

Flagstone Creek Estates Homeowners Association  
Annual Membership Meeting of the Board of Directors  
American National Bank  
12/17/13

Recorded by Carolyn Duncan  
Secretary/Treasurer  
Flagstone Creek Estates

Our Annual Membership Meeting was held on December 17, 2013. The meeting was called to order at 7 P.M.

Board Members present:  
David Nelson, Terry McCellon, Allan Phillips, Nadine De'Lasandro, Carolyn Duncan  
Absent: Tom Bedingfield

Quorum was confirmed by Carolyn.

Motion to approve the 3<sup>rd</sup> Quarter Minutes by David, and 2<sup>nd</sup> by Terry.

David opened the floor to review and approve the 2014 Budget Plan. Allan Phillips made a motion to approve, Terry McCellon seconded.

David made a motion that ratified the 2 new Board Members to 2 yr. Terms, Carolyn Duncan for Secretary-Treasurer and Tom Bedingfield for Director At Large. Terry McCellon seconded that motion. David asked that we move to nominate someone to replace Allan Phillips who is resigning at the end of December 2013. This motion was tabled.

The agenda noted that the board would review a newly approved Landscape Planning Proposal. Because of Nelida's illness at the meeting, and the need to return home, David Nelson made a motion to table this action and defer to a later date to be determined.

Bids were reviewed on the common area maintenance areas, and these were introduced to the attendees. Four bidders were included. Discussion of the changes to the contract this year included, expansion of the Nature Trail areas, clearing of the wooded areas, behind the retention pond, expansion of the grass cutting areas behind and in line with the entrance gate from Mims Road, and this area was drawn out on the whiteboard by David; Expanded use of chemicals and better care of beds and the possibility of the change to [xeriscaping](#) entry areas, due to both the expense of running power from the footholds, and irrigation restrictions for Rockwall.

Discussion of the irrigation system set by the city, lack of irrigation, and the battery powered valves.

Included in the bidders contract requirements were:

- 37 visits for mowing for the year, spread from 1 to 5 times a month.
- The bids included care for and maintenance of beds at the 3 Mims Road, and Flagstone Creek entries
- Adding the 2 wooded areas behind the water retention pond after clearing

- Based on the walk-through each contractor had with David, each was shown the areas that included
  - 6- foot area on the outer side of the trail areas and inside the loop at the Cedarwood Trail entrance
  - Coverage of the areas behind Capstone Way that included the areas currently being maintained through this entrance
  - Irrigation system checks 4-6 times during the year

The 4 contractors were:

- Silverstone Landscaping
- Weldon's Lawn and Tree Service
- Paradise Lawns
- Milliken's Landscape and Irrigation

Silverstone was the highest bidder, but the most detailed and most professional. They did separately bid on the wooded areas at a flat rate outside of the common area contract. **Weldon's Lawn & Tree Service** had the City of Rockwall contract and currently expanding in the area and are local to community, and emphasized experience with solar powered lighting, gave a separate hourly rate any project work that was in line with expectations. **Paradise Lawn** was a regional/national company which currently has many contracts with McDonald's, Chick-Fil-A, and Sonic. Their option was to match or do better than other bidders who submitted bids. David asked the board's opinion on considering Paradise, knowing that they chose to submit an open verbal bid. **Milliken Landscape & Irrigation** bid on tree replacement and irrigation. They are a local company and will clean & maintain 2 wooded areas. Their monthly bid was N/A.

Before an affirmation vote was awarded to award Weldon's Lawn & Tree Service to maintain the common areas and the 2 wooded areas, David opened the floor to Association members for their input or comment. With additional affirmation input by Association attendees present, the bid was officially approved.

David confirmed that on or by Jan 20th, Vince Limbs & Logs will replace 5 trees and plant 3 Nellie R Stevens, 2 Pines, 1 Red Oak & 2 Live Oaks in maintenance areas. Costs are in at \$1200 to \$1500. \*Later the project was changed to replace the red oak with a Chinese Pistachio.

We discussed ARC inspection changes and the handling of violations of homeowners. We will look into hiring an independent inspector for violations. Alan spoke about the process. It was agreed to by the Board that we need three people on the ARC Committee and need active members doing inspections. Alan addressed his concern about a conflict of interest with an ARC member being on the board. The Board stated that that our written policy backs the work done on inspections, and that violation letters to homeowners come with the full enforcement of the Association and it's the obligation of the Association to enforce the policy through the inspection process. The process as discussed by Alan, Chair of the ARC is this scenario:

1. Jan 1, the inspection is conducted and a violation is determined noting the CC&R article, the date and the address
2. The ARC inspector then writes the first courtesy letter in care of the Association copying the BOD, to the homeowner telling them that they have 14 days to correct the violation, or that subsequent inspections finding the same violation would be imposed with penalty fees of \$50. The letter states that if the homeowners' wants to appeal the decision that they would need to schedule a hearing with the BOD with the next 14 days. Past that date, any inspection incidents noting the same violation would carry the \$50 fine

3. Jan 14, the ARC inspector inspects the same property and notes the same violation of CC&R's. The Inspector then writes another letter imposing the \$50 fine, and again states that they have the same rights to appeal within 14 days, or be subject to additional fines of \$100.
4. Jan 21, the ARC inspects and again finds the same violation, then the inspector then writes a third letter imposing the \$100 fine and again explains the appeal deadline and that further same violations will require \$200 in fines.
5. Feb 4, the ARC inspects and finds the violation has not yet been corrected, the letter imposing the \$200 fine and states that this was the final notice. Fines from the board resulting from the subsequent inspections have amounted to \$350 and have been posted to their HOA account. Future violations of CC&R's will trigger additional fines from court costs and attorney fees. The homeowner will only be able to communicate through the Association's legal counsel.

Each letter is copied to the BOD, and until either an appeal date is set by the homeowner, or the final \$200 letter, the BOD will not be involved in any other way other than advisory to the ARC's interpretation of the violation vs. the CC&R's.

Each level has to copy to the Board. \$50, \$100, \$200 levels are sent by the ARC. If you want a hearing, you need to contact the BOD by letter or email.

We will be renewing the accounting services to Nadine. DN made a motion, CD seconded.

David made a motion to renew the Accounting Services contract with Nadine, 2<sup>nd</sup> made by Terry.

David mentioned that during special session, a motion was made by Tom to begin more frequent meetings by the BOD. David made a motion to ratify that motion to make a meeting schedule follow every other month. Terry 2<sup>nd</sup>. So for 2014, it was set for Feb, Apr, Jun, Aug, Oct, Dec. (\* Note that on Jan 17<sup>th</sup>, Carolyn set and confirmed with American National Bank, the 7-9 PM slot at their conference room on the 3<sup>rd</sup> Thursday of each of these months)

David asked for round table on any additional new business, before officially adjourning the 2013 Annual Members Meeting at 9:15 p.m.