

WHITEWATER SPRINGS POA BOARD OF DIRECTORS

MEETING NOVEMBER 22, 2016

AGENDA ITEM III

DRAFT BOARD MINUTES

**DRAFT MINUTES FROM THE WHITEWATER SPRINGS
BOARD OF DIRECTORS CALLED MEETING**

Meeting Date/Time: Thursday, May 12, 2016, 6:00 p.m.
Meeting Location: Joann Cole Mitte Memorial Library, 170 N. Gabriel, Bertram, Texas
Meeting Attendees: Don Rauschuber – POA Board President
Van Henry – POA Board Vice President
Erin Welch – POA Board Secretary (attending by telephone)
Cheryl Sherman – POA Board Treasurer
Coy Brown – POA Board Member
Multiple Whitewater Springs property and homeowners

Items 1 and 2 Call to Order and Establish Quorum

Don Rauschuber called the meeting to order at 6:02 p.m. A quorum was established, with all Board members present, including Secretary, Erin Welch, who attended by telephone. The pledge of allegiance was recited, and a prayer was given.

Item 3 Public Comment

Ken Dreger expressed concerns that information on the website was not being updated and that the company doing the work was not doing their duty.

Gil Silva stated that Whitewater Springs Drive before the 3-way stop should have reflectors and speed bumps/sticks, and possibly a lane divider, to prevent accidents. Jerry Martinez stated that speed bumps may slow down emergency response times, while others agreed with the possibility of a lane divider.

Item 4 Discuss, consider and take action concerning the March 24, 2016 Board meeting minutes. (E. Welch)

Erin Welch provided a brief summary of the minutes from the March 24, 2016 Board meeting. Van Henry made a motion to approve the minutes, seconded by Don Rauschuber. The motion passed unanimously, 5-0.

Item 5 Discuss, consider and take action concerning Whitewater Springs Financial Statements as of March 31, 2016. (D. Rauschuber)

Don Rauschuber presented a summary of the financial information included in the backup packet. Cheryl Sherman made a motion to approve the financial statements, seconded by Van Henry; the motion passed unanimously, 5-0.

Item 6 Discuss, consider and take action concerning approval and payment of bills. (D. Rauschuber)

- A. Henson Mowing Services**
- B. Other**

Don Rauschuber provided a summary of the bills included in the backup packet materials, confirming there was no change in the recurring costs. Coy Brown made a motion to approve the financial statements as provided, seconded by Erin Welch, and the motion passed unanimously, 5-0.

Item 7 Discuss, consider and take action concerning matters discussed with Ms. Connie Heyer, Niemann & Heyer, LLP, Attorneys at Law, Austin, Texas, including, but not limited to the following items (D. Rauschuber):

- A. Developer for Whitewater Springs Subdivision**
- B. Ownership and maintenance of FM 1174 fence**

- C. FM 1174 fence: vinyl/plastic versus wood/metal
- D. Assessing fines for covenant violations
- E. Covenant violation actions and limitations
- F. Condensing of restrictive covenants
- G. Needed approval(s) for new capital improvements
- H. Whitewater Springs Dam Project
- I. Enforcement of speed limits and recovering street damages
- J. Road Impact Fee
- K. Open Meeting Act
- L. Street contractor (i.e., Cummings and V&Y)

As of the date of the Board meeting, the required information had not yet been received from Connie Heyer. This item was postponed to the next Board meeting, and no action was taken.

Item 8 Discuss, consider and take action on V&Y Construction Company proposal for street repairs and maintenance. (D. Rauschuber)

Don Rauschuber summarized the proposal information, and Bill Hiers presented the RFEs. Van Henry questioned V&Y's workmanship and ability to complete the job appropriately, and expressed concerns about work on Chaney's Crossing, including the use of private property to store equipment on and the storing of road materials in the roadway. The 2016 budget for street repairs/maintenance is \$110,445. Don Rauschuber made a motion to approve the V&Y Construction proposal for the improvements to Chaney's Crossing and Murphy Drive, at a total not-to-exceed cost of \$105,125, to be taken from the Non-Recurring Roads fund (\$110,445). The motion was seconded by Cheryl Sherman, and the motion passed unanimously, 5-0. Cheryl Sherman was directed to revise the RFE to show the correct budget item.

The item was opened for public comment. Ken Dreger stated that the level of workmanship is not good, and questioned why there was not a different contractor. Bill Hiers stated that it was difficult to get other contractors to the subdivision. Jerry Martinez expressed concerns about the road work in front of his home, adding that due to grades, the water now runs into his yard during heavy rains, which could also be the result of a lack of a crown and cut ditches which the contractor was supposed to construct.

Bill Hiers presented additional proposed projects, including a \$20,000 project for road edge repairs. Cheryl Sherman made a motion to approve the V&Y Construction proposal in the amount of \$21,750 from the \$41,000 budget line item of Street Repairs. Van Henry seconded the motion, and the motion passed unanimously, 5-0. Cheryl Sherman was directed to change the RFE to reflect the approved \$21,750 expenditure.

Item 9 Discuss, consider and take action on entry light(s) repair. (D. Rauschuber)

It was determined by the Board that any repairs in this regard would be paid for from the Maintenance/Repair budget item. This agenda item was postponed until the June Board meeting, and the Board voted unanimously, 5-0, to table the item until then.

Item 10 Discuss, consider and take action concerning the replacement of the FM 1174 fence. (D. Rauschuber)

Since no new information had been obtained by the Board counsel, Connie Heyer, the Board voted unanimously, 5-0,

- Item 11** **Discuss, consider and take action concerning amenity center pond and dock. (V. Henry)**
Gil Silva stated that the dock at the dry pond was a hazard and should be removed before it collapses under the weight of someone on top of it. Mr. Silva asked about the process for sealing the dry pond, and Ken Dreger mentioned bentonite and other sealing methods. The issue had been raised in years past, but the cost would exceed \$100,000 to properly restore the pond. There was a brief discussion about potential LCRA permits. The Board and meeting attendees discussed the possibility of removing the dock along with the improvements to the pool house that will be discussed later. The Board then discussed potential alternative uses for the pond, and Van Henry suggested a SurveyMonkey exercise to determine what the residents and property owners would prefer for the area of the dock, pool, and pool house. It was confirmed that the amenity pond is on a commons area / private tract. Don Rauschuber made a motion to remove and dispose of the wood dock, check the existing bridge for any safety issues, and conduct a SurveyMonkey regarding potential repurposing of the pond. Cheryl Sherman seconded the motion, and the motion passed unanimously, 5-0.
- Item 12** **Discuss, consider and take action concerning stocking Whitewater Springs Lake with tilapia as foliage stock. (V. Henry)**
 Together with
- Item 16** **Discuss, consider and take action concerning the purchase of a floating dock to be installed on Whitewater Springs Reservoir. (D. Rauschuber)**
The Board directed Mike Austin to contact the Parks & Wildlife service to determine potential alternatives for tilapia, and gain additional information about the benefits and negative aspects of tilapia, including when to stock and the anticipated costs for the project. No formal action was taken. Don Rauschuber asked about the insurance requirements associated with the floating dock, as well as the potential cost sharing between the POA and actual users of the dock. Additional information was needed before approving any floating dock project, so this item was postponed to the June Board meeting. No action was taken.
- Item 13** **Discuss, consider and take action concerning Whitewater Springs POA web site. (D. Rauschuber)**
Erin Welch gave a summary of both the Goodwin Management and wwspoa websites. There was a brief public discussion about the validity of two websites. Don Rauschuber stated that having both sites was a positive aspect, as one is more for general marketing and providing information to the public as well as property owners, whereas the Goodwin Management site has more property-specific information for owners, including minutes, financial information, etc. No action was required or taken.
- Item 14** **Discuss, consider and take action concerning pool house repairs or replacement. (D. Rauschuber)**
Gil Silva provided a brief summary of the proposed project. Option 1 would be to demolish at least a portion of the existing pool house, while keeping the remainder intact. Option 2 would be to demolish the entire pool house and start with an entirely new structure. Gil stated that his research has shown that the POA can buy the materials, excluding the roof, and the total cost for Option 1 would be approximately \$4,000 plus labor costs. Gil was directed to confirm the costs for electricity and plumbing improvements as well. Don Rauschuber stated that per information provided to the Board, a new structure, 30 feet x 10 feet, would range in cost from \$20,000 to \$30,000, which would be approximately \$30-\$50 per square foot. This assumes that the existing septic system would remain in place. Further discussion was had regarding the

location of a potential new structure, including the possibility of enclosing the existing open-air pavilion, or starting with a new structure with all information about amenities and costs to be provided to the Board before any decision could be made. The Board and meeting attendees discussed the potential for a phased community center, relocating the access road away from the drop-off, and shifting the structure to a different location. Don Rauschuber requested that the bathroom situation be addressed as soon as possible, and that a site plan be provided reflecting the possible new community center structure. Don Rauschuber made a motion to find a solution to the temporary toilet issue, ordering a port-a-potty(s) prior to the June Board meeting, and preparing a site plan with a permanent toilet and adjoining community center (phased project), at a cost not-to-exceed \$150,000. Erin Welch seconded the motion, and the motion passed unanimously, 5-0.

Item 15 Discuss, consider and take action concerning maintenance of Hollis Drive, approach road to Whitewater Springs Reservoir. (D. Rauschuber)

Bill Hiers stated that he had coordinated with a contractor, and requested approval by the Board for V&Y Construction to conduct the work to improve Hollis Drive, at a not-to-exceed cost of \$8,500. Don Rauschuber made a motion to approve the \$8,500 expenditure for V&Y Construction, \$5,125 of which would come out of the Non-Recurring Road fund, with the remaining \$3,375 from the Street Cleaning/Repair fund. Erin Welch seconded the motion, and the motion passed unanimously, 5-0.

Item 17 Discuss, consider and take action concerning Whitewater Springs I Subdivision. (D. Rauschuber)

Mike Klement, owner of 101 acres to the south of Cow Creek wanted confirmation that he was not subject to the CCRs associated with Whitewater Springs subdivision. It was determined that his property was outside the jurisdiction of the subdivision. This item was for information purposes only, and no action was required or taken.

Item 18 Discuss, consider and take action concerning a Welcome Booklet. (E. Welch)

Erin Welch stated that the Welcome Booklet was nearing completion, and she is working on the ACC-specific section with Cathy Frioux. Additional updates and information will be provided at the next Board meeting. No action was taken.

Item 19 Discuss, consider and take action concerning builder/homeowner “fast guide” for construction and renovation. (V. Henry)

Van Henry stated that he is finalizing the “fast guide” to include some legal information specific to construction within the subdivision. No action was taken.

Item 20 Discuss, consider and take action concerning Committee Reports:

A. Pool Committee

Don Rauschuber made a motion to approve the purchase of pool supplies not to exceed \$250; Coy Brown seconded the motion, and the motion passed unanimously, 5-0.

B. Road Committee

Bill Hiers provided a report regarding the road and edging process. Mr. Hiers stated that constructing a concrete edging would be costly and would take a long time. He responded to concerns about V&Y’s ability to complete the work well, and spoke in broad terms about issues from the original owner, adding that he would speak with the contractor to express the concerns over the use of property owner’s lot(s) for storage of equipment.

C. Security Committee

No report was provided

D. Technology Committee

No report was provided

E. Wildlife Habitat Committee

Mike Austin provided a brief report. Mr. Austin stated that he had surveyed the two walking paths along Cow Creek, adding that the east side path was in good shape, and he and several others did some clean-up. The west side is in rough shape and would require a great deal of work.

F. Maintenance Committee

Gil Silva expressed concerns over community liability for the old dock and the floor of the bath house. He requested permission to close the bath house due to the condition of the floor and structure.

G. Nomination Committee

No report was provided

H. Fire Wise Committee

No report was provided

I. Architectural Control Committee

Cathy Frioux expressed support for the general building hand-out, and confirmed the ACC had reviewed the document.

J. Other Committee

There were no other committee reports.

Item 21

Discuss, consider and take action concerning the setting of dates and agenda items for future WWS POA Board meetings. (D. Rauschuber)

The Board discussed the following dates for future meetings:

- June 14
- September 8
- October 27
- November 19 for the annual POA meeting

Cheryl Sherman will check availability for the June meeting and update the Board.

Item 22

Adjournment

At 9:26 p.m., Don Rauschuber made a motion to adjourn, seconded by Van Henry, and passed unanimously, 5-0.

**DRAFT MINUTES FROM THE WHITEWATER SPRINGS
BOARD OF DIRECTORS MEETING**

Meeting Date/Time: Tuesday, October 25, 2016, 6:00 p.m.
Meeting Location: Joann Cole Mitte Memorial Library, 170 N. Gabriel, Bertram, Texas
Meeting Attendees: Don Rauschuber – POA Board President
Van Henry – POA Board Vice President
Erin Welch – POA Board Secretary
Cheryl Sherman – POA Board Treasurer
Coy Brown – POA Board Member
Multiple Whitewater Springs property and homeowners

Items 1 and 2 Call to Order, Prayer, and Establish Quorum

Don Rauschuber called the meeting to order at 6:04 p.m. The pledge of allegiance was said, Cheryl Sherman said a prayer, and a quorum was established, with all Board members present.

Item 3 Public Comment

Cheryl Sherman mentioned that a helicopter had taken her husband to the hospital and had to land between her lot and the Owens' lot. Other property owners asked about the potential to install a helipad within the subdivision. No action was taken regarding siting a helipad.

Item 4 Discuss, consider and take action concerning the May 12, 2016 and September 8, 2016 Board meeting minutes, and the October 6, 2016 Special Called Board Meeting minutes. (E. Welch)

Erin Welch stated that the May 12, 2016 meeting minutes were not complete, and that she had to coordinate with Van Henry to finalize them; they will be approved at a later meeting. Erin Welch made a motion to approve the October 6, 2016 meeting minutes, seconded by Cheryl, and the motion passed unanimously, 5-0. Erin Welch then made a motion to approve the September 8, 2016 meeting minutes, seconded by Cheryl, and the motion passed unanimously, 5-0.

Item 5 Discuss, consider and take action concerning Whitewater Springs Financial Statements as of September 30, 2016. (D. Rauschuber)

Don Rauschuber provided a brief summary of the financials as presented in the agenda backup packet. Mr. Rauschuber signed four (4) liens on different properties. Erin Welch made a motion to approve the financials as provided, Van Henry seconded the motion, and the motion passed unanimously, 5-0.

Item 6 Discuss, consider and take action concerning approval and payment of bills. (D. Rauschuber)

- A. Ken Dreger Cow Creek Trail Repair - \$308.04
- B. Cooper Design - \$831.48 and \$467.71
- C. Niemann & Heyer - \$862.11 and \$577.50
- D. ProFence - \$31,000, \$4,852.17, \$7,952.17, and \$10,243.48
- E. Other

Don Rauschuber provided a summary of the bills, stating that there will be a final walk-through on the fence construction on Monday or Tuesday, and after that walk-through, the 5% retainage from the ProFence invoice could be released. Gil Silva expressed concerns about a lack of concrete and crown associated with the fencing, requesting that this be discussed in the final walk-through meeting. Don Rauschuber referenced a

bill from Galloway Insurance, dated October 14, 2016, for general liability insurance at a cost of \$3,788.40 (premium) for commercial general liability, with an umbrella. The bill does not include itemization, but has an effective date of November 9, 2016, and includes Burnet Central Appraisal District information on specific POA tracts throughout the subdivision. Don Rauschuber stated that he would coordinate with LaDale Young to obtain an itemization from Galloway Insurance for clarity. Cheryl Sherman referenced a new invoice from Stericycle for the gate. Erin Welch expressed concerns about Niemann & Heyer's invoice, specific to a charge of \$243.56, stating that if that charge was for pulling plats, the charge should be removed, as she and other Board members had previously provided all plat information to Connie Heyer. Erin Welch will obtain clarification of that charge from Connie Heyer. Erin Welch then made a motion to approve all bills in the agenda backup packet, as well as the Burnet CAD appraisal information, and the Niemann & Heyer invoice if the charge was not for plats. Cheryl Sherman seconded the motion, and the motion passed unanimously, 5-0. Ken Dreger asked who keeps the financial records, and Cheryl Sherman confirmed it was her.

Item 7 Discuss, consider and take action concerning Burnet County's request to rename certain Whitewater Springs Subdivision streets for 911 addressing and emergency service purposes. (D. Rauschuber)

Don provided a brief summary for informational purposes, as the resolution had already been passed. The resolution has been sent to Virginia with Burnet County. Jerry Martinez requested that Greyfox Drive be changed to Grey Fox. However, since all the deadlines and requirements for name changing had been previously met, and the resolution information was already provided to the County, Coy Brown made a motion to leave Greyfox Drive as-is; Erin Welch seconded the motion, and the motion passed unanimously, 5-0. Don Rauschuber then provided a summary of new roadway signage information, including approximate costs for new signage at \$30/sign (without tax), and requested that the Road Committee handle obtaining new signage, approximately 10 new signs. Don Rauschuber made a motion to authorize the Maintenance Committee to buy signs at the most cost effective and quality level, at a cost not to exceed \$350, to replace signs in support of the roadway name changing resolution, and have the signs installed before the new year. Erin Welch seconded the motion, and the motion passed unanimously, 5-0.

Item 8 Discuss, consider and take action regarding road repair and improvement projects.

Don Rauschuber confirmed that a letter was sent to V&Y Contractors regarding issues with the construction of roadway improvements. No action was required or taken.

Item 9 Discuss, consider and take action regarding Pool House repairs/demolition/replacement, including but not limited to the following matters.

Don Rauschuber provided a brief summary, including information from David Rowland (architect) with a scope of services and description. The first layout/floorplan includes an outdoor shower, men's/women's restrooms, a storage area, and location scenarios both at the existing pool house location and near the pool. Don Rauschuber will send the information to the Board and the committees for discussion in November. Jerry Martinez confirmed that the subdivision's resident geologist is preparing a geology study. No action was required or taken.

Item 10 Discuss, consider and take action regarding a potential WWS Community Center Project. (Erin Welch)

- a. Formulation of committee
- b. Property Owners referendum

Erin Welch provided a brief summary of the proposed community center and the need to form a community committee to determine the exact parameters and scope of the project. There was public and Board discussion about the proposed materials, including metal, wrapped-metal, and a rock veneer to make the building more attractive. Don Rauschuber stated that he believed the architect could be a general contractor for the project, or a construction manager could be hired, or other potential options. There was discussion about Mueller Metal Buildings and other possible suppliers. Don Rauschuber confirmed that a referendum would be required for the community center due to the expense and the fact that it is a new capital improvement, and the question was raised regarding how the project would be funded – special assessment is one way. Jerry Martinez stated that he had three (3) general contractor bids based on the initial concept plan, with each one saying the costs would be over \$225,000, and that ultimately formal plans would be required for any correct cost estimate. Erin Welch then stated that a committee should be formed to prepare a final “wish list” for the community center, which would be provided to a contractor/architect to prepare a cost estimate and conceptual plan for the building. Don Rauschuber confirmed that Ken Dreger, Jerry Martinez, Louene Waters, Beth Carmichael, Van Henry, and Coy Brown would be the committee. No action was required or taken.

Item 20 Discuss, consider and take action concerning the setting of dates and agenda items for future WWS POA Board meetings. (D. Rauschuber)

(This item was taken out of order.)

Don Rauschuber proposed a special called meeting for November 15, 2016 to address issues from this meeting and issues not addressed in this meeting, including the Whitewater Springs dam project, proposed referendums, etc. Mr. Rauschuber requested that the community center committee provide a report by November 11.

At 7:44, a recess was called. At 7:50, the meeting restarted.

Item 11 Discuss, consider and take action concerning an amendment of rules and regulations related to deed restrictions enforcement. (D. Rauschuber)

Van Henry said that he would vet the proposed fine schedule with the ACC. Erin Welch will revise the document as previously discussed, including grammatical and organizational issues. William Burns asked who enforces clearing violations, and Van Henry confirmed that was the responsibility of the ACC, if they are alerted to an issue. No action was required or taken.

Item 12 Discuss, consider and take action concerning the replacement of the FM 1174 fence. (D. Rauschuber)

Don Rauschuber stated that he needed a budget from Jerry Martinez for removing the wood fence for replacement. Jerry Martinez confirmed he is working with Sara at ProFence for this cost information. No action was required or taken.

Item 13 Discuss, consider and take action concerning Director nominations for 2017. (V. Henry)

The nominating committee provided the following names as nominations for the Board of Directors for 2017: William Burns, Frank Owens, Van Henry, and Don Rauschuber. The deadline to submit nominations is November 9, 2016. No action was required or taken.

- Item 14** **Discuss, consider and take action regarding Home Owners Association competitive bidding requirements. (D. Rauschuber)**
Don Rauschuber provided a brief summary and read the competitive bidding document into record as included in the agenda backup packet. Mr. Rauschuber stated that he had conducted research into similar documents in other communities. There was discussion about what information should go into the contracts and who should prepare the contracts. Mr. Rauschuber stated that the contracts should include at least general specifications of the project, and requirements should build in flexibility to have either the community/Board or the contractor to prepare the contract documents. Jerry Martinez stated that while the community can strive to get three (3) bids, it is not always possible. The Board discussed changes to the document, including the following: Section 2 – “The Board is not obligated to award a contract based solely on the lowest bidder, and may award a contract to the most qualified and responsive bidder...”. Section 3 – “For Major Projects, the Board may either prepare plans and specifications, or have plans and specifications prepared by a qualified professional...” Erin Welch made a motion to approve the document with the referenced changes to Sections 2 and 3; Coy Brown seconded the motion, and the motion passed unanimously, 5-0.
- Item 15** **Discuss, consider and take action regarding internet/cell service. (V. Henry)**
Van Henry stated that the internet/cell service project would be a referendum, and Don Rauschuber stated that if it would be a referendum, it would have to be prepared quickly due to the upcoming annual POA meeting. There was discussion about the possible location of the tower, including the water tank parcel. Jerry Martinez confirmed that Frontier will require a minimum of 200 homes before they will commit to the project. Van Henry suggested that we wait and learn what the technology will do, and possibly join the internet/cell project with the Water Supply Corp with respect to the location of a cell tower at the water tank site. No action was required or taken.
- Item 16** **Discuss, consider and take action concerning December 10, 2016 Annual Property Owners Meeting including, but not limited to, the following referendums: (D. Rauschuber)**
A. Community Center
B. Internet/Cell Service
C. Other
There will be no internet/cell referendum, as referenced in Item 15. The community center committee will work on the specifications/parameters for the community center. Don Rauschuber confirmed that a full presentation of the Whitewater Springs Dam project would be provided at the November Board meeting. No action was required or taken.
- Item 17** **Discuss, consider and take action concerning FY 2017 Budget. (D. Rauschuber)**
Don Rauschuber provided a summary as shown in the agenda backup packet, including information provided by committee chairs. The Firewise and ACC committees said no 2017 budget would be needed. There was discussion about a new committee to be formed to provide recommendations of budget items; the committee would include representatives from the Maintenance (Jerry Martinez), Wildlife (Mike Austin), and Road Committees (David Waters), and the Board (Don Rauschuber and Cheryl Sherman). Ken Dreger requested a \$500 budget for a Social Committee. The Board discussed budget elements for the Wildlife Committee, including a new budget for the big lake. Van Henry requested that there be no assessment hike and to insure the budget is balanced. Erin Welch recommended that the 2017 budget be finalized at the November Board meeting. No action was required or taken.

Item 18 **Discuss, consider and take action concerning USFWS Fuel Burn Program. (V. Henry)**
Van Henry provided a brief summary, stating that he had coordinated with Carl Schwope (USFW), confirming that the burn could be done in December. Don Rauschuber confirmed that he has a letter and map of the affected lots that Van Henry had signed, and the letters will be going out this week. No action was required or taken.

Item 19 **Discuss, consider and take action concerning Committee Reports:**

A. Pool Committee

No report provided.

B. Road Committee

David Waters provided a brief report:

- Repairing waterline damage, and the Water Supply Corp will pay for it.
- West Creek damage is being repaired.
- Amend the Road Impact Fee definition, as referenced previously by Bill Hiers.
- Working to finalize the 2017 budget.

C. Security Committee

No report provided.

D. Technology Committee

No report provided.

E. Wildlife Habitat Committee

Mike Austin provided a brief report:

- The committee would like ten (10) volunteers for the Adopt-a-Highway project.
- The burn site is running well.
- Hog management is an issue – relocate the dry lake trap outside the lake towards the pavilion/tree area. Would the County Commissioner change rules to allow shooting in Section 5?
- Work on the dock will begin soon.

F. Maintenance Committee

Jerry Martinez provided a brief report:

- He received two (2) proposals for dam clearing.
- There is ongoing lawn maintenance.
- The Montvale FM 1174 signs need to come down.

G. Nomination Committee

Nominations were provided previously in the meeting.

H. Fire Wise Committee

No report provided.

I. Architectural Control Committee

Ron Frioux provided a brief report:

- There have been seven (7) homes under construction in the last 16-18 months.
- The Builder Guides are out front.
- There is one (1) home (no garage) in progress now.

J. Other Committee

There were no other committee reports.

Item 21 **Adjournment**

At 9:14 p.m., Van Henry made a motion to adjourn, seconded by Don Rauschuber, and passed unanimously, 4-0, with Cheryl Sherman absent.

**DRAFT MINUTES FROM THE WHITEWATER SPRINGS
BOARD OF DIRECTORS CALLED MEETING**

Meeting Date/Time: Friday, November 4, 2016, 3:00 p.m.
Meeting Location: Teleconference
Meeting Attendees: Don Rauschuber – POA Board President
Van Henry – POA Board Vice President
Erin Welch – POA Board Secretary
Multiple Whitewater Springs property and homeowners

Items 1 and 2 Call to Order and Establish Quorum

Don Rauschuber called the meeting to order at 3:06 p.m. A quorum was established, with Don Rauschuber, Van Henry, and Erin Welch attending via telephone. Cheryl Sherman and Coy Brown were absent.

Item 3 Discuss, consider and take action concerning Amendment of Rules and Regulations of Whitewater Springs Subdivision related to Deed Restrictions Enforcement. (D. Rauschuber)

Don Rauschuber provided a summary of the proposed amendment language, adding that this item was first discussed at the September 8, 2016 Board meeting. Erin Welch provided a summary of grammatical and organizational changes to the original document. Van confirmed that he Henry met with the ACC to provide recommendations to the Board specific to proposed fines. The item was opened for public discussion. The consensus of the attending property owners was to pass the resolution and put “teeth” into the existing rules/regulations.

Don Rauschuber stated that the violation with fine information would be effective immediately upon passage, adding that the resulting fines should be “Reasonable”. There was discussion about whether the continued fines would be on a daily or weekly basis, and ultimately it was determined that fines would be accrued daily. The Board then discussed the general procedure, including a courtesy letter with no fine, but a statement regarding future fine potential, then after 7 calendar days, a fine with notification would be incurred, continuing on a daily basis and the suspension of the owner’s rights to use the commons areas. The fee schedule was discussed for curable violations, and the attending Board members determined the following fine schedule: Courtesy letter with no fine was appropriate; then after 10 calendar days from the courtesy letter, if the violation continued, a \$50/day fine plus attorney’s fees and/or suspension of common area usage rights; subsequent violation notices would have an additional \$100/day fine plus attorney’s fees, increasing \$100 for each additional notice plus attorney’s fees. The Board decided to add language about the owner’s responsibility to alert the ACC/Board when the violation has been cured, with the ACC/Board responsible for confirming the cure and stopping the fine. The fee schedule was then discussed for incurable violations, but no final numbers were determined. The incurable violation section of the resolution will be discussed with the other Board members at the next Board meeting, and the resolution will be finalized at that time.

Erin Welch made a motion that no final action will be taken on this item until Don Rauschuber can make the changes discussed in the meeting and the other Board members have a chance to provide their feedback at the next meeting. Van Henry seconded the motion.

Item 4 Adjournment

At 4:11 p.m., Erin Welch made a motion to adjourn, seconded by Don Rauschuber, and passed unanimously, 3-0.