

# Buffalo Creek Homeowners Association

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Minutes of September 9, 2019

**MEETING:** The Board Meeting of the Buffalo Creek Homeowners Association was held at the Leeper Center on Thursday, September 9, 2021. Sally called the Meeting to order at 7:10 pm.

**PRESENT:** Board Members present: Sally Weiser, Bryan Lamoreaux, and Pat Cordova. Ted Craig and Clayton Graves attended virtually. Zachary Boyer, Jeff Looney, and Victoria Benjamin were not in attendance. A quorum was established. Bryan Lamoreaux

**HOMEOWNERS to speak on non-Agenda Items:**

**James Raymond** wanted a written response from the Hearing Request of June 10<sup>th</sup> and asked why the Minutes of that meeting were not up on the Website. The Board was unaware of them not being on the website and Bryan said he'd look into it and correct the issue. A written response will be put together for Board approval and sent. He also asked how long it takes to see posted minutes once they are approved. Bryan explained they are posted as soon as he finds the time. **JC Cox** asked again if he could get a variance for his basketball hoop so he wouldn't need to move it back from the sidewalk. The Board's position was he had a Hearing at the last meeting and the Board had a unanimous ruling that basketball hoops need to be moved a minimum of seven (7) feet back off of the sidewalk when not in use. It was pointed out that the Middle School Courts are available for use. JC's next option under Dispute Resolution would be to move for Mediation. **John Harrell** asked about getting a variance for a second-floor master bedroom balcony. The Board informed him again that this was in the hands of the HOA attorney who had advised the Board to put notice in the Fall Newsletter for the homeowners saying it would be a topic at the next Annual Meeting. The Board was advised to get input from the Annual Meeting prior to acting.

**MANAGEMENT REPORTS:** Pat made the motion to approve the Minutes of the August Meeting. Clayton seconded the motion, and it was passed by unanimous vote. **Financials:** It was pointed out that Delinquencies have climbed to \$19,600.00. Pat pointed out that the top 5 homeowner accounts represented \$15,000.00 of the delinquencies. Management said several accounts have received the final HOA demand and accounts would be turned over to the attorney for collection. The bank account shows a \$6,000.00 balance with checks drawn against that after the first of the month. One of the Reserve CD's is maturing 9/14/21. It will be reduced to deposit \$50,000.00 into the operating account as was approved at our last meeting. Clayton made the motion to approve the Financials and Bryan seconded it. The motion passed by unanimous vote.

**ARCHITECTURAL REVIEW COMMITTEE REPORT:** Seven (7) ARC Requests were processed; 3 landscapes, 2 house paints, 1 roof and 1 chicken coop. Six (6) violations were issued for Proceeding Without ARC Approval; 2 roofs, 2 solar panels, 1 landscaping, 1 chicken coop. There were no responses received from the Newsletter for ARC member training. Clayton said that Beth Lipscomb had an interest and Management would contact her to see if she was

ready to get involved. It was pointed out that the Newsletter also had a notice that every change to the outside of the house required ARC approval and if they did not get it an immediate \$100.00 fine along with escalating fines would be assessed.

**APPROVALS:** The need to make changes to the Residential Improvement Guidelines and Site Restrictions (RISR) along with a couple minor corrections to Hearing Procedures and Covenant Enforcement Guidelines (HPEG) was discussed in the July meeting. Those corrections went before the Board in the August Meeting with the vote on these scheduled for the September Meeting. Bryan made the motion to approve the RISR document and Clayton seconded. The motion pass by unanimous vote. Bryan made the motion to approve the HPEG document and Pat made the second. The vote passed by a unanimous vote.

**DISCUSSION ITEMS: Pump House Repairs.** There is a black algae bloom in the wet well that has clogged the filtration system. Zak George came, and their guy trained on the filter took it apart and cleaned it. We would have to chlorinate the wet well to kill the algae and this would also help clean the algae which builds up in the irrigation lines. It would be good to have chlorine sit in the lines for 24 hours to properly contact the algae. Scott and I would do that on Sunday as the sprinklers do not run Sunday night for the mowers. The system ran again for a couple days and shut down again. We called Charlie Brugger who installed the system and he came out that night and we worked till 10 on it. He found a nut which came off the top of the flushing cylinder and replaced it so the flushing system would work. He trained Scott and I on the filter maintenance so we now can handle issues in house correctly. We also found that the pump house exhaust fan was not working. The aeration system was not working and the lithium battery in the inline flow meter needed to be replaced. Everything is now fixed and replaced. An expense report for time and materials will be forthcoming. **Tree Removals:** Management spoke with Joe Sosa of Tree Top and has verification the HOA's dead trees will be removed tomorrow, September 10<sup>th</sup>. Management also complained about additional trees that are looking stressed and the concern that Tree Top has not been keeping up with inspections. Joe and James Knotts will inspect trees and give feedback tomorrow also. **Homeowner Response to Dues Increase:** Management has received several emails back about the dues increase mainly expressing the understanding they would need to go up and thanking the Board for all their efforts keeping a good eye on our expenses to date. We had received one concern from a homeowner claiming that Bill Pay is an ACH payment. ACH is an Automated Clearing House transaction, meaning it is a federally controlled electronic transaction from bank to bank. Bill Pay is a process of a bank sending in a paper check to the HOA, they are not the same. **Website:** Bryan received a compliment from Houston on the quality of the new website.

**EXECUTIVE SESSION:** At 7:58 Clayton made the motion to go into Executive Session and the motion was seconded by Pat. At 8:25 Clayton moved to exit the Executive Session and Bryan made the second.

**HEARING REQUESTS:** Neither of the homeowners were able to attend the meeting for their hearing requests. **Louis Abrahms:** 8770 Crossfire Dr. Louis had his house roofed by Affordable Roofing without going through the ARC Request process. The roof has been replaced with the wrong color shingle. Research shows Louis was out of country at the time working on a mission of getting Americans and friendlies out of Afghanistan. He was shut down on the 30<sup>th</sup> and was back in Florida where he called me but hoping for orders to start up getting those out who were left behind. He is getting his house ready for sale and was using a realtor

and the roofing company to handle the hail damage so he could get it sold. We do have an Affordable Roofing estimator who has lived in Buffalo Creek since 2013 who usually handles quotes here, however an estimator named Tim was the estimator and I spoke with him to try and figure out how the wrong color was applied. I asked him if they have replaced roofs in the HOA and he said yes. I asked why he didn't know we have an ARC Request requirement and that roofs in the HOA are only one color. I also asked if he was onsite, and couldn't he see every roof in the HOA was the exact same color and why didn't that raise a question for him. He said the homeowner requested the color. He also said that he works with a lot of HOA's, and they all have different ARC processes. When I asked if Louis was onsite, he initially said yes, but then said he was not and had signed their contract by DocuSign while out of the country. I've tried to track down the realtor in question but since the property isn't listed, I'll need to get the name from Louis who had informed me the realtor was a local Wellington realtor. My question to the realtor would be the same due to the fact that realtors are supposed to know about the different HOA Covenants for the properties they are selling and did they know about our ARC Requirements. The last Newsletter had the notice that every project to the outside of the house requires an ARC Request. Bryan also pointed out that he has it on the website. Clayton said we have to be consistent as we've had others replace a new roof with the correct color. His concern was if we let it go in one case it would be discovered by homeowners and we would be opening a can of worms of problems. Pat felt that we should pressure the roofing company and consider restricting them in the future if an amiable solution is not reached. He pointed out we've done the same with both roofing companies and solar in the past, where if they couldn't follow HOA Guidelines they would be restricted from further work in our HOA. Management also added we have done the same with painters who've proceeded without ARC approval. Bryan also pointed out he has a chart of the approved matching colors on the website. The consensus of the Board was for management to continue researching and see if a workable solution can be found. The roof will need to be replaced with the appropriate color.

**Tyler Fricken** requested Board consideration to refund a covenant violation fine for trash can/dumpster. Tyler claimed that the Document on the website "Hearing Procedures and Covenant Enforcement Guidelines states that a fine is issued 15 days after the warning letter and that the fine was assessed prior to 15 days. The warning was sent on May 11, 2021 and the fine was assessed on May 25<sup>th</sup>. Emails were submitted and some past documentation from the file on past issues. A question came up about timeliness of the Hearing Request being outside the required 7 days. Board Members pointed out that May 25<sup>th</sup> was the 15<sup>th</sup> day as you count the day of the infraction and the day of the fine. Tyler was discounting one of those days. Management was questioned as to why Tyler wasn't fined the \$100.00 for not getting the dumpster approval. His email said he wasn't aware of the requirement of getting a variance approval from the ARC for a dumpster. It also appeared he was not following procedure for a dumpster, as it had wheels and was in the street. There was also an email from Tyler claiming he kept the dumpster longer than expected but it would be picked up this week. The Board was unanimous that a refund of the fine was not warranted. Bryan wanted it pointed out that he was not charged a fine of \$100.00 for the dumpster without approval.

**NEXT BOARD MEETING:** The next Board Meeting will be held Thursday, September 9, 2021, 7:00 pm at the Leeper Center.

**ADJOURN:** With no further business before the Board, at 8:35 Bryan made the motion to adjourn, seconded by Clayton. The vote was unanimous to adjourn.