

Timberwood Mountain Estates Property Owners Association Inc.

2021 Annual Meeting Minutes

Meeting Date: October 23, 2021

Location: Virtual Meeting via Zoom.com

Attendees:

John Leder*, Eric Stevenson, Jim Ricker, Nancy Ricker*, Scott Atencio, John Leder*, Daniel Mills*, Brian Waterman, Chanin Waterman, Brian Smith, Liz Smith, Rod Fortney*, Peg Parker, Jon Rogers, Barbara Rogers, Vinnie Occhiogrosso, Annette Duncan, David Duncan, Brian Mishler, Diane Mishler Ron Stuelcken, Beth Ellstrom*, Mike Stritar, Jennifer Stritar, Llana Norta, Wayne Voyles, Carolyn Flannagan, Eric Gentzel, Ginger Gentzel, Mike Eiffert, Terri Eiffert, Janna Chiapetta

Proxies received: Jerry Wiggins to Jim / Nancy Ricker, Tommy / Monica Roy to Jim / Nancy Ricker, Tanya Nicke to Eric Stevenson, David / Sharon Crown to Rod Fortney / Peg Parker

*Indicates Board of Director and/or Officer of TMEPOA, Inc.

Lots represented: 28

Opening Comments:

John Leder welcomed everyone to the 2021 TMEPOA Annual meeting. Everyone's support of holding the meeting virtually via Zoom due to the surge in the Covid-19 Delta variant is greatly appreciated.

Rod Fortney provided an explanation of how voting on Association items would be done using the Zoom "polling" function. It was stressed that only 1 member from each lot can vote if multiple owners of the same lot attended the meeting via separate devices.

Acceptance of 2020 TMEPOA Annual Meeting Minutes:

- Rod Fortney presented that the 2020 TMEPOA Annual Meeting minutes have been on the TMEPOA.com website and made the motion to adopt the 2020 annual meeting minutes. The motion was 2nd by Brian Smith. **The Association voted unanimously to adopt the 2020 annual meeting minutes.**

Financial Review:

Nancy Ricker (Treasurer) presented the financial reports along with the following summary:

- All expense categories are operating within budget
- The Board has been very successful in collecting delinquent dues in 2021
- At present 2 lots are delinquent, the Board is looking at turning over to the Association attorney for collection.
- Building impact fee received for lot 5A which is starting construction.
- Current account balance totals: \$91,552.26
- Forecasted expenses through the end of year are estimated to be \$11,000
- Forecasted end of year balance \$80,000.

2022 Proposed Budget was presented:

- All budget categories except for Gatekeeper, Wells and Road Maintenance will remain flat.
- **Gatekeeper** – The Board suggested an increase to \$75 / month to be paid to Mr. Day who monitors the gate.
- **Wells** – The well budget has been increased to account for well #7 (lot 49) which was brought on-line September 2021.
- **Road Maintenance** – The Board recommended that \$30,000 be added to the Road Maintenance budget to support the projects for 2022.
 - **Brian Waterman** requested an overview of the projects that the Board is planning.
 - **Rod Fortney** stated that the Board hoped that we could complete the following items in 2022: re-grading / re-graveling all gravel roads, patching of asphalt across the top of Timberwood Dr and repair of the asphalt inside the gate on the main entrance. Rod Fortney pointed out that due to the size of our projects it is a challenge to secure a qualified road contractor in the current busy construction environment.
- The Board requested that a motion be made to approve the proposed 2022 budget.
 - The motion was made by John Leder, 2nd by Annette Duncan. **The Association voted unanimously to approve the proposed 2022 budget.**

Projects:

- **Grounds** (Rod Fortney) – The Board engaged Joshua Plants / The Little Orange Tractor to provide grounds maintenance, well issue troubleshooting / minor repairs, etc. as a replacement for Rob Ranslow who retired at the end of 2020. The Board has been pleased with the work done by Joshua Plants and will be renewing the contract for 2022.
- **Wells** (John Leder) –
 - Well # 7 (lot 49) was brought on-line by the developer. The developer also installed a 750-gallon reserve tank at well #7 and ran water lines along Timberwood Dr to the of the road. The electric account has been turned over to the Association for payments as of October 2021.
 - Well #5 experienced a lightning strike at the control relay Labor Day weekend. Wilson Well company replaced the control relay.
 - The Board is in the process of expanding the well alert notification system to notify owners by email when there is a problem with a well. New alerting equipment is being worked with to provide a common solution on all wells. Well #3 is targeted as the next well to be added.
 - **Mike Eiffert** asked if well #6 would be included in the alerting system expansion. **John Leder** stated, yes but a specific timeframe has not yet been worked out.
- **Roads** (Rod Fortney) -
 - The Board has been spent the year trying to secure a qualified road contractor to provide an overall recommendation, plan, estimate, and work effort to re-grade all the gravel roads, patch the asphalt across the top of Timberwood Dr that has been cut in a minimum of 8 locations and repair Timberwood Dr inside the gated entrance where the pavement has broken and dipped. The Board also wants to establish an annual maintenance contract to maintain the gravel roads within the development.
 - Rod Fortney has met with 4 contractors, driven the roads with all 4 contractors to answer questions and point out work that we see and solicit items that the contractors see as needing to be done.
 - Two contractors have stated that they are not able to provide a quote due to their current workload, 1 contractor provided a quote for gravel work but could not provide references, the 4th contractor has stated that he cannot provide a quote until his efforts on a major highway project are completed at year end.
 - Rod Fortney stated that efforts will continue to find other qualified road contractors but given the small size of the Association projects contractors will likely give the Association a lower priority

- Janna Chiapetta and Eric Stevenson, both owners on Hawkeye Trail raised concern about delays and state of Hawkeye Trail. Jana stated that Hawkeye Trail is very narrow down near her lot / house. Jana has had several trucks of gravel added to Hawkeye Trail during the construction of her home.
 - Rod Fortney acknowledged the gravel added by Janna, stated that the Association continues to have Joshua Plants do minor grading and add gravel to Hawkeye Trail as well. It was also stated that Hawkeye Trail will be a priority when the Association is able to engage a road contractor.
- Brian Smith suggested that we again try to engage Kevin Alford of Alford Engineering to review Hawkeye Trail and ALL other roads in the development. Alford Engineering provided the engineering work for the geo-blank that was installed on Timberwood Drive in 2017 to remediate the erosion / slide area. Alford Engineering road assessment will provide a prioritized list of the roads that the Association will need to address as part of a long-term maintenance plan.

TMEPOA Board of Directors Election:

Board of Directors serve a 2-year term and must be an owner within Timberwood Mountain Estates. The Association must have a minimum of 3 Directors and no more than 5 Directors.

Candidates:

David Duncan, Beth Ellstrom, Rod Fortney, John Leder, Nancy Ricker, Liz Smith, Channin Waterman

Board of Directors Elected:

Beth Ellstrom, Rod Fortney, John Leder, Nancy Ricker, Channin Waterman

Proposed Amended CCRs Discussion:

Rod Fortney opened the discussion by once again explaining the process by which the proposed amended CCRs must follow to be adopted. Per the Association's attorney, the CCRs must be **signed** by a majority (minimum of 33) of lots. Each lot is allowed 1 vote, therefore people owning multiple lots get 1 vote for EACH lot that they own. Given the inability to meet in-person due to the Covid virus, the attorney has suggested that individuals take the CCR document, sign it in the presence of a Notary, and mail the notarized copy to the Association.

Rod Fortney then explained the reasoning behind the proposed amendments to the CCR are for the following: 1) to bring the CCRs into compliance with NC General Statutes (NCGS), to clearly define owner / Association responsibility regarding installation of infrastructure from wells to lots and to add items that have been raised to address prior

concerns. The items to address prior concerns are, short-term rentals, the majority at the 2018 Annual Meeting drafted and voted on the restrictions proposed for short-term, rentals, the requirement to submit a cutting plan should an owner wish to remove >30% of trees on a lot and a requirement that solar panels be constrained to not exceed the perimeter of the roof of the residential structure or 1 outbuilding. All other content of the document is either attorney recommendations for NC laws or a rewording of the current 2014 CCRs document that can be found on the TMEPOA.com website.

The floor was opened for discussion from Association members.

David Duncan stated a concern with Article V, Section 1. David stated that he felt that the section was too restrictive and could restrict who, how many, and how long people could visit one's home.

Answer: Rod Fortney stated that Article V, Section 1 is the definition of a "single-family" dwelling and does not limit who can visit or for how long.

David Duncan referenced that he was planning to greatly scale back the rental of his property at the end of 2021.

Eric Stevenson stated that he disagreed with Article V, Section 22 that restricts rentals of properties to a minimum of 6 months and, that based on his real estate experience that restricting short-term rentals could hurt property values in the development.

Jon Rogers commented that his experience with short-term rental of the property next to his house was less than an ideal experience. Jon also shared experience with short-term rentals in a development where he owned in Colorado that drove down property values.

Mike Eifert asked if NC has a law like FL where the Association might have to compensate the owner of a short-term rental if the Association prevents the current owner from short-term rental.

Action Item: Rod Fortney said that he would contact the Association regarding Mike Eifert's question.

Annette Duncan stated that she felt that Article V, Section 1' reference to house & outbuilding paint color 'shall blend with the environment' was too controlling by the Association.

Rod Fortney & Beth Ellstrom both stated that the Association is being very accommodating in color as they have owned in developments where the color palette to choose from was controlled by the Association.

Brian Smith stated that his house is a violet color, and the Association has not had issue with his house.

David Duncan stated that he felt that the Association was asking owners to give up too much of their freedom.

Rod Fortney asked that in consideration of the limited time available that David and anyone else send an email to him (tme.secretary@tmepoa.com) with specific concerns that he had along with suggestions for alternative solutions.

Diane Mishler asked why the proposed amended CCRs could be adopted with a majority (51%) and Article VI, Section 1 states that future amendments require at least 67%.

Rod Fortney stated that the Association attorney strongly recommended that future amendments use the 67% due to pending changes to the North Carolina General Statutes that will require it.

Diane Mishler said that she didn't feel that we should change it.

Rod Fortney stated that in consideration of the time remaining for the remaining in the meeting that the discussion of the proposed amended CCRs would close. Rod Fortney invited all owners to again read the proposed CCRs and email or call him with any questions or suggestions.

Open Floor Discussion

The floor was opened for questions / new topics.

Charles Larsen reminded all owners that there is currently an outdoor fire ban in effect. Charles also asked that people familiarize themselves with NC Forest Service fire guidelines.

Nancy Ricker stated that she has sent out the Timberwood Mountain Estates owners directory that contains contact and other information of owners that have turned in the directory form.

Nancy Ricker thanked Wanda Sobota for her decoration of the front gate for Halloween.

Motion to adjourn was made by Brian Smith, second by Nancy Ricker, unanimously approved.

Meeting adjourned at 12:00 EDT 10/23/2021.

As duly recorded by;

Rod Fortney
Secretary, TMEPOA, Inc.