

HERITAGE ESTATES PROPERTY OWNERS ASSOCIATION

BOARD OF DIRECTORS MEETING

AUGUST 3, 2015

Board members present: Dean Moore, president, Jean Moore, Janice Landen, Jimmy Copeland, Rick White, Adele Willard, Bob Wall, Eloise Stewart and Gay Cass

Dean Moore called the meeting to order at 7:00PM via teleconferencing. He stated that the meeting was to include only the Board of Directors for the Heritage Estates Property Owners Association. The purpose of this meeting was to take care of a few items of business in preparation for the Annual Membership Meeting scheduled for Saturday, August 8, 2015 at 5 PM at Smokey Mountain BBQ.

GAZEBO REPAIRS: In compliance with action taken at the 2014 Membership Meeting, to secure 3 bids to replace the roof on the gazebo, the Board voted to go with Gary Roten. He will re-roof the gazebo using ¾ inch plywood instead of ½ inch. The total cost, including materials and labor, will be about \$1400.

BALLOT PROCESS FOR ELECTION OF 2016 BOARD OF DIRECTORS: The Board of Directors approved the use of secret ballots as required by the By-Laws. A seal for Heritage Estates Property Owners Association has been obtained and the ballots will be stamped. Only stamped ballots will be considered valid. Jimmy Copeland is preparing the stamped ballots and Janice Landen will help count returned ballots. There will be only one ballot per lot. Ballots will be mailed to property owners not in attendance for the annual meeting. The owner(s) will need to return the completed ballot(s) by the designated date.

DELINQUENT DUES: The treasurer reported there are four (4) property owners who have not paid dues for 2015. Notices have been sent registered mail and all were returned "undeliverable". The Board agreed to keep liens enforced and in accordance with our By-Laws these individuals will not have voting privileges.

The majority of the time at the meeting was used to address a letter mailed to all property owners by an owner who is not a Board member. The letter asked Heritage Estates property owners to contact the current Board of Directors and encourage them to take action on a proposal regarding exterior lighting that was "tabled" at an earlier Board of Directors meeting. The letter also contained a re-worded PROPOSAL TO AMEND HERITAGE ESTATES RESTRICTIVE COVENANTS AND RESTRICTIONS AGREEMENT. At issue were: (1) the role/authority of the Board of Directors in association matters and (2) whether the Board wanted to address the new proposal contained in the letter. The president reported that he has reviewed all minutes of the Heritage Estates Property Owners Association. Precedent shows that all matters that go before the general membership come from the Board of Directors. Based on our By-Laws (ARTICLE VI; Section 6) and the NC General Statute (NC-GS47F-3-103) cited in the bylaws "...the executive board may act in all instances on behalf of the association".

After receiving the letter, emailed Monday, July 20, 2015, asking owners to contact Board members, one Heritage Estates property owner sent a position statement on the role/authority of the Board of Directors. In response to that statement, the President read the following:

"The By-Laws, in stating the powers of the Board of Directors, make it clear that the Membership can elect the Board of Directors (see Article 2) but give the BOD full power authority to promulgate Rules and Regulations that foster good will, cooperation and neighborliness among property owners. (This owner) does not believe that the Membership has the right to propose Rules and Regulation that are under the purview of the BOD. So, on that basis alone...it would be out of order for the Membership to even consider the proposed rulemaking." This is the position taken by the Board as a majority of members expressed verbal agreement with it.

The proposal to amend the Heritage Estates Property Owners Association Restrictive Covenants and Restrictive Agreement to include exterior lighting was discussed at length. The Board voted to go ahead and address the issue. A motion was made and seconded that the Board take a position on this matter.

The first proposal contained in the letter was defeated by Board action and read as follows:

Exterior lighting. Light fixtures shall not be installed on any lot that may become an annoyance or nuisance to the owners of adjacent Lots. In addition, dwelling flood/spot lights will be placed (positioned) so that light does not shine outside the property in a manner which could become an annoyance or nuisance to the owners of adjacent Lots. For dwelling/roof attached flood/spot lights, dwelling owners are encouraged to install motion-sensitive lights. Any additional exterior lighting that is detached from the dwelling such as pole security/street lights by lot owners will ONLY be motion-sensitive activated (no continuous light) and will need to be approved by property owners of adjacent lots or lots which are in alignment across any HE roadway to said lot owner. Once all adjacent, aligned and said property owners agree to a reasonable lighting plan, a proposal by the property owner will be submitted for ARCHITECTURAL REVIEW AND APPROVAL.

A motion was made and seconded that a tabled motion regarding exterior lighting be brought back before the Board for a vote. The second (tabled from August 9, 2014) proposal was defeated by the Board action: It read as follows:

Exterior lighting. Light fixtures shall not be installed on any lot that may become an annoyance or nuisance to the residents of adjacent Lots. In addition, residential flood/spot lights must be placed (positioned) so that light does not shine outside the property in a manner which could become an annoyance or nuisance to the residents of adjacent Lots. By exception, homeowners are encouraged to install motion-sensitive flood/spot lights.

There being no other business, the meeting adjourned at 8:00PM.

Respectfully submitted,

Gay Cass

