



## 2021 Annual Meeting Minutes

October 23, 2021 at 1:01pm

Please join the meeting from your computer, tablet or smartphone

<https://global.gotomeeting.com/join/943202365>

Call In: United States: [+1 \(571\) 317-3112](tel:+15713173112)

Access Code: 943-202-365

### In attendance:

Sarah Goodman- **President**

Jim Butler- **Vice President**

Kyle Strongin- **Vice President**

Gregory Bryan- **Secretary**

Renee Walker- **Treasurer (Interim)**

Dawn Kelly- **Property Management Group (PMG)**

**Attendees:** Kevin Blankenship, David Thacker, Del and Jill Loewe, Denny & Terry DeBoom, Brenda Bryan, Joel Nyman, Karen Martin, David Fortson, Dwayne and Gillian Adkins, Joyce Matula, Ken Watson, Ken Sapp, Lin Xu, Ralph Walker, Amy Larkin, Allen Bennett, Ashley Lynn, Bill Zhang, Chris Callsen, Carol Hanna, Christina Peterson, Denise Zahrah, Assaad Mourad, Derrick Boyd, Donna Gaffney, Heinz Schwarz, Jesse and Sara Apple, Jing Fei, Jon McCracken, Kathleen Brooks, Katie Beauchamp, Katie Howe, Laura Paulsen, Laurie Hamic, Lori Casey, Michael Barker, Paige Lancaster, Paul Novelli, Shannon Xi, Susan Fischer, Vito Kononenko, Sam Alexander, John Bailes, Michael Barker, Hugh Cadill, Jerry Campbell, Stacie Cartwright, Darwyn Case, Andrew DeLuna, Eric Dollar, and Min Xu

- I.** **Call to Order, Welcome, Establish Quorum (Sarah Goodman):** Sarah Goodman called the second meeting to order at 1:01pm and welcomed all homeowners to the second annual meeting.
- II.** **Approve Minutes from prior Meeting-** Greg Bryan motioned to approve the prior meeting minutes, Kyle Strongin seconded this motion. Jim Butler no, Greg Bryan yes, Kyle Strongin yes, Renee Walker yes, Sarah Goodman yes, and the motion passes with a 4 - 1 vote.
- III.** **Open Forum-** Community Member questions will be addressed. Resident Q&A (2-minutes per resident). If you are seeking an election seat, this would be an excellent time to introduce yourself. Also homeowners can use the open chat button in the top right corner to request 2-minutes to speak.

**Terry DeBoom:** With the issue of having to hire an armed officer for each meeting: can a restraining order be enacted to the person that is making us hire an officer? Not fair that we can't have an in person meeting because of one person. That person can do the virtual meetings! Or maybe have an in person meeting maybe quarterly so we can have an in-person option every 3 months or so? Let's hire the officer to have occasional in person meetings occasionally. How will we get to know some of these candidates so we can vote intelligently? It's not good to vote for someone not knowing where they stand on the issues. **We cannot legally excuse/restrain someone from coming to a meeting. However, we do want to be able to record all behavior/statements made. Litigation has been threatened by a few homeowners, not just one. As you can see from the letters the Board has been sending, there is hostility from some residents and constant threats of litigation being made. At this point, we are asking those**



residents that continuously threaten the Association to either please hire an attorney outlining your demands or stop with the idle threats. You are impeding progress and causing unnecessary drama. Also, candidates are typically voted on by their biographies and the winner announced at the annual meeting. The management company can absolutely make the Board questionnaire more robust and include contact information of Board nominees, to rectify this issue. The Board wishes to continue the effective, practical communication strategy in order to allow maximum resident participation and only bear the cost of one annual meeting. \*Jim Butler does not agree with this last sentence from Sarah Goodman.

*Jacquie Patrick:* Wanted to thank the board for the recent survey and follow up responses that were developed and used in preparation for this upcoming board meeting. We liked the way it was formatted with the pros and cons and it gave the HOA members a better idea of the impact and cost of each suggestion. It took a lot of time, effort and patience to prepare the material in a format that was helpful to the survey participants. Great job!

**Thank you! We try!**

*Ralph Walker:* Has lived here for three years. Stated that the community is in much better shape than 3 years ago and he personally wanted to thank the board and all homeowners who have been responsible for the improvements to the neighborhood. Also, he really likes the surveys conducted by the board to get homeowners input.

*Joel Nyman:* He is a board candidate and has lived in the community for 1 year and 8 days. He would bring his expertise to the board and question whether the HOA has enough money in the reserve account. In his past career, he dealt with trouble-shooting projects and he could bring his out of the box thinking and being open and transparent with homeowners. He has served on two condo boards and one board on Pecan. He wants to see open board meetings and if the HOA must hire security to have these open board meetings, then let's do it.

*Kenneth Sapp:* Our current POA represents assets of over 200 million dollars in properties and over \$200,000 in equal revenue. If this was a business, and you were one of the owners, you would demand monthly reports of profit/loss and comparison reports to budget. You would demand fair, understandable, consistent, and equal enforcement of rules and guidelines. You would observe spirit and intent of open and transparent operations as prescribed by state law. You would provide communications such as newsletters to keep residents informed. The attitude of the current board is to have infrequent in person meetings or to not have them at all. The board should serve the community not command it like a military unit. I don't like this at the national level and I sure don't want it in my community. In fact, one statement in the board packet it says if you don't like the rules then perhaps you find a different place to live, that's arrogance not leadership. It's time for a change in the board behavior or a change in the board. It's not my desire to be in charge, but this board needs a voice from the people. You've read my bio and you can see my experience in addition to what you've seen I have a master's degree in finance and I've served as an officer in charge of two companies with over a billion dollars. This does not elevate my status but provide the prospective with which I see things. I live at 7046 Heathington and if you want to know more come see me or call me at 817-300-2864.

*David Thacker:* In the board packet, I've seen some discrepancies and he wants to know if the board is going to grandfather in some of these sheds and building siding or is the board going to come back and make homeowners remove projects previously approved? The Heathington culverts are not big enough and water is backing up so are we going to force homeowners to make changes? **Sarah Goodman stated**



**that the board will respond efficiently to his questions if these two questions are not answered later on in the meeting.**

*DeWayne & Gillian Adkins:* He wants transparency from the board, he is just not seeing it. Doesn't understand why we can't have meetings in person. I understand COVID restrictions, but those went away and suddenly we find other reasons why we can't have meetings in person. The rumors are that someone has threatened to sue us, but doesn't know why we can't have security to assist with that. What's the lawsuit all about? The board won't disclose because of non-disclosure agreement, but board is not being sued, its every HOA member. We should have a right to know if we are threatened with a lawsuit. Also would like to thank whoever did the security check on the first round of emails that talked about the meeting. They did everyone a favor and sent everybody their login, username, and password. That information over an open email and you call that secure. Blatant security violation and you just released the info into the world for hackers that are floating around.

Sarah Goodman asked if Derrick Boyd or Laura Paulson wanted to speak since they are board candidates. There was no response from either.

#### **IV. Current Business (Sarah Goodman)**

- a. ACC Approvals: 104 approval ACC requests, 5 denial ACC requests, 2 still under review
- b. Open Violations: 1 Coastal Meadows, 16 Heathington, 5 Helton, 5 Kenyon, 20 Lydia, 3 Martin, 5 Maverick, 2 Rhone, 3 White = 65 total
- c. Closed Violations: 21 Acorn, 10 Ava Grace, 7 Coastal Meadows, 7 Emma, 22 Heathington, 19 Helton, 13 Kenyon, 40 Lydia, 20 Martin, 23 Maverick, 5 Rhone, 11 White
- d. Board Hearings: 4 in 2021- Sarah Fink explained the board hearings process to homeowners.

#### **V. Community Updates (Sarah Goodman)**

a. Survey results. The results for the financial and petition surveys have been available for about one month. This is the data the Board will use as the VISION for the community.

b. Violations. We get questioned a lot about if residents are receiving violations, fees, fines for violating the CCRs. The answer is YES. There is a fee/fining policy in place. Homeowners are also allowed to request Board hearings if they are unable to get a resolution with the management company. But, the goal is to work WITH homeowners to gain compliance. If you see a violation, please email [violations@propertymanagementgroup.org](mailto:violations@propertymanagementgroup.org) with the address and pictures.

c. Financial Items. The Reserve study has been completed and has been available for view since August 2021. For those who do not know, a reserve study looks at all the infrastructure and future costs of maintaining the development. We are going to vote implement the 10% dues increase as proposed. This will increase annual dues from \$660 per year to \$726 per year. If you are interested in knowing more about the finances, please join the finance committee.

d. We need Committee Volunteers!!! Our ACC, Finance, Social and Landscaping committees need help as we navigate the next phases.



e. The RCR Homeowners manual has been approved, final edits are being processed. Please use/read it thoroughly. If you are selling your home, please provide to your agent. We get a lot of the same questions multiple times. Please try and use this resource first.

f. Erosion and drainage. When it comes to homeowner drainage, we would like to say thank the builders and homeowners that have worked with us to get the proper culverts installed. Also, if your lot has standing water (water that isn't flowing naturally) you are in violation of 3.30 of the CCRs and also in violation of the Texas Health and Safety Code Chapter 343, B (3) which requires property owners to maintain their premises in a manner that will not create an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or other disease-carrying pests. We have given all homeowners in violation ample time to correct the issues on their property. Fines and violations will restart in November for all lots/homes that have improper culvert sizes, overgrown grass, standing water, or any other improper drainage pattern. If you are getting water from a neighboring lot, onto private property, please work with your neighbor to resolve. The POA does not have jurisdiction over private property.

**Major point: We have given all residents with issues 6-12 months to remedy. Starting November 1, anyone who has not completed the necessary repairs will start receiving violations again.**

g. Switching Landscaping companies. We are changing landscape companies due to price and quality of work. The Board will no longer be mowing the ROW. That saves the community ~\$90,000 annually. The management company reached out to nine different companies in order to find an appropriate vendor. We had eight companies not place a bid.

h. Halloween- Trick or Treat for RCR this year. October 30, 6:30-8:30

i. Board to Do for 2022. We will be commissioning the common area upgrades. Plans and budget will be forthcoming. All of the mailboxes will be installed. Mailboxes are the responsibility of the homeowner, and the association will no longer help with damages. Additional road repairs will commence when the inflation rate decreases. These upgrades should include: signs at entrances, gate sensors, security cameras, pavilion repairs, ROW repairs, etc.

**VI. Description of Declaration Amendments (Sarah Goodman)**

- a. Leasing – Establishes community leasing provisions and fees. HOA cannot ban homeowners from leasing their homes, but want homeowners to force tenants to comply with the CC&R's.
- b. Landscaping- Better defines appropriate landscaping
- c. Residential Fees- Allows additional fees at transfer and leasing
- d. Accessory Buildings- clarifies and rewrites the amendment for garages and other building
- e. Right of Way- officially moves the ROW maintenance to the homeowner
- f. Chicken Bill – allows an exemption for chickens in the neighborhood.

**VII. Nominee Introductions (Sarah Goodman)**

There are five nominees that have volunteered to run for one open board position for a three-year term (2024). Derek Boyd, Joel Nyman, Laura Paulsen, Ken Sapp, and Heinz Swarzkopf.

**VIII. Voting Instructions (Sarah Goodman)**

Please read the voting instructions online and in your email. Online voting will remain open online through 25 October.

**IX. Board Open Discussion (Sarah Goodman)**

Each Board member has 3 minutes to speak on the motions presented if they choose.



**Jim Butler:** I want everyone to know all open meetings are scripted and we're not supposed to deviate from the text. Many of the decisions that come out are board decisions you cannot find where we voted on those decisions in the minutes of the board. For example, the reply to the first item we talked about, no we did not vote on it, you cannot find in the board minutes that we voted on that reply and agreed with it. So, people need to be aware that not all board members know what is going on and not all board members are made privy to the decisions that are being made for this HOA.

**Greg Bryan:** I appreciate what everyone has provided for me while on the board. My decision to not run for the board were medical conditions. We are progressing in our ministry actions and things are changing for Brenda and I, but I appreciate everything. I think that this board has come together to work real hard and get things accomplished throughout this year. We're all working hard even though we many not always agree, but that's a normal for human interactions and again I want to say thank you to Rolling Creek Ranch.

**Kyle Strongin:** I just want to reiterate what Greg had to say, I want to thank the other board members for their hard work and sacrifices this year. I know we all have families, jobs, and other commitments that we're responsible for and I'm really grateful for all of the time and energy that everyone puts into this community and we're all going to miss Greg, but we wish Greg and Brenda the best going forward. Next, I'd like to thank all of the committee members for all of the support we receive and we have the best neighbors around and I am really blessed to raise my children in this community. I know that a lot of the opinions that have been expressed are all desires that we all have to make this an enjoyable place for our families so going forward and working together, we are going to make some of the improvements that many of you have suggested and we are voting on today. I'd like to ask that we continue the same forum to gather homeowners' views/opinions to help make these upcoming changes for what we all see as best for Rolling Creek.

**Renee Walker:** Well as the newbie on the board, taking over LaJuan's position, I know that the finance committee has worked very hard because of the budget and our budget can be found on the HOA website. Financials are put on the website every month so homeowners can see where we are on the budget. I think this board has worked very hard to try to get information out to homeowners and to try to figure out from the surveys themselves, so that we as a board can see what you want as a community. I feel that this small board has done a lot of work in such a short period of time. Everyone needs to remember that everyone on the board and on committees, are volunteers and we are dedicating our time to make this a better community and we'd love to have more volunteers to help do this. I thank everyone for their hard work.

**Sarah Goodman:** I want to thank Greg and Brenda for their dedication to the community. Everyone that has lived in the community for the past 3 ½ years, knows Greg and Brenda. I wish you both the best of luck on your next adventure, not exactly how it was planned, but God has great plans for you both. Greg always goes out to the gates every time it rains or mists and wipes off the gate sensors so that the gates open and close properly and he's also one of the ones who makes sure you have your new mailbox, so he and Brenda are going to be dearly missed. I also want to take the time to thank our committees and board. Kyle on the ACC- she goes above and beyond to make that process seamless, it's completely virtual and all ACC members work around their jobs and other activities to make ACC decisions for the community. Thank you Kyle for all of the work you have done with this committee. Thank you Renee for stepping in when LaJuan had to resign and move and you guys on the finance committee for putting things together, a 30-year budget is not easy especially with all of the unknowns that we are facing as a country right now, so thank you Renee for stepping up into that role. Our social committee that continues to be the backbone of our community and allowing people to get together to have some fun, which is what community is all



about and is very important. As far as transparency and some of the other issues, yes I run a very efficient process, some people like it and some people do not. We're community and we're going to have differences of opinion, but we try to utilize the website for those online surveys and chat forums because not everyone can come to an in-person meeting, but we need to make sure and do our best to try and engage as many people as we can because there are a lot of moving parts and fun things to look forward to. I'm very excited for this next year, we've worked very hard to get to the point where we can start working in those common areas and we can progress towards some fun and new things for the community.

Sarah Goodman announced that every board member would be allowed two minutes to discuss the new business

**X. New Business (Sarah Goodman)**

**a. Approval of Fines/Fees on Homeowners-** Sarah Goodman stated that all board members would get two minutes to speak on this topic.

- **Jim Butler-** No comments, just needs to be done.
- **Greg Bryan-** No comment
- **Kyle Strongin-** No comment
- **Renee Walker-** No comment
- **Sarah Goodman-** No comment

Greg Bryan makes a motion to place appropriate fines and penalties on 65 homes within the community for CCR Violations, Jim Butler seconds this motion, Jim Butler yes, Greg Bryan yes, Renee Walker yes, and Sarah Goodman yes. The motions passes 5 – 0.

**b. Annual Dues Increase-** Sarah Goodman states that all board members would get two minutes to speak on this topic.

- **Jim Butler-** I agree with the annual dues increase because we need it to prepare and maintain our roads properly. That's the biggest expense we'll have.
- **Greg Bryan-** No comment
- **Kyle Strongin-** I agree, I think we did the survey and this is the best option at this time.
- **Renee Walker-** I just want everyone to remember when we talk about this dues increase, a lot is based on the survey we did and we're looking forward to where we want to be in the future and what we want to have in reserves so we're trying to look now so as we progress further, it will save us a lot later.
- **Sarah Goodman-** No comment.

Renee Walker makes a motion to increase the annual dues in accordance with the RCR CCRs by 10% to \$726 per lot, per year. Jim Butler seconded this motion, Jim Butler yes, Greg Bryan yes, Kyle Strongin yes, Renee Walker yes, and Sarah Goodman yes. The motion passes 5 – 0.

**c. Landscaping Contract-** Sarah Goodman stated that all board members would get two minutes to speak on this topic.





- **Jim Butler-** My opinion is we're not ready to change landscaping companies. We don't have enough information. The contract we have addresses using \$4,000 for the entrance gate and around the pavilion. We're assuming that switching the ROW to the homeowners will pass, but we don't know if it's going to pass, we can't make that assumption. Also, we're assuming that nothing will have to be done on the three reserve areas by the HOA. We have three lots that we must keep mowed and we keep fining people for not mowing their lots and yet we don't mow ours, and that's not acceptable.
- **Greg Bryan-** I was out with the Yellowstone contractor for this particular mowing and we went through and formed a mow map, which shows the areas that are going to be mowed and those include the front entrance, back entrance, the common area, the pond area, both gas wells, the 5-acre lot, and the side road coming along the back of the ponds. All these items were in the contract and bid provided. Their bid did show a separate item which was the ROW, right now we're anticipating that the ROW will transfer and yes that's an assumption right now. The contract for this bid has been put into the budget at this time, yes we'd have to sit down and look at how we're going to do it, if we don't get rid of the ROW mowing.
- **Kyle Strongin-** I know this topic of landscaping companies has been discussed and there were numerous companies that either decided not to supply a bid or we've contacted and they could not complete the tasks that we wanted from them. I know Greg has been working on this quite a bit to try to make sure that the areas are covered, yes the ROW is something that comes into question with this, but speaking with homeowners, it seems the strong interest is that we discontinue the ROW mowing as a cost saving expense for the HOA.
- **Renee Walker-** Right now I think most homeowners take care of their own anyway so this is not an added burden to them. Everything else has been said.
- **Sarah Goodman-** We have put out bids to eight landscaping contractors, which includes our current one with Lonestar. So we either take this bid from Yellowstone and get something or no nothing and I think the community would much rather have something mowed. We can also continue to see what else we can find and we can always change landscaping companies later. But as of November 1<sup>st</sup>, there is no more Lonestar, so we need to move forward with this.

Greg Bryan makes a motion to terminate Lonestar Landscape contract; hire Yellowstone landscape effective 1 December 2021 and Renee Walker seconded this motion. Jim Butler made a motion to table the landscaping bid, Jim Butler yes, Greg Bryan no, Kyle Strongin no, Renee Walker no, and Sarah Goodman no. Jim Butler's motion did not pass 4 – 1. Greg Bryan makes a motion to hire Yellowstone landscaping to handle the HOA for the community, Renee Walker seconded this motion, Jim Butler no, Greg Bryan yes, Kyle Strongin yes, Renee Walker yes, and Sarah Goodman yes. Greg Bryan's motion passes 4 – 1.

d. **Annual 2022 Budget-** Sarah Goodman stated that all board members would get two minutes to speak on this topic.

- **Jim Butler-** No Comment
- **Greg Bryan-** No Comment
- **Kyle Strongin-** No Comment
- **Renee Walker-** We are basing the landscaping as is with the membership taking over the ROW and we raised it on a 3% increase for the cost of living. A budget is just a guideline in hopes that we come close to what we'll be spending throughout the year. If you notice, we're anticipating coming out in the black this year and we have very high hopes. This is basically the second year of operation for our HOA and it's going to take a good five years for us to



really know what we will need for this HOA to move forward, but I think we are moving in the right direction and our budget is in a very good place right now.

- **Sarah Goodman-** No Comment

Renee Walker makes a motion to approve the 2022 Operational Budget as presented, Greg Bryan seconds the motion, Jim Butler yes, Greg Bryan yes, Kyle Strongin yes, Renee Walker yes, and Sarah Goodman yes. The motion passes 5 -0.

e. **30 Year Reserve Plan-** Sarah Goodman stated that all board members would get two minutes to speak on this topic.

- **Jim Butler-** Our budget is being driven by the reserve plan. In 2034-2036, the reserve study stated that we would need to take 1-inch off the top of our roads and repave with a 2-inch overlay. That's about a 1 ½ million-dollar expenditure at that time and that's what is driving our budget. I have a lot of experience with asphalt and I think that will not be necessary if we maintain the crack seal and silt coats on the pavement we will not have that expense.
- **Greg Bryan-** No Comment
- **Kyle Strongin-** No Comment
- **Renee Walker-** No Comment
- **Sarah Goodman-** No Comment

Renee Walker makes a motion to approve the 30-year reserve spending plan as presented, Greg Bryan seconded this motion, Jim Butler yes, Greg Bryan yes, Kyle Strongin yes, Renee Walker yes, Sarah Goodman yes. The motion passes 5 -0.

f. **Close First National Bank account-** Sarah Goodman stated that all board members would get two minutes to speak on this topic.

- **Jim Butler-** No Comment
- **Greg Bryan-** No Comment
- **Kyle Strongin-** No Comment
- **Renee Walker-** No Comment
- **Sarah Goodman-** This is just a housekeeping issue, there is no money in this account and this account was just leftover from the old management company and we just need to tie up this loose end.

Renee Walker makes a motion to close the bank account located at First National bank, Kyle Strongin seconded this motion, Jim Butler yes, Greg Bryan yes, Kyle Strongin yes, Renee Walker yes, and Sarah Goodman yes. The motion passes 5 – 0.

g. **Reserve Fund-** Sarah Goodman stated that all board members would get two minutes to speak on this topic.

- **Jim Butler-** My opinion is we need to transfer the money and follow the plan for the next 5-years and then have another reserve study done.
- **Greg Bryan-** No Comment
- **Kyle Strongin-** No Comment
- **Renee Walker-** No Comment
- **Sarah Goodman-** We put out the reserve study and it's been out since August so everyone should be aware of why we are moving money into the reserves account so we can prepare for expenditures like the roads and everything that is out there. If anyone has any further





questions, please get with Ms. Walker and the finance committee and they will be glad to explain it to you.

Renee Walker makes a motion to move \$30,000 into reserve fund as presented in the 30-year Reserve plan, Kyle Strongin seconded this motion, Jim Butler yes, Greg Bryan yes, Kyle Strongin yes, Renee Walker yes, and Sarah Goodman yes. The motion passes 5 – 0.

**h. Executive Planning Minutes-** Sarah Goodman stated that all board members would get two minutes to speak on this topic.

- **Jim Butler-** At the planning meeting we decided that the board was going to meet together at the First Baptist Church so that the board would all be in the same room. I don't understand why that didn't happen.
- **Greg Bryan-** The executive planning's have happened and it takes time to get the meeting minutes pulled together and that's my fault with not being more quick on those.
- **Kyle Strongin-** No Comment
- **Renee Walker-** No Comment
- **Sarah Goodman-** I do want to clarify that when the board does meet to plan, we do not make any decisions at those meetings except basic structure and these executive meeting minutes are available by request from our management company and you are welcome to them. The reason you see that this meeting runs as smoothly and as significantly as it does, is the board does spend a significant amount of hours planning by email, talking by Zoom, and some other methods to make sure we are all on the same page.

Greg Bryan makes a motion to approve the executive planning minutes, Kyle Strongin seconded this motion, Jim Butler yes, Greg Bryan yes, Kyle Strongin yes, Renee Walker yes, and Sarah Goodman yes. The motion passes 5 – 0.

**XI. Adjourn to Executive Session:** 1:56pm (All homeowners left the meeting)

**XII. Reconvene after Executive Session:** 2:15pm (8 homeowners returned to the meeting)

**i. Committee Members.**

Renee Walker makes a motion to place Brian Miller on the Finance committee, Kyle Strongin seconded the motion, Jim Butler yes, Greg Bryan yes, Kyle Strongin yes, Renee Walker yes, and Sarah Goodman yes. The motion passes 5 – 0.

**j. Personnel Issue.**

- Sarah Goodman stated that we had a personnel issue that we have talked to and addressed and no decisions have been made at this time. So we will table that issue for another meeting, if necessary.
- Also the board saw all of the chat comments during the annual meeting and the board will address electronically these homeowner concerns and questions.

**XIII. Adjourn:** 2:18pm