

Board Minutes – Jan 26, 2009

Deerfield Village Community Association

Regular Board Meeting

January 26, 2008

The regular meeting of the Board of Trustees of the Deerfield Village Community Association was held at 4045 Deerfield Village Drive in Houston, Texas 77084. President Glenn Sommers called the meeting to order at 7:32.

Trustees in attendance were: Glenn Sommers (President), Walt Bohn (Vice President), Steven Dornak (Treasurer), Marta Bott, Susan Greer (acting as Secretary), Mike Polk and Marie Nugent. Sharyn Carpenter was unable to attend, her proxy being retained by Glenn Sommers.

Determination of Quorum

It was determined that a quorum was present.

Approval of Minutes

Regular November Board Meeting minutes – motion to approve minutes with minor typographical errors corrected was made by Marta Bott, seconded by Susan Greer, passed unanimously.

Special Board Meeting minutes - motion to accept the December 22, 2008 meeting with minor typographical errors corrected was made by Marta Bott, seconded by Mike Polk, passed unanimously.

McCall, Gibson & Company, PLLC Presentation

Ms. Debbie Gibson, of McCall, Gibson & Company presented two items for the Trustees consideration. The first being a letter regarding the audit field work for the audit of DVCA's fiscal year ending 12/31/2008, with an attachment of questions pertaining to knowledge of fraud with the accounting of DVCA's information. Trustees are not required to return this questionnaire, but are encouraged to read and reply if necessary.

The second item being the proposal for the Audit of DVCA's files. The fee for this year's audit is estimated to range between \$9,500.00 and \$10,000. President Sommers asked how this compared to last year's fee. Ms. McCall stated that last year's fee was \$8,500.00 for 73 audit hours; but in actuality the audit took 123 job hours which would have equaled \$15,000.00 in fees. But since we had contracted for the lower amount, McCall honored that fee amount. The reasons for the vast difference in job hours was due to

“records not as organized as thought”, “numerous posting errors that had to be corrected”, and “office could not locate records” according to Ms. McCall.

Ms. McCall stated that they expected it to be easier this year as there has been a consistent book-keeper. She also stated that the company would begin March 1st and should have the first draft by March 31st.

Treasurer Steve Dornak inquired to the Gasby 34; Ms. McCall stated that it did not apply to the association, only government entities.

Ms. McCall left the proposal to be signed and returned after review by the Trustees.

Residential Inquiries

The only inquiry was by Peter Howell requesting that our local troop be given time at the next regular meeting to give their “state of DVCA’s troop”. Glenn reminded him to call the Manager and request that it be added to the agenda for the next month’s meeting.

President’s Report

A hearty “Welcome to 2009” to all, This year could be a challenging year due to the economic status of the Nation. The assessments seem to be coming into AMPC at a good rate. The Holiday parties were a great success; we have received lots and lots of good comments from the residents! Extended to Peter Howell (Chairman of Recreation Committee – which has hosted the events in the last month) and the Recreation Committee, accolades for a job well done.

Don’t forget the Elections for the three open positions on the Board is coming soon. We do have some applicants for the positions, but please still exercise your right to vote!

We still have Ike and fence issues, basically it is time to say it’s been long enough to make repairs – let’s get it done!

Treasurer’s Report

Steve Dornak was pleased to report that DVCA is in good shape with \$268,003.93 in our accounts, and assets of \$418,409.00 in the Edward Jones account. The money in maturing CD’s was renewed even though the return at present is only around 1.6%, but retained in such accounts due to the Market’s volatility. Steve also reported that he had a “face-to-face” meeting with our rep at Edward Jones, and was told that it was the first time there had been such a meeting with a DVCA representative.

Manager’s Report

Lisa stated that she is still working on the Vendor List which will actually be two lists, one for general resident use and 1 for Committee Chairpersons to use as previously approved vendors.

She is looking for another Day Man for the odd jobs around the facilities, she has at present three bids and will be bringing a proposal to the next Board Meeting. Glenn questioned where such jobs (washing of windows, touch-up painting, etc.) had previously been classified, Lisa stated in the "building maintenance" account.

Of concern to her is the need for a new lien form to use for problems such as an unsecured pool (a recent issue that needs swift action for liability concerns). Glenn reminded the Board that the new attorney had stated that he could supply such form at no cost to DVCA.

There was further discussion regarding the vandalism still occurring on common property. Is it a problem with lighting or with cameras? Glenn reminded the Board that DVCA had very recently purchased another new camera, but it seems to be the lighting that is an issue. Lisa stated that she has inquired into a vendor who would come and do a "Security Assessment" at no cost and give advice as to what might improve the problem. Glenn stated that he has, once again, written an article for the newsletter telling our residents that DVCA is required to spend quite a bit of money on heightened security cameras due to the continued vandalism, and that when we identify individuals – even if they are DVCA residents – we will prosecute those involved.

Standing Committee Reports

Security Committee

Report in Board packet, no representative from the Committee.

In regards to some of the vandalism issues on the Tennis Courts, the Security and Tennis Committees are looking to work together with shared monies to try and make the area more secure.

Swim Pool Committee

It was noted that the Committee had made their 2009 Officer votes and Peter Howell was again elected Chairman, and asked the Board to affirm this position. Steve Dornak made the motion that this election be approved, Marta Bott seconded, unanimously passed.

Peter reported on the action that he had taken regarding the new Virginia Graeme Baker Pool and Spa Safety Act. This law requires all public pools and spas to have drain covers installed by December 19, 2008, and a second anti-entrapment system added when there is only a single main drain. Violations can result in civil and criminal penalties. Due to heavy demand and scarcity of parts, the deadline had been extended. Peter had contacted A-Beautiful Pools and they submitted a proposal for the two drain covers in the large pool and one covers for the baby pool. Peter gave approval to the A-Beautiful to begin the work even though it was over his limit of \$1,000.00 – Estimate of \$1,158.24 – and was asking for Board approval. Steven made the motion for approval of A-Beautiful to do the work, Marta Bott seconded, passed unanimously.

Peter stated that the Polar Bear swim was again a success with 22 swimmers in attendance.

Recreation Committee

The Recreation Committee had it's elections for the new year and Peter Howell was overwhelmingly voted in as Chairman for another year. The Committee asked the Board to confirm this nomination. The motion was made by Mike Polk and seconded by Susan Greer, passed unanimously.

Chairman Peter reported that the dates for the Annual Garage Sale will be March 28th, with a Rain Date of April 5th. There will be increased security for the sale, which was a concern from last year's sale.

He also gave a date for a repeat Music on the Green, to be held March 28th. Also another Wine Tasting is scheduled for April 18th. Plans are under consideration for a children's Easter Party and will be settling on a date soon.

Written report regarding monthly meeting was received.

Tennis Committee

The Tennis Committee brought a request to confirm its December meeting election of Nan Pye as Chairwoman for the new year. Marie Nugent made the motion to accept this nomination, Marta seconded, passed unanimously.

There was no meeting held in January, however as Nan was present at the meeting, she did confirm that Tennis and Security were planning to work together on the continued problem of vandalism on the Courts and surround area.

Written report regarding monthly meeting was received.

Community Services

The Committee has not had their election meeting yet, will bring to the next Board a recommendation for Chairperson.

They are working on a contract for mosquito spraying and hope to have a proposal for the February Board meeting.

There was much discussion regarding the contract for our trash vendor, Allied Waste. The contract Allied offered was very ambiguous with too many open-ended options. Walt Bonn and Glenn are trying to have another meeting with Allied to discuss some of these concerns. Best case scenario is to get a one year contract that would allow the Board and

Committee some time to discuss with our MUD about the district taking over the trash services.

Tara suggested that perhaps DVCA's lawyer should look over the contracts as it is taking a lot of everyone's time. The general consensus was if the lawyers got involved, it would cost us more money than the situation warranted.

The bottom line is DVCA's trash contract with Allied ends on January 31st, and unless they will agree to another month's extension, we will either have to sign or risk losing our trash pick-up service.

Written report regarding monthly meeting was received

Deeds Committee

The Committee met and had elections of officers, asking the Board to approve Trish Yatauro as Chairperson. Marta made the motion to accept this position, Mike seconded, passed unanimously.

Trisha brought a proposal to change the Architural Approval Form. Changes included the wording of when the Committee meets; adding "subject to change, check website", adding #6. with the "No contractor signs allowed" having a line for the applicant to affix their initials. A motion was made by Marta to accept this proposal, Mike seconded, the vote was 6 for and 1 abstaining. Motion passed.

Proposal for house on Manorhaven – no action required, it has been resolved!

Proposal for 3 properties on Hastingwood; problem being the three fences were above original fence lines, two corrected their problems but one over the height limit by 2". Requesting discussion from Board of how to handle. Our attorney is of the opinion that to try and enforce a few inches here and there throughout the neighborhood is very unrealistic. So the Board will need to establish a new guideline of what is "too" much, 1", 2"? There was much discussion about possibly installing a "post" in between the two to visually break up the difference, or asking the homeowner to plant a vine or drooping bush that would hang over to visually mask the difference. A motion was made by Walt for no action on this resident at this time, seconded by Steve. Motion passed unanimously.

Proposal for house on Mountfield; end cap, only fence along xxxx without it. Homeowner had been notified in Nov. regarding this issue, response was unwilling to do at this time. Requesting approval for a ten day demand letter. Mike Polk made the motion to send the demand letter, Walt seconded, passed unanimously.

Proposal for house on Knotty Green; replaced fence without AA. When form was submitted upon completion of fence, it was denied due to it was higher than neighbors with ends angled down on both sides – did not match neighbor. Committee has already sent first violation letter, with no responses. Asking for ten day demand letter and have a

contractor bring the fence to the correct height. (Another neighbor who needs to fix their fence is still waiting to see at what height to build to match this address!) A motion was made by Walt to have the new attorney review the proposal, and if agrees, proceed with the ten day letter to resident. This motion was seconded by Mike, the vote was 6 for and 1 abstaining, motion passed.

Proposal for house on Deerfield Village Drive; AA form for an arbor built on top of a deck that was already approved in a previous AA form. Committee has reservations, thinks the arbor will be about 10 feet, which is over the 8 foot restriction. Committee denied, resident asked for Board approval. The Board deferred this for an Executive Session review.

Proposal General Fencing; these are issues related to Hurricane Ike
Of these two are okay due to the fact they are different because of different height restrictions in the Patio home area. Another one will require more investigation to see if it is just "tacked" up till "real repairs can be made, or if the resident thinks this job is sufficient. Board deferred this till this can be accomplished.

Financial Services Committee

Andrew gave the highlights for month:

35 thousand spent on Ike recovery

77 thousand came out of reserves

83 thousand still in undesignated reserves

Budget for 08-97 reserves are all in place

Looks like we may not need to have a one time special assessment for "disaster" funds, but withholding judgment till all the figures are processed.

Assessments:

268 thousand collected by end of December

20 thousand more than at this time last year

Committee is going to ^{PLAN TO} make request to other committee chairs to give a ~~quarterly~~ statement on what they ^{AS MUCH} spend. This may help in keeping adjustments more in line, and not have ^{BY QUARTER} such to do at the end of the fiscal year.

Landscape Committee

The committee brought a proposal of their new officers with the new Chairperson being Lynetta Morrell. A motion was made by Mike to approve this election, Walt seconded, passed unanimously.

The Committee is working on various projects in the neighborhood; planting on Clay Road will begin February 24th.

Carol Singleton reported that Cornelius Nursery has a new Good Neighbor program regarding "Yard of the Month", if we use their signs, they will reward the recipient with a \$50.00 coupon for use at their nursery. Also they will supply a \$5.00 coupon to be posted on our website for all residential use.

A question arose regarding the restoration work from the new water line that was done in the common areas. Carol reported that the committee was in contact with the company since the understanding was "repair to as found" and there is still areas that need to be re-seeded and leveled.

Written report regarding monthly meeting was received.

Old Business

AMPC contract; at a 12/15/08 meeting Glenn and Walt met with the representatives and we still have an existing contract. The Board will be looking into other companies that work similar to AMPC, but would provide better service. A report will be given at the next Board meeting regarding their findings.

Trustee Elections; we do have three openings and three applicants. Encouragement was given for everyone to still come and vote.

New Business

Trustee Representative for the Deeds Committee; Marie Nugent has been working as their temporary representative for the last two months, as voted on by the Board. After discussion, there was a motion by Susan Greer that Marie continues in this capacity until the elections in March when there will be new Board Trustees and new assignments made for committee representatives. Marta seconded the motion, passed unanimously.

By-Law Update; Walt Bohn provided updated language to the by-laws to undo the by-law change, about members "not in good standing" having the right to vote that the board approved based on the change the county attorney recommeneded in 2008. After more research was done, it was determined the law did not apply to DVCA and validated by the DVCA Attorney Rick Butler. Walt's updated language returns the by-laws to not allow members "not in good standing" to vote. The languages was reviewed and voted on. Steve Dornal made the motion to approve the language, Mike Polk seconded and it passed unanimously.

A motion was made by Mike to retreat into executive session, was seconded by Steve, passed unanimously.


Executive Session

At this time a motion was made by Mike to end the Executive Session and return to the regular Board meeting. This was seconded by Susan, passed A motion was made to grant this AA by Mike Polk, seconded by Susan, passed unanimously.

The final issue of the meeting, regarding a Board decision on a Deeds Committee AA form for 4122 Deerfield Village Dr., a motion was made by Walt to approve this request with the understanding that it would be built to match the eves of the home. It was seconded by Glenn, passed unanimously.

At 10:05 a motion was made by Mike to end the regular Board of Trustees Meeting, seconded by Glenn, passed unanimously.

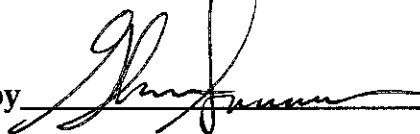
Submitted by



Date:

2/23/09

Approved by



Date:

2-23-09