



**timberwood mountain estates
property owners association, inc.**

**1 Timberwood Drive
Marble, NC 28905**

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Marble, October 28, 2017

Meeting Minutes of the 2017 Annual Membership

To All Members/Owners

In compliance with the Association's By-Laws of the corporation, the Board of Directors hereby provides the following minutes of the 2017 Annual Membership Meeting.

Date: **October 28, 2017**

Time: **1:00PM**

Location: **Peachtree Community Center**
125 Memory Lane
Murphy, NC 28906

Attendance:

19 Lots owners attended in person. 6 Lots owners sent in proxies.

Total of 25 Lots owners were represented at the meeting. Quorum was present (>19).

Minutes Recorded by: Margaret Rancourt

Meeting brought to order: 1:07PM by President John Leder

Agenda:

- 1) Adoption of 2016 owners meeting minutes. A copy of the 2016 meeting minutes is posted on TME website.

Discussion: None

Motion to accept: Jim Ricker

Second: Sharon Crown

All in favor: Unanimous vote

- 2) President's Report (John Leder):

- Zieglers (Lot #42) are now full time on the mountain.
- John House has started construction on Lot #7 or #6 (to be verified).
- Well #6 activated; power provided to Lot #43.
- Would be good to get Well #7 up & running as Duke would probably extend power to that well.
- Significant road issue below Wiggins Lot #11. More discussion later in meeting.
- Legal issues over non-profit status of TMEPOA Corporation resolved.
- New By-laws approved by Board of Directors.

- 3) Secretary Report: (Charles Larsen provided report for Brian Smith's in his absence)

- By-Law's have completely been rewritten to reflect the change from profit to non-profit corporation. The document was filed with the North Carolina Secretary of State making the Home Owners Association compliant.
- Current 2014 CCR's will be rewritten in 2018 with assistance from the Home Owners Association (HOA) attorneys. All changes to the current CCR's must be ratified by the HOA. Once the vote is taken - no response from any Association member must be counted as a "Disapproval Vote". The importance of each lot owner (in good standing) casting their vote cannot be stressed enough.
- The Board has identified the Law Firm of HorackTalley based out of Charlotte, NC who they believe will be more responsive to HOA's legal needs.

David Crown asked if there was anything we can do to collect from people who haven't paid lot dues?

Response: We've placed liens but haven't foreclosed on anyone yet.

4) Treasurer's Report (Lisa Lietz)

FINANCIAL SUMMARY	2017
Operating Income	\$47,428.00
Expenses	<u>-\$33,949.00</u>
Net Surplus	\$13,479.00

Checking Balance	\$18,318.00
Savings Balance	<u>\$32,520.00</u>
Total Cash On Hand	\$50,838.00

- Rod Fortney pointed out an error in the spreadsheet. Lisa said she will correct.

- Lauri Martin questioned the size of allocation of the budget for mowing, etc. Lisa said we're asking Rob to do more road maintenance and report monthly.

- Explained Mr. Day's (main gate keeper) role to those unfamiliar with him.

Motion: Lauri Martin

Second: Jim Ricker

All in favor: Unanimous vote

Discussion: Adoption of the Treasurer's 2017 budget.

Motion: Margaret Rancourt

Second: John Leder

All in favor: Unanimous vote

5) Expiration of Term for the following board members:

John Leder

Charles Larsen

Lisa Lietz

Brian Smith

Nancy Ricker

6) New By-Laws and their changes along with the new Articles of Incorporation:

- John Leder introduced the new Articles of Incorporation and reasons for them.

- Introduction of the new By-Laws adopted in the July meeting and signed off on October 27, 2017 by the Board.

- Explanation of why the election of officers is no longer needed. Board elects officers, no longer the Association.

- Terms of Board members explained (2 years).

7) Nomination and election of new board members:

- Motion: Jerry Wiggins made the motioned to approve 4 remaining Board members (Charles Larsen is not running).

- Discussion – Steve Lietz asked if going with existing people is the best course of action.

- John Leder & Charles Larsen suggested more new people join the Board.

- Jerry Wiggins said if nominated he would serve.

- Lauri Martin volunteered also. Lauri nominated by Sharon Crown.

End of discussion.

Second: Rod Fortney

All in favor? Unanimous vote

8) Discussion, presentation and adoption of the 2018 Budget.

Some concerns raised about the \$4k increase for weed eating/mowing. The Board said that the \$4k increase is still under discussion and that they are asking Rob to do more yet other aspects of the old agreement will be done by homeowners (like maintaining plants at the entrance). Board agreed that John had the power to negotiate up to \$20,000.

9) Old Business:

Gate Security and access control. As discussed during the last Annual Meeting 2016 the gate code has been changed on January 1 2017 and August 1, 2017. A new Gate code will again be issued with the invoices for the 2018 dues and will be effective January 1, 2018.

Added: John mentioned the issue with the gate columns & the problem with the gate itself. Going to try to defer repairs for another year. What's the estimate to fix? \$4135

David Crown asked if there is insurance on the gate. Response: No, not for wear & tear.

10) New Business:

i) Don and Doris Ziegler have completed their new home on Lot #42. The developer has installed Well #6 and it is up and running and adding expenses to the budget. With that Duke Power has extended electric service to and near Lots 42-43.

ii) There are now over 10 permanent residences occupying the mountain. The community is growing at a rapid pace with a possible new house in the planning for Lot 5A (new owners Jeff & Roberta Tomlinson of Orange Park, FL).

iii) A new challenge is facing us on Timberwood Drive below the Wiggins and Larsen Residences where the traffic cone is standing on the downhill side of the road. The board has engaged an engineering firm to guide us again as to what a solution for the deteriorating base condition may be. We may be facing the same requirement of relocating the road closer and into the mountain. This is under close watch.

- Report by David Crown: Discussed the issue of erosion. Engineer has experience with cages filled with rocks & soils which act as a blanket. For more information: <http://www.gabions.net/>. Requires tethers installed in the road. Might have to drive over gravel for the winter as asphalt plant will close soon.
- Lauri Martin asked if road will be closed and David Crown said only as much time as it takes for them to move their truck out of the way. Questions about how the surface under the blanket will stay in place. David Crown said 80 tons of rock. Board provided approval to proceed yesterday. Estimate not to exceed \$35k. The work has a 5-year warranty.
- Vinnie Occhiogrosso brought up an alternative called pin piles or helical coils. John said it doesn't work with bedrock. The gabion expenditure will leave an estimated \$4k in reserve.
- Lauri Martin asked about other areas of the road that will need similar work. Response was that each problem will be addressed as its urgency increases.
- Doug Easton asked David Crown if he agreed with the fix. David Crown said no but it's more expensive and not feasible. Doug Easton expressed concern only having a 5-year guarantee.
- Rod Fortney asked about references. Yes, the board got them.
- Andy Rancourt asked about the road condition at the top of Timberwood. John Leder said maintenance of gravel roads has been authorized and it's going to be done. Andy Rancourt asked if special assessment was considered for the gabion solution. Board decided not to assess and to use reserves then build reserves back up organically.
- Andy Rancourt asked about a \$10k emergency; Board said it would get a short-term loan if necessary.

iv) As part of Lot owners and house owners who are selling their properties it is vital that they convey to potential buyers the correct and current CCRs as registered with the County and as posted on the website. Too many deeds are conveyed incorrect due to the wrong CCRs being passed on. It is the current owner's responsibility to reveal and convey to the Real-estate agents and the closing attorneys the current CCRs so that the new properties owners are deeded correctly with the correct CCRs.

v) At this point the board is still planning to add a well failure notification system at minimum and a secondary water storage system for well system #2 as there are now 4 permanent residences with one other house being used on a regular basis on that system with no means of instant notices of failures or reserves. The Board would like to take this opportunity to remind all existing homes that do not have their own water storage and pressurization system to do so. The current covenants & restrictions already mandate without fail for any new construction to include such systems.

Question came up about mailboxes. Julie Hughes reported that the Post Office told her the boxes were all taken. There was some discussion about getting another pod with parcel slots.

vi) In January of 2015 the NC Dept. of Health changed its rules regarding the transfer of septic permits as part of any land sales deals. Hence forth the existing, even if valid and non-expired permits cannot be transferred to the new land owners. The new land owners will have to apply for their new permit. The Board is trying to establish that if the current land owner has a valid permit for X- number of bed rooms that the new owner can be assured a like permit when he/she applies for it.

IT IS VITAL THAT ALL OWNERS OF PROPERTIES FOR SALE MAKE THIS DISCLOSURE TO POTENTIAL BUYERS!!!!

Rich Huovinen reported that the Governor extended for another 5 years but local agency shredded its records but if you have a copy, they have to honor it. For more information visit: <http://www.cherokeeconomy-nc.gov/index.aspx?page=103>

vii) Open floor questions and/or discussions.

- Andy Rancourt – Do access roads have the same maintenance treatment as main roads? John said the Board is still working it out and still going by the plats but maintenance will be done.
- Lauri Martin asked that the Board consider people who combine lots and we lose revenue. John & Lisa said the Board is working on it.
- Andy Rancourt – Asked if motorcycles could have the right of way or watch out for motorcycles signs. The Board will consider on its agenda.

Adjourn Meeting

Motion: Rod Fortney

Second: Sharon Crown

Approved: Unanimous vote

Meeting adjourned at October 28, 2017 at 2:48pm.

Published by: Brian Smith, Secretary 2016/2017