

**ESTATES OF BRENTWOOD
HOA BOARD MEETING
JULY 14, 2004**

The Estates of Brentwood HOA Board Meeting began at 7:35 p.m in the home of Pat O'Rourke. Participating Board members were Pat O'Rourke, John Ryder, Ken Mills, Mark O'Connor, Rich Siegmund, and Kelly Bahrs. Board member Ray Young was absent. Two guests were present: Chidi from Travis County and Dave Hobson from ConcreTex. The following items were discussed during the meeting:

- 1) Pat O'Rourke asked Chidi to address characteristics of the proposed improvements to Anderson Mill Road which will be adjacent to our neighborhood. Chidi responded that the distance between the edge of the roadway and the Estates of Brentwood fence line varies depending on the contour of the land. The road height will also vary up to one foot above the fence line. At the highest point in the roadway, the roadway will "appear" 5 feet above the fence line of some residents. Six properties will potentially be affected. A retaining wall approximately 500 feet long will be built along that area. There will be a guard rail and if there is a pedestrian path, a pedestrian handrail will also be installed. The Board inquired about the possibility of moving the fence line (in lieu of pedestrian hand rails) next to the pedestrian path to increase privacy for affected residents. Chidi responded that a license agreement is sometimes granted which would allow a structure to be placed in the right of way. A line of credit (e.g. letter of credit based on a bond held at a bank) or a cash deposit for replacement of said structure in the event of damage or future construction is usually required as well. Chidi suggested that Pat contact Derla Verstaling at 854-9300 to inquire about whether the line of credit can be waived for the Estates of Brentwood since it is unlikely that the county would ever need to move the fence in the future. Affected residents would obviously have their backyards enlarged with right of way. Any improvements or structures placed by residents in the right of way must be easily removable at any time for the county to agree to place fence line on the right of way. Placement of the fence line on the right of way will save the county the expense of annual mowing of that area however small the

costs may be. Chidi recommended that the HOA Board document and design a plan and submit it to the county for review. Chidi said our request is not unreasonable. Costs to accommodate requests made by the HOA are one factor the county will consider. Historically, the county has only paid for fence line that the county has damaged or removed for the purposes of construction. Chidi estimates a pedestrian hand rail costs between \$25 and \$45 per foot (the upper end is based on outside fabrication for specific types and sizes of hand rails). Thus, it is more expensive than a wooden fence which would cost between \$16 and \$18 per foot. The county is hoping to start construction in late fall or at least have all bids completed. There is only one property remaining in dispute with the county over property value. After Chidi's departure, the Board continued discussing the issue. The topic was raised about the possibility of requiring the residents backing up to Anderson Mill Road to contribute a portion of a new fence line (e.g. 25%) since they will be receiving a brand new back fence. Also mentioned was the fact the Board needs to decide who will pay and what percentage they will pay for side fence extensions should the county allow the fence line to be moved to the edge of the roadway. No resolutions were agreed upon on these two issues during the meeting. The Board acknowledged that the six affected homeowner should be consulted as to whether or not they would accept the idea of maintaining the right of way in their backyard. The point was made that moving the fence line to the edge of the pedestrian path is to the six homeowners' advantage because it will increase their privacy. Ken Mills brought forth the idea of presenting this information in a letter to the six affected homeowners, but no action will be taken at this time. The Board appointed Ken Mills to prepare the proposal and Pat O'Rourke will assist with drawings depicting the new fence line in relation to the right of way. The documentation packet will be delivered to Chidi's group for review and recommendation to the county commissioners.

- 2) Pat O'Rourke asked Dave Hobbs of ConcreTex to address the Board on the characteristics of concrete fencing. Mr. Hobbs stated that concrete fences last between 20 and 30 years depending on the type of posting. The fence does deteriorate and at some point would have to be removed entirely and replaced. The sound would be decreased 5

decibels at the first foot above the sight line of the fence. Eight decibels is the most that will be decreased at the maximum height of the concrete fence which is eight feet. The concrete is mixed with oxide which creates the color of the fence. According to Mr. Hobbs, the colored concrete fades during the first 18 months and then begins to brighten again. The concrete fence is guaranteed for five years against material and construction defects. The maximum height that can be guaranteed is eight feet tall. Typically, the fence would be between six and eight feet tall. Mr. Hobbs' gave names of several neighborhoods or areas that have concrete fencing: Wells Branch, River Place, Canyon Creek, Scofield Farms, Legends of Hutto and along Dies Ranch Road. Of all these communities, Legends of Hutto is the only community to contract with ConcreTex. The cost of colored concrete fencing is approximately \$32 per foot for a six-foot high fence with five-inch posting. This price includes removal of the existing wood posts. The "wood finish" appearance is manufactured in five foot panels. The "brick finish" appearance is manufactured in 4.9 foot panels. The Board raised the question about replacing damaged panels of discolored concrete fencing. Mr. Hobbs recommends purchasing 20 to 30 extra panels at the time of construction for future use which would require storage by ConcreTex or by the HOA. However, it was noted that those panels would not be the same color since they would not be exposed to sunlight. The question was raised by the Board regarding whether the concrete could be painted after the color has faded to which he answered affirmatively. The Board also inquired as to the location of ConcreTex's factory to which Mr. Hobbs stated the factory is located on Parmer Lane about one half mile north of FM 1431. After Mr. Hobbs' departure, the Board continued discussion of concrete fencing. The expense of concrete fencing is definitely a matter to be considered as it is approximately double that of wood fencing. Also, the long term appearance of concrete fencing was discussed including the ease with which vandals might damage the fence. Chipping and minor damage to the fence would be likely and probably not worth replacing an entire panel. Mr. Hobbs presentation was solely for information-gathering purposes and the Board made no decision in favor of the concrete fencing.

- 3) Pat O'Rourke announced that we have 731 feet of property west of Centennial and 594 feet of property east of Centennial.
- 4) Pat O'Rourke again mentioned that the bottom branches of the trees in the park need to be trimmed. He wants to get a bid and, if it is under the budgeted amount, proceed with having the lower branches trimmed. There were no dissensions by the Board.
- 5) Pat O'Rourke reported that Goodwin Management advised that it would be wasteful to pursue filing liens against the banks that currently own two houses in the Estates of Brentwood for which dues are delinquent.
- 6) Rich Siegmund proposed an idea to start a fence maintenance/replacement fund. It would be added to the annual homeowner dues and earmarked in a separate bank account. This idea is to prevent having to pay a large amount toward a fence at one time by residents and also that temporary residents (i.e. those who stay only a few years) would not move in and leave without contributing toward a fence. Ken Mills suggested that we still have many unknown facts regarding the type of new fence, its costs, and whether the county will contribute toward a new fence. Kelly Bahrs also questioned why residents backing up to Anderson Mill Road are not contributing a portion toward the new fence (i.e. 25%) and pointed out that all other residents have to pay all of their fence costs without assistance. The Board responded that they want to maintain control over the uniformity of the fence line. Kelly Bahrs made the point that residents backing up to Anderson Mill Road willingly purchased those homes and most likely at a discount and should have some financial responsibility as individual homeowners toward the purchase of a new fence line. Ken Mills said the Board should consider waiting until definite decisions can be made on all of the above matters and then possibly incur debt to be paid back gradually in increased homeowner dues. This option allows the board to better evaluate the situation and more accurately project the costs that will fall back on the HOA. It also means that residents benefiting from the new fence either from the viewpoint of the looks of the neighborhood entrance and those directly

benefiting due to new perimeter fencing on their properties will be the ones incurring the associated costs.

- 7) Pat O'Rourke indicated that many fences in the neighborhood are nearing time for replacement. The Board disagreed regarding setting parameters on homeowners for replacing fencing. The idea of keeping our neighborhood attractive and the potential that fences of differing materials may detract from the overall attractiveness was voiced by Kelly Bahrs. Rich Siegmund stated that he felt homeowners should be able to put whatever type fencing they prefer insisting that he trusted homeowners would not decrease the attractiveness of their own property. Pat O'Rourke suggested we defer all inquiries about fencing by homeowners to the architectural committee. The Estates of Brentwood Declaration of Covenants, Article VIII, Section 7 Fences, Walls, and Hedges states "all lots shall have a wood privacy fence at least six feet but no more than seven and one-half feet in height along the rear property line except Lots 1 through 7 and 9 through 12, Block A and Lots 28 and 29, Block C. No chain link or metal fences shall be permitted on any Lots, except Lots 1 through 7 and 9 through 12, Block A and Lots 28 and 29, Block C, except in special circumstances, such as to enclose a swimming pool or a tennis court, and the express written consent of the Committee (i.e. architectural committee) shall be first obtained."
- 8) Rich Siegmund again raised the idea of improvements to the park. There was disagreement among Board members as to the sentiment of homeowners as to the desire to improve the park and take on the costs of improvements. The Board elected to defer the discussion to another meeting in the future.
- 9) Pat O'Rourke talked with the resident who is supposed to prepare the Estates of Brentwood directory. She states she has been busy. Pat O'Rourke will stay in contact with her and push for completion of the directory.

The meeting adjourned at 9:50 p.m.