

Monument Hill Property Owner's Association

Minutes of June 8, 2021

Board of Directors Special Meeting

Directors in attendance: Mark Hermes, Cleo Schneider, Dawn Cowen, John Etue

Meeting called to order at 6:05 p.m. by President, Mark Hermes

Public Comments: none

Approval of Minutes from May 17, 2021 special meeting: Cleo motioned to accept minutes as presented by Dawn Cowen; motion was passed.

Treasurer's Report:

- a. **Checking Balance:** \$28,778.50
- b. **Delinquencies +/-90 days:** \$811.66

i. John made a motion for Lori to send a certified letter to Roger Rutledge's mother, the homeowner, to inform her that if her account balance is not paid in full, \$450.00 by 7/1/21, the board will pursue placing a lien on the property. **This letter is to be sent by 6/10/21. The motion passed.**

ii. John also made a motion to have Lori send a letter to the remaining homeowners who are over 30 days delinquent at the end of the billing cycle informing them of their overdue HOA fees. This is to be continued in the future when any homeowner exceeds 30-days past due on their HOA fees. The motion carried.

HOA landscaping maintenance: The board is in agreement to have various landscaping companies, including Tatonka Trees, submit new bids for the association maintenance.

Dawn motioned to approve the report; the motion was seconded. The report was approved.

Deer Committee Update:

- a. Texas Parks & Wildlife is requiring our hunter to have certain certifications before allowing him to hunt. Cleo is not sure that Josh Wallace is going to want to continue hunting if this is the case.
- b. Need to pay \$300 to Texas Parks & Wildlife but not until we have a hunter.

Restrictions:

- a. **195 Park Dr.** - Consider pursuing a small claims court case regarding violations of the restrictions 33, 34, and 39, but not 37 (short-term rentals). Urge neighbors to report the noise complaints to the police department and keep the report on file for evidence for the above violations.

New Business:

- a. **Mr. Kirt Kiester, legal services regarding amending by-laws:**

Regarding by-laws: Article 12 specifies amendment of by-laws and can be adopted by majority members present at the annual meeting. He is not sure if that resolves our issue of short-term rentals (STR) but would be a step in the right direction. We could implement language that

would specifically spell what the owner could and could not do with property. Our current restriction is not specific enough to hold up in the most recent Supreme Court Case.

Is there a difference in amending by-laws as opposed to restrictions?

We may run into a grandfather clause, which means if someone bought a piece of property 10 years ago, they abide by those guidelines that were current. It's hard to add new restrictions and have them abide by the new ones. With by-laws, you're not dealing directly with property lines, but rather with the mechanisms in which you govern those guidelines so it allows more flexibility in what you can do. If the issue is that we do not want STR, then we may run into issues relative to what restrictions exist. We can try to make it more restrictive by moving forward with something in place for when she sold the property. He believes we should press the issue but does not believe we should move backwards.

Is there certain language we should use in regard to wording the by-laws?

There were one or two cases where the courts have approved languages. There are 2 types of restrictions: there is a use (?) restriction or type of structure restriction. The law is you need to be as clear and specific as to what type of structure can be built. The other is the problem, the use restriction-- it qualified as a single-family residence but the people who were renting claimed they were also using it as a single-family dwelling.

Does the ruling of the court as it stands says you cannot outlaw STR?

He thinks that is accurate. The court said 1) there wasn't anything in the definition to exclude a rental 2) even though the restriction said you could not use it for business purposes, it did not say what kind of business.

If we went down this road, would we need to be specific about defining short term rental?

Definitely include specificity of rental time length.

Rules of the city vs. HOA? Can we use permits?

To some extent you have to be very definitive in order to be clear so as not to be accused of being arbitrary.

Are you recommending by-law or restriction amendment to proceed with this?

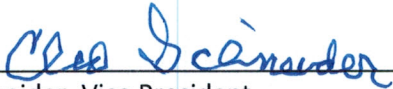
He does not have the restrictions available to make this decision. Although, it is very difficult to make this alteration. He would like to look at these and then get back to us. The discussion will continue after he contacts us.

- b. **Oviedo Building Permit:** Mr. Oviedo claims his son will not pay for a permit for his new fence because we do not uphold HOA restrictions. The board decided that Lori will send a bill to John Oviedo for the permit required for building his fence with a letter explaining the costs.
- c. **Building Approval Request, Cordell:** Approval pending survey plot

- d. **Consideration of Lori's Attendance at HOA meetings:** The board is requesting the association property manager make all attempts possible to attend our monthly HOA meetings.

Meeting adjourned at 7:58 p.m.

Next regular scheduled meeting is the annual meeting to be held on July 8, 2021, at Frisch Auf Valley Country Club, 575 Country Club Drive, La Grange, Texas.



Cleo Schneider, Vice President



Mark Hermes, President