

Forest Oaks II

Homeowners Association

Board of Directors Meeting August 15, 2024 Minutes

DATE and TIME

A regular meeting of the Board of Directors for the Forest Oaks II Homeowners Association was held on Thursday, August 15, 2024, at 5:30 p.m. at the Clubhouse.

CALL to ORDER-PRESIDING OFFICER

President JoAnna Medlen called the meeting to order at 5:40 p.m. Judy Tabbert and the association attorney Mike Craig were present.

QUORUM

A quorum was established with the following directors present:

JoAnna Medlen - President
Nancy Miller – Vice-president
Secretary/Treasurer – Linda Johnston
Karen Stutzman – Director
Tonna Collins – Director

JoAnna asked for a motion to add a personal landscape request to the agenda. Motion by Nancy to add a personal landscape request to the agenda, seconded by Karen, motion carried, unanimously approved.

MINUTES

Motion by Tonna to accept the minutes, seconded by Nancy, motion carried, unanimously approved.

PRESIDENT'S REPORT

JoAnna expressed her disappointment in the painting job so far, but they would come until it was done, and they would not receive final payment until the job was finished. Study on the water drainage causing water problems by Huddleston Steele is complete and looks like the city may be responsible in addressing some of the water issues as well as Carriage Park, and then some of it is on us. A crack has occurred in the pool deck. TFS has looked at it and gave a verbal quote of \$9,000.00 to fix and additionally quotes will be obtained before she brings it to the Board. She will look into estimates for repairs to patio pads caused by tree roots when she gets back the report from Arrow Concrete.

COMMITTEE REPORTS

Nancy reported that she had a couple of volunteers for the welcome committee and that she would get a list out to everyone and will get out a notice for the first meeting.

FINANCIALS

Judy Tabbert presented the June and July financials. Elizabeth stated she would address financials later in the meeting when speaking to the 2025 budget. Motion by Tonna to approve financials, seconded by Karen, motion carried, unanimously approved.

OLD BUSINESS

JoAnna went over what had verbally been shared by Huddleston Steele about the water drainage. Images of the drainage areas were projected as JoAnna explained each area where there was a drainage issue and

what had been suggested to correct the problem. She pointed out the areas that should be addressed by the city, Carriage Park, and Forest Oaks II. Since these was just what she understood from verbally discussing it with them she wanted to hold off until she had the written report and then see how to proceed forward. Motion by Tonna to table until the February meeting to have more information, seconded by Karen, motion carried, unanimously approved.

JoAnna asked Nancy to review the decision requiring homeowners to obtain a \$10,000.00 loss assessment on homeowner policies instead of the association buying a wind deductible buy down coverage. Nancy reviewed the cost it would have added to the monthly dues to cover the cost of the policy and what the cost would be annually to homeowners to add the loss assessment coverage.

Asked Judy to review the bids received for lawncare, Judy reviewed the 4 bids submitted by Freeman, Procut, Mullins, and Revive. Motion by Nancy to award the contract to Procut for one year with the option to renew with negotiation of cost annually, seconded by Tonna, motion carried, unanimously approved.

JoAnna stated no action was to be taken on fireplaces but the inspection and cleaning or plugging would start September 1. The cost to homeowners to inspect and clean would be \$145.00 and the cost to plug would be \$75.00. Homeowners, choosing to have their fireplace inspected and cleaned whether they were used or not would be scheduled to be inspected and cleaned annually. She reminded everyone that the fireplace services were being done to respond to the insurance underwriter about the safeguards the association had regarding wood burning fireplace even if the fireplaces were not in use. Wood burning fireplaces are considered liability.

JoAnna stated she had not received a report from Arrow Concrete on the patio pads at Unit 1110 and 1017. Motion by Karen to table until the February meeting, seconded by Tonna, motion carried, unanimously approved.

JoAnna asked Judy to pull up the temporary Board policy Access to Limited Commons Element Policy approved at the June meeting. Discussion ensued about the policy. Issues of security for homeowners by locking patio gates and lack of access to patios kept the Board from knowing when pet feces and other items were creating unsanitary conditions, fire pits, grilling, or other problematic conditions on patios that could cause the association to loss insurance coverage, and even motorcycles being parked in patios were brought up. Motion by Tonna to change the policy to Monday though Friday 8am to 5 pm patio gates will remain unlocked allowing Board members and agents of the Board access to Limited Common Elements, the policy would take affect September 1, 2024, seconded by Nancy, motion carried, unanimously approved.

Discussion whether to mail the notification or use mass email to notify homeowner of the policy to take affect September 1, 2024 began. Cost of mailing the notice was questioned and if mass email was used would that be a way to document homeowner received the notice. Mr. Craig recommended mailing the notice as if mailed then it is considered received. He offered to meter through his office as that would also provide proof of being sent. Motion by Tonna to mail notice by USPS to all homeowners and to meter through the Law office of Michael Craig with the association to be charged with the postage cost, Judy to email homeowners with just email address and they were to acknowledge receipt of the email notice, seconded by Karen, motion carried, unanimously approved.

Discussion was opened on whether to allow the Great Dane at Unit 1141 to remain on Forest Oaks II property of it be removed as approved at the June meeting. The homeowner of 1141 presented the Board with information on the dog requested and a letter supporting the request for her daughter. All documents were reviewed by the Board. Motion by Nancy that the Great Dane may remain on Forest oaks II property,

providing the Pet Policy Rules and Regulations are followed until the expiration of the letter provided, June 30, 2025, at that time a new letter is to be provided that list contact information from the health care provider and includes information on how long the individual has been treated by the health care provider, that it is the responsibility of the homeowner to submit the new information by the expiration date given on the current letter, and if the Pet Policy Rules and Regulations are not followed then the Board may request the removal of the dog, seconded by Tonna, motion carried, JoAnna, Nancy, Tonna, Karen Aye, Linda Nay.

Motion by Nancy to have the association attorney review the Pet Rules and Regulations Policy, second by Tonna, motion carried, unanimously approved.

JoAnna asked the association attorney for an update. The attorney for the estate at unit had responded and the estate is still in probate. Board moved to Executive Session with attorney.

Board returned from Executive Session

Motion by Karen to begin delinquent account, begin foreclosure proceedings, and add to liens on Unit 1026, seconded by Tonna, motion carried, unanimously approved.

Motion by Nancy for attorney to contact attorney for estate unit 926 regarding lapse of insurance, seconded by Linda, motion carried, unanimously approved.

Motion by Tonna that communication between the association and Unit 1121 is to stop at the association attorney's advisement and all communication for Unit 1121 is to go through the association attorney, Judy is to provide the association attorney with information requested, motion carried, unanimously approved.

NEW BUSINESS

JoAnna reminded homeowners they have 5 minutes to address the Board. The owner of Unit 918 addressed the Board regarding the front storm door damaged in June by the previous lawncare provider. She contacted him and someone came out and pulled the glass out and left it on the ground. That she contacted previous lawncare provider and he blocked her and would not call her back. She let the Board know what was going on and she thought the association should pay for the damage to her door. She has already paid for the door and provided the Board with a receipt.

The owner of Unit 1117 addressed appealing the Board's decision on the roof leak at her unit because the Board had incomplete information. She stated she did not call Mr. Dowell but had a phone screen shot of call. She called Alsup's to come out and look at the leak and all the Board had was the cut out from Mr. Dowell. She stated she had proof the leak was from the roof and gave the Board pictures. She said Mr. Dowell said he did not know where the leak was coming from. She had kept the Board abreast of everything and she wanted to be reimbursed for the \$140.00 she had paid to Dowell Roofing.

JoAnna thanked both homeowners for addressing the Board.

There were no Architectural Modifications for approval.

JoAnna stated the circumstances surrounding the damage to the door at Unit 918 were unusual. She explained that the door was damaged late in the afternoon and later that day the lawncare contractor had found out he had been let go by the Board. Due to the unusual circumstance JoAnna recommended the

association reimburse the owner of Unit 918 for the damaged door. Motion by Linda as a one-time courtesy to reimburse the owner of Unit 918 for purchase of a door of equal value to the damaged door, seconded Tonna, motion carried, unanimously approved.

JoAnna stated it looked like the storm door at Unit 1139 was also damaged and would need to be addressed before the new lawncare people took over. Motion by Linda to replace the damaged door at Unit 1139 with a door of equal value as a one-time courtesy, seconded by Tonna, motion carried, unanimously approved.

Motion by Karen to approve the rental of a lift and for B.M. & Associates to clean out the gutters, work is to begin the worst gutters causing damage and then do the remainder, after the leaves have fallen mid-November to first of December with an estimated cost of \$7,000.00, seconded by Nancy, motion carried, unanimously approved.

JoAnna presented the request to approve a personal landscape area other than the area defined in the Personal Landscape Rules and Regulations for Unit 1024. The area that would serve as the personal landscape area has a large tree in it and for drainage reasons the association had placed rock in the area next to the shed. Motion by Nancy to approve the request of Unit 1024 for the mulched area between the HVAC unit and the shed at the end of the fence as the Personal Landscape Area for Unit 1024, seconded by Karen, motion carried, unanimously approved.

Motion by Linda to move the October directors' meeting from October 17 to October 10, 2024, seconded by Nancy, motion carried, unanimously approved.

JoAnna asked Elizabeth to address Forest Oaks II financials and what projections were looking like for the 2025 budget.

Elizabeth Abernathy discussed the status of the 2025 budget, including these points:

-Preliminary work on the 2025 budget indicates that a dues increase of at least \$50/month will likely be needed effective January 1, 2025. The final amount of the increase will not be known until December 2024. At the December 2023 Annual Meeting, the Board voted not to increase monthly dues in January 2024; the only way this could be accomplished was by discontinuing funding to the Painting Reserve for one year only (2024) and hoping that the cost of repairing rotten wood discovered during the 2024 painting would be modest. It was communicated at the December 2023 Annual Meeting that funding to the Painting Reserve would resume in 2025 and that monthly dues would increase by a large amount in 2025. Therefore, the large, expected increase in monthly dues effective January 1, 2025 is not a surprise.

-Prior to the 2024 painting project, the Painting Reserve had sufficient funds to pay Renovia for painting plus some repairs to rotten wood and sheds. However, as painting progressed, it became clear that the cost of repairing rotten wood would far exceed what was expected and, therefore, would result in a deficit in the Painting Reserve. A large portion of the rotten wood relates to the inferior work done by the contractor Timmons Properties retained to replace our roofs after the 2014 hail storm. Work to repair the rotten wood will continue for the rest of 2024. It is possible that the year-end deficit in the Painting Reserve will be approximately \$70,000, necessitating an assessment of approximately \$600 per unit.

-A big unknown in preparing the 2025 budget process is the results of the outside study of all Forest Oaks II reserves. As required by a new Tennessee law, this study must be completed by the end of 2024. The study is already in process. Its results will indicate how much money there should be in reserve accounts at this time and in future years. Further legal interpretation is needed to determine whether the new Tennessee law will require immediate funding of all reserves or will permit Forest Oaks II to meet reserve funding requirements over time. It is possible that there will be a large assessment in 2025 and/or future years to comply with the new law, particularly pertaining to funding for paving and water mitigation.

JoAnna stated there were no items to refer to the association attorney that had not been addressed after the Executive Session. JoAnna stated that some homeowners were frustrated and questioned if the Board was doing what needed to be done with certain homeowners. She asked Mr. Craig to address homeowners about what actions could be taken by the Board. Mr. Craig explained that the Board could only take actions that were legal within the law and actions the Board was given in the Amended and Restated Master Deed. He gave some examples of the differences between an apartment dweller and a condominium homeowner. Homeowner have a lot more rights than renters with a single landlord. To take actions that are illegal or not given to the Borad by the Amended and Restated Master Deed could result in a lawsuit with the association paying out heavy judgements. The Board is doing all it can at this time allowed by the law and the Amended and Restated Master Deed. JoAnna thanked Mr. Craig.

ADJOURNMENT

The next regularly scheduled meeting will be held on Thursday, October 10, 2024, at 5:30 p.m. at the Clubhouse. A motion by Tonna to adjourn, seconded by Nancy, motion carried, unanimously approved.

X 

President's Signature

10-10-24
Date

X 

Secretary's Signature

10/10/24
Date

Forest Oaks II
Homeowners' Association
P. O. Box 12321, Murfreesboro, TN 31729
www.forestoaks2.com

SPECIAL CALLED BOARD of DIRECTORS MEETING

September 6, 2024 Minutes

DATE and TIME

A special called meeting of the Board of Directors for the Forest Oaks II Homeowners Associations was held on Friday, September 6, 2024, at 10:30 a.m. at the Clubhouse.

CALL to ORDER – PRESIDING OFFICIER

JoAnna Medlen called the meeting to order at 10:37 a.m. and Judy Tabbert was in attendance.

QUORUM

A quorum was established with the following directors present:

JoAnna Medlen – President

Linda Johnston – Secretary/Treasurer

Karen Stutzman – Director

Tonna Collins- Director

ITEMS for SPECIAL CALLED MEETING

Delinquent Account

Motion by Linda for the association attorney to take all legal remedies possible to collect the delinquent account of Unit 1026, seconded by Karen, motion carried, unanimously approved.

JoAnna shared that the association attorney suggested that an independent professional, maybe someone recommended by Huddleston Steele, be hired to evaluate the roof at Unit 1117.

Motion by Karen for JoAnna to contact someone other than an HVAC vendor or roofing contractor to evaluate the roof at Unit 1117 and that the findings of the independent vendor would be binding on the Homeowner and the Board, seconded Tonna, motion carried, unanimously approved

ADJOURNMENT

Motion by Tonna to adjourn, seconded by Karen, motion carried, unanimously approved.