

## ***The Woods Garden Club Meeting Minutes***

Wednesday April 19, 2023—6:00 PM

### **I. Call to order**

The meeting was called to order by President Donna Dozier at 6:00 p.m. The board members in attendance were Ken Wheeler, Jr., Ron Stutes, Jon Stone, Chris Petty, Troy Mills, and Richard Patteson. Also present was our Certified Property Manager, Dawn Smith, with East Texas Community Management. There were no visitors present for the meeting.

### **II. Approval of Minutes**

The meeting minutes for March 15, 2023, were approved by email and provided to our webmaster for publication on our website.

### **III. Resident to speak about a violation at his property**

The resident in question decided not to attend because, as he said in a letter to the board, it would be too “upsetting.” This item was placed on the agenda to accommodate that resident, but since he did not attend, the board decided to move on to the usual method of having our Property Manager report first.

### **IV. Property Management Report**

Dawn began her property management report by telling the board that the gate post at the pool has been fixed. A welder has worked on and repaired the pool gate fence post. A lot of concrete was dug out, and new concrete poured in so the post will be solid. The work was completed on Monday. Dawn said she went over and checked on it on Tuesday, and it seemed to be good work that was done.

Dawn got a bid from a company to re-do the pool surround and expansion joints. The bid was high, but it was for a lot of work, in grinding out the old grout and replacing it completely, in the entirety of the pool area. The guy said he thought he could get us on the schedule to get it done before May 1<sup>st</sup>. Donna asked if Dawn could ask him for bids on doing part of the necessary work, and holding off on the part that could wait, and do it at different times? Dawn said she would ask him about that. We are also waiting for a second bid from a brick mason who Ken has worked with previously.

James, our handyman, has checked the play equipment and found a small area that needs a screw replaced, and he's going to fix that as soon as he can.

Dawn said six residents still owe dues from 2022 and 2023. Fifty-seven residents owe their 2023 dues.

Dawn reported that she and Donna have done their second drive-through of the year, on Monday the 17<sup>th</sup>. There were quite a few yard violations, as well as several other types of violations.

Dawn said she was in receipt of a letter, just today, from a resident who had received a violation letter about his unapproved outside lights, and another issue at his property. Donna had written him a letter, in which she proposed a possible scenario to resolve the problem and it was accepted by the resident.

The City of Tyler finally picked up the brush at the pool area, and at the Eastwood exit, but have yet to pick up the brush on our greenbelt at the Southwood exit, nor on City's own easement at Southwood. Dawn has reminded them of this.

During Donna and Dawn's drive-around, Dawn called Granite Division once again about the flecks of paint that are missing on

one side of the Eastwood sign. The guy said he's going to bring out his paint expert to see what the assessment is and he will get back to Dawn with an answer. Dawn reminded him this has been an ongoing promise for over a year now, and we are hoping for some news soon.

The company that did the erosion repair work near 3501 Woods Blvd. came out and added a silt fence and more concrete at no further expense to us. Dawn said we have a one-year guarantee on that work.

## **V. Financial Report**

Our Operating account, as of March 31, 2023, had a total of \$60,091.91. The Savings account had a total of \$128, 839.25. Dawn said we were doing okay, but there were large costs for trees that we've had to pay for because of the ice storm. We have almost exceeded the tree budget for the entire year already.

## **VI. Resident's violation issue**

The board began the discussion regarding a resident who has contacted the board via postal mail as well as email regarding his storage unit. Dawn reported that she and Donna did their first drive-through of the year on February 16<sup>th</sup>, and while driving on Canyon Creek Circle, she spotted a storage barn. Donna did not see it at that moment, so Dawn circled back so Donna could see it as well. A letter was sent to the resident on February 23<sup>rd</sup>. After no response, a second letter of violation was sent, which was dated March 8<sup>th</sup>.

There is no record of approval for this storage unit, nor any record that anyone at that address ever requested approval. The resident, even though not present, stated in his email that he believes he should not be fined or have to remove it because it

has been there so long. From numerous drive-throughs in Dawn's seven years of employment for our Garden Club HOA, she had never seen it previously.

Dawn said she has had two realtors call her "to ask specifically if sheds are allowed in our HOA," and she told them they are not. She said the realtors noted that there are some in existence. Dawn said she's told them the covenants do not allow them, but a request could be put in to the ACC to see if something could be approved, but they are not allowed without written approval.

Dawn also pointed out that the resident pointing fingers at other people's violations is not and should not be a factor in making a decision, since we do not discuss other owner's violations with residents. The violator in question has no way to know what is being done about others because we do not discuss that, and will not.

The resident provided a letter to the board, allegedly created by the previous owner, stating that he believed he'd been given permission by Ken Wheeler, Sr. all those years ago. However, there was nothing in writing, as the covenants require, showing that there was any such approval given, and Ken said his dad had no recollection of that.

The board continued to discuss this issue at length, and it was agreed that it is our duty, as a board, to be consistent with every resident and follow what the covenants require.

Ron had the Ridge covenants in his notebook, and read from the covenants covering the Ridge, regarding storage units. It was suggested that the rules are going to be similar, and that it would be necessary to double-check the specific rules for Canyon Creek Circle. Ron proposed that the violator remove the storage barn that is visible, and submit a request to our ACC for approval to

have a smaller, not-visible unit that is obscured and screened from any view, as the covenants require. And the ACC must agree, in writing, to this potential unit, as stated in the rules of our neighborhood.

The board agreed this was an excellent solution, and that Dawn will notify the resident of this decision and will quote the covenant to the resident.

## **VII. Old Business**

Attorney update: Dawn said she talked to our attorney this morning, and he explained he has gone into private practice on his own, and has moved to a new office. He discussed our ongoing legal issues with her. He found no case law on one of our most pressing issues. Donna asked if he gave his legal opinion and advice on what our next move should be. Dawn said he told us previously that we can fine the resident the full extent provided in our covenants for the action the resident took with no approval. In fact, he had appealed the ACC's denial of his request and the entire board also denied his request. So, he'd had not only a denial from the ACC, but his appeal was denied as well.

Ron made the motion to fine the resident \$5,000 for his flagrant action. Richard seconded the motion and the action carried, with one nay vote.

Another matter with our attorney is still pending, and he is supposed to update Dawn on that as soon as he can.

## **VIII. New Business**

Donna reported that we hosted the forum on school bond issue with Chapel Hill ISD. Dawn said we had received the property tax evaluations for our HOA's property. There was a brief

discussion about the property tax notices that have recently arrived. Ron mentioned that the homestead exemption is well worth applying for if everyone had not done so, and Jon said he believed your rate is capped at a 10% increase only if you have the homestead exemption.

Donna reported that the pool seems to be on track for opening on May 1<sup>st</sup>. We have new volunteers for the Pool Committee, whom Dawn will contact and arrange teaching them how to do the testing, and explain their duties. Donna asked about the new exit bar we may need to have, and Dawn said she's still waiting for Locksmiths of Tyler to get back to her for that. Dawn thinks it's possible that type of bar will not be required by NET Health this season, but we will make sure we comply with whatever the rules may be.

Donna reported that the Splash Party plans are all set! The date is June 10<sup>th</sup>, from 11:00 AM to 2:00 PM. Crutcher and Hartley will provide the giant water slide once again, along with free snow cones from Kona Ice. East Texas Home Inspections, along with our HOA's contribution, will provide free pulled pork sandwiches, chips and bottled water to our residents. Dawn agreed to be our DJ again. Ken said Dawn's music had really kicked up the party a notch, and commended Dawn's playlist!

## **IX. Miscellaneous Non-Action Items**

Ken said he has arranged to have our pool area and sidewalks power washed. This will be done before the pool opens. Donna asked Dawn if the same cleaning crew will do the work for us, and if they're scheduled to get the bathrooms done in time for our May 1<sup>st</sup> opening, and Dawn confirmed they are set.

Dawn mentioned the high water bill for Broadmoore, and Ron asked her to send those bills for his inspection again. Ken said

he'd had Hugo out working on our main entrance, getting sprinkler heads fixed, and he also reported that the display is off on the meter box at the investments firm. That will need to be repaired as well. We are finding more issues caused by the fiber optic burial by Vexus and Optimum, too.

Ken also reported he had done a drive-through with the Tru-Green guy, Dan Nicholayson. Ken said the soil temperature is about 67 degrees, and needs to be at 70 degrees before the grass can fully come back. Given that we have some very cool temperatures in the forecast that may not happen any time soon.

## **X. Adjournment**

Ron made the motion that we adjourn. Ken seconded the motion. All agreed, and we were adjourned at 7:19 pm.

Respectfully submitted,

Ronald D. Stutes