

ANNUAL MEETING OF THE ROCKY CREEK PROPERTY OWNERS ASSOCIATION

SATURDAY, MARCH 9, 2019

Invocation was led by Darin Zumwalt

Pledge of Allegiance was led by Marc Rosenthal

Marcella Passetto Sgt. Arms report we do have a quorum and can proceed.

President Stephen Spencer called the meeting to order at 10:05am. He then introduced the current Board of Directors; Darin Zumwalt, Myra Zumwalt, Ben Andrews, Tom Dunlap, Jonathan Pearson, Marc Rosenthal, Sam Stanphill, Sandy Stratton and Laurel Taylor.

Stephen stated that the minutes from the previous board meeting had been circulated by email. Stephen asked if there were any other changes than those already sent in. **With no additional changes to the minutes Marc Rosenthal motioned to approve minutes as submitted second by Ben Andrews, motion carried.**

Myra Zumwalt gave the treasurers report. She stated that currently in the checking account we have \$68,206.96, in the savings is \$15,095.89 and the two CD's have \$7,704.56 and \$7,753.65, in the playground fund there is \$19.55 bring the total of all accounts at \$98,780.61. The number of Owners that have paid their dues this year has gone up 10% from last year, as of March 8th, there was a total of 64% that have paid their yearly fees out of the 460 owners.

Laurel Taylor reported for the Admin Committee. Committee members were projected. She then reported on the responsibilities of the committee:

- Oversee general office functions, other than financial
- Notify members of vacancies on Board, establish a Nominations Sub-Committee and oversee elections
- Keep members informed through use of Newsletters, Website, Facebook and NextDoor.com
- Coordinate all social functions - Chili Cook-off, Annual Meeting, Family BBQ, Ice Cream Social, National Night Out and Christmas Party

Laurel also reported on the accomplishments for 2018 as well as the functions planned for this year. She encouraged residents to sign-up to be on a committee.

Tom Dunlap reported on the ACC Committee. Committee Members were projected. He stated what the responsibilities of the ACC are:

- As directed by the Board provides guidelines. Guidelines may be either informational or enforceable. Guidelines that are meant to be enforceable must be supported by Federal, State or local legislation or by a specific deed restriction.
- Review and approve plans for all construction in the Subdivision to assure conformance to Subdivision Restrictions.

- Assure adherence to established restrictions with respect to proper use and upkeep of Subdivision properties, reporting to the Board any violation of the recorded restrictions for the subdivision together with its recommendations.
- Present plans to the Board for beautification projects.
- Keep up to date on local building code and permit requirements and advise lot owners in this regard. This information can be incorporated into the newsletter.

He reported on the butterfly garden and possibility of expanding it. Tom reported on the comparison of 2017 to 2018 of request sent in for approval.

Sandy Stratton reported on the Finance Committee. Committee Members were projected. She stated what the responsibilities of the Finance Committee are:

- Conduct an audit of the corporate finances at least once annually, reporting to the Board.
- Work with all committees to develop an annual budget.
- Assist Treasurer in assuring an accurate and comprehensive system of recording and maintaining records of all assessments.
- Arrange for tax returns and 1099 filings.

She presented the 2019 Budget that was voted on at the February Board Meeting.

Sam Stanphill reported on the Operations Committee. Committee members were projected. He reported of the responsibilities of the committee:

- Oversee the maintenance and operations of the pool, parks, private roads and common areas
- Advise Board of Directors as to maintenance requirements and costs
- Obtain bids, purchase supplies and equipment and arrange and supervise maintenance and repair work
- Set up and supervise workdays
- Deal with County regarding maintenance of roads within subdivision
- Develop plans for future improvements to the park

Laurel Taylor reported on the Playground Sub-Committee. Committee Members were projected. She stated a committee was formed and came up with several fundraising ideas to purchase equipment. Because of the success of these fundraisers we recently purchased four new pieces of equipment that will be installed as soon as weather permits. Laurel announced the next fundraiser will be a community yard sale on Saturday, May 4, 2019. Booth spaces will be available and more information will be sent out soon.

Ben Andrews reported on the Rules Committee. He stated that all directors are members along with 9 other non-Board members. Committee Members were projected. Ben stated the duties of the Rules Committee.

- Conduct a periodic review of all governing documents
- Oversee all suggestions for changes to the Deed Restrictions and Bylaws.
- Adopt and present to the association recommended changes to documents.

- Work with the Administrative Committee to develop ballots for proposed changes to Bylaws & Deed Restrictions.

Ben stated that the Deed restrictions do require 51% of our 599 lot owners. IF you don't vote that is essentially a no vote. Deed restrictions need 67% of the people who vote to pass. Anyone can make suggested changes. Deed Restrictions and Bylaws are the only Documents that require membership approval all other documents the Board can approve changes.

State of Association Stephen stated that he feels good about where we are and the upcoming year. He asked residents to be careful with posting on social media. He stated it is just as easy to knock on the door of neighbor when you have a problem instead of posting on social media. If you still feel there is a problem then please bring your issue to the Board who meets once a month. Be courteous to your neighbors as we will continue to grow. Be conscientious while driving in the subdivision we know people are sometimes in a hurry to get home but we need to be aware of our neighbors. Stephen encourages people to come to the social functions. He stated he is impressed with how well they are put together and hopes more will participate. Stephen stated he is pleased with the working of the board and is looking forward to another good year. Laurel thanked Darin and Marc who will be stepping down from the Board this year for their many years of service.

Laurel announced the two door prize winners. \$25.00 to Brookshire Brothers are Brian Harbuck and Lela Palmer.

A small break was taken while the ballots were counted. Marcella then reported on the voting. Six candidates on the ballot but only five positions available. Candidates voted for 2019-2021 term were Ben Andrews, Kim Coulter, Tom Dunlap, Misti Garcia and Laurel Taylor.

Open Forum

Martha Lambert asked if we thought about having recycled picked up. Ben responded that there was a trash company years ago that did recycle. The cost of taking all the way to San Antonio was too high and they stopped doing it. Martha asked if they could come to Rocky Creek and set up. Tom said we have to call the county and ask if they would move one. Tom reported that last weekend someone came and left a tv by our trash can in the park. Sam stated that our trash cans are not for personal trash only for people using the park. Laurel thanked Jackie Woodard who was nice enough to take to county for recycle.

Marcella Passetto stated how lucky we are to have free recycling coming from a place where you have to pay after it being weighed. She stated that they even unload it for you. Everyday they are open in different places around the county incase you miss one you can go to another.

Chuck Graham stated he is shocked that they don't recycle it is free money. Sandy Stratton reported that she used to own a trash company and unfortunately there is no money in recycling.

Jeni Palmer stated that she has brought a complaint to the Board before about the RV that looks abandoned on a lot in her cul-de-sac and was wondering if anything was ever going to be done about it. Tom reported that our deed restrictions only defines how many days you can live in an RV not that you can't have an RV on your lot.

Carry Rush read from the deed restrictions where it states no motor homes can be put on any lot on any point. Ben stated in Texas that if the deed restriction is not clear then the courts rule in the favor of the property owner. If they are not perfectly clear we can't enforce them. And a motor home is not an RV. Stephen stated that the board is looking into the making changes to make wording more clearly. Jeni asked why does anyone have the right to vote on her phase if they don't live there. Ben reported that is how it is written. Stephen said that is why we need to clarify and make changes to have clarity. He stated that's why we are looking at making some needed changes this year but we need our residents to vote. Encouraged members to come to the meeting. Laurel Taylor asked if it doesn't have tags would it be considered like an abandoned vehicle. Sam last year a petition went around to clarify the trailer law and how it didn't even get enough votes. Residents are participating. The language of the deed restrictions is vague and we are limited of the language of how we can enforce it. The law will look at it differently and we can't make a move on it. We do not want to waste the HOA's money taking it to the court. Jeni stated with having kids it is scary because of the state of the motor home, she stated Article 6 non-operating vehicles to be stored on a lot. Stephen asked her to give the Board the opportunity to correct this issue.

Mary Kreshia asked if it could be looked at it as a health hazard. Ben said anyone should be able to call the County Health Dept. and submit a complaint as such. Stephen Spencer made the commitment that the Board will formally review this situation but that the community needs to commit to be more involved. Sandy asked if we can go to the attorney and see if it is enforceable by our deed restrictions.

Jason Rush stated with all the children in the community we are concerned with this issue and don't want to see kids around it. Who knows what it could possibly be in that trailer. We have heard about drugs being made in abandoned trailers other subdivision in our community. We are deeply concerned about this matter. Ben stated that the developer did not go to a lot of trouble to write our deed restrictions and were written when it was sufficient for the size of the neighborhood. But as the neighborhood evolves then the deed restrictions need to evolve too. We need to have a good set of deeds that spells out specific rules.

James Payne the percentage to make the change it looks like we have enough that care and we shouldn't wait for those that don't care. Brian Harbuck stated that we need to change the wording of the mailer that goes out so that if they don't respond it means yes. Ben stated again that we need to have 51% of the owners in our subdivision to vote yes for it to pass. James said we need to go out house to house and encourage people to vote. Ben stated that the state of Texas is stricter with 67% so we are lucky that we have it already set at 51%.

Stephen said we really need to get the more bang for our buck and we should look at all of the deed restriction and see what other things need to be updated and make them all at the same time. Get the most value with the momentum so we can set the pace for the density and

address the future. We need to address everything and it is a process that will take more than a few weeks.

Marcella asked if there are other ways we can make changes like adding an addendum that could clarify without changing our bylaws. Ben stated the court will be the final decision and we need to make sure before we make any changes. Jeni asked that the board take it to our attorney to see what they suggest. Stephen stated you have our commitment to work on this. Several committed to help when the time comes to get the information out and encourage people vote.

Chuck Graham asked if people who are in arrears do, they have voting rights. Board answered yes. Stephen stated that the Board is working on moving toward 100% compliance of dues being paid each year.

Sharon Main stated that last year when they sent the petition around and then it came back that it was not worded right, they found out it is not as easy as you think to get changes made to the governing documents of the subdivision. Stephen said that the wording needs to be addressed so that there is no misunderstanding on what it means. Ben gave a brief account of what happened with the voting last year. Again, it was mentioned that we need to be careful on what we put out there on social media because it can cause heated discussions.

Sam Stanphil motioned to adjourn the Annual Meeting, Tom Dunlap second. Meeting adjourned at 11:34

Respectfully submitted by Myra Zumwalt