

Deerlake Village, Second Quarterly Meeting (Q2)
June 9, 2022, 7:00 PM, Clubhouse & Zoom
AGENDA

Welcome—Call to Order—John Brown, President

John called the meeting to order at 7:00 PM. All board members were present except Jack Christfield, who was on vacation.

Tonight we are in the presence of Allen Hunt, our Zoom Master. Thank you to Allen for helping us out while Jack is on vacation.

We continue to use Zoom because many of our property owners, not in residence, really like it and are able to attend the quarterly meetings. It is also helpful for those in residence who may not be able to attend in person.

***Recognize New Residents** – John recognized those attending their first quarterly meeting.

***Thanks to All Committee Chairs and Members** – Deerlake is able to function due to all the wonderful residents who volunteer for the various committees.

***Volunteer Position Openings—Board Liaisons**

All committee welcome new members. You can read the charters of the various committees on our website. Please consider volunteering for those that pique your interest.

Treasurer's Report—Brenda Bryan

DVCA has a balance as of 5/31/2022 in the amount of \$ 355,580.45 held in various bank accounts. Our total operating expenses to date was \$35,498.78 which is 37.54% of our yearly budget. The Capital Reserve and Contingency accounts have had no charges since the last report.

All assessments for 2022 have been paid. The Condo's 2nd quarter user fees have been paid also.

The lower back parking lot will be closed 6/29 evening until completed for asphalt work starting on the 30th and then again for sealing 7/11 and 7/12. A notice in advance will be sent out to those on the E-mail list for No Parking dates during this time.

Ken Kolb asked if we are consolidating our bank accounts. Brenda responded one of our banks, PNC, closed on Feb. 16th in Brevard. Brenda will consolidate the money market and checking account. We are over \$250,000 so Brenda will move some money to another account. The Safety Deposit Box materials are now in UCB.

The area in front of the Clubhouse is still being used as a parking area. The Board needs to wait until the area has had lines and NO PARKING painted on the asphalt. If there continues to be violations to the no parking sign, the Board can issue fines.

Turner Asphalt – Brenda

Brenda was notified Tuesday that the date of 6/30 Thursday (weather permitting) for the asphalt repairs instead of 6/23. The sealing dates of 7/11 and 7/12 will remain the same. The stenciling on the front parking area will be done also on 6/23. The contract did not include the \$585 for white paint markings. It will be in addition to the approved amount because the Board made no decision at that time. Brenda will place tape across entrance to back parking area 8pm the day before (if no cars at pool) with notice of parking lot closed. Same with sealing dates. Brandon from Turner Asphalt will be out next week to place markings on the areas for repair. An E-mail will be sent as a reminder of the closure of the parking lot.

Borhaug Development Update—John Brown

Mr. Borhaug has submitted an application to the Brevard City Planning Board. The application asks for the Planning Board to re-designate some of the lots that are duplex lots. He wants these lots to be designated either duplex or single family homes. The application goes to the Planning Board on June 28th.

He is required to submit a detailed architectural plan before submitting for permits. He is very involved with his property at the end of Osbourne Road. Mr. Borhaug will use those funds to begin at Deerlake. Rumor is he has also received multiple unsolicited offers to purchase the 17 acres on Deerlake Rd. which he has declined.

Brent Dorman asked if there was interest in purchasing the property by Deerlake residents. John said not in the last two years. Initially, there was some interest; however, before anything could be done, all the property was sold to Mr. Borhaug.

Infrastructure Projects Status

***Signage phase 2—Mike Thompson / Cindy Bland**

Signage phase 1 was completed this year. Ten signs were installed at the lake, pool, parking and picnic area. All committee chairs will have to provide signage needs in their proposal for the 2023 budget. All signs will need to comply with the current green bordered in red design. Depending on the amount in the budget that is hopefully passed for 2023 will determine the number of signs that can be purchased in phase 2.

***Lower Parking Lot Gate—John McKowen/Mike**

The majority of the residents have requested a gate be installed to the lower parking lot. Asheville Fence has given their bid and been kept apprised of the electric issues.

At the entrance to the parking lot, there is a transformer, which we cannot tap into. Duke will trench 250 feet at no charge. . We need to use the transformer that is closer to the clubhouse. An electrician is needed to trench and lay wire to connect with Duke's wire. That is the current holdup.

A clicker will be used to open the gate. When leaving the parking lot, there will be a trip wire to open the gate to allow cars to depart.

Bill Raspa asked what amperage is there. Mike is not sure. Single phase can draw enough power.

Joanne Boucher asked if anyone had checked with our insurance company to determine if that would increase insurance costs. John said the Board will look into this matter.

Covenants & By-Laws update status—John Brown

We researched the NC 47F statute on planned communities. Our association was formed before the NC 1999 law and so the laws did not apply. We have talked with other associations, consultants etc. The Board determined there are three that need to be looked at and possibly changes made.

The Board is not trying to facilitate or sell the changes. We want the residents to make comments or ask questions. The proposed changes will be on the website. We want feedback from residents and will seek legal advice.

--Digital voting—John Brown

Virtual Voting at DVCA Meetings

NC House Bill 320, Chapter 55A, 20 SEP 2021 permits:

***Associations to hold membership meetings virtually**

***Members to vote at virtual meetings**

***Members to vote on proposals by electronic voting without a meeting**

***DVCA Bylaws to be amended to incorporate the permissions of Bill 320**

Do these need to be incorporated in our by-laws?

Jody Risacher asked if the board has looked at software that might be needed, including the cost of this. John stated we may want to enhance the ZOOM process. This is a good question and we need to think about this moving forward.

DVCA Judicial Process

Current

- Violation reported by residents
- Violation reviewed by ARC,LRC, PoolC, Comm RelationsC
- Committee asks owner to fix
- No resolution, Board issues Letter of Warning
- No resolution, Letter of Violation

Proposed

- Violation reported by residents
- Violation reviewed by **any** committee
- Committee asks owner to fix
- No resolution, Board issues Letter of Warning
- No resolution, Letter of Violation

Judicial Process

- Owner offered hearing before the Board or Appeals Comm
- Board determines violation / remedies
- Owner may ask appeal to Appeals Comm
- Owner offered hearing before the **Hearings Comm**
- **Hearings Comm determines violation /remedies**
- **Owner may ask appeal to Board**

Comparison

- Proposed process places violation review responsibilities on all committees
- Proposed process creates a Hearings Committee with primary hearings responsibility
- Both deal with violations of DVCA governing documents and require other violations to be resolved by police or legal actions

John proposed to the residents the following questions.

Is this change legal? Will it improve business operations? Will it enhance the quality of life in Deerlake Village? Is it member supported? What will it cost in legal fees to make changes?

The change will include all committees that have oversight in the covenants and by-laws. They may be called upon to look into a purported violation. Currently the committee tries to come up with a correction to a violation. The Board then makes a decision to send a warning letter to

the offending resident. They are given a set number of days to correct the situation. If not corrected, the Board sends a letter of notice of violation. The majority of these turn out to be fines. The Board offers the resident an opportunity to appeal. This appeal can be heard in front of the Board or the Appeals Committee. If the resident chooses to go before the Appeals Committee, and is not satisfied with their decision, the resident can also then go to the Board.

The proposal is to form a Hearings Committee comprised of 5-7 residents on the committee. The proposal contains a well thought out hearing process. The hearing committee would hold the hearing; make a decision themselves; or recommend actions to the Board. If the parties are not in agreement with the hearing committee, they can appeal to the Board. Both reinforce the Board only has standing in covenants, by-laws, rules and regulation.

Don Herman asked if the Hearing Committee would be a standing committee or an intermittent committee. John said more than likely a standing committee. John said the Board might assign a Board member to assist but not participate in the hearing.

Ken Kolb stated the assumption is that the current appeals committee would be dissolved. John responded, yes.

Bob Agnew, who was on Zoom, asked to add clarification to what John presented.

Richard Hardy and I drafted the proposed Judicial Code. We were asked to do so by the Board because they became aware of certain gaps and problems in the Code in 2021. These gaps/problems include:

1. The Nuisance clause in the Covenants, which is far too broad. According to the clause, the Board has jurisdiction over almost all interpersonal disputes at Deerlake.
2. The Code provides little guidance on how Committees and the Board should go about determining if a violation occurs.
3. The Code says little about how to conduct a hearing. If accused of a violation, residents have a right to a hearing where they can present evidence. It might seem like such hearings are a simple matter, but they raise a lot of difficult issues. For example, can the accused bring an attorney to the hearing, present witnesses (and, if so, should those witnesses be screened to determine if they're relevant), can the accused question those who accused him/her?
4. Also, the Board realized that holding a hearing can be very time consuming – especially setting up the hearing.

Richard and I tried to address these problems in revising the Code. In particular:

1. We suggest revising the nuisance clause, so that it is not so broad.
2. We better describe how Committees and the Board should determine if a violation occurred.
3. We more fully describe the hearings process, with an effort to meet legal requirements.
4. We suggest the creation of a Hearings Committee, which will replace the Appeals Committee. The Hearings Committee will take some of the burden off the Board by

scheduling and holding hearings on violations when necessary. While Deerlake does not hold many hearings at present, this might change since the proposed Judicial Code emphasizes the key role of hearings in the judicial process. Also, since the Board decides whether to send out Notices of Violation – accusing residents of rule violations – we thought it best that the hearings be conducted by a different body. That way, the Board does not act as both prosecutor and jury.

Ken Kolb added a point of clarification. 47 F is the statute that governs our activities. It is the Board that has the ultimate authority according to the statute. Bob Agnew responded this does not take authority away from the Board. For example if someone doesn't pick up dog waste that would go to the board since we don't have a dog committee.

John Added -The one part of the judicial process that is in our covenants; Article 6, section 14 deals with restrictions. This gives the Board the authority to determine if there was a nuisance. The comment made by our attorney was that the wording is so general that the Board would get involved in things we should not. If we got involved in situations that are not in our covenants we set ourselves up with the possibility of lawsuits etc.

Ken Kolb asked if anybody did enough research to determine when this was added. It may go back to the 1996 version; or the 2006 version. The 2017 version was reviewed by Van Winkle. Our lawyer thought we could get involved in areas not covered by our covenants. Bob Agnew said some associations do allow boards to get involved but he agreed, the statement is too broad.

--Budget approval process—Mike Thompson

Our process is in August committee chairs come to the Finance Committee with budget requests. The Finance Committee comes up with a proposed budget. A series of meetings are held. The Board accepts the budget as presented or looks at areas that need to be adjusted. Eventually, the Board passes a proposed budget to present to the residents for voting. The budget is presented to the membership through letters from the president and treasurer. Last December, a qualified member made a motion to reject the budget and the motion was seconded. After a lengthy roll call process of those present and on Zoom, the budget was passed.

This prompted 47 F – 3 – 103. The verbiage in Article IV, Member Meetings and Voting 4.2 and 9. 3 states all qualified voters will vote.

The DVCA Board's objective is that all qualified voters have the opportunity to vote on the budget. Do we continue the vote as it is? Should the annual budget be included on the ballot?

Research was done by Board members and a consultant was asked his opinion. He thought the way we do it is correct. When the consultant was asked if he thought putting the budget on the annual ballot was legal, he didn't have the answer. The Board wants your opinion but,

ultimately, we will have to go to our lawyers to determine if we can legally put the vote on the ballot.

Joanne Boucher stated she knew people did not participate in the annual meeting because they didn't have a vote on the budget. All that we vote on should be on the ballot.

John responded that the Board wants everyone to vote. But we must be legal. NC statute must be followed. If we put in on the ballot and find out we shouldn't have, then we would have an invalid budget and have to start all over again. Our attorneys will give us legal advice.

Ken Kolb, former Board President for six years, stated we missed it when we didn't make the by-laws consistent with each other. The Board needs to be very careful if we put this on the ballot. Folks can get specific, in that, they could reject a part of the budget, for example not purchasing pool furniture or dredge the lake.

John stated everyone has a right to participate in the budget process. The Board cannot ratify or recommend.

All of this information will be on the website for all to read and review.

--Questions and comments from residents

No further questions

Committee Reports

***Architectural Review—Phil Davis**

Phil Davis, Acting chair.

Members: Bob Anson, Bob Cole, Bill Harper, Sue Jones, Bob Kellar, Lisa McHenry, Bill Raspa

2022 Second Quarter Summary:

- **During the 2nd Quarter the ARC has processed 8 resident's Requests for Modification:**
 - 2 repainted their exterior shutters and front door a new color
 - 1 replaced garage steps and added a narrow deck
 - 1 replaced windows and sliding glass doors
 - 1 reroofed their home a new color & style shingle
 - 2 added retractable awnings
 - 1 repainted the deck railing a new color
- **New home construction:**
 - The new home being built by Barbara and Bruce Cox continues under construction at Lot 51, 864 Deerlake Road. A new and improved erosion and sediment runoff control plan has been implemented.

Thank you to the committee. Phil is talking with two potential new members who may also be willing to co-chair.

***Clubhouse—Lois Grabowski**

Chairs- Lois Grabowski and Bonnie McMahan

Members- Phyllis Blackard, Pat Crawford, Irene Crosby, Nancy Davis, Maggie DiRocco, Rita Decklever, Mary Schram and Lou Shelley

- We have had two successful TGIF parties and they will continue on the 3rd Friday of the month from 5 - 7PM .
- 4 Private Parties this Quarter and reservations for 4 additional future parties.
- Clubhouse Committee members conducted a physical inventory of the clubhouse. Results are intended to be stored digitally in the safety deposit box.
- Christmas Party is scheduled for December 10th. Planning for that event is ongoing.

***Community Activities—Jim Grecni**

Jim Grecni – Chair

Members are: Rhonda Spotts, Deborah Le, Linda and Robert Snowdon, Carol Weinhofer, Linda Kimbrough and Bill and Donna Raspa.

During the 2cd quarter the Community Activities Committee sponsored a neighborhood scavenger hunt, partnered with the Brevard Rotary Club to pick up trash RT 64 and put on a concert in the clubhouse with Deerlake's own Steve Zvengrowski and his Blue Ridge Community College guitar students. Our thanks to everyone who participated in these events.

The committee has multiple events planned for the rest of the year, in particular the neighborhood garage sale and the second annual 4th of July picnic and charity drive.

The committee is looking for someone to volunteer to be the next chairperson. The current chair is rotating off the committee at the end of June and we need help. If you are interested please contact the committee's board liaison, Susan Toscani.

Susan reported that the committee is in need of a chairman or co-chair. Jim has done a great job of incorporating the ideas of all members

***Community Relations—Brent Dormann**

- The following are concerns reported to the Community Relations Committee during the second quarter of 2022:
- A report of a dog off leash. The owners were contacted and have corrected the situation.
- A concern was expressed about a contractor using the clubhouse restroom. Contractors can use the facilities only if they are accompanied by a member. They should not have knowledge of or be given the door code to access it with no one else there.
- A report of an unmaintained yard. This has been corrected.
- A concern was brought forward of water being directed onto an adjacent neighbor's lot. This is ongoing and being addressed.

- Thank you to all the committee who has stepped forward to help when the violation involves their committee.

***Conservation Easement—Don Herman**

Members: Melissa Driver, Dave Gunther, Don Herman, Geoff Southworth, Walter Striedieck

- Removed trash and abandoned camping equipment left in the area by homeless trespassers.
- Continued to remove non-native invasive species that are replacing native plants.
- Performed routine maintenance work – primarily removing trees and limbs that had fallen on the trails, trimming trail side bushes and clearing clogged culverts. Continued work on removing invasive species from the woods.

***Directory—Robert Overbeck**

- Nothing new to report. I intend to add a key to the next directory to make it easier to find owners with different last names. As it is now one name is used for the alphabetical sort making it difficult to find the non-sorted name without reading the whole directory.

***Emergency Preparedness—Bob Williams**

Bob Williams, chair

Members: Bobbi Moore, Ginny Hagerty

- The Emergency Preparedness Committee fully expected to have a draft Emergency Action Plan in hand by this time. However, as you’ve probably heard from Mike Thompson, our liaison, we are still waiting on a draft EAP from our engineering firm, Garner Engineering of Arden, NC.
- Early in 2022 we were told they were two weeks away from getting a draft out; we are still waiting for that draft. In the meantime, Garner has lost his staff engineer, increasing the workload on John Garner, the owner (also an engineer).
- We still have a communications gap with Garner; his cell phone mailbox is full, so messages cannot be recorded, and emails don’t draw a response. After talking with Mike, I wrote a letter seeking a status report and mailed it via USPS. It went out the day this report was written, so we’ll see if we get any response. I’ve included the letter as an attachment for the board’s inspection and records.
- Thank you for your understanding and patience.

***Finance—Brenda Bryan**

Brenda Bryan, Treasurer

Members: Dorothy Chapman, Don Herman, Mary White

During the second quarter of 2022, the committee:

- Reviewed 2022 Financials monthly
- Updated all current certificate of insurance documents
- Discussed the need to obtain new insurance coverage due to high-risk dam insurance and its possible cancellation in 2023 no later than June for 2023 budget.
- Discussed moving of PNC and WSL checking and Money market accounts to United Community Bank where a new safe deposit box was opened

***Lake Management—Jim Furniss**

Jim Furniss, LMC Chair

Lake Management Committee Members: Jack Baldrige, Phil Davis, Jim Douglas, Khoi Lee, Mike Thompson, Butch Willoughby

- Three monthly dam inspections have been conducted by members to insure that the condition of the dam is monitored.
- The canoe storage area has been pruned to get the limbs and vegetation away from the canoes.
- The area around the concrete flume has been under brushed.
- The dredging contract with Advanced Ground Maintenance is signed. All the applicable permits have been obtained. The anticipated starting target date is mid-June. We are waiting for a final start date.
- You may have noticed equipment down by the lake. They are getting ready to dredge the lake. It will be done on the lake. There will be a barge on the lake and put in a dumpster.
- Please don't ask the contractors any questions. Please stay away from the site since the hole will be large.
- Weather permitting, the project should be done in three weeks. The upper end and the area in front of where the equipment is will be done next.

***Landscape Review—Sue Jones**

Members: Cindy Bland, Miles Coady, Joellen Risacher, Agnes Tyna, Twighla Vogelsong, Susan Toscani

- During the second quarter to date, LRC made 11 visits to residents' property, bringing the total for 2022 to 19.
- The selection of a landscape design firm is close to completion and a final decision may be available by the June 9 meeting.
- TPS, our current landscape contractor for 2022, has planted a varied selection of annuals throughout the Deerlake premises.
- With regret, we accepted the resignation of two members: Dolores Littleton and Christine Schmidt. LRC thanks both ladies for their service to our community.
- As a reminder to residents, LRC is always looking for new members to help enhance the beauty of Deerlake Village.
- John stated the LRC needs new members as this is the busiest time of year.

***Maintenance—John McKowen**

John McKowen – Chair

Members: Miles Coady, Bob Cole, Don Herman, Ken Kolb, Earl Stifflear, Chris Williamson

- Concrete work. We have connected with Simpson concrete. They are saying that they will be here in May or June.
- ‘Cleaning up’ the area in front of the clubhouse. Chris Williamson has talked to Galloway about doing this work, waiting on feedback.
- Gate update. Electricity continues to hold us up. The closest single-phase transformer is near the clubhouse. Duke has said that they can run 250’ from the transformer for free. Have not found an electrician to run the other 200’-250’ to get us to the parking lot entrance.
- Waiting on the asphalt work to be done in front of the Clubhouse. Additionally, some of the parking area will be repaired as well. There will be sealing the asphalt as well.

Looking forward:

- We still have one more dead sycamore tree to cut down later in the year.
- We have a list of items to deal with. Dishwasher, water leaks, etc.

***Newsletter—Rich Schramm**

Rich Schram - Committee Chair

Members of Committee: Mary Schram

Deerlake Diaries were compiled, published, and mailed for April, May, and June in a timely manner.

Continued gratitude to various individuals in the community who contribute to the creation of the Diary: Robert Overbeck, address list maintenance; Bob Williams, mailing label printing; John and Jean Reisch, physical folding-sealing-labeling of the Diaries; Mary Schram, editing quality control; resident volunteers who prep UPS thank-you snacks; and committee chairs/members who provide articles of interest.

Penny Grecni will deliver a baked good to UPS for June. That keeps the cost of printing down to zero. The Board is grateful to all who bake for the employees of UPS,

***Pool—Sandy Westney**

Sandy Westney, Pool Chair 2023

Jack Christfield, Pool Liaison (Appointed 2022), Teresa Coady 2022, Pam Fuhrer 2024, Penny Grecni 2023, Lisa McHenry 2023, Robin Sorensen 2026, Dan Tyna 2023, Margo Williamson 2023

- We are sad to see Sherry Lawter step down from the committee. We understand when life must be prioritized, thank you Sherry for your years of dedication to the pool. We have welcomed Robin Sorensen as a new member of the committee.
- The motor has been replaced in the pool pump that had been problematic in the fall. All is functioning well at this time.
- The Emergency phone poolside was replaced due to malfunction. (I believe that Princess Slimline may have been original!)
- New auto-close hinges have been installed on the gazebo gate due to total failure of the old hinges.
- Sand has been changed in the pump filter.

- New pool signs have been purchased to update and replace the old signs inside and out of the pool enclosure.
- Pool Certificate County Inspection, Thursday 5/25/22. Passed inspection, certificate received.
- Pool Opening: Friday, May 27, 2022
- Two projects: Hydraulic closers for the gates and new pumps. Projects delayed due to the lack of materials and communication gaps with companies.

***Welcome—Bob Agnew**

Chair: Bob Agnew;

Members: Donna Raspa, Miles and Teresa Coady, Joy and Tom Shivers

- Disturbed the new ID buttons to the members of 156 households and car decals to 164 households (contact Bob Agnew at bagnew@emory.edu if you need an ID button or car decal).
- Sent Welcome Packets to three households this past Quarter (April-June).
- Held Welcome Orientations for new residents on April 5 (residents from five households attended) and June 2 (residents from four households attended). Orientations involve introductions, an overview of Deerlake amenities and rules/policies, and information on Deerlake committees – with the new residents being encouraged to volunteer. The next Welcome Orientation is Thursday, August 4 at 5:30 in the Clubhouse.
- Published the bios of new residents in the Deerlake Diary.
- Old ID tag not valid at the end of June. If you don't have a new tag, contact Bob and he will deliver them.

***White Squirrel Lane—Marcia Schneider**

There is nothing new to report.

NC Pandemic Response and Deerlake Village Activities—John Brown

Transylvania County, as of two days ago, has not hit the red level but we are getting pretty close. Take the appropriate steps to protect yourself. Unvaccinated folks are getting sicker and going to the hospital.

New Business

No new business. **Susan made a motion to adjourn the official Q2 meeting. Phil seconded. Approved.**

Adjournment at 8:35PM

Open Discussion

Ken Kolb stated the new ID tags should not be needed to worn indoors. It should be only in outdoor areas. John stated that is a point well taken and the verbiage will be reviewed.

Bill Raspa asked if all vehicles have a sticker on their car? Bob has issued to 165 households. We do not require it but strongly recommend it. It helps the police as well.

Any member of the DVCA has the right to ask a person if they are a member of the association and if they have their ID tags with them. You can also ask for their name and address. If a trespass report comes in, the Board is trying to have two members at a time. This way each member can be a witness to what is said and also it is protection for the Board members.

Adjournment-8:40 PM

23 members on Zoom
13 residents in the Clubhouse plus Board Members.

Respectfully submitted,
Donna Raspa
Board Secretary