

**Fairways of Sherrill Park**  
**Special HOA Board Meeting**  
August 12, 2014

**Location:** Police Substation

**Directors Present:** Geoff Riley, Lynne Schuster, Eric Southard, Michael Krantz, Daniel Balley, and Travis Phemister

**Directors Absent:** Raj Tripathi

**Committees Present:** John Fritsche

**Officer Present:** Charisse Phemister

**Call to Order:** Geoff Riley called to the meeting to order at **7:00 P.M.**

The minutes of the July 18<sup>th</sup> meeting was approved

Eric Southard moved to approve the minutes of the July 18<sup>th</sup> meeting, Travis Phemister seconded the motion, and the motion carried unanimously.

**Treasurer's Report:** Daniel Balley

- End of July cash balance: \$156,891
- Projected end of year cash balance: \$105,000
- 3 homeowners have not paid their dues

**Jim Dulac, Assistant City Engineer, City of Richardson:**

- Presented brief history of the City's sidewalk repair program
- The City hopes that the next bond program will allow repairs to be done on the last remaining 5 regions
  - Fairways of Sherrill Park is the fourth in line out of these last 5 regions

**Overview of HOA Sidewalk Program Sponsorship Options:** Travis Phemister

- The current contract the City holds with the contractor allows the following discounts:
  - \$4.10/square foot compared to the regular \$6/square foot
  - \$30 for concrete grinding compared to the regular \$300 fee
- Option 1: HOA Assisted Program:
  - The HOA would help sponsor the homeowner needing repairs by contributing \$100 towards the homeowner's needed repairs
- Option 2: Non-HOA Assisted Program:
  - A committee would be formed to address details, inform the residents, and help coordinate the work to be done for those homeowners who elect to take part

## Comments & Questions:

- Charles W. Spencer, Charles W. Spencer & Associates, PLLC (FoSP HOA Attorney):
  - No concerns with a Non-HOA Funded Program
  - Did express concern with the HOA Funded Program on the grounds that the sidewalks may not be considered a Common Expense. The CE&R's state that HOA funds may be used exclusively for the paying of Common Expenses. The inclusion of sidewalk maintenance as a Common Expenses is subject to interpretation by the Board.
- Homeowners:
  - How many more areas would be included with the parameters of a 1" or greater trip hazard?
    - Michael Krantz estimated around 50 additional areas.
  - Would the HOA fund repairs surrounding the common areas?
    - The board would definitely look into any needed repairs.
  - With the City Bond funded sidewalk repairs, is the repair work fully funded?
    - Yes. Some residents may elect to make additional repairs surrounding what the City repairs at their own cost.
  - What is the cutoff for what a sidewalk is? (Walkway to house, in back, etc)
    - The work is limited to the right of way and cannot enter property line.
  - What is the City's responsibility for major problem areas outside of their bond repair schedule?
    - For 3" or greater trip hazards, the City will repair them outside of the funded regions, and residents should contact the City for any of these issues to be addressed.
  - Who is responsible for the sidewalks surrounding the neighborhood?
    - The City is responsible for those sidewalks.
  - Who is liable for injuries to neighbors when walking on the homeowner's sidewalk?
    - Charles Spencer stated that the homeowner, City, and even the HOA could be held liable depending on the lawyer.
  - Will the percentage of residents who want to pay for the repairs affect whether or not the City will take on the project with our neighborhood?
    - There is no minimum requirement for residential involvement for the City to do the repairs within the current construction contract.

## Determine Direction for Moving Forward:

- Board members in agreement that a Non-HOA Assisted Program is the best option moving forward

Motion to authorize payment arrangement to the City, execute a letter, move forward with the project, and put together a committee was withdrawn

Michael Krantz moved to authorize payment to the City, up to \$20,000, as paid to the HOA by the homeowners; execute a letter to the City; immediately move forward with the project; and put together a committee of Travis Phemister, Eric Southard, and Daniel Balley to put in the

legwork and work with the City. Eric Southard seconded the motion. Daniel Balley declined to serve on the committee. After discussion, Michael Krantz withdrew his motion.

Motion to move forward with a Non-HOA Funded Sidewalk Repair Program was approved

Travis Phemister moved for the association to move forward with an HOA sponsored, Non-HOA Funded, Sidewalk Repair Program. Eric Southard seconded the motion, and the motion carried unanimously.

Motion to form a Sidewalk Repair Program Committee was approved

Travis Phemister moved for the board to authorize a committee for the Sidewalk Repair Program, chaired by Michael Krantz, with full authority and responsibility to manage the Sidewalk Repair Program with the City. It was requested that the committee keep the board up to date of actions and progress; so, it was suggested, and agreed upon, that the committee will provide the board a weekly progress report. Eric Southard seconded the motion, and the motion carried unanimously. \*

Motion for the board to develop a letter of commitment for the City was approved

Travis Phemister moved for the board to develop a letter of commitment from the HOA, signed by the President, to deliver to the City by Friday, the 15<sup>th</sup>. Eric Southard seconded the motion, and the motion carried unanimously.

**Adjourn:**

Eric Southard made a motion to adjourn the meeting, it was seconded by Daniel Balley, the motion was carried, and the meeting adjourned at **9:20 P.M.**

**\*Following the meeting:** Sue Frary volunteered to serve on, and was added to, the Sidewalk Repair Program Committee.

**Summary:**

- The minutes of the July 18th meeting was approved
- Motion to authorize payment arrangement to the City, execute a letter, move forward with the project, and put together a committee was withdrawn
- Motion to move forward with a Non-HOA Funded Sidewalk Repair Program was approved
- Motion to form a Sidewalk Repair Program Committee was approved
- Motion for the board to develop a letter of commitment for the City was approved