

River Crossing Improvement Association

Regular meeting held August 10, 2017 at the Cedar Creek HS Field House Classroom

- 1) Meeting called to order at 6:03 PM by President Scott Rebman.
 - a. Open Forum – President stated that there would not be an open forum at the beginning of the meeting but there would be an open forum at the end of the meeting if anyone had anything they wished to discuss.
 - b. Opening Statement from President – President Rebman brought up issue regarding protocol, members discussing issues (outside regular meetings) without including all board members, and stated he does not want Pioneer to attend more than six monthly meetings per calendar year because they can charge RCIA a fee for attending more than six meetings per year. Reyn Rossington, Pioneer representative at the meeting, responded that he has attended most of the monthly meetings each year, has never charged RCIA for attending the meetings, and promised he never would charge RCIA for attending regular monthly board meetings. Bill O’Hara, Secretary, commented that Pioneer has never charged us for a meeting in the past three and a half years. Reyn said Pioneer would provide a letter to the board stating that Pioneer will not charge RCIA for their time attending board meetings beyond their contractual obligation of six.
 - c. Roll Call – all officers (Scott Rebman, President; Carl Rees, Vice President; Bill O’Hara, Secretary; Gary Feltner, Treasurer; and, Karen Lamphier, Director) were present. The following committee chairpersons were also present: Deborah Layland, ACC; Landscaping, Gina O’Hara; Nature Trail, Chris Theophilus. Reyn Rossington attended representing Pioneer Property Management.
 - d. Agenda Review – RCIA President asked if there was anything which needed to be on the agenda since it was two pages, none were added.

2) Approval of minutes for April 13, 2017, May 25, 2017, June 13, 2017 and July 13, 2017 meetings – Approval of the April minutes was tabled until the September meeting pending a completed compilation of the minutes with revisions; Bill O’Hara will compile the minutes prior to the September meeting.

The May, June and July 2017 minutes were approved unanimously.

Karen Lamphier noted that the Annual Meeting minutes posted on the website do not say “DRAFT” and will correct that.

3) Financial Reports – by Reyn Rossington, Pioneer. Scott Rebman began by asking Reyn what he thinks Pioneer’s duty is regarding payments for annual dues made in advance, noting that RCIA is not a financial institution and therefore, in his opinion, should not be carrying a balance above zero for any member account. Reyn’s responded that Pioneer would collect the money received, apply it to the dues, and note the balance in financial statements. Scott responded that Pioneer must notify all neighbors of their balance, send a refund check to zero out their balance. A

discussion of board members ensued. Scott asked for a motion stating that any amount less than \$10 be deducted from annual dues, and members with a balance of more than \$10 would be notified of the balance and that they can request a refund. The motion was made by Karen Lamphier, seconded and passed 4-1. Reyn was then able to deliver the financial report.

- a. No resale certificates in July. Gary Feltner noted that back in April 2017 Pioneer provided RCIA a reason why they increased the resale/transfer fee from \$350 to \$395. Pioneer said they are using a new on-line portal (Homewise Docs) which limited them to charge one resale/transfer fee for all their Associations. Since the majority of their Associations are charged \$395.00, that was the fee charged to RCIA. Pioneer said that a \$45.00 credit would be issued at closing to reimburse for the over-charge. Gary Feltner communicated with Homewise Docs and determined those fees can be modified for different associations. After bringing this to the attention of Pioneer, they changed those on-line portal fees to \$350.00. Lastly, the owner who recently sold a home at 343 Colorado Dr., reached out to Gary Feltner (email distributed to the entire board); he was charged \$395.00 for resale/transfer but never received a \$45.00 credit. After bringing this to the attention to Pioneer, they said they were sending/ mailing a check to the seller for \$45.00.
- b. Mr. Reyes, owner of lot at 180 Sabine interrupted the meeting to voice his displeasure about Pioneer and his delay in starting construction on his house because of an apparent problem with obtaining a statement of account from Pioneer.
- c. Legal bills: Gary Feltner raised issue of recent legal bills charged to RCIA from Pioneer 's attorney, total of \$2,090. Gary said he has contacted our insurance agent to inquire if RCIA can make a claim and recover some of the cost. Gina O'Hara, in audience, commented the claim would likely not be covered by the Directors and Officers policy because there was not an assertion that a member of the board had committed a wrongful act. President Rebman commented he has asked for weeks for an explanation of the legal bills and not received any. Reyn stated some of the fees are for the attorney's time in a phone conversation following the board election and the challenge that followed. Bill O'Hara stated he recalls, while serving as the board President, only once asking Paul Meisler for a legal opinion concerning two people (husband and wife) in same household could serve on board at same time. Scott said he has asked many times for notes regarding the legal fees and not received them. Gary asked (noted) that RCIA received legal bills from attorney even after the opinion from the election judge. Reyn stated the board needs to approve a motion to have Pioneer reveal the legal fees. A copy of one email from attorney Kim Brown to Paul Meisler, March 17, 2017, has been provide. No motion was made or approved on the matter.

4) Committee Reports –

- a. ACC – Deborah Leyland discussed new guidelines drafted by the ACC and asked for approval by the Board. Bill O’Hara made a motion to accept the guidelines; motion seconded by Gary Feltner. Passed unanimously. Deborah also brought up issues with SMARTWEB program and the process of submitting information for approval by the ACC.
- b. Landscaping – Gina O’Hara voiced dissatisfaction with Bastrop Gardens mainly because they are slow to respond to her concerns re: the irrigation system. The front entry beds are either getting too much water or too little. Jeff Long at Bastrop Gardens recommends an audit the irrigation system.
- c. Nature Trail – Chris Theopholis asked about a survey to locate the boundaries of the nature trail north of the creek crossing at the park, particularly on the hill where there is erosion posing a hazard for horses and their riders. Bill O’Hara will make an on the ground survey of the area and mark the boundaries of the trail. Chris also noted that she had heard from other riders that a large tree is down and blocking part of the trail behind 384 Colorado Dr. Bill O’Hara will make an on the ground survey of the area and mark the boundaries of the trail. Carl and Scott were thanked for pulling the downed tree in the park away from the low water crossing from the nature trail into the park. Gary had also pulled the downed tree further from the trail.
- a. CC&R, Bylaw and Policy Review – Beverly Angel asked the board to approve purchase of a book “Texas Home Owners Association Law” for her use as chair of this committee. Carl Rees moved to allow Beverly to purchase the book and submit an invoice to the board for reimbursement. O’Hara 2nd; approved by unanimous vote.
- b. Property Management Review – Gary Feltner reported he has compiled a list of property management firms to seek proposals from and it may be September at earliest before the proposals are received.
- c. Annual Meeting – Robyne Taylor provided a report, read by President Rebman, that she is compiling a list of sites to hold the annual RCIA members meeting; McKinney Roughs looks most favorable at this time. RCIA President also stated that the contract for the Annual Membership Meeting must be done under the name of the RCIA and not the property management company
- d. Nomination and Election – need members for this committee. Mike Urabek offered to serve on and chair the Nomination and Election Committee; Beverly Angel offered to serve on the committee.
- e. Welcome – no report
- f. Neighborhood Watch – Carl Rees reported that the Neighborhood Watch patrols have been suspended due to a lack of interest in the community. He also noted he has observed an increase in trash along the roadsides. National Night Out is set for October 3rd at the park with a \$50 budget.
- g. Entertainment – Lynn Meyer provided a report as read by Scott: there will be a neighborhood drive in November; and, an adult social is being planned.

- h. Park – Karen Lamphier asked if the Dock should be part of this committee. No one on board thought it should. Focus now is on the nature/horse trail at the park.
- i. Research Committee – Sandy Reed was not present at the meeting and no report was submitted. There was brief discussion about the Double Eagle development.

5) Non Compliance Issues –

- a. 512 Colorado Dr. – question was raised if a complaint was actually made to the board. Owners of the property (Karen and TJ Lamphier) defended the construction on their property and stated it was build in compliance with the ACC approval. Carl Rees asked Deborah Leyland if the ACC had received a complaint; she replied No. After extended further discussion the matter was tabled.
- b. 110 Sabine – Information briefly discussed in discussions in para 5 a above: A question was raised by purchasers of 110 Sabine Drive that the description of the River Crossing Improvement Association (RCIA) Covenants, Conditions and Restrictions (CC&R) issue is listed as follows: Encroachment of the southeast corner of the garage wall over the fifty foot building line as described in the email listed below.

Letter was provided to current owners which stated:

Findings:

1. Looking at the Title Survey, it states that “House extends beyond southeast fifty foot building line”.
 2. The corner of the garage in question appears to be, at most, 6 to 12 inches over the fifty foot build line. This could either be an error in the survey during construction or during the Title Survey. Pursuant to said CC&R issue, there being no major/intentional infraction of the 50 foot building line easement. There will be no CC&R violation action taken by the RCIA now or in the future as the accuracies of both the Construction Survey and the Title Survey are unknown.
- c. Update on status of non-compliance notices sent by Pioneer – none noted by Reyn.
 - d. Bring RC neighborhood fencing into compliance; implement – Scott Rebman, Carl Rees and Reyn Rossington have compiled a list of non-compliant fences along with pictures and are preparing to notify the lot owners of their non-compliant status. Scott said he is going to personally contact owners re: their fences before sending the notices but has not had time. Scott then instructed Reyn to send letters of non-compliance with the pictures to the lot owners and provide instructions for appropriate removal, replacement or repair.

6) Old Business –

- a. Review of Property Management Contract – tabled.
- b. Community Dock Status – tabled.
- c. New web site, HOA Express – Karen Lamphier reported the annual fee has been paid and the new web site is about to go live. There was discussion on

best way to notify residents of the new web site. Nextdoor and the marquee considered.

- d. Nature Trail relayout entering Park from the North – already discussed.
- e. Form an election committee to cover nominations elections and proxy voting – The following members have volunteered to serve on the committee – T.J. Lamphier, Mike Urabeck, and Beverly Angel.

7) New Business –

- a. Budget – Scott Rebman stated that it is time to begin preparing the budget for 2018. He noted costs such as repainting the promenade fences and front sign must be considered. He asked board members to bring new items to next board meeting for budget discussions.

8) Schedule next meeting – to held 2nd Thursday in September (9/14/17) at 6:00 PM in the Cedar Creek High School Field House.

9) Open Forum – comments from Beverly Angel showing appreciation for work by board members and her opinion that board members should recuse themselves when dealing with items that directly impact them personally.

10) Meeting adjourned at 8:45.

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