

**ANNUAL MEETING MINUTES
THE VIEWS OF ASHEVILLE HOMEOWNERS ASSOCIATION**

DECEMBER 1, 2022

President Bill Uhle called the meeting to order at 7:30 pm. Because Skyland Fire Department was still closed to outside meetings due to Covid, this meeting was held via ZOOM.

Roll Call: The following homeowners were present on the ZOOM meeting:

77, Gary and Diane Onderdonk	104, Harry Friedman
84, Dr. Toni Meador	106, Kathy Gainey and Ed Donnelly (had proxy for 76, Jorgensen)
86, Margaret and Gerry Stanley	108, Diane Summey
88/90, Brad and Heather LaBarbera	110, Mike and Nancy Osborne
91, Richard and Judy Green	111, Bob and Marilyn Trapnell
93, Jill Sagarin (had proxy for 78, Altman and for 80, McGaughey)	113, Calvin and Carolyn Bolling
95/97, Bill and Chandra Uhle	116/112/114, Jean-Pierre and Dana Dubreuil (had proxy for 115, Curtis)
99, Rick and Diane Harvey	119, Steve and Sandra Barbour
102, Teresa Ohlson	

Bill indicated that the agenda would be followed as previously sent, and the added agenda item concerning maintenance of all the HOA forest areas will be included as the first "New Business" item so that the discussions occur before next year's budget is considered.

Opening Statement on Zoom Procedures:

Bill briefly reviewed some of the Zoom procedures and protocols for the meeting (which were previously sent to the homeowners):

- 1) Please keep your Video on and Microphone muted until you want to speak.
- 2) To be recognized by the Chair:
 - a) If you have a point of order or a question of immediate importance, unmute and state that you have a point of order or a question. You will then be recognized to proceed.
 - b) If you have a question or comment that can be answered in due course, then either send a chat to "everyone" saying you have a question or comment, or if unable to chat, wait for the current speaker to stop, then unmute and say you have a question or comment. Bill will then recognize you to speak in due order.
- 3) Primary Voting Method: will be a show of hands as is normally done at our meetings.
 - a) The only difference is that you raise your hand at the appropriate time with the number of fingers raised equal to the number of lots you are voting for. Most owners will be holding up just one finger, but some own more than 1 lot or may

have a proxy for another lot. For example, if you own 2 lots, and have been given a proxy, you would hold up 3 fingers.

While voting, please confirm on your video that you can clearly see your fingers. Please keep your hands raised until Nancy tells us how many votes she counted.

- b) As always, Bill will first ask for all those in favor of the motion to raise their hand, then once that count is announced, he will ask all those opposed to raise their hand.
 - c) Bill will then ask for verbal votes of Yea or Nay from those attending without a video connection.
- 4) Finally, as previously noted in the email, the Board intends to record the meeting to assist in preparing the meeting notes. There were no objections, so recording started.

First Order of Business:

Determination of whether we had the required Quorum (51% - at least 16 votes) for the meeting. Nancy reported that there were 25 votes represented.

Introduction of New Owners:

There were three new owners present who gave a brief introduction of themselves.

119 Distant View Drive, Steve and Sandra Barbour

77 Distant View Drive, Gary and Diane Onderdonk

104 Distant View Drive, Harry Friedman

Proof of Notice of Meeting: Bill confirmed that Nancy had sent notice via email and USPS.

Approval of 2021 Minutes: The minutes of the last annual meeting on December 1, 2021 were distributed via email on January 4 of this year, and after comments were incorporated, the minutes were accepted as final on February 8 and posted on the HOA's website.

REPORTS OF HOA COMMITTEES

Architectural: Bill Uhle

Richard Green and the members of the Board continue to act as the Architectural Committee.

- 1) It was a busy year for the committee, with 7 requests approved as follows:
 - 115 and 116 DVD for outside stairs on the side of the house
 - 86, 102 and 106 DVD for a backup generator
 - 119 DVD for a backup generator, a roof vent for a radon reduction system, and a retractable awning for their deck
 - 80 DVD for a backup generator, outside stairs, the addition of a skylight, extension of the upper deck and the enclosure of the lower deck
 - 88 DVD for a roof replacement and the installation of solar panels

As a reminder, any new construction on a lot (which includes any new structures such as a fence) or any exterior modifications (including changing the exterior color of your house or deck) requires approval by the Committee.

Landscape: Kathy Gainey

- 1) Landscaper: TPS
 - a) TPS has continued to maintain the property. We had a few issues with several new crews not executing the contract correctly. We have walked the property with the team leads and met with management to address the issue. TPS is back to a weekly schedule for lawn maintenance (they had shifted to every 10 days due to labor shortages). Due to the increase in fuel costs, TPS applied a fuel surcharge to our normal contracted price for several months, but we are back to the monthly contract price.
 - b) On-Demand Services: We had three lawn amendments applied for weed control and fertilization of the common areas. With the grass still looking good, we did not perform any lime treatments, aeration, or overseeding.
 - c) We re-competed next year's contract. We awarded the contract to TPS again for next year as they were the lowest bidder. As expected, costs have continued to increase due to rising materials, supplies and labor costs.

- 2) Arborists:
 - a) In May, we contracted with WNC Forestry Service to remove a large dead hemlock and 5 locust trees.
 - b) In September, Appalachian Arborists reviewed the City of Asheville's designated mature hardwood trees and confirmed one of the chestnut oaks was dying and needed to be removed. We contracted with Cortez Tree Service to remove it.
 - c) In September, we paid WNC Forestry Service to remove a large limb overhanging a house from a tree on HOA property.
 - d) Arborist and tree removal costs have significantly increased:
 - i. 2019 - \$550 to remove 5 medium and small trees
 - ii. 2020 - \$380 to remove 3 medium and small trees
 - iii. 2022 - \$1400 to remove 1 large tree and \$250 to remove 1 medium tree

- 3) Landscape Requests: (All were approved by the HOA Board and HOA members)
 - a) 77 DVD – Crown reduce 1 black willow tree, 3 white pine trees, 2 oak trees, and 2 maple trees. Remove 1 wild cherry tree and several locust trees.
 - b) 80 DVD – Crown reduce 7 pine trees, 2 poplar trees, 1 black cherry tree, and 1 locust tree, and reshape 1 tree.
 - c) 82 DVD – Remove 2 black cherry trees, crown reduce 2 maple trees, trim 1 black cherry tree, remove dying hemlock. The City of Asheville will remove one dying hemlock.
 - d) 95 DVD -Plant 1 Nellie Stevens holly tree on HOA land behind 93 and 95 DVD and plant 3 green giant trees and 8 ornamental shrubs on HOA land across from 97 DVD.
 - e) 100 DVD – Plant 2 trees on her property.
 - f) 102 DVD - Crown reduce – 5 Norway spruce, 6 hemlocks, 3 red maples and 1 wild cherry.

- g) 104 DVD – Crown reduce 1 pin oak tree.
 - h) 110 DVD – Trim shrubs and trees on HOA property, remove from HOA property two cherry trees leaning toward the house and 1 touching the house.
 - i) 117 DVD – Crown reduce 3 pine trees, 1 sweet birch, and 2 northern red oak trees.
- 4) Others Actions:
- a) We purchased new lights for the front entrance to light the sign.
 - b) At the HOA sewer drainage basin, we contracted to remove the invasive vines on the fence that surrounded the basin. We contracted with another company to repair the collapsing portion of the chain-link fence.
 - c) We successfully coordinated with Park Avenue HOA to resolve a disputed area to the west of the stormwater basin fence adjacent to Park Ave. We owe a debt of gratitude to Bill Uhle. He was diligent in laying out the issue and sending supporting documentation to their Board. Park Avenue HOA has assumed responsibility for maintenance of the area.
- 5) Property enhancement:
- a. Thank you to Al and Kay Patel for their gift of 3 rhododendrons from BB Barns. They are planted behind the rose bushes across the street from 91 DVD. With the routine pruning of the roses and the growth of the rhododendrons, it will greatly enhance the attractiveness of that area. We moved 3 dying roses from the back of the bed to the common area below 102 DVD in hopes that more sun will allow them to flourish in their new location.
 - b. Thanks go to Ed Donnelly, Teresa Ohlson, Chandra Uhle and Bill Uhle for transplanting multiple rose bushes, planting the 3 donated rhododendrons, and watering the plants as needed.
- 6) Future Landscape Requirements: Previously to keep costs down, we have had volunteers help to perform duties that a landscaper would normally perform such as planting trees and shrubs, removing underbrush and clearing invasive vines from along the road. However, the volunteers will not be able to continue these actions in the future. Therefore, we have increased the landscape budget to address vine clearing and other tasks volunteers used to perform.

REPORTS OF BOARD OF DIRECTORS OFFICERS:

Secretary/Treasurer: Nancy Osborne

Everyone was sent a copy of the 2022 Income and Expenses as of 11/15/22. These are the highlights:

- 1) Income: \$21,003.67, dues and interest as of 11/15/22.
- 2) Expenses: \$19,492.47, including transfer of \$3,500 to fund the Reserve Account.

- 3) Total estimated additional expenses through 12/31/22 are \$1,837.78*, for a total estimated 2022 expenses of \$21, 330.25*. (Budget surplus of \$44.75)
NOTE: The originally accepted budget was \$21,375, however dues were \$20,625 due to the redesignation of lots 112 and 114)
- 4) This leaves an estimated \$13,372.20* in the Operating Account at year-end.
- 5) The Reserve Account expense was \$1,750.00 for the repair of the chain link Fence around the stormwater retention pond.
- 6) The estimated 2022 balance in the Reserve Account is \$4,957.94.
- 7) The total estimated year-end 2022 balance in both the Operating Account and the Reserve Account is \$18,330.14.

*Due to the increase in the Stormwater bill at year-end, the total 2022 Operating expenses were \$21,481.72. The Operating Account balance at year-end was \$13,220.99. Therefore, the total year-end balance in both accounts is \$18,179.01.

VICE-PRESIDENT: Kathy Gainey

No report other than "Thank you to the Landscape Committee" for all the hard work.

PRESIDENT: Bill Uhle

Dangerous Skateboarding along Distant View Drive and Park Avenue: While the "Skateboarding is Illegal" signs have seemed to reduce the frequency of the high-speed skateboarding down Distant View Drive, it has not eliminated it.

Everyone is encouraged to report any skateboarding activity first to the Asheville Police Desk (828-252-1110), with the date and time of the activity and any info you were able to obtain about the chase car (specifically, the police would like to know the color, make, and model of the vehicle and the License plate info, the State and number). Please also inform someone on the Board later via email so we can continue to track how often these events are occurring.

UNFINISHED BUSINESS FROM THE LAST MEETING:

LAWSUIT: The only unfinished business from the last meeting is the lawsuit filed against the HOA by the Stewards back in 2018.

- 1) The good news is that the HOA and the Stewards agreed to and filed a **Mutual Dismissal without prejudice** as to their claims on May 5th, after the Stewards sold Lot 112 to JP and Dana and were no longer a member of the HOA.
- 2) The only caveat is that a lawsuit dismissed **without prejudice** can be reopened within one year. So, the case is not completely closed and over until May of next year.
- 3) After the mutual dismissal was filed, JP and Dana signed a Quit Claim Deed in favor of the HOA to close the loop on HOA ownership of the Water Tank Site lot.

NEW BUSINESS:

Discussion of Revision to Landscaping Guidelines:

The maintenance of unimproved HOA property was added to the December Annual Meeting agenda at the request of a homeowner. The present HOA policy is "Ensure maintenance of the

first 3-5 feet of forested common land along Distant View Drive, to include the removal of invasive vines, pruning of trees, and the removal of volunteer trees and shrubs.”

Kathy led the discussion: As background, please read the Landscape Guidelines which were sent to you. The above outlines what is the current policy, which is that the HOA budget only addresses what is visible from DVD.

Calvin asked who has been doing the work – the Landscape Committee or just a few owners.

Kathy: Appalachian Arborists have been hired for work along the roadway, and Bill, Chandra, Ed and I have done a lot of that work. Appalachian Arborists are no longer available, and the Landscape Committee is no longer capable of doing the extra work. Another arborist will need to be hired for the present maintenance policy work, which is why additional funds are needed in the budget.

Bill: The last time the HOA removed vines, etc. from the HOA land which is visible from DVD (2018,2019), it cost approximately \$2400. The rationale for the current policy is that because the land is visible from DVD, it benefits all of the homeowners.

Mike: Made a motion that “...the necessary maintenance of all HOA forested common land be maintained by the HOA budget”, however, it was not seconded, nor voted on, because the cost had not been analyzed to determine how much more this would mean to the budget. Mike indicated that he had WNC Forestry Service kill and remove extensive vines on HOA land behind his home.

Nancy added that under the present policy, the homeowner that has HOA property that is not visible from the street, but is visible from the homeowner’s home, that homeowner must either look at the unsightly vines, or pay to have them removed. In the case of the vines behind #110, if they had been allowed to grow even more than they did (which was at a level with their top deck), they eventually would have affected the Reich’s undeveloped lot, the LaBarberas’ undeveloped lot, as well as DVD around the corner between them.

Richard noted that he had been hiring Appalachian Arborists and personally paid for maintenance of the HOA land behind his home.

Chandra noted that #93 to #99 all have a problem which they have had to address at their expense. Since she is on the Landscape Committee, she realizes how expensive it is just to maintain along the road where everyone can see it. It will have to be studied as to the cost of maintaining HOA common land where it can’t be seen from the road.

Calvin: Agreed, the committee will have to assess what the additional cost will be.

Margaret and Gerry: The committee must define what is an invasive species. Also, “natural” is not the same definition as it was when the Guidelines were formed, since there has been so much growth since then.

Marilyn: Our HOA backyard looks like a jungle – is that considered “natural”? Our backyard can be seen from DVD – does that mean it is an HOA expense?

Diane: Marilyn’s backyard is my front view, i.e. it can be seen from the road. I have a concern that if it is cleared, there will be erosion.

Bill reminded all to also review Appendix 2 to the Guidelines, which lists those homeowners who have agreements with the HOA to maintain HOA property.

Kathy: I will head a committee to perform due diligence regarding the requests of the homeowners involved, contact arborists and evaluate cost estimates to remove vines and invasive growth that is not visible from DVD, and make an assessment to be presented to the homeowners. Kathy asked for volunteers. Those who volunteered at the meeting are Gerry Stanley, Margaret Stanley, Richard Green. After the meeting, Nancy Osborne and Diane Summey both volunteered to join the committee. Anyone else who is interested, please contact Kathy.

Review and Approval of 2023 Annual Budget:

1. Everyone was sent a copy of the proposed 2023 Budget in the HOA Financial package. The main proposed changes are:
 - a) Increase the dues from \$750 to \$900.
 - b) Increase the Reserve Account Funding from \$3500 to \$4750 due to future needs for capital repairs to HOA retaining walls and the stormwater system as highlighted in the information paper.
 - c) Increase of the Arborist line in the landscaping budget from \$750 this year to \$2630 next year.
2. Calvin made a motion to approve the 2022 budget. Richard seconded. The 2022 Budget was approved by unanimous vote.

Election of the 2023 Board of Directors:

1. Bill Uhle, Kathy Gainey and Nancy Osborne volunteered to serve for another year.
2. Bill nominated the three for the 2023 Board of Directors. Jill seconded the motion.
3. Bill asked for any other nominations. Hearing none, he moved to close the nominations. Richard seconded the close of nominations.
4. Bill Uhle, Kathy Gainey and Nancy Osborne were elected unanimously to the 2023 Board of Directors.

OTHER

Bill thanked everyone for attending the meeting. He also thanked Heather LaBarbera for setting up the Zoom meeting and being available to help owners with questions/connections. Meeting adjourned at 9:00 pm.

Nancy Osborne
Secretary/Treasurer
The Views of Asheville Homeowners Association

Attachments:

1. HOA 2022 Income as of 12/31/2022
2. HOA 2022 Expenses as of 12/31/2022
3. HOA 2022 Financial Summary as of 12/31/2022
4. HOA 2023 Budget (as approved)

Attachment 1: HOA 2022 Income as of 12/31/22

**THE VIEWS OF ASHEVILLE HOA
2022 OPERATING ACCOUNT INCOME STATEMENT (on 12/31/22)**

Dues	
2022 Dues	\$21,000.00
TOTAL DUES	\$21,000.00
Other Income	
First Bank Checking Interest	\$4.17
TOTAL NON-DUES INCOME	\$4.17
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TOTAL INCOME	\$21,004.17

2022 RESERVE ACCOUNT INCOME STATEMENT (on 12/31/22)

Transfer	
Funds from Operating Account	\$3,500.00
TOTAL TRANSFER	\$3,500.00
Other Income	
First Bank Checking Interest	\$1.24
TOTAL NON-DUES INCOME	\$1.24
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TOTAL INCOME	\$3,501.24

Attachment 2: HOA 2022 Expenses as of 12/31/2022

**The Views of Asheville HOA
HOA 2022 Operating Account Expense Statement (on December 31, 2022)**

PAYEE	PAID	DATE PD/CHECK #	COMMENT
LANDSCAPING			
TPS	\$755.37	1/05/22 #1077	December 2021 Invoice
TPS	\$755.37	2/02/22 #1080	January 2022 Invoice
TPS	\$755.37	3/02/22 #1083	February Invoice
TPS	\$755.37	3/02/22 #1085	March Invoice
TPS	\$827.98	5/06/22 #1090	April Invoice
TPS	\$838.74	6/02/22 #1094	May Invoice
TPS	\$840.39	7/02/22 #1098	June Invoice
TPS	\$835.43	7/31/22 #1100	July Invoice
TPS	\$827.98	9/05/22 #1102	August Invoice
TPS	\$827.98	10/04/22 #1105	September Invoice
TPS	\$827.98	11/01/22 #1108	October Invoice
TPS	\$827.98	11/30/22 #1111	November Invoice
TPS	\$234.60	6/24/22 #1096	Round 2 fertilizer
TPS	\$234.60	11/01/22 #1110	Round 6 fertilizer
TPS	\$473.33	11/04/22 #1109	Vine removal
TPS Total	\$10,618.47		
Appalachian Arborists	\$80.00	10/07/22 #1107	Inspection of trees
WNC Forestry Service (John Rutland)	\$300.00	5/27/22 #1091	Dead tree removal
WNC Forestry Service	\$125.00	9/26/22 #1104	Dead tree removal (portion)
Cortez Tree Service	\$1,400.00	9/27/22 #1103	Dead tree removal
TOTAL LANDSCAPING	\$12,523.47		
LEGAL/ACCOUNTING/BANKING			
Dixon Hughes	\$67.00	1/06/22 #1078	Retainer for tax preparation
	\$283.00	5/31/22 #1092	Tax preparation for 2022
Allen, Stahl, Kilbourne	\$97.50	1/03/22 #1076	Review legal matters
	\$927.50	2/02/22 #1082	LisPendens re: Lawsuit
	\$362.50	3/03/22 #1086	Final Invoice for LisPendens
	\$18.03	4/06/22 #1087	Serve notice of LisPendens
	\$32.50	5/03/22 #1088	Lis Pendens review
	\$601.00	6/01/22 #1093	Quitclaim Deed preparation + recording
TOTAL LEGAL/ACCOUNTING	\$2,389.03		
TAXES/FEES			
City of Asheville	\$1,009.80	6/06/22 #1095	Stormwater tax 1/1/22 - 6/30/22
City of Asheville	\$1,161.27	12/15/22 #1112	Stormwater tax 7/1/22-12/31/22
TOTAL TAXES/FEES	\$2,171.07		
RESERVE ACCOUNT			
Annual Reserve Acct funding	\$3,500.00	1/06/22 #1079	
TOTAL RESERVE ACCOUNT	\$3,500.00		
INSURANCE			
Nationwide	\$550.00	7/12/22 #1099	Liability, D&O insurance
TOTAL INSURANCE	\$550.00		
MISC.			
Reimbursement Dues Lots 124 & 126	\$294.23	7/01/22 #1097	
Lighting for Entrance Sign	\$53.92	8/30/22 #1101	
TOTAL MISC.	\$348.15		
TOTAL OPS ACCT EXP	\$21,481.72		
Reserve Account Expenses			
	PAID	DATE PD/CHECK #	COMMENT
Fence Scapes	\$1,750.00	11/8/22 #1106	Repair chainlink fence
TOTAL RES ACCT EXP	\$1,750.00		

Attachment 3: HOA 2022 Financial Summary as of 12/31/2022

THE VIEWS OF ASHEVILLE HOA			
2022 INCOME & EXPENSES (OPERATING ACCOUNT) (on 12/31/22)			
Beginning ACCOUNT Balance 1/1/22		\$13,698.78	
	2021	2022 Actual	2022
		<u>Actual</u>	<u>Annual BUDGET</u>
ANNUAL INCOME			
Dues	\$18,525.00	\$ 21,000.00	\$21,375.00
Non-dues (Account Interest)	\$3.80	4.17	
TOTAL INCOME	\$18,528.80	\$21,004.17	
EXPENSES			
Landscaping	\$12,459.71	\$12,523.47	\$13,238.00
Legal/Acct./Banking	\$689.00	\$2,389.03	\$1,600.00
Taxes/Fees	\$2,019.60	\$2,171.07	\$2,278.00
Reserve Acct Funding	\$1,500.00	\$3,500.00	\$3,500.00
Insurance	\$550.00	\$550.00	\$600.00
Total Misc.	\$324.49	\$348.15	\$159.00
TOTAL OPERATING EXPENSES as of 12/31/22	\$17,542.80	\$21,481.72	\$21,375.00
OPERATING ACCOUNT BALANCE AS OF 12/31/22	-	\$13,221.23	

THE VIEWS OF ASHEVILLE HOA			
2022 INCOME & EXPENSES (RESERVE ACCOUNT) (on 12/31/22)			
1/1/22 BEGINNING BALANCE		\$3,206.86	
	2021	2022	
		<u>Actual</u>	
INCOME/TRANSFER			
Interest Income	\$0.59	\$1.24	
Annual Funding	\$1,500.00	\$3,500.00	
TOTAL INCOME	\$1,500.59	\$3,501.24	
Balance Before Expenses	\$3,206.86	\$6,708.10	
TOTAL RESERVE EXPENSES AS OF 12/31/22		\$1,750.00	
RESERVE ACCOUNT BALANCE AS OF 12/31/22		\$4,958.10	

Attachment 4: HOA 2023 Budget (as approved)

HOA 2023 Budget (Accepted as proposed)

<u>HOA ACCOUNTS BALANCE</u>	<u>as of 12/31/2022</u>	
Operating Account	\$13,220.99	
Reserve Account	\$4,958.02	
Total	\$18,179.01	
<u>2023 INCOME</u>		
Annual Assessment of \$900 (\$150 increase)	\$24,750	
<u>2023 OPERATING ACCOUNT EXPENSES</u>		
Landscaping	\$15,401	
TPS Landscaping Contract		\$9,671
Includes Mow, Edge, Blow every 7 days, Bed Maintenance, Pruning along DVD, storm water ditch inspections and upkeep		
Grass maintenance / rejuvenation (3xWeed/Fertilizer, Lime, Aeration/Seed)		\$2,100
Landscaping Improvements to HOA common land (TBD, could be Mulch or entrance improvements)		\$1,000
Arborist - Tree and invasive vine pruning/removal (storm damage, disease, appearance along DVD)		\$2,630
Legal, Accounting, Banking	\$1,350	
Tax Prep (Dixon-Hughes)		\$350
Legal Advice (Dungan Law)		\$1,000
Taxes / Fees	\$2,278	
Stormwater System		\$2,278
Insurance	\$600	
Nationwide		\$600
Miscellaneous Expenses	\$371	
HOA Website		\$232
Postage/Supplies		\$114
Annual Meeting		\$25
Reserve Account funding	\$4,750	
Total Operating Account Expenditures	\$24,750	
<u>2023 RESERVE ACCOUNT EXPENSES</u>		
Storm water system		TBD