



## Falling Waters Membership Meeting Minutes

Date: Thursday July 11, 2024

Location: FW Clubhouse

Time: 6:00pm

Roll call - Sign in sheet located at front door for record of attendance. Board members present: Zac Garner, Bob Devine, Lovie Davis, Reginia Hinrickson, Jessica Howell

Community attendance - 18 attendees

Meeting called to order - 6:00pm

Previous meeting minutes approved – Approval from previous meeting.

Welcome message – Large post-its are located on the wall for resident use. We will call this the “parking lot” for residents to share concerns, questions or appreciation. Items may require additional follow up through Executive Board meetings. Shared message around Morgan and Will Brosch’s son Landen’s sudden medical concern. Any donations to the family will not be funded by the HOA.

Special guests- First American- Mike Bottos and Riley Baros

### **President – Zac Garner**

- New First American contact for the community- Riley Baros- [rbaros@1stpropertymanagers.com](mailto:rbaros@1stpropertymanagers.com)
- General email account from 1st American has been requested to assist with consistency.
- **Landscaping Committee accomplishments (Report from Committee):**
  - a. Roses planted at the corner of Levanno and Bergamo.
  - b. Completed pruning of pine trees on all landscaped corners at no cost to FW.
  - c. Added dozens of new plants both purchased and donated on corners under pine trees.

- d. Weed control by gatehouse, landscaped corners and all curbs throughout the subdivision on a budget of \$705.
- e. Items still needed include small plants that residents don't want and wish to donate. For example, hostas and hydrangeas.
- **Recognition:**
  - a. Kurt and Melissa Neubauer- new committee members have helped with trimming pine trees and disposal of branches.
  - b. Don Plumb for the use of his battery operated chainsaw.
  - c. John Konrady for the use of his golf cart.
  - d. Arnie and Sue Skrodal for the donation of flowering shrubs.

- **\*\*NEW\*\* Community Certificate of Appreciation:**

First community member to be recognized for this is Danny Gronendyke aka Danny G.- cleaned 4 lots of shoreline on Cirque. Definition of this appreciation to follow. Recommendation was sent in from the Landscaping committee and approved by the board.

- **ACC Report- Presented by Nancy Ellis (attached as addendum #1)**

- Covenants and by-laws committee and revamp- estimated cost from legal \$5-7k.
  - a. New attorney taking a deep dive and has noticed a large amount of inconsistency, language changes needed and grammatical errors.
  - b. These committees in theory would work alongside legal to prepare the proposed changes.
  - c. Most communities change or update covenants after 20 years or so.
  - d. Community vote would be needed to put this in action. 283 votes would be needed to approve changes. We don't want to spend money if everyone isn't committed to voting.
  - e. Several things will be retained, but changes must be made in an effort to maintain compliance.
  - f. Looking for additional members to sign up for the committees. Sign up sheets provided at the meeting.
  - g. Current covenants to be followed until anything were to be changed.
- Golf cart concerns and actions going forward.
  - a. Board has taken action to request information.
  - b. Attorney will be consulted and golf cart privileges could be revoked for those who do not comply with regulations.
  - c. Eliminate risk for those who are not in compliance with the motorized vehicle policy.

- d. Does this apply to scooters, go karts and motorized bikes? Yes
- e. Concern around stop signs and people not stopping at them. Safe roads on Porter County Sheriff website. Traffic complaints can be filed here: <https://www.portercountysheriff.com/projectsaferoads#:~:text=The%20PCSO's%20Project%20Safe%20Roads,Division%20for%20the%20area%20reported.>
- f. Possible surveillance at Cirque and Levanno 4 way stop- investment in electricity to be ran to the intersection. Some solution to this as people are running through the intersection without stopping.
- Community member meeting regarding road concerns.
  - a. Committed ourselves as a board to ensure the community feels their voices are heard and sees the action being taken.
- Walking/bike lane proposals.
  - a. Close to final details on this around cost and mileage.
  - b. Will this lead to no parking on the streets? Concern has been brought up and will continue to monitor based on community voice.
  - c. What side of the road will this be on? Unsure at this point. The plan is to work with the conservancy on this to build on their development plan.
- Next open Community meetings-
  - a. October 10, 2024 Annual HOA Meeting (Budget Meeting)
  - b. January 9, 2025 Open Community meeting, nominations for elections will be open and notice of election will be officially posted
  - c. January 31, 2025- Due date for HOA dues
  - d. The HOA Board of Directors reserves the right to change or add to this list of meetings if needed.

### **Vice President – Lovie Davis**

- Social Committee updates
  - a. Halloween party is in the planning process. Potluck is also in the works for September. Christmas event will also take place this year.

### **Vice President of Operations – Bob Devine**

- Status of fountains by front gate.
  - a. South gate fountains are now repaired and in operation.
  - b. Power wash the fountain? Yes, looking into cleaning the fountain. Craig offered a pressure washer. Sherri offered help with pruning bushes.

- Electrical work update.
  - a. New electrical repairs for the South gate and new illuminated have been approved and will take place within the next month.
  - b. Working on getting camera systems set up so we can identify vehicles if needed.
  - c. Working next week Wednesday with Hyre Electric to trace lights and where the power source is located.
- Street repair updates from contractors.
  - a. Have had several meetings with contractors. Looking at \$1mil to complete full road replacement.
  - b. No contractors we have met with believe we are in need of total street replacement or sections of roads that would require total replacement at this time or in the near future. All indications are the roads are in good condition. Minor areas of concern can be handled with yearly maintenance.
  - c. Bonding and substructure of the streets is in good shape.
  - d. There are 13 areas of concern that will be cut and patched- third week of August this will be completed, curbs will be repaired as well.
  - e. Annual seal is not necessary. Quotes on paving, striping, sealing. No sealing this year.
  - f. It was suggested we start to move heavier construction traffic to the North gate to further preserve street conditions.
  - g. Comcast to the back gate to aid with the camera system at the North gate as it currently works off of cellular phone. Cost savings.
  - h. Time and material bid for hot patching after the winter. We now have a daily rate to have this completed in the future.
  - i. Snow removal bids- looking for any bids/referrals.

### **Treasurer – Regina Hinrickson**

- **Review of “what’s new” (attached addendum #2)**
- **Website**
  - a. Falling Waters HOA: [www.fallingwatershoa.com](http://www.fallingwatershoa.com) Income is not located on the website due to sensitive data.
  - b. Login section removed.
  - c. Sensitive or personally identifiable information removed.
  - d. New: email Riley Baros
  - e. New: HOA email- [FallingWatersHOACrownPoint@gmail.com](mailto:FallingWatersHOACrownPoint@gmail.com)
- **Treasurer’s Report**
  - a. New accounting codes are almost finalized. Chart of accounts to show codes for the accounts?

- b. Account balances as of July 7, 2024:
  - i. Operating account: \$101,010.76
  - ii. New contractor refund: \$41,200.00 (deposits from builders held by 1st American)
  - iii. New reserves: \$95,005.85 (roads, gates, etc.)
- c. Last 60 day summary:
  - i. Income: \$18,817.00
  - ii. Expenses: \$158,985.00 (includes moving funding to two new accounts. \$95k and \$38.4k).
- d. CD Updates:
  - i. CD #1: \$77,747.00
    - 1. Renewed for 11 months at 4.75% APY
    - 2. Maturity date- May 2025
  - ii. CD #2: \$20,576.00
    - 1. Renewed for 3 months at 5.15% APY (apply to roads in September?)
    - 2. Maturity date- 9/24/2024

## **Secretary – Jessica Howell**

- **New resident welcome package**
  - a. Meeting with 1st American tomorrow 7/12 to discuss the closing process, new community member communication process as well as possible small welcome gift.
- **New Business:**
  - a. 2025- 4th of July community event. Location to be determined. Price will be around \$5k for fireworks. Board will be looking to see if the community desires to have this event and if the cost of fireworks would be via donations or HOA funds.
  - b. Builders not completing a project within 1 year period. Can we add a second deposit when they go into consecutive years.
  - c. Vehicles without license plates. How are we addressing?

- d. 748 Cirque Dr. - Riley from 1st American 5/2/2022 letter to be sent for request of completion with 14 day notice before they are fined. - Voted on and Approved by all board members

**Open discussion from community members:**

- Garbage can policy, can this please be sent out again?
- Grass longer than 6 inches- disappointed that the board has not kept up with this. Explained that we have sent a letter of violation, 14 days to correct and fine applied after this.
- Model home in subdivision- would like this removed. Send an email with the document stating when resolution ends. Signed resolution as addendum #3 included.
- Once a warning has been issued a fine should be applied per community member.
- “Self help” regarding mowing someone’s lawn, not a favorable action by management company.
- Builders building on lots, are they responsible for maintaining the lawn through the build process?
- Hold community members accountable and fine when there is violation.
- ACC- request for them to sign the code of ethics. They are an advisory committee and don’t hold a vote. Suggestion would be to recuse oneself if there is a decision to be made that could have a potential financial gain.
- Would like legal representation at the open meeting. Suggestion is for the community to send concerns they would like addressed with legal and these can be sent to the lawyer to review and submit response back through email to the board.

Meeting close 7:36pm

**Falling Waters HOA Meeting 07/11/24**

**ACC Report – Nancy Ellis**

**NEW HOME CONSTRUCTION APPLICATIONS**

**Providence:**

**APPROVED:**

80 Bergamo Ln. – Received 6/26, ACC approved 7/1

744 Druim Tr. – Received 6/3, ACC denied 6/20, upon receipt of engineering changes, ACC approved 7/2

21 Levanno Dr. – Received 4/25, ACC approved 05/07

**Denied:**

738 Verdano Ter. – Received 5/23, denied by ACC and Board 6/12 due to effect on topography

**Custom Builders:**

**APPROVED:**

Valenti Construction: 78 Morena Ter. – Received 5/14, ACC approved 6/13 due to builder follow up items

Modern Family: 765 Kettil Trace – Received 5/29, Approved 6/11

**PENDING:**

Steiner Homes: 63 Levanno Dr. – Received 07/08

**PROPERTY IMPROVEMENT APPLICATIONS**

**APPROVED:**

73 Bergamo Ln. – Basketball hoop in pool area – Received 6/10, ACC approved 6/20

62 Levanno Dr. – Garbage can privacy panels – Received 6/12, ACC approved 6/14

70 Morena Ter. – Hardscape/Landscape – Received 6/3, ACC approved 6/25 once engineering report was revisited and COI received from contractor

775 Cirque Dr. – Front door and deck work – Received 5/23, ACC approved 5/26

99 Bergamo Ln. – Pergola – Received (after instillation) 5/10, ACC approved 5/11

16 Terrano Way – Dog run and deck – Received 5/10, Board approved deck but not dog run 5/17

789 Cirque Dr. – Pergola – Received 4/23, ACC approved 4/25

769 Cirque Dr. – Deck work – Received 05/06, ACC approved 5/13

795 Cirque Dr. – Patio – Received 4/25, ACC approved 5/1

**Denied:** 752 Medwin – Misc. backyard projects, revised plans to be submitted



# WHAT'S NEW

- Painted Speedbumps
- Painted Fire Hydrants
- Holiday Decorations
- Committee Members - GREAT Job!!
- New Neighbors - ACC has been Busy!
- Road Review / Feedback
- FRONT FOUNTAIN Repairs
- Webpage
- HOA Email
- Home Improvement Form
- Updated Dues Collection
- Budget Layout finalized
- Architectural Review Form: IN Progress



**RESOLUTION OF THE BOARD OF DIRECTORS OF FALLING WATERS HOA, INC.**

The undersigned constituting a quorum of the Members of the Falling Waters HOA, Inc. do hereby give their consent to the taking of the following actions:

1. The undersigned Members of the Falling Waters HOA, Inc. (hereafter, "HOA") do hereby adopt the following resolutions:

RESOLVED, that the Board hereby agrees to delegate and binds itself to confer its decision-making authority to FWA Development, LLC (hereafter, "FWA") concerning the following matters for a period of twenty-four (24) months and (should David Woodward, R. Brian Woodward and/or David Austgen cease to be majority owners of FWA during this time period, this resolution shall automatically cease):

- a. Any and all approvals concerning the posting of or type of any sign, erected or otherwise presented, by any builder solely for the purpose of advertising open houses, sales, or availability of any home or lot for purchase within the development except that any sign shall not exceed 16 square feet and is professionally presented. Developer shall be entitled to retain the sign currently located on RP Lot 66 or a replacement sign so long as it is similar in size and professionally presented. High fabric signs (poles with fabric/related design) shall be prohibited. One yard light shall be allowed on each side of a sign, hours of illumination for said sign to be prohibited after 7:00 p.m.;
- b. Any and all approvals concerning the use of awnings or like edifices on any sales office used by any builder to advertise products which they have available for sale within the development but any color shall coordinate with the brick or siding;
- c. Any and all approvals concerning the use of, presentation of, make up of, any store front, used by a builder within the development. Any store front shall have a poured driveway and have the appearance of a garage door. Any store front shall only exist for a period of four (4) years, with a possible one (1) year extension approved by the Board which shall not be unreasonably withheld. If FWA grants approval prior to a storefront being constructed, a deposit of \$2,500.00 shall be placed with the Board to ensure replacement if ever required. Any store front may be manned between the hours of 9:00 a.m. and 5:00 p.m.;
- d. Any and all approvals concerning compliance with the Covenants by a prospective builder prior to construction (as to the house construction plans alone) as provided in Exhibit "C" to the Declaration of Covenants, Conditions and Restrictions for Falling Waters Subdivision with the provision that the HOA shall appoint Architectural Control Committee (ACC) members who shall act as consultants. Further, all fully completed house designs shall be submitted to the HOA for final approval, as to Paragraphs A(2) and A(3) of Exhibit C, whose approval shall not be unreasonably withheld, delayed, or conditioned, and said response shall be issued within five (5) business days upon request or as otherwise required by the Declaration, or shall be deemed approved; and
- e. FWA hereby agrees to indemnify and hold the HOA, its successors, and assigns harmless from and against any and all claims, liabilities, and obligations arising out of any action(s) made under this Resolution, as to any claim brought by a third party that this action (Resolution) or actions taken by FWA, pursuant to this Resolution, is a violation of public policy, law, statute, or as to any claim brought by a third party that any action undertaken by the FWA is contrary to the HOA Declarations (including Bylaws and Exhibit C). This indemnification shall include reimbursement of all legal fees, expert witness costs, and any damages thereto.
- f. The HOA will provide FWA prior written notice (at least two business days, via agreed upon email portals) before issuing a letter, warning, notices and/or fine(s) sent to any builder.




g. FWA on its part and HOA on its part hereby waive any and all claims alleged or unspoken, against the other, its individual members or its constituents which may exist or be alleged to exist through the date of this Resolution only.


h. FWA hereby agrees they shall not seek a special election for, petition to, or allow themselves or FWA designees to be placed, assigned, or appointed onto the HOA Board until the next annual election in March of 2022 or breach of this Resolution by the HOA Board as determined by a court of law..

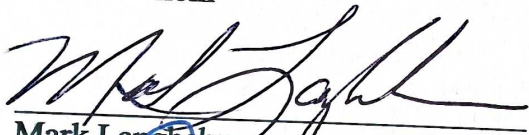
The above approvals set forth in (b) and (c) above shall only apply in relation to a builder who owns not less than five (5) lots within the development in a calendar year. Any builder may also request in writing that they NOT be subject to the FWA oversight as outlined above, but may instead be subject to the oversight of the HOA in the above stated matters. Any other approvals concerning the same shall be within the exclusive jurisdiction of the HOA to the extent that any builder owns less than five (5) lots.

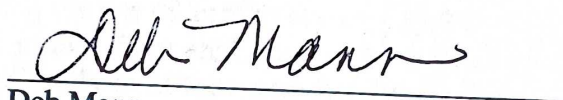
This Resolution will remain in effect for a period of twenty-four (24) months and can only be rescinded in the event of breach by FWA, after notice by mail and e-mail to the three (3) principals of FWA, and only after FWA is given fourteen (14) days from receipt of notice to cure the alleged breach or such reasonable time if the breach cannot be cured within fourteen (14) days.

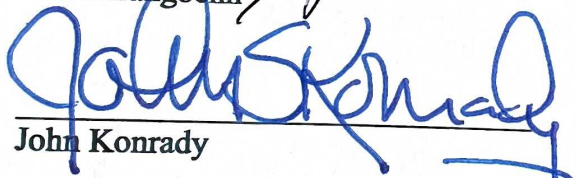
Dated: November 12, 2021

  
Sherri Cullom

  
Craig Paden

  
Mark Langbehn

  
Deb Mann

  
John Konrady