

WRA Minutes
September 10, 2018

President Rene Straub called the meeting to order at 7:00 p.m. at the Whisper Creek Clubhouse. Directors present: Matt Brown, Bob Christenson, Martha Culpepper, Debbie Gwaltney, Mike Nist, Lynda Pace, Steve Patterson, Art Redfern, Jared Stehney, Rene Straub, and Jim Wills. Directors absent: Lana Freeland (proxy held by Jim Wills).. Guests: Business Manager LeAnn Granic, Financial Manager Julie Shull, and six neighborhood residents.

The August 13, 2018 Minutes were approved by e-mail. Guests were asked to sign-in. Comment cards were provided for guests to write down any comments and concerns, which could then be addressed by the Board. No comments were received.

Financial Manager Julie Shull presented the Financial Report, with the motion to approve made by Director Wills and seconded by Director Payce; passage was unanimous.

1. 129 of 661 monthly dues statements were mailed. The remaining invoices were sent electronically. Additional e-mail addresses continue to come in.
2. Residents continue to be reminded that the WRA mailing address has been changed to 1724 Holden Farm Place, Ooltewah, TN, 37343. Several residents' payments have been delayed because they have not changed the mailing address, especially for automatic payments. Residents paying through automatic withdrawal should contact their bank with the updated address information.
3. The Finance Committee has met two times. Please see Unfinished Business: Financial Review and Budgeting for detailed information.
4. Collections:
 - a. Collection procedures using gate deactivation continues to be successful.
 - b. Two accounts are paying monthly, while one account has been paid-in-full and is current.
 - c. The Catoosa County tax office has been contacted to determine the status of the property taxes on the Canfield property. These taxes are current. The lien office provided Financial Manager Shull with the name of the mortgage holder, and they will be notified that WRA holds a lien for unpaid dues and fines against the property in the amount of \$4,134.09.
 - d. A second Georgia resident has a WRA lien against his home in the amount of \$954.18, also for unpaid dues and fines. This resident's gate devices have been deactivated; however, the resident and members of his household are tailgating other residents when exiting the neighborhood through the back gate. Although a number of certified letters detailing the amount owed have been sent to the homeowner, they have all been returned unopened. At one point, the resident's home was for sale, and the selling agent was notified of the lien; the home is no longer on the market. Due to complex Georgia state laws regarding exactly when and how collection demand letters can be sent, the collection attorney has not sent any such letters at this time. The collection attorney is attending an educational seminar to learn how best to handle collection of liens in the state of Georgia.
 - e. When an account must go into collection, the collection attorney receives one-third of the amount collected. Financial Manager Shull asked the Board to determine when an account should be sent to collections. Director Culpepper made a motion that past-due accounts should be sent for collection when HOA fees become six months in arrears; Director Brown seconded the motion. The motion passed. Director Culpepper then amended the motion to state that past-due accounts should be sent for collection when HOA fees become six months in arrears or when \$300.00 in fines and interest have accumulated on the account. Director Brown seconded the amended motion. The amended motion passed.

New Business Manager LeAnn Granic introduced herself. BM Granic began working with the WRA as an independent contractor on September 4, 2018. She is currently training with former Business Managers Jody Hermann and Tim Haralson. BM Granic stated that she would generally be available in the WRA office at the Whisper Creek Clubhouse on Monday, Wednesday, and Friday from 9 a.m. until 12 p.m., and on Tuesday and Thursday from 1 p.m. until 4 p.m.,

although these hours are subject to change. BM Granic can be reached via telephone at 706-937-8846 or e-mail at office@windstonehoa.org.

Unfinished Business

1. Business Manager Search:

- a. Three finalists were interviewed. Because of her extremely strong background in direct HOA management and customer relations, the Business Manager Search Committee recommended that the Board hire LeAnn Granic as a full-time 1099 contractor for the position of WRA Business Manager. Prior to being offered the position, Ms. Granic and members of the Board were provided an opportunity to meet.
- b. Matt Brown completed the salary benchmark process he had begun with PayScale.com, and determined the average salary for positions similar to that of the HOA Business Manager to be \$43,200 in Tennessee. Kevin Holland also completed an independent salary benchmark process with the TN Bureau of Labor and Statistics, and determined the average salary for positions similar to that of the HOA Business Manager who function with the aid of an HOA board to be \$43,500 in Tennessee (\$54,990 without the help of board members).
- c. Director Gwaltney made an e-mail motion to hire LeAnn Granic as a full-time contractor for the position of WRA Business Manager. Director Christenson seconded this motion; the motion passed. Director Gwaltney also made an e-mail motion to pay Ms. Granic at an annual rate of \$45,000.00 (\$68.18/household/year or \$5.68/household/month). Director Christenson seconded the motion and it passed. A third e-mail motion was made by Director Gwaltney to review the compensation of the Business Manager just prior to the beginning of the budget process for 2020, and annually thereafter. The motion passed.

2. Financial Review and Budgeting

- a. The Finance Committee is comprised of Windstone residents Jay Dale, Scottie Neil, Stephen Pike, Clark Hodgkins, and Brent Templeton. The committee met on August 20, 2018 and again on September 5, 2018. During the first meeting, committee members reviewed the current Windstone financials, evaluated current expenses, reviewed the financial history of the WRA, and posed questions related thereto. Jay Dale, President of First Tennessee Bank, volunteered to analyze the WRA financials from 2016-2018, year-to-date. During the second meeting, Mr. Dale presented the findings of his analysis and forecast for the coming year, based upon past expenditures. Committee members discussed these findings, and were provided a copy of the financial analysis via e-mail for evaluation.
- b. At the next meeting (date to be determined), the Finance Committee will begin to compile their recommendations for the 2019 budget, as well as other ideas and suggestions. The Finance Committee will request that a work session be held with the Board prior to the November meeting, so that they may review their findings and discuss their recommendations in depth. These recommendations will be formally presented to the Board at the November WRA Board meeting scheduled for November 12, 2018.

3. Morris vs. Windstone

- a. President Straub and the WRA attorney met with a representative from the bank holding the mortgage for Mr. Morris' residence. The bank holds two construction loans, while WRA has a lien against the property in excess of \$233,000.00. The bank representative stated that they are within 30 days of starting foreclosure proceedings against Mr. Morris, and would like to send licensed contractors to the property to make repair estimates. Mr. Morris has made an unconfirmed statement that the bank is not anxious to foreclose on the property.
- b. The case was placed for review on the Catoosa County docket. Judge House, who had ordered Mr. Morris to pay fines in the amount of \$500/week for non-compliance with the order issued in February 2018, was not available, so the case went in front of Judge van Pelt, who chose not to rule on Judge House's orders. Judge van Pelt continued the case until September 19, 2018, at which time Judge House should be available for review.
- c. Mr. Morris told the WRA attorney that he did not intend to file bankruptcy. However, Mr. Morris told Judge van Pelt that he intended to file bankruptcy in Chattanooga on the day of the docket call.
- d. On September 9, 2018, Mr. Morris stated that he had hired a Georgia licensed contractor to rebrick his home. Because of their familiarity with the case, Tim Haralson, John Phillips, and Jim Whitmire, along with current members of the ARB Committee, will meet with this contractor to review his credentials and the changes that

must be made to the home in order to make it compliant with ARB standards and the legal order put in place on February 23, 2018.

- e. President Straub will contact the bank attorney for an update.

4. Hummingbird Hill

- a. ARB Chair Lynda Pace visited the property located at 76 Hummingbird Hill numerous times in an attempt to speak with the homeowner about the height (~10 feet) and location of her privacy fence, but was unable to speak to her directly. ARB Chair Pace then sent the homeowner an e-mail stating that she would like to discuss the status of her privacy fence and other outside improvements that still need to be completed on the project. The resident has been previously notified multiple times about the condition of her fence, as it does not meet the specifications she presented to the ARB when seeking project approval. At that time, the resident stated in an e-mail that the new fence would be an extension of her existing six-foot tall wooden privacy fence, and match it in all aspects, which it currently does not. It was also stated that the new fence would stop at the back of the house, but the fence has since been extended along the resident's driveway. Given this description, the ARB in place at the time of the fence extension request chose to allow the fence to be erected. Per the current ARB standards, "final discretion as to the height [is to be] left to the ARB based on individual situations." (ARB Design Standards, Fences and Walls, pgs. 10-11). Additionally, other exterior improvements have yet to be completed in a timely manner, and project supplies remain in the resident's yard.
- b. The resident answered ARB Chair Pace's latest e-mail by stating that the matter was resolved, and that any further correspondence should occur through her attorney. A copy of the e-mail containing the agreed-upon description of the new portion of the privacy fence has been provided to both the resident's attorney and WRA attorney. The WRA attorney has contacted the resident's attorney directly, both through e-mail and via telephone conversations, to speak to him about this situation. There has been limited response from the resident's attorney. It appears that he has not visited the property in person, and is relying solely on the information given to him by the resident. Legal expenses incurred by the WRA in an effort to resolve this matter currently stand at approximately \$2500.00.
- c. Per WRA policy, the resident is currently being assessed fines, which will continue to accrue until the fence is brought into alignment with the approved specifications. Fines were assessed at the rate of \$10/day for the first thirty days following the initial notification of non-compliance sent to the resident by the ARB, and are being assessed at the rate of \$25/day since the end of that thirty day period. Since June 23, 2018, ~ \$1300 in fines have and continue to be accrued, and applied to the resident's account. Because this account is not delinquent, it has not yet been sent for collection, the resident's gate devices have not yet been deactivated, nor has a lien been placed against the home. These solutions remain a possibility.

5. Sewage/Grinder Pump Repairs in The Meadowlands

- a. Director Redfern has contacted the Catoosa County Public Health Department twice regarding the non-functioning grinder pump at 114 Meadowstone Circle. He was told each time that, because the grinder pump is connected to a private system, it was not the responsibility of Catoosa County, but rather that of the WRA. After voicing his concerns regarding the health and safety of the children who reside in the home and neighboring residences, as well as the potential contamination of Hurricane Creek following heavy rains as a result of this malfunctioning pump, he was referred to Georgia Environmental Department, Rivers Division. He was also referred to child protective services, and it was suggested that the homeowner could be sued to have the issue corrected. The owner of Rainbro, Inc., who installed and owns the sewer system in Windstone, has agreed to contact Georgia state officials regarding this matter, if requested by the WRA Board.
- b. Director Redfern visited the property on September 8, 2018. He found that a sump pump had been placed within the collection tank, and the contents of the tank were now being dispelled into the back yard of the home. He revisited the property on September 10, 2018; no additional work had been completed on the repair. Director Redfern attempted to phone the homeowner, but the first call was rejected.
- c. Director Redfern contacted Don Dawson of Don Dawson Plumbing, who stated that he had been contacted by the homeowner regarding the grinder pump repair but that he was not able to complete the repair due to timing and billing issues with the homeowner. Mr. Dawson referred Director Redfern to Water & Waste Equipment, Inc.,

who was also familiar with the situation, but had not been hired to repair the grinder pump. The electrical connections to the pump have currently been severed by an unknown individual, and the grinder pump has been removed from the tank.

- d. The homeowner has now agreed to have the pump repaired by Water and Waste Equipment, Inc., at a cost of \$4200, including replacing the necessary wiring. However, they are unable to repair the pump until payment has been received.
 - e. In the best interest of those who live in this area, Director Redfern asked the Board to consider the possibility of having the WRA pay for the cost of the repair, while immediately placing a lien against the home. This lien would be removed when the WRA has been repaid in full. At the time of the WRA Board meeting, Director Redfern said there were still unresolved issues between the homeowner and Water and Waste Equipment Inc., so a vote, if needed, would be done by e-mail during the week.
6. Road Expenditures
- a. It will cost \$1800 to replace the Wisley Way rumble strips that were removed by an unknown individual; additional bids are being sought. The strips were found on the side of the road, and now are in Director Patterson's possession. Director Patterson also has some of the appropriate adhesive needed to reattach the rumble strips to the road. Directors Patterson and Nist may attempt to re-place the current rumble strips using this adhesive.
 - b. The repairs for Lonesome Dove are still in the bidding process. Three drainage pipes must be replaced, and a concrete basin installed. A temporary road must also be built to the side of the existing road to allow access to homes which lie beyond the repair site.

New Business

1. Road Expenditures

- a. Runoff from a construction site on Windstone Drive is flowing into the driveway of the resident directly across the street. This issue is exacerbated by the fact that the lip of the driveway into which the runoff is flowing sits lower than those of surrounding homes, potentially as a result of the repaving of Windstone Drive. ARB Chair Pace has contacted the homeowner of the house which is being affected by this runoff, as well as the builder of the new construction, in an effort to come to a resolution in this matter. Director Patterson is seeking bids to have a containment system added to the resident's driveway to reduce the flow of runoff. The initial bid received is \$2600; a second bid is being sought.
- b. A drain on Windstone Drive is clogged with debris, which is being deposited into a resident's yard. A second drain belonging to the golf course also opens near that resident's yard and is also clogged with debris. Director Stehney recommends that a grate be placed on the street opening of the drain to catch debris before it can enter the pipe. A solution to clear the drain at the opposite end is being sought.

2. Lake Haven

- a. The water supply pump located in the well supplying Lake Haven is no longer functioning. Director Brown contacted Kittle Pump Sales and Service to examine the pump motor. The wiring to the pump was checked with an ohm meter, and found to be shorted out in three locations, either in the pump motor or the pump itself. The amperage demand by the motor at start-up is excessively high, which confirms the presence of an electrical short. This electrical surge trips a breaker at the motor controller, causing the pump to shut down. The full scope of the problem cannot be determined until the pump motor and pump head are removed from the well. The motor and pump head are out of warranty and will most likely need to be replaced.
- b. During the inspection of the electrical connections to the pump, it was noted that the capacitor on the controller was leaking and needed to be replaced. The entire control unit has been replaced and an invoice sent to the Finance Manager.
- c. Director Brown has requested bids for the replacement of the pump from Kittle Pump Sales and Service, Stan Calfee Well Drilling (two bids), and Neel Pump and Repair Service. Preliminary bid estimates range from \$4610-\$6500. The bids include replacement of the pump motor (5HP), pump head (30 or 35 gallons per minute), 260

feet of three conductor 8-gauge wiring, water proof splices, and labor. Director Brown will provide all board members with copies of the finalized bids, and make a recommendation for repair.

3. Discussion of procurement processes for expenditures has been tabled until the October board meeting.
4. Halloween Decorating Contest
 - a. In lieu of the Fall Festival, the Special Events Committee will be hosting a Halloween Decorating Contest. This contest will allow a broader range of neighborhood residents to participate, and will lessen the financial burden normally incurred as a result of the Fall Festival. Judging for the Halloween Decorating Contest will take place on the Sunday before Halloween, October 28, and will begin at 7 p.m. Up to five winners will be chosen, and each winner will receive a \$25 gift certificate, a large bag of Halloween candy, and a Certificate of Recognition. Reinstatement of the Fall Festival will be considered again at some point in the future.
5. Rear Gate
 - a. The motor on the entry side of the back gate, which was repurposed from the front gate, is failing and in need of replacement. Pegasus has provided an approximate bid of \$797 to replace the motor. The motor will not be replaced until it fails completely. At that time, the arm on the rear gate will be removed until such time as the new motor can be installed. The arm will be replaced after the installation of the new motor.
 - b. Director Christenson moved to have Pegasus order and install a new motor for the arm on the entry side of the rear gate for a total of \$796.75. Director Redfern seconded the motion. The motion passed.

Committee Reports

1. ARB
 - a. The ARB Committee met on August 20, 2018. Members present included Lynda Pace, Jim Carpenter and Danny Proctor. The following projects were approved:
 - i. 1864 Holden Farm Place. Upgrade Drains and plant beds.
 - ii. 9240 Loch Haven Cove. Install roof over existing deck.
 - iii. 9707 Cloverleaf Place. Repaint exterior, add attached utility garage to house, renovate deck and add sunroom.
 - iv. 139 Briarwood Cove. Application for new construction (rebuild from house fire).
 - v. FO 133-134. Application for new construction.
 - b. Hummingbird Hill: Please see Unfinished Business, Item 4.
2. Lakes:
 - a. Lake Haven: Please see New Business, Item 2.
3. Trash Service: No report.
4. RV Lot/Maintenance: No report.
5. Roads:
 - a. Road Expenditures: Please see Unfinished Business, Item 6, and New Business, Item 1.
6. C&Rs:
 - a. 114 Meadowstone: Please see Unfinished Business, Item 5.
 - b. Thirty-one items have been reported since July 18, 2018. Eighteen letters have been sent to residents regarding these issues, 11 of which were follow-up letters. Seventeen of these issues have been fully addressed. Fourteen issues remain open, including 7 involving vehicles, 3 involving homes, and 4 involving yards.
7. Golf Course: Director Stehney will provide the Golf Course with the contact information of the company used by Windstone to create street signs.
8. Landscaping
 - a. Dilbeck will charge \$52 each to replace 3 Gold False Cypress trees on the middle island at the front entrance (total \$156).
 - b. Dilbeck was contacted to adjust sprinkler aim and timing.
 - c. LifeSpark came out to fix the lighting on the exit side of the gates at the front entrance. The issue was not properly corrected. An in-person meeting has been requested with LifeSpark to address the problems.
 - d. Mowing beside Windstone Drive near Woodway Drive (Lake Haven) is being monitored. Dilbeck has mowed once and is inside the mowing frequency on the contractual agreement.

9. Special Events

- a. The Windstone Fall Yard Sale was held on September 8, 2018 at New Heights Baptist Church. Twenty-one families participated in the sale and \$105.00 was collected for the church. Director Culpepper contacted Providence Ministries before the sale to collect leftover items; however, they did not come to pick up these items. Director Culpepper was able to bag the remaining items and took them to GoodWill as a donation.
- b. Fall Festival/Halloween Decorating Contest: Please see New Business, Item 4.

10. Security

- a. Gates:
 - i. Rear gate arm motor replacement. Please see New Business, Item 5.
 - ii. The arm on the rear gate has been reset seven times in the past month.
 - iii. Pegasus (gate company) was notified regarding a malfunction of the front gate. The gate has been repaired.
- b. A resident was contacted several times regarding a back gate incident and claim. A second resident requested information regarding the rules for obtaining gate bar codes for relatives.
- c. A number of residents were contacted regarding their interest in serving on the Security Committee. The committee plans meet quarterly, not monthly.

11. Sewers: No report.

12. Playground

- a. Director Christenson spoke with several playground equipment suppliers regarding potential future additions to the playground equipment. No action is being taken at this time.
- b. Mulch continues to be raked back onto the playground and the swings were untangled. Railroad ties removed from the playground during the Spring Cleanup remain lying on the side of the road to the RV lot. A resident has volunteered to remove these railroad ties and take them to the landfill for disposal.

Guest Speakers

1. Resident Peter Stapp addressed the WRA Board regarding his concern surrounding the safety of Windstone's roads. Mr. Stapp, who has a background in security, provided each board member with a packet identifying areas of concern with regard to signage (including golf course crossing signage), speed control, and general security. Mr. Stapp stated that many of the road signs within Windstone are not compliant with Department of Transportation guidelines and recommends that steps be taken to bring all signage into compliance. Mr. Stapp offered to meet with the security personnel to go over "post orders" and security protocols with them. He also requested that both Hamilton County and Catoosa County be asked to increase patrols within the neighborhood. Mr. Stapp was asked to speak further with Director Christenson about these concerns. Note: As a privately owned development, Windstone is not bound by DOT regulations regarding signage.
2. Resident Terry Tracy addressed the WRA Board regarding a brush pile and general poor yard maintenance at the home located at 9235 Shay Cove; this home is not currently owner-occupied. He states that this brush pile has been present since October or November 2017, and that the lawn has only been mowed once this summer. He has reported these issues previously. Mr. Tracy requested that the homeowner be fined for these ongoing C&R violations and that the yard be mowed at least once a week. He suggested that the homeowner be notified via letter concerning these issues, and suggested that the first letter contain a description of the problem, the deadline by which the problem must be corrected, and the steps that will be taken in the event of non-compliance. If a second letter must be sent to the homeowner, Mr. Tracy suggested that the homeowner be notified that fines will begin if the home is not brought into compliance, the rate at which the homeowner will be fined, and the dates the fines will begin accruing. If the home is still not brought into compliance, Mr. Tracy suggested sending a third letter to the homeowner stating that fines have begun to be assessed and will accrue until the problem has been corrected and the fines have been paid. Director Redfern stated that while such letters have been sent to the home address, he was unaware that the home was not occupied by the homeowner. Financial Manager Shull indicated that she has other contact information for that homeowner, and will provide that information to Director Redfern so that he can notify the owner at that address.
3. Resident Robin Lewis addressed the WRA Board regarding his concerns about the Morris house. He states that unknown individuals have been entering the house and removing items. He also states that he is concerned for the

safety of his wife and others who may be home alone during the day, given the large amount of traffic in and around Mr. Morris' house. He is concerned with maintaining the value of his investment in his home, as this situation has drug on for such an extended period of time. Mr. Lewis also thanked the board for their ongoing involvement with the Morris case, and encouraged them to see it to its eventual end.

Director Culpepper motioned that the meeting be adjourned. Director Nist seconded, and the motion passed. The meeting was adjourned by President Straub at 9:25 p.m. The next regularly scheduled meeting is October 8, 2018, at 7 p.m., at the Whisper Creek Clubhouse.

Respectfully submitted,

Deborah S. Gwaltney, Secretary

Rene Straub, President