

OAK PARKE HOMEOWNERS ASSOCIATION, INC.

Minutes of the Monthly Meeting of the Board of Directors
June 15, 2010

The meeting of the Board of Directors (the "Board") of Oak Parke Homeowners Association, Inc. (the "HOA") was held at 7:00 p.m. on June 15, 2010 at Bethany Lutheran Church.

In attendance were Chris Driggs, Monique Wells, and Scott Robuck, Directors; Carl Gamble, Property Manager; Ginger Grissom, Recording Secretary; and members Zeke Salinas, Rob Wood, and Tom Lott.

1. **Call to Order.** After determining that a quorum was present, the meeting was called to order by Monique Wells at 7:10 p.m.

2. **Minutes.** Since May's meeting was the annual meeting, there were no minutes to approve.

3. **Members' Comments.**

(a) Brodie Fence Repair

Brodie Fence Repair

Two Members requested that the fence behind their homes that boarder the Brodie Lane (hereinafter "Brodie Fence") should be replaced with a new cedar fence because the current cedar fence is falling down. They said that the HOA has the responsibility to maintain the Brodie Fence. The two Members gave what they believed to be the following history of the Brodie Fence: The developer originally built the cedar fence. It is now fourteen years old and in need of repair. A Fence Committee was formed in 2007 ("2007 Fence Committee"). At that time, some sections of the HOA's common fences were repaired and/or replaced with an iron fence. One of the two Members (who was on the 2007 Fence Committee) stated that it was always the HOA's intention to repair the Brodie Fence. However, back in 2007, the funds to repair the Brodie Fence were not available, so only the common areas alongside Brodie were replaced with iron fencing. The Member further stated that, back then, there was never a question about who should maintain the Brodie Fence--it was only a question of when to do it because of the funds necessary to do so. It was the two Members' opinion that the Brodie Fence represents the "face of the neighborhood." They said that numerous vehicles drive past it daily, and that the HOA should continue to repair it so that the subdivision looks attractive.

Scott Robuck stated that he had reviewed the HOA's governing documents. He has also researched the HOA's minutes as far back as of Winter 1994, and has had discussions with three members of the 2007 Fence Committee. Mr. Robuck reported that, in his

review and research, he could find nothing indicating that the HOA has responsibility to maintain the Brodie Fence. It is Mr. Robuck's opinion that the Board should base its decision on what the "intent" of the developer was when the fence was built. It is his opinion that when a developer starts a subdivision, one of the first things that is done is building a perimeter fence indicating the boundaries of the subdivision. However, when the lot is sold, the fence is generally conveyed to the lot's owner.

Monique Wells pointed to Section 2.3.c. of the Covenants, Conditions & Restrictions ("CC&R's") regarding Maintenance Funds, which states that, the maintenance funds will be used in providing for normal, recurring maintenance charges for the Common Maintenance Areas for the use and benefit of all Members of the Association. It is her opinion that if an area borders a private residence, then the private residence area is not and cannot be used by all members of the Association. Therefore, it is her opinion that HOA funds should not be used to maintain Members' fences—even if they border HOA boundaries. She counted approximately 26 properties that bordered HOA boundaries, and pointed out that it would be quite costly if all 26 Members requested that the HOA maintain their fences.

One Member stated that she thought it was unfair to replace the Brodie Fence for several reasons. First, it is unfair to replace this section of fence when there are other things that are in need of repair and that benefit all members (such as retiling the pool and resurfacing the parking lot at the amenity center). Second, it is expensive and would require that there be a dues increase in 2011 in order to build up the reserves. It's not fair to the rest of the membership to ask for a dues increase so that fences can be built for the main benefit of these Members--especially in these economic times. Third, there is as much traffic on the Wolftrap side of the subdivision as on the Brodie side, and none of the homeowners on Wolftrap have expected the HOA to maintain their fences.

Scott Robuck said that the Board would take the matter under advisement. He requested that the two Members provide the Board with information to support their theory that the HOA had responsibility for maintaining the Brodie Fence, including deed records.

The Board had further discussion on this matter under New Business, Item #3--Fence questions in relation to common areas. For purposes of continuity, the matters addressed under new business will be placed in this section of the minutes. Under the New Business item, the Board discussed that, in the past, the HOA had replaced the fence along the storm water retention/detention ponds because these lands benefit all members (although members cannot use the land in these areas). Fences have also been maintained in areas such as the pool, basketball court, and park because these areas benefit all members.

The Board discussed that there are other ways to make that area more attractive that would cost the Association less money if this were the responsibility of the HOA. The fences could be taken down for less money than it would cost to replace or repair them. Then, as the HOA has funds available, it could place drought-resistant landscaping in that area (such as large cacti).

The vote on this issue has been tabled.

Secretary's Note: Section 2.3(c) of the CC&R's states as follows:

c. Purposes of Maintenance Fund. The Association shall establish a Maintenance Fund composed of Owners' annual maintenance assessments and shall use the proceeds of such fund in providing for normal, recurring maintenance charges for the Common Maintenance areas for the use and benefit of all members of the Association. Such uses and benefits to be provided by the Association may include, by way of clarification, and not limitation, any and all of the following: normal, recurring maintenance of the Common Maintenance area (including, but not limited to, mowing, edging, watering, clipping, sweeping, pruning, raking, and otherwise caring for existing landscaping and the improvements to such Common Maintenance Areas, such as sprinkler systems, provided that the Association shall have no obligation (except as expressly provided hereinafter) to make capital improvements to the Common Maintenance areas; payment of all legal and other expenses incurred in connection with the enforcement of all recorded covenants, restrictions and conditions affecting the property to which the Maintenance Fund applies; payment of all reasonable and necessary expenses in connection with the collection and administration of the maintenance charge and assessments; employment of policeman and watchmen, if any; caring or vacant lots; and doing any other thing or things necessary or desirable in the opinion of the of the Board of Directors of the Association to keep the Property neat and in good order, which is considered of general benefit to the Owners or occupants of the Property, it being understood that the judgment of the Board of Directors in the expenditure of said funds and the determination of what constitutes normal recurring maintenance shall be final and conclusive so long as such judgment is exercised in good faith. The Association shall, in addition, establish and maintain adequate reserve funds for the periodic maintenance, repair and replacement of improvements to the Common Maintenance Area. The fund shall be established and maintained out of regular annual assessments.

(b) Grass/Sprinkler System In Brodie Five Fence Area

One Member commented that the grass near the Brodie Five Fence is tall and needs to be mowed. There was discussion that this area is maintained by the City of Austin Parks & Recreation Department--not by the HOA. Scott Robuck will follow up with the City to determine when this area is scheduled for maintenance.

One Member also advised that the HOA is watering the Brodie Fence area. Another Member gave history with regard to that issue. Monique Wells moved that the sprinkler system in the Brodie Fence area be turned off permanently. Chris Driggs seconded the motion, and the motion carried. Susan Hoover, the HOA's landscaper, will be asked to plug the sprinkler heads in this area.

(c) Dead Oak Trees

One Member reported that there are three dead oak trees along the Brodie Fence area that should be cut down. This area is maintained by the City of Austin. Carl Gamble will call the City to make a request that the trees be taken down.

(d) Letters to Members about Pool Disturbance

Scott Robuck reported that the management company made a mistake when it sent a letter to all Members about a pool disturbance when only seven or eight Members should have received the letter. Carl Gamble confirmed that the mistake had been made, and that there would be no charge to the Association for the costs.

4. **Committee Reports.**

(a) New Committee Members. Scott Robuck reported that a number of Members volunteered to serve on committees at the annual meeting. Scott will get them formally set up as committee members.

(b) Activity Committee.

(i) Chris Driggs reported that the annual Fourth of July parade will take place on Saturday, July 3rd. Information for this event will be posted on the website.

(c) Pool Committee.

(i) Chris Driggs reported that that Family Swim Gym has been hired for lifeguard duties this year. They will be on duty from noon until 7:00 p.m. Tuesday through Sunday. The lifeguards will try to do swim tests to prove acceptable age.

(ii) Chris Driggs also discussed new pool rules with regard to age. The pool rules are posted at the pool and on the website.

(d) Landscape Committee.

(i) Towing Company. Carl Gamble recommended J&J Towing to tow cars from the amenity center area. As part of a signed agreement with the HOA, J&J Towing will put up signs at their cost and tow vehicles as necessary. The signs will have the necessary legal language to permit towing.

(ii) Parking Stickers. Carl Gamble and Chris Driggs will purchase parking violation stickers.

(e) Parking Committee.

(i) Zeke Salinas reported that a traffic counter will be set up on Aspen Creek between Wolftrap and Steamboat in Spring 2011. This will take place some time after Spring Break.

(ii) Scott Robuck verified the new web map with Zeke Salinas. This map shows the areas where parking is restricted.

(f) ACC Committee.

(i) Committee Members. Two new members have volunteered to be on the committee.

(ii) Gas Lanterns. Scott Robuck discussed the conversion of gas lamps to electric lamps, including language for validation of the conversion and instructions to Members. He also advised that it is the BOD intentions to convert the lamps in the common areas to save on cost of gas and maintenance of the current lamps. The conversion to electric lamps will also provide more lighting for safety of the common areas. It is hoped that vendors will give Members discounts for the conversion if enough Members will convert their lamps.

(Secretary's Note: The validation issue was discussed at the annual meeting. Please refer to the May 19, 2010 annual meeting minutes for further reference.)

5. **Property Manager Reports.** Carl Gamble gave the following reports:

(a) Garage Sale/Pool Party Permits. None noted.

(b) Homeowner Concerns. None noted.

(c) Manager Action Items Report. The following was discussed:

(i) Pool Cards. Mr. Gamble reported that pool cards will be checked on the 20th of each month after the Association's books have been closed for the month.

(ii) Brivo System. Scott Robuck and Carl Gamble discussed how to best set up the Brivo System for inactive users.

(iii) Repairs-Pool Area. Carl Gamble reported that a wooden box had been placed over the insulation in the pool area to preserve the insulation.

(d) Delinquency Report. To be discussed in Executive Session.

(e) Deed Restriction Violations. There were several violations noted with regard to trailers. There was one boat violation noted. There was also one grass violation noted. Specifics will be discussed in Executive Session.

6. **Old Business.** There was no old business.

7. **New Business**

(a) Enclave at Oak Parke. It was discussed that a meeting should be scheduled with the owner/developer of the Enclave at Oak Parke to discuss possibly annexing that subdivision with our subdivision.

(b) Pool/Park Signage. Carl Gamble and Chris Driggs finalized signage for the amenity center area.

(c) Nominations Committee. Scott Robuck reported that one member had volunteered to serve on the Nominations Committee. He will send out an email requesting additional volunteers. The Nominations Committee will be asked to come up with a revised proxy form (to be approved by the Board), seek names for 2011 candidates prior to December, and assist with plans for the annual meeting (currently scheduled to take place in February).

(d) Upcoming Meetings. Future HOA meetings will take place on July 20th and September 21st.

(e) Security Cameras. Chris Driggs is obtaining pricing for security cameras.

(f) Eagle Scout Projects. There are several Eagle Scouts who would like to do projects for Oak Parke. Please let Scott Robuck know of any projects that the Eagle Scouts could do.

8. **Adjournment.** The meeting was adjourned at 9:02 p.m.

Chris Driggs, President

Attachments: None.