

**BIRCH CREEK FOREST PROPERTIES, INC.
MINUTES OF REGULAR MEETING OF BOARD OF DIRECTORS
SEPTEMBER 3, 2022**

THE BOARD OF DIRECTORS OF BIRCH CREEK FOREST PROPERTIES, INC. MET AT THE COMMUNITY BUILDING IN BIRCH CREEK FOREST SUBDIVISION ON SATURDAY, SEPTEMBER 3, 2022 AT 8:00 AM.

PRESIDENT MELVIN LEHMANN CALLED THE MEETING TO ORDER, THERE BEING A QUORUM PRESENT.

MINUTES OF THE REGULAR BOARD MEETING HELD AUGUST 6, 2022, WHICH WERE POSTED AND CIRCULATED, WERE APPROVED UPON MOTION BY MELVIN LEHMANN AND SECONDED BY CARRIE FERGUSON. THE MINUTES WILL BECOME PART OF THIS MEETING'S RECORDS.

THE TREASURER'S REPORT AS OF AUGUST 31, 2022 WAS GIVEN BY JOHN SCHOELLMAN. UPON MOTION BY JOHN SCHOELLMAN AND SECONDED BY MELVIN LEHMANN, THE BOARD APPROVED THE REPORT AS PAID. THIS REPORT IS TO BECOME PART OF THIS MEETING'S RECORDS.

COMMITTEE REPORTS:

SWIMMING POOL: STEVEN POTENZA REPORTS FOR JERRY THAT THE POOL IS IN GOOD CONDITION. THE POOL WAS FLUSHED BECAUSE OF THE HEAVY RAIN AND THE PH AND CALICUM LEVELS ARE BACK TO NORMAL.

ABATEMENT: NONE

ARCHITECTURAL: ONE

BOBBY AND SUZANNE HOOD HAVE APPLIED TO BUILD A CARPORT WITH CONCRETE FLOOR (25' x 25') ON THE LEFT CORNER OF THEIR PROPERTY AT 1202 BIRCH FOREST DR. MOTION TO APPROVE BY MELVIN LEHMANN, SECONDED BY CHRIS HENNING WAS PASSED UNANIMOUSLY.

GRIEVANCE: EIGHT WRITTEN

SIX OF THE GRIEVANCE FORMS SUBMITTED BY PROPERTY OWNERS COMPLAINED ABOUT A BUILDING RECENTLY PLACED IN SECTION 7 OF THE SUBDIVISION IN VIOLATION OF SEVERAL PROVISIONS OF THE DEED RESTRICTIONS. MELVIN SAID HE TALKED TO THE OWNER AND HAS REFERED THIS TO OUR ATTORNEY TO TAKE ACTION AS SOON AS POSSIBLE. THE OTHER TWO GRIEVANCES WERE FOR CAMPING VIOLATIONS IN SECTIONS 1 AND 3. A PROPERTY OWNER ASKED MELVIN TO EXPLAIN MORE FULLY THE VIOLATIONS IN SECTION 7 AND CLARIFY TERMS SUCH AS CAMPER, TRAILER, MOBIL HOME, MODULAR HOME, SITE BUILT, AND HUD STANDARDS. HE DID EXPLAIN THESE AND ASSURED THE PROPERTY OWNER THAT HE HAS SPOKEN WITH OUR ATTORNEY WHO IS ACTING AS FAST AS THE LAW ALLOWS.

BUILDING RENTAL: NONE

OLD BUSINESS:

1. MELVIN STATED THAT THIS YEAR'S **INDEPENDENCE DAY B.C.F. V.F.D. FUNDRAISER** WAS GREATER THAN LAST YEAR'S AND TOTALED IN EXCESS OF \$44,000.

2. MELVIN PROPOSED THAT THE DISCUSSION TO CHANGE THE BOARD'S MONTHLY MEETING TIME TO 9:00 AM. BE POSPONED TO NEXT MONTH SO THE NEWLY ELECTED BOARD CAN CONSIDER IT AS AN AGENDA ITEM.

3. MELVIN ALSO PROPOSED POSTPONING THE DISCUSSION TO CHANGE THE DATE FOR NEXT YEAR'S ANNUAL MEETING TO SEPTEMBER 9, 2023 AS AN AGENDA ITEM FOR NEXT MONTH.

NEW BUSINESS:

1. MELVIN STATED THAT LAST WEEK 11 CERTIFIED LETTERS WERE SENT TO PROPERTY OWNERS IN VIOLATION OF DEED RESTRICTIONS. HE HAS ALREADY RECEIVED REPLIES FROM FOUR WHO ARE TAKING ACTION. HE THANKED THOSE WHO HAVE FILED GRIEVANCES AS THEY HELP THE BOARD SET PRIORITIES.

NEW BUSINESS: (continued)

2. MELVIN PRESENTED A SPREADSHEET SHOWING THE ANNUAL BUDGET BUT EXPLAINED THIS IS ONLY AN ESTIMATE SINCE THE REMAINDER OF THE YEAR (SEPTEMBER THRU DECEMBER) EXPENSES ARE ESTIMATES. HE LISTED THIS YEAR'S PROJECTS, WHICH COST MORE THAN EXPECTED: POOL CEMENT WORK, PAINTING/MAINTENANCE OF THE COMMUNITY BUILDING, POOL BATHROOMS, AND OFFICE. HE NOTED THAT PROFESSIONAL FEES WERE LOWER THIS YEAR (ATTORNEY/TAX PREPARATION). HE CAUTIONED THAT ONE LARGE EXPENSE FOR NEXT YEAR WILL BE FIXING THE SEPTIC SYSTEM FOR THE COMMUNITY BUILDING/POOL BATHROOMS. A PROPERTY OWNER ASKED HIM TO EXPLAIN AGAIN THE ISSUES INVOLVED WITH THE SEPTIC. MELVIN EXPLAINED THEM AND SAID THE HOA WILL ASK THE COUNTY FOR A LESS COSTLY MODIFICATION OF THE EXISTING SYSTEM, IF THAT IS POSSIBLE.

COMMENTS FROM THE BOARD:

1. A PROPERTY OWNER ASKED MELVIN FOR AN UPDATE ON CAMPER VIOLATIONS IN SECTIONS 1, 3, AND 7. MELVIN NOTED THAT HAVING A CAMPER IS NOT PROHIBITED BUT CAMPING IN THESE SECTIONS IS. MELVIN SHOWED WHERE THIS IS CLEARLY STATED IN THE DEED RESTRICTIONS. HE SAID IN SOME INSTANCES THIS IS HARD TO ENFORCE BUT WE HAVE OUR ATTORNEY TO GUIDE US.

2. ANOTHER PROPERTY OWNER ASKED IF DEED RESTRICTIONS CAN BE CHANGED EASILY. MELVIN SAID, NO! : TWO-THIRDS OF PROPERTY OWNERS ARE REQUIRED TO AGREE TO ANY CHANGE AND THIS IS MADE VERY DIFFICULT IN THE TEXAS CODE, BY DESIGN. HE SAYS THE CODE IS 700 PAGES LONG WITH ONLY THIRTY PAGES DEFINING THE RIGHTS OF HOA'S AND THE REST THE RIGHTS OF PROPERTY OWNERS.

3. MELVIN NOTED THAT THERE ARE CURRENTLY 416 PROPERTY OWNERS IN THE SUBDIVISION AND ONLY 16 HAVE NOT PAID THEIR ANNUAL HOA FEE (OVER 96 % COMPLIANCE). HE SAYS THAT LIENS ARE BEING PREPARED BUT ARE LIMITED TO THE LAST 4 YEARS OF DUES. LIENS MUST ALSO BE RENEWED EVERY FOUR YEARS. LIENS WILL HELP THE HOA RECOUP ONLY SOME OF ITS EXPENSES.

4. MELVIN NOTED BURN BAN IS NOW LIFTED. TICKETED VIOLATIONS COST ABOUT \$1,000 IN FINES.

COMMENTS FROM THE FLOOR:

1. PROPERTY OWNERS ASKED TO EXTEND BOTH THE POOL HOURS AND SEASON BEYOND THE REGULAR SEPTEMBER 30TH CLOSING DATE. MELVIN REMINDED EVERYONE THAT THE BOARD EXTENDED THE OPENING TIME (8:00 AM FROM 9:00 AM) LAST MONTH. AFTER CONSULTING THE POOL MONITOR AND THE COMPUTER LOG HE SAYS THERE IS NO ACTIVITY IN THE EVENINGS. AFTER SOME DISCUSSION MELVIN PROMISED TO INCLUDE THIS ISSUE AS AN AGENDA ITEM NEXT MONTH.

2. A PROPERTY OWNER ASKED THE BOARD TO FORM A COMMITTEE TO HELP THE BOARD IMPROVE, SET PRIORITIES, PROPOSE NEW COMMITTEES, AND FIND VOLUNTEERS TO DO THE WORK. MELVIN SAID HE HAS NOT HAD SUCCESS FINDING VOLUNTEERS ALTHOUGH HE ADVERTISED IN SEVERAL PLACES. MELVIN TRIED TO FIND VOLUNTEERS TO PAINT THE BUILDINGS BUT FINALLY HE HAD TO HAVE A LOCAL CONTRACTOR DO THE WORK HE ALSO SAID THAT A PARKS COMMITTEE WAS FORMED LAST YEAR BUT NO PROPOSALS WERE MADE TO THE BOARD. THE BOARD NEEDS PROPOSALS IN ORDER TO BUDGET FUNDS.

PRESIDENT LEHMANN ASKED FOR A VOLUNTEER TO HEAD UP AN EXPLORATORY COMMITTEE AND HE WOULD SUPPORT THEIR EFFORTS. A PROPERTY OWNER HAS VOLUNTEERED TO LEAD THIS COMMITTEE. PLEASE LOOK ON OUR FACEBOOK PAGE: **BIRCH CREEK FOREST PROPERTY OWNERS** , OUR WEB PAGE: **birchcreekforest.com**, AND OUR BULLETIN BOARDS. IF YOU WOULD LIKE TO VOLUNTEER TO HELP THE BOARD PLEASE CONTACT MELVIN LEHMANN OR STOP BY THE HOA OFFICE BETWEEN 3:00-4:00 PM ANY DAY AND SIGN UP!

ADJOURNMENT: THE BOARD WENT TO EXECUTIVE SESSION AT 9:11 AM AND RECONVENED AT 9:30 AM. MOTION BY MELVIN LEHMANN, SECONDED BY CARRIE FERGUSON TO ADJOURN WAS APPROVED AT 9:31 AM.

THE NEXT MONTHLY MEETING IS ON **SATURDAY, OCTOBER 1, 2022 AT 8:00 AM** IN THE COMMUNITY BUILDING. THESE MINUTES WERE APPROVED BY THE BOARD OF DIRECTORS IN THE

REGULAR MONTHLY BOARD MEETING OF THE _____ DAY OF _____, 2022.

_____ SECRETARY _____ PRESIDENT.

