



Timber Hill Estates

Homeowners Association • Kansas City, Missouri

President – Mark Cooper • Vice President – Bret Voitenko • Secretary/Treasurer – Amber Yarnevich
Members At Large – Kristi Powell & Brian Amick

ANNUAL MEMBERSHIP MEETING MINUTES

December 13, 2012

Timber Hill Estates (THE) Homes Association (HOA) held an Annual Membership Meeting at Villa Ventura on December 13, 2012, at 7:00 pm. In attendance were Board Members Mark Cooper, Amber Yarnevich, Brian Amick, and Kristi Powell. Association Members in attendance included: Bert Baker, Lisa Foster, Bill & Linda Hillix, Charlotte Humphrey, Robert & Sharon Jackson, Tom Kramer, Phillip & Paula Melton, Michael & Elizabeth O'Bar, Tim O'Kane, Virginia Ray, Vinceen Riley, Brian & Megan Schaefer, Kevin Williams, and Dale Wilson. Association Members voting by proxy included: Gary & Kimberly Burgess, and Bret Voitenko.

Mark Cooper opened the meeting and welcomed everyone. Everyone was asked to sign in and make updates to contact information for an updated Neighborhood Directory. The following topics were discussed and/or voted upon by the members:

PROPOSED AMENDMENTS TO BY-LAWS. Amber presented to the membership the proposed Amendments to the By-Laws. The By-Law Committee met and discussed issues that needed to be addressed in the By-Laws as well as input from the Board on issues that may also need clarified. Amber stated that she put all of the issues together, and drafted up the Amendments as distributed to members via email as Version 1. The proposed Amendments tried to clean up discrepancies between the Declaration and the By-Laws so that they do not conflict with one another. The major proposed Amendments to the By-Laws include:

- Proxy & Written Ballot Voting Allowed
- Two-year staggered terms for all Board members
- Board members decide Officers annually
- Clarified & Simplified Quorum Requirements for Membership Meetings
- Board Member Eligibility
- Annual Assessment Due Date & Amount for Clarification

Amber stated that Version 2 has been distributed here tonight. Amber stated that she had requested that Foxworthy from Homes Associations of Kansas City also take a look at the proposed Amendments. Foxworthy responded with only one minor suggestion regarding the “principal office” on page 3 Article I which was changed to “principal location” since an office was not present; the address being used was the property address for the north entrance. Also, two typos were found and are highlighted in Version 2 on page 8 Article VII Section 1(c) where “Articles of Incorporation” was removed, and page 12 Article X Section 3 “is” instead of “in”.

Mark asked the membership for questions regarding the proposed Amendments. One minor typo was indicated in Section 4; “thereat” was changed to “there at”. There were no other questions

or concerns. A motion was made and seconded to accept the Amendments to the By-Laws as presented; 20 votes were in favor of accepting the Amendments as written and 0 votes against. **The membership approved to accept the Amendments to the By-Laws as presented.** Amber stated that a copy of the amended By-Laws would be mailed out to all residents in an updated Directory.

Board Member Elections. All Board member positions are going up for election in order to establish the Board's staggered Board member terms. For 2013 only, there will be three (3) one-year terms and two (2) two-year terms for Board members. For 2014, there will be three (3) two-year terms up for election. Mark asked the membership for nominations from the floor for members to serve on the Board. Nominations and/or volunteers to serve on the Board included: Mark Cooper, Phil Melton, Megan Schaefer, Amber Yarnevich, and Brian Amick. There were no other nominations. A motion was made and seconded to vote on all five nominated members to serve on the Board; 20 votes were in favor and 0 votes against. **Starting January 1, 2013, Phil Melton and Megan Schaefer are serving two-year terms of office, and Mark Cooper, Brian Amick, and Amber Yarnevich are serving one-year terms of office on the Board of Directors.**

Lutheran School Concerns. Mark stated that the officials at the Lutheran School located directly on the north side of our subdivision had contacted the Board and asked to speak with us towards the end of November. The Lutheran School officials stated that they have experienced some problems with theft/vandalism and when replacing their air conditioning units they moved them to the top of their building to reduce the risk of damage from copper thieves. The School officials stated that complaints have been made to the City regarding these roof cooling units as well as other complaints. Since the school's meeting with the Board, the school's newly installed roof cooling towers have been painted to reduce unsightliness. The school's officials reached out hoping the Board would discuss issues as a subdivision and work out solutions/compromises between the school and our subdivision's residents. The school officials stated that they are considering a tall fence around the entire property to reduce issues, and are currently having the School's property boundaries surveyed.

Residents who share a property line with the school expressed various concerns regarding issues with the school. Specifically, some residents who share a property boundary with the school were concerned that some of their landscaping may be considered part of the school's property as a part of this new survey. Residents stated that school officials had knocked on each of their doors requesting that they sign a petition or letter stating that they had no complaints with the visual appearance of the cooling towers on top of the school's roof. Some members expressed concern that the Board was aware of this issue and did not notify residents. Mark stated that the Board had told the school officials that we would bring the issue up at this Annual meeting, and the school officials had not informed the Board regarding any petition.

Residents discussed numerous concerns or issues that they were experiencing with the school. It was suggested that the Board talk with the school officials and try to find workable solutions to the following concerns:

- Possible property boundary discrepancy with the new survey,
- Reduce bus noise and exhaust smell near homes,
- Arrange for trash truck to empty dumpster at more reasonable time (not 3am), and
- Redirect or reduce parking lot lights from shining into resident's windows.

It was suggested that the Board send out a neighborhood wide email regarding the issues prior to meeting with school officials so any residents unable to attend would have a chance to contact the Board members with additional complaints. Mark Cooper and Brian Amick agreed to speak with school officials to try to find workable solutions.

Concerns with Owners Renting Homes. Mark stated that there has been some concern regarding the rental of homes in the subdivision due to a lack of maintenance to the home. One home in the neighborhood had been rented out the past couple of years and maintenance has not been kept up very well. This home is now in foreclosure and there are no renters. The Board had been asked by a resident if the Homes Association should consider prohibiting owners from renting their homes out. Amber stated that it was possible for the Homes Association to amend the Declaration and prohibit renting of homes; however, it would take a vote of 80% of all the owners in the subdivision to amend the Declaration.

Brian stated that nobody likes having renters that don't take care of their property. However, his house, as well as others in the subdivision, is worth substantially less than what they cost. Brian expressed concern that this areas home market will not likely rebound anytime soon. While he has no intention of selling his home, who knows what the future holds and he would like to have the option to rent in the future even though its unlikely he will ever rent his home.

Residents at the meeting expressed concern that even if the Homes Association were to prohibit renting, how would the Homes Association enforce such a rule. It was suggested that poorly maintained properties could be reported to the City, however there was concern that the property would have to be in tremendous disrepair before the City would step in. Residents expressed that the Homes Association did not need to prohibit renting at this time, but could revisit the issue should it become a significant problem in the future.

FINANCIAL REPORT. The most recent Statement of Revenues and Expenses for November 30, 2012 was provided at the meeting and is enclosed in the minutes (See attached). Mark asked if there were any questions regarding the financial report. Resident asked if the Board had considered lower annual assessments (dues). Mark stated that the Board had gone through a rough budget, and lower the annual assessment did not seem in the best interest of the Association given the level of services that was being provided. Amber stated that lowering the annual assessment could be done if the Association wanted to also substantially reduce services. Mark suggested that if in the future the Association had a significant amount of money in the bank, the Association could consider a refund check to all members who were current in their dues. Brian expressed concern that if the Board lowered dues that it would be difficult to raise them again if needed. Amber stated that the Board does have the ability to raise or lower dues on an annual basis without approval from the Association, but it cannot exceed \$360 without

member approval according to the Declaration. Brian expressed concern that the amount of the annual assessment could be changed by a Board without the approval of the members. Amber emphasized that it could be lowered, but that it could not be raised above \$360 without member approval. At this time, the group expressed no need to make changes to the annual assessments, and to continue to leave this decision up to the Board who would be more familiar with the current financials of the Association.

THE MEETING WAS ADJOURNED.

Meeting minutes were compiled by Amber Yarnevich.

#308 TIMBER HILL ESTATES HOMES ASSOCIATION

**Balance Sheet
November 30, 2012**

ASSETS

Cash in Bank - CCB	\$	13,446.85	
Accounts Receivable		3,604.00	
Less: Allowance for Non-payment of Dues		0.00	
Deposits with HAKC		<u>1,000.00</u>	
TOTAL ASSETS			<u>\$ 18,050.85</u>

LIABILITIES

Deferred Revenue		0.00	
Monthly Expense Reimbursement-HAKC		<u>677.05</u>	
TOTAL LIABILITIES			677.05

MEMBERS EQUITY

Retained Earnings		21,222.89	
Current Year Excess of Revenues Over Expenses		<u>(3,849.09)</u>	
TOTAL MEMBERS EQUITY			<u>17,373.80</u>
TOTAL LIABILITIES & MEMBERS EQUITY			<u>\$ 18,050.85</u>

#308 TIMBER HILL ESTATES HOMES ASSOCIATION
Statement of Revenues and Expenses
November 30, 2012

	<u>Current Period</u>		<u>Annual</u>	<u>Budget</u>
	<u>Nov '12</u>	<u>Year to Date</u>	<u>Budget</u>	<u>Balance</u>
				<u>(over) under</u>
REVENUES:				
Base Assessment	\$ 0.00	\$ 14,400.00	\$ 0.00	\$ (14,400.00)
Less: Allowance for Non-payment	0.00	0.00	0.00	0.00
Interest on Investments	2.75	51.19	0.00	(51.19)
Interest on Assessments	0.00	0.00	0.00	0.00
Other Income	0.00	0.00	0.00	0.00
Total Income	2.75	14,451.19	0.00	(14,451.19)
EXPENSES:				
HAKC Fee	58.00	638.00	0.00	(638.00)
Other HAKC Services	0.00	125.00	0.00	(125.00)
Insurance	0.00	680.00	0.00	(680.00)
Legal Fees/Tax/Annual Report	0.00	132.00	0.00	(132.00)
Grounds Maintenance	615.00	5,552.22	0.00	(5,552.22)
Cemetery Maintenance	0.00	1,235.00	0.00	(1,235.00)
Retention Pond Maintenance	0.00	0.00	0.00	0.00
Capital Improvements	0.00	7,629.00	0.00	(7,629.00)
Mailbox Repairs	0.00	0.00	0.00	0.00
Snow Removal	0.00	400.00	0.00	(400.00)
Postage	4.05	187.94	0.00	(187.94)
Meetings	0.00	175.11	0.00	(175.11)
Social Activities	0.00	0.00	0.00	0.00
Newsletter	0.00	0.00	0.00	0.00
Directories	0.00	0.00	0.00	0.00
Stationery & Supplies	0.00	55.01	0.00	(55.01)
Utilities	0.00	0.00	0.00	0.00
A/R Written Off	1,466.00	1,466.00	0.00	(1,466.00)
Other (i.e., Copies, Lien fees)	0.00	25.00	0.00	(25.00)
Total Expenses	2,143.05	18,300.28	0.00	(18,300.28)
Excess of Revenues Over Expenses	\$ (2,140.30)	\$ (3,849.09)	\$ 0.00	\$ 3,849.09