

Members of the Board of Directors:

Bob White – President
Tom Petrillo – Vice President
John Painter – Secretary/Treasurer
Cheryl Restagno
Stephen LaRocca
Darrell Lopez
Eric Basilo
Vivian (“Viv”) Guerra
Joe Fitzgerald

Property Manager

Dennis Kapsis – Sentry Management

Architectural Review Committee

Cheryl Restagno - Chair
Siri Goberdhan – Vice Chair
Vivian (“Viv”) Guerra
Joe Fitzgerald
Linda Dhennin

Community Appearance Committee

Siri Goberdhan - Chair
Cheryl Restagno – Vice Chair
Joe Fitzgerald

Community Outreach Committee

Eric Basilo – Chair
Tom Petrillo - Vice Chair

Twin Rivers Homeowners Association Inc.

**Monthly Board Meeting
Instructions to Join
and Agenda**

Thursday September 9, 2021

6:30 pm

Virtual Meeting via WebEx

Page 1 of 4

Because of the COVID-19 Issue, until further notice, all HOA Board meetings will be held electronically. The public will have access to all electronic HOA Board meetings as explained below.

You are invited to join the meeting using either a computer or phone per the following instructions.

1. Option to Join using a Computer (Preferred because we may be sharing files you will want to view)

Please ensure your speakers are turned on but your mic is muted until you are recognized to speak.

Join by clicking the following link or copying and pasting the link into the browser on your computer.

<https://johnfpainter.my.webex.com/johnfpainter.my/j.php?MTID=m71d4e08e33bd618804f4faad360f1e89>

When you activate the link, your browser should open, you will see an option to [Join from your browser](#)

Click on that link and you will be asked to enter your name and email address (needed to identify you), and then click a button labeled “Join Meeting”. You also will have the option to download an app.

If you join using your browser, no software will be installed on your computer. The entire meeting will occur within your browser. For the best experience, please join using either Firefox or Chrome browsers updated to the latest version. Other browsers also will work if you do not already have one of those preferred browsers on your computer.

To be recognized to speak, prior to the meeting, please send an email to: Board@TwinRiversHOA.com to let me know you would like to be recognized. Please put Request to Speak in the subject line. When you hear your name called, un-mute your mic and you will have the floor. When done speaking, please mute your mic again.

Keeping your mic muted when you are not speaking will prevent background noise from your location disrupting the ability of other participants hear.

Also, please be sure your speakers are adjusted to a mid-range volume setting. If speakers are set to a max or high-range volume setting, your speakers will cause a squealing feedback thru your mic when it is not muted.

2. Option to Join by phone or video system

Join by phone: 1-415-655-0001 US Toll, Meeting number (access code): **2557 283 0786**

Join by video system, application, or Skype for business – Dial [25572830786@webex.com](tel:25572830786) or dial 173.243.2.68 and enter your meeting number.

Meeting password: **2021-09 (2021009 from phones and video systems)**

See next Page(s) for the Meeting Agenda.

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1. **Call to Order**
2. **Proposed Agenda Modifications if Any**
3. **Voice of the Members**

HOA members are encouraged to make comments or raise issues of concern during this portion of the meeting. Speakers will be encouraged to be to the point and respectful. The time taken by Speakers may be limited by a motion duly passed by the Board. Comments of HOA Members may be allowed during other parts of the Meeting upon concurrence of the President and/or the Board Member(s) speaking.

4. Discussion Topics

a. November Election

- i. The City of Oviedo, Florida will hold a General Election on Tuesday, November 2, 2021. Seats up for election in 2021 include
 1. Mayor -- Abraham Lopez; Kevin Hipes, and Megan Sladek
 2. Council Member, Group I – Judith Dolores Smith, Natalie Teuchert
- ii. In the past, the HOA Board has cancelled its October Board meeting and instead hosted a Meet the Candidates event during that time slot.
- iii. This will be a discussion of whether the Board would like to do so again this year.

b. Further Updates to Website

- i. This will be a briefing on the newest changes. Please see <https://twinrivershoa.com/>
- ii. Planned changes to come will also be discussed.

c. Neighbor Committee Concept (Viv)

d. COVID-19 Policy

- i. At the July Meeting, the Board passed the following motions:
 1. Meetings remain as Virtual thru at least 10/1.
 2. Defer new collections action on accounts under \$400 thru at least 10/1. Reach out to higher balance accounts now.
 3. Return to [rules] enforcement as usual effective 9/1.
- ii. The Board’s COVID-19 policy needs further discussion.

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e. Community Garage Sale

- i. I have received at least three inquiries as to whether the HOA will be organizing a community wide garage sale this Fall.
- ii. Should we? Volunteers?

f. Resolution regarding the ARC

- i. See the attached document titled “ARC Authorization Resolution.”
- ii. This will be a discussion of the Resolution.

g. Resolution regarding the Community Appearance Committee

- i. Deferred to next meeting

h. Rules Changes/Fining Committee Update

- i. This will be an update based in part on discussions with Attorney Scott Clark.

i. Community Appearance and Enforcement Issues

- i. Magnolia Tree Damaging the Wall (Ekana and Lockwood)
- ii. Clarity of Violation Letters
- iii. Collection efforts
- iv. Silcox Matter – Update
- v. Payment Plan Requests (If any)
- vi. Other Matters from Management Report
- vii. Other

5. Minutes from Prior Meetings

- a. August 2021 – See attached draft

6. Reports

- a. President’s Report
- b. Treasurer’s Report
- c. ARC Report
- d. Community Appearance Committee Report

Members of the Board of Directors:

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- e. Property Manager’s Report
- f. Other Reports as Appropriate - Special Project Management, Communications, Nominating, Community Outreach, Budget and Finance, Community Activities

7. Closed Session, if needed

8. Adjournment

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**DRAFT 1 - Resolution 2021-01
Authorization of the ARC**

Whereas, Section 10.1 of the Declaration of Covenants provides:

... no improvement or structure of any kind, including, without limitation, any building, wall, fence, swimming pool, tennis court, or screen enclosure, shall be erected, placed or maintained on any portion of The Properties; no landscaping or planting shall be commenced or maintained upon any portion of The Properties and no addition, alteration, painting, modification or change to any such improvement, structure, landscaping or planting shall be made without the prior written approval of the Board.

Whereas, Section 10.2 of the Declaration of Covenants provides:

... The Board shall evaluate all plans and specifications utilizing standards of the highest level as to the aesthetics, materials and workmanship and as to suitability and harmony of location, structures and external design in relation to surrounding topography, structures and landscaping. The Board shall not be responsible for reviewing, nor shall its approval of design from the standpoint of structural safety or conformance with building codes.

Whereas, Section 10.4 of the Declaration of Covenants provides:

The Board shall promulgate such further rules, regulations, criteria and standards as it deems necessary and shall adopt a schedule of reasonable fees for the processing of applications to the Board.

Whereas, Section 17 of the HOA’s Rules and Regulations (6th Amendment) provides:

All additions and changes to external structures and landscaping on any Lot must be pre- approved and completed in accordance with:

- a. the plans, specifications and timetable submitted by the member/homeowner and approved by the Board; and in compliance with these Rules and Regulations,*
- b. after submitting application for approval, the member/homeowner has 60 days to complete the approved project from the date stated in said approval. If the project is not completed within that time period, the member must re-submit for approval again, which may be denied.*
- c. prior submissions of applications approved before these rule changes that have not been completed, are not exempt and the owner or occupant must re-apply if requested changes have not been completed and more than 60 days has lapsed.*

Whereas, Section 10.5 of the Declaration of Covenants provides:

By resolution the Board may assign and delegate all or any portion of its duties and responsibilities under this Article X to an architectural committee appointed by the Board for such period of time as the Board shall provide for in such Resolution.

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**DRAFT 1 - Resolution 2021-01
Authorization of the ARC**

Page 2 of 4

The HOA Board of Directors does hereby resolve and direct as follows:

1. The Members of the Architectural Review Committee (“ARC”) shall be:
 - Cheryl Restagno - Chair
 - Siri Goberdhan – Vice Chair
 - Vivian (“Viv”) Guerra
 - Joe Fitzgerald
 - Linda Dhennin
 - Dennis Kapsis – Sentry Management Property Manager
2. The Membership of the ARC Committee shall be modified only by further action of the HOA Board of Directors.
3. Cheryl Restagno shall serve as Chair of the Committee.
4. The Chair shall organize and direct the actions of the ARC and shall finalize and document decisions regarding Applications submitted by HOA Members for approval of modifications to their homes and property. The Chair shall notify the Board of any disapproval decision at the Board’s next scheduled meeting. The Chair shall provide a summary of actions taken during the prior month regarding Applications.
5. Siri Goberdham shall serve as Vice Chair.
6. The Vice Chair shall fulfill the duties of the Committee Chair should the Chair be absent or unavailable.
7. Dennis Kapsis shall serve on the Committee, without the requirement to attend Committee Meetings, as Property Manager for our HOA on behalf of Sentry Management.
8. Should the Chair and Vice Chair not be absent or available, the Property Manager shall fulfil the duties of the Chair temporarily or until the Board appoints successors.
9. Based on decisions of the Committee and direction of the Chair, the Property Manager shall provide written responses to HOA Members indicating whether their proposed property modifications are approved or rejected. Any notice of rejection shall clearly state the reasons for rejection.
10. Upon receipt of an Application for approval of a change from an HOA Member, the ARC shall consider whether to approve or disapprove the proposed modification in a manner consistent with the following directives of the HOA Board.

Members of the Board of Directors:

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Twin Rivers Homeowners Association Inc.

**DRAFT 1 - Resolution 2021-01
Authorization of the ARC**

- a. The ARC shall evaluate all plans and specifications utilizing standards of the highest level as to the aesthetics, materials, and workmanship and as to suitability and harmony of location, structures, and external design in relation to surrounding topography, structures, and landscaping.
- b. The ARC shall NOT be responsible for reviewing, nor shall it consider, any design from the standpoint of structural safety or conformance with building codes.
- c. The ARC shall endeavor to make the application and approval process prompt, convenient, and pleasant for the HOA Member.
- d. The ARC shall consider whether the proposed modification is consistent with the portions of the HOA’s Rules and Regulations that apply to the appearance of HOA Members’ property, including fences, roofs, exterior of homes, sheds, garbage container storage, and landscaping. The applicable portions of the Rules and Regulations are summarized on Attachment A. (Should there be a conflict between Attachment A and the official Rules and Regulations document, the Rules and Regulations shall control.)
- e. The ARC shall also consider whether the proposed modification is consistent with Architectural Standards which have been specifically approved by the HOA Board. The approved applicable standards are listed on Attachment B.

11. The ARC shall make available to any HOA Member this Resolution and each document that sets forth Architectural Standards. (These documents also normally will be accessible through the HOA’s website.)

This Resolution shall remain in full force and effect until rescinded, superseded, or modified by further action of the HOA Board of Directors.

Approved this ____ day of _____, 2021 by majority vote to the Twin Rivers HOA Board of Directors, Oviedo, FL.

Attested:

Members of the Board of Directors:

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Committee**

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Twin Rivers Homeowners Association Inc.

**DRAFT 1 - Resolution 2021-01
Authorization of the ARC**

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John F. Painter

Secretary/Treasurer

Twin Rivers HOA Board of Directors

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Twin Rivers Homeowners Association Inc.

Monthly HOA Board Meeting

Minutes

**Meeting of
Thursday August 12, 2021**

Meeting Record

- Meeting was called to order by Bob White at 6:32 pm.
- Board Members present were as noted below under “Motions.”
- A quorum was present throughout the meeting.
- Dennis Kapsis, Property Manager, with Sentry Management was in attendance.
- HOA Members in Attendance – approx. 6
- Meeting was held electronically due to COVID-19 using WebEx.
- Links to the meeting were distributed via email to all HOA Members on the mailing list.
- Meeting was adjourned by Bob White at approximately 8:39 pm.

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Minutes

**Meeting of
Thursday August 12, 2021**

Agenda

- 1. Call to Order**
- 2. Proposed Agenda Modifications if Any**
- 3. Voice of the Members**

HOA members are encouraged to make comments or raise issues of concern during this portion of the meeting. Speakers will be encouraged to be to the point and respectful. The time taken by Speakers may be limited by a motion duly passed by the Board. Comments of HOA Members may be allowed during other parts of the Meeting upon concurrence of the President and/or the Board Member(s) speaking.

4. Discussion Topics

a. Updated Website

- i. This will be a briefing on the changes with a few questions on which input will be requested. Please see <https://twinrivershoa.com/>

b. ARC forms/standards

- i. See the attached document titled “HOA Document Pertaining to Architectural Control” (Attachment 1)
- ii. See the attached revised ARC Application Form which has been upload to our website. (Attachment 2)

c. Rules Changes/Fining Committee Update

- i. This is intended to be an update based on discussions with Attorney Scott Clark (See Attachment 3)

d. Community Appearance and Enforcement Issues

- i. Magnolia Tree Damaging the Wall (Ekana and Lockwood)
- ii. Collection efforts
- iii. Silcox Matter – Update
- iv. Payment Plan Requests (If any)
- v. Other Matters from Management Report

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Thursday August 12, 2021**

vi. Other

5. Minutes from Prior Meetings

a. July 2021 – See attached draft

6. Reports

- a. President’s Report
- b. Treasurer’s Report
- c. ARC Report
- d. Community Appearance Committee Report
- e. Property Manager’s Report
- f. Other Reports as Appropriate - Special Project Management, Communications, Nominating, Community Outreach, Budget and Finance, Community Activities

7. Closed Session, if needed

8. Adjournment

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Monthly HOA Board Meeting

Minutes

**Meeting of
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Motions/Actions/Discussion

#	Motion Title	Motion		Vote								
		By	Second	Bob	Cheryl	Darrell	John	Tom	Stephen	Eric	Vivian	Joe
				B	C	D	JP	T	S	E	V	JF
	Board Members Present?			Y	Y	Y	Y	Y	NA	Y	Y	Y
1	July minutes approved as Submitted	T	E	Y	Y	Y	Y	Y	NA	Y	Y	Y

Key to voting notes: Y=Yes, N=No, A=Abstain, NA=Not Present

Respectfully Submitted,



John F. Painter
 HOA Board Secretary and Treasurer

Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Twin Rivers Development (“Covenants” or “Deed Restrictions”)

(Note: Each Homeowner’s Property Deed Provides for Homeowners to Comply with the Covenants)

ARTICLE X - ARCHITECTURAL CONTROL

In order to preserve the values and appearance of Twin Rivers, the following restrictions upon The Properties are hereby established:

(Note, “The Properties” the real properties and additions thereto to which the Declaration of Covenants apply, which include the lots and homes through the Twin Rivers community.)

Section 10.1 - Requirement of Board Approval.

... no improvement or structure of any kind, including, without limitation, any building, wall, fence, swimming pool, tennis court, or screen enclosure, shall be erected, placed or maintained on any portion of The Properties; no landscaping or planting shall be commenced or maintained upon any portion of The Properties and no addition, alteration, painting, modification or change to any such improvement, structure, landscaping or planting shall be made without the prior written approval of the Board.

Section 10.2 - Method of Obtaining Board Approval

In order to obtain the approval of the Board, two (2) complete sets of plans and specifications for proposed construction and landscaping shall be submitted to the Board for its review. Such plans and specifications shall include, as appropriate, the proposed location, grade, elevations, shape, dimensions, exterior color plans, approximate costs, and nature, type and color of materials to be used. The Board may also require the submission of additional information and materials as may be reasonably necessary for the Board to evaluate the proposed construction, landscaping or alteration. The Board shall evaluate all plans and specifications utilizing standards of the highest level as to the aesthetics, materials and workmanship and as to suitability and harmony of location, structures and external design in relation to surrounding topography, structures and landscaping. The Board shall not be responsible for reviewing, nor shall its approval of design from the standpoint of structural safety or conformance with building codes.

Section 10.3 – Approval or Disapproval of the Board.

The Board shall have the right to refuse to approve any proposed plans or specifications which, in its sole Discretion are not suitable or desirable. Any and all approvals or disapprovals of the Board shall be in writing and shall be sent to the Board and the respective Lot Owner or Unit Owner, as applicable. In the event the Board fails to approve or to disapprove in writing any proposed plans and specifications within thirty (30) days after submissions to the Board of such plans and specifications and any and all other reasonably requested information and materials related thereto, then said plans and specifications shall be deemed to have been approved by the Board and the appropriate written approval delivered forthwith.

Section 10.4 – Board to Adopt Rules and Regulations.

The Board shall promulgate such further rules, regulations, criteria and standards as it deems necessary and shall adopt a schedule of reasonable fees for the processing of applications to the Board.

Section 10.5 - Appointment of Architectural Committee.

By resolution the Board may assign and delegate all or any portion of its duties and responsibilities under this Article X to an architectural committee appointed by the Board for such period of time as the Board shall provide for in such Resolution.

Rules and Regulations

17. All additions and changes to external structures and landscaping on any Lot must be pre- approved and completed in accordance with:
 - a. the plans, specifications and timetable submitted by the member/homeowner and approved by the Board; and in compliance with these Rules and Regulations,
 - b. after submitting application for approval, the member/homeowner has 60 days to complete the approved project from the date stated in said approval. If the project is not completed within that time period, the member must re-submit for approval again, which may be denied.
 - c. prior submissions of applications approved before these rule changes that have not been completed, are not exempt and the owner or occupant must re-apply if requested changes have not been completed and more than 60 days has lapsed.

The Rules also provide standards for the appearance of HOA Members' property, including fences, roofs, exterior of homes, sheds, garbage container storage, and landscaping.



TWIN RIVERS HOMEOWNERS ASSOCIATION
C/O SENTRY MANAGEMENT INC. (SMI)
2180 West State Road 434, Suite 5000
Longwood, Florida 32779

ARC No. _____

REQUEST FOR APPROVAL FOR ARCHITECTURAL MODIFICATION

PLEASE SUBMIT REQUEST TO: arc@twinrivershoa.com

INSTRUCTIONS: In order to process this application, please provide the following items by Email, to the email address listed above, prior to the scheduled commencement of any work.

1. This completed application; and
2. A description and specification of the proposed modification sufficient to allow the HOA to determine compliance with applicable covenants, rules, and standards pertaining to the appearance of the HOA Member's home and property. (Please include, as appropriate, the proposed location, grade, elevations, shape, dimensions, exterior color plans, approximate costs, and nature, type, and color of materials to be used.) Please note the ARC may also require the submission of additional information and materials as may be reasonably necessary in the HOA's sole judgment for the HOA to evaluate the proposed construction, landscaping, or alteration.

To: Board of Directors and/or Architectural Review Board

From: Owner(s)

Name _____ Signature _____

Property Address: _____

Phone: _____ Email: _____

I/We hereby request to make the following modification, alteration or addition as described below -Check all that Apply:

- Painting Roof Doors & Windows Other Landscape Driveway Solar
 Irrigation Pool Screen Enclosures Fence & Gate Pavers Gutters Patio /Deck
 House Addition Trees new or removal Shed Shrubs/ground scape Play gym/Pergola

Description (Attach additional pages if necessary):

Contractor Information: (If being done by the Owner, please indicate: BY OWNER (Leave this blank – Sign as Owner)

Company Name: _____

Company Address: _____

Contact person _____

Phone: _____ Email: _____



**TWIN RIVERS HOMEOWNERS ASSOCIATION
C/O SENTRY MANAGEMENT INC. (SMI)
2180 West State Road 434, Suite 5000
Longwood, Florida 32779**

By submitting this Application, Applicant's agree to the following terms and conditions:

1. The Covenants (also known as Deed Restrictions) applicable to your property provide "[t]he Board shall have the right to refuse to approve any proposed plans or specifications which, in its sole Discretion are not suitable or desirable. Any and all approvals or disapprovals of the Board shall be in writing and shall be sent to the Board and the respective Lot Owner or Unit Owner, as applicable. In the event the Board fails to approve or to disapprove in writing any proposed plans and specifications within thirty (30) days after submissions to the Board of such plans and specifications and any and all other reasonably requested information and materials related thereto, then said plans and specifications shall be deemed to have been approved by the Board and the appropriate written approval delivered forthwith."
2. The HOA Board of Directors has delegated to the Architectural Review Committee ("ARC") substantial authority to approve or disapprove Applications for modifications to HOA Member's property. The ARC will attempt to act on your Application as quickly as possible considering all ARC Members are volunteers and the ARC typically processes 20 to 40 applications per month on average.
3. Applicant and Applicant's contractors are responsible for ensuring modifications to Applicant's property are done in a safe and workmanlike manner and in accordance with all state, county, and local ordinances, regulations, and laws.
4. The Covenants (also known as Deed Restrictions) you agreed to in purchasing your property provide "the [HOA] shall evaluate all plans and specifications utilizing standards of the highest level as to the aesthetics, materials and workmanship and as to suitability and harmony of location, structures, and external design in relation to surrounding topography, structures and landscaping. The Board shall not be responsible for reviewing, nor shall its approval of design from the standpoint of structural safety or conformance with building codes." The HOA's review process is intended to be consistent with those provisions of the Covenants.
5. All additions and changes to external structures and landscaping on any Lot must be pre-approved and completed in accordance with the plans and specifications and timetable submitted by the Applicant and approved by the Board, and in compliance with the HOA's Rules and Regulations.
6. The HOA assumes no liability for injury or other damages to any person, company, or property that may result directly or indirectly from the HOA Member's property modification. The Applicant shall indemnify the HOA against any claims from third parties pertaining to the Applicant's improvement.
7. Applicant agrees to abide with the Association's authorized days and approved hours for construction and modification as listed on the HOA's Rules and Regulations, which require that noise resulting from construction work, installation work, repair work, and other types of professional services may only occur:
 - a. from 8:00 am to 7:00 pm, Monday thru Saturday;
 - b. at such other time(s) as approved by the Board; or
 - c. at such other times as are necessary to deal with an emergency.
8. Applicant agrees either to not impact adjacent property or proceed in accordance with a written agreement to access adjacent property in the course of completing the modification.



TWIN RIVERS HOMEOWNERS ASSOCIATION
C/O SENTRY MANAGEMENT INC. (SMI)
2180 West State Road 434, Suite 5000
Longwood, Florida 32779

- 9. Applicant agrees to abide by any reasonable Board/ARC requests impacting safety of a site visit, such as a requirement to use face masks due to ongoing pandemic health issues.

Signature of Owner(s) _____ Date: _____

For Board of Directors and/or Architectural Review Committee Use Only:

Date Application Received: _____ Date of Disposition: _____

Approval Granted: Approval Denied:

Subject to additional terms or requirements as noted below and / or attached (Check if Applicable)

Explanation/Description of ARC Approval:

Board of Directors or ARC Chairman

Signature _____ Date _____

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1. Fining Process – Purpose and Objectives

- a. To provide an additional tool to compel compliance with regard to:
 - i. Extreme offenses that significantly detract from the neighborhood and the rights of surrounding neighbors to enjoy their property
 - ii. Safety or security matters
- b. Objectives
 - i. Fines should be used to address only the most serious compliance issues.
 - ii. Fines and processes must comply with HOA Documents and State law. Establishing the correct approach will require obtaining advice of counsel.
 - iii. Any fining program should be viewed as a fair and helpful approach by the Board, most HOA Members, and Sentry Management. If not, we do not have the right balance.

2. Potential Fining Process

- a. Complaint with a reasonably detailed listing of the facts provided to the Board from one of the following entities:
 - i. Board member;
 - ii. Committee of the Board; or
 - iii. Sentry Management.

Note: Investigation by one of the above may start with a complaint from an HOA Member.

- b. Notice to HOA Member/Hearing (Section 8.3 of Covenants and Section 720.305(2) of FL Statutes)
 - i. Description of the issue provided to HOA Member
 - ii. At least 6 days' notice of date and time of a special meeting of the Board (could be on Board meeting night) during which Owner can present reasons why penalties should not be imposed. (Section 8.3.(a) of Covenants)
 - iii. Board would then refer the matter to a Fining Committee to either confirm or reject the fine.
 - iv. FL Statute paragraph 720.305(2)(b) requires 14 days' notice to owner and occupant, if applicable, and an opportunity for a hearing before a Fining Committee consisting of at least 3 HOA Members not related to any Board member or Sentry.
 - v. The Fining Committee's role is to either accept or reject the decision of the Board to impose a fine. The Committee does not itself determine to impose a fine. The Committee is like an appeal process that occurs prior to the fine being finally levied.
 - vi. If a fine is imposed, the process could provide a clear path for the fine to be waived or forgiven if the matter is corrected within a reasonable time although this is not required.
- c. Fine amounts
 - i. Covenants (Section 8.3(c))
 - 1. All fines are special assessments.

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2. Amounts not in excess of \$100 for first violation, \$500 for second, \$1,000 for third violation or violations of a continuing nature
- ii. State Statute (Paragraph 720.305(2))
 1. A fine of less than \$1,000 may not become a lien against a parcel.
 2. Amounts not in excess of \$100 per violation.
 3. Fine can be for each day of a continuing violation but cannot in aggregate exceed \$1,000.

3. Violations for which Fines May be Appropriate

- a. Violations of Multiple Rules that Together Constitute “Extreme” Property Neglect
 - i. Multiple property condition-related violations that together cause the property to represent an eyesore or a nuisance to neighbors (e.g., a yard so neglected it has become a breeding ground for rats and other vermin).
 - ii. Situation should be “bad” enough for the property to be ranked among the worst 2% to 4% in the community (approximately, the worst 25 to 50 homes in the community)

(For discussion: Some Board members feel that fines could and should apply to less severe property neglect than described above. Perhaps we should start with the most severe and then lower the threshold of neglect to which fines will apply later.)
 - iii. Any HOA Member that would violate multiple property appearance rules would be subject to a fine of \$10 per day until all matters were addressed. After 100 days, the level of the fine would reach \$1,000 causing the status of the fine to become an assessment that could result in the HOA placing a lien against the property.
- b. Violation of HOA Rules Pertaining to or Limiting Property Rentals
 - i. Rental-related Rules that if Violated could Result in a Fine
 1. Renting single rooms – Boardinghouse violation – or otherwise violating current rental related rules (e.g., Renting to more than two persons, entering a lease of a term of less than one year, failing to supply a copy of the lease to the HOA, failing to supply a rules compliance agreement executed by the renter).
 2. Failure to comply with rental registration and limit requirements (New Rule 1)
 - a. Board would adopt a New Rule 1 allowing all HOA Members 3-months to register property for rental.
 - b. Rental limit would be set at greater of 250 homes (~21% of total in HOA) or total of HOA Members that register, plus 25 (or some other margin). The point of this method of establishing the rental limit would be to ensure that an owner that is now renting cannot effectively contend the right to rent was taken away by this New Rule 1 or the HOA set and unreasonably low limit.
 - c. To be able to Register, the HOA Member would need to establish that the property is currently a rental property – either being rented or offered for rent at the time of Registration. Moreover, the HOA Member would need to demonstrate that the property is current being rented or offered for rent

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in compliance with current HOA rules, by supplying copies of executed or proposed leases and renter compliance agreements.

- d. If the total number of rentals reaches the limit, a rental waiting list would be established and managed. HOA Members seeking to rent would then be required to wait for a spot to open on the list to begin renting their property on a first-come-first-served basis.

- ii. Level of Fine related to Rental Rule Violations

Any HOA Member that would violate rental rules would be subject to a fine of \$100 per day. After 10 days, the level of the fine would reach \$1,000 causing the status of the fine to become an assessment that could result in the HOA placing a lien against the property.

- c. Other Rules for which it May be Appropriate to Establish Fines

- i. HOA Access to Maintain HOA Common Property

1. Non-Compliance with rules that provide HOA access to easements to maintain walls and other common property or that involve failure to remove trees and other plantings that are damaging the walls
2. Any HOA Member that would violate HOA access rules would be subject to a fine of \$10 per day. After 100 days, the level of the fine would reach \$1,000 causing the status of the fine to become an assessment that could result in the HOA placing a lien against the property.

- ii. Violation of Bear preventions rules (potential New Rule 2)

1. Board would establish a New Rule 2 that would track portions of the Seminole County ordinance applicable in bear prone areas. Basically, the ordinance requires garbage to either be secured in the garage and put out the morning of pick up or secured in a bear proof can.
2. Board could consider sharing cost of one can per household (25% to 50%) for those that would like to purchase a can.
3. Any HOA Member that would violate HOA access rules would be subject to a fine of \$25 per day cans are left out and \$100 per occurrence of placing cans out the night before pick-up. After 40 days of leaving cans out or 10 incidents of placing the cans out the night before, the level of the fine would reach \$1,000 causing the status of the fine to become an assessment that could result in the HOA placing a lien against the property.

4. Potential Process Going Forward

After discussion at the HOA Board meeting:

- a. Seek input from attorney
 - i. Fining Process
 - ii. New Rules
- b. Further Board consideration and action as the processes proceed to:
 - i. Develop policy

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- ii. Approve policy
- iii. Establish fining committee
- iv. Implement

To assure we communicate effectively with HOA Members and allow time for Members to comply, we expect the implementation of the above changes would span the remainder of 2021 and possibly spill over into 2022.
