



Falling Waters HOA- Executive Board Meeting Minutes

Date: Thursday May, 16, 2024

Location: FW Clubhouse

Time: 5:00 pm

Invitees: Zac Garner, Bob Devine, Lovie Davis, Regina Hinrickson, Jessica Howell, John Craig FWHOA legal representation

Meeting called to order: 5:09pm

Roll Call: Zac Garner, Bob Devine, Lovie Davis, Regina Hinrickson, Jessica Howell, John Craig

Director reports-

President Zac Garner:

1. John Craig review of meeting: John Craig- Covenants review, noncompliance, be mindful in the future with revisions.

Request for production for arbitration on Annetto Ct. Attorney is working on filing delinquency requests for outstanding balances.

John is reviewing our current contract with 1st AM to make sure all compliance and protections for the community are in place. He is also reviewing the process and making sure all documentation is in order for notices that are sent. Debt collection notice should go along with the delinquency and John is looking into the procedure for debt collection with 1st American.

Fines- can't be arbitrarily fined. Reasonably related fine. Need to apply standard interest for the fines. Cloud in the title can prevent someone from selling their house. 30-day notice applies when going through a third party like John or 1st American. 1st American Management must follow FDCPA compliance. John is working on a collection issue and a lien filed. He is making sure all is processing in the best possible manner. 5-40 days to send notice of a meeting to community.

Covenants state we have to inform members of meetings via written mail otherwise we are non-compliant.

Submit policies to John for his review (access to portal?).

2. John Craig review of covenants- quote to rewrite the covenants. Consistent, alignment, up to date with the times.
3. Lawsuit/Arbitration- Annetto Ct.
4. Issues with billing and potential risks - compliance with fees and fines.
5. Committees- Attached
6. Grievance committee created with following members:

Nancy Ellis
Marty Doyle
Ed Kulchar
John Konrady (Past member from 2018 when last committee hearing happened)
Eileen Plumb (past member from 2018 when last committee hearing happened)

7. Meeting with builders and FWA- Dave Cullom Group, Providence, FWA (Viking unable to attend). Discussed sign up front and they will refresh the signs. FWA has already fixed the broken portion on the one near the South gate. Also discussed standard building approvals for other sub-divisions, The number of engineers required to review, county and community differences.
8. ACC review process, HOA involvement in the process. Engineer reviews versus bonding. Structures built. Foundations- accessory structures or buildings are technically sheds. Disconnected from the house, it is an accessory building page 12 section k.
9. ACC program discussed with Ben P. Would like to go over it with the whole team and get the recent Providence house submission run through as a test.
10. Per the recommendation of our attorney we will be having a discussion on the interest of the community to review the covenants. 247 votes will be needed to approve changes. Provide sections of the covenants monthly to members to review for a full understanding and suggestions on changes.
11. Covenant review of structures for discussion
 - o Page 14 Section 9 Storage.
 - o Page 12 Section P Terraces, patios, outdoor fireplaces and dog enclosures may only be located in the rear yard and must not encroach onto side yard setbacks.
 - o Page 19 Section 8 Easements for Decks, *Important part*, No Residence Owner will use a deck for storage or other uses that are unacceptable to the Association.

12. 4th of July show- Board agrees to this event, but needs to work with Conservancy District (CD) to ensure debris from fireworks will not be a concern with ponds. Details still to be worked out.

Vice President of Operations Bob Devine:

1. Back gate concerns- quotes from two other companies
2. Street light repair- to connect with Ken Johnson
3. South gate needs additional lights to aid with camera coverage as well as illuminate the code reader

Vice President Lovie Davis:

- 1.. New committees and everyone who is on them
2. Concerned about having a financial audit done for this community- outside neutral third party. Lovie is going to look into cost, types and requirements for this and present options to the board for review.
3. Looking into the prospect of having a 4th of July parade.

Treasurer Reginia Hinrickson:

1. New Actuals and Budget Accounting Codes - working minor changes
2. Revised Budget:
 - \$333,750.00 Original
 - \$259,170.00 New
3. Documentation Update: Zac and Jessica completed Docu Sign
 - a. CDs
 - b. New Accounts for Reserve and Checking for Refunds. Full audit of the refund checking account has been requested from 1st American
 - c. Closing department process: Mario will set up a meeting to go over this process in detail.
 - d. Revised Website: Reginia indicated that Omar has been working on the new site in a beta environment. The first review of the new website should be ready in about two weeks.

Secretary Jessica Howell:

1. Meetings and correspondence with legal counsel.
2. Submission expectations for minutes. Step one: format and organize notes within 72 hours of meeting. Step two: send to BOD to review for accuracy within 72 hours of meeting. Step three: BOD responds within 72 hours with 24-hour reminder for those who have not responded. Step four: Email to 1st American and Omar for portal and website upload within 7 days from the meeting.

3. Sign at South and North gate informing on gate damage and surveillance in use (suggestion from community member). Camera surveillance sign more visible. Price signage for this.
4. Notifications for meetings – review process with 1st American and covenants

Old business-

1. Vote on Community open quarterly meetings - July 11th / October 10th / January 9th 2025 – Nominations open for elections March 4th 2025 - Elections- Dates approved and unanimously decided upon.
2. Committees- Jessica to meet with Eileen on the landscaping committee needs, Covenants and Policies Committee, Historian Committee, Social and Events Committee, Grievance Committee- recent members will be contacted for interest in continuing involvement. Committees have been established see attached.
3. ACC members include Nancy Ellis as Chairperson, Don Plumb, Greg Howell, Ben Plesha, Johnny Maricich and Ken Johnson. Thank you for your dedication and support in leading this critical committee for this community.
4. Anti-harassment policy instituted- Tabled for legal counsel.

New business-

Per legal and covenants no accessory structures (as defined in covenants and Porter county) should be approved going forward. This will be taken into consideration going forward. It will also be reviewed by covenants committee.

ACC Submissions:

16 Terrano Circle deck and dog run- deck is approved, dog run denied but could provide more information for further review (Zac to reply)

99 Bergamo enclosed cabana- approved

769 Cirque current deck alteration project – approved

752 Medwin patio extension and enclosed cabana- denied (full plan needs to be submitted)

Meeting close: 9:00pm