

**BIRCH CREEK FOREST PROPERTIES, INC.**  
**MINUTES OF REGULAR MEETING OF BOARD OF DIRECTORS**  
**SEPTEMBER 7, 2019**

THE BOARD OF DIRECTORS OF BIRCH CREEK FOREST PROPERTIES, INC. MET IN THE COMMUNITY BUILDING IN BIRCH CREEK FOREST SUBDIVISION ON SATURDAY, SEPTEMBER 7, 2019 AT 8:03 A.M.

PRESIDENT KORY HOLMES CALLED THE MEETING TO ORDER, THERE BEING A QUORUM PRESENT.

MINUTES OF THE REGULAR BOARD MEETING HELD AUGUST 3, 2019 WHICH WERE POSTED AND CIRCULATED, WERE APPROVED , WITH ONE CORRECTION, UPON MOTION BY SUSAN WARNE AND SECONDED BY KORY HOLMES. THE MINUTES WILL BECOME A PART OF THIS MEETING'S RECORDS.

THE TREASURER'S REPORT AS OF AUGUST 31, 2019, WAS GIVEN BY SUSAN WARNE. UPON MOTION BY SUSAN WARNE AND SECONDED BY CHRIS HENNING, THE BOARD APPROVED THE REPORT AS PAID. THE REPORT IS TO BECOME A PART OF THIS MEETING'S RECORDS.

**COMMITTEE REPORTS:**

**ABATEMENT:** NONE

**ARCHITECTURAL:**

1. DAVID DIAZ HAS APPLIED TO BUILD A BARNOMINIUM (40' x 40') ON HIS PROPERTY AT 205 SHADOW OAK LN. A MOTION TO APPROVE WAS MADE BY KORY HOLMES, SECONDED BY SUSAN WARNE AND PASSED UNANIMOUSLY.

2. JOHN AND JUNE DUNKLEMAN HAVE APPLIED TO BUILD AN ALL METAL COVER (20' x 40') FOR THE RV LOCATED ON THEIR PROPERTY AT 501 BURNT STUMP. A MOTION TO APPROVE WAS MADE BY SUSAN WARNE, SECONDED BY MELVIN LEHMANN AND PASSED BY MAJORITY VOTE WITH JOHN DUNKLEMAN ABSTAINING.

3. ERIC CLICK HAS APPLIED TO BUILD A POLE BARN / GARAGE (30' x 30') ON HIS PROPERTY AT 318 WOODVINE LN. A MOTION TO APPROVE WAS MADE BY SUSAN WARNE, SECONDED BY KORY HOLMES AND PASSED UNANIMOUSLY.

4. GARY SLAYDON HAS APPLIED TO BUILD A HOUSE / GARAGE (30' x 80') WITH METAL AND WOOD FRAME AND METAL SKIN ON HIS PROPERTY AT 108 WHISPERING OAKS DR. A MOTION TO APPROVE WAS MADE BY MELVIN LEHMANN, SECONDED BY SUSAN WARNE AND PASSED UNANIMOUSLY.

PRESIDENT HOLMES NOTED THAT BESIDES ARCHITECTURAL DEED RESTRICTIONS ALL NEW CONSTRUCTION MUST BE IN COMPLIANCE WITH UTILITY AND SEPTIC BURLESON COUNTY REQUIREMENTS.

**GRIEVANCE:** ONE

A PROPERTY OWNER IS COMPLAINING OF LOUD, CONTINUOUS MUSIC FROM AN OUTDOOR SPEAKER FROM A NEAR-BY PROPERTY. THE MUSIC CAN BE AT ANY HOUR AND THE OWNER OFTEN LEAVES THE PREMISES WITH THE MUSIC PLAYING. PRESIDENT HOLMES EXPRESSED CONCERN AND REGRET THAT ANYONE IN BIRCH CREEK FOREST WOULD BE SO INCONSIDERATE. HE POINTED OUT THAT LOUD MUSIC IS NOT SPECIFICLY MENTIONED IN DEED RESTRICTIONS AND URGES THAT THE POLICE AND COUNTY ATTORNEY BE NOTIFIED. MELVIN LEHMANN NOTED THAT THERE IS A COUNTY WIDE 10:00 PM CURFEW FOR LOUD MUSIC.

**BUILDING RENTAL:** NONE

**SWIMMING POOL:** JERRY POTENZA REPORTS THE POOL IS IN GOOD CONDITION AND SHOULD FINISH THE SUMMER WITHOUT ANY PROBLEMS. HE REPORTS THE POOL LOOSES 2 - 3 IN. OF WATER EVERY 3 - 4 DAYS WHICH IS GOOD FOR HEAVY USAGE DURING SUMMER. MELVIN LEHMANN HAS A CONTRACTOR PREPARING A QUOTE FOR MAINTENANCE WORK TO PREPARE THE POOL FOR NEXT SEASON. THE POOL WILL BE CLOSED ON OCTOBER 1, 2019 AND IS SCHEDULED TO REOPEN ON MAY 1, 2020.

**OLD BUSINESS:**

1. THE GATE AT THE POOL WAS FIXED ON FRIDAY, AUGUST 9 ALLOWING USERS ACCESS WITH THEIR CARD KEYS. MANY THANKS TO THE VOLUNTEERS WHO MADE ACCESS TO THE POOL POSSIBLE FOR SWIMMERS WHILE THE GATE WAS NOT WORKING.

2. THE GATE AT THE TRASH DUMP WAS UPGRADED ON AUGUST 20 SO THAT IT WILL WORK MORE RELIABLY IN THE FUTURE. THANKS TO MELVIN LEHMANN FOR COORDINATING THIS WORK.

**NEW BUSINESS:**

1. A VENDOR HAS SUPPLIED A QUOTE FOR UPGRADING ACCESS CONTROL TO THE GATES AT BOTH THE POOL AND THE DUMP. SINCE THIS WILL REQUIRE A SIZEABLE CASH EXPENDITURE AND SEVERAL HOURS OF VOLUNTEER WORK TO IMPLEMENT, THIS PROPOSAL WILL BE CONSIDERED AT LENGTH AND THE DECISION BY THE BOARD TO VOTE ON IT WAS DEFERRED.

2. A PROPERTY OWNER HAS BOUGHT A LOT AND THE PREVIOUS OWNER OWES A SUBSTANTIAL AMOUNT OF UNPAID HOA FEES. THE NEW OWNER HAS WRITTEN THE BORD ASKING FOR RELIEF FROM THESE UNPAID FEES. A MOTION TO GRANT THE RELIEF WAS MADE BY PRESIDENT HOLMES, SECONDED BY SUSAN WARNE AND PASSED UNANIMOUSLY.

3. **ELECTIONS:** THE BIRCH CREEK FOREST PROPERTIES, INC. ANNUAL MEETING FOR 2019 IS ON SATURDAY, SEPTEMBER 7, 2019 AT 10:00 AM IN THE COMMUNITY BUILDING. MAIL NOTICE OF THE ANNUAL MEETING HAS BEEN SENT TO EACH PROPERTY OWNER.

4. THE ELECTION AUDIT COMMITTEE SELECTED LAST MONTH REQUIRES ONE OF THEIR NUMBER TO FUNCTION AS ELECTION MONITOR / SUPERVISOR. PRESIDENT HOLMES ASKED FOR A VOLUNTEER. DON SHOCKEY VOLUNTERED. A MOTION BY PRESIDENT HOLMES TO APPROVE, SECONDED BY SUSAN WARNE WAS PASSED UNANIMOUSLY.

**COMMENTS FROM THE BOARD:**

MELVIN LEHMANN STATED THAT UPON HIS REQUEST H&R BLOCK HAS PROVIDED AN AUDIT FOR THE ASSOCIATION’S INCOME AND EXPENDITURES FOR THE LAST THREE YEARS. IT SHOWS FOR TWO OF THOSE YEARS A DEFICIT AND FOR THIS YEAR THERE WILL ALSO BE A DEFICIT. HE ASKED THE AUDITOR IF THE ASSOCIATION NEEDS AN INCREASE IN THE HOA FEE AND THEY SAID, “YES“. PRESIDENT HOLMES ASKED THE BOARD TO EXAMINE THE INFORMATION MELVIN HAS PROVIDED AND THAT HE WOULD MAKE A MOTION ON THIS ISSUE AT THE ANNUAL MEETING THAT TAKES PLACE AT 10:00 AM TODAY IN THE COMMUNITY BUILDING.

**COMMENTS FROM THE FLOOR:**

1. A PROPERTY OWNER STATED THAT THE PARK PLAY GROUND EQUIPMENT NEEDS UPGRADING AND THE TENNIS COURTS NEED RESURFACING. THEY URGED THE BOARD TO INCREASE THE HOA FEE SO THAT THESE ITEMS CAN BE PROVIDED.

2. A PROPERTY OWNER COMPLAINED THAT MODIFICATIONS TO A DWELLING NEAR HIS PROPERTY DOES NOT CONFORM TO DEED RESTRICTIONS AND ASKED THE BOARD TO TAKE ACTION. PRESIDENT HOLMES STATED IN THIS PATICULAR CASE OUR ATTORNEY DOES NOT RECOMMEND ANY ACTION. PRESIDENT HOLMES URGED PROPERTY OWNERS TO FILE WRITTEN GRIEVANCES WHEN THEY SEE A VIOLATION SO THAT PROMPT ACTION CAN BE TAKEN. HOMEOWNERS ASSOCIATIONS HAVE NO STANDING IN THE COURTS AFTER FOUR YEARS HAVE ELAPSED. PRESIDENT HOLMES RECOMMENDS THAT THE COUNTY ATTORNEY AND ENVIROMENTAL OFFICER BE INFORMED ESPECIALLY IF SEPTIC SYSTEM VIOLATIONS ARE SUSPECTED.

**CHANGE IN OWNERSHIP:**

<u>NEW OWNER</u>	<u>SEC</u>	<u>BLK</u>	<u>LOTS</u>	<u>PREV. OWNER</u>
CHRIS AND DONNA VITEK	4	15	85, 86	CATHRYN MC ELROY
EMIL AND CORAL KIESLING	5	6	31, 32 ½	BEVERLY BURKHALTER
JOE MARTINEZ	1	1	26, 27	RONALD AND CHERY WOOD

THERE BEING NO FURTHER BUSINESS, A MOTION BY KORY HOLMES, SECONDED BY MELVIN LEHMANN TO ADJOURN THE MEETING WAS APPROVED AT 9:00 AM.

THE BIRCH CREEK FOREST PROPERTIES, INC. NEXT MONTHLY MEETING IS SCHEDULED TO BE HELD ON **SATURDAY, OCTOBER 5, 2019 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
PRESIDENT

