



Minutes of Membership Meeting held November 12, 2015

6:00 P.M. at Cross of Christ Lutheran Church

Meeting called to order at 6:00 by Don Plumb

Board Members present: Don Plumb, Sherri Cullom, Craig Paden, Deb Mann Mark Langbehn and Attorney, Ted Fitzgerald

APPROVAL OF MINUTES: Craig made a motion to accept the Minutes of the last Membership meeting held on March 11, 2015 as written, Don seconded vote taken; all in favor none opposed-motion carried.

NEW RESIDENTS: Deb introduced new members of the community as Ned & Jennifer Wery, lot 13-present at meeting. Mustafa Muleh-Lot 81, Navdeep Singh & Varender Paul Kaur-Lot 135, and Bob Devine Lot 99.

FINE & FEE SCHEDULE : Mark introduced a new Fine & Fee Schedule. The purpose of the new schedule is to help enforce the Covenants/By-Laws/Policies and Rules of the Community-and penalties for their violation. This Fine & Fee Schedule is similar to many other communities in the area. He explained that several of the items listed are already covered in our Covenants, but there are new ones which were highlighted in green to be further discussed by the board and voted on, after hearing community feedback, hopefully by January 1st.

Mark also expressed the desire to establish a “Grievance Committee” with members from current homeowners to hear objections to fines issued by the board and to represent recipient in disagreements to such fines. Craig also asked the members present to consider helping by serving on this committee.

A question was raised from a resident as to the need for the fees for buyers and sellers of lots or homes . It was explained that whenever a member moves in or out of the neighborhood, there are administrative costs involved, such as changing of the maps, re-coding the database at the entrance gates, etc., all of these efforts are taking place voluntarily by the board now but will someday be taken over by a management firm and will be paid for by all residents. This fee will help in the offset of costs to establish the existing benefits of the community. This practice is currently held at most other gated communities in the area, we are just now thinking of establishing it. Attorney Ted Fitzgerald compared it to the existing “tap-in” fee charged by the Conservancy district. Each resident is required to pay their fair share in tapping into the already established sewer system and is now paying to access that benefit. Another resident inquired whether these fines/fees were already in place, and Mark explained that they are not, and will be voted on by the Board before becoming Policy and then posted on the website.



LEGAL REPORT: Ted Fitzgerald gave us new information regarding new laws in the State of Indiana regarding Home Owner's Associations. One of the most important, is the one regarding a new "Grievance Policy," which states how Home Owner's Associations are to handle grievance issues between parties. This new policy is available on the website and is somewhat confusing, but it is now the law of the land and must be adhered to when dealing with complaints. Obvious violations of Covenants brought to the Board's attention does not necessarily warrant disclosure of the complaint given.

Question raised from a resident as to the Board's involvement in such disputes, and at what time does our Attorney get involved. Ted explained that the law states that Homeowners Associations MAY bring forth a lawsuit to enforce the covenants, but are not REQUIRED to do so. Especially in the event of two conflicting neighbors, it is up to the individuals themselves to hire their own legal representation or Certified Mediator to settle such matters if the board decides not to incur legal fees to pursue actions. Ted would get involved only when the Board requests such action, at which time legal fees will occur, as this is not in his current agreement of retainer fees each month.

Another question from a resident as another new law established on July 1, 2015 regarding Disclosure issues. Ted explained that there is now a process where the Attorney General's Office may investigate H.O.A. Boards, and it's members for discrepancies/complaints to avoid criminal activity. The other transparency issue is that members may request to view minutes of meetings held regarding votes and actions taken and withholding any personnel information discussed at any meeting. There is also a policy which will be posted on the website regarding this action.

BUDGET : Craig gave the current balances as of today's date:

Income \$40,559.66

Expenses \$69,374.06

Income less expenses (\$28,814.40)

Roadfund balance \$11,121.98

Construction fees collected \$3,000.00

Unpaid HOA dues balance \$27,837.00

He then explained on the overhead projector all graphs previously distributed in meeting notice earlier in month. Once again, he explained that fees collected during the last 2 weeks of December which are considerable, are entered in the year received therefore the checkbook balance warrants that our income more than covers our expenses. Craig explained by line item increases or decreases and reason for changes. Question was raised as to increase in savings/special projects line. Craig explained that the Board does in fact have a "wish list" of sorts with things we hope we can accomplish with the new budget increase such as; better communication at the front entrance-an electronic sign has been discussed. Also we would like to replace all the lights on the wall along 100 S. Another question was raised about monies repairing the gates since 2009 with continual repair, and cost of replacing existing system. It was expressed how the gates have been nearly re-built and maintained to the level that they have been, along



with an explanation of the current 2 incidences where they have deliberately been damaged. The Board has, in great detail researched a newer and more efficient systems but the enormous cost cannot be attempted at this time. Our efforts now are better camera's to catch offenders and make THEM pay for damage done. Ted injected that this is a common problem with all gated communities and they all experience costly gate repairs and maintenance. Craig also cited the improvements made at the gatehouse which include a security system on the keypad, as well as back-up systems which is reflected in the "gate" budget line item.

Another question from the community was made regarding transparency on our books, are we required to have an outside firm check our recordkeeping. That is not a requirement, however Craig pleaded with any volunteer within the subdivision with the appropriate background to please take a look at the books. He is quite hesitant to pay a firm money to do this.

Another question was asked regarding legal fees and how it affects the budget. The retainer fee of \$1,000 per month includes his presence at every single board meeting, as well as the 2 annual Membership Meetings. He files all legal proceedings, leins, investigative reports on all legal issues to be dealt with. He also represented the community with many hours of his time investigating and reporting on the issue across the street on the potential development of those lots. The entire board feels that this added expense has helped not hindered us as a community.

Another member asked about new street lights installed. The resident has concerns that some in the north end (6) are not working. Craig explained that those lights were, in fact changed, and it was discovered that REMC has not completely finished with installation of electric service there. They will not finish this until the final grading is completed. The resident's concern is safety. Many thoughts exchanged, as this is also a problem in other areas of the subdivision. A "Neighborhood Watch" idea was expressed and always the option to contact police. The board has tried to get an off duty Police Officer, or private security firm to patrol our area, Police officers cannot "patrol" private neighborhoods, they may drive through, but not actually patrol. Another resident offered to make contact with an acquaintance regarding some "presence" in our area. Increased lighting and a new camera system will help in identifying offenders at the gate, and possibly identify cars that do not belong.

Craig asked for a motion to accept the proposed 2016 Budget; Mark made the motion Don seconded; vote taken-all in favor, none opposed-motion carried.

HOA CORRESPONDENCE: The Board has been informed of situation of a bogus letter being sent to a homeowner/neighbor. Someone used the HOA letterhead copied a particular covenant, and stuck it in a mailbox. This was NOT issued by the Board. We want to assure all residents, we will NEVER send a notice of violation, or any correspondence to you in that way. It will be mailed to you personally, not stuck in your mailbox. If you should have any questions or think something is not quite right, please contact a board member for clarification, and please let us know that it has happened.

OPEN FORUM: A resident inquired as to the length of time a builder has to complete his project. We explained that 12 months from the day he starts, he is to be finished. The resident also mentioned the runoff into the streets of silt, sand, etc, and we also explained that this builder had been notified and he



had taken care of this once before and it has happened again, we trust that he will rectify the situation, once again.

A resident questioned whether modifications could be made to the Covenants, once a Bankruptcy had occurred. Ted addressed the topic, and yes we do have the right to modify the Covenants even though a Bankruptcy had been filed. His next question referred to the option of builders signage which we approved of 3 years ago, and his question was; will we re-issue that allowance for builders only signs. We have discussed this matter and will make a decision at the next Board of Directors meeting. The resident exclaimed his issue of not being able to erect a sign on his property if he were to decide to sell, however a builder would be able to do so. A "For Sale" sign will not be allowed we did however, allow builders to erect a sign, with dimensional and text contents pre-approved by the Board, in order to get some movement of lots and homes built in the neighborhood. Ted also pointed out that in his experience with several communities in Northwest Indiana, none of them allow "For Sale" signs, and agreed that it is not a "good" thing to do. The resident feels it is an issue of inequity and discriminatory that only builders have the option of signage, and wants this noted.

Deb made a motion to adjourn the meeting after no more questions were presented, Craig seconded, vote taken all in favor none opposed meeting adjourned at 8:00 P.M.

Respectfully Submitted,

FWHO Board of Directors

11-14-15