

**Westwood Landowners' Association
Board of Directors Meeting
February 14, 2019 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 WWLOA office at 7:00pm.

Board of Directors

Present: Pat Troy, President
Diana Maichetti, Treasurer
Mike Pidotella, Secretary

Quorum was present, 3/5

Absent: None

Open Positions: Vice President
Member-at-Large

Call to Order: President called the meeting to order at 7:10pm

- 1) The Board Members introduced themselves.
- 2) Consider and Approve Meeting Minutes:
 - a) The Secretary presented the minutes of January 10, 2018 Monthly Meeting for approval:
 - b) The President motioned to accept, the Treasurer 2nd. The motioned passed unanimously. The minutes were approved.
- 3) Financial Report :
 - a) The Treasurer presented the financial report:
 - i) As of 12/31/2018 the total in the checking and money market accounts were \$340,588.58. Accounts receivable were \$97,692.68.
 - ii) As of 1/31/2019 the total in the checking and money market accounts were \$327,871.93. Accounts receivable were \$90,113.88.
 - b) The Secretary motioned to accept, the President 2nd. The motioned passed unanimously. The financial report was approved.
- 4) Traffic Violations Report
 - a) The Secretary reported the number of warnings and citations issued by the constables during traffic stops while patrolling Westwood:
 - i) December, 2018 – 58
 - ii) January 2018 through December 2018 - 724

- 5) Report from Constables regarding events affecting Westwood:
 - a) The constable reported that everything seems to be going well.
 - b) The constables followed up on the concerns, raised at the last meeting, about undesirable activity going on at Oak Bluff Park. They reported that they have not found any drugs during their patrols of the park. It has just been kids playing basketball and hanging out. The neighborhood kids are there prior to it getting dark and just stay after it gets dark. Their experience has been that residents get concerned and suspect illegal activity when they see kids hang out at the park after dark. They noted residents should still call and report any concerns so they can check them out.
 - c) The President stated that neighborhood parks are only open for use from dawn to dusk. The constables can tell people the park is closed and they need to leave if it is after dark.
 - d) The constables noted they have started cracking down on the speeding in the neighborhood. They will continue to concentrate their efforts on speeding in the neighborhood.
 - e) It was noted that arrests are being made by the constables on patrol in the neighborhood.
 - f) Construction workers have been asked to not park their vehicles on the side of the street, but to park on the lots where they are working on houses being built.
 - g) Lawn maintenance crews are being asked to put orange cones up. The President asked if the orange cones are required by law. The constable responded that they are not.

- 6) Deed Restrictions Exploration Committee (DREC) Update
 - a) The Secretary stated that the DREC met last Tuesday evening, 2/12/2019, and provided an overview of what was discussed at the meeting:
 - i) A proposed amended Nuisance Article, prepared by the Committee Co-chairs was presented and discussed. Board members explained that this proposed amendment would still be difficult to enforce as it needed more specific and well defined examples of nuisances. The consensus of the members present was that it did not sufficiently improve on the major concerns the board has experienced with enforcing the current Nuisance Article in the deed restrictions. It was decided the proposed amended Nuisance Article needed more work.
 - ii) The Board Secretary displayed a section of the deed restrictions for Lake Windcrest to provide an example of a more enforceable Nuisance Article.
 - iii) A Committee Co-chair raised an issue with a specific sentence that she felt gave the Association too much power in determining what constitutes a nuisance.
 - iv) The Committee recommended that deed restrictions from other communities be evaluated and their content be considered for the proposed Nuisance Article.
 - v) The Committee also recommended that the board members review all proposed amendments before presenting them to the overall committee for discussion.
 - vi) The pros and cons of creating a single deed restriction document for all of Westwood vs maintaining the section specific deed restrictions we currently have was discussed. The consensus of those attending the meeting was to maintain the section specific deed restrictions documents. Reasons given were:
 - (1) It allows each section to decide what they want and not be forced to go along with other section's choices.
 - (2) It was noted that section 3 is significantly larger than the other sections and would have more influence in any deed restrictions decisions.

It was recommended to revisit this, after we see how each section votes on the amendments, to see if there will be different restrictions wanted for the individual sections or if all sections want the same things.

- vii) Having an amendment allowing metal buildings in sections 1, 2 and 3 as well the current amendment allowing metal buildings in section 4 was discussed. The following was proposed:
- (1) It was pointed out that some landowners have expressed concerns that the current section 4 amendment allowing metal buildings did not specify a maximum allowable size.
 - (2) It was suggested to revise the content of the section 4 amendment allowing metal buildings to remove content that is not specific to only metal buildings and place it in a new amendment outlining the requirements for all outbuildings. This approach of creating an amendment allowing metal buildings as well as an amendment for all outbuildings in general should be followed for all sections. The outbuilding amendment would include maximum size and other requirements pertaining to all outbuildings regardless of construction materials.
 - (3) A statement noting that shipping containers are prohibited should be included in the amendments allowing metal buildings.
 - (4) For those that do not want to sign to approve metal buildings, an option for an alternative amendment should be provided that more clearly states that metal buildings are prohibited. It was noted that while the current deed restrictions are clear about metal building not being allowed (except for section 4 due to the previous amendment), it was proposed to add this as experience has shown that it would help to make it clearer. This would be available for all sections.

7) Old Business:

- a) Board needs to fill two Director Positions
 - i) The President reported that we need two Board members and asked if anyone would like to volunteer.
 - ii) No one volunteered
- b) Looking for additional ACC members
 - i) The President reported that we also need ACC members.
- c) Courtesy Patrol Driver
 - i) The President announced that Michael Goza will be the new Courtesy Patrol Driver starting in mid-March.

8) New Business:

- a) Appoint new ACC member
 - i) The President announced that Michael Goza volunteered to me on the ACC.
 - ii) Mr. Goza stated that he is a Westwood resident.
- b) Drainage Committee Update
 - i) The president stated:
 - (1) There is a lot happening concerning drainage.
 - (2) Made a lot of progress with getting people involved. The specifics are discussed in the Drainage Committee meetings.
 - (3) WIMPD (Westwood Magnolia Parkway Improvement District) will be helping us.
 - (a) Mainly financial
 - (b) They have a good relationship with the county and will help work towards a more cooperative relationship between the county and Westwood.
 - (4) Our attorney is looking into the possibility of changing the language on the Plats so that Westwood LOA could have rights to enter onto drainage easements to perform

maintenance to improve drainage. When the Plats were created and filed with the county they stated that the county has the rights to access drainage easements.

- (a) The LOA does not have the rights to access them. We would be trespassing if we went onto a drainage easement.
- (b) The county's position is that even though it was set up that way, for the county to take care of them, the county cannot spend county money on private property. The land where the drainage easements exist is private property.
- (5) We are looking into establishing a Drainage District.
 - (a) Would require an election for registered voters to vote on establishing a Drainage District.
 - (b) Would be responsible for improving and maintaining drainage in our community.
 - (c) Funds needed would be provided through our property tax.
- (6) We are looking into every possible approach to improve drainage in our neighborhood.
- (7) Continue taking your drainage related questions and issues to the Drainage Committee.
 - (a) Attend Drainage Committee meetings. Meetings will now be the first Tuesday each month.
 - (b) Send messages to their email address, available on our website.

9) Open Forum

a) Julie Vanderhorst, 33603 Conroe Huffsmith

- i) Julie Vanderhorst asked if anyone can go around and collect signatures on a petition to amend the deed restrictions, like section 4 recently did, or does it need to be through the Deed Restrictions Exploration Committee. She specifically referenced the desire to amend the amendment that allows metal buildings to include a statement defining size limitations.
- ii) The President responded stated that landowners can petition to amend the deed restrictions at any time. They need to obtain signatures representing at least 51% of the lot owners.
- iii) Julie Vanderhorst was interested in pursuing the metal building size restriction sooner than it may take going through the overall committee process of addressing all deed restrictions concerns raised by landowners across all sections of Westwood.
- iv) The president, again, stated that anyone can go around and get the required 51% of the landowners signatures required for an amendment at any time.
- v) Julie Vanderhorst asked, since this the amendment is a legal document, is there any way to get help with required wording.
- vi) The President noted that he wished that was done with the current section 4 amendment for metal buildings and that he had offered to have the LOA attorney look at it before signature collection. Also, it would have been nice to let the community have some input on it.
- vii) Julie Vanderhorst asked how she could get the wording done so she could take it around and get the signatures.
- viii) The President said that we will work with anyone to establish the wording.
- ix) The Secretary stated that we need to get the wording that matches what the majority of the residents want as well as the legal aspect of the document. Then all signatures need to be verified. This is the process the committee is pursuing for the overall amendment needs. He will talk with the committee about expediting the amended metal building amendment for section 4.
- x) Julie Vanderhorst also asked if anything has been decided about how to address the issue with the drainage easement at Sugarbush and Weisinger.

- xi) The President stated the LOA cannot do anything because of the wording on the Plat. Only the county is authorized. The LOA would need permission from the landowners on both sides to work to get the outflow out to 2978. We are waiting on the attorney to provide us with documents for the landowners to sign giving the LOA permission and release the LOA from any liability.
- xii) The President stated that this is being looked at because there is a commercial lot owner impacted and the excessive standing water in the ditch is causing his bank to devalue his property to the point where the land will no longer serve as collateral needed to develop his commercial business. The President expressed that it is not good for our neighborhood to have properties devalued because of drainage issues. The water is standing in the ditches on both sides of Weisinger. The county has graded the ditch on the west side of Weisinger. The issue is an outflow problem. The water can't get out of the neighborhood. It just sits there stagnant and is turning green, it is not healthy. The LOA would like to start with this draining easement because it is one of the smallest and would be a good opportunity to see if we can get the approvals and funds to solve this problem.
- xiii) Julie Vanderhorst stated that she was curious if the LOA was going to go forward with this or if we were waiting for WMPID or something else.
- xiv) The President replied that we are not waiting for anything. We are pursuing all approaches to the resolution of this issue. It just takes time. We will be sure that all work will be performed as directed in a professional engineering study. We were told the county has performed an engineering study. The President has not been able to obtain a copy of the study yet. WMPID is working on getting this for us. We do not want to pay for an engineering study if one has already been done. WMPID may help with a grant of possibly \$100,000. They may also be able to help get engineering studies done by their engineer or through the county's engineer. They are also helping us look into forming a Drainage District. WMPID has started talking with our State legislators about it. Currently there are no Drainage Districts in Montgomery County. If it were to happen, it would be the first one. All of the attorneys and WMPID think forming a Drainage DISTRICT is a great idea. We are looking into how they are established and how they will work to improve drainage. A first step would be to hold town hall meetings with our political representatives. Then there would be an election. This type of election does not require 51% of our neighborhood to approve it. It would only need a majority of those that voted, to vote in favor of it, to pass. The Drainage District may include additional neighborhoods around Westwood because our outflow often passes through neighboring communities.
- xv) The President noted that all of these approaches take time. This is why we are considering all options at this time. One approach may be the best approach to solving a specific issue more immediately. While another approach may be best for the overall long term solution. Up until now nothing has been done. We are trying to see if we can do something.
- xvi) The President reminded everyone that the county has stopped routine cleaning and grading of the ditches, that they have regularly done in the past, because some home owners complained it was making the ditched hard to mow. The ditches need to be maintained by the county on a regular basis. The LOA is looking to having a petition created for each street. The petition will be to request that the county come out and grade and clean the ditches along the entire length of the street on an ongoing basis. It will require the signatures of the landowner's on both sides of the street. This approach will prevent the county from telling us the residents don't want it as they tell us now. We want to eliminate that excuse from the county.

xvii) A resident pointed out that the county needs to be advised that the water lines to our houses run in and along the ditches.

10) The Secretary made a motion to adjourn, the Treasurer 2nd. The motioned passed unanimously. The President adjourned the meeting at 8:12pm.