

# SpringBrook Homeowners Association, Inc.

# NEWSLETTER

2007 Issue 2

[www.springbrookhoa.org](http://www.springbrookhoa.org)

September 2007

## **Annual Meeting - Deed Restriction Revision Was not Passed**

The SpringBrook HOA Annual Meeting was held September 10<sup>th</sup> at Rock Prairie Elementary school. Of the 196 properties in our subdivision, 51 were represented at the meeting. Thanks to everyone that attended and participated in this year's meeting.

The hot topic of the night was the proposed revision of Deed Restrictions 3.34, Room and Board Plans and 4.01, Residential Use. The discussion is detailed in the meeting minutes included in this newsletter.

There was much debate, but the revised language was not passed. The drafted language was distributed to all properties prior to the meeting. Even with the 45 proxy votes collected, there were not enough properties voting in favor to meet the 60% (118) vote requirement at the meeting.

**Add something about a 30 day comment period....**

**Should we include the proposed language with the mailout?**

## 2007-2008 Board of Directors

The SpringBrook Homeowners Association Board of Directors was elected at the annual September meeting. Their terms run from October 1, 2007 until September 30, 2008. Each member of the board looks forward to working with all association members to make improvements in our neighborhood.

The board of directors is as follows:

### **President**

Rose Norwood  
1737 Purple Martin Cove  
690-3340  
[rnorwood@bryanisd.org](mailto:rnorwood@bryanisd.org)

### **Vice President**

Marcy Halterman-Cox  
1807 SpringBrook Estates  
690-6047  
[nerves@suddenlink.net](mailto:nerves@suddenlink.net)

### **Treasurer**

Ken Shaw  
3947 Dove Trail  
690-2176  
[Kshaw77@suddenlink.net](mailto:Kshaw77@suddenlink.net)

### **Secretary**

Angela Throne  
1739 Purple Martin Cove  
690-9607  
[a-throne@tamu.edu](mailto:a-throne@tamu.edu)

### **Member at Large**

Mark Smith  
1707 Starling  
690-7886  
[1mesmith@gmail.com](mailto:1mesmith@gmail.com)

### **Webmaster**

Teri Gerst  
t-gerst@tamu.edu

### **Legal Advisor**

Jerry Brown  
jmbrown@tamu.edu

## **MINUTES – 2007 ANNUAL MEETING**

Date: September 10, 2007  
Place: Rock Prairie Elementary School  
Time: 7:00 – 9:00 PM

### **Welcome**

President Rose Norwood called the meeting to order at 7:00 PM.

### **Roll Call/Notice of Meeting**

Rose made a motion to waive the reading of the previous meeting's minutes, seconded by Jerry Brown. Rose stated that the Treasurer's Report and Committee Report will be read preceding the proposed Deed Restriction amendment discussion since that topic is expected to take the majority of the meeting time. Of the 196 properties in the SpringBrook Subdivision, approximately 51 were represented at the meeting.

### **Committee Reports**

Rose continued by announcing the committee reports. The Architecture Committee reviews all requests submitted by homeowners to change their property. Kay McCullough answered the call for volunteers and agreed to serve on the Architecture Committee. The Beautification Committee seeks to improve the look of the neighborhood by identifying ways SHOA can add value to the common areas. Steve O'Neil agreed to serve on the Beatification Committee. Rose called for other committee volunteers, but gained no response. She invited attendees to sign up after the meeting if they change their mind.

### **Treasurer's Report**

Current Treasurer, Tracy Crowley, gave the Treasurer's Report. Tracy stated that current year expenses will decrease slightly for 2007 as no capital improvements have been made. Other than that, expenses are expected to be about the same as 2006. Tracy also noted that dues collection is going well.

### **Proposed Amendment**

Rose turned the meeting over to Jerry Brown to discuss the proposed Deed Restriction revisions

Jerry stated that the discussion to amend the Deed Restrictions regarding renting and leasing really started three SHOA Presidents ago. The SHOA Board charged Jerry with drafting revised wording to strengthen the language and make it as strict as possible. The current deed restrictions already limit renting/leasing. The revised wording does not substantively change the current deed restrictions.

The original developer drafted the SHOA Deed Restrictions intending to prohibit renting/leasing to avoid the problems currently seen in Southwood Valley and Shenandoah where so many houses are now rental properties.

Jerry pointed out that the Deed Restrictions is one area that all SHOA Members participate. The Board handles most of the business, but all Members vote on Deed Restrictions. Based on feedback voiced by Members prior to the meeting, Jerry drafted "less harsh" language for discussion. The goal is to effectively prohibit renting and leasing.

This was one of the largest Annual Meeting turnouts due to the proposed Deed Restriction language revision. The language is very restrictive, but the intention is to allow for variances for specific

situations that may be inadvertently impacted by the new language (such as families whose elderly parents come to live with them).

At 7:18 PM, the meeting was opened for discussion. The discussion will end at 8:30 to allow time to elect new officers. The commentary was as follows:

*Don Breland, 1711 Cardinal*

He is concerned about the language in 4.01 “used for any purpose, including religious”. Does this affect religious gatherings, such as bible study groups?

Jerry responded by pointing out that that statement appears in both the current and proposed language. The Board agreed with Jerry’s opinion that this would not prohibit bible study gatherings.

*Shiela Koenning, 3932 Oriole*

Current language does not prohibit other relatives staying in the home. Under the proposed language, would there be an exception for her mother staying in her home? Why should she have to ask for a variance each time her mother comes to stay for a few months?

Marcy’s responded with “What is the impact on the neighborhood?” Technically, a variance would be required but if her presence does not have any impact on the neighborhood, the variance would easily be granted.

*Skip Landis, 3929 Hawk Owl*

What about future SHOA Boards? If a variance is granted, and the new deed restrictions state variances can be revoked, what’s to stop them from revoking all variances?

Jerry responded that anyone has a right to initiate change to Deed Restrictions, as well as challenge them or even “unseat” the Board if they choose.

Rose explained that the variances will depend on who is on the Board so it’s important to elect a Board that will respect the needs of the Members.

*Linda Jackman, 3934 Oriole*

Can we expand the “family” definition to include parents?

This is one of the options in the proposed draft revisions that Jerry brought to the meeting. So, yes, his is a possibility.

*Michael Roop, 3907 Puffin*

Will the wording prohibit multiple family members from moving in?

Jerry discussed how the goal is to limit students and not affect the neighborhood.

Michael Roop expressed concern about the relaxed language. Will it serve the same purpose as the proposed restrictive language? He described his prior experience living in a Houston neighborhood and suggested that the restrictive language may be necessary.

During this discussion, it was also noted that standards must be established for the granting of variances to insure the variances are granted in a consistent manner.

*Peggy Mackey, 3944 Dove Trail*

In her opinion, it is an invasion to have to ask permission every time her mother comes to stay for more than 29 days. Jerry responded that violations are only addressed if reported. Customarily, Board action is required when complaints are heard.

Peggy stated she is glad to follow the deed restrictions as they were when she moved in. How many problems have we had with families? Jerry explained that we must get the language narrow enough to stop the current problem without hurting families.

Peggy shared that in her previous experience, an HOA obtained a court judgment to require “single family” residents. Violators were required to comply with the single family rule. Jerry encouraged Members to submit their ideas to assist in editing the drafted language.

*Lisa Kalmus, 1707 Starling*

How many violators? How do we deal with the problems now? Rose noted that the Board has addressed the problem this summer. Currently there are three know violators that the Board is working with. Rose went on to explain the current process for addressing these violations.

*George Conrad, 1741 Purple Martin*

One of the reasons he purchased a home in our neighborhood was because of the deed restrictions. However, the proposed language may be too strict. Jerry again encouraged homeowners to provide input on the new language draft.

*Mark Smith, 1707 Starling*

In his opinion, rental property seems to be more of a problem when unrelated individuals are the renters. For example, he described a situation where the parents of several college student children purchased a home for their children to reside in while attending college. In this case, the sibling students took care of the house and posed no problems in the neighborhood.

Jerry pointed out that we would need to define “non-related” guests. It still all depends. You could have the same example Mark described, but the students could throw parties every weekend. The most prevalent problems are seen with absentee owners.

*Century 21*

From the real estate perspective, an attendee working for Century 21 stated that the current deed restrictions can often be a selling point.

*Carroll Albritton, 3804 Gold Finch*

Is it appropriate to make a motion to vote at this time?

*Randy Sumpter, 3900 Puffin Way*

Recommended that we elect a “homeowner at large” to vote on variance requests. It’s a good idea to have an uneven number for voting and this would provide a 5<sup>th</sup> vote, in addition to the other 4 HOA Board members. Are we going to vote now, or further consider?

*Kenna Jackson, 3803 Goldfinch*

In her opinion, the definitions are too narrow.

At approximately 8:30pm, Carroll Albritton motioned to vote on the drafted language for deed restrictions 3.34 and 4.01. Skip Landis seconded the motion. Marcy counted the hands and there were

26 votes in favor. The current votes, plus the 45 proxies did not meet the required 118 votes (60% of 196 properties). The proposed deed restriction change failed to pass.

A question was raised as to whether or not enough homeowners are present to meet the required 60% votes to pass. Marcy asked to see a count of hands for the number of properties represented. The count was 51. The 51 voters present, plus the 45 proxies, were not enough to pass the proposed deed restriction revision.

### **Election of Board of Directors/Officers**

The following members were elected to the Board of Directors for the October 1, 2007 – September 31, 2008 term:

#### **President**

Rose Norwood  
1737 Purple Martin

#### **Vice President**

Marcy Halterman-Cox  
1807 SpringBrook

#### **Treasurer**

Ken Shaw  
3947 Dove Trail

#### **Secretary**

Angela Throne  
1739 Purple Martin

#### **Member at Large**

Mark Smith  
1707 Starling

### **New Business**

After discussion about what steps to take next for the deed restriction revision, the Board agreed to send out a notice for a “30 day comment period” to gain further input from Members. The plan is to host a meeting in approximately 30 days from tonight’s meeting to deliberate and vote again.

Tracy Crowley suggested that we include this notice in a newsletter, along with the new officer information. The newsletter will be sent out as soon as practicable after tonight’s meeting.

Linda Pressler, 3935 Oriole, stated she is a new owner and this was her first meeting. She asked if we usually discuss other topics. Tonight’s topic revolved around one item.

Noah announced the City of College Station is starting up their Gateway Grant program and suggested our HOA could apply for a grant to make improvements.

Carroll Albritton made a suggestion to plant some tall shrubs on Longmire. Since Longmire is now open to through traffic, the noise level has increased.

### **Adjourn**

The meeting was adjourned at 9:00 PM.

These minutes were recorded and transcribed by Tracy Crowley.