

Village Walk Condominiums

Board of Directors Meeting

August 17, 2020 7:00pm

Called to Order. 7:05pm

Verify quorum - Board Members Present: Terry Landry, Wes Strickland, LeighAnn Jackson, Debbie Wallace, Victor Rodriguez Bridget Friday with FPM.

Owners Present: #62 Stacy Sudoh, #38 Rebecca and Chris Nixon, #53 Michael and Jacqueline Crouch, #48 Joe and Nancy Sadowski, #68 Michael McCutcheon, #25 Laurel Siena, #45 Elenor Williams,

Motion to approve July meeting minutes by Wes. Seconded by Victor. Approved.

Motion to approve amended June Meeting minutes by Wes. Seconded by LeighAnn. Approved.

Presidents Report: Terry stated he hasn't been down since Hurricane Hannah, but there was no comparison between Hannah and Harvey. We are now in the height of hurricane season. Terry said the property looks pretty good. He plans on going to Port A in a few weeks.

Property Manager Report: Bridget went over the financials. All assessments and accounts receivable have all been paid. We are mostly on track for budgeting. We want to be at 58% right now (through the end of July) to be considered on budget. If you look at the line items you can see most of them are on track. There are a few over, but some August payments have already been made

from the accounts. The biggest concern is with the trash budget. The trash this summer is the most we have seen in recent years. Wes has worked hard to get the correct amount of dumpsters to be able to handle the trash. We have had to put in two extra 4 yard, then 8 yard dumpsters. Our last month bill was over \$2,600 and normally it is closer to \$1,500. The extra dumpsters are already scheduled to be removed the Tuesday after labor day. Office line item is also over. We were almost out of owner parking passes. We purchased new ones. This includes both the owners permanent window stickers and the plastic guest passes.

Bridget asked if anyone had any opinions with the new spread sheets she presented the financials with this month.

There is \$66,000 in reserves. This includes roughly \$10,000 in capital expenses surplus from this year and the street overlay project. The other part is from setting aside roughly 10% of the budget to get our reserves more funded.

The renter gate code will be changed next week. We change it appx every 3 months. We also will be talking about the owners meeting, October 17th, as well as next years budgeting

OPERATIONS REPORT: Wes said it has slowed down during the week days but the weekends continue to be busting at the seams. We are not seeing as many problems. We have insured some damages, such as light fixtures, running over plants, but no major catastrophes. Onsite has started preparing the property for the the winter texans arrival. They have replaced shower heads at both pools . They have replaced some plants that have had damage throughout the summer. Wes stated the property was in really good shape. They are working on the normal scheduled

maintenance without fear of getting run over or run down. Things are going well.

OLD BUSINESS: Terry was able to talk informally with a condo association lawyer. This was an unpaid, lawyer to lawyer talk. Terry will give us this lawyers impression and we can decide if we want to move forward with retaining that firm for more questions. Terry will talk about what the lawyer mentioned for each items.

#1. Stacy Sudoh and Roger Lewis both volunteered in the June meeting to find out some information. Stacy was able to find out information about what VW people can call the police She emailed the city of Port A, Carla V (short term rentals) and Rick Adams (building codes). No one emailed back a solid response about when the police can be called. Stacy found some city statues . NO ONE is allowed on a rooftop unless you are doing maintenance or work. This was found from the early 2000s.

She stated in Port A escapes at least does have a liability type form that renters sign. Stacy said she is hoping to hear back and left a voicemail for him to call back. She is wondering if we need a sign to say that “no one is allowed on rooftops by police order”. Maybe that would deter people.

Nancy Sadowski was wondering if we have noise ordinance signs. Stacy said Section 12.23 is in the city rules regarding noise and the police could be called. It was discussed about using 911 and for which services should be used. Terry stated the condo lawyer said the rental contract owners have with renters is the biggest thing we have to get them to follow rules.

Eleanor spoke of a time this summer when she called the management company of a problem home. She was told that the

police could also be called. She did say the next night, there wasn't any noise. It might be more effective than calling the police. Nancy doesn't think posting 911 signs all over is the best idea to fix multiple issues. LeighAnn and Wes both stated that residents are supposed to call 911, even for non-emergent numbers and will be routed correctly.

Rebecca asked what the noise ordinance time frame is. Stacy did not recall having a time frame, just noise pollution in general. Rebecca wanted to make a recommendation, that if we adjusted our sign in the front making it more of a city rule. LeighAnn stated because of our gated community, it does become a private neighborhood, and our rules are our own. LeighAnn said you could call 911 for noise complaints, criminal acts. She stated they don't routinely patrol our neighborhood unless called in. Terry went on to talk about rules and regulations and the boards primary enforcement avenue is against it's owners. Based on our documents, we are unable to fine a renter directly, but our owners could fine renter per the contract. It is a lot easier for an owner and their property management company to terminate a rental agreement for any violation in that contract, and evict .than it is for the HOA to directly go against the tenant. The HOA does not have a contract with the renters. We do have a the ability to levy an individual assessment against an owner for the violation of a rule caused by that unit, or anyone residing in that unit (including renters). That would be HOA primary mode to gain compliance. To make sure the owners hold their renters accountable.

Roger Lewis was going to look into what different neighborhoods do with problem renters, but was unable to join the call.

#2. Change the minimum rental stay from 2 to 3 nights. Terry read the condominium declaration. Article 10, section 10.10 the board has the ability to set rules and regulations including in respect to minimum term and maximum occupancy.

Victor stated that the board review information on the current management companies practice and most of the already do the high seasons to utilize 3 nights. Victor would like to try to have a single agreement to use with all the companies to have standard items. He wants to make sure the renters are well taken care of. That rules are being followed. Victor also stated that he notices that VW counts every person in a house for occupancy and that the city of Port A only counts people over age 12. Victor stated he would like to table this matter and look at more ideas and ways to improve. The basis of this is for the owners and management companies can get on the same page and get a committee together and get a sense of security with it.

Debbie doesn't agree this needs to be tabled. She said this is during high season only. Most management companies already do this. She said it makes sense. Wes said it has been his experience that he has less trouble with the 3 night stays vs the 2 day "power drinkers and bar hoppers". It also brings in a group made up of many different people. He doesn't see doing the minimum in off season. He said he doesn't think it would hurt any of the owners. LeighAnn said she could go either way on it. She doesn't seem to notice a difference of 2 or 3 night difference. It just adds more people to the house, and then if you have bad renters, they are there for 3 nights vs 2. Terry said he kind of felt the same way as LeighAnn. Just because he doesn't rent now, he may sometime in the future and wants all voices to be heard.

Michael Crouch would like to add that he found out in high season there are occasional 2 night gap days. Management companies do 3 night minimums in all high season, but they do allow 2 night gap days mid week if only 2 nights available. They spoke of not being able to “cure” crazy adults. We can do the best by brainstorming and figuring out what works best. Debbie also noted living here full time, she said she see’s a difference in the quality of people who stay for longer than 2 nights. Michael Crouch stated to do a weekend 3 night minimum, but be able to do 2 nights to fill the mid week gaps. Everyone agreed that would be a great compromise. The goal is to minimize damages to units and common areas, not to limit rental income. Elenor stated she had 3 or more nights all summer. It would brought up there was a bit more long term rental during the virus. Michael M said the mgmt companies are starting to do dynamic pricing, and it is a bit harder to determine set dates. LeighAnn wondered about VRBO and 3 party vendors and if they follow the same rules. Victor mentioned VRBO and it was an individual contract. He did say some of the management companies also use VRBO. Laurel wondered if we could peg the start/end dates with the school schedule. We would love to attract families to come after school starts to enjoy 2 nights vs 3.

Vote: During the high season (High season is memorial day to labor day, spring break, ): 3 night minimum on the weekends, and 2 nights midweek.

Off season: minimum 2 night rental.

Terry made a motion, Wes seconded. All approved.

NEW BUSINESS:

#1. Pool monitoring and security.

Terry stated he spoke with the attorney and that he was overwhelming positive to have cameras, as long as it they keep in service, and no abuse of pool surveillance. Help with potential bad situations, possibly decrease insurance rates, and be able to help recover damages.

Debbie stated she is in favor of using cameras during off hours.

LeighAnn wonders who would be monitoring them? If you see 20 people on camera, but can't identify them, it won't help for anything. Wes stated it is a ring system and would set off a flood light and we will have the ability to talk to them through a speaker, or call the police. Wes stated he was willing to monitor the cameras throughout the night. Terry asked if it was possible to have more than 1 user to receive notifications. Wes stated it was possible. Terry stated there were many things to discuss including a possible owner who implementing a procedure or plan to deal with cameras. LeighAnn wondered if the cameras would be hard wired, and using wifi? She was concerned with the slowness of the Wifi in VW. Video may be delayed. LeighAnn was also wondering if it would be an extra paid position. Terry stated it is only a yes or no for cameras and specifics would be worked on a later date. Rebecca stated her concerns about who is watching the pool, do they pull up video at any time? Do they pull up only for notifications for after hours? The Crouch's are wondering what the price difference would be for hiring a security company for the high season weekends.

Terry hoped the cameras would deter some criminal activity and help to address some damages or people in the pool after hours. Jacqueline said the pool areas have not been the only area vandalized. Maybe an off duty officer would be great to maintain the integrity of the neighborhood. Michael Crouch offered to look

into the costs of off duty security for high season weekends. Wes didn't think the cameras need to be recorded 24 hours a day, just after the pool closed, unless the board finds need to do so.

Debbie wants to also look at this as a safety issue, if we save one life it would be worth it in the off hours. Laurel asks that whatever lights are on the camera could have hoods on it so flood lights don't shine up into her bedroom. Bridget stated the plan would be have the cameras going only in the off hours. People wouldn't be just logging in to look. - no one will be constantly "watching" the camera, and don't know if "saving a person from drowning" would be happening. Terry stated we wouldn't be able to make a camera policy tonight.

Vote: Does the board want to move forward with surveillance cameras at certain areas of the common areas and to make policies regarding the use. All approved.

#2. Review and update rules and regulations for pool rules and trash. Wes made an updated list of pool rules to be reviewed.

We have incurred a great amount of expense of trash this year. We would like to have a simple dumpster rule to try to recoup some funds. He stated all rules are up for modification.

Bridget read the proposed pool rules:

29. **Pools** The pools are intended for relaxation and serenity. Owners and guests shall abide by the following rules at all times. Failure to do so may result in loss of pool privileges, fine or both. (a) Pool hours are 9 am to 9 pm. (b) No one under the age of 15 allowed without adult supervision. (c) No beach sand allowed in pool. Shower before entering pool. (d) No glass in or around pool area. (e) No food allowed in pool, only at picnic tables. (f) No smoking in or around pool area. (g) No pets allowed in or around pool area. (h) No diving, running, or skating. (i) No boom boxes or stereos, only in ear music devices allowed in or around pool area. (j) No rolling coolers. Size is limited to 8 can. (k) Please limit usage time to 3 hours so other guests may enjoy the pool. (l) No moving of pool furniture.



Debbie asked about the proposed time changes. She would like to enforce the 9am-9pm. She stated quiet hours start at 10pm. She would like to implement the 9pm to give people an hour of time to calm down before 10pm quiet hour starts. Victor stated he is not in favor or line item fines. Terry also said he would like to strike some areas as well. The rules and regulations apply primarily to the owners. It is legally very difficult for the HOA to fine renters for breaking rules. Terry said Victor's idea of standard renter form would help cover the owners from the renters actions. Terry said over 1/2 of the rules are overreaching in his opinion. Terry said 9-9 is conservative. Discussion went over the pool rules. Terry said the rules need to be objectively enforceable.

Add no VAPING

Terry mentioned some rules he thought to be overreaching. They included: No boomboxes, stay over 3 hours, and no large coolers.

Laurel wanted it known that the winter texans would love to use the pools earlier. Is the early pool hours problematic? She stated it would be great to see young families and older people utilizing the pool earlier. Victor echoed seeing families coming to the pool around 8am and then seeing it wasn't open yet and turning around going home. Bridget agreed with the 0800 opening of the pool. Families love to use the pool one last time the day of checkout. She said 0800 is wonderful for winter texans and families. Terry echoed we need to revisit the pool rules and maybe can be put in a format so that all board members can agree and are reasonable to put out at the next board meeting.

LeighAnn wondered when the pools are cleaned and if that changes times. Terry stated the pools could be cleaned at any time.

Terry moved to table the pool rules and discussion until the next meeting. All agreed. Bridget was assigned by Terry to work with what we have, and then turn in rules to start with and next month we can collectively work on next month meeting.

#2. Dumpsters.. the only thing we are really over budget on is trash this year. The way the rule is written is 95% correct.

**New Rule:**

30. **Dumpsters** Dumpsters are for bagged household and bagged landscape trimmings only. Boxes may be accepted provided they are flattened. Absolutely no outdoor or indoor furniture, landscape trimmings that are unbagable, appliances, tires, pallets, or any other items that can not be bagged must be taken to the City of Port Aransas Collection Station, 1430 Ross Avenue, Port Aransas, Tx. Hours of operation: Open Monday thru Saturday 8 am – Noon & 1 pm – 5 pm Open Sunday 10 am – Noon & 1 pm – 5 pm Violations of the dumpster rules will result in the homeowner being charged for disposal, fine or both.

LeighAnn said we have lots of costs, and wondered if owners could hold off dumping anything but trash.. Could there be a time for homeowners to be able to utilize the dumpsters as they are paying for them through assessments?

Wes said if the dumpsters are only 1/2 full, it isn't really an issue for an owner to dump stuff if broke up. Its when they take over an entire dumpster. Michael stated he takes his stuff quite a bit, usually for brush and debris isn't charged. LeighAnn also mentioned some owners do not have a truck for their use. Debbie mentioned many grills being thrown in the trash bin. Appliances are charged for and never allowed to be put in any dumpsters. Terry mentioned to maybe limit exceptions in the rule. Wes said the dumpsters will always be issues as we cut down to dumping one time per week we will save funds but have less room each week.

Wes said this summer has been the worst ever.

Victor wondered how often we know specific offenders. Wes said it is about 25% of the time he can figure out whose trash it is. Rebecca

said maybe more of the trash this year is due to the pandemic and people being home more. And also a few of the major problems were from new owners redoing their homes. Victor would like to put a \$ amount for the charges, instead of waiting for the heat of the moment. Terry also said if it

Laurel asked if we could use the trash be used as an amenity, and to pay in advance if needed to use extra space. Make it a positive statement. Most all in attendance were in favor of this. Terry proposed to strike the last sentence of the proposed rule.

Motion made by Terry to approve the new rule:

30. **Dumpsters** Dumpsters are for bagged household and bagged landscape trimmings only. Boxes may be accepted provided they are flattened. Absolutely no outdoor or indoor furniture, landscape trimmings that are unbagable, appliances, tires, pallets, or any other items that can not be bagged must be taken to the City of Port Aransas Collection Station.

All approved.

#3. Approve owner and renter fines: Terry once again spoke to the lawyer about this. It is much easier to fine an owner and almost impossible to fine a renter. The fines need to be in proportion to the severity of the breach. A standardize per occurrence fine for every rule is potential an unworkable solution. Based on facts and circumstances, Terry stated Wes put in a lot of work to this, but the fines still need to be proportionate and fair. The board would also need to have the ability to vote to decrease or increase fines. To use as a guideline, and not a standard schedule.

LeighAnn stated she agreed for rules to follow. She also wondered who would collect and levy the fines. Terry said this list is a great first step, but we need to work on this and make some changes.

Laurel mentioned two thoughts, which rules are even enforceable? And that there needs to be a process of appeal. If the homeowner wants to be heard, how would that happen? That there are no conflicts of interest. Who is the person handing out the fines and who would be appealed to?

Terry responded about our condominium rules are governed by implied severability. Meaning that if one rule is unenforceable doesn't affect all the rules, nor does it invalidate all the other rules.

Terry also stated there is a mechanism to have an appeal process. VW has levied very few fines in the past 8 years, each time the owner having the ability to speak their side and contest the fine.

Elenor wondered if the owners own the land their house is on? Terry stated it is a condominium association and each owner owns the footprint of your building and then you own 1.2% of common areas.

Wes made a motion to adjourn for tonight and put the rest of the agenda on for next month. Terry agreed.

Michael McCutcheon wanted to speak about his parking of 10 spaces and his occupancy was 24. Michael wanted to disagree with the 9 that was put on the spreadsheet.

Michael Crouch was concerned about the ability to collect fines from renters and the ability to enforce them. Terry wants to figure out the best way to ensure compliance about the rules we really care about. He said tonight's list was a good start and will table fines until next meeting.

Next Director meeting set for September 22nd at 7:00pm.

Homeowner meeting Oct 17, 2020 at 10am in Port Aransas.

Motion to adjourn the meeting by Victor. Approved by all.

Respectfully submitted.

Bridget Friday

VillageWalk HOA Manager