

**ENGLISH MOUNTAIN PROPERTY OWNERS ASSOCIATION, INC.
SPRING MEETING**

APRIL 15, 2017

The meeting was called to order by President Ron Cooley in the meeting room of the English Mountain Condominium Building at 10:10 AM. Each member present introduced him or herself. Those attending are listed below.

BOARD MEMBERS PRESENT:

Leslie Cooley	Otis Tarkington	Jerry Hayes	Bob George
Ron Cooley	Ron Mitchell	Cindy Mitchell	Alice Kicker
Bob Moorhead	David Leonard	Charles Rogers	

BOARD MEMBERS ABSENT:

Terry Wingate	Patricia Rogers
Barbara Leonard	Marsha Wingate

GUEST PRESENT:

Eileen Tarkington	Mark Filter
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The Committee Reports were as follows;

Minutes from the November 12, 2016 were passed out. Ample time was given to read the minutes. Ron Mitchell again asked about the firewise tree and shrub clearing change previously voted on being attached to the covenants. Alice Kicker brought up nothing could be added the covenants without a members vote. Ron Cooley explained it could be attached to the back of the covenants as an Architectural amendment. No Further questions reference the minutes

Treasurer's Report: The Treasurer's report was given by Treasurer Bob George as follows:

General Membership Account:	\$ 9,505.93
Road Fund Account:	\$ 8,703.64

See attached detailed report submitted by Treasurer Bob George.

Secretary's Report: The Secretary's report was given by Leslie Cooley as follows: Leslie told that the original dues notice mail out was completed. She further explained this had been a harder job as the county no longer furnishes the list and each lot had to be input from the Sevier County GIS map amounting to approximately over 2,200 lots. This took many hours work. Please detailed report on file.

----- OVER PLEASE-----

Architectural Committee: The Architectural Committee Chairman Ron Mitchell had nothing to report.

Road Report: The Road Committee written report was given by Chairman Jerry Hayes as follows:

Jerry reported work on about 8 roads and also 5 gates have been put up. Detailed Report on file.

Motion to accept reports was made by Ron Mitchell Second by Cindy Mitchell vote was unanimous.

LEGAL COMMITTEE CHAIRMAN: Alice Kicker gave legal report. Legal committee has hired Patrick Stapleton to handle legal matters. **SEE ATTACHED REPORT**

Safety Coordinator/Firewise Chairman: Safety coordinator Cindy Mitchell updated the board on firewise meetings and when chipper might be available.

Old Business:

1. Road Gates: Five road gates installed and roads worked on. Mentioned Low sunset in bad shape.
2. Road sign drive and building by E.M.P.O.A. PERMIT ONLY
3. Lot/lots: Otis Tarkington had property flat on Hickory Tree Dr. This meeting he offered to sell to the E.M.P.O.A. lot for \$2000.00 dollars the cost to have water and sewer cost. Motion to buy the lot was made by Alice Kicker Second by Jerry Hayes vote was unanimous
4. Change covenants regarding mobile homes Legal committee under advisement
5. Changes to by laws was brought up by Ron Mitchell. After another lengthy discussion it was referred to get legal committee
6. Possible removable because of letters and no participation of Mobile Home Park. For them to vote to continue be in the association; this was referred for legal advice
7. The legally be put into covenants that future owners have to belong and pay dues; this was also referred for legal advice.

New Business

1. Since the early part of February ongoing negotiations have been in process with the English Mountain Recovery Center. I have met in face to face meetings accompanied by Leslie Cooley, Bob Moorhead, and Jerry Hayes. Ron Cooley attempted to keep those he could in the loop about the negotiations that he could get in touch with about this matter. Those board members kept informed were Alice Kicker, Otis Tarkington, Jerry Hayes, David Leonard, Bob Moorhead, Bob George, and Leslie Cooley. Jerry Hayes kept Charles and Trish Rogers in the loop about the matter. Ron received on Thursday before the meeting a contract from our attorney who had been working on this from day one. The contract was passed out for the board to look at. Jerry Hayes asked was this the contract the E.M.P.O.A. attorney sent to us for a vote. Ron Cooley stated it was received from our (the E.M.P.O.A.) attorney.

Jerry Hayes stated it had his vote. (Ron Cooley did not ask if this was in the form of a motion)

A discussion on President Ron Cooley end of the table started at this point between Ron Mitchell, Alice Kicker, Cindy Mitchell and Himself. President Ron Cooley did not hear but a second was made to Jerry Hayes statement/motion by Otis Tarkington. A lengthy discussion continued for a long period of time but a vote was never taken as President Ron Cooley never heard the second. Which by Roberts Rules a motion is made and a second then a discussion at which time a vote would be taken.

President Ron Cooley also brought up he had been contacted by an individual first name Simon that was looking to buy some of the 6 plats of land owned by Reston management out of Florida. He was interested in building cabins for rental. He advised he would be willing to pay up to \$50.00 a month per cabin to the E.M.P.O.A. Another lengthy discussion was conducted on this matter. No conclusion until the E.M.P.O.A. hears back from the individual.

At this time rentals were brought up. The discussion was in the covenants it states no rentals and one family members only. It was discussed that at this time there was a bill before the state legislature that would override this in our covenants. Also how would the E.M.P.O.A. be able to enforce this how would the E.M.P.O.A. even know who were renting. Also leasing to own by federal law is still considered renting. This matter was dropped as with the State legislators having this in a bill and the problem with enforcement.

Bob Moorhead purchased a drag grader for the E.M.P.O.A. The cost was \$99.00 (ninety nine dollars) this was done through the road committee. It was noted the road fund was reimbursing him for the purchase

At this time President Ron Cooley open up for members wanting to run for the board. He stated the present members that would need to run again if wanting to remain on the board were
David Leonard, Barbara Leonard, Cindy Mitchell, Marsha Wingate, and Jerry Hayes

Dates for the following year for 2017 and 2018 voted on as to give notice ahead of time to the condo association. The following dates next annual meeting July 15, 2017, fall meeting November 11, 2017, spring meeting April 14, 2018 and annual meeting July 14, 2018. A motion was made by Ron Mitchell to accept these dates second by Bob Moorhead vote was unanimous.

After about 4 hours of meeting motion was made to adjourn by Bob Moorhead second by Ron Mitchell. Motion was unanimous.

-----OVER PLEASE-----

Supplement to minutes that occurred days after meeting concluded

President Ron Cooley received a phone call from Otis Tarkington on Monday following the meeting for two reasons. 1. He asked why a vote was never taken. 2. That he received phone call from Richard Principe the holder of the note of the property that the English Mountain Rehabilitation Center was going to withdraw their proposal.

In the meantime the legal committee contacted the E.M.P.O.A. Attorney to ask further questions. Cindy Mitchell then sent an email to the board members. President also sent a copy of the same email that Cindy Mitchell sent and a letter of explanation. Under a time limit and to remedy the mistake made by President Ron Cooley of not asking Jerry Hayes if what he stated was actually intended in a form of a motion.

Jerry Hayes furnished President Ron Cooley a made verbal statement that in fact he was making a motion. President Ron Cooley then contacted other board members to see if they had indeed heard a second by Otis Tarkington and got a response that the board members on that side of the room did hear the 2nd that Otis Tarkington made.

To remedy the error made by President Ron Cooley the only way he felt could be done in the time allotted and no time to call a special meeting. President Ron Cooley met personally with all the board members possible. President Ron Cooley attached the letter Cindy Mitchell sent out, and all relevant papers to a ballot and brought or emailed them to the Board members. President Ron Cooley was able to meet personally with all Board members with the exception of Ron Mitchell, Cindy Mitchell, Barbara Leonard, and Terry and Marsha Wingate. President Ron Cooley told each board member to vote their conscience that he was neither recommending nor not recommending the signing of the contract. Ron and Cindy dropped their votes off in the E.M.P.O.A. Mailbox. President Ron Cooley spoke with Terry and Marsha Wingate. President Ron Cooley received their vote via email.

The total vote recorded was twelve (12) votes to accept the contract two (2) votes not to accept and one (1) vote was not able to be obtained. President Ron Cooley while speaking to each board member agreed except for two board members this was the best way to solve the error made at the meeting. This is also in our bylaws that under time restraints this can be done. It actually by our bylaws could have been done verbally over the phone and signed by the board members at the next regular meeting but as this was a major decision President Ron Cooley felt it best to have the BOARD decide was to bring a paper ballot to the BOARD members to vote on the matter prior to the signing of the contract.

A copy of the contract is on file. As we discovered the rehabilitation Center could not be shut down as they are grand fathered in as they were established in 2005 and zoning for Sevier County did not start until 2006.

This does not change the county zoning of residential to commercial.

The contract after the votes were counted was signed by President Ron Cooley, Secretary Leslie Cooley, and Legal Chairperson Alice Kicker in place of Bob George who was working and could not attend.

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What the association gained through this contract

1. If the rehabilitation Center fails to pay their dues we are able to place a lien against them
2. The association sets the dues but as we would on a tier system
3. The association received **Ten Thousand Dollars (\$10,000.00)**
4. The association received **seven hundred fifty dollars (\$750.00) equipment fund**
5. The association received **Seven Hundred Fifty Dollars (\$750.00) attorney reimbursement**
6. The association received a lot on Half High
7. The association received the lot and the shower/restroom on alpine for storage building

Also the ballots with the signatures of the voting board members is on file with the mentioned papers pertaining to the contract attached.

President Ron Cooley received on paper in the mailbox the resignation of Ron Mitchell from the board effective immediately. As this was done two and half months prior to the annual meeting President Ron Cooley felt this vacancy could wait until new officers were elected at the annual meeting to fill this vacancy.

Since Ron was the Architectural Committee Chairman President Cooley asked Otis Tarkington to fill the position of Architectural Committee Chairman until July Annual meeting.

Ron Mitchell has done a great job on the board and we are sorry to see him go.

Submitted by Secretary Leslie Cooley

