

Stone Creek Homeowners Association 2008 Annual Meeting Minutes

The 2008 annual meeting of Stone Creek Homeowners was held Wednesday November 5 at 7 p.m. in Bogey's Restaurant. John Phelps chaired the meeting for President Ed Harms who was out of town. Phelps welcomed the group and thanked the developers for allowing us to hold the meeting in Bogey's. Phelps also welcomed new resident Randy Thoms. Randy and Sylvia are building on Stone Creek Drive.

Treasurer's Report and Approval of Minutes. Phelps as treasurer reported a checking balance of \$5,423.04 and a C.D. of \$5,153.38. He offered the full report for any Homeowners who want to review. Secretary Roberta Minish presented the minutes that had been mailed to all Homeowners. No changes were noted. John Koropchak moved we accept and Jai Singh seconded. All were in favor.

Committee Reports. Jack Hagan, Architectural chair, reported the Thoms home was reviewed this year and approved for construction. Karol Phelps, Landscaping chair, reported the committee had four meetings and have proposed amendments to the covenants. The proposed landscaping and maintenance covenants were distributed to Homeowners at the annual picnic in September and enclosed with the annual meeting announcement. It was anticipated voting would occur at the annual meeting. Judi Chase, Social chair, announced the committee would distribute invitations soon to the Holiday event to be held December 13. John Phelps thanked committee chairs and members for their work.

Election of Board. Nominated to the Board were Rob Baker, Judi Chase, Jack Hagan, Ed Harms, Dee Miller, and Roberta Minish. Anne Travelstead and Patti Simon opened and closed nominations. Elected to the Board for two-year terms were Jack Hagan, Ed Harms, and Roberta Minish.

New Business. John Phelps expanded on the information related to the status of the Homeowners Association as provided in the meeting announcement. He began by providing background on the Board's activities. The Board wanted to do a better job of enforcing the covenants and worked with the Landscaping Committee to get a list of proposed and amended covenants that was distributed to Homeowners at the annual picnic. He noted Jim Keller, developer, had been active in the meetings with the Board. At the Board's July 24 meeting Keller informed the Board of the proposed development on lots 26-27-28. Lot 28 was to be dedicated to the Homeowners as per the covenants. Lots 26 and 27 were designated single family. For the multi-family development to continue Keller asked the Board to make the covenant changes. The Board had questions relating to the development and brought it to the attention of the Homeowners at the annual picnic.

The Board learned in early October from the attorney for the developer, John Rendleman that the turnover date for the Homeowners Association did not legally occur. Those who were on the Board at that time in Fall 2000 thought the

turnover occurred. The proceedings were to have been filed and registered with the county clerk and the Board thought this was to have been done by the developer.

Related to the covenants Phelps made a comment about attendance at Annual Meetings and said it is about half the membership. He noted if we want to make any changes in the covenants we now need 40 affirmative votes to change the covenants. Phelps believes we are facing a problem in this area.

Phelps summarized by saying if the turnover did not occur the developer is the only party who can make any changes in the covenants.

Phelps presented the three options the Board has considered. (1) We say the turnover date did not occur and we have no power as a Homeowners Association. (2) We can say that the turnover did occur and that action would most likely lead us into litigation. (3) We can enter into a meaningful agreement with the developer saying the turnover has not occurred. In this agreement the developer would amend the covenants as per our recommendation, agree to finish the roads in the Southern half (Virginia Drive, Birdie Lane, and Bogey Lane) by a specified date, and complete the turnover. Phelps said he had informally visited with Jim Keller related to option No. 3 and Keller also wanted a firm commitment that the Homeowners would enforce the covenants.

Phelps opened the floor for discussion. Homeowners commented on the overall aesthetics of Stone Creek; the mix of villas and patio homes in a development such as Stone Creek; previous plans by the developer to build villas along Hole #1 and the objection voiced by the Homeowners; and the possibility of the Homeowners selling the common area (lot 28) to the developer.

Our attorney Pat Hewson took the floor to provide further information on our options. Hewson said we want to look for a solution that would not negatively impact the Homeowners. He suggested we would want to get along with each other and developer. Also Hewson said we want transparency in letting Homeowners know what is happening.

The floor was opened for discussion. Anne Travelstead asked for a definition of turnover. Donnie Pippins responded saying the transfer of deeds of the common areas. Raul Ayala suggested we identify the common areas. Hewson added the turnover date turns over control to the Association. Jack Hagan said the roads are not ready to be turned over. Charlie Travelstead asked whose responsibility it is to file the turnover. Pippins said the common areas have to be defined; Hagan said Lot 28 was the common area. Mike Twomey said he wants to find out who has jurisdiction over the roads and what we have to do to meet the specifications. Anne Travelstead said she was told Makanda Village was not getting tax money for roads and bridges, but she checked at the county office and learned Makanda does receive tax money for roads and bridges.

Laurie Bell moved we ask our attorney Pat Hewson to work with the Board to help in determining our best options regarding the roads. Randy Thoms seconded.

Laurie Bell made an advisory motion for the Board to collaborate with the developer to pursue an agreement. Rob Baker seconded.

Developer's Report: Donnie Pippins. Pippins thinks we need to come to common ground. He commended the work of the Association on the landscaping covenants. He said the developer is willing to amend the covenants to include landscaping. Pippins said the developer's desire is to turn things over to the Homeowners. He commented on the implications and consequences. He said the developer did not want to be advisory. Jim Keller is okay with the agreements and said it would take time for their attorney to get things done. On the roadways he suggested Homeowners contact units of local government to work on the roads. He summarized by saying let's move forward and involve Pat Hewson.

The floor was opened for questions and discussion. Mike Twomey said he didn't see a lot of play on the course and suggests we aggressively pursue. He asked about the viability of the course and Donnie Pippins responded saying they have a limited crew and club. Pippins and Twomey are going to meet to discuss ideas for promoting Stone Creek Golf and Club.

John Phelps suggested it is time for us to get involved in the Makanda government. He said we need someone on the Village Council and the water board. Laurie Bell asked if we have someone interested. Max Miller said he was interested in Village Council. The Board will find out the procedure and support Miller for the position.

In additional discussion Charlie Travelstead suggested we have more frequent Association meetings. Dee Miller would like the Association to look into increased dues. She suggested a swimming pool; Raul Ayala said he thinks a swimming pool is the responsibility of the developer. Anne Travelstead said this is God's country, we want to protect our investment, and we all need to stick together.

Donnie Pippins made a motion for adjournment at 8:30 p.m. Mike Chase seconded.

Roberta M. Minish, Secretary