

SADDLE CREEK

903 S. Texas Ave College Station TX 77845 979-764-2500

BOARD of DIRECTOR'S MEETING AGENDA

April, 2022 @ 6PM

1. **Call to Order – President**
2. **Roll Call/Establishment of Quorum (2/3):** Quorum was determined with all five Board members present.
3. **Review / Approve Previous Meeting Minutes:** The board has already approved January's minutes, and they are on Beal's webpage and the Saddle Creek webpage for viewing.
4. **Financial Report – Treasurer:** After the first calendar quarter, we are in good budget standing. With fiscal responsibility, we should be able to get through the rest of the budget period with the operating budget that we approved at the end of last year for 2022. We only have one member that is currently outstanding with respect to dues (clarified later during management report). It's really an accomplishment to get all the dues in the first calendar quarter. In operating expenses, we had \$17,360 in operating expenses for the first quarter of FY22, leaving us with \$63,250 in net income; we had \$22,680 in payments, leaving us with \$54,851 in ending cash.
5. **Management Reports – Beal Properties:**

Homeowner Status – We have 227 lots in Saddle Creek. All 227 are owner-occupied or under construction. We no longer have any lots owned by builders or the developer.

Delinquencies – We do have that one homeowner that has not paid, let me clarify, they did pay, but when the name came through they did not recognize it and they closed their credit card account and it voided the HOA dues. Beal is in the process of working with the homeowner to get that taken care of. The Board does not need to send out any certified letters since everyone paid their HOA dues.

Violations – Beal is not doing drive-by patrolling right now because the Board still needs to vote and approve the enforcement policy.

6. **Team Reports**

Improvement Team – No Improvement Team members present. Chuck Gilman gave the update. Three members are willing to continue to serve on the team, meaning we have one vacancy. A lot of work was done this past year on the entrance sign, the walking trail, and the bird houses. Recommended we highlight some of these improvements in future newsletters and help homeowners recognize the improvements that are happening.

Architectural Control Team - There were 77 submissions since the HOA took over in 2020. This year, there have already been 10 submissions. (Fence, pergola, pool, landscape, etc.). The homeowners have done a great job on submitting improvement requests through the Beal portal.

Events Team – Kyle Thigpen is working on fireworks for the 4th of July. If you would like to assist Kyle with fireworks this year, please reach out to him. Spring Cleanup was a success on March 26th. We had three dumpsters; however, lots of tree trimmings were added to one of the dumpsters, taking up significant space. Next year we need to coordinate where tree trimmings should reside and possibly work with the dump on

composting this material. This spring cleanup was coordinated on the same day as Big Event.

Pool/Pavilion Team – Member of Pool Team present. The pavilion, pool, and gate control system were brought up, and we anticipate replacing some of the fencing for security reasons. The Pool Team is seeing some cracking and repairs needed at the pool. Quotes for landscaping for the small areas behind the pool are in progress.

Outreach Team – The Outreach Team sent out a survey to homeowners, and the consensus is that IG&N needs to be straightened out as it's a hazard risk. The County has pushed this back for multiple calendar years. We have 9 volunteers who are willing to go down the County Commissioner's meetings and speak on behalf of Saddle Creek. All that is needed is for project to be funded and started. The Outreach Team will put some talking points together and be prepared, not to be argumentative, but to state our concerns and request the project be started. The plan includes 4 lanes into the neighborhood. There were 15-18 responses to the survey.

7. Unfinished Business

Articles of Incorporation Amendment - Beal has reached out to the Attorney many times, but he has not completed it. Beal will follow up again.

Beal Contract Renewal – The Beal contract was coming to an end, so we needed to vote on the contract, whether to renew or to let the contract expire and hire a new management company. The Board thoroughly interviewed and researched other property management companies. We found it in our best interest regarding services provided and cost effectiveness that the Beal should be renewed for another year. It was voted on by the Board, unanimously passed 5-0 to renew the contract.

8. New Business

Restriction enforcement policy - Beal presented the Board with a draft restriction enforcement policy to be amended or adopted. Once adopted, the policy would be filed with the County. This policy would outline exactly what the procedure is for restrictions enforcement and notices. For the process to continue, the Board needs to edit or adopt, by vote, the policy. Once approved, the policy would be signed and filed with the County. Once completed, Beal will continue with drive-by inspections of the neighborhood. The policy can be voted on electronically once all of the Board members have reviewed the policy. Beal is available to answer any questions if needed. The policy needs to be in-line with CCRs.

CCRs Revision Process – A plan was presented to get homeowner input on potentially harmonizing and improving on Saddle Creek CCRs across all phases of the neighborhood. The first step would be to poll the neighborhood and see if homeowners want to revise our CCRs via a couple of quick questions. If it appears that the neighborhood wants to revise the CCRs, we will solicit volunteers with at least one homeowner from each phase. The Board is about one-third the way through the process of identifying differences between the CCRs, building on work by the Architectural Control Committee. The proposed plan, pending homeowner input, would be to begin the review of the CCRs by breaking up into groups, like the by-law's revision process. Beal stated that the revision to the CCRs requires a 67% vote (clarified later as 50% + 1 vote). The Board would like to move forward with sending out a poll.

Wixson Appeal – Melissa Berquist moved to hear the appeal from the Wixsons regarding the denial of their variance request by the ACC. John Pappas seconded motion. All were in favor, 5-0, to hear appeal. Brenda moved that Dwayne be the Sergeant of Arms for handling the appeal process, Chuck Gillman seconded; all were in favor. The Board heard the appeal, with the ACC having five minutes to present, and then Mr. Wixson having five minutes to present.

Mr. Will Dierkson with the ACC spoke first. Will stated this was the first project that the ACC has reviewed for approval that the homeowner stated has already been approved. The ACC has only looked at new projects. The ACC did not feel comfortable approving the project based on talks with the homeowner, nor did the ACC see any legal basis to approve, or the ability to approve or deny, a previously approved project. If this was a brand-new project, the ACC would not approve it as presented. The encroachment is not significant, and the ACC did not feel that the drainage issue described was compelling enough that the only place to build was within the setback. Mr. Wixson does not have anything in writing stating that the project was previously approved.

Mr. David Wixson spoke second. Mr. Wixson stated that this project was approved prior to the HOA by ML Schehin (Saddle Creek developer). David explained how the water flows through his property and moves towards the pond. The one extra foot into the setback was critical to allow for the water to flow naturally and not restrict flow. Mr. Wixson asks that the Board approve a variance, so he doesn't have to tear the structure down.

Following the ACC and homeowner presentations, Board members were given two minutes each to speak.

Chuck Gilman stated when he moved here and then built a second house in the neighborhood that ML was the architect and builder and there were a lot of things that ML approved with verbal approval. There weren't the formal processes in place like we do now. ML put in my propane tank, so I understand how there could be a lack of documentation. I would not want to remove a structure built in the setback. Part of my shop is built in the setback; I went to the County and filed the proper paperwork for a variance. I do have some concern adding this as new business because no other homeowners or neighbors are here that may be impacted by this variance request.

Brenda Hiler stated she has deliberated over this; she doesn't want him (David Wixson) to have to tear down his shed. She hasn't set foot on his property and doesn't know where the shed sits, so she can't confirm that it's a drainage issue. If there is a drainage issue, then she would like to be afforded the time to see that in person and the Board has not been able to get together to allow Mr. Wixson to explain during a site visit. She indicated she also has a filed variance as well. She stated her trust in the Architecture team.

Dwayne Cordray stated that as we move forward, these processes must be forthcoming from the very beginning. Not conveying the message honestly to the ACC adds a lot of confusion to the project regarding what is really going to take place and the type of approval needed. He reminded homeowners to keep that in mind when requesting projects. The more information you can provide, especially from an engineering standpoint, the better.

Melissa Berquist stated part of why she ran for the Board was to try and correct things that had been left unattended for too long, and to her, this is one of those things. There are several homeowners in the neighborhood with out of compliance buildings, structures, or other things on their property. Finding a way to integrate those into our neighborhood and into compliance is essential; just because they are a historical legacy, they can't be left to hang in the wind. This is the first one to come to the Board's attention, Obviously the structure has stood for several years without a variance request being presented, but it's presented before the Board now and provides the opportunity to start to change some things that maybe before the HOA took over weren't done or weren't done properly or weren't codified with the appropriate paperwork to make changes for positive good for our neighbors and for our neighborhood. She felt very strongly this is an open meeting and something to be added to the agenda and can be handled as open new business.

John stated his house sits five feet into the setback and there is not a formal variance filed. There are other structures that are like that, too, and with the amount of information from the ACC, the Board should be able to determine a decision. He does not think the Board should penalize someone because the previous HOA (developer) did not follow the CCRs (for approving structures/granting variances).

Melissa Berquist moved to vote on the appeal; Dwayne Cordray seconded. All were in favor, 5-0 to vote.

John Pappas moved to approve the Wixson variance request; Dwayne Cordray seconded. The Board voted: John, Chuck, Dwayne, and Melissa voted yes. Brenda voted no. The variance request was approved 4-1.

9. **Adjourn** – John Pappas motioned to adjourn; Dwayne Cordray seconded. Brenda Hiler declared meeting adjourned.