

Villages of Leacroft
Special Meeting
February 3, 2011
7:00 p.m.

Crossways Community Church
Charlotte, NC

- 6:30 p.m. Registration and gathering
6:55 p.m. Showing of slide show presentation describing repair and maintenance issues of the common area including playground, tennis court and pool house.
7:00 p.m. Welcome, call to order, introductions

Attendees:

President: Joe Mercier
Vice President: Nick Sackinger
Secretary: Tami Merry
Treasurer: Jennifer DeMartino
At Large: William Blackburn

Representatives of Henderson Management:

Mike Wilchenski
Julie Shadrack (7:40 p.m.)

Leacroft Members: Approximately 70

- 7:05 p.m. Invitation to begin discussion of resolutions.

Resolution 1: *Require the Board to post a sign at the entrance of the neighborhood no later than a week before the monthly HOA Board meetings with the time and location of the meeting.*

Resolution 1: Motioned, seconded and **APPROVED******

Resolution 2: *Designate a Communications Committee that is independent of the Board to increase the community awareness and involvement of the Leacroft members.*

Motion to discuss definition of "independent". Seconded.
Motion to change "independent" to "in conjunction with".
Seconded. Approved.

Resolution 2, including new verbiage: Motioned, seconded and **APPROVED******

Resolution 3: *Provide a Board approved copy of the 2010 Annual Meeting and monthly HOA Board meeting minutes when requested by any voting member of the community within 10 business days.*

Motioned and seconded. Clarification made to define "Board approved" to mean that the minutes of the previous month will not be approved until the next month's Board meeting. The

10 business day period can begin with requests following Board approval.

Resolution 3: Motioned, seconded and **APPROVED******

Resolution 4: *Require Julie Shadrick of Henderson Management to write a public letter of apology to the members of the Villages of Leacroft including the following:*

- *An apology for her rude and unprofessional behavior at the Annual Meeting which overpowered the voices of the community members.*
- *An apology for providing legal counsel to the HOA Board regarding the budget vote.*
- *An assurance that similar mistakes will not be made in the future.*

If the above resolution is not acceptable, direct Henderson Management to reassign a new property manager to the Villages of Leacroft.

Resolution 4: Motion to strike. Seconded. **STRUCK******

Resolution 5: *Require a legal review of the Henderson Management contract before the 2011 renewal.*

Resolution 5: Motion to strike. Seconded. **STRUCK******

Action Item: ***Consider posting the Henderson Management contract on the website.***

Resolution 6: *Amend the Bylaws to add the position of Parliamentarian to the HOA Board. The sole responsibility of this member of the board would be to protect the rights of the Leacroft members and ensure that the HOA Board upholds their responsibilities as outlined by the Villages of Leacroft Bylaws.*

Resolution 6: Motion to strike. Seconded. **STRUCK******

Resolution 7: *Amend the bylaws to ensure that the 2011 Budget and all future HOA Budgets must be ratified by the members of the association at the Annual Meeting.*

Motioned and seconded. Clarification made that because a 2/3 vote is necessary to amend bylaws that this resolution cannot be approved in this meeting. As of 1999, the NC Planned Community Act includes such language to require member budget ratification. Therefore, the wording of this resolution is: *Refer to committee to draft and amend bylaws to require member ratification of budgets at annual meetings.*

Resolution 7: Motioned, seconded and **APPROVED******

Resolution 8: *Repeal the 2011 Budget immediately due to the failure of ratification by the members at the Annual Meeting.*

Budget/Dues Increase: The Annual Meeting notification sent to members explicitly stated that a budget ratification vote would take place. Although the HOA Board may "legally"

have the right to raise our dues without our consent the precedent has always been that HOA members had the right to vote on previous HOA budgets. Therefore, the ethical course of action would be to honor this precedent.

Reserves Spending: The 2011 budget contained over \$52,500 in capital improvement spending, which according to our bylaws, any capital improvements exceeding 5% of the annual budget must be voted on by all homeowners (Bylaws, Article VIII, Section 1(f)). At the false legal counsel for Julie Shadrick of Henderson Management, the Board chose to take away our right to vote.

Motioned and seconded. Clarification made regarding "earmarking" funds in reserves explaining that a 2/3 community vote would be required to release those funds in order to use them in an emergency situation. Our reserves plans have purposely avoided "earmarking" funds to allow fluidity for funding necessary repairs.

Resolution 8: Motion to strike. Seconded. **STRUCK**

Resolution 9: *Remove current Board members who were responsible or acted in part for the grievances expressed above or who have not upheld their duties as defined in the Bylaws.*

Resolution 9: Motion to strike. Seconded. **STRUCK**

Resolution 10: *Hold a separate meeting subsequent to this special meeting to allow members an open forum to express any other grievances with the Board or management company that were not addressed at the Annual Meeting or by the special meeting that is held as a result of this petition.*

Resolution 10: Motion to strike. Seconded. **STRUCK**

8:10 p.m. Date, Time and Location of Next Meeting

February 17, 2011 at 6:30 p.m. at Bass Pro Shops, Concord Mills Mall, Concord, NC

8:15 p.m. Adjourned