

# **Sycamore Creek P.U.D. Homeowners' Association Board of Trustees Meeting**

## **Minutes of Regular Board Meeting**

**November 1, 2005**

The November regular meeting of the Board of Trustees opened at 7:00 PM by the President and adjourned at 8:45 PM. The meeting was conducted at the Sycamore Creek PUD Homeowners' Association Clubhouse, 1450 Sanzon Drive, Fairborn, Ohio 45324.

### **1. Roll Call was taken:**

#### **○ The following members of the Board of Trustees were present:**

- President William Ziegler
- Vice President Judith Halsall
- Treasurer Dana Gang
- Secretary Thong Tran
- Member-at-Large Ximena Chrisagis
- Member-at-Large Shiela Mosley
- Member-at-Large Sally Miller

#### **○ The following members of the management team were present:**

- Financial/Legal Manager Robert Halsall
- Office Manager Clara Fletcher

#### **○ The following owners/renters were present:**

- Rita Ziegler (1466)
- Hobart and Meloney Hall (1424)

**2. President's Opening Remarks:** There were no opening remarks

**3. Reading of the minutes, September 6, 2005.** The minutes were approved as presented.

### **4. Reports of Officers of the Board:**

- **Treasurer:** Deferred to the Management Report
- **Secretary:** Deferred to the Management Report

### **5. Reports of Committees:**

- **Architecture:** The requests for replacement of the garage door at 1376 and 1400 were approved.
- **Landscape:** No report
- **Newsletter:** The winter edition is scheduled for delivery in mid December 2005.
- **Pool:** The pool is closed for the season and all furniture has been stored for the winter.
- **Parking:** It was reported that a motor vehicle was parked in front of one unit that was not properly licensed. The vehicle is subject to being towed if not moved by the owner.

- **Social Events:** The board approved the expenditure of up to \$100.00 for the holiday function set for December 2, 2005. Clara will put up the Christmas tree following Thanksgiving.

**6. Management Report:** The management report was provided to the members of the Board of Trustees and explained.

**7. Unfinished Business:**

- **Legal Actions:** Sheriff's sale of a past due owner. The bankruptcy action has been dismissed by the bankruptcy courts. The case is now being handled by Scott Liberman rather than Noel McKeown. Efforts are being made to reopen the original docket allowing for the sale to complete.
- **Small claims action against a unit in arrears.** A Judgment was obtained on December 1, 2004. Garnishment actions were taken and completed during the past month. Additional collection actions are being initiated because the owner did not make regular monthly payments during the garnishment process. The owner has started to make monthly payments but has not reduced the arrearages. Foreclosure action has been directed.
- **Rewriting of the Declarations of Covenants.** This effort has been placed on hold pending new laws being enacted for PUDs.
- **Clubhouse upgrades.** The upgrades to the clubhouse which include painting, carpet replacement, laminate replacement and new furniture are nearly complete. The only remaining item is the furniture. The board approved the purchase of two new sofas and two chairs for the clubhouse to be purchased from Ashley in the amount of \$2,529.38.

**8. New Business:**

- The following proposals were presented to the board for their approval or disapproval for the 2006 budget:
  - Trimming of trees overhanging roofs and gutters. A proposal has been obtained from the landscaper and is submitted for board approval. (\$1,006.45). Motion approved for year 2006.
  - Tennis Court Fence Repairs. A proposal was submitted by *Wilhoite & Sons, Inc.* for the repair to the fence damage that was caused by a tree that fell on it during a recent storm. (\$1,641.00). Motion approved if the cost can be reduced.
  - Pool Fence Replacement. A proposal was submitted by *Wilhoite & Sons, Inc.* for the replacement of the pool fence between the tennis court and the clubhouse. This will include the replacement of the gate with an aluminum iron works gate 6' tall with a key lock and auto closure. (\$1,335.00). Motion approved.
  - A proposal was submitted by *Diamond Landscape Design* to replace the overgrown bushes in front of the remaining nine units. (\$4,032.73). Motion approved.
  - Landscaping by the new pool fence. A proposal was submitted by *Diamond Landscape Design* with a suggested design. (\$2,251.00). Motion not approved.

- Removal of the Landscape Box behind the clubhouse. A proposal was submitted by *Diamond Landscape Design* to remove all plants, timbers, and soil from the area behind the clubhouse. (\$3,597.26). Motion not approved. Management directed to obtain a new proposal to only remove the two tall trees.
  - Replace four dead Crab Trees in front of units. A proposal was submitted by *Diamond Landscape Design* to replace four dead trees in front of units. (\$1,760.91). Motion approved.
  - Replace the bushes located next to the chimneys. A proposal was submitted by *Diamond Landscape Design* to replace the bushes next to the chimneys. (\$7,192.33). Motion approved as a multi-year project.
  - Building Trim painting proposals were submitted by *LH Painting* (\$1,525.00 per building) and *Bud's Quality Painting* (\$800.00 per building). It is intended to do the painting over a period of three years. Motion approved to accept Bud's Quality Painting.
- A homeowner wrote a letter of September 27, 2005 with attached letters of June 28, 2005 and October 25, 2005. No reply was directed by the board of trustees, but to inform all homeowners of the main points of the letters they are summarized below.
  - All documents released by this organization are subject to the \$1.00 per page copy fee.
  - The budget is not in error. The \$50.00 mentioned is for clubhouse funds collected and subsequently transferred to the clubhouse account which is not part of the operational budget.
  - The adjustments to the budget are not a license for free spending of association fees as the bottom line cannot increase unless we come into additional unexpected funds. The adjustments made are the reallocation of funds from one budget category to another as the need dictates.
  - The change in the time set for the annual meeting was done to make it possible to meet the requirements of the declaration. It was also done at the suggestion of the author of the above letters.
  - The suggested plants list will be made available to the author of the above letters once the list is received from the landscaper. It should be noted that at this time only one resident has requested the list.
  - Members of the association may see what the official parking violation sticker looks like by contacting the management team. The newsletter did not say that members may have one. The stickers are only distributed by parking committee members on vehicles parked in violation of association policy. Not to be made available for reproduction and distribution by other residents.
  - We have two separate letters in the file from Orkin stating that they will remove the old termite bait traps. Anyone not wanting to wait

for Orkin may remove them themselves and place them in the trash.

- The declaration of covenants and by-laws of the Sycamore Creek PUD Homeowners' Association, Inc. does not permit the registration of automobiles, pets, charging additional for units with larger patios or flower beds. It also does not allow for a reduced fee for those with less. The association does not have the authority to interview or involve themselves with private enterprises such as rental properties. If the author of the above letter feels differently, he should submit the exact paragraph that provides that authorization. The boards' position has been reviewed and confirmed by counsel.
- The declaration of covenants clearly provides direction as to what documents are releasable. The current declaration of covenants provides only for financial documents which have previously been made available to the author of the above letters.
- The continued slander and defamation of the manager(s) of the association by the author of the above letters will only lead to legal action against him by the slandered manager(s).
- The authors' comments regarding the replacement of bushes and fencing are only his opinions and are made without knowing the facts behind the decisions.
- The board of trustees also stated that anyone wishing to have a job or position with the association should submit a resume.

**9. Homeowner Concern(s):** No comments.

**10. Adjournment**

Minutes accepted by the Board of Trustees at their regular meeting on December 6, 2005

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William Ziegler

President