

## Willow Pointe Condominiums

Board of Directors Meeting  
January 17, 2012

### Opening:

The regular meeting of the Willow Pointe Condominiums was called to order at 6:05 PM on January 17, 2011 in the Willow Pointe Community Room by Aaron Wigley.

### Present:

WPCA Board Members: Linda Riley, Kathy Wigley, Aaron Wigley, John Hughes, John Southern, Laura Rodriguez, Mike Davis, Mary Hoogwerf, and Raymond Moore.

Facility Manager: Steve Tucholski

Financial Manager: Richard Elmes

Visitors: State Farm Agent Bob Noel  
Betsy Keller, ASID of Red Door Interiors  
Several Willow Pointe Owners and Residents (Gary Burk, Rene McDaniel, anyone have others we want to list?)

### A. Approval of Minutes

Motion to approve the minutes was requested by John Southern and seconded by Linda Riley. (I did not catch this in my notes...was 1<sup>st</sup>/2<sup>nd</sup> names correct?)

The minutes for the December 13<sup>th</sup> meeting were approved as written.

### B. Open Issues

Aaron Wigley presented the current collections status with the Attorney. Past Dues of \$3,000 or more will go into foreclosure. This applies to 6612E, 6622C, and 6642B. Amounts below \$3,000 will be filed in small claims court. This applies to 6603B, 6603C, 6646F, 6640G, 6640D, 6646D, 6614C, and 6603A. The total of late fees, past Assessments, and past Dues is approximately \$58,000.

Richard Elmes provided a review of the financial summary. There is an increase in Attorney fees this month due to current collection activities.

Clubhouse Status: Betsy Keller of Red Door Interiors provided a proposal for the club house including a layout, flooring and wall color samples and cost estimate. The modifications included a diagonal pattern tile floor, new lighting, and smooth ceilings.

Betsy Keller's contact information: 256.489.1109 work  
109 Marcheutz Ave, Huntsville, AL 35801

Water Assessment: John Southern provided a write up a water assessment proposal for review by the Board. We have 3 proposals. John Hughes suggests that everyone pays the same amount. John Southern's proposal using a combination of decreasing assessments and increasing dues. Mike Davis also has a water fee brief to be emailed to the Board for review. To provide time to review all options by the Board, motions/votes to address the water will be postponed until the regular March meeting.

Active Duties Owner: There is currently an active duty resident that has automatic dues payment set up, but for the old amount and has not paid the assessment. Due to his current status, no fees will be assessed until his return.

Nomination Committee: Working meeting scheduled for February.

Maintenance Report: Steve Tucholski provided a police report for the Willow Pointe area. From January 1 to January 17 there have been 200 calls within a half mile of Willow Pointe. Steve will provide a softcopy of the report to the Board members.

Security: A resident expressed her concerns regarding safety at Willow Pointe. Also a letter from a resident (renter) was read to the Board regarding their concerns. A licensed officer has been identified to act as a pro-active officer at Willow Pointe. Steve is reviewing the terms and will report back to the Board.

### **C. New Business**

Insurance: State Farm agent Bob Noel presented a summary of Willow Pointe policy changes and explained their effects. He provided a hand out summarizing the policy premium, coverage, deductibles and liability. The premium increased \$258 this year. Willow Pointe does not currently have Directors and Officers Liability coverage. The cost of the coverage would be \$314/year. He recommended that owners obtain insurance on their unit including Loss Assessment Coverage. In order to determine sufficient replacement coverage, it is recommended that Willow Pointe get a building estimate. The floor was open for questions. Gary Burk asked about a claim 2 years ago regarding internal damage to 6613D, 6640B, and 6601B. He claimed payments were made by the insurance company but the work was never performed. Mr. Noel took an action to investigate.

Motion to purchase the D&O Liability coverage was made by John Southern. Mike Davis opposed, wanting to review the policy prior to voting on the motion. The Motion was tabled until the next meeting. Later in the meeting, the motion was revived by John Southern stating this was too important to postpone 30-45 days. Motion to purchase D&O Liability coverage was made by Raymond Moore and seconded by John Hughes. The motion was accepted by all except Mike Davis. Richard Elmes will coordinate with Bob Noel to add the coverage effective immediately.

Action Item to Mike Davis and John Southern is to obtain a current replacement estimate.

Bob Noel's Contact information: 256.772.0136 work  
256.883.7440 home  
256.461.0485 fax  
151 Hughes Road, Suite A, Madison AL 35758

Dyer Vents: After reviewing the by-laws it was decided that broken dryer vents are the responsibility of the homeowner. But in consideration of common safety regarding dryer vent fire hazards, annual maintenance will be provided by Willow Pointe Property Manager to clean the vents from the outside of the buildings. Annual maintenance is intended to reduce the fire hazard only and is limited to the vacuuming of lint accessible from outside the building. No intent or commitment is made to assume any homeowners responsibilities.

Notice: It has been listed on the Madison County website that there are two registered sex offenders residing at Willow Pointe. Also, the Planning Commission has a request from Oakwood College to purchase the land behind Willow Pointe including 36 homes. This is a 5-10 year plan to develop a school including sports areas.

Thank you: Richard, Linda and Steve for working issues at Willow Pointe (tub overrun) during Aaron's absence in December.

#### **D. Action Item Summary**

ACTION 5-1: Linda Riley and Steve Tucholski will check with Mr. Murphy to clarify the repair of the siding from the weed eater damage.

ACTION 5-2: Steve Tucholski to schedule roof repairs.

ACTION 9-10: Richard Elmes to add Linda Riley to the WP bank account.

ACTION 10-1: Steve Tucholski to research what repairs have been completed on insurance claim.

ACTION 11-2: Richard Elmes will get a WPCA seal.

ACTION 11-3: Kathy Wigley will complete the updates to the newsletter and disseminate to owners along with the attorney letter regarding the property manager and property rentals. Completed.

ACTION 11-4: Richard Elmes to provide a working budget for 2012 in January. Completed.

ACTION 11-5: Steve Tucholski to provide an inventory list to the Board.

ACTION 11-6: John Southern to write a proposed water assessment/maintenance dues plan. Completed.

ACTION 01-1: Mike Davis and John Southern to obtain a current replacement estimate.

ACTION 01-2: Richard Elmes to follow up with Bob Noel regarding payments for 6613D, 6640B and 6601B.

ACTION 01-3: Steve Tucholski will email the current police report summary to the Board.

**Adjournment:**

Meeting was adjourned at 8:00 PM by Aaron Wigley. The next general meeting will be at 6:00 PM on February 21<sup>th</sup>, 2012 in Willow Pointe Community Room. Aaron and Kathy Wigley have vacation plans that week. Aaron will call into the meeting but Vice President John Hughes will chair the meeting. John Southern will take the minutes. This will be a closed meeting.

Minutes submitted by: Kathy Wigley

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## **Willow Pointe Condominiums**

Board of Directors Meeting  
February 21, 2012

### **Opening:**

The regular meeting of the Willow Pointe Condominiums was called to order at 6:00 PM on February 21, 2012 in the Willow Pointe Community Room by John Hughes.

### **Present:**

WPCA Board Members: Linda Riley, John Hughes, John Southern, Mike Davis, Mary Hoogwerf, and Raymond Moore. Mr. Southern served as acting secretary in the absence of the elected secretary at this meeting.

Facility Manager: Steve Tucholski

Financial Manager: Richard Elmes

Visitors: Several Willow Pointe Owners and Residents (Gary Burk, John Confer, et al.)

### **A. Approval of Minutes**

Ms. Riley led discussions regarding clarification of the decision to annually clean dryer vents made in the January 17 Board of Director meeting. That decision as documented in the minutes reads "...in consideration of common safety regarding dryer vent fire hazards, annual maintenance will be provided by Willow Pointe Property Manager to clean the vents from the outside of the buildings." The discussions confirmed that annual maintenance is intended to reduce the fire hazard only and is limited to the vacuuming of lint accessible from outside the building. No intent or commitment is made to assume any homeowners responsibilities.

Motion to approve the minutes was made by John Southern and seconded by Linda Riley. The minutes for the January 17, 2012 meeting were approved after correcting an incorrect spelling of Mr. Davis' name.

### **B. Open Issues**

Mr. Hughes called upon our Facility Manager to report current activities under his purview. Mr. Tucholski reported that his primary focus over the past month has been on repair to stairs. He reported that several of the stairs require replacing treads and he's been repairing and/or replacing those as quickly as he can find and make the repairs. He has also coordinated suspicious roof leaks with a roofing contractor who advised that they could find no specific shingles or grill works that could account for the leaks. It is suspected that defective dryer vent connections may be the problem. No plan of action was formulated at this meeting to resolve this problem other than to allow Mr. Tucholski to continue pursuing resolutions to individual reports of leaks. Mr. Tucholski advised

he'd put lock replacement on a priority below repairing stairs and steps, which got the concurrence of the Board of Directors.

Mr. Hughes recommended that repair of the steps continue at a priority pace, to include delay of completion of the clubhouse to assure the steps can be completed as soon as possible. An upper bound estimate was made that all steps could be repaired and/or replaced for \$6,000 but discussions indicated total repair and replacement is not currently warranted.

Mr. Hughes called upon our Financial Manager to report the state and current activities of the association's finances. Mr. Elmes gave a thorough summary of the financial records for this current year to date. All questions were answered adequately. He reported that delinquent assessments are gradually being reduced. He also reported that water usage appears to be coming down. Mr. Davis advised that he'd done an independent analysis of our water usage on a "per client" basis and doesn't believe we're very far out of routine usage expectations.

Mr. Davis queried Mr. Elmes on several items in the budget to include delinquent homeowner accounts and selected building repair items in the transaction section of the budget. Mr. Elmes reported that he continues to get no response from out of state homeowner Mr. Nichols regarding a lien on his apartment. He also advised that there are currently 2 foreclosures for non payments going forward that should be concluded in the June timeframe. The payment for a locksmith was explained as an emergency action to gain admission in an upper apartment whose owner had left a tub overflowing and we needed immediate access to minimize the damage caused. Mr. Davis was assured the cost will be billed to the homeowner/tenant.

### **C. New Business**

When Mr. Hughes opened the meeting to visitor discussion Mr. Gary Burke took the floor and declared he represented several homeowners and/or tenants who are upset over numerous deeds of the Board of Director over the past several months. He delivered a scalding diatribe against the current Board of Directors accusing us of acting as though the Homeowners worked for the Board as opposed to the Board working for the Homeowners. He asserted that one such deed was what he perceives as illegal confiscation of his personal property which he had stored in the Association Clubhouse when he resigned as Facility Manager rather than work for an unfavorable Board of Directors or accept an Official Letter of Reprimand being prepared against him. He named quite a few properties in the Clubhouse which he declared were his personal properties. Mr. Southern explained to Mr. Burke that the Board, as Stewards of the Association Property, can't simply allow him to claim those properties are his, but if he can prove they are his properties the Board would let him take it. Mr. Davis made a motion that any property belonging to Mr. Burke after Mr. Burke provided proof of ownership be turned over to him. The motion was seconded by Mr. Southern and unanimously approved by all Board of Directors present at this meeting. Mr. Burke noted that he also expects to be paid for any of his property that had already been destroyed or disposed.

Mr. Burke then alleged that the Board of Directors are not following the By-Laws and complained specifically that he was being asked to make his requests for past minutes in writing rather than being accommodated on the basis of his verbal requests. Mr. Southern tried to explain that written requests are simply normal business practices, but Mr. Burke argued that the bylaws do not state that any such requests have to be in writing. Mr. Burke continued with other complaints about records, to include that the records are not currently in a file available in the clubhouse as the bylaws required. No amount of explanation that action is underway to rectify that problem would satisfy him.

Mr. Burke then accused the Board of Directors of illegally having Mr. John Confer's inoperative vehicles towed from the property storage yard – which promptly led to Mr. Confer taking the floor and threatening legal actions against every member of the Board of Directors. Mr. Moore pointed out this was in the hands of attorneys seeking some agreement, but nothing could stem the complaints Mr. Confer continued to press, nor stem his continuing threats of legal actions against all members of the Board. Mr. Confer refused to acknowledge the Rules and Regulations addendum to the By Laws on the basis that they are not recorded in official courthouse records. Mr. Confer also complained that he had problems getting the minutes in what he considered to be a timely manner. Mr. Davis explained that the 6 weeks Mr. Confer's claims it took is not an inordinate period of time for our volunteer board, but that didn't seem to satisfy Mr. Confer.

Mr. Burke finally assumed the floor again in the role of "Spokesman" for dissatisfied homeowner/tenants. He stated that the bottom line is they feel they need to just start all over with a new board of directors elected by the Homeowners and that they want assurance that no new fees or assessments will be made until a full new board is elected by the Homeowners at the annual meeting. He was told that current plans are to elect all Board Members positions at the next annual meeting and that no new assessments or fees are planned for implementation prior to that time. This assurance seemed to assuage his concern.

#### D. Action Item Summary

ACTION 5-1: Linda Riley and Steve Tucholski will check with Mr. Murphy to clarify the repair of the siding from the weed eater damage.

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ACTION 9-10: Richard Elmes to add Linda Riley to the WP bank account.

ACTION 10-1: Steve Tucholski to research what repairs have been completed on insurance claim.

ACTION 11-5: Steve Tucholski to provide an inventory list to the Board.

ACTION 01-1: Mike Davis and John Southern to obtain a current replacement estimate.

ACTION 01-2: Richard Elmes to follow up with Bob Noel regarding payments for 6613D, 6640B and 6601B.

ACTION 01-3: Steve Tucholski will email the current police report summary to the Board.

**Adjournment:**

Mr. Davis made a motion to adjourn the meeting. That motion was seconded by John Southern. The motioned carried by unanimous consent.

Meeting was adjourned at 7:15 PM by John Hughes. The next general meeting will be at 6:00 PM on March 20, 2012 in Willow Pointe Community Room.

Minutes submitted by: John R Southern

## Willow Pointe Condominiums

Board of Directors Meeting  
March 20, 2012

### **Opening:**

The regular meeting of the Willow Pointe Condominiums was called to order at 6:10 PM on March 20, 2012 in the Willow Pointe Community Room by Aaron Wigley.

### **Present:**

WPCA Board Members: Linda Riley, John Hughes, John Southern, Mike Davis, Mary Hoogwerf, Aaron Wigley, Kathy Wigley and Raymond Moore.

Facility Manager: Steve Tucholski was absent due to family illness

Financial Manager: Richard Elmes

Visitors: Several Willow Pointe Owners and Residents (Gary Burk, John Confer, et al.)

### **A. Approval of Minutes**

One correction was noted for the spelling of Mr. Confer's name.

Motion to approve the minutes with noted correction was made by John Southern and seconded by Linda Riley. The minutes for the February 21, 2012 meeting were approved after correcting an incorrect spelling of Mr. Confer's name.

### **B. Open Issues**

Richard Elmes provided the financial report. The Assessment Account was converted from a Money Market Account to a basic account due to the banking fees. There has been a \$12 monthly service charge on the account bearing only 30-40 cents interest.

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Action to put Linda Riley on the bank accounts is postponed until after the election.

Facility Report was provided by Aaron Wigley. Two stairwells are scheduled to be fixed this month. A permit is not required. The job has been contracted to a bonded/certified builder at the rate of \$60/hour for 16 hours. New flashing is needed to repair the water leak in the roof/chimney in 6613A. Steve is preparing estimates and scheduling the work order. A verbal report of a broken window in 6646A caused by the lawn service was received. It is requested that the owner submit the request in writing to the Board in order to report this to the Lawn Service owner.

John Southern provided the Election Committee report. The Election Committee has completed 3 documents that have been reviewed and vetted via email. The Board of Directors Election package includes the 2012 Annual Meeting & Board of Directors

Election Notice, Proxy for 2012 Homeowners Meeting, and the Financial and Income Statement to be provided by Richard Elmes. The final document package was motioned to be accepted as the Board of Directors Election Package by Kathy Wigley and seconded by Linda Riley. The package was passed. John Southern will print the document to be mailed.

Richard Elmes will provide a white board and voting box for the April 17<sup>th</sup> meeting.

**C. New Business**

No new business was discussed. All new business is tabled until after the elections.

**D. Action Item Summary**

ACTION 5-1: Linda Riley and Steve Tucholski will check with Mr. Murphy to clarify the repair of the siding from the weed eater damage.

ACTION 9-10: Richard Elmes to add Linda Riley to the WP bank account.

ACTION 10-1: Steve Tucholski to research what repairs have been completed on insurance claim.

ACTION 11-5: Steve Tucholski to provide an inventory list to the Board.

ACTION 01-1: Mike Davis and John Southern to obtain a current replacement estimate.

ACTION 01-2: Richard Elmes to follow up with Bob Noel regarding payments for 6613D, 6640B and 6601B.

ACTION 01-3: Steve Tucholski will email the current police report summary to the Board.

**Adjournment:**

Meeting was adjourned at 6:30 PM by Aaron Wigley. The next general meeting will be at 6:00 PM on April 17, 2012 in Willow Pointe Community Room.

Minutes submitted by: Kathy Wigley

# Willow Pointe Condominiums

## Board of Directors Meeting Minutes

April 10, 2012

A special meeting of the Willow Pointe Board of Directors was called to order at 6:05 PM on April 10 in the Willow Pointe Community Clubhouse by Aaron Wigley. The President called this meeting to establish the position of the Board regarding a demand letter received a few days previously from Mr. Larry House, an attorney representing Members Confer, Burks and McDaniel. Mr. Wigley added his and the Board Secretary's resignations to the agenda when opening the meeting.

### **Present:**

WPCA Board Members: Aaron Wigley, John Southern, Mike Davis, John Hughes, Raymond Moore, Linda Riley, and Mary Hoogwerf.

Facility Manager: Steve Tucholski

Financial Manager: Richard Elms

Mary Hoogwerf served as Secretary for this meeting in the absence of Kathy Wigley.

### **New Business**

Mr. Wigley presented the resignations for himself, effective immediately for health reasons, and for his wife, Kathy, effective May 1 for family reasons. Each of their stated intents was graciously received by the board members present and appreciation for Aaron's service as board president was extended to him before he left the meeting.

Vice President John Hughes declined serving as President. The motion was made that John Southern serve as interim board president for the remainder of Mr. Wigley's term of office. The motion was seconded by Mike Davis and unanimously approved.

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## **Interim President Proceeds with the Meeting**

### **Robert's Rules of Order**

John Southern made the motion that the Board of Directors adopt the newly revised Robert's Rules of Order for the conduct of all future meetings. Mike gave it a second, and the board unanimously approved.

### **Letter from Attorney Larry B. House**

Attorney Larry B. House's demand letter offered to settle a dispute from his clients regarding

removal from the Willow Pointe property two of his cars and requested answers to other issues his clients now have regarding the forthcoming annual meeting and elections.

Discussions concluded we have insufficient information to proceed with a settlement at this time. Discussions concluded we should respond to the demand letter with answers to the questions it asked, but not agree to the settlement demand of \$1750 pending further documentation and investigation.

A committee to determine the potential liability from all the towed vehicles was formed, to be headed by Mr. Mike Davis. WPC's Facility Manager will support the committee with information he has accumulated.

The demand letter received from Attorney House included six questions that Mr. Confer, Ms. McDaniel, and Mr. Burks had concerning the upcoming election of WPCA Board members. John Southern submitted to the Board for review concise and accurate answers which were in compliance with the By-laws. The Board of Directors approved them. It also approved that the response letter to Attorney House should state that the WPCA Board would not consider a cash settlement without first reviewing documented listings of expenses suffered by Mr. Confer and Ms. McDaniel. Such documentation would need to be forwarded to WPCA's Attorney.

Several members of the Board of Directors will meet with Attorney Rawlinson on Thursday, April 12, to present the response letter discussed above and to inform the interim president on any other current issues. Question on how to handle Gary's stuff will also be discussed at this meeting.

### **Upcoming Elections Concerns**

With two of the nominees resigning their positions as board members, their slots will be filled with nominations from the floor. Homeowners and tenants alike will be reminded that there are minimum requirements for a potential candidate. These were stated in the Annual Meeting informational letter that was sent

Reminders: Steve will supply a white board, Richard a box for ballots and the documentation necessary to determine members in good standing from a financial perspective.

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### **Resolution Committee**

A motion to form a committee consisting of a board member and one or two homeowners to help resolve misunderstandings and conflict in our WPC community was made by John Southern. Agreeing that it is a good idea, Linda Riley and Mary Hoogwerf voiced concern about doing so at this time. The motion was withdrawn and deferred to the first Board of Director's meeting after elections.

Meeting was adjourned at 7:20.

Attachment: Demand letter dated April 3, 2012

# LARRY B. HOUSE, P.C.

Attorney at Law  
3809 Sullivan Street, Suite 3  
Madison, Alabama 35758

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Telephone: (256) 464-6799

Facsimile: (256) 464-6797

April 3, 2012

Mr. Robert Rawlinson  
Harrison, Gammons & Rawlinson, PC  
P.O. Box 19008  
Huntsville, AL 35804-9008

RE: Jeffery Confer, Renee' McDaniel, and Gary Burks  
Willow Pointe Condominium Assn.

Dear Rob:

Thank you for your offer on behalf of the above Association to Mr. Confer and Ms. McDaniel. My clients would accept \$1,750.00 as compensation for fees paid for towing, the loss of the vehicle which was crushed and tools in the trunk of such vehicle. Assuming we can reach an agreement on this item please let me know if you want to draft a Release for review or if you want me to.

Mr. Confer, Ms. McDaniel and Mr. Burks have additional issues with the Board which need to be addressed. Our most immediate concern is about the proposed election of Board members in April. Enclosed please find a Notice regarding same. After reviewing the organizational documents on public record we have a few questions about this matter with which we were hoping you could help.

1. Was the current Board properly formed in accordance with the Declarations and By-Laws of the Condo, and do they have authority to do anything?

2. Why is the entire Board up for election when three members should be elected annually to three year terms?

3. Why are members being elected to 1, 2 and 3 year terms?  
Specifically in regards to the enclosed notice:

4. What is the source of the authority to establish the listed qualifications for Board members?

*Mr. Rob Rawlinson  
March 30, 2012  
Page 2*

5. By what authority could one elected to the Board be removed as described in the third paragraph from the bottom?

6. In that the Declarations prohibit cumulative voting, what is the author's understanding of "as many votes as they are entitled to exercise"?

Because the proposed election is so near any help would be greatly appreciated. In fact, considering these issues and that the election is supposed to be in January of each year, we would suggest that postponing the election might be the best action for now,

Thank you for your assistance.

Most Cordially,



Larry B. House

LBH/kb  
Enclosure  
cc: Jeff Confer

## Willow Pointe Condominiums

Board of Directors Meeting  
April 17, 2012

### **Opening:**

The regular meeting of the Willow Pointe Condominiums was called to order at 6:01 PM on April 17, 2012 in the Willow Pointe Community Room by John Southern.

### **Present:**

WPCA Board Members: Linda Riley, John Hughes, John Southern, Mike Davis, Mary Hoogwerf, Kathy Wigley, Mike Davis, and Raymond Moore.

Facility Manager: Steve Tucholski

Financial Manager: Richard Elmes

Visitors: Several Willow Pointe Owners and Residents

### **A. Approval of Minutes**

Motion to approve the March 20, 2012 Regular Meeting minutes was made and unanimously approved.

Motion to approve the April 10, 2012 Special Meeting minutes was made and unanimously approved.

### **B. Open Issues**

Facility Report was made by Steve Tucholski. Two staircases have been re-built. Both will be painted as weather permits. Five staircases need to be replaced. Remainder of the staircases can be repaired. Staircase replacement costs \$1500 each. Obtaining estimates needed for tree trimming from gutters. Obtaining estimates on pool sealing.

Richard Elmes provided the financial report. Report was reviewed and all questions were answered.

Policy: No names are to be provided for accounts owed during open session or general meetings.

President Report was made by John Southern. Due to illness, Aaron Wigley has resigned his position as President and his chair on the Board of Directors. Review of the financial report, WPCA is on track for the budget.

Nominating Committee Report was provided by Mike Davis. Nine people were nominated on the ballot. Due to turn over and terms expirations, the whole Board is up

for election. Aaron Wigley has resigned his name from the ballot, leaving 8 slated nominations. Nominations will be taken from the floor. Nine highest votes will be elected to the board. Top three highest votes will chair a three year term. Four to six highest votes will chair a two year term. The remaining seven to nine positions will chair a one year term.

Maryland Miller (owner) asked if there are term limits. The By-Laws do not provide for term limits.

John Southern reviewed the voting meeting schedule and agenda.

John Southern opened the floor for discussion.

- Maryland Miller (owner) informed the Board that she had to clean her own gutters and wanted to know why this was not covered under maintenance.
- Gary Burks (owner) provided a letter dated April 7, 2012 addressing his leadership of a "committee" that is displeased with the management of Willow Pointe. The Board will provide a written response.
- Jeff Confer (owner representative) has hired an attorney to challenge the voting practices and election procedures. The Board has received a letter regarding these questions. The Board will respond to the letter with the reflection of Willow Pointe attorney advice.
- Ellen Jones (owner) Have Willow Pointe legal expenses increased? Yes they have. The Board strives to resolve issues without legal action but when owners take a legal venue, the Board has no option but to respond based on legal counsel.
- Renee McDaniel (owner) inquired regarding excessive length of time to acquire past meeting minutes through the attorney. All requests must be made in writing. Responses to all requests are allocated 30 days to respond.
- Renee McDaniel (owner) asserted that the Board's actions left her no recourse but to hire an attorney regarding her dispute over the towed vehicles. The dispute was not provided to the Board in writing prior to initiating formal litigation.
- Gary Burks (owner) questions the requirement of written requests. Written requests are a standard business practice. It provides an historical background of actions and provides of means of clarity and point of reference.

#### **C. New Business**

No new business was discussed. All new business is tabled until after the elections.

#### **D. Action Item Summary**

ACTION 5-1: Linda Riley and Steve Tucholski will check with Mr. Murphy to clarify the repair of the siding from the weed eater damage.

ACTION 9-10: Richard Elmes to add Linda Riley to the WP bank account. (on hold until after elections)

ACTION 10-1: Steve Tucholski to research what repairs have been completed on insurance claim. Closed

ACTION 11-5: Steve Tucholski to provide an inventory list to the Board.

ACTION 01-1: Mike Davis and John Southern to obtain a current replacement estimate.

ACTION 01-2: Richard Elmes to follow up with Bob Noel regarding payments for 6613D, 6640B and 6601B. Closed

ACTION 01-3: Steve Tucholski will email the current police report summary to the Board.

**Adjournment:**

Meeting was adjourned at 6:54 PM by John Southern. The next general meeting will be at 6:00 PM on May 15, 2012 in Willow Pointe Community Room.

Minutes submitted by: Kathy Wigley

## **Willow Pointe Condominiums**

Homeowners Election Meeting  
April 17, 2012

### **Opening:**

The annual homeowners election meeting of the Willow Pointe Condominiums was called to order at 7:10 PM on April 17, 2012 in the Willow Pointe Community Room by John Southern.

### **Present:**

WPCA Board Members: Linda Riley, John Hughes, John Southern, Mike Davis, Mary Hoogwerf, Kathy Wigley, Mike Davis, and Raymond Moore.

Facility Manager: Steve Tucholski

Financial Manager: Richard Elmes

Visitors: Willow Pointe Owners

### **A. Opening Remarks**

Quorum was established. There were more than 12 members in good standing present.

John Southern announced his appointment as President with the resignation of Mr. Aaron Wigley due to health issues.

Mr. Southern announced the adoption of Robert's Rules of Order to provide fairness and business like environment for conducting all meetings.

### **B. Call for Reports**

Financial report provided by Mr. Richard Elmes. Financial report and annual budget provided to the homeowners.

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Facilities report provided by Mr. Steve Tucholski. Review of staircase projects and current estimates in progress.

President's report provided by Mr. John Southern. Water Usage has improved but still in need of improvements. This will be an important item for the next Board to address. There are 2 outstanding disputes that are being investigated by a committee headed by Mr. Mike Davis. The full Board will be dissolved at tonight's meeting to be replaced by nine elected Board Members at this meeting's election.

The President opened the floor for discussion:

- Jeff Confer: provided a legal definition of “cumulative voting” from his attorney. He disagreed with voting for nine seats stating that is was cumulative. There should be one vote for each unit. The one vote is for the election of one board member per open position.
- Tim Tcherneshoff commented that water is running in unit near him and asked that it be addressed. Board requested that his put his request in writing so it can be properly followed up.
- Howard Wright was very displeased at how far we have regressed backward in regards to our ability to working together. Also the financial statement was of concern.
- Gary Burks disagreed with the election process. His request to read the April 7<sup>th</sup> letter again was denied.

### **C. Nominations**

It was announced to strike Mr. Aaron Wigley’ name from the ballot.

It was announced to delete the terms listed by each name on the ballot.

Nominations from the floor:

- Jeff Confer nominated by Renee McDaniel
- Mary Hoogwerf nominated by Linda Riley
- Gary Burks nominated by Jeff Confer

Jeff Confer and Ellen Jones volunteered to monitor that the ballot counting process.

### **D. Voting Results**

Jeff Confer and Ellen Jones certified that the count had been accurately recorded. Kathy Wigley and Richard Elmes verified the number of ballots counted matched the number of ballots distributed during the signed in process.

3 year term positions: Vickie Moon, Raymond Moore, and Mike Davis

2 year term positions: Linda Riley, Karen Carden, John Hughes

1 year term positions: John Southern, Kathy Wigley, Mary Hoogwerf

### **Adjournment:**

Meeting was adjourned at 9:00 PM by John Southern. The next general meeting will be at 6:00 PM on May 15, 2012 in Willow Pointe Community Room.

Minutes submitted by: Kathy Wigley

## Willow Pointe Condominiums

Board of Directors Meeting  
May 15, 2012

### **Opening:**

The regular meeting of the Willow Pointe Condominiums was called to order at 6:03 PM on May 15, 2012 in the Willow Pointe Community Room by John Southern.

### **Present:**

WPCA Board Members: Linda Riley, John Hughes, John Southern, Mary Hoogwerf, Vicki Moon, Karen Carden, Kathy Wigley, and Raymond Moore.

Facility Manager: Steve Tucholski

Financial Manager: Richard Elmes

Visitors: Jeff Confer

### **A. Approval of Minutes**

Motion to approve the April 17, 2012 Regular Meeting minutes with the correction of Gary Burks name was made and unanimously approved.

Motion to approve the April 17, 2012 Homeowners Meeting minutes with the correction of Gary Burks name was made and unanimously approved.

Motion to approve the April 28, 2012 Special Meeting minutes was made and unanimously approved.

### **B. Open Issues**

Newsletter: Comments were provided for the May draft newsletter.

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Incidentals: Motion was raised for reimbursement of incidentals up to \$50 per month by Karen Carden. Motion was approved. Receipts needed with request.

Facility Report was made by Steve Tucholski.

- Drainage Issues: Drainage problems have been identified for 6601 and 6605 causing issues with the foundation. Solution includes gutters and landscaping low areas. First bid \$4000. Need 2 more bids.
- Stairs: Current bid for staircase replacement is \$3600. Five more staircases need to be fully replaced. Steve will obtain 2 more bids. Budget can support 2 staircases to be done now with other to follow based on funds. Request to sand smooth the railing handles.

- Pool: Annual maintenance for the pool is approximately \$4000. Due to a spring under the pool, it is currently unsafe. Consultations with pool companies recommend moving the pool. Estimates range from \$100,000 to \$150,000. Board agreed to close the pool for the 2012 season. A Recreation Area Committee was established by the Board to review the options for the pool/tennis area. Kathy Wigley will chair the committee. Karen Carden and Jeff Confer will be committee members.
- Gutter Cleaning: Existing bid of \$50/building will not install gutter guards. Steve will review options to get gutter guards installed.
- Tree Trimming: Due to roots and foundation issues some trees need to be removed. Steve will identify problem trees and report back to the Board.

Richard Elmes provided the financial report. Report was reviewed and all questions were answered. Next meeting Richard will provide the financial report via email prior to the meeting. Throop's unit is in foreclosure. Offer by Throop to sign over rent money from current leases of both his units was not accepted by the Board.

President Report was made by John Southern.

John Southern opened the floor for discussion.

### **C. New Business**

Willow Pointe Web Page: Ellen Jones had offered to maintain/update a web page for Willow Pointe. This Web Page could contain the Monthly Minutes, By-Laws, Social Events, Quarterly Newsletter, and Rules. Linda Riley will contact Ellen for status.

Comment Box: Steve will set up a comment box at the Clubhouse to provide a means of residents/owners to provide inputs and requests.

Document Tracking: Kathy Wigley will set up a Document List to maintain a record of incoming documents and status.

Email Tracking: Kathy Wigley will set up an Email Tracking List to record discussion topics and actions.

Lawn Care Bid Proposal: DD Murphy has submitted his 2012-2013 Bid Proposal for lawn maintenance totaling \$2140 per month. The increase will include clean up of the back fence areas. The Board will review for next month's agenda.

Enforcing rules and regulations: Steve will be relieved from labor intensive work so he may be available to support inspections of the area and post violations per Willow Pointe Policy. Violations will be recorded by the Secretary.

Social Committee: Mary Hoogwerf will serve as chair on the Neighbor Social Committee. This committee will support new owner welcome and social activities for Willow Pointe. This committee was passed by a vote of 4 to 3 by the Board.

Floor: Jeff Confer asked if the financial statement was distributed at the Annual Meeting. It was provided in the meeting announcement packet that was mailed to all homeowners.

Document Recordings:

- Howard Ross Vehicle Info 5/15/2012
- Jeff Confer Info Request 5/1/2012
- DD Murphy Quality Lawn & Landscape 2012-2013 Bid Proposal 5/15/2012

**D. Action Item Summary**

ACTION 5-1: Linda Riley and Steve Tucholski will check with Mr. Murphy to clarify the repair of the siding from the weed eater damage.

ACTION 9-10: Richard Elmes to add Linda Riley to the WP bank account.

ACTION 11-5: Steve Tucholski to provide an inventory list to the Board.

ACTION 01-1: Mike Davis and John Southern to obtain a current replacement estimate.

ACTION 01-3: Steve Tucholski will email the current police report summary to the Board.

ACTION 5-2: Linda Riley will contact Ellen Jones regarding the Willow Pointe Web Page.

ACTION 5-3: Steve Tucholski will administer a Comment Box at the Clubhouse.

**Adjournment:**

Meeting was adjourned at 8:07 PM by John Southern. The next general meeting will be at 6:00 PM on June 19, 2012 in Willow Pointe Community Room.

Minutes submitted by:

Kathy Wigley

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## **Willow Pointe Condominiums**

Board of Directors Meeting  
May 15, 2012

### **Opening:**

A special meeting of the Willow Pointe Condominiums was called to order at 8:20 PM on May 15, 2012 in the Willow Pointe Community Room by John Southern.

### **Present:**

WPCA Board Members: John Southern, Linda Riley, John Hughes, Mary Hoogwerf, Kathy Wigley, Karen Carden, Vickie Moon, and Raymond Moore.

Facility Manager: Steve Tucholski

Financial Manager: Richard Elmes

### **A. Open Issues**

Board members met with Gary Burks regarding a settlement. Mr. Burks agreed to accept \$1023 in exchange for Willow Pointe keeping the clubhouse ceiling fans, refrigerator, and stove. Willow Pointe will return the washer basket and black refrigerator to Mr. Burks. Willow Pointe Attorney will draw up release and non-disclosure paperwork for Mr. Burk's signature.

The Board agreed to pay Tony the requested amount of \$600 to compensate for \$250 in labor for installing ceiling fans and \$350 miscellaneous parts. Willow Pointe Attorney will draw up release and non-disclosure paperwork for Tony's signature.

The Board reviewed the draft response to Jeff Confer's information request. The response was accepted with the modification of an indirect question. Kathy Wigley will print the final letter on Willow Pointe letter head to be mailed USPS.

### **C. New Business**

Steve requested review of the management contract. Steve was advised to avoid labor intensive work and more effectively apply his time to management tasks.

### **D. Action Item Summary**

ACTION 4-1: Update POC List (Kathy) Closed

ACTION 4-2: Organize Vehicle Tow History (Linda, Mike)

ACTION 4-3: Conclude negotiations with Gary Burk for personal property settlement (Raymond, Mike, Karen) Closed

ACTION 4-4: Written Response to the April 7<sup>th</sup> letter (Karen) Closed

ACTION 5-1: Prepare response letter to Jeff Confer to be mailed USPS. (Kathy) Closed

**Adjournment:**

Meeting was adjourned at 9:20 PM by John Southern.

Minutes submitted by: Kathy Wigley

## Willow Pointe Condominiums

Board of Directors Meeting  
June 19, 2012

### Opening:

The regular meeting of the Willow Pointe Condominiums was called to order at 6:00 PM on June 19, 2012 in the Willow Pointe Community Room by John Southern.

### Present:

WPCA Board Members: Linda Riley, John Hughes, John Southern, Vicki Moon, Karen Carden, Kathy Wigley, and Raymond Moore.

Facility Manager: Steve Tucholski

Financial Manager: Richard Elmes

Visitors: None

### A. Approval of Minutes

Motion to approve the May 15, 2012 Regular Meeting minutes was made and unanimously approved.

Motion to approve the May 15, 2012 Special Meeting minutes was made and unanimously approved.

### B. Open Issues

Facility Report was made by Steve Tucholski.

- Four water pressure regulators are completed out of 15 units.
- Completed two staircases this month. Three more to go. Risers on the new stairs were left off per city ordinance standards. Rails have been sanded smooth.
- Board approved estimate of \$600 to clean the gutters for all buildings
- Board requested an estimate for annual gutter maintenance

Financial Report provided by Richard Elmes.

- Review of the current delinquent accounts.
- Hire a bankruptcy attorney to represent Willow Pointe interests for July 13<sup>th</sup> hearing (6622C & 6642C)
- 6640G proposed paying only dues and assessments and waive late fees and interest. Request was denied by the Board. Determine cost and references to use an investigator to serve him.

- Board requested a list of legal cost estimates from the attorney (Action for Richard)
- Board concurred with moving second savings account to Regions and close BBNT (Compass)

Secretary Report was made by Kathy Wigley.

- Action 05-1: Mr. Murphy is not returning calls regarding siding damage
- Action 09-10: Linda has been added to the bank accounts – closed
- Action 11-5: In progress; Inventory list in draft
- Action 01-1: Motion to close replacement estimate due to insufficient data and cost
- Action 01-3: Information provided: raidsonline.com; Closed
- Action 05-2: Web page in progress; John Southern will assist by providing guidelines to posting information (By-Laws, Rules and Regs, Newsletter, Board members POC, etc)
- Need response to Quality Lawn and Landscape. Action for John Southern to draft a contract for FY 13.
- Action 04-2: Mike has vehicle tow information
- Action 05-3: In progress; First attempt at comment box failed. Need a better box.
- Notice of Violation dated 6/7/12 for 6620E review: Issue corrected; No fine imposed.

President Report was made by John Southern.

- Due to absence of Mike Davis, Raymond Moore agreed to work recommendation to the Board for the vehicle issues.
- Mike has missed the last two meetings. John Southern will check on his situation.
- Document and check is ready for signature and pick up to close out clubhouse items dispute.

Pool Committee Report was made by Kathy Wigley.

~~The plan for the evaluation of the replacement of the commons recreation area:~~

- Define the problem and collect current status information (previous evaluations, geo surveys, etc)
- Evaluate the best place to build a new pool (Cost, advantages, disadvantages)
  - Current location
  - Tennis court area
  - Front of club house area
  - Back of Willow Pointe lot
- Disposal of old pool
  - Liability
  - Safety



## Willow Pointe Condominiums

Board of Directors Meeting  
July 24, 2012

### Opening:

The regular meeting of the Willow Pointe Condominiums was called to order at 6:01 PM on July 24, 2012 in the Willow Pointe Community Room by Karen Carden.

### Present:

WPCA Board Members: Linda Riley, Mike Davis, Mary Hoogwerf, Vicki Moon, Karen Carden, Kathy Wigley, and Raymond Moore.

Facility Manager: Steve Tucholski

Financial Manager: Richard Elmes

Visitors: None

### A. Approval of Minutes

Motion to approve the June 19, 2012 regular meeting minutes was made and unanimously approved.

### B. Open Issues

Facility Report was made by Steve Tucholski.

- \$600 estimate was approved to clean the gutters
- Request estimate for annual gutter maintenance
- Dryer vent covers are owner responsibility

Financial Report provided by Richard Elmes.

- Financial report was emailed to board members
- Dues status was reviewed
- Status and current action on outstanding accounts

Secretary Report was made by Kathy Wigley.

- Action 05-1: Working contact with Mr. Murphy
- Action 11-5: In progress; Inventory list in draft
- Action 05-2: Continue to work with Ellen Jones on web page.
- Action 04-2: Mike has vehicle tow information
- Action 05-3: In progress; First attempt at comment box failed. Need a better box.

President Report was made by Karen Carden.

- Asked the Board about the option of a property manager
- Meetings are held on the 3<sup>rd</sup> Tuesday and only changed by Board motion

Pool Committee Report was made by Kathy Wigley.

The plan for the evaluation of the replacement of the commons recreation area:

- Evaluation points and outline provided
- Reviewed proposed schedule

**C. New Business**

- None

**D. Action Item Summary**

ACTION 5-1: Linda Riley will check with Mr. Murphy to clarify the repair of the siding from the weed eater damage.

ACTION 11-5: Steve Tucholski to provide an inventory list to the Board.

ACTION 5-2: Linda Riley will contact Ellen Jones regarding the Willow Pointe Web Page.

ACTION 5-3: Steve Tucholski will administer a Comment Box at the Clubhouse.

**Adjournment:**

Meeting was adjourned at 8:20 PM by Karen Carden. The next general meeting will be at 6:00 PM on August 21, 2012 in Willow Pointe Community Room.

Minutes submitted by:

Kathy Wigley

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## Willow Pointe Condominiums

### Board of Directors Meeting Minutes

Aug 21, 2012

#### **Opening:**

The regular meeting of the Willow Pointe Condominiums was called to order at 6:03 PM on August 21, 2012 in the Willow Pointe Community Room by Karen Carden. A quorum was not present. Karen Carden agreed to prepare minutes for this meeting in the absence of the Secretary.

#### **Present:**

WPCA Board Members: Linda Riley, Mary Hoogwerf, Vicki Moon, Karen Carden and Raymond Moore.

Facility Manager: Steve Tucholski

Financial Manager: Richard Elmes

Visitors: Mr. Confers

#### **A. Approval of Minutes**

Minutes from the July meeting were approved.

#### **B. Reports**

President's Report was provided by Ms. Carden.

- Board members were asked to be ready to discuss and vote on increased monthly assessments during the Sep meeting.

Financial Report was provided by Mr. Elmes.

- 
- Financial report was emailed to board members prior to the meeting.
  - At this time, Mr. Throop is expected to pay in full through the bankruptcy sale of properties.

Facility Report was made by Mr. Tucholski.

- Working is being done painting curves, priming/painting the clubhouse and pruning and cleaning limbs.
- Two new water valves were replaced in 6601 and 6622.
- New poll lights were being installed.

- 6646B had an exterior water leak with mold damage caused by faulty siding. Repairs were estimated at \$1,500 and the Facilities Manager was instructed by the board to proceed with the repairs.
- Two vehicles were broken into at buildings 6603 and 6646 on Aug 20. The Facilities Manager has also noticed increased traffic in the evenings and expressed multiple concerns to the board about suspected drug usage in the area. The board members present agreed that this discussion should be resurfaced when the monthly dues increase was discussed and perhaps an officer should be hired for \$75 for 3 hours a few nights a week.

Secretary Report was not available in the absence of our Secretary.

A report from the Potential Towed Vehicle Liability Committee was not available in the absence of the Chairperson, Mr. Davis.

### **C. New Business**

- **Bill for Insurance Claim** – A bill was submitted to the board for an insurance claim on building 6613D. Mr. Elmes took an action to talk to State Farm and see if they would be willing to inspect the property to ensure repairs were up to standard before the claim is reimbursed. The board discussed that the amount of reimbursement should not exceed that of the original insurance settlement regardless of the receipts provided.
- **Lawn Service** – Ms. Riley discussed the Willow Pointe lawn care contract and is unhappy with the lack of communication from the current contractor. A quote from Superior lawn (used by Willow Springs) will follow in email traffic along with a motion to change lawn care providers. Estimated cost is \$2,200 per month.

### **D. Member Discussions**

- Mr. Confers cautioned the board that month assessments could only be raised 10% per year and also questioned if there was a percentage cap on special assessments.

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### **E. Action Item Summary**

No review was made in the absence of our Secretary.

New Action – Mr. Elmes will contact State Farm about repair work under an insurance claim on 6613D.

### **Adjournment:**

Meeting was adjourned at 7:17 PM by Karen Carden. The next general meeting will be at 6:00 PM on September 18, 2012 in Willow Pointe Community Room.

Minutes submitted by:

Karen Carden

## Willow Pointe Condominiums

### Board of Directors Meeting Minutes

Sep 18, 2012

#### Opening:

The regular meeting of the Willow Pointe Condominiums was called to order at 6:04 PM on Sep 24, 2012 in the Willow Pointe Community Room by John Southern. A quorum was present. John Southern agreed to prepare minutes for this meeting in the absence of the Secretary.

#### Present:

WPCA Board Members: Linda Riley, Mary Hoogwerf, Vicki Moon, Karen Carden, Raymond Moore and John Southern.

Facility Manager: Steve Tucholski

Financial Manager: Richard Elmes

Visitors: Mr. Ross

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#### A. Approval of Minutes

Minutes from the August meeting were unavailable. Ms. Carden took action to provide a draft of those minutes for review and comment/approval by Monday, Sep 24, 2012.

#### B. Reports

President's Report was provided by Ms. Carden.

- Mr. Confer complained to her after the August BOD meeting that;
  - His questions have not been adequately answered;
  - His towed vehicle claim is not being timely processed;
  - He is entitled to a count of the proxies that we've declined to give him.
- Ms. Carden reported that Mr. Confer is again threatening to proceed with a lawsuit if we don't resolve his problems hastily. She opined that he appears to feel we're ignoring him and it is reaching a point where it's becoming a matter of "pride" to him.
- Mr. Southern could not recall the exact status of each of the above but agreed to research the matters. Ms. Carden agreed, with Mr. Moore, to get with Mr. Confer personally to determine exactly what he wants and get back with the Board.

Financial Report was provided by Mr. Elmes.

- Financial report was emailed to board members prior to the meeting which substantially improved the Board's ability to understand the financial state of the Association
- Status and current action on selected major outstanding accounts was discussed. The Board was advised that the Court ordered Mr. Throop dismissed as a debtor in the legal action including our claims. Mr. Elmes will take action to object to that order through our legal channels. Discussions over the effect that has on our case were held, with no definitive determination made. Mr. Elmes will get clarification from our legal advisors.
- Mr. Elmes advised there is a summary of all legal actions produced on a recurring schedule (4-6 week intervals) that could be used as a record of progress on our legal actions. He agreed to pull that in the future so we can attach or file the report to be available if required.

Facility Report was made by Mr. Tucholski.

- Some progress is being made to complete the clubhouse. Paints purchased prior to the diversion of funds to maintenance actions are being applied. Repairs and preparation of wall boards are resuming. Floors are being worked as time and money allow.
- Mr. Tucholski worked with the occupant in bldg 6644 to repair a water leak in the wall partitioning between the bathroom and closet. He asked the board to rule on the responsibility for repair. The ruling from the board is that this repair is the owner's responsibility based on paragraph 14 of the Declaration of Condominium. Our facility manager was commended for the courtesy he extended to the owner to retain a qualified plumber to promptly repair the leak. The Facility Manager was admonished to be careful when making such courtesies that he need always assure the tenant clearly understands the Association is not assuming responsibility by virtue of his courtesies
- Mr. Tucholski reported a roof leak in the SE quadrant of 6622. He has a roofer scheduled to look at the leak Sep 19. Whether to repair the roofing or seal the leak will be determined based on the cost estimate from the roofer.
- Mr. Tucholski reported that the water valve serving 6644 is frozen open, but not leaking. As we continue to replace the aging valves with pressure regulated service he'll schedule this valve for priority replacement.
- Mr. Tucholski brought up the potential problems with faulty dryer vents again, cautioning that leaving these the responsibility of owners leaves us vulnerable to negligent owner's vents being used by squirrels entering the buildings as both a nuisance and possibly damaging internal properties. The Board again rejecting assuming this responsibility from the owner. The declaration is quite clear that this is an owner responsibility and he is liable for any such damage. The Board agreed to find a better means to communicate the responsibility to owners – probably through bi-monthly newsletters and such other means to be determined.

Secretary Report was not available in the absence of our Secretary.

A report from the Potential Towed Vehicle Liability Committee was not available in the absence of the Chairperson, Mr. Davis. Suggestions to retire this committee were defeated during discussions, at least until pending threats of litigation are resolved. Mr. Moore and Ms. Carden were assigned to the committee and agreed to get with active litigants to determine if there is a reasonable path to resolution without accepting culpability for the impoundments.

The Chairperson of the Neighborhood Social Committee, Ms. Hoogwerf, reported she'd found no interest in helping that committee and recommended we defer actively promoting that committee until the recreational facilities of the Association are restored. The Board agreed to "shelve" that committee pending such completion. Ms. Hoogwerf very generously volunteered her time to continue to lay groundwork for the committee by contacting new owners and to the extent she can identify them, new tenants. The Board cautioned her to keep costs down. Mr. Southern volunteered to provide her copies of our rules, regulations and founding documents as she deems needed to support this effort -- at no cost to the Association.

### C. **New Business**

- **2012 Assessment Fee Increase** - The Treasurer moved that the assessment fees be increased by the full 10% allowable this year. Ms. Carden seconded the motion. The motion was approved by unanimous consent. Mr. Elmes will craft a notice for the Secretary's signature to notify owners of this increase. The increase is to be effective on 1 November 2012.
- **WPA Suspect Drug Dealer Problem** - The Board discussed possible actions to take vis-à-vis apparent drug dealing activities around the 6601-03-05 Buildings as reported in Mr. Moore's email of 1 August. Mr. Tucholski has already arranged and experienced additional patrol by Huntsville Police and is working with police to increase vigilance. Ms. Riley suggested the Board underwrite the lease of a unit to an active police person to provide on-site police presence -- this suggestion was held in abeyance pending other actions and budget availability. Past attempts at this have failed because such resident officer is forbidden by police policy from taking any on-site police action. Ms. Carden moved that we contract with Huntsville Police to officially patrol the property twice weekly for a 3 hour shift staggered as coordinated by our Facility Manager, starting 1 November concurrent with our increased revenue from increased association fees. The estimated cost for this is projected at \$300 per shift.) Ms. Hoogwerf seconded the motion and it carried unanimously. Mr. Southern will pursue our suspicions with local law enforcement managers and develop a course of action to more strongly incentivize owners to actively avoid the use of their properties for illegal (including drug dealer) activity. The goal is to determine if negligence on the part of the owner can lead to confiscation of their properties, and the penalties associated with owner tolerance. Mr. Ross expressed some experience handling neighborhood drug dealer activity and agreed to share his experiences with Mr. Tucholski

- **2013 Election Planning** – The Board reviewed the schedule needed to support the next election due April 16, 2013. Notices must be mailed to members no later than April 1. Nomination packages need to be prepared during March to support this schedule. Two Board Member nominees must be identified in the nomination packages. Ms. Riley is the Nomination Committee Chairperson until the end of this term of office. We can assign new members on the nomination committee. (By-Laws do not require continued tenure of prior members Southern and Hoogwerf.) We need willing and active members to nominate. Ms. Riley expressed nearly desperate frustration getting new nominees. She reported she frequently hears complaints but when she asks that person to help on the board she gets a general kind of response best described as “I don’t want anything to do with it.” She pointed out we must have active Board members and pointed out we couldn’t conduct business last month for lack of a Board Quorum, and had to delay today’s meeting for the same reason. She pointed out that Mr. Hughes missed the last three meetings in succession. Ms. Carden pointed out that Mr. Davis has missed at least the last three meetings. To remove either or both of these Board members, as allowed in the By-Laws, without having a ready replacement would only exacerbate the problem – a problem we’ve had in prior years. Three potential candidates were discussed for consideration. Mr. Southern volunteered to write a bi-monthly newsletter that will include solicitations for new Board members.

**D. Member Discussions**

- Mr. Ross presented paperwork related to expenses he suffered from the Towed Vehicle incident last year. He advised these were papers Mr. Davis had requested. Mr. Moore accepted the papers and promised an early meeting with Mr. Ross to discuss the problem.

**E. Action Item Summary**

No review was made in the absence of our Secretary.

**Adjournment:**

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Meeting was adjourned at 8:14 PM by John Southern. The next general meeting will be at 6:00 PM on October 16, 2012 in Willow Pointe Community Room.

Minutes submitted by:

John Southern

## Willow Pointe Condominiums

### Board of Directors Special Meeting Minutes October 14, 2012

#### Opening:

The special meeting of the Willow Pointe Condominiums was called to order at 4:02 PM on October 14, 2012 in the Willow Pointe Community Room by John Southern to discuss the findings of the Towed Vehicle Liability Committee. A quorum was established. Karen Carden agreed to prepare minutes for this meeting in the absence of the Secretary.

#### Present:

WPCA Board Members: Linda Riley, Mary Hoogwerf, Karen Carden and Raymond Moore and John Southern.

Facility Manager: Steve Tucholski

#### A. Reports

The Towed Vehicle Liability Committee members Raymond Moore and Karen Carden presented the following findings and recommendation to the Board after meeting with Jeff Confers and Howard Ross.

Meeting with Mr. Confers, October 15, 2012 at 1:10 PM:

1. Jeff Confers was given permission to store two cars in the fenced in over flow area by the WP Facility manager at the time.
2. Cars Towed 2 December 2011, approximate date.
3. 1980 Pontiac Fire Bird
4. 1979 Mercury Marquis
5. Towed by Tow Taxi 1318 Puttman Dr. 35816 256-489-2044 (Jeff Confers able to speak with Silent Partner in Tow Taxi to get the charges reduced / Silent Partner was Ralph Schmidt (sp) a neighbor of JC.

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6. Received a verbal cars had been towed.
7. Jeff Confers has photos of notices related to abandon cars that were posted at WP before ST became Facility Manager.
8. Scrap value of Car Crushed (Used low value that he found \$500.00)
9. Wife's father's cars/ father who passed in 2005.
10. Cars were registered and insured at the time of towing (Jeff Confers)
11. Tag Status at time of tow was expired
12. Original bill with Tow Taxi approx. \$2000.00 to \$2500.00
13. Bill worked down to \$1,675.00 for both cars
14. Towing fees storage both Cars \$1000.00, Lawyer \$175.00, Scrap value of Car that was Crushed at Storage Yard \$500.00, Total \$1675.00

15. Legal Correspondence with WP Lawyer and and Confer lawyer refer to WP minutes to access this letter, also sent to all board members at the time from Confer Lawyer.
16. Reviewed WP/State/Local laws/Rules Regulation on Car Towing/Private Property Laws may be different (RM).
17. Payment was reduced with Tow Taxi from \$2500.00 to \$1000.00 and Storage of both cars. See Above for other \$ data.
18. Base/ \$2500.00/\$1675.00/\$1175.00/\$1000.00
19. High \$2500.000 low \$1000.00

Meeting with Mr. Ross, October 11, 2012 at 6:30 PM:

1. 1961 Ford Falcon in operating condition. Classified as a Vintage Automobile with Antique/Vintage Plates at the time of towing.
2. Towed by Tow Taxi same company as I listed for Confer address and phone number the same.
3. Original cost to Ross App. \$2,000.00
4. Ross owner and/or resident at WP since 1998
5. Car fully insured parked in a space not far from his unit.
6. He moved to fenced area in over flow as a request from Facilities Manager.
7. Insured by State Farm agent David Pressley, Full Coverage
8. Tow taxi estimated 1-2 months in storage.
9. Price worked down to \$750.00 by Ross to obtain and Insurance Agent.
10. he submitted one item to board/plate verification
11. Had discussion with Mike Davis related to this but no decision given on status
12. The \$750.00 price that Tow Taxi accepted to return the car to him.
13. High liability \$2,000.00 low \$750.00
14. Does not have legal cost or other than the tow
15. The \$750.00 was requested in cash from Tow Taxi/ Cash versus \$2,000.00 to clear the account.

After discussions with both homeowners and various attorneys, it was the recommendation of the Committee that the Board should settle the claims with the homeowners at the amount of \$1,675 for Jeff Confers and \$750 for Howard Ross.

A motion was made and seconded to settle both homeowner disputes at the requested amounts of \$1,675 for Mr. Confers and \$750 for Mr. Ross. The motion was carried.

**Adjournment:**

Meeting was adjourned at 4:41 PM by John Southern. The next general meeting will be at 6:00 PM on October 16, 2012 in Willow Pointe Community Room.

Minutes submitted by: Karen Carden

## Willow Pointe Condominiums

### Board of Directors Meeting Minutes October 16, 2012

#### **Opening:**

The regular meeting of the Willow Pointe Condominiums was called to order at 6:00 PM on October 16, 2012 in the Willow Pointe Community Room by John Southern. A quorum was present.

#### **Present:**

WPCA Board Members: Linda Riley, Mary Hoogwerf, Vickie Moon, Karen Carden, Raymond Moore, Kathy Wigley, Mike Davis, and John Southern.

Facility Manager: Steve Tucholski

Financial Manager: Richard Elmes

Visitors: Laura Rodriguez, Marian Ferrera, and Steve Greer

#### **A. Approval of Minutes**

Minutes from the August Regular, September Regular, and October Special meeting were approved by all present.

#### **B. Reports**

President's Report was provided by Mr. Southern.

1. State of the Association is Good – Needs some improvement
2. Association Facilities
  - a. Complex 27 years old with potential for 100+ years
  - b. Prior improvements include siding, roofing, banisters, water regulators, outside stairwell replacements
  - c. Current improvements underway include clubhouse, pool and tennis court areas, 1 remaining outside stairwell, remaining Water Regulators
    - i. Clubhouse by Christmas
    - ii. Pool and Tennis Court areas by Spring
    - iii. Remaining Stairwell by year end
    - iv. Complete water regulator installation concurrent with aging valve replacement
  - d. Envisioned future improvements include Roadways, Trees trimmed or removed, fences repaired
  - e. Attempting to establish a Preventative Management Program
3. Association Management

- a. Board of Directors and Staff established and functioning well – Meet every 3<sup>rd</sup> Tuesday each month
  - b. Communications improving rapidly
  - c. Short 1 director, another temporarily unavailable to perform
  - d. Beefing up security over holidays
4. Association Finances
- a. 1 debt liability ~ \$55,000 (less than 1% of Property Market Value)
  - b. 2012 Budget projections ~\$10,000 over run (~5% of Budget)
  - c. Annual assessment fees ~0.25%/month of Unit market value
  - d. Require Special Assessment to renovate clubhouse, pool and tennis areas and overcome 2012 budget shortfall (on the order of 1% of Property Market Value)

Financial Report was provided by Mr. Elmes.

- Financial report was emailed to board members prior to the meeting.
- Status and current action on selected major outstanding accounts was emailed to the Board members.

Facility Report was made by Mr. Tucholski.

- Safety repairs to the Staircase are being completed.
- Addition of the Huntsville Police to the Insurance for Off Duty coverage of General Liability is completed.
- Draft inspection check list is completed

Pool Committee report made by Kathy Wigley.

Review of the current draft Pool and Recreational Area Brief was provided. Received requested quotes from Burlison and Cobalt Construction. Additional detail is needed from Cobalt Construction to support the bounds of the provided quote. We are still waiting on All Stars input.

### C. New Business

- A motion was made and approved that there will be a Special Assessment with the value to be decided after the project estimates are received and evaluated. The motion was unanimously passed.
- Budget/Funding Strategy: List of projects that need funding. The following actions are placed to the listed individuals to obtain estimates for the indicated item by the next meeting.

o Item	Estimate	Action To
o Budget short fall	9,000	John Southern
o Clubhouse	12,000	Kathy Wigley
o Staircase	1,500	

- |                  |        |         |
|------------------|--------|---------|
| ○ Lights         | 4,000  | Steve   |
| ○ Flood Area     | 3,000  | Steve   |
| ○ Bridge         | 1,500  | Steve   |
| ○ Water Valves   | 12,000 | Steve   |
| ○ Pool           | 75,000 | Kathy   |
| ○ Tennis Courts  | 8,000  | Raymond |
| ○ Sidewalks      | 5,000  | Steve   |
| ○ Repair Account | 10,000 |         |
- Estimated Total of 116,000.

**D. Member Discussions**

- Laura Rodriquez expressed to the Board need to fix the lighting at the entry as soon as possible.
- Marian Ferrera expressed her concern over the high water pressure to her unit in building 6605. Stating her pressure at the hose faucet was 110 pounds stressing there could be insurance liabilities for not being within code. She also suggested we use a pressure valve at the entry of the complex instead of each building. This was considered and not a valid option due to the fact that the pressure could not be effectively regulated to all the buildings and the entry location was not on Willow Pointe property.

**E. Action Item Summary**

No review was made at this meeting.

**Adjournment:**

Meeting was adjourned at 7:43 PM by John Southern. The next general meeting will be at 6:00 PM on November 20, 2012 in Willow Pointe Community Room.

Minutes submitted by: Kathy Wigley

## **Willow Pointe Condominiums**

### **Board of Directors Meeting Minutes November 20, 2012**

#### **Opening:**

The regular meeting of the Willow Pointe Condominiums was called to order at 6:05 PM on November 20, 2012 in the Willow Pointe Community Room by John Southern. A quorum was present.

#### **Present:**

WPCA Board Members: Linda Riley, Mary Hoogwerf, Karen Carden, Kathy Wigley, Mike Davis, and John Southern.

Financial Manager: Richard Elmes

Visitors: Fred Gunter

#### **A. Approval of Minutes**

Minutes from the October Regular meeting were distributed and reviewed in advance of the meeting. No corrections were offered at the meeting. The minutes were approved as distributed.

#### **B. Reports**

President's Report was provided by Mr. Southern. The President reported the WPA Legal Advisor's findings regarding the use of Email for Board Business. Mr. Davis objected to the use of the Legal Advisor without prior Board approval and to the Advisor's findings. The bottom line of the President's comments was a plea to Board members to help transition conduct of our Board meetings to operate more effectively.

Financial Report provided by Mr. Elmes was received by the Board.

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#### **C. Unfinished Business**

A registry of Board Members agreeing to conduct business by email was established as advised by WPA legal counsel. Mr. Davis refused to sign the register. Ms. Moon and Mr. Moore were absent.

Mike Davis raised a question of personal privilege to the Board that he has been effectively disenfranchised by the Board's use of email to conduct the business of the Board basing his question on his inability to access his email on a timely basis. Agreement was reached that text messaging of Special Meeting scheduling and any email Motion initiatives would be sent by text message to Mr. Davis cell phone on a trial basis.

Selection of the Pool Contractor was adjourned to the December meeting to give one of the potential contractors a chance to elaborate his proposal into an acceptable level of detail.

**C. New Business**

A motion was made and approved that the Special Assessment approved in October will be broken into 2 separate assessments, one to cover immediate actions where we know enough about their costs, the other to be assessed when we have determined their costs adequately to proceed. The level of the initial assessment was set at \$500 per unit to be made effective 1 January 2013 and owners given a 3 month period to pay the assessment. This assessment does not include the pool and tennis court repairs identified as candidates in the October Board of Directors Meeting because of inadequate understanding of their costs. It does include replenishment of the Insurance Reserve fund and the 2012 budget shortfall.

Projects Identified for Consideration in the initial assessment include:

Item	Rough Order of Magnitude (ROM) Estimate
o Replenish Insurance Account	3500
o Budget short fall	6000
o Legal Settlement	2275
o Staircase	1500
o Lights	4000
o Flood Area	3000
o Water Valves	12000
o Contingency Fund	10000
o Insurance Repair	1000
o Principle (CY 2012)	<u>1215</u>
	44490

**D. Member Discussions**

Only one member attended this meeting. He was allowed to participate in the Board's discussions as they progressed.

**E. Action Item Summary**

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- |  |          |
|--|----------|
| • Schedule 3 year budget review for December Board Meeting | Southern |
| • Provide prior Budget and Settlement Letter to Board      | Elmes    |

**Adjournment:**

Meeting was adjourned at 8:20 PM by John Southern. The next general meeting will be at 6:00 PM on December 18, 2012 in Willow Pointe Community Room.

Revised Minutes Submitted by: Kathy Wigley

## **Willow Pointe Condominiums**

### **Board of Directors Meeting Minutes December 18, 2012**

#### **Opening:**

The regular meeting of the Willow Pointe Condominiums was called to order at 6:00 PM on December 18, 2012 in the Willow Pointe Community Room by John Southern. A quorum was present.

Vickie Moon provided her resignation letter, effective immediately, to the President.

#### **Present:**

WPCA Board Members: Linda Riley, Mary Hoogwerf, Karen Carden, Kathy Wigley, Mike Davis, John Southern, and Raymond Moore.

Financial Manager: Richard Elmes

Property Manager: Steve Tucholski

Visitors: Jeff Confer, Frank Reed, and new owner

#### **A. Approval of Minutes**

Minutes from the November Regular meeting were distributed and reviewed in advance of the meeting. One correction was made to include "on a trial bases" at the end of the second paragraph of section C. The minutes were approved with one correction as stated.

#### **B. Reports**

President's Report was provided by Mr. Southern. John requested feedback on the implementation of Robert's Rules and the tutorials he had provided to the board members. In general, it has been over whelming and complicated. John took an action to evaluate the comments and table the discussion to another time.

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Financial Report provided by Mr. Elmes was received by the Board. The reports are emailed to the board members.

Facility Report was provided by Mr. Tucholski. The Police Patrol Officer has been very effective at decreasing unwanted traffic in the Willow Pointe property. There have been three arrests. The uniformed officer in his car makes his presence visual and monitors the premises on foot.

#### **C. Unfinished Business**

It was motioned and passed to allow the WPCA attorney to craft a settlement and release letter for the settlement with Mr. Confer with the limitation the complete process not to exceed one hour charge.

Clubhouse Repair: The board has one bid from Cobalt. Steve provided a second bid. It was noted that we were not able to effectively compare the bids since they followed different specifications to complete the project. It was decided to send this to the Pool and Recreational committee to outline a specification of work for the clubhouse. This specification would then be used to get updated and a third bid. Mike and Richard would like to contribute to the effort.

Pool Repair: Cobalt did not provide their bid update as requested prior to this meeting. It was agreed to defer this back to the Pool and Recreational committee to acquire an acceptable bid.

Email Agreement: The agreement was not available for signature at this meeting. It was agreed to defer until the next meeting.

### **C. New Business**

Facility Manager Guidelines: Steve requested the board review the current acting Facility manager Guidelines on repairs in regards to Material and Labor costs. The board asked Steve to provide a monthly operating budget to include a monthly repair budget and emergency repair budget. Budget information is coordinated with Richard and provided to the board before December 31.

Mr. Elmes provided a draft budget plan for 2013. After review and some discussion it was decided this budget needed some work before it can be approved. The approval of the 2013 budget was deferred. Richard took action items to do the following before December 31:

- Break out the line items within the Facility Repairs section
- Move Flood repair cost from Yard Care to the Facility Repairs section
- Add line item to account for principle payments on the loan
- Add line item to account for reserve payments made

Mike and Karen requested a special meeting set for Monday December 31 at 11:30 CST at the club house to do the following:

- Vote on the Budget provided by Richard
- Facility Manager guidelines

### **D. Member Discussions**

Jeff Confer expressed his understanding of restrictions regarding owner assessments which differ from the Board's application.

Frank stated that a light needs to be repaired on 6613. Also the A/C fencing was taken down when an A/C unit was replaced but never fixed back.

New owner expressed her concern regarding the current association monthly assessment and how it was applied to her as an owner.

**E. Action Item Summary**

- Create a specification of repairs for the club house Wigley
- Forward Settlement data to attorney with 1 hour restriction Southern
- Amend budget as requested Elmes
- Draft Operational Budget Tucholski

**Adjournment:**

Meeting was adjourned at 8:00 PM by John Southern. The next general meeting will be at 6:00 PM on January 15, 2012 in Willow Pointe Community Room.

Revised Minutes Submitted by: Kathy Wigley

## **Willow Pointe Condominiums**

Board of Directors Meeting Minutes  
Special Meeting  
December 31, 2012

### **Opening:**

The special meeting of the Willow Pointe Condominiums was called to order at 11:30 AM on December 31, 2012 in the Willow Pointe Community Room by John Southern. A quorum was present.

### **Present:**

WPCA Board Members: Linda Riley, Mary Hoogwerf, Karen Carden, Kathy Wigley, Mike Davis, John Southern, and Raymond Moore.

Financial Manager: Richard Elmes

Property Manager: Steve Tucholski

Visitors: None

### **A. Unfinished Business**

It was motioned and passed to accept the budget as provided by Richard Elmes.

It was motioned and accepted to table the review of the Manager's Operational Budget.

### **B. Action Item Summary**

- None

### **Adjournment:**

Meeting was adjourned at 12:40 PM by John Southern. The next general meeting will be at 6:00 PM on January 15, 2012 in Willow Pointe Community Room.

Revised Minutes Submitted by: Kathy Wigley

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