Austin Oaks Community Meeting

Meeting Date: January 12th, 2024

Meeting Place:

Lions Club Building
30 Freise Industrial Dr.
Moscow Mills, MO 63362

Meeting Time: 6:00 pm

Attendees: Christine Shoemaker, Jim Brogan, Sean Walter, Jess Goodman, Brad Zimmerman (attorney), along with 43 households.

Old Business:

1. This special meeting was scheduled to discuss the proposed reinstated indentures for Austin Oaks prior to ballots being mailed this week. The meeting was called to order at 6:04 pm, and was adjourned at 8:48 pm.

New Business:

1. Board members, Jessica Goodman (CPM agent), and Brad presented slides to the community which provides a thorough analysis of why we are here and also included a thorough comparative analysis of the proposed changes to our current indentures document. The slide show will be made available on the community portal.
2. After the presentation, the meeting structure allowed for an open forum. Community member's questions and responses are documented below. These are written verbatim from the homeowner's question card. For the sake of formatting, please see subsequent pages for said question/responses.
3. The June and November meetings are scheduled and were conveyed to those in attendance (June 6th and November 7th).
4. The meeting was adjourned at 8:48 pm by Christine Shoemaker.

Open Forum Questions, Comments, and Responses

Homeowner 1: Daniel Wamser (138 Austin Oaks Dr.)

Question/Comment:

Article III section 1 ⅔ vote why changed to rejected instead of approve

Response:

Sean explained that the Board was advised by CPM that doing it as written would allow for a higher potential that an assessment increase would pass. Although it may seem counterintuitive to a majority rule scenario, concerning the need for an assessment increase, the Board felt that this was the best way to prevent the financial well being of the community from becoming stagnant. We agreed that stagnancy could happen by requiring a ⅔ pass rate (which is required for other changes to our indentures). Again, it is very important to restate that this verbiage only applies to the raising of assessments, not any other changes. Also, it's important to clarify that any changes to an assessment would require a documented rationale, including the holding of a special meeting such as this one, to go out to all community members prior to any such voting.

*Many homeowner's comments/questions relate to this topic. For the sake of clarity and consistency, the above language will serve as the rationale from the Board regarding Article 3, section 1.

Question/Comment:

who pays for attorney

Response:

Chrisine Shoemaker confirmed that The Austin Oaks Homeowners Association pays for the attorney here tonight, and for the legal drafting process of our proposed reinstated indentures.

Question/Comment:

How many votes needed to pass ballot

Response:

This can be known through multiplying 246 (number of residents) by .666, which is the decimal that represents ⅔. (246 x .666=163.8. So, ⅔= 164; ⅓ = 82.)

Question/Comment:

why do we need CPM still

Response:

Christine, Jim, and Sean are in unanimous consensus that a management company (CPM or otherwise), although a cost, is an essential component of us being able to manage the various interests of the subdivision. CPM management does things solely at our (the Board's) direction; we approve every piece of correspondence they send, and although they advise us greatly on individual matters, we as a Board operate as our own entity. We are not the product of what 'CPM tells us to do' in any capacity. Without a management company, the enforcement of rules, regulations, and the handling of money would fall on the shoulders of the Board exclusively. While some voice the opinion, '...that this is the job we signed up for, and that if we don't want to do it, then we should step down,' it is important to realize that the quality of rule enforcement, handling of payments, taxes, etc, would really only be as good as those serving on the Board. It's impossible to state properly the amount of time it takes to do this role well even with the management company. It's also worth noting that our builder, CMS, has elected to utilize a management company for its future properties, which supports the position that the role of equitably maintaining a 240+ home subdivision is best done in conjunction with a company whose specialty is HOA's. Simply, the adage 'you get what you pay for,' applies here, and it is the unanimous belief of the current Board that upholding the quality of our neighborhood and the investments we've all made in our homes warrants this expenditure. We truly believe it to be an investment in our collective interests.

Homeowner 2: Tim McDonnell (71 Austin Oaks Dr.)

Question/Comment:

what can we not do by enforcing a renter who doesn't comply. The fine goes against the owner

Response:

The owner of a property would always be the person assessed a fine for violations concerning their property.

Question/Comment:

Fine adjustment no limits board can change

Response:

The proposed language requires that the Board draft and submit a resolution to the community as to what the fine structure would be. Said resolution would have a duration of time for which the fines would apply. The hypothetical provided at the meeting is one that we are in agreement on as being the first resolution we'd draft (which is: a person has up to 90 days between notice and reasonable time to comply to a notice of violation. After that, fines would start at $25, and would double each month of non-compliance. Within 6 months of non-compliance, the fine would be $800, which is about the legal threshold to move into collections and potential for liening a property).

Homeowner 3: Ben Toedbusch (62 Austin Oaks Dr.)

Question/Comment:

Why is the vote not 50% + 1 instead of ⅔ to reject

Response:

*see response to Homeowner 1 (Daniel Wamser) above.

Question/Comment:

Those who have an opinion on a matter will vote.

Response.

Perhaps, although it could be argued that people vote/don't vote for a variety of reasons.

Homeowner 4: James Fink (725 Galveston Ct.)

Question/Comment:

10. What about working on a car, tire change shock job, motor work?

Response:

This is in response to the current indentures from CMS that we all signed at closing on our homes. Said scenario has always required to be done inside a homeowner's garage.

Question/Comment:

13. what about trash day

Response:

Item 13 concerns junk, etc. from amassing on a lot. The spirit of item 13 does not in any way apply to trash cans.

Question/Comment:

16. During sale of house Rent back before moving

Response:

Our current document does not regulate leasing, the proposed prohibits it altogether with the exceptions that are clearly stated in the document.

Homeowner 5: Grant Tucker (728 Galveston Ct.)

Question/Comment:

Based on wording requires ⅔ to REJECT THE BUDGET. THIS ESSENTIALLY GIVES THE MINORITY THE Power to APPROVE THE BUDGET.

Response:

*see response to Homeowner 1 (Daniel Wamser) above.

Question/Comment:

There are two section 2's

Response:

This will be handled by the attorney.

Question/Comment:

10% turnout for quorum is too low! Agree need to set a %. But not this low.

Response:

We understand. However, this number was set as such to avoid stagnancy and to allow us to move forward with necessary business as is deemed necessary. It's important to repeat that the same process of informing all homeowners of a special meeting or vote of any kind does not change; all are informed in the same manner as we have done for tonight's meeting. The language also allows a homeowner to be present via proxy so as to not prohibit anyone's voice from being heard.

Homeowner 6: Chris Hodge (24 Grazing Way)

Question/Comment:

What is the guidelines and authority that gives the board discretion on the 10% increase?

Response:

The Board would be required to propose and justify any increase up to the 10% threshold, and the itemization of the need of said increase requires the Board to communicate this to the community at large during the annual budget ratification process.

Question/Comment:

Is this at will and without vote? (and how will we be notified)

Response:

See above. And, notification will be via the Portal and a mailing.

Question/Comment:

Define exterior improvements?

Response:

Changes made to the exterior of one's dwelling (house).

Question/Comment:

Define rules and regulations in context to the Board's ability to make changes

Response:

This applies only to regulations already printed in our indentures. The attorney gave the hypothetical example of a new fence material that might be available 10 years from now that our current language does not cover. Rather than have a special meeting and go through the amendment process for a comparable material to vinyl (again, in the fencing hypothetical), the Board could enact guidelines when they directly pertain to already written intendures, should said hypotheticals exist.

Question/Comment:

Can we discuss a neighborhood watch?

Response:

Yes. This is something that would be ideal to discuss and get ideas for at our annual June meeting, which covers a broader range of topics such as this. Tonight's meeting is a special meeting explicitly for the purpose of discussing the proposed reinstated indentures.

Homeowner 7: Marshall Johnson (332 Laredo Ln.)

Question/Comment:

Any restrictions on deck construction?

Response:

Only that the homeowner must submit the architectural application. The Board approves when in compliance with codes and local permits, and that the structure (decks or otherwise) are in harmony with the structure of the dwelling.

Question/Comment:

Will the fine structure be sent out?

Response:

Absolutely. See the full response above to Homeowner 2 (Tim McDonnell).

Question/Comment:

I would like to see the ability to lease removed.

Response:

Noted, thank you for the comment. Our proposed reinstated indentures prohibit it altogether, with the exception of direct family members, which are outlined in the document.