

**TernBay Homeowners Association
545 Pinellas Bayway
Tierra Verde Fla, 33715**

The September 15, 2009 monthly board meeting convened at the Mercantile Bank on Pinellas Bayway at 7:00pm. Ruud Hartog opened the meeting at 8:01 with roll-call:

Board members present were:

- Ruud Hartog – President
- Ann Lewis - Treasurer
- Tom Torgersen – Vice President
- Brian Carroll - Secretary
- Steve Burger - Board member at Large

Ruud Hartog presented the agenda for the meeting tonight

Review and approval of July Minutes Brian had previously distributed the July meeting minutes. Some corrections were suggested by Ruud Hartog, and incorporated by Brian. The July meeting minutes were approved.

Pool Deck Improvements. Ruud Hartog provided a quick review of the pool deck improvement status. Current activities concern finding a good source for the Tiki huts. The previously mentioned source (Victorias Pottery) seems to have closed up shop, and their number has been disconnected. Members of the Architectural Committee will pursue adequate sources. There was a discussion on whether the Tiki hut posts should be set before the new concrete was poured. Gary Johnson recommended sleeves in the concrete so the posts could be easily replaced later.

Windstrom Insurance Status: Ruud Hartog stated that the additional funds required by Citizens by 12 September were paid to ensure we would not default on our premiums during the heights of the storm season. However in early September we forwarded an updated report from our reconstruction appraisal company GAB Robins that should answer the issue with Citizens. If however we turn out to be unsuccessful in reversing the additional \$12,500 in premium, we will need to have a small assessment next year in addition to raising the monthly maintenance fee for 2010.

Unit 201 status: At the urging of Bruce Bettencourt (102) Ruud presented a review of Unit #201 status. He also presented Bruce with a package of correspondence with our lawyers and 201 listing and closing agencies, regarding 201 delinquency for his review. Ruud had spoken to our attorneys (Zacur, Graham and Costis) this afternoon and Mr. Zacur assured us that the Association was in the pay-off line-up when the unit closes in a short sale in the immediate future. Bruce stated his concern that there was no way of

knowing whether we would actually get paid back based on how many other agencies were claiming against the property. Ruud stated that the Association was initially surprised by the Unit 201 foreclosure since the owners continued to pay their maintenance fees for several months after they went delinquent on their mortgage. At that point we were advised that a lien on our part would have no effect. Since then unit 201 has ping-ponged in and out of foreclosure 3 times. Ruud conceded that Bruce had a good point, and that he would pursue the unit 201 issue aggressively now that a short sale was likely.

Architectural Committee (AC). Mary Jo Downey, the chairwoman of the AC read the minutes of the two AC committee meetings held, the last one yesterday 14 September. That meeting was initially called by the President of the HOA to explain and correct what he had initially instructed the AC committee they could and could not do, The AC does in fact have the primary responsibility of receiving homeowner requests for approval of architectural issues, and to recommend architectural guidelines to the Board. The Board may then approve or modify the AC recommendations as necessary. Since 3 of the 4 AC committee members were present (it is rumored that Lisa Johnson has resigned as a member), they proceeded to have their second meeting. Per our bylaws the president of the Association is an ex-officio member (non-voting) of the AC.

The Board meeting became contentious at this point. Although there were several back and forth discussions/allegations covering basically the same issue, the following summary attempts to reconstruct.

The AC's recommendation was that the owners of building 1 were allowed to have a stepping stone area not exceeding four by seven tiles, 16"x16" each. Although there was a mixup on the equivalent size in inches, this was the recommendation. Two building 1 owners in the audience as well as one board member (also a waterfront unit owner) objected that a 4 x 8 tile area was approved during the last meeting by board vote. Steven Burger, who presided over the 25 August meeting disagreed. He stated that a decision was made not to tell the two owners (104, 105) to remove their stepping stones area for the time being, and that any attempts by any lot owner in the future to infringe on or alter the common area without prior permission would be met by an order to restore the common area to its previous condition immediately. There was admittedly some confusion in describing the approved stepping stones, a conflict between the description in inches, and in terms of rows of 16" stepping stones. It was determined that the AC meant to approve the 4 x 7 16" stone matrix.

Accusations went back and forth several times involving basically the same thing. The AC also recommended that ends of all the stepping stone areas needed to line up. Since the units are staggered, that would severely impact units 101, 102, 103, 107, 108, and 109 and would make their areas (if they were at a later time requested) significantly smaller than 104, 105, and 106.

Ruud proposed a motion that this requirement (the edges of the ends of the stepping stone areas must align) of the AC be deleted. Ann seconded that, but at this point the meeting had degenerated into a shouting match and no vote was taken or recorded.

Brian Carroll stated that in order to tape tonight's meeting he had accidentally erased the recording of August's meeting. There was at this point endless iteration on differences on what the Board had previously approved, and no reasonable opportunity to conduct the balance of the meeting in an orderly fashion. Ruud proposed that this meeting be adjourned, and Ann Lewis seconded.

There was no further Business and the meeting was adjourned at 8:20 pm

Respectfully submitted
Brian Carroll secretary TBHOA