



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

**1 Timberwood Drive
Marble, NC 28905**

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October 27, 2018

Meeting Minutes of the 2018 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 2018 Annual Membership Meeting.

Date: **October 27, 2018**

Time: **9:20AM**

Location: **MURPHY PUBLIC LIBRARY**
9 Blumenthal Street
Murphy, NC 28906

Attendance:

15 Lot owners attended in person. 7 Lot owners sent in proxies.

Total of 22 Lot owners were represented at the meeting. Quorum was present (>19).

Minutes Recorded by: Brian E. Smith

Meeting brought to order: 9:20AM by President John Leder

Agenda:

- 1) Adoption of 2017 owners meeting minutes. A copy of the 2017 meeting minutes is posted on TME website.

Discussion: None

Motion to accept: Brian Smith

Second: Vince Occhiogrosso

All in favor: Unanimous vote

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

- Reminder: the Timberwood Mountain Estates Property Owner Association (TMEPOA) corporation was restructured from Profit to Non-Profit last year. This is corrected reflection of the corporation which corrects the IRS tax issues.
- Newly created Association in 2009 was never given Grantor Rights from the Developer. The Board is currently working to have those rights transferred.
- Introduction to draft CCRs: the Board of Director is currently working on draft CCRs. The current working version is 2014, which is filed with Cherokee County.
- Reminder to all members: the gates codes are changed on a 6 month basis. You are responsible for contacting any delivery companies concerning the change.

- 3) Vice President (Lauri Martin)

- We would like to thank Charles Larson (Master Gardener) for his work around the main estate entrance to improve its appearance. The Board has decided to continue his work by asking community volunteers to meet at least once a year to maintain and continue improvements.
- New Postal Box has been installed and residents should obtain their box slot from the Post Office in Marble.

- 4) Secretary Report: (Brian Smith)

- The Board of Directors thanks our neighbors for your patience during the erosion road repair on Timberwood Drive. This was a critical repair

for the subdivision, since neglecting the issue would have affected all traffic into Timberwood Mountain Estates. Your patience was greatly appreciated.

- Reminder – New Bylaws were approved in 2017 and filed with North Carolina State Secretary. One of the changes is that the five Board Members are elected every two years instead of every one. The Board now officially selects Officers of the corporation, however, due to our small size they will most likely continue to be decided during Annual Members Meeting.
- A draft Covenants, Conditions, and Restrictions (CCR) has been created by the Board of Directors. This living document will be posted on the TME website allowing lot owners to make suggestions. It was stressed to attending members that in order to ratify a newly created CCR the Association will need 67% voting participation by the Home Owners Association. North Carolina guidelines dictate that if an Association member does not provide a response, that lack of response 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 will begin foreclosure proceeds against 5 lot owners who since 2013 have failed to pay mandatory Association property dues. An excess of \$21,498 is owed the Association in unpaid fees. The Board will engage legal assistance from the Law Firm of Horack, Talley in this matter.

5) Treasurer's Report (Lisa Lietz)

FINANCIAL SUMMARY	2018
Operating Income	\$46,760.00
Expenses	<u>-\$31,459.00</u>
Net Surplus	\$15,301.00

Checking Balance	\$21,509.00
Savings Balance	<u>\$ 2,444.00</u>
Total Cash On Hand	\$23,953.00

- Lisa Lietz reported on 2018 expenses concerning erosion road repair along with continual well maintenance support. Separate accounts for roads and wells are maintained.

Discussion: None

Motion to accept 2018 Treasurers Report: John Leder

Second: Charles Larsen

All in favor: Unanimous approval

Lisa Lietz report on 2019 budget:

- o Increase in maintenance for trimming tree branches on all roads
- o Additional money set aside for legal fees concerning foreclosure proceedings and CCR ratification
- o 47,300 revenue

Discussion: None

Motion to accept 2019 budget: Lauri Martin

Second: Rod Fortney

All in favor: Unanimous vote

John Leder discusses property ownership

- o Lot 45 owner said 2 to 3 years before building – this requires that an additional storage tank be installed on Well # 6
- o Lot 5B is talking about building a home next year so Well # 1 will also need to expand by adding a storage tank.

Old Business

- John Leder – UPS and FedEx – it is the responsibility of the property owner to let them know new gate codes. It can be added during the shipping creation process. Per the 6-month gate code change policy lot owners will be notified along with 911 center.
- Brian Smith - brought up discussion he had with Don Zeigler about possibly having both FedEx and UPS install package boxes outside of gate to lesion the amount of delivery truck on inside roads. Nancy Ricker stated she would speak to both delivery companies to ask for boxes to be installed along with process how to use.
- Brian Smith brought up concerns that Scott & Stephanie Atencio are still having issues with vehicles speeding on subdivision roads. Charles Larsen mentioned that he has also witnessed speeders at the junction of Timberwood Drive and Spring Branch roads. He suggests solar paneled speed signs that display flashing vehicle speed. Discussion ensued concerning the use of speed bumps. The consensus was that speed bumps would be too dangerous on mountain roads, especially during the winter months.

- John Leder spoke of a water outage notification system on Well #2. After meeting with Josh at Skytek Communication it was decided that an internet notification system will be installed. In order to complete the signal transmission it must be bounced off Scott & Stephanie Atencio's house. The Atencios have agreed to allow the equipment to be installed on the side of their home.
- Discussion on septic permits. History was given by Brian Smith regarding what happened in 2004 with the then inspector giving septic permits without following state guidelines. Vinney Occhiogrosso mention pipes extended out of ground on lot either side of his home.

Floor open to discussion on any topic

- Discussion on pre-maintenance road priority list to be created by Alford Engineering. This will allow for accurate budgeting for future trouble road areas.
- Salt sheds are located in specific places to support potential dangerous conditions during ice on roads. Charles Larsen asked if salt can be placed close to the intersection of Hawkeye and Timberwood drive. He mentioned this is a bad black ice location during the winter. For next year Jim & Nancy Ricker will look into the cost of making permanent salt boxes located on these subdivision roads. Until then each person will buy a bag of salt to repopulate the existing salt cans.
- Doug Easton discussed the issue he had trying to combine his two lots after purchasing his property. The statement from the Association attorney was revisited stating adjacent lots can be combined at Cherokee County Deeds Office but cannot be combined within Timberwood Mountain Estates nor recognized by the Home Owners Association. Doug asks that there be better communication between the Board and members concerning legal issues such as combining lots.
- Don Zeigler brought up the issue they are having with poor water quality with newly activated Well # 6, which currently is supporting only their residence. John Leder discussed the history of how Well 6 was turned over to the Association from the Developer just before the Zieglers built their home. After Don brought the poor water quality to the Board's attention, two separate state water tests were performed. The first was to measure for any harmful bacteria. This test resulted negative for bacteria issue. The second test (which took longer to return because of backlog

due to hurricane Florence) showed high mineral content. John stated that the Board would be putting in an additional filter canister alongside the existing one. The filters would be reduced down to 5 & 1 microns to help reduce sediment from the well. After a few days with the additional filter installed, another water test would be performed and sent to North Carolina state labs.

- John Leder brought to the floor a discussion on how Developer Grantor Rights were not transferred to the Association during its creation in 2009.

John described the difficulty requesting Timberwood Mountain Development Corp to relinquish Grantor Right to Timberwood Mountain Estates. Letters have been given to the Developer along with multiple attempts made to deliver a certified letter to their attorney Scott Mello, per the Developer's request. The attorney could not be reached by certified mail nor was his office open to receive a hand delivered letter drafted by Timberwood Mountain Estates Board of Directors.

- Rod Fortney raised the question of the continued paving of Timberwood Drive to the end (last lot). He had reviewed his paperwork which was given to him during the purchase of his property. Rod stated this documentation stated the Developer would asphalt pave to the end of the ridge to the last lot on Timberwood Drive. He suggested not to relieve the Developer of his Grantor Rights until the Developer fulfills his commitments to the Association. John Leder explained the difficulty getting the Developer to complete his commitments to the Association. Statements were also made by the Board regarding the fact that the remaining lots owned by the Developer still owe property dues. The Board is not hopeful the Developer will make good his commitments to the Association. John Leder mention the Developer stated during the Association Creation meeting in 2009 that Spring Branch and Hawkeye roads were not going to be completely paved. John also stated that the Association does not know what is stated in those property owners' deeds.
- Charles Larsen spoke to his previous experience dealing with HOA's where they installed an informational sign at the main entrance stating that this subdivision has deed restrictions. They provided a link to the website directing them to the Covenants, Conditions, and Restrictions (CCRs) on the public website. Brian Smith said he would look into the

purchase of a sign stating this community has deed restrictions and placing it on the gate entrance columns.

Adjourn Meeting

Motion: Brian Smith

Second: Vince Occhiogrosso

Approved: Unanimous vote

Meeting adjourned at October 27, 2018 at 11:15am.

Published by: Brian Smith, Secretary 2018