

CHEROKEE BLUFF COUNCIL OF CO-OWNERS  
BOARD OF DIRECTORS MEETING  
May 25, 2010

The Board of Directors of Cherokee Bluff Council of Co-Owners met in a regularly scheduled session at 6:30 p.m. in the clubhouse with the following board members in attendance: Joan Byrd, Robbie Pope, Ted Lundy, and Vickie Norton. Mary Branson, site manager, and Deanna Hill, FMS representative were present. Homeowners Erich & Erika Mecherle, Tom Dorsey, Bill and Nancy Starnes, Ben Byrd, Stephanie Wayland, and Grace Trammel were also present. Lessee Carol Ann Shipley also attended the meeting.

Call to Order

The meeting was called to order at 6:33 p.m. by Treasurer Robbie Pope. Mr. Pope presided over the meeting in the absence of the president and vice president.

Approval of Prior Meeting Minutes

**Motion:** Approve minutes, as amended, from the May 5, 2010 meeting.

Made by: Vickie Norton                          Seconded by: Joan Byrd

**Approved with 3 affirmative votes**

**Ted Lundy abstained**

Robbie Pope expressed appreciation to Joan Byrd, as this is her last board meeting. Ms. Byrd has made Cherokee Bluff her home for a number of years. She served freely on the BOD and focused on the community grounds, the Physical Plant Committee, and the Architectural Review Committee. She has been a good neighbor and a good friend. The community thanks her for her service and friendship and wishes her well. Ms. Byrd received an ovation.

Committee Reports

Physical Plant – Joan Byrd

- **Motion:** Hire Breeden's Tree Service to trim Bradford Pear trees away from the buildings. Mary Branson and Ike Rains to supervise work.  
Made by Joan Byrd                          Seconded by: Vickie Norton

**Approved unanimously**

Architectural Review – Joan Byrd

- **Motion:** Approve the requests from units 1878 and 1962 for replacement of garage doors to match other doors.  
Made by Joan Byrd                          Seconded by: Vickie Norton

**Approved unanimously**

Finance/Compliance/Audit – Michael Nolan

Chair not present

Long Range Planning – Mike Mynatt

Chair not present - Robbie Pope provided background information on the LRPC. He stated much of the LRP process is conducted more programmatically by means of a long-term replacement schedule that has been developed by First Management Services and which is consulted and updated regularly by the Treasurer in his regularly monitoring of all financial matters. The committee has evolved into a more

general planning committee that conducts legwork, research and brainstorming regarding upcoming agenda items and focuses on the agenda-setting function, although oversight of long-range planning will remain a function of the committee.

#### Appeals – Vickie Norton

No appeals were submitted

#### Rules and Regulations – Robbie Pope

- Mr. Pope stated he had been serving as interim chair of the committee. He said the Rules and Regulations Committee had met several times in workshops to develop the proposed rule changes. Mr. Pope summarized the proposed rule changes and opened the floor for discussion of said changes.

Grace Tramel said she believed the By-Laws state the membership must approve all rule and regulation changes, and she is concerned the BOD is planning to vote on rule changes. She also expressed concern about homeowner's lack of attendance and interest in the community meetings.

Ben Byrd shared that he and Jo feel they are leaving good friends when they move, and they will miss their neighbors at Cherokee Bluff.

Stephanie Wayland requested concrete parking stops be placed at visitor spots so that vehicles do not extend over the sidewalks. She has questions regarding what exterior decorations would have to be approved by the BOD if the new rule regarding prior authorization of exterior decorations passes. When Mr. Pope responded to her inquiry that under the proposed rule change, all decorations would require prior authorization, she stated she believes the rule is over regulating the issue. Ms. Wayland asked if revising pet rules required a by-law change. Finally, Ms. Wayland stated that, while she is not opposed to a pet fee, she is opposed to using the fees to hire someone to pick up pet waste from the community.

Bill Starnes read a copy of a letter from his attorney to Cherokee Bluff's attorney (attached). The letter was in regards to proposed changes to the pet rules.

Erich Mecherle expressed appreciation to the BOD for listening to the attendees' comments regarding the proposed rule changes. He believes hiring someone to pick up the pet waste is condoning the bad pet owner's behavior. He volunteered to pick up uncollected pet waste and would like to see if others would do so before a pet fee is imposed.

Erika Mecherle stated that Cherokee Bluff's location and the community's acceptance of dogs was key to when they chose the community as their home. She believes a pet fee, on top of hefty maintenance fees, would be a deterrent to selling homes at Cherokee Bluff. She felt it would close doors on young families who would like to reside at Cherokee Bluff.

Carol Ann Shipley expressed concern about a required pet fee to Cherokee Bluff because, as a renter, she paid a pet fee to the owner of her unit. She believes requiring an additional fee encourages folks to be dishonest as to whether they keep a pet or not. Ms. Shipley is also concerned about whether she

can continue to use patio lights on her balcony. She believes the proposed rule changes regarding patios and balconies are too restrictive.

Tom Dorsey expressed appreciation to the BOD for listening to attendees. He feels a representative BOD should give every opportunity to members to discuss issues. Mr. Dorsey said the wording of the pet rules should be revised to exclude fish and birds from the proposed pet fee. He felt it was inappropriate that the pet fees collected might not be used for pet-related activities, and he was concerned the proposed pet fee level was set without relation to possible pet-related damages. He said the pet fee is essentially a tax on pet owners. Mr. Dorsey was also concerned about the request that he replace his garage door. He said his door was in good condition, and since it was an original approved limited common element, he should not have to change it out just because other people had changed theirs. He understood that when he changed the garage doors, he would have to install a product similar to what others had put in, but he should not have to change out a good door just because the BOD decides it no longer likes the old style. He felt the request to change the door was arbitrary and capricious, although he acknowledged that new doors of a style consistent with the vast majority of those in the community would likely improve the community's curb appeal.

**Motion:** Resurrect the Pet Sub-Committee as part of the Rules and Regulations Committee, and appoint Stephanie Wayland, Carol Ann Shipley, and Erick Mecherle as three members of the sub-committee. Management should put a notice in the newsletter to solicit at least two more volunteer members.

Made by: Ted Lundy                          Seconded by: Joan Byrd                          **Approved unanimously**

**Motion:** Appoint Stephanie Wayland to serve as chair of the Pet Sub-Committee.

Made by: Joan Byrd                          Seconded by: Ted Lundy                          **Approved unanimously**

**Motion:** Approve the proposed revision to (VII). Enforcement (E) Failure to Comply (7) from "small claims court" to "any court of competent jurisdiction".

Made by: Ted Lundy                          Seconded by: Joan Byrd                          **Approved unanimously**

**Motion:** Approve the proposed addition to (II) General Rules of "(H) Aesthetic Modifications. Aesthetic modifications to the exterior of a unit, whether involving modifications to common elements and/or limited common elements, must be reviewed in advance by the Architectural Review Committee and approved by the BOD prior to the start of the construction; this should also occur, prior to the purchase of materials or contracting."

Made by: Joan Byrd                          Seconded by: Ted Lundy                          **Approved unanimously**

The proposed revisions to (II) General Rules (E) Appearance of the Community numbers 1, 2, 3, 4, 6, 7, and 8 were tabled for further Rules & Regulations Committee consideration due to the lack of a motion.

The proposed revisions to (II) General Rules (C) Pets numbers 1 through 5 were tabled for further Rules & Regulations Committee consideration due to a lack of a motion.

- Appointment of a permanent chair for the Rules and Regulations Committee was tabled until the full Board could discuss it and vote on it. The discussion was that due to the nexus between this committee and FCAC, the BOD was inclined to have the same person chair both committees.

#### Officer Reports

President – Mike Mynatt

Not present

Vice President – Michael Nolan

Not present

Treasurer/External Relations – Robbie Pope

- The April 2010 financial treasurer's reports were distributed. The April net operating cash flow was (\$2,929) or \$5,659 below budget. The variance is primarily related to timing of various items listed in the financial report. However, the net operating cash flow is \$7,387 above projections year-to-date through the month of April.
- The interim report from Wells Fargo regarding the reserve account for 2010 reflects \$2,409 in year-to-date income, \$1,347 in accrued interest, and \$1,949 in unrealized gains. The account's present value is \$271,819.

Secretary – Joan Byrd

No report.

#### Management Report

- Two (2) clubhouse reservations have been made this month.
- There have been twenty (20) citations issued so far this month.
- The quarterly exterior termite inspection of the bait stations was conducted on April 27 and 28. Five stations were found to have live termites. The stations were retreated, and a follow-up inspection will be held.
- The final two units participated in the annual interior termite inspection to complete the 2009 inspection process.
- Gutter cleaning was completed on May 5.
- A backflow test on the swimming pool was completed, with a positive rating, on May 6.
- The summer flowers were planted this month.
- Per the BOD's directive, unit 1841 was turned over to attorney Tyler Roper in order to enforce the lien held on the unit.
- Per the BOD's May 5 vote, a magnolia tree was removed at unit 2009.
- A power washer was purchased for \$299 this month. An outside contractor has dropped his bid to \$3,000 to power wash the walks and steps at Cherokee Bluff. The BOD still wants Ike Rains to undertake the project. Management stated Mr. Rains would spend one day each week power washing. As a time guideline, it took him four hours to complete four sidewalk sections.
- Lightning struck the office electrical line on May 16. The printer/fax machine and the computer mother board were replaced under warranty.

- An *Intent of Lien* letter was sent to unit 1856 on May 21.
- Ike Rains is scheduled to paint the interior of the guardhouse.
- Volunteer Lawn planted additional monkey grass and created a mulch bed to hinder erosion beside unit 1939.
- Management was directed to place an article about mosquito prevention in the community newsletter, since the City will no longer spray the community without charge. Bids for spraying were obtained for \$5,300, but the BOD does not feel this is a cost-effective use of funds.

#### Unfinished Business

- The discussion of the garage door of unit 2012 was tabled until the June 22, 2010 BOD meeting, due to a lack of a motion pending further discussions with the unit owner.
- **Motion:** Turn all lien accounts over to an attorney to enforce the lien when the account balance due reaches \$2,500.

Made by: Vickie Norton

Seconded by: Ted Lundy

**Approved unanimously**

#### New Business

- **Motion:** Change the name of the Long-Range Planning Committee to Planning Committee.

Made by: Ted Lundy

Seconded by: Vickie Norton

**Approved unanimously**

#### Open Forum

All attendees had an opportunity to speak during the Rules and Regulations Committee portion of the meeting, and there were no additional comments made from the floor.

#### Adjournment

- The meeting was adjourned at 9:15 p.m.
- The next Board of Director's meeting is scheduled in the clubhouse at 6:30 p.m. on Tuesday, June 22, 2010.

Respectfully submitted by: First Management Services, Inc.  
 On behalf of the Secretary  
 For Cherokee Bluff Council of Co-Owners

Approved by Board of Directors \_\_\_\_\_

Date \_\_\_\_\_