

# ENGLISH MOUNTAIN PROPERTY OWNERS ASSOCIATION, INC.

## ANNUAL BOARD OF DIRECTORS MEETING

**JULY 13, 2013**

The meeting was called to order by President Jim Culpepper in the meeting room of the English Mountain Condominium Building at 10:00 AM. Each member present introduced him or herself and told where they lived. Those attending are listed below. Jim ask everyone that wished to speak to raise their hand and give their name for the recorder.

### **BOARD MEMBERS PRESENT:**

Otis Tarkington	Darci Wistner	Tressie Paschal	Bill Paschal
Jim Wilson	Ron Cooley	Jim Culpepper	Carolyn Culpepper
Bill Bevins	Betty Bevins	Marsha Wingate	Terry Wingate

### **BOARD MEMBERS ABSENT:**

Joe Emery	Ted Chapman	Juanita Ruiz
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### **GUEST PRESENT:**

Syble Wilson	Jay Flanders	Cindy Mitchell	Ron Mitchell
Rob Bishop	Sandra Bishop	Don Bacus	Mike Bogunia
Carol Bogunia	Aileen Tarkington	Bill Kayser	Susan Kayser
Fred Dalynple	Peter Spratz	Giconda Stieve	Phil Stieve
Sandra Hassen	Jennifer Pendergrast	Alice Kicker	William Abee
Ellen Abee	Mark Etheridge	Andy Gilland	Sherrie Gilland
Norm Bowen	Ellen Bowen	Jackie Cooper	Leslie Cooley
Bob George	Bob Bennett	Linda Stockman	Katherine Sanders
Tom Crowder	Roni Anderson	Virgilio Fernandez	Liliani Fernandez

Roberts Rules of order apply.

Bill Paschal V.P. & Parliamentarian

The first order of business was to approve the appointment of Ron Cooley to the board to replace Hugh Vaughan. Motion made by Jim Culpepper to appoint Ron Cooley to the board. Motion seconded by Terry Wingate. Motion was unanimous.

The minutes of the Spring Meeting were read for reference.

**The Committee Reports were as follows:**

**Treasurer's Report:** The Treasurer's report was given by Treasurer Betty Bevins as follows:

Memberships:	\$26,815.19
Expenses:	\$26,211.29
Balance in Checking Account:	\$8,675.72

**Secretary's Report:** The Secretary's report was the same as the Treasurers. The Secretary did explain the \$18.95 expense. This was for a deadbolt to go on the office door. The office was broken into on February 19 or 20, 2013. The only thing that seemed to be missing was five (5) rolls of stamps. Nothing else appeared to have been tampered with. The computer, printer, TV, telephone, etc. were all there. We made a report with the Sheriff and we reported it to EMCA Management.

The Secretary said; we had 507 members so far this year. She said membership was down partly due to the fire at the condos.

Sandra Hassen brought up the issue of putting a sign at the bottom of the mountain on each end two weeks before each meeting. Carolyn told Sandra there was nothing in the bylaws about putting up a sign to notify the members of a meeting. Sandra said she would like to see a sign up. Jim told Sandra if she wanted to be in charge of that project he had no problem with a sign being put up to notify members of a meeting. Sandra said she would take care of it.

**Road Report:** The road report was given by Road Chairman Otis Tarkington. His report is as follows:

Memberships and donations:	\$13,476.00
Expenses:	\$17,736.22
Balance in Checking Acct:	\$23,425.92

Otis said with all the rain we have had, some of the roads held up good and some didn't. Dogwood and Black Oak seems to have held up under the rains without much damage. Old Laurel Lane, Clingmans view and Low Sunset have some problems and we are going to get Kelly Williamson, the road man out there as soon as possible depending on the weather. We also have to do some work on High Street. Otis said; he had some quotes on repairing that road the problem is the only thing we can do is blacktop up that high. We have quotes from three paving companies. Ingles Paving is the lowest bid. Option # 1 was for a safety issue of 380 feet for \$5760.00. Option #2 is for \$9,360.00. The road was damaged by the Forestry Commission while fighting the fire of April 10, 2012. Terry Wingate made a motion that we repair the most dangerous part of High Street which is Option # 1 for \$5760.00. The motion was seconded and the vote was unanimous. Otis said Kelly Williamson will be cleaning out the ditches up on High Street. This is going to cost about \$4,000.00. Ron Mitchell said; they had cleaned out the

ditches. Jim told Ron the ditches needed to be dug out so they would carry the water down and not cut across the road.

Otis said; he had taken the gate that was removed from Silverbell, home and repaired it and that gate was put back up. A chain and lock was put on that gate and it was removed by unknown persons. Jim Culpepper, President said; the Attorney Ross Gray has had a time getting Mr. Sexton the Attorney for David Spurgeon to set a date for interrogatories. We have a tentative date for interrogatories for August 2013, the exact date has not been set. Mr. Gray does not feel it will go to trial he thinks Attorney for David Spurgeon will convince him to settle. The wheels of justice move slow.

The overlook was brought up by Terry Wingate. Mr. Bennett gave permission to Andy Gilland to have the trees topped to provide them a better view of the mountains. After much discussion about cleaning the grass and brush at the overlook. Terry, volunteered to clean up and cut the brush at the overlook. Originally the Gillands were to clean up the overlook when they had the trees topped. This being private property the EMPOA Board can't pay for work to be done on private property.

**Architectural Committee:** Bill Bevins, Chairman. There were no applications presented from April until July. Tom Caldwell has sold his property and moved off the mountain.

A motion was made by Bill Paschal to accept the Committees Report. It was seconded by Tressie Paschal. The motion was unanimous.

### **Old Business:**

The covenants committee met with our Attorney Brian Mansfield on April 1, 2013 to discuss the covenants. As everyone knows the covenants have to be rewritten and approved by July 2014 or we will have to wait ten (10) years before they can be rewritten. The covenants committee has spent a good bit of time on the covenants and now that the county has adopted codes a good bit of what was covered in the old covenants are now enforced by county codes. So the committee took the covenants down to the bare bones and this we took to Mr. Mansfield. He said we had done the right thing and that we had done a good job. We took the covenants from twenty (20) pages down to three and a half (3.5) He thinks we can get it down to two (2) pages. He is going to look over these covenants and make any changes he thinks they need to get them passed. He says the judge does not have to sign off on the covenants but they will have to be approved by a majority of the property owners. He said this is going to be expensive and take a lot of work. We will have to mail out the new covenants along with a cover sheet for the owners to sign and return and we will have to enclose a stamped self addressed envelope. We have over 1500 lot owners. At this time we are waiting on Mr. Mansfield to get us a copy of the covenants that he thinks we can get passed. He says we can do an amendment at a later date to add anything we may have left out. But the first job is to get it passed. The covenants committee are: Jim Wilson, Otis Tarkington, Jim & Carolyn Culpepper and Bill & Betty Bevins.

### **New Business:**

ESCUD has been put on legal notice by the Board Members of EMPOA. This was done to get ESCUD's Board of Commissioners attention as to all the problems we have with the water department. The board seems to be in the dark as to all the problems on the mountain even though we notify them of problems with a letter, such as ESCUD not repairing the roads when they dig them up to repair leaks. We repair these roads and ESCUD digs them up and then don't fix them like they should. They are required to notify us when the water is going to be turned off. Then notify us when it is to be turned back on. They are also required to flush the lines. When you are out of water after so many hours they are required to furnish you drinking water. All these and many other problems are state laws which are being broken every day. With the help of Eric Webber from the State of Tennessee; Roy Ivey has stepped up to the plate and taken charge of ESCUD. Chad Loveday resigned effective May 31, 2013. As of June; Paul Clevenger who is certified by the state is working on a temporary basis with ESCUD. They have to hire two certified operators and additional workers. The State is working with them and attached is a list of the things we have ask to be corrected. They have voted to drug test the workers. This is a good thing. Roy said they had to take a dump truck and shovels to clean out the well houses from beer cans. Things are looking better than it has in a while. We have not been without water for the past two months and ESCUD is making progress.

Hugh Vaughan said he has a few things to say to this board. This concerns his removal from the board in April at the spring meeting which he did not attend. Which would have been the time to address this issue. He said the board should have given him the option to resign. Carolyn told him "We tried to telephone you and you had every phone number blocked, mine, Jim's and the property owner's office number. We also tried to E-mail you and you had that blocked also". This is the first board meeting you have attended since July 2012. Mr. Vaughan read a statement blasting the board for its action.

V. President & Parliamentarian, Bill Paschal did a very good job of trying to keep the meeting moving by invoking Roberts Rules of Order. Thank you Bill. Bill and Tressie did not run for the board this year. They lost their Condo in the fire last April and although they still own property on the mountain they decided not to run. They will be missed.

There being five candidates running for the board and five vacancies on the board; Carolyn made a motion to declare all five candidates a seat on the board. This would save having to count the votes. The motion was seconded by Betty Bevins. Motion was unanimous.

A Motion was made by Bill Paschal and seconded by Jim Wilson to set the date for the next annual meeting on July 12, 2014 at 10:00AM. Motion was unanimous.

A motion was made by Jim Wilson to adjourn and seconded by Bill Paschal. Motion was unanimous.

A covered dish lunch was enjoyed by all who stayed.

Submitted by Secretary Carolyn Culpepper

