

Weaver Village Walk Residential Association

Annual Meeting Minutes

December 1, 2015

The second annual meeting of the Weaver Village Walk Residential Association was held at 7:00 pm on December 1, 2015, at the Weaverville United Methodist Church Fellowship Center at 90 North Main Street in Weaverville, NC. The following residents were present:

Donald Murphy and Kathryn Egan (lot 70), Bob and Fannie Westfall (lot 72), Jim and Claudine Reese (lot 73), Sylvia Pardo and Pat Scherer (lot 74), Joe and Mary Sabol (lot 76), Jim and Maureen Maigret (lot 77 renters), Maureen Coffland (lot 77 owner), David Maynard (lot 79), Bill and Mary Brown (lot 80), Jared Hughes (lot 81), Monica Schwalbach (lot 83), and Mike Fisher (lot 88). Proxies were received from Lettie Ray (lot 84) and Michael and Jessica Boing (lot 86).

It was determined a quorum was met and the meeting was brought to order.

President's Report

President Monica Schwalbach gave a report of business and matters the board handled over the previous year under the following topics:

1. Lawn Care – The board requested and received bids for the lawn care contract. Lane Ponder was selected to continue the lawn care services. Joe Sabol met with a Buncombe County Extension Agent who stated there were some diseased Leyland Cypress trees. The board replaced some Leylands with green arborvitae and would address other diseased trees individually as needed. One maple tree was replaced in the circular common area. The board approved the installation of the irrigation system in the circular common area in order to improve the appearance and survival of the lawn, trees and shrubs. Maureen Maigret was recognized for planting shrubs and plants at the two rock pillars at the entrance to the development. Jared Hughes was recognized for planting grass seed in the circular common area following the irrigation system installation. Pat Scherer and Sylvia Pardo were recognized for the improvements made at the entrance of Reagan Lane into the development.
2. Special Requests - The board received and approved special requests from (1) Lettie Ray for the installation of a storm door; (2) Jim Carland and Dianne Preissler for the construction of a fence in their back yard; and (3) Bill and Mary Brown for an exception to allow an additional pet.
3. North Slope – There has been continued discussion for over a year regarding the condition of the North Slope. In 2014 developer Greg Phillips indicated the HOA was responsible for the care of the slope, but it became evident later that the developer actually was responsible. Mr. Phillips made an offer of \$3000 to the HOA in exchange for no further liability or responsibility for the slope.
4. Turnover Proposal – The offer by Mr. Phillips for \$3000 led to the receipt by the board of a turnover agreement containing more complicated items than just the disposition of the slope. The board conferred with attorney Jay Kania who researched the matter and assisted the board in developing a written reply to Greg Phillips.

5. Efforts to receive clear title to common area – Attorney Kania’s research uncovered the existence of a significant outstanding lien against the remaining commercial lots and the residential association’s common areas. Therefore, the common areas do not actually belong to the residential association at this time.

Monica reported that she had just this day received a reply from Mr. Phillips and highlighted the responses as follows:

1. In regard to the outstanding lien against the common areas, Mr. Phillips said the lien will be removed on the residential association’s common areas.
2. In regard to the maintenance and repair of the block retaining wall between the HOA property and the lot adjoining the Aldi grocery store property, Mr. Phillips said the commercial lot owner has one-half interest in the maintenance and repair of said retaining wall.
3. The board requested an easement to access the lower portion of the North Slope from the commercial lots in the event large equipment is needed to make repairs to the condition of the slope. Mr. Phillips did not see there was a need.
4. The board raised the concern about the potential for damage from storm water drainage from lots 82 and 86 which the developer directed onto the commercial areas below said lots. Mr. Phillips did not see this as an issue.
5. Mr. Phillips again stated he was willing to give \$3000 to the residential association for his release from any future liability for the condition of the North Slope.
6. The board asked for clarification of the question whether or not a pedestrian right-of-way exists between lots 73 and 77 across the town’s water and septic easement allowing access to Moore Street. Mr. Phillips said no such right of way exists.
7. The board requested clarification of the T-turnaround easement behind lot 77 as to its location and purpose. Mr. Phillips replied the easement is for the town to have access to the field belonging to the private land owner.
8. The board requested the release stipulate a hold harmless clause that the HOA is not responsible for issues occurring on the commercial properties. Mr. Phillips’ reply was that this was not needed.

Monica stressed that the board will continue to seek to clarify these issues and in particular to obtain clear title to the common areas.

Treasurer’s Report

Treasurer Sylvia Pardo began her report by stating there were no delinquent homeowner accounts and expressed her appreciation for this. The largest expense in 2015 has been the increase in the lawn care contract. The cost of the irrigation system was covered by money in the reserve account. The proposed 2016 budget includes new expenses for the irrigation system’s water bill, the increase in the lawn care costs for mulch, seed and fertilizer, and a larger amount allowed for legal fees. The amount of \$855 is budgeted for commercial association dues although this has not been billed in the past. Ten percent of the monthly homeowners’ assessment is budgeted for the reserve account. At the end of 2015, the projected reserve balance is \$9000. Sylvia reported the 2016 proposed budget is still based on a monthly homeowner assessment of \$101. Sylvia expressed her satisfaction with the performance of Avery Jones as bookkeeper and website manager for the residential association. Sylvia reminded that the monthly financial reports were available on the website for any homeowner’s review.

Old Business

In the matter of any old business, Monica said the board will continue to address the turnover agreement.

New Business

The item of new business which drew discussion was the question of how to address the problem of towns people and others coming through the water and sewer easement from Moore Street and walking over the private properties between lots 73 and 77. Mr. and Mrs. Reese report people walk and ride bicycles and skateboards directly across their driveway. They fear this could be a safety issue and asked if the board would need to approve their proposal to plant shrubbery from the corner of their garage to the mailbox to prevent pedestrian traffic over their driveway. Mr. and Mrs. Reese stated they would rather not have to do this if another solution to the pedestrian problem could be found. The homeowners discussed the use of signs, shrubs, rocks, and/or a fence at the entrance to the water/septic easement behind lots 73 and 77. It was also suggested that the residential association no longer include mowing of the water/septic easement in the lawn care contract and allow the pathway to grow over. The board will continue to study this issue.

Residents were made aware of the sightings of bears and coyotes in the development and encouraged to take extra safety measures.

Election of Officers

As no nominations for officers were received prior to the meeting and Monica Schwalbach, Sylvia Pardo and Jared Hughes were willing to continue serving on the board, the motion was made and approved that the three would continue to serve as officers.

There being no further business, the second annual meeting of the Weaver Village Walk Residential Association was then adjourned.

Mary Brown, Secretary
Weaver Village Walk Residential Association