

**Kenmure Property Owner's Association
Board Meeting
Friday, January 20, 2012
Phone: 828-692-2346
Fax: 828-697-0138**

Members present were: Bob Wilson, Dick Brown, Alan Van Ostenbridge, Bonnie Niehoff, Debbie Evilia, Susan Delahunty, Dick Bendel, Treasurer and Susan Boland, Recording Secretary. Members absent were Rob Freeman and Mike Mulcahy, Corporate Secretary.

Summary of Motions:

- A motion was made by Ms. Evilia to appoint Susan Boland as KPOA recording secretary. The motion was approved unanimously.
- A motion was made by Mr. Wilson to approve two new members of Community Relations: Bill Johnson and Russ Gibbs for the Election Committee. The motion was unanimously approved.
- A motion was made by Mr. Brown to (1) establish a new general road reserve to be funded from the 2011 road reserve surplus and (2) allocate the 2011 surplus in security, garbage and administrative funds to the capital reserve. The motion passed unanimously.
- Ms. Delahunty's motion to continue the Volunteer Appreciation dinner was passed by voice vote.
- Mr. Van Ostenbridge moved to establish the KPOA Bylaws and Declaration Review Committee. The motion was passed unanimously.
- A motion was made by Mr. Brown to approve KARC Rule 02 relating to roof pitch and KARC Rule 05 relating to land disturbances, solar panels and wind turbines. These proposals were approved unanimously as submitted. The portion of KARC Rule 05 relating to land disturbances, however, was held in abeyance pending review of the Henderson County rule by Mr. Mulcahy.
- The Board unanimously approved the purchase of a replacement printer/fax machine and authorized Ms. Evilia to set up a contract for cleaning the KPOA office.

President Bob Wilson called the meeting to order in the KPOA Conference Room at 9:00 AM and welcomed the 2012 Board members.

A motion to appoint Susan Boland as KPOA recording secretary was unanimously approved.

Agenda:

An updated agenda for the January meeting was approved unanimously.

Property Owners Comments:

None.

Minutes:

The November and December 2011 Board Meeting minutes were approved unanimously as submitted. The Board approved unanimously that the recording secretary duties include providing copies of approved minutes and attachments to the webmaster for posting on the KPOA website.

Financial Report (attached):

- The Financial Report was approved unanimously as submitted.
- The Board discussed options for the 2011 surpluses in the road maintenance, security, garbage and administrative funds. Mr. Brown moved that (1) a new general road reserve be established and be funded from the 2011 road maintenance surplus and (2) the 2011 surpluses in security, garbage and administrative funds be allocated to the capital reserve. The motion passed unanimously.
- The Road Maintenance Committee (RMC) needs a new liaison with George Clement. Mr. Wilson will follow-up with Van Bell.
- Mr. Brown was appointed as liaison to handle KPOA member billing issues (penalty and interest).
- Mr. Wilson will contact Pat Bishop regarding the annual financial review .

President's Report:

- A dinner to thank Kenmure volunteers is scheduled for April 26, 2012. The KPOA committee list was discussed. Individuals who volunteered 36 hours in 2011 will be invited to attend. Ms. Delahunty's motion to continue this appreciation dinner was passed unanimously. Mr. Wilson and Ms. Boland will compile the volunteer dinner invitee list.
- The G4S security contract has been signed for 2012.
- A KPOA town hall meeting has been scheduled for July 12, 2012, at the Kenmure Country Club, Charleston Room. The 2012 KPOA Annual meeting is set for December 13, 2012, also in the Charleston Room.
- Mr. Mulcahy has filed with Henderson County for the tax exemption on the KPOA properties (Argyle Lane and 10 Kenmure Dr.).
- Mr. Wilson suggested the establishment of a special committee to review the KPOA Bylaws and Declarations. (See attached) Proposed committee chair, Richard Opsal, met with the Board to discuss the committee's parameters. Other suggested committee members were Les Christenson, Ron Davis, Robert Falat and Larry Rostetter. Mr. Van Ostenbridge moved to establish the KPOA Bylaws and Declaration Review Committee. The motion was passed unanimously.
- A workshop for all Board members to develop 2012 goals was set for Friday, January 27, 2012, at 2:00 PM.
- We received a request in writing from KEI that KPOA consider granting access to the Delorenzo property from Chatsworth Court. The Board is reviewing this request and will seek the advice of KPOA's attorney, Long Range Planning Committee and Advisory Committee.

Committee Reports (attached):

All reports were accepted as submitted. Additional discussion was as follows:

Community Relations:

- The Board unanimously approved Bill Johnson and Russ Gibbs as members of the Election Committee.

EMC:

- Mr. Brown is updating the EMC Committee membership. The Committee will have a meeting to set 2012 goals.

KARC & Insurance:

- Ms. Niehoff is in the process of locating the appropriate certificates of insurance for directors and officers as well as for businesses which perform onsite services for KPOA.
- KARC proposed amendment for an Architect of Record Requirement (Rule 1a): Ms. Niehoff presented a proposed amendment to KARC Rule 1a regarding approval of preconstruction plans. Discussion was held regarding the proposed requirement to have a certified architect sign off on plans. The key is for house plans to be adapted to the specific site. The Board suggested the following language: “All submitted drawings shall be notated that the drawings are designed for the property owner and a specific Kenmure site, as well as having the owners name on the plans.” Ms. Niehoff will take this suggested language back to KARC for further consideration.
- Other KARC proposed amendments: The Board reviewed proposals by KARC to amend the “Rules & Policies for Construction of Single Family Dwellings.” Mr. Brown made a motion to approve KARC Rule 02 relating to roof pitch and KARC Rule 05 relating to solar panels and wind turbines. These proposals were approved unanimously as submitted. The portion of KARC Rule 05 relating to land disturbances, however, was tabled pending review of the Henderson County regulation by Mr. Mulcahy.

KPOA Services:

- The Board unanimously approved the purchase of a replacement all-in-one printer/fax machine.
- Ms. Evilia reported on three estimates for periodic cleaning of the KPOA office. The Board unanimously approved a motion to authorize Ms. Evilia to finalize a contract with The Cleaning Authority (\$1,620/year).

KSC & Wackenhut:

- Argyle Lane: A test of this gate for construction vehicles and fire apparatus will be scheduled.
- The Board discussed whether there should be specific requirements for security officers. Mr. Van Ostenbridge, Ms. Delahunty and Ms. Evilia will consider and propose guidelines for the Board to review.

RMC:

- Mr. Mulcahy has reviewed Fletcher’s insurance and it is adequate to cover KEI. Mr. Wilson will send an email to Mr. King confirming that this issue is closed.

Unfinished Business:

Open/Closed Meetings & Executive Session Meetings:

- Further discussion was deferred.

Beckerman/Sanders & Old Emergency Exit

- The Board decided to defer discussion until the next Board meeting in order to consult with Mr. Mulcahy regarding KPOA's options for resolving this issue.

Open Action Items

The action items were reviewed and updated by Dick Brown.

- Document Management System: Mr. Wilson has asked Linda Mensch to work on this project to determine what files should be scanned and coordinate the logistics. Ms. Mensch, Ms. Delahunty and Mr. Wilson will meet soon.
- Mr. Wilson will send a memo to Mr. King that all future contract agreements must be in writing and charges from KEI must be approved in advance.

There being no further business the meeting was adjourned at 11:46 AM by Mr. Wilson. The next monthly KPOA Board meeting is set for Friday, February 17, 2012.

Susan Boland, KPOA Recording Secretary

Bob Wilson, KPOA President

Upcoming Events:

Town Hall Meeting – July 12, 2012

KPOA Annual Meeting – December 13, 2012

Addendum I

After email review by the Board and the Advisory Committee, a reply was sent to Lee King, KEI, regarding his request concerning the Delorenzo property.

**KPOA
BALANCE SHEET
DECEMBER 2011**

	Totals		Road Maintenance		Security & Garbage		Administrative	
	11/30/2011	12/31/2011	11/30/2011	12/31/2011	11/30/2011	12/31/2011	11/30/2011	12/31/2011
<u>Assets</u>								
<u>Current Assets</u>								
Certificates of Deposit	291,681	291,681	291,681	291,681				
Mountain 1st-Operating Acct.	1,002	1,002	1,002	1,002	0	0	0	0
Mountain 1st-Savings Acct	52,189	52,234	52,189	52,234				
1st Cit.-Checking Account	59,139	53,196	34,851	42,642	18,679	11,624	5,609	(1,070)
1st Cit.-Savings Account	19,882	17,901	6,244	5,675	8,703	6,212	4,935	6,014
Macon Bank Savings	95,204	57,249	8,241	5,245	71,708	41,741	15,255	10,263
Petty Cash	100	100					100	100
Prepaid Expenses	0	1,700					0	1,700
Accrued Interest	2,621	2,958	2,621	2,958	0	0	0	0
Accounts Receivable	3,037	4,403	936	915	1,202	2,499	899	989
Total Current Assets	524,855	482,424	397,765	402,352	100,292	62,076	26,798	17,996
<u>Fixed Assets</u>								
Land & Bldg-Office	278,474	278,474					278,474	278,474
Land	11	11	10	10			1	1
Total Fixed Assets	278,485	278,485	10	10	0	0	278,475	278,475
<u>Other Assets</u>								
Note Rec(Pay)-Office	0	0	278,474	278,474			(278,474)	(278,474)
Total Other Assets	0	0	278,474	278,474			(278,474)	(278,474)
Total Assets	803,340	760,909	676,249	680,836	100,292	62,076	26,799	17,997
<u>Liabilities & Capital</u>								
<u>Current Liabilities</u>								
Accounts Payable	42,374	55,911	945	26,250	35,162	27,924	6,267	1,737
Prepaid Assessments-2012	0	4,400	0	1,392	0	2,412	0	596
Park Development	1,483	1,364					1,483	1,364
Deferred Revenue	2,940	6,328	1,000	4,388	1,740	1,740	200	200
Income Tax	(905)	(905)	(905)	(905)	0	0	0	0
Builder's Deposits	5,775	5,725	5,775	5,725				
Landscape Deposits	1,000	500					1,000	500
Total Current Liabilities	52,667	73,323	6,815	36,850	36,902	32,076	8,950	4,397
<u>Reserves</u>								
Capital Reserve	14,802	13,182					14,802	13,182
Repaving	605,943	605,943	605,943	605,943				
Storm Expense	25,000	25,000	25,000	25,000				
Total Reserves	645,745	644,125	630,943	630,943	0	0	14,802	13,182
Total Liab. & Reserves	698,412	717,448	637,758	667,793	36,902	32,076	23,752	17,579
<u>Capital</u>								
Current Year Profit/Loss	104,928	43,461	38,491	13,043	63,390	30,000	3,047	418
Total Capital	104,928	43,461	38,491	13,043	63,390	30,000	3,047	418
Total Liab. & Capital	803,340	760,909	676,249	680,836	100,292	62,076	26,799	17,997

KPOA Bylaws and Declaration Review Committee

The KPOA Bylaws and Declaration Review Committee is hereby appointed by the KPOA Board at its meeting on January 20, 2012.

Membership:

Richard Opsahl, Chairman	richardopsahl@aol.com	828-693-3700
Les Christenson	les@pinemeadow.us	828-697-7893
Ron Davis	eeldavis@aol.com	828-698-8214
Robert Falat	rpf4@bellsouth.net	828-697-1274
Larry Rostetter	lrostetter@yahoo.com	828-696-3602

Purpose:

The committee is to review the KPOA Bylaws and the Declaration and make recommendations to the Board for changes that are considered necessary and/or appropriate for the effective governance of the Kenmure community.

Background:

The current KPOA Declaration and Bylaws were initially approved by the membership in 2002. There were some minor amendments to the Declaration in 2006, but essentially, these documents have not substantively changed in 10 years. Over the years since 2002, the Board and various property owners have had questions about how these documents apply to various situations. For some issues the Board has been required to seek legal opinions for clarification. In addition, the NC legislature has amended the NC Planned Community Act on which our documents are based. A review at this time is appropriate.

Board Liaison:

The KPOA President is the liaison to the Board.

Schedule:

Initial Report at the April meeting of the Board.

Final Report at the May meeting of the Board.

Interim reports to the board and reports to the membership will be as required.

Dissolution of the Committee:

After acceptance of all committee reports by board and other supporting roles as may be required; and following an approved motion to dissolve by the board.

COMMUNITY RELATIONS COMMITTEE REPORT TO THE KPOA BOARD

January 20, 2012

Concerns: There was one complaint in writing, using the Kenmure form which was sent to me and handled by Jim Heidebrecht due to the ongoing nature of the complaint. Appears to be resolved; I will contact the original party with the outcome.

Elections: Two new members of the committee, just recruited are: Bill Johnson and Russ Gibbs. I will let Rosemary Mulcahy know via email as she is out of town on family emergency. No other report on this committee.

Communications: Ron Reid was informed of my position as liaison to the Board. Nothing new in this area. The website appears to be working well.

Respectfully submitted,

Susan Delahunty

KENMURE ARCHITECTURAL REVIEW COMMITTEE

Monthly Report

January, 2012

Submitted by Bonnie Niehoff

- **New Homes Completed- 0**
- **New Homes Under Construction-0**
- **New Home Plans Under Review-0**
- **New Home Plans Anticipated-1**
- **Major Alterations in Process-0**

- **Significant Events- 1**

All appropriate letters from the county, village, and property owners have been added to the Pinholt file. The issue of the variance has been amicably settled. Mike was going to look over the paper work in the file to make sure everything was done legally.

- **Problems/Requested Actions- 4**

1. Revised Kenmure “Rules and Policies for the Construction and Alteration to single family dwellings” are ready for board review and approval.

On the forwarded attachment please note that the rules and policies are italicized and are in the beginning of each section. These are verbatim quotes from amended and restated declarations of restrictive covenants governing Kenmure.

Items in the rules and policies that are underlined are verbatim quotes from KPOA rules and regulations. All other items in rules and policies are operating committee additions to provide guidance to general contractors and property owners.

2. The board also needs approval of the following changes:

- a. Regarding architectural plans under KARC rules on page 11. Rule 1a. states “all submitted drawings shall be certified by a registered architect and notated that the drawings are designed for the property owner and a specific Kenmure site as well as having the property owners name on the plans“. This is a slight rewording of the present rule. The wording now ensures the owner has legal rights to house design.
- b. KARC -02 Roof Pitch- Refer to the current rules and regulation booklet (pg.5) to see the current rule. *
- c. KARC Rule 05 has three items that need to be added and approved.
 1. Land disturbances- pg.13 of the forwarded attachment .
 2. Solar Panels and limitations- pg. 19 of the forwarded attachment*
 3. Wind Turbines and limitations- pg. 19 of the forwarded attachment*
It is important that KPOA sets regulations on solar panels and wind turbines due to current Federal Laws and KPOA restrictions.
- d. Modification has been made to form NEH4 under forms for Construction of Single Family Dwellings. The form now includes information about replacement of already existing mailboxes. (not sure if we need to approve this, it may just be a “need to know” issue.

* **KARC-02.** Roof Pitch-The pitch of a roof should not be less than 6 inches vertically in 12 inches horizontally (6/12), unless there are special design considerations which KARC concludes would justify slightly less pitch. . However, any pitches on 3/12 or less roofs may not use shingles unless ice/water underlayment is installed.

***KARC-05.**

2. Solar Panel Systems are permitted by Federal Government Code 65850.5 and Henderson County (Section SR 2.11 of the Henderson County Land Development Code) for all Kenmure lots. Kenmure limitations include:

- panels shall be mounted flush with pitched roof surfaces and arranged together in no more than 2 groupings – panels may be ganged together with DC batteries to achieve an “off the grid” status.
- panels shall have anti-reflection coatings and the glare shall not affect vehicle traffic on roads or other Kenmure residents.
- tree removal to improve efficient operation will not be considered or condoned.

3. Wind Turbines

Kenmure discourages wind turbines, both because inconsistent winds in this area do not generally support profitable operation and because wind turbines are inconsistent with the wooded atmosphere that is fundamental to Kenmure. However, they will be considered under the following limitations:

- requires special use zoning permit from Henderson County
- maximum height above roof peak of 10 feet
- maximum turbine diameter at blade tips of 6 feet
- manufacturer certification – no sound & no vibration
- at wind speeds above 42 MPH the blade unit must turn parallel with the wind direction
- unit may be pole or roof mounted. If roof mounted, the maximum wind load of each tripod foot connection shall not exceed 100 pounds (manufacturers certification)
- no more than one (1) turbine shall be installed on a single lot & that turbine must have a payout that makes practical sense
- must be consistent with North Carolina ridge law.

INSURANCE:

1. A three year renewal form for directors and officers liability is in the process of being completed and submitted to Travelers Insurance.
2. Make sure that if your committees hire any work done in Kenmure that the company in question has a certificate of insurance on file and that I have a copy. No certificate, no pay check.
3. I have received the Travelers audit packet for last year. It is due 3/12/12. I plan on completing it before the end of January. They now have an online option which will hopefully expedite the process. It is a huge report.
4. We have received a bill for \$ 309.00 from ISA for the “Employee Dishonesty Bond” which is part of our directors and liability package from Cincinnati insurance.

KPOA Services Report
January 20, 2012

KPOA World Headquarters (Office)

- Office Staff – We are having problems receiving Faxed documents. Until we find the problem the Gatehouse emergency number can be used. The person sending the FAX will need to call the Gatehouse before sending so they can disconnect the emergency line.
- Building Maintenance
 - A contract with Supreme Heating & Air Conditioning is in progress. The quote is for \$190/year. The original contract was not very specific and so we have requested a specific list of services before signing.
 - Contracting with a cleaning service is a work in progress.
 - Clyde Allen and Burt Richards have suggested a different design for the handicap ramp which would utilize a lift and provide access to both the library and office area. Burt will obtain estimates for both the original and new designs. Further discussion will take place after the estimates are obtained.
 - Burt is developing a checklist of maintenance items, such as checking the plumbing traps on a regular basis. He will complete the list of needed maintenance items Rob Anderson began but would like to be relieved of this duty after that. He has been asked to suggest a replacement and more permanent person to take the position of Facilities Manager.

Adopt-a-Highway – No report

Railpen Gap Park - No report

Welcoming Committee - No report

CapSure – I met with Larry Rostetter and Julie Ashbeck to discuss the capabilities of CapSure and the possibility of creating one database for KPOA instead of the current three.

Common Grounds – Doug Watson is currently getting written estimates on cleaning up the area near the tunnel on Pinnacle Mountain Road. Verbal estimates were gotten previously but memories fail and those no longer seem accurate. Written estimates will be requested from Jeff Dillon and JCA Landscaping. Tim Carlson, owner of one of the properties, has agreed verbally to clean his portion of the properties.

Library- No report

Quality of Life – Ruth Klug and Marian Hansen have a program scheduled for Feb. 29 on nutrition for seniors. There will be reminders in the newsletter and Nick Weedman’s email. Also discussed was placing an announcement on the website and placement of informational posters in the Grill Room, Fitness Center and KPOA Office. They are working on a program for later in the spring on “safety for singles”.

Red Cross Blood Drive - No report

Street Directory - No report

Security Committee Report to the KPOA Board
January 20, 2012

Argyle Lane Emergency Access Project:

- ❖ 1 of the 3 cameras is working, there is a commitment to repair them by next week at the latest. George Pitts will be returning the week of January 22 to complete his work, including placing a photo cell at the "welcome" sign to illuminate it at night. Within 2-3 days of this being completed the lights will be activated.
- ❖ The Kohler generator is in place but we are awaiting confirmation that installation is complete and the unit is fully functional. It appears that it is set, but PSNC padlocked the gas line. Tom Murrill will go to PSNC on January 16 or 17 to have that removed. The generator can then be tested.
- ❖ When the preceding is complete there will be a night time test, and the development of a use document.
- ❖ Jon Laughter viewed the site with committee members and they each felt that as designed the access may accommodate a dump truck or cement truck, but it likely would not accommodate a trailer or an extended truck (i.e. lumber) or a lowboy trailer (i.e. heavy equipment hauler). Testing will have to be done to see what fire apparatus could negotiate the access site.

Incident Reports:

- ❖ There were three medical incidents; all were responded to by security.
- ❖ There was an issue with Atlas Moving Company (not known if this was a local or out of state agent) staying beyond normal work hours. Security advises they requested the mover to leave by 5:30 on three occasions, but the driver became belligerent and verbally abusive. The driver did remove the rig before 6 p.m. They were apparently unaware of the requirement to use smaller trucks to ferry goods to upper areas of Kenmure.
- ❖ UPS was reported driving at unsafe speeds while using a cell phone, during inclement weather conditions, they were warned by security and reportedly have changed driving habits.
- ❖ During the recent snow, two residents unable to reach their homes were given a ride home as a courtesy, due to liability concerns this will not become a practice.

Other Issues:

- ❖ Metrics are being discussed to measure traffic monitoring activities, i.e. locations which were monitored, violations observed, letters issued. Andy Barnwell stated that they are at "full strength" meaning all guards have returned for the start of the new year. They have starting the requested four hours of traffic monitoring per month, no letters have been issued.
- ❖ Security officer testing was discussed. The test itself will be reviewed by the committee and per Andy Barnwell is currently being administered to new officers in the first month.

- ❖ Andy inquired as to whether we have specific requirements for security officers i.e. need to lift a certain weight, other physical requirements or computer literacy. This could establish guidelines for staffing the position.
- ❖ It was stated that telephone wiring in the guard shack is in disarray, recommended they call AT&T and request an audit of facilities.
- ❖ It is planned to develop a formal line of communication from security to KPOA based on incident type or other requirements. At this point any unusual incident report will be forwarded to Bob Wilson and Alan Van Ostenbridge.

KSC-06 Fire Safety and Fire Pits:

- ❖ Brant Sudderth will meet with KARC to review the process and existing thoughts.
- ❖ The suggestion originally broached by Les Christiansen regarding a special trash pickup was discussed. GDS will be contacted to see what would be involved in a special trash receptacle for junk and also whether there is a means to remove such items as old paint, pesticides or recyclables such as computers.

Meeting with Spencer Morgan:

- ❖ Dick Brown, Brant Sudderth, Tom Murrill and Alan Van Ostenbridge attended the meeting with Mr. Morgan. He presented a number of concerns and suggestions with an eye toward reducing expenses. There were questions regarding the number of guards, their use, hours worked and duties for Kenmure. Dick will elaborate on the meeting. A written response to Mr. Morgan is planned.