

**Westwood Landowners' Association
Board of Directors Meeting
August 8, 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
Rob Pinell, Vice President
Diana Maichetti, Treasurer
Mike Pidotella, Secretary

Absent: Toni Collins, Member-at-Large

Open Positions: None

Quorum was present, 4/5

Call to Order: President called the meeting to order at 7:00pm.

- 1) The President reviewed the meeting process.
- 2) The Board Members introduced themselves.
- 3) Consider and Approve Meeting Minutes:
The Secretary presented the meeting minutes shown below for approval.
 - a) Minutes of May 9, 2019 Monthly Meeting.
 - i) The Secretary motioned to approve the meeting minutes, the Treasurer 2nd. The motioned passed unanimously. The May 9, 2019 Monthly Meeting minutes were approved.
 - b) Minutes of May 27, 2019 Special Meeting.
 - i) The Secretary motioned to approve the meeting minutes, the Treasurer 2nd. The motioned passed unanimously. The May 27, 2019 Special Meeting minutes were approved.
 - c) Minutes of June 8, 2019 Annual Meeting.
 - i) The Secretary motioned to approve the meeting minutes, the Treasurer 2nd. The motioned passed unanimously. The June 8, 2019 Annual Meeting minutes were approved.
 - d) Minutes of the July 11, Monthly Meeting
 - i) The Secretary motioned to approve the meeting minutes, the Vice President 2nd. The motioned passed unanimously. The June 8, 2019 Annual Meeting minutes were approved.

- 4) Financial Report from the Treasurer:
 - a) As of July 31, 2019 the Checking and Money Market balance was \$447,929.39 and accounts receivable was \$144,658.00.
 - b) The Secretary motioned to accept the Financial Report, the Treasurer 2nd. The motioned passed unanimously. The Financial Report was accepted..
- 5) Traffic Violations Report from the Secretary:
 - a) The number of warnings or citations issued by the constables, under contract, during traffic stops while patrolling Westwood from January 01, 2019 through June 30, 2019 was 341.
- 6) Report from Constables regarding events affecting Westwood:
 - a) The constables are focusing on the speeding in the neighborhood and believe they are making a difference. Many of those stopped are residents of Westwood.
 - b) They are getting ready for when the kids go back to school. Reminded everyone that the school busses will be out there and to be careful with the kids crossing the streets.
 - c) Since there is no median on 1488, both eastbound and westbound traffic must stop for school busses regardless of which side of 1488 they are on. It is a \$750 ticket. School zones are a \$1500 ticket.
 - d) The school district has made changes to the school bus routes. Buses will not be going down streets that dead end so more kids will be walking further to the bus stop.
 - e) A member asked if they have started to enforce the law about cell phones. The constable responded:
 - i) It has always been enforced.
 - ii) State law says you are not allowed to text while driving.
 - iii) The law does not prohibit navigating or talking on the phone while driving.
 - iv) Cell phones cannot be used for any purpose in a school zone.
- 7) Old Business:
 - a) Open ACC Positions:
 - i) Still have an open position on the Architectural Control Committee (ACC). Anyone interest in that position should see the President after the meeting.
 - b) ACC Application for Discount Tire – Update
 - i) There was a special meeting on July 30, 2019 to hear the landowner’s appeal of the Board’s decision to deny the ACC application. The special meeting was open to all members.
 - ii) During the meeting several members asked questions and made suggestions regarding things they were concerned about.
 - iii) At the request of the landowner, the vote on the appeal was tabled to August 20, 2019 to allow the landowner time to check into the suggestions and see if any of the concerns could be addressed.
 - iv) The special meeting on August 20, 2019 will be open to all members.
- 8) New Business:
 - a) None

- 9) Open Forum for those members signed-up to address the Board:
- a) Billy Collier asked about the status on the metal building deed restrictions amendment for sections where they are prohibited.
 - i) The President responded that there was no change.
 - ii) The Secretary noted that the Board put the deed restrictions amendment process on hold over the summer.

 - b) Kyle West provided a copy of a document to the Board that was a response from the state, to the county, regarding funding that Charlie Riley said he may be able to get to help with our drainage easement problem. Kyle West stated that it is not going to happen and asked if the Board was aware of it.
 - i) The document was a letter, dated June 10, 2019, from the Attorney General of Texas, Ken Paxton, to B. D. Griffin regarding Opinion No. KP-0256, Use of funds collected from claims on subdivision road and drainage bonds required under Local Government Code subsection 232.003(7) (RQ-0260-KP)
 - ii) The President stated that he was told that they had made a decision but had not released it yet.
 - iii) Kyle West stated that the document he provided to the board is the decision and asked, if the county can't help us, where are we at?
 - iv) The President stated that he obviously had not had time to read the document but it sounds like it has not changed anything.
 - v) The President further stated when Landcraft developed Westwood they put on the plat that the county, as a public entity, had the right to go onto the drainage easements and maintain them. The county maintains that they cannot spend money on private property. Even if the county has the right, nothing says they are obligated to maintain the drainage easements. Since Westwood is not a public entity, and the plats do not give the Westwood LOA the right, we are restricted from going onto people's property to maintain the drainage easements in landowner's yards. We would need permission from the landowners to go onto their property. We would need engineering studies performed.
 - vi) The President stated that there is a small drainage easement, in the back of section 4 that would be a good opportunity to test the process. There are a small number of landowners involved and they have given us permission. Also, we have bids for the doing the work. This would be a good place to start and see what we can do.
 - vii) The Treasurer noted that the drainage easements go along the property line so landowners on each side each own half of that section of the easement. The Treasurer stated that the first part is that we need permission from all of the property owners along a drainage easement. The second part is that we need the funding, it is very expensive. The funding is just not there. We are thinking outside of the box to identify funding.
 - viii) The President stated that we are still talking with the Corps of Engineers. They have a program where the first \$100,000 is provided by them. You need to have a sponsor that is a public entity. If the Corps of Engineers gets involved, it will be a very wide and comprehensive study. Not just Westwood. After the first \$100,000 is paid by the Corps of Engineers, the President believes the remainder is split 50/50 between the Corps of Engineers and the public entity sponsor. It is not a contract. If the cost gets too high, the sponsor can decide to end the project. The public entity sponsor is not obligated to complete the project. The obvious sponsor would be Montgomery County. However, there is the issue that they will not spend money on private property.

- ix) The President went on to discuss that we were looking into the possibility to get legislation to allow for establishing a drainage district. In that scenario property owners would be taxed on their property as part of their overall property tax. The drainage district tax would provide the funds and the drainage district would be a public entity so they would have the right to go onto the property as provided by the plats. First the state legislator's would need to write the legislation and then the property owners would need to approve it.
 - x) Kyle West asked if the landowners could fix their own drainage. The President responded that:
 - (1) Landowners would need to submit their plan to the ACC for approval.
 - (2) You can't just move the water off of your property. It would need to go somewhere and not negatively impact other landowners.
 - (3) Much of Westwood's problem is the outflow. Part of our outflow in section 4 goes out into Sendera Ranch and we are working with them. Before the President was on the board the WWLOA spent, he believes, \$50,000 to dig a ditch where Teakwood and Mesquite come together and goes out to 1488. We got permission from the property owners since it is not our property. We need to pay to maintain it. The ditch helped but is has not eliminated the problem.
 - xi) A resident asked if the Westwood Montgomery Parkway Improvement District (WMPID) could help. Member Tom Grayson (with WMPID) was present and replied that WMPID would be consider helping but before they would vote to support a project, they need a well-defined project that provides:
 - (1) Engineering study
 - (2) Cost estimate
 - (3) Time to complete the work
 - (4) Expected outcome
 - c) Bruce Strong asked about the permission forms residents in section 3 signed to allow work on the ditch between Weeping Willow and Conroe Huffsmith.
 - i) The President responded that, before he was on the board, the county was working with us and asked us to get everyone to sign permission slips and they would clean out the drainage easement all the way through to the outflow by Kroger and under 1488. The permission slips were obtained. Then the county decided they did not want to do the work and pulled out.
- 10) The President confirmed that all those that signed up to address the board have addressed the board with their comments and/or questions and opened the meeting to any other members that would like to make a comment or ask a question.
- a) Lana Eddins stated she owns the childcare center at Westwood North Drive and 1488 and asked how she could voice her opinion about the proposed Discount Tire facility since she missed the last meeting. She expressed concerns with the proposed Discount Tire driveway being on Westwood North Drive and the problems it will cause with busses dropping off and picking up children. There are three busses that drop off as well an additional three busses that, they drive, for picking up and dropping off.
 - i) The Presided stated that the concerns Lana Eddins was expressing were voiced by others during the last meeting on the Discount Tire ACC application.
 - ii) The President further stated that the landowner for the proposed Discount Tire site is looking into the possibility of redesigning the plans to allow ingress and egress on 1488 as opposed to Westwood north.

- iii) Tom Grayson stated that road in that area needs to be widened and that Westwood Magnolia Parkway Improvement District (WMPID) helped with the development of some of the infrastructure for HEB and Target.
 - (1) The President suggested that the Landowner for the proposed Discount Tire site, who was present at the meeting, may want to speak with Tom Grayson after the meeting.
 - (2) Tom Grayson suggested he come talk with WMPID at their office on Tamina Rd.

11) The President asked if anyone else would like to say something. No one replied.

12) The President asked if there were any pending matters for possible placement on future meeting agendas.

- a) A resident commented about people throwing trash in the drainage ditches including littering from their cars.
 - i) The President noted that ditches are on county property.
 - ii) The idea of the community organizing and holding neighborhood cleanup days was suggested as well as looking into local groups seeking community service projects.
 - (1) The President stated that the LOA will look into this and try to have a report for the next meeting.
- b) A resident asked about the status of the proposed metal building deed restrictions amendment that has been on hold and what can residents do to help move it along.
 - i) The President responded that there were several things that have come up. For example pool season keeps us extremely busy.
 - ii) The President expressed concerns with the effectiveness of the committee meetings since only a small number of landowners were participating, maybe 10 at each meeting. This was not representative of a community with over 2000 lots.
 - iii) The secretary noted that:
 - (1) The metal buildings amendment was only one of several proposed amendments identified by landowners and being looked at by the committee.
 - (2) To go around the community and present all of these proposed amendments, to people who mostly will not be familiar with their content in order to get 51% approval, would be an overwhelming task. People are not going to want to sit there and go through a binder of documents to determine if they want to sign to approve any of them.
 - (3) Prior to establishing the committee it was believed to be better to address all of the concerns with the deed restrictions at the same time and not go around for approval signatures of 51% of each section multiple times. As we got deeper into the process it became clear that having meetings where only a small number of people participated was not going to be sufficient in addressing the need and / or desire to amend the deed restrictions.
 - (4) We really need to think about the best way to go forward. Perhaps we were trying to do too much at one time.
 - (5) We need to get more people engaged with the process so that being presented with a petition to approve a proposed amendment will not be a total surprise to most of the landowners.
 - iv) The resident asked if it would be better to take one amendment at a time, like metal buildings.
 - v) The President stated yes. But, we first need an amendment that allows us to assign fines for deed restrictions violations. We need to be able to enforce the deed restrictions we have

now without the LOA incurring the high costs associated with taking each violation to court. We need to be able to enforce what we have before making other changes to them.

- vi) The Secretary said that the outbuildings (metal buildings) amendments were finalized by those attending the meetings and if anyone wanted to get a group together to get the 51% to approve as written, they can certainly do that. They should consult with the board as to what would be needed on the petition to ensure signatures could be verified. At this time, the board has determined that we need to focus on an amendment that allows for fines to be assessed for deed restrictions violations.
 - vii) The resident asked if the committee is still together.
 - viii) The Secretary stated that that the term committee was not the best way to describe the process that was happening during the meetings. Every time we had a meeting there were a few people that returned each time along with the co-chairs and board members. But there were mostly different people present depending on the planned topic. The process was not working as a committee. An email was sent to the community stating that we were doing away with the committee approach and we would go forward with board run workshops. After that email the board decided to put the process on hold as there was a lot coming up with the annual meeting, board member elections, pool season, etc..
- c) A resident asked if anything is happening with the problem where trucks are tearing up the esplanade on Tamina.
- i) The President responded that the problem is that it is not our property it is the county's property. The county needs to address that issue. There is nothing we can do.
 - ii) The President further stated the WMPID does have a plan to put curbs along the medians as well as landscape them. This should stop the trucks from driving on the median.
- d) A resident raised a concern about cars parking along Tamina for the Farmer's Market.
- i) The constable stated that if they are just causing an inconvenience but not causing a traffic hazard, it is not against the law.
 - ii) The President stated that, in his opinion, the Farmer's Market should never have been approved without sufficient parking. He was not involved with the decision to approve it.
- 13) The President asked if anyone else would like to say something. No one replied.
- 14) The Secretary made a motion to adjourn, the Vice President 2nd. The motion passed unanimously. The President adjourned the meeting at 8:16 pm.