

Silver Oaks Homeowner's Association – Phase 1

Board Meeting

10th May 2005

Location:

Davidson Middle School

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
Johnny Williams	689-4495	johnny.williams@cox.net
Mike Zoltec	689-8598	mzoltek@anobles.com

Absent

Margo Vickery 423-0996 mvickery1@cox.net

Ed called the meeting to order at 6:30p.m.

Minutes:

10th April 2005 minutes approved as read.

Treasurer's Report:

See attachment

Old Business:

Ed covered the following items of old business:

- Installation of lighting for front entrance was discussed again. It was decided by the board to postpone the installation until agreement is reached on the fence issue regarding the two front lots at the entrance to Hunting Meadows.

- Phase 2 Board has set the fee for Phase 1 homeowner's who wish to use Phase 2 pool at \$100.00. Contact person is:

Larry Crabtree, Pool Committee Chair Person, Phone #682-8136

Silver Oaks Phase 2

Homeowner's Association, P.O. Box 2177, Crestview, FL 32536-2177

- Mr. Dale Rice's variance granted by the board at the April meeting came under discussion. Barb asked that a letter voicing an attorney's opinion that she and Mr. Shepherd had solicited be recorded in the minutes. This letter and a personal letter from Barb was hand delivered throughout the neighborhood with the exception of most of the board members. Barb also presented two letters and one email from homeowners regarding the granting of the variance and the upholding of the covenants. See attachments.

- Mr. Dave Shepherd asked to address the board about the granting of the variance. He was of the opinion that the board had no authority to grant such a variance. Mr. Shepherd said that if this decision stood then he could retain an attorney also (the board has an attorney on retainer.)

- The HOA board addressed the variance issue by handing out positional paper. See attachment. Mike Zoltek explained the line items listed on that document which were as follows:

Information for all homeowners re: Lot 4-B Buckskin Court

- 1) The house meets all county setbacks and Silver Oaks side and rear setbacks.
- 2) The house only extends at the two "corners" (7.7 feet at farthest point) shown hereon which will have very little "visual impact" on the surrounding houses and lots. (Less than 100 square feet of the house will be over the Silver Oaks front setback)
- 3) The HOA obtained a 10' landscape buffer, which will allow the HOA to leave the encroaching fence (along Old Bethel and therefore save significant expense) and landscape the lot as we see fit for the benefit of the neighborhood.
- 4) The HOA voted and approved the placement of the house at the last meeting.

5) The ARB Chairperson (Mrs. Barbara Cole) has already prepared, signed and sent said approval letter to the homeowner (Mr. Rice).

6) The homeowner has already Granted the 10 Landscape Easement to the association (OR book 2610, Page 3559, Public Records of Okaloosa County, Florida)

7) The HOA board IS NOT specifically precluded from granting exceptions in special circumstances to ensure community harmony.

8) There is no mention whatsoever regarding "variances" in the Covenants or by-laws and it was the HOA board's opinion that when an area is not specifically outlined, it is up to the HOA board to make a determination considering the interests of the community and homeowners.

- Mike Zoltek then explained that he and Ed Santos met with the Association Lawyer and our Attorney recommended that we "rescind" the variance granted to Mr. Rice, as he did not see where the HOA had specific authority to grant a variance. Mike Zoltek specifically notified Mr. Rice (who was present at the meeting) that the HOA was going to issue him a new letter advising him that his house was approved as long as he complied with the restrictions outlined in the covenants and restrictions for Silver Oaks Phase 1. Mike Zoltek also notified Mr. Rice that the - HOA board would be preparing the necessary documentation to give him back the Landscape Easement he had already conveyed to the Association. Mike Zoltek also explained that the HOA board would be working with the Lawyer to attempt to prepare the proper documentation required to grant the HOA board specific authority to grant "variances" in the future.

- After some discussion by Ed, a decision was made by the board to table this issue until the next meeting. To amend the covenants to grant the board variance authority would require a vote of 90% of the home/lot owners. Ed will contact the HOA Phase I lawyer as to what is required to amend the Covenants.

New Business:

- Charlie Brown from Auburn Water informed the board that we didn't have a backflow valve for our sprinkler system. Mike asked if Auburn Water knew that the valve had been moved behind the fence on the east side of Hunting Meadows. Ed will call.
- Ed held a discussion as to what to give renters versus homeowner's as a welcoming gift. Action by Ed.

- Board discussed who had paid annual dues and who hadn't (approximately 20) and when it would be right to send these homeowners a reminder. Action by Ed and Thomas.
- The walkover bridges up front need to be repaired and stained. Action by Johnny.

Tabled:

- Cinder Blocks
- Front Landscaping
- Accounting Procedures

Attachments:

1. Treasurer's Report
2. Ms. Cole's copy of attorney's opinion.
3. Letter to homeowners from Ms. Cole.
4. Email from Dan Taylor addressing the right of the board to grant a variance.
5. Letter from Michael Grant about granting variance.
6. Letter from the Giordano's expressing their concerns about not upholding the covenants.
7. HOA Board Positional Paper.

Next meeting Tuesday 12th July at 6:30p.m.