



Ranchcrest Homeowners Association, Inc.
Board of Directors
Minutes
March 19, 2019

CALL TO ORDER:

Board President, Donna Marlin, called the meeting to order at 6:57. The first meeting of the newly elected Board of Directors for the Ranchcrest Homeowners Association was held on Tuesday, March 19, 2019. The meeting was held at the home of member Michele Canfield, located at 1265 Estes.

ROLL CALL:

- In attendance: Donna Marlin, Andy Meyer, Bert Yow, Kristen Blancett, Brad Knieriem, Jazmine Bucher, Sonny Oliver and Michele Canfield
- Not in attendance: Jim Amerson
- Guests in attendance: David & Heidi Dossey & legal council

REVIEW OF OFFICER ELECTIONS:

Members of the Executive Committee, voted on by the Board following the annual HOA meeting on February 19, 2019, were reviewed.

- President: Donna Marlin
- Vice President: Andy Meyer
- Treasurer: Bert Yow
- Secretary: Kristen Blancett

REVIEW OF AGENDA & MINUTES FROM GENERAL HOA MEETING:

The agenda was presented. Minutes from the March 2019 annual HOA meeting were unavailable as the Board was without a Secretary during that time. Donna Marlin enlisted herself, along with Andy Meyer, to produce minutes per notes taken by Bert Yow and herself during the annual meeting.

DISCUSSION – ADDITIONAL COMMITTEES:

Donna expressed a desire to create additional neighborhood committees. All those in attendance agreed and the following committees were formed.

1. **Entryway Maintenance Committee:**

- Members: Sonny Oliver, Brad Kneirem and Jazmine Bucher.
- Any members of the Association interested in joining the committee are encouraged to contact a member of the Board.
- Responsibilities: Employ individual/lawn service or preform duties including tree trimming/bushes, maintenance of lawn/lighting, fence repair/maintenance, treating for ants/insects, ensure water is turned on, ensure sprinkler system is in working order and ensure that the entryway is aesthetically pleasing at all times.
- All those in attendance agreed that any/all changes made to the entryway landscape, will be at the discretion of the committee.
- Donna agreed to contact the regular lawn maintenance person, in the days following the meeting, to mow, edge, spray for weeds and trim bushes and committee members will monitor need for and/or preform upkeep/repair/plant decisions thereafter.
- Electricity and water payments are submitted by the Treasurer monthly
- Donna Marlin noted that the wooden fence, along the front entrance, was due to be stained and volunteered her husband, Kyle Marlin, to continue preforming this responsibility going forward.

2. **Social Committee:**

- Member(s): Michele Canfield.
- Objective: Coordinate social activities, neighborhood parties/gatherings and other projects/events.
- Anyone interested in joining the Social committee are encouraged to contact Michele Canfield or any member of the Board.

3. **Kindness Committee:**

- **Members:** N/A
- Anyone interested in joining this committee is encouraged to contact a member of the Board
- **Objective:** This committee will be service oriented and made up of neighbors willing to volunteer their time/muscle/resources (e.g. trailer/truck/tractor), from time to time/if needed. Members will assist neighbors in need, those that may be physically unable to perform certain tasks around the property and those who may not have a support system or the resources to perform certain tasks. Examples include yard clean-up, removal of unused items (e.g. debris/materials/nonworking equipment/vehicle), moving heavy object(s), etc.
- In the event of the death of a loved one, specifically a spouse/child/family member, living in the neighborhood, there will be a grace period allowed before any attempt is made to address violations.
- There will be further discussion in the future with regards to the purpose of the committee and plans to establish a more wide-spread objective

ADDITIONS TO THE AGENDA:

- Large trailer parked in front of unoccupied home on Estes for the past 2 years.
- Home on Vista Grande loop with aircraft/automobiles/other items on/around property.
- Maintenance of lawns

REVIEW/DISCUSSION OF GOVERNING DOCUMENTS:

- All documents considered legal documents
- State of Texas Charter – Original charter went into effect in 2000 – Original Association began to establish w/lots 2 years prior to charter
- Certificate of Articles of Incorporation
- Declaration of Covenants and Restrictions
- Bylaws
- Protective Restrictions

Protective Restrictions:

- 3 phases if the Restrictions - Dates differ for each phase, otherwise identical.
- Phase 1: Ranchcrest & Vista Grande Loop
- Phase 2: Right side of Estes if entering addition
- Phase 3: Left side of Estes if entering addition
- Homeowner has a copy of phase that corresponds with their property.
- All phases are carbon copy. Phase 1 was reviewed during meeting.
- Numbers 1-21 of the restrictions were reviewed
- Definitions of several items listed within the covenants are unclear/undefined and will require further discussion (e.g. barn, outbuilding)

Discussion: Those in attendance agree that their main objective is to protect the integrity of the neighborhood by monitoring items/issues that detract from the value of the neighborhood including overgrown/unkept property, homes in disrepair, clutter/debris/trash, automobiles and/or trailers left sitting on the street/property

Restrictions requiring comprehensive review/discussion: Donna Marlin reviewed/detailed the following Protective Restrictions.

***(1) Land Use:**

- No business conducted from property

***(2) Signs:**

- No signs in commons area (garage sale/political/sale of home)
- Homeowner allowed single sign in yard showing property for sale, builders signs etc.

***(3) Animals:**

- Consideration of past precedent and present expectations – Several properties have goats/donkeys/chickens.

- Multiple restrictions have been overlooked/not enforced and deviations from the restrictions approved in the past – The Board will be tasked with either deciding to enforce the rules or to allow for deviation from the restrictions moving forward
- Examined the possibility of establishing policies that allow for deviation from the current restrictions (e.g. allowing 4H animal including livestock/poultry)
- No determination made

***(6) Types of structures:**

- Discussion regarding definition of outbuilding/garage/barn – no resolution
- Submit plans in writing to the ACC

***(7) Other buildings:**

- May not reside in campers/automobiles/bus/trucks
- No temporary residence of any kind allowed
- No part of residence may be rented out as an apartment

***(8) Impermissible Residence:**

- No temporary buildings

***(12) Architectural Control Committee (ACC):**

- Current Members: Gene Cox & Kyle Marlin
- New Members: Terry Oster, David Gillentine, Connie Simons
- Process examined for adding/removing ACC members – chosen by current committee members
- How/when 3 new members were added - volunteered after the annual meeting
 - Following the 2018 annual HOA meeting, a member of the association reached out to 2 separate Board members attempting to volunteer. Member informed that msg. was forwarded to ACC, but never received a response, leaving the total number of members on the ACC at 2 for the remainder of 2018 until the annual meeting in February 2019.
 - A second member expressed interest just after the 2019 annual HOA meeting – Board President and VP notified. Member never received a response.

Additional Discussion:

- Duty/authority of the ACC
- Duty/authority of the Board of Directors
- Whether or not the Board holds the authority to oversee and preform an appeals process, if requested by member, to review decisions made by the ACC and seek resolution.
- Whether or not the ACC a separate entity or subordinate to the BOD.
- Plans/buildings approved in the past that are comparable to plans recently submitted/denied.
- Agreed upon that the ACC has the authority to approve/deny plans – Presumes Board has the authority to enforce their decision or not. No determination made.

*** Motion brought forth by Andy Meyer:**

Seek legal advice with regards to how the Architectural Control Committee is formed, at what capacity it is able to operate, to review the process by which those members are assigned, to determine if the BOD has the authority to appoint the ACC and ultimately make decisions with regards to their approval/denial of plans submitted by members of the Association and who has the authority to grant variance.

*** Sonny Oliver seconds the motion.**

*** Motion approved by the Board.**

NEW BUSINESS:

Dossey's request for resolution: David and Heidi Dossey, along with legal counsel, were given the floor to discuss their plans for a secondary building which will be located at 710 Vista Grande Loop. The Dosseys requested resolution be passed by the Board, to not enforce the restrictions against their secondary building, if built per submitted plans.

- Have been attempting to gain approval since November 2018
- Copy of proposed plans and request for variance presented.
- David Dossey requested the Board bring a motion to the table to request variance from the restrictions
- Legal Representation speaks: No records/documentation on file showing how/when previous ACC members, Gene Cox and Kyle Marlin were selected/appointed to sit on the Architectural Control Committee. BOD will need to bypass the Bylaws and Covenants to create a functioning ACC. As the Dossey's variance is listed on the agenda, they request that a decision be made during the meeting
- Donna Marlin suggests the Dossey's resubmit plans to the ACC
- David Dossey declares that the plans/request presented during the meeting, be considered his re-submission

* **Motion brought forth by Kristen Blancett:**

Approval of variance: Plans for secondary building submitted by David and Heidi Dossey.

* **Jazmine Bucher seconds the motion**

Discussion:

Does BOD have the authority to appoint the ACC and ultimately make decisions about what ACC recommends to the board:

Dossey's legal representative speaks:

- The Dossey's position is that the BOD has the authority to enforce covenants
- ACC has authority to approve/disapprove plans
- If approved, declaration says they are approved and nothing further is required
- Ultimately the Board has the final decision enforce the covenants
- The Dossey's are requesting that the BOD decline right to enforce covenants
- They are not asking the Board to say that the ACC has no authority
- Only asking for variance to decline enforcement of something that may violate covenants
- Requesting BOD waives right to enforce against it because it adds value to the neighborhood
- The Dossey's are not trying to overrule ACC or strip them of the authority they do have
- Not suggesting that ACC's decision must be reviewed every time plans are submitted
- Only suggesting that homeowners have the right to appeal that decision if they disagree and to request that the Board review and, ultimately, grant variance.

* **Motion brought forth by Donna Marlin:**

BOD vote on variance

* **In favor: Kristen Blancett, Brad Kneirem, Sonny Oliver, Michele Canfield, Jazmine Bucher**

* **Opposed: Bert Yow, Donna Marlin**

* **Abstention: Andy Meyer**

* **Not present: Jim Amerson**

* **Motion was approved by the Board and variance is granted.**

Legal forms presented by the Dossey's attorney were signed by all members in attendance and will be filed, with the County Clerk, by the Dossey's/legal Representation.

Discussion:

Choosing attorney to utilize for legal advice

- It is agreed upon twice during the meeting, that there is a conflict of interest if Henry Wright continues to be utilized moving forward.
- Board agrees that Donna and Andy will locate and decide on an attorney other than Mr. Wright.
- Members in attendance agreed unanimously.

Meeting adjourned: 9:15pm