

THUNDERBIRD POINT OWNER'S ASSOCIATION
BOARD OF DIRECTORS MEETING
APRIL 15, 2023

CALL TO ORDER

Meeting called to Order by Marshall at 9:04am. A quorum was present.

ATTENDEES

- President – Marshall Jackson
- Vice President – Scott Monaghan
- Secretary – Debbie Thornton
- Treasure – Denise Powell
- Board Member – John Thornton
- Board Member – Sue Wells
- Board Member – Kelly Corry
- Board Member – Adam Hearnberger
- Board Member – Damon Jewell (elected interim – see new business)
- Architectural Committee – Jean Stenfors
- Fire Department – Darrell Corry

ABSENT

- Events Committee – Tammy Sellers
- Maintenance – Darrell Sellers

VISITOR

- None

MARCH 2023 MEETING MINUTES

March 2023 Minutes were approved. It was moved to accept minutes by Sue and seconded by Kelly. Minutes will be posted on the Thunderbird Point website.

FIRE DEPARTMENT

Report given by Darrell Corry

- No calls this month.
- One truck inspected and approved
- Hot Link Festival, April 23, 2023.
- Front door code has been changed, due to vandalism and theft.
- Behind the counter has been cleaned.

EVENTS COMMITTEE

- Easter Egg Hunt went very well. Thank you to all who donated eggs, candy, and other items to be given to kids.

POOL AND GROUND MAINTENANCE REPORT

- Marshall spoke to Darrel Sellers as he does not want to work the pool anymore due to his Kemp, Texas employment responsibilities. He offered to continue mowing. He doesn't want to deal with the public. He would like the upkeep of the pool given to someone else.
- John reviewed the email he sent on Wednesday March 22, 2023, detailing the problems found with the Pool, Pool House, and equipment room.
- John then reviewed his Update 1 dated 15 APR 2023 and discussed pool and maintenance contract issues that have not been updated since 2018.
- After a very lengthy briefing and much group discussion about the pool situation and maintenance contract failures, all Officers and BOD unanimously voted to have John get Grigsby Pools on contract and research obtaining a new maintenance contract with a professional landscaping company or an individual.

See Attached Email dated Wednesday, March 22, 2023

See Attached Pool House and Pool House Issues Update 1 – 15 Apr 2023

TREASURER REPORT

Report given by Denise Powell.

- Money Market: \$39,196.66
- Commercial Interest Checking: \$1,318.52
- Capital Improvements: \$4,973.05
- Petty Cash: \$90.40
- Events Committee: \$751.36
- Land Loans: \$38,956.27

Budget meeting will be included in our June BOD meeting, it was agreed upon to also discuss an increase of pay for the Treasurer. She is working Section 2 and her work will be increased tremendously. During her work, she has collected a large sum of delinquent assessments. Great job Denise!

Annual Letter Draft will be brought to next meeting for approval.

See attached TPOA Assessments Summary of Section I

DEED RESTRICTIONS / ARCHITECTUAL COMMITTEE

Report given by Jean Stenfors.

Written report of details available on request.

- Received phone call requesting a tiny house. It does not meet the minimum requirements of 720 sq ft inside. Suggested it must comply.

ENVIRONMENTAL / PUBLIC NUISANCE REPORT

Report received by email from Jean Stenfors.

See attached TPOA Architectural Control Committee

PROPERTY COMMITTEE

Report given by Damon Jewell

See attached TPOA Real Estate Committee

- First meeting will be today. Final recommendations from committee will be presented to TPOA Board for acceptance.

OLD BUSINESS

- Purchase of pool signage will continue to be worked, approximately \$1,200.00 estimate. We will wait till pool decisions are made. This will be discussed again next meeting.
- By-Laws proposed Draft reviewed. More discussion and drafts to follow.
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NEW BUSINESS

- Nominating Committee will consist of Vicki Pollard and two other chosen residents. Marshall and Scott will need to be replaced. It was suggested the President should be a full timer. Marshall would like to remain as a board member. Those positions needed to be filled: President/Vice President/BOD (David). Motion for Damon Jewell to fill David's slot in interim until Elected at Annual Meeting was from Scott, all were in favor.

ADJOURNMENT

Sue moved that the meeting be adjourned and was agreed upon by Scott at 12:04pm. Next Board Meeting will be May15th at 9:00am.

Wednesday March 22, 2023

TPOA Officers, BOD, and concerned members,

Adam and I surveyed the pool house for adding security cameras last Saturday. Initially we thought it was doable but, once I got started adding an electrical outlet and built a shelf, I realized this is a real bad idea. Due to the caustic fumes from chlorine and shock from 5-gallon buckets and the pump / filter system itself, I could not stand to be in the room without both doors open and found VERY corroded electrical components in the breaker panel and plugs! The plug I tried to connect to literally fell apart in my hand due to corrosion and rust. The breaker panel is defiantly NOT wired to electrical code, does NOT have a main shutoff capability, and every connection is very corroded and rusted! The hot water heater is corroded. This is an electrical fire waiting to happen. It would be a complete waste of an \$800 security camera system to place it in this environment.

The pool house is in desperate need of immediate repair for the following items:

1. East door frame of equipment room is totally rotted out on both sides and is easily opened even while locked. The west door is not as bad but should also be replaced. BOTH of these doors were installed completely wrong and should open outward not inward for security reasons and access to the equipment. Both doors should be replaced with steel outward swinging doors that can not be kicked in. Approximate cost would be \$250 per door, plus hardie board trim, materials, etc. expenses. Guestimate \$750-800 just for both doors to be removed and replaced correctly.
2. Electrical panel, with main shutoff breaker and breakers need replacement ASAP. Guestimate \$500-700+.
3. The access card reader is a mess and is easily defeated by simply reaching over the fence and turning the knob, ask me how I know.
4. The timer for the men's side needs replacing but has a wiring problem preventing easy replacement.
5. The men's skylight is busted with a 3" hole in the plexiglass. When it rains, it pours inside. Needs replacement ASAP.
6. The men's urinal plumbing needs replacement.
7. The men's sink drain leaks all over the floor and requires replacement.
8. The intermediate electrical pole which brings power to the building is broken and leaning into a tree, which tripped the fuse at the transformer. Upshur Rule replaced the fuse yesterday but has not replaced the pole as of today.

Pool House and Pool Issues Update 1 – 15 APR 2023

Reference my 22 MAR 2023 Email

- Electrical issues corrected & resolved by Daniel Bourns PowerTrain Electric
 - o “Worst electrical panel / situation / fire hazard” of his professional career!
 - o New Breaker Panel installed in breezeway with padlock and sealed up to avoid caustic environment
 - o All breakers replaced, Main Shutoff installed, GFI outlet for future pool cleaner
 - o Outside ground wire installed into conduit, bathroom timer switches installed
 - o Men’s room lighting was bad ballast - not the timer
 - o 125 amp Main breaker outside installed vice 100 amp
 - o Daniel donated ALL equipment and only charged \$730 labor!
 - o Upshur rule replaced 2 power poles that feed pool house
- JT replaced the following items so far:
 - o Both skylights with double layer, hail resistant, better heat resistant white- \$353
 - o Urinal plumbing fixture replaced - \$111
 - o 4’ LED lighting both men / women restrooms
 - o Soffit vents installed for equipment room air flow and heat
 - May need exhaust fan in future - TBD
 - o Men’s sink drain installed – P Trap leaks and needs replacement
- Grigsby Pools visit
 - o They CAN help our situation but must inspect pool plaster / gunite after pool drain on 20-21st before a thorough analysis can be made!
 - o Pool typical of 25 year old technology but has MAJOR FLAWS IN CONSTRUCTION
 - No main drains in the bottom and 1.5” pipe for skimmers vice 2” pipe
 - No pool cleaner produced that utilizes the skimmer system will work properly due to poor flow
 - This makes cleaning and maintaining proper chemical balance very difficult if not impossible and adds \$\$\$
 - o Robotic pool cleaner is MANDATORY – electric, programable for walls, floor, both
 - Current cleaner non-functioning and inappropriate for job
 - o Pool cover MANDATORY for fall / winter months – 30’ x 50’ required
 - Delay purchase till just before fall after assessment \$\$\$ received
 - o Chlorine Tower replacement MANDATORY – has been broken for years, dropping tabs in skimmer is dangerous for kids and burns up pump seals
 - o Pool SHOULD be running all year long vice only 4 months of the year
 - MUCH better on equipment and filtration system and water quality
 - Using pool only 4 months and 8 months sitting stagnate is VERY costly on equipment, causes more labor, and significant more expense
 - Current pump has slow speed mode for energy savings / winter to prevent freezing
 - Community should be using pool 7-8 months per year vice only 4
 - o Monthly pool service after initial issues resolved approximately \$300-400
 - o If plaster / gunite needs replacement due to neglect \$17,000 \$23,000!!!!
 - o Current decking repair condition “disaster” , will be very hard and expensive to correct the damage – TBD
 - o Chlorine and shock MUST NOT be stored in equipment room! Outside, well ventilated area away from public
 - o Professional pool service is cheaper and better value for community
- TO DO ITEMS before opening day
 - o Both doors for equipment room MUST be replaced with outswing steel doors

- Combo locks, Hardie trim, materials, doors, etc. estimate \$750-800
- Clean equipment room
- Clean bath house
- Amenities – hand soap, paper towel holders, trash cans, air freshener, mirrors, etc.
- SIGNAGE status??
- Storage Building should be added on east side to hold all furniture, brushes, poles, life rings, cover, etc.
 - Electrical power for lighting and security camera system easily installed
 - Approximately 10' x 10'
 - Currently all of these items sit outside in the elements and is a eye sore

Current Pool & Pool Park Maintenance Agreement

- EXPIRED since 2018
- ***Epic failure of BOD & Officers to not keep this current on many levels***
- Darrell Sellers (DS) also should have brought this up in writing to the BOD
- Numerous items in the contract have not been complied with. How can the BOD & Officers expect things to be accomplished without a contract in the first place?
- Combination of the Pool contract and Mowing Maintenance contract would require someone to work 8 hours a day every day to comply with ALL items listed
- DS does NOT want to continue pool duties
- Professional Pool service such as Grigsby Pools is our best option for maintaining the pool, equipment, and water quality
- DS NEEDS a NEW Maintenance Contract that is brought up to date and includes minor pool house cleaning type duties if we can negotiate an agreement, otherwise we need another plan of action

JT

TPOA Assessments Summary

April 15, 2023

Ground Rules and Assumptions

- Section I only to start – Residential Owners
- Data from Treasury Master File overlay with Camp Cad
- Merging Deadbeats or Write-offs in to one file to manage
- Following the established process; 30-day letter, 10-day letter, file suit/lien
- Section II – Camping Section will be addressed as soon as caught up on Section I Actions

Actions Completed

- {2} 30-day letters mailed
- (7)10-day letters mailed
- 1 Suits filed for liens
- 9 Suits prepared and ready to file for liens
- \$13,046.48 in late assessments received **\$2886.97 collected the last 30 days**
- Camp County Suit Packet electronically setup for filing suit/liens
- All current owners in Section I downloaded from Camp Cad and reconciling
- Purchased subscription with “Been Verified” with immediate success

Summary Data – Section I only

- 496 individual properties identified in database
- 257 individual owners identified in database (reconciliation complete)
- 55 individual properties delinquent on 2022 assessments or more (21%)
- \$46,608 delinquent including past years and special assessments

Actions for Next 30 Days

- Mail out next wave of 10-day letters
- File 3 more Section I liens
- 7 more ready to file suit if affordable

TPOA Architectural Control Committee Board Meeting Summary April 15, 2023

ACC Applications

New ACC Approved Applications

- Clark – New storage building

Approved Applications – Construction in Process

- Work in process due to builder and supply delays
 - Pierce – Work in Process
 - Peters – New build home
 - Langley – New mobile home installation
 - Gallegos – A-Frame remodel

- Dyson – New metal house and metal garage



Approved Applications – Completed

- None

CCR Violations

New 30 Day Letters on CCR Violations

- Section I –
 - a. Booth – garage maintenance



b.

c. Edwards – home maintenance and building maintenance



d.



e. Hernandez – Dumping cleanup

f. Luquin – Treehouse falling



g.

h. Davmat Holdings – Maintenance and dumping



i.

- Section II – **New List in Process**

New 10 Day Letters (CERTIFIED) on CCR Violations

- Section I Brundrett – home maintenance



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- Renewicki - game room mobile home (owner recently deceased)



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- Section II - None

Successfully Closed Violations from Letters

- Drake
 - Kittlewell
 - Janway
-
- Lane - Travel trailer rubbish (section II)



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- Gilmore



- Stark – inoperative vehicle in front yard



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Public Nuisance Complaints Filed - Not Yet Heard

- Section I – (example photos upon request)
 - Aumaugaher filed on 1-31 – mobile home maintenance
 - Kirkpatrick filed on 3-3 – rubbish, in-op vehicles
 - Dyke – owner deceased, property in probate - rubbish
 - Goodson – A-Frame septic system
 - Mathews/Biddle (NEW) – open septic, rubbish, in-op vehicle, etc.

- Section II – (example photos upon request)
 - Pahlman filed 3-3 – shanty town

Open Public Nuisance Complaints Heard In Court- Not Yet Resolved

- Clark – heard in court Mar 7 with ruling that TPOA confirms completion
- Wells - heard in court Mar 7 with ruling that TPOA confirms completion

Successfully Closed Public Nuisance Complaints After Court

- Swan – mobile home removal
- Goth – rubbish cleanup
- McKee – hoarder cleanup

Thunderbird Point Owners Association

Real Estate Committee

Groundrules and Assumptions

1. The TPOA has taken a more active role in the collection of past due assessments over the last year including the following processes:
 - a. 30 day to resolve letter
 - b. 10 day to resolve letter (certified mail)
 - c. Civil suit filed with abstract judgement of property lien
2. The TPOA has taken a more active role in response to violations of the Covenants, Conditions, and Restrictions (CCRs) including the following processes:
 - a. 30 day to resolve letter
 - b. 10 day to resolve letter (certified mail)
 - c. Public Nuisance Complaint of Texas Health and Safety Code filed in civil court with penalties up to \$200 per day and/or incarceration
3. Significant results are being realized with past due monies coming in and cleanup of properties.
4. Additional effects of enforcement have been property owners in the following circumstances:
 - a. Unable to locate with people search tools (possibly deceased)
 - b. Continued non-payment of past due assessments resulting in loss protection with liens
 - c. Expressed desire to mitigate monies owed with sale or transfer of property to the TPOA
 - d. Expressed desire to sell their property to investors or through real estate company
 - e. Many non-compliant property owners are either out of state, no longer use their property, or have no desire to participate in the community
5. The TPOA Board has sanctioned a “Real Estate Committee” to provide recommendations on how to respond to offers from non-compliant property owners in a consistent and legal manner.

Thunderbird Point Owners Association

Real Estate Committee

Post Legal Meeting Summary

1. Can an HOA directly purchase property from a current member/owner?
 - a. **Yes. Article V Section 5.6 of the TPOA Governing Documents and Texas Property Code clearly allows us to “acquire, hold, lease, auction to members, convey, or otherwise deal with such lots” without community vote if we don’t represent ourselves as a going concern in business to buy and sell property.**
 - b. **Confirmed by legal counsel with caution to use title company with any acquisition process to ensure clear title.**
 - c. **TPOA Real Estate Committee assigned to develop process with recommendations to Board of Directors.**

2. Can an HOA receive real property within the community as part of a negotiated settlement of past due assessments?
 - a. **See answer to question (1)**

3. Can an HOA increase Common Property for use by all members through number 1 or 2?
 - a. **Common property as defined in the Governing Documents cannot be increased without community vote, survey, and replat. Increasing Common property will assume additional maintenance cost and taxes to the community which requires 2/3 membership majority.**

4. Can an HOA resale any property acquired through number 1 or 2 to recoup losses resulting from past due assessments?
 - a. **Yes. See answer to question (1)**

5. Can an HOA provide investors with property and owner information if approved by the owner?
 - a. **Yes. Need process defined by Real Estate Committee**

6. If an HOA can acquire property through number 1 or 2, can they team with a real estate company for targeted resale marketing?
 - a. **Yes. Need process defined by Real Estate Committee**

7. Can an HOA change property use designated as “camping” to “residential”?
 - a. Texas Administrative Code references 15,000 sq ft minimum lot size for septic installation
 - b. **Changing the Section II Camping Restrictions would take a community vote, property survey, and replat. This would be a significant change affected by lot size for septic installation leaving most camping lot owners outside the change. A 2/3 vote of owners in favor would be a challenge.**

8. Can an HOA force the sale of property with a lien through foreclosure?
 - a. **Yes. Our Governing Documents state “The lien for payment of assessments may be enforced by judicial foreclosure through a public sale”**
 - b. **Confirmed by legal counsel with more research on process needed**

Thunderbird Point Owners Association Real Estate Committee

Estimated Schedule

- April 5, 2023
 - Meet with lawyer – Mr. Kerry Wootten
 - John Thornton – TPOA Board Member and Executive Sponsor of Real Estate Committee
 - Damon Jewell – TPOA Board Consultant and Real Estate Committee Chairman
 - Review Groundrules and Assumptions
 - Pursue guidance to legal clarification requested
- April 6-20, 2023
 - Committee meetings and calls to review legal clarifications and develop recommendations to present to TPOA Board
- April 15, 2023

- Present status progress to TPOA Board for discussion
- Real Estate Committee meeting at 1:00pm
- May 20, 2023
 - Present final recommendations from Real Estate Committee to TPOA Board for acceptance

Thunderbird Point Owners Association
Real Estate Committee
Committee Members

- John Thornton – Executive Sponsor representing the TPOA Board
- Damon Jewell – TPOA Board Consultant assigned to lead committee
- Denise Powell
- Gary Meshberg
- Jean Stenfors
- Pam Goforth
- Bob McDonald
- Vicki Pollard

