

Coldspring Terrace
Property Owners Improvement Association, Inc.

Post Office Box 446 Coldspring, Texas 77331
CTPOIAL.COM

14 October 2018 Minutes
Pavilion

APPEARANCE: Jeff Bertelsen-PRESIDENT, Sherry Hlanak-SECRETARY, Marsha Strickland-TREASURER, Bruce Shields-TRUSTEE, Barbara Horner-ADMINISTRATIVE ASSISTANT

ABSENT: Seth Warner-VICE PRESIDENT

VISITORS: Ruby Long, Mark Hlanak, Teri and Robert Brown, Tom and Sherry Akeroyd, Randy and Kathy Mays, Rick Ousman, Kay and Bill Tate, Catharine Schmid, Jonathan and Barbara Ponter, Edward and Tina Benya, Robert and Donna Biba, Lisa Brewer, Gene Lewis, Sid Smith, Lewis and Marilyn Fowler

President Jeff Bertelsen called the meeting to order at 5pm. He welcomed all guests.

The Minutes for the September 9, 2018 meeting were previously approved and signed by the board. The minutes were posted on the community's web site and the community bulletin board.

Treasury Report

Administrative Assistant, Barbara Horner, shared the treasury report. The ending balance on September 28, 2018 was \$45,517.36. Treasury report was approved and is on file.

Receivables

The total outstanding accounts as of October, 2018 are \$15,731.74. There are 26 property owners delinquent for 2018 with a combined total of \$5,270.46.

Old Business

There were 17 violation letters mailed out in September. Ten property owners took care of their issues. A few communicated with us to tell us they have their project on the list to do and just want to wait until it's a little cooler. President Jeff Bertelsen talked to the owner of the barn house. He said he is getting estimates for repairs. We shall see.

Coldspring Terrace Board of Trustees

Jeff Bertelsen – President- 281-309-1758

Marsha Strickland- Treasurer-936-662-5992

Seth Warner- Vice President- 281-387-8597

Bruce Shields-Trustee-713-899-0075

Sherry Hlanak-Secretary-936-653-3352

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Sid Smith wanted clarification about the suit against a property owner that was dropped. The board told him it was because of Texas Property Code 209.015 (HB 35). This is a suit that the board would have most likely lost resulting in the waste of property owner's money. Treasurer Marsha Strickland added that the four board members who met with Mr. Hagan were told that our chances of winning this suit were not good. The board felt that its utmost responsibility was to protect the property owners' money.

New Business

President Jeff Bertelsen read an Open Letter to all the property owners about the issue with the fence that a property owner placed on his own property. The letter is as follows:

Re: Review and Decision on the Fence Issue
To: Coldspring Terrace Property Owners

14 October 2018

Texas Boundary Fence Laws state that a boundary fence is a fence that is located on or near a property line, though the exact definition can vary by state. Sometimes even a hedge or row of trees can act as a boundary. The State of Texas does not have a specific law defining and regulating boundary fences, but there might be a local ordinance. A boundary fence, also called a division fence or partition fence, is a fence that is located on the line between two properties.

Our deed restrictions state the following in Section II, Articles 1 and 5:

No building or structure shall be erected, placed or altered on any residential lot until the construction plans, specifications and plan showing the location and pertinent features of the structure have been approved by the BOARD in accordance with Section I, Paragraph D. No fence, drive or wall shall be erected, placed, or altered on any residential lot unless similarly approved.

No structure or building shall be located on any residential lot nearer than twenty (20) feet to the front lot line or street side lot line on corner lots. No structure or building shall be located nearer than five (5) feet to an interior lot line. (There is no mention of fence, drive or wall as there is in Article 1.)

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We asked the Real Estate attorney the following questions:

Does a fence fall under the same guidelines or restrictions as a house, e.g. inset 5' from side/interior property line, 20' back from front property line? She replied that a fence does not fall within the setbacks like a house or garage; but its placement is normally approved by a reviewer. Because there are other fences in the area that are the same as the fence in question, does the BOARD have the right to restrict just one property owner from building that same type of fence? Again, she replied that unless there is good reason, e.g. size or shape of lot, traffic sight obstruction, etc., the board does not have the right to restrict just one property owner from building the same type of fence. Of the 10 existing fences that extend to the front property line, the Terrace files show Home/Lot Improvement Requests for 5 of the fences: 1 request on Magnolia was submitted after the fence was built, 1 request on Hillcrest was not approved and 2 others on Hillcrest were approved by the board. One of those was approved in 2016. One fence also on Hillcrest was approved with stipulations that would have prevented the property owner from building the same type fence as the approved fences even though the ACC recommended approval of this fence with no stipulations. The remaining fences did not have a request form: 1 on Magnolia, 1 on Pine Shadows Ln., 1 on Valley View, 2 on Hillcrest. In addition **none** of these fences were set 5' from the side property lines.

Based on all of the information above the board has voted that all of the reviewed fences including the fence on Hillcrest are not in violation of our deed restrictions.

The new 2019 Deed Restrictions will include a section on fences that details fence requirements, e.g. waterfront fences, height, suggested materials, etc.

Sincerely,

Jeff Bertelsen - PRESIDENT
Seth Warner - VICE PRESIDENT
Bruce Shields – TRUSTEE

Sherry Hlanak - SECRETARY
Marsha Strickland – TREASURER

The Open Letter was signed by all five board members; however, Bruce Shields did not vote on the issue.

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After much discussion, a property owner stated that he was going to build his fence across the front (Hillcrest) and back (Lakeway Dr.) of his property. He was reminded that he needed to submit a hardcopy of the completed Home/Lot Improvement Request form with all the specifications that the 2003 Deed Restrictions require. He replied that he had done this in April, 2017, and since the board had not responded in the required 45 days, he was allowed to go ahead and build his fence over a year later. President Jeff Bertelsen then produced a document from this property owner's file stating that the previous board from 14 May 2017 had disapproved that fence request as the required hardcopy form with all pertinent information per the deed restrictions had not been completed and submitted. The property owner claimed he did not receive this notice, and the former May, 2017 board president did not recall the form where his board had denied this property owner's fence. He also made no comment when the document was shown to him. It should be noted that the previous May, 2017 board president did not put this property owner's name on this disapproval document, and that same board president only signed the document as "Coldspring Terrace Board of Trustees".

This property owner was also reminded about the fence at 104 Hillcrest that he had approved when he was the board President in January, 2016. At first he did not recall this fence. Then, he said he approved it because the one next door to it had been approved. He was then reminded that former May, 2017 Secretary had produced the document that stated that the fence next door had been disapproved. It should be noted that many were discussing this out of order. The property owner's statement that he would build his fence drew ire from some of the other property owners. They did not want him to build his wood fence as it would not match the aesthetics of the community and his backyard wood fence would be along Lakeway Dr.

President Jeff Bertelsen called for order and stated that the board had made its decision and further dispute about this issue would have to be between the two property owners at their own costs. Jeff then continued with the other items on the agenda.

He discussed that there is existing power to allow us to install the lighting that is needed at the pool and mailboxes. The breaker box inside the storage room needs to be replaced. T & K Electric gave us a bid of \$2,600. We are waiting on another bid.

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President Jeff Bertelsen stated that the board is continuing to work on the 2019 Deed Restrictions. We would like to mail and email these to you to review hopefully by December. Please make sure we have your email address. This will save on postage. The Coldspring Terrace POA email address is ctpoiai@gmail.com .

Jeff also stated that we are working to collect dues that are owed to Coldspring Terrace Property Owners to help with needed updates.

President Bertelsen discussed the issues of outsiders using our Common Areas. He made suggestions to the property owners about possible solutions.

First, he discussed new keys. No one would be able to duplicate them, and you wouldn't be getting new keys every year. You will only get one key. Your first key will be free. Replacement fee for lost keys will be \$20. The bid given by A-Key Lock & Safe was \$2008.04. Barbara Ponter stated that it might be difficult to get property owners to pay their annual dues if they had their key for several years. Her concern was noted. Jeff said **the community** would make the final decision. The Board will not go against the majority of the community's decision.

President Jeff Bertelsen also suggested boat ramp area fees. Again property owners were concerned. Teri Brown was concerned since she has a large family and suggested this would be a huge expense. Barbara Ponter was concerned that this would be unfair to the property owners who are abiding by the deed restrictions. Treasurer Marsha Strickland reiterated that these were only suggestions. Jeff also stated this and invited property owners to call or email him their suggestions to solve these issues.

President Bertelsen also discussed proposed fines for violations in extreme cases where property owners are completely letting their property deteriorate. He repeated that these are only suggestions to solve these issues. All property owners will be able to vote on what we do.

Jeff reminded all property owners that a completed hardcopy of a Home/Lot Improvement form goes to Administrative Assistant Barbara Horner **first** to be dated and recorded. Then, this goes to the ACC to actually review the plan to see if it meets deed restrictions. Finally, it goes to the Board for final review and approval or

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disapproval. Emailed forms will not be accepted. Along with needing a Home/Lot Improvement request form to build a home, garage or placing a storage building, fences, driveways and walls must also be approved. There were 2 Home/Lot Improvement requests since July 2018. One was approved in August. The other we received after the fact but also approved. The board signed it recently. It involved a carport that was built in a backyard without submitting the form. The property owner was notified, and he did mail one to the POA.

Property owners were reminded that boat trailers and other trailers should be parked 20 feet back from the front property line, not 20 feet back from the road for more than 72 hours. You will get a letter this month if it's over the front line. We realize this is a lake community with boats and trailers, but these restrictions have been in effect almost 50 years.

On a final note, Coldspring Terrace 50th Anniversary is in March. We hope to begin planning in early January for the March 50th Anniversary. If you have suggestions email us at ctpoiai@gmail.com. We will talk more about this at our last meeting (November) of this year.

Jonathan Ponter recommended contacting SHECO again about a light at the Terrace entrance.

Donna Biba wanted on record that she appreciates that violation issues are being resolved.

Thank you to Ruby Long's son, Johnny, for mowing the lot on Skyline that hasn't been mowed in 8 months. Thank you also to Raymond Smith for hauling the huge piles of grass clippings to the burn pile.

A final question from Tina Benya was about the Open Books law and property owners' rights to request to see books and records. The board agreed. However, according to Texas Property Code 209.005 (k), the personal history violations of a Property Owner cannot be seen.

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President Bertelsen made the motion to adjourn the meeting at 6:05pm. Motion was seconded and passed.

Emailed approval SH

Jeff Bertelsen - PRESIDENT

absent

Seth Warner - VICE PRESIDENT

Bruce Shields

Bruce Shields - TRUSTEE

Sherry Hlanak

Sherry Hlanak - SECRETARY

Marsha Strickland

Marsha Strickland - TREASURER

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