



Tucker Talks – Episode 1

Description

Tucker Omohundro Interview – Tucker Talks about the CMP and why it won't work, Episode 1 of a 4 part series

I would like to preface this article by saying that anything Tucker states here is not coming from John Cooper or Cooper Communities, Inc. (CCI), but is the opinion of Tucker Omohundro.

Meeting Tucker

The day we had the pleasure of first becoming acquainted with Tucker was when one of his friends alerted us to censoring that was happening on the POA Facebook page. Tucker subsequently posted three comments on his own Facebook page and also allowed us to post his comments in our Facebook Group, "Hot Springs Village People". Enthusiastic discussion ensued.

In addition to our online interactions, recently my husband and I had the pleasure of taking a short drive across the Village and having a "talk with Tucker".

As we pulled up to Tucker and Carol's beautiful but unpretentious home we immediately noticed the quality of work and attention to detail that Tucker is famous for. Tucker and Carol's tasteful home is nestled in the Village woods in a pristine and serene environment

Obviously, Tucker was anticipating our arrival and came out to the driveway to greet us with a big smile. He immediately and graciously offered us a soft drink or water and escorted us into his charming home. As we sat around the kitchen table, we were treated to a lovely view of their spacious backyard and good-sized covered deck.

Tucker is a no-nonsense kind of guy and as he began pouring his Pepsi into his glass, he immediately started sharing his story.

The case of the disappearing Facebook comments

“What first kind of riled me up, was a POA post on the Hot Springs Village POA Facebook page,” Tucker stated. “I responded to the post, just a quick little comment and they erased it”, explained Tucker.

Originally the [HSVPOA](#) CEO had posted a video on the Hot Springs Village Facebook page. Tucker commented on the post that evening. The next day when Tucker checked to see if anyone had responded back to his comment, he was met with a surprise.

Tucker said, “I told Carol that my comment was gone.”

Puzzled, Carol asked, “It’s gone?”

Tucker replied, “Yes.”

Carol said, “Really?”

Tucker said, “So, that made me mad!”

Cheryl interjecting in Tucker’s story: “I wonder why she erased it?”

Tucker answered, “She didn’t like what I said. The page is managed by POA employees, and they denied erasing my comment. A friend saw the postings and posted something on the CEO’s post. The friend then copied the whole posting and sent it to me. By the next morning, it was all deleted.”

At that point, Tucker posted another comment and said, “you don’t have to worry about deleting anymore, this is going somewhere else now, where you can’t delete it. It made me mad.”

He decided to post about a few topics on [his own page](#). These three subjects Tucker posted on his Facebook page were:

1. Truth about the CMP,
2. The real estate business (Village Homes and Land) and Builder’s Guild and,
3. Tucker’s lot buying debacle with the POA.

Background on Tucker

Taking another sip of his Pepsi, Tucker said, “That’s when I first became involved in this. I worked for Cooper Homes here for 22 years. When I resigned in 2006, I was the Regional President. I was over Hot Springs Village, Bella Vista, Rogers and Benton.” Tucker left on good terms and still respected the company, but it was time for him to slow down and start his own business.

After resigning from CCI, Tucker went into business for himself and started ‘Tucker Home Builder’.

HSVPOA focus is wrong

Our focus is on the wrong spot. We have two things we need to focus on, infrastructure and marketing.

First, we need to focus on infrastructure and maintaining what we already have. We need to be concerned with making the Village presentable for guests to visit and possibly buy a place here.

Infrastructure involves the golf courses, the culverts, the streets. We need to preserve the Village the way it is. We don't need to build another golf course. "We don't need to build a lodge. A swimming pool is great. I wish we had five."

Having said this, Tucker said we should not borrow money to build a pool. "Why are we doing that? And you can say we are not borrowing money, but oh yeah, we are. Any way you look at it if we are spending money that needs to be spent somewhere else, that is borrowing money. We are borrowing problems. I don't have anything against a pool that we can afford."

I don't think we need to add amenities, if we can't sustain what we have. If we have the money, why not do it? But we don't need to borrow money to do so. That is not going to get people in here. WE are the ones that are going to get people in here. Word of mouth. Telling your friends and families."

CMP states the gates are problematic

Management has hinted around about opening the gates. The gates are problematic to town centers, which they support. We already have empty buildings in the Village. Coronado Center is about to have another empty unit due to moving to a newly remodeled building. We have numerous commercial facilities sitting empty right now. If someone wanted to put in a retail business or restaurant, they could do that now.

"One of the proposed town centers is supposed to be built on privately owned commercial property at Carmona, where the Cooper Lumber Yard used to be located. The POA doesn't even own this property.

Tucker believes it is 'their' full intention to take down the gates.

Village is already developed

"In order to build the town centers, they must take connecting lots and rezone them. Over the years, there have been a lot of people wanting to do a lot of things and the consensus has always been, 'not in my back yard'."

Tucker said he doesn't have all the answers, but the Village cannot be redeveloped. "It is already developed. To pay for a development plan like the CMP, was a big waste of money. You can't redevelop a community. And that's what they want to do.

Cooper owns the easements

One reason it can't be done is because Cooper owns the easements. "If they would have been nicer

to Cooper about this, Cooper would have been open. Cooper doesn't care what we do as long as it is in the best interest of the community."

"The reason Cooper's property is reserve property is because it has not been zoned.

Tucker's belief and opinion is that once zoned, you can't rezone the lots without approval of everybody in the subdivision. In order to rezone, you need 100 percent agreement of the whole neighborhood. I don't believe we're going to get 100 percent agreement on anything. If someone wants to put in a grocery store on a lot zoned for residences, the person that lives across from the proposed grocery store probably won't agree. None of the rezoning is going to be able to legally happen. (Again, this is Tucker's opinion.)

Problem with building pocket homes

They cannot build the pocket homes and cross the easements. We have patio homes (zero lot lines) in the Village. There were supposed to be about 30 patio homes built and only five were sold."

As far as the smaller rooftops go, we have a 1,200 plus square foot plan for Maderas Gardens, and it is not selling. If people aren't buying a smaller home in Maderas Gardens, which is nice and all the outside maintenance is taken care of, where else are you going to sell a 1,200 square foot house?"

Tucker said, "There was a case in Little Rock where some people had purchased in a new subdivision. After the developer had sold several lots, he decided he wanted to rezone the property. The case went to court, eventually making its way to the Arkansas Supreme Court. Two of the individuals that purchased lots did not want the rezoning and sued the developer. They won the case. You must have 100% approval to rezone. There was also a case in Hot Springs where the city bought a lot in a subdivision for the purpose of installing a water tower. In order to do this, the lot needed to be rezoned. They were not permitted to do this for the same reason."

Tucker says, "I do not believe Cooper will allow us to change the lot lines. Nobody can build on the easements without Cooper's approval."

Tucker on the Lodge

Tucker said the biggest issue he has with the CMP is not the lodge. He doesn't have much concern on a lodge being completed, because investors try not to do things that are not profitable. These companies have guys that do the ROI's. "MacDonald's restaurants don't fail. They know whether it will work or not. I am not saying these guys are McDonald's, but they are not idiots.

Lodge is not going to be profitable

The fear I have is that it is not going to happen, and the CEO is going to try to force us to do it. If the company does determine it to be profitable... The next problem we have is where are they going to put it?"

Where can we build a lodge?

The only possible places to build a lodge is on Cooper owned reserve property at the east and Cooper-owned commercial property at the west gate.

“Some other people and I looked at building a lodge in the Village and maybe getting Cooper involved. We talked it over and we decided against it because we didn’t think it would work.”

Lodge outside the gates?

Cheryl asked, “How do you feel about a lodge outside the gates, Tucker? If that happened, there would never be a risk of Villagers subsidizing a lodge.”

Tucker responded, “Why is McDonald’s outside the gate? McDonald’s did not build a restaurant inside the gates because they know it wouldn’t be as profitable. There is enough traffic outside this Village for McDonald’s to survive. I don’t think we will get a lodge outside the Village, but there is a better chance of that surviving than one being successful inside the Village.”

Tucker further commented that it would be better to build a lodge on the west side because Walmart is located there. Think about the east gate. There is just one place to eat and not a lot of traffic.”

Tucker said, “I don’t think a lodge will be built. Developers are not going to invest 5 or 10 million, which is what it would cost, if it were any size at all. How are we going to get people to use the lodge? That is the question I have – unless we connect with Oaklawn and take overflow.”

Why is the POA wasting time and money?



Tucker talks about the CMP and why it will not work

Cheryl asked, "If the POA cannot do this, why are they wasting their time?"

Tucker responded, "Why do they waste their time doing so much stuff? Why did they waste their time with the CMP?" Tucker said he sat at one of the BOD meetings and a presenter finally said in his closing statement, "but understand that for you to do any of this, you have to be able to make a lot of changes. That is up to you, whether you can do that or not."

Tucker asked, "Why did we not put together what we could legally do and then give that information to the maker of the CMP? Then have him give us a plan, based on what can legally be done instead of paying a half a million dollars for a plan that cannot be used."

Tucker explained that because of what the POA has done, Cooper had to file a lawsuit against the POA to protect his interests.

Possible lawsuits if POA refuses to install utilities

There could possibly be a class action lawsuit if the POA tells people they will not put the utilities on their properties.

This has happened.

Tucker explained, "I met with a couple a while back and fortunately for the POA this couple owned a lot on a paved road with one house." Tucker asked the couple if they still wanted to build on the same lot.

The man stated that he had been paying assessments on the lot for 45 years and he still planned to build a home on this lot. It was a nice flat lot.

After people have paid assessments for years, they expect to be able to build on the lot they chose and that utilities will be run to the property, as this is what the original promise was.

“The POA has turned people down. People have walked away.”

Cheryl asked, “Can the POA do that? Refuse to run the utilities to the lot?”

Tucker said the POA can try to bluff people. “You have to tell them you are going to take them to court.” Then the POA will be forced to provide the utilities. It’s unfortunate that these steps are required.

Tucker’s first comment on his Facebook page

Below is Tucker’s first post that he made on his own Facebook page on October 28, 2018, after his comments were censored on the HSV POA Facebook page.

(Truth) Ok, let’s talk about the CMP. We hired a company to give us a development plan for an (already) developed community. No one including the company who provided the plan, did any research to see if implementing said plan was legal. I just happened to attend the board meeting where they presented the plan. The meeting went on a long time and at the end, they made one comment. “None of this works if you can’t rezone the properties.” Oops, did anyone think about that before we wrote the check?

I have discussed rezoning properties with Cooper for years. I have asked the question of why we, (Cooper), have never rezoned property. The answer was simple. The laws do not allow us to. (Cooper’s opinion, but an educated opinion). Cooper has always had reserved property in the village. Reserved also meant not zoned. It was never zoned until the use was determined, and the property sold. Cooper has been a developer for many, many years. They do not have an office full of defense attorneys. They have an office full of real estate attorneys. Important if you want to be a developer and not have lawsuits.

I have researched to see if we can rezone. (Opinion) Everything I find says you must have a 100% favorable vote to rezone in a platted subdivision. Although it does not matter, I am not sure if the judge would call the entire village or each smaller area, a subdivision. As I stated, I can’t see how it would matter.

Cooper gave the POA the ability to change the platting on lots. (Opinion) They cannot and will not give them the ability to rezone. Contrary to what our board and CEO think, just because we are a private community, does not mean we are above the law.

Once again, I have shared my concerns regarding legalities, with the current administration and as always, they say they can do what they intend.

(More to come)

Authored by [Cheryl Dowden](#)

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