

TAHITIAN VILLAGE ARCHITECTURAL CONTROL COMMITTEE
P.O. BOX 636, BASTROP, TEXAS 78602, (512) 321-1145
MINUTES

The regular board meeting of the Tahitian Village Architectural Control Committee

5:30 PM, Monday, April 4, 2022

120 Corporate Drive, Bastrop, Texas 78602

MEETING VIA ZOOM

Present Board Member(s): Greg Stigall, Michele Anderson, Shelley Cartier,
Aaron Sanford, and Courtney Kellogg

Board Member(s) absent: None

Association Manager: Amanda Homesley

Administrative Assistant: Tiffany Ferguson

Time Meeting Called to Order: 5:33 p.m. by President, Greg Stigall

Greg Stigall stated that these minutes are being recorded for up to 4 weeks to accurately transcribe meeting minutes and will be deleted within a 4-week time period.

There has discussion on why staff is included in these meetings, sometimes they may know more than we do and that is why they are here.

Public Present:

Tina Terry, Michele Plummer, Susan Reeder, Ivan Meraz, Irene Meraz, Ruth Bullock, Ryan Jenkins, Kathy Menegay, Monique Charo, Sandy Stigall, Randy Mikel, James & Brandon Beck, Charles Brading, Breanna, Rachel Duer, Jackie Luna, Mary Jo Creamer, Gary Moss, Gilbert Zamora, Jessica Zamora, Sara Clayton, Robert Wallenhorst, Charitty Alexander, Dan Zimmer, Diana Hugo, Pierre Wilson, Zach Myer, Justin Vickers, Benjamin Wier, Kevin White, Kris Cook, Jan Schwindt, Deena Eden, Katie Jenkins, Dana Provence, Heidi Patterson and Justin Vickers

Secretary's Report for March 7, 2022:

Courtney Kellogg stated it is hard to understand what is being said because things aren't being quoted.

Michele Anderson stated we don't do meeting minutes verbatim.

Courtney Kellogg stated so we don't want to do quotes?

Michele Anderson stated we do an overall synopsis. They aren't required. The POA does them this way.

Courtney Kellogg stated would anyone like to consider quotes?

Committee stated no.

Michele Anderson made a motion to accept the March 7, 2022, meeting minutes. Aaron Sanford seconded the motion. A vote was taken and the motion passed unanimously.

Treasurer's Report:

1. January Financials

Michele Anderson stated we had \$14,460.38 of income, \$6,310.32 in expenses which leaves us with \$8,150.06.

Michele Anderson made a motion to accept the January financials. Aaron Sanford seconded the motion. A vote was taken, 3 votes yes, 1 abstain, motion passed.

2. February Financials

February Financials were tabled for next months meeting.

3. Discussion and possible approval of 2022 budget

Courtney Kellogg stated that she has questions regarding the budget.

First question is that from 2021 to 2022 builder permits remain at \$80k but the property owners go up by 30%?

Amanda Homesley stated we do an average of 80 builds per year and to be safe that is the number we went with and over the past couple of years of permitting from homeowners we had an average of \$8 so we raised it to that amount.

Courtney Kellogg asked so we don't expect the building to go up with the influx?

Amanda Homesley stated again, this is going off the last few years and it's the average.

Courtney Kellogg stated the second question is if builder fees go up then shouldn't forfeited deposits?

Amanda Homesley stated these are forfeited deposits and if the builder chooses not to get the security deposits back then this is not a number we can guess on.

Courtney Kellogg stated so I guess that stays the same is what your saying?

Greg Stigall stated its better if we plan, they go down then up because the builders have the right to their deposit back but its up to them to request it.

Courtney Kellogg stated the third question is that it looks like payroll has been increased by 15%.

Amanda Homesley stated I don't know where you got this number, but we are paid hourly, and it depends on how many hours we work in that year.

Courtney Kellogg stated that's \$5000 increase with is 15%.

Amanda Homesley stated but that doesn't mean we would get that.

Greg Stigall stated their raises don't coincide with budget. We projected a 15% increase.

Courtney Kellogg stated so we are prepared to give them a 15% increase just from the ACC?

Amanda Homesley stated she can speak to that and said no.

Shelley Cartier stated it is not set in stone, it is better to over budget than to under budget.

Tiffany Ferguson stated we could hire someone to tour jobsites.

Courtney Kellogg stated so that would be included in this amount?

Amanda Homesley stated absolutely.

Courtney Kellogg stated so we want to anticipate there is a petition, so should we anticipate the cost for that?

Greg Stigall stated no because that is not a normal budgeted item.

Courtney Kellogg stated donations are at \$1000. We have approximately \$480k in assets and not donating. What is standard? I would like the donation category be changed and see us give more back to the community.

Shelley Cartier stated was it not you who was on social media complaining telling everyone that our finances were in trouble?

Courtney Kellogg stated no mam.

Amanda Homesley stated it was about insurance.

Shelley Cartier stated if we were in trouble then why would you want to spend our reserves?

Courtney Kellogg stated it had nothing to do with financials. I could address that if you wanted clarification on what I posted.

Shelley Cartier stated no, that's a different subject.

Greg Stigall stated I think we are all willing to donate more. We have been using the historical amount for donations.

Amanda Homesley stated that is a just a guideline. Last year you gave over \$20 for drainage plans. If you want to donate to something, if there are funds then you can donate.

Tiffany Ferguson stated if we get to the end of the year and we have a good surplus over our budget then

what we expected, we can use that money at the end of the year when we know we have it. Courtney Kellogg stated it looks as if our expenses are approximately \$90k. We have over 5 years in the banks.

Greg Stigall stated its not 5 years.

Courtney Kellogg asked is anyone familiar with the ratio of what you should be giving back vs what you collect?

Michele Anderson stated we are not going to spend down to nothing. We need to keep a healthy amount and take things into consideration all of the unknowns such as a catastrophes, lawsuits, and ongoing legal expenses. It is safer for us to keep them in reserves in case we need them.

Courtney Kellogg states how much does this Committee feel is enough and aim to give back?

That is a goal for a non-profit.

Michele Anderson stated the conversation for donations is a conversation we need to have. I don't think we need to decide this on the call today.

Shelley Cartier stated there are banking rules on how much you can have in reserves. There may be rules on POA/ACC's as well that we need to look into.

Dan Zimmer stated an HOA is not a philanthropic 5013C and our purpose to not support the community but to support our homeowners.

Michele Anderson made a motion to approve the 2022 budget. Aaron Sanford seconded the motion. A vote was taken and the motion passed unanimously.

4. Discussion and possible action on 2021 audit.

This motion was previously made in Slack on 3/16/2022 by Michele Anderson, seconded by Greg Stigall, motion passed.

Unfinished Business:

1. Discussion and possible action on building guidelines section H.

Charles Brading stated this is going to be about steel buildings. There are a lot of them in the neighborhood. March 9th email states there is overlap on each section.

Greg Stigall stated we look at all of the guidelines.

Charles Brading stated I received an email on March 10th about sec 3C-denial-the following materials will not be allowed in the construction of a garage. I want to know where it says metal building are not allowed. Sec H for garages is on pages 16 and 17.

Greg Stigall stated you have to look at the entire guidelines not just by sections and that this section is not pertained to just sheds/garages.

Courtney Kellogg stated I am hearing what Charles is saying and I am reading and interpreting how he is explaining it. If someone is interpreting it differently, I would like clarification on that for future reference.

Charles Brading said if H1 is throughout the rest of it then you can not have metal roofs in Tahitian Village. You are being selective; prohibition and you don't have the authority to do that.

When you looked at my application, you didn't even consider it.

Courtney Kellogg stated I am not allowed, and I have not looked at your application.

Charles Brading stated Its clear what you can and can't do.

Michele Anderson stated that is not the intent of that statement.

Aaron Sanford stated the intent and how it is written is 2 different things.

Michele Anderson stated that was not the intent of my statement.

We go through and access the guidelines as a whole. We look at your permit and what the intent was.

Charles Brading stated there was a precedent set that metal buildings are allowed.

H1-you can not have more than 30% metal on your building
Then there are separate sections with different standards.

Greg Stigall stated have you read the CCR's?

It is up to the Committee interpretation and our opinion and that is what is approved or not.

6.01 of the deed restrictions read Approval shall be granted or withheld based on matter of compliance with the provisions of this instrument, quality or materials, harmony of the external design with existing and proposed structures and location with respect to topography and finished grade of elevation.

Over time those building will rust.

Tiffany Ferguson stated I was in every meeting and the intent was for modern buildings and to allow them to have 30% metal to have the industrial look they wanted.

They wanted to allow for metal roofs and metal décor items.

Michele Anderson under garages/shed the building needs to be the same architectural style.

Greg Stigall stated we have denied your permit. Are you going to ask for a variance?

Courtney Kellogg stated I need to ask a question. Michele Anderson made a motion to deny Charles permit and Greg seconded it along with 2 abstained. How many votes does it take to pass?

Is it majority?

Michele Anderson stated majority

Courtney Kellogg stated then how did it pass?

Aaron Sanford stated I abstained.

Amanda Homesley stated there were 2 votes to deny and one abstain.

Amanda Homesley stated to Courtney that you can't vote or abstain since it was a vote from Executive Session. I will make the change before posting the meeting minutes on the website.

Greg Stigall stated, we have denied your permit and it is up to you if you want to request a variance.

Charles Brading stated we will try it your way and ask for a variance because you not even going to see it.

Greg Stigall stated we need the exterior materials.

Charles Brading stated it is from DDM and it will be metal. You will see a piece of the door and the roof from the street.

Gilbert Zamora stated I was going to apply and was told by Michele Anderson that there was not going to be any variances of what was written. Are you going to waste this man's time and just tell him no?

Michele Anderson stated we don't decide variances, the POA does.

Greg Stigall we both do.

Gilbert Zamora stated you told me there was not going to be any allowances.

Amanda Homesley stated the ACC has to approve it first then it goes to the POA.

Greg Stigall stated I believe we did state we weren't allowing variances.

If we don't approve it, it doesn't go to the POA.

Charles Brading stated if you're not approving variances then you are going to deny it.

Greg Stigall stated we have to offer it to you.

Gilbert Zamora stated I promise you that when they were looking at the guidelines, they were referring to corrugated un-painted metal buildings and not these 30-year warranty metal buildings.

I have found a builder that will hardi my building for \$2400.

I think Mr. Brading has proved that you're not going by the guidelines. I don't think it's the right way to do things.

Charles Brading it's pretty specific what you can and can't do.

New Business:

1. Discussion and possible action on Bastrop Area Pickleball Association.

Gary Moss stated we are a 5013C. They have leased the tennis courts to turn them into pickleball courts. We have taken down the fence and will have 8 courts there. I understand we will need to go to the city and you all for signage.

Tiffany Ferguson stated she would email him the information in the morning.

Gary Moss stated that we have 100 members and have leased the courts and bathrooms and will start hopefully within the month.

Courtney Kellogg asked was there a cost at the city?

Gary Moss stated no cost until signage. The city is tweaking the signage permitting and has an appointment with them next week to go over that. Send me whatever is necessary.

Greg Stigall stated it doesn't matter what they charge but they need to go through us as well.

Courtney Kellogg stated so potentially we can send them to County or City and pay up to \$300 and they can get denied with us?

Greg Stigall stated we request they see our guidelines before they go.

Courtney Kellogg stated I would argue that Mr. Brading saw your guidelines and denied him.

Tiffany Ferguson stated we asked him to come to us first.

Greg Stigall stated according to 1.02 No lot shall be used or occupied for any vicious or immoral purpose, nor in violation of the laws of the local, State or Federal Governments.

Gary Moss stated do you mirror those rules?

Greg Stigall stated we have our own, so be sure and get our packet. Whoever has the more restrictive policy you have to follow.

2. Discussion and possible action on Pine Forest golf course.

Susan Reeder stated she is concerned about the status of the golf course. There was a meeting and asked if anyone from the board was there.

Greg Stigall stated he was there and was a member there until the end of December.

Susan Reeder stated this place is up for sale and not as a golf course.

They have tons of interest, but their plans are to level the clubhouse and build a mansion. They have no plans to continue the golf course. They stated they have enough money to run over your POA/ACC.

This could happen quickly but stated they needed to raise funds.

She would like for someone to reach out to Mr. Buttross because supposedly he is washing his hands of it and not spending another dime on it. We need to find out where and when this auction is going to take place. We are known for a golfing community and if it goes away and not maintained then everyone's property values will go down. It is important that someone gets on this asap.

What are the Boards feelings are on this?

Jesse is the current owner and Mr. Buttross has forced them to put it up for sale. She has had some interest but has shot them down because of what they wanted to do. What is the doom date?

Greg Stigall stated we will look into it. Anyone will have to follow the rules by POA/ACC and County since it is in the floodplain.

Kathy Menegay stated a lot of this is speculation. We are getting misinformation. Let's try and get some information from Buttross. Are some of us going to be living with a reserve behind us instead of a golf course?

Kevin White, the real estate agent stated there was some confusion when they first listed it but has since listed it as golf course only. In the showings, we state golf course only. If they are looking for development, its prohibited because of the floodway. We are screening potential buyers. As far as the financial part, I can't speak to that. The listed price is \$3.3 million.

Shelley Cartier spoke of County code that they would need to abide by as well.

Susan Reeder asked if they foreclose and they auction, where would it be?

Aaron Sanford stated there is one person in this neighborhood who would buy it and that would be Billy Murphy.

Kevin White stated he couldn't answer to that.

Susan Reeder stated that the POA/ACC needs to get involved as it involves every property owner.

Greg Stigall stated he thinks every property owner should get involved.

Susan Reeder stated time is of the essence.

Courtney Kellogg stated let's clarify what the deed restrictions are for the membership.

Let's follow up with the POA as an umbrella.

As ACC we could take on the research and define the deed restrictions are and what should we do and how we can be proactive on this.

Greg Stigall stated its not just us but the POA.

Dan Zimmer stated the County has restrictions on abandoned properties.

3. Discussion and possible action regarding fines.

Amanda Homesley stated that Mr. Ivan Meraz started prematurely on his job site on Puu Waa Waa. We received a phone call that he was starting septic work. I went out to the property to stop the guy and he didn't want to comply at first. The septic guy got in touch with Mr. Meraz. Once we got in touch with Mr. Meraz, he was able to get the septic guy to stop working. Mr. Meraz was under the impression that since she had his county permit that he didn't know he had to get permits through the ACC. He was fined for starting without permits. Amanda asked Mr. Meraz if he had any other information he wanted to share with the Committee as they would probably take this into Executive Session to discuss. Mr. Meraz stated he did get his county permits and did not realize he didn't need any other permits.

Michele Anderson asked, have you built here in the past?

Mr. Meraz stated, no, this is his first house.

Shelley Cartier stated so you know you live in a deed restricted neighborhood that has a POA and an ACC?

Ivan Meraz stated no, I went to County and got that permit and didn't know.

Shelley Cartier asked, and you were going to do the septic first?

Ivan Meraz stated yes because it's a smaller lot and it needed to be done first.

Greg Stigall stated we will be taking this into Executive Session to discuss.

Ivan Meraz asked how long that will be.

Amanda Homesley stated it is at the end of the meeting and if you don't want to hang around, I would be glad to email or call you in the morning.

Courtney Kellogg stated do we not relay what happens in Executive to the membership?

Amanda Homesley stated yes but if he needs to leave, I was just letting him know.

4. Discussion and possible action having miscellaneous items on agenda.

Greg Stigall stated that since we now have to post 6 days prior to a meeting, he doesn't see a need for it any longer. We can't add items to agenda items. If we need to add something we would just need to call for a special meeting so I would like to remove miscellaneous items from the agenda.

Michele Anderson made a motion to remove miscellaneous from the agenda. Courtney Kellogg seconded the motion. A vote was taken and the motion passed unanimously.

5. Discussion and possible action on outbuilding questions.

Dana Provence stated I am not sure what made it to the Committee for review. I have a permit request in with the County as well. I didn't realize it would take them 4-6 weeks which is disappointing.

We bought a lot right next to us.

Greg Stigall asked if he submitted his application.

Amanda Homesley stated yes, it was submitted with information today.

I was looking to do 2 phases. The 2 lots are in a L shape. The house lot is narrow and deep on Pohakuloa and so I bought another lot on Waikakaaua. I want to put a culvert, shop and fence on that piece of property.

Courtney Kellogg, it doesn't sound like the lots are platted together.

I want to say it doesn't look like you can do this.

Amanda Homesley stated that yes you can.

Michele Anderson we will review your application this week, but it sounds pretty standard.

Rachel Duer stated I thought I had to wait for a county permit first to submit for a shed.

Amanda Homesley stated that is true, he is submitting just the fence for now and then will amend to add his shed.

6. Discussion and possible action on refurbished shed

Benjamin Wier stated he wanted to move a shed on to one of his other properties.

Amanda Homesley informed him that the shed had to be new.

He wants clarification on this. He has a high-quality building that he wants to use.

Greg Stigall stated he would need to go to County to get their permit and then go through us for permitting. Our guidelines state it does have to be new.

Benjamin Wier states so a Home Depot shed is allowed?

Greg Stigall stated yes.

Benjamin Wier stated so can I take apart my shed and build as new with new material?

Would that be entertained?

Greg stated yes.

Benjamin Wier stated I want to redo the entire outside to match my house now.

Greg Stigall stated if you do it with new material, we would look at it as new.

Amanda Homesley stated she would help him with the permit.

7. Discussion and possible action on upgrading slack account.

This motion was previously made in Slack on 3/16/2022 by Michele Anderson, 2nd by Greg Stigall, motion passed.

8. Discussion and possible action on having in person meetings.

Greg Stigall we are in the new building and are hoping we have the space ready.

Amanda Homesley stated it will be ready by May.

Shelley Cartier stated she thinks there should always be Zoom available as well.

Michele Anderson made a motion to have hybrid ACC meetings starting in May 2022. Courtney Kellogg seconded the motion. A vote was taken and the motion passed unanimously.

Amanda Homesley stated we have moved to our new location. The new address is 112 Park Ln. We are in between the daycare and the fire department.

Courtney Kellogg stated your appointment only so you would probably tell them when they called.

Amanda Homesley stated you can come, if I am not here there is a sign on the door.

Courtney Kellogg stated so, are we appointment only?

Michele Anderson stated normally people call to make appointments prior to going to the office.

Courtney Kellogg stated well, I came to the office, are we being selective?

Greg Stigall stated no, we are not. You wanted an hour of her time.

Courtney Kellogg stated that's a big assumption. I was told you had to have an appointment, it is not

generally. You are assuming it was for an hour. For the members time and consideration.

What I hear is selective. I am asking for clarification.

Greg Stigall stated this Committee usually calls or texts and give her a time. We don't just show up. She has others that do that. When we go, we usually have more than 5 min to take up of her time. She has other things to do such as touring or banking.

Justin Vickers stated it's a simple question, yes or no, do we need to make an appointment to go to the office?

Amanda Homesley stated appointments please and thank you.

Open Forum/Public Comment:

Michele Anderson wanted to address some of the accusations that have been made against myself and my partner by Courtney in a public forum with regard to building materials that she posted photos of and circulated online and made claims that were not accurate. We built our house in 2020 and the construction of a retaining wall was included in our home purchase however our builder failed to get a permit for the retaining wall and once he did get a permit his construction did not pass the engineer, subsequently the builder left the state and left the retaining wall in absolute shambles so it was never constructed. It has stayed that way, we have been unable to do anything about it because the quotes we have received have been astronomical in the upwards of \$24k and so its something we haven't been able to repair at the moment. However, we aren't receiving any special treatment. Courtney contacting the County and asking them to fine us.

Courtney Kellogg stated that inaccurate.

Michele Anderson stated actually it is because I contacted the County, and I was read your letter and you telling them you thought we were in violation. I want to set the record straight to express how upsetting it is to be targeted with false accusations when we did not have those building materials delivered. All of that was done 2 years ago by our builder and haven't touched it since. We are straight with the County because I have talked with them and are not in violation and so Courtney, I would ask that in the future prior to making accusations like this and spreading things all over the internet to talk to me is all you have to do is ask me if this is the situation instead of making assumptions. That's my peace and I wanted to let everyone know that this has been an ongoing issue and not something I enjoy looking at every single day and it is something we are working on getting rectified and we will do that as soon as possible.

Aaron Sanford stated the same thing could've been said about you with my issue with you spreading that issue/rumor about me. You could have asked me before going to the entire POA/ACC and then later finding out it was not true. Just in refence to not be hypocritical.

Michele Anderson stated I didn't spread any rumors about you.

Aaron Sanford stated I am pretty sure you did but okay.

Courtney Kellogg stated the County showed you a letter that I sent?

Michele Anderson stated they read me the letter.

Courtney Kellogg stated and you're saying I asked them to fine you? Would you like to read the letter?

Michele Anderson stated I am not going to engage with you.

I decided to join the ACC because of the issues we have had with our builder, and I don't feel these are issues other members should deal with. This is the only reason I volunteered to be on the Committee. Not to be harassed, not to have my house or license plates pictures published online and making me a target. I wanted to clear the air. We aren't starting construction on a wall without a permit and receiving special treatment.

Courtney Kellogg asked Greg Stigall are we allowed to keep construction materials at a residence for 2 years without a permit in place? Our CCR's state that you are not allowed to store building materials on a

residence or lot. If they have been there for 2 years, Greg, is that a violation of our CCR's. Greg Stigall stated I will say that building materials are not allowed. It is up to us to determine what building materials are. In your opinion it is building materials. Courtney Kellogg stated that Michele Anderson just stated they were building materials for a retaining wall that has been there for 2 years.

Shelley Cartier stated if you feel as though someone is in violation you come to the ACC and you do not take photos of a person's house and their car with the license plate and post a vindictive Facebook post. That's a problem.

Jessica Zamora stated I spent a lot of time in the Community and see a lot of people who has building materials and agree with Shelley Cartier. There is a lot of false information on your page. It is not a page for correct information. (Tahitian Village Neighborhood Facebook page) Courtney Kellogg stated Greg you are allowing public comment to kind of go at it here. Greg Stigall stated you have posted something, and people have comments. We as a Committee should not be bashing each other and this goes for everyone. This Committee needs to be working together for the guidelines. Anyone bashing the Committee will be muted.

Jackie Luna stated I wanted to put it on the record she is getting upset for things that has happened to her and she did the same thing to my husband for the Halloween decorations and posted Tic-Toc videos all over the social media. So how is that any different from what other people are doing? How can she voice her opinion, yet she slanders someone but gets upset when it happens to her? You get what you give.

Courtney Kellogg stated on February 4th I asked the ACC for a discussion in regard to the COC/NDA and have continuously been denied.

GS-You were offered a meeting with us and refused to come that meeting.

CK-I was offered a meeting in which I couldn't come to. The lawyer was hired for defense.

CK-Amanda was there in that meeting and Mr. Bragg was hired for defense. He couldn't represent one person but for the Association.

Amanda Homesley stated he represents the Association.

AH stated Greg/Courtney can we just let her do her 3 minutes?

CK-Can you not butt in, its not your place?

GS- She has a right like a committee member to speak. Were not making any decisions and we are going to give you your 3 minutes, lets go.

CK-On February 4th I asked the ACC for a discussion in regard to the COC/NDA and have continuously been denied. No one asked if I was available for this meeting in advance for this meeting. I have been under the impression the association hired Mr. Bragg in defense of. This meeting has not been rescheduled. OJ Simpson hired a defense lawyer. So, if you are already hiring a defense lawyer for the POA/ACC it's a very different approach from what I understand vs. counsel. I could be wrong, but I would still like a discussion in regard to the COC with the ACC.

Moving on, I think if we did have Mr. Bragg in defense, it would be a misuse in funds.

The Cease-and-Desist letter that was sent to me in reference to Michele Anderson of a Facebook post is defending a specific person and is a misuse of funds.

Furthermore, on donation of funds. We need to be more consistent with that and consider the fire department.

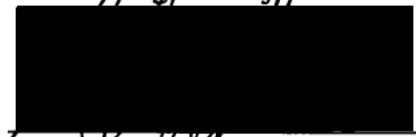
Jan Schwindt stated we did include Courtney in a meeting on March 2 and we invited her on February 25 which was 7 days in advance. I just everyone to be aware that what was stated was not a true statement.

ACC entered an Executive Session at 7:45 p.m.
ACC reconvened in regular session at 8:07 p.m.

Shelley Cartier made a motion to reduce the fines to \$4000 for Mr. Ivan Meraz. Aaron Sanford seconded the motion. A vote was taken, and the motion passed unanimously.

Michele Anderson made a motion to adjourn. Shelley Cartier seconded the motion. A vote was taken, and the motion passed unanimously.

The meeting was adjourned at 8:08 p.m.



Aaron Sanford, TVACC Secretary



Date



Amanda Homesley, Association Manager



Date