

Catspaw Property Owners Association Annual Meeting Minutes

August 3, 2013, 10:30 AM

Macon County Public Library - Community Room

Note: Approved at 2015 Annual Meeting

Members present in person: Randy and Anne Aderhold, William and Eloise Dasher, Jr., Charles and Dianna Davis, Thelma Garner, John and Melinda Heidt, Ross and Susan Henderson, Frank Lee and Bill Kee, Jack Lurie, Debbie Mackie and Peter Roth, Chet and Myrna Mahon, Tom McCollister, Jr., Roger Mechling, Kice and Susan Stone, Arthur and Nicole Trufelli

Members represented by proxy: James Allgood, Donald and Annie Caldwell, Paul and Carol Field, Stephen Foster, Dennis and Linda Graves, Mindy Hastie, Mark and Laurel Holmes, Art Husband, Tom and Carol McInerney, Robin and Ronald Meuldijk, Ann and Felton Mitchell, Bruno and Diane Rosin, Stephen and Martha Sullivan, Tom Stone, John and Sarah Tyrrell, Norma Watts, Myong Wilson,

Guests: Lester Ramey, R&H Technologies, Clayton, Georgia; Bill Diggins, 322 Gobbler Knob Rd, Walnut Gap; Larry Underwood, 598 Walnut Gap Rd, Walnut Gap, Bill Mauldin, mediator for 2011 and 2012 CPOA annual meetings

Attachments: Legal opinion: John Pavey, Letter: Kim Coward, Walnut Gap Road gate location drawing, and gate contract

The meeting began when Frank Lee, President, invited those present to state what they liked or disliked about Catspaw. Many indicated that they liked the coolness, weather, closeness to home, natural habitat, birds, garden, quiet, neighbors, homes, neighborhood bear, views, like backpacking with a refrigerator, and limited access to a phone.

Members were asked to sign in for themselves and any proxies that they represented. Susan Henderson, Secretary, announced that 50 lots were represented. For the second year in a row and the second time in the history of the association, a quorum was represented.

A motion to approve the 2012 Annual Meeting minutes was made by Art Trufelli, seconded by Debbie Mackie and approved by unanimous acclamation of those present.

Treasurer's Report

Randy Aderhold, treasurer, stated that he is the fiscal agent who deposits all checks received and Susan Stone has been the association bookkeeper for a number of years. Together, they constitute the position of treasurer. A treasurer's report was distributed. The Catspaw POA checking account is at Wells Fargo Bank because Wachovia Bank was bought out. No interest is paid on the regular checking account. Part of the money is kept in a money market account which receives .25% interest, a competitive rate. The gate money has been set aside and none of it spent. There is a separate account for the road sign money paid by six families for personal identifier signs.

Randy said he has not handed out a delinquent dues report for the past few years. This year Randy and Susan were specifically requested to provide such a report. The report which did not break out gate assessment, annual dues and interest was not distributed at the meeting. Susan Stone and Randy Aderhold read out loud the names of property owners with delinquent accounts, the amounts owed and whether they are for the gate assessment, annual dues or interest.

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Bill Diggins and Larry Underwood, guests, from the Walnut Gap gate committee and Lester Rainey of R&H Gate Company, were recognized by Randy Aderhold as they walked into the meeting and were introduced by Bill Kee, Gate Committee Chair.

Billy Dasher said that he was pleased with the low cost of dues per lot and thought it was a great bargain for decent roads.

Susan Henderson stated that Steve Nelson/ABE Investments (Lot 27) sent a \$650 check for dues that has not been cashed by the treasurer. Frank Lee said that he would check on Steve's uncashed check.

Susan Stone said that you can put a lien on property for unpaid dues, but can't collect money until the property is sold. Dues are due on December 31. If people don't send their check until the next summer, that money is not available for spring and summer maintenance. Frank Lee said the governance committee should make personal phone calls to each person and find out what prevents them from paying the amounts owed. Thelma Garner said that she was up to date on her dues, but was not paying interest assessed to her lots because she had paid the gate fee assessment that was not earning interest. Ross Henderson asked when the interest was assigned. Susan said that anything paid in the summer is assessed interest. Randy Aderhold said that no interest has been charged on the gate fees.

Susan Stone offered a full accounting of the dues to anyone who requests it. Frank Lee said that the amount of back dues and gate assessments owed has been reduced to \$12,810 from \$16,000 plus.

Road Chairman's Report

Kice Stone, Road Chairman, said that he has been the road chairman for 3 years. While he was dealing with health issues, Bill Watts and Billy Dasher had assumed responsibility for road maintenance.

Last year, with the approval of the board, Catspaw POA spent \$9,672.50 with the contractor, Desoto Trails, from the July meeting through December 12, 2012 for road maintenance which included adding 195 tons of stone on Clayson Rd. from Walnut Gap Road (starting near Woodchuck Lane).

Almost \$4400 was spent on spring maintenance which included 75 tons of stone, much of which also went on Clayson Rd. A lot of work was again completed on Clayson Rd. Wayne Lynch, owner of Desoto Trails, said that this is not a permanent fix for Clayson Rd.

Total road expenditures were \$14,000 which is a little less than what we take in annually. Within the next year, Catspaw may need to consider raising dues to maintain roads.

Road Concerns:

Thelma Garner asked "What is the long range plan to maintain the road for my 3 lots (43, 62 and 64)?" (lower portion of Walnut Gap Road) She and her family want to be able to drive to their lots and have not been able to get to their lots for years. "Are there any plans in the future to do some mild maintenance? It needs to be passable." Kice said he would walk the road with Thelma to understand the problem. Thelma said that she has paid dues for years and wants a driveable road to her property. When asked how much of the road she wanted passable, Thelma said she wants road maintenance to go the length of her property to the gate since people owning those lots may want to drive out the gate which connects to Taylor Creek Road.

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Thelma said that she has asked for maintenance every year and there is never any money to maintain the road to her property. Sid Heidt, Clayson Road, said that there is a requirement for an annual budget in the new bylaws. She said that there should be a long range road plan for her to review.

Kice Stone referred to a May, 2012 quote from Desoto Trails, to fix the area of Walnut Gap Road which would provide access to Thelma's property and create a turnaround. The quote lists 2 days of tractor, 1 day of trackhoe work and 100 tons of stone for a price of \$5,560. Randy Aderhold said that Thelma Garner is entitled to have her road fixed. He said that the road committee will address Thelma's road this year and she is in order to expect her road to be fixed. Thelma said that people should not have to pay extra for a road that they deserve. Susan Henderson suggested that we set a date to get back to Thelma Garner with an answer. Frank Lee said that was not needed if the bylaws passed because of the road committee.

Kice Stone stated that part of the maintenance money goes to support Walnut Gap Road in Walnut Gap.

Susan Henderson reminded people of the opportunity to sign up for the road, governance or communication committees and passed around sign-up sheets.

Gate Committee Report:

Handouts: map of proposed location of gate and bid proposal from R&H Gate Company, Pavey legal opinion and a letter from Mrs. Kim Coward.

Bill Kee said that he has been the only Gate Committee chair; he introduced Lester Rainey, President, [R&H Technologies \(r-h-technologies.com\)](http://r-h-technologies.com), Clayton, Georgia, the new gate company selected by the gate committee. Two companies were interviewed by the committee: R&H Technologies and Asheville Gate Company. Previously, the gate committee was working with Grindstaff Fence Company, Old Fort, North Carolina, whose owners were killed in an accident and the company closed.

- Lester Rainey described the gate features:
 - Double swing gate.
 - Gate opener on both sides. Steel box placed around opener mechanism.
 - SOS (Sound Operated Sensor) module which opens gate in response to a YELP siren
 - Battery backup to open the gate when power is off.
 - Monthly utility cost estimate – see last page of handouts for costs + average monthly costs for utilities: phone, electricity including a single vapor light.
 - \$170 per service maintenance call not including parts. A service call is a minimum of two hours. Lester Rainey's company is located in Clayton, GA which is closer than Grindstaff, the original gate company.
 - R&H Technologies will "throw in" 30 gate opener operators.
 - Gate will have a landline telephone connection and we must assume the power is on for the gate to work.

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Q & A

- **What happens if the power is off to the gate?**
 - **Answer:** The gate can be programmed to open automatically until the power returns and then closes. It can be set up differently, but that is the typical setup.
- **What other communities have this same gate?**
 - **Answer:** Wildcat Cliffs. Yellow Mtn. Vista Grande. Probably, 30 gate systems within 5 miles of Catspaw. Within 10 miles, the number would double.
- **What if the keypad's landline doesn't work when there is no power?**
 - Manually unlock the gate with a key. There is no manual override on the gate. Frank Lee said they could give everyone a key to all homeowners. It was suggested that a key be hidden on a tree nearby or in a lockbox.
- **What if you can't get in the gate?**
 - **Answer:** Call Lester Rainey in Clayton, Georgia. He will make a service call.
- **What if your cell phone doesn't have service at the gate and most don't?**
 - **Answer:** Lester Rainey said you would have to drive down the mountain until you could get a signal to call him.
 - If there is no phone service at the gate or at your house, you can't call the gate and leave it open.
 - Bill Kee said the system can support 3000 codes and each property owner could have three phone numbers available.
- **What is the impact of snow on the gate?**
 - **Answer:** Snow removal is required from inside for an inward opening gate that opens uphill.
- **Are the gate operators behind the gate?**
 - **Answer:** Bill Kee said the distributed drawing is not accurate and from the previous company (Grindstaff), not R&H. Lester Rainey of R&H said that the gate will open in. The drawing that was passed out has not been seen by Lester Rainey and is not an engineered drawing.
- **Is grading required to build the gate?**
 - **Answer:** No grading required.
- **Is a turn around by the key pad needed for anyone that cannot enter through the gate?**
 - **Answer:** Yes, a turn around is needed for anyone that cannot enter the gate.
- **Can anyone in a car exit the gate?**
 - **Answer:** Anyone in a car can exit through the gate which is tripped by a metal detector which opens the gate. Anyone can "defeat" or open the gate from inside with a metal object. Bill Kee said that "anyone who wants to get in will get in, but the gate will slow casual traffic."
- **How sensitive is the gate to lightning?**
 - **Answer:** Some replacement boards cost over \$1,000 each to replace so he uses an advanced lightning arrestor. In the event of a direct lightning strike Lester Rainey said it will take out the gate.
- **What is the regular gate maintenance?**
 - **Answer:** Lubricate hinges, check gates every 6 months, sealed bearings, grease gates. It does have sealed bearings.

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- **How often does the gate need to be replaced?**
 - Bill Kee said the gate needs to be replaced at least every 15 years.
- **Does a gate impact property insurance?**
 - Frank Lee said that his agent in Charleston said his premiums would be lower with a gate.
 - Susan Henderson said two insurance companies (USAA and Farm Bureau) said a gate would not reduce insurance premiums in Catspaw, but a monitored home security system such as ADT would.
- **Proposed agreement between the Catspaw Property Owners Association and Walnut Gap community to manage gate**

Discussion:

- Bill Diggins reported on the history of the gate project in Walnut Gap from 2008 to 2013.
- Bill Kee: The next step is to mail out all information to the members and hold a re-vote on the support for the gate and the new proposed agreement. Will not proceed unless a majority of the Catspaw members vote for the gate and the agreement. He said they had a majority in 2010 and want to ensure that there is still a majority in 2013.
- Charles Davis said he was President when original vote was taken to place a gate at the entrance to Walnut Gap by the mailboxes. If there is legitimate controversy, there should be a vote. Bill Kee said that we are adding another step to add an agreement between the communities. If the agreement is voted down, we're not going forward. If the two communities can not agree as to how they will handle the gate, we will not go forward. Charles Davis said he would like to know about the controversy. Just because there is controversy, there is not a need for vote. Bill Kee said because there is a new step (agreement), a vote is needed. Charles Davis said the vote should only be about the new agreement.
- Art Trufelli asked,
 - "Is it true that Walnut Gap and Taylor Creek communities do not have an association? That is true.
 - "Is there any controversy in the Walnut Gap and Taylor Creek communities about the gate?" Yes.
 - "How do we protect ourselves from all of those owners if we don't get everyone to sign the agreement?" Bill Kee said we only need a majority of the members to sign the agreement.
- Susan Stone asked, "Do you have a majority (supporting the gate)?" Bill Diggins said that 31 of 60 property owners are in support of the gate. Doziers and Shelton's have backed out. Prestons may also back out.
- John and Martha Dozier have removed their conditional agreement for an easement to place the gate on their property.

Voting on Agreement

- Bill Kee said that a vote could be held right now on the proposed agreement between Catspaw Property Owners Association and the Walnut Gap community.

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- Sid and Meldinda Heidt said that we just received this agreement at this meeting and you're asking us to vote on it? People for whom we have proxies were not told of this vote.
- **Walnut Gap has no association.** Art Trufelli said , "You are asking us to enter into a partnership with a community that has no association and asking us to pay for ¾ of the gate and to be a party for a lawsuit. I have a problem with the things we are being asked to do after the gate is in because Walnut Gap is unrepresented. I don't want to be responsible for a Walnut Gap lawsuit. If we pass an agreement, we (Catspaw) are all bound, even those who voted against the agreement. Bill Kee agreed that If a suit is brought, we are all parties to the suit. Art Trufelli asked, "Why don't they (Walnut Gap) hold us harmless from any lawsuit against their community? Bill Kee said he is not an attorney, but in talking with attorneys, any lawsuit is against both communities. Art Trufelli said, "We have just identified 29 people in Walnut Gap who can object and cause a lawsuit because they did not vote for the gate." Bill Kee said it is not 29 people who object to the gate, but some just don't respond.
- **Legal Opinions.** Kice Stone stated that there are opinions out there that say that you don't obstruct a road if you provide everyone with access by giving them a key or device to get through the gate. That was done before decision was made to have the vote.
- **Legal Issues in Deeds.** Ross Henderson said, "I was asked to be on the gate committee by Bill Kee because of my technical expertise. One of my roles was to investigate the legal issues. It's not just an issue of obstructing ingress and egress, but their deeds say that the roads are open to public use. Ross said that he informed the committee that this was an issue that needed to be explored along with the amount of money it would cost to change the deeds. Kim Coward's letter seems to ignore the issue of a deeded right of way easement requiring roads to be open to the public. An owner of property can enforce having any gate remain open. Kim Coward and her father or father-in-law have both put this language in their deeds.
- Art Trufelli said, "Let's assume these attorneys are correct. The risk of a law suit is real. Let Walnut Gap agree to pay for all of the legal fees."
- Susan Stone said, "If Catspaw (Property Owners Association) has an (insurance) policy and Walnut Gap has a policy, who would cover the cost of a law suit? Bill Kee said that they "called State Farm insurance and a lawsuit is covered." It is a million dollar policy.
- Charles Davis made the following motion with a second by Art Trufelli:
 - To support and endorse the board's plan to have Catspaw property owners vote on approval of the operating agreement with Walnut Gap and if a majority approve move forward to install a shared gate. If not, the gate would not move forward. A written recommendation from the joint gate committee would be included in the ballot along with a minority report if such exists. Further any campaign materials or campaign must be concurrently provided to the Catspaw Board.
- Melinda Heidt pointed out that the Doziers have still not approved the location of the gate on their property. Gate posts cannot be installed without an agreement. Charles Davis said that you must trust the board.

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- Randy Aderhold stated that this is just an expression of thought as the proxies are only for the election of officers. Frank Lee announced that there were 18 voting for and 1 against the motion.
- Art Truffelli asked if the referenced vote would be a written ballot. Yes, it will be a written ballot.

Signage Committee Report –

A Catspaw entrance sign was briefly discussed. Frank Lee, President, suggested it say – “welcome, elevation, founded in 1983 or something to that effect”. He passed around drawings that he had made for the welcome sign. No decision was reached as to the content or look of the entrance sign. Roger Mechling has been given the road signs and name signs and is doing instructional signs. Personal property signs are \$48 + sales tax. Give money to Roger Mechling. It takes 3 weeks from the date of order to receive the signs and some time to get posts set. It was anticipated that the road and personal signs would be installed around October 1, 2013.

Frank Lee said he thought there is a budget around somewhere. Signage expenses will be under the auspices of the road committee as a one time expense.

Election of Officers and Committees

Everyone received ballots for each office based on the number of lots and proxies that they hold. Frank Lee has been nominated for President and temporarily relinquished his role for the election of President to Ross Henderson.

President: Frank Lee, nominated by Debbie Mackie. Randy Aderhold moved that the nominations be closed. Susan Stone seconded. **Frank Lee was elected without need of a ballot.**

Vice President: Billy Dasher was nominated by Susan Stone. Ross Henderson, nominated by Tom McCollister, had previously withdrawn. Randy Aderhold moved that the nominations be closed. Bill Kee seconded. **Billy Dasher was elected without need of a ballot.**

Treasurer: Charles Davis was nominated by Susan Stone. Martha Sullivan nominated by Susan Henderson had withdrawn. Randy Aderhold moved that the nominations be closed. Bill Kee seconded. **Charles Davis was elected without need of a ballot.**

Secretary: Susan Henderson was nominated by Tom McCollister. **Debbie Mackie** was nominated by Kice Stone from the floor. Ballots were completed, collected and counted. **Debbie Mackie was elected 30/20.**

Road Officer: Kice Stone was nominated by Susan Stone. **Billy Dasher**, nominated by Ross and Susan Henderson, had previously withdrawn. Randy Aderhold moved that the nominations be closed. Bill Kee seconded. Nominations were closed. **Kice Stone was elected without need of a ballot.**

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Governance Committee Chair: Sid Heidt was nominated by Ross Henderson. Randy Aderhold moved that the nominations be closed. Debbie Mackie seconded. **Sid Heidt was elected Governance Committee Chair without need of a ballot.**

Communications Committee Chair: Laurie Holmes was nominated by Susan Henderson. **Susan Henderson** was nominated from the floor by Melinda Heidt. Ballots were completed, collected and counted. **Laurie Holmes was elected 24/20.**

Members asked what the responsibilities are for the communications committee chair. Frank said that this individual is responsible for developing a website and all communications with the community. The association needs to buy a URL. The position requires someone with experience building website and stuffing envelopes. Frank Lee said we need to have a DVD with all community documents and he will hand them out. Does the chair decide what goes on the website? No. The communications chair makes recommendations to the board. Website is for information purposes.

New Business

- **New Additional Mail Boxes**

Bill Kee made a motion that -

- Catspaw Property Owners Association participate with Walnut Gap on the construction and improvements of their Post Office. Catspaw POA will be given half the mailboxes and participate in the design process for a contribution of \$1,000 from this year's budget.
- Debbie Mackie seconded the motion. The motion passed with 1 vote against.

Discussion: Susan Stone said "How will the mailboxes be paid for?" Frank Lee...said, "Make all the docs pay!!"

- **New Bylaws Update.** Frank Lee expressed great appreciation to Art Trufelli, chair of the bylaws committee, for bringing Catspaw Property Owners Association out of a very hostile environment and was hopeful that now we can move forward. The Bylaws and amendments to the Articles of Incorporation did not yet have enough ballots received by mail to meet the quorum requirement. Bylaws voting will continue until August 31, 2013.

- Frank Lee moved that the meeting be adjourned. Meeting adjourned at 12:53 p.m.

Respectfully submitted,

Susan Henderson, Secretary