

Turnberry Homeowners Association, Inc.
Board of Directors Minutes
October 27, 2010

I. Call to Order

The meeting was called to order at 3:02 p.m.

II. Establish a Quorum

A quorum was established with the presence of: Mike Talbert, Rolf James, Mardee Jenrette and Eugene Rankin. Absent: Charlie Yorio.

Attending on behalf of MAY Management Services: Tim Hutchison and Janette Cilliers.

III. Approval of Minutes of September 29, 2010 Board Meeting

Rolf James made a **motion** to approve the 9/29/10 minutes as submitted. Eugene Rankin seconded and the **motion** was carried unanimously.

IV. Financial Report

Rolf James presented the financial report as of 9/30/10.

Operating Fund balance.....\$ 58,045.96
Cash in Bank.....\$ 44,873.57
Replacement Fund balance.....\$ 68,784.75
Year To Date – positive variance.....\$ 9,707.33
Expenses are on target and if all goes well, we should end the year with a surplus.

Mardee Jenrette made a **motion** to approve the September Financial Report as presented. Eugene Rankin seconded, and the **motion** carried unanimously.

V. Managers Report By Tim Hutchison

- Bathroom Door - The ladies' bathroom door has been repaired. The cost will not exceed \$125.00.
- Sidewalk Repairs – The sidewalk repairs at 184 Edge of Woods and 188 Edge of Woods have been completed.
- Sod – All Common Area sod replacements, with the exception of the right hand strip at the entrance, are complete. The sod for that location is on site and ready to be put in place. Tim Hutchison stated that the lawn at 1279 Paradise Pond, (which was included in the misapplication of weed killer) still needs to be prepped, and the sod replaced.
- Irrigation Zone & Valve – An additional irrigation zone at pump #1 (one) has been recommended by Nanak's for proper coverage. The cost of the additional zone will be \$784.25. When the sod irrigated by that section of the system was originally installed it only extended in 8 feet from the curb. Over the years, the sod area has naturally grown in, to approximately 16 feet from the curb, therefore requiring the additional zone.
- Rolf James made a **motion** to approve Nanak's proposal to add an additional irrigation zone at the cost of \$ 784.25. Mardee Jenrette seconded and the **motion** carried unanimously.

VI. Committee Presentations

- a. Landscape – Mardee Jenrette had nothing to report. Mike Talbert expressed his appreciation to Jay Jernigan with Nanak's for taking responsibility for replacing the common area sod in a timely manner.
- b. Social – Mike Talbert reported on behalf of the Social Committee, stating that the Fall Festival was a success. There were 51 people in attendance. The Social Committee remained within their allotted budget for this event. The Social Committee will need to produce receipts before

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being reimbursed the additional \$42.04 requested. Mike Talbert recognized the Social Committee, Carol Shook - chair person, Margaret Kuchar, Judy Kashou, Tina Renshaw, Mary Ann Bell, Mark Stalber, as well as Ted Kuchar, the DJ.

- c. ARB – Steve Cashat reported that there have been 2 ARB applications submitted since the last board meeting. 1164 Sandlake Road submitted an application to paint the exterior of the house. The other application received was from 812 Mariam Elias Way, to landscape around their irrigation equipment in order to screen it from view. Steve Cashat stated that Don Freeman, ARB Chair would be resigning his position because of health issues. Steve Cashat also reminded the Board that he would be retiring, but would continue to work on the ARB until the positions are filled. Announcement of vacancies on the ARB will be made at the Annual Meeting.
- d. Enforcement – No report.
- e. Safety – No report.
- f. Welcome – There are a couple of new tenants and they have already been visited.
- g. Website – No report. Mike Talbert stated that he would be putting some pictures on the website from the Fall Festival.

VII. Old Business

- a. Color Palette– ARB - There was discussion regarding the color palette and who will be responsible for coming up with the specific color samples for the color palette. Mardee Jenrette and Eugene Rankin along with Steve Cashat, as consultant, will meet to prepare a color palette for presentation to the board.
- b. Irrigation systems (3) inspection and maintenance schedule (Nanak's) – Tim Hutchison will get a check list of Nanak's scheduled maintenance on the 3 irrigation pumps from Jay Jernigan.
- c. Common Area Sod Replacement – This issue was discussed earlier in the meeting.
- d. Sidewalks – Common areas – Mike Talbert stated that he presented the question regarding the sidewalks to Rick Pariani, Vice President of Design and Development, for Davidson Development. Rick Pariani forwarded the question to attorney Tom Jenks. Both concurred that the sidewalks are part of the common areas.

Charlie Yorio presented a written statement in regards to sidewalk repair responsibility:

<THOA SIDEWALK REPAIR RESPONSIBILITY

Background:

1. Sidewalks were installed and/or paid for by the individual property owner per Turnberry Covenants O.R. 1277 PG 0268.
2. THOA's quarterly letter to property owners asked that owners inspect and repair any unsafe sidewalk conditions.
3. At the September THOA Board meeting a couple of property owners questioned who was responsible for sidewalk repairs.
The Board stated based on Covenants, that the individual property owners were responsible. The property owners present disagreed with the Board's position.
After a lengthy discussion, the Board decided to review sidewalk responsibilities.

Discussion:

I have reviewed Turnberry's construction plans by BHR, Inc. The sections I reviewed show that all the sidewalks in Turnberry are in the right of way and not within the individual lots property lines. Individual surveys verify that sidewalks are not within their property lines.

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Our lawyer, Tom Jenks' opinion is that since the sidewalks are in the right of way (not within property lines) they are part of THOA common area and normally should be maintained by Turnberry.

Other than repair and/or replacement of sidewalks, who should keep sidewalks clear and clean? THOA Covenants calls for property owners to cut, edge and trim the lawn on common area between their property line and the curb. The THOA Board should draft and consider a motion, which defines sidewalk responsibilities.>

Rolf James made a **motion** to take Charlie Yorio's written accounting of the history of this matter and the outlining of responsibilities for sidewalks and read it into the minutes so that it is public knowledge. Motion was considered too vague and Rolf James withdrew his **motion**.

After clarification of what was proposed, Mardee Jenrette restated the **motion** that the statement Charlie Yorio wrote, in its entirety, be placed within the minutes, so that it is clear what the responsibilities of the community are, and what the responsibilities of the individual homeowners are, with respect to the sidewalks. Rolf James seconded and the **motion** carried unanimously.

Rolf James expressed the desire to have sidewalks added to the Reserve Study Tim Hutchison was asked by the Board to find out the process required to add a line item for sidewalks.

- e. Pool Voltage Monitor – Rolf James stated that the report from Miller Electric was e-mailed to each Board member. After reviewing the report he does not think ordering a transformer will help. The recommendation is to increase the ventilation in the box where the pump is housed. Doug Van Horn with All About Pools will present the Board with a proposal to add louvers for additional ventilation. Once the proposal is received by Doug it will be reviewed by the Board via e-mail.
- f. Annual/Budget Meetings Update – Tim Hutchison stated that the first notice of the Annual Meeting and Budget Meeting has been sent out to all homeowners. He reminded the board that the Budget Meeting is scheduled for November 17 at 3 PM, at May Management, and the Annual Meeting will be at 7 PM at Glenmoor.

VIII. New Business

- a. 2010 Bad Debt Reserve – Rolf James made a **motion** to move an additional \$22,000.00 from our Surplus to Bad Debt Reserve in order to properly fund the Bad Debt Reserve for 2010 at \$30,000.00 per advice from Ms. Cathy Savarese, MAY Management Services, Accounting Manager. Mardee Jenrette seconded and the **motion** carried unanimously.
Rolf James stated that this move of the funds would neither add anything to the dues, nor a need for a special assessment for next year.
- b. Pool equipment housing ventilation – This issue was discussed earlier in the meeting.
- c. Pool Flow Meter - Item not discussed.
- d. Violations – Fining Correspondence – The Board received a letter from a homeowner regarding a fine imposed by the Enforcement Committee. Mike Talbert stated that, pr. their letter, the homeowners are making an attempt to correct the issue with their yard. The Board asked that Tim Hutchison arrange for a meeting with the Enforcement Committee to get their perspective regarding the \$50.00 per day fine. The Board would like a letter from MAY Management to be

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sent to the owners informing them that the Board has discussed this issue, and is pursuing more information on the matter. The fines will stop until a decision is made concerning this issue.

The Board also asked that MAY Management respond to the other letter that was received regarding responsibility for sidewalks.

- e. Voting rights of homeowners in default. Mike Talbert stated that in the C&R's, the Board is authorized to not count votes at the Annual Meeting, if homeowner is 30 days or more in default.
Mike Talbert made a **motion** to ask MAY Management to identify those who are 30 days or more in default and mark their names at the list for the Annual Meeting so that their votes are not counted. The **motion** died for lack of a second.
There was a discussion regarding the number of days in default to impose the right to not accept the vote. This issue was tabled.
- f. Condition of Turnberry entrance sign. Mike Talbert noted that the entrance sign seems not to be the same color (black vs. green) as those of other neighborhoods. He asked the Board to take a look at the monument sign at the entrance and give their opinion on how they think it looks so that it could be addressed at a later time.

IX. Adjournment

With no further business to discuss, Rolf James made a **motion** to adjourn the meeting at 4:07 PM. Eugene Rankin seconded and the **motion** carried unanimously.

X. Open Forum