

**Atwater Commons Condominium Association
Board of Directors Meeting
General Session Minutes
Friday, September 20, 2024 @ 1:00 PM**

Board Members Present:

Karen Morgan (KM) – Vice President
Keith Cornacchio (KC) – Board Member
Joe Iacobelli (JI) – Treasurer

Jim Dafoe (JD) – AMI Sr. Community Manager

Location: via Zoom conference call

The General Session Meeting was called to order by (JI/KM) at 1:31 PM

.....

(JI) informed the HOA Board Members & (JD) w/ AMI that Clark Bailey resigned from the HOA Board effective 9-20-2024, for personal reasons. We all appreciate Clark's efforts while on the Board and wish him well!

Motion: Approval of General Session Meeting Minutes from **May 16, 2024** as submitted.
Motion by (KM/KC), all approved.

(JI) mentioned that AMI Accounting will need to change the (8/11/2024) Frist Citizens Bank CD date on the Balance Sheet to reflect the new expiration date.

The June, July, and August 2024 Financials **were not approved** by the Board. (KM) suggested tabling discussion and Board approval of the Financials, until she had time to review them. (KM) requested hard copies of the Financials from AMI, which were recently made available for pick up at the AMI office.

In the May 16, 2024 Board Meeting, the Board Members had requested that (JD) send out monthly Financials 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 that they would like the full Financial Package emailed each month.

Motion: NO Motion made regarding approval of the **June, July, and August 2024** Operating Statement(s).

Old Business:

- Governing Documents Revision – No news reported by (JD). (JD) sent Jeff Volmer an email on 9-16-2024 requesting a response from the attorneys for Tony Randazzo of Randazzo Builders, regarding the Bylaw revisions. Jeff Volmer emailed back on 9-16-2024 that he received an email from the builder's attorney on 9-10-2024 advising that an updated draft would be received "in the next day or two", but it was never sent.

UPDATE 9-25-2024: Jeff Volmer with MAG Law received a response from the Builders attorney on 9-25-2024. The "Blue Lined" changes proposed by the Builder could be separated into 2 categories: (i) reinstating all reserved rights for the original Developer from the Master Deed and Bylaws; and (ii) incorporating additional rights that were never reserved for the original Developer.

The HOA Board will need to review these proposed changes before a response is drafted.

Old Business (continued):

- (JI) had previously submitted a 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.

- 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.
 5. 9-20-2024 - (JD) informed the Board that the attorney for the Builder, Anthony Randazzo, sent an email response on 9-10-2024, advising that he would provide a response to Bylaw Revision Draft in a day or two.
 6. **UPDATE 9-25-2024** - Jeff Volmer with MAG Law received a response from the Builders attorney on 9-25-2024. The "Blue Lined" changes proposed by the Builder could be separated into 2 categories: (i) reinstating all reserved rights for the original Developer from the Master Deed and Bylaws; and (ii) incorporating additional rights that were never reserved for the original Developer.

The HOA Board will need to review these proposed changes before a response is drafted.

- Fire Suppression Closet Heater Replacement: The Board referred to the Motion made and approved on May 16, 2024 to replace the six (6) closet heaters in the Fall of 2024. (KM/CB), all approved. (JD) to submit a Work Order for the heaters to be replaced.
- Coach Light Replacements – The Board discussed and approved replacing the thirty-eight (38) front balcony lights because many of them are missing parts or the paint finish is peeling. (JD) was provided the make and model number of the coach lights previously purchased at Home Depot. (JD) to submit a Work Order for the Coach Lights to be replaced.

REMINDER: On 9-20-2024 (KM) sent a Work Order request to (JD) for Coach Light replacements, with addresses included.

Old Business (continued):

- Balcony/Back Deck Refurbishing – The Board discussed the replacement of rotted wood boards and staining of the wood decks. The Board approved putting this project in the 2025 Budget. (JD) was provided the bids from when this project was last completed, as a reference for obtaining new bids.
- Paint Project (Phase #2) Paint – (JD) informed the Board that a can of paint from the Phase #2 Paint Project was placed in Building D Fire Suppression Room.

New Business:

- Irrigation System – (JD) informed the Board that a Work Order was submitted to shut down the irrigation system the week of September 30, 2024.
- Snow and Salt Service – (JD) informed the Board that the snow service company, Staco Resources, is contracted through the 2025/2026 season.
- Beneficial Ownership Interest (BOI) Reporting – (JD) informed the Board that AMI can complete and report the BOI information at an initial filing fee of \$200.00. Failure to report may result in a civil penalty up to \$500 per day and criminal penalty of up to two years imprisonment and a fine up to \$10,000.

Motion: Motion made to have AMI perform the Beneficial Ownership Interest (BOI) reporting to the Financial Crimes Enforcement Network website, for a cost of \$200. Motion by (KC/KM), all approved.

General meeting adjourned by (JI/KM/KC) at 2:44 PM.
Move to Executive Session.

The next HOA Board Meeting is scheduled for **TBD (November and/or December)** @ (Zoom Call).

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

General session minutes respectfully submitted by Joe Iacobelli on 9/26/2024.