

**TIMBER RIDGE PROPERTY OWNERS ASSOCIATION
BOARD OF DIRECTORS MINUTES-December 14 9, 2015 Meeting**

- PRESENT:** Kim Reinike, Charlie Reymond, Joey Niolet, Cary Trapani, Ronnie Sedlak, Ken McLaughlin, Kim LaRosa
- ABSENT:** Kim Reinike, Cathy Eagan- Proxy to Cary Trapani
- ALSO PRESENT:** Terie Velardi, Steven Hammons, Misty Dienes - POA Staff; David Goff from Deutsch Kerrigan & Stiles

The December 14, 2015 TRPOA Board of Directors meeting was called to order by President Joey Niolet at 5:30pm

Minutes - A motion to approve the November 2015 minutes was made by Cary Trapani, second by Ronnie Sedlak and approved by all present. Eagan proxy to Trapani

Financials- Kim LaRosa reviewed the financials noting that legal fees are up due to review of past law suits; the need to respond to legal challenges regarding the changes to the covenants and by-laws as well as the challenge of legal ownership of Treasure Point. Legal fees will continue to increase as the POA defends ownership of treasure point. Printing and postage expenses are high and are due to the by-law and covenant ballot process in June and again in October/November.

A motion to approve the November financials was made by Cary, second by Charlie. Motion carried 7-1

Collections- The POA continues to file claims in court against property owners who are delinquent with dues. Subsequently abstracts are request and also filed. Once a judgement is made in the POA's favor property owners are notified and encouraged to settle the claim or to make other payment arrangement before their credit is adversely affected. Collection of dues is up over last month as are transfers. Currently we are averaging 7 transfers per month.

COMMITTEE REPORTS:

Covenants- Misty reviewed the list of members who have received their second violation. The Board discussed a members claim that their lot had not been developed and was in its natural state. They noted that after Katrina they removed downed trees but nothing more than that. Google maps going back to pre-Katrina and more recent ones were reviewed and substantiate the members claim.

Board Communication - There were two requests by members to be part of the committee to count the by-laws and covenant ballots. Both members were present and observed.

Grounds & Maintenance

Steven noted that a substantial amount of the wood chips at the playground at treasure point floated away with the recent high tide. The recommended depth is 12" and is now down to 3". Charlie and Steven will review the needs and follow-up.

Kool decking at the pool is under warranty through March.

Steven reported Christmas decorations were put up after Thanksgiving

Security – Steven noted he has spoken with different contractors on the possibility an upgrade and or more cameras in the subdivision. The project is on hold. In Kim Reinike’s absence Joey reported that Km has received and continues to seek out additional proposals for security alternatives. Joey noted that Kim has been in touch with the Pass Police chief and will update the Board next month. The Board requested that the Harrison County Sheriff representative being invited to the January meeting to discuss neighborhood watch possibilities.

The Board discussed putting together a questionnaire for the membership regarding alternatives to providing security to the subdivision. Joey, Ronnie and Kim R will meet after the holidays to draft a questionnaire.

City Liaison - Joey reported that he spoke with the Alderman Pickich who acknowledged that the paving of Pinewood & Birch has been approved.

Treasure Point – Charlie will contact the marine contractor and inform them that bulkhead repairs have been put on hold.

PCI - Cary updated the Board about the Christmas Boat Parade and Treasure Point party. 5- 8 pm; Boats are lining up at 5. PCI will be making chili and will have hot chocolate. Members are asked to decorate their boats, golf carts and or bicycles.

OLD BUSINESS:

Treasure Point-Bay Point Properties-Law Suit -

David Goff updated the Board on the law suit first reviewing Bay Pointe Properties claim against Timber Ridge. He noted that he has filed a counter claim. A title search on treasure point going back 30+ years was completed. David reviewed the conveyance and dedication of plats from the many entities going back to 1970. Further review of aerial photographs of treasure point going back to the 1940’s was also reviewed. David pointed out that in 1976 a quit claim deed was made from Guarantee Properties to TRPOA and since that time the POA has acted in good faith maintaining and improving treasure point property.

David noted that there is no new information regarding the Secretary of State’s suit against Timber Ridge referencing the MS Tidelands Act where the State is claiming ownership. He noted that more than likely the State will want to lease the area. Timber Ridge already leases the boat ramp and docking area from the State.

David informed the Board he reached out to the attorneys representing Bay Pointe Properties to clarify their intent and determine the next steps. David reiterated that there is a strong possibility the case will be settled in court and will be costly. David indicated that as a property owner in Timber Ridge and the potential of lengthy litigation, his continued involvement may be considered a conflict of interest. David recommended a local attorney who has tried similar cases involving waterfront ownership and tideland issues. The Board acknowledged David’s position and thanked him for his assistance.

Following David's departure Joey Niolet noted that David was asked to help the POA determine the merits of Bay Pointe Properties claim with the aspiration of neutralizing any litigation. The Board agreed that the only option is to defend the Association's claim of ownership. Doing nothing would result in a default judgement in favor of Bay Pointe Properties. A motion to hire Henry Laird of *Jones Walker* to pick up where David left off was made by Kim LaRosa, seconded by Ken McLaughlin and carried 7-1. Voting no was Ronnie Sedlak and Kim Reinike was not present.

A motion was made by Kim LaRosa, Second by Cary Trapani and approved by all to place all capital improvements on hold. The scheduled repairs to the bulkhead this winter will be cancelled. Motion passed 7-1

Proposed Covenants & By-Laws –

Joey reviewed the ballot collection, count and review process of verifying the results of the proposed changes to the Association's covenants and by-laws. Joey noted that votes were entered in to a spreadsheet as they came into the office by the office staff. Over the weekend college students who were not associated with the Association were brought in and verified 100% of the votes cast for both documents. They worked in groups of two verifying each line item vote on every ballot. Corrections were made at the time. It took 3 hours to complete the review. The results are as followed: 100% of the changes to the by-laws passed. All but the ballot regarding the use of window air conditioners in covenants passed. It was 4 votes shy of reaching the minimum 60% affirmative vote. The vote regarding short term rentals will require a run-off between the top two choices. Members were asked if they felt short term rentals should be restricted and if so, what was an appropriate time frame. Three choices were offered. Overall, with a 69% affirmative vote, members agreed they wanted to restrict the time frame but no single option received the required 60% affirmative response.

Overall 209 members cast their vote on the covenant ballot, representing 262 votes/lots. 207 members cast their vote on the by-law ballot, representing 260 votes/lots. 111 members gave their proxy to 12 members, representing 138 votes/lots.

The board discussed the need to update the membership on the results and reissue the ballot for the short term rental covenant. Information will be sent out to all members at the beginning of January.

An updated version of both documents will be prepared and filed with Harrison County once the covenant regarding short term rental parameters are settled.

There being no further business the meeting adjourned at 7:30PM

Board Minutes respectively submitted by Terie Velardi, POA Staff.

NEXT MEETING - Monday January 11, 2016 – 5:30 pm – PCIGC Banquet Room