

Silver Oaks Homeowner's Association – Phase 1

Board Meeting

12th July 2005

Location:

The Vickery's 2638 Sorrel Ridge Road

In Attendance:

Kim Bowman	682-7252	phil-dirt@cox.net
Thomas Calhoun	423-0178	tcalhoun@woodlawnbaptist.com
Barbara Cole	682-5283	franzcole@cox.net
Darren Etheridge	423-0830	detheridge@clerkofcourts.cc
Jack Hughes	423-0877	jackh707@aol.com
Ed Santos	682-2911	hmd5859@cox.net
Margo Vickery	423-0996	m Vickery1@cox.net
Mike Zoltek	689-8598	mzoltek@anobles.com

Absent:

Johnny Williams	689-4495	johnny.williams@cox.net
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6:35pm Ed called the meeting to order.

President's Welcome:

Ed welcomed all to the meeting. He told us he was glad to see everyone there in spite of Hurricane Dennis. He had returned earlier that day from Hurricane Evacuation, and asked the board and homeowners present to bear with him as he went through the agenda. Ed explained why there was a change of venue. The middle school was not available due to it being a special needs shelter during the hurricane. Ed thanked the Vickerys for offering their home as a meeting place. Ed then outlined how the meeting would play out but said he wouldn't go into the rules of conduct as he felt everyone there was aware of them. Board members were in concurrence with that.

Meeting sequence:

- Minutes from last meetings will be read.
- Treasurer's report will be read.
- ARC Issues
- Old Business
- New Business
- Open floor for discussion from community.

Minutes:

14th June Board Meeting Minutes were approved as read with one change on ARC Issues #2.

This should read:

- Barb also mentioned she had letters signed by *Mike before Hurricane Ivan* in regards to edging yards/driveways, etc., and a request for an in ground basketball hoop that she was not sure how to treat.

21st June Special Meeting of the Board of Directors approved as read.

There was discussion between the board and several of the homeowners on Barbara Cole's dismissal from the Chair and Committee of the Architectural Review Committee.

A homeowner said that one incident involving Ms. Cole and an elderly lady, where our President had to step in, was hearsay. Although Ms. Cole acknowledged at the meeting that she had come up on this conversation about escrow between the elderly lady and a neighbor, Ms. Cole did say she nodded her head and left, after the discussion about escrow.

This same homeowner said we should be able to back everything up in writing, which the board agreed with.

The board reiterated that Ms. Cole was not elected to the Chair/Committee of the Architectural Review Committee by the homeowners. The board members did that and thus could remove Ms. Cole from that position. The board had lost confidence in Ms. Cole's ability to conduct the everyday business of the ARC Committee.

There was also much discussion about following the covenants to the letter. Several homeowners felt this way. As Ed explained unfortunately the covenants are not written to cover every situation, nor do they cover the way to convey them to the homeowner. For instance the verbiage contained in the Covenants, Conditions and Restrictions Article IX Section 5 as regarding storage spaces. The board was asked to read into the minutes a letter from Jill Graham of Bonezzi Development Company to Mike Zoltek, dated 6th October 2003, on concealment of storage spaces and storage areas. See Attachment 1.

Satellite dishes were also brought up. Article VI Section 10 says you can have a satellite dish but it must be unobservable by other lot owners. Where do people normally place satellite dishes?

Note: We believe when this restriction was written (1997/1998) they were talking about the large dishes that people put in their yards.

Ed explained that the board truly does it's level best when interpreting the rules to do what is right by the homeowner and right by the covenants. Mike Zoltek went on to say that is why we have nine people serving on the board. Another homeowner asked that this quote from our HOA Attorney be placed on the SOHOA website about enforcing covenants:

“You should always remember in enforcing covenants in your subdivision, that a court will ask whether you have been arbitrary or unreasonable. ***Any reasonable interpretation is your right to make.***” See attachment 3 attached to the minutes of the Special Meeting of the Board of Directors held 21st June 2005 for this entire letter

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In addition to the above a homeowner asked to have this put on the web site also as said by Mike Zoltek:

“I believe our fiduciary duty is to the homeowners and the community. The board must first look at the context of every situation before rendering judgment. ***The By-Laws, Covenants, Conditions and Restrictions were made to represent the intentions of those who wrote them, not to bind the community to one person's legalistic interpretation of them.***”

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Treasurer's Report:

- No report due to Hurricane Dennis.
- Status on unpaid lot owners and our six monthly financial reports is due at next meeting. Action: Thomas

ARC Issues:

1. Most of the letters from the 2004 Meeting that Barbara found in the storage shed, written by homeowners (dated November 2004) have been taken care off bar two:
 - Action is pending by Ed on use of microphone at monthly meetings.
 - County informally turned us down on additional stop signs for Hunting Meadows.

County said it would impede the flow of traffic on a thru road. Do we need to petition this? Darren will follow up on this matter with a county commissioner.
2. Barbara also mentioned letters that were signed prior to Hurricane Ivan last year in regards to edging yards/driveways, etc. They are outdated. Barbara also presented the board with a letter dated 14th June and a clarifying email dated 27th June listing items that Barbara says are items of interest throughout the neighborhood that should be addressed. See attachment 2. Action: Ed.
3. New ARC Chairman Jack Hughes. Committee members are Kim Bowman and Johnny Williams. Barbara has turned over all the paperwork to Jack.
4. Jack had two new building applications, both of them incomplete.
 - Lot 5B Buckskin Ct. was returned. It was 7.5' short on the setbacks. Sent back to the drawing board.
 - Lot 33B Sorrel Ridge Rd also does not meet the setback requirements. Sent them back to the drawing board.
5. Secretary drafted new letter, as tasked during 21st June Special Meeting of the Board of Directors, on how to get permission and where to get the info for homeowners who wish to make improvements on their property. **All applications and correspondence will be funneled through the president.** Action: Ed.

President's Old Business:

- Cinderblocks on the lot next to the Bowman's are to be left for now due to medical emergency.
- Lighting fixtures for front entrance have been delivered. An electrical contractor has been contacted. We expect them to be in place by next meeting.
- Johnny will hopefully do staining on the walkover bridges this weekend.
- Thomas, Kim, and Margo need to get together on the accounting process and how to obtain a purchase or debit card for use by the board.
- Ed would still like to have a November vote to change the covenants to give the board variance authority on a case-by-case basis. Action: Ed.
- Due to Hurricane Dennis the Yard of the Month selection has been delayed. Ed, Margo and Darren will try and get it done this weekend.
- Mr. Rice's Easement has been reversed and a Release/Termination of Easement for Landscape purposes was recorded at Okaloosa County Clerk's Office under Book 2632 Page 4428. See attachment 3.
- Mr. Rice has chosen not to live in the house he is building.

President's New Business:

- Ed expressed that he really liked the suggestion on email from Sherrill Taylor about landscaping and doing routine maintenance on the retention ponds. Before we go any further we need to talk to the county and find out what kind of maintenance program they would support as we would not want to negate our contract with them. Ed to follow up. Margo to find out from Crestview Nursery the cost of trees and shrubs etc. for landscaping.
- We again talked about cutting the undeveloped lots and billing the lot owners. Ed said he would get a letter out to the lot owners and after that we would start cutting the undeveloped lots on a regular basis and billing the lot owners

From the Floor:

Barbara Cole presented the board with a copy of a letter and copies of 59 emails she had sent to Edwin Santos by certified mail. She was registering a complaint about how she had been treated by the board. Action: Ed.

Margo Vickery as secretary made a motion that Ms. Cole extend the same courtesy to the board as they had shown her (not posting on the website attachment 4 of the 21st June Special Meeting of the Board of Directors) and therefore not post her letter and emails on the website. Mike Zoltek seconded. Motion Passed. See attachment 4.

A homeowner cautioned the board about how they word their emails. Point taken.

Meeting Adjourned 8:45p.m.

Next meeting Tuesday August 9th at 6:30p.m.

Attachments:

1. Letter from Bonezzi Development Company dated 6th October 2003.
2. Barbara Cole's Letter dated 14th June 2005 with accompanying June 27th 2005 email.
3. Mr. Rice's Release/Termination of Easement for Landscape Purposes recorded in Okaloosa County Court. Found under Book 2632 Page 4428.
4. Attachment 4 withdrawn. On file with the president.