

## SHADYBROOK P.O.A. MONTHLY BOARD MEETING

Tuesday, April 28, 2020

6:00 P.M., Clubhouse

David Smith, President, called the meeting to order at 6:00 pm. He recognized the quorum of the Board. Present were David Smith, Chris Fortune, Rick Walker, Judith Smith, Joseph Jacks, Jaymis Werner. Absent from meeting Nell Mayo and is excused by the president David Smith.

Opening prayer by James Barnes

David Smith opens meeting

Judith Smith presented the Minutes for February 25, 2020 for approval. Judith Smith makes motion to accept. Chris Fortune and Rick Walker seconded motion. Minutes were accepted unanimously.

Judith Smith presented the February 2020 & March 2020 Income and Expense report and the April 2020 Balance Sheet. Judith Smith read Balance Sheet showing current balances in all accounts. (Copy of report at office).

**Office/Secretary Report – (Nell Mayo absent)**- Given by Dianne Shaw: She stated that the office has been closed due to the Pandemic. We are still going to the office and taking care of the deposits and the phone calls. We did 7 property transfers this month, working on the mailout for the annual meeting. David ask if the office is open now. Dianne stated that we are back to our normal hours of business.

**Security – Rick Walker.** Rick stated that arrest reports and reports on crime are not public information and we get these reports from Cherokee County each month, which is a privilege. Rick went over the different crimes in our subdivision and explained what they were. Rick gave a detail number of offences in the Shadybrook Subdivision, both east and west sides. He read an FBI reports on crime in Texas and Shadybrook Texas is 56% lower than the national average. He stated the most dangerous city in Texas is Jacksonville. Judith asked what we are going to do about the reckless driving in the subdivision. Another homeowner asked about speed bumps. James Barnes stated that we put them in a few years ago and the homeowners voted to take them out. Rick stated that Cherokee County Sheriff cannot enforce our traffic laws unless it is a criminal offence. Rick stated that we are working on this problem with Cherokee County Courts, but due to the Pandemic it has been tabled. The process is in the hands of the county Commissioner. There is a process and those steps will be taken once it has been voted on. It is recommended that when the Property Code goes before the Commissioners Court, that as many supporters as possible be there, so that the Commissioners see the support.

**Roads Report – Joseph Jacks.** Was planning on patching a bunch of potholes. The materials are being ordered. Due to the rain it has been postponed. We have 3 culverts that needed to be replaced. The first one is on Caroline Lane. The board voted to have Schmidt Concrete to do this culvert. We also have another one on Wiley and one on Caroline Bend.

**Parks & Commons: Chris Fortune:** Cleaning up trees and trash in the parks. David ask about the pool update. Chris is working on getting this done. The bid that was excepted was withdrawn by the contractor. We have a recommendation from a pool company and James stated we can fix ourselves. David ask when the pools are going to open. James stated it depends on the current situation. James stated they are fixing the fence that was damaged in a storm recently. There is still no definate answer on when the pools will open.

**Maintenance Report – Chris Fortune.** Working on mowing the common areas and rights-of-way. The gates have been messing up and having to spend lots of time on them.

**ACC – Jaymis Werner-** We have started 3 foreclosures, two on the west side and one on the east. We approved 2 homes. Due to the current situation we have not been doing anything new.

Rick Walker wanted to add one thing on security. There is a penal code that any public place that has public access can come on private property. Example: There are certain rules on what is criminal or not.

#### NEW BUSINESS:

- 1. Sealed Bid:** Unit 6 Lot 459, Judith Smith made a motion to table so we can research our selling of property. Chris Fortune seconded motion. Motion carried unanimously.
- 2. Sealed Bid:** Unit 6 Lot 483, Judith Smith made a motion to table for above reason. Jaymis Werner seconded. Motion carried unanimously.
- 3. Website:** Joseph Jacks stated that our website and face book page had been hacked. He made a motion that we take control of the website and get a bid to refresh our website and face book page. Rick Walker seconded. Motion carried unanimously.
- 4. Dumpsters:** The east side dumpsters were being overloaded on the east side and a discussion was made to move them to the West Side on Lake Road. Chris Fortune made motion to move the east side dumpsters to the west side permanently. Joseph Jacks made a motion to pay a monitor to help with the control of what is being dumped. After further discussion with the homeowners a second was not made on either motion, therefore no action was taken.
- 5. Annual mailout:** Dianne presented the annual mailout packet for the board to review. She stated that there are 3 positions open. David asked if we extended the deadline for new applications for the board, and it was extended till May 1<sup>st</sup>, 2020. David stated anyone wanting to run has until then to turn in application.
- 6. Site Built Homes:** Judith Smith tabled till May Meeting
- 7. Reduction in Fees:** Ed Morris Jr is wanting a reduction in fees and his dad Ed Morris is present to present his case for him. Ed stated that he understands the rules of a reduction and he knows that board will not reduce the road fees. Dianne Shaw stated that the deed has already been done and is in the sons (Ed Morris Jr). Judith Smith made a motion to accept \$1,000.00 on Maintenance fees and \$700.00 on road fees. Jaymis Werner voiced second. Motion carried unanimously

#### UNFINISHED BUSINESS:

- 1. Joseph Jacks-Revised road bids.** Joseph stated that the approval at the last meeting has some revisions that need to be approved. He stated that we move forward on 1<sup>st</sup> bridge (5,290sqft),

2<sup>nd</sup> bridge (4370sqft) and Nueces Circle at (1,900sqft) and hold off on Sabinal and Guadalupe at this time due to the culvert situation on Caroline Lane, Wiley and Caroline Bend. Total for the 1<sup>st</sup> phase of work is \$21,794.00 which leaves \$120,000.00 for the culvert situation. He will address the other roads in the next month. Joseph made a motion to accept the revised bid from Cardinal Paving for \$21,794.00. Judith Smith voiced second. Motion carried unanimously

2. **Joseph Jacks roadway tree trimming.** Joseph stated that we approved a company in the prior meeting. They tried to get hold of them with no one calling them back. Joseph talked to James and Jerry and they have another guy that will do it. Joseph made a motion to void approval from the first company and approve David Vaughn at \$800.00 per day for 5 days at \$4000.00. He is also asking for extra days if needed up to 3 days at \$800.00 a day. Judith Smith voiced second. Motion carried unanimously.
  
3. **Pool leak-** James Barnes stated that we are doing the work ourselves. No action was taken
  
4. **Sealed Bid Unit 6 Lot 459** Judith Smith tabled till May meeting.
  
5. **Rick Walker-AirBNB** Rick read the Covenants & Restrictions, regarding, this matter. Article 3 Section 4, Article 3 Section 16, Article 3 Section 6, Article 3 Section 5 and Policy and Procedures # 4042 and 5030. Texas Property code states that even if multiple families live in (rent, lease) a single home is still defined as a single-family residence. Supreme Court defines a single-family restriction only applies to the structure rather than the actual use or occupancies of the home. If the homes are being used as a residence it allows short term rentals. The fact that short term rentals occupy the residence for a brief period is irrelevant. It also states that the property code says that the number of occupants is 3 per bedroom. Which could be up to 9 cars at a time. The Texas supreme court states that it is impossible to restrict rentals of any length. The POA will need to update their Covenants & Restrictions. Rick would like to purpose that the Policy and Procedures be updated to the current situations. Rick will write a PAP and present at the next meeting. To purpose fines that are not in these documents can only be voted on at the annual meeting or any special meeting called and would have to mail to every property owner. Policy states that any changes of amendments can be done by any property owner. This needs to be turned in at the November board meeting and reviewed by the board to put it on the annual meeting. It is the property owners responsible to put the rules and regulations in the contracts for rentals. The only violation that he can see is that the sign in the yard must be taken down. For sale or rental signs are the only signs allowed on the property. Political signs during elections are also allowed.

Chris Fortune made motion to adjourn meeting, Jaymis Werner voiced second. Motion carried unanimously.

