

**THE VIEWS OF ASHEVILLE HOME OWNERS ASSOCIATION  
MINUTES OF MEETING  
JUNE 2, 2005**

1. The meeting was called to order by Board President Richard Green at 7:13 PM
2. Roll was taken by signup and proof of notice was presented and accepted

| <u>Attendees:</u>        | <u>Address @ Distant View Drive</u> |
|--------------------------|-------------------------------------|
| Neil & Diane Altman      | 78                                  |
| John Pierson             | 80                                  |
| Gerry & Margaret Stanley | 86                                  |
| David Hymer              | 88 & 90                             |
| Richard Green            | 91                                  |
| Joe & Jill Bonamarte     | 93                                  |
| Howard Feree             | 95                                  |
| Jane Robison             | 100                                 |
| Vivian Lutz              | 102                                 |
| Bill & Holly Reynolds    | 106                                 |
| Paul & Diane Summey      | 108                                 |
| Steve & Jo Betso         | 113                                 |

3. Minutes of the meeting of June 22, 2004, having been previously distributed for review, were accepted by unanimous vote.
4. The floor was opened for nominations for Homeowners Representative on the Board of Directors. Gerry Stanley was nominated and elected.

**5. Reports of Officers**

**President and Developer Richard Green reported**

- a. That the street and stormwater system had been accepted by the city and that the HOA was now only responsible for keeping the detention pond clear of growth and debris that might clog the outlet intake. The fence was required by the city as a safety-of-life issue.
- b. The paving of the turn around above 88/90 was complete. The developer and the HOA shared the cost of the curbing and paving.
- c. The three lots on the ridge (122, 124 and 126) are under contract for sale to another builder. Lots 97 and 99 are under contract to individuals. Those are the last lots available. Once the three homes now under construction by developer are completed and sold, the developer's Declarant Control Period (see Bylaws of The Views of Asheville Homeowners Association, Inc., Page 1, Section 2) will end. Richard pointed out that he and Ken Jackson would automatically be off the board and the homeowners would elect their own board members. Richard Green would still be eligible for the board as owner of Lot 91.

**Question:** What authority would HOA have over construction on the unbuilt lots? Authority would be restricted to that specified in the Covenants and Bylaws. Enforcement would be voluntary with resort to litigation if necessary.

**Question:** Has \$1000 escrow requirement voted at last meeting been included in sale contracts in lieu of change to covenants? No escrow requirement was included because of the difficulty of enforcement and establishing responsibility for damage with the number of trucks and people involved.

**Question:** Will we know lot owners names to be able to consult with them and work on avoiding damages? Yes names of owners would be known. (*Post meeting comment/observation: When sale is final, owners would be members of HOA, and names and addresses would be listed with the Treasurer for assessments.*) Margaret Stanley, Chair of the Landscape Committee, gave the example of working with the

builder on Lot 77 in moving trees and replanting them. Richard Green felt in his opinion that any problems could be avoided through communication and cooperation.

### **Treasurers Report**

- a. Expenditures for calendar year 2004 and expenditures to date for 2005 were presented
- b. It was pointed out that even with substantial expenditures of \$4,000 for tree removal and landscaping, and \$1,000 for paving the turn around, cash reserves were higher than at the end of 2004.
- c. Neil Altman the present Treasurer has submitted his resignation. A call for a volunteer to fill the spot will be sent out by e-mail  
**Question:** Who approves expenditures? The HOA approves the budget at the annual meeting. The Board approves expenditures not included in the budget as the need arises. Margaret Stanley explained the process by which the Landscape Committee develops specifications and obtains bids for all work, covering logging, mowing and other maintenance and improvements. A budget request based on these estimates are presented to the Board and HOA at the annual meeting.
- d. The Treasurers Report was approved by unanimous vote.

### **6. Reports of Committees**

#### **Landscape Committee – Chair, Margaret Stanley**

- a. Margaret introduced Joanne Betso, who will be the chair of the Landscape Committee for 2005/2006.
- b. She pointed out the problem of calculating the budget when her work was for the calendar year and the budget approval meetings ran from June to June.  
**Question:** Are landscape plantings under warrantee? **Margaret:** Yes, some have lifetime others have one year.
- c. Pointed out that we have three storm water management areas: the detention pond behind the fence at the bottom of the Views, and two diversion ditches, one behind the nineties row of houses and the other behind the one hundreds row,
- d. Handed out the Landscape Committee budget comparing 2004 approved budget vs. actual expenditures, and the 2005 budget request. She explained that the cost per mowing has been the same for three years, the landscaper being flexible and able to add or delete areas due to construction. On the average, mowing occurs every ten days, ranging from seven days in the spring to 14 days in he summer dry times. As lots are sold and assessments increase from ½ share to full share will be able to work on beautification of the hillside with the extra money  
**Question:** How much above budget would additional planting of trees cost? **Margaret:** Not looking at cost yet. Additional trees will probably not be planted until 2006. Currently developing concept, with types of flowering trees, locations, and involvement of all homeowners  
**Question:** Will there be a Master Plan? Information sharing? Budget Approval? **Joanne:** The plan will include an education program for the homeowners. There was a Master Plan for the landscaping accomplished the past year and it was followed. This new effort goes beyond that Plan and targets the Common Areas (CA) below each row of houses. No cost estimates have been prepared yet, but budget approval will be sought at the proper time.
- e. Margaret requested feedback on the HOA maintaining the two drainage ditches behind the 90 and 100 rows. Richard offered the guidance that the city is not as concerned about the ditches as it is about the pond. We need to keep small trees and blackberry bushes out of ditches but let the grass grow. There was general consensus on this.
- f. The Landscape Committee budget for 2005 was approved by unanimous vote.

**Landscape Committee (continued) – Incoming Chair Joanne Betso**

- a. Joanne presented a new beautification effort the goal of which is to make the appearance of the hillside less barren by using flowering trees in the CA below the houses of the Views. The LC is currently working on refining the choices to be made available to the homeowners.

**Question:** The Common Areas need to be well defined, and we need to communicate to homeowners what they can and cannot do in the areas near their homes..

**Question:** Who will pick the trees across the street from the front of our houses, the ones we will see every day? **Joanne:** The plan is for the uphill homeowner to choose. Primary goal of the plan is to not obstruct views on the downhill side of houses. However, good communication is needed and we need an LC member for each level or row of houses (to coordinate).

- b. The plan is not complete therefore it cannot be presented in detail tonight, but it will use low growing trees (<20') and the choice of type of tree will be limited. In general there will be two to three trees behind each house, the location and type of which will be determined and marked with a color-coded stake by the homeowner above.

**Architectural Committee – Chair Richard Green**

- a. In the past year the committee has approved plans for Joe and Jill Bonamarte (Lot 93), Jane Robison on Lot (98), and Howard Feree on (Lot 95).
- b. Note that approval from the committee is required for alterations to the exterior of homes.
- c. Bob & Stephanie Alphin will be selling their home (111) and Bob has resigned from the committee. We need additional members.

7. Unfinished Business

**View Preservation** – Last years minutes reflect an observation that we may eventually need a View Preservation policy.

**Question:** What are lot owners allowed to do on lots prior to building? **General answer:** Allowed to clear for access and to prepare for surveying and building. On Lots 98 and 100 the stormwater diversion ditch must be moved upslope to allow room for a common driveway for the two lots. Developer is coordinating the movement of the ditch over onto the sewer easement area. In CA no tree cutting without Board approval. (*Post meeting comment/observation: 1. Not addressed is required clearing of an easement through CA for construction of a driveway. And 2. See also Q & A distributed 12/30/2004, distributed to all homeowners via e-mail.*) Last year minutes approved cutting of Black Locust in CA, but was limited to that necessary for view preservation.

**Question:** What about application of herbicide in CA? Suggest all homeowners be reminded that no alteration to their adjacent CA (planting or clearing) is permitted without approval from the Board. **Agreed.**

8. New Business

- a. Discussion about Flood insurance and what is actually covered, “Flood” being rising waters and not including subsurface ground water seeping through a foundation. Information on coverage of such groundwater seepage was requested from any homeowner that may have such coverage or at least have it available from their insurance company.

**Question:** Does the HOA have any responsibility for the water tank on top of the ridge? No, the city is responsible for the tank and all waterlines, as well as the quality of the water. The tank was designed to accommodate 30 homes under normal conditions. Normally 2/3 of the tank capacity is considered to be minimum for fire fighting. A representative from the water department is up the hill at least once a week to monitor the tank.

9. Meeting was adjourned at 9:05 PM

Attachments:

Expenditures 2004 End of Year

Expenditures 2005 Year to date

Landscape Budget for 2005/Expenditures  
Questions and Answers from 12/30/2004

From: Gerry Stanley <gwstanley@juno.com>  
To: apatell1200@yahoo.com, bill\_holly@yahoo.com, bottumline@earthlink.net,  
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piersonju@bellsouth.net  
Date: Thu, 30 Dec 2004 09:38:17 -0500  
Subject: Construction work

Just before Christmas one of the lot owners in the Views asked several questions regarding some preconstruction brush clearing going on on Lots 98 and 100. Richard and I have answered those questions and I'm distributing the answers to all those in the Views for which we have e-mail addresses. If these answers bring up further questions please send them to us and we'll do our best to keep everyone informed.

Other useful information and updates:

- 1) The end of October you received a series of e-mails about possible utility and access easements being granted or sold to an individual who bought the property above Ballantree to the immediate north of the Views. This request turned out to be long range planning since the land owner must sell other property before he begins home construction. He may initially build a garage/utility building before he finalizes the home plans though. The hurricanes took care of any request for vehicle access to that property from the cul-de-sac at the top of the mountain. Three or four trees were blown down across the only possible vehicle route to the north and the land owner plans to use an existing dirt/gravel road from Ballantree for access. The only part of the easement request that might carry through would be for power and sewer. At the time there was a question on whether the land was in the city or county. It is in the city.
- 2) During the next several weeks there will be chain sawing of trees recently cut down under a contract with the Views through the Landscape Committee. The people doing the work are not being paid except for being allowed to remove the wood for their own use. If you have concerns about noise in the morning or evening or on weekends let the chairperson of the Landscape Committee know and she will adjust the hours of work.
- 3) In case you didn't know, the home under construction on Lot 95 is by an independent contractor building to Richard's plans.

Happy New Year

Gerry Stanley  
Owners Representative  
Board of Directors

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Q1. Was the clearing in violation of our covenants? If so, will these lot owners be notified in writing of this? Will they be asked to present a landscape plan that addresses some restoration at their expense of what is now a pathetically bleak expanse of land? Does the HOA have a policy for what it does if the covenants are violated?

A1. Yes the lots do look pretty bleak; in fact the entire hillside looks pretty bleak during the winter. Despite this, the clearing of lots 98 and 100 did not violate the covenants. Although the owners also cleared vegetation in the common areas they were acting with the approval of the HOA via the Chairperson of the Landscape Committee. The Landscape Committee is responsible for the maintenance of the Storm Water Management Systems and had already directed the Views contract landscaper to clear the ditch of unwanted growth. (this is a requirement from the city). Also, one of the owners above the lots had also expressed concern that the Black Locust trees growing there would soon begin to block their view. The owner of Lot 98 offered to clear the ditch along with the two lots at no cost to the HOA. See also Section 29. Waiver of Unintentional Violation and Section 30. Enforcement. These sections provide guidance for handling violations. It would be unreasonable to require intermediate landscaping after clearing and before construction. In an uncompleted development such as ours there will be times during construction that things just aren't as attractive as we would like, e.g., Lot 95. The lots and disturbed easements will be landscaped once construction is complete. Both owners have stated their intention and desire to make their homes attractive additions to the Views of Asheville.

Q2. Since the lots have been cleared, do they intend to begin grading them soon? Do they have to present plans to the HOA or just to the city for grading? Or, do they get a blanket okay to grade without a plan and get checked later?

A2. The owners of Lots 98 and 100 have not yet provided any plans or schedules. They must have plan approval from the developer and a grading permit from the city before they begin moving dirt. The Architectural Review Committee that was formed at the HOA meeting on June 22, 2004, is advisory to the developer and has no formal authority under the covenants until the developer transfers such authority in writing.

Q3. Who is going to be responsible for the siting of the relocated drainage ditch and does this require any approval prior to the actual work being done? Will the homeowners immediately above this ditch be given an opportunity to know in advance where the ditch is going to be, that is to say, will its location be flagged?

A3. The developer is responsible for coordinating the final location of the ditch with the builder. Approval would normally occur during the plan's architectural review process. The two lots have a twenty-foot wide easement along the east or uphill side of the lots for construction of a common driveway. This easement is already staked out. The location of the driveway will require that the drainage ditch be moved upslope and straightened. The tentative plan at this time is that the ditch will be partially on the upper part of the driveway easement and perhaps partially into the easement for the sewer (also twenty-feet wide centered on the sewer line cleanouts.) In any case the new location of the ditch should not be above the sewer easement.

Q4. When someone purchases a lot from Richard, other than the guidelines

of our covenants, what are they allowed to do on their lots during clearing of the land. Does anyone review and approve this prior to the commencement of work?

A4. An owner would be allowed to remove weeds, brambles, bushes and small trees from their lot in order to survey in the building footprint. Most of the saplings on vacant lots are Black Locust, a "weed" tree and would not need to be replaced (indeed, they will quickly replace themselves). Any evergreens or hardwood saplings planted under the city required landscaping should be removed and replanted or replaced.. Large trees should be preserved unless they obstruct use of the lot, i.e., building location and/or view. See also Section 23. Native Growth. As a consequence of this question the developer and the Landscape Committee will in the future perform a walk-through with prospective buyers to identify trees that should be preserved or moved and those requirements will become part of the sales contract. The owners of Lot 93 were proactive in this area and contacted the Chairperson of the Landscape Committee about some trees on their lot that they felt should be saved and transplanted.

Q5. I am used to using Richard as a contact person to answer questions I have about ongoing construction. Who can a resident call to clarify any issue of concern about ongoing construction where Richard is not the builder?

A5. Call Richard for questions about any construction. As developer, in the absence of transfer of authority to an Architectural Committee, he is responsible for compliance with approved plans.

Q6. Who is responsible for the actual approval of the building plans for proposed dwellings and who makes certain those plans comply with any parameters laid out in any such deeds?

A6. The covenants place plans approval authority on the developer until he formally cedes such authority to the HOA in writing. See also Section 27. Approval of Plans. This section also provides the responsibility and authority to the developer to inspect the construction and to take any steps necessary to prevent any attempted construction that is not in compliance with the approved plans.

Q7. How many lots do you have in The Views that are still for sale as building lots?

A7. There are eight lots remaining. The county web site [www.buncombegis.org](http://www.buncombegis.org) shows tax maps that are current with all replatting of lots. Pin numbers are shown and if you zoom in, you can also see all dimensions of the lots.