

## **Fair Mountain Acres Home Owners Association Annual Meeting**

**May 30<sup>th</sup>, 2010**

### **Home of Beth and Bill Plunket**

Members Present:

Paul & Debbie Hughes, Tom and Sandi Weil, Susan Brown, Sherri Jaquays, Bill & Beth Plunket, Buddy and Nicole Barker, Kevin Shaw, Kevin Cook, Wayne Bass, David Batty, Owen Guion

The meeting was called to order by the Association's President, Paul Hughes at 1:16 PM.

Reading of the minutes from the 200g Annual Meeting: Mr. Hughes acknowledged and with the agreement of all members present, that the minutes to the '09 meeting had been posted on the Association's Website for many months. Mr. Hughes asked for approval of the minutes by general consensus and received the same. Owen Guion, Secretary, noted one required correction to the minutes. The animal ordinance motion at the last Annual Meeting did not pass as had been indicated as it actually required 100% of the votes of all property owners. Neither did we achieve a 67% vote of the total property owners. The minutes were approved with the stipulation that the above noted amendment be made to the 2009 Annual Meeting Minutes.

Organization of the Meeting and Agenda: Mr. Hughes announced that he has appointed Beth Plunket to serve as Chief Teller for the meeting. Kevin Shaw, Director at Large, was appointed to assist Mrs. Plunket with vote counts. Additions to the Agenda were approved including; Complain Processing (5/12/10 Board Policy, Overhanging Tree Limbs, and the new Park Path. These items were placed under New Business.

Establishment of a Quorum: A quorum was established as follows:

- There are 26 total property votes
- There were 11 properties physically represented at the meeting
- There were 6 General Proxies represented, certified and presented

Secretary Report: Owen asked that members check the member directory and update him with any needed changes.

Treasurer Report: Wayne Bass presented the Treasurer's Report, which is attached to these minutes. Sherri Jacquays inquired related to the line item listed for Lawyer fees and whether it included the cost for Mr. DiSanti's presence at the recent NCPA workshop held in the community. Wayne confirmed that it was. The Treasurer's Report was approved by a motion for such.

Paul Hughes offered a thanks to all volunteers throughout the past year. Tom Weil acknowledged receipt of a gift certificate previously presented for all of his hard volunteer work including salting the road throughout the winter. Mr. Hughes mentioned that Jim and Joan Novak are no longer able to maintain

the front entrance planted area. Kevin Shaw volunteered his wife, Lisa, to take over the task. Bill Plunket announced if anyone requires a mailbox, he has some extras available and to let him know.

Road Committee Report: A Road Committee update was provided by Tom Weil on behalf of the Road Committee having provided assistance to the committee over the past couple of months regarding the culvert work and pending road repair. Chris Estes performed the culvert repair work as the low of three bids. Champion paving was selected by the Board, after obtaining bids for road repair, to patch the 3 areas necessary. Work is scheduled to commence June 4<sup>th</sup>, weather permitting.

Beautification Committee Report: Sherri Jacquays reported on the re-painting of the FMA sign. Kevin Cook asked whether we could clean and/or stain the shingles and siding at the mail boxes. It was agreed that this task should be undertaken.

Building and Construction Committee: Mr. Hughes provided a reminder that any construction to the home exterior planned should be submitted and approved by the B&C committee prior to construction.

Items reviewed and approved this past year included:

- Buddy and Nicole Barker's addition to their home
- Bill and Beth Plunket's bridge across Laurel Creek at the NW end of their property, and
- Don and Carol Fellner's porch addition

New Business:

Vote on adoption of the NCPCA:

- Absentee Proxy votes, originally mailed to each property owner with the Annual Meeting Agenda, were requested and collected prior to discussion which was delivered to Beth Plunket, Chief Teller during the meeting
- Mr. Hughes presented the motion for adoption; FMA-HOA 0510 #1, the motion placed before the membership at the May 30<sup>th</sup>, 2010 Annual Meeting as follows: 'That the Association, made up of the property owners of Fair Mountain Acres in Watauga County, North Carolina, adopt the North Carolina Planned Community Act.'
- Mr. Hughes advised that as the motion was being presented by the Association's Board of Directors, it did not require a second.
- Mr. Hughes asked if all members present had been given plenty of time to review to Act that has been posted on the Association's Website and all present acknowledged that they had.
- Mr. Hughes then opened the floor up for debate relative to the motion as presented
- Susan Brown asked for a summary of the Act, Mr. Hughes provided a summary of coverage, what parts currently cover FMA, what partspowers of the Act do not, and the issue requiring 67% to pass any amendment vs. the current requirement of 100% to amend the Association's Declaration of Restrictions or Bylaws.
- Debbie Hughes made comments regarding lack of amendments

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- Sherri Jaquays offered comments regarding her position relative to the adoption of the Act, and things to consider before voting
- Wayne Bass added comments regarding Tony DiSanti's (Esq.) comments from the recent community Workshop held relating to the Act

Bill Plunket offered comments regarding additional Board powers – all powers are currently granted by the Act, except those detailed by the President. He believes the main issue at hand is regarding 67% vs. 100% vote for amendment adoptions. He said that Mr. DiSanti, when asked, had specifically stated this at the Workshop.

- David Batty expressed concern about 67% vs. 100%, especially if a new owner joins the community who refused to abide by the rules of the Association
- Sherri Jaquays countered these comments, as well as, indicated that most HOAs in the Blowing Rock area have not adopted the Act.
- David Batty retorted that whether other HOAs had or had not adopted the Act may not be relevant to other associations including Fair Mountain Acres specific needs and issues
- Kevin Cook made note about a personal request relative to utilization of tents and construction of tree houses. Currently, neither could occur at this time without a 100% vote for adoption by the association members
- Bill Plunket commented that he believed there is a good chance that some local associations may be functioning as though they are covered under the Act even though they may not have ever gone through the process of adoption
- Beth Plunket re-iterated comments that we stumbled into the need for adoption after last year's attempt to register the animal ordinance amendment to the Restrictions
- Buddy Barker noted that we as the HOA voted to adopt the Act several years ago, not realizing that the vote required 67% of all members for adoption at that time.
- Having no further comments to be offered by the members present, the President asked the members present if all were ready to vote and all indicated they were. The vote was taken.

Results of the vote on adoption of the NCPCA were announced as follows by the Chief Teller: 20 votes yes, 3 votes no; with 17 votes required to adopt, the NCPCA was adopted. There was a brief discussion to the next step in registering the adoption of the Act with the county/state.

Laurel Creek: Bill Plunket mentioned the aquatic weed that is still a major problem in the creek. He also mentioned that additional work is required to clear beaver dams and the creek between the Association's common lot and his lot. Bill and Paul proposed another work day to clear the creek before next year's annual meeting and work day.

Kevin Cook presented a motion to amend the "no tents, no tree house clause" of the restrictive covenants.

Discussion:

- Bill Plunket offered discussion related to placement of tree houses in proximity to a bordering property and suggested that adjoining neighbors' concurrence with the placement be secured.
- Nicole Barker noted that Guidelines could be perceived as discriminatory by some property owners while not to others
- Debbie Hughes expressed similar concerns
- David Batty advised that a lawyer review the changes prior to vote to avoid unintentional consequences of changes
- Sandi Weil reiterated seeking legal advice
- Kevin Shaw questioned whether just removing the tent & tree house working would simplify the issue
- Susan Brown questioned how the B & C Committee determined shed placement related to any prior guidelines
- Bill Plunket mentioned the possible need to review and update the Restrictive Covenants.
- Mr. Hughes advised that a motion to amend the Declaration of Restrictions would be out of order at this time as all property owners must be provided with prior notice of such a motion to amend the Restrictions
- Owen motioned to table current discussion and hold a special meeting on this issue after a suitable period of time to review any change language for this action and then be presented to the HOA. The motion to table and refer was seconded and carried
- Sherri Jacquays and Owen Guion made a motion to review current general guidelines and to get legal input and to have the committee provide recommendations & guidelines to clarify the current architectural restrictions
- David Batty expressed concern over additional specific restrictions
- Kevin Shaw expressed similar concerns
- Debbie Hughes voiced her opposition to the motion, based on David Batty's comments. The motion that the B & C Committee review and present guidelines for approval of exterior additions was voted a carried

Street Lighting: Kevin Shaw presented a report for placing street lights. The proposal is to place 4 lights at a cost of approximately \$800 per year. The exact recommended location of the lights was not provided. It was noted that several property owners had expressed their concerns about having lights shining into their view. Discussion followed;

- David Batty stated that he comes to mountains, "to get away from the lights"
- Tom Weil commented on the type of light and low wattage as seen in the town of Blowing Rock
- Wayne Bass commented regarding alternatives and the need for lights or alternative light options, e.g. solar – he also expressed concern over the cost to the HOA for a select few residents.

- Paul Hughes mentioned that annoying light could be considered a potential violation of our current Restrictions and street lights may be construed as “annoying lights” by some property owners
- Owen recommended referral back to the committee to provide specific light placement and light zones.
- Nicole Barker offered the suggestion of motion sensor lights along the most troublesome upper road section
- The light proposal was sent back to committee

Complaint Policy: The Policy was adopted by the Board on 5/12/10 and posted on the Association’s Website for everyone’s review (see attached.)

Overhanging Tree Limbs: Paul Hughes noted that overhanging limbs are beginning to cause problems, encroaching on the road way, scraping cars, etc. Discussion ensued. The result was that individual home owners should remove limbs and would otherwise be notified to take care of problem trees and overhanging limbs extending into the roadway.

Park Path: We now have a path from Fair Park Drive through the community lot to the fence line near the Parkway property that may be hiked to Price Lake Park. One of the 2010 work day projects was to clear a path and remove several beaver dams to allow access to the back of Price Lake.

There was some repeat discussion regarding the replanting of the Rhododendrons on the upper road. Mrs. Jaquays agreed to do some further investigation. The original quote cost was approximately \$100 per bush. The issue was referred back to the Beautification Committee.

Animal Control: Mr. Hughes stated that he had received complaints of extended dog barking. He asked that pet owners please be considerate of neighbors.

Snow Removal: Paul mentioned that Dan Kirkland, the gentleman contracted with FMA-HOA for snow removal from our streets is available for private some removal of property driveways. Homeowners should contact Mr. Kirkland directly. Tom Weil and the Barkers have his number. Mr. Hughes reminded everyone that he had sent out an email during the winter, to all, providing them with Mr. Kirkland’s cell phone #.

- There was a question offered as to whether we needed to look for competitive bids for snow removal
- A couple of full time residents indicated that they believed Dan responds quickly and has few other plowing jobs to delay his work for FMA when requested. The concerns over bidding the plowing to a major snow plowing firm would likely delay the work and provide no improvement in the results

Dues Payment Time Frames: Mr. Hughes and Mr. Bass both briefly discussed the need to make dues payments on time. Mr. Hughes indicated that it seemed that every year there were always a couple of property owners who delayed payments far beyond the payment deadline. Mr. Bass indicated that we will now be following the association rules related to late fees and that they will be applied beginning July 31<sup>st</sup> in order to encourage prompt payment.

Board Nominations and Elections: Paul Hughes called for nominations from the floor for all Board positions. Kevin Cook was nominated for Vice President. There were no further nominations made from the floor and nominations were closed for all positions. The vote for Vice President was held first due to the floor nomination. Kevin Cook received 8 votes, Don Fellner received 7 and Norma Jean received one vote. Paul Hughes was elected as President, Owen Guion was elected Secretary, Wayne Bass as Treasurer, Tom Weil as Director at Large and Kevin Shaw as Director at Large. Bill Plunket was elected to the non-voting position of Board Advisor, all by acclamation.

Burning Permits: For those that have asked, the Watauga County burning permit is required. Permits are issued for a specific day or time frame based on weather conditions. Permits are available from the Blowing Rock Police Department or the county store near Holloway Mountain Rd.

There being no further business to come before the members, Mr. Hughes asked for and received a motion and second to adjourn the meeting. Adjournment was approved and the meeting was closed at 3:55PM

Minutes authored by:

Owen Guion, Secretary and Paul Hughes President

Approved by the Board of Directors on / /

Posted to the Association Website / /