

The Wharf Homeowners Association



The Wharf Homeowners Association Board of Directors Regular Business Meeting

Minutes for June 25, 2015

This Regular Session of The Wharf Homeowners Association's Board of Directors Meeting was held on June 25, 2015 at 7:00 p.m. at 707 Davis Road, League City, Texas (Exterior Decks Under Townhome).

Board Members Present

Robert Gray
Forrest Paddock
Mark Russell

Mike Wilbanks

Jerry Aho
Mike Buehrer

Also In Attendance

Chris Hullman, Property Manager

TerraQuest Communities, Inc., Managing Agent

The Wharf at Clear Lake Maintenance Association,
Inc.

I. Call to Order and Quorum Verification

- A. The meeting was called to order by Robert Gray at 7:03 p.m.
- B. The quorum verification was provided by Robert Gray.

II. Open Forum

- A. There were twenty six (26) townhomes' owners present during Open Forum [Joe Pressler (2324), Claire & Roger Bomsburger (681), Jack Munden (653), Don Hamilton (671), Rhonda & Jim Steede (703), Ken Romano (779), Joyce & Bob Sigel (2322), Judith Taub (2302), John & Diane Voll (695), Don Applebaum (801), Diane Brownhill (697), Vivian Cardoso (687), and Cormac & Maggie O'Reilly (741), Dave Martin (771), Ruby Aho (659), John O'Loughlin (739), Dennis & Lynn Pelletier (775), Gerri Frels (655), Cat Buehrer (709), Renee LaFont (815), Mary Path (711), Michael & Brenda Fogarty (2428), Grady & Kim Simmons (649), VeeAnn & Joe Twing (807), Peter Swales (679), Josephine Ford (2108)].
- B. The comments, suggestions, and requests were related to the following matters: concern about communication between the Board of Directors and townhome owners - and especially as it relates to the Agenda Item referencing moving of mailboxes; privacy of emails, Board should focus on key priorities; discussion of changing paint color of townhomes; Board should focus on maintenance items, not focus on "decorations" or "items on decks"; Property Manager is doing a very professional job; some bushes are very overgrown; not interested in "condo



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commanders” or “plant police”; would like the cypress tree replaced at the north end; better alignment between community desires and Board focus and actions; plan for the repair and replacement of the siding, painting and roofing; concern about recent Board focus on trivial matters - want focus on maintenance of townhomes and common property; let us enjoy our decks without interference unless there are significant and egregious matters that should be resolved.

- C. The Board of Directors thanked all of the attendees for their comments, suggestions, and requests. The Board of Directors then closed the Open Forum and began addressing the Agenda Business Items.

III. Approval of Minutes

- A. March 31, 2015 Board of Directors Regularly Scheduled Business Meeting.
1. Mike Buehrer made a motion to approve these minutes.
 2. The motion was seconded by Mark Russell.
 3. The motion was unanimously approved by the Board of Directors.

IV. Operational Business Items

- A. Consider and Take Action on the Ratification of Directors, Officers and Committee Member Elections/Appointments and associated relevant Terms, all as summarized on the March 31, 2015 Director, Officer, Committee and Term Information summary sheet.
1. Mark Russell made a motion to approve and ratify the March 31, 2015 Director, Officer, Committee and Term Information summary sheet .
 2. The motion was seconded by Forrest Paddock.
 3. The motion was unanimously approved by the Board of Directors.
- B. Consider and Take Action on the ACC REQUEST FOR CHANGE for 2302 Crow’s Nest Drive (alteration of upper and lower marina-side decks).
1. Robert Gray made a motion to Conditionally Approve the ACC REQUEST for 2302 subject to the posting of a League City Building Permit prior to the inception of any construction activity.
 2. The motion was seconded by Jerry Aho.
 3. The motion was unanimously approved by the Board of Directors.
- C. Consider and Take Action on the ACC REQUEST FOR CHANGE for 653 Davis Road (water fountain in common between 653 and 655).
1. Jerry Aho made a motion to Conditionally Approve the ACC REQUEST for 653 subject to the following: a) submitting the ACC REQUEST on The Wharf’s standard ACC FORMS; b) the electrical source being plugged into a GFI Receptacle; and c) identifying the location of the fountain.



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2. The motion was seconded by Robert Gray.
 3. Robert Gray, Mike Wilbanks, Jerry Aho, Mark Russell, and Mike Buehrer voted YES, and Forrest Paddock voted NO, therefore the motion was approved by the Board of Directors..
- D. Consider and Take Action on Approval of a new Rule and Regulation related to homeowner installed Landscape Lighting in the Common Area, authorize the President to execute the Resolution regarding same, and authorize the Association Attorney to record same in the Galveston County Official Public Records.
1. The Board discussed the existing Rules and Regulations and the reason for this new proposed Rule and Regulation. Various townhome owners indicated they had not had a chance to review and comment on this proposed new Rule and Regulation, and would like that opportunity before the Board takes any action on it.
 - a) Mike Wilbanks made a motion to Table this item.
 - b) The motion was seconded by Mike Buehrer.
 - c) The motion was unanimously approved by the Board of Directors.
- E. Consider and Take Action on the Approval of the Estimate received from Brooks Concrete, Inc. to effect 26 concrete sidewalk repairs throughout the community (\$8,618).
1. The Board reviewed and discussed both of the Brooks Concrete, Inc. Estimates [the subject 26 Sidewalk Repairs Estimate (\$8,618), as well as the Board's previously approved 11 Driveway Repairs Estimate (\$4,438)]. Due to currently identified and potential additional field conditions encountered as the work progresses, the Board approved a 10%-20% cumulative dollar contingency for an increase in costs [an additional \$3,000 in total].
 - a) Robert Gray made a motion to approve both of the Brooks Concrete, Inc. Estimates with the contingency increase as summarized above.
 - b) The motion was seconded by Jerry Aho.
 - c) The motion was unanimously approved by the Board of Directors.
- F. Consider and Take Action on the Estimate received from M&M High Pressure Cleaning to pressure wash the entire length of the Boardwalk (\$2,000).
1. Mike Buehrer made a motion to approve \$1,000 for pressure washing one half of the existing Boardwalk that is owned, controlled, and maintained by The Wharf Townhome Association (the "westerly" portion of the Boardwalk)
 2. The motion was seconded by Mark Russell.
 3. The motion was unanimously approved by the Board of Directors.
- G. Consider and Take Action on the potential Staining of the Boardwalk.

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- 1) Mike Buehrer made a motion to Table this item.
- 2) The motion was seconded by Mike Wilbanks.
- 3) Robert Gray, Mike Wilbanks, Mark Russell, and Mike Buehrer voted YES, and Forrest Paddock and Jerry Aho voted NO, therefore the motion was approved by the Board of Directors.

H. Consider and Take Action on the Approval of an Alternate Stain Option that can be used by townhome owners for application on their private Limited Common Area decks.

- 1) Mike Buehrer made a motion to Table this item.
- 2) The motion was seconded by Mike Wilbanks.
- 3) Robert Gray, Mike Wilbanks, Mark Russell, and Mike Buehrer voted YES, and Forrest Paddock and Jerry Aho voted NO, therefore the motion was approved by the Board of Directors.

I. Consider and Take Action on the Approval of an Estimate from Earthworks for the installation of Asian Jasmine (including soil) in the townhome North Gate Parking Lot Esplanade (\$2,975, recommended planting in November - with watering by townhome owners).

- 1) Mike Buehrer made a motion to Table this item.
- 2) The motion was seconded by Mike Wilbanks.
- 3) Robert Gray, Mike Wilbanks, Mark Russell, and Mike Buehrer voted YES, and Forrest Paddock and Jerry Aho voted NO, therefore the motion was approved by the Board of Directors.

J. Consider and Take Action on the Approval of an Estimate from Earthworks for the regeneration pruning and removal of certain plants at the Davis Pool/Mailbox Area, removal of a Dead Juniper at 693, and raising the crown of Firethorn Shrub at 707 (\$1,450).

- 1) Mike Buehrer made a motion to Table this item.
- 2) The motion was seconded by Mike Wilbanks.
- 3) Robert Gray, Mike Wilbanks, Mark Russell, and Mike Buehrer voted YES, and Forrest Paddock and Jerry Aho voted NO, therefore the motion was approved by the Board of Directors.
- 4) Forrest Paddock made a motion to take this item off of the Table.
- 5) Jerry Aho seconded this motion.
- 6) Robert Gray, Mike Wilbanks, Mark Russell, and Mike Buehrer voted NO, and Forrest Paddock and Jerry Aho voted YES. The motion failed to be approved by the Board and therefore this item remains on the Table.

K. Consider and Take Action on the Approval of an Estimate from Earthworks for the regeneration pruning and mulching of Building #1 (4 units) and Building #2 (7 units) (\$2,100).

- 1) Mike Buehrer made a motion to Table this item.
- 2) The motion was seconded by Mike Wilbanks.

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- 3) Robert Gray, Mike Wilbanks, Mark Russell, and Mike Buehrer voted YES, and Forrest Paddock and Jerry Aho voted NO, therefore the motion was approved by the Board of Directors.

L. Consider and Take Action on the Approval of the relocation of the Davis Pool Mailbox Structures (with potential stacking of mailboxes) (\$ @ meeting).

1. Forrest Paddock explained to the Board and Membership that his reason for the recommended relocation of the Davis Pool Mailbox Structures was in order to increase the water and marina views as one enters the Main Gate Driveway Entrance. There was disagreement on the benefits to this proposed alteration of the existing Mailbox Structures.
 - a) Forrest Paddock made a motion to approve this item.
 - b) There was no second to this motion, so therefore no further action will be taken on this item.

M. Consider and Take Action on authorizing the Property Manager to contract with a Critter Control Company for the trapping and removal of all unleashed cats throughout The Wharf townhome properties.

1. The Board of Directors discussed the costs and benefits of this approach to contain and remove unleashed cats that are creating problems for certain owners. The Board also discussed the problems caused by townhome owners that may have more than the three (3) cats/pets that The Wharf Rules and Regulations allow or that may have other substantial and egregious violations. It was decided by the Board of Directors that it is the Property Manager's responsibility to notify a townhome owner if there are substantial or egregious violations of the The Wharf's Deed Restrictions or the adopted and recorded Rules and Regulations, and it is the townhome owner's responsibility to coordinate with League City Animal control if they feel there is an unleashed cat problem around their townhome (as the Board is not supportive of trapping unleashed owners' pets on a community wide basis).
 - a) The Board decided to make no motion concerning this item, and therefore there will be no further action by the Board of Directors or the Property Manager on this Agenda item.

N. Discuss Deed Restriction and Rule & Regulation Violations (e.g. number of cats per household, unleashed cats, pet-related unsanitary conditions, unreasonable number of plants on decks, clutter on decks, personal property in the Common Area and on the Boardwalk, etc.) and the role of the Covenant Control Committee.

1. The Board of Directors discussed the matter of substantial or egregious violations of The Wharf's Deed Restrictions and/or The Wharf's adopted and recorded Rules and Regulations, and especially when there are multiple complaints and the effects of these violations interfere with other townhome owners' health, safety and welfare (or when these types of violations have a negative impact on the community at large). It was

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decided by the Board of Directors that it is the Property Manager's responsibility to notify a townhome owner in writing (according to the existing Rules and Regulation for enforcement) if there are substantial or egregious violations of The Wharf's Deed Restrictions or its adopted and recorded Rules and Regulations, and it is the townhome owner's responsibility to coordinate with League City Animal Control if they feel there is an unleashed pet problem around their townhome (as the Board is not supportive of trapping townhome owners' unleashed pets on a community wide basis).

- a) The Board of Directors directed the Property Manager to follow the existing enforcement procedures and properly notify, in writing, a townhome owner where multiple complaints have been received concerning substantial or egregious violations of The Wharf's Deed Restrictions and/or The Wharf's adopted and recorded Rules and Regulations, and especially as it relates to unleashed pets creating a nuisance and unsanitary conditions.
- O. Consider and Take Action on the Approval of the Mass Nursery Quote for the installation of a 30 Gallon Flowering Tree to replace the previously removed (during 2014) mature Cypress Tree (\$450 - with watering by townhome owners).
- 1) Robert Gray made a motion to approve this item.
 - 2) The motion was seconded by Mike Wilbanks.
 - 3) Robert Gray, Jerry Aho, Mike Wilbanks, Mark Russell, and Mike Buehrer voted YES, and Forrest Paddock voted NO, therefore the motion was approved by the Board of Directors.
- P. Review the Status of the seven (7) Requests for Proposals for Siding Repairs and Painting for Building #1 (2302, 2304, 2306, 2308) and Building #2 (2310, 2312, 2314, 2318, 2320, 2322, 2324).
1. The Property Manager and the ACC Chairman briefly reviewed the seven (7) companies that have been contacted and indicated that all seven (7) Requests for Proposals for Siding Repairs and Painting should be received by the end of July. Thereafter, all Proposals will be evaluated and there will likely be a "short list" of contractors that the Association will want to meet with in order to ensure that their competing Proposals are adjusted where necessary in order to make them comparable. It is currently anticipated that a recommendation to the Board would be made in August, with actual onsite siding repair and replacement construction work beginning in September.

V. Financial Business Items

- A. Consider and Take Action on the Approval of the Financial Statements and Related Supporting Detail for the Period Ending May 31, 2015.



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1. The Board discussed and reviewed these financial statements.
 - a) Forrest Paddock made a motion to approve the May 31, 2015 Financial Statements.
 - b) The motion was seconded by Mark Russell.
 - c) The motion was unanimously approved by the Board of Directors.

VI. Adjournment

- A. Robert Gray made a motion to adjourn at 8:50 pm.
- B. The motion was seconded by Mike Buehrer.
- C. The motion was unanimously approved by the Board of Directors.

VII. Post-Adjournment Discussion by Board of Directors (Other Business Matters)

- 1) Forrest Paddock advised all Board Members that he was resigning from the Board of Directors, effectively immediately.
- 2) Robert Gray advised all Board Members that Joe Sarabok had resigned from the Board of Directors earlier in the day and by email (and also prior to the inception of this evening's Board Meeting), and Mr. Sarabok's resignation was effectively immediately upon receipt by the Association of his email.

Note: Documents referenced in these minutes were provided to the Board of Directors for review prior to this meeting.

Minutes submitted by: Property Manager

Minutes approved by: Board of Directors

ATTESTED:

Mike Wilbanks, Secretary
