

# The Villas of Northville Hills Condominium Association

## Board of Directors Meeting Minutes

### Tuesday, December 1, 2009

**Board Attendees:** Todd Ewers, Terri Klimek, Chuck Lund, Nancy Chu-Meyers, Linda Zaddach

**Additional Attendees:** Dorisel Boggs, Kerry Deacon, Ken Lee, Glenn Legacki, Debbie Leo, Linda Martin (Kramer-Triad), Jamie Spriet

The closed meeting of the Board of Directors was called to order by Mr. Lund at approximately 6:30 p.m.

#### **Approval of Minutes:**

Mr. Lund asked the Board for a motion to approve the minutes of the October 29, 2009 Board Meeting. Ms. Klimek made a motion to approve the minutes. Ms. Chu-Meyers seconded the motion. The minutes of the October 29, 2009 Board Meeting were unanimously approved.

#### **Discussion**

Mr. Lund opened up the discussion regarding the recent developments that resulted in the unanimous decision by the Board to close Board and Committee meetings. Mr. Lund gave the Board a copy of a draft letter to the co-owners indicating that, effective with the January, 2010 meeting, future Board meetings would be reopened to the co-owners. The Board meetings would be run under strict Roberts Rules of Order. (See attachment.) The letter also explained that Committee meetings would remain closed. Mr. Lund asked the Board for a motion to approve the letter to be mailed to the co-owners. Ms. Chu-Meyers made a motion to approve the letter. Ms. Zaddach seconded the motion. The letter was approved unanimously by the Board. Mr. Lund asked Ms. Martin to have the letter mailed to the co-owners in the morning.

Mr. Lund informed that Board that he and Mr. Deacon have been meeting with Mr. Ewers on a number of Toll issues. He was pleased to report that significant progress has been made on the following:

1. Auburn Roof Remediation, 41 impacted units with Toll Brothers having responsibility. Status: In Process: Toll and his roofer have committed to remediating 3-4 roofs per month.
2. Vanderbilt Loft and Garage Issues, 11 Lofts and 22 Garages. Status: Open. Mr. Ewers is reviewing background documentation to make determination.
3. Outstanding 2007 and 2008 Warranty Issues, multiple, generally small, issues still outstanding with Toll Brothers having responsibility. Status: In Process. Upon receipt of the master list of open issues Toll has agreed to expedite remediation.
4. Potential Expiration of Statute of Limitations Liability for Open Warranty Issues which could result in significant potential financial exposure for the Association with Toll

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having responsibility. Status: Complete. Mr. Ewers has agreed to provide a waiver letter and is having Toll's Legal Department prepare the letter.

5. Access to architectural drawings for units. Scope: Primarily a nuisance as we must currently obtain from Township. Responsibility: Toll Brothers. Status: Complete. Mr. Ewers has agreed to provide access to the drawings as required by Association representatives.
6. Installation of Ice Cables to avoid roof ice dams. Approximately 8 co-owners concerned about potential damage during the winter months and have requested remediation. Responsibility of Toll (Roofing Warranty Statement) and Association (Ice Dam Remediation Plan). Status: Resolved. Mr. Ewers will provide roof warranty statement. Mr. Deacon is conducting a pilot test of cable alternative.
7. Brick Work Quality Concern (Bldg. 36). Scope: Not fully defined. Association considering use of consultant to identify potential exposure. Responsibility of Toll. Status: Open. Mr. Ewers is reviewing background documentation and has asked that the Association delay engaging a consultant.
8. Phase 1 Roads and Curbs. Scope: Significant drainage and pot hole issues. Responsibility: Association—Township evaluated project and signed off on Toll Brothers liability. Status: Association has directed cold patch remediation of pot holes; further investigating drainage issues. Mr. Ewers indicated that Mr. Hugh Thomas was involved in sign-off process.
9. Phase 2 Roads & Curbs. Scope: Not defined. Buildings still under construction. Responsibility with Toll Brothers. Status: Open. Association plans to be aggressive in monitoring review and sign-off process.
10. Poor Paint Condition—Toll Model Building. Scope: Building due for comprehensive painting. Responsibility Toll Brothers or Association. Status: Open. Mr. Ewers indicates that normal pre-sale touch up took place prior to sale of property to co-owners, but has agreed to “walk the property” with Mr. Deacon and develop potential remediation plan.

**Financial Update**

Ms. Chu-Meyers updated the Board on the Budget for 2010. The budget target is to not increase co-owner fees prior to election of new Board. Current version of budget calls for \$60,000 contribution to Association reserves. It was noted that Landscape increased in cost from approx. \$166,000 in FY 08 to approx. \$205,000 in FY 09 and there some concerns with the service provided by Brickman. The amount spent on irrigation also increased significantly from FY08. The Board spent a significant amount of time reviewing each line item to determine where cost reductions could be made.

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### **Committee Reports**

#### **Rules/Variance Requests**

Ms. Klimek indicated that the Rules Committee did an excellent job of reviewing the current Association Rules and the members of the Committee were at tonight's meeting to review the revisions they would like the Board to approve. The Committee members indicated that all recommended revisions were co-owner friendly while keeping the high standards of the community in place.

A discussion took place on the recommended changes. The Board asked the Rules Committee to develop a document that showed exactly what changed in the revisions and suggested that a separate meeting be held to review the recommendations again before the January, 2010 Board Meeting.

#### **Architecture, Maintenance and Security**

Mr. Deacon updated the Board on the progress of items associated with the Committee. Unit painting would be done yearly in the fall. His committee is working on a suggested budget amount for 2010 fall painting. The painting contractors replaced caulk during the painting work. A program of routinely checking the condition of all flashing caulk and caulk where metal bay window roofs meets the brick has been established. Larry Hein will perform this investigation in spring 2010.

The invoices from Pools by Poye have been resolved and approved for payment. Pools by Poye have a contract through 2011 season; however, a new contract needs to be signed at some price for 2010 pool season. The repair of the wall behind the fireplace in the Clubhouse is complete. The carpet has been shampooed in the Clubhouse, windows have been washed and everything looks clean and fresh. Replacement of toilets in both restrooms will be recommended for the 2010 budget. A new front door and hardware for the Clubhouse is being investigated. A quote from the Rayhaven Group was for \$1,700.

The maintenance program is going very well. Only 8 work orders are outstanding. Larry Hein is continually receiving positive comments from the co-owners. Other items under study are the possible leveling of condensing units in spring 2010 and bi-yearly servicing of HVAC systems. A

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listing of companies who can be hired by the co-owners to clean dryer ductwork and vents of lint build up is being prepared for publication in the next newsletter. It was also suggested that a reminder notice be put in the newsletter that parking of commercial trucks in driveways is strictly prohibited. If a co-owner allows a commercial truck to park in driveway and the cement cracks, the co-owner will be responsible to pay for the cost to replace the cement.

Mr. Deacon and Mr. Lund are interfacing with Mr. Ewers on a number of issues. (See Mr. Lund's report on pages 1 and 2 for more details.)

The variance request process was discussed. Jim Leiphart is working on the Architectural Variance Request process.

The lighting program is now complete. Co-owners wishing to purchase lights in the future will work directly with Brose. Street lighting throughout the subdivision was discussed. A study with the estimated cost will be developed.

Street signage was discussed. Mr. Deacon met with a traffic engineer familiar with state laws. 25 MPH speed limit signs will be installed throughout the complex. In addition a clearer stop sign at the intersection of BBN and BBS will be put in place. Also, Private Property and No Solicitation signs will be installed at the entrances. The installation of No Parking signs will be put on hold for now. There are State of Michigan code requirements for the poles used for the various signs. Liability issues were discussed, if these code requirements were not followed.

**Grounds and Landscape Committee**

Mr. Legacki updated the Board on the activities of the Committee. There are 5 landscape work orders open which will be addressed in the spring. Installation of landscaping around 5 utility boxes is now complete. The Committee will see how the plant material survives before proceeding with the remaining landscaping around the utility boxes. The irrigation scope of work is complete. Mr. Meyers and Mr. Zaddach will oversee the irrigation. The scope of work for the landscaping is complete. Awarding of landscape contracts for 2010 will go through the following process: KT will send scope of work requirements to qualified contractors to participate in the bidding process. The Board will review the bids and develop a short list. The Landscape Committee will visit references (sites) from contractors. A combined meeting of the LSC and the BOD with candidates will be held and all will be asked the same list of pre-determined interview questions. The contractors will be rated and final recommendations will be made. The installation of winter holiday decorations is complete. A 3-5 Year Landscape Plan is in the process of being developed.

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**Culture and Communication Committee**

Ms. Zaddach reported that a tentative list of social activities have been developed for 2010. She was asked by Mr. Lund to work with the website designer to develop a step-by-step process for co-owners to following to join the Google Group.

After completion of the committee reports, Mr. Lund asked everyone to leave, except for the Board members, so that an Executive Session of the Board could be conducted.

**Adjournment and Next Meeting**

The meeting adjourned at approximately 11:15 p.m.

The next Board meeting was scheduled for Tuesday, January 5, 2010 at 6:30 p.m. at the Clubhouse.

Respectfully Submitted:

Linda S. Zaddach, Association Secretary

Attachment: Rules and Regulations Concerning Conduct at Board Meetings (Adopted: December 1, 2009)

Attachment

## RULES AND REGULATIONS CONCERNING CONDUCT AT BOARD MEETINGS

Adopted: December 1, 2009

In accordance with the power vested in the Board of Directors by the Villas of Northville Hills Condominium Bylaws, the Board of Directors hereby adopts and publishes the following Rules, Regulations, and Enforcement Policy concerning conduct by Co-owners at open meetings of the Board of Directors and the Association. Such rules are deemed necessary due to disruptive conduct by certain Co-owners at Board and Association meetings, which is counter-productive to the orderly transaction of business by the Board. The Board has open meetings to foster communication with, and participation by Co-owners. Appearance by Co-owners at such meetings is considered desirable, but is a privilege and not a right. Therefore, in order to protect all Co-owners from this privilege being revoked, as a result of the conduct of a distinct minority, this Rule is being promulgated.

The following policy/rule shall take effect 30 days after adoption.

### RULES AND REGULATIONS

1. No Co-owner, who chooses to attend and open meeting of the Board of Directors or of the Association, shall act in any manner so as to disturb the decorum of the meeting, or the orderly conduct of the meeting by the Board. Co-owners wishing to speak must first be recognized by the Chairperson of the meeting. Comments by a Co-owner who has been duly recognized to speak shall be delivered in a civil and conversational tone. Co-owners shall not threaten, demean or direct unsupported allegations of misconduct to any Board Member, representatives of the Managing Agent, guest or other Co-owner. Any allegations of misconduct shall be submitted to the Board in writing, with all supporting evidence and documentation, and considered by the Board in executive session, so as to avoid possible liability for defamation. The time of Co-owner comments at any Board of Directors meeting shall be limited to not more than 30 minutes at the beginning or end of the meeting, in the sole discretion of the Board of Directors. Co-owners shall limit their comments to no more than two minutes, and once they have spoken, they all not be allowed to speak again until after all other co-owners have been given an opportunity to be heard, and then, only if time permits. Co-owners desiring more than two minutes to address a special item must request such time in writing, sent to the Association's management Agent at least five (5) days prior to any meeting. Time will then be arranged for the Co-owner to address the Board – although that time may be at another meeting of the Board, if the Board so determines in its sole discretion based on time, agenda, topic, and convenience.

### ENFORCEMENT PROCEDURES

1. Any Co-owner determined to be in violation of this Rule/Policy by the Chairperson of the meeting, as confirmed by a majority vote of the Directors in attendance, shall be

immediately barred from attendance of the meeting at which the violation took place and all subsequent open meetings of the Board of Directors or Association for a period of six (6) months, after which the Co-owner in violation may petition to have his/her attendance privileges reinstated. Such a petition will be heard and decided by the entire Board, which may condition reinstatement on compliance with such stipulations as the entire Board may decide, in its discretion. The Board shall have the option to request the police to remove such individual from any meeting at which the violation took place. Any Co-owner barred from attendance will receive notices of Association Member's meetings, and may execute a proxy to any other attendee to cast their vote, or vote in writing. Such Co-owners will not receive notices of meetings of the Board of Directors, during the period of disqualification, but may at any time direct comments to the Board in writing sent to the management Agent.

2. Nothing herein contained shall in any way bind or restrict the options or powers of the Board of Directors in enforcement of the provisions of these Rules and the Condominium Documents, as provided for in Section 106 of the Michigan Condominium Act and Article XI of the Condominium Bylaws.