompson – TK Builders): Waiver approved for roof pitch variation. Home fully framed and enclosed. Requested and received approval for concrete patio. Interior mechanical work in progress. Good progress.
- e. Lot 669 (Dillon Homes): Met with site supervisor to discuss lack of completion. Builder committed to replacing shutters, finishing interior details, installing crawl space door. Now past time to finish final grading and seeding (winter). Holding full deposit until construction complete. Advised builder they were well past maximum construction time. Still awaiting input from BCC members as requested at last two Board meetings.
- f. Lot 687/688 (Young): Letter sent by attorney concerning lack of swale between 686 & 687. Awaiting response from Young's. Home essentially complete. Met with owner concerning building appropriate swale between
- g. Lot 710 (Kindler / Dillon): Home nearing completion. Brickwork 95% complete. Interior details well under way. Walls primed and ready for paint.
- h. Lot 724 (Wilson): Home framed. Good progress.
- i. Lot 824 (McGuinness / Dillon): Still need to finish brickwork. Home nearing completion. Interior walls painted, working on interior trim, cabinets being installed. Need to build decks at rear of home. Met with on-site supervisor concerning blowing debris. Not cleaned in timely manner and contracted by FESHA to do clean-up. Plan to pour driveway ASAP. Slow progress.
- j. Lot 829 (Davenport / Dillon): Home fully enclosed, interior mechanical work underway. Cleared adjoining lot of numerous trees, some appeared to be more than 12" in diameter. Lot needs minor cleaning of blowing debris. Need final windows prior to bricking. Plan to pour driveway ASAP. Slow progress
- k. Lot 832 (Cummins / Dillon): Home fully enclosed. Requested and received approval to change driveway orientation from cul-de-sac to Fox Court East. Garage floor poured, plan to pour driveway ASAP. Continuing interior mechanical work, ready for bricking once delivered. Slow progress.
- l. Lot 845 (Crowder): Excellent progress. Home fully enclosed with exterior essentially complete. Finishing interior mechanical work and nearly ready for insulation and drywall. Received request to make drive only 14-16 feet wide vice required 20 feet. Excellent progress.
- m. Lot 858 (Webber & Feltner / Dillon): Work back under way, although slow. Still awaiting final windows, but drywall work under way. Most walls primed. Job site cleaned. Plan to pour driveway ASAP. Requires building of deck at rear of home. Slow progress.

- n. Lot 861 (Diamond Builders): Brickwork well under way, nearly complete. Using small fire to heat water for masonry work. Starting on interior mechanical work. Good progress.
- o. Lot 862 (Diamond Builders): Home nearing completion, most exterior work complete. Interior walls ready for paint, ready for trim. Getting ready to pour driveway. Good progress.
- p. Lot 883/884 (Simzisko / Diamond Builder): Letter sent by attorney concerning unauthorized changes to approved plans and covenant violation. Advised builder their letter considered an appeal to BCC decision and appeal to be heard at December meeting.
- q. Lot 893 (Laux): No activity.
- r. Lot 962 (Koger / Dillon): Job site cleaned but need to empty trash bins to ensure no blowing debris. Brick work well under way. Using small fire to warm water for masonry work. Interior walls painted working on trim. Improving progress. Contacted builder concerning drainage at road and around home. Plan on pouring driveway ASAP. Improving progress.

II. FINANCIAL ACTIVITY

- a. No activity this month.

III. INTERIM BOARD ACTIONS

- a. BCC establishing process for handling waiver requests in regards to pre-and post-start construction responsibilities.
- b. Working to establish process for technical review team for pre-construction review of plans.
- c. Developing a BCC Mission Statement.
- d. Approved waiver to delete $\frac{3}{4}$ bath on Lot 283.
- e. Approved request for 15' x 20' concrete patio on Lot 612.
- f. Received request for waiver on driveway width from 20' to 14-16' on Lot 845.

FESHA Board of Directors: December 12, 2005

POOL/TENNIS – Cindy Vogel

Pool/Tennis - No activity

FESHA Board of Directors: December 12, 2005

CLUBHOUSE – Bob Altizer

General Activity. There were six rentals in October bringing \$450 income to the general budget. General Activity. There were two rentals in November bringing \$150 income to the general budget. Through November 30, 2005, we have recognized an income of \$1875, which exceeds the annual budget estimate of \$1,500. It is conceivable that there will be more as we approach the Christmas season.

All clubhouse expenses are generally in line with allocations except gas, electric and water. Concerning gas, we have spent \$1,044.23 through November 30th and I project a year-end expenditure of about \$1,150. As we are only allocated \$996 it seems we will have deficit of \$154.

Concerning our water use, we had a spike in the water usage in July when we were billed for \$735. I believe this was when we had the leak at the swimming pool faucets. Water use continued high in August and September during the swimming season and I assume it was related to the pool operation. I project water usage to be for the calendar year to be \$2773 with an allocation of \$2592 for a deficit of about \$181.

Concerning electricity, we have spent \$4095 and project an annual expenditure of \$4,487 for a deficit of \$707.

Overall, reducing parking lot lights and entry pond lights, the overall clubhouse annual budget is \$9,278. I project an overall spending of \$10,244, which represents an overall deficit of \$966.

In November, we replaced batteries and repaired all smoke alarms, replaced the furnace filters and began work on repairing the pool table. I anticipate by the meeting date the repairs will be complete thanks to John Mayberry for his assistance.

FESHA Board of Directors: December 12, 2005

COMMON AREA – Cindy Vogel

Common Area - No activity

FESHA Board of Directors: December 12, 2005

COMMUNICATIONS – Bruce Kohl

No report submitted

FESHA Board of Directors: December 12, 2005

ROAD/LAKES REPORT – Bob Altizer

Roads Mowing - \$4020 spent with a YTD allocation of \$4020

Dams Mowing - \$3300 spent with a YTD allocation of \$3300

Lakes - \$5400 spent with an allocation of \$5400

Snow Removal - \$4577 spent with a year-end allocation of \$10,000. With any kind of luck, we will come in substantially below the allocation.

FESHA Board of Directors: December 12, 2005

SAFETY – Calvin Kelly

No report submitted

FESHA Board of Directors: December 12, 2005
SOCIAL COMMITTEE – Claire Byle / Bob Altizer

We have spent \$1016 with a YTD allocation of \$1,560. We project spending about \$300 in December which should bring us home about \$244 under allocation.

FESHA Board of Directors: December 12, 2005
AD HOC COMMITTEES

I. SINGLE GARBAGE SERVICE – John Mayberry / Bob Altizer

This memo is intended to summarize our work and conclude our recommendations to the North and South Board of Directors.

- A. Recommended vendor ... Ray's Trash Service, Inc. Ray's would become the exclusive trash pickup supplier to members of Foxcliff North and South homeowner's associations. Based on Ray's response to our RFQ the member cost for this service will be &8.50 per month. Quarterly billing will be sent to each association.
- B. It is recommended that the service include semi-weekly pickup of all recyclable trash. Member cost for this service will be \$3 per month. At the outset it is recommended that this service be optional to each member. It is further recommended that each association begin a campaign to educate members on the importance of recycling.
- C. It is recommended that each board endorse and encourage the use of common containers. At the out the use of common containers should be optional for each member. However, the long-term objective should be to achieve common containers throughout the neighborhood.
- D. It is recommended that each board authorize the production of a brochure that will provide general instructions regarding trash pickup for the membership. The brochure should include information regarding items that can and cannot be picked up by the trash service, definitions of recyclable items, seasonal pickups, bulky item pickups as well as phone numbers for assistance.

(Note...I found a similar brochure on the Internet that will work quite well for a guideline.)

These recommendations will require attention to further detail as the association's move toward a contractual arrangement with Ray's Trash Service.

Please advise your agreement (or not) to the recommendations above.

If we are in agreement...I will prepare, for your approval, an outline for presentation to each board of directors. We plan to present our recommendations to each board of directors at their November meeting. The presentation would include supporting documents as well as copies of the Ray's proposal for each board member.

	Best Way	Ray's	Hoosier	G&R	
Toters					
	Monthly	N/A	\$2	One N/C	N/A
	Quarterly	1 N/C	\$6	One N/C	N/A
	Annually		\$23	One N/C	N/A

Weekly Trash

Monthly	N/A	\$8.50	\$14.67	\$9
Quarterly	\$30.75	\$25.50	\$43.56	\$27
Annually	\$120	\$100	\$172.56	\$98

Weekly Recycle

Monthly	N/A	\$4	\$5.67	N/A
Quarterly	N/A	\$12	\$16.83	N/A
Annually	N/A	\$47	\$66.72	N/A

Semi Weekly Recycle

Monthly	N/A	\$3	\$3.50	N/A
Quarterly	\$6	\$9	\$10.41	N/A
Annually	\$24	\$35	\$41.16	N/A

Leaf Pickup

Monthly	N/A	First 10 bags N/C	N/C	N/C
Quarterly	\$1 per bag	First 10 bags N/C	N/C	N/C
Annually	\$1 per bag	First 10 bags N/C	N/C	N/C

Xmas Tree Pickup

\$6 per tree	N/C	N/C	N/C
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Misc Comments

Best Way 1 Toter provided...Additional toters \$36 per year

Large items are charged per preprinted price list. Average cost \$10

2 - 96 gallon toters to each Assoc. office N/C

1 - 40 cubic yard roll off for each Assoc. for cleanup day N/C

Ray's 2 - 90 gallon toters for South Club House - N/C

1 - 3 yard container for the North Club House - \$46 per month

Dumpsters for annual clean up provided at N/C

First 10 leaf bags at N/C....then \$.25 per bag

Ray's Only trash placed in provided toters will be picked up

Seasonal leaf pickup N/C....3 weeks per year (TBD)

Xmas tree pickup one week following Xmas

Large item pickup semi annually at N/C

1 - 8 cubic yard container provided for each Assoc. office

2 - 30 cubic yard containers for clean up days

G & R No quote on total curbside recycling...accepts newspaper and metal cans only

Did not quote on containers for the North or South Club House

They say they will collect on ALL holidays

Heavy items picked up on a "Need to be" (?) basis with normal trash @ N/C

They placed a potential fuel surcharge of \$.50 per month

After first year they reserve the right to increase no more than \$.50 per month

Did not offer to provide containers for clean up days

II. DRAINAGE – John Mayberry & Dave Huelster / Cindy Vogel

Drainage - tbd by committee

Propose the drainage committee be change from Ad Hoc to Standing Committee, as there is no end in sight at this time.

FESHA Board of Directors: December 12, 2005

ASSOCIATION MANAGER'S REPORT – Carolyn Holland / Chuck Molzon

I. GENERAL ACTIVITY

- a. Continued working with walk-in clients.
- b. Customizing financial reports to meet needs of Treasurer

II. FINANCIAL ACTIVITY

- a. Payroll expenditures on track; anticipate being below budget for hourly costs.
- b. Comp time balance is currently 8.66 hours (as of 30 Nov.) Budgeted for 20 hours of overtime. Recommend paying for some comp time rather than have office uncovered for several comp days in addition to remaining vacation and personal days.
- c. No significant change from last month's office communications expense. Anticipate additional cost for mailing dues notice and BoD balloting as well as cost of printing ballots on unique paper and return envelopes.
- d. Professional fees under budget
- e. Energy / utility costs tracking to revised budget, based on level billing. Still anticipate being over budget at year-end.

III. INTERIM ACTIONS

- a. Worked with Bob Altizer to coordinate availability of individual for Santa visit
- b. Election package prepared for submission to printer

IV. OTHER NEWS/GENERAL INFORMATION

- a. Updated membership list through Auditor's Office.
- b. Wrote confirmation letters to members confirming ownership.
- c. Community Violation and Unsightly Lot letters sent to residents.
- d. Delinquent account monies continue to trickle in.
- e. Worked with Paul Thomas on Audit issues.
- f. Worked with Rod Bray on Delinquencies.

FESHA Board of Directors: December 12, 2005

LEGAL REPORT - Rod Bray

Dear Board members:

Because I will not be at the December board meeting tonight, Chuck asked that I email a brief summary of the items I have been working on since the last meeting. They are as follows:

Diamond Builders/Simzisko, lot 884

I sent a letter to both Diamond Builders (through its attorney) and the owner Simzisko regarding the screened in porch. This was in response to the letter sent by the attorney for Diamond Builders to Chuck Molzon on Nov. 10, 2005. In that letter the attorney argued

that the siding used was of good quality and that the actual construction was as good or better than the plan that was actually approved. My letter made a couple of points. First and most importantly, the real problem here was that changes were made without the required approval. That alone is a violation of our covenants. Second, The issue of the roof pitch is also an issue that needs to be addressed.

I have not heard back from any one on this letter. I expect at least Diamond Builders to be at the meeting tonight.

Young, lot 687688

A letter went out to the Youngs on Dec. 5, 2005 regarding completion of the swale, It requested that they complete the work as indicated in the submitted drawings with two (2) weeks of the receipt of this letter. To date, I have not been contacted.

COLLEGTIONS:

Fiddler: We have asked the Court to garnish his wages for the remaining \$380.16 that is owed. The court has set this for a hearing on this issue for Feb. 14s, 2006. I expect the wages to be garnished on that date.

Reuter lot 282: Reuter owes \$434.00 for lot dues. We sued him in small claims court, but could not find him to have him served with the papers. It now appears that he has filed bankruptcy. The real estate was foreclosed and sold at Sheriff sale on Aug. 1, 2005. First Horizon Home Loan Corp purchased the land. I am currently trying to collect a prorated amount from them for Aug. thru Dec. 2005.

Rod Bray

AI #	Date	Action to be addressed	Due Date	OPR	Action / Date Complete	
05.08.11	8-Aug.-05	Trees protruding over road	12-Sep	Altizer	Update 10/10, Update on 11/14. Update 1/9/06	1.0
05.09.02	12-Sep-05	Check Gas Marker post across from Byres	10-Oct	Altizer	Updte on 11/14. Update 12/12 Update on 1/9/06	1.0
05.09.04	12-Sep-05	Funds for railing & emergency lights clubhouse	10-Oct	Kelly	Update on 11/14. Update 12/12 1/9/06	1.0
05.09.05	12-Sep-05	Frequency of Newsletter	10-Oct	Kohl	Upate on 11/14. Update 12/12 Update 1/9/06	1.0
05.10.02	10-Oct-05	Sink Holes on Sunderland near lot 722	14-Nov	Altizer	Upate 12/12 Update 1/9/06	1.5
05.11.03	14-Nov-05	Liability insurance issue/private/common area lakes	12-Dec	Molzon	Update 1/9/06	1.5
05.11.05	14-Nov-05	Elliott drainage complaint	12-Dec	Vogel	Being worked in Drainage Committee	1.5
05.11.06	14-Nov-05	Simzisko erosion complaint	12-Dec	Vogel	Being worked in Drainage Committee	1.5
05.11.07	14-Nov-05	Gough drainage complaint	12-Dec	Vogel	Being worked in Drainage Committee	1.5
05.12.01	12-Dec-05	Stafford Development	1/9/2006	Molzon		