

**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, February 5, 2024**  
120 Corporate Drive, Bastrop, Texas 78602  
Facebook Live at Tahitian Village

Present Board Member(s): Greg Stigall, Aaron Sanford, Randy Hudgins, Kat Smith  
Board Member(s) absent: Eddy Plummer  
Association Manager: Amanda Homesley

**Time Meeting Called to Order:** 5:36 p.m. by President, Greg Stigall

**Public Present:** Lois Hornbuckle, James Smith, David Carter, Cameron Barron, Amberley Palmer, Ken LeJeune, Charles Brading, Frank Urbanek, Angelo Schena

**EXECUTIVE SESSION**

**The ACC entered an Executive Session at 5:37 p.m.  
The ACC reconvened in regular session at 5:47 p.m.**

**Aaron Sanford made a motion that the officer positions remain the same. Randy Hudgins seconded the motion. A vote was taken, and the motion passed unanimously.**

**Kat Smith made a motion to send the 3<sup>rd</sup> letter violation to the attorney. Aaron Sanford seconded the motion. A vote was taken, and the motion passed unanimously.**

**Randy Hudgins made a motion to approve the insurance increase for Amanda. Aaron Sanford seconded the motion. A vote was taken, and the motion passed unanimously.**

**Secretary's Report for January 8, 2024:**

**Kat Smith made a motion to approve the January meeting minutes as presented. Aaron Sanford seconded the motion. A vote was taken, and the motion passed unanimously.**

**Treasurer's Report:**

**1. December Financials-**

For December we had \$805.46 in interest along with \$5,100 in builder permit fees, \$750 in property owner permit fees, and \$3,250 in violation fines giving us a total of \$9,816.67 in income. For expenses, to name a few, we had \$300 for rent, \$102.61 for telephone, \$200 for the website, \$3,750.59 in payroll, and \$10,750 in donations giving a total of expenses of \$17,024.50 leaving us with a net income of -\$7,207.83.

**Kat Smith made a motion to approve the December financials as presented. Aaron Sanford seconded the motion. A vote was taken, and the motion passed unanimously.**

**Information Updates:**

None

**Unfinished Business:**

ACC Report given by Amanda Homesley

**Permits issued for December 2023:**

- 7 new homes
- 7 fences
- 0 pergola
- 0 decks/patio
- 0 sheds
- 0 garage
- 0 retaining walls
- 0 driveways
- 0 pool
- 77 total homes permitted in 2023

**Fines assessed to builders:**

Clear cutting	2
Starting construction without a permit	3
No porta-john	7
No permits posted	2
Illegal dumping	1
Materials in ROW	1
Working after hours	1
Trashy site	1

**New Business:**

1. Discussion and possible action on an invoice dispute.  
The builder was not present.

**Kat Smith made a motion to uphold the fines. Aaron Sanford seconded the motion. A vote was taken, and the motion passed unanimously.**

2. Discussion and possible action on invoice dispute.  
Cameron Barron (CB) handed out a letter that he wrote about the fine and a contract between him and the sub-contractor.  
Kat Smith (KS) asked what is the address of the home?  
CB stated 114 Pulehu Ct. The fine was given to us on Sunday during the day that our subcontractor sent the roofer out to dry in everything right after the framing phase had gotten done so that the decking material would be taken care of. He had gotten there on Saturday and wasn't able to finish and because of the rain that we were anticipating coming Monday-Thursday, he went on Sunday to finish up. He wanted to make sure everything was dried in and protected. He couldn't have been there for more than 4 hours

maximum. The subcontractor agreement is highlighted and says the timeframes. He is aware and we take the rules very seriously. We tell them what the rules are. To protect and for the quality of what it was, he needed to finish it on Sunday. I always talk to Amanda or Pam in advance to let them know what I am doing. The compliment that I hold dear to me is that I wish every builder would do this. I want to keep that stature.

Greg Stigall (GS) stated that somebody did call in and make a complaint.

CB asked is there a possibility for me to find out to go and talk to them?

KS stated that we don't disclose that.

CB stated that I do go talk to the neighbors and if something came up, I would do the same.

Randy Hudgins (RH) stated I suggest if you knew something like this was coming up then I would talk with your neighbors and sign a release. If they all agree to it, then you wouldn't have a problem and have someone complaining about it. I understand the weather and I understand you want to get it dried out.

GS stated it would have been better to get with neighbors or call the office in advance.

KS stated that I appreciate all the stuff that you do, and it does make things easier. I am big on consistency. Last month we had a builder come in whose subcontractor broke the rules and we maintained that it is the builder's responsibility, and we did not remove that fine from them. For me personally, I don't think we can hold one builder to it and let another builder go. But the guys could absolutely disagree with me.

CB stated the last line in there is to please use your wisdom.

GS stated and for consistency I would also uphold it.

RH stated you are responsible for your subcontractors. And like she said we had a similar issue last month and we must be consistent.

KS stated he has one other one he would like to dispute as well.

CB stated that he received a trash fine. I had plans for someone to pick up trash on Monday and the 19-year-old kid that I had couldn't keep up with the hours. Since he left, I asked all my framers to put it out of site. If you look at the picture, it looks like someone walked down the driveway to take a picture of the trash. The trash has been picked up. I took a picture of it from the road. The picture I received, I apologize, I don't have it.

Amanda Homesley (AH) stated I have it here.

CB stated from that spot right there, it is the far-left side of the house, and it is invisible unless you go halfway down the driveway.

RH asked if they had the ability to move it there in one pile, why not put it in the dumpster?

CB stated that the dumpster is further away and some of the subcontractors wait until the end of the day.

AH stated that she would like to interject. Is the site where it can be seen from the street or anywhere on the job site? I need to clear this up. It could be in the back or side but as long as I see it, it is on the site.

GS stated yes, that is my opinion as well.

KS stated it doesn't matter if it is out of site because technically by signing the application you have acknowledged that the ACC has the right to walk on the site.

In the past we have been presented with trashy fine sites and it doesn't matter where it is, it could blow away.

CB stated is it because it is the possibility of is happening?

KS stated it is because it was trashy sight.

GS stated the reason it was put in there is, so trash isn't blowing away and seen on people's property.

We require a dumpster on site so everything can be put away.

KS stated I appreciate you coming.

**Kat Smith made a motion that we uphold the fines. Randy Hudgins seconded the motion. A vote was taken, and the motion passed unanimously.**

CB asked how long do I have to pay the fines?

GS stated it is 10 days from the meeting.

KS stated for future use but if you decide to build in Tahitian again and you have an open invoice, we won't sign or review any permits until those invoices have been paid.

3. Discussion and possible action on invoice dispute.

Frank Urbanek stated this is my business partner Amberley Palmer (AP) and she stated that they received 3 fines. One for permits not being posted that she is not disputing even though she had them. We were in the clearing process, but they were up before we started construction. The no porta-john and illegal dumping are the ones I am protesting. We are at 170 Akaloa and if you know the lot, we had trees all the way up to the road. We did not have a place to put the porta-john until we cleared. So, we came in and did the underbrush and then we had to take out those trees, unfortunately. I didn't want to but was told we had to. We had to build a stand for the porta-john and even now it is not on flat land. I understand you all have consistency and rules but in this once instance there has to be an exception to the rules because there was no place to put it until we cleared the property. It was there after that. The illegal dumping, I am not quite sure what that is about as we didn't illegally dump anywhere.

Amanda Homesley (AH) stated we had a call come in to the office that whoever was clearing was illegally dumping on the lot next to it.

AP stated we own the lot next to it.

AH stated that there was also a trailer load of debris going down Akaloa but later we found out it was going to the golf course and was verified that they had permission to put it there.

AP stated the lot next to it is owned by Frank Urbanek so that wasn't illegal dumping.

Amanda Homesley stated she was not aware of that. The guy that was clearing stated he had permission. AP stated we talked to Mel Hamner and to the people that own the golf course that gave us permission. Amanda Homesley stated it would have been a lot easier if we had this information prior to the clearing. If you cleared most of the lot out, why was some dumped on the other lot? Because that lot could be sold, and that material is on that lot.

AP stated that material is not still there, he mulched it. If you look at the picture you provided, there is a mulcher.

AH stated I took a picture of that lot and there are still cut up logs on that additional lot.

AP stated again we own the lot.

Aaron Sanford stated if they own the lot then it's not illegal dumping.

KS stated it would be nice if you would have told us because there are residents in the area, and they don't know who owns the lots. If you can supply a deed for that I would remove the illegal dumping.

If you can, email it to Amanda and we can put it with the minutes along with the invoice for support.

AP asked about the porta-john.

KS stated we have had builders in the past contest that.

AP stated we could have put it in the middle of the road.

GS stated we have upheld the fine in the past because you have to have one on site.

AP asked where do I put it if I don't have a place?

Randy Hudgins (RH) stated you clear a spot big enough for the porta-john.

AP stated it took us two days to clear that lot.

RH stated I am talking about one little corner.

AP stated that is what I am saying. We did go in and clear and do the underbrush and trees and then the porta-john was installed.

RH stated the reason they want it onsite before they start is so the workers there will have a place to go.

AP stated it was one guy.

RH stated it doesn't matter, that is the reason we have it. It is not that big of a deal to clear a space to put one in. I understand you have to clear a spot, but you don't have to clear the entire lot to do that.

AP stated it wasn't just clearing a spot. It was building something for it to sit on. It is not level land. We

had to build a platform for it.

GS stated it all has to be done prior to.

AP stated well that was removing the trees. So, the first day we went in and cleared out the underbrush to know what trees to take out and then we had to remove the big pine trees by the road. You all are asking a lot, personally, for us to stop and put a porta-potty come in when it was there the next day.

GS stated it should be there before anyone is there.

AP stated I understand what you are saying but there are exceptions to the rules, and I feel like this is one of them.

GS stated personally, I don't think there are exceptions for not having a porta-john.

**Aaron Sanford made a motion that we uphold the porta john fines and remove the illegal dumping fine pending a copy of the deed. Randy Hudgins seconded the motion. A vote was taken, and the motion passed unanimously.**

4. Discussion and possible action on violation letter.

Ken LeJeune (KL) stated I am here for a violation on a canopy. I am not sure what the ACC has to do with the canopy.

Amanda Homesley (AH) stated that a pop-up tent is in the guidelines. It is both an ACC and POA issue.

Greg Stigall (GS) stated it is basically a POA violation and from the ACC guidelines, but this is a unique situation because it is in the Commercial area.

KL asked, so what are your thoughts on it being there for four years? I mean I am not that far from the office.

AH stated like I have said it could have been someone new coming into the Village that saw it or maybe got a letter and saw it and didn't like it.

KL stated that I keep to myself and have met a lot of good friends. I can understand if you would have come three months after I had opened, six months, a year but four years. There is triple digit heat and rain and I have to tell you that if I have to take it down then I will shut down. Yall don't understand the restaurant business. There ain't nobody gonna wait out there in the rain while I fix their plates. I will lose \$400-\$500 in sales in one day.

Angelo Schena (AS) stated he would like to ask a question.

Kat Smith (KS) asked are you the owner of the property?

KL stated no, neither one of us are the owner of the property. He is well rehearsed on the deed restrictions.

AS stated I would like to address the board with one question. Why do we seem to do willy nilly enforcement of our restrictions? I will give you a prime example. I got one of the letters that said I had something in front of my garage. I moved into my house in 1985 and I built a work bench in 1989 and it has been there since then. I want to know why does the board do willy nilly changes?

GS stated I can not answer what other boards have done.

AS stated but here is the precedence that has been set to the new board coming in. The rules were not adhered to back because they are willy nilly, and they have no teeth. They have not been uniformly set up and if you don't believe me then ask your attorney. Mine is over 30 years, his is over 4 years and why are we just seeing this now? When I first moved into this subdivision there were no chain link fences allowed and guess what and now you can see them all around. The Board cannot change rules without a vote from the homeowners and property owners. I understand you guys have a tough job to do and I appreciate that as you keep my property value up, but you have to do this stuff uniformly. You cannot do this stuff. There are no teeth in this stuff.

KS stated first of all sir, I have to disagree with you because the guidelines are not covered, and they do not have to be approved. The deed restrictions have to be approved if they are changed by a certain amount of people. The Committee is established separately, and our lawyer has established that we do in fact have the right to the building guidelines. Our lawyer has said that we can follow these building

guidelines. The problem is, that the building guidelines have changed throughout the years, the committees have changed and to say that things are enforced willy nilly, you know about your property, you know about his property and you know about people who post on social media but you don't know things that are enforced. You don't know about all the number of violation letters that are sent out for enforcement. So, our lawyer has said that we can set guidelines and that there is a five-year statute of limitations. As to the touring, it is a big neighborhood. For a long time, we only had one person doing the touring. Now we have two. They haven't been here since 1989. They see something that is a violation, and they send a violation letter out. Hopefully somebody kindly calls them and says hey I got this violation and shows them proof that we established this in 1989 and they say thank you for supplying that and this is why we have to do that.

AS stated and here we are at this. The deed restrictions and the guidelines are totally different.

KS stated correct.

AS stated that the deed restrictions are set in place and can only be changed by the property owner's vote.

KS stated that they can be changed by the Board, but they have to be approved.

GS stated that the ACC sets the guidelines and over the years they have changed. They don't go to the property owners for approval.

AS stated at this point, I will disagree with you because it affects the community.

Randy Hudgins (RH) stated this is not about you and your ideas about how things should be done. This time was for him, and we need to get back to him.

KL stated I am at the entrance, and everyone has seen that canopy.

KS stated it is still within the five years of the statue.

KL stated oh yeah, let's cut the legs out from underneath me.

KS stated us maintaining your job is not our responsibility.

RH stated the problem is, it is a temporary structure which is illegal. If you can put something up that is permanent.

KL stated it is a Morgan building. Yall are the Architectural Control Committee, yall know the awning sticks out 6 feet and on a 2x4 stud, and the wind kicks up in Texas, it is off the side of the building. Then I have to fix the building. Amanda is telling me that he owns the building, and he has to provide that for me. When you sign a lease, it is, as is.

GS stated it is the property owner's responsibility for his property and anything on it. Your agreement is with him. I am sympathetic with you, but my problem is we can't do a variance for a temporary item.

We did speak with Amanda, and she sent you a couple of options that could be done.

KL stated they won't stay on the building. Monday morning she told me all he has to do is put a new front wall on it and bigger studs. That will cost more than the Morgan building.

AH stated I did not say put an entire front wall. I said put studs on there.

GS stated there are other ways to do it. We have to cut it off as we have given over ten minutes.

KL stated I appreciate y'all's time.

KS stated that there is no motion, we need to continue the violation process. This is the same as two months ago, which was also a temporary structure that was up for 3 years.

##### 5. Discussion and possible action on violation letter.

Greg Stigall stated I would like to see this committee form a committee to update the guidelines, so it is not left up to interpretation and they are much clearer for everyone.

Aaron Sanford, Kat Smith and Randy Hudgins all agree.

**Randy Hudgins made a motion that we form a Guideline Committee. Aaron Sanford seconded the motion. A vote was taken, and the motion passed unanimously.**

Lois Hornbuckle stated that for this committee she has heard from builders that when the guidelines are

being redone that they would like to have some input. They may want to consider not just ACC members but to get some input from a builder.

Kat Smith stated that we did say that they could contact Amanda, send that information, and input in.

**Open Forum/Public Comment:**

None

**Kat Smith made a motion to adjourn. Randy Hudgins seconded the motion. A vote was taken, and the motion passed unanimously.**

The meeting was adjourned at 6:34 p.m.

 3-4-24

Eddy Plummer, TVACC Secretary      Date

 3/4/2024

Amanda Homesley, Association Manager      Date