

Emory Creek Property Owners Association

May 25, 2020

Delayed Board Meeting due to Covid-19

Using Virtual GoTo Meeting

Emorycreekranchoa@gmail.com

The meeting was called to order by Theresa Bishop.

Board members present were, Rick Ebbinghaus, Cindy Frazier Theresa Bishop, Jake Shirk and Ginger Mackiewicz.

There were about 17 property owners on the call including board members.

MINUTES: Ginger Mackiewicz read the from last month's meeting. The minutes were approved. They will be posted in their entirety tomorrow May 26, 2020 on the website

FINANCIALS: Cindy Frazier reported on the financials.

* Property owners are still trying to catch up with payments. Sewer income was \$5,760.00.

* Bills paid out were Branson's Best Lawncare \$900.00, QuickBooks payments \$189.84, White River Valley Electric \$789.48 (We received capitol credits which lowered our bill by about \$300.00), Ozarks Environmental Services \$2804.50, RMMC \$1257.00 (It was higher this month because of the tax return and training for new treasurer) also for rebilling of mistakes from rebilling from assessments, Cindy Frazier for toner \$83.37 and Theresa Bishop for GoToMeeting \$19.80.

* Accounts receivable is \$14,000.00 which is a reduction from the past couple of months. Thank you to all of our property owners that are catching up on back dues and sewer payments.

There are 4 builders that are way behind on dues. We will be calling them to work out payments otherwise file liens on their property. The past due fees and dues constitutes \$9,500.00 of the \$14,000.00 accounts receivable.

LEGAL UPDATE: Theresa Bishop reported there is nothing new to report on the Allen Case.

* Theresa Bishop reported on the Rokahr verses Emory Creek: This lawsuit has been going on for about a year. We were working with our POA attorney, Aaron Lyons initially, then the insurance company assigned attorney Gregg Keltner out of Springfield to help us negotiate or defend us if this went to trial. Rokahr's had filed a petition and were seeking a declaration that the covenants were invalid as to the governance of the installation requesting that the placement of the solar panels remain the same versus being moved to the back of the roof or ground out of site. The previous board and the present board consulted with our attorneys about our options and the risk of losing the case and potentially have a cost of thousands of dollars if we lost due to a counter suit. We decided that there was minimal gain if we prevailed. We the board accepted the Rokahr's solar placement and agreed to grant a onetime variance for the solar panels which would result in the dismissal of the lawsuit and a waiver of any claims going forward. The board will revisit the CCR's and hold a vote to reflect what property owners want for placement. Once we receive the proposed revision, we will make it available for everyone to vote on.

*Theresa Bishop made a motion that the board grant this onetime variance to resolve this lawsuit, Ginger Mackiewicz seconded the motion to approve. All other members of the board approved.

POOL: Theresa Bishop discussed that we are revisiting the CCR's to, allow above ground pool installation. Theresa talked to David Cook from the (Bank of Missouri the developer) to discuss the need and desire to change the CCR's to allow above ground swimming pools. The BOM does want to be part of the voting process for both the solar and the swimming pool. He requests the CCR language be drafted first and then brought to a vote. Any property owners behind in dues and sewer payments will be able to vote if they bring their

accounts current on balances over 90 days. Once the CCR language is revised ballots will be delivered by mail. There will be adequate time to complete and return to us. Then we will do a tally and see what passes.

POLITICAL SIGNS: Jake Shirk was wanting to put a political sign in his yard and learned the CCR to display political signs is outdated. Missouri State passed a bill that HOA's and POA's cannot prohibit a resident from putting a political sign in their yard. This CCR is needed to be updated as well.

TIMBERLAND ROAD: Theresa Bishop reported that the road was hot asphalt patched. The total was \$6,700.00. We now have 3,300.00 remaining of the \$10,000.00 budgeted for this year. Since 2016 to present \$17,400.00 has been spent on Timberland Trail Road hot patching every 2 years, it does not stay put. The round-about at the top of the road is washing out and is close to the Allen's driveway. Theresa made a motion to take the money left over and apply it to the bid of \$16,874.00 to further repair the road and round-about with cleaning, chip & seal, and compacting. The bylaws and CCR's allow the board to use additional funds for Capital Improvements. The additional funds were used to chip and seal Timberland Road to make the budget total \$13,574.00. The board members agreed and approved the motion.

Theresa Bishop petitioned Taney County to fix the road. All signs with notification for petition have been placed. In August, the county will hold a meeting to review the roads wanting to be taken into the county for maintenance with another meeting scheduled in October.

New Subdivision: Rick spoke with Steve Redford the developer of the new subdivision, Life Style and learned the square footage of the homes will be a minimum of 1,400 square feet. There will be no requirement for masonry to be on the front of the house.

Taney County Planning and Zoning had their meeting and approved Life Style development for 6 lots along Emory Creek Blvd. and a short road to get to 2 or 3 more lots.

Emory Creek has no control over what is built as it is not a part of Emory Creek Ranch. There is another county meeting scheduled in June for Life Style requesting a variance as the county is wanting curbs and gutters on the subdivision road.

PERMITS: Rick Ebbinghaus reported that 2 new permits submitted for privacy fences to be built and they were approved. He stressed that any wanting to have a privacy fence please fill out a project permit form.

VIOLATIONS AND MAINTENANCE: Jake Shirk reported a drive thru of the subdivision was conducted on May 20th. Many home owners have done a good job making repairs. Thank you to all that have made those repairs. There is, about 66 residences that have at least 1 violation or multiple violations. 24 of them have been completed or working on completion. The time period to complete repairs for staining/painting/or mold removal from siding has been extended to July 31st due to the tremendous amount of rain and Covid-19 policies. Twenty-two homes need stain on fences or decks or structural repair. Nine houses have mold on the siding. It is important to remove the mold as it will etch the siding which will make it deteriorate faster.

Are there any other questions or comments? As there are no questions or comments the we will conclude the meeting.

Meeting Adjourned 7:24