



TAHITIAN VILLAGE

TAHITIAN VILLAGE PROPERTY OWNERS' ASSOCIATION BOARD MEETING MINUTES

The regular Board of Directors meeting of the Tahitian Village Property Owners' Association
Tuesday, December 20, 2022, at 7:00PM

Meeting held at the BCWCID#2 Conference Room

TVPOA Board Members Present:

Jan Schwindt, Ruth Bullock, Mary Jo Creamer, Charles Brading, and Dan Zimmer

Board Members Absent: None

Association Manager: Amanda Homesley

PUBLIC PRESENT: Randy Hudgins, Greg Stigall Tony & Tina Terry, Carol Weber, Jessica Zamora, Gilbert Zamora, Steve Adamcik, Brian Thornton, John Creamer, Rajeev Gupta

MEETING CALLED TO ORDER: Meeting was called to order at 7:00 p.m. by President, Jan Schwindt.

SECRETARY'S REPORT

1. Discussion and approval of the Nov 15, 2022, meeting minutes.

Ruth Bullock made a motion to accept the November meeting minutes. Charles Brading seconded the motion. A vote was taken, and the motion passed unanimously.

TREASURER'S REPORT

1. Discussion and possible approval of November 2022 financials.

Mary Jo Creamer stated the income we received were transfer fees of \$10,575, Clean Sweep of \$370 and interest of \$444 with total income of \$11,389.25. Expenses were \$2,500 in donations, payroll \$4,173, legal \$1,086, rent \$300, Clean Sweep \$468, website 200, that being a total in expenses of \$8603 leaving a net income \$2,786.16

Charles Brading made a motion to accept the November financials. Dann Zimmer seconded the motion. A vote was taken, and the motion passed unanimously.

2. Discussion and possible action on expiring cd's.

Mary Jo Creamer stated that on our balance sheet we had a cd at Frontier that expired in December. We put that on a 90-day extension at 1.25% interest rate so we could decide on where to put our money. We also have one cd at Frontier for \$162,417.00 that expires at the beginning of January. Amanda sent out the rate information for Edward Jones. They have a cd at

4.8% for 1 year, a 2 year 4.75% and need to take care of the expiring cd in January and need to decide what to do.

Dann Zimmer said Edward Jones is a broker and are FDIC and we can structure them and can spread them out. The local banks are not offering what this one does. We need a plan and increase our income.

I suggest sitting down with Amanda and Mary Jo to discuss our options.

Mary Jo Creamer said we need to decide on the one that is due January 7th.

The other I extended for 3 months so we have a little time on that one.

Dann Zimmer recommends doing a 1 year cd with Edward Jones.

Jan Schwindt stated there is one on the balance sheet that says 12/2/2022.

Mary Jo Creamer says that is the one that was extended for 90 days.

Jan Schwindt said to notate that on the balance sheet and requested Amanda, Mary Jo and Dann meet prior to the January meeting. She asked what is needed to make the changes for the expiring cd?

Mary Jo Creamer stated that we will need the meeting minutes.

Dann Zimmer makes a motion to contact Edward Jones, open up an account for a 1-year cd for the cd that is renewing on 1/7/2023 at Frontier Bank.

Charles Brading seconded the motion. A vote was taken, and the motion passed unanimously.

3. Discussion and possible action on 2023 proposed budget.

Mary Jo Creamer stated Amanda and I worked on this for several hours and hopefully you all had plenty of time to look at this as it was posted on Slack. Does anyone have any questions? I have reduced the number of transfer fees because of the decline we have seen this past half year.

Ruth Bullock asked what is miscellaneous income?

Mary Jo Creamer -That is income we anticipate receiving from a settlement we have entered into.

Charles Brading stated are we cutting website/tech budget?

Mary Jo Creamer stated no, last year was the 1st year for website/technology.

Amanda Homesley stated that included the retainer.

Dann Zimmer inquired about getting a year end P&L.

Ruth Bullock asked why there was so much postage in 2022.

Amanda Homesley stated we had 2 big mailouts that year that included the Bylaws and Annual Meeting.

Jan Schwindt asked does Mary Jo feel good about the \$350 in postage?

Mary Jo Creamer stated that we have spent \$622 so far and that is split, so yes.

Charles Brading stated that we budgeted \$450 last year and now its \$350, are we presuming gas is going down?

Amanda Homesley stated it is because we didn't use that amount in the budget last year.

Charles Brading stated well that makes sense.

Dann Zimmer makes a motion to approve the proposed 2023 budget.

Charles Brading seconded the motion. A vote was taken, and the motion passed

unanimously.

Amanda Homesley stated that last year this was posted on the website, does this need to be posted as well?

Jan Schwindt stated sure if it was posted last year.

INFORMATIONAL UPDATES (For community knowledge only. No board action allowed.)

1. Sand and gravel pit update

Steve Adamcik (President Mud #1) stated I was here about a month ago about the proposed mining on the Appelt ranch. It is all located in the critical toad habitat. They are pushing community awareness opposing this. They are working with Pine Forest as well. They have elected 3 new board members in Colo Vista. They have been engaging attorneys and consultants.

Steve introduced Brian Thornton from the Colo Vista board.

Brian Thornton, introduced himself as Colo Vista board member and neighbor. He passed out a resolution to the board members. The resolution speaks about why they are opposed. They asked if we would join them in opposition. We want our County Commissioners in our corner.

Mary Jo Creamer asked if the 20,000 residents include Tahitian, Pine Forest and Colo Vista?

Steve Adamcik stated that also includes the City of Bastrop. (7 miles from there)

Dann Zimmer asked do you have studies on the 7 miles?

Brian Thornton stated I will follow up with that information.

Mary Jo Creamer asked what roads would they be using?

Steve Adamcik there are only 2 ways, Ponderosa or McAllister.

Charles Brading stated looks like there would need to be studies since that is the Houston Toad area.

Jessica Zamora asked Steve was your community in opposition?

Steve Adamcik stated we knocked on 90% of the doors.

Jessica Zamora asked what are looking for from our board? A formal written letter of opposition?

Steve Adamcik stated a letter of opposition to the County Commissioner that would be great.

Mary Jo Creamer asked what does the city think about it?

Steve Adamcik stated we haven't reached out to them yet. We are working with the County Commissioners at this point and they will reach out to the city.

I have filed with TCEQ.

Jessica Zamora asked how will the board act on this?

Jan Schwindt said we will discuss this in Executive Session.

OLD BUSINESS

1. ACC – Report given by Amanda Homesley

Permits issued for November 2022:

- 9 new homes
- 5 fences
- 1 pergola
- 0 decks/patio
- 1 shed
- 3 garages
- 1 retaining walls
- 0 pool
- 4 driveways
- 118 total homes permitted in 2022

Jan Schwindt asked how many homes are unfinished at this point?

Amanda Homesley stated that at the end of December I can tell you what is still on the tour list.

2. Discussion and possible action on in-home businesses.

Carol Weber stated the reason I am here is I am concerned about the value of my property and the value of everyone's property. You look at the CCR's at 1.01 where it states that all lots shall be used for single family purposes only.

Why are the existing businesses on my street able to exist. We either need to know whether these are allowed or not. She inquired if we had spoken to our lawyer.

Amanda Homesley stated that we did.

Jan Schwindt stated that the CCRs do state "all lots shall be used for single family residential purposes only[.]" (Sec. 1.01). However, in-home businesses are not as clear cut as people would like it to be.

While the Supreme Court has held that this language does prohibit the operation of commercial businesses in a residence in a deed restricted subdivision. For example, a homeowner converted a garage into a floral shop. Only 10% of the traffic was walk-in while 90% was either online or telephone. Nevertheless, the Fort Worth court of appeals held that this violated the CCRs, of which the wording was essentially the same as TV's CCRs.

However, on the other hand, the Supreme Court has held that this language does not prohibit a homeowner from renting a residence for a short-term rental ("Airbnb" or "VRBO" for example) Many people and companies found that, with the coming of COVID, working from a home office can be essential to survival. There are a lot of things to look at.

If it occurs within the 4 walls and is something that only happens inside the home, creates no traffic and has no signage, it makes it difficult.

In this situation, take the Mary Kay or Pampered Chef or other Consultants of this type as an example. Is that an in-home business as well?

CCR's main purpose in this situation is to avoid creating a commercial business environment in a residential neighborhood.

We as the board in each situation that is brought to the attention of the Board will be reviewed on a case-by-case basis with our attorney.

Carol Weber stated working from home because of Covid is different. We aren't talking about Mary Kay or Tupperware. There is a difference. As long as those people who come in and exist know there can be a review. We control it or we don't.

Jan Schwindt stated everyone is responsible for knowing they live in a deed restricted neighborhood.

I can state to you that we will review every situation on a case-by-case situation.

Carol Weber asked are there going to be guidelines to this?

Jan Schwindt stated we can't change the CCR's without a formal process, but we can take each on a case-by-case basis with our attorney and move on from there.

Carol Weber thanked us for our time. Who do we bring this up to when needed?

Jan Schwindt stated it would be Amanda, she is the Association Manager.

Gilbert Zamora stated you are going to look at the ones that are brought to you?

Jan Schwindt said we tour the neighborhood on a regular basis, and we will investigate those on a case-by-case basis along with those that are reported.

3. Discussion and possible action on Election Judge.

Amanda Homesley stated that this has been taken off of the agenda because we no longer need an election judge.

We only had 2 people apply for the POA positions. We had 3 openings to start with and 2 candidates apply leaving 1 remaining position. Deena Eden has since resigned and now have 2 open positions for POA and 2 ACC positions. We have reopened the candidate process and reposted the openings. The can apply until the deadline of January 2nd.

Jessica Zamora stated so there were no applications for ACC?

Amanda Homesley answered no.

Jessica Zamora -So what is going on that everyone is resigning?

Jan Schwindt stated that people resign for different reasons.

Jessica Zamora - I understand that but it looks wild, like people feel threatened, they don't feel heard or something they can't talk about.

Jan Schwindt -In the case of Deena, her job has changed, and she doesn't have time to devote to the POA and feels it is not right to hold a position open and that is the most recent. That is why we reopened the positions so at the Annual Meeting those people can be appointed.

Jessica Zamora -I've just heard comments in the community that the crazy people are gone, and I just hope nothing is going on that people aren't getting along and being pushed out. If no one puts there name in by January 2nd, then what happens?

Ruth Bullock asked her if she was going to put her name in?

Jessica Zamora -stated I don't know because I don't know if I want to be threatened like some people have been.

Ruth Bullock-I am going to say something now. No one has been threatened on this board since I have been on this board. You can continue to read Facebook and take it from there. Deena has left because she is traveling too much.

Jessica Zamora -stated I am making zero accusations and don't feel like you need to be aggressive towards me.

Ruth Bullock-You did make accusations.

Jessica Zamora -Michele Anderson was threatened because you guys sent a Cease & Desist correct and all those people left the ACC. It is under the same umbrella and it doesn't look good.

Jan Schwindt stated perception is not always reality.

Mary Jo Creamer-People always have different opinions. A lot of people get on the board and if they don't get their way then they get off. Majority rules.

I was on the ACC for 10 years of more. That is reality and I saw a lot of people come and go.

Jessica Zamora -Is that what we are seeing? Do we need to talk to the community?

Randy Hudgins-The last ACC member resigned because of Michele. Michele put a code of conduct on the entire Committee and so that person left.

Jessica Zamora -Who was that, Shelley?

Randy Hudgins answered yes.

Jan Schwindt stated we don't have control over who applies. They must complete the packet and requirements.

I think it is sad that we don't have more people to volunteer their time. It is a big job.

We want people to apply so we have an election so the membership can make that decision.

We have Ruth and Charles for another year. We have 2 people that have completed their paperwork. At the meeting we will have 4 people. At some point they will reopen it again to fill the positions.

If we keep having the negativity on Facebook it reduces the applicants.

Tina Terry stated that social media is negative.

Ruth Bullock stated she found an election judge that is a lawyer if ever needed.

4. Discussion and possible action on POA audit.

Amanda Homesley stated that this is tabled for next month.

NEW BUSINESS

1. Discussion and possible action on transfer fee protest.

Dr. Gupta stated he owns lots on Makaha and is changing his lots from his personal into a trust and is humbling requesting the board to waive those fees.

Jan Schwindt stated it is also happening to her where she is putting her lots in a trust and has to pay.

The transfer fee is an administrative fee so we keep our records straight.

Charles Brading stated we don't charge POA fees so this is a way to keep the cost down.

Jan Schwindt stated we are right here with you.

PUBLIC COMMENT PERIOD (Each member has 3 minutes to speak. No Board action can be taken.)

Carol Weber stated on the cd's you may want to include both to get a larger amount.

Jessica Zamora asked if we could go back to the old days and have a discussion again assuming no one abuses it.

Jan Schwindt stated we will take it under advisement.

**The POA entered an Executive Session at 8:18 PM.
The POA reconvened in regular session at 8:44 PM.**

Mary Jo Creamer made a motion to send 3rd letter violations to our attorney for further action. Charles Brading seconded the motion. A vote was taken, and the motion passed unanimously.

Jan Schwindt stated in reference to the businesses, that each situation that has been brought to attention the board will be reviewed on a case-by-case basis and we have done that. We have no motions to make on that item. Regarding the sand pit we will be in contact with Steve and his group and discuss how we can support them. No motion needed on that one.

Charles Brading made a motion to adjourn. Dann Zimmer seconded the motion. A vote was taken, and the motion passed unanimously.

Meeting adjourned at 8:46 PM.



Charles Brading, TVPOA Secretary Date



Amanda Homesley - Association Manager Date