

November 18, 2015

Issue 16

# ***La Buena Reader***

## **LBV Property Owners Association Newsletter**

### **LBV POA Officers**

Gayly Opem  
President  
(361) 790-0015  
[gaylygopem@yahoo.com](mailto:gaylygopem@yahoo.com)

Larry Muenster  
Vice President  
(512) 373-3662  
[ljmuenster@gmail.com](mailto:ljmuenster@gmail.com)

Jeanne Hunter  
Secretary  
(361) 729-5436  
[wjje.hunter@gmail.com](mailto:wjje.hunter@gmail.com)

Michael Johnson  
Treasurer  
(Johnson & Creekmore  
Certified Public  
Accountants)  
(361) 729-9707  
[coaman@hotmail.com](mailto:coaman@hotmail.com)

### **Individual Highlights**

|                    |   |
|--------------------|---|
| Rental Rules       | 2 |
| Meeting Minutes    | 2 |
| Water Restrictions | 5 |
| Architectural      | 6 |
| BOD Meetings       | 6 |
| Website            | 6 |

*The LBV 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.*

## **From the President**

A BIG THANK YOU to Lindon and Cheri Fraser for hosting the 2015 Annual Meeting. They extended a warm welcome to all LBV property owners in their beautiful home, and set out a wonderful banquet of food and drink for all to enjoy.

### **Our 2015 Annual Meeting Is Over and the Votes Are In**

Unlike the never-ending debates for the U. S. Presidential race, LBV completed its voting process in the month of October and announced the results at the Annual Meeting on Nov. 7, 2015.

AMENDMENT to Article 3, Paragraph 3.2 of the Declaration: A vote of 67% is required for any change to the Restrictions, and this amendment was approved by over 72% of the owners of Phase I.

Owners asked the Board to research options to the rental policy, and then voted to prohibit short-term rentals of less than 180 days or six calendar months. Owners also approved several rules and regulations regarding rentals and gave the Board of Directors the power to establish additional rules and regulations.

ELECTED TO BOARD of Directors: Jeanne Hunter, Larry Muenster and Gayly Opem ran unopposed and were re-elected by a majority of the owners to the LBV Board of Directors. The Board will meet on Nov. 18 to elect officers and appoint directors.

The Board of Directors thanks the association members for their participation in voting this year. It is important for you as an owner to continue to offer suggestions and express your opinions on how the neighborhood where you own property is governed. We encourage you to attend Board meetings and contact Board Directors with your comments, questions and concerns.

Gayly Opem, 2015 President, Board of Directors

## **NEW Owners - WELCOME to La Buena Vida**

Please welcome our new owners:

- William and Shirley Wiley are the new owners of the beautiful home at 39 La Buena Vida (Lot #8). Larry and Caroline Walker built this home several years ago, were well known in the neighborhood, and they will be missed. Larry was previously an officer on the LBV Board of Directors. William and Shirley are from Charlotte, Texas.
- Dale and Susan McMullen are the new owners of Lot 24. Dale and Susan are from Cypress, Texas.

---

**Architectural Committee****Chair**

Randy Hunter  
(361) 205-3887

[rockport.randy@gmail.com](mailto:rockport.randy@gmail.com)

**Members**

David Becker  
(361) 884-3613

[dkbecker1137@sbcglobal.net](mailto:dkbecker1137@sbcglobal.net)

Byron Fields  
(361) 883-4721

[Byron.Fields@att.net](mailto:Byron.Fields@att.net)

Michael Zotzky  
(832) 656-4123

[michaelzotzky@gmail.com](mailto:michaelzotzky@gmail.com)

Robert Opem  
(361) 790-0015

[robertaopem@yahoo.com](mailto:robertaopem@yahoo.com)

## Summary of Approved Amendment - Rental Rules and Penalties (Article 3.2)

- This Amendment takes effect on January 1, 2016, and applies to all rental occupancies that begin on or after this date
- Any rental MUST be for the ENTIRE PREMISE -- no partial premise rentals of bedrooms, casitas, etc.
- SUBLETTING of any kind is prohibited
- An owner is permitted one lease and one tenancy every 180 days
- The Rental Period must be at least 180 days or 6 calendar months
- All rentals require a WRITTEN LEASE, with copy provided to the POA
- The Lease must require compliance with all LBV rules and regulations
- An owner that violates any part of this amendment shall pay a fine of \$1000 per day each day of the violation. Fines are treated as an assessment

The Amendment will be recorded with Aransas County as quickly as possible, and will be available on the LBV website. The amendment goes into effect on January 1, 2016. Please check the website for the actual Amendment to Article 3, Section 3.2.

## Minutes of the Annual Meeting

The annual meeting of the Members of LBV Property Owners' Association, Inc. (the "Association") was held at the home of Cheri and Lindon Frazer, 14 La Buena Vida Drive at 2:10 p.m. on November 7, 2015. The official meeting announcement, including the meeting agenda was mailed to all members on October 10, 2015. A sign providing date, time and location of this meeting was posted at the front entry on October 10, 2015.

The following Members were present in person:

Directors: Gayly Opem, Larry Muenster, and Jeanne Hunter

Owners: Randy Hunter, Robert Opem, Marlene Muenster, Lindon and Cheri Frazer, Bob and Kari Hardesty, Larry and Caroline Walker, Bruce and Dorinda Ellingsworth, and Patrick Marable

In addition, Treasurer Michael Johnson of Johnson & Creekmore attended. Aransas County Constable "Doc" Thomas, and Evan Pettus from Texas Parks and Wildlife were invited guests and attended.

Gayly Opem, President, welcomed everyone to the meeting, and thanked Cheri and Lindon for hosting the meeting at their beautiful home. Evan Pettus discussed the benefits of seagrass, and the threats. Seagrasses are marine flowering plants that require sunlight to grow and are therefore found in the shallow areas of the bay. The extensive root structure stabilizes sediments, improves water clarity and reduces erosion. The lake area of La Buena Vida has extensive cord grass and seagrasses present that protects our islands and wetlands from erosion. In addition to natural threats including hurricanes and floods, the major threat to seagrass is from humans, especially boat propeller scarring. Evan stressed that even a small scar can cause significant erosion and eventual elimination of seagrass. Boaters are reminded to **"Lift, Drift, Pole or Troll"...and remember, it is the law.**

---

## Minutes of the Annual Meeting (cont)

"Doc" Thomas, Aransas County Precinct 1 Constable discussed trespassing concerns for our neighborhood, as well as precautions to protect coolers and other fishing and boating items that are the most frequent items reported as stolen, particularly from boat docks. Doc reminded us to keep our garage doors closed, and secure boating and fishing items out of sight. Doc told all owners to contact him in the event of trespassing or other issues...he is here for us. Doc has served as a constable for over 30 years, and will be running for re-election for his 8<sup>th</sup> term, with voting to start in March 2016.

The minutes of the 2014 Annual Meeting were approved as submitted.

Michael Johnson presented the Treasurer's Report as of October 31, 2015:

|  |             |             |
|--|-------------|-------------|
| Cash in Bank                           | \$76,203.03 |             |
| Accounts Receivable                    | \$ 220.00   |             |
| Prepaid Insurance and expenses         | \$ 633.68   |             |
| Total Assets                           |             | \$77,056.71 |
| Total Liabilities & Deferred Income    | \$ 8,613.54 |             |
| Association Equity                     | \$68,443.17 |             |
| Total Liabilities & Association Equity |             | \$77,056.71 |

Gayly Opem reviewed the major focus for the past year, which included the work done to the front wall and gate, landscaping to screen the area next to the City by the Sea fence, ongoing maintenance to the streets and sprinkler system, and the roll-out of individual gate codes to each owner. In addition, Gayly announced that the Board has approved an increase in the annual assessments from \$1500 per lot to \$1600 per lot for the 2016 year. The additional funds are necessary for additional items, including security, legal and potential replacement of the street light fixtures. Assessments are due December 1, 2015.

Michael Johnson reported the results of the election of Directors, and the Proposed Amendment restricting short term rentals. Michael verified that all ballots were returned to his office, and were counted by his staff, and then personally delivered to the meeting for recording.

### Election Results:

**Directors:** 47 property owners eligible to vote with 24 ballots returned by mail  
 24 votes for election of Directors or 51.1% of all eligible owners  
 The following individuals were elected as Directors of the Association:  
 Gayly Opem, Larry Muenster and Jeanne Hunter.

**Restriction Changes to Article 3.2:** Amendment requested by Owners to add language regarding short-term rentals.

**Phase I** – 44 property owners eligible to vote with 32 ballots returned by mail  
 Approved by 72.7% of the total eligible owners

The proposed change to Article 3.2 was approved for Phase I

**Phase III** - 3 property owners eligible to vote with zero ballots returned by mail  
 The proposed change to Article 3.2 was NOT approved for Phase III

Michael Johnson spoke briefly regarding the 2015 financial statements, noting that expenses for the first eleven months of the year are slightly more than revenue. Major expense items included the stucco wall repair for Phase I, which was not included in the budget, and was primarily funded by water savings, due to the heavy rains this year.

c/o Johnson &  
Creekmore  
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](http://www.lbvpoa.com)

## Minutes of the Annual Meeting (cont)

Randy Hunter presented the Architectural Committee report, and reminded owners that the two homes approved in 2013 were completed (Lot 30 and Lot 35). Plans were approved in September 2015 for a beautiful one story home for Lots 3 & 4, and construction will begin on this home soon. Randy reminded everyone that if you are adding a boat dock, remodeling, or repainting the exterior of your home....please contact the Committee and submit plans for approval prior to beginning the work or painting.

Randy Hunter reviewed the maintenance work that has been completed this year. The sprinkler system, the front gate, street lighting and street repairs continue to be the focus. In addition, the repairs to the front wall and gate were completed in 2015.

### **New Business / Comments from Owners:**

One owner had requested we review the current policy for the gate to remain open during the day. Several owners recommended we continue to keep the gate open during the hours of 7am to 6 pm daily, especially while construction is ongoing.

Gayly Opem reported that a producer from HGTV has been in contact with the Association regarding including a home in La Buena Vida home for an upcoming TV episode. The film crew has plans to film the exterior of the home, and will use a drone for aerial shots. Legal documents are under review, and if approved, filming is scheduled for late November, 2015. \*\* (for update)

Jeanne Hunter reported that our current Web Master, Michael Zotzky will not be available to update the website with current documents due to upcoming travel plans. Jeanne asked for a volunteer to help with this activity. The website is up and running, but additional documents need to be added from time to time, including the agenda for the monthly Board of Directors meeting, plus newsletters. Larry Muenster did offer to help, but we need a new volunteer for this important task.

With no other items to be discussed, the meeting adjourned at 4:10 PM. Owners were invited to continue to visit, and enjoy refreshments provided by Cheri and Lindon Frazer.

Jeanne Hunter

Secretary

\*\* The LBV attorney requested changes to the contract from the producer of the HGTV show (Beachfront Bargain Hunt), but the producer did not agree to the changes. The show will not include La Buena Vida.



## Stage 2 Water Restrictions Continue

We have had over 40" of rain this year, but Stage 2 Restrictions continue for La Buena Vida, and anyone that gets water from the City of Rockport. The reservoirs that provide our potable water have risen, but they are still not high enough to change our Stage 2 water restrictions. Please make your best effort to conserve your personal water use, both inside and outside your home. Restrictions include the following:

- Watering limited to once a week between the hours of 6 pm and 10 am
- Citations will be issued for anyone that does not adhere to the schedule
- Customers with questions are encouraged to contact the Public Works Department of the City of Rockport at (361)790-1160.
- The watering schedule for Stage 2 is:
  - Even numbered residence – TUESDAY
  - Odd numbered residences – WEDNESDAY
  - Commercial (including the POA) - THURSDAY



*May 2015 – New Plants*



*6 months later – November 2015*

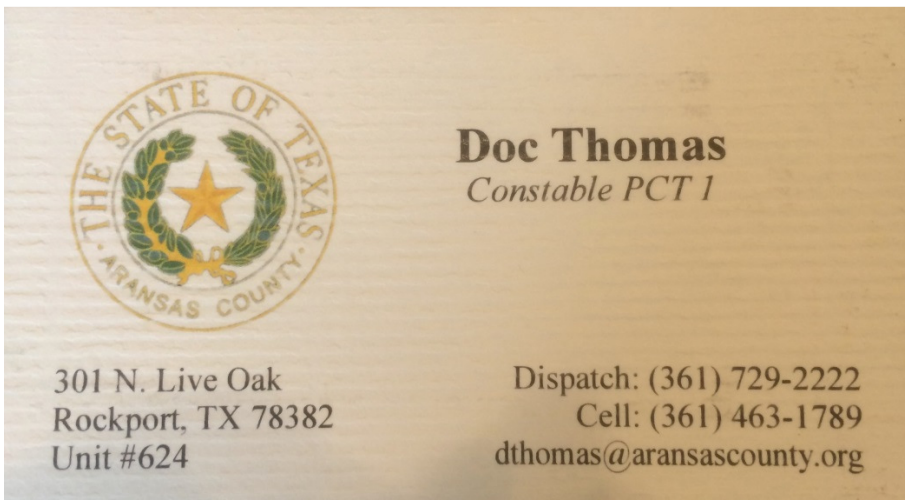
*The red weeping oleander plants are beginning to screen the City by the Sea fence line...exactly as planned! They will grow to approximately 5 feet tall.*

## Architectural Committee

As reported in the Minutes of the Annual Meeting, plans were recently approved for a new home to be built on Lots 3&4. This will be a beautiful one story home, and construction will start soon. As a reminder, all exterior improvements, including exterior painting, boat docks, swimming pools, fences, and pergolas must be approved prior to beginning construction. The purpose of the committee is to insure all proposed construction is fully reviewed, and is in compliance with all building rules and guidelines.

## Board of Directors Meetings

The Association Board meets on the second Wednesday 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 5:00 pm. The standard agenda is available on the website, and a meeting reminder sign will be posted at the front entrance at least 72 hours before the meeting. Please contact Jeanne Hunter in advance if you need additional information, or wish to attend a Board meeting.



*Keep this Business Card Information*

*Doc provided this card to all owners that attended the annual meeting in November 2015*

## Website Update

Just a reminder that all of the "official" La Buena Vida documents – such as bylaws, restrictions, rules and policies – as well as the newsletters, are posted on the LBV website at [www.lbvpoa.com](http://www.lbvpoa.com).

If you are interested in helping to keep the website current, and can volunteer to help, please call one of the Board members.

***About Our Organization...***

The LBV 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.



**LBV POA**  
c/o Jeanne Hunter, Secretary  
19 La Buena Vida Dr.  
Aransas Pass, TX 78336