



## Harbor Pointe HOA Board of Directors Minutes: June 19, 2017

### Special Members Meeting

President Jim Carmany called the Special Members Meeting to order at 7:03p. All six established HOA Board Members (Jim Carmany, Sue McGill, Anne Dickison, Nick Johnson, Mike Childers, Gary Rafool) were present in addition to eight other homeowners. One Board seat remains unfilled. Since two owners own two units apiece, the Harbor Pointe HOA is comprised of 56 owners for its 58 units. To meet requirements for a quorum, 20% of owners must be present to proceed with a Special Members Meeting. With fourteen owners present this evening, requirements for a quorum are satisfied.

In early May, Core3 Property Management distributed to each homeowner an annotated set of proposed Rule Changes to replace the Rules and Restrictions adopted in 2006. The Board of Directors had already reviewed, revised, and approved the Rules Change proposals put forth by the Rules Committee chaired by Sue McGill. The Rules Committee, comprised of one representative each from Buildings 100x, 200x, 300x, 400x, and 600x, plus two owners from the 500 Building condos (representing upstairs and downstairs units), generated the original recommendations for proposed Rules Changes through a series of meetings last summer. In September 2016, Committee members voted upon and finalized the Committee's proposed recommendations to the HOA Board for Board review, discussions, and approval. Over the winter, the Board further discussed and refined these proposals to present them to the homeowners in early May.

Homeowners were encouraged to review the annotated final document of proposals and to attend the May 15 Board meeting to ask questions, voice objections, or request clarifications. When no further points of discussion were brought up to address the proposed Rule Changes, President Jim Carmany instructed Rules Committee Chair Sue McGill to prepare a final document eliminating all previous annotations and highlighted changes, to change the proposed homeowners insurance requirement from \$150 per square foot to \$135 per square foot, and to distribute the final version of proposed Rules Changes to all Harbor Pointe homeowners prior to the Special Members Meeting set for today (June 19) before the regular Board Meeting.

No objections were raised to the finalized proposed Rules Changes document until several days ago when several homeowners from the 500 Building voiced objections to Section 10: "Rules for Bldg 500 Courtyards are the same as the townhouses. The area is split 4 ways: upper units utilize the area along the garages up to their front door. Lower units split the remainder of the courtyard interior." Rules for the townhouse Courtyards were laid out in Section 9, and part c) of Section 9 declared, "All owners of a courtyard must agree on all of these permitted items."

The dissenting opinion expressed at today's Special Members Meeting centered on the argument that since a Condo Courtyard was split four ways, it would be more aesthetically pleasing and less divisive to have a common landscaping template that would preclude customization or the addition of any personal touches permitted to other Courtyards. One owner advocated strongly that the HOA should create the "look" of Condo Building Courtyards and treat them as one entity in terms of design, approval, and maintenance. The owner was of the opinion that wording of the new Rules should specify that the 500 Building Courtyard areas "were part of the HOA Common Grounds" and therefore could not be altered by individual homeowners.



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## Property Management - Construction Services - Maintenance & Landscaping

Sue McGill reflected that during the Committee's initial Rules review and proposal process, and also during the Board's review and acceptance processes, participants were unanimous in desiring the latitude to customize Courtyards and other personal areas within given specific guidelines. Debated decisions were not whether or not homeowners would be allowed to customize personal spaces, but what manner of items would be permissible in Courtyards, patios, balconies, riverside gardens, side gardens, etc. Sue also reiterated that the Committee was tasked only with evaluating existing and proposed guidelines for the exterior appearances of our individual units, and not towards appearances or management of Common Grounds, landscaping, etc. Matters concerning plants planted in the ground and the planning and maintenance of Common Grounds were outside the Rules Committee's purview.

Nick Johnson voiced the concern that to revise the proposed Rules of 2017 to exempt the 500 building from Rules governing Courtyard practices would introduce new and tighter restrictions for the condo unit owners, and would remove privileges that already existed under the Rules of 2006. Prohibiting Courtyard customization (already allowed) would appear to be discriminatory and not what most in the Community wanted to see happen. Nick also underscored that Courtyard neighbors already must agree to any customized Courtyard modifications. This requirement to agree is already in practice, and its intended continuation is reflected in the proposed wording for Section 9 (townhouse Courtyards), part c): "All owners of a courtyard must agree on all of these permitted items." The newly inserted Section 10 in the proposed Rule Changes (defining unit boundaries to the 500 Building's Courtyard 4-way split) was predicated on the extension of the same Courtyard guidelines proposed in Section 9 for the townhouses.

The discussion then became more focused on what a courtyard neighbor could do if courtyard mates were in violation of the existing Rules, or if an objecting neighbor took issue with an intervention done without consultation or consent from every unit owner sharing the Courtyard in question. The Change Order process was reviewed. Courtyard Changes done without Change Order approval are subject to sanction or discipline. Objectionable changes can be reported or challenged regardless of the HOA's Change Order approval. If even one neighbor objects to a Courtyard modification, the alteration fails the requirement that the Change, despite being permitted by the Rules, must also be considered acceptable to every single courtyard mate. All Courtyard disputes should be directed to Core3. Neighbors can discuss objections with neighbors to come to a common agreement, or the objecting neighbor can report his or her lack of consent directly to Core3 to avoid neighbor-to-neighbor conflict. The mechanism is already in place for conflict resolution and for assuring that everyone in the Community is following the Community's adopted Rules governing external appearances.

The Board was of the opinion that stopping the Rules Change process at this point in order to revisit the issue of standardized restricted uniformity of courtyard appearances versus permission for guideline-guided customization of exterior personal spaces was not what a majority in our Community of owners wanted to do. For dissenters, Parliamentarian Gary Rafool outlined the Bylaws' avenue of protest. 75% of all owners are required to veto a Board decision. In the 60 days following the Board's voted acceptance of the proposed Rules Changes, if 20% of all homeowners were to petition the Board to hold another Special Membership Meeting to reexplore and modify the Board's accepted proposal, the timeline for modification of or adoption of the proposed Rules Changes would be reset. In absence of a petition to revisit the topic, the new Rules of 2017 would replace the previous rules of 2006 in 60 days from this Special Members Meeting and the HOA Board's voted acceptance of the presented proposal.

Jim Carmany called for any further questions, discussion, or objections to the proposed document. When no further objections were offered, Gary Rafool made two motions to conclude the business of the meeting.



### FIRST MOTION

I Move, pursuant to Article IV, Section 10 of the Harbor Pointe Bylaws as recorded in Tazewell County, Illinois, on February 15, 1996, as Document Number 9602753, that the Harbor Pointe Board now adopt as a replacement for the Harbor Pointe Rules and Regulations of March 6, 2006, the Harbor Pointe proposed Rules and Regulations of 2017, as sent with the Notice of this Special Meeting to all Harbor Pointe homeowners on May 31, 2017, by Core3, the Property Manager of Harbor Pointe.

**This first Motion was made by Gary Rafool, seconded by Anne Dickison, and was passed unanimously.**

### SECOND MOTION

I Move, pursuant to Article IV, Section 10 of the Harbor Pointe Bylaws as recorded in Tazewell County, Illinois, on February 15, 1996, as Document Number 9602753, that upon these now adopted Rules and Regulations of 2017 becoming effective on or after August 22, 2017, that they replace the Harbor Pointe Rules and Regulations of March 6, 2006, and that the Harbor Pointe Board President be hereby authorized to verify in front of a Notary Public on or after August 22, 2017, the adoption and effective date of these Rules and Regulations of 2017.

**This second Motion was made by Gary Rafool, seconded by Jim Carmany, and approved unanimously.**

At 8:13p, the business of the Special Members Meeting concluded, Gary Rafool made a motion to adjourn. The motion to adjourn was seconded by Nick Johnson and approved by all.

Homeowners present for the Special Members Meeting were invited to stay for the regular Board Meeting to follow immediately after.

Respectfully submitted,  
Anne Dickison, Secretary