

**Westwood Landowners' Association
Board of Directors Meeting
August 9, 2018 Monthly Meeting Minutes
Magnolia, TX 77354**

Monthly Meeting: The Board of Directors of the Westwood Landowners' Association (WWLOA) convened in a meeting open to all Members of WWLOA at the Westwood LOA office at 7:00pm.

Quorum Present: Pat Troy, President
Diana Maichetti, Treasurer
Mike Pidotella, Secretary
Julie Vanderhorst, Member-at-Large

Call to Order: President called the meeting to order at 7:05pm

1. The board members introduced themselves.
2. Consider and Approve consent items:
 - a. Minutes of July 12, 2018 Monthly Meeting

The Treasurer motioned to accept, Member-at-Large 2nd. The motioned passed unanimously. The consent items were approved.

3. Action Items:
 - a) Add Section 9.045 to the bylaws
 - a. The President noted that during a meeting in May the board introduced a planned change to the bylaws about reduced maintenance fees, for multiple residential lots, to attempt to capture and document something done in 2004 but never documented in any of our governing documents. The President reminded everyone that during July's meeting he stated that the board was still reviewing the manner of getting the reduced maintenance fees documented in our bylaws. It was determined that the current board can not legally attempt to capture in the bylaws today something that was done in 2004 and not properly documented at that time. Upon further review of this matter the board was not able to confirm the number of votes collected, the amount of the discount or the process followed, back in 2004, to attempt to properly document it today. Only members, with a minimum of 51% in favor, can change the deed restrictions for each section. In 2004 this was not captured in an amendment to the deed restrictions. The decision to implement the reduced maintenance fee was not captured in a revision to the bylaws, which the board at the time would have had the authority to do. This was not documented in ether document.

The Member-at-Large announced that the minutes of the April 2004 meeting did state that they had taken a vote on it and it had passed. That is the only

documentation we have for it besides some ballot copies that were found. We do not know if it is a complete archive of those ballots from 2004.

The President announced that since the practice of reduced maintenance fees for multiple residential lots was implemented in 2004 and maintained since that time, that this board would not attempt to stop it because it was not properly documented. This board will utilize its authority to revise the bylaws to introduce new language, independent of any previous board's undocumented actions, to ensure residents did not lose this feature but to properly document it.

- b. The President read the following proposed addition to the bylaws:

9.045 Maintenance Fees for Residential Members Who Have Contiguous Full or Partial Lots: Annual maintenance fees for residential landowners who have contiguous lots that include their residence shall pay 50% of the fee they are currently paying on their primary residential lot for each contiguous lot. For those that own partial lots, landowners will pay ½ of the fee of their percentage of ownership for each partial lot.

- c. The Treasurer motioned to approve, Member-at-Large 2nd. The motioned passed unanimously. Section 9.045 will be added to the bylaws.

4. Financial Report from Treasurer

- a. The Treasurer handed out a copy of the Financial Report, for the period ending June 30, 2018, to all members attending the meeting.
- b. The Treasurer announced that July financial report ending July 31st was not available from the CPA at this time.
- c. The Treasurer reported the cash balance with the Checking and Money Market balances totaling 432,767.60 as of July 31, 2018.
- d. The Treasurer reviewed the operating expenses shown on the Financial Report ending June 30, 2018.
- e. The President asked if there were any questions or comments about the financial report.
 - A resident asked what are the non-exempt revenues
 - Non-exempt revenues were identified as: reimbursement of attorney fees, pool and pavilion rental fee, construction fees, interest on money market account and transfer fees. That is, everything that is not maintenance fees.

- The Treasurer commented that we are not fully tax exempt.
 - f. The Member-at-Large motioned to approve, Secretary 2nd. The motioned passed unanimously.
5. Report from Constables regarding events affecting Westwood
- a. The constable stated that there was nothing new to report.
6. Drainage Committee Report from Member-at-Large
- a. Reserve C is a Westwood owned property in sections 1 & 2. Reserve C needs to be cleaned out of trash and debris that is inhibiting water flow. Water from Reserve C drains into the creek and then becomes part of the outflow that goes under 2978. Access to Reserve C is difficult because it is bordered by the creek and other lot owners. Access was granted by neighboring lot owners as well as use of their parking lots. The Drainage Committee is organizing the work to clean our Reserve C.
 - b. Work was done, by volunteers, behind Sugarbush between McDaniel and Mackintosh in section 4, to clear out weeds and remove pine straw and debris to help improve water flow. The main problem with this area is that there is essentially no grade for effective water flow. The county, using satellite technology, determined that the grade is only 0.03 to our outflow out past Ranch Lake in Sendera Ranch. The Drainage Committee is working with Sendera Ranch and the county to improve the water flow in this area.
 - c. The Drainage Committee is working with property owners, the county and the county attorney a to replace culverts and improve the grade along Douglas Fir, Shadberry and Mesquite down to Teakwood outflow. Going door to door to get permission for the county to replace culverts under property owner's driveways.
 - A resident noted that this was attempted in the past but failed because all residents along the targeted street did not give approval. The cost to replace the concrete in their driveways was an issue since the county will only replace with asphalt.
 - A resident suggested working with a cement contractor to try and get a discounted price for the entire job and bring that information to the impacted residents. The Member-at Large added that the Drainage Committee has already thought of that and noted that there are 3 or 4 cement contractors that live in the neighborhood and plan on talking with them to see if a reduced price could be obtained.
 - The board and Drainage Committee are evaluating all options. The board has approached the WWLOA attorney to determine if this would be considered a "common element" since, in general, flooding in Westwood can negatively impact everyone's property value. The Member-at-Large noted that everybody benefits from houses not flooding. The board is waiting to hear

back from the attorney on this matter. This would allow Westwood to consider the use of LOA money to help fund this needed work.

- The Member-at-large stated that right now the Drainage Committee is working on getting the county to do their job and resolve the issue with these culverts. The area that is 30 feet from the center of the street onto your driveway is county property.
- d. A resident acknowledged the work that the Drainage Committee has been doing but asked why there has not been anything done to help her since her house has flooded five or six times that she knows of. The resident's house is located on Conroe Huffsmith near the intersection with Weisinger.
- The Member-at-Large asked if she is referring to an issue with the drainage ditch in the front of the house.
 - The resident said no, the issue is with the easement in her backyard. There is no drainage on the easement and nothing is being done. Two weeks after a rain she still has standing water in her back easement and her back yard.
 - The Member-at-Large clarified that the easement behind her house is not a dedicated drainage easement. It is a utility easement.
 - The resident pointed out that water dose not even get to the ditch on Weisinger because it sits in her back yard.
 - The Member-at-Large explained that the Drainage Committee is working together with the county to improve water outflow, in the defined platted drainage areas, throughout the neighborhood. The issue the resident is experiencing is because the water in the back of the house can not drain to the ditch in front of her house, as it should do, because her lot is in a low area and the lot was not graded properly to direct the water from the back to the front ditch and then flow out of the neighborhood.
 - The Treasurer noted that she believes that she has previously talked with the resident and explained that the issue is specific to her property and the resident will need implement corrective measures like building a berm or installing a French drain.
 - The resident stated that this will not work for their property because the water from the entire north part of Conroe Huffsmith comes straight down the back of their property.
 - The President asked if we could get her contact information for the Drainage Committee for that area and noted that, as the resident pointed out, solving the drainage issue on her property will then impact the neighbor's property so there needs to be a comprehensive approach.
 - The Member-at-Large noted that she has the contact information.
 - The resident stated that she has given her information an asked to be contacted on several occasion but has yet to be contacted.

- e. A resident asked about the status on Fairbanks.
 - The Member-at-Large stated that this is what she mentioned earlier. It is county work on county property and for some reason the county says we need resident's approval. The Member-at-Large asked county's attorney's office to give her a permission slip that is county approved for people to sign for having their culvert changed out, regraded and reset. Also looking to get a quantity discount from cement companies to get a lower price for each resident that wants cement in place of the county provided asphalt in their driveway.
 - f. Drainage Committee meetings are always on the Monday before the WWLOA Meetings that occur on the second Thursday of the month. The Drainage Committee meetings are at 7:00pm at the WWLOA office meeting room. Everyone is welcome to attend. The next Drainage Committee meeting is on September the 10th.
 - g. The President announced that if you are aware of someone changing the drainage on their property, without going through the ACC, you need to let the office know about it. If you see someone bringing in dirt or putting in culverts you need to let us know. If they went through the ACC process and their drainage plan was approved there will be a sign in their front yard acknowledging approval for the work.
 - h. The Member-at-Large announced that people that signed up to be on the Drainage Committee at the Annual Meeting will be contacted soon. This has been delayed because she needed to take time due to a death in the family.
7. Website Updates from Secretary
- a. The Secretary announced that a list of recent website updates was attached to the agenda that was handed out to everyone when they arrived and he would be happy to answer any questions about the updates. There were no questions about the website updates.
8. Old Business:
- a. Section 4 Deed Restrictions amendment for metal buildings – President
 - The President announced the Amendment to the Section 4 Deed Restrictions has been filed with the county and was effective July 19, 2018.
 - b. Community Groups Committee Setup Update – Member-at-Large
 - The Member-at-Large will have the office send out an email to those that signed up for committees at the Annual Meeting to have an organizational meeting.
 - c. Announcement - President

- The President announced that the board is still looking to fill the Secretary Position. We would like to have a full five member board. If anyone is interested or knows someone who is interested please let us know.

9. New Business:

a. Standing water in ditches

- The President announced that if you have a problem with standing water in your drainage ditch to call the numbers below to report it to the county.
 - 1) Call the county to report standing water in drainage ditches - Montgomery County Precinct 2 Commissioner's office 281-259-6492
 - 2) For any environmental or health concerns related to standing water in drainage ditches, call Montgomery County Environmental Health Services at (936) 539-7839 or (281) 364-4200 EXT 7839. Note that it is causing an issue with mosquitos and/or snakes.
 - Also, call this number to report any environmental or health concern including septic system issues or concerns.
- The county will pay more attention to a home owner calling that they will from the WWLOA.
- In the past the county came out and dug out the ditches on a regular basis. Now the county is saying that because so many people complained about it affecting the grass and ability to mow, they will now only come out to dig the ditches that property owners call about. It is county property and they can do it without permission but they stopped because they just got tired of the complaints.

10. Open Forum

a. Jennifer Wyatt, 33706 Conroe Huffsmith

- You said that if I wanted to build up the areas on my lot where water stands, I can't do that without getting permission from the ACC and if it results in the water going onto other properties I will not be approved.
- The Member-at-Large noted that there is always a way around it.
- The resident said she is looking into ways to help solve here flooding issue. She is looking into the possibility of raising her house. Does she need to get ACC approval for that?
- The President acknowledged that it was a good question. If you raise the house it will change the drainage on the property and you will be required to submit a drainage plan approved by the ACC.

b. Krissi Henson, 33710 Conroe Huffdmith

- What can we do to get the county to put in a bigger culvert at Conroe Huffsmith and Weisinger across from Aldi? The side that is closest to Aldi has a huge culvert and water follows with no problems.

- The Member-at-Large stated that the Drainage Committee and she have been talking with county about that. The County will need to evaluate every culvert going downstream toward Kroger. We don't know the history about who placed those culverts. The Member-at-Large offered to look into it.
- c. Dennis Christie, 818 Fairbanks Dr.
- Stated his question has been answered.
- d. Barbara Klahr, 1015 Westwood North Dr.
- She goes by a house on Westwood North every day and for the past six weeks the yard has not been mowed. It does contain snakes going into the back of the yard. It is a disgusting yard and if we can mow our yards, that yard should be mowed.
 - Another resident asked if there was anything in the deed restrictions that require yards to be mowed and the grass not get to tall before the neighborhood or HOA mows it and charges the property owner?
 - The Member-at-Large pointed out there is nothing in the deed restrictions to specifically enforce that. This is another reason we are hoping to see the deed restrictions get updated and improved.
 - The Secretary noted that the deed restrictions are still the original ones written in the 1970's.
11. The Treasurer made a motion to adjourn, Secretary 2nd. The motioned passed unanimously. The President adjourned the meeting at 8:25pm.