

**TAHITIAN VILLAGE PROPERTY OWNERS' ASSOCIATION**

**P.O. BOX 636, BASTROP, TEXAS 78602, (512) 321-1145**

**TVPOA BOARD MEETING MINUTES**

The regular board meeting of the Board of Directors of the Tahitian Village Property Owners' Association – 7:00 P.M., Tuesday, March 16, 2021

**Zoom Meeting-ONLINE**

**TVPOA Board Members Present:**

Jan Schwindt, Mary Jo Creamer, Erika McDonald, Stacy Savage, Jan Kuchel and David Carter  
Board Members Absent: none

Association Manager: Amanda Homesley

Administrative Assistant: Tiffany Ferguson

**PUBLIC PRESENT:** Jody Schwark, Rachel Duer, Michele Plummer, Mitch Kraemer, Mike Peppers, Charitty Alexander, Greg Stigall, Jessica Zamora, Mike Taylor, Courtney Kellogg, Robert Wallenhorst, Mitchell Wiest, Glenna Williamson, Diana Hugo, Christel Key, Stacey Anderson, Nateshia McDonald, Susan Castro, Ruth Bullock, Jennifer Livengood, Taylor Hodges, Mary Asuncion, Tana Morris, Dora Gonzales, Melody Rainwater

**MEETING CALLED TO ORDER:** Meeting was called to order at 6:36 p.m. by President Jan Schwindt.

**EXECUTIVE SESSION**

The POA reconvened in regular session at 7:02 p.m.

**Mary Jo Creamer made a motion to nominate Jan Schwindt as the President. Stacy Savage seconded the motion. A vote was taken, and the motion passed unanimously.**

**Erika McDonald made a motion to nominate David Carter as the Vice President. Mary Jo Creamer seconded the motion. A vote was taken, and the motion passed unanimously.**

**Jan Kuchel made a motion to nominate Stacy Savage as Secretary. Erika McDonald seconded the motion. A vote was taken, and the motion passed unanimously.**

**Stacy Savage made a motion to nominate Erika McDonald as Treasurer. David Carter seconded the motion. A vote was taken, and the motion passed unanimously.**

**SECRETARY'S REPORT**

The minutes of the regular meeting of the Board held on January 19, 2021 were presented.

**Erika McDonald made a motion to accept the January minutes as presented. Mary Jo Creamer seconded the motion. A vote was taken, and the motion passed unanimously.**

The minutes of the Annual Meeting held on February 6, 2021 were presented.

**Mary Jo Creamer made a motion to accept the Annual Meeting minutes as presented. Erika McDonald seconded the motion. A vote was taken, and the motion passed unanimously.**

### **OPEN FORUM/PUBLIC COMMENT**

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None

### **TREASURER'S REPORT**

Discussion and possible approval of January 2021 financials.

**Stacy Savage made a motion to accept the January financials. David Carter seconded the motion. A vote was taken, and the motion passed unanimously.**

Discussion and possible approval of February 2021 financials.

**Mary Jo Creamer made a motion to accept the February financials. Stacy Savage seconded the motion. A vote was taken, and the motion passed unanimously.**

### **OLD BUSINESS**

**1. ACC and Touring/Violation Report** – Report given by Amanda Homesley.

**2. Discussion and possible action on trash/recycling services in Tahitian Village.**

Stacy Savage spoke with Jill Strube, the grants coordinator for City of Smithville. They discussed a facility that they want to build that could serve as an Eco-Depot. The facility would allow material discards to be remanufactured into new products by local businesses. It would be in Smithville that would pair with the drop off center that is already there. The potential land plot identified to build upon is privately owned and the government is preparing to bid to own. They are still in the discovery phase holding discussions with possible government partners.

Courtney Kellogg asked how does this connect to Tahitian Village then on a County level?

Stacy Savage stated that recycling is not offered to all Tahitian Village residents at the same price point. It is cheaper to recycle if you live in the city limits.

The original goal was to expand convenient access to recycling to all Tahitian Village residents and open it up to multiple vendors. Right now, only trash pickup is offered by multiple vendors and only one vendor provides recycling pickup services.

Courtney Kellogg asked if Stacy was referring to curb side services? The issue we were having with Waste Connections is that they will not service us because the roads are so bad.

Jan Kuchel stated that Courtney's particular road did not have a way to turn around and that is why Waste Connections does not service her home. Courtney refuted that claim.

Even if we get these contracts, they are not going to want to sign with the roads in this shape.

Stacy Savage reported Commissioner Hamner wants all roads in Tahitian Village completed in the next 4 years and the recycling expansion should be rolled out to match that timeframe.

Erika McDonald, reading from the chat, this does not mean you would be obligated to use the same trash service or anything to that nature?

Stacy Savage stated we would be looking at multiple vendors to choose from instead of just the one that offers recycling.

Jan Kuchel stated we are leaving lots of money on the table when we don't recycle properly. Working with Smithville is another option to take it to.

**3. Discussion and possible action on beautification project.**

Erika McDonald stated that she started an email with people who were interested in assisting with the project.

She would like someone to take over on this project because of her time restraints. Jan Kuchel stated she would do it.

**4. Discussion and possible action on Clean Sweep.**

Amanda Homesley stated that she spoke with Waste Connections and we are on the calendar for Clean Sweep for April 17<sup>th</sup>.

Erika McDonald stated she spoke with Troy at the Bastrop County Sanitation Dept. If Clean Sweep cannot happen in the future or if the POA wants to hold an additional special event, the POA will set the dates for an event and will distribute a voucher to residents to bring their materials to the dump. This event will be over a 2-week event. Residents would have a manifest of what is and is not accepted and anything over the voucher amount, the resident would be responsible for paying for. All the work has been put into place in case we need to use this. She has sent all of this for final approval to Troy.

Diana Hugo stated in the chat that the City set up something with the dump about the freeze stuff.

Erika McDonald stated she believes that is just for City residents.

Jan Schwindt stated that she thinks it is Mel Hamner with the County. You may want to look at the County website for information.

**5. Discussion and possible action transcribing/recording meeting minutes.**

Amanda Homesley stated that this was on the agenda a while back since she and Stacy have been working together on this and it is working out great, we are now going to take this option off the table.

Jan Schwindt stated that is great because this is an expenditure we don't have to worry about now.

**6. Discussion and possible action on Bylaws/Election Committees.**

They met this past week. They hit the ground running and already making progress.

Bylaws Committee worked for 1.75 hours and made it through Article 1.

The public forum is planned for July.

The Zoom links for both Committees will not change so bookmark those.

Any membership feedback we will taken at the public forum in July for final recommendations.

Then we will get them printed out for a membership vote at a special meeting in October.

**NEW BUSINESS**

**1. Discussion and possible action on Airbnb.**

Mike Taylor wanted to talk about Airbnb's. He is very much against them and it is very plain in the POA Covenants (CCRs) that it is against them in section 1.01 of the deed restrictions with it stating it is reserved for single-family residential purposes only. Airbnb is a business, not a residential

home. This place is at 157 Koiliki. It is a short-term rental listed online and is business driven. It takes advantage of our homes, peace and quiet. This entices investors to buy up properties which push out families. The house sleeps sixteen. There are a lot of people in and out. The house is advertised as a "party house". How safe is this and who are these people? I know the people on my street by name and community relations are important. There is offensive noise every time someone is over there with amplified music outdoors sometimes until 5:30AM and I've seen people on the roof. The cops have been called several times over there. Did the Board approve this? I talked to the guy and told him I was not happy with this. I am not happy and want your opinion on it. A question in the Zoom chat box asked is the owner ever there or same renters at times? Yes, the owner is sometimes there and sometimes not when rental guests are there. Jan Schwindt, there is nothing in the deed restrictions that deals with Airbnb's, specifically. Mr. Taylor states that in the deed restrictions that all lots are for residential only. Jan Schwindt stated we can look further into it with our legal counsel and see how we can handle it. Mike Taylor stated, I would like to hear what the report is on that ASAP. Jan Schwindt stated we will get with our legal counsel and get back to you. Jan Kuchel stated she went to the City of Bastrop on this issue. Just know we are working on this. She has one close to her as well. We need to see what is legal. And we care that you came and that you are being heard. Mike Taylor asked how long this would take? I request that you do not drag your feet. Jan Schwindt stated we do need to talk to the City and County to figure out what we need to do. Mike Taylor stated that Colovista has similar restrictions so you may want to look at theirs. Stacy Savage asked for a detailed timeline from Mr. Taylor of his experiences with this property owner and the disruption resulting from rental guests staying there. Mr. Taylor stated he would send it to Amanda and Tiffany.

**2. Discussion and possible action on having meetings in person.**

Jan Schwindt asked for this to be on the agenda to find out some information so we could possibly start conducting POA monthly meetings in person again. She asked Amanda if she had heard from anyone at the fire house.

Jan Kuchel stated that the Fire Chief said that they have people living in the station located in Tahitian Village full time because the other fire house is being remodeled. If we need a meeting place, they could clear some space in the back. They would possibly be finished with the remodel in mid-April.

Jan Schwindt said we will keep everyone posted, but all meetings will continue to use the Zoom online meeting platform from here on out whether the POA meets in person or not.

**3. Discussion and possible action on approval of BCWCID#2 Maintenance Bldg.**

Amanda Homesley stated that she had previously sent this information to the Board and the ACC has already approved the application. The POA now needs to approve the application.

Mary Jo asked if the application showed the sq. ft. Amanda Homesley stated, yes it does. The site plan lists the interior is 1,900 sq. ft. with a total of about 5,000 sq. ft.

**Erika McDonald made a motion to approve the application. Mary Jo Creamer seconded the motion. A vote was taken, 4 votes yes, one abstained. Motion passed.**

**4. Discussion and possible action on addressing selective enforcement.**

Courtney Kellogg stated let's go one question at a time. I want the Board to acknowledge that my application was selectively enforced. I don't know where that confusion is at all. I have asked for a review and to review the other applications.

I have conflicting emails stating applications weren't and then were all shredded.

Amanda Homesley stated that those are of the people that did not meet the eligibility requirements.

Erika McDonald stated if there was a mistake on an email, I don't know. But only the people that did not make it through the Election Committee were shredded.

Courtney said selective enforcement did happen and asked Mr. Carter (POA Director and head of the Election Committee), how did you read the printed names? Was every printed name legible? There were 10 applications submitted. Each required a printed name, so was every single one legible?

David Carter stated printed names were either legible or not and a majority of the Election Committee had to gain consensus on deciding if names were legible before being deemed invalid.

Erika asked if Christel Key or Jo Egitto were on the call because this was a Committee vote decided by 3 people, not by just one person.

Courtney Kellogg stated you invalidated my application by one letter.

Jan Schwindt stated what do you want as a result from this particular topic?

Courtney stated she wants the Board to comprehend what selective enforcement is.

Jan Schwindt asked the Board if they are aware what selective enforcement is?

The Board responded yes.

Jan S. asked the Board if they felt selective enforcement was used? The Board responded, no.

Jan Schwindt then asked Courtney, now that you have heard this, what do you want?

Courtney Kellogg responds that I am baffled by the Boards complete opposite lack of acknowledgement and understanding of it and if it has to go legal, I think that it must. I am shocked it must go there.

Jan S. stated the elections section of the Bylaws document is currently under review and revision to correct any parts that may be unclear.

Selective enforcement is a class A misdemeanor.

I will move forward legally if you can't acknowledge it.

Stacy Savage asked, did you get a chance to get your paperwork back and gather additional signatures?

Courtney Kellogg stated everybody got a chance to remedy after she disputed the original round of applications. Those issues were not member errors; they were process errors.

Stacy said you still didn't answer my question.

Chat messages:

Michele Plummer stated she had her application denied as well because of signatures and no deed.

Christel Key stated that anyone that was denied had the opportunity to correct the packet. More than one was still denied after the review. This must be clearly defined with the edits in the Bylaws.

Michele Plummer stated she had Christel Key as a signer, and the Election Committee denied her signature.

Rachel Zamora said Amanda's email to Courtney was to tell her which signatures were wrong on her application, and that Courtney failed to state that Amanda's email was only a follow up to Christel's initial email announcing Courtney's disqualification from the process due to lack of valid signatures.

Rachel Duer asked did you get a timeframe to get signatures?

Courtney Kellogg stated she was given 1 week.

Courtney Kellogg stated that Christel Key stated the first round of signature verification was done by using the Bastrop County Appraisal District property deed search function.

Mary Jo Creamer stated I have seen this posted several times and asked why didn't you mark it out and rewrite it if it was in question? You are not taking any acceptance for your part on it being misread.

Courtney Kellogg stated in the first-round single legible letters were not an issue. I had 7 out of 10 signatures accepted. Nobody could anticipate that single letters would be an issue on the 2<sup>nd</sup> round. The rule is it must match the deed and be legible.

Erika McDonald, if there is anyone on the Election Committee on this call, no one can sign for a petitioner and this needs to change as well. It is a conflict of interest. As far as selective enforcement, if the Election Committee did not allow revisions, only 4 out of the 10 applicants would have been passed through. That does not scream "selective enforcement" to me.

Courtney Kellogg none of that was relative to my point.

Jan Schwindt asked how can that not be relative when you say that was selective enforcement?

Courtney Kellogg how it is not obvious? Handwriting is the nature of it.

Courtney stated she sent Christel a Facebook message about this.

Amanda stated that this is another problem and that Board applicants should not be conversing with Election Committee members.

Courtney Kellogg stated Amanda Homesley wrecked this election when the 3-member Committee met and Amanda gave an additional form out to them detailing examples of what invalidates a signature.

Every Election Committee member is given this instruction list to go by.

Courtney Kellogg stated if Amanda had signature guidelines, they should have been given to each candidate, as well.

Stacy Savage it says the deeded name. You still have not answered my original question.

Courtney Kellogg stated I had 10 signatures. Three needed corrections.

I was told what the issues were with my signatures. I was told I could write them in.

Stacy Savage stated it is in the Bylaws and the Election Committee had to go by those rules.

Jan Schwindt asked what do you hope to accomplish? We have gone round and round on this issue.

Courtney Kellogg stated she will now get a lawyer.

Erika McDonald shared her screen to show the candidate form that states resident "must" sign the document with the name they used on their deed (so that the property can easily be verified as being owned by that resident).

Erika stated she had not looked at Courtney's paperwork with the signatures in question in several months.

Courtney stated that if this is the case, Erika should not be speaking on this issue at all.

Tiffany Ferguson stated the additional instructional handout wasn't for candidates, it was for the Election Committee to use in determining validity of candidate signatures.

Jessica Zamora asked Courtney when you get your lawyer, what is the resolution you want from them? I feel like the Board is saying when they rewrite the Bylaws, they are trying to rectify it.

Courtney Kellogg said I want them to acknowledge selective enforcement.

I want Christel Key to tell everyone what additional information Amanda gave the Election Committee and not give the candidates. This is a big no.

Jessica Zamora stated you are not answering my question. What do you want?

Courtney Kellogg stated I asked for this to be remedied in the first place by being placed on the ACC ballot.

Stacy Savage said that if Courtney had been placed on the ACC ballot after the Election Committee twice denied her candidacy and the POA's legal counsel backed up the Election Committee's

decision, then that would have been an actual case of selective enforcement.

Christel Key stated in regard to Amanda's email to Courtney that it had to do nothing with Amanda making any statements on Ms. Kellogg's signatures deemed invalid by the Election Committee. The fact that reviews or edits were even allowed was unheard of and made this election non-traditional in several cases. She was personally frustrated because her own name was ruled out on Ms. Kellogg's candidate packet. The Committee was given examples of how a signature might be invalidated, such as if a middle initial was listed on the deed, it needed to be there on the candidate's petition or if an initial was used on the candidate's petition, but the deed reflects a fully written out name, it would not be accepted. The Bylaws do say the name must match what is on the deed. We did feel we were handcuffed to the process as outlined because they were very strict and that's how we had to rule. Courtney Kellogg stated does everyone understanding what is being said here? That is wasn't what the bylaws said, it was additional requirements that the bylaws didn't outline, the candidate forms didn't say, and the candidates weren't given.

By all right a revision should have been done, you botched that. It is an obvious mistake. Amanda did give them additional information that was not written in the bylaws. If we would have gone by what the bylaws stated in the first round of candidate packet submissions, my packet would have been accepted.

Amanda and Tiffany stated no it would not have been.

Tiffany detailed that one entry did not have a printed name to accompany the signature.

Ms. Kellogg stated that a signature can be legally defined as in print or in cursive and that both a signature and printed name were not required on the candidate instructions.

Jan Schwindt stated the petition form has a place for a printed name and a signature and that both should have been filled in on Courtney's application.

Courtney stated this is not required in the bylaws or the candidate packet instructions.

Erika McDonald stated I am very uncomfortable that the candidates and the election committee members communicated so closely. There needs to be a checks and balances system here for the future so the Election Committee members do not feel swayed in any way by candidates or the POA/ACC. One on one conversations are extremely concerning.

Jan Schwindt reiterated that Courtney stated she would contact a lawyer and that this discussion has gone on for 1½ hours. And now that the remedy of legal pursuit has been broached, I am going to close this conversation because we haven't gotten anywhere and we are going to have to agree to disagree at this point. If that is what you feel you have to do, and I hope you don't, then please proceed with legal counsel.

Jan S. said we have stated the Board knows what selective enforcement is and believe that it did not happen. We had multiple people with the same situation regarding their election packets regarding signatures, printed names that don't match the deed, etc. I don't know how that can be selective enforcement if it happened to several others who turned in packets.

If you need to bring a suit, then there is nothing we can do to stop it. We need to be done tonight. Courtney stated there will be a lawsuit, unfortunately.

In moving onto the other topics Courtney wanted to discuss on the agenda, Jan S. instructed her to add those topics to her lawsuit.

Ms. Kellogg ask why would I add them to the lawsuit? You understand these are different topics, correct?

Jan Schwindt asked are we talking more talk about candidacy?

Courtney Kellogg stated this is not about selective enforcement.

Jan Schwindt asked what other subjects do you have? I want a list.

Courtney Kellogg asked what property code are you under? Does the POA follow under Texas property code 209?

Jan Schwindt stated we will check with our attorney and get an answer back by the 26<sup>th</sup>.

Courtney Kellogg stated I have already given you these questions by email. He is saying we aren't under Sec 209.

Jan Schwindt stated we have received a lot of emails. I want one with a list of your questions.

Courtney Kellogg stated, and you guaranteed me I will get an answer back in 10 days?

Jessica Zamora, they didn't give the person with the Airbnb issue an answer on a timeframe so shut it down. This is a waste of time.

Courtney Kellogg stated this is a waste of my time.

Jessica Zamora stated they have given you 2 hours. Can you just give them your list?

I don't see the need to take it there, but I will send you the list.

**5. Misc.**

Stacy Savage suggested an email auto responder would be helpful to the POA Administrative Staff who must field dozens of emails daily. I think they feel compelled to answer quickly, but this could give the staff extra time, if needed, to properly research topics, consult with the Board on resident requests, and still respond in a professionally appropriate timeframe. Jan Schwindt stated we will take that under advisement.

**Erika McDonald made a motion to adjourn. Stacy Savage seconded the motion. A vote was taken, and the motion passed unanimously.**

Meeting was adjourned at 9:55 p.m.

[Redacted Signature]

Stacy Savage – TVPOA Secretary

5/18/2021

Date

[Redacted Signature]

5/18/2021

Amanda Homesley Association Manager

Date