Bear Creek HOA Bi-Annual Meeting Minutes 05/26/2024

In attendance 12 owners (24 lots) plus 4 owners via zoom (6 lots).

HOA President, [Lisa Hospers](https://app.constantcontact.com/pages/campaigns/email) opened the meeting 3:08pm with thanking Dan, Vernie, Tommy, George, Charlie & Lil for all their help over the past few months with so many various tasks, issues (including beaver dam, pool, road, maintenance, etc.) and so many spur of the moment requests.

Lisa shared we have been in touch with our Attorneys “a lot” and will no longer be wasting funds on them reviewing items. Our attorney confirmed only 1 annual meeting is necessary which would be October for budget ratification and decision meeting. He suggested we follow those guidelines. Those in attendance would like to continue with a May “discussion” meeting – realizing no voting will be taking place.

Claudia Pace has taken over treasurer duties, due to Tammy Canada’s resignation of her position. We will revisit filling the At Large position in October.

All dues and assessments are collected in full and up to date.

Discussion of expense report. Unexpected fees: wildlife expense (beavers, muskrats), legal, management companies' additional expenses.

Cedar Management was a lengthy discussion. The lack of end of month accuracies has had to be monitored and corrected continuously. Discussion of Cedar Management not providing services expected, dues system, change in system, bank transaction fees, owner refunds and overpayment, so many issues. HR Block did our 2023 taxes as they charged less than Cedar. Agreed 3 months’ notice to be given, which will take us up to the end of August when our year contract is up. Shared various information/email notices provided with the last email not being responded to. They “nickel and dime us” on all aspects. Lisa has emailed and called to discuss various charges and our disappointment to no avail. *The biggest issue now being the three-month 'transition' fee they want to charge us if we terminate services which we have asked they waive.* They have made it more difficult for the Board and homeowners to conduct business, access their portal, get any timely response or actions. All homeowners in attendance agreed to terminating our relationship.

Other management company options were discussed. Pricing for two was shared with the community along with functions they would handle. It was decided that we would hold off on hiring another management company so that we can recoup some of the money spent and apply to more pressing matters.

Update on Items:

* *Security Cameras* have been installed Front Entrance & Garbage/Maintenance Entrance

   Please advise asap if any issues or concerns that viewing camera footage is needed, it has been

used twice thus far.

* *Replacement of* lighting fixtures, spotlights at the chapel, roadway, old fixtures and wiring in the chapel.
* *Painting* of gates
* *Landscaping* of the “gym” has begun. Installation of trees/bushes on the backside.
* *HOA Website* has been redesigned to be more current. Any homeowner selling or renting their property, we would be happy to list on the site. Just let us know.
* Insurance premiums increased due to inflation as well as increasing limits on buildings/areas underinsured within the community.
* *Bear replacement* quotes were obtained. Company in Morganton will start working on replacement the Bear at the entrance. Maple wood to be used and detailed care to maintain and ensure they do not rot and deteriorate. $2500 initial estimate given.
* *Gravel, Majority* of the gravel has been laid. The worst roads were addressed, and it appears we will have to continue budgeting much more than $5000 a year. Per AJ we need to continue to add more gravel to try to correct the lack of gravel to get caught up on the roads. Discussion of different types of gravel.
* *Pool Continues* to be a huge issue! Between Wilkes Pools and the Health Inspector there has been crossed wires, incorrect information concerning approved replacement parts, etc. Lisa, Nick (Mountain Pool Spas) Keith (Wilkes pools), Nikki & Monica (Health Department) met last week and reviewed all required modifications needed to get the pool approved and up to code. Wilkes will perform the necessary drain issues and Nick will get the flow valve and the water balanced once water is delivered (scheduled for Tuesday and Wednesday of this week). (5 truckloads of 6,000 gallons at $550 per truck). Once finished the health department will make it a priority to come inspect next week and hopefully approve opening by the end of next week. The pool heater is scheduled to be installed “soon” this is not necessary to be installed to open the pool. Electrician and Plumber needs to take care of this (Wilkes has ordered). The motorcoach community will be advised of this, as there are 7 families signed up to utilize the pool. The Sand in the pump filter system was replaced (900 lbs. of sand) which it appears has never been done, hopefully this will help with the filtration of the system. The pool pump system is too small for our pool and will be an item for discussion in the 2025 budget.
* *Speed Limit* As a reminder please respectful and a good neighbor while driving in the community. 10mph has been deemed unacceptable and unenforceable. Due to the condition of the roads, there is concern as to the dust and safety. Discussion to increase the speed limit to 15, 17 or 20mph, which has been deemed acceptable. No decisions made

**Items still needing attention:**

* *Split Log Fencing* – repairs are expensive. Look at removing fencing that has vegetation or areas not really needing fencing. Discussion of relocating those rails.
* *Docks and Common areas*, staining and maintenance.
* *Flooding due* to beavers. They have been removed, now their “dam” needs to be removed. Vernie has gotten authorization by the local authorities to blow it up and this should happen this week. The trapper did remove the 3 beavers, but there is a “possibility” others could return.
* *Other critters* in play are the muskrat community we are dealing with. They can cause major damage to the dam if they weaken it with their tunnels. The big pond would be no more. The geese situation was discussed, we missed the window to relocate them, will put on the schedule for next year as they are a huge nuisance, mean and very dirty.
* *Discussion of* “mountain time” and unreliable companies and individuals not showing up for quotes or to do work.
* *Hardie Plank* – not in covenants. Different, durable and looks like wood – can be stained. It does not look like “log” siding, but log siding is not the only exterior building material permissible in Bear Creek per the Covenants. Discussion of “flow of nature", consistency of color very important. Covenants would have to be changed in order to use this material. Will put up for a vote in October.

-Entrance Arm – Process for changing the code. Discussed Emergency personnel entrance. Noted 911 needs to be punched in to keep the mechanical arm up (Eddie asked about wale system – no automated system). Table this item.

-HOA Board Reimbursement: Per legal counsel it was recommended to stipulate acceptable parameters for reimbursement of HOA board members and reiterate no compensation expected for services to the community for the position held. No payment without 100% agreement of all board members. Additionally, no board member should be paid to perform services within the community. Board passed a resolution outlining parameter.

-Discussion of Long-term renter information be given to the Board to be included in the Homeowners listing.

-Maite shared she has American Flags for $10, agreed any replacement of flags we will let her know.

-Clarification of misinformation and clearing of Vernie Dove’s “name” from an incident over 1 year ago with the postman. Lisa spoke with the postman who confirmed Vernie was not the person who involved. His name was falsely associated with this incident, and we wanted to set the record straight and apologize for this.

-Lisa adjourned the meeting at 4:55 thanking everyone for their participation and offered to meet with Mr. Preston to review questions submitted for clarification.

-The meeting was adjourned at approximately 4:55pm.

Resolution from the Board of Directors 5/3/2024

The law prohibits board members from receiving a salary or other compensation for their association duties unless authorized in the governing documents. While reimbursement is allowed, it should be reasonable and directly related to board service.

*Our covenants read as follows:**Article V, Executive Board; Selection; Term of Office*

*Section 4. Compensation. No Executive Board member shall receive compensation for a service he may render to the Association. However, any Executive Board member may be reimbursed for the actual expenses incurred in the performance of his duties.*

* + Compensation should be included for the following:
    - Supplies for board-related activities (e.g., ink cartridges, paper)
    - Meeting expenses
    - Items purchased for the community.
    - Payment for approved vendor work
    - Mileage, if duration exceeds 20 miles per trip, with mileage log. (Excluding bi-annual HOA meetings.)

Additionally, all expenses must be approved by the entire Board of Directors. Any expense that was approved by the Board and is in accordance with the resolution will be valid, all others will not be reimbursed by the Association. Receipts should accompany all reimbursements. As there are at least two BOD members assigned to the BC bank accounts, a Board member should not write a reimbursement check to themselves.

The law also states in Article 8 of Chapter 55A of the General Statutes, no financial payments, including payments made in the form of goods and services, may be made to any officer or member of the association's executive board or to a business, business associate, or relative of an officer or member of the executive board, except as expressly provided for in the bylaws or in payments for services or expenses paid on behalf of the association which are approved in advance by the executive board.” If there are no bylaws provisions, expenses should be approved IN ADVANCE of any charge.

Whereas in the past Board members have been paid for services provided to the community, that practice should stop to preclude any insinuation of wrongdoing. There is a specific protocol that should be followed for a board member or relation to legally be permitted to perform a paid service within the community. If the Board/Community found themselves without any other options, then legal counsel should be retained for guidance.

Approved 5/5/2024