The meeting was called to order at 7:14 pm. There was no quorum declared due to missing too many board members. Board members present were Alice Hartzler and Penny LaMastre. No minutes were approved due to no quorum.

Welcoming committee report:

Margaret was having issues with all of the computers in her house so she was only able to access the emails immediately prior to the meeting. When the emails were accessed, she realized that there were 4 homeowners that had not yet received welcome packets. She said that they would be sent out that week or early the following week. Matt asked if one of the homeowners lived on Cherry Ridge and said that there was a new construction being built on that road. Matt had not received any plans for this new construction and was asking how to contact the homeowners to rectify this situation. Margaret said that Heather Vela receives the listing for new homeowners from the realtors. Margaret directed Matt to reach out to Heather for further information on that subject. Penny asked if the homeowner of the new construction on Eagle Creek Ranch Blvd had received their packet. Margaret said that she had no documentation for that homeowner. It was determined that the house appears to still be under construction.

Treasurer’s Report:

Treasurer’s Report was tabled due to Heather Vela being absent.

Park’s Report:

Alice said that she has been to the parks and is aware of the issues as it relates to the ponds drying up. She met with Caprice’s son to get an estimate to upgrade the systems that supply water to the ponds. Alice and Caprice’s son walked all of the parks and he is working on an estimate for all upgrades to the systems. The upgrades would increase water flow to the ponds since the current water flow does not support a capacity that will replenish the ponds in a sustainable way. Caprice’s son stated that the valve system is antiquated and needs to be upgraded. The possibility of moving to a float system had been discussed. Caprice’s son is working on an estimate for the upgrades to move to a more sustainable and maintenance free system. Andrew Spangler asked questions regarding the water flow issue. He asked if the stream that had been present that was filled in by another homeowner was evaluated as part of the resolution plan for the ponds. His concern for the resolution moving forward is that the reconfiguration of the stream bed will cause the water to evaporate before reaching the necessary pond which will inhibit the ability to replenish one of the ponds. He elaborated that if the construction of the fence that reconfigured the stream bed was not addressed that the overall plan for resolving the water flow issue would be a mute point. Alice stated that the resolution of the pond issue was a multifaceted issue and the first plan of action is to address the water flow issue by upgrading the system to a more sustainable system. The fence line issue is being reviewed as well to determine what course of action can be taken to resolve the reconfiguration of the stream bed. Documentation will need to be sourced from the County to determine if the stream that was present would qualify as a waterway and be subject to the restrictions dictated for a waterway. Andrew states that he has been told for three and a half years that they are looking into the fence issue and nothing has been done about it. He stated that his property value has been decimated by the damage that has been done to the pond. Penny asked if it is not a natural waterway could the homeowners who have been affected by the stream change offer a portion of their property to divert the water back to the pond. Andrew discussed the expense of creating a new waterway as well as the legality of documenting that on each of the properties. Andrew was also concerned that this would give the other homeowner cause for legal action if it interfered with the fence that was constructed. Andrew discussed the actions that had been taken by the homeowner when building the fence that included filling in the stream bed to make it much more shallow and then adding the posts to the fence in the middle of the stream bed. Chris Mannifield stated that if the stream were a natural waterway that the homeowners would have water rights attached to their properties. Andrew stated that the Platt maps were public record and could the HOA request copies of the maps to determine if the stream was a natural waterway. Alice stated that Caprice had done some research regarding the Platt maps and determined that we would have to go back to the original platt maps to determine if the stream was a natural waterway and could be enforced as such. Andrew stated that since the fence was in violation of the deed restrictions, it shouldn’t matter whether the stream was a waterway or not. Alice asked in what way the fence was in violation of the deed restrictions. Andrew says the deed restrictions say that you cannot alter a natural waterway and Alice said but it has to be proven that it is a natural waterway. Andrew stated that the fence construction plans were never submitted to the ACC for approval and that should be cause enough to force the homeowner to fix the stream bed. Alice stated that her understanding is that the fence was approved by the ACC and the homeowner deviated from the plans submitted. Andrew stated that he did not believe that was accurate and that is why he was frustrated with the previous board and ACC. Matt asks about adding a new pipe and digging a new trench to fill the pond. Andrew states that this option may alleviate the waterflow issue but he still mourns the loss of this beautiful creek that used to flow through his property. Andrew states that his frustration is the fact that this homeowner did the wrong thing and he has been dealing with it for a long time. Andrew states that is the end of his impassioned plea for assistance. Alice says I believe I was told that there is a cracked pipe that needs fixing on his property. Andrew states that the broken pipe is on Paul Turner’s property and it is what Matt keeps referring to as the supplementary pond. Andrew states that the broken pipe is inconsequential due to the fact that the water fills up a 10 ft supplementary pond and then flows through the other side of the pipe. He said that it fills up the pond in an hour and then flows through the other side of the pipe without impacting the flow of water. Alice states that if the other homeowner is to be held accountable for corrections to the property that she has to hold people accountable across the board. So if there is a pipe that needs to be fixed, this is an issue that needs to be addressed. Alice stated that the board is trying to expedite a resolution to the waterflow and pond issues.

ACC Report:

Matt starts the ACC report by saying that there are 4 or 5 people with serious violations. One of them is 526 Cherry Ridge with all of the cars. The house on Wild Flower is another of the violations. Matt states that he is sending out the letters and that 99% of the homeowners are coming into compliance. The question is asked if Harvey who owns the Storage Facility has applied for a resale certificate. Alice stated that they would have to check with Heather Vela. It was explained that usually that is provided as part of the package when the business sells. Penny asks if Mr. Clark will bring the property into compliance before the sale or if we can enforce the changes once a new owner takes control of the property. Alice states that we are just enforcing the deed restrictions and that any owner will need to be in compliance with the deed restrictions regardless of whether the sale is financed or cash. Andrew states that since we are discussing the violations of the ACC, he would like the fence issue to be included in the official ACC Report as a violation every month moving forward until it it brought into compliance. He states that because this issue has been dragged out so long that the land does not look anything like what is used to and he is concerned that it has looked that way for so long now that it is unlikely that it will be fixed. For this reason, he wants to ensure that it is documented as an official ACC violation.

Old Business:

Still getting quotes on tree trimming for the parks

Getting quotes on system upgrade for the ponds

New Business:

We are currently getting quotes on a Management Company for the ACC. Due to the fact that the ACC has to manage 641 properties with a volunteer board, it is a necessity that we start exploring the option of utilizing a management company, The ACC board is supposed to consist of 3 members and there are currently only 2. Also due to the demand of the community in enforcing the deed restrictions, it is in the best interest of the community to explore using a management company. We are currently accepting bids for what responsibilities that could be offered and how much that will cost. Matt expressed concern that this may impact his position as the inspector. Alice stated that the goal is to utilize the management company for more administrative tasks such as mailing violation letters and dealing with lawyers when necessary.

Alice asks if anyone has questions. Penny asks if someone is in violation, is there a fine for the violation. Alice states that she does know that in the past liens have been placed on the homes but was told that it was very expensive to do that. Alice states that with the current dues of $60 a year it would be hard to enforce that and that it depends on the infraction as to the level of recourse necessary. Andrew asks about if that will a raise in dues for the homeowners. Alice answered that if the board moves forward with a management company that it would definitely be a discussion since there is no way that $60 a year per home will cover the costs of a management company.

Since there was no quorum. No vote was taken to adjorn.

The meeting is adjorned by Alice Hartzler.