

Tuscan Ridge Master Homeowners Association Inc
Meeting of March 1, 2009
Draft Minutes

- I. Establish Quorum
- II. Call Meeting to Order
- III. Recording of Meetings Now and Future
 - *RECORDING.--Any parcel owner may tape record or videotape meetings of the board of directors and meetings of the members. The board of directors of the association may adopt reasonable rules governing the taping of meetings of the board and the membership.*
- IV. Message from the President:
 - Ref: **720.306 (July, 2008) Meetings of members; voting and election procedures; amendments**
 - Review of Protocol of Annual Meeting held on December 14, 2008
 - See **attachment** (*Att. MEMO re open Board seats*)
 - Ref: **Bylaws (TRMHOA) Article 3- Board of Directors: Section 5- Vacancies**
- V. Appointment of Board Seat(s)
- VI. Re-Election of Officers
- VII. Ratify Actions taken at all prior Board Meetings since 2008 Annual Meeting on advice of Legal Counsel.
- VIII. 433C Missing 2008 Annual Assessment (Mr. & Mrs. Bertens)
 - See **attachments** (*Att. 2- Initial Email Communication & 3- Fact Timeline*)
- IX. 913C Missing Mailed Checks From 2008
- X. Petition Item-Signage in Common Area
- XI. TRMHOA Official Change of Address to 932 Corvina effective immediately
- XII. Notification to PCU For Repair Compliance of Irrigation System (*Att. 3 Memo to PCU*)
- XIII. TRMHOA Bad Wiring in Common Area-Long Term Problem that finally escalated by burning out multiple Sprinkler clocks, Progress Energy Meters and Fountain Area Wiring (*Att. 4 Memo For Record*)
- XIV. Getting Assessment From Banks of Foreclosures (Early Collection) i.e. 348D
- XV. Treasurer to Speak on Donations
- XVI. Adjournment

PRESENT AT THE MEETING: Board members Kim Carter; Billy Halliday; Janis Yunker; and Secretary, Clarine Leslie, also present. Attendees present as listed on sign-in sheet: Derrick Carter, Robert Leslie, Luis Rodriguez, Andrea DeCosta, Ana Muniz, Gwynetta Stevens, Jeff Riley, Debra Yunker, Duane Wallace, Michele Joseph, Eugene Byron, Marjorie Byron, Bo Saroop, Wilfred Diaz, Roger Wood, Dave Read, Joe Dunn, William McCarty, Judith McCarty.

Establishing quorum: With three Board members present, a quorum was established.
Meeting Called to order: 6:04 P.M.

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VP Kim Carter spoke to the recording of meetings, per statute 720, these meetings are public and are able to be taped by community members, but the cameras cannot block the view of others in attendance.

Because there was a camera there officially for the Master Association Board, it raised the question of whether the camera was privately owned or the property of the Association. Ms. Carter responded that the Master Association has not purchased a camera.

Motion to close this agenda item and move on, seconded, and unanimously supported by the Board.

Michele Joseph read a prepared statement for the record.

Following Ms. Joseph's statement, Ms. Yunker asked for clarification as to why other Board members were not informed that the nullification of two Board seats was an issue. The Board was informed as soon as the Association attorney, Andy Reed, confirmed that this interpretation was indeed valid. Mr. Riley thanked the Board for all of their work in the past two months and asked if it was a legal expenditure to contact Andy Reed. Yes, and Michele Joseph clarified that she made the decision to not contact the rest of the Board until Attorney Reed responded and explained the legalities of it. There was much disagreement on when the entire Board should have been notified, but the point was made that the Board was notified immediately upon the ruling from Attorney Reed. Mr. Carter and Mr. Halliday asked for the community to come together, to stop the backbiting, to be one community and work for the good of all homeowners.

Ms. Yunker again asked for the timeline, and Ms. Joseph responded again. There was a motion to move on to the next agenda item, seconded, and unanimously supported by the Board.

APPOINTMENT OF BOARD SEATS: There was discussion about representation on the Board and that the majority should not be people living in the Village. It raised more discussion again about the animosity between Countryside and Village, and many in the community urged others to just get along.

Kim Carter moved to appoint secretary, Clarine Leslie, to one of the open Board seats. Billy Halliday seconded. VOTE: Yunker, no; Halliday, yes; Carter, yes. Mrs. Leslie stated that her interests were in the Village as well as the Countryside, being a homeowner in each community, and a citizen of the larger Tuscan Ridge community. Mr. Wood pointed out that she was a "partial" owner, and Mr. Leslie responded that most married couples are "partial" owners. Owners named on any deed have equal standing as HOA members.

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In the interest of community, Ms. Carter then asked if anyone in attendance was willing to fill the remaining Board seat or nominate someone to do so. Roger Wood was nominated by from the floor by several folks, as was Luis Rodriguez. Ms. Yunker moved that Roger Wood fill the vacancy, and Mr. Halliday moved that Luis Rodriguez fill the open Board seat, seconded by Kim Carter. VOTE for Luis Rodriguez to be appointed to the Board: Yunker, no; Halliday, yes; Carter, yes. He was appointed.

Ms. Carter stated that these two seats, as well as Ms. Yunker's seat, will be voted by the membership at the annual meeting. The two people appointed today only serve until the next annual meeting, and Ms. Yunker's term is up at that time.

There was a great deal of animosity among the community members regarding the process and the slight of Mr. Wood to be appointed. It was explained to those present that this is a Board decision, and the community is invited to be at these meetings, and provide input, but the final decision is the Board's. Statute 720 states that the work of the Board be done in a public setting, but it is the work of the Board.

The next item was to appoint officers among the Board. Mrs. Leslie moved to appoint Kim Carter President, seconded by Billy Halliday. The remainder of the Board, save Ms. Yunker, voted to support that motion. Ms. Carter then resigned her seat as Vice President and accepted the post of President.

Kim Carter nominated Luis Rodriguez to serve as Vice President, seconded by Mr. Halliday. The remainder of the Board, save Ms. Yunker, voted to support that motion.

Therefore, the Secretary read the Board slate as follows:

President: Kim Carter
Vice President: Luis Rodriguez
Treasurer: Billy Halliday
Secretary: Clarine Leslie
Board member: Jan Yunker

Ms. Waugh responded to this by telling people to not be discouraged and to not let these events stop people from coming to Board meeting. Mr. Halliday responded that the reason he had stopped coming to the meetings in the past was the venom and animosity that was so prevalent, and, frankly, still is. The personal animosity in this community has to stop, for the sake of everyone.

The statement was made that too many people are making comments without order, and the President was asked to follow the protocol of the agenda.

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Ms. Yunker stated for the Record that she is totally opposed to the way the appointment and election of Board members was handled. She stated that she did not want to be associated with "stacking the Board."

The next agenda item came at the recommendation of Attorney Reed, that the newly constituted Board need ratify all actions taken since the annual meeting due to the flaw in the two seats. Roger Wood raised the point that the agenda of the January 24, 2009 meeting cannot be ratified because it was illegal to take more actions than simply setting the assessment, as stated in the notice for the meeting.

After discussion, Mrs. Leslie moved to ratify all actions of the Board since the annual meeting, with the exception of actions on January 24, 2009 that were outside the parameters of 720. It was seconded by Ms. Carter.

Ms. Yunker objected and asked for a listing of all items that were being ratified. This agenda item will be addressed at the next meeting. Tabled.

Next agenda item regarding a missing payment for 433 Corvina. There was an email trail and copies of canceled checks, both of which were made out to the TR Master Homeowners Association, but were deposited in another entity's account at Sun Trust Bank. We have stopped the lien process on this homeowner given these circumstances, and have been advised that the lien intended for the homeowner could be put on the entity of the Sun Trust account. Ms. Waugh and Ms. Stevens acknowledged that the entity in question was the Village at Tuscan Ridge. Ms. Stevens stated that she will verify with her Treasurer and will see that a check is made out to the Master Association in the amount of \$172.48.

The next item addressed was 913 Corvina Drive and the homeowner's claim that the two checks sent in 2008 never cleared their bank. Again, Ms. Stevens was asked to check with her secretary and/or treasure and see where this property stands. It was moved, seconded, and unanimously agreed to table this discussion for the next meeting.

Item X on the agenda refers to a petition item regarding signs in the common area. There have been suggestions about NO SOLICITATION signs, signs stating garbage pickup days, DEED RESTRICTED COMMUNITY, etc. Ms. Joseph made the suggestion that the Board institute a committee to review this item, with Billy Halliday being the Board liaison. Ms. Joseph and Mr. Carter volunteered to serve on such a committee. One other homeowner will be solicited to serve, and this group will make a recommendation to the Board in June.

Ms. Carter informed everyone that, effective immediately, the official Master Association address would be changed to 932 Corvina Drive. The box at the UPS Store in Champions Gate will remain viable until that contract expires May 1, at which time a forwarding order will be placed to 932 Corvina Drive.

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The Secretary reported that Polk County Utilities had been contacted in writing and in person regarding watering for the new plantings. Signs were posted that there were new plantings and that daily watering would be in effect until March 26, 2009. She was reminded that, under current Polk County restrictions, the watering may only be done between Midnight and 8 a.m., and between 6 p.m. and Midnight. No watering is permitted on Saturday and Sunday. Copies of the restrictions from Polk County are available at this meeting.

At this point, Billy Halliday, Treasurer, addressed the meeting regarding the bad wiring problem. When the new plantings went in, it was necessary to set the irrigation to water them regularly. It was discovered then that the wiring was bad. Progress Energy had to come out twice, eventually having to replace the meter because the "hot spot" had burned out the meter. They made it clear at that time that their responsibility stops there. They own the meter, we own the wiring from there. The wiring from there powers the fountain, the lighting for the walls, and the irrigation system. Four hundred feet of wiring needs replacing. It is unsafe at this point. Mr. Halliday thought there homeowners might be willing to donate to offset some of this cost. We don't have all the bills yet, but the costs will be forthcoming.

Some in attendance suggested that perhaps the FIOS Fiberoptic cable work had exacerbated this problem, and we might have some recourse. We will look into that. At this point, it is a safety issue and one that could impact our insurance rates. Mr. Wood suggested a special assessment, and said that Countryside will pay for its responsibility and part of this. Mr. Halliday suggested that perhaps each household could voluntarily donate \$100 or what they could.

The question was asked of the Treasurer what the balance in the Master account is presently. There was not a financial report prepared for this meeting, as it is not on the agenda. There will be a Treasurer's report at the June meeting.

At this point, there are five different jobs with costs associated with them. It could be around \$20,000, but that matter is not on the agenda for discussion at this meeting. Objections were raised from Ms. Yunker that there was no communication about this.

Ms. Carter pointed out that the Board is comprised of volunteers who are donating their time and have other responsibilities, so that this cannot be a full-time job for them. There is an enormous amount of time spent by these Board members on work for the benefit of the community. Ms. Carter also pointed out that there was a time constraint and the meeting had already run two hours. The remainder of the agenda was tabled, and the meeting was adjourned at 8:14 p.m. Mr. Wood requested time with the Board following the meeting, but left the meeting before doing so.

Respectfully submitted,

Clarine Leslie, Secretary