

AUSTIN'S COLONY HOMEOWNERS' ASSOCIATION

BOARD OF DIRECTORS MEETING

February 13, 2024

Attendees: President Jeff Skelton, Vice President Gary Kistner, Treasurer Bruce Worley, Board Member Kimberly Galland, Secretary Laura (Bailey) Ramsdale, Berkshire Hathaway HOA Management Libby Bennett & Susan Reed. Guests included Patti and Calvin Wade, Brittany Vazquez, Les Schoonover, Tony Pino, Alex Marshall, Mona Good, Maggie and Ernie Sahakian

Meeting called to order at 6:05 p.m. and quorum met.

Guest Comments: Calvin Wade, homeowner and former Board Member, regarding low-income apartments, states there was a similar event in the past to develop low-income housing. Austin's Colony's Board worked with City at that time to prevent it from happening. Proposed location is on Sam Rayburn Road, nearest side of restaurants, one set of apartments for seniors and one for regular. He is opposed to the apartment complexes due to increased traffic and unknown family members who might take advantage. He suggests to write a letter to the proper people, encourages to discuss and vote no. Anthony Pinot stated he was also against the development due to possible higher rate of crime. Patti Wade states the homeowner's association in the past has opposed, told by Chief of Police in the past the crime rate will rise. Brittany Vasquez stated she just moved from a low-income area where she almost involved in drive-by shooting, so she is also opposed to the development.

Board meeting minutes from August 23, 2023 were accepted; November 7, 2023, with following changes: It should state "proposed budget changes" instead of "recap of expenses." Mr. Kistner moved and Ms. Galland seconded.

Treasurer's Report: Under budget by \$5248, dues up almost \$15,000. Dues will be coming in soon.

Committee Reports:

Lawn & Maintenance Report: Lawn agreement ends March 31. There will be an Increase of \$141 more a month due to new homes being added, to \$4637.91 per month from \$320 or \$55,655 per year from \$51,888. Rules say three bids are needed if contract over \$50,000, which has been done and are in management's file. Motion was made to increase budget from \$54- to \$55,655. Mr. Kistner moved to accept and Ms. Galland seconded.

Christmas: Another contractor was contacted, BCS Holiday Lights, because the last company had incorrectly wrapped lights around tree trunks to where, when the wind blows, it rips lights. New materials needed include garland and lights. For a one-time fee of \$629, BCS Holiday Lights will supply these and also will store them. Cost will be \$1,044.89 for installation and current materials and then goes down in price since materials will be reused, to be removed the week after New Year's. Social committee fund is \$3,000. Board approves contract with BCS Holiday Lights

Architectural Control Committee Report: No members are available to give report; but there have been requests and approvals, per management company.

Homeowner Alex Marshall asks for fence replacement guidance. VP Kistner says to consult CC&Rs. Management company requests him email so they can help further.

Social committee: Patty Handley is not able to be present but is wanting to pick date for garage sale. Management company says many HOAs use the first Saturday in May. Ms. Galland suggests first or second Saturday in May. Mr. Worley says A&M graduation starts on 8th.

Flag Maintenance Committee: Now have new logo to get custom Austin's Colony flags. The 4' x 6' can be purchased on Amazon for \$17, single-sided. Mr. Worley plans on getting at least four. Usually funded through Miscellaneous, which now has \$1500 in fund. Only one Texas flag is left. They can be purchased on Amazon, made in USA, 4'x 6', for \$35.99. Motion is made by Ms. Galland to allocate \$400 for four American, four Texas flags, and four custom Austin's Colony flags, seconded by Ms. Ramsdale.

Management Report:

- 1) Violations: Per the management company, for violations for weeds/mowing/edging, the inspector is being lenient because of poor weather. There are random trailers. President asks that for instances of gates left open and fences in disrepair the management company to tell inspector to notate each time. Some graffiti is still on fence. At Bullinger and end of Wrangler, Ms. Galland mentions trailers, motor home, and 18-wheelers are parking on the street. Dawn Katz with City of Bryan Code Enforcement should be contacted.
- 2) Communications from homeowners mostly are questions about ARC and flags.
- 3) They are working with Grant Carrabba to get deeds transferred to us. He should pay legal fees for deeds.
- 4) Dues: New houses have been added for dues. For houses that are overdue two-plus years, the Board asks management to put liens on the house. Currently, the management company sends an invoice, past due notice, and 30-day demand (209 Letter).
- 5) Board cannot help with floodlight problem. Back neighbor has now put his own up. Now other neighbors are complaining about the new floodlights. Possible solutions of turning off the floodlights when going to bed or blackout shades discussed. The Board is sensitive to the problem, but there is not much more we can do.

Old Business: Mr. Kistner stated there was one volunteer for the Committee for Collection Policy & Fine Schedule who was unable to appear for the meeting. With information from the lawyer and through investigation, they came up with a proposed bylaw. The new bylaw would allow a fine schedule; however, if they don't pay the fines, the HOA cannot use the 209 Letter but will have to go to court to get a civil judgment. The Texas Property Code and USC 10 were reviewed and other organizations with fine schedules to come up with a proposed bylaw change. It would add another article to the bylaws, Article VI, for a fine structure, and move VI to VII.

Types of violations are outlined in Section 209.006 of the Texas Property Code as curable and incurable violations and violations that are considered a threat to public health and safety. Fine schedule: 1) Curable, not a threat to public safety: Violation courtesy letter with no fine; second violation letter for same offense, 30 days to fix, if not fixed \$100 fine; third violation letter, get another 30 days to fix and if

not fixed \$200 fine; subsequent for same or substantially similar violation, 30 days to fix or additional \$200 dollar fine, cumulative. 2) Uncurable or threat to public health: Violation letter, no time to cure given, with a fine of \$500. Examples of uncurable violations include discharging fireworks, noise violation (not ongoing), holding of garage sale or other event prohibited by CR&Rs or bylaws.

The fine schedule should be an amendment to the bylaw so it can be changed if needed. President Skelton suggests to collect more feedback from the Board on the fine schedule at the next meeting, present to Legal for approval, and then present at the annual meeting in order to get further feedback from the homeowners. Per Management, the final fine schedule should be filed with the County and then mailed with a cover letter to all homeowners at least 30 days before starting the fining process.

New Business:

- 1) Low-income apartments: Estimated 190 new apartments. Board has previously talked about this and opposes. June is the deadline to file opposition letters. Ms. Galland would like to be able to give homeowners information on how and to whom homeowners should express any concerns. In the past, Ms. Wade said the HOA wrote letters to Housing and copied to the City of Bryan to let them know the HOA was against the previous proposed apartment complex. Mary Estrada is the contact with the City who notified the HOA of the proposed development. President said it is better to fight zoning with Bryan City Council than with the granting agency. Plan: Notify and encourage residents to send letters to councilmen and mayor.
- 2) Deeding of Phases: Working with developer Grant Carrabba.

Open Discussion: The homeowners against whom a complaint of overly bright floodlights was made stated the homeowner who filed the complaint has now installed their own, even brighter floodlights facing their backyard even though they had tried changing bulbs and fixtures to appease them. They are asking the Board to do something. The Board says unfortunately it is a neighbor-to-neighbor issue and it is limited to sending a courtesy letter.

Next meeting:

The public meeting was adjourned at 7:47 p.m., after which a short closed-session executive meeting was held.

Respectfully submitted,

Laura (Bailey) Ramsdale, Secretary