

## **Silver Oaks Homeowner's Association – Phase 1**

### **Board Meeting**

9<sup>th</sup> August 2005

#### **Location:**

Davidson Middle School

#### **In Attendance:**

Kim Bowman	682-7252	<a href="mailto:phil-dirt@cox.net">phil-dirt@cox.net</a>
Barbara Cole	682-5283	<a href="mailto:franzcole@cox.net">franzcole@cox.net</a>
Darren Etheridge	423-0830	<a href="mailto:detheridge@clerkofcourts.cc">detheridge@clerkofcourts.cc</a>
Ed Santos	682-2911	<a href="mailto:hmd5859@cox.net">hmd5859@cox.net</a>
Margo Vickery	423-0996	<a href="mailto:mvickery1@cox.net">mvickery1@cox.net</a>
Johnny Williams	689-4495	<a href="mailto:johnny.williams@cox.net">johnny.williams@cox.net</a>
Mike Zoltek	689-8598	<a href="mailto:mzoltek@anobles.com">mzoltek@anobles.com</a>

#### **Absent:**

Thomas Calhoun	423-0178	<a href="mailto:tcalhoun@woodlawnbaptist.com">tcalhoun@woodlawnbaptist.com</a>
Jack Hughes	423-0877	<a href="mailto:jackh707@aol.com">jackh707@aol.com</a>

#### **HOA Membership Attendance:**

44 home/lot owners were present and three homeowners gave proxies.

**6:40pm Ed called the meeting to order.**

#### **President's Welcome:**

Ed welcomed all to the meeting.

#### **Meeting Conduct:**

- No board member will speak out of turn, or attack anyone.
- Each board member will have an opportunity to speak or ask question.

- Community will direct all questions to the president of the board.
- Each “speaker” will have three minutes to state case or ask question

#### **Meeting Sequence:**

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

#### **Minutes:**

14<sup>th</sup> June Board Meeting Minutes were approved as read with a comment from Mr. Rice that he plans to live in his house unless he gets a good offer on a sale!

#### **Treasurer’s Report:**

- Profit & Loss Report Jan – Jul 05 showed a Net Income of \$8,626.39. See attachment 1.
- The Collections Report as of August 9, 2005 showed that we have 18 homeowners/lot owners with unpaid 2005 dues.
- A motion to send out collection letters immediately for unpaid dues was made by Darren and seconded by Kim. All 7 Board members present unanimously approved motion
- The \$1,793.00 listed under Consulting Fee for the Jan –Jul 05 Expense is the amount paid to Chesser & Barr, P. A. for the verbal consultation Ed & Mike had with the association attorney regarding the Dale Rice variance.

#### **ARC Issues:**

- Lot 33B Sorrel Ridge Rd has been resubmitted. Action AR committee.

## **President's Old Business:**

- Sprinklers up front have been fixed except for timing. A lightning strike had caused the zones to fuse together. Letter to go to K & R Cuts telling them that 7 sprinkler heads were broken last time they cut up front. Margo mentioned buying doughnuts for those on the edge of the road. Action: Margo.
- Cinderblocks on the lot next to the Bowman's (Lot#38A) and the general condition of the lot needs to be readdressed. A letter/telephone call needs to be made to the owner telling him to get this stuff taken care of. Action: Ed.
- Lighting fixtures for front entrance have been delivered. We do have an electrical contractor but due to hurricane and now rain he has been unable to do the work yet.
- Johnny plans to do the staining on the walkover bridges this weekend. Bridges and street signs have been pressure washed. Action: Johnny. Street signs need new numbers and Silver Oaks decals. Some of them are in bad shape. Action: Ed
- Ed sent letters out to owners of undeveloped lots telling them that their lots should be cut on the 1<sup>st</sup> and the 15<sup>th</sup> of each month. If they don't comply with this by the 3<sup>rd</sup> and 17<sup>th</sup> of each month the Board will have their lots cut and send the undeveloped lot owners bills for cutting. See attachment 2
- Ed went thru Barbara Cole's letter dated June 14<sup>th</sup> and explanatory email dated June 27<sup>th</sup>. See attachment 2 of the July meeting minutes. Most of the items had been taken care off. Mailboxes and lampposts are still a problem due to delay in getting parts or parts not being available.
- Satellite dishes were the next item of business. Ed contacted Jill Graham at Bonezzi and she confirmed that when the Covenants were written Bonezzi was referring to the large saucer dishes that people placed in their yards. Ed then read the FCC OTARD rules, which prohibit local governments, landlords, community associations, or similar groups from restricting a resident from installing and using an antenna that is covered under the OTARD rules. The satellite dishes questioned by Barbara Cole in Silver Oaks Phase 1 fall under these guidelines. See attachment 3.
- Ed then read a letter presented by Barbara Cole from her attorney. See attachment 4. His rendered opinion on satellite dishes was negated by the FCC OTARD rules.
- Ed also read Barbara Cole's attorney's rendered opinion on in ground basketball hoops. He asked the 47 lot owners represented at the meeting if they would be

against in ground basketball hoops. Only one lot owner raised her hand. No decision was made as to the process of receiving permission. Open.

- Ed answered another of Barbara's attorney's opinions by saying Barbara is welcome to look at all the association's records anytime except where litigation might be involved.
- Ed then addressed the turmoil that Barbara Cole keeps the board and the neighborhood in. Whenever she cannot accept a board majority decision, she goes out and seeks legal counsel. She is not a team player. The turmoil is affecting the board's moral and their ability to do things. It ties the board's hands and focuses their efforts on Barbara's personal agenda and not always on what is reasonable and right for the neighborhood.
- A homeowner suggested she should be removed from the board and per the Declaration it was determined we had a quorum of 39 homeowners present at the meeting for a homeowners vote. Mike made a motion, seconded by Johnny to have a yes or no vote. Yes, to remove Barbara from the board. No, she stays. Mike, Johnny, Darren, Kim, and Margo were in favor of the motion. A stand up open vote was taken, we had 29 say yes, and nine say no. Motion did not pass because the quorum was not met. Some homeowners/lot owners left before and during the vote process.

### **President's New Business:**

#### **Tabled:**

November vote for changing covenants

Accounting

Yard of the Month

Angie's Block Party Aug 13<sup>th</sup>

Retention Ponds

Variance Issue

### **Attachments:**

1. Treasurers Report
2. Ed's letter to undeveloped lot owners.
3. FCC OTARD rules.

4. Letter from Barbara Cole's attorney, dated August 9<sup>th</sup> 2005.

No formal meeting adjournment was made.

Next meeting Tuesday September 13<sup>th</sup> 6:30p.m.

Attachment 1

AUG-08-2005 11:48AM

FROM-Michael S. McDuffie

+850-688-8832

T-537 P.002/007 F-198

12:16 PM  
08/08/05  
Cash Basis

**Silver Oaks Owners' Association, Inc.**  
**Profit & Loss**  
July 2005

	<u>Jul 05</u>	<u>Jan - Jul 05</u>
<b>Income</b>		
4020 - Association Fees	570.00	18,488.00
4030 - Architectural Fees	0.00	100.00
4050 - Interest Income	0.00	91.87
4060 - Misc Income	12.00	404.00
4090 - Reimbursed Expenses	0.00	-68.90
<b>Total Income</b>	<b>582.00</b>	<b>20,021.97</b>
<b>Expense</b>		
7002 - Work in exchange for dues	417.00	417.00
7005 - Electric Expense	42.32	288.58
7010 - Water Expense	105.89	298.17
7015 - Front Lighting	0.00	1,687.60
7030 - Lawn Maintenance Service	285.00	3,085.00
7201 - P O Box/SD Box Rental	0.00	73.00
7207 - Street Signs	0.00	1,155.00
7209 - Gift Baskets for Newcomers	0.00	330.00
7200 - Repair & Maintenance	0.00	286.00
7301 - Plant & Landscaping	0.00	1,127.83
7404 - Postage and Delivery	0.00	7.40
7505 - Consulting Fees	0.00	1,793.00
7515 - Accounting Fees	378.00	848.00
<b>Total Expense</b>	<b>1,228.31</b>	<b>11,395.68</b>
<b>Net Income</b>	<b>-646.31</b>	<b>8,626.29</b>

Attach #1 Page

## Attachment 2

Mrs. Jill Graham,

Hello, I am writing this e-mail to request your company tend to the properties which you own in Silver Oaks Phase I. We here at Silver Oaks have been for some time now tending to the cutting back of all your lots. Neighbors have been taking the task on, and we have also hired people at an expense to us. All the lots along Sorrel Ridge, Saratoga etc. are over grown. I am sure you are aware of the covenants which you all wrote which state:

**Section 2. Owner's Responsibility.** Each Owner shall be responsible for the maintenance of his Lot, including all structures, parking areas and other improvements located thereon in a manner consistent with community wide standards and all applicable covenants. Garbage, equipment, woodpiles, storage areas or septic tanks shall be concealed from view of neighboring buildings, common area and streets. Rubbish, trash, or garbage shall be regularly removed and shall not be allowed to accumulate. If the Board determines in its discretion that any Owner fails to perform his or her maintenance responsibility, the Association, by a majority vote of the Board, shall have the right without liability to enter upon such Lot to correct, restore, paint and maintain any part of the Lot and to have any assessment to which such Lot is subject, or other charges, recovered by the Association by other legal means. The Association shall afford the Owner reasonable notice and an opportunity to cure the problem prior to entry, except when entry is required due to an emergency situation. The expense incurred by the Association shall be covered by the lot owner as specified in Article III, Sections 1 and 2.

The lots under development on Sorrel Ridge are completely unacceptable as far as the cleanliness of your construction zone. Equipment is on the street, rocks are all over the road, grass is high, rebar's are close to the road surface, portable toilets are close to the road ways etc. I ask you this, if you lived across the street, would you like to come out everyday and look at that mess? The neighbors there have to be extremely careful backing out of their driveways so as not to hit the trailers that are too close to the roadway. Please have your

crews pick up and place their equipment completely onto your site, please have someone cut your grass down by Monday 5 September 05. If it is not done by then, I will hire someone at whatever cost to get the job done. I ask that you do this with all your properties you may still own in this subdivision. I really can not have my fellow neighbors cutting down lots which developers / builders own. I am sure you yourself understand. If you have any questions / concerns, feel free to call me at home (682-2911) or at work (883-4121) I sincerely thank you for any help in which you can give in this matter. I have dealt with you in the past, and find you a very approachable and helpful person when we have concerns. For that I Thank You!

Respectfully,

Edwin Santos  
President  
Silver Oaks Homeowners Association





## CONSUMER-OWNED SATELLITE DISHES AND OTHER ANTENNAS

The Federal Communications Commission (FCC) has rules about restrictions on the placement of consumer-owned satellite dishes and other types of antennas (Over-the-Air-Reception Devices or "OTARD" Rules).

FCC rules prohibit local governments, landlords, community associations, or similar groups from restricting a resident from installing and using an antenna that is covered under the OTARD rules. These rules only apply to properties or areas of properties that the antenna user owns, leases or rents and areas where the user has exclusive use or control. The rules apply to properties used for commercial purposes just as they apply to residential properties.

The following antennas or dishes are covered by these rules:

- a "dish" antenna one meter (39.37 inches) or less in diameter (or any size in Alaska) designed to receive direct broadcast satellite service or to receive and transmit fixed wireless signals via satellite;
- an antenna one meter in diameter or less designed to receive wireless cable or to receive or transmit fixed wireless signals other than by satellite; and
- commercially-available analog and digital television antennas.

Antennas used for amateur ("Ham") radio, CB radio, FM or AM radio service, satellite radio or used as part of a hub to relay signals among antennas are NOT covered by these rules.

OTARD rules apply to antenna users who place antennas that meet size limitations on properties they own or rent and that are within their exclusive use or control. This includes single family homes, condominiums, cooperatives, townhomes, and manufactured homes. In the case of condominiums, cooperatives, and rental property, the rules apply to an area where the viewer has exclusive use, like a terrace, balcony or patio. "Exclusive use" means an area of the property that only you, and persons you permit, may enter and use. If the area is shared with others or accessible without your permission, it is not generally considered "exclusive use."

OTARD rules **do not** apply to common areas that are owned by a landlord, a community association or jointly by condominium owners. These common areas may include the roof or exterior walls of a multiple dwelling unit.

Under certain conditions, if a common antenna is available for use by residents, then the community association or landlord may reject or not permit the installation of an individually owned antenna or satellite dish, provided the service and costs are the same.

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Restrictions necessary to prevent damage to leased property are permissible, as long as the restrictions are reasonable. For example, a lease restriction that forbids tenants from drilling holes through exterior walls or through the roof is likely to be permissible.

An association, landlord or local government may impose certain restrictions when safety is a concern or where a historic site is involved. An example of a safety restriction would be installing an antenna on a fire escape. Safety restrictions should be narrowly written so that they are no more burdensome than necessary to address an articulated and legitimate safety purpose.

The FCC requires fixed wireless antennas capable of receiving and transmitting voice and data services to meet certain guidelines regarding radiation exposure limits and environmental standards. Given these limits and standards, it is permissible for fixed wireless providers to require that their equipment be professionally installed.

For more information on these restrictions, see [www.fcc.gov/mb/facts/otard.html](http://www.fcc.gov/mb/facts/otard.html).

To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, click on [www.fcc.gov/cgb/emailservice.html](http://www.fcc.gov/cgb/emailservice.html).

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Federal Communications Commission · Consumer & Governmental Affairs Bureau · 445 12th St. S.W. · Washington, DC 20554  
1-888-CALL-FCC (1-888-225-5322) · TTY: 1-888-TELL-FCC (1-888-835-5322) · [www.fcc.gov/cgb/](http://www.fcc.gov/cgb/)

*last reviewed/updated on 11/01/02*

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Attachment 4

TAYLOR & VAN MATRE, P. A.  
ATTORNEYS AT LAW  
4300 BAYOU BOULEVARD  
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August 9, 2005

Ms. Barbara G. Cole  
5865 Hunting Meadows Drive  
Crestview, Florida 32536

RE: Silver Oaks Subdivision  
(Declaration of Covenants, Conditions and Restrictions)

Dear Ms. Cole:

You have requested that I give an opinion as to the following questions:

1. Whether Article V, Section 3, of the Declaration of Covenants, Conditions, and Restrictions of Silver Oaks Subdivision applies to permanent basketball goals in ground along driveway and satellite dishes? My opinion is that approval must be obtained from the Architectural Committee prior to a member erecting a basketball goal and installing a satellite dish. Satellite dishes are specifically mentioned in Section 3 under Construction Subject to Review and permanent in ground basketball goals fall under the Section 3 language of "All construction or modification on any Lot...." The enumeration of certain modifications subject to review does not restrict the Architectural Committee as Section 3 specifically states that modifications subject to review are not limited to those mentioned.

2. Whether the Association is obligated to grant member access to all books, records, and papers of the Association. The answer is yes and is provided by Article X of the By-Laws and by Florida Statutes. The records and papers of the Association would include correspondence with the Association attorney relative to the granting of a variance for a Buckskin Court lot owner. The Association is obligated to allow members full access to all books, records, and papers at all times during regular business hours at the principal office of the Association. Should the Association refuse access to a member and the member sues for access, the Association could be required to pay the member's attorney fees and costs.

The Board of Directors should strive to strictly enforce the Subdivision's restrictive covenants because failure to do so could result in a court of law also refusing to enforce them.

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Ms. Barbara G. Cole  
August 9, 2005  
Page Two

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Hopefully, the above answers your questions; however, should you have other concerns, please feel free to call.

Yours truly,



JAMES C. TAYLOR

JCT/efm  
cc: Mr. Ed Santos

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