

## WOODS POA BOARD MEETING

Crutcher and Hartley Team REMAX Board Room  
3225 University Blvd. – Tyler, Texas  
November 10, 2022

### Meeting Minutes

I. Attendees Present:

Owen Sanderson, Melinda Weedon, Sara Back, Tonya Wheat, Mark Dahlgren, Joe Williams

Absent: Candy Carroll

8 households and 10 total members attended the meeting:

A copy of the sign-in sheet is attached.

II. Call to Order:

President Owen Sanderson at 6:07 PM

III. Secretary's Report: (Tonya Wheat):

The meeting minutes of Oct. 13, 2022, regular board meeting were provided via email to board members for review prior to the meeting. Without objection, the previous meeting minutes were approved.

IV. Treasurer Report (Sara Back):

Mrs. Back presented the Treasurer's Report and the association financials through Oct. 31, 2022; A copy is attached to the minutes.

Mrs. Back presented DRAFT reminder letters that would be sent to homeowners whose accounts have become more than 90 days delinquent. Mrs. Back will prepare a delinquent account standard operating procedure for Board review and approval at the January meeting. Mr. Sanderson asked that we find out how much it will cost the association to have the East Texas Bean Counters process and mail the letters.

V. Lake and Common Grounds (Joe Williams):

Mr. Williams presented the Lake & Common Grounds Report; A copy is attached to the minutes. Mr. Sanderson presented a quote from Green Grass Lawn Service (the association's current L&C Ground Maintenance provider) to clean up the five entrance flower beds, remove dead flowers, trim rose bushes, and plant pansies for the winter. The quoted total was \$982.97 and included purchasing 5 Azaleas. Mrs. Wheat had previously met with Toni to discuss options for replanting the flower beds and she reported that he must have misunderstood regarding the azaleas. Mr. Sanderson noted that if we put two azaleas in each bed plus replace the two crape myrtles in the Calloway Rd. bed with roses to match the others, the total cost would be roughly \$1,400. That the goal is to get the beds cleaned up and uniform for the winter and the board would look at planting options in the spring that included less maintenance and did not overgrow the beds. Mr. Sanderson made a motion to set a budget of \$1,400 to replant the Woods POA entrance beds and that Board would work with Toni as to the layout of any new plants. Mr. Dahlgren 2<sup>nd</sup> the motion, without object the motion passed.

VI. Recreation Facilities & Security (Mark Dahlgren):

Mr. Dahlgren provided an update on the pool pump backwash valve that was recently repaired by East Texas Pool Service. Mr. Dahlgren noted that some additional items need to be replaced during the repair, which increased the initial proposed cost to \$547.90.

VII. Architectural Control (Melinda Weedon):

Mrs. Weedon provided an update on the Architectural Control request; a copy of her report is attached to these minutes.

A request for solar panels was submitted by Elizabeth Shepperd (3202 Lake Forest Dr.) The current association's covenants and restrictions do not discuss or regulate solar panels, so no formal approval by the board was warranted. Ms. Shepperd was asked to follow the precedence set forth by the previous Board when a request and approval for solar panels was given for the home located at 3208 Lake Forest Drive. Under Texas, Property Code Law HOA/POAs can dictate certain aesthetics and panel placement requirements when approving solar panel requests. Ms. Shepperd agreed to these guidelines. Details are provided in the AC report attached.

Butch Hall presented his plans for a new home located at 3706 Lake Vista Cir. Mr. Hall had previously submitted plans to the ARC for review and comment. A copy of the ARC report is attached to these minutes. Mr. Hall noted he had received his approval and building permits from the city of Tyler. Following some questions from the board, Mrs. Weedon motioned to approve the new home construction, and Mr. Williams 2<sup>nd</sup> the motion. Without objection, the motion was approved. The VP of AC signed and dated the Architectural plans and return them to Mr. Hall. A copy will be retained by the board until construction is completed.

Mr. Price presented his plans to renovate the existing space within the main residence into a two-car garage. The ARC had previously met onsite with Mr. Price to review the plans, a copy of the ARC report is attached to these minutes. The ARC noted that the settlement agreement requires a "fully functional two-car garage" and they questioned whether the driveway approach allowed for two cars to enter and exit the proposed space. Mr. Price submitted a rebuttal to the ARC concerns as part of his plans. Following some questions and discussion with the board, Mr. Sanderson motioned to approve the new garage construction and Mrs. Back 2<sup>nd</sup> the motion. Without objection, the motion was approved. The VP of AC signed and dated the proposed plans and return them to Mr. Price. A copy will be retained by the board until construction is completed.

VIII. Social Activities Report (VP Candy Carroll):

In the absents of Ms. Carroll, Mr. Sanderson gave an update on the most recent Halloween Party that was held by the tennis courts. Ms. Carrol had reported that roughly 50 attended the event representing 15 families from the association.

IX. Old Business:

Due to time constraints, no proposal was presented regarding the ARC review process and procedures.

X. New Business:

Given the most recent request for solar panels, Mr. Sanderson handed out a proposed DRAFT Architectural Review Bulletin, a copy of which is attached to these minutes. That if approved by the Board, would establish guidelines for the Board to consider when approving Solar Panel requests in the association. Mr. Sanderson asks each Director to review the proposal and provide comments at the next Board meeting.

Regarding the Board's Legal representation by Mr. Daugherty. Mr. Sanderson noted that whoever represents the Board and provides legal representation must have the entire board's approval. Through discussions with individual Board members, this was not the case for Mr. Daugherty. Moving forward the Board will no longer be using Mr. Daugherty and will review options for his replacement.

The Board briefly discussed what should be recorded in the meeting meets. There had been concerns about whether questions comments and discussions from the floor should all be recorded in the

meeting minutes. Mr. Sanderson reported that through his research of Robert's Rules of Order the meeting minutes are a record of the actions taken in the meeting and not what is said. Mrs. Back mentioned that her findings were a bit different allowing for more discussion. Due to time constraints, no formal discussion was had and the topic was tabled until the next regular Board meeting.

XI. Adjourned:

Without objection, the meeting was adjourned at 8:09 PM. The next board meeting is scheduled for January 19<sup>th</sup>, at 6:00 pm at the Crutcher and Hartley Team REMAX Board Room.

*It should be noted that all reports and documents attached are for information and documentation purposes only and are not considered a formal action of the Board unless otherwise recorded in the minutes above.*

Respectfully Submitted.

Tonya Wheat

Woods POA Secretary

# **Attachments**

**VP Report**

**DRAFT ACC Solar Panel Bulletin**

**Members' Sign In Sheet**

## Treasurer Report – Nov. 10, 2022 Board Meeting

1. RE: 2021-2022 Board's Treasurer Report for October  
Profit and Loss Statement, Balance Sheet, Bank Statement, Savings Statement
2. RE: New accounts submitted for 2023 budget with some tentative information regarding budget amounts sent in so far. Please email me your updates!
3. RE: Treasurer submitting late reminder letters to be sent at 6 months, 9 months and 12 months because opposed to using Jan 2021 BOD meeting approved penalties and fees

See attached letters for Board review. Ninety day letter is also included but not necessary with ETBC saying less than 10% members go over 90 days late and quarterly statement system contributes to 90 day late/catch up cycle.

Please email me suggestions in next 30 days. I'll then submit final to you for vote on a "Standard Operating Procedure" at January meeting. FYI: Letters will be sent on WPOA letterhead and account for either lot or property pricing. Please note: The less detail included in letter, the less cost to send. I still need to check pricing with ETBC

4. RE: Treasurer research for legal fees budget  
I've researched some online HOA Attorney advice options and sampled one to review Texas HOA Law regarding solar panels and Architectural Control Committees. There are glitches but very informative for a \$60 month plan to be cancelled at any time. Will continue research and have better report next meeting. At that time I might like to motion we might try on-line service regarding general questions about HOA rules prior to any funds spent on local legal counsel.
5. RE: Board President Request to send revised response to homeowner regarding legal fees related to past Boards expenditures. Done. For accurate accounting of legal fees to date, the amount accrued by 2021-2022 BOD to Daugherty Law Firm is \$7,194.03. The breakdown of expenditures is as follows:
  - A. Approx. \$456.00 spent regarding proposed amendments to WPOA covenants and by-laws sent out to membership (2021).
  - B. Approx. \$1,225.50 spent regarding by-law revision to Article X, changing member voting rights (2022).
  - C. Approx. \$5,298.78 spent related to alleged covenant violation at 3702 Pine Bluff Cr. ( 2022)
  - D. Approx. \$213.75 spent regarding solar panel questions (2022).

**Woods Property Owners Association Inc.**  
**Profit & Loss Budget Performance**  
**October 2022**

Cash Basis

	Oct 22	Budget	\$ Over Budget	Jan - Oct 22	YTD Budget	\$ Over Budget	Annual Budget
<b>Ordinary Income/Expense</b>							
<b>Income</b>							
Dues and Assessments	11,515.50	8,915.00	2,600.50	87,285.85	89,150.00	(1,864.15)	106,980.00
Discounts Granted	(55.00)	0.00	(55.00)	(1,802.00)	0.00	(1,802.00)	0.00
Transaction Fees	50.00	0.00	50.00	650.00	0.00	650.00	0.00
Interest Income	0.00	0.00	0.00	16.50	15.40	1.10	22.55
Keys	0.00	0.00	0.00	200.00	0.00	200.00	0.00
<b>Total Income</b>	<b>11,510.50</b>	<b>8,915.00</b>	<b>2,595.50</b>	<b>86,350.35</b>	<b>89,165.40</b>	<b>(2,815.05)</b>	<b>107,002.55</b>
<b>Expense</b>							
<b>DEPARTMENTS</b>							
<b>Lake &amp; Common Grounds</b>							
Spillway Repair	0.00	0.00	0.00	17,895.28	20,350.00	(2,454.72)	20,350.00
Facilities Maintenance	1,224.87	0.00	1,224.87	1,224.87	600.00	624.87	600.00
Landscaping	5,020.00	2,485.00	2,535.00	29,490.51	24,050.00	5,440.51	28,920.00
Sprinkler Systems	545.00	125.00	420.00	2,170.98	625.00	1,545.98	625.00
Tree Removal	1,200.00	0.00	1,200.00	1,425.00	1,500.00	(75.00)	2,000.00
Dredging	3,172.83	0.00	3,172.83	51,422.83	55,000.00	(3,577.17)	55,000.00
Seawalls	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Lake & Common Grounds Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Lake &amp; Common Grounds</b>	<b>11,162.70</b>	<b>2,610.00</b>	<b>8,552.70</b>	<b>103,629.47</b>	<b>102,125.00</b>	<b>1,504.47</b>	<b>107,495.00</b>
<b>Recreation Facilities/Security</b>							
Pool & Bath House	557.00	465.00	92.00	5,623.57	6,455.00	(831.43)	6,695.00
Tennis Courts	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Playground	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fencing	0.00	0.00	0.00	0.00	1,100.00	(1,100.00)	1,100.00
<b>Total Recreation Facilities/Security</b>	<b>557.00</b>	<b>465.00</b>	<b>92.00</b>	<b>5,623.57</b>	<b>7,555.00</b>	<b>(1,931.43)</b>	<b>7,795.00</b>
<b>Architectural Control</b>							
By-Laws & Covenants	912.00	0.00	912.00	979.05	1,565.00	(585.95)	1,565.00
<b>Total Architectural Control</b>	<b>912.00</b>	<b>0.00</b>	<b>912.00</b>	<b>979.05</b>	<b>1,565.00</b>	<b>(585.95)</b>	<b>1,565.00</b>
<b>Social Activities</b>							
Activities	262.66	200.00	62.66	499.77	1,050.00	(550.23)	1,250.00
<b>Total Social Activities</b>	<b>262.66</b>	<b>200.00</b>	<b>62.66</b>	<b>499.77</b>	<b>1,050.00</b>	<b>(550.23)</b>	<b>1,250.00</b>
<b>Total DEPARTMENTS</b>	<b>12,894.36</b>	<b>3,275.00</b>	<b>9,619.36</b>	<b>110,731.86</b>	<b>112,295.00</b>	<b>(1,563.14)</b>	<b>118,105.00</b>
<b>OPERATIONS</b>							
Bank Service Charges	41.10	60.00	(18.90)	440.30	600.00	(159.70)	720.00
Bookkeeping	450.00	450.00	0.00	4,500.00	4,500.00	0.00	5,400.00
Insurance	0.00	0.00	0.00	6,822.00	6,999.00	(177.00)	6,999.00
Office Supplies	0.00	50.00	(50.00)	420.45	100.00	320.45	100.00
Postage and Delivery	0.00	0.00	0.00	452.00	300.00	152.00	300.00
Printing and Reproduction	0.00	0.00	0.00	633.39	300.00	333.39	300.00
Professional Fees	350.00	0.00	350.00	3,606.53	3,700.00	(93.47)	3,700.00
Website Support	260.00	150.00	110.00	1,915.00	835.00	1,080.00	985.00
Taxes	0.00	0.00	0.00	0.00	0.00	0.00	270.00
Annual Meeting	0.00	0.00	0.00	485.30	550.00	(64.70)	550.00
<b>Total OPERATIONS</b>	<b>1,101.10</b>	<b>710.00</b>	<b>391.10</b>	<b>19,274.97</b>	<b>17,884.00</b>	<b>1,390.97</b>	<b>19,324.00</b>
<b>UTILITIES</b>							
Electric	667.59	600.00	67.59	5,856.52	5,335.00	521.52	6,655.00
Water	197.11	200.00	(2.89)	2,130.41	2,600.00	(469.59)	3,000.00
<b>Total UTILITIES</b>	<b>864.70</b>	<b>800.00</b>	<b>64.70</b>	<b>7,986.93</b>	<b>7,935.00</b>	<b>51.93</b>	<b>9,655.00</b>
<b>Total Expense</b>	<b>14,860.16</b>	<b>4,785.00</b>	<b>10,075.16</b>	<b>137,993.76</b>	<b>138,114.00</b>	<b>(120.24)</b>	<b>147,084.00</b>
<b>Net Ordinary Income</b>	<b>(3,349.66)</b>	<b>4,130.00</b>	<b>(7,479.66)</b>	<b>(51,643.41)</b>	<b>(48,948.60)</b>	<b>(2,694.81)</b>	<b>(40,081.45)</b>
<b>Net Income</b>	<b>(3,349.66)</b>	<b>4,130.00</b>	<b>(7,479.66)</b>	<b>(51,643.41)</b>	<b>(48,948.60)</b>	<b>(2,694.81)</b>	<b>(40,081.45)</b>

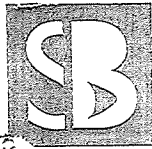
# Woods Property Owners Association Inc.

## Balance Sheet

As of October 31, 2022

Accrual Basis

	Oct 31, 22	Sep 30, 22	\$ Change
<b>ASSETS</b>			
<b>Current Assets</b>			
<b>Checking/Savings</b>			
Southside Bank - Checking	16,158.59	21,965.00	(5,806.41)
Challenge Reserve Account	20,641.07	20,034.82	606.25
<b>Total Checking/Savings</b>	<b>36,799.66</b>	<b>41,999.82</b>	<b>(5,200.16)</b>
<b>Accounts Receivable</b>			
Dues Receivable	5,569.68	12,610.18	(7,040.50)
<b>Total Accounts Receivable</b>	<b>5,569.68</b>	<b>12,610.18</b>	<b>(7,040.50)</b>
<b>Total Current Assets</b>	<b>42,369.34</b>	<b>54,610.00</b>	<b>(12,240.66)</b>
<b>Fixed Assets</b>			
Common Areas	999.89	999.89	0.00
Fencing	12,325.00	12,325.00	0.00
Irrigation System	23,200.00	23,200.00	0.00
Picnic Tables	4,383.46	4,383.46	0.00
Silt Pond	50,882.23	50,882.23	0.00
Swimming Pool/Bath House	45,000.00	45,000.00	0.00
Tennis Courts	30,000.00	30,000.00	0.00
<b>Total Fixed Assets</b>	<b>166,790.58</b>	<b>166,790.58</b>	<b>0.00</b>
<b>TOTAL ASSETS</b>	<b>209,159.92</b>	<b>221,400.58</b>	<b>(12,240.66)</b>
<b>LIABILITIES &amp; EQUITY</b>			
<b>Liabilities</b>			
<b>Current Liabilities</b>			
<b>Other Current Liabilities</b>			
Playground Funds Payable	2,053.81	2,053.81	0.00
Prepaid Dues	13,873.55	20,036.05	(6,162.50)
Prepaid Expenses by Rosewood	20,000.00	20,000.00	0.00
<b>Total Other Current Liabilities</b>	<b>35,927.36</b>	<b>42,089.86</b>	<b>(6,162.50)</b>
<b>Total Current Liabilities</b>	<b>35,927.36</b>	<b>42,089.86</b>	<b>(6,162.50)</b>
<b>Total Liabilities</b>	<b>35,927.36</b>	<b>42,089.86</b>	<b>(6,162.50)</b>
<b>Equity</b>			
Net Assets	223,463.82	223,463.82	0.00
Net Income	(50,231.26)	(44,153.10)	(6,078.16)
<b>Total Equity</b>	<b>173,232.56</b>	<b>179,310.72</b>	<b>(6,078.16)</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>209,159.92</b>	<b>221,400.58</b>	<b>(12,240.66)</b>



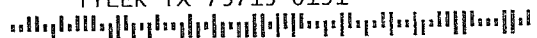
# SOUTHSIDE BANK

## STATEMENT OF ACCOUNT

PO BOX 1079, TYLER, TX 75710-1079


ACCOUNT NUMBER	[REDACTED]
STATEMENT DATES	10/03/22-10/31/22
PAGE	1 of 4

675 1 AV 0.452 \*0000675 S3  
 WOODS PROPERTY OWNERS ASSOCIATION INC  
 PO BOX 130191  
 TYLER TX 75713-0191



0000675  
SOUTHSIDE

4503C00X.001




**The credit you want when you need it.**

Earn cash back or rewards and make balance transfers.

Apply at [southside.com/credit](https://southside.com/credit) or your local branch.

The creditor and issuer of these cards is Bank Financial Services pursuant to a license from Visa USA Inc.



Effective November 1, 2022, Southside Bank will not charge you more than 3 (previously 5) Paid Overdraft Item Fees per day for paying overdrafts. The maximum number of Return NSF Item Fees for returning transactions due to insufficient funds in your account will be 3 per day. Also, if your account is negative by \$100 or less (previously \$50) after all transactions have posted at the end of the day we will not charge you a \$29 Paid Overdraft Item Fee.

### ACCOUNT SUMMARY

<b>Smart Business</b>			
Account Number	1616862	Statement Dates	10/03/22 thru 10/31/22
Previous Balance	22,490.00	Days in Statement Period	29
6 Deposits/Credits	10,025.00		
11 Checks/Debits	11,033.92		
Total Service Charge	0.00		
Interest Paid	0.00		
Ending Balance	21,481.08		

### DEPOSITS

Date	Description	Amount
10/11	Regular Deposit	1,470.00
10/14	Regular Deposit	385.00
10/18	ACH Collec WOODS PROPERTY OPPD	660.00
10/20	Regular Deposit	4,028.00
10/28	Regular Deposit	2,932.00
10/31	Regular Deposit	550.00

### WITHDRAWALS

Date	Description	Amount
10/03	Transfer to Savings Acct No. 144405385	606.25
10/05	UT BILL City of Tyler UTPPD	75.80





# STATEMENT OF ACCOUNT

<b>ACCOUNT NUMBER</b>	[REDACTED]
<b>STATEMENT DATES</b>	10/03/22-10/31/22
<b>PAGE</b>	3 of 4

WOODS PROPERTY OWNERS ASSOCIATION INC  
 PO BOX 130191  
 TYLER TX 75713-0191

0000675

SOUTHSIDE

4505C00X.001



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## WITHDRAWALS

Date	Description	Amount
10/05	UT BILL City of Tyler UTPPD	121.31
10/06	Account Analysis Charge	41.10
10/24	TXU ACH TXU ENERGY CTX	667.59

## SUMMARY BY CHECK NUMBER

Listed in numerical order

Date	Check Number	Amount	Date	Check Number	Amount
10/03	1692	450.00	10/21	1698	450.00
10/05	1695*	75.00	10/19	1700*	557.00
10/05	1697*	4,379.87	10/31	1707*	3,610.00

(\*) Denotes missing check numbers

## DAILY BALANCE SUMMARY

Date	Balance	Date	Balance	Date	Balance
10/03	21,433.75	10/14	18,595.67	10/21	22,276.67
10/05	16,781.77	10/18	19,255.67	10/24	21,609.08
10/06	16,740.67	10/19	18,698.67	10/28	24,541.08
10/11	18,210.67	10/20	22,726.67	10/31	21,481.08

## Lakes and Common Grounds Report

11/10/2022

Joe Williams

### Completed activities:

1. The sunken sewer manhole cover along the East side of the lake was raised to ground level by city workers.
2. Broken sprinkler head near the pool parking lot was repaired at no cost (my labor and parts).
3. Broken 4" main irrigation line at the North end of the lake was repaired and the washed out dirt replaced by Toni.
4. Dead trees, dead bushes, debris, were removed and stumps ground along Callaway making way for privacy bushes to be replaced.

### Goals for next two months:

1. Insulate and better weatherize the irrigation pump house.
2. Check the irrigation pump pressure control to see if we are over pressuring the system (several 4" breaks recently and many sprinkler heads breaking too frequently).
3. Buy a small stock of replacement sprinkler heads so repairs can be made quickly.

**Woods Home Owners Association**  
**Architectural Control Report**  
**November 10, 2022**

**3202 Lake Forest Drive**

Elizabeth Shepperd requested approval for solar panels on her home. The current covenants and restrictions do not discuss or regulate solar panels. During the approval process of the first solar panels installed at 3208 Lake Forest Drive, the Board established the below guidelines which follow the Board's rights as established by the Prop Code §202.010. Ms. Shepperd was asked to follow these guidelines. She has agreed to do so, and the solar panel installation company has submitted documentation to show the project complies with the board's parameters set forth for solar panels in The Woods POA. Since no covenant exists to regulate solar panels, the ARC was not involved in the review process. The board's parameters follow state regulations as well as what the prior board deemed appropriate for solar panel installation in The Woods POA. Texas law does state that homeowners in an HOA/POA must have board approval prior to installation or the project may be denied.

1. Woods POA Board Approval before panels are installed (as per Texas State Law)
2. Prop. Code §202.010 permits a prohibition of rooftop solar panels if the installation:  
(A) extends higher than or beyond the roofline;  
(B) does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or  
(C) has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace.
3. To keep the solar panel as unobtrusive as possible, panels approved must blend as much as possible with your roof color. Therefore, the board approves Monocrystalline cells with a black back sheet.  
  
No polycrystalline cells with a blue hue nor white back sheet that creates a grid of white lines around them may be used.
4. Black colored critter guards or black solar skirts may be used between the solar panels only (or similar color to the existing roof).
5. No steel mesh or other type of mesh, bird netting, spikes, wire, or any other type of barrier may be used on top or over the solar panels at any time.
6. All "conduit" piping must be painted to blend with the roof or painted black to blend with the solar panels.
7. Solar panels in the yard or attached to a fence are prohibited.

**Based on the homeowners agreeing to the above guidelines and adhering to state property code 202.010, the association may not restrict the property owner from installing a solar energy device and thus approval was granted via email on 11/7/2022.**

### **Empty Lot Tree Removal on Lake Vista Circle**

Another large pine tree has fallen on the second home adjacent to a vacant lot on Lake Vista Circle. This tree was completely dead and hit part of the home as well as demolishing the back deck and deck stairs on the back of the home.

Board President Owen Sanderson has been able to reach the new lot owners to discuss removal of other trees on the lot that are in jeopardy of falling these two neighbors' homes. The lot owners have agreed to pay for the removal of the high-risk trees that remain. Owen and myself have had discussions with the neighbors regarding the trees that concern them about falling on their homes. Owen has also discussed with Paul's Tree Service to confirm the jeopardy of the trees in question and will be gathering quotes to be sent to the lot owners for their approval and payment before work commences.

The Williams (whose deck was demolished) will be submitting a plan in the future for their new deck for board approval as their property faces the lake.

**The goal is to remove these trees before anymore fall on the adjacent homes.**

### **3702 Pine Bluff Circle**

Glenn and Carol Price's enclosed garage apartment and new garage updates:

#### Enclosed Garage Apartment:

Mr. Price has removed a tool room that was added to the back of the converted garage apartment. The removal of the tool room was per the city's requirement for city setback regulations and for issuance of a permit on the enclosed garage apartment.

Now that the tool room has been removed, Mr. Price is waiting on the permit from the city of Tyler and subsequent city inspections on the existing garage apartment.

#### Proposed Two Car Garage

For board review and approval now is the new proposed two-car garage within the home's perimeter. The ARC review and recommendation as well as Mr. Price's reply are attached. The settlement agreement requires a "fully functional two car garage." The board must determine if the proposal meets this requirement.

The deadlines for project completion remain as agreed upon in the settlement with the Price's.

### **3902 Lazy Creek Drive**

Ann Darnley has requested approval on a stone patio in her back yard. The ARC will meet to confirm the proposed patio does not cause a drainage issue onto neighboring properties.

### **3839 Lazy Creek Drive**

**The board approved** at the Oct. 2022 Meeting, Tony Patterson's pergola and cover to the rear of his home. The approved cover system has a 10-year warranty and is ANSI-rated and impact resistant, bronze in color to match the roof, unable to be seen especially from adjacent neighbors, nor shall be a material that reflects light into other homes. This cover is approved for pergola's only, not for patios, gazebos or tool rooms.

**The Woods Property Owners Association  
Architectural Review Committee  
Proposed Project Review and Recommendation**

Date Project Reviewed: Oct. 12, 2022

Committee Members Present:

Todd Glass, John Young, (Jason Barefield)

Proposed Project: New house Lake Vista

Home Owner's Name: Butch Hall

Home Owner's Address: Lake Vista

**WPOA board,**

**John Young, Todd Glass**

**The ARC has reviewed the plans and finds that the house is in compliance with the setbacks put forth by the WPOA. ARC recommends allowing Mr. Hall to move forward based on plans and setbacks.**

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**The Woods Property Owners Association  
Architectural Review Committee  
Proposed Project Review and Recommendation**

Date Project Reviewed: Oct. 25, 2022

Committee Members Present:

Todd Glass, Jason Barefield, (John Young)

Proposed Project: Fully Functional 2-Car Garage per Agreement with the Woods POA Board

Home Owner's Name: Glenn Price

Home Owner's Address: 3702 Pine Bluff Circle

**WPOA board,**

**The ARC has reviewed the project and finds that the garage dimensions meet 2 car garage requirements. However the approach to the garage and backing out of garage would not be viable. There is only 13-14 feet from front of proposed garage to fence line. As a builder, Todd Glass noted a normal minimum approach should be 18-20 feet for a functional garage. The ARC recommendation is to change the approach or move garage door to rear of space where there is more area for a functional approach.**

**ARC believes the WPOA should review this project with our recommendations.**

# WOODS I & II PROPERTY OWNERS ASSOCIATION

## **DRAFT Architectural Control – Bulletin #1 Solar Panels**

The Texas Property Code, Sec. 202.010. REGULATION OF SOLAR ENERGY DEVICES, subsection 2(a) prohibits a property owners' association from including or enforcing a provision in a dedicatory instrument (By-Law or Restrictive Covenant) that prohibits or restricts a property owner from installing a solar energy device. Texas law does allow the property owners' association to regulate or deny a request if the provisions as noted in subsection 2(d) are not met. Texas Law also allows a property owners' association to deny a request if the Board to Architectural Review Committee determines, in writing, that placement of the device as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities.

Given these limitations and powers granted by the State of Texas, The Woods I & II Property Owners Association Board of Directors is considering adopting the following guidelines for the Architectural Review Committee (ARC) to follow when reviewing a request for solar arrays/panels within the association.

1. A request to install a solar array or panel must be submitted to the ARC for approval prior to the installation.
2. A Solar Array or Panel:
  - a. Must be located on the rooftop of the residence.
  - b. Cannot extend higher than or beyond the roof line and must conform to the slope of the roof and has a top edge that is parallel to the roofline(s).
  - c. Cannot be mounted on common grounds (or other properties owned by the association) nor can it be facing the common ground if the properties share adjoining boundaries.
3. To keep the solar panel as unobtrusive as possible, the panels approved must blend as much as possible with the roof color. Therefore, only Monocrystalline cells with a black back sheet (or similar color to the existing roof). No polycrystalline cells with a blue hue or white back sheet that creates a grid of white lines around them may be used.
4. Critter guards or solar skirts may be used between the solar panels only and must be black in color or similar color to the existing roof.



5. No steel mesh or other type of mesh, bird netting, spikes, wire, or any other type of barrier may be used on top or over the solar panels at any time.
6. All “conduit” piping must be painted to blend with the roof or painted black to blend with the solar panels.

**DRAFT Copy Subject to revision**

PROPERTY CODE

TITLE 11. RESTRICTIVE COVENANTS

CHAPTER 202. CONSTRUCTION AND ENFORCEMENT OF RESTRICTIVE COVENANTS

Sec. 202.010. REGULATION OF SOLAR ENERGY DEVICES. (a) In this section:

(1) "Development period" means a period stated in a declaration during which a declarant reserves:

(A) a right to facilitate the development, construction, and marketing of the subdivision; and

(B) a right to direct the size, shape, and composition of the subdivision.

(1-a) "Residential unit" means a structure or part of a structure intended for use as a single residence and that is:

(A) a single-family house; or

(B) a separate living unit in a duplex, a triplex, or a quadplex.

(2) "Solar energy device" has the meaning assigned by Section [171.107](#), Tax Code.

(b) Except as otherwise provided by Subsection (d), a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device.

(c) A provision that violates Subsection (b) is void.

(d) A property owners' association may include or enforce a provision in a dedicatory instrument that prohibits a solar energy device that:

(1) as adjudicated by a court:

(A) threatens the public health or safety; or

(B) violates a law;

(2) is located on property owned or maintained by the property owners' association;

(3) is located on property owned in common by the members of the property owners' association;

(4) is located in an area on the property owner's property other than:

(A) on the roof of the home or of another structure allowed under a dedicatory instrument; or

(B) in a fenced yard or patio owned and maintained by the property owner;

(5) if mounted on the roof of the home:

(A) extends higher than or beyond the roofline;

(B) is located in an area other than an area designated by the property owners' association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10 percent above the energy production of the device if located in an area designated by the property owners' association;

(C) does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or

(D) has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace;

(6) if located in a fenced yard or patio, is taller than the fence line;

(7) as installed, voids material warranties; or

(8) was installed without prior approval by the property owners' association or by a committee created in a dedicatory instrument for such purposes that provides decisions within a reasonable period or within a period specified in the dedicatory instrument.

(e) A property owners' association or the association's architectural review committee may not withhold approval for installation of a solar energy device if the provisions of the dedicatory instruments to the extent authorized by Subsection (d) are met or exceeded, unless the association or committee, as applicable, determines in writing that placement of the device as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. For purposes of making a determination under this subsection, the written approval of the proposed placement of the device by all property owners of

adjoining property constitutes prima facie evidence that such a condition does not exist.

(f) During the development period for a development with fewer than 51 planned residential units, the declarant may prohibit or restrict a property owner from installing a solar energy device.

Added by Acts 2011, 82nd Leg., R.S., Ch. 939 (H.B. [362](#)), Sec. 1, eff. June 17, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 126 (S.B. [1626](#)), Sec. 1, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 126 (S.B. [1626](#)), Sec. 2, eff. September 1, 2015.

Attorney & Mediator

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October 16, 2022

Owen Sanderson

Re: solar array policy

Dear Owen:

This is in response to your request for some guidance for the Board as it begins to address the desire of residents to install solar arrays on their homes. As we have established, the RCs do not address this issue. The RCs do say that, “no building . . . shall be . . . altered” until plans and specs of the “building structure or improvement” are submitted and approved.

I could see an argument that a solar array is not a structure or improvement in the usual sense and therefore no approval of the ACC is required. Getting in front of this is important, as you have mentioned.

Chapter 202 of the Property Code addresses solar issues. It does apply to the Woods POA, §202.002. I suggest that the Board draft a provision for inclusion in the Bylaws or as a Rule of the ACC which incorporates the guidelines of 202.010. Neither of those procedures requires a vote of the membership. Such a vote would also be meaningless because it is Texas law and the members can't vote to ignore it.

The operative language in 202.010 is, “a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device,” 202.010(b). Interpreting the definition of “dedicatory instruments” broadly to include bylaws means the Woods POA has no mechanism to prohibit these installations unless it falls within the limits found in the rest of the section.

I will note or discuss the 202.010(d) limitations permitted which may benefit from discussion:

(4) The placing of solar in the residence's yard cannot be prohibited if its height is below the fence line, (6). That does not mean that it won't be visible to some neighbors given the hilly terrain at the Woods.

(5)(B) This subsection addresses those POAs who would like to prohibit solar arrays on the street side of the home. I am not familiar with the modeling tool by the NREL, but you might want to check it out. If the Woods wants to prohibit street side installations, the 10% variation per the modeling tool should be included in the language of the rule.

(8) ACC approval is required.

(e) The terms of this provision should certainly be included in the Woods' rule. This would give the ACC (or Board) the avenue to restrict solar arrays that would cause, "unreasonable discomfort or annoyance to persons of ordinary sensibilities." I researched this provision and there are no appeals court decisions interpreting the provision. However, that test was lifted from nuisance law and there are cases addressing the criteria in that context.

A standard definition of the subject phrase is that, "an interference [the solar panel] is significant and its effect on the plaintiff **unreasonable** only if "normal persons living in the area or community would regard the invasion in question as definitely offensive, seriously annoying, or intolerable." I'm not sure that definition helps me understand the standard better, or not.

I would offer that the last sentence of (e) should not be included in the Woods' rule because it gives the property owner a head start on the ACC approval process if they think that all they need is the approval of their neighbors. Such approval would only create a minimum, prima facie, level of proof that the panels would not cause unreasonable discomfort or annoyance. The ACC could still decide the installation, "constitutes a condition that substantially interferes with the use and enjoyment of land [by other Woods members] based on all of the circumstances. Certainly, that sentence does not require the Board to poll the neighborhood, though it could decide to do so as a part of its approval process.

I hope this helps. I could draft a rule if you want.

Yours truly,

A handwritten signature in blue ink that reads "Craig M. Daugherty". The signature is written in a cursive, slightly slanted style.

Craig M. Daugherty

Woods POA Board Meeting 11/10/22  
Sign In sheet

- 1) ~~Pet Beach~~ Jim BEARSEN 3305 PINECREEK DR
- 2) ~~Pet Beach~~ " "
- 3) Glenn Mayle 3304 Pinecreek Dr
- 4) Ethel Mayle " "
- 5) Jim HARRIS 3805 LAKE FOREST Dr.
- 6) BUTCH HALL 3706 LAKE VISTA DR
- 7) CHUCK ARMSTRONG 3705 LAZY CREEK DR
- 8) Glenn Price 3702 Pine Bluff Circle
- 9) Inya Wheat 3306 Shadow Glen
- 10) ~~Joe Miller~~ 3408 Pinecreek Dr.
- 11)
- 12)