

Twin Harbors Property Owners Association, Inc.
Board of Directors Meeting
June 13, 2015

Directors Present:

Michael Farr, Paul Laverty, Amy Casey, Bill Belcher, Melvin Cassel, Russell Robertson, and B. Milton (Chip) Choate

Directors Absent:

Joseph Polizzi

Guests Present:

Linda and Ken Van Hook, Barbara Dickens, Don Uptegraph, Kyle Kelly, Pat Casey, Marty Newman, and Barry Pounds

Michael Farr, Vice-President, called the meeting to order at 9:00 AM.

Michael Farr asked the board to review the Minutes for the May 9, 2015 board meeting. Paul Laverty made a motion to approve the Minutes, the motion was seconded and approved.

Treasurer's Report:

Treasurer Paul Laverty, reported the cash bank balances as of end of May, 2015.

Account	Balance
THPOA - Regular Checking	\$56,809.08
THPOA - Special Assessment Checking	67,403.44
THPOA - Petty Cash	15.40
Total Available THPOA Cash Balance	\$118,227.92
Road Deposits	6,000.00
TOTAL BANK BALANCE	\$124,227.92

The board reviewed the balance sheet for May 31, 2015, the income statement and the statement of cash flow for the nine (9) months ending May 31, 2015.

Paul stated that the pool was receiving very heavy usage and we might expect to see expenses related to the pool to go up this summer.

Chip indicated that Laurie Schultz has requested the association purchase a supply of chlorine tablets, shock treatment, and testing strips for her to use, if necessary, on Friday night, prior to the weekends. Pat Casey said he will purchase the needed supplies at Costco for the association and will provide to the association within the next week.

Paul further stated that the pool is open at night and the lights under the pavillion are not fully operational. Paul is going to install new LED lights in the pavillion area and asked for contributions to help with the cost of the new lights. It was reported that the lights in the men's bathroom do not work properly. This will be checked.

Chip Choate made a motion to approve the Treasurer's Report, the motion was seconded and approved.

Open Forum:

Linda and Ken Van Hook appeared in Open Forum to discuss a June 6th complaint from the association which accused Linda and Ken of harboring ducks. Ken acknowledged that he had purchased ducks from a facility in Humble, Texas. These are mature ducks and they have been turned loose in the water. Ken and Linda have contacted the local game warden and have been assured that their purchase and turning loose of the ducks is not illegal. Ken indicated that he has observed that over the past several years, the population of ducks has been decreasing. His ducks are free and are not pinned up. The ducks are fed on a regular basis, along with other wildlife such as squirrels. Ken reported that he and Linda are not raising ducks, the ducks are not caged, and the ducks may go in the water or wherever they may want to go. Ken asked that the association reconsider the deed restriction violation given to him regarding the ducks.

Ken asked how many other complaints were issued on June 6th. Russell replied that three letters were outstanding. Ken revealed that his complaint was hand delivered by President Joseph Polizzi.

Ken indicated that the hand delivered complaint also mentioned weeds and debris in his lots. Ken wanted to know if a similar complaint was also issued to the owner of the lots next to his lots. The neighboring lots were full of weeds and debris. If the other property owner did not receive a complaint form, then he does not believe this is fair. Ken has no problem with cleaning up his lots, and has already taken the necessary steps to clean up his lots.

The association takes complaints from property owners and board members also patrol the streets to look for deed restrictions.

The hand delivered complaint also took issue with Ken's boat parked in his drive way. Ken acknowledged that the boat was there for six (6) days as a part was ordered and installed. The boat was returned to its stall as soon as the part was installed. Melvin Cassel stated that it was important for the association to investigate before sending out complaint letters alleging deed restriction violations.

Ken said his complaint stated that the hand delivered complaint letter stated that his boat was not 20 feet behind the property line. Ken asked Don Uptegraph if his trailer was 20 feet behind the property line and Don said that his trailer was not 20 feet behind the property line. Ken said that this was one of his complaints, he is being singled out and harrassed by the board due to the complaints issued by a former board member.

The next issue brought forth by Ken as stated in the hand delivered complaint was that Ken was guilty of bringing in top soil. When the complaint was hand delivered, Joseph Polizzi told Ken that Ken did not have a permit to bring in top soil. Paul interjected that it was the subject of heavy equipment being brought in and our roads were being destroyed by the heavy equipment. Ken said that the \$2,000 road deposit was for construction and was not necessary for filling in low spaces. Ken provided pictures of a board members home with a loads of gravel and mulch. Ken asked if the board member was required to put up a \$2,000 deposit or if the board member received a complaint for bring in these items without a permit.

The last item addressed by Ken was the water diverter or curb added to the cul-de-sac at the end of Lakefront Drive. Ken asked if this curb was paid for by the subdivision or by the property owner. Ken as assured by no funds, either for material or labor were paid for by the subdivision. Ken wanted to know if a permit was required to do this. Ken was advised to discuss this issue with Mr. Ronnie Vincent, Polk County, Precinct 2 Commissioner in as much as Lakefront Drive is a part of the county roads. Ken was provided with Ronnie Vincent's cell phone number.

Kyle Kelly questioned if the association was responsible for approving curbs to divert water flow for roads that had not been taken into the county road system. She was assured that the association would have addressed that question, if presented. The reason Kyle has addressed this question is that down the street from her, a property owner has blocked the flow of water of a culvert going under Lakefront Drive. By blocking up the culvert, water is being diverted to her property and is causing erosion to her property. Kyle's property is now on a county road and as such she was advised to contact Ronnie Vincent to advise him that the culvert has been blocked and request him to inspect the culvert and initiate the appropriate county action.

Pat Casey said that the association building permit application requires a \$2,000 deposit for construction, the permit does not mention that a deposit is required for bringing in dirt to level ground or to back fill a bulkhead. Pat asked how many of the

homes currently under construction have put the required deposit. The answer was all. Pat asked if a house on Whisperwood Drive that damaged the road was required to pay any funds for repairing the road, Yes, the property owner paid a little over \$800.00. Pat responded that if the association wants to require a deposit for bringing in a load of dirt, the permit needs to be changed.

It was recommended that the association publish the maximum yards of soil allowed in any one load. It was also recommended that guidelines be placed in the building permit for the maximum loads allowed for cement trucks. This will be added to the revised permit.

Pat Casey attended Open Forum to discuss association tractor issue. Pat asked how much time it takes to mow the right of ways with our tractor.

Barry responded that there are five (5) sections and it takes about five (5) hours for each section. Number of strips mowed depends on the tree line and the ability to get the tractor to the area that needs to be cut. It takes between one (1) to five (5) strips of mowing. Our current tractor has literally died and cannot be used as a measurement tool.

Pat commented that there are approximately seven (7) miles of roads in Twin Harbors and this would equal to a fourteen (14) mile path when considering both sides of the roads. If our tractor can mow straight line at the rate of three (3) to five (5) mph, or an average of four (4) mph and mow a strip five (5) feet wide then it would take only two (2) to three (3) hours to mow the subdivision. Pat contended that the association was not being charged correctly, he specifically said that the association was being overcharged for the mowing. Pat said that it was only necessary to mow once every two months. Pat said that we could rent a tractor for \$250 per day, and the entire subdivision could be mowed in one day. Pat further said that mowing the subdivision right of way was merely equal to mowing a pasture and the association is being overcharged by Barry and the association is spending way too much money to mow and we are mowing more often than is necessary.

Bill Belcher attended Open Forum to discuss a fence being built on a lot on Parkview Drive. Bill stated that he visited with the property owner and advised her that her fence could only come to the building line on her property. The house originally had a porch that was built to the side of the house and was coming toward the road. She had thought that she could build her fence to the edge of where the old porch once stood. She has asked her contractor to only build her fence to the front home building line.

Barbara Dickens asked if the meeting next week is planned to be a discussion and fact finding meeting, or will decisions be made regarding deed restrictions. Barbara was

assured that it was a meeting to obtain input from property owner and that no decisions would be made.

Marty Newman attended Open Forum to discuss the large four-wheelers with knobby tires that are damaging subdivision roads. Marty suggested that these large four-wheelers be banned from the roads of Twin Harbors. These machines are very loud and very disruptive. These machines are destroying the edges of the roads. Marty was advised that we will review this issue with county commissioner Ronnie Vincent.

Correspondence:

No correspondence was received in the month of May, 2015

Complaints:

Russell reported that one of the properties (located on Sunset) which received a clean up letter has almost cleaned the property. Work is still needed but progress is being shown. A small trailer now appears to hold plumbing material and supplies. Russell was advised that the trailer needs to be parked behind the eve of the house. A number of properties have no trespassing signs posted and Russell indicated he will pursue these signs in the next month.

Russell was advised to be cautious in visiting with property owners concerning deed restriction violations. If he does visit in person, make sure that another board member always accompanies him. A letter is normally best, because a letter will establish a paper trail and will provide documentation in the event it is necessary to proceed with legal action.

A board member will take pictures for deed restriction violations from the street and will not go on property.

Building Permits:

Amy Casey reported that no Application Building Permits were received in the month of May, 2015.

Pool Report:

Bill Belcher reported no negative issues to report. New life support rings have been donated and hung, Also two lounge chairs have been donated and are now installed in the swimming pool area. The only major problem is trash being left during the evening hours.

Other Business:

Chip Choate reported that four property owners have registered as candidates for the October election. These candidates are Cliff Budd, Chip Choate, Paul Laverty, and Ken Van Hook. Other property owners are encouraged to register as a candidate.

It was at this point that Pat Casey officially registered as a board member candidate.

It was explained that the board will send to all property owners, ballots which list the candidates. The ballot will be mailed to property owners with the September billing statement and the August 2015 Winds. In addition, each board member candidate will be allowed to prepare a short biographical sketch that will be included with the ballot. The ballots will be returned to a special Twin Harbors mail box and the ballots will be counted by independent vote tabulators.

On Saturday, June 20, 2015, at 10:00 AM, at the Twin Harbors Clubhouse, the board will hold a special workshop meeting strictly related to discussing the addition, deletion, or modification of existing deed restrictions. No decisions will be made, rather the meeting will be merely to gather input from property owners.

Michael Farr reports that the tractor owned by the association has literally died. The gear casing is cracked and is leaking hydraulic fluid into the gear box and is generating such heat this is dangerous for anyone to drive the tractor. There is a huge danger of fire or explosion from the leaking hydraulic fluid.

Barry reported that he cleaned the gear box and the hydraulic fluid pours out. Two gallons of hydraulic fluid were necessary to cut the ball field. The tractor has now been parked and will not be operated unless all issues are fully repaired.

The initial estimate is \$4,000 to replace the existing gear box. There is the possibility of re-welding; however, when you begin to weld on cast iron, the chances of success are fairly limited.

Pat Casey said that the association can rent a Kubota 65 hp tractor for \$250 per day and sell our existing tractor. Pat said that our tractor (which has 1,600 hours) could sell for \$8,000 and we could use the money to buy a bat wing cutter. Our current cutter is five (5) feet and we need a larger cutter to save time when cutting. Barry said that the tractor dealer said the most we could hope to get for our tractor was \$3,000 and the tractor had to be in top running condition.

Bill Belcher brought up the need for the tractor to be used for clearing the boat ramp water area of logs and junk so that boat owners could launch their boats. Pat countered that it is not the responsibility of the association to clean the boat ramp of logs and wood

so a boat owner could launch his boat. Bill Belcher said it was his opinion that it was the responsibility of the association to keep all facets of the subdivision clean and safe, including the boat ramp.

Barry will obtain a bid to have the tractor's gear box welded. If the price is thought to be reasonable by Michael Farr, the tractor will be repaired.

Michael Farr was requested to search the tractor dealers and find the best deal for a tractor and related equipment.

Paul initiated a discussion to approve the buildings of carports and porte-cocheres in Sections 2 through Section 5. Currently the deed restrictions for Section 1, specifically allow the building of carports. The deed restrictions for Section 2 through Section 5 make no mention of carports. There are at least four (4) property owners that now want to build carports in Section 2 through Section 5.

In 1987 the Texas Supreme Court ruled that where deed restrictions are ambiguous or silent, that boards should rule in favor what is called "free use of the land". In other words if the deed restrictions are ambiguous or silent, the board should rule in favor of the land owner. In Twin Harbors all requests for carports or porte-cocheres will be submitted to and approved by the Architectural Committee.

Pat Casey countered that in order to have carports in Section 2 through Section 5, the deed restrictions must clearly authorize the building of carports and the deed restrictions for Section 1 authorize the building of carports. Pat Casey said that he would sue the board if the board authorizes the building of any carports because the board is charged with the responsibility of enforcing the deed restrictions and in his opinion you cannot build a carport in Section 2 through Section 5.

Russell said we should delay any action until we have had an opportunity to change the deed restrictions. The issue was delayed.

Michael Farr made the following announcements:

The next board meeting is scheduled for Saturday, July 11, 2015.

The City of Onalaska will hold its 43rd Annual Fireworks Show and 4th Annual Kids Fishing Tournament at Pontoon's Marina on Saturday, July 4th.

5:00 PM Friday, August 7, 2015 is the last day to file to become a candidate for the Twin Harbors board in the election being held Saturday, October 17, 2015. Property owners interested in filing as a candidate must provide their name to Chip Choate, Secretary, 281-685-3920 or mchoate@z-bizfirst.com.

Twin Harbors will hold its Annual Meeting at 10:00 AM on Saturday, October 17, 2015.

Paul Lavery made a motion to adjourn. The motion was seconded and approved. The meeting was adjourned at 10:48 AM.

Respectfully submitted,

B. Milton (Chip) Choate
Secretary