

OAKPOINT II TOWNHOUSE ASSOCIATION NEWSLETTER Spring 2023



Sights of Spring arriving at Holiday Island means it is nearing time for our Annual Membership Meeting! Please make every effort to attend this meeting as there are new property owners to meet, old friends to greet, and lots of business to take care of. **IT TAKES A VILLAGE** and working together we can be proud of Oakpoint II and our investments. If you are unable to attend, please be sure to complete the Proxy Form and return with the necessary signatures so that we have a quorum to conduct the business of electing board members and voting on other issues.

ANNUAL MEMBERSHIP MEETING
April 15, 2023 1:00
Holiday Island Country Club (downstairs)
#1 Country Club Drive
The Board of Directors will be hosting a cookout at 11:30
prior to the meeting. Please join us!

Board of Directors

Robert Dimski, President *(term expires April 2023)* Anita Augustine, VP *(term expires 2025)*
Mary Ruby *(term expires April 2025)* Mike Chitwood, *(term expires April 2023)*
Donna Abercrombie, *(term expires April 2024)*

*Roger Miner, Treasurer/Property Manager *Debbie Miner, Secretary

The Oakpoint II Townhouse Association Board of Directors is made up of 5 Association members, each serving rotating three year terms. Candidates to fill expiring terms are presented each year at the Annual Membership Meeting by the Nominating Committee. Nominations can also be made from the floor at the meeting.

Nominating Committee: Anita Augustine (anitaaugustine@aol.com) Tom Miller (tmiller17@cox.net)

** Non-voting Members of the Board*



A MESSAGE FROM YOUR PRESIDENT

Hello Fellow Homeowners,

While it could be a bit warmer to my taste, it is nice to see the days getting longer, daffodils flowering and signs that point to another beautiful summer at Holiday Island. These are signs as well of our Oakpoint II Homeowner's Association Annual Meeting. This year's meeting will take place Saturday, April 15th in the downstairs room at the Holiday Island Country Club, #1 Country Club Drive. Burgers, hot dogs and grilled chicken sandwiches will be served at 11:30 AM, and the business meeting will begin at 1PM. Please make every effort to attend, as we will be discussing topics that are important to every homeowner. If you're unable to attend, please complete and sign a Proxy Form allowing us to have a quorum and do the business of the HOA.

I look forward to seeing everyone on April 15th!

Bob Dimiski

Listed below are some general guidelines as set forth by the Oakpoint II Townhouse Association's **Declarations of Covenants, Conditions and Restrictions** along with the Association's **Bylaws**. Understanding these guidelines will be helpful for the upcoming Annual Membership Meeting.

- **Article III Membership, Section 2. Voting Rights (By-laws)** There shall be one Class of Voters. Each Owner in good standing, with Assessments paid in full, of a Lot and Living Unit within the Association shall be entitled to one vote for each Lot and Living Unit owned.
- **Article III Membership, Section 6. Quorum (By-laws)** The presence at the meeting of Members entitled to cast, or of proxies entitled to cast, one-third (1/3) of the votes of the entire membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these By-laws.
- **Article VI Covenant for Maintenance Assessments, Section 5. Change in the Amount of Annual Assessments (Declaration of Covenants . . .)** From and after January 1, 1983, the maximum annual assessment may be increased by a majority vote of the Board of Directors of the Association each year not more than twenty percent (20%) above the maximum annual assessment for the previous year *without* a vote of the members of the Association.
- From and after January 1, 1983, the Association may change the amount of the annual assessments by any amount above the maximum annual assessment for the previous year. Any such change shall have the assent of two-thirds (2/3) of the votes of each class of members who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be sent to all members at least thirty (30) days in advance and shall set forth the purpose of the meeting.

(continued from page 2)

• **Article XIII General Provisions Section 2. Amendment (Declaration of Covenants . . .)**

This declaration may be amended in whole or in part by an instrument signed by at least seventy-five percent (75%) of the Owners. Such amendment must be recorded in the Office of the Circuit Clerk and Ex-Officio Recorder for Carroll County, Arkansas, in order to be effective.

In summary . . . A quorum for the Annual Meeting is 1/3 of the membership either in person or an assigned Proxy; assessments can be increased up to 20% by a unanimous vote of the Board; an increase in assessments of more than 20% requires 67% of the vote of the membership either present at the meeting or represented by an assigned Proxy; and finally, amendments to the Covenants must be signed by 75% of the membership whereas amendments to the By-laws requires signatures of 2/3 of the membership.

The last time the By-laws or the Covenants were amended was in 2002.

HOA By-Laws vs Covenants - - - What's the Difference????

HOA By-Laws

HOA's are considered non-profit corporations under the law and are consequently required to establish by-laws that govern day-to-day operations. Typical provisions include:

- ⇒ Frequency of board meetings
- ⇒ Meeting and quorum requirements
- ⇒ Frequency of board elections
- ⇒ Board nomination & election procedures
- ⇒ Number of board members that can serve at any given time
- ⇒ Duration of board member service
- ⇒ Board member duties and responsibilities
- ⇒ Membership voting rights

Assuring compliance with the terms of the Covenants and By-laws of the Oakpoint II Townhouse Association is the responsibility of the Board of Directors.

CC&R's

The Declaration of Covenants, Conditions, and Restrictions (most easily referred to as the Covenants) simply put are "the rules of a community". Typical provisions include:

- ⇒ Property-use restrictions
- ⇒ Deed restrictions or restrictive covenants (such as architectural restrictions, pet restrictions, vehicles restrictions, etc)
- ⇒ Rule enforcement procedures and penalties
- ⇒ Dues and assessment obligations
- ⇒ The HOA's maintenance obligations
- ⇒ Individual members' property maintenance obligations
- ⇒ Insurance obligations
- ⇒ Dispute resolution processes

When individuals purchase property and become Association members, they are contractually obligated to abide by the Covenants and By-Laws.

PROPERTY MANAGER ~ TREASURER REPORT

One year ago the Board of Directors met right after your membership meeting & took up the issue of the cost of maintenance & repair. Very quickly they began to ask, "Just what is the scope of this job? Do we know how big it is & do we have the resources to perform? They also looked at the maintenance requests of owners & were alarmed to see how many involved replacing windows & doors & how expensive it had become. So they asked the logical question: "How much of this are we facing?" The clock ticked, everyone looked at everyone else, but no answers came.

Noting that owners paid for their own doors and windows for over 20 years of our townhouse project, more questions arose: "When did we decide that the Association is responsible for windows & doors? What do our own rules say about it? Now that we've started, can we stop? Is that fair?" But still another question nagged: "How much will it cost & do we have the money to pay for it?"

With precious few answers & too many questions, the Board prudently put a moratorium on new window & door work. Then they commissioned a professional residential inspector & with your cooperation, got written inspections on 48 of 50 properties. They have studied, parsed & finally compiled the inspections into a computational model that provides an estimate of the work & the cost before us. They have scoured past records to create a chronology that maps the Association's practices on doors & windows. They also have compared these practices to what is typical of other homeowner associations.

So now, at this upcoming meeting, we want to present all of our findings to you. We mean to frame the issues for your consideration in a crisp way - to give you clear choices about how we go forward. Of course the choices play our pocketbooks against our needs & our aspirations for the Association. And, depending upon what you decide, we may need to amend our Covenants, our By-laws & the amount of our quarterly assessments. Please make plans to attend, whether in person or through your appointed proxy, so that your voice can help on these important policy decisions.

Hope to see you on April 15th! Roger Miner



A word of appreciation goes out to all of our property owners who participated in the recent fireplace inspection/cleaning program. By meeting the numbers requested by our chimney sweep to provide this service, our property owners were able to receive a substantial discount for this service. And the end result is ensuring the safety of our buildings. Kuddos to Mattie McClenny, fulltime Oakpoint II resident, for coming up with this idea after experiencing our 48 hours without power this past winter!

LET'S TALK TRASH!

Last year, the city of Holiday Island awarded their trash service contract to the **Carroll County Solid Waste District**. Below is a list of their available services. A recycling bin is provided to all customers with weekly service. If you have any questions regarding the services provided you can call **479-253-2727**.



- OPTION 1 - 64 gallon polycart \$24.08 per month**
- OPTION 2 - 95 gallon polycart \$30.71 per month**
- OPTION 3 - low volume \$17.79 per month**
(two 30 gallon bags a week, must provide own container)



YELLOW BAG TAG OPTION - Another option for those of you who use your units infrequently, you may choose to purchase \$3.00 bag tags. You must have a container in which to place the tagged bags or you can dispose of your bags in the dumpster that is currently located on the boat trailer parking lot next to the cardboard recycle bin. These tags come 5 to a sheet and can be purchased at the City of Holiday Island office. Please note that the City of Holiday Island accepts cash or check only, no credit card services are available. It is also advisable to call them at 479-379-8040 in advance to make sure someone is there.

Many years ago wooden trash bins were designed and built to house property owners' garbage containers. However, many of them are in need of repair, paint, or complete replacement. If a Carroll County polycart would work for your property, or you choose to use your own container that you put out every Wednesday, please let us know and the old dilapidated wooden bin will be removed. For those property owners who wish to keep their trash enclosures, the Association will give them a face lift!

MARK YOUR CALENDARS

May 6, 2023

Bulky Waste Pickup

Each household can set out up to 4 items to be picked up by the Carroll County Solid Waste District.

No electronics, yard waste or household waste. No bagged waste of any kind will be accepted. This event is for bulky waste only.

Absentee Ballot for Board Candidates

(To be used at the Oakpoint Membership Meeting of April 15, 2023)

The Nominating Committee has brought forth two nominees, both of whom will serve a 3-year term, April 2023 – April 2026.

_____ **Robert Dimski** has been a property owner since 2004. He resides in Midwest City, Oklahoma where he is a physician. He and his family have enjoyed celebrating every 4th of July here at Holiday Island for over 20 years. His unit is in the Vacation Rental Program when he is not here enjoying it with family and friends. He is completing his first 3 year-term as a Board member, serving as President for the past 8 months. His willingness to serve another term on the Board of Directors is greatly appreciated.

_____ **Mike Chitwood** is one of our new property owners. However, like Bob he has been coming to Holiday Island for many years. He resides in Garnett, Kansas where he is a real estate agent and owner of HUK homes with locations in Paola, Olathe and Ottawa, Kansas. He was appointed by the Board last September to fill a vacancy on the Board that expires April 2023. He has graciously agreed to serve a full 3-year term.

Other Nominations *(Write in other Member or yourself if you wish to be placed on the ballot)*

(Nominations may also be made from the floor at the Membership Meeting. All nominations must be for a member in good standing and the nominee must attest that they are willing to serve).

PROXY FORM

In order to convene a meeting of the Members, a minimum of 17 property owners must be in attendance or represented by their chosen Proxy. If you are unable to attend the Annual Meeting, please fill out the Proxy Form below and make sure your Proxy carries it with them to the meeting. You can also mail it to Oakpoint II, P.O. Box 3004 Holiday Island, AR 72631. The Proxy must be signed by yourself AND the person you appoint as your Proxy.

Proxy Form, Membership Meeting 4-15-23

I, _____, property owner of _____

do hereby appoint _____, property owner of _____
to be my Proxy.

signature of owner

date

signature of proxy assignee

date

Note: *A hardcopy of this Proxy Form was mailed to you in the "Village News" flyer with your last Assessment Invoice*