

WRA Minutes
March 11, 2019

President Rene Straub called the meeting to order at 7:01 p.m. at the Whisper Creek Clubhouse. Directors present: Matt Brown, Bob Christenson, Debbie Gwaltney, Tonya Holland, Mike Nist, Lynda Pace, Steve Patterson, Art Redfern, Jared Stehney, Rene Straub, and Terry Tracy. Director absent: Jim Wills (proxy held by Mike Nist). Director Stehney was unable to attend the entire meeting; he gave his proxy to Director Gwaltney upon his departure. Guests: Business Manager LeAnn Granic, and ten (10) neighborhood residents.

The February 11, 2019, Minutes were approved by e-mail. Guests were asked to sign-in. Comment cards were provided for guests; none were received.

Financial Manager Julie Shull was absent. President Straub provided the financial report in her stead. Director Christenson moved to accept the financial report as presented, with Director Brown providing the second. The motion passed.

1. The February 2019 financial statement, including a copy of the check register, was provided to all Directors prior to the meeting of the WRA Board of Directors (WRA BoD). No Directors posed questions regarding this report.
2. The January attorney's statement in the amount of \$8,615.44 was received on February 28, 2019, and will be reflected in the March financial statement. Attorney fees of \$10,943.00 were paid in February, leaving a balance of \$27,560.00. This balance is subject to change, based on any additional legal work done on behalf of the WRA.

Business Manager LeAnn Granic reported on the following:

1. Maintenance/Repairs:
 - a. Wooden bridges belonging to the WRA are in need of repair. Ms. Granic will ask Gary Gilbreath to conduct a repair survey of these bridges, and request an estimated cost of repairs, including materials. Mr. Gilbreath charges an hourly rate versus a per-job price for his repair services. Ms. Granic will request Mr. Gilbreath's bonding status.
 - b. The road is sinking in front of the main exit gate. Ms. Granic was advised by Pegasus that the gate function could potentially be compromised by this situation, as a safety loop is located in this area. Director Patterson will pursue a bid for repair of this section of the road.
2. Website/E-mail: Emails were sent to residents regarding election ballots. Per a blind report provided to her by the e-mail program, there was a "click and open" rate of approximately 70% of these emails over the past month.
3. RV Lot:
 - a. Thirteen (13) spaces have been vacated in the RV lot (10 small spaces and 3 large spaces).
 - i. Three new RV spaces have been leased and paid-in-full for the year.
 - ii. Two residents remain on the wait-list for the RV lot. Both residents need oversized large spaces, which are not currently available.
 - b. A large cargo trailer remains illegally parked in the rear RV lot in a non-designated space.
 - i. Ms. Granic has identified the owner of the vehicle, but has been unable to locate that individual as their name does not appear on the residents' list. Ms. Granic will continue efforts to locate the owner to facilitate the removal of the vehicle.
 - ii. An orange warning letter will be placed on the cargo trailer, notifying the owner that the vehicle is illegally parked and must be removed from the lot. This notice will remain for thirty days, and other means of public notification will be pursued prior to towing the trailer.
 - c. An RV lot lessee has requested permission to build a cover for his 10 ft x 20 ft lot. The lessee will be required to sign an addendum to the current lease agreement requiring the structure stay completely within the bounds of the lot, the owner of the structure is 100% liable for any damages that may occur to any vehicle or structure in the lot as a result of the newly erected cover, and the structure will be removed by the owner when the lot is vacated.
4. Annual Meeting:
 - a. A Meet & Greet for WRA Board Nominees was held on Monday, February 25, 2019, at the Whisper Creek Club House. All nominees, several board members, and approximately 30 residents attended this event.
 - b. The WindStone Golf Club Grill has been reserved for the 2019 WRA Annual Meeting on March 25, 2019. Residents will receive an e-mail reminder prior to the meeting.

5. Election:

- a. Ballots have been mailed to all residents via the US Postal Service. Completed ballots have begun to be returned. Residents may either mail or return their ballots via the WRA drop box.
- b. Results are entered in a timely fashion on a spreadsheet which provides both running totals and quorum percentages.
- c. A secondary count will be conducted by resident volunteers who served on the Nominating Committee. Current Board members are not involved in the counting process in any manner.
- d. Results of the election will be announced at the annual meeting, will be placed the next day on the WRA website, and will be included in the monthly newsletter.

Unfinished Business

1. Morris vs. WindStone:

- a. Both the WRA and SmartBank have filed objections to Mr. Morris' Chapter 13 bankruptcy plan. A new bankruptcy hearing is currently scheduled for March 14, 2019. SmartBank has filed a proof of claim in the amount of \$193,569.72. The WRA wishes to avoid further litigation, and has authorized the attorneys to extended an offer to negotiate a settlement with SmartBank. Any settlement offer must be approved by the WRA BoD before the attorney will be authorized to accept any settlement terms. John Phillips, the litigator of the Morris case, will provide an update in this matter at the Annual Meeting.
- b. A resident addressed the BoD about issues related to the Morris case and Lonesome Dove.

2. Road Expenditures:

- a. Director Patterson is awaiting a third bid for the construction work on Lonesome Dove. He will meet with Phillip Schofield of CTI to discuss this repair. Director Tracy will join them.
- b. WindStone Golf Course is working with the WRA to clear and maintain drains located along golf course property backing up to some homes on Windstone Drive. This will have to be an ongoing process.
- c. Two quotes have been received for the work necessary to repair drainage issues from run-off water for a home on Windstone Drive. A third bid is being sought. The curb issue at the rear exit gate will be addressed simultaneously with the drainage issues. This will be an additional cost.
- d. Director Tracy met with Brent Templeton to discuss alleyway drainage issues in Whisper Creek. Director Tracy suggested placing a speed bump in the area to divert the flow of water away from the alley. This area would then be monitored for drainage issues, and additional solutions will be sought, if necessary. This speed bump would also be helpful in deterring speeding along the alleyway. Director Tracy motioned that not more than \$350.00 be spent to purchase a speed bump to be installed by the WRA on the Whisper Creek alley to divert water. Director Stehney seconded. The motion passed.

New Business

1. Futures Repairs and Replacements: Director Tracy provided the BoD with a detailed capital expense planning tool to supplement the current Future Major Repairs and Replacements summary document provided by the auditor. This additional worksheet breaks down anticipated expenses into a yearly basis, rather than just a total cost, and can be used to improve the budgeting process. Director Terry motioned that a detailed Capital Expense Planning sheet be created to support the Future Major Repairs and Replacement Summary. This document will be maintained by a member of the WRA Board of Directors. Director Brown seconded the motion; it passed.

2. Guardhouse Dropbox/Dues Receipts:

- a. Several complaints have been received, stating that dues payments were delayed in processing, and that late fees were assessed to their accounts as a result. A number of residents' dues were delivered to the wrong address by the US Post Office. Because the homeowner's mail was on hold, this mis-delivery was not immediately known. The checks have since been received and posted to the residents' accounts. Additionally, some residents have complained that their payments were belatedly posted, although they believed them to be delivered in a timely fashion.
- b. Guards will no longer be allowed to accept dues payments. Rather, residents who hand-deliver their dues payments will be asked to place their payments in the WRA drop box located on the exit gate side of the guardhouse. This locked box will be relabeled "HOA Dues Only", and will be emptied by the Financial Manager on a regular basis. Ms. Granic will place all payments delivered via USPS to the WRA mailing address directly into this locked box for pick up by the Financial Manager. The Whisper Creek Clubhouse box will continue to be used for Business Manager items.

- c. Notification of this change of procedure will be placed in the monthly newsletter, on the website, and in the new resident welcome letter.
3. Annual Meeting:
 - a. The Annual Meeting Draft Agenda was presented to the BoD for review.
 - b. A microphone will be rented to facilitate communication during the meeting.
 - c. A moderated question-and-answer period will be provided during the meeting. Residents will be asked to approach the microphone to ask their questions. Remarks will be time-limited, and a rebuttal period will be provided.
4. Lake Wisley Spillway:
 - a. The Lake Wisley spillway has developed a leak, causing water to drain from the lake at a higher-than-normal rate. An earlier leak repair has failed. Director Brown and a concerned WindStone resident placed one ton of concrete bags in the area of the leak, in an attempt to temporarily fix or slow the leak. Caution tape and orange cones will be placed at either end of the bridge over the spillway to warn residents to stay away from the area until the spillway can be properly repaired.
 - b. Director Brown will consult with an engineering firm to ensure the new repair is properly completed. He will provide the BoD with further information and recommendations when that meeting has taken place. A work permit from the state of Tennessee will be required before permanent repairs can commence.
5. Tree Removal: An additional tree located on common ground in Whisper Creek had to be removed. Director Nist motioned that CutRight Tree Service be paid \$350.00 for tree removal services. Director Tracy seconded. The motion passed.

Committee Reports

1. ARB: The ARB Committee addressed the following requests during the month of January, 2019:
 - a. Tree removal and/or landscaping changes were approved at the following locations:
 - i. 1843 Holden Farm Place
 - ii. 1418 Oakhurst Drive
 - b. Home repair/replacement requests:
 - i. 265 Wisley Way
 - c. Four construction sites are currently being monitored within WindStone. The construction site on Windstone Drive is moving forward more quickly following weather-related delays, and the builder has taken steps to curb the water runoff from his property to those across the street. There is no dumpster at the site due to the lot topography; thus, the builder is removing debris from the lot when it is feasible for him to bring in the necessary equipment.
2. Lakes:
 - a. Lake Haven:
 - i. The government required tri-annual inspection of the Lake Haven Dam was took place on February 27, 2019 by Terrell Hendren, TN Department of Environmental and Conservation Division of Water Resources. Director Brown accompanied him during this inspection. The following items were inspected at that time: the lake spillway, three 36-inch corrugated drain pipes and drainage slough, ground water discharge, and drainage culverts built into the downhill slope of the dam. The area was also inspected for woody growth (small saplings) and burrowing animals, neither of which were found. The dam passed inspection.
 - ii. Mr. Hendren stated the ground water discharge should be monitored on a regular basis. If it turns brown, he will need to return to reinspect the area. He suggested that stonework located at the spill way be repaired after lake levels drop, and that the grassy slope of the dam be mowed twice a year. Director Brown also dug out the area around the discharge pipe opening at the bottom of the hill, clearing it of mud and debris.
 - b. Lake Wisley:
 - i. The fountain is turned off during periods of heavy rain to prevent clogging of the fountain motor. Fountains in both lakes are turned back on when the water in the lake clears.
 - ii. Please see New Business, Item 4 for information on the Lake Wisley spillway.
3. Trash Service: A three-year contract has been signed with Stephens Garbage Service. Garbage pick-up with cost \$58 quarterly, and includes twice-a-week trash collection of normal household trash, monthly recycling, and monthly yard debris (5-bag limit) pick-up. Please contact Stephens Garbage Service directly to make arrangements to dispose of larger items.
4. RV Lot/Maintenance:
 - a. The gravel in the RV lot will be replaced. Additional improvements are being considered.

- b. Also please see Business Manager's Report, Items 3b and 3c.
5. Roads: Please see Unfinished Business, Item 2.
6. C&Rs: Sixty-four (64) issues have been addressed since July, 2018, with forty-six (46) letters issued. Nine (9) issues are currently active and are being addressed. During this time, items have been addressed in the following areas: house/yard (24), vehicles in yards (7), street parking (13), animals (5), and other (15).
7. Golf Course: No activity.
8. Landscaping:
 - a. A number of cypress trees planted by residents on Creekway Drive have grown over an alleyway in Whisper Creek, partially blocking the alley. Letters will be sent to these residents, requesting that these trees be properly trimmed. A letter will also be sent to another resident in the Cattails regarding a similar situation.
 - b. Dilbeck Landscaping has told Director Nist that they would charge \$1800.00 for a one-time trimming of these trees along the Whisper Creek alleyway. Ongoing maintenance of these trees would add \$300.00/month to the current landscaping contract.
 - c. Whisper Creek residents have requested that the WRA place a barrier/landscaping between Whisper Creek and the Catoosa Utility District Authority (CUDA) pumping station on Ooltewah-Ringgold Road. The original landscaping plan was done per agreement between CUDA and Dilbeck Landscaping. Any changes to the existing landscaping and original plan were decided upon by these entities; the WRA was not involved. Whisper Creek has been advised that installation of additional landscaping at this location is not a WRA budgeted item, and that the reallocation of existing funds for this purpose is not possible.
9. Special Events: No report.
10. Security Committee:
 - a. Director Christenson stated that he would not be available between March 12 and March 30. Directors Nist, Brown, and Tracy have been asked to help with security-related issues during this time.
 - b. The arms on the rear gate have been replaced four times in the past month. Director Christenson has communicated with Director Straub and Ms. Granic concerning billing residents who knock down or damage these arms.
 - c. The track on the front-entrance exit gate was damaged and had to be replaced. The exact cause of the damage is unknown.
 - d. A resident reported the presence of a racoon wandering in the streets. The incident was reported to the Sheriff's Office.
 - e. The motor on the back gate is still operating.
 - f. Director Christenson spoke with Financial Manager Shull regarding an overtime charge from the security company.
11. Sewers: Whisper Creek residents have complained their water pressure is being affected by the CUDA pumping station, and ground rumbling can be felt/heard when the pumps are turned on. These residents have been advised to contact CUDA regarding these issues.
12. Playground: No communications or meetings of the committee were held since the February Board of Directors Meeting.

Director Christenson moved that the Board of Directors move into Executive Session for the purpose of discussion of personnel matters. The motion was seconded by Director Brown; it passed. All audience members were asked to leave the building and the Executive Session commenced at 9:20 p.m. Director Brown motioned the close of the Executive Session at 10:02 p.m., with Director Holland seconding. The motion passed, and the executive session was closed.

Director Brown motioned that the meeting be adjourned. Director Nist seconded, and the motion passed. The meeting was adjourned by President Straub at 10:03 p.m. The next regularly scheduled meeting is April 8, 2019, at 7 p.m., at the Whisper Creek Clubhouse.

Respectfully submitted,

Deborah S. Gwaltney, Secretary

Rene Straub, President