

**TIMBER RIDGE PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MINUTES–February 11, 2019 Meeting**

**PRESENT:** Cathy Eagan, Joey Niolet, Ronnie Sedlak, Cary Trapani, Nancy Hardenstein, Kim Reinike, and Charlie Reymond

**OTHERS:** Steven Hammons, & Terie Velardi – POA Staff,  
Gordon Gossett, Sycamore Dr., Kelly Griffin, Harrison County Beautification,  
Henry Laird, Wise Carter-Treasure Point tidelands

**ABSENT:** Rebecca O’Dwyer, Proxy to Joey Niolet, David Duggins

The February 11, 2019 TRPOA Board of Directors meeting was called to order by President Cathy Eagan at 5:30pm.

**Guest:** Kelly Griffin, HC Beautification was welcomed to the meeting by President Cathy Eagan. Ms. Introduced herself and the services HC Beautification had to offer the POA in their interest in promoting a community / spring-cleaning day in TR. Kelly was first approached by Vice President Joey Niolet with the idea and requested possibly holding a hazardous waste pick-up site in TR. Kelly noted that it very hard to achieve due to DEQ and other regulations pertaining to the site and transportation of hazardous materials. She also noted that every second Saturday Harrison County’s permanent site is open for private citizens. She went on to say that they have a great relationship with Waste Management and will ask if they can provide a roll-off dumpster for the day. Kelly brought with her boxes of large trash bags and can get more if needed. In order to attract member participation, the board suggested incorporating the collection of important documents and asked if she had any contact with a shredding company. Kelly noted she will follow-up and get back to us. The Board thanked her for her time.

Henry Laird, Wise Carter attorney for TRPOA litigation with MS Secretary of State. VP, Joey Niolet introduced Henry to the new members of the board. Mr. Laird offered a brief summary of the Bay Point Properties lawsuit against the POA and the state of MS alleging Bay Point Properties owned Treasure Point. The state owns the land seaward of the mean high tide, everything beneath that is State property. All the waters edge is subject to the eb and flow of the tide. Back in the 60’s the area known as PC Isles was being developed. The developer dredged what is now the mouth to Bayou Mallini and deposited the spoils to create some of the Isles and where the entrance to Treasure Point is today. The POA received a summary judgement wining the lawsuit from Bay Point Properties, however the State is claiming the area where the gate is to TP. The POA hired a surveyor to determine the area affected. The POA has been working with the State to find a solution for over a year and one half they won’t recognize in a tidelands lease from the State to the POA our right of travel from the TP Road across the filled in area where the gate and fence are currently located. The State will not lease property to a private enterprise and recognize any other interest in the property. Henry tried to negotiate a tidelands lease where the State understands and agree that we have a right to travel to & from City property (TP road) over the filled in area on to TP. The State would not agree to these terms. Henry reviewed the survey with the Board showing the affected area. Henry noted that if the POA moves the gate and fence to the north off the area identified

as belonging to the State. The State in a judgement dismissing the lawsuit; the attorney for the State will agree the public including TR, it's owners and guests have a right to travel on the pavement from the mainland over the filled in area to the gate and fence and on to our property, TP. If the POA were to enter in to a tidelands lease with the State, the POA would be subject to all the State's terms regarding tidelands leases including increases and changes to the lease that might have an adverse effect (possible non-renewal to the lease) to the POA down the road. Henry noted that the State over time has changed its position regarding tideland areas. Henry recommended the POA move the gate and fence off the State's property to ensure its members have a right to travel over the area owned by the State. Henry noted there is case law where when a private owner's property is land locked, they have the right to travel over land they do not own for ingress/ egress purposes. Our right of ingress, egress is stronger if the POA does not enter int to a lease with the State. Cary asked if the POA could go back to By Point Properties for attorney's fees. Henry noted that only if the lawsuit was brought maliciously would we have right to request reimbursement. In this case Bay Point Properties was not aware of the factors determining ownership as reported in Mr. St. Paul's testimony. The board thanked Henry for his time and would let him know their decision.

Motion to move the fence and gate on to POA property according to the survey in return for the State, in a judgment recognizing the POA and its members right of travel to and from Treasure Point was made by Cary Trapani, second by Nancy Hardenstein and approved by all present and by proxy.

The board asked the staff to contact the surveyor to come back and stake the property boundary and begin receiving bids on the cost to move the gate and other affected components.

**Minutes -** Motion to approve the January minutes was made by Joey Niolet, second by Ronnie Sedlak and approved by all present and by proxy.

**Financials-** Ronnie reviewed the financials & treasurer's summary reports for February. He reviewed the balance in each of the checking, money market and 3 cd'. He also noted that our major expenses for the month are for the tennis court project, the replacement cameras and recorder from the lightning strike a well as the property taxes on POA property and insurance for the association. Ronnie pointed out that we one last installment on the tennis court project and expect to be reimbursed through our insurance coverage for the lightning strike.

We continue to earn approximately \$200+ a month in interest on the three certificates of deposit. To date we have earned \$1,700 and over the life of the 3 CD's we expect to earn \$5,300+/-.

A motion to approve the financials was made Cary Trapani, second by Kim Reinike and approved by all present and by proxy.

The Board ratified its unanimous vote by e-mail on January 29th to keep the 2019-2020 annual dues at \$280 per lot.

**Collections-** Terie reviewed collections for January.

Overall collection for current year's dues, YTD is at 85%, 2% higher for the same time frame last year; noting last year we collected 86% of the 2017-18 dues, yearend. We collected an additional \$1,500 in prior years dues, \$300 in finance charges and \$81 in court fees. No transfers occurred during January bringing our monthly average to 5.9 per month.

**COMMITTEE REPORTS:**

**Covenants** - Nancy Hardenstein reviewed the findings for the covenant's compliance committee noting the chickens are gone but the coop is still present on Fernwood property. Nancy noted the biggest concerns are the boat and trailer violations.

**Member Comments** - Member comments were reviewed and ranged from the PCI Diamonds requesting use of TP for the Easter Egg Hunt on April 7 to members contacting the office regarding CV letters.

**Architectural Review** - Cathy noted that the AR committee requested the board position on requiring city building permits as part of all submissions. The board reviewed the current policy for AR submissions whereas; members are informed that they have two sets of requirements to address with any project; the POA's covenants and the other being the City's rules. Whichever regulation is more restrictive takes president such as the setbacks. It was also noted that if there is a specific concern than we will ask for a copy, but not all the time. It was noted by the board that the City is responsible to monitor their permitting process. The consensus was to make no changes in the POA's process.

**Grounds & Maintenance** - Steven noted that the office was notified that sprinklers were consistently running at TR Blvd. In reviewing the issue, it was noted that there was a power outage and subsequently issues with the underground valves that regulate the sprinklers.

**City Update** - Joey noted that Victor will keep the POA posted when street paving is on the alderman's agenda.

**Security** - Steven noted he is working on bids for camera on Royal Oak by POA properties as well as two on Fairway by the golf course.

**Pool**- No report

**Treasure Point** - No Report

**Tennis Court** - United security has started to mount the SK-net equipment and gate latch and expects to be completed by the end of the week.

**Neighborhood Watch** - No Report

**PCI** - No report

**OLD BUSINESS:**

**Treasure Point- Secretary of State, Tidelands** - Noted above under 'guest- Henry Laird'

**POA Lots** - No activity.

**Community Involvement** - Cathy and Nancy reported on upcoming events. Cathy noted the TR Golf Cart Parade is this coming Saturday, February 16<sup>th</sup>. The TR Spring Clean-up Day on March 23<sup>rd</sup>. The Easter Egg Hunt is scheduled for April 7<sup>th</sup> at the Point.

**NEW BUSINESS:**

**Future Capital Improvements - No Action**

**Policy for RFP amount** - As a course of business Cathy asked the board to review what the dollar amount of a proposed project where multiple bids would be needed to move forward. It was noted that the threshold for capital improvements is \$2,500. A motion was made by Cary Trapani, second by Kim Reinike to have multiple (3) bids for all projects \$2,500 and above.

**Budget - 2019-2020** Ronnie and Cathy presented a proposed budget for the upcoming year noting that it is essentially the same as last year. Line item amounts were adjusted according to this year's expenses. A small increase was made to our social activity as the board is working closely with the PCI Diamonds to promote activities in TR as well as printing expense for the upcoming neighborhood directory. There remains a modest balance for capital improvement projects. A motion to approve was made by Cary, second by Nancy and approved by all present and by proxy.

**Stop Signs** – Cary presented a design for new stop signs that he saw in a subdivision in Picayune, MS and asked that the board to consider placing them throughout TR. Cary will follow up with more details.

There being no further business the meeting was adjourned at 7:15

Board Minutes respectively submitted by Terie Velardi, POA Staff.

**NEXT MEETING** – The next BOD meeting is scheduled for March 11, 2019 at 5:30 pm inside the PCIGC Banquet Room.