



## **Harbor Pointe HOA Board of Directors Meeting Minutes: February 15, 2016**

President Jim Carmany called the meeting to order at 6:59p. Board members present: Jim Carmany, Nick Johnson, Carl Stauske, Gary Rafool, and Anne Dickison. Sue McGill participated by speakerphone. Core3 Property Manager Matt Smith and Board Member Mike Childers were not in attendance. Eight other homeowners were also present for this meeting.

### **Approval of last month's Minutes:**

Gary Rafool made a motion to accept the November Minutes as presented, Nick Johnson seconded, and the motion passed unanimously without further discussion.

### **Property Manager Report:**

Core3 Property Manager Matt Smith distributed his report in advance of the meeting.

\*Sales: Units #314, #516, and #608 are closing this month. Core3 is sending out Welcome letters, Bylaw acknowledgement letters, and requests for updated owner information.

\*The front gate again seems to be working as it should. Bessler Welding performed the gate's most recent repair to one of the arm supports. Once the weather warms up, touch-up paint will be needed.

\*Massey Roofing completed all repair work to date. They also replaced the roof over Garage Building 51-54. Their pricing for replacement of three more roofs this spring was locked in place. Actual units to be completed have not been confirmed at this time.

\*Core3 sent a letter regarding owner occupancy to all Realtors with Harbor Pointe listings as of December 2015. Periodically listings will be reviewed and this letter will be sent out again as needed.

\*Core3 sent letters to owners that either did not have insurance on record with us, or whose insurance information was out of date. The first notice went out 11/10/15 and the second notice went out 1/22/16. At the time of this meeting, insurance information was still not in on 9 units.

\*President Jim Carmany reported that as discussed with the HOA Board by e-mail, and in depth with our HOA insurance agent (Mark Whitlock from Summers & Associates), our insurance coverage was changing to Acuity Insurance after the existing contract with Travelers came up for renewal in early 2016. The quote from Travelers had increased for this year while the quote from Acuity for the same coverage was significantly less.

### **Treasurer's Report:**

Sue McGill provided reports for the January financials and comparisons among our annual budgets. The Treasurer's Year-end summaries for 2015 were distributed to all homeowners in January.

Routinely budgeted deposits of \$3030 per month to the Reserves were increased to \$5000/month in January 2016. As of January 31<sup>st</sup>, Reserve accounts totaled \$329,687.63.

The Reserve Balance Sheet shows \$120,226 in Savings because a single large CD in CEFCU matured in January. A second CEFCU CD matures in February. As per Board decision, the Harbor Pointe HOA opened a new CD for \$100,000 at a 39-month term at the Morton Community Bank. As they mature, CDs are being transferred from CEFCU to Morton Community Bank in order to consolidate our accounts.

\$77,316 exists in the MCB Money Market account. Our two "cash" accounts amount to ~\$197,000. Roof replacements in 2016 will be funded from this Operational "cash" category.

An Operational expense of \$1900 for Landscaping was for 2015 but the bill arrived in 2016. The Income side of the Balance Sheet also shows a negative \$1709 for outstanding dues. All other income and expenses were as planned. Currently the Operational Balance Sheet shows ~\$51,000 in Checking. \$11,093 of that figure came from pre-paid dues to apply to future months.

Gary Rafool made a motion to accept the Treasurer's Report, Carl Stauske seconded it, and it passed unanimously.

### **Parliamentarian's Report:**

Gary Rafool reported that a matter of significantly delinquent dues from one unit owner has been resolved satisfactorily, but that unfortunately the HOA incurred some unrecoverable attorney's fees and lost income before the resolution. Gary suggested that as a Board we should add to the list of potential Bylaws updates/changes the ability for the HOA to collect attorney's fees, etc., for delinquent dues. As the Bylaws are currently written, the HOA can collect attorney's fees when an item goes to court and the determination is found in favor of the HOA.

### **Landscaping Report:**

Carl Stauske reported that he has been in discussions with GreenView about tree replacements.

### **Building Report:**

Nick Johnson looked into pricing options and possible solutions for addressing the aging front gate. The gate controllers and operators could be replaced together or separately. Some of the consultants were of the opinion that replacing the keypad controller was less pressing than replacing the operators (gate arms). Operators cost about \$10,000 each. Another consideration concerned the possibility of installing a new receiver system on the front gate so that in the future key fobs could be integrated with the Liftmaster system on the back gate. Oberlander's extended a set of quotes that would remain in effect for one year.

Nick also brought up thoughts on how to reduce the frequency of gate openings and closings in an effort to extend the life of our current components. Advantages and disadvantages of leaving the gates open during certain hours or under certain conditions were discussed. President Jim Carmany commented that while the gates did discourage unwanted traffic, they did not assure complete privacy. He reminded us that Harbor Pointe was not a secured community, but a gated one.

### **Community Relations Report:**

Mike Childers has been out-of-town and did not provide a report for this meeting. Several weeks ago he did extend a schematic of EastPort Marina's harbor docks and slips which Sue McGill scanned and distributed to the Board for discussions about the floating houses.

President Jim Carmany thanked Basta East Port for hosting our annual HOA Holiday Party again this year, and commended Nick, Carl, and Mike for all work they did to put up and take down our common ground holiday decorations. The newly decorated tall spruce tree behind the 400 building was spectacular.



## **Old Business:**

**Floating Houses:** Gary Rafool summarized the issues and the sequence of discussions that had taken place since EastPort Marina's renting of slip space to a second floating home, and the side-by-side location of the two of them in the center of Harbor Pointe's river and skyline views. Gary reviewed the wording of the original 1995 agreement between the Developers (of Harbor Pointe, Stoney Creek Inn, and EastPort Marina) and the City of East Peoria, cited Federal precedent decisions that non-navigable floating houses were not boats, and presented results of the opinion survey he conducted on the perceived influence of these floating homes on Harbor Pointe's Real Estate values and appeal.

Prior to today's HOA Board meeting, Gary circulated to the Board a Resolution he intended to propose to the East Peoria City Council. Later, in response to feedback, he prepared a second version of the same Resolution to offer as an alternative. Discussions at the HOA Board meeting also included proxy input from Mike Childers concerning dock and other limitations at EastPort Marina. Answering concerns expressed by Anne Dickison, Gary clarified that the Resolution he proposed to present was designed to establish a formal record of the HOA's objections to the presence of floating houses in EastPort Marina's harbor space in front of Harbor Pointe. The East Peoria City Council will be making key EastPort Marina decisions soon.

Following these discussions and selection of the version to present to the City Council, Gary made a motion to accept the Resolution reproduced below. Carl Stauske seconded the motion.

## RESOLUTION

I, Anne E. Dickison, as Secretary of East Peoria Harbor Pointe Homeowners' Association, Inc. (HOA), hereby certify that at a regularly scheduled meeting of the Board of the HOA on February 15, 2016, at 7:00 PM, the following Resolution was passed by the Board with respect to the Floating Modular Homes at East Port Marina in East Peoria, Illinois:

Whereas, the City of East Peoria, Illinois (City) entered into an Amended East Port Marina Development Agreement of August, 1995 (Agreement), with The Prudential Cullinan Properties, Ltd., as Developer (Developer), of, among other properties, East Port Marina (Marina) and Harbor Pointe Condominiums, including its roads, utilities, grounds and landscaping (Harbor Pointe);

Whereas, by the terms of the Agreement and on pages 4, 5, 8, 9, 15, 16 and 17, the Marina was to be a high quality public marina, and the City, as owner of the Marina, shall maintain high standards of public service equal to or exceeding the quality of similar marinas of high quality;

Whereas, the HOA, as successor to the Developer, pursuant to Articles VI and XI of its Declarations of Restrictions, receives all of the benefits and obligations of the Agreement pursuant to paragraphs 18 (page 21) and 31 (page 24) of the Agreement;

Whereas, owners of Harbor Pointe and the HOA have substantial investments in the duplexes, townhouses and condominiums, as well as in the roads, gates, grounds and landscaping of Harbor Pointe in an estimated amount of between 15 and 20 Million Dollars;

Whereas, the Marina has recently allowed two floating modular homes to be placed on docks in a very visible location in the middle of Harbor Pointe directly between the Peoria City and river views of homeowners in the 200, 300, 400 and 500 buildings of Harbor Pointe, with one such floating modular home having two year round residents, without sewer connections and without dockside water connections when the Marina is seasonally closed between November 1<sup>st</sup> and April 1<sup>st</sup>;

Whereas, an individual owner of a unit at Harbor Pointe sent e mails or postal service letters to all owners of the 57 units in Harbor Pointe concerning the location of these floating modular homes, except to the 7 members of the Board in order to maintain their neutrality until residents responded to this correspondence expressing their opinions, and to several other owners who, it was reasonably felt, would not have a proper insight into this matter at that time;

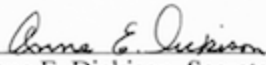
Whereas, of the 46 contacts made to owners, 32 owners responded, and of those 32 responses, 28 owners or 87% of the responses expressed displeasure with these floating modular homes, in that they were very concerned about the floating modular homes detracting and interfering with their views and their property values, as well as that they do not, in these owners' opinion, meet the criteria for a high quality marina's operation by the City;

Whereas, these floating modular homes are non navigable and have been held by Federal Courts not to be classified as water craft or boats;

IT IS, THEREFORE, DECLARED AND RESOLVED BY THE HOA BOARD, AS FOLLOWS:

That Gary T. Rafool and Carl G. Stauske, as homeowners in Harbor Pointe, and as members of the HOA Board, appear, on behalf of the HOA Board and on behalf of owners in Harbor Pointe, at a regularly scheduled meeting of the East Peoria City Council and present this Resolution to the Mayor, any City Administrator, the City Commissioners and the City Attorney, with a request that these non navigable floating homes be removed from East Port Marina before the start of the 2016 boating season.

Respectfully Submitted this 16 day of February, 2016,

  
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Anne E. Dickison, Secretary

The motion was approved with four Board Members voting yes, and two Board Members voting no.

Gary Rafool, Carl Stauske, and perhaps others planned to attend the East Peoria City Council Meeting tomorrow evening (Tuesday, February 16) to observe the Council proceedings, but the Resolution would not be presented at this time. The next East Peoria City Council Meeting open to the public takes place on March 1st.

### **New Business:**

President Jim Carmany noted that two stand-alone garages are currently up for sale. Interested Harbor Pointe homeowners can contact the sellers directly:

Garage across from the 300s: Willie Torchia at (309) 696-7185

Garage across from the 400s: Tom Menold at (309) 208-4190

### **Motion to Adjourn:**

A motion to adjourn the February meeting was made at 8:25p by Gary Rafool, seconded by Carl Stauske, and approved by all. The next HOA Board meeting will be held at Jonah's at 7:00p on Monday, March 21, 2016.

Respectfully submitted,  
Anne Dickison, Secretary







