

COMMUNITY OF NOLAN RIVER ESTATES

RV-VFD Meeting Room – FM 916, Rio Vista, Texas

Association Meeting Minutes – Thursday, July 10, 2014

OFFICERS PRESENT:

Jon Puryear – President
Ronny Eller – Vice President
Michele Newman – Corresponding Secretary
Teri Morales - Recording Secretary
Kurt Newman – Treasurer

MEMBERS PRESENT:

Bob Bade	Scott & Amy Lingo
Chuck & Bonnie Blevins	John McKay
Erik & Julie Dumas	Lindsay Parker
Jim Ely	Jody Price
Louis & Annie Guereca	Steve Smargiasso
John & Marcea Haubert	Mary Stotler
Pete & Carol Horrocks	Dee Ann Strother
Nathan James	Michael Willing
Jim & Dana Kerby	

President Jon Puryear called the meeting to order at 7:05pm and welcomed everyone. Dr. Bob Bade gave the invocation.

MINUTES - Teri asked for any suggested changes or concerns to the April 3, 2014 Association Meeting minutes as posted on the CNRE website. No additions or changes to the minutes were suggested. Kurt entered a motion to accept the minutes as published and Pete seconded the motion. Motion passed unanimously.

TREASURER'S REPORT – Kurt presented the Treasurer's report as follows:

Balance Statement	
Beginning Balance:	\$ 19,668.82
Credit Total:	\$ 1,115.49
Debit Total:	\$ 530.84
Ending Balance:	\$ 20,253.47

Kurt stated there are now 101 NRE owners because Joan Ashcraft sold her second lot, and about half of the owners have paid their annual dues so far. The next newsletter will come out in October so any input needs to be submitted by mid-September. Community cleanup is this Saturday (July 11) at 7:30A.M. Kurt thanked the members who have adopted a section of NRE roads to clean up each month. Pete made a motion to accept the Treasurer's Report as presented and Mike seconded the motion. Motion passed unanimously.

OLD BUSINESS

Security Camera Purchase - This item is already approved and in the budget. Ronny stated that the camera(s) would be of benefit to our community, would be available to borrow like the table and chairs. Kurt stated that Ray & Carol Sherry use cameras on their property that are of the previous generation; we would need the newer version. The Sherry's told Kurt that they will talk with "Lance" the owner of CDI, because he is 'sharp in that world,' for suggestions of what brand/type to purchase. Kurt expressed the hope that we might be able to "try out" the camera before purchase to see if it will work for our needs with the understanding that if they do then they will be

purchased. Explanation of possible uses included; monitoring of littering, people running through fences, gates, and property with their vehicles, and animal dumping were a few. Also mentioned was the fact it could connect via Wi-Fi vs. hard-line, and also possibly purchasing “dummy cameras” that would have a red light to appear ‘real’ for further neighborhood safety precautions. Jon reported that the person who has been littering the Bud Lite cans, 49 between the do-not-litter sign and the adopt-a-road sign near the bridge in a one month period, has been videotaped in the act and the tapes, as well as the cans, have been turned over to Sheriff Bob Alford and a complaint made to him. It is NOT a CNRE resident but someone who lives close by.

Garage Sale - Michele reported the dates of the garage sale will be October 9, 10, 11th (Thursday, Friday, Saturday) at the Newman’s home. Donations are still being accepted and their garage is filling up. Volunteers are still needed. Michele reports that typically the greatest need for volunteers is in the set-up prior to the sale; the plan is to begin organizing and setting up September 18, 2014. PLEASE let the Newmans know if anyone can help with this community project that benefits the Rio Vista Volunteer Fire Department.

Deed Restriction Violation – One-Residence-Per-Lot Update – Considerable time and a lot of discussion was spent on this topic. (Also, an email recapping the situation was sent a few days before the meeting.) Jon stated the current Deed Restriction says we may have only one residence per lot. Jon read a definition of a single family dwelling. “It is defined in opposition to a multi-family dwelling. Definition: A single detached dwelling contains only one dwelling unit and is completely separated by open space on all sides from any other structure, except its own garage or shed.” There is currently someone living outside the main residence in the “guard house,” at the entrance of the Dumas property (4942 Saint Leger). An exception or variance cannot be given at this time as a variance is not allowed by the current Deed Restrictions. Jon stated that there are probably many people in our subdivision that have out buildings that are “plumbed out” but do not meet the requirements for residences (required square footage, masonry and so on) and may have been used temporarily for habitation but not for permanent residences. This is not referring to the places built to be occupied until the permanent dwelling was completed, as the deed restrictions say this is allowed for up to 12 months and a variance can be requested through the HOA to extend that time. Jon reviewed what took place at the last meeting. There was a good discussion about what could happen and how what is being considered is kind of like a “Good Samaritan” clause where the ‘out building’ could be used on a temporary basis if someone falls on hard times. Jon informed everyone that he was voted into the HOA President position and as an officer, he has an obligation to ALL owners to act upon reports, complaints or statements made to him or other EBOD members. All the board needs, is for owners to let him know how to proceed, to make changes, or leave things as they are. Jon asked for a show of hands of how many people present tonight understood the Deed Restriction, as it is written, that only one residence can be on a property, when they purchased their home. It looked like all hands rose. In order for this restriction to be changed, a proposal has to be submitted to all property owners and voted upon. More than half have to say YES to the change for it to be placed in effect. If an owner does not return or respond with a vote it is counted as a NO. If it passes then that is what we operate under and if it does not pass then nothing changes. Jon acknowledged the Dumas’s being present and complimented their property and how good it looks, that some great improvements have been made, a great compliment to our community. Erik summarized the decisions from the last meeting about drafting a change, submitting it to the board, the board then changed some of the wording and submitted it back to Erik for review. Erik explained that the reason he did not agree with the amended draft was that: 1. it will be a hassle to come back every year to ask for a variance and possibly forgetting then setting himself up to “be in hot water again,” and 2. To get the variance the way it was drafted you would have to give a good reason before it is going to pass. Erik further summarized that the plans he had for future use of that building were for family members who might need a place to stay because of health reasons and with respect to their privacy it does not seem right to announce to the public their health issues.

Jon explained that the changes to the draft submitted by Erik were to use language the board felt may be better tolerated by the owners as the 12 month variance was similar to the language already used in the Deed Restriction about the temporary housing when building a permanent residence. Jon also gave the example that when a person requested an extension on the 12 month variance, that if the preceding 12 months had gone well there shouldn’t be

any opposition to extending it, but if there were problems, it gave the property owners the ability to say no. Erik voiced his concern that there is too much chance for someone to vote it down if an extension were requested either “just because” or “if several neighbors got together and just decided they didn’t like it,” further stating there is too much ability for the choice to extend, deny or even grant a variance could be based on emotions and feelings towards the owner requesting it. Jon again emphasized that the EBOD does not make that type of decision and that the property owners would vote on it.

There was discussion between several members in attendance about the county no longer allowing a second residence on a property in a subdivision, that you must get a permit to tap into a septic or to build another septic on your property and since the county will no longer approve if it were for a second residence; therefore, there should be no worry about someone building a second residence because “the county won’t allow it due to new regulations.” Anything new being built will be under the scrutiny of the county. If you have a concern about something, you can call the Public Works Department, make a complaint and they will investigate. The county guidelines says, “Only one residence shall be located on a lot and only one residence shall be connected to an on site sewage facility” in a subdivision.

After prolonged discussion between multiple attendees, a motion was made by Kurt to have a (secret ballot) vote, of the owners in attendance tonight. A YES vote would mean the EBOD will assist in drafting a change to the Deed Restrictions, a NO vote would mean Mr. Dumas will draft on his own. Kurt made the statement that there is no “harm” in developing and distributing a draft for the owners to look at. The vote was conducted and the ballots were counted at the front table in view of all attendees - results: 2 Yes; 16 No. (The President opted not to vote as there was no tie breaker needed). The EBOD will not assist in the development of a change to the draft but will help with distribution of the draft, ballots and PR

It was discussed and made clear that when a property is rented it does not change its classification to “commercial.” It was also made clear that the Deed Restrictions allow an owner to have a bed-and-breakfast inside their single family dwelling.

After some discussion, a change to the EBOD drafted wording for a variance to the Deed Restrictions should be changed from “the **HOA approves** the variance” to “all **property owners** have to approve a variance.” This seemed to be well received by majority of attendees.

After additional discussion Kurt moved to adopt the following time table by secret vote: two weeks for Erik to submit the draft wording of the suggested Deed Restriction change, the ballot and the PR package to the officers. The officers would then have two weeks to make distribution of the same three items. Also, that the deadline for NRE owners to return their ballots would be one week before the next Association meeting in October. That would allow the officers time to tabulate the voting and have it ready for the October meeting.

Erik again stated that he doesn’t see what all the concern is about, having someone living in the “guard house,” as he is a very quiet tenant and not a bother to anyone. Again a lengthy discussion ensued with multiple attendees. A motion was made by Dee Ann Strother to further clarify Kurt’s motion. It was discussed and agreed that a YES vote would be in favor of Kurt’s proposed time table and a NO vote would be in favor of enforcing the Deed Restriction tonight as written. Kurt agreed with the modification of his motion. Jon Haubert seconded the motion. A vote was conducted, secret ballots were counted at the front table in view of all attendees - 8 YES; 10 NO. (The President declined to vote as no tie breaker needed.) The Deed Restriction Violation is to be enforced as it is currently written.

Private Water Wells-List of Interested Owners Update - No updates. There are no real ‘group’ rates and there is nothing else to report. This should be dropped from Old business agenda.

NEW BUSINESS

Property Ownership update - Michele reported that the Kerby's have moved into their home on St. Leger, the Parkers have also moved into their home on St. Leger. The Ely's have moved into their home on 1219. Joan Ashcraft's 7 acre tract has sold to the Simmons - no information about possible plans at this time. It is also noted that the sign on the Hiebert property on Preakness is down but no closing on the property has occurred.

Committee Reports -Jon asked if there were any committee chairs that had anything to report.

Architectural - Dr. Bade had nothing new to report. Kurt did mention that there has only been 1 house built since 1996 that did not go through the architectural committee and it was the home Dr. Bade purchased. Still, it met all requirements of the Deed Restrictions.

Animal Safety – "Marcea reported that Sheriff Alford has been calling on city shelters in the county to start accepting stray animals from the county. A charge discount to cities for housing city prisoners in the county facility was the only offer made in exchange for this acceptance. All cities called on refused Sheriff Alford's offer. However, in a recent meeting involving Cleburne city officials, Cleburne police department representatives, and Cleburne Animal Shelter representatives, the city asked the animal shelter to do a research study to determine the cost of either expanding its existing facility or building a new one. Cleburne Animal Shelter representatives have been visiting city shelters in other North Texas cities to help determine these costs. As a guideline, they are using extensive data gathered and submitted to the County by Kathy McClelland (Cleburne Animal Shelter Board member) and Marcea Haubert (CNRE) in an attempt to obtain county stray animal assistance, i.e. a county animal shelter. As an added note, since monetary donations to the Cleburne animal shelter are put into the city's general fund instead of going directly to the shelter, Marcea suggested that pet food donations by members is a better choice. The same was also true for AniMeals. (Note: It was later clarified by a CNRE Association member who works for Meals on Wheels that AniMeals is not a city program. It is connected to Meals on Wheels)."

Garage Sale - As previously reported above.

Social - Jon reported that the fall hayride and festival will occur in October and thanked the Guereca family for spear heading this wonderful community event again.

CNRE bylaws- Change 8 (Vote) - First vote (requires 2 votes), to change the duties of Treasurer and use of Association funds as outlined in the draft distributed in the July newsletter. Kurt made a motion to accept 1st vote results, DeAnn Strother seconded. Jon asked for a show of hands in favor of changes, unanimously approved. Item will be voted on again at next HOA meeting for final approval.

Discussion of complaints on properties: 4900, 4800 and 4620 Nolan River Road (Vote) - It was explained that when a deed restriction violation is addressed that it usually goes through several stages. The first step is to discuss it with the owner in person. Usually, this is adequate and the issue is resolved. If not, the second step is to send a formal and friendly letter/email stating the violation and request that it be corrected along with a plan of action to correct the issue. If this approach is unsuccessful, then the third step is to send a final letter/email correspondence to the property owner giving a deadline date to complete the correction or probably litigation will be performed. If that deadline is not met and the issue isn't corrected, the fourth step is for the Officers to present a recommendation of legal action to the HOA members at an announced HOA meeting for vote to take legal action.

4620 Nolan River is owned by Michael Amador and is at 'Step 2.' A face to face meeting and verbal request to comply with Deed Restrictions has occurred; a letter has been mailed requesting the same and there has been no response to the letter. There are still no shingles (Since May 2013), and no masonry which had been approved at time of build, and the siding on the front of the home is deteriorating to the extent that it is no longer functional. Jon

requested a vote by show of hands, to proceed to the next step, which is to send a formal letter instructing to either give a written timeline/plan of when said missing items will be completed or be sued by the HOA. ('Step 3') There was a unanimous show of hands in favor of moving to the next step. A formal letter will be sent.

4900 Nolan River is owned by Virginia Escobar, the aunt of Coral Chacon. Virginia is an elderly lady who lives alone on a limited fixed income. It was agreed to ask for Coral's help to offer community assistance to Virginia to improve the outward appearance of her property. Some lawn mowing and removal of some yard clutter has occurred already.

4800 Nolan River is owned by Jessie Rodriguez and is at 'Step 1.' It was agreed to have a face to face conversation with him and request he clean up his property in accordance with the Deed Restrictions.

Animal Dumping Sign (Vote) - Jon reported that a suggestion had been made to consider purchase of 3 signs to be placed throughout the subdivision with some sort of wording informing the public that our community is not a dumping ground for animals. Jon discussed that there is an "Animal Cruelty" law in the Texas Statutes that covers animal abandonment (No. 42.09). The law states that animal abandonment is a Class A misdemeanor and carries up to a \$4,000 fine and/or one year in jail. The EBOD felt that signs with this information posted at each entrance of the subdivision may deter animal dumping in CNRE. The verbiage on the signs was discussed and further research will be needed to obtain exact wording. Kurt speculated the cost of each sign to be approximately \$150 and would probably require county approval before they could be finalized. Jody Price made mention that where she previously lived they installed signs that said "Take pride in your community, don't litter," and they saw a big decrease in the littering. DeAnn Strother moved to purchase three signs and it was seconded by Steve Smargiasso. There was a unanimous show of hands. Steve then stated he would purchase one of the signs with his own money to save spending from the HOA funds. John McKay and Marcea Haubert offered to do the same for the other two signs.

OPEN DISCUSSION - GENERAL TOPICS

Voting Process - Discussion amongst remaining attendees about providing a more consistent voting process for the future. Our current HOA bylaws allow some votes to be a show of hands or a paper ballot (secret ballot) decided by the President. The question was that with the "show of hands," many members on one property may vote by raising their hands vs a one vote on paper ballot. Jon stated that in future meetings, he will explain that only one person per property owner may cast a vote either by a showing of hands or by paper ballot.

4900 Saint Leger – The owner of this property, Ray Bejar, has indicated that he intends to remove the rest of the unsightly items remaining on his property. It was agreed to send him a letter requesting him to formulate a plan of action to address this issue to include the piles of cement at the entrance.

Next HOA Meeting – Thursday October 2nd, 2014 at 7 P.M. to be held at the Rio Vista VFD on FM 916

There being no further business to discuss, Steve Smargiasso made the motion to adjourn and Michael Willing seconded the motion. Motion carried unanimously. The meeting was adjourned at 9:45 pm.

Respectfully submitted by,
Teri Morales
CNRE - Recording Secretary