

FIRESIDE ESTATES POA
2020 ANNUAL MEETING - Minutes
Thursday, June 4, 2020 - 7:00 pm @11221 Country Ridge Lane

The Annual Meeting of Fireside Estates POA was called to order by Paul Brown, President of the POA Committee, at 7:05pm at 11221 Country Ridge Lane on Thursday, June 4, 2020. There were 28 properties represented with approximately 40-45 in attendance. Proxies of 25 property owners were received prior to the meeting for a total of 53 properties represented at the meeting in person or by proxy to vote present.

The call of the meeting was in order and the property owners were notified in compliance to the Texas Property Code. (See Attachment 1)

Copies of the Agenda and Ballots were made available at the meeting.

Motion was made, seconded, to approve the minutes from our April 25, 2019 Annual POA Meeting. These minutes can be downloaded from our home page on our website: www.FiresideEstates.com

Motion Carried

Financials:

Paul Brown referred the property owners present to the 2019 Financials. After a few questions a motion was made and supported to receive the Financial Statement. (See Attachment 2)

Motion Carried

Update from POA Committee:

Paul Brown, President of the POA Committee presented the following information. Time was provided for questions during the summary below:

The POA Committee met during the year at called meetings and also conducted business via email. We approved building/fence requests, responded to property owner's concerns, and also made some decisions on behalf of our association. The first section listed below are presented as information from your POA Committee. The second section are motions or action items requiring a vote from the property owners.

I. Information:

A. Large Sign/Fireside Lane & Helms Trail

The POA Committee approved two payments of \$125 each (Spring & Fall) to April Campbell for her time and materials in taking care of the large sign at the end of Fireside Lane. Thank you April for maintaining the plants around our sign!

- B. **Resale Certificates:** Every year we have 10 +/- properties sold/purchased. When this happens the POA Committee sends a Resale Certificate to the Title Office when the property changes to a new owner. These Resale Certificates show the status of the POA Dues for the property, notes any violations, communicates the financial status of the POA, contains the Deed Restrictions, and also provides information related to the proper care of the aerobic septic systems. This resale certificate is part of your closing documents.
- C. **POA Committee/Building Committee:** Throughout the year we approve building and fence requests that are in keeping with the architectural design of our community as stated in our Deed Restrictions. Please remember that all our deed restrictions state:
No building or fence shall be erected, placed, or altered on any lot until the construction plans and specifications shall be approved by the Property Owners Committee as being conforming to the style and quality of the buildings or fences in the Addition, and in accordance with these covenants and restrictions. Failure of the Property Owners Committee to either approve or disapprove such application within thirty (30) days of its submission shall constitute approval. (D. 1)
- D. **POA Dues/Collections:** Your POA Committee mails invoices to property owners, pays bills, produces year end financials and files appropriate IRS filings for POA. We now allow payment online through our website using PayPal (credit cards are accepted). Also, POA Dues can be mailed or dropped off at 11342 Country Ridge Lane. An ongoing lien is automatically attached to each property and needs to be cleared prior to selling or refinancing your property.
- E. **POA D&O Liability Insurance:** The POA Committee is elected by our property owners to serve our association by enforcing adherence to our Deed Restrictions. However, as a nonprofit unincorporated property owners association, each property owner maintains their responsibility and liability for what happens within our POA. The POA Committee has secured Directors and Officers Liability Insurance (D&O Liability Insurance) that protects directors, officers, trustees, employees, volunteers and committee members, as well as the community. This insurance costs \$1,132/year and has a \$1,000.00 deductible.
- F. **Trash Pickup:** Titan Waste Trash Truck has been leaking all over our streets when they are picking up the trash on Monday and Friday. We have contacted Titan Waste and may need to contact TCEQ (Texas Commission on Environmental Quality) to see if we might be able to stop the leaks. Liquids (oil, paint, etc.) should not be placed into your trash can as they will end up on the street.

- G. **Mowing whole acre/picking up debris:** Each property owner has the responsibility of mowing their entire acre, including the ditch/right of way. Most are doing a very good job of keeping their property mowed. Please contact the POA Committee if you have a health issue or some other problem periodically that prohibits you from getting your lawn mowed. We may be able to find a Good Samaritan neighbor who will be willing to help.

Also: Please walk around your yard to see if you are starting to collect debris (old lumber, fence sections, piled up wood, branches, car parts, etc.). These things should either be removed or stored inside a building.

- H. **Vehicles Parked on Property:** Please remember that all vehicles (house trailers, campers, motor homes, boats, trailers, trucks, buses, RVs, similar vehicles, etc.) are to be stored inside a garage or accessory building if they are not licensed or registered for street use. (Current license/registration)

Our Restrictions state: "All lot owners shall keep their lots mowed and free of litter or debris." Also: "Wrecked cars and cars on blocks are forbidden. Inoperative cars or vehicles not licensed and registered for street use must be kept in a garage or storage building." (Vehicles are defined in restrictions as "house trailers, campers, motor homes, boats, trailers, trucks, buses, Rvs, etc.")

Motion was made and supported to ask the POA Committee to contact a property owner who has a car on blocks in his driveway and to give him 30 days to move his car off of his property or inside his garage.

Motion Carried

Note: The Texas Property Code [Section 202.004(a)] states that the discretionary power exercised by the POA Committee must not be arbitrary, capricious, or discriminating. Therefore, the motion above requires the POA Committee to contact property owners who have vehicles (house trailers, campers, motor homes, boats, trailers, trucks, buses, RVs, etc.) parked on their property to show that they are licensed and registered for street use or move them into a garage or storage building and give them the same 30 day notice if a Deed Restriction violation is present.

Motion was made and supported to authorize the POA Committee to set up a fine structure as an aid to enforcing violations. The fine structure adopted by the POA Committee is to be communicated to all the property owners.

Motion Carried

NOTE: The Texas Property Code outlines the process required, including written notice, a public hearing and time to remedy the violation before a fine can be given to a property owner. [Section 209.007] Fines not paid are automatically attached to the continuing lien upon the lot.

- I. **Dogs:** Please do what you can to keep your dog in your yard. Dogs are not permitted to run free in Kaufman County and this is also a violation of our deed restrictions (B.4.). Please pick up after your dog when you walk them within our association.
- J. **4-Wheelers/ATV/4x4's/dirt bikes:** Fireside Lane and Country Ridge Lane are county roads and the county laws are enforceable by the County Sheriff. Loud 4x4's and dirt bikes are the source of increasing complaints. The speed limit is 30mph for all vehicles (including dirt bikes). Your POA Committee will not police the speed limit or monitor who is driving your ATV. However, we are interested in the safety of our streets as many people use them to walk, walk their dogs, ride bicycles, and children often play near the roads. Please help us keep our streets safe for everyone.

Time was given to those present to ask any questions on the above informational items.

Paul Brown reminded those present that our website www.FiresideEstates.com contains helpful information about our POA and surrounding area. Past minutes, our deed restrictions, the Texas Property Code, and recommended businesses are also linked to our website.

From the POA Committee:

Your POA Committee serves each property owner within our community. We do not aggressively go out, look over fences, and carefully examine everyone's yard in our neighborhood. We will and do respond to those who express a concern about a potential deed restriction violation. We will respond to concerns raised and will contact the property owner if something needs attention.

We understand that weather, schedules and health concerns affect the mowing of our properties. Please talk to the POA Committee if you do get a notice to mow your acre and have a problem that prohibits you from mowing. We will work with you to help you find a solution to the presenting issue.

II. Action Items: We will vote on the following
(Motions on any topic may also be made, seconded, discussed and voted on during the meeting).

A. POA Committee members are elected to serve for a three year term.

Election of POA Committee:

Class of 2020	Class of 2021	Class of 2022	Class of 2023
Tim Buttz	(Tracey Rich)	Teresa Wolfe	_____
Roy Fletcher	Bryan Boger	Paul Brown	_____
Mollie Fletcher	Michael Chronister	Janet Allen	_____
	_____	Scott Isom	

Nominations that have been received:

Timothy Buttz (10308 Fireside Ln)
Roy Fletcher (10342 Fireside Ln)
Mollie Fletcher (10342 Fireside Ln)
April Campbell (10363 Fireside Lane)
Cliff Lindsey (10110 Fireside Lane)
Chuck Steinke (10286 Fireside Lane)

Motion was made and seconded to elect all six to the POA Committee bringing the total committee to 12 members.

Motion Carried

Class of 2021	Class of 2022	Class of 2023
Mollie Fletcher	Teresa Wolfe	Roy Fletcher
Bryan Boger	Paul Brown	Timothy Buttz
Michael Chronister	Janet Allen	Cliff Lindsey
April Campbell	Scott Isom	Chuck Steinke

B. Fireside Estates brick sign (Country Ridge Lane and CR213)

One of the signs at Country Ridge Lane and CR213 is falling apart (brick separating from structure. We have received prices \$2,000-\$3,000 to take down and rebuild using existing bricks and stone. The POA Committee asked for input before money is spent to on the sign.

Motion was made, and seconded, to remove the damaged sign at Country Ridge Lane and CR213 and the smaller leaning sign at Fireside Lane and Helms Trail.

Motion Carried

Motion was made, and seconded, to begin looking at new replacement sign ideas that would be more cost effective and lighter to prevent the leaning caused by earth movement due to the wet and dry conditions throughout the year. The POA Committee will seek ideas from the property owners and receive property owner input before money is spent on new sign replacement.

Motion Carried

C. Deed Restriction Amendments:

The following information was mailed out to each property owner prior to our meeting.

Please read before voting:

Our Deed Restrictions may be amended by a super majority of our Property Owners. Only the property owners identified on the property deed or your Kaufman County Tax Statement may sign a ballot or vote. Our Deed Restrictions state that the super majority is 90% of the property owners is needed to amend the restrictions (F.). The Texas Property Code states that the super majority is 67% (Section 209.0041.(h)). (During the Annual Meeting Paul Brown announced to those present that the Texas Property Code supersedes our deed restrictions so we need 67% of all the property owners to vote in the affirmative to pass a deed restriction.)¹

Amendment related to accessory building size: The amendment offered will increase the maximum accessory building allowed within our association (for all and/or any property) to 3,000 square feet. Presently the Deed Restrictions state that the maximum size is 800 square feet. There were several accessory buildings over the 800 square foot limit when we reorganized in August 2015. Our Deed Restrictions state: "The Property Owners Committee is hereby empowered to enforce these restrictions at its discretion." (Deed Restrictions D.2.). The Texas Property Code states that this discretionary authority must not be capricious, arbitrary, or discriminating. Therefore, after consulting with our attorney, the POA Committee has approved requests for accessory buildings up to 1,500 square feet with maximum 12' high walls to assure equal treatment of all property owners. We have not approved any building over this size.

¹(h) Except as provided by Subsection (h-1) or (h-2), a declaration may be amended only by a vote of 67 percent of the total votes allocated to property owners entitled to vote on the amendment of the declaration, in addition to any governmental approval required by law.

(Texas Property Code Sec. 209.0041)

History: A request has come to the POA Committee seeking approval for a 3,000 square foot accessory building. The POA Committee denied this request because this doubles the current allowable size for accessory buildings and violates our discretionary authority responsibility as defined by the Texas Property Code (202.004(a)). We understand that some within our community desire larger accessory buildings while there are others who purchased their home because there are limits on what can be built on a property. The Deed Restrictions restrains the POA Committee when we receive requests for property improvements (fences & buildings). The POA Committee denied the request because the deed restrictions do not give us the authority to give approval. Giving approval of a 3,000 square foot accessory building would violate our fiduciary duty to our property owners. We are limited by the deed restrictions and the precedent set by our past approvals and denials since August 2015.

The property owner then asked that a motion be placed before the property owners to see if enough would be willing to amend the Deed Restrictions. This request is within the scope of our restrictions. We will vote on an amendment on June 4th to see if there are sufficient property owners in agreement to amend the restrictions to allow the maximum size accessory building to 3,000 square feet. Please consider and vote taking in mind what you believe is best for our community. Please note: Anyone will be able to build an accessory building, or add on to their present building, if the motion to amend passes. If the motion to amend fails, the maximum size will be limited to 1,500 square feet presently approved. (This is still almost double of the 800 square feet stated in our Deed Restrictions).

C. I. Amendment to Deed Restrictions D-14:

This amendment would increase the allowable size for the one large accessory building per lot from "not exceeding 800 square feet" to "not exceeding 3,000 square feet".

(Note: At our reorganization in August 2015 there were already several accessory buildings larger than 800 square feet. The POA Committee is responsible to make sure that their discretionary authority is not arbitrary, capricious or discriminating. Some accessory buildings at that time were already 1,500. We decided to allow all other property owners the same privilege. Currently the POA Committee approves buildings up to 1,500 square feet with a maxim wall height of 12 feet.)

So this amendment is actually increasing the present 1,500 square feet presently allowed to 3,000 square feet for any or all properties.

Present Wording:

D.14. A total of two small accessory buildings per lot, each less than 100 square feet in size, are permitted if they are approved as to color and design by the Property Owners Committee. Accessory buildings less than 100 square feet in size may be constructed of metal, masonry, or wood, and must be of new construction.

One large accessory building per lot, **not exceeding 800 square feet in size**, is permitted if it is approved as to color and design by the Property Owners Committee. The exterior of such large accessory buildings must be wood siding, vinyl siding, masonry, or factory enameled metal. No galvanized or corrugated siding is allowed.

Proposed Amended Wording: (Old wording has ~~strikeout~~ ... New wording is underlined)

D.14. A total of two small accessory buildings per lot, each less than 100 square feet in size, are permitted if they are approved as to color and design by the Property Owners Committee. Accessory buildings less than 100 square feet in size may be constructed of metal, masonry, or wood, and must be of new construction.

One large accessory building per lot, **not exceeding ~~800~~ 3,000 square feet in size**, is permitted if it is approved as to color and design by the Property Owners Committee. The exterior of such large accessory buildings must be wood siding, vinyl siding, masonry, or factory enameled metal. No galvanized or corrugated siding is allowed.

Ballots were made available on the website since May 9, 2020. The ballots were also emailed to every property owner who provided email address and links to ballots provided on the Facebook group page Fireside POA on May 9, 2020. The complete agenda was mailed out with ballots to all property addresses on May 20, 2020.

Written ballots were received prior to the meeting and also during the meeting.

- 60 Ballots received
- 41 Ballots with votes 'yes' for amending the Deed Restrictions
- 19 Ballots with votes 'no' against amending the Deed Restrictions
- 30 Properties that did not submit a vote
- 61 Votes needed to amend restrictions (67% of all property owners)

The motion to amend the Deed Restriction fails as it did not meet the original 90% noted in the Deed Restrictions or the 67% of all property owners as required by Texas Property Code - Section 209.0041.h(h1).

Motion Failed to Pass

C. II. Amendment to Deed Restrictions - B.4.

Those in attendance were reminded that the approval of 67% of all property owners was needed for this amendment to pass per Texas Property Code Section 209.0041 (h).

This amendment would allow residents of Fireside Estates POA to have up to fifteen (15) chickens with some additional restrictions on how they may be kept.

Present wording:

B.4. Horses, cattle, domestic fowl, swine, ratites, or dangerous animals may not be kept on any lot. Dogs, cats, or other household pets may be kept in reasonable numbers, provided that they are not kept, bred or maintained for any commercial purposes. Dogs must be fenced and not allowed to roam free.

Proposed wording: (underlined below)

B.4. Horses, cattle, domestic fowl^{*}, swine, ratites, or dangerous animals may not be kept on any lot. Dogs, cats, or other household pets may be kept in reasonable numbers, provided that they are not kept, bred or maintained for any commercial purposes. Dogs must be fenced and not allowed to roam free.

*Up to 15 chickens may be kept on a lot. Chickens may be free range in backyard only or kept in a coop/cage in backyard. Chickens may not be able to get to the front, or get on neighboring properties. If free ranging in the backyard, their wings must be clipped to prevent flight. All fences and gates have to be impassable. If kept in a coop/cage, either the wings must be clipped, or the coop/cage must have a top on it to prevent flight. No roosters are allowed. If buying hatchlings and any of them turn out to be roosters, the roosters must be relocated in a timely manner.

After brief discussion the votes were received.

Written ballots were received prior to the meeting and also during the meeting.

- 57 Ballots received
- 35 Ballots with votes 'yes' for amending the Deed Restrictions
- 22 Ballots with votes 'no' against amending the Deed Restrictions
- 33 Properties that did not submit a vote
- 61 Votes needed to amend restrictions (67% of all property owners)

The motion to amend the Deed Restriction fails as it did not meet the original 90% noted in the Deed Restrictions or the 67% of all property owners as required by Texas Property Code - Section 209.0041.h (h1).

Motion Failed to Pass

The meeting was open for new business:

Those in attendance were encouraged to continue to stay alert and remain aware of activities to help promote community safety.

There being no new business, a motion was made, and seconded to adjourn at 8:30pm.

Motion Carried

Respectfully Submitted,



Paul Brown,
President
Fireside Estates POA Committee

Attachment 1:

The following notifications were sent to property owners:

May 4, 2020

- Facebook group (Fireside POA) announcement of the pending meeting.
- Email sent to all email addresses on file announcing the pending meeting.

May 7, 2020

- The property owners requesting the amendment related to the building size requested that the meeting be scheduled the earliest date possible.
- The POA President informed that due to his schedule the agenda would not be able to be mailed out until the week of May 18th - most likely May 20, 2020 which would meet the 10 day minimum notice stated in the Texas Property Code.
- The property owners agreed to June 4, 2020 date with the complete understanding of the mailing schedule.

May 9, 2020

- Facebook group (Fireside POA) announcement of the date and place of the meeting with the agenda/ballots attached.
- Email sent to all email addresses on file to announce the day, time, place of the meeting and included attachments of the draft of the agenda and also proxy and absentee ballots.
- Website (www.FiresideEstates.com) updated with date/time/place of the Annual Meeting and also Agenda and Proxy/Ballots were posed on the website.

May 20, 2020 (fifteen days prior to the meeting)

- Each property owner was mailed through the US Postal Service a printed copy of the Agenda along with ballots that could be submitted prior to the meeting.
- The cover letter was also posted on the website.

Friday, May 22, 2020

- An updated list of POA Committee nominees was emailed out to all property owners and attached to the email was the ballot document with the updated names along with the amendment ballots.

Friday, May 29, 2020

- The POA Committee posted signs at the intersection of Fireside Lane/Helms Trail, Fireside Lane/Country Ridge Lane, and Country Ridge Lane and CR213 that stated the time, place and date of the Annual Meeting along with a link to the Fireside Estates website.

Tuesday, June 2, 2020

- One of the property owners posted signs asking people to vote yes on deed amendments. Two signs were placed on the same corners noted above.

Wednesday, June 3, 2020

- The whole email list received another email with the minutes of the 2019 POA Annual Meeting and in that email there was a reminder about the Annual Meeting with time and date.

Thursday, June 4, 2020

- A property owner went around to each home and taped a notice on each mailbox asking people to vote 'yes' on the restriction amendments.

Note: The above notices exceeds the requirements of Texas Property Code (Section 209.0056) related to giving proper notice of the meeting.

Balance Sheet and Operating Budget
(January 1, 2020)
Fireside Estates POA – c/o Paul Brown
11342 Country Ridge Lane – Forney, TX 75126

Beginning Balance – January 1, 2019		\$ 10,098.69
Receipts (POA Dues) (received in 2019)	\$ 3,170.00	
Recovered Check from Comptroller of Pub Acc	200.00	
Sub-Total of Receipts	\$ 3,370.00	
Sub Total of all funds after receipts		\$13,468.69
Total Actual Expenses		(\$ 4,204.79)
\$917.00	Dumpster Rental - 2 Dumpsters (Dumpster Weekend)	
\$955.00	TVEC Street Lights	
\$181.00	Printing Fees (mailings: Letters, Newsletters, etc.)	
\$110.00	USPS _ Postage (Newsletters, Letters, postcards, etc.)	
\$463.81	Liability Insurance (two events)	
\$637.84	Block Party - Bounce House/Inflatable Slide and Food/Drinks (two events)	
\$330.04	Sign Landscaping - plants, mulch, decorations	
420.53	Signs for Yard of the Month and other signs (events/yard sale/Light Contest-2 yrs/etc)	
\$184.32	Website hosting	
\$ 00.00	Hospitality Committee Reimbursement - Water to new residents	
\$60.25	PayPal Fees on POA Dues Paid using PayPal convenience	
Ending Balance: (as of 12/31/2019)		\$ 9,208.90
Bank Balance 12/31/2019	\$ 7,995.16	
Check Received on 12/31/19 not yet deposited	\$ 0.00	
<u>PayPal Account Balance 12/31/2019</u>	<u>\$ 1,213.74</u>	
Total Funds:	\$ 9,208.90	
Uncollected Funds due from 2019: (12 prop.)	\$ 860.00	(20% penalty begins after 1/31/2020)
2020 Projected Operating Budget – Projects and Anticipated Expenses (other expenses may occur):		
TVEC Lights (7 lights \$20.00/light/month)	.....	\$ 900.00
LED Light Replacement (cost to upgrade when bulb burns out)	.....	\$ 250.00
PayPal Fees	.....	\$ 60.00
Dumpster Weekend	.....	\$ 900.00
Yard Sale Weekends (2)	.....	\$ 50.00
Community Party/Picnic/BBQ Smoke-off	.....	\$ 300.00
Postage, printing, correspondence, office supplies	.....	\$ 195.00
Website, Hosting	.....	\$ 150.00
Hospitality Committee	.....	\$ 50.00
Sign Landscaping, maintenance (as needed) -	.....	\$ 250.00
Liability Insurance	.....	\$ 1,000.00
<u>Legal Fees as necessary</u>	<u>.....</u>	<u>\$ 350.00</u>
Estimated Total	.....	\$4,455.00
Anticipated Income (estimated \$3,600 to \$4,500):	90 properties x \$40.00 = \$3,600	
(A \$10.00 discount if paid prior to 1/31/2020)	90 properties x \$50.00 = \$4,500	

Fireside Estates Restrictions:

The Property Owners Committee shall be charged with enforcing these restrictions and to levy and collect annual fees for its expenses, neighborhood lighting, and landscaping. This annual fee shall not exceed \$50.00 per lot unless ratified by a meeting of the owners of at least fifty percent of the lots. This annual assessment shall attach and thereafter remain a charge against and be secured by a continuing lien upon the lot, In the event that an Owner shall fail to pay in full the assessment by the delinquent date thereof, such unpaid amount shall become a binding personal obligation of such Owner, and the Committee shall have the right to enforce the lien and take all appropriate actions and steps to collect any such unpaid assessments. The Committee may institute a suit to recover a money judgement for the same, together with interest thereon and reasonable expenses of collection, including attorney's fees, without foreclosing or waiving the lien hereinbefore provided. The Property Owners Committee is hereby empowered to enforce these restrictions at its discretion. The Developer, its owners, officers, and employees, and the Property Owners Committee and its individual members, shall not be held liable for any action or failure to act under this Declaration. (D. 2.) More information can be found on www.FiresideEstates.com