

Austin's Colony Homeowner's Association
Board of Director's Meeting Agenda
Wednesday, November 7, 2018

Berkshire Hathaway
700 University Drive, Ste 108
College Station, TX 77840

- I. **Call to Order** - Meeting was called to order by Patti Wade, President, at 6:07 p.m.
- II. **Attendance** - Patti Wade, Cathy Bruton, Rick Greig, Don Burnett, Justin Lopez, Richard Payne. Suzan Reed and Briley Blackshear attended representing BHHS Caliber Realty. Joe Contreras gave Patti his proxy and Karen Compton gave Cathy her proxy. Ron Abbott was not in attendance.
- III. **Welcome – No guests were in attendance**
The Guest speaker that was going to discuss Hog Traps for subdivision called and could not attend
- IV. **Approvals to Ratify**
- A. Minutes from July 10 Meeting - Don motioned to approve, Justin seconded, approved unanimously.
 - B. Minutes from October 2 Meeting - Justin motioned to approve, Rick seconded, approved. Rick asked for clarification and suggested adding to the Minutes that these are both board meetings. Briley stated they are both documented on the Minutes.
 - C. New Architecture Control Committee Form - Don motioned to approve, Rick seconded, approved unanimously.
 - D. HOA Board Manuals - Don motioned to approve, Justin seconded, approved unanimously.
 - E. Christmas Decoration Contest - Cathy motioned to approve, Richard seconded, approved unanimously.
- V. **Management** - Suzan **explained the functions of management firm.** “Keeping the train on the track behind the scenes.” From phone calls, emails, resale certificates, changing residents information, violation inspections, account receivables, accounts payables, prep for the franchise tax returns, board and annual meeting packets, provide to the board what is needed, and provide Rick with financial information. Generally run the corporation so the Board can handle Board Business.
- VI. **Treasurer Report / Budget** - Rick reviewed financial report as prepared by BHHS and everything is on track.
- A. **Delinquency Report / Discussion of Late Fees** - once homeowner pays delinquency/ dues owed, BHHS removes the information from the Delinquency (Detail) Report. A lien is assigned for four years and , it needs to be refilled. It appears the current liens were filed in 2017 by Watson Law Firm. Rick questioned that previously we had homeowners that owed from 2007 to 2010. Suzan stated if they are not on the list they do not owe any dues and are paid off. BHHS worked out last year for delinquent home owners to pay dues that were owed. Those payments are reflected on the Actual/Budget Fiscal Year Analysis Report.
 - B. HOA Late Fee Options - Suzan state the \$1.00 late fees are not actual late fees, but are interest and is done according to our Deed Restrictions that are so much per annual interest, according to the Deed Restrictions and State Property Code. The letter states the dues are due January 1, but our Deed Restrictions state March 1 and the Deed Restrictions supersedes the policy. This goes back to the \$30 late fee. Justin questioned Suzan in her HOA practice, can we go back and charge more than a \$30 late fee? Suzan said there are some there are and some

than aren't, but we have to go by the Deed Restrictions. There should be a clause with any and all collections, if it says that we can charge a \$50.00 late fee, if the Board agrees on it and we get it filed. Suzan will check on this for us. Richard questioned the 10%, is that according to the Deed Restrictions? Suzan said correct. The 10% fee is interest on the balance each year and doesn't accrue. We may only charge the 10% on the current year due. Don stated that \$1 a year is all we can charge on delinquent dues and Suzan answered, correct. Richard stated no advantage to paying dues if you don't have to pay them until you sale your house. Justin commented we could do so much more for the community such as dog parks, more landscaping, etc. if these residents paid their annual dues. Patti asked in order to change this it has to be done in an annual meeting in September, correct? Could we ask the home owners to vote? Suzan stated it will have to be a special meeting with 67% signatures to pass. Rick questioned if we can do it blanket or if we have to do it by Phase? Suzan doesn't know for sure and would check on that. This is the first HOA with so many Phases. Suzan will check on the \$30 late fee and if it is legal it will go into play. Rick says we will have to educate the home owners possibility in newsletter, and get the word out, so residents will be informed. Patti stated we are on Phases 17 and 18 and phases still are not consistent and hard for the HOA Board to justify items and makes it hard for management with violations. We all have the manual now to review. Not sure what all we can do to change this and go forward. If we can change the interest rate and it continues to go up each year, maybe the homeowners will want to pay up and clear their debt. Patti questioned the judgments with Watson Firm, do we need to contact them or will they talk to BHHS and Suzan said they will talk to them. If they have payment records Watson would have notified BHHS. Richard questioned if Watson was pursuing judgments', but are no longer working for us what happened? Suzan will find out. Watson wasn't hire to collect, just to file the judgments. We need to find out where we are on those judgments. It is down to 18 people delinquent in their dues.

C. HOA Dues Increase Discussion / Vote - Briley said the Deed Restrictions and By-laws are not consistent. We needed to post a meeting to increase dues and this meeting was posted for over two weeks on our web page. Patti asked for a motion to increase the dues to \$130 annually, Rick motioned and Richard seconded the motion, approved unanimously. Richard requested it be documented in the Minutes that it was posted and as the eight of us are in this room, no homeowners showed up. And, he wants to be good stewards of people's money. Justin wants to be sure we are good neighbors and not only post where it is required, but be neighborly and possible post on the NextDoor app or other social media. Patti stated we haven't in the past and Justin would like to discuss this in a future meeting. Briley stated we could sent out an email and Suzan stated that if 30 or 40 people showed up, they don't have a voice in the outcome. We are not required to have homeowners input unless we are raising the dues more than 10%.

D. Annual Dues Mail Out - Will be mailed out February 15 and due March 31. Patti asked if management would request an email, so we may post news. Example: When it rained on Halloween and folks wanted to trick or treat the next day and wanted to spread the word. We can do that with mass email, but would not want to put on Nextdoor.

VII. Developer Report - Grant was unable to attend

VIII. Old Business

A. Prosperity Bank - Rick questioned charges with bank. Bank account, called a Business Account, was opened in 2010, which at that time the service fees were waived. HOA has a Bill Pay, which is unlimited at \$5.95 a month and the fees cannot be waived. This is a business account and over 250 checks have been deposited, which this is a charge. Rick questioned the charge of \$60.80 made in March. The bank thought they credited the account and will follow-up. Our savings is called a Money Market, money is not tied up and earns 0.45%. We could invest some funds in a CD at the lowest of 180 days and could probably get 1% interest. The bank will have to approve.

B. Update on Pleasant Rose - Supposed to go before Planning and Zoning on November 1. Upon finding out staff needed more information for this project; the topic was

postponed until the December meeting. (There are new items being addressed that were not presented when this project started, and were not relayed by staff.) The easement is being projected as a needed walkway for Pecan Ridge residents into the subdivision, water drainage, as well as new findings of being in flood plain. A second application had to be filed by both residents. It is possible that both residents may have to sign amendment to their HOA agreement to add more time for processing. Their agreement ends December 31, 2018. If this is needed residents will be notified at the next Planning & Zoning Meeting December 6. Reported Violations on Ambrose that needed addressing. Patti will get Briley the address. Rick asked to send him a note with a deadline and follow-up.

C. Update on Landscape Project Landscape Project Year Two has been completed. Patti said the invoice sat too long, because the corrected invoice was never sent. We had a \$5,000 grant and it needed to be invoice separately and it wasn't. It is ready to be paid. We have removed three dead shrubs from the original landscaping on Project 1. Patti questioned if we need to replace these shrubs. Rick asked if we have an estimate on replacing these. Not sure what project they were planted. And, we have an issue with ants that are killing the shrubs, but cannot keep up treating the ants. Rick suggested using the funds in Reserves.

IX. New Business

Lawn Maintenance Contract 2019 Patti said current contract is up the end of March and needing to start over since contractor will not be doing large contracting jobs. Patti wants to check into splitting the contracts landscaping / fertilizing with ant control. She feels we can find someone cheaper, because we have less to mow with areas taken in by the new development. She is willing to drive around with contractors to show what is required by AC and what the city takes care of. The current contract is not actually doing the work, but has it contracted out. If you have some names please give to Patti and she will contact them for bids.

Park Benches/Doggie Stations At our workshop Mr. Abbot was taking about park benches and doggie stations and Patti contacted Parks and Rec and it is allowed, but we need to be sure it is not on the easement. She asked Mr. Abbot if he is interested in working on this project and he is, but cannot start until after November, so she will turn all of that over to him. Suzan said to let her know how many doggie stations we want and she can help with the stations and the bags. She recommended not getting the stations with the trash cans, because of the odor and extra maintenance.

Annual Meeting

Next annual meeting will be September 9, 2019 and Suzan will make arrangement with the school.

Open discussion - Justin said the Christmas Decoration Committee met last week. Six addresses signed up for the committee, only three attended. Feels he would have more of an interested if he would have posted on social media. Committee took Board's recommendations there will be a 1st, 2nd and 3rd places with two honorable mentions. The judging will have no theme, but curb appeal, spreading holiday cheer. The Board recommended the committee not be the judges. They will use someone from Messina Hoff, Big Ron from KORA on December 14th, 15th and 16th to drive through the neighborhood. The committee and count the judges votes and the top three winners, and honorable mention will be announced on Monday, December 17th. Notifications will be posted on the HOA website and Next Door. Five signs will cost \$70.99. Rick approved the cost. Cathy motioned to approve and Rick seconded, approved unanimously. The signs will have 2018 printed on them, so the homeowner may keep. We will buy new signs each year.

Committee also discussed getting with Rudder and Mitchell Student Councils and having kids Christmas carol through AC next year. Patti mentioned the HOA has a large coffee pot, possible meeting at the park for hot

chocolate. Justin said the neighborhood decorations will be put up November 18 and this year will go with what we have. Possible may want to make changes next year, but will bring those ideas to the Board. Rick suggested adding a clause not to offend anyone that doesn't celebrate Christmas. He will work with Justin on appropriate wording.

Rick approved the Proposed Budget for 2019 and feels comfortable going forward. Don motioned to approve, Richard seconded, approved unanimously.

X. Next Board Meeting - January 9, 2019 @6:00, BHHS

Justin will have a draft of the newsletter and will send electronically to the Board prior to the next meeting.

XI. Adjournment at 7:31 motioned by Justin, seconded by Cathy, approved unanimously.