

December 2012
Volume 1, Issue 8

La Buena Reader

La Buena Vida Property Owners Association Newsletter

LBV POA Officers

Michael Zotzky
President
mzotzky@comcast.net
(281) 587-8913

Michael Lucente
Vice President
(361) 226-1627
mikel@impexploration.com

Jeanne Hunter
Secretary
wrhunter@cablone.net
(361) 729-5436

Michael Johnson
Treasurer
(Johnson & Cate Certified
Public Accountants)
cpaman@hotmail.com
(361) 729-9707

Individual Highlights

Annual Meeting	2
LBV Budget	5
Board Meetings	6

The La Buena Vida Property Owners Association, Inc is incorporated under the laws of the State of Texas as a non-profit corporation, and granted powers of administering the Covenants, Conditions and Restrictions for La Buena Vida.

Winter is Coming

... but so far has been delayed, so enjoy the gorgeous fall weather extension while you can! Before the year ends, we wanted to report on the results of the Annual Meeting of the Property Owners Association held in October at Fronia and Michael Scharck on Buena Vida Drive. Thanks to the Scharck's for being wonderful hosts and sharing their gorgeous house with us.

The meeting was called to order, and guest speaker Sheriff Bill Mills provided information on what his office is doing to combat crime, and reminded everyone to protect your personal boating items and not invite criminal activity into our neighborhood by leaving items out. The three Board members – Michael Zotzky, Michael Lucente, and Jeanne Hunter - were re-elected by unanimous vote and proxy.

Michael Johnson presented the 2013 budget as approved by the Board. The budget reflects a \$100 increase in annual fees to \$1400 per lot. Some owners have expressed concern about the fluctuation of fees over the years (albeit they are much lower than five years ago). The Board feels that an assessment level of \$1500 is appropriate long term for LBV, and would provide funding for identified capital projects as well as maintain a reasonable reserve level for dredging, etc.

Jeanne Hunter reviewed the detailed financials, and Michael Lucente discussed street cleanup and marina depth. Randy Hunter reviewed a long list of maintenance work that has been completed this year. The Board is especially grateful for what Randy does in organizing and overseeing the maintenance crew, and several property owners have commented on the obvious improvements to the neighborhood appearance.

The detailed minutes of the meeting are included in this newsletter, starting on page 2. **Note there were a lot of issues covered in the Annual Meeting regarding new business, likely of interest to all Lot owners.** If you have any questions, concerns, or comments, please contact one of us - the LBV POA Officers – either by phone or email. Our contact information is listed in the sidebar to the left. We enjoy hearing from the Association members, getting suggestions, feedback, newsletter-worthy information, pictures, etc., and are sincerely committed to improving our neighborhood.

Website Update

Just a reminder that all of the “official” La Buena Vida documents – such as bylaws, restrictions and policies – as well as the newsletters, are posted on the LBV website at www.lbvpoa.com. The website was recently updated and includes some new pictures of the subdivision, as well as new information on the marina. Also, if there are any other items you would like to see included on the website – or even better yet, have pictures for us that are relevant – please contact one of the Officers.

Minutes of the Annual Meeting

Architectural Committee

Chair

Michael Zotzky
 (281) 587-8913
mzotzky@comcast.net

Members

David Becker
 (361) 884-3613
dkbecker1137@sbcglobal.net

Byron Fields
 (361) 883-4721
Byron.Fields@att.net

Randy Hunter
 (361) 729-5436
wrrhunter@cableone.net

The annual meeting of the Members of LBV Property Owners' Association, Inc. was held at the home of Fronia and Michael Scharck, 22 La Buena Vida Drive at 2 p.m. on October 20, 2012. The following Members were present in person:

Directors: Michael Zotzky, Michael Lucente and Jeanne Hunter
 Owners: Randy Hunter, Laurie Zotzky, Larry and Marlene Muenster, Michael and Fronia Scharck, Bob and Kari Hardesty, and Allen Samuels.
 In addition, Michael Johnson and Teresa Creekmore of Johnson & Cate attended. Aransas County Sheriff Bill Mills and his wife were invited guests and attended.

Michael Zotzky, President, served as chairman and welcomed everyone to the meeting. Sheriff Bill Mills spoke for a few minutes and provided information on what his office is doing to combat crime, provided an update on the jail and how he has lowered expenses, and the new equipment he has been able to obtain through various grants and donations. The sheriff reminded everyone to protect your personal boating items and to not invite criminal activity into our neighborhood by leaving items out.

The minutes of the 2011 Annual Meeting were approved as submitted.

Michael Johnson presented the Treasurer's Report as of September 30, 2012.

Cash in Bank	\$68,526.30
Accounts Receivable	\$1,800.00
Prepaid Insurance	\$717.01
Total Assets	\$71,043.31
Total Liabilities & Deferred Income	\$15,761.80
Association Equity	\$55,281.51
Total Liabilities & Association Equity	\$71,043.31

Michael Johnson presented the 2013 budget as approved by the Board. The budget reflects an increase in annual fees to \$1400 per lot. Michael Zotzky commented that the Board felt an assessment level of \$1500 was appropriate long term for LBV, and would provide funding for identified capital projects as well as maintain a reasonable reserve level for dredging, etc. In addition, the Marina Assessment for the twelve privately owned slips has been established at \$200 per slip. (This is the same level as outlined in the dock sale agreement, but has not been charged to-date.) Per the restrictions, the marina assessment must be used for marina related expenses only, including utilities, maintenance and property taxes.



(Front entrance. Photo courtesy of Jeanne Hunter)

Michael Zotzky presented the Architectural Committee report. No construction plans are pending at this time. Zotzky also discussed the Building Height restrictions - specifically as they were amended in 2009 - and questions raised by a potential lot purchaser this summer. Upon investigation, it is clear that the 2009 amended Phase I Restriction, Article 3.4 Building Height, does not allow a building as high as the original Restriction. The 2009 amendment was not intended to reduce the allowable height, but to remove the confusing reference to highest ridge-

Annual Meeting Minutes (continued)

line mid-point. To address this - and to return the building height to the original allowance - the Architectural Committee has developed a Building Height Policy to be used until the Restriction can be properly amended by Lot owner vote. The Board subsequently approved the Policy, is now in effect for Phase I, and clearly defines building height and includes measurement examples for pitched or hip roof, gable, mansard and flat roofs. This approved policy is available on the website, and recorded at the Aransas County Courthouse: http://www.lbvpoa.com/LBV_BuildingHeight_Oct2012.PDF (Note that Phase III Restrictions were not amended in 2009, but from a practical standpoint are the same as this Policy.)

Jeanne Hunter reviewed the itemized (detailed) revenue and expenses for fiscal year 2012, and the projected numbers for 2013. The highest expense for 2012 was water usage at \$19,200. She noted that master valves have now been installed to prevent water loss due to sprinkler controller failure, or line break - which has historically resulted in some very large water bills. Regarding water, Jeanne reminded everyone that the water spigot at the marina is not potable (it is hooked up to a sprinkler trunk line), but funds will be used from the marina assessment in 2013 to fix this. The front entrance landscape lighting was done this year and - although it was a budgeted item - it did require use of some of the reserve funds. At year-end fiscal 2012, the reserve is projected to be \$55,300, a reduction of \$4,300 vs. the previous year-end.

Michael Lucente discussed the clean-up effort to the street, due to the August 2012 oil spilled by Allied Waste. The truck spilled a large amount of oil on the street, with the largest concentration of oil between Lots 9 and 21. Michael worked with the clean-up crew assigned by Allied Waste, and believes we have been able to restore the appearance as best as possible.

Mike Lucente discussed water depth in the lake, at the marina, and in the channel entrance. Actual measurements were taken by a potential buyer that was interested in building a slip at the marina to dock a large boat. This 65 feet long boat with 6 feet draft motored in thru the channel, and moved about in the marina area. There were some shallow areas found only up against the north and south bulkheads of the channel entrance - which were also confirmed by LBV residents.



*(Marina slips for lease - freshly cleaned and sealed.
Photo courtesy of Jeanne Hunter)*

The boat captain suggested that the associated narrowing of the channel was probably working well to provide velocity to keep the opening scoured. As follow-up, the developer confirmed that the original permit for LBV depth was for 10 feet, and the lake channel and the marina area (from Phase I bulkhead across approximately 250 feet to the Phase II bulkhead) was dredged to this depth. (In 2009, the lake channel in front of the Hunter residence was surveyed before dock installation, and found to have 8-10 ft. depth across 50-70 ft. channel.) Following a discussion, the board agreed to look into marking the entrance with a floating buoy

Randy Hunter reviewed the maintenance work that has been completed this year, which included the completion of the new LED lights for the palm trees, installation of an additional key pad for the gate, cleaning the front stucco wall and sign, tree trimming and fertilizing, street light bulb and sensor replacement and refinishing the wood at the mailbox. In addition, the marina area received much needed enhancements including capping the dangerous open top on the bulkhead, the docks were cleaned and sealed, and the poles were capped. The board asked everyone to let Randy know if you see something that needs attention.

With a total of 22 of the eligible 47 property owners voting via proxy or in person the following individuals were re-elected as Directors of the Association: Michael Zotzky, Michael Lucente and Jeanne Hunter. Several ballots were not eligible to be counted as they were signed and dated, but did not indicate a candidate. Please remember to circle or check the box on all future ballots. Ballots were counted by Teresa of Johnson & Cate.

Annual Meeting Minutes (continued)

The following topics were discussed under new business:

- **Dockside Rules.** A “draft” version of Dockside Rules and Regulations was presented for review. The Dockside Rules and Regulations were developed by the Board in an attempt to promote safety and comfort for everyone using the marina, as well as protect private and common property. These rules are standard for all marinas – public and private – including Key Allegro, Cove Harbor, and others. The rules were reviewed with owners, and several questions asked. No objections were cited, nor were any changes or additions recommended. It was suggested that if the owners thought of any suggestions or comments, to please contact a board member. If no changes are recommended, the policy will be adopted by vote at the next board meeting. Note these Rules are posted on the POA website for owner review:
http://www.lbvpoa.com/Dockside_Rules_Regulations_Draft_17Oct2012.pdf
Please review the proposed Rules and advise a Board member if you have any suggestions, concerns, etc. These Rules will have final review, revision and approval at the January 2013 (next regular) Board meeting.
- **Trespassing.** Lot owners, their family and bona fide guests are certainly welcome to use the marina. Contractors hired by lot owners to perform boat repair and maintenance are also allowed for that sole purpose only. However, in the past year, there has been an increase in people fishing at the marina, or on private lots, that are not lot owners – nor doing work on boats at the time - but claim to have been given permission to fish there. Michael Zotzky has contacted the County Attorney and the Constable to understand specific requirements for private property signage. The board is going to change the signage soon, which will allow the constable to remove unauthorized visitors. If they come back a second time, they will be cited for criminal trespass. If you see unauthorized activity at the marina or on private land, please call the constable or the sheriff. Constable Doc Thomas can be reached on his cell phone at (361) 463 – 1789.
- **Marina Development.** Michael Zotzky told lot owners that the board had received a request - from a potential property owner - to build a slip to accommodate a 65 foot yacht in the marina. (The slip would have been in the open area next to Walker’s Dock #1.) The yacht was too wide and too long to use the existing available slips (the five large slips at the far west), which are approximately 40 feet long. After much deliberation and investigation of marina layout, etc., the board worked to develop dock rules and a slip agreement to accommodate the yacht, but in the end the potential owner withdrew the request. Zotzky indicated the developers were supportive of allowing the large yacht, but asked the owners in the meeting for feedback. The general consensus was that ~ 40 foot limit was right for the marina so as to not extend past the current slips into the boating lane adjacent to the marina. Others expressed concern about the amount of people and activity required to maintain a 65 foot boat, and that new facilities might be required (specifically bathroom and dumpster). Allen Samuels stated the channel in front of Lot 9 through Lot 16 was 100 foot wide and all lots had at least 100 feet of bulkhead, and these lots would be better suited for larger boats. The board will likely solicit additional input from owners who were not present, before developing a length policy for the marina.
- **Island Plants.** A discussion about the appearance of the lake islands, and the possibility of replacing the palm trees that were originally on the islands was held. Bob Hardesty stated that the big island in front of his home has water and electric available. The board agreed to research the possibility of some plantings on at least this island.
- **Fireworks.** Kari Hardesty brought up the possibility of using the lake area for a 4th of July fireworks display. She proposed including City by the Sea and Bahia Bay residents and asking for financial contributions from both neighborhoods. The board will follow up and research the legal concerns and costs.

It was noted that the overall appearance of the neighborhood was great, and that both the common areas and individual lots were being well maintained.

With no other items to be discussed, the meeting adjourned at 4:35 PM.

(Note that Jeanne Hunter updated her detailed accounting of revenue and expenses, which was handed out in the Annual Meeting. This accounting is included below.)

**LBV Property Owners' Association, Inc.
Lot Owners 2013 Budget (\$000)**

Revenues	2010 Actual	2011 Actual	Projected 2012	Budget 2013
<i>Fees per lot</i>	\$1,600	\$1,200	\$1,300	\$1,400
Maintenance Fees	\$70.4	\$52.8	\$57.2	\$61.6
Mowing Charges	\$11.4	\$6.7	\$11.2	\$11.1
Developer Reimbursement	\$7.9	\$16.5	\$18.5	\$10.0
Equipment Sale	\$3.0	\$1.1	\$0.0	\$0.0
Other Misc/Interest	\$0.6	\$0.3	\$0.3	\$0.3
Total	\$93.2	\$77.5	\$87.2	\$83.0
Expenditures				
Water	\$6.4	\$23.3	\$19.2	\$20.0
Mowing - Common Area	\$19.4	\$18.0	\$18.0	\$19.2
Mowing - Lots	\$11.0	\$8.0	\$10.6	\$10.0
Fertilize - Grass/Weed Control	\$4.9	\$5.7	\$5.4	\$5.4
Accounting Services	\$4.2	\$4.2	\$4.7	\$4.8
General Maint			\$2.6	\$3.5
Plants	\$4.0	\$5.1	\$0.9	\$2.5
Insurance	\$2.4	\$2.5	\$2.5	\$2.5
Electric	\$3.1	\$2.7	\$2.6	\$2.3
Sprinkler Maint	\$1.9	\$5.0	\$0.3	\$2.0
Fertilizer - Palm Trees	\$4.0	\$0.3	\$0.7	\$1.0
Street Cleaning				\$1.0
Flag Poles & Flags	\$1.3	\$0.8	\$1.9	\$1.0
Tree Trimming	\$0.0	\$1.2	\$0.9	\$0.8
Gate Maint	\$1.9	\$0.9	\$2.1	\$0.8
Office Exp/Postage/Copy	\$0.7	\$0.7	\$0.7	\$0.8
AdValorem Taxes	\$1.8	\$0.8	\$0.8	\$0.6
Telephone	\$0.5	\$0.5	\$0.6	\$0.5
Electric Repairs	\$3.6	\$0.3	\$0.7	\$0.5
Marina Repairs & Signs			\$1.5	\$0.5
Legal Fees	\$0.9	\$0.0	\$0.0	\$0.2
Misc Other	\$0.2	\$0.4	\$0.0	\$0.2
Install new lighting/lighting Repairs	\$1.9	\$0.0	\$13.8	\$0.0
Install new stations - Sprinkler System		\$2.8	\$1.0	\$0.0
Total	\$74.0	\$83.1	\$91.5	\$80.0
Revenues Over (Under) Expenditures	\$19.2	-\$5.6	-\$4.3	\$3.0
Beginning Year Equity	\$46.0	\$65.2	\$59.6	\$55.3
Year End Equity	\$65.2	\$59.6	\$55.3	\$58.3

2013 Marina Budget (\$000)

Revenues	Budget 2013
Maintenance Fees (12 Owned Slips at \$200/yr)	\$2.4
Expenditures	
Water	\$0.3
Electric	\$0.2
Electric Repairs (street Lights)	\$0.0
Electric repairs at owned slips	\$0.5
Install water at owned slips	\$1.0
Taxes (R63854) Owned Slips	\$0.2
Misc Other	
Total	\$2.2
Revenues Over (Under) Expenditures	\$0.2
Beginning Year Equity	\$0.0
Year End Equity	\$0.2

La Buena Vida Property Owners Association, Inc

c/o Johnson & Cate
Certified Public Accountants
2602 Hwy 35 N
Rockport, TX 78382

PHONE:
(361) 729-9707

FAX:
(361) 729-9729

E-MAIL:
cpaman@hotmail.com

We're on the Web!

See us at:
www.lbvpoa.com

Board of Director Meetings

The Association Board meets on the second Tuesday of each month. All meetings are open to property owners of La Buena Vida, with the occasional exception of executive sessions. The meetings typically start at 4:30 pm, but specific date and time is subject to change - especially as each of us also deal with business travel. So please contact Jeanne Hunter in advance if you wish to attend a Board meeting.

About Our Organization...

The La Buena Vida Property Owners Association, Inc (the "Association" or "POA") is incorporated under the laws of the State of Texas as a non-profit corporation, and granted powers of administering the Covenants, Conditions and Restrictions (these "Restrictions") for La Buena Vida. The purpose of the Restrictions is to preserve the natural beauty of the property, to encourage attractive improvements which are harmonious and compatible, and to enhance the quality and economic value of the community and each lot therein.

The Bylaws of the Association govern the election of the Board of Directors of the Association, their term of office, and meetings, powers and duties. Each owner of a lot in the La Buena Vida subdivision is automatically a Member of the Association, with one vote per lot. Members elect all Directors for a term of one year.

LA BUENA VIDA POA

c/o Jeanne Hunter
19 La Buena Vida Dr
Aransas Pass, TX 78336

