

**COUNCIL CREEK SOUTH PROPERTY OWNERS ASSOCIATION**  
**OPEN BOARD MEETING AGENDA**  
**November 21, 2009**

A. Call to Order-CB Harrah

1. Members present-CB Harrah, Susan Cowen, Suzi Campagna, Candy Smith

B. Welcoming remarks and Introduction of Guests-Board members were introduced, and CB Harrah reviewed the Rules of Order for the Meeting.

C. Approval of Previous Minutes-Candy Smith. Minutes were read, a motion was made and seconded to approve the minutes as read.

D. Officer or Committee Reports

1. Treasurers Report-Suzi Campagna. The current net income is 1,728.31 members have paid POA dues and 106 people have paid the road maintenance fee. The taxes and utilities have been paid for 2009. A motion was made and seconded to approve the Treasurers report as read.

E. Old Business

1. Election to modify road maintenance fee. The single purpose of this election was to amend the existing deed restrictions in regard to road improvement/maintenance fees. The proposed amendment of the maintenance fee consisted of (1) increase the fee from \$20 per year to \$120 per year effective 1 January 2010 and (2) mandate that the fee be adjusted every five years for inflation (using the Consumer Price Index based on Bureau of Labor statistics) to prevent future deterioration of the maintenance budget.

- The election was held in the July-August timeframe.
- Amendment of the maintenance fee was approved by 67.47 % of the voting CCS property owners. The ballots were counted, certified by the canvassing committee and presented to the CCSPOA Presiding Officer on 22 August, 2009. The election was conducted in accordance with the amendment process approved by CCS voters in March 2009.
- Deed restriction amendment was filed with Burnet County on 17 September.
- Discussion: Most property owners pay their maintenance fees when billed BUT a significant number of them do not pay their fees in a timely manner and some don't pay at all. We must develop a policy and business process that is fair, effective and

consistently applied to all property owners. That business process must address what actions the Board must take to acquire the mandatory maintenance fees and on what timeline these actions must be taken. The process should be compassionate in the sense that it will work with folks that truly would suffer a financial hardship if the maintenance fee was paid. It also needs to ensure that all property owners that are able to pay in a timely manner do so. A dominant philosophy here is that all property should pay their fair share in a timely manner unless there are extenuating circumstances. We need a process and policy for our Operating Guidelines on how to handle this. Suzi noted that currently 30 people have not paid the road maintenance fee. The comment was made that if the property sells the fee could be collected at that time. However, many owners don't sell or would sell face to face, in which case no fee could be collected. The Board will be looking into this issue and setting a policy in the future.

2. Status of the replacement of sign at Crestview and CR 137. The "Council Creek South" sign, containing names of some property owners, that was located at CR 137 and Crestview was significantly damaged by a vehicle collision. The top of the sign (with the CCS logo) received minor damage but is usable with some touch up. The remaining components in the sign were totally demolished. Basically, the CCSPOA will fund installation of the vertical posts and the CCS logo section on top. Replacement of the horizontal aluminum channels and names will have to be funded by those property owners who want their names displayed. There are two-foot sections on the horizontal cross channels allotted for each name. The estimated cost per displayed name will be \$8.00 (includes both \$5.00 for the lettering and \$3.00 for the pro rata share of replacing the channel). Discussion: We have a bid for the overall project of \$980.00. This will be delayed until after the first of the year. Constable was very supportive and has been investigating the accident. A Dodge Dakota or Jeep was thought to be responsible based on evidence at the scene. The road sign was replaced by the county.

3. Status of security/control of park and boat ramp. The park, including the boat ramp, is mandated to be for the exclusive use of CCS property owners. We have had signs posted for several years that stated this intent but enforcement has been sporadic and the rules for park use have not been well stated. Such an ambiguous situation invites misuse of the park and ramp area. The CCSPOA Board developed park rules and procedures to ensure that the park area is managed for the benefit of CCS property owners.

- The rules and procedures were reviewed by county officials to ensure they are fair and enforceable, and these rules were clearly posted at the park entrance.
- The park rules were filed with Burnet County on 30 Oct 09.
- We installed a gate near the top of the ramp, with a chain and lock.
- A permit system was instituted, similar to the one previously used. Applications were provided to all property owners in September

newsletter and the gate was kept unlocked throughout October to allow at least 30 days for people to get the applications completed and sent to us. Upon receipt of the application we sent permit stickers and lock combination. So far about 25 property owners have completed applications.

- Discussion: A member commented that he had not seen that much of a problem. CB reported several problems he has observed. It was noted that the plat documents are clear on the exclusive use of park property. The Board does not have the authority to change the plat document. A member expressed that it could be a liability for other people using the park. Another member asked what the cost would be to owners if the rules are enforced (such as towing a vehicle). The Board has not done a cost analysis on this. CB notes that the law has changed very recently and vehicles cannot be towed without going through a specific process. Member asked if we put liability on ourselves by towing someone and being sued. Another member reported that a long time ago a vote was made about whether a locked gate was wanted by members. One member expressed concern that there was a blind spot and the gate posts were too close together, or that the gate may blow shut when the wind is high, damaging a boat or vehicle. CB said that hooks will be added to hold them open, but there were several limiting factors as to where the posts are placed. A member expressed concern about having to place a sticker on his car. The primary concern is being sure that people have the right to be at the park, not the location of the sticker. The sticker can be taped in the rear window of the vehicle if desired. Members may request extra stickers as need.

#### 4. Road maintenance – prioritization, credit line with CCI, Burnet County assistance

- The primary infrastructure work this year consisted of lengthening the boat ramp by 36 feet while the water was at a very low level.
- We have about \$4000 of 2009 money to apply to road maintenance
- We and the Architectural Review and Construction Committee are working priorities on which sections of what roads should be done. We currently plan to repair sections of Eagle, Paul, Whistle and Copper. We have examined these damaged areas with assistance from Burnet County (Glenn Whitworth who works with Bill Neve).
- We have established a credit line with Central Crushers Inc (CCI) to make the coordination of work a little easier. They bill us monthly for the road base that we purchase.
- Burnet County trucks will be used to deliver the road base to us at no transportation cost.

- We are currently talking to three contractors that do grading work to assess their cost and determine their ability to work with us in a coordinated manner. We need to coordinate the road base delivery with the equipment for grading the material.
- Discussion: We need a strategy going forward in order to prioritize. Member noted that the county has been very nice about doing some patchwork. Another member commented that he doesn't mind roads in poor condition as it discourages growth. A member asked about ARC. It was explained that the Board approves buildings through this committee, but deed restrictions are minimal. A member asked about using weed control on the roads. The county does not do this because it is not cost effective, and the Board does not plan to do this. It comes back to prioritizing available funds and trying to be as cost effective as possible. Costs are being looked at, as well as coordinating with contractors. Claire Harrah noted that research done by her and Suzi Campagna indicated that trenching was a more effective method of controlling washout.

5. **Website Management**-Susan Cowan. The website will no longer be hosted by Steve Cauthen and is being migrated to Bigland. The Board is looking into Susan having the appropriate training to be able to do web updates. The timeframe for the migration is unclear at this time.

6. **Amendment of POA Bylaws**. Amendment of the POA bylaws has been in process for a couple of years and we hope to get the amended version out soon for a vote by POA membership. There were several recommended revisions recommended by the Bylaws Review Committee. A side by side comparison of the bylaws will be available for members to review. It takes 51% of the POA membership to approve a proposed amendment to the bylaws.

7. **Amendment of Deed Restrictions**. Also, as discussed in the past, there is another critical need that we must address as a community. Our current deed restrictions are not perpetual and will expire in 2015. It would be extremely detrimental to CCS if we (all property owners) failed to critically review our current deed restriction and make any adjustments prior to the 2015 termination date. The approved process provides us a tool to update our current deed restrictions as determined by property owners. We need to start working on this effort soon so that there is time for the board to charter a supporting committee to recommend specific amendments for consideration by all property owners.

What can you expect next with regard to our expiring deed restrictions? We are still working on a specific plan to determine what changes should be made to our current deed restrictions. This plan will address the establishment of a supporting committee, the method(s) to be used for obtaining property owner input and the vetting process to be used. This will take time and work, and will require the Board putting out an initial proposal and then bringing it back for revision based on the input received.

E. New Business-None

F. Parking lot-A member inquired about having a PortaPotty in the park for the summer. The current cost is indicated to be \$91.30 for one day. The water rate increase was brought up, and CB reported that there is a committee working with TCEQ and a hearing will be held after the first of the year.

G. Adjournment