

**3 CHERRY WAY HOMEOWNERS ASSOCIATION GENERAL MEMBERSHIP  
MEETING MINUTES OF NOVEMBER 14, 2024**

**1. CALL TO ORDER:**

The meeting was called to order by T. Smith on November 14, 2024, at 3 Cherry Way Community Center at 1:00 pm.

**2. ROLL CALL/WELCOME:**

**A. T. Smith, President:**

1. Welcomed everyone to the meeting and asked the Correspondence Secretary, C. Dubac, if there were twenty (20) Voting Members in attendance including three (3) Board members present to have a quorum. C. Dubac stated there were more than twenty (20) voting members present, and five (5) Directors were present, so the quorum requirements were met.
2. T. Smith/J. Dellinger: Motion to amend the Agenda in Items 5 and 6 Bylaw Amendment Proposal, and 2025 Budget Projection be changed to have one (1) question and answer period following the presentation of the proposed changes for the Bylaws rather than on each individual item and have one (1) question and answer period after the 2025 Budget has been presented.

Passed, unanimously.

3. T. Smith introduced Laura Marx, our representative from Superior Association Management to the group.

**B. VOTING:**

1. C. Dubac, Correspondence Secretary: Officially announced that the ballot boxes were open and ready for completed ballots.

**3. PROPOSED BYLAW AMENDMENTS:**

**A. T. Smith, President:** Presented each of the Bylaw proposed amendments and reviewed each change.

1. Change Request Article: 4-2 (i) First 3 Cherry Way Homeowners Association Board of Directors
2. Change Request Article: 4-3 Board of Directors Candidates
3. Change Request Article: 4-7 Board of Directors – Vacancy
4. Change Request Article: 5-1 (i) Board of Directors Responsibilities
5. Change Request Article: 5-3 Board of Directors Participation
6. Change Request Article: 6-3 (c) Treasurer
7. Change Request Article: 6-3 (d) Recording Secretary
8. Change Request Article: 7-7 Financial Audit
9. Change Request Article: 8-1 Annual Budget/Assessments and Liabilities
10. Change Request Article: 8-3 Special Assessments and Special Assessments for Capital Improvements
11. Change Request Article: 8-5 Assessment Roll and Hud/Rental Compliance

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12. Change Request Article: 9-2 Association Standing Committee

13. Change Request Article: 9-3 Architectural Control Committee

14. Change Request Article 9-6 Audit/Investment Committee

**4. PROPOSED BYLAW AMENDMENTS: QUESTIONS/COMMENTS:**

A. John Gabor, 2375 Stardust Ct.,

1. When I was on the BOD, I looked at Bylaw changes to see if they were in the best interest of the Membership. Please use this method when voting on the Bylaw amendments.
2. This is a General Membership Meeting, and the Board has no authority to change anything on the Agenda. It should have been by a total vote of the Members at the meeting.

B. David Koenders, 8140 Viscount Ct.,

1. Concerning Item 3, Board of Directors Vacancy, you stated that the Board of Directors could fill a vacancy for a day, but the Article says the vacancy may be filled for the balance of the unexpired term. *BOD Comment:* This was described incorrectly. You are correct. This change would allow the Board of Directors to appoint someone to fill a vacancy from the Members on the current Membership List or ask the community to apply for the open Board vacancy.

C. Steve Sarcinella, 2258 Early Robin Dr.,

1. Concerning the Rental Compliance for Item 11. What about the age requirements? *BOD Comment:* The 55+ age requirement is capped at 20% of the entire community can be under the age of 55.

D. Barb Wolter, 2259 Early Robin Dr.,

1. Concerning the 55+ requirement, if I were to rent my property could they be under the age of 55? *BOD Comment:* Per Hud requirements, we have to allow up to 20% below 55.

E. Laura Marx, Superior Association Management,

1. Concerning the 55+ requirement, a person who is over 55 can rent a unit and another person may occupy the unit that is not 55. There is a 20% cap on those persons under the age of 55 who own or are renting property. If there is no rental cap, it does bring issues to a community and not just to the Board of Directors. Children under the age of 18 are not allowed to live here.

F. Diane Hendricks, 8507 Van Ct.,

1. Concerning rentals, one person renting the house must be 55 years old or older and another occupant can be under 55. *BOD Comment:* The Board of Directors is currently working on the Rental Policy and Procedures, and we will be seeking legal guidance to answer these questions concerning the age restriction(s).

G. Many questions were raised from the Members present regarding the age requirements to own or to rent a property in 3 Cherry Way. The Board of Directors will seek legal advice on these questions and relay that information to the Association.

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**5. PRESENTATION OF THE 2025 BUDGET:**

- A. K. Brockman presented the 2025 Budget using the same format as the Budget Open Forum meeting on November 1, 2024.
1. Anticipated expenditures based on the 2024 Budget, the Reserve Study, increases in landscape costs and inflation.
  2. Need to increase the monthly assessment to cover the anticipated costs in 2025 (\$30/13.3% increase for a total of \$255/month).
  3. Reserves 2025 deposit rises to \$154,300.00.
  4. Presented the CDs investments through 2024 from the investment account with S. A. Stone.

**6. PRESENTATION OF THE 2025 BUDGET: QUESTIONS/COMMENTS**

- A. Maria Dunnigan, 8359 Ulster Ct.,
1. Why are we worried about 30 years from now? *BOD Comment:* The Reserve Study is a guide for future expenditures based on the age of the units and the community as a whole. It is not cast in concrete, and we can choose whether to adhere to it or not.
- B. John Gabor, 2375 Stardust Ct.,
1. Per the Covenants, we have to have reserve funds set aside for future expenses. This prevents having special assessments to cover the costs of replacing roofs and street repairs, etc.
  2. My concern is that there is a 42% of the Budget is landscape and ground maintenance and there is no detail. We do not have a signed contract. We don't know what they are going to do about \$300,000.00 of the Budget. *BOD Comments:* Concerning landscaping, we cannot execute a contract without an approved budget unless we keep our present landscape contract. The total of the increase in landscaping and ground maintenance between 2024 and 2025 is \$71,000.00. Landscape costs are going up overall. The Board has identified items for 2025: drainage, landscape improvements, concrete curbs and gutters, Montmorency Drive entrance lighting, mulch throughout, signage throughout, there is a retaining wall that requires repair, and there are erosion areas near the pond that need to be filled in. We went out and solicited four (4) bids for the landscaping here at 3 Cherry Way. One (1) said they could not do it. Another bid \$300,000 that has excellent reviews. Another company came in at \$180,000.00 with good reviews, and we used that figure for the Budget. Bean Bros. said that they want to come back identical to last year; the community has expressed that they are not satisfied with the landscape work done by the present contractor.
- C. Diane Hendricks, 8507 Van Ct.,
1. If you had your own home, you would have to budget for everything you could including any increases in costs for a change in contract with someone, e.g. HVAC, cost of living, reduction in incoming funds, etc. The Budget for the community is done in the same manner. The BOD went out and got estimates for the upcoming year and then put in the figures to fund 2025. If the Budget does not pass, then we will have to "cherry pick" items that will be funded. If the costs go down for the landscape contractor in 2025, will they give us back funds that were not spent? *BOD Comment:* There is no way of knowing that the landscaper's costs will go down, therefore, it is not a negotiating point.
- D. Karyl McClellan, 8328 North Star Ct.,
1. Our HOA President and my husband, Jim McClellan, are watering the new bushes by literally carrying buckets to the bushes throughout the area where the new bushes were planted. It really makes an impression as you walk around places and some areas do not look good. We need the budget increase so that everything gets maintained here. We want our community to look good to potential buyers to keep our property values.

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E. Phyllis Wilson, 8348 Glacier Dr.,

1. The \$44,000.00 being spent on drainage work on Lambert is this in the 2024 Budget or the 2025 Budget? *BOD Comment:* There is a significant drainage problem from Vandalay Dr all the way down to Glacier Dr. The drainage lines are too small, concrete work has to be taken up and replaced, and more to be done to make it right. The intent is to pay that this year. That would depend on when the contractor can get in and get it done and when we receive the invoice.
2. The current landscape contractor did not do items that were in the contract such as bush trimming, weeding and others. Is there something we can put in a contract to deduct funds for work not being done? *BOD Comment:* Yes, there is a clause in the contracts that are ready to be signed for 2025.

7. **COUNTING OF VOTES:** There were 94 Members present who voted.

A. **Bylaw Proposed Change/Budget Ratification:**

| Bylaw Change Request           | Yes | No |
|--------------------------------|-----|----|
| Article 4; 4-2 (i)             | 86  | 8  |
| Article 4; Section 4-3 (Title) | 86  | 8  |
| Article 4; Section 4-7         | 88  | 6  |
| Article 5; Section 5-1 (j)     | 91  | 3  |
| Article 5-3                    | 88  | 6  |
| Article 6; Section 6-3 (c)     | 86  | 8  |
| Article 6; Section 6-3 (d)     | 89  | 5  |
| Article 7; Section 7-7         | 86  | 8  |
| Article 8; Section 8-1         | 86  | 4  |
| Article 8; Section 8-3         | 80  | 7  |
| Article 8; Section 8-5         | 86  | 4  |
| Article 9; Section 9-2         | 84  | 5  |
| Article 9; Section 9-3         | 88  | 6  |
| Article 9; Section 9-6         | 88  | 5  |
| Ratification of Budget         | 75  | 19 |

8. **ADJOURNMENT:** The 3 Cherry Way HOA General Membership Meeting was adjourned at 4:30 pm at the 3 Cherry Way Community Center.