

**Pawnee Hills Community Association  
Board of Directors Meeting  
December 13, 2007**

Board Members Present: Tina O'Bryan. Sandy Perry was present as Treasurer. RC Cuellar, Steve Hamblin, and Brian Cook were not present.

Meeting was called to order at 7:08 p.m.

Motion was made to approve the agenda. Since Tina was the only member present, motion was passed.

MINUTES:

Communications from the Community Members:

None

Treasurer's Report: (Sandy)

Listing of checks written and discussed. Motion to approve bills as read passed.

The bank balances at the end of November: Checking Account \$6,766.23, Savings Account \$6,367.77, Reserve Account \$23,764.09, CD #1 \$5,343.39, CD #2 \$5,352.36, CD #3 \$5,292.00.

Sandy: Just some other issues, yesterday I met with State Farm who carries our Workman's Compensation insurance. We were scheduled for an audit and she went through our books getting information that she needs. I need to come up with the 941's for the past four quarters and get those into her before year-end. We also need to have certificates of insurance for Workman's Compensation with Pawnee Hills as a certificate holder within the date range of September 2006 to August 2007 for six different contractors. I will get with Cynthia because we need to definitely get that in to the auditor because it will impact what our Workman's Comp costs will be. Also, whenever CMA is paying any of our contractors, they need W-9s for tax purposes. So I would suggest that Cynthia as a matter of course, whenever we use any contractor, that she gets the W-9, the Certificate of Liability Insurance, and also the Workman's Comp certificates from all contractors.

Tina: And just to let everybody know, she normally does that. Cynthia always gathers that before we even award the contracts, so she has got them, they are just up in the clubhouse and we are waiting to get back in there to be able to pull all that information—

Sandy: But I don't think we routinely collect W-9s which we will have to start—

Tina: No, not W-9s but we will start doing that.

Sandy: We also received a \$72.00 refund check from TruGreen because in 2007 January, we prepaid for the entire year's services to receive a 10% discount and they did not perform all of the services so we were refunded. I'm guessing that Cynthia contacted them and we did receive the \$72.00 which was the \$80.00 minus the 10%. And I also, when we had the check cut for Advantage Mold, the \$2,890.00 check, the invoice that I had was not signed or approved by the President. I will need a copy of the signed one so that I can give that to CMA for their records.

Tina: Okay.

Sandy: Rather than just going on the verbal that it had been approved.

Tina: Right. And that was from Advantage?

Sandy: Um-hmm.

Tina: Okay. I will give that to you so that you can get it to them.

Sandy: And then I do have a check for Kingston Environmental and it does have both signatures and Cynthia requested that she be able to hold onto it so that it is not given to them until the work is completed.

Tina: Right.

Sandy: So I did pull it out of the CMA packet and I let them know that I was not going to send that back for them to mail out.

Tina: Yeah, good.

Sandy: That's it.

Tina: Susan Johnson with ABC Solutions was supposed to give us our final bill. She called me and left me a message today and said that by 3:30 this afternoon she was hoping to have it and send it to both Sandy and I. I haven't seen it yet. I did tell her that if she didn't get that final bill to me by the end of the year that she wasn't going to get paid. Obviously we have to pay her because she is vendor but she needs to finish getting her final bill put together and get that to us so we can get her paid off.

Sandy: Yeah, we are going to have another check run towards the end of the month and then that is going to be it for December.

Tina: Okay, so I will call her and let her know.

Sandy: One other thing. I contacted Paychecks who does our payroll and asked them why we were being charged the same for the payroll service when we had 3 employees versus 1 and they did say that they would, from this point forward, apply a 25% discount.

Tina: Until we hit more employees in the summer?

Sandy: I'm not sure when they are going to pull the 25% and I'm not sure why she gave me the 25% when I just asked about it but—

Tina: We won't complain.

Sandy: Yeah, I just called and asked if there was some kind of a cheaper plan we could go on and she mumbled something about wanting to keep our business, 25% discount, and I said, "Sign me up."

Tina: Thank you.

Sandy: We'll see what that turns out to be but apparently it is more of a flat rate for a certain level of employees.

Tina: Yeah, we have so many.

Architecture Control Committee (ACC) – Pete Smilanic. No report.

Activities Committee - Karlene Herbrand. No report.

Buildings & Grounds - No report.

Tina: We are just waiting for Cynthia to come to talk to us about the mold situation. We are not really doing anything on the outside obviously because of the weather.

Covenant Committee

Tina: Bill, I'm glad you're here.

Bill Curley: Good. Haven't heard that in a while.

Tina: I talked to Chuck Nichols, and this is really, it is totally up to you. If you want to take over the Covenant Committee, you are more than welcome to take it over. We, right now, it is just kind of inactive, so—

Bill: Yeah, I actually have a powerful ambition to do something about that.

Tina: So, you can contact Chuck. He said, "Have Bill give me a call." And you guys can talk over whatever information you need.

Bill: Yeah, I'll do that.

Tina: But I had to check—I've been having your name next to it for a while and everybody keeps going, "Well, have you talked to Bill?" And I said, "No."

Bill: Yeah, I did ask Chuck to include me on his committee some time ago but it was dormant so nothing was happening.

Tina: Yeah.

Bill: And I really have a strong conviction that that is probably the best way to grow this community back together again is to get them talking about what they want and that is a great way to do it.

Tina: Go ahead, Sandy.

Sandy: The survey results are actually out on the website and underneath the committee—

Bill: Which survey was that?

Sandy: They did a survey we mailed out.

Tina: A Covenant Committee survey.

Sandy: The Covenant Committee mailed-out a survey. I think it was 2006 and it was posted on the website underneath the committees and it has got everybody's comments tabulated. All the votes tabulated but it is all out here.

Bill: That's a bunch of work.

Sandy: So, it is available out there.

Bill: Terrific.

April: Was it eye opening?

Tina: No, not really because what the committee ended up doing is, taking from that survey the hottest points and then wrote covenant changes and then when it went to vote, but we didn't get enough for a quorum.

Bill: Actually, none of that is true. What we have to do is get them to sign the amendment and actually have the amendment in front of them, the legal amendment and they have to sign it and date it. That is the only way we can change the covenants. And so these votes have never actually been legal instruments. None of them would have flown if anybody had chosen to challenge them legally.

Tina: You are saying that if we called a meeting and we had 167 homeowners show up and the majority of those homeowners voted to make a covenant change—

Pam: Two-thirds majority.

Tina: Two-thirds voted to change that, you are saying that is not legal?

Bill: If anybody chose to challenge that, no, that would not be legal. If we have that situation, though, it certainly needs to be solved. Just pass out the legal language changes for the covenants and have them sign it.

Pam: Why would it not be legal?

Bill: Because the covenants say that that is how it has to be done.

Tina: Where does it say in our covenants?

Bill: In the section on covenants change. I didn't bring all my paper but—

Tina: Well, I'm just curious.

Bill: Well there is no point in extending this—

Tina: Okay because we have amended bylaws and we have just never had enough—

Bill: We can do that. We just can't change the covenants.

Tina: A covenant but—so you are saying that—but to change a covenant, it takes two-thirds—

Bill: It requires a signed instrument.

Pam: Couldn't that be a ballot?

Bill: A signed instrument by two-thirds of the owners.

Tina: Boy, I didn't read that.

Pam: Why wouldn't a ballot be a signed instrument?

Bill: I don't have that with me right now but—

Tina: Okay, well you know what? Can you do me a favor? At our next Board meeting, can you show us what you are talking about?

Bill: It is no obstacle. It really is no obstacle. The only thing it will prevent and what it is meant to prevent is anyone pulling some kind of shenanigans with a blind vote, with mailing envelopes that nobody gets to see, all that kind of thing. It is just meant to make sure that every—it is a legal instrument, a change of the covenants.

Tina: Okay, so everybody would just sign—

Bill: Every homeowner has to sign that instrument.

Tina: They sign that instrument. So it is basically signing it and voting yes or no?

Bill: You don't vote yes or no.

Tina: You just either sign it or you don't.

Bill: Exactly. And that was the instrument that a few years ago we carried around the community and that is how it has to be done. You cannot vote no.

Tina: Either you sign it or you don't. Either you agree or don't agree.

Bill: You can be as fructiferous as you like and say we don't like it.

Pam: So going door to door wasn't enough to ratify it.

Bill: Yes it was.

Pam: Well, I mean, I'm just—

Bill: Well, in my considerable experience with this, in fact, if there was ever any question, I always got, "I'll get back to you. I've got to talk to the wife" or "I've got to talk to the husband." People—

Tina: But that was years ago. The laws have changed. I mean, Bill, at one time the attorney had said, and that was years ago, that it had to be notarized, that you could not just have someone go by because then you have to verify that it is a true correct signature of the person—

Bill: It is really easy because you have the instrument in front of you with the name and the property and the telephone number. Nothing could be easier than that kind of verification.

Tina: So I think, I mean, it is the Covenant Committee, it is active and you can run with it. We can decide what you even want to bring to the community. We can decide how we want to present it, how it needs to be done and I am fine with that. I am totally fine with that.

Sandy: With the survey results, it kind of breaks it down into—animals. Additional animals was kind of like 50-50. But some people may be amenable to having goats but they don't want cows or something. And if you look through those results, you might be able to pick and choose like certain animals that you can bring out, you know, and things like that. I believe the comments are worth looking at.

Bill: Let me think about how best to structure this thing. I want to—I don't want to be the only one on the committee who wants it.

Tina: Well no, but people need to know that there is actually a committee and that you are on it. So, let me do this. We've got the newsletter going out. Hopefully we will write a newsletter and under that I am going to go ahead and put that you are now the Chair and do you want a number or do you want them to contact—I mean, how do you want them to—

Bill: Put my phone number in there.

Tina: And then that way I can say, "Anybody interested in being involved in the Covenant Committee, please contact Bill Curley. He is the Chair. Here is his number." And then that way they can go right to you.

Bill: What is your deadline for the newsletter? I mean, I can write that section if you want.

Tina: It is some time at the end of the month. We try to get it out the first week of January.

Bill: I can write the section myself.

Tina: Okay. Just get it to Susan Laessig.

April: Can I be on your committee?

Bill: Please. Last time we ran this operation we had 14 people. We had a great time too.

April: It can happen again.

Sandy: And if it just needs a signature and if you can get those signatures over a week or two week time period, you've got a better chance.

Tina: And Bill, if you do meet at the clubhouse, make sure Cynthia knows just in case there are any reservations or anything like that and just keep us apprised on a monthly basis where you are at and that would be great.

Directory and Welcoming – Pam Schultz. No report.

Tina: I think we are just back to where Sandy is going to try to put a directory together and we were talking about welcoming. You know, we haven't done welcoming in a long, long time and, like Pam and I were talking what would be a good welcoming thing. If you first came into the neighborhood, would you want someone knocking on your door and handing you, "oh, here is a new directory and welcome to the neighborhood" or would you be like offended that someone came to your home or on your property—go ahead, April.

April: If people understood what the covenants were from the very beginning, I think that would solve a lot of—you know what's happened, some people have moved in here with the understanding or expectation that they can change established covenants and hope that their neighbors accept it easily, you know?

Pam: Well, they are supposed to. I mean, I don't know if this happens but they are supposed to receive the covenants at signing.

Bill: Oh sure.

April: I did also.

Pam: So are you saying we should take an extra—another copy?

April: I have gotten the impression that some people have moved in and had no clue—

Pam: So the directory and a copy of the covenants.

Tina: So that would be good. Maybe a packet so you have the directory, you have a copy of the covenant and bylaws all printed out all nice.

Pam: What happens if you lose your keys.

Sandy: How do you get your key?

Tina: Right. Pool rules so we just kind of take what we have on the website, print it out, and kind of hand it to them.

Sandy: The one thing on the directory was, the previous directories would have service pages. For the new directory do you want those service pages and if you do, we are going to need to get something mailed out so people can fill that in.

Tina: So do a new directory form? Okay, you know what? Maybe that could go out in the newsletter also.

Sandy: And then also ask people if they do not want to be included.

Sandy: Yeah, some people do not want to be included in the directory.

Tina: And on that it says if you do not want to be included in it. And basically, all we do is list their address. We don't put who is there but we always do list at least an address so everybody knows where all the addresses are.

Equestrian - RC Cuellar. No report.

Newsletter - Susan Laessig. No report.

Nominating Committee: Pam Schultz. Bill is running for the Board too.

Tina: Bill and April and we've got—the only thing I did not have in the documents that went out to the community is Stephen Gile had put his name in the hat and that is okay. I will have his name—and you can nominate after. He just missed the deadline but that is the only reason why his name is not on there.

Bill: Thanks for the courtesy of the call, Pam.

Pam: You're welcome.

Website – Sandy Perry

Sandy: Everything is up. The financials are up. The homeowner annual meeting stuff is up. The 2008 budget is out. Halloween pictures.

Pam: Sandy works a lot of hours.

Tina: Yeah, she does.

Pam: And she works them very well.

Tina: Yes she does. The other Board business obviously I can't get into because—I mean, the 2008 budget we were just going to talk about as far as letting everybody know that we did get it to CMA. Not only did we post it on the website but we also put it in with the annual meeting mailing so that everybody had a copy.

April: Just so you know, I have been in contact with CMA off and on the last couple of days and they have been very nice, very helpful.

Tina: Good. Yeah, that has been a good decision. Does anybody have anything for open forum that they would like to talk about? Anything that I am missing? Cynthia is on her way.

Pam: We can discuss anything. It doesn't have to be open forum specifically.

Tina: Does anybody have any questions about anything? Like she said, it doesn't have to be—anything that you are wondering about. If you read the newsletter you were curious about, anything?

Facility Report – Cynthia

Cynthia: Based on what we have been talking about the last three months, there aren't a lot of changes. The remediation is almost complete. They will be meeting at 10:00 tomorrow morning. They will retest the building. If it passes, the remediation company will come in and pull all of their stuff out of there, do a minor cleanup and then we will be ready to do the rebuild. What I asked for three months is actually—I addressed it to Brian to get me an RFP. I don't have that so I will do the RFP if that's okay.

Tina: You are going to have to because we don't have anybody to do it.

Cynthia: What do you want me to do for a materials list?

Tina: I would say go off of what they suggest we use.

Cynthia: Okay.

Tina: Any type of material that was part of the protocol that we can use right off that protocol is I think what we need to put back in there.



Cynthia: Most of those are recommendations. They highly recommend that we don't put carpet back in there.

Tina: Then we don't put carpet back in there.

Cynthia: Like the downstairs, the blues because we have a source of moisture with the steam room and we have not put the ventilation in and nothing has been approved for the ventilation even though since April we have been talking about it and the, the guy that tests the—

Tina: Ron Meadows.

Cynthia: Yeah, but what is their company name? But anyway, he says we have to get that Advantage Team inspection. He said we have to vent that. Absolutely have to vent that and he recommends HVAC. That is what they do for a living. Ron Meadows has waived his travel fees. He waived his actual time for the last two testings and is only charging us for this because we had to be retested for what he has to pay for the samples because of the professional relationship that we have developed and he even said that to me. So, he really is—I know it is a lot of money and people are going to complain but these contractors really have come off on prices and aren't charging us what they would normally charge.

April: Is this the mold and the asbestos problem?

Cynthia: Well, we didn't really have an asbestos problem but when you go in to do mold remediation, there are regulatory things. I didn't know this until this whole project, but there aren't regulations like on roofing. There is asbestos impregnated into much of the roofing that we put on and it is also in drywall and it isn't actually regulated until you have to do a tear out. Once you have to tear it out, then you have to test for it and we had 1% asbestos. It is what is normal in drywall. We didn't actually have an asbestos problem.

Tina: But we have to make sure that everybody knows that if we did have any, it was checked and tested and we are clean for both mold and asbestos.

Cynthia: But by regulation, they actually have to dispose of it with the same—under the same regulatory things that asbestos has to be disposed. And all of these guys had to go in here. Hazmat. They are Hazmat certified. They did and they have containment areas set up so they test the area outside and then they go in these containment—they do all the outside air first so as not to contaminate between the containment and the main areas so that they get a true reading of what is.

Tina: That is why we couldn't have anybody in there while they were doing that. Even tonight, just if someone wanted to go in or a Board member just wanted to see what was going on, I couldn't have—

Cynthia: They had their air scrubbers running probably for three weeks just doing that and they are piped out to the external and what they do is they take a reading outside and outside whatever mold exists outside naturally, that becomes their zero reading and then they go from there for the internal portion of their testing in the building.

Tina: We will be able to have the annual meeting at the clubhouse; it just won't be real pretty.

Cynthia: And don't underestimate me on that either.

Tina: I know. Cynthia—

Cynthia: If I can get the Board to approve things, I have the hardest time getting the Board to hurry and approve and, I had the Kingston Environmental is who they finally went with. I actually had them ready to rock and roll in April targeting having it done before the pool opened and we just couldn't get a majority vote of the Board and then October comes and what do they do? They approve the very company I had ready to go in April. And he—I am so happy he stayed. They knew from the guy that does the mold testing, he said he hasn't seen anybody set up a containment area that well. So very few of them and they actually set up an air walk before you go in to contain that. He said that is very rare. Right now, the only thing bad with the steam room is we need to have the door replaced and that we will just do in conjunction—which has already been approved but we are just going to do it in conjunction with the rebuild.

Tina: Yeah, we need to get the fan in there.

Bill: I used to use that place all the time. It was great.

Cynthia: It is lovely. It is wonderful.

Tina: Does anybody have any other questions for Cynthia regarding this or any other thing for open forum because we can go ahead and close down the meeting.

Pam: Have we heard anything regarding the pool incident?

Cynthia: We did not. And I have gotten the run around from Elbert County Sheriff the last two times and had to—you know, we would come out, we would press charges, they would sit on it. They lose it. They, "Oh, well it was sent to Investigations." Investigations says, "Oh, it never actually made it to us." This other officer, "Oh, we will get back to you." And they never do. And I call and I call and I call. "Hi, it's me again."

Tina: It is usually a year later when we have found out what the thing is.

Pam: Well, no, it wasn't vandalism, it was trespassing.

Cynthia: It was trespassing. They actually did not vandalize. They got a hold of the Board keys. No one actually knows how they got a hold of these Board keys but I was walking—I had walked up to close and a car pulled in and parked and then kind of pulled out and left. So, I walked back here and this car comes back so I'd stand up here and I'd watch. A couple of cars come, a bunch of kids pile out. As long as they stayed in the parking lot I didn't do anything. I made no—you know, they can sit there and talk in the parking lot if they want. They can meet there. Once they head up to the pool, I call the sheriff and I said I need them to come out. They couldn't come out for a long, long time. They wound up calling Elizabeth out and my son was here actually at the time and he walked up there with me and we just went up in the building and we were just monitoring them and all of a sudden I hear the steam room come on because I am up in the main level. And I said—actually, Brian had been up there to close with me too and he said, "Well, I think I locked the door but maybe I didn't." I said, "You asked me which key it was. Of course you locked the door." And he goes, "Maybe I didn't." So we went down. We shut off all the lights. We turned off the steam room. We bolt locked it back up and we were sitting out there and all of a sudden the girls are like running for the door and we are thinking, oh yeah, you are just going to freeze because you can't get in the building. All of a sudden the steam unit comes on and we are like, already then. So then I call the police back.

Bill: I don't think I was that smart when I was their age.

Cynthia: Where are you because they are actually in the building with some stolen keys. So we caught them and confiscated the keys and, of course, they lied and they had beer but nobody knew it because they had a blanket over it and they had a puppy with them and the puppy was lying on the blanket up against the beer.

Tina: With the beer.

Bill: I wasn't even that smart when I was—

Cynthia: And then in the light of day, we found a pot pipe and some other things.

Tina: But we did charge them with trespassing.

Cynthia: Well and then they actually said it is a felony trespass once they enter a building. So any of the kids who actually entered the building could have been charged with felony trespass. There was one of the boys that was already on probation. He was 25 hanging out with 16 year olds. But anyway, so charges were pressed but nobody knows what happened. It just kind of fell apart.

Bill: Well, you know, Jack Knous, he used to pull kids like that aside and put the fear of God. He would just nail them to the wall and not press charges. Talk to them. Talk to their parents.

Cynthia: We never used to press charges and they just came back and came back. And as soon as we started to press charges we never saw them again.

Tina: Anything else?

Motion was made the meeting be adjourned. Motion passed. Meeting adjourned at 8:20 p.m.

Respectfully submitted.

Tina O'Bryan