



Monthly Board Meeting Minutes March 11, 2021

Call to Order

Deer Creek Board meeting was held via Zoom on March 11, 2021 at 5:30 PM. Meeting called to order by President Van Free at 5:34PM

Attendees included: Van Free, Thomas Marangoly, Darrell Pearson, Shirley Brown, Henry Davis, Jim Sadie.

Members not in attendance: Hassan Mahmud

Guests in attendance: Mike Nisbet (Autumnbrooke pod rep), Harry Truslow (Berrington pod rep), and Jeremy Alphords

Approval of Minutes

Motion to approve minutes for February 18,2021 and February 25,2021 made by Marangoly. Second by Pearson. Unanimously approved by all present.

Discussion Items:

1. President Free brings up annual meeting and elections. Homeowners have lots of questions and concerns about elections. At start of the year, focus was the chaos in the HOA office, but now that it is handle, the focus will be moving forward with the annual meeting and elections. Voting should be fair and honest, and despite the safeguards, the results may still be questionable. There were allegations of ballot altering, conversations about who should or should not have keys to the lockbox, questions as to whether Board members running for reelection should participate in the counting of the ballots, and even sine staff members actively opposed to the reelection of certain Board members. In addition, there was an issue as to whether there was a violation of the Bylaws because pod representatives did not want homeowners sending or brining ballots to their homes due to Covid-19.

The 2020 Annual Meeting was postponed due to Covid. In consulting the HOA attorney about whether to proceed with the annual meeting all things considered. His opinion was: “ Given the current health situation, it would appear to be prudent to move the meeting date and call for re-casting the votes.” (Refer to attached email email exchange between Knox Argo and Van Free dated December 14,2020).

Transitioning to an online system would be the best way to have a fair election and increase homeowner participation. Each homeowner would get a unique registration code to insure the election is conducted fairly and an independent election manager will tabulate the votes. As the current Bylaws do no allow for electronic elections, the Board’s first order of business is to select an attorney to update the Bylaws to accommodate current needs. This will be done immediately.

Once the bylaws are updated, we will need majority of homeowners to approve them – and this can be done by using proxy online software.

Autumnbrooke pod rep Nisbet requests recap of email for brief understanding. President Free explains it and its shared onscreen

President Free states goal is to approach Knox Argo, Board member Shirley Brown, and Robert McBride for bylaw updates. Sadie questions integrity of electronic voting process; Pearson states lets hold the election and move forward.

Executive Director, on behalf of pod reps in chat session, states current ballots should be counted and a church or large space could be used as a precautionary measure as Covid numbers have greatly decreased.

President Free explains votes are considered tainted – the Board will take the HOA attorney's suggestion and update the bylaws to allow recasting of the votes from the comfort of people's homes and so this issue does not happen again in the future.

Brown states cannot be a part of bylaw update with current workload. Marangoly makes motion to secure attorney to update bylaws immediately. Brown seconds motion. Passes unanimously by all present.

2. Deer Creek decal research and implementation is still in progress. Executive Director states that decals have been used in the past based on the rules and regulations within the office. Office has contacted several vendors for the decals and is waiting on final numbers. Many delays because of Covid, but overall should have 2 companies with competitive pricing for the Board's review. Sadie questions whether vendors are responsive. Executive Director states that for the most part vendors are responsive but understaffing and administrative issues have been the main cause of delays in quotes.
3. President Free discusses tree removal along the ponds and lakes in Deer Creek. Several pictures shown of the erosion issue along the shorelines. The issues continues to get worse especially as the rocks and drain pipes in certain areas have completely washed away. American Sportsfish maintains the neighborhood pods and lakes and they recommend dredging and using the substrate at the bottom to bolster the shorelines. The developer still has not turned over the lakes, but the goal is to at least get permission from them to authorize work on the ponds/lakes, possibly at the expense of the HOA.

Sadie emphasized that waterfront property owners are losing several feet in their backyards and the problem continues to worsen with each rains storm. President Free emphasized that this issue is of high priority, a meeting will be set with American Sportsfish immediately, and all the details of the work will be passed on to the developers for approval at the earliest possible time.

4. Violation and fining enforcement protocols were brought up. Executive Director was asked about office protocols in terms of handling CC&Rs. Office typically does a drive thru of the neighborhood at least once a month at which time phone calls are made for minor issues. More serious notices are sent out by mail for record purposes. . After the notices go out, a drive by for the addresses is

done 7 and/or 14 days after for evidence of resolution or action by the homeowner. If no action is taken, homeowner is then sent a warning notice and a final notice after which fining commences on that address.

Office Update

1. Proposed 2021 budget still hasn't been passed. The meeting with Chad Singletary, President Free and Vice President Marangoly allowed for some clean-up of the actual budget. Many of the expenses and coding of accounts is convoluted and does not accurately reflect HOA expenditures. Marangoly asks for updated proposed budget that does not include 2018 so that we have a more accurate screenshot of expenses and budget that needs to set. Budget will be re-reviewed by the Executive Director and changes recommended for more comprehensive and understandable budget for the Board. The goal is to have a proposed budget ready before next meeting.
2. President Free invited Mr. Alphord to present dog park poll results. Mr. Alphord put up a poll in the Nextdoor app asking Deer Creek residents about interest in a dog park in Deer Creek. Out of 85 total responses, he reported 61% voted yes and the 39% voted no, and those that voted no were primarily worried about general public access.
3. Board's request to office staff to research police patrols in the neighborhood to offset security staffing concerns raises issues in that the Board wants active enforcement and off-duty officers are bound by certain limitations in these situations. The Executive Director met with and spoke to several retired and active police officers and all expressed that though they believe police presence to be a great deterrent, the daily or weekly expense may be too high for the HOA.
4. Several homeowners, one of whom actually designs gyms and workout facilities locally, recommended changes to our gym layout to make it more cohesive and provide homeowners more space to actively work out. The proposed layout changes were presented to the Board and the office staff arranged with our fitness center maintenance representative to handle the changes if the Board approves. President Free agrees that the gym layout is crowded. Brown's recommendation that with supervision of company that maintains fitness center, alternate layouts should be considered to maximize gym potential. Sadie makes motion to approve fitness layout changes. Second by Marangoly. Motion passes.
5. Executive Director brings up issue that arose unexpectedly in office that day. Behind Helmsley circle is a triangular piece of property that runs from the edges of the Helmsley fences to the edge of Breckenridge on Ray Thorington Road. The owners of the property are 4 siblings, one of which remains in Montgomery – George Thompson – were contacted about the trees on their property pushing the Helmsley fences down and causing trouble for several homeowners. The homeowners reached out to the office staff and in discussing the issue with George Thompson, he expressed being motivated to sell the property and offering it to Deer Creek first at the price of \$25,000 per acre for a total price of \$392,500 if the Board of Directors was interested. Executive Director states that some discrepancies exist in property records as Mr. Thompson states 15.1 acres but public property records state 14.7 acres. President Free states that property has been offered to Deer Creek before but at a high price. Executive Director shares that Mr. Thompson has expressed his willingness to sell and would be amenable to negotiating. Vice President Marangoly speaks to Deer Creek's goal of expanding the clubhouse and the amenities. Sadie mentions concern that property may have issues and hesitant for Deer Creek to consider additional property. Davis states that as a Board, their responsibility is to have vision for homeowners and be able to act in

accordance with Board's best interest in the present and in the future. Brown states that property should be surveyed for specifications but that it should be highly considered especially if a way can be made to integrate the spot into the Deer Creek circle through Helmsley. Executive Director is tasked with setting up land and engineering survey and Sadie and other Board members will visit site to assess it.

Motions

1. Marangoly makes motion to secure attorney to update bylaws immediately. Brown seconds motion. Passes unanimously by all present.
2. Sadie makes motion to approve fitness layout changes. Second by Marangoly. Motion passes unanimously by all present.

Adjournment

Meeting adjourned at 7:46 PM

4/27/2021
Date of approval
