

**FOXCLIFF ESTATES SOUTH HOMEOWNERS ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING MINUTES
January 9, 2006**

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

ASSOCIATION MANAGER: **Carolyn Holland
LEGAL COUNCIL Rod Bray**

Guest See attachment

Chuck Molzon called meeting to order at 7:02 p.m.

Agenda. Chuck Molzon requested that Item A. "Development of Adjoining Property" under new business be deleted, seeing that the individual requesting item was not present. Calvin Kelly requested that "Board Member Conduct" be added as Item "F" under New Business. Cindy Vogel requested that "item B-Confirm Electronic Decision" and "C-Proposed By-law changed, under New Business be moved up to accommodate members in attendance. Motion was made by Calvin Kelly and Seconded by Bob Altizer to approve the agenda as amended. Messrs. Kelly and Altizer and Mrs. Vogel voting aye, Mr. Kohl abstaining. Motion carried.

December Meeting Minutes –Mr. Altizer requested a change be made to the December minutes on page 2 under Drainage Committee to delete the wording "with a minimum of five and a maximum of eight members." Mr. Altizer also requested that the wording "as per the attachment" be added to the end of the paragraph on page three under Changes to Construction Requirements and Rules-Bonus Rooms. Mrs. Vogel requested that the vote status be added on page 4 under "Approval of Office Lease Contract for 2006". A motion was made by Mr. Altizer and seconded by Mr. Kelly to approve the minutes as amended. Motion Carried.

Communications – Chuck Molzon announced that Insight Communications had called stating that one of their technicians had lost a leak meter and requested that if found to contact them or bring to the Association Office. Mr. Molzon also stated we had received information regarding the Jo Bires Triathlon. Chuck Molzon will write Carol Garrison and Barb Winters advising that we will help with the event again this year.

Committee Reports – See attached reports.

A. Building Control

Dillon Homes – Chuck Molzon discussed the letter that was sent on the Dillon homes with regard to the muddy roads. He stated that he had requested additional stone be added or a concrete drive be in place by 7:00 p.m., January 11, 2006. If builder did not comply by date requested, then penalty of \$100 per week be implemented and a stop work order would be placed on property. After some discussion Calvin Kelly made a motion and Bob Altizer seconded to advise builder as stated above. Motion carried with all members voting aye. Calvin Kelly made a motion and Bob Altizer seconded to have two board members go by property on a daily basis and inspect building sites to immediately impose fines of \$100/per day for not complying. Motion carried.

F. Pool and Tennis Courts

Chuck Molzon inquired as to the status of the pool contract. Cindy Vogel stated there were no changes, the contract was automatically renewed in September and that there was no need to review the contract.

Financial Report

Board answered Mrs. Vogel's questions regarding FUTA and SUTA tax and how it relates to the Profit and Loss. Mrs. Vogel inquired as to what makes up the Miscellaneous Income account.

Legal

Rod Bray reported on two delinquent accounts. He stated that we are working with title holder of the Reuter property on a resolution and have a new court date on the Fiddler issue of February 14, 2006.

Old Business

- A. 2006 Budget Discussion/Decision – After some discussion it was deferred to a meeting set for Monday, January 16, 2006, at 7:00 p.m. to answer members questions.
- B. Non-Compliant Enclosed Porch (883-Spina/Simzisko) Mr. Molzon stated a letter had been sent.
- C. Bob Altizer updated Outstanding Action Item List

New Business

B. Confirm Electronic Decisions

- a. Dues increase of 12.5% to \$450/year. After some discussion among Board Members and Association Members in attendance, Board withheld vote until board had an opportunity to present budget information to community in another meeting. Board set a special meeting for the purpose to discuss budget and dues

increase with the community on Monday, January 16, 2006, at 7:00 p.m. in the clubhouse.

- b. Defer requirement to build swale between Lots 686 and 687 until Spring – After discussion with parties involved, Board agreed that Board members would visit the Young's property to see if the swale is adequate and to provide information back to Mr. Molzon by Friday, January 13, 2006, if they think it is substantially built according to that plan. If it is, then board will return building bond monies. It was agreed that members could reply via e-mail.

C. Proposed Bylaw Changes

- a. Residency and Relationship restrictions – Bob Altizer read and made a motion, and Calvin Kelly seconded, to accept proposed new by-law 7.3. *Persons providing professional services (attorney, accountant, and office manager) shall not be a full member of, the spouse of a full member of, or a family member (as described in Article IX, Section 9.2) of a full member of Foxcliff Estates South Homeowners Association. Alterations, amendment or repeal of this By-law may be made only by unanimous vote of the entire board of directors.* After some discussion the motion failed. Calvin Kelly then made a motion to amend the by-law to change the wording to read *“Persons providing professional services, (specifically, attorney, accountant, and office manager) shall not be a full member of, the spouse of a full member of, or a family member (as described in Article IX, Section 9.2) of a full member of Foxcliff Estates South Homeowners Association. Alternations, amendment or repeal of this by-law may be made two-thirds of the entire board of directors.”* Bob Altizer seconded motion. Messrs Altizer, Kelly and Molzon voting aye. Mrs. Vogel and Mr. Kohl voting nay. Motion carried.
- b. Removal of Office/Association Manager – Bob Altizer read and made a motion and Calvin Kelly seconded, to accept proposed new by-law 7.4. *Removal of Association Office Manager – Persons serving in the Association Office Manager position may be removed by affirmative vote of two-thirds of the entire board of directors. Alterations, amendments or repeal of this By-law may be made only by two-thirds of the entire board of directors.* Messrs Altizer, Kelly and Molzon voting aye, Mr. Kohl voting nay and Mrs. Vogel abstaining. Motion carried.
- c. Amendments – How by-laws may be changed. Bob Altizer read and Calvin Kelly seconded, to accept an amendment to by-law Article VII, Section 8.1 – *Subject to law and the Articles of Incorporation, the power to make, amend or repeal all or any part of these By-Laws is vested in the board of directors. The affirmative vote of a majority of the entire board of directors, unless otherwise specified, shall be necessary to effect any such change*

in the By-Laws. Messrs Altizer, Kelly and Molzon voting aye. Mrs. Vogel voting nay. Mr. Kohl abstaining. Motion carried.

- D. **Member Complaints** were addressed earlier in the meeting under Building Control.
- E. **2006 Interest Rate** – Bob Altizer made a motion and Calvin Kelly seconded to approve the interest rate of 12% on delinquent accounts for 2006. Motion carried.
- F. **Board Member Conduct** –Mr. Kelly raised an issue with concerning board member conduct as represented in a series of emails concerning an incident that transpired on December 20, 2005, between Board Members and the Officer Manager. Mrs. Vogel stated that any discussion should be held in private. Mr. Molzon reminded Mrs. Vogel of Indiana’s “sunshine” laws. Mrs. Vogel then departed the meeting. Within a few minutes, Mr. Kohl also prepared to leave. Mr. Molzon reminded him that a quorum to conduct business was three and that the Board would continue its business with or without his presence. Mr. Kohl then departed the meeting at 11:20 p.m., during the discussion. After much discussion, Mr. Altizer made a motion to remove Mrs. Vogel, for cause, as a member of the Board of Directors for the following reasons:
 - 1. That Cindy Vogel did knowingly and willfully make false allegations and/or misrepresent facts, and/or make unsubstantiated accusations;
 - 2. That Cindy Vogel did knowingly and willfully act unilaterally as a Board member to the detriment of the Association;
 - 3. That Cindy Vogel’s words and actions have had a chilling effect on the work environment both within the Board and with the Association Office Manager, negatively impacting the effectiveness of both.

Calvin Kelly seconded the motion. Messrs Altizer, Kelly and Molzon voting aye. Motion carried.

There being no further business meeting adjourned at 11:58 p.m.

Board of Directors Meeting
January 9, 2006

Guest in attendance

Name	Lot #
John Mayberry	275
Laura Molzon	504
Mark Wilson	956
Rosemary Altizer	249
Micky & Jim Holmberg	970
Pat Dinnsen	545
Larry Cordray	977
Frank Mikszan	544
Bob & Barbara Barnard	293
Mike & Lori Engle	670
Claire & Jerry Byle	530
Dan & Marti Whitaker	825
Brian Gabehart	718
Chris & George DeVincent	985
Reid Payne	520
Sylvia Garrison	816
Bonnie Kohl	976
Craig Dahl	685
Kris Foster	707
Eric & Lisa Ratts	240
Bobby & Lisa Payne	247
Jeff Benson	244
Anne & Scott Shaw	818
Chris Iverson	822
Kurt Vogel	536
Jennifer Tillman	675
Marlys Weis	954
Mark Dice	533
James Kindler	710
Robert & Lisa Young	687
Stan & Jennifer Sadler	820
Janice Gawley	812
Todd Spangler	702
Brian Hoppel	964
Jeff Cox	511
Terry Harris	831
C.T. Barco	534
Jim & Marsha Daugherty	715

Building Control Committee Report

I. GENERAL ACTIVITY

Construction of new homes within the neighborhood continues.

- a. Lot 256 (Lopez / U-Build-It): Nearing completion. Final grading and seeding will wait until Spring. Good progress.
- b. Lot 283 (Howell): Home under roof. Good progress
- c. Lot 513 (Filiatreau / Dillon): Brick work well under way. Drywall work largely complete. Some issue with mud / debris on roadway. Progress improving.
- d. Lot 612 (Thompson – TK Builders): Brick work well under way. Interior mechanicals nearly complete with drywall work underway. Good progress.
- e. Lot 669 (Dillon Homes): Still awaiting completion of final items – shutters, crawl space door. Interior work complete. Penalty being assessed / accrued fro incomplete work. Holding deposit until final items complete and final grading and seeding. Still awaiting input from BCC members as requested at last two Board meetings.
- f. Lot 687/688 (Young): Awaiting Board response to request concerning response to Young’s letter on finalizing swale. Should decide at Board meeting any assessment and/or withhold.
- g. Lot 710 (Kindler / Dillon): Home nearing completion, should schedule walk-through inspection for return of deposit.
- h. Lot 724 (Wilson): Home under roof, interior mechanical work in progress.
- i. Lot 824 (McGuinness / Dillon): Still need to finish brickwork. Home nearing completion. Driveway poured. Should schedule walk-through inspection for any withholds. Propose withhold for final grading and seeding. Due to slope of disturbed soil in rear of house will need sod or other means to prevent erosion.
- j. Lot 829 (Davenport / Dillon): Home fully enclosed, interior mechanical work underway. Preparing to pour driveway. Progress slow over past month.
- k. Lot 832 (Cummins / Dillon): Requested and received approval to build deck/walkway to accommodate owner. Preparing to pour driveway. Progress has accelerated in past few weeks.
- l. Lot 845 (Crowder): Good progress. Driveway partially poured. Issue with mud / debris on roadway.
- m. Lot 858 (Webber & Feltner / Dillon): Still awaiting final windows, but drywall work under way. Most walls primed. Job site cleaned. Driveway poured. Requires building of deck at rear of home. Slow progress.
- n. Lot 861 (Diamond Builders): Good progress. Brick work completed, interior mechanical work nearing completion. Drywall work started.
- o. Lot 862 (Diamond Builders): Home nearing completion, should schedule walk-through inspection for return of deposit, less withhold for final grading and seeding in the Spring.
- p. Lot 883/884 (Simzisko / Diamond Builder): Had meeting with owner and builder in December. Follow-up measurement of roof pitch on porch showed 4.75 x 12 vice covenant required 8 x 12. Awaiting Board response to request for text of response to owner on porch roof pitch.
- q. Lot 893 (Laux): No activity.
- r. Lot 962 (Koger / Dillon): Home nearing completion, pending pouring of driveway and correction / modification of front swale for drainage at road. Should schedule walk-through inspection for return of deposit, less withhold for final grading and seedng.

II. FINANCIAL ACTIVITY

- a. No activity this month.

III. INTERIM BOARD ACTIONS

- a. Received incomplete set of plans for new home. Plans reviewed by Technical Review Team.
- b. Letter sent to Dillon Homes concerning issues with parking at job sites. Situation has improved.

- c. Letter sent to Dillon Homes concerning mud / debris on roadways and need to re-establish solid rock drives or pour concrete driveways NLT 11 Jan 06 or face assessment.
- d. Phone call to Crowder (Lot 845) concerning mud / debris with request to clean in a timely manner after driveway is poured.

FESHA Board of Directors: January 9, 2005

ASSOCIATION MANAGER'S REPORT- Carolyn Holland / Chuck Molzon

I. GENERAL ACTIVITY

- a. Continued working with walk-in clients.
- b. Letters to Title Companies on properties sold.

II. FINANCIAL ACTIVITY

- a. Payroll expenditures \$93.55 over budget – paid for personal days not taken.
- b. End of year comp time balance was 5.25 hours, to be carried forward to 2006.
- c. Cost for mailing dues notice and BoD balloting as well as cost of printing ballots on unique paper and return envelopes were \$263.48 over budget, but a required expense.
- d. Professional fees \$165 under budget
- e. Energy / utility costs tracking to revised budget, based on level billing. Ran a monthly deficit of \$34.30. Approximately \$560 over budget for year, primarily in electric and water.

III. INTERIM ACTIONS

- a. Prepared Accompanying items for annual dues package

IV. OTHER NEWS/GENERAL INFORMATION

- a. Prepared Invoices for 2006 Association Dues
- b. Mailed Invoices for 2006 Dues
- c. Mailed Newsletters

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 - \$7270 spent with a year-end allocation of \$10,000. We round out the year with a surplus of \$2730

SOCIAL COMMITTEE – Claire Byle / Bob Altizer

During the year, we spent \$1436 with an annual allocation of \$1,560, coming in \$124 under budget.

CLUBHOUSE – Bob Altizer

General Activity. There were two rentals in December bringing \$150 income to the general budget. Through December 31, 2005, we have recognized an income of \$2,100, which exceeds the annual budget estimate of \$1,500. There have been no problems encountered in any of the rentals.

All clubhouse expenses are generally in line with allocations except gas, electric and water. Concerning gas, we have spent \$1,044.23. As we are only allocated \$996, we will have an annual deficit of \$48.23

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. Our annual cost of \$2773 with an allocation of \$2592 finds a deficit of \$181.

Concerning electricity, we spent \$4095 with an annual budget of \$3,780 for an annual deficit of \$315.

Overall, reducing parking lot lights and entry pond lights, the overall clubhouse annual budget is \$9,278. During the year, we spent \$10139, which represents an annual deficit of \$861.

Action Items Unchanged