

# **Holiday Beech Villas Annual Meeting**

## **July 21, 2018**

### **10am Clubhouse**

## **Agenda**

Meeting called to order at 10:00am

Board Members present at the meeting were Mark Deasaro and Marlene Rockwell. Board Members who called in on a conference call are Carol Robinson, MK Brennan, Richard Mayeron, Jeff Hardin and Phyllis Winter.

Homeowners present:

*The sign-in sheet disappeared after the meeting, so all owners attending are listed here.*

June Reckert, Jan and Mary Jackson, Judith Marcum, Bob Goldberg, David Bender, Jan Marriot and Claude Chapman, Judi Fleming, Elise and Briggs Allen.

Homeowner's who called in on a conference call: Peggy Peterson

Including proxy's there were 35 homeowners present for voting. A majority quorum of 45 was not present. \*

\*At the time of the Annual meeting and Board meeting it was thought the quorum was a majority of homeowners, when in fact it was 34% of ownership. Afterward, to address any ramifications of this oversight, Mr. di Santi, the Association attorney, was contacted and stated that this wasn't a problem and no action needed to be taken.

### **Approve Minutes of Last Annual Meeting**

The minutes could not be voted on due to not having a majority quorum.

### **Officer/Committee Reports**

Mark Deasaro: President Comments

Mark welcomed everyone to the meeting.

### **Phyllis Winter: Treasurer**

*Report (Financial Information is not placed on the website. For that info, please contact the Property Manager at 828-387-4740)*

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The Financial report was given by Renée as Phyllis was on the conference call. Renée stated the Association is in excellent financial standing.

### **New Budget**

The new budget was presented with no increase in Homeowners dues

## **Renée Castiglione: Property Manager**

Building and General Maintenance Report. *See attached.*

Renée emphasized that George has helped with so many issues at HBV in a very timely manner and has taken him away from doing the H building. The reason being that she has been unable to find a handyman that can do skilled carpentry work. George does that, plus plumbing and electrical, when needed for emergencies.

## **Charter Update**

Getting the Charter TV/modem was a challenge at first, but Charter worked it out and we got the receivers and modems for the majority of the buildings installed free of charge. All seems to be working good now. Some homeowners have had an issue or two, but nothing major and it was fixed. Renée stated she was happy to be out of the TV business since owners have the Charter phone number and their individual account number for them to use when calling about technical issues.

## **H Building Update**

H building is moving very slowly. Renée stated George is having issues with his help and that he's down to two guys, instead of 4, and admits they work slowly. Weather had also been an issue between a harsh winter and a very rainy Spring and early Summer.

The Board expressed their extreme disappointment in this progress and is tired of hearing all the reasons why it's not moving along. Although George already bid on the G building—the loan is based on the estimate from George on the H and G building—the Board has directed Renée to get additional bids on the G building.

## **Old Business:**

Unit B204 Tax Foreclosure

The unit closed and the money that HBV received from that foreclosure went to payoff the Credit Line balance through First National Bank.

5-year Project Plan Update—*See attached*

## **New Business:**

Short-term Rental Policy

Mark discussed attorney's legal opinion on such—*see attached*

Walt Howard, the boyfriend of June Reckert who is the owner of record, spoke about short-term rental policy. He is upset because of the short-term rentals above him and the noise that they make and the number of people they get, and the number of cars they bring, leaving limited parking space for them. He wants to place restrictions on rentals, such as limit to a minimum two nights on weekends in the Spring, Summer and Fall time; leaving weekend rentals for the ski season. He also would like to see a restriction on the number of people that can stay in a unit, depending if it's a one- or two-bedroom unit. June Reckert, also, expressed issues with parking around A building.

The Board responded by stating that according to our Association attorney North Carolina is a "property owner state" which allows owners to rent their units, and those renters stand in the shoes of the owner while they are in the unit. The Board did not express the desire to place any limitation on owners regarding rentals.

Walt disagreed with the attorney's legal opinion.

Claude and Jan Chapman expressed their displeasure with Renée contacting owners regarding prospective long-term renters, stating we are not a rental community, and it should be a community for owners only. Jan stated that she spoke to someone at the Real Estate commission who told her that Renée was in violation their rules. Mark stated that Renée's position is to have the best interest of owners and does not have a financial gain in letting owners know about a person who is looking for a long-term rental. Renée does not seek these people out; they call her at the office. Renée does not do this for short-term rentals and refers folks, in that case, to the Beech Mountain Rental Agents or the online vacation services. Renée only takes the information and sends out an email to owners and does not get involved otherwise.

UPDATE: Mark Deasaro contacted Madison at the Real Estate Commission, and Renée contacted the Association attorney, Tony di Santi, and both agreed that she is not in violation of any Real Estate rules, nor any other law.

Mark referred them back to attorney's legal opinion regarding being a "residential community" and owners can rent if they want to. And, again, the Board will not limit what an owner can do in regards to renting.

The Board made a suggestion for Renée to poll homeowners and ask if they want to receive rental information from her. Renée said she would do that.

Elise stated that they've invested a lot of money fixing up the unit they just purchased and if they couldn't rent they wouldn't have made the investment in the first place.

### **Background Checks**

Jan stated that homeowners should do background checks to prevent criminals from renting. The Board said that owners can do their own background checks, but they, as the Association, will not force people to do that. Phyllis stated that an owner can do a background check, and even if the check doesn't come out good, they could still rent to whomever they want. The Board decided that the Association shouldn't be involved in background checks. It's up to each owner.

### **Parking**

There were complaints from most attendees that the parking is limited. And at the A building cars are parked in all different directions. The idea of concrete bump stocks, to indicate where to park, might be helpful. Then someone added that railroad ties for H parking would also help. Renée stated she would get someone to put in railroad ties for individual parking spaces to help guests know where to park at the A and H buildings. Briggs suggested that the trees at the F cul-de-sac be trimmed to give more room for people turning around at that cul-de-sac.

The suggestion to add signs at ABC to say "HBV Parking only". Renée will get signs that resemble other signs we have at the other parking areas that say "Parking for Holiday Beech Villas Only. All Others Will be Towed at Your Expense."

Walt suggested that the Association limit vehicles: one car for a one bedroom, two cars for a two bedroom. Walt stated that owners would be fined if they did not follow

that policy. Other owners at the meeting did not like that idea being if their family comes to visit they could have more than two vehicles for a two bedroom. Then the question was asked, who would enforce that car limitation. The Board agreed it is an unenforceable policy and was looking into other areas to enlarge the parking area, at least, at the F building.

When speaking about parking at the F building, it was noted that the cul-de-sac is actually not on HBV property and that the Association encroached on that property in the early 80s. The attorney's opinion in 2013, when this same topic came up, was to write the owner of the property to see if they'd be interested in selling at a reasonable cost. Eminent Domain was discussed, since we encroached so long ago, but the attorney stated that since the taxes have been paid each year, it would be difficult for HBV to go to court and receive eminent domain. Renée has already written a letter to the owner, American Dream Homes and Design, and is awaiting a response.

### **Policy Approval**

#### **Breaker Panel Inspections**

As there was not a quorum to vote, the Board suggested that Renée send the policy out to all homeowners and ask for a vote by email.

### **Other Business**

Marlene stated that the Board wants the best for the condos and for safety of our guests and to not reduce the value of the units.

### **Election for New Board Members**

No election of board members was taken since there was not a quorum. The appointment of members will be held at the Business meeting following the Annual meeting.

**Adjourn: 12:00 pm**