

**Atwater Commons Condominium Association
Board of Directors Meeting
General Session Minutes
Thursday, May 16, 2024 @ 2:00 PM**

Board Members Present:

Karen Morgan (KM) – Vice President

Joe Iacobelli (JI) – Treasurer

Clark Bailey (CB) – Board Member

Jim Dafoe (JD) – AMI Sr. Community Manager

Location: via Zoom conference call

The General Session Meeting was called to order by (JI/KM) at 2:07 PM

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Motion: Approval of General Session Meeting Minutes from **March 5, 2024** as submitted.
Motion by (KM/CB), all approved.

There was review and discussion of the April & May 2024 Financials including but not limited to the following; The Reserve Account Funds for the month ending May 31, 2024, \$37,891 (Checking), \$65,869 (Money Market), \$103,630 (Certificate of Deposit which expires 8-11-2024). Review of Work Orders and how they are issued and completed in the Vantaca system.

The Board requested that (JD) send out monthly Financials to the Board by email. (JD) stated the Financials are posted in the Vantaca system, and that he no longer emails them out to his Boards. The Board expressed their displeasure with this new practice and requested to have them emailed monthly. The Board commented that not everyone is using Vantaca and would like the full Financial Package emailed each month.

Motion: Approval of **April & May 2024** Operating Statement. Motion by (JI/CB), all approved.

Old Business:

- Governing Documents Revision – No news reported by (JD). Jeff Volmer has not received a response from Tony Randazzo of Randazzo Builders, or his attorney, regarding the Bylaw revisions. Jeff Volmer reported that Randazzo's attorney was still reviewing the Bylaw revisions. (JD) to follow up.
- (JI) submitted legal question for (JD) to follow up on. Specifically legal case: [*Elizabeth Trace Condo. Ass'n v. Am. Glob. Enterprises, Inc.*, No. 355243, 2022 WL 413672 \(Mich. Ct. App. Feb. 10, 2022\)](#). *The court affirmed the trial court's grant of summary disposition for plaintiff condominium association and affirmed the order requiring defendant assignee of developer to release all claims to the undeveloped "need not be built" units. The court found that MCL 559.167(3) clearly provides that if a condo project developer does not withdraw these undeveloped "need not be built" units from the project within the specified 10-year time period, the land comprising those units becomes part of the project as general common elements and all rights to construction on that subject land cease.*

(JD) to follow up with MAG Law to see if this case gives the Association leverage over the Builder to accept the revised Bylaw documents or move forward with new building condo units.

Old Business (continued):

- Governing Documents Revision – Previous Meeting Notes:
 1. The Board reviewed the Bylaw revisions with Jeff Volmer of the Makower law firm on 8-17-2023. The next meeting with Co-owners can only take place if the attorney reaches an agreement with Tony Randazzo of Randazzo Builders, due to number of votes.
 2. Attorney Jeff Volmer sent an email (letter) to Anthony Randazzo with Randazzo Builders on 9-14-2023 making him aware of the proposed changes to the Association Bylaws. Jeff Volmer is waiting on the builder's response.
 3. 1-19-2024 - (JD) informed the Board that Anthony Randazzo is still reviewing the Bylaw revision documents. The Association must wait for his approval before scheduling a Co-owner meeting to discuss the revisions.
 4. 5-16-2024 - (JD) informed the Board that there was no response from Anthony Randazzo regarding the Bylaw revision documents.
- Fire Suppression Closet Heater Replacement – There was discussion over the condition of the closet heaters including but not limited to the following: (KM) stated that heaters are rusted, and were previously approved for replacement. They are the originally installed heaters, they typically have a 20-year life span, the rust is a cosmetic issue not mechanical. (KM) submitted a Work Order to replace the heaters in all closets, but it has not been done yet. Board agreed to inspect the heaters during the Spring Walk, which was completed on May 1, 2024.

Motion: Approval to replace the six (6) closet heaters in the Fall of 2024. (KM/CB), all approved.

Reminder – (JD) to put Phase #2 Paint from U&S Painting in the Building E (Evergreen Trail).

New Business:

- 2024 Mulch (Before or After Bush Replacement) – The Board agreed to the following:
 1. Install Mulch after the 2024 Spring clean-up is done.
 2. Clean out/Cut the front ornamental grass and then install mulch along fence line. (JD) to have Brad Schick complete the cutting of ornamental grass with the 2024 Fall Clean-up.
 3. Replace all bushes on Saber Way & Emerald Chase in the Fall of 2024.
- Garage Door Responsibility – The Board reviewed the April 16, 2024 MAG Law email (Jeff Volmer) that states that the Association is responsible for the replacement of garage door “mechanisms”. The Board reminded (JD) that the Association cannot be responsible for the mechanism if the garage door has been obviously damaged, either by Co-owner(s) or guests.
- Tree & Bush Replacement Suggestions on East side of 200 Park Green Building (J. Brett) – The Board reviewed what type of tree to be planted. The Board discussed if the tree needed to be replaced, or leave the grounds as is. (KM) volunteered to discuss the issue with Jordan Brett.

(JD) to follow up with Tree Company about why stump was not grinded down.

Update: The Board agreed to plant a Bradford Pear (or similar) in the Fall of 2024.

Update: (JD) with AMI confirmed that Brad Schick w/Staco will remove the stump asap.

New Business (continued):

- Shed Removal Letter – 428 Newton Court – The Board reviewed the May 13, 2024 letter from MAG Law to homeowner of 428 Newton Court regarding the removal of the building shed on the Associations property. There was discussion about the amount of “set-back” and permit process needed.
- Coach Light Replacements – The Board discussed replacing the front balcony lights because many of them are missing parts or the paint finish is peeling. The Board also discussed whether to start the replacement process with one (1) building, or complete them all. If replacing only one building at a time, more information is needed. Cost of light fixture is approximately \$75 x 76 units = \$5,700.00 in supplies only (not labor). **To be discussed at the next Board Meeting.**
- Flag Replacement and Locking System Repair (Brad or Rocket) – The Board discussed the need to replace the solar light, repair rope and lock mechanism, stabilize the flag pole, and to find a volunteer to manage the flag duties. (JD) to obtain a bid from Rocket.

Update: The Board approved the Rocket bid to replace the solar light and repair rope and locking mechanism on the flagpole. Work was completed on 6-28-2024 and Board members Karen, Clark and Keith were on site to receive keys and training.

Update: On 7-1-2024 (KM) confirmed that Leah Slazinski at 206 Park Green has volunteered to manage the flag duties.

General meeting adjourned by (JI/KM) at 3:15 PM.
Move to Executive Session.

The next HOA Board Meeting is scheduled for **TBD (August and/or September)** @ **TBD PM** (Zoom Call).

The Annual HOA Meeting is scheduled for **Thursday, October 3, 2024.**

General session minutes respectfully submitted by Joe Iacobelli on 7/16/2024.