

## 2021-02-17 Virtual (Zoom) Annual Meeting Minutes

Known attendees:

Board Members: Troy Fielding (conducted the meeting).

Troy Evanovich (also attended, though he did not have audio or video during the meeting.)

Known homeowners in attendance:

Keith A. Lindsey

Molly Salzwedel

Jaime Lodes

LaRae Lodes

Vincent Falcon

Dee Dee Stalnaker

Lee Stalnaker

Becky Freed

Many other homeowners attended online. An exact number is not known.

Keith Lindsey was elected to the Board of Directors replacing Troy Fielding. Keith Lindsey asked Troy Fielding what the vote count was, but Troy Fielding would only say that, "...the margin was fairly large..." and that he didn't go out campaigning.

Troy Fielding explained how many "hats" he wears and that this is now one less "hat" he will have to wear. Troy Fielding said that it was great because now he could spend more time with his family. Troy Fielding said that he received some feedback from the neighborhood that although he was doing the right thing, there is an appearance of a conflict of interest and that he should either serve on the Board of Directors or manage the HOA but not both. Troy Fielding acknowledged that the feedback was right.

To that, a homeowner took exception to his comment. Troy Fielding also said he believed that Keith Lindsey would do a great job. Keith Lindsey then responded, "Trust me, I've done this before, I'll do it again!" Troy Fielding then congratulated Keith Lindsey on being elected to the Board of Directors. Keith Lindsey responded, "Thank you!"

Troy Fielding was then concerned about audio issues in the Zoom meeting. A homeowner then let Troy Fielding know that his wife was trying to enter the Zoom meeting. Troy Fielding then allowed her access. The homeowner thanked Troy Fielding. Troy Fielding then asked people to point out to him when someone was trying to enter the meeting.

Troy Fielding then said that Sabrina Washburn is the Property Manager for The Owner's Association of Bradford Park, Inc. and that she was unavailable for this meeting due to weather related issues with her home, in particular water. Jaime Lodes then responded that she was not the only one. Troy Fielding stated that it was the worst time of year, that their office got hit with Covid-19 in January 2021 and that the work load has been tough for everyone at Connect Community Management because of working remotely and that their response time has been impacted by both Covid-19 and the current weather related issues. He asked for patience, flexibility and understanding. He hoped that once Covid-19 was over, that we could all meet again in-person.

Troy Fielding then went into an explanation of the financials of the budget.

As of Dec 31, 2020 \$106,421.16 in the bank account. NOI (Net Operating Income) is down (\$13,783). (\$7,536) short in collections however part of that was offset by two people selling their homes and paying off their balances so we are actually down (\$6,101) for revenue that was projected. Expenditures were over by (\$7,687.35) with the total being (\$13,788.35).

Troy Fielding then explained that people keep asking about community events and that we do have community events and that they are budgeted and that money hasn't been spent especially in 2020 because of Covid-19. Troy Fielding explained that the last National Night Out he stepped up and cooked hamburgers for the HOA at his personal expense. Troy Fielding explained that there are no mandates for community events, but anyone can request money for an event provided they detail what it's for and how much they'll need. And whatever money is not spent, just rolls over to the next year's budget.

Jaime Lodes then asked Troy Fielding if the other Board Members were on the call. Troy Fielding stated that Keith Schmidt's water pipes burst earlier that day and he was not able to attend the Virtual Annual Meeting.

Troy Fielding then discussed that for a while there was nothing in the budget for Yard of the Month, but Troy Evanovich not only got it reinstated but also has been awarding Yard of the Month in the absence of a Yard of the Month Committee. Troy Fielding thanked Troy Evanovich for his efforts on Yard of the Month.

Keith Lindsey then interrupted Troy Fielding to let everyone know that he has formally requested from Connect Community Management the last four years of contractor bids and who was awarded those bids. Keith Lindsey said he also stated that he thought he asked for a copy of the contracts, too, but if he didn't that he would in the future. Troy Fielding said that they've been working on that and would try to get that information to Keith Lindsey by Friday (02-19-2021). Troy Fielding said that he would also get Keith Lindsey the price for all of that, too. Troy Fielding said that there was one piece of information that they could not comply with and that was the information on how everyone voted for the last seven years. Keith Lindsey disagreed with that and said that The State of Texas changed the law in 2012 so that all voting was no longer by secret ballot and that all voting was now a matter of public record. Troy Fielding said that he would refer Keith Lindsey to Sabrina Washburn and that she holds the highest designations in the industry and that she has both a PCAM and her CMCA license. He described her as "...the cream of the cream of the cream of the crop" and that only eight individuals in Austin, to his knowledge, hold those credentials. Keith Lindsey responded, "Fair enough." Keith Lindsey also stated that he would be publishing those documents once received on bphoa.info.

Troy Fielding then talked about the contract for landscaping. Troy Fielding said he wasn't defending the landscaping contract only explaining what occurred. Troy Fielding said that initially he didn't have anything to do with the contract for landscaping. Troy Fielding verified that over \$19,203 was spent by the HOA last year for landscaping but that wasn't the landscaping contract. The landscaping contract was \$14,007. Troy Fielding said that the monthly amount for the landscaping contract is \$1,061.63. Troy Fielding stated that there are more things that are being mowed than are known about. Troy Fielding also stated that there was another \$1,267 in sales taxes that was paid for the landscaping service. Troy Fielding

then said that the common area trees hadn't been cut back for years, so another \$5,000 was paid to cut back the common area trees. Troy Fielding speculated that the tree trimming expense shouldn't be repeated for the 2021 year.

Keith Lindsey then asked Troy Fielding was the contractor subcontracting the work. Jaime Lodes then added "for the trees". Troy Fielding responded he didn't know. Jaime Lodes then added that Troy Evanovich should be able to answer that. Then a homeowner asked where the landscaping was done. Troy Fielding then brought up a Google Map and explained that the area mowed goes from Donnell Drive to past Andres Way on High Country almost to Winding Way. He also stated that the landscaper removed weeds from two islands, kept the bushes, small trees and flowers along the wall on High Country and mowed an area on High Cotton Way area where there are no homes as well as keeps the trees maintained on High Cotton Way, and that there is an area on Bradford Park Drive that the landscaper takes care of too. Troy Fielding referenced an area that's actually City property that it appears the landscaper has been mowing.

A homeowner then asked what constitutes a "common area" and Troy Fielding explained what a common area is. Another homeowner then told Troy Fielding that there were homeowners who were waiting for access to the Zoom meeting. Troy Fielding thanked that homeowner and allowed the two that were waiting access to the meeting.

Keith Lindsey then asked Troy Fielding a question that other homeowners had asked him: That the area on High Cotton Way where the trees had been trimmed had branches end up in someone's yard over a homeowner's fence on their property and/or thrown into the creek. Troy Fielding then asked if the branches were coming from within Bradford Park or outside Bradford Park. Keith Lindsey responded that they were coming from within Bradford Park. Troy Fielding stated that he had not heard about this. A homeowner then started to ask a question and went away.

Troy Fielding then asked if that answered everyone's questions. Becky Freed then commented that another homeowner on High Cotton Way has seen the City of Round Rock mowing the ditch and land between the houses on High Cotton Way and that area is City of Round Rock property and the City takes care of it. Troy Fielding said he didn't know if that was part of the contract. Jaime Lodes then asked if the contractor is Troy Evanovich. Troy Fielding stated that he is the contractor. Jaime Lodes then asked if Troy Evanovich is actually mowing those areas on High Cotton Way or not. Keith Lindsey said he'd like to hear Troy Evanovich respond to the allegations. Troy Fielding then asked Troy Evanovich to respond. Troy Evanovich said Troy Evanovich didn't have any audio. Jaime Lodes then asked if Troy Evanovich subcontracted out the tree trimming. Troy Fielding said he didn't know. Another homeowner and Jaime Lodes both said that if Troy Evanovich as the landscaper is subcontracting out the labor to trim trees, that's a problem. Troy Fielding said he understood, but he didn't know. Troy Fielding said that since Keith Lindsey is now a Board member that he could have that discussion with Troy Evanovich. Keith Lindsey responded, "We'll definitely have those discussions that's for sure!"

Troy Fielding then discussed more about the budget. Troy Fielding discussed how some homeowners have not paid their HOA dues and how they endanger themselves to foreclosure, but that the HOA eventually gets its money. Troy Fielding stated that he used to

buy foreclosures on the courthouse steps and he saw people in financial ruin for not paying their HOA dues.

Troy Fielding then asked if anyone had been dropped from the call. No one said that they had.

Troy Fielding then discussed an example of an HOA that got rid of all their CCRs and their HOA where one of the owners turned his property into a storage facility and stated that it was pretty ugly. Troy Fielding stated that it was right in back of the folks on Donnell Drive, near abandoned railroad tracks.

Troy Fielding then said that the property that is adjacent to Donnell Drive is not within the City of Round Rock and that the people who own that area are seriously considering getting rid of their CCRs which may impact the property values on Donnell Drive. Troy Fielding discussed development of that land, what could possibly go there and the impact on Bradford Park's homeowner values. Dee Dee Stalnaker asked if the area near the abandoned train tracks was arterial A which she and Lee Stalnaker stated was approved for construction 20 years ago but was never constructed. Troy said that the new road will connect Kenny Fort Road and that it may be arterial A. A homeowner then thanked Troy Fielding for the information.

Lee Stalnaker then asked if we could move on to the next agenda item.

Dee Dee Stalnaker then asked a question about the playscape on Andres Way if we deeded that to the City of Round Rock. Troy Fielding then asked Keith Lindsey what he knew about the playscape on Andres Way and its status. Keith Lindsey then responded that he was on the Board of Directors in 2005 and was involved with what transpired with the playscape. Keith Lindsey stated that back in 2005, the HOA had no real common areas and complained to KB Homes about it. KB Homes owned the land that was known as 2615 Andres Way. It was vacant land, but useless; nothing could be built on it but KB Homes was paying property taxes on it. So, KB Homes gave it to the HOA. But because the land was unusable, all they actually gave the HOA was a yearly property tax liability. So, the Board of Directors, Traci Fowler, Lynda Garcia-Gomez and Keith Lindsey contacted the City of Round Rock and asked the City what would the City do with the property if it was deeded to the City. The City of Round Rock then stated that they would put a playscape on the land and annex it into the City Park known as Bradford Park, however, the City wanted help putting the playscape together from the Board and Bradford Park residents. So, the Board voted to sell the land to the City of Round Rock for \$10 and the City built the playscape on it with Board members and residents of Bradford Park. Keith Lindsey further explained that in 2020, The City of Round Rock upgraded or replaced all the playscape equipment on that site and that site is now City property. Troy Fielding responded it was great because the HOA doesn't have to upgrade the playscape equipment nor does the HOA have any liability for it. Keith Lindsey responded that the HOA doesn't have to pay property taxes on unusable land, too. Troy Fielding stated that The City of Round Rock gets revenue from all of us anyway, so they should take care of the park. Keith Lindsey agreed.

Dee Dee Stalnaker then asked if the area between the street and the sidewalk in front of the playscape is part of the HOA or is it City Property? Keith Lindsey responded that he believed it was City property.

Dee Dee then asked about the right-of-way in front of someone's home. Keith Lindsey responded that it was part of that particular homeowner's property but within the HOA boundary. Troy Fielding agreed.

Dee Dee then asked about the playscape area again and Keith Lindsey confirmed that property belongs to The City of Round Rock.

Becky Freed told Troy Fielding that people were waiting to get into the meeting. Troy Fielding said that he just noticed it and granted access to those who were waiting.

Another homeowner asked what constitutes a "common area"? Troy Fielding stated that any area that the builder decides to deed to the HOA. The homeowner then asked about where the tree trimming discussed earlier was located. Keith Lindsey said that it was on High Country. Troy Fielding confirmed that. Keith Lindsey then stated that one of the things that he wanted to look at at the next Board meeting was deeding over what little common areas the HOA holds to The City of Round Rock because the City already takes care of the playscape and park area and it would be trivial for Round Rock to take care of those areas, too. Keith Lindsey stated that he will encourage his fellow Board members to do exactly that.

A homeowner asked the question, what has to be considered in order for there to be some rule or process that disallows any Board member from being a contractor for the HOA? Troy Fielding stated that would require a change in law from The State of Texas. Troy Fielding said that they contacted an attorney that clarified the process. Troy Fielding described the current statute and that the key is that the Board member seeking to be also a contractor must submit his bid and not have access to any other bids that he's competing with and he must not be involved in any discussion involving those bids nor be involved with the voting on his bid. Keith Lindsey added, "If you go and look at the By Laws, the By Laws currently state that a Director will not be paid or compensated for any service they render to the HOA. Understanding though, you're right about the State of Texas: it says you MAY, it doesn't say you HAVE to, it says you MAY have a Director who owns a company like you do, put in a bid as long as he's not privy to the bids and not privy to the voting for his own contract. My personal stance is, is that, or understanding is, is that, since there are three Directors on this Board of Directors, it would take the other two Directors to affirm this in order for this to go forward. My personal feeling is, now that I am a Director, I do not feel that that is moral or ethical and therefore from this point forward it will not happen so long as I am on the Board, and I will be reviewing the contracts, particularly the one for Troy Evanovich in the near future." Troy Fielding responded, "As a Board member, you have every right to do so."

Troy Fielding then stated that when Connect Community Management was bidding to be Bradford Park's Property Management company, that he was not a Board member nor was he a property owner. Both of those came later after Connect Community Management had already been awarded the contract by the Board of Directors. Troy Fielding also stated that he was brought on as a consultant because the HOA was fining members for CCR violations. He said that the previous property management company and the previous Board had passed an illegal Declaration Amendment and that the attorney that the previous Board relied on is no longer practicing law within the State of Texas. Keith Lindsey then added that what had occurred is that the previous Board had, with the previous property management company, PS Property Management, had bypassed the By Laws and The Texas Property Code using the fact that the HOA is a non-profit corporation and the Texas Business Code as the means

to do so. Keith Lindsey also stated that he agreed with Troy Fielding that what was recorded at the county in 2013 under John Davitt was illegal and that it will be one of Keith Lindsey's highest priorities to get that invalidated and the invalidation recorded at the county. Troy Fielding stated that he personally went through every account that owed money because of CCR violations and credited back any money illegally obtained because of that illegal recorded document. Keith Lindsey said he commended Troy Fielding for doing so. Troy Fielding stated that John Davitt got very bad legal advice. Keith Lindsey then stated ages ago, around 2003, when he was then on the Board of Directors, the Board of Directors was looking for a property management company. Keith Lindsey was tasked with getting bids. He found one named "PS Property Management" and was owned by Phylis Starr. He contacted her and let her know that Bradford Park HOA does not have fining capability. Phylis Starr stated to him that there were ways around that. Keith Lindsey then stated that he found her completely not credible and PS Property management was not considered or offered the opportunity to bid on the contract. Unfortunately John Davitt did find her credible and that John Davitt was misled and Keith Lindsey was sorry that he was.

The homeowner then praised those who have served on the HOA and then asked if we could pass an amendment to the Declaration or By Laws and what it would take to pass such a thing, in particular she wanted to pass a change to the By Laws that would prohibit a Director from being a contractor employed by the HOA. Troy Fielding stated that it would take 2/3 of the HOA to vote yes to get that done. Keith Lindsey stated that there are 278 homes in Bradford Park. Two-thirds of 278 is 187. It would take 187 yes votes to get the By Laws or the Declaration amended. Troy Fielding agreed.

Another homeowner asked about the Architectural Control Committee and how onerous it used to be. She wanted to know if there was a way that she could just get a building permit and build on her own property without going through ACC. Troy Fielding told her no and explained the process that's currently in-place. Keith Lindsey then added that there are two committees that are required: Architectural Control Committee and The Nominating Committee. Keith Lindsey stated that The Nominating Committee requires that a Director be the Chairman of that Committee and he volunteered to be that Chairman. Keith Lindsey also stated that the Board of Directors doesn't want to be the ACC Committee and that he wants to have a functional ACC Committee again. Troy Fielding then let Keith Lindsey know that there is a new law Texas law now eliminates someone being prevented from running for the Board of Directors unless they are a convicted felon or a convicted pedophile. Keith Lindsey thanked Troy Fielding for letting him know that. Keith Lindsey also stated that the Board of Directors doesn't want to do ACC functions and so Keith Lindsey wants to get that Committee up and running again to get the burden off the Board of Directors. Troy Fielding then said that people who have a construction background generally make the best ACC members. Keith Lindsey agreed, but said that those who do choose to serve on that committee need to learn a few things like set back lines in order to properly administer ACC.

Dee Dee Stalnaker asked a question about painting fascia board the same color. Keith Lindsey stated that if it's the same color it shouldn't need to go through ACC. He related a story about how he and his sweet wife replaced all the windows in his house with Renewal by Andersen Windows. Because the replacement windows were similar in color, no one noticed the difference. Troy Fielding then said that Keith Lindsey should review his CCRs to ensure that he's not giving bad advice. Keith Lindsey said he would.

Dee Dee Stalnaker then stated that they replaced their windows but went through ACC. She also stated that they had to go through ACC when they built their deck and when they put solar panels on their roof. Dee Dee Stalnaker stated that the solar panels were tougher to get through ACC because of where her house faces and how solar panels work. Troy Fielding stated that in 2012 The State of Texas changed a lot of Property regulations. Keith Lindsey added that in 2012 Michele Risko and her Board of Directors added new rules to the Declarative to comply with changes to Texas Law and those changes are available at [bphoa.info](http://bphoa.info) under the Governing Documents tab. Troy Fielding stated that through the Connect Community Management portal those same documents are available and searchable.

Troy Fielding then asked for adjournment. Keith Lindsey then made the motion for adjournment. Troy Evanovich seconded by text message to Troy Fielding. The meeting was adjourned.