**MINUTES FROM TPOA BOARD OF DIRECTORS MEETING**

**JANUARY 28, 2019 @ 6:00 PM, ENTERPRISE CITY HALL**

**I. Welcome**

-Jimbo Reese called the meeting to order at 6:00 P.M. (CST). Prior to the immediate start of the meeting, each Director was given a copy of the following: (a) Agenda, (b) copy of minutes from Board meetings or work sessions dated 10/2018, 11/2018, and 01/2019 (c) copy of financial reports dated 10/2018, 11/2018, 12/2018 (d) copy of information regarding CCR Committee

-33 Homeowners and 7 Directors signed in to record their attendance

**II. Prayer**

- Jimbo Reese lead the Directors and attending homeowners in prayer.

**III. Roll Call – Establish Quorum**

-With each Director present and accounted for (Jimbo Reese, Johnny Vaughan, Barbara Wade, Bill Reynolds, Harry Crook, Ed Crosby, Lynn Bowman), a quorum was established.

**IV. Opening Remarks**

-President Jimbo Reese welcomed the Homeowners for the first Quarterly Meeting of the present Board. He provided another brief introduction of the Board members for those not present at the previous meetings/work sessions and notified the Homeowners that each Director is serving with the right mission and goal for the betterment of the Tartan Pines Owners Association. Jimbo Reese further introduced the three officers of the Board: President, Jimbo Reese; Vice-President, Johnny Vaughan; Secretary/Treasurer, Barbara Wade.

**V. Approval of Minutes**

-The following minutes were presented to the Board for a vote of approval/disapproval:

(a) October 9, 2018 – Quarterly Meeting (prior Board of Directors)

(b) November 15, 2018 – Organizational Meeting

(c) January 14, 2019 – Work Session

-Harry Crook made a motion to approval all minutes presented. The motion was seconded and the vote carried with no opposition.

**VI. Approval of Financial Reports**

-The following financial reports were presented to the Board for a vote of approval/disapproval:

(a) October 2018 Report

(b) November 2018 Report

(c) December 2018 Report

-Johnny Vaughan made a motion to approval all financial reports presented. The motion was seconded by Bill Reynolds and the vote carried with no opposition.

**VII. Committee Reports**

-Jimbo Reese notified the Homeowners that the Directors had been working on the membership of the committees. Tonight, he presented the current list of committee members as follows:

(a) Communications Committee – Jimbo Reese, Ed Henry, Barbara Wade, Bill Reynolds

(b) Landscape Committee – Debbie Austin, Lynn Bowman, Johnny Vaughan

(c) Pool Committee – Barbara Wade, Lynn Bowman, Lindsay Elliot, Colette Parrotte

(d) Budget Committee – Harry Crook, Ed Crosby, Anne Davis, Lynn Bowman

(e) Architectural Committee – Jimbo Reese, Johnny Vaughan, Barbara Wade, Jimmy Jones

(f) Security/Lighting Committee – (\*This committee was established at the January 2019 Work Session by the Board of Directors as a result of issues in the neighborhood including but not limited to vandalism, speeding, hazardous intersections, etc.) Lynn Bowman, Ed Crosby, Harry Crook, Eric Wade, Mark Austin, Burt Barr

(g) CCR Committee – Bill Reynolds, Debbie Austin, Kathleen Ferrell, Barbara Wade

(h) Seasonal Committee – (\*This committee will now include the flag captains of each individual neighborhoods in the subdivision) Barbara Wade, Debbie Austin, Linda Gordon

-Ed Crosby notified the Homeowners that the Directors will continue discussing the need for more volunteers with the Homeowners.

-Jimbo Reese suggested that all Directors associated with the presented Committees continue with their due diligence to add Homeowners on Committees. If any Homeowners are interested in serving, please contact the Director associated with that Committee.

-Johnny Vaughan made a motion to accept all committees and committee members presented. The motion was seconded by Harry Crook and the vote carried with no opposition.

**VIII. Old Business**

-There was no old business presented.

**IX. New Business**

(a) Guidelines for Participation by Non-Members at Work Sessions and Scheduled/Called Meetings of the Board of Directors

-Jimbo Reese notified the Homeowners that these Guidelines were presented at the January 14, 2019 Work Session. These guidelines were established to allow for the input of the Homeowners’ participation as well as a procedure to govern such input. Jimbo Reese read the Guidelines to the Homeowners and reminded those present as to the research that went into their preparation.

-Barbara Wade notified the Homeowners that copies of these Guidelines were present at the night’s meeting should anyone wish to obtain one.

-Homeowner Ed Henry (Communications Committee) was recognized by Jimbo Reese to speak. Mr. Henry mentioned these Guidelines could also be found on the Tartan Pines Homeowners website under the section entitled “Announcements: Procedures and Forms”

-A motion was made to accept the Guidelines for Participation by Non-Members at Work Sessions and Scheduled/Called Meetings of the Board of Directors. The motion was seconded and the vote carried with no opposition.

(b) Update on Lawsuit

-Homeowner William Carr was recognized by Jimbo Reese to speak regarding an update on the lawsuit and bankruptcy of the Tartan Pines Golf Course. Mr. Carr announced an agreement had been reach with the group of owners of the golf course. A motion was filed in court to relieve the stay of the foreclosure or providing the option to abandon the property. Mr. Carr stated a hearing on the motion was going to be held within the next two weeks, at which time he felt the motion would be granted. He said it was his impression that this was what both sides wanted. And in doing so, they could go ahead and foreclose on the property, allow for the publication and subsequent timeline (60 days) for the foreclosure sale. He opined that in mid-April or early May there would be a sale at which he hopes to retain title to the property.

-Mr. Carr notified the Board and the Homeowners that the lawsuit was still pending in bankruptcy and that this suit would be continued until the foreclosure process is finished. Mr. Carr stated he had spoken with the attorneys as of today regarding the latest as to where the process currently stands. He wanted to remind the Homeowners that this is not a short process because the purpose of the Bankruptcy Court is to protect the filer and creditors. And even though the law suit has been established as a priority creditor, this is still a slow process but is moving along.

-Jimbo Reese asked Mr. Carr if he thought he could have, and would provide, another update at the April 15, 2019 Quarterly Meeting. Mr. Carr indicated he would, stating he was still optimistic.

(c) Fences

-Jimbo Reese entered the Board into a discussion on the issues of the fences throughout the Tartan Pines subdivision. In particular, Jimbo Reese reminded the Board that the issue to repair or replace of the fence along Rosemount Court has been ongoing for almost two years if not more.

-Homeowner William Carr was recognized by Jimbo Reese to speak. Mr. Carr opined it would be safer not to do anything while the Court has the property. In addition, Mr. Carr stated he didn’t think the Association had any legal basis to repair or replace the fence. Finally, he mentioned it also was an issue which created value for a potential third party.

-Ed Crosby stated that the fence running along side Rosemount Court is about to fall down. A recent storm blew down at least 40 feet of the fence and certain Directors and Homeowners assisted in the repair. He suggested that he believes it to be the Association’s responsibility to keep the community looking kept up and didn’t know if any of the most recent repairs could have waited until May 2019. Ed Crosby called the Directors’ attention to Article VIII, Section 1, Subsection (e) (page 28-29) of the TPOA CCR’s which discusses in part property to be maintained by the Association. Mr. Crosby read into record the section in part stating, “The Association may maintain other property which it does not own, including, without limitation, property dedicated to the public, if the Board of Directors determines that such maintenance is necessary or desirable to maintain the community-wide standard.” (page 29, Paragraph 3)

-Mr. Carr stated it was his understanding that the Rosemount Fence was not considered a common area and to repair or replace at this time would be overstepping the boundaries of the Association. Mr. Carr and Mr. Crosby discussed the number of repairs that were being done which at the moment were nominal but at some point, would be reconstructing several portions of the fence. Mr. Crosby stated he expected the Association would be paying for the repairs and it would not need to be added into the Bankruptcy. Mr. Carr mentioned that the Association is spending money on what it does not own.

-Jimbo Reese reminded the Directors that the funds already paid by the Homeowners had been set aside to repair/replace the fence of Rosemount Court. He requested to Mr. Carr who would be the individual necessary to speak to in the Bankruptcy Court regarding any repair/replacement. Mr. Carr identified William “Bill” Carn (Dothan, AL) as the Trustee appointed to determine the value of the estate.

-Homeowner Kathleen Ferrell was recognized by Jimbo Reese to speak. She stated the CCRs discuss the common areas as well as the areas of common responsibility which the declarant had asked that they be taken care of. Mrs. Ferrell noted that although not land owner, the Association was tasked with taking care of the fence.

-Barbara Wade suggested the appointment of a special committee to determine the issues brought before the Board tonight.

-Jimbo Reese appointed Harry Crook, Lynn Bowman and Ed Crosby to assess the current issues regarding the fences along Rosemount Court and Robertson Court.

-Homeowner was recognized by Jimbo Reese to speak. He reminded the Directors that there was previous research into the issue from a committee formed last year that they were more than willing to use in their current determination.

-Jimbo Reese again thanked those Directors and Homeowners (including but not limited to Ed Crosby and Jim Arrington) regarding their hard work in the repairs that had been recently made.

-Lynn Bowman stated it was his opinion that if the fence, or portions of the fence, fell down, they needed to be repaired immediately and could be done so using concrete and brace assistance.

-Homeowner was recognized by Jimbo Reese to speak. She requested clarification regarding the money that was previously paid for the Rosemount Fence project. She was assured these costs were already paid (and in the Budget) so would not be an extra cost to the Homeowners.

(d) Dues

-Jimbo Reese reminded the Directors and Homeowners that as a result of the unusual circumstances regarding the payment structure of the 2019 dues, the Board needed to discuss recommendations regarding late payments. He mentioned the Board wanted to be fair regarding these payments. Jimbo Reese read into the record the Motion to Adopt Late Fees which was presented at the Board of Directors Meeting in July 2016.

-Homeowner Kathleen Ferrell was recognized by Jimbo Reese to speak. The following is a list of the current status of Homeowners dues: 75 paid in full, 38 paid the first of their bi-annual payments, 49 are current on their monthly payments, 46 have not made a payment.

-Jimbo Reese indicated that this means 80% of Homeowners are current with their dues payments.

-Kathleen Ferrell notified the Board that this percentage was in line with previous years. And further notified the Board that only 1 lien was placed in 2018, as well as only 1 lien placed in 2017.

-Bill Reynolds mentioned if this was pretty typical and the increase in dues did not make such a strong effect to late payments, the Board would move everything back 60 days – i.e. do nothing until April 1st – then take action if homeowner not made at least 4 payments totaling $320 ($80 monthly payment x 4 months = $320)

-Homeowner was recognized by Jimbo Reese to speak. He reminded the Board that with previous changes and a previous Board which advised to do nothing, a trickle-down effect went into play.

-Ed Crosby reminded the Board and Homeowners that the financial burden on the Homeowners was considered by allowing homeowners to pay $80 per month. Prior to that, it was the full payment of $500 due by January 1st of the year. He questioned what to do with the Homeowners that aren’t even paying the $80 per month. (Rectification requested by E.C.)

-Bill Reynolds recommended that the Board of Directors continue with the 2016 late fee policy including the same warning letters and fees. A motion was made to accept this recommendation. The motion was seconded and the vote carried with no opposition.

**X. Miscellaneous**

-Barbara Wade notified the Directors that the December financial report for the Association’s Operating account (which had been received and approved at tonight’s meeting) reveals an excess of funds at the conclusion of 2018. The amount in access totals $18,298.11. In years past, it has been typical for the Association to take the bulk of the excess funds and transfer those funds to the money market account. Barbara Wade recommended that action be taken by the Board on this tonight so that if approved, $18,000.00 of those excess funds could be transferred as soon as possible. Bill Reynolds made a motion to transfer the amount of $18,000.00 from the Association’s Operating account to the Association’s Money Market account. The motion was seconded and the vote carried with no opposition.

-Homeowner was recognized by Jimbo Reese to speak. He stated he wanted to thank the Board for the opportunity in allowing Homeowners to speak and provide input at the Meeting.

**XI. Adjournment**

-At 7:10PM (CST), Ed Crosby made a motion to adjourn. Harry Crook seconded the motion and the vote carried with no opposition.

Prepared and respectfully submitted to the TPOA Board of Directors via electronic mail delivery for review on the 10th day of March, 2019. Edited and presented at the TPOA Work Session on the 8th day of April, 2019. Edited and presented for approval at the TPOA Quarterly Meeting on this the 15th day of April, 2019.

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Barbara Wade, Secretary/Treasurer