

**Westwood Landowners' Association
Annual Meeting September 19, 2020
Magnolia, TX 77354
Meeting Minutes**

Annual Meeting: The Board of Directors of the Westwood Landowners' Association (WWLOA) convened in an annual meeting open to all Members of WWLOA at the Oak Bluff Park Pavilion located at 7230 Oak Bluff Dr., Magnolia, TX 77354 at 10:00pm.

Present: Rob Pinell, Vice President
Diana Maichetti, Treasurer
Mike Pidotella, Secretary
Toni Collins, Member-at-Large

Absent: Pat Troy, President

Open Positions: None

Quorum was present, 4/5

1. Call to Order and Verification of a Quorum:

- The Vice President called the meeting to order at 10:17am. The Secretary announced we do not have a quorum. The Treasurer motioned to adjourn the meeting and the Secretary seconded the motion. The Vice President adjourned the meeting at 10:17am.
- The Vice President called the meeting to order at 10:18am. The Secretary announced we have a quorum. The meeting proceeded.

2. Welcome:

- The Vice President welcomed everyone, thanked them for coming.
- The Board Members introduced themselves.

3. Call for Nominations from the floor for the Board positions of President, Treasurer and Member-at-Large:

- The Secretary called for nominations from the floor for President
 - i. There were no nominations from the floor for President
- The Secretary called for nominations from the floor for Treasurer
 - i. There were no nominations from the floor for Treasurer
- The Secretary called for nominations from the floor for Member-at-Large
 - i. There were no nominations from the floor for Member-at-Large

4. Board of Director Candidate Presentation and Q & A:

- For President:
 - i. Julie VanderHorst introduced herself as a candidate for the position of President and gave her presentation on why she is a candidate for President and what she would do if elected to the board.
 - ii. Brandon Montagne introduced himself as a candidate for the position of President and gave his presentation on why he is a candidate for President and what he would do if elected to the board.
- For Treasurer:
 - i. Diana Maichetti introduced herself as a candidate for the position of Treasurer and gave her presentation on why she is a candidate for Treasurer and what she would do if reelected to the board.
- For Member-at-Large:
 - i. Toni Collins introduced herself as a candidate for the position of Member-at-Large and gave her presentation on why she is a candidate for Member-at-Large and what she would do if reelected to the board.
- The candidates took questions from the floor.

5. Voting:

Members cast their ballots.

During this time the Secretary announced the drawing for a door prize. Ainsworth Meats donated a gift certificate for \$25.00. The constable randomly selected a ticket from those given to all members at sign-in / registration and presented it to the Secretary. The Secretary read the number. The winner announced she had the winning ticket. The Secretary confirmed the ticket and presented the winning member with the gift certificate.

After all of the ballots were cast, the Vice President announced that the CPA will be collecting the ballot box.

The Secretary announced that the results of the election will be announced by email, posted on the website and on the information board at the front of the office after he receives them from the CPA.

6. Items Under Discussion with Attorney:

The Member-at-Large noted that a big expense that an LOA can incur is legal fees. We try to manage this by doing as much research as we can and only engaging our attorney when it is absolutely necessary. Our law firm specializes in Property Owner Association Law.

The Member-at-Large presented the following items that the Board has recently requested review, consultation, advice and/or documentation from our attorney:

- Drafted amendments to the deed restrictions for sections 1, 2, 3 & 4 to authorize the LOA to have a fine schedule. The Board is currently reviewing the drafted amendments and plans to post them for the community to review, and hold meetings to discuss and address any questions before seeking a community vote to implement these amendments.

The Board plans to follow this process with additional potential amendments to give the LOA the authority to address concerns that have been identified as having a negative impact to the appearance of our community as well as our property values.

- Prepared resolution to file affidavit showing the transferer of authority from the developer, Landcraft, Inc., to Westwood Landowners' Association dated August 23, 1979. This document was found located in an unlabeled binder. Any knowledge of its existence was lost over the years since it was not filed in a well-defined and clearly labeled location and it was never filed with the county. The resolution document with the affidavit attached is now on file with the county making it a publicly available record. All future Boards need to be aware of this important document showing the transferer of authority from the developer, Landcraft, Inc., to Westwood Landowners' Association
- Guidance on status of the deed restrictions prohibiting fences being placed between the street and the 15-foot side build line.
 - The Secretary added:
 - A survey was conducted in each section of Westwood showing:
 - The number of corner lots
 - The number of fences on corner lots.
 - The number of fences on corner lots that violate the 15-foot build line
 - The information was presented to the attorney for a legal opinion as to if this specific deed restriction of no fences being allowed between street and the 15-foot side build line was still enforceable in any of the Westwood sections given the number of cases where the violation exist. Historically this deed restriction has not been enforced and the violation has been allowed to persist for many years. Also, there are cases of the LOA giving a variance allowing some fences to be constructed even though they would be in violation of the deed restrictions. The Secretary noted that the deed restrictions do not authorize the use of variances to avoid specific deed restrictions.
 - The attorney responded that this specific deed restriction is considered abandoned in all four sections and the LOA would most likely not succeed if an attempt to enforce it resulted in litigation.

- The Secretary noted that this issue is limited to the requirement of no fences between the street and the 15-foot build line. The requirements of no fences between the street and the 50-foot build line at the front of all lots is still an enforceable deed restriction.
- Prepared a resolution for designating authority of the Architectural Control Committee (ACC). This has been filed with the county.
- Review the Architectural Control Guidelines and Standards that were in effect to assess the content relative to the authority granted to the Architectural Control Committee (ACC) in the deed restrictions.
 - The Secretary added that the attorney's review identified the need to revise the Architectural Guidelines and Standards document. Most significantly the deed restrictions only give the ACC the authority to oversee and require an application for their review for erecting, placing or altering buildings (commercial buildings, houses and outbuildings). The deed restrictions do not authorize the ACC to require applications for anything else for example fences or swimming pools. Construction of these other items are still required to adhere to the deed restrictions.
 - The Secretary noted that he began drafting a revised version of the Architectural Control Guidelines and Standards, to address the items identified by the attorney. He met regularly with the ACC and the other Board members to review the revisions of the drafts to ensure both the ACC and the Board were in agreement and accepted the content of the final draft.
 - After approval by the ACC and the Board, the final draft was sent to the attorney for his review to ensure it:
 - is in agreement with the authority provided by the deed restrictions and applicable law.
 - addressed the concerns the attorney identified in his review of the current LOA approved Architectural Control Guidelines and Standards.
 - After the attorney's approval, the revised Architectural Control Guidelines and Standards were signed by the ACC Chairman as well as a Board member and then filed with the county. The new Architectural Control Guidelines and Standards became effective on September 4, 2020.
 - New ACC applications, that align with the revised Architectural Control Guidelines and Standards, also became effective on September 4, 2020.
 - The secretary added that the requirement, in the previous version of Architectural Control Guidelines and Standards, that outbuildings be constructed of the same materials used in the construction of the house has been a point frustration for many landowners, Board members and ACC members given:
 - There is no deed restriction specifically preventing metal being used on an outbuilding,

- Many metal outbuildings were permitted throughout Westwood before this limitation was introduced into the previous Architectural Control Guidelines and Standards,
- Previous Boards and ACCs did not always enforce this imposed requirement.
- The current Board and ACC only enforced it because they strictly followed the requirements stated in the Architectural Control Guidelines and Standards in effect.
- Perspective home buyers drive through the community and see many metal outbuildings throughout Westwood and naturally assume they will be able to have one only to find, after they buy their home, that now these ACC applications are being denied.
- The new revised version of the Architectural Control Guidelines and Standards allows for the materials used on outbuildings to be the same as those used on the house for residential applications or on the commercial building for commercial applications as well as materials used on outbuildings prominently found throughout Westwood.

7. Financial Report:

Copies of the Financial Report were provided to all members.

The Treasurer presented the Financial Report.

- As of 8/31/2020 checking and money market balances totaled \$527,698.37 and the accounts receivable is \$90,885.07. The Treasurer acknowledged the excellent work by the office staff in reducing the accounts receivable amount by contacting members and collecting payment on many past due accounts. The accounts receivable was as at \$144,000.
- Accounts receivables include accounts with past due maintenance fees and interest. Also, some accounts have high attorney's fees that need to be paid to the LOA which possibly may not get paid until they sell their house.

The Treasurer discussed the need for repairs to the recreation facilities and the recent request for members to provide their suggestions as the repairs will be very expensive. For example, while bids to fix the tennis courts are reasonable (\$30,000), all companies cannot guarantee the repairs to the cracks and have advised that the cracks in the concrete will return. The solution to the aging tennis courts is to totally replace them which very expensive. To totally replace two courts the bid range from \$134,300 to \$245,000 and we have four courts so it would be twice as much to totally replace all four. This is why we are asking for your suggestions with what you want to do with the tennis courts as well as the aging recreation facilities, pools, etc. overall. The annual maintenance fees will not provide the amount of money needed to fix everything. Recently money was spent on needed maintenance to the two playgrounds. We are

trying to fix what we can. For high expense items like the tennis courts, we want your input.

The Secretary added that another big expense is going to be replacing the concrete walk area around the pools. The email, suggestion_box@westwoodloa.org, was setup for you to send in your suggestions on how best to address the issue of our aging and poorly maintained recreation facilities. We will be collecting your suggestions through the end of October, 2020. We will summarize the responses and provide a report on what was recommended.

8. Open Forum:

Board members addressed questions from the floor.

- Member suggested that a communication category be added to the budget items shown in the financial statement. Breaking out communication related expenses and centralizing them under one Communications category would help to better communicate the LOA's communications effort.
 - The Secretary thanked the member for the suggestion and will review it with the Treasurer.
- Member acknowledged the newly revised ACC Guidelines, thanked the Board for their efforts in revising them and asked if there was a summary of what changed.
 - The Secretary stated that there was not a summary of the changes. Content was removed in this revision to ensure it aligned with the authority granted to the Architectural Control Committee as defined in the deed restrictions and as advised by our attorney. Members need to follow the new revised document, and not the previous version, going forward.
- Member asked who decides how money will be spent on addressing the problem with our recreation facilities being in disrepair.
 - The Secretary stated that the Board was elected to make these decisions on behalf of the LOA so the Board has the authority to do that. The Secretary asked if any other Board member disagreed with his statement. The other Board members concurred. The Secretary further stated that the Board does not want to make any decisions related to large expenses for recreation facilities without requesting members' input and that is why he setup the email account, suggestion_box@westwoodloa.org, and sent an email to members to send their suggestions for how best to address the issue of our aging and poorly maintained recreation facilities. The Board wants to hear from the members what they want.
 - The Treasurer stated that we want members' input because it is important.
- Member thanked the LOA for its efforts in keeping the Pools operating this summer. However, she feels the pools were not used much this summer and acknowledged that the Covid-19 pandemic may have been a factor but wondered if a numbers count was done. She also, suggested a survey be done to find out the demand for the tennis courts and plan repairs depending on usage.

- The Vice President thanked her for the suggestion.
- The Secretary noted that he takes his granddaughter to the park at Westwood North regularly and frequently notices people playing tennis. He also stated that he believes that the tennis courts would have more use if they were in better condition. He does know of one person that does not use the tennis courts because of the poor condition. Also, he suspects that there are most likely more non tennis players than tennis players in the community.
- The Secretary added that he believes that it is important that whatever recreation facilities we have, they be well maintained for the benefit of our members as well as to have the neighborhood show well to perspective home buyers and help keep our property values up.
- Member stated that his wife and he moved to Westwood about a year ago from Katy Texas. He believes that what Westwood has to offer is very rare given the size of the lots and houses and that you won't find that in Katy Texas. However, during the year that they lived here, they have seen people not mowing their grass, cars up on blocks and cars in the streets when there is ample room in the driveways. He does not want to have to put his house back on the market and sell it because this is what he got away from in Katy. He asked that the Board not let Westwood turn into that type of place.
 - The Secretary responded noting:
 - Unfortunately, there is no deed restriction about cutting your grass. The LOA has no ability to require people to cut their grass.
 - Amendments to the deed restrictions to enforce things like this are needed. Only the landowners can bring about amendments to the deed restrictions by obtaining at least 51% of the landowners to vote in favor of proposed amendments.
 - The Treasurer added that to be able to enforce what we can in the deed restrictions requires taking people to court. Just prior to the case being heard in court they can correct the situation and experience has shown that the judges in Montgomery County most likely will simply dismiss the case leaving the LOA to pay attorney fees. Then the person is right back committing the same deed restriction violation. This is why we are wanting to have the ability to enforce a fine schedule for violations to those things that are in the deed restriction.
 - The Secretary added that, as stated earlier, the LOA has a draft from the attorney for an amendment to each section's deed restrictions to authorize the LOA to have and enforce a fine schedule for deed restrictions violations.
- Member stated that he has lived here 24 years. He moved here because of what the neighborhood has to offer. He added that sadly he has seen our neighborhood going down the drain because of inactivity by some of our Boards. He added that several ex Board members were present that did an absolutely fabulous job. He shared that we don't need to go to the attorney every time a decision is to be made about a complaint in our neighborhood. When he helped the Board by driving the curtesy patrol truck, they handled things by simply knocking on people's doors and speaking with them. Out of three years of handling hundreds of complaints he only had one resident tell him to stick

it where the sun didn't shine. Everyone else agreed to take care of the problems like grass, parking your vehicle on the street 24x7 causing a dangerous situation with children running out in front of cars. They were very successful getting people to comply simply by talking with people. The Member added his concern that when you drive into the neighborhood and see yards that need to be taking care off, cars parked in front yards and junk scattered all over the place you wonder why people are allowed to do those things. He asked the Board to consider addressing these matters by talking to people.

- The Vice President stated that it was a very good point and thanked the member.
- The Treasurer stated that the LOA is reaching out to people but are finding many are not cooperative and refuse to do what they need to do.
- The Secretary agreed that there is more that can be done. There have been some recent efforts to contact people regarding issues and concerns. He shared an example were there was an abandoned car visible from the road. They were contacted and their solution was to put up a section of privacy fence to hide it from view.
- The Member-at-large added that she believes that the office is contacting landowners about issues and agreed that having a communication with the property owner is preferable as opposed to bringing the attorney into it. She added that we do have a Nuisance provision in our deed restrictions but we have to do a cost risk analysis to determine if it is worth it to involve the attorney. Also, she noted that there are times where the county will have and ordinance against something and if needed, we will get the county involved. If needed email us, when we get the emails, we try to address them by first talking to the offending property owner.
- Member mentioned a concern about the trash companies leaving the can sitting partially in the road after they empty the trash and this causes a traffic hazard because of our narrow roads. She suggested people should call their trash company to let them know about this problem. She also asked if there is anything the Board or the constables can do about this problem.
 - The Treasurer shared her frustration with trash cans sitting in the road while teaching her son to drive.
 - The Secretary shared an observation that with recent increase in new trash companies and them having different days for pickup it seems like lately there are cans out just about every weekday.
- The Secretary added a comment about the concern shared earlier with cars being parked on the street. He noted that the LOA has no authority over cars parking in the street, and as far as he knows there is nothing illegal about parking cars on the county streets in Westwood. He asked the constable to comment.
 - The constable addressed some of the issues that were being raised:
 - Parking on the street is legal as long as you are not more than 18 inches from the edge of the roadway. There need to be room to allow a movable lane of traffic so people can pass by

- By law you are supposed to park with the traffic and not facing against traffic.
 - Trash cans are the responsibility of the homeowner. If you are finding that the trash company is leaving the can in the roadway, the homeowner needs to call their trash company and address the problem with them. If you see your neighbor's trash can in the street, be a good neighbor and move it back onto the driveway for them.
 - Constables spend a lot of time citing people, as well as towing some vehicles, on Tamina between in the 32000 to 33000 block for parking in the center median and on the shoulder of the roadway.
 - If there is a traffic issue you can call in to the LOA office to Cheryl, the Office Manager, and she will send an email to the constables. You can also call the non-emergency number for the sheriff's office to request a deputy come out and address the issue.
- The Vice President asked the constable if there were any county regulations pertaining to things like grass needing to be cut or trash in the front yards.
 - The constable stated that there is no county ordinance for grass needing to be cut. The county environmental group TCEQ has issue towards that for nuisance abatement. But that is more for storage lots and problems with varmints and rodents. The constables on patrol do not enforce deed restrictions, grass that need to be cut, location of your trash cans, etc.
 - If there is an environmental hazard such as someone dumping gas, oil or chemicals for example, you can call the Montgomery County Department of Environmental Health Services. The Director's name is Scott Nichols.
- The Vice President asked if there were any other comments or questions. There were none.
9. **Adjournment:** A motion was made by the Secretary to adjourn the meeting and 2nd by the Treasurer. The meeting was adjourned at 12:20 PM.