

FLYING L RANCH PROPERTY OWNERS' ASSOCIATION
BOARD OF DIRECTORS MEETING
July 7, 2021
MINUTES

(The following is a summary of the business conducted at the meeting.)

- PRESENT** Woody Baker, Zach Galm, Mark Gill, Bob Haueter, Glen Mc Comb, Diane Segura, and John Simmons
- ALSO PRESENT** Rick & Nancy Rowton, Jay Call, Mary & Norm Cummings, Brent & Sharon Buchanan, Jeff & Ellen Biggs, Royce Kerbow, Leslie Rector, Mary & William Arnett, June Baker, Penny Bateman, Doug & Cindy Stevens, Bitsy & Bob Neuser, Susan Andreson, Marilyn Dawson, Salley Reyes, Kirk Wolff, Lynn Haueter, Liz Lawlis (Zoom), Casey Fabela (Zoom), Garry Schneider (Zoom), Sandy Bredlau (Zoom), and Kathy Antwine, Recording Secretary
- CALL TO ORDER** The meeting was called to order at 6:57 p.m. There being a quorum present, the meeting proceeded.
- INVOCATION** The invocation was given by Woody Baker.
- PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was led by Mark Gill.
- APPROVAL OF MINUTES** A motion was made by Glen McComb and seconded by Woody Baker to approve the minutes of the March 9, 2021 board meeting. The motion passed unanimously.
- TREASURER'S REPORT** Liz Lawlis presented the Treasurer's Report to the Board. The report included: the Balance Sheet (Cash & Accrual Basis) as of June 30, 2021; the Profit & Loss Actual vs. Budget, January through June 30, 2021; and the Unpaid Bills Detail Report as of July 7, 2021. The POA has \$124,846.96 in the Checking Account at Wells Fargo Bank; \$30,301.97 in the CD at Texas Hill Country Bank; and \$56,477.25 in the Reserve Account at Texas Hill Country Bank. The Association has collected \$106,425.00 in 2021 dues. The POA has Accounts Receivable in the amount of \$39,939.48. As of June 30, 2021, the POA has a Total Income of \$120,033.98; Total Expenses of \$97,033.70 for a Net Income of \$23,000.28. A motion was made by John Simmons and seconded by Glen McComb to accept the Treasurer's Report and approve the payment of bills. The motion carried unanimously.
- PUBLIC FORUM** 1) Jay Call addressed the board about a variety of concerns. She requested the POA advise homeowners to cover up the septic test sites for new homes, since it is a safety issue. She asked if the board was checking on the trees that are being removed for new home construction and ensuring that new trees are planted to replace them. She also expressed concerns about speeding in the subdivision, children under 16 years of age driving golf carts, and driving Polaris motorized vehicles in the subdivision.

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2) Leslie Rector said the low water crossing on Valley Oak Drive at Spring Valley Circle has become overgrown with weeds and needs to be dredged out to allow the water to flow over the road. She said the Resort's gate on Airport Drive is located on POA property and asked that it be moved. She said the agenda for the Executive Session should specify the items that will actually be discussed, not just a list of things that might be discussed.

3) Steve Childers, the PUD Administrator, informed the board and property owners about the improvements to the water and sewer system. He said the PUD has an abundant water supply and the water is excellent. The storage tanks have been vacuumed out and 15-20 lines are flushed out each month. It will take several months to clear out all the lines, but the water is no longer cloudy. The Polyphosphate Regulator, which removes the rust in the water, has been replaced, as well as the Chlorine Regulator. They have also put in auto dialers that call a person when a problem is detected so it can be repaired before a major problem develops. High-Definition cameras have been installed at the dumpsters. He thanked the community for breaking down boxes to provide more space and prevent the problem of the overflowing trash.

COMMITTEE REPORTS

STANDING COMMITTEES:

Architectural Control: Zach Galm said we have received applications for three new homes in the past month, two of which will be discussed later in the meeting.

Nominating: John Simmons thanked all property owners who were in attendance at the meeting. He invited everyone to volunteer to serve on the board. There is a need for new people, new ideas and more participation from the community. Property owners will receive a notice in October inviting everyone to submit their application to run for a board position next year.

By-Laws & Covenants: None

Roads: Woody Baker reported that Glen Valley Circle has been paved and the contractor did a good job. The pothole repair will be done when the weather clears up.

Mowing & Trees: Due to the recent rains, Rusty has not been able to mow the last few days. At the present time, the large tractor is being repaired, and Rusty has been using the riding lawn mower. At the last meeting, a request was made to investigate the expense to contract with a mowing company, rather than paying Rusty mow. A review of the mowing expenses over the last three years, including tractor supplies, insurance and Rusty's salary, totaled \$15,000 and the POA collected \$19,000 from property owners who paid to have their lots mowed. Three commercial landscaping contractors were contacted, but none of them

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Social Activities: Sally Reyes provided information on the Community Yard Sale that was held in June. She said forty-seven (47) property owners participated and the turnout was good. She thanked Penny, Kathy and Liz for helping out. Information will be provided later for future social events.

Finance Committee: No report

Crime Watch: The Sheriff's Department is very shorthanded now and has requested the POA postpone the meeting to establish a Crime Watch in the Flying L POA. It was recommended that neighbors on each block get together and set up a system to watch out for each other and report any concerns they see.

OLD BUSINESS

Community Park: At the last board meeting, Penny Bateman presented a plan to develop a community park in the common area on Spring Creek Circle. She contacted the property owners who live on that street. Most of the comments were positive, but there were some concerns about the trash and how the POA would police the area. They were assured there was a plan to take care of their concerns. Property owners have volunteered to purchase picnic tables for the park, and electricity and water will be provided, as well as a Bar-B-Q pit. There will not be any restrooms added.

NEW BUSINESS

Megan Lamb: Ms. Lamb said she is a Real Estate Agent and owns Lot 4 in Section 5A. She said she has been in real estate for sixteen years and has been involved in HOA management for about eight years. She is representing a client who owns Lots 24N & 24S in Section 17. Both of the lots are .121 acres in size. With the current construction requirement of a minimum of 2,000 sq. ft., the lots are unbuildable. The owner is asking if the board plans to approve a variance for smaller homes to be built and/or consideration of consolidating the two lots so she would pay one lot fee, rather than two.

Ms. Lamb referred to the 2013 Restrictive Covenants in Article XV, Section 2, under General Provisions, which says "any amendment to the Covenants requires a quorum for the meeting to consist of not less than seventy percent of the members (in person or by proxy) entitled to vote." Since there are approximately 700 lots in the POA, a quorum would be 490 voters. In the minutes of the 2018 Annual Meeting where the revised documents were to be put in place, the amendments to the By-Laws passed by 67% of the property owners who voted and the amendments to the Covenants passed by 51%. According to the number of votes for the board members elected, the total was not close to 490 to meet the quorum requirements. She asked the board to investigate her concern because it appears the 2013 documents were not properly amended since the quorum was not established. If her research is correct, that would eliminate some of the changes that have been made since then, specifically requiring a 2000 sq. ft. home, since the subdivision was developed for 1600 sq. ft. homes.

Ms. Lamb said she was also representing the owner of Lot 5 that is located on Flying L Drive at the entrance to the property. She said the owner of the lot feels they do not have access to the property, even though they are expected to pay

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dues and maintain the lot. According to the Commissioners Court, there has never been a replat of the Flying L subdivision. She said the developer who filed the plat in 1970 would not have sold a lot that the owner would not be able to access.

Ms. Lamb said there is a misconception that POAs/HOAs are governed by the Texas Open Meetings Act and Texas Open Records Act, which are for municipalities. The POA/HOAs are governed by the Texas Property Code. State Law says “all dedicatory instruments must be available on the website,” but only the current instruments are on the POA website at this time. She advised the POA contact the attorney for clarification.

The owner of Lots 24S & 24N in Section 17 has a complaint that someone cut her fence, cleared a portion of her lot, and has been using her lot to drive from their house to access Wharton’s Dock Road. Another neighbor had two trailers parked at their property for at least two months. She said she personally called the owners and asked them to move the trailers. She asked if the board was consistently enforcing violations, since the trailers were there for two months.

She asked the board to respond to her concerns about whether the governing documents were correctly amended. Also, she said the 87th Texas Legislative session has just ended and there are several changes that will affect the POA. She recommended the POA investigate the changes, specifically Senate Bill 1588. The changes will go into effect on September 1, 2021.

ACC Application for Home on Wood View Circle: The ACC application for the home on Wood View Circle is pending County approval of the septic design, which is required by the PUD to provide water to the home. The builder said the changes have been made to the property and the information has been submitted to the County requesting approval of the septic plan. When the County approves the plan, the POA will address the request for a four-foot variance that encroaches the thirty-foot setback at the front of the property, if needed.

Ten-foot Utility Easement on Lot 29 in Section 1: The owner of Lot 29 in Section 1 has provided a copy of a Settlement Agreement executed on March 23, 1998 in the 216th Judicial District Court. The Court granted the easement for the carport that was built within the ten-foot utility setback on Lot 29.

Discussion on Potholes: The attorney for the POA has reviewed the 1997 Agreement and the 2010 Mediation Settlement Agreement and advised the Board that the Resort owns Flying L Drive from Wharton’s Dock Road to Brown Saddle. The 1997 Agreement also required the POA and the Resort to meet annually and agree to share the maintenance of Flying L Drive. The roads contractor evaluated the roads and provided a bid of \$65,000 to repair the POA potholes and pave Flying L Drive with a 2” asphalt overlay from the tennis courts to the end of the driving range. Funds will be used in the Reserve Account to pay for the POA portion of the road work.

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Privacy Fence Issue at 352 Glen Valley Circle: An ACC Application was filed to install a pool and build a privacy fence around the pool at 352 Glen Valley Circle. All the ACC members but one, approved the application and stand by their approval. All parties acted in good faith and the project was completed in the one-year time frame. Mrs. Dawson questioned the validity of the form and the fact that the time had elapsed. She said the ACC cannot approve an application that is not in compliance with the Covenants. Mr. Haueter said the property owner requested a delay to start the project since it was close to winter, and he didn't want to begin excavation for the pool at that time. However, he did some preliminary work within the actual 90-day start period, and the project was completed in the one-year time frame.

Barndominium: Zach Galm said a Barndominium is a metal structure that is used for storage of large boats, trailers, etc., and also includes living space for the owner. Based upon the POA Covenants, metal buildings are not allowed. If an owner wants to build a Barndominium, the plan for construction should be submitted to the ACC committee to determine if it meets the Covenants requirements.

**ADJOURN TO
EXECUTIVE
SESSION**

The board adjourned the regular meeting to go into Executive Session to discuss Legal Matters regarding the roads, and Enforcement Actions.

**RE-ADJOURN
REGULAR
MEETING**

The regular session of the board resumed and the following actions were taken:

- 1) A motion was made by John Simmons and seconded by Woody Baker to make an agreement with the Flying L Resort to share the \$65,000 expense to repair Flying L Drive and assign unused funds for the expenditure. The motion carried.
- 2) A motion was made by Woody Baker and seconded by Zach Galm to grant a variance for the privacy fence at 352 Glen Valley Circle. The vote was two ayes and two nays. Glen McComb abstained from voting. The chairman voted aye and the motion carried.

ADJOURNMENT

A motion was made by Woody Baker and seconded by Diane Segura to adjourn the meeting at 10:15 p.m. The motion passed.

Respectfully Submitted:

Kathy Antwine

Kathy Antwine, Recording Secretary