



## *Lick Creek Update*

Thanks to all of the homeowners who took time in January to come to the specially called meeting for input, those who came to the Planning and Zoning Committee meeting and those who came to the City Council meeting.

To give you a better idea of why the Board has taken the course it has in regards to Lick Creek, we would like to review a brief history of what happened under previous SHOA boards and prior to January 2010.

### *Review of Lick Creek History*

Under Steve Garrett's tenure as SHOA president, as far back as 2000, the City has made overtures to acquire the SHOA owned Lick Creek greenway. Until the recent Greenways plan, no previous Boards, including this one, could get a definitive answer from the City as to what was to be done with the creek should the City take it over.

The Board was not alarmed about this situation until **July 2008**, when homeowner Noel Baumann, who at that time was a member of the Planning and Zoning Commission, communicated with SHOA President Rose Norwood. He told her that the City was interested in making some changes involving our section of creek – asking for permission for Dove Crossing to increase water flow into our creek and, building a “bike trail that would lead to the new elementary school”.

Efforts were made to meet with Venessa Garza (Greenways coordinator) in **July/August 2008**, but she had to cancel (email to Rose 8/18/08).

At the **September 2008** Annual Meeting, Mr. Baumann brought up the City's requests. With the exception of Mr. Baumann, the homeowners present were against both proposals. When asked about the City's authority to take over the creek, Mr. Baumann replied it was designated a priority with the City and would be done with or without our consent.

This comment alarmed the Board and prompted more intense communication with both Venessa Garza and Bob Cowell (Planning and Development).

In **November 2008**, a transportation bond was approved by College Station voters which included provisions for development of a multi-purpose hike and bike trail from Creek View school to Lick Creek Park (which included a section through privately owned SHOA property). Because of the fast pace this was moving, the Board called a special meeting to discuss the issue with Sam Brody, a SHOA neighbor and expert in urban planning, particularly greenway development.

In **January 2009**, the Board felt it prudent to alert the homeowners along the creek of the developments. Thus began the chain of events which included multiple meetings with Bob Cowell and Venessa Garza.

At the **September 2009** annual meeting, there was a very low homeowner turnout. However, all those in attendance expressed approval with the actions of the Board in regards to Lick Creek to that date.

### ***January 2010 Lick Creek Activities***

The Board sent out a position statement along with a ballot to all SHOA members to elicit input regarding their position on the City's planned acquisition of our greenway (Vote tally 53 against City development, 18 for). In addition, a special Board meeting was called on **January 12, 2010** to get further input from homeowners. There was high attendance at this meeting.

At the January 12<sup>th</sup> meeting, packets were provided that documented the reasons for the Board's position. Many good suggestions and comments were noted.

- There was a concern by many members about not having enough information to make an informed decision. In hindsight, the Board acknowledges that this was a problem and we do apologize for that.
- An additional concern was made as to why there was not a representative of the City at the meeting to answer questions. Members of the Board have had multiple meetings, correspondence etc. with City employees and the response has virtually been unchanged, which is what we communicated at the meeting. We also wanted enough time for homeowners to be able to air their views before the P&Z Commission meeting less than two weeks later.

Homeowners and board members were present at both the P&Z meeting **January 19<sup>th</sup>**, and the **January 28<sup>th</sup>** City Council meeting. While the Greenways proposal was passed by both P&Z and the City Council, the input from homeowners against the development of SHOA's section of Lick Creek was important for the City Council to hear. Bob Cowell came close to suggesting "Imminent Domain," and Mayor White was quick to inform that condemnation by the City was not an option. SHOA's section of Lick Creek will have to be sold by the HOA for the City to develop it OR the City will have to agree to one of the four possible alternatives presented by the Board.

### ***SHOA Board Bylaw Mandate***

Based on SHOA Bylaws, previous boards, as well as this Board, are bound to uphold Bylaw 15.02(c):

"15.02. Without limiting the generality of Section 15.01, the Association, through its Board and officers shall keep and maintain the portion of the Common Areas described as the Lick Creek drainage area whether such area is included within all of the platted areas of SpringBrook or not, in the following specific ways:"

"(c) The natural state of the Lick Creek drainage area shall be maintained, so as not to create a groomed landscaped park area."

A SHOA Board could consider selling our greenway under the Deed Restrictions §5.06(B)1(b). However, this would run contrary to the Bylaw section stated above. Because of this, the response from the homeowners attending the last two annual meetings, the input requested by the Board on this issue, and the direct impact this decision would have on 25% of the SHOA members, we believe this would require a SHOA wide vote with majority ruling.

All SHOA homeowners should keep abreast of City developments in this area as much as possible. The Board likewise commits to keep members informed on activities and future correspondence with the City on the Lick Creek development issue.

### ***Lick Creek Maintenance***

The Board is also bound by the Bylaws regarding maintenance of the creek. The Board has had difficulty getting bids due to Bylaw insurance requirements and the general lack of interest by landscape companies when approached with this proposal. Last year, the Big Event helped with clean up.

This year, we are happy to announce that we have found a landscape company to work on Lick Creek exclusively- Horizon Lawn Care, owned and operated by Warren Thompson. He has experience working in natural greenway areas such as ours. He understands the dynamics of flooding that causes debris build-up, and the necessity for debris spread to reduce trail erosion. He will be responsible for picking up trash in and around the creek and trail area, trimming branches overhanging the trail, removing hazardous debris, and redistributing flood debris to maintain the natural state and function of the greenway. He will begin work on **March 6, 2010**.

On **March 27<sup>th</sup>**, 20-30 students will be volunteering to help us clean up our Greenway as part of **The Big Event!** The volunteers will be working alongside Horizon Lawn Care cleaning up debris and litter.

The Board encourages all homeowners to **come out and see what is happening** that day. Feel free to lend a hand or bring refreshments for the volunteers. For more information how you can help out that day contact any board member.

**We hope to see you there!**

### ***Dues Reminder***

There are still a number of homeowners who have yet to turn in their 2010 Homeowners Association dues. The due date was January 31<sup>st</sup>. If you have not sent in your payment please send \$150.00 (\$125 dues + \$25 late fee). Checks should be made payable to "SpringBrook Homeowners Association, Inc" or "SHOA".

Mail payments to:

SHOA  
Attn: Treasurer  
P.O. Box 9337  
College Station, TX 77842

# *SHOA Board Communications*

The current Board did not realize assuming responsibility as previous SHOA Boards have done, and bringing forth the current issues (for discussion and vote) at both Annual and specially called meetings, was communicating a “hidden agenda” as claimed by the authors of the orange “Alternative Ballot” flyer. Points have been made about the Board not being as communicative as we should have, and we apologize for this.

We would like to assure all of you that we are serving the SHOA homeowners with integrity. We are upholding the SHOA bylaws as we are mandated to do to the best of our abilities, and we are looking out for the best interests of the neighborhood as a whole.

This newsletter is our attempt to improve communication with homeowners about issues impacting SHOA residents, and the activities of the Board. We will be timelier in updating our SHOA Web site with the information you receive in printed form.

Remember, there are 3 ways to get information regarding the Board’s activities and issues SHOA residents face:

- 1. Attend Annual Meetings (2nd Monday in Sept) and participate in the voting process.**
- 2. Read the SHOA newsletters and provide timely feedback to your Board.**
- 3. View the SHOA Web site <http://www.springbrookhoa.org> information and provide timely feedback to your Board.**

The Board has decided to keep communication with members via written notice (mail), the SHOA web site, or personally delivering a copy. We have considered the use of a list serve, however, due to the changing nature of e-mail addresses and the fact that some of our homeowners do not get e-mail, staying with written notice ensures that everyone gets the information at the same time.

Always feel free to contact your SHOA president regarding any questions or concerns you may have and please make plans to attend the **Annual Meeting, September 13, 2010!**

## 2009-2010 SHOA Board Members

**President:**  
**Rose Norwood**

**Vice President:**  
**Marcy Halterman-Cox**

**Treasurer:**  
**Julie Fulgham**

**Secretary:**  
**Angela Throne**

**Member at Large:**  
**Stuart Allison**