

ONION CREEK HOMEOWNERS ASSOCIATION

Board of Directors Meeting Minutes

August 22, 2020 FINAL

I. The regular monthly meeting of the Onion Creek Homeowners Association meeting was held August 22, 2020 by remote login/Zoom, and called to order by President Kathy Pillmore at 10:02 AM.

Board members attending were: John McNabb, Kathy Pillmore, Jennifer Beaulieu, Jerry Patterson, Dick Perrone, Darcy Hansen, Kathy Lahaye, Carolyn Dyer, Beth Cubriel, Wendall Braniff, Jerry McIlhon, George Gerken

Board members absent none

Also attending Annette Waller, (HOA office staff), Ken Roe, Smith Security Services

II. Guests attending remotely: 36

Kathy Pillmore welcomed the online guests and requested if they wished to speak on a item to please send a chat message.

III. Darcy Hansen moved to approve the July 16, 2020 board meeting minutes; Dick Perrone seconded; the minutes were unanimously approved.

IV. Treasurer

Kathy Lahaye reported the YTD revenue for July was \$402,048 which is \$5,013 under budget the total YTD operating expenses for July were \$292,665 which is \$81,176 under budget. The most significant variances to budget were as follows:

Landscape Maintenance – Other was \$9,909 over budget, Park Maintenance was \$1,661 under budget, Sullivan Park Improvements (Reserve) was \$22,086 over budget, Security was \$1,196 over budget, Utilities was \$2,197 over budget, Legal was \$2,294 under budget, Supplies was \$1,216 over budget & salaries was \$1,666 over budget.

The net revenue over expense YTD was \$109,383.

Cash balances at 7/31/20:

Operating - \$510,184.32

Reserves - \$163,637.36

CD - \$0.00

Delinquent Accounts

Since the last board meeting, the office has received 39 delinquent payments. We collected approximately \$18,000 against the last Terri Giles delinquent report of \$46,939.00. We have three residents on payment plans. The office staff have been working closely with Terri Giles to improve both the delinquent reporting and the office procedures.

We have 25 liens in place – we received payment in full on 8 of these and are working to get these liens released. We will place new liens in September, adding a service fee to collect the release money and any accrued interest lost once the lien is placed.

The office has received payments on 11 home sales. There are 10 pending sales.

Buyouts: There have been 5 buyouts completed, with 2 pending.

V. Committee Reports

A. Security

Jerry McIlhon introduced Ken Roe, General Manager for Smith Security Services, and gave an update on the meeting at the club for the volunteer neighborhood driving patrols. Jerry reported on the training manual written by Smith Security Services for the volunteers and will distribute it to the board. Once the responses from interested neighbors are back, Jerry will set the training schedules, organize an orientation meeting, and set volunteer shifts. There will be two shifts a day, seven days a week with hours to be determined by the volunteer's ability to give volunteer hours. Ken pointed out that volunteer hours, regardless of how long the shift might be, represents extra eyes on the neighborhood. Mr. Roe gave an update on the additional Smith Services patrol – the decals for the vehicle are finished and the additional shift should begin Thursday, August 27th, 2020, at the latest. The vehicle will be different than the current Tacoma. It was discussed if APD might be invited to the volunteer orientation meeting for volunteers, and/or ride-along trainings.

Jennifer Beaulieu reported neighborhood crime reports - vandalism, break-ins are not as bad as two months ago. Wendy asked about the IH 35 bridge homeless reports and Kathy Pillmore said she has called Office Gamboa regarding this problem.

B. Development/Infrastructure

Wendy Braniff reported that many projects near us are in the rezoning process from general rural residential to high density, multi-level residential projects. Wendy reported receiving several rezoning notices every day and gave a brief update on current projects - Riddle, the apartments across from Atkins High School - still waiting on the creek study data. Other ongoing projects include the Cloverleaf development, formerly Bella Fortuna, on Bradshaw, which is beginning to market zero-lot homes. Wendy gave a recap on the Westlake dermatology build-out and the concerns of the neighbors at The Pointe with this new commercial development.

NEW PROJECTS:

9315 S. IH Svrd 35 NB – (NB I35 access road just south of Slaughter Road) Rezoning from CS-CO (CS: general commercial services district with operating characteristics or traffic service

generally incompatible with residential environments) (CO: Conditional Overlay combining district intended to provide flexible and adaptable use of site development regulations by requiring standards tailored to individual properties to CS.

Marbridge Foundation – Equine Center – 2636 Bliss Spillar Road. Application for administrative approval of a site plan for an equine center with associated improvements located at the Marbridge facility just south of the intersection of SH 45 W and FM 1626.

11601-11811 South IH 35 Svc Rd NB – (between St. Albans Church and Onion Creek). Public hearing for rezoning FROM I-SF-Interim (annexed land) SF-2 – Single-family residence (standard lot) district intended for moderate density SF residential w/ minimum lot size of 5,750 sq. ft.; MF-2-CO multifamily residence (low density – up to 23 units per acre; CO Conditional Overlay intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties TO MF-4-Multifamily Moderate-High Density intended to accommodate maximum density of 36 to 54 units per acre appropriate for moderate-high density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers.

3600 E. Slaughter Lane – (West of Old Lockhart Road intersection with and on south side of Slaughter Lane) Site plan for a multifamily project with associated improvements on about 17 acres. Density unknown currently. SP-2020-0080D

For all City of Austin projects, go to <https://abc.austintexas.gov/web/permit/public-search-other> and enter Case Number for more information.

Kathy Pillmore discussed the current bond package which does not address our neighboring road issues - Bradshaw and 1626 and the additional development coming in near us. The City of Austin has not funded widening Bradshaw yet - this will be monitored.

C. Crisis Management and Neighborhood Watch

Beth Cubriel reported that our local National Night Out event has officially been cancelled, and that smaller outdoor street gatherings will be encouraged October 6th to replace the neighborhood-wide NNO event at the club. Beth reported on increased activity in Legends Way and the need for an organized Neighborhood Watch volunteer committee to help distribute information cards, collect contact information for emergencies, and to welcome new neighbors. Beth gave her email and said this information will be in the newsletter.

D. Traffic Control

Carolyn Dyer reported the Pinehurst sidewalk extension project has been granted approval and awarded funding through the City of Austin Neighborhood Partnering Program (NPP). The project was approved on the estimated budget and awarded funding of up to \$31,200 from the NPP. City staff will begin working on a project agreement that will outline the award details and responsibilities of each party. Final award of funding and project implementation is contingent upon agreed terms executed in the official project agreement. Carolyn will be contacted to review and discuss these terms in the coming weeks. The last estimate received a few weeks ago was \$7,200. Last year we budgeted \$10,000 for this project.

Carolyn thanked Dick Perrone for installing the City of Austin neighborhood watch signs along with new security patrol signs. Signs have been installed at both entrances of Legends Way, along with new security patrol signs. There are now signs at Ballybunion/Olympia Fields Loops, and Shinnecock and Pinehurst.

Carolyn will report to the board any improvements for the IH 35 overpass at our entrance as soon as she can confirm with her TxDot contact.

There was general discussion of gating our streets - Kathy Pillmore will summarize this issue for the next newsletter based on the previous study, which at the time did not include the two Legends Way entrances. Wendy explained the history of turning the streets back to the control of the city, and the expensive upkeep of the River Plantation bridge during the 2013 flood, that fell to the city for repairs.

E. Legal

Darcy Hansen commended the office staff for collecting delinquent homeowner accounts since the last board meeting. Darcy plans to meet with Annette on a weekly basis until a more manageable delinquent account ledger is obtained, and to make determinations on additional liens. In some cases, secondary liens might be assessed on long standing accounts – additional dues and late fees have accrued since the initial lien was placed. Keep in mind that the July billing went out and in the next month or two, those overdue amounts will be formally added to the current ledger.

Darcy made several suggestions that will require Board consideration, approval, and participation. The recommendations are as follows:

Darcy requested a supplemental lien fee be added to the existing lien amount. The first fee recommended is a \$35.00 lien release fee to the amount due.

Additionally, we assume costs in our attempt to collect assessment delinquencies such as: staff salaries; placing liens; office supplies; postage; and professional fees associated with collections, i.e. Certified Public Accounts and Attorney fees and costs. To recoup these losses, Darcy recommended we also assess a service fee of \$75.00 at the time the lien is placed. Again, by adding this service fee to the lien at time of origination, the burden passes to the offender instead of the Association which is currently absorbing the cost.

Darcy made a motion that the board approve an additional \$35 for the lien release fee; there was discussion, in which Jerry Patterson requested that we clearly enumerate this new fee to the homeowner. George Gerken seconded the motion; it passed unanimously.

Darcy Hansen made a motion to add a second \$75 fee to a lien placed by the HOA against a delinquent account to offset lost interest and office costs; there was discussion in which Carolyn Dyer repeated Mr. Patterson's remarks that this fee be correctly explained to the homeowner. Carolyn Dyer seconded this motion; it passed unanimously.

Lastly, Darcy recommended a small Ad Hoc Committee be put together to contact delinquent homeowners, to address their past-due accounts, including contacting a small number of cases where updated contact information is needed.

F. Modifications/Rules

John McNabb reported that the Architectural Control Committee drafted recommendations to revise the current Flag Display resolution based on an analysis of the basis for that resolution. John provided board members a written copy of the main discussion points, along with the proposed new resolution. He also included the relevant Texas Property Code as well as the current Flag Display Resolution as backup reference material. There was discussion on the current flag policy CC&R's that are basically silent on additional flags, other than Legends Way. The current resolution was not serving the neighborhood as policy, or for complaints due to its lack of specific guidance. The Architectural committee recommended their new, written policy permitting personal flags and celebration flags, sports, and school flags as a freedom of speech guarantee. This resolution will help set a standard similar to the resolution on political signs, when displayed.

John McNabb made a motion to the board to accept the Architectural Modification Committee's recommendation to adopt the proposed flag resolution to permit personal flags and celebration flags, school and sports flags, and discourage flags which are clearly offensive to the majority of homeowners but also respectful of freedom of speech guarantees. The motion was seconded by Carolyn Dyer and passed unanimously. (The entire revised Flag Policy will appear at the end of the minutes; it will be placed on the website as soon as it can be filed with the county clerk to make it binding to our bylaws.)

Further Architectural committee reporting included two homeowners on River Plantation golf course properties who are requesting a variance to fence all or part of their backyard for their dogs. The current CC&R's for Legends Place state: "With respect to those lots which share a common line with the golf course contained within the subdivision, no fence or walls may be erected or maintained nearer to the lot line shared with the golf course than the predominant wall of the house nearest such lot line without the approval of the New Construction Committee. It is the intent of the Declarant and the New Construction Committee that such approval will give only in the most extraordinary circumstances, and Declarant and the New Construction Committee have adopted a policy against fences in the rear yards of all Lots sharing a lot line with the golf course. Owners' Lots sharing a lot line with the golf course are encourage to used varied electrical pet control devices in lieu of fences."

The committee has surveyed all the fenced rear yards in Legends Place out of 176 on the golf course and found only one that is not there for safety reasons such as a water feature at least 24" deep. This is part of City code, so we have allowed fencing sufficient to provide safety and reasonable enjoyment. And searching available HOA records, they could not find any request or approval documentation for the one exception. In any event, it is only a small portion of their backyard and the fence is approximately 80 yards from the out-of-bounds markers on that hole, partially hidden by trees, and hardly noticeable to golfers. The Architectural committee believes this fence does not violate the spirit of the CC&R's which is why it may have been allowed in the first place by the original New Construction Committee.

John reported that his committee would do the research and come back to the two property owners requesting golf course fences with a recommendation. These two property owners spoke at the board meeting and requested a variance for their backyard golf course fences; John promoted a compromise based on a decorative/temporary fence but it was decided to

have the Architectural committee come back later with something more definitive including materials – a detailed specific recommendation. Darcy requested that the individual HOA's be consulted.

Kathy Pillmore suggested it might be time for new guidelines for fences along the golf course that are requested without a water feature reason, and the issue is back in the hands of the Architectural committee.

G. Government Affairs

Jerry Patterson discussed an idea from Bill Sheftall regarding signage for the neighborhood that might be legal, effective notices placed at 1000-foot intervals. The suggestion is to use no trespassing signs instead of no soliciting signs to gain a legal standing in stopping violators. Kathy Pillmore said his point was taken and the board will explore the idea further. A committee made up of Jerry Patterson, Carolyn Dyer, Dick Perrone and Kathy Pillmore will look at the legal standing of this suggestion.

The issue of golf cart usage in the community was discussed – Kathy Pillmore requested John McNabb's Architectural committee find out the statute regarding the rules of carts in the streets.

There was discussion of the impending budget cuts by the City of Austin to the Austin Police Department and whether the OCHOA board should take an official position on this issue. Jerry Patterson made the point that any board member responding as an individual to this matter must make sure it is an individual position, not an official position.

H. Landscape/Parks

Dick Perrone reported that since the last board meeting the trees have been trimmed on Onion Creek Parkway and Pinehurst – 14' off the roadway and 8' off sidewalks. He is set to install five new dog waste stations in the neighborhood – three in the original Onion Creek and two in Legends Way. The club has reimbursed us \$2500 for the concrete work in Sullivan park. He explained our utilities overage due to the club's water bill backdated to December 2019. This is well water, a less expensive gallon rate than city water.

Dick gave an update on the new Legends Way park including city permits and fencing for the adjoining neighbor.

I. Communications

Kathy Pillmore reported the September/October newsletter should be coming soon, no later than 9/1. Next issue is November/December. Articles, photos, etc. are due by October 1.

Kathy has not converted our Facebook page yet; she will determine if we can extract our email database from our website to use to invite residents to join the group.

OLD BUSINESS

Kathy Pillmore reported the results of her 24-resident Ballybunion Place poll to change the name of the park, as suggested by Dick Perrone last month. The poll indicated 9-8 in favor of changing the name.

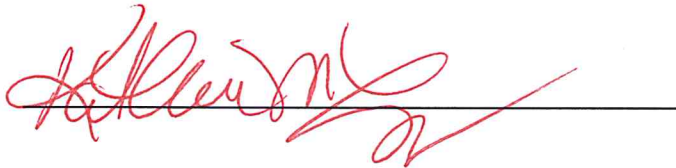
Dick Perrone, Landscape/Parks chair, made a motion to the board to rename Ballybunion Park to Carol Scott Park, at Ballybunion Place. It was seconded by Darcy Hansen, and the motion passed by unanimous vote.

Kathy Pillmore gave an update on buyouts/teardowns in the neighborhood. She told the board they should begin looking for an Architectural landscape resident for a fall committee to assist in planning land use for the vacant lots.

Kathy told the board it is time to consider a nominating committee for the 2021 board elections and invited the many guests who attended the meeting remotely to consider running for a board position.

Recording: Annette Waller

Approved September 17, 2020

A handwritten signature in red ink is written over a horizontal black line. The signature is cursive and appears to read 'Kathy Lahaye'.

Kathy Lahaye, Secretary