

**Westwood Landowners' Association  
Members' Monthly Meeting  
November 17, 2021, Special Meeting Minutes  
Magnolia, TX 77354**

**\*\*\*Note – The office assistant sent an email to all 5 BOD members on 12/6 requesting with notes that she had some questions on a few items that were inaudible on the tape recording. The new office assistant then forwarded the email from the previous office assistant because the minutes had yet to be approved or changes requested. Minutes were approved by President Julie VanderHorst and Treasurer Diana Maichetti. No response was received from Vice President Paul Wethington, Secretary Cheryl Hailes or Member at Large Toni Collins.\*\*\***

**Special Meeting:** The Board of Directors of the Westwood Landowners' Association (WWLOA) convened in a special meeting open to all Members of WWLOA at 6:30pm virtually.

Members were provided information to call in to participate in the meeting as well as an email address to submit comments/questions during the meeting.

**Board of Directors**

**Present:** Cheryl Hailes, Secretary

Diana Maichetti, Treasurer

Julie VanderHorst, President

Paul Wethington, Vice-President

Toni Collins, Member-at-Large

**Quorum was present, 5/5**

The President called the meeting to order at 6:35pm.

1. The President announced that the purpose of the meeting was to discuss Nickaburr Creek pool situation over in Section 1.
2. The President stated that the Board had asked the Courtesy Patrol to check into how much it would cost to fix Nickaburr Creek including:
  - a. Bring up to code
  - b. Fix bottom
  - c. New skimmers
  - d. Coping
  - e. Redo deck
  - f. Pumphouse
  - g. Bring everything up to grade
  - h. Add light in pool
3. President set guidelines for meeting
  - a. One person at a time
  - b. Raise hand if in person or use raise hand function if online
  - c. During open question session, will do online first
  - d. State name at beginning each time for the record
4. Board members introduced themselves.

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5. The Treasurer opened the meeting for questions, comments, or ideas.
- a. Liz (from online) inquired as to what is being done with the tennis courts?
    - 1) President – The tennis court on Lotus Lane is being refurbished along with the basketball courts there. It should take approximately 2 weeks, weather permitting.
  - b. Kristen Keyser (online) – are the quotes and scope that were discussed at the last meeting going to be reviewed tonight or is the floor just being opened for discussion?
    - 1) President – one scope is tearing out the existing pool and putting in a bigger, better one.
    - 2) Second is having repairs done for which we have 2 bids but neither contains the full scope of everything we need done so we will need to discuss with both companies and make sure everything that needs to be fixed is included. Also, per property code and our bylaws, we need to get one more bid before we can discuss.
  - c. Liz – Why is a new pool being made? What is wrong with the Nickaburr pool? Is it leaking, dirty, etc.?
    - 1) President – We are not making a new pool but rather it is one of the options to take out the Nickaburr pool and make a bigger, better one. As of now, these are all just options that are in the discussion phase, which is the purpose of these meetings.
    - 2) All the above. Part of the problem is that due to damage that was sustained back during Hurricane Ike, things are now deteriorating quickly. There are holes in the bottom plus it is not up to code. The water is leaking through the holes so the chemicals cannot be maintained. The cleaning companies have stated that they will not maintain the pool in its current state.
  - d. Tracy – Would like to know the actual deterioration of the pool? Documented proof.
    - 1) President – We have gotten bids to fix the pool and bring it up to code – one was \$125K and the other was \$62K but they do not list the full scope, so we are going back and getting details. We are getting the documentation to see if it better to fix the pool or completely redo it.
  - e. Mike Pidotella – Does not believe that all the problems are caused by the damage from previous hurricane. There seem to be various problems with the pool and feels discussing options are premature without having concrete proof of issues.
    - 1) President – There are a variety of problems with the pool. Right now, we have been told by commercial pool companies that there are issues. If we get to the point of having the pool repaired, we might have a leak detection engineer do an assessment to make sure that the repairs correct the problems. At this point, we are not making any decisions, however, we are not being premature in looking into options as we know it will be over \$50K to fix.
  - f. Laura Smith – suggested to replace pool with a splashpad since we have 2 other pools. Also, does not feel that the pools are used enough to justify spending all the money on them. And people may enjoy something else instead of the 3<sup>rd</sup> pool.

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- 1) Treasurer – We have investigated putting in a splashpad and the costs were astronomical especially with the water situation. Also, the recirculation of the water for a splashpad requires a lot of testing and reporting to the state.
  - 2) Treasurer – Reason for 3 pools – the one in Section 3 & 4 equals the size of the 2 in Sections 1 & 2 combined.
  - 3) President – We did look at the numbers and approximately 5-6 people per day used each of the Oak Bluff and Nickaburr pools. We have had several people that have said that the reason the pools are not used as much is due to the condition of them and if they were nicer, they would be more utilized.
  - 4) We have had other ideas suggested such as:
    1. Dog Park
    2. Splashpad
    3. Greenspace
- g. Emily (online) – made 2 suggestions: 1. completely replacing the pool with a green space to be the best usage of our money and 2. raising the LOA fees the 10% annually so that there are sufficient funds to fix the items that require fixing.
- 1) President – The Board generally raises the fees each year, but they did not this year due to job loss from Covid, etc. Barring any other natural disasters, we will be raising the fees.
  - 2) The 10% increase to fees is not in the deed restrictions but rather in the by-laws as a cap to protect Landowners from a Board. It was put in the By-laws to create a check and balance for the Board/Landowners. The amount can be changed by a vote of the Board.
- h. Unknown (on Oak Bluff) – questioning how many people going to the pool daily.
- 1) President – 5-6 per day. That was this year as we did not go back in time.
- i. Unknown – suggested, if the pool is leveled/filled in, putting in a skatepark to entice the kids not to ride their skateboards, etc. on the tennis courts. There is a skatepark in Beaumont, TX that has been very successful.
- 1) Member-at-Large stated that it would be worthwhile looking into the details of a skatepark specifically the liability.
- j. Patrick Brosey – have used all the pools many times and wondering if the counts of people using the pools include the total number of people or just the number of cards. Also, concerned about repurposing the area due to the location and needing to be careful of the fact that the land backs up to the convenience store.
- 1) Treasurer – The total number of people that signed in at the pools – including children and guests – divided by the number of days open is how the averages were calculated.
  - 2) Board asked if his position was to keep 3 pools. He stated he would need to see the numbers first and not just cut costs for the sake of cutting costs.
- k. President – informed the group that a committee is being formed to do a cost analysis and look at all the items that need to be fixed/replaced in the next few years. To identify and classify items as to priority, long-term, short-term, etc. Asked for anyone interested to let the Board know so we can get them on the committee.
- l. Vice-President explained the idea that Mike Goza submitted about selling the lots that the Nickaburr Creek tennis courts are on and using the funds to update/upgrade the

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Nickaburr Creek. Once the Oak Bluff pool starts to slide, that pool can be taken out and new tennis court put in its place.

- m. President – clarified that while Mike Goza is the courtesy patrol for the subdivision, he is also the facilities manager. He has a lot of experience getting bids together and he knows the equipment better than anybody.
  - n. Unknown – Mike's observations are valid about the pools as they need to be maintained. The idea that Paul presented does sound like a possibility.
  - o. Patrick Brosey –
    - 1) Treasurer – if we went with the proposal to sell the lots that the tennis courts at Nickaburr Creek are on, the deed restrictions would need to be changed to make those lots only residential.
    - 2) President – would need to change the deed restrictions as commercial would not be suited well to that area due to it being too far into the subdivision.
  - p. Tom – would be in favor of doing an assessment to allow the Board to do what needs to be done.
    - 1) President – the Board wants to remain completely transparent with all the numbers. Do not want to raise fees so much or do an assessment so high that they are punitive or cause a hardship.
  - q. Kristen Keyser – the next step needs to be the committee to come up with the options with the costs included to present to the Landowners. Without putting the numbers to the options, we cannot make decisions.
  - r. Unknown – so many kids riding bikes & skateboards in the road that an area for them to ride would be beneficial.
  - s. Tracy – after hearing so many ideas and options, a survey of all the options should be put together and sent out to the residents for them to be able to vote on it.
  - t. Jenny – who makes the final decision? Does it require 51% of the residents' vote?
    - 1) Treasurer – The Board makes the final decision as to what gets done after getting input from the residents.
    - 2) Treasurer – The 51% is required to change anything in the deed restrictions. There are 4 different sets of deed restrictions (one for each section) and the 51% is just of that section to change that one. If we want to sell the tennis courts, it will take a 51% (of the 406 landowners = 208) of Section 1 to change the restrictions to make those lots residential not commercial. Each lot including commercial gets 1 vote.
  - u. Member at Large did an informal poll of all the attendees as to what should want to do with the Nickaburr property if money were not the issue. Did a second poll asking how the funds should be raised: sell any of WWLOA owned lot(s) or a special assessment.
6. Treasurer made a motion to adjourn the meeting. **Unknown – Secretary?** 2<sup>nd</sup>. Motion carried. President adjourned the meeting at 8:21pm.