

CLIFFTOPS PROPERTY OWNERS ASSOCIATION

COMMUNITY MEETING

FEBRUARY 2005

Board of Directors

President	Ed Jackson
Vice President	Andrew Bouldin
Secretary	Henry Blizzard
Treasurer	Jim Anderson
Director	Dennis Raines
Director	Henry Chase
Director	Dale Cermak

Minutes

BOARD MEMBERS PRESENT

President, Ed Jackson
Vice President, Andrew Bouldin
Secretary, Henry Blizzard
Treasurer, Jim Anderson
Director, Dennis Raines
Director, Henry Chase
Director, Dale Cermak

PROPERTY MANAGER PRESENT

James B. Tripp

WELCOME AND RECOGNITIONS

President Ed Jackson opened the meeting with a concern about garbage strewn about the property. The issue was primarily with little pieces of colored tissue paper scattered from the “5-way” to the lake. Jackson was concerned that this may be intentional and asked that all residents keep watch for anyone littering. He stated that, not only do the employees pick it up, but also the residents.

Jackson proceeded by introducing himself and the rest of the board followed suit. Jackson continued by announcing that there is no planned agenda for the meeting and opened the floor for discussion.

DISCUSSION

Marjory Lyman spoke from the gallery requesting that the “fire discussion” that was to take place after the community meeting be included in these talks, should the subject come up. President Jackson answered in the affirmative and laid out the format of the meeting, i.e. introduce yourself, speak at the podium, speak in turn, etc.

A gentleman from the gallery asked “Where is 5-points?” to which Jackson and Property Manager Tripp explained that it is where five roads intersect at Clifftops and Overlook.

Paul Cahoon approached the podium. He introduced himself and stated that he was surprised at the distance between fire hydrants. His concern prompted a call to the fire chief who made a visit to Cahoon’s residence. Cahoon stated that he learned that a hydrant was within an appropriate distance from his house. He asked the fire chief how many trees should be cut down to make his drive properly accessible. The chief then told him that the problem was not the width of his driveway, but that height is more of a concern. A clearance of fifteen feet high, Cahoon continued, is what the fire department needs. Property Manager Jim Tripp informed the members that he has been in touch with the new Monteagle fire chief, Chris Ladd. Tripp stated that he found Ladd to be very proactive and has invited him and his firefighters to observe the Forestry Service Presentation to follow. Treasurer Anderson inquired as to the width of Cahoon’s drive to which Cahoon responded, “It’s a single lane driveway. I would say it is no more than twelve feet.”

Judy Magavero approached the podium and introduced herself as the Pool Committee Chairperson. She thanked everyone for turning in his/her surveys and cleared up a misconception that the pool hours would change in 2005. She stated that the 2005 schedule would remain as it has, and the surveys, in part, were to assess popular opinion concerning the pool hours for later seasons. Magavero reported that, for the most part, people are happy with the pool temperature “just the way it is.” Only three people have requested for the pool to be heated thus far, and these three were committee members. She requested that those who want the pool warmer turn in their surveys so that an accurate representation can be submitted to the board. She reported that one person stated that they would use the pool less if it were heated. She asked if there were any questions and from the gallery Mrs. Lyman stated that she found it disturbing that in order for the pool to be heated it would “necessarily” cost more money. Mrs. Magavero responded that should popular opinion hold that the pool be heated, the board would have to figure out a way to cover the cost. Mrs. Lyman then reiterated her point that if the issue was popular enough, the next step should be to find where it falls in the list of priorities, thereby keeping it from “necessarily” adding another cost; it could possibly be a part of the dues. Magavero agreed stating that if it was a high enough priority it could be included in strategic planning. President Jackson stated that a time limit should be placed on the returning of the surveys. Magavero informed him that it is March 1st. Lyman again stated that the heating of the pool should be prioritized to leave open the possibility of the regular dues covering the cost. Magavero stated that the committee is doing what it can to offset the cost via creativity and comparing like association’s practices. Manager Tripp stated that blank surveys would be at the office and gatehouse for those who need to pick one up before March 1st. Magavero closed by stating that the feedback and board encouragement is very much appreciated.

Mr. Louis Smith approached the podium and asked if all 911 personnel have access to the gate or just the local ones. Property Manager Tripp explained that all 911 personnel are able to enter. The gate will open for any emergency siren. Jerry Shattell, from the gallery, asked, “What about the back gate?” Tripp responded, “No.” Shattell then stated that it is a problem that needs to be resolved. Manager Tripp said, “They can’t get through the back gate. We’ve discussed this before.” He

continued by saying that the local authorities have been slow to get a key system up to date but he will continue discussion with local emergency services.

Gordon Smith approached the podium and introduced himself. His concern was more with egress than ingress. He was wondering if we have the same entrance and exit requirements as many buildings do. He further stated that he was on the board eight to ten years ago and has a recollection of having approved the back gate and the road leading to it. He stated that he looked for the back gate and couldn't even find it. He continued that he finds it equally important for one to be able to exit through the back in an emergency situation as it is for emergency personnel to enter.

Jerry Shattell approached the podium and begun by introducing himself and giving a background of himself. He stated that he has several questions, the first of which was, "How much did we pay for those clickers up front?" Manager Tripp responded, "Twenty-five dollars a piece." Shattell then wanted to know why he is charged yearly for the clicker. Tripp explained that the clicker only has a one-time fee of twenty-five dollars, but the annual gate fee has been in place for many years. Shattell described the facility at which he works and stated that everyone is give a one-time fee and he does not understand why there are so many fees including gate fees, storage fees, etc. Manager Tripp stated that the gate fee to which Shattell was referring has been in place since before Shattell moved here and that it was a board decision made years ago. Treasurer Anderson and Director Cermak both agreed with Tripp and stated that it has been in place for several years. Secretary Blizzard stated that he has been here several years and that he always assumed that the fees were in place because Clifftops has bills to pay and it makes for a little extra money to do that with. Mrs. Magavero then brought up the fact that the fee covers gate maintenance. Mrs. Lyman then asked for clarification as to how the fees are assessed. President Jackson responded that he gets charged every year and they go to maintenance costs. Treasurer Anderson then stated that if one would refer to the back of the handbook he/she would find the answers to the aforementioned questions. Mrs. Lyman then pointed out a lack of agreement as to what the fees are used for and requested a board-wide consensus. Secretary Blizzard stated that this is the way it has always been done. He said that there may be differing opinions as to why it is structured the way it is, but nonetheless, it always has been. He noted that at anytime the board can change this rule, but until popular opinion dictates, it will remain as so. Mrs. Lyman asked again, "How is it done?" Treasurer Anderson responded that when Clifftops went to the new gate access system, everyone had to buy a clicker and received one free card. The clicker was a one-time fee. The maintenance fee, he continued, has been in place for years and is nothing new. From the gallery Barry Berk stated that, before, a homeowner would get one card per lot and anything over and above that had a fee attached. Treasurer Anderson stated that is still the policy. Berk responded with the fact that the policy is now that you no longer get one card per lot, but one card per family. He stated that the board changed it and he is not sure that it was ever voted on. Mrs. Magavero stated that the reason for the change was that too many people were handing out their cards to just anyone. She stated that it was not done to penalize the homeowners but instead to tighten up security.

Moving to another topic, Jerry Shattell asked, "Why did we stop the impact fee when it was so successful?" Treasurer Anderson stated that there were two reasons. One was the fact that the income flow of that particular fee was diminishing due to the "built-up" status of Clifftops moving up rapidly, and the other was that this was a fee that was felt to be uncollectable. Shattell asked who made that advisement to the board to which Anderson replied, "Our attorney did." Shattell stated that he has had people call him and ask for their money back. Anderson said, "Tell them to call me." Shattell said he would. Shattell stated that in his communities everything is all-inclusive and he does not want to see Clifftops fee itself out of existence. Anderson stated that it would be fair to say that when someone moves into the community, they should accept that the rules stand the way they are until there is a

consensus to change them. Shattell retorted that therein lays the problem. He stated that when he moved in he was told the rules and services and they all changed without his knowledge. Anderson stated that he and Shattell have had this conversation in the past and it was determined that a real estate person told him incorrectly, not a Clifftops board member or Property Manager and he can find no basis for Shattell's previous statement.

Shattell conveyed his next concern by saying, "...[Property Manager Tripp] you need to look into this. These guys at the front gate are just letting anybody in." Shattell stated that visitors are not being checked before they are let through the gate. Tripp stated that he feels that is just Shattell's opinion, but he will check on it. Shattell responded that it is not just an opinion because his son-in-law was let in without the gate receiving a call from him. He stated that the gate people could not have recognized his son-in-law and that his son-in-law is the one who saw the white truck leave with a deer on or about December 26.

Shattell asked if the Fire Marshall was going to come out to talk about the fireplugs to which several board members responded, "Yes."

Shattell then wanted to know what became of the results made by the Denver consultants. Treasurer Anderson stated that he has them and they are generally available for review anytime Shattell would like to look them over. Anderson then gave a brief synopsis of the results.

Shattell then pointed out his attempts to be on different committees and asked if there would be a clubhouse meeting scheduled shortly. President Jackson responded, "Very shortly."

Shattell requested that the board not take offense to anything he asks. Treasurer Anderson suggested to Shattell that he not wait until meetings to ask all his questions because members are available to him at other times than just meetings to address his concerns. Shattell stated that he feels it is more beneficial to ask at the meetings so everyone can hear his points or say.

President Jackson asked to make a statement, which was that during the previous meeting he remarked to Shattell that his comments would be made part of the minutes. Jackson stated that he was incorrect in saying that because that is not part of the general meeting. This meeting, Jackson continued, will have full minutes, but at regular meetings the only thing required is the minutes is the meeting itself, not the post-meeting comments.

Shattell reported that he is "extremely allergic to bee-stings" and if he is stung has twenty minutes to get to a hospital. He stated that last year he was stung and could not get out the back gate and an ambulance couldn't get in the back gate. He said that the doctor at the hospital told him that if he had been three minutes later he would have been dead. He told the board that he wants a key to the back gate.

Marjory Lyman stated that she was surprised to learn that someone thought the EMS serving Clifftops was out of Sewanee. She was under the impression that EMS, when needed, would come from Tracy City because Sewanee's is a private hospital. Vice President Andrew Bouldin responded that due to the way the cities are set up, EMS would arrive from Coalmont and that it is a good program. Lyman stated that this question has come up in several meetings by several different people, so she requested that it be posted in the newsletter to eliminate confusion. President Jackson stated, "Let us research it and we will get back to you." Shattell responded that there is still a time problem if EMS is forced to use the front gate and not the back. Vice President Bouldin suggested that it is an issue that comes

with a community of this size. He said he wished people could get in and out quicker, but they can't. Shattell asked if anyone has taken the time to talk to the hospital about whether they would come through the back gate. Bouldin let him know that it would be pointless to do so, as the hospital does not have ambulances. Shattell then stated that the people in the back need a key so that they can get to the hospital. Bouldin disagreed. Shattell stated that if here were in a similar emergency as he was last year that he would attempt to take the gate out with his truck. He told the board to get him a key and to get the people on Westlake Avenue a key. Judy Magavero said that it was once discussed to make a homeowner near the gate the security representative with the key. President Jackson stated that the reason the idea was not brought to fruition was that the "representative" might not be home, so Magavero suggested a "call box" with a code to open it. Mrs. Lyman asked that the board at least look into the situation to see what can be done. Property Manager Tripp said absolutely and that it is all feasible, if that is what the majority of the homeowners want.

Paul Cahoon stated that he is from the Atlanta area and is surprised at how inexpensive it is here for the services that are provided. He said that he has seen like communities priced from 250\$ to 300\$. He stated that he feels he is getting a remarkable deal here and notes that in his opinion the board is spending the money very well.

From the gallery Mr. Smith asked, "Is the board willing to discuss the back gate or is that just shut off again?" President Jackson responded, "Of course we will discuss it."

Mrs. Lyman asked if there is a Tennessee State law that regulates proper ingress and egress of communities "of this sort." Property Manager Tripp stated that there is not.

Mr. Lyman expressed a concern that we be as successful now in preserving good trees as we have been in the past. President Jackson said that he was critical of SVEC the last time they trimmed the trees because of the type of equipment they were using, but now, Jackson continued, they have much better equipment. Manager Tripp reported that he has had meetings with the SVEC Arborist, Mark Young to discuss his plan. When his plan is complete it will be given to Clifftops for review before it is put into action. Tripp stated that SVEC will not "clear-cut" but will "selectively-cut" the necessary trees. He reported that Young is happy to speak with any homeowner that is sensitive toward any of the trees marked for cutting. Their current plan is to begin cutting in three to four weeks from this date. Mrs. Lyman stated that SVEC is very good at what they do and asked if we can use the chippings on the walking paths. Manager Tripp stated that they have talked about it and may take some, but we still have some at the stables from last year.

Mrs. Susie Lux noted that in the past there were no rentals in Clifftops and now there are. "Who gets to rent and what kind of checks do they go through?" she inquired. Secretary Blizzard stated that Clifftops has no control over the issue, "...it's not something we can stop or permit," he said. He stated that he thinks rentals are horrible for the community but there is no legal authority to prevent it. Vice President Bouldin reiterated that, as a private resident, one may voice his opinion to discourage renting property, but it is not an issue the board can do anything about. Mrs. Lyman noted that the original covenants prohibit commercial property. Secretary Blizzard stated that two years ago Ralph McBride presented two Tennessee State cases where people have sued to prevent the renting of property. He continued by pointing out that the court of appeals basically said that one could not prevent renting because it is a basic right of homeownership to rent if so chosen. Ralph informed Blizzard that although these cases are vague in areas, there would probably be more in the future that would clarify this issue. Blizzard disagrees with these cases, but as they stand, there currently appears to be no remedy. Mr. Lyman said that he feels that it would be worthwhile for the board to ask "Mr.

McBride or someone” for an update on these or other cases. President Jackson asked for some research time, and Secretary Blizzard agreed that it was time for an update and he noted that this is an issue that needs to be continually monitored. From the gallery Norm Davis stated that he felt it correct to keep getting updates, but as a matter of point, nothing has changed. Mrs. Lyman inquired as to whether the current discussion was about the Clifftops "covenential requirements" or state law. President Jackson responded that covenants prohibiting the rental of single-family units are unenforceable. Susan Thomas explained that Clifftopians own their property fee simple, which means that the owners have the right to do with their individual properties what they deem to be fit. Mr. Lyman stated that if Mrs. Thomas is right then that opens the door for someone to build “hot-dog stands” throughout the property and the board should figure out something to do about that. Secretary Blizzard stated that hot dog stands would not be an issue because the covenants state that Clifftops is for residential use only and nothing can be built on property other than a residence. “...but once you build a residence that is a house,” Blizzard continued, “...then you have the right to rent it.” Paul Cahoon wanted to know what percentage of homes within Clifftops are rented to which Treasurer Anderson responded, “About five percent.”

The meeting ended in 1 hour and 4 minutes.

Henry Blizzard

Board Secretary

Ed Jackson

Board President

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