

Dartmouth Willow Terrace 2017 Co-Owners Called Special Meeting

June 19, 2017, 7:00 p.m.

Willow Terrace Lobby

Board Members Present: Rhoda Bell, Janet Parrish, Missy Bland, Bob Maddox, Anita Henkel, Bill Seiller

DWT Attorney Present

CALL TO ORDER. 7:05 p.m. Quorum present (with proxies) at 66.1%

ROLL CALL

PROOF OF MEETING NOTICE- Was mailed to all owners via U.S. Mail with 10 days notice, per our By Laws.

BACKGROUND- DARTMOUTH ROOF AND ROOF GARDEN PROJECT

- Chad Evans- Brief history- Going back to 2014 we had several Dartmouth roof looks into Apartment 11B. We made several patch type of repairs and analyzed the roof. Conversations were had that continuing to just patch and repair the roof was not a good use of funds. Chad met with 3 companies that said that the roof needed to be replaced. Another gave a verbal opinion saying roof needed to be replaced (but would have charged \$4,000 for written opinion). 5 companies gave bids for replacement; all five took core samples that showed that there has been water penetration, verifying roof leaks. The Board asked for there to be a meeting with the Dartmouth owners to determine how the roof repair would be handled and paid for. This Dartmouth owner meeting was held in March 2016 and a vote was taken. The Board then voted in October 2016 to replace the roof.
- Steve VanHooser said that he is concerned that the Roof Garden will be removed and unable to be replaced.
- Connie Jaquith- is the roof of the Dartmouth a Common Element and the Roof Garden of the Dartmouth a Limited Common Element? The DWT Attorney says that the Roof itself is Common Element. The Roof Garden he assumes is a Limited Common Element since that is the way it has always been. Connie says that clearly it is not in writing anywhere that the Roof Garden is a Limited Common Element, so there is question as to if it is or is not a Limited Common Element.

1) HIRE A CONSENSUS ROOF EXPERT

- Wayne Jenkins- wants to know if the roof can be replaced without removing the Roof Garden

- Are the 14 people in the Dartmouth willing to hire to pay for an Opinion? Kelly Gerrard said that money is not an issue for them so they are willing to do Due Diligence. Rhoda said that in 1987 the Roof Garden was a Common Element.

A) DETERMINE IF ROOF NEEDS REPLACED OR REPAIRED

B) COST OF INSPECTION TO BE BORNE BY PETITIONERS

Terry McCoy moves that we hire a Roof Expert to look to see if the roof needs to be repaired or replaced and, if so, if we may do so without disturbing the roof garden. This will be at the cost of the Dartmouth owners who signed the petition and are willing to pay for the Roof Expert. Corky Sachs seconded the motion.

Bill Seiller said that he doesn't know how it can be said that Dartmouth owners who aren't willing to do so, will pay for the roof expert. Terry amended his motion to reflect this.

Connie Sorrell- we need to make sure that the company is approved by the Board

Missy Bland- the willing Dartmouth owners who are paying will be billed directly, and the bill is not to come to the Association.

Jim Pitt- Does landmarks have a stake in this? Not that we know of.

Ken Bell- Where will things go from the Consultant opinion? A consultant is just an opinion. Where would we go from there?

Janet Parrish- What if we replace the Roof and then the Roof Garden causes damage again?

Ginny Weber- Are the WT residents going to be able to use this Roof Garden after we spend thousands of dollars? Rhoda says no, that the Dartmouth residents will be paying for the Roof Garden, and if it is a Limited Common Element, the Dartmouth owners will access it.

Sam Miller- if a consultant recommends that a roof needs to be repaired, who will pay? The Association will pay for the roof. Sam asks; why would the WT pay for the Dartmouth roof? Answer; because it is an Association expense.

-Paper vote taken and tabulated. 60.6% voted yes on Ballot 1. They may proceed

2) DETERMINE MATERIALS/TECHNIQUES TO PRESERVE ROOF GARDEN

Rhoda- Unless we have an expert, I don't think that any of us are equipped to make this decision. Rhoda asked if any of the petitioners had expert opinions on this. They did not. Rhoda asked if any of the petitioners had anything to say. They did not.

-Chad discussed what all of the experts he has had out to bid have said about materials.

-Missy Bland asked what if the expert says that the roof replacement would cost one price for replacement without a roof garden and a more expensive replacement cost with a roof garden? What would we do then? Kelly Gerrard said that of course any additional cost for roof repair that would be necessary to be able to accommodate a Roof Garden would be paid for by Dartmouth owners.

3) AUTHORIZE DARTMOUTH OWNERS TO MAINTAIN ROOF GARDEN

A) KEEP IN COMPLIANCE WITH LOCAL REGULATIONS AND LAWS

-David Lutman- makes a motion that we Table Ballot 3 until we determine if the Roof Garden is a Limited Common Element or a Common Element. Bill Seiller seconds motion. DWT attorney- if we meet 70% we could say that the Roof Garden is a Limited Common Element.

Bill Seiller said that we could amend the By Laws but we don't need to. Things are a simple majority and that we do NOT need 70%.

We will do a voice vote on Lutman's motion. Vote taken. Unanimously carried.

ADJOURNMENT 8:05

Minutes Submitted by Secretary Janet Parrish on June 19, 2017