



## Board Meeting Minutes

Meeting held on September 8, 2012 and brought to order at 8:06am

**Board Members in attendance:** Carl Moellering Mari Don Dent, Dawn Deardon, Paul Rippeth, Todd Wise and Stephanie Brown (Note: Dawn arrived late maybe 8:40ish and Mari Don late maybe 15- 20 min.? So some discussion/decisions made prior to their arrival.)

Several non-board members were present. Mark Douglas requested that the board either mail out or post on the CAN website the agenda for each board meeting prior to the meeting date. The request was acknowledged and Stephanie agreed to place that request on our next agenda for discussion and approval.

**Treasurer's Report:** Danny Savage could not attend. Dawn handed out to all of us his written report. It was noted that the grand total to include CD's was not present on the report and Dawn was asked to tell Danny we need those figures for the next meeting. Dawn says Danny is still waiting for some document turn over from the previous board treasurer (Bill) which is scheduled to occur next weekend when the documents are given to Danny. Amongst those documents Danny will have the CD totals to give the board at a later date. Dawn alerted us that we need to discuss in an executive meeting after today's meeting some delinquent homes. The sole reason for an executive meeting was to maintain privacy concerns for those home owners who have delinquent accounts. She also let us know that Danny has some additional deposits in the account that need validation as it is not clear at this time where the funds came and he hopes the documents Bill gives him will give an explanation or clarify.

Dawn acknowledged the current CNA website is down. She updated us on the changes that have been made and expects to launch the new updated website no later than 9/18/12.

At the end of the meeting after adjourning we attempted to hold an executive meeting at Dawn's request so the board members could discuss in private non-payment of HOA dues by some residents. Discussion to center on liens or what action to be taken. Due to significant chaos, objection and confusion by non-board members present who would not accept our indication that no vote would be taken, Dawn decided not to proceed with the executive meeting. If necessary we will hold an executive meeting after our next scheduled board meeting.

**Secretary Report:** Consider changing the next board meeting date from 10/6/12 to 11/3/12.

**Discussion:** The board agreed nothing was pressing right now and therefore we all agreed to cancel the 10/6/12 meeting and meet again on the scheduled 11/3/12 date. Further that if anything should come up we will handle it via email. We agreed to let Dawn know this when she arrives so the meeting date change can be posted on the CAN website.

Stephanie proposed we schedule a date in October to have an executive meeting on the issue of "**Possible errors and/or inappropriate information posted in existing CNA annual meeting minutes.**"

**Discussion:** Some board members pointed out this may not be allowed (as a separate meeting) saying the executive meeting may only occur after a scheduled board meeting. Stephanie agreed to look up the rules as stipulated in the governing documents and let everyone know via email what the stated procedure is. Todd suggested we also consult the DPOR documents for the procedure for having an executive meeting which Stephanie agreed to do as well. If we are allowed to have a separate executive meeting we scheduled that for 10/20/12 at 14 Elnor Rd. at 8:00am Further if the executive meeting does have to be after a scheduled board meeting then we agreed to hold one after the 11/3/12 meeting for this topic of possible errors on CAN annual meeting minutes.

#### **Follow up on items proposed at last meeting:**

- 1. Insurance policies:** Todd updated us on what policies we have and generally what is covered. He then presented some recommendations that came out of his conversation with our Nationwide insurance agent on other types of coverage we should consider since our residents use the common areas. The agent indicated:

- That any vendor we hire to work in or on the common area should have not only a license and liability policy but should also have workman's compensation coverage.

The board decided here that any vendor/contractor hired on behalf of CNA must have full workman's comp coverage and not the "work around" insufficient type of coverage. Further since Ed is responsible for maintenance he will be the one who needs to determine before a vendor/contractor is hired that the person is licensed, has a general liability policy and carries adequate workman's compensation coverage. Presently our insurance would only cover injury or damage due to CNA gross negligence and therefore no coverage for non-negligence issues that may arise. Todd will provide to Ed the suggested language to use obtaining from his workman's comp coverage.

Our docks are not insured at this time so Todd proposed we consider implementing Nationwide's recommendations to add insurance to the docks for possible replacement and/or damage. If we don't then we essentially need to use CNA cash to take care of what may occur to the docks in the future. **Note:** When the word "dock(s)" is used we are referring to the main dock walkway and not the finger piers which are the owner's responsibility to take care of in the event of damage etc.

Stephanie asked Todd if he would find out what this would cost and specifically what would be covered or not. Example: Earthquake damage may be excluded. He will check out if there are umbrella options we could consider covering the dock areas that come under CAN's responsibility.

- Todd informed us that non-highway vehicles used in the common areas, should they cause injury or property damage, that CNA currently does not have insurance to cover this type of incident. So do we need any of the following:
  - **Show proof of liability insurance?** Discussion: Post a rule/regulation stating all motorized/electric vehicles driven in the common area must have insurance coverage. The board agreed this would be difficult at best

and most likely impossible to enforce. Todd pointed out how the gate is currently set up to allow easy quick access of golf cart type vehicles and therefore does this silently imply we welcome the use of these vehicles in the common area. What are the implications? This is why the Nationwide agent stated to Todd if CNA is allowing vehicles in the common area that there is in place a requirement that they have insurance coverage. He said this insurance requirement should at least be posted in the common area. Todd will find out if we can get an affordable umbrella to our existing policy to cover an injury or damage caused by a vehicle in the common area.

- **Should we have a file on each home owner with a vehicle documentation showing an active insurance policy?** The board generally agreed we cannot and do not want to get into the “policing” of documentation on vehicles in the common area.
- The board agreed we do need to post a rule about having and maintaining active insurance coverage on vehicles used in the common area. Todd agreed to put together some language to be placed on a sign for the board to review and consider at the next meeting. Mari Don expressed the need to keep it simple and attempt to avoid more insurance costs on behalf of CNA.

2. **Management Company:** Carl agreed at our last meeting to get more bids from a management company. **Update:** Carl has not found any additional management companies. He will continue his search and update us at the next meeting on 11/3/12.

There was some discussion by board members noting how we as a group have been handling issues so far and therefore a management company may not be necessary. Further it was noted hiring a management company may not be affordable. At some point at a future board meeting we will discuss and decide whether or not we even need a management company. Paul agreed to find out what other HOA's are doing with regard to management companies, reserve studies etc. and/or how they proceed in general on other issues then let us know in the update at our next meeting. Todd mentioned he has property at the Waters and will find out for us what their governing documents indicate.

3. **Audit/Reserve Study:** Dawn stated there were a number of historical data facts she did not know or have access to therefore this held up getting specific company quotes on doing a reserve study. She has filled out a couple of forms on line regarding reserve studies and when those responses come in she will update us. She says a quick internet search will give us the names of companies in either the Richmond or Fredericksburg areas who are qualified to do the study. Dawn confirmed for Todd that the VA code does require use to have a reserve study done every 5 years.

- **Was a reserve study done in the past?** Yes, Lorenda said one was done in the past. So when the documents are located, placed in Carl or Stephanie's house, both of them will take on the responsibility to review them and find the existing reserve study. Then we have to determine if the study meets the VA code guidelines. Further once we have the math it will then have to be linked up with our funds to be sure we have the required amount on hand in CNA accounts.

Dawn will also place a call to the company who did this old yet to be found reserve study and find out if they still have it and how much would they charge to send us a copy.

It was agreed that Carl would ASAP locate all CNA documents and then Stephanie and/or Carl would immediately review everything to locate the old reserve study. Then once found or not the board members will be updated via email and if found Stephanie will scan it and pass it on to Dawn.

4. **Written Complaint Form:** Discussion: Mari Don introduced the form to us explaining its use as stipulated in the VA code. She did some research on what types of forms other HOA's are using noting some just have the form with no instructions. She let us know that the "days" written in red are time lines she came up with and are not mandated by the VA code. Mari Don said the board needed to discuss and decide upon our own timelines.

Todd proposed we make it clear on what date or time frame, following receipt of the complaint notice, the board meets to discuss the content. If the next scheduled board meeting is too far in the future we can discuss via email should a decision need to be made prior to the next meeting. Example: as safety concern. Todd suggested the complaint when received be scanned and sent out to all board members to weigh in on whether or not we need to respond now or as soon as possible given its content or that the complaint form can wait until the next board meeting for open discussion and final decision.

- DPOR does require we post and make available a complaint form. The deadline is 9/28/12.
- Discussion on how the form needs to be delivered to CNA (US mail or email or both) resulted in a board decision that the delivery format will be via the US mail. The board confirmed that Paul and/or Carl checks the CNA post box every 2-3 days. Paul confirmed that when he picks up the mail he opens everything right away to determine the content and needs. If someone sends the form to us via email it will not be considered a "formal delivery." Only US mail is the acceptable delivery format.
- The board agreed the current written instructions on the form place enough emphasis to the person(s) filing out the form to cite specific clause(s) within the CNA governing documents that they feel support their issue.
- Further discussion on when we start the countdown e.g. date received meaning when Paul or Carl has picked up the form from the post office or the date the complaint is post marked. The board decided the date of post mark would start the countdown.
- The board decided to review VA code again on what they may stipulate as our deadline within which to respond. So Mari Don agreed to review the code for guidelines concerning "response time" and let us know via email. Further she will review the guidelines and look for delineation between acknowledging receipt vs. acting upon the information within the complaint form. Once that information is found within the code we can then address the timeline as now marked in red on the complain form and adjust accordingly. The board agreed this decision once Mari Don supplies us with the additional information on VA code requirements, will be done by email consultation because the form according to VA code has to be posted on our website by 9/28/12. The board thanked Mari Don for her time and effort putting this form together.

## New Business:

**Note:** We did not discuss item number 1 under new business and agreed to do so at the next board meeting.

**1. Possible violations of the CNA governing documents.** Upon request Todd presented us with a list of possible violations for the board to consider as follows:

- **Land use / having shed before homes on property**
- **Temporary Structures / use of RV and travel trailers**
- **No overnight parking or storage of vehicles, trailers, boats, etc in common area**
- **Fueling of boats, PWCs, etc. - Fueling is prohibited at the boat launch area(s) and from the pier(s)/slip(s).**
- **All Pets must be leashed at all times**
- **Locking the gate at common area**
- **Parking at the common area in no parking area**
- **Using parking passes at all time when in the common area**
- **Open fires at common areas**

**Note:** The items listed below are for consideration of potential action, solutions and/or possible removal from the governing document. Further to discuss if some items are just not enforceable and therefore should they not be a part of the rules and regulations. To include some board discussion centered on uniformity and consistency when applying rules.

**2. Where are the CNA documents?** Stephanie asked where are all of the CNA documents located. Paul said he only had cooking utensils, foil, plates etc. No documents. Carl acknowledged having some. Paul was asked to get in touch with Gene and Jessica to ask them if they had any document and/or file cabinets. Todd offered... he thought Bill had some in his garage. Paul or Carl agreed to pick them all up and for now locate them at Carl's home. Stephanie offered her house as well. The goal being to locate all old documents and have them in one location. Todd offered to scan and copy all documents in the future. Carl will update us at the next meeting on what documents he was able to locate and confirm they are secure in his house. We will determine at that time if they can remain with Carl or moved to Stephanie's house.

We were interrupted by a non-board member wanting to talk about having someone copy the documents. Member was asked to stop interruptions so the board could continue.

**3. Fee for photo copying:** Discussion: In the event a community member has requested a copy or copies of documents in the boards possession and after the board discusses and agrees upon the review and release of said documents(s) what fee if any should the board charge the community member.

- **Fee for the actual photo copy made?** The board agreed a fee can be charged consistent with standard rates charged by local vendors. Stephanie agreed to look up and report back on what local copy vendors charge for black and white and color document copying. Todd suggested we look at DPOR guidelines to be sure

we are in compliance when charging fees to community members for photo copying existing HOA documents.

Todd suggested we charge a fee to companies like real-estate brokers who may request documents for things like foreclosure. Paul suggested once we get the old documents we go through all of them and decide what should be scanned and saved on a flash drive. Todd offered, going forward, on new documents yet to be placed in CNA files, that he would scan them all so they would be available to send out electronically in the future.

**Fee for the review, handling and mailing?** Todd suggested the first 15 min. be free and then 10.00 dollars thereafter for the handling charge. The board did not approve this so another proposal was put forth. The board agreed to not charge any "handling" fee and just limit all fees to copying costs only. Further if the board member who takes on this photocopying task decides to do the copying for free then this is their purgative. But should a large job be requested and/or a board member wanted to charge a copying fee then this is allowed as well. The copy fee will be at a standard rate and Stephanie agreed to look up those rates and let everyone know at a later date. Todd wanted a 30 day time limit to find the document(s) them and send them out unless it was an emergency in which event we would do it sooner. Board agreed. Plus Mari Don offered to do the copying for free.

- 4. Sharing the CNA website for community members' use:** Dawn put forth the fact that some of these community requests to use the CNA website may have come about due to how the old site was put together. Information was not easy to find. She suggested with her new updated version it is clear and concise with sections having information that can be viewed in a timely manner. Stephanie asked what additional items if any are we going to put on the website that is not already there. Thinks like: informing community members of recent home break ins or if someone wanted to post pictures of their grand kids. To this Dawn stated we have to remember that whatever is posted is not just available to the community but to everyone and anyone. So she said for us to consider do we want anyone (potential buyers) to read that our community is having a problem with break ins. She suggested maybe this should be more about not reporting crimes but rather giving information about how to prevent them.

Todd suggested putting a link on our CNA website that leads to another site where one can find information about other topics (Break ins, Police contact information, etc.) Further that if we do post a link we also need to put in a disclaimer clause. Carl reminded us that Dawn is suggesting we give this new updated website some time before pursuing links and disclaimers etc. Todd pointed out that in the past we have offered the website to businesses to post information about themselves and maybe an extension of this are links to non business related information. Dawn suggested we let the community inform us "what do you want to see on your website." "Let us know. Keep us informed" or a similar message to that effect. Then as these questions, comments come in we will discuss them at future board meetings to determine what action if any need to be taken. Dawn said a statement inviting comments is already on her updated new website. The board agreed to let the new site run and monitor future needs as they arise.

- 5. Fall clean up:** Board picked a fall clean up date of October 20, 2012 with a back up rain date of October 27, 2012.

Discussion centered on whether or not to have food available afterwards as done in the past. Also who can take on the responsibility of creating the post cards and sending them out? Todd suggested we look into and follow any guidelines on whether or not CNA can spend money on food items for the community members after clean up. Mari Don suggested we encourage everyone to bring something to share. Pot luck style. Carl said in the past the food was offered as an incentive to help out with cleaning. We decided to ask Dawn if she is willing to take on the creating and mailing the cards. We agreed on the post cards in addition to the dates will be a notice to bring a food item to share with others after clean up. Todd suggested we also add a note about our new webmaster and updated site encouraging everyone to take a look. Place the website address on the postcard. Stephanie agreed to ask Dawn to create it, run it by the board via email and facilitate mailing.

- 6. Broken dock ladder:** Discussion: should we buy it now and where should it be placed? Concern for placing the ladder at the end will result in more boats hitting and damaging the ladder yet again. It was decided we would place it off to one side. Everyone agreed it should be done right away for safety reasons. Stephanie agreed to order the ladder, give Danny the bill for reimbursement, contact Paul when the ladder arrives and both will pick a place for installation. The ladder location in question is at the end of pier 5 in community area 2.

It was suggested and agreed that we will add to one of our future agenda's the need of a safety inspection of all our docks to include other ladders that may or may not be damaged. Todd pointed out the main dock only as the finger piers are the responsibility of the individual owner of that slip. So we agreed to add to a future agenda the topic on whether to post information on the web indicating the need for each individual to do their own safety check on the finger pier's they own and in general a reminder to all indicating who is responsible for what sections of the existing docks. Paul and/or Carl will look at the docks for safety issues and give Stephanie that information so she can include the inspection results on the agenda for discussion.

Approved by: Carl Moellering, Dawn Deardon, Todd Wise and Stephanie Brown. No response from the remainder of board members.