

These minutes are a draft of the Board Meeting Minutes and will not become a part of the Association's formal records until they are approved by the Board at the next regular meeting. They are provided in advance of approval as a courtesy to the Association membership.

***MALA Board of Directors' Meeting Minutes
August 11, 2009***

Ben Jackson, President, called the meeting to order in the Clarksville Town Hall at 7:05 p.m.

Present: Phil Beck, Jerry Billingsley, Clint Dalton, Cathy D'Amato, Martha Day, John Gilmore, FJ Hale, Chris Henry, Kevin Hensley, Ben Jackson, Greg Sansing, Billy Wells, Bob Wenning, Richard Wikle, Bill Woodfin

Excused: Richard Allen, Mike Cottrell, Jerre Mabrey, Tim Tetreault

Absent:

Observers: Nola Adler, Rick Baldwin, Scott Diamond, Bob Epting, Peter John Garratt, Joanne Gilmore, Ken Hensley, Pat Hensley, Jodi Hingtgen, Lee Hummel, Scott Jeffrey, Jonathan Kuniholm, Dottie Lautermilch, Paul Lautermilch, Rich Lee, Ron Lee, Jackie Lilly, Ralph Moore, Jim Morgan, Midge Morgan, Robert Murphy, Hal Norman, Patrick Rost, Don Sinkiewicz, Sharon Sinkiewicz, Norman Smit, Shelly Smith, William Smith, Carolle Stinson, John Stinson, Dewitt Vanarsdale

The minutes of the June 9, 2009, Board Meeting, having been distributed to the Board and posted on the Association website, were approved as written. The motion made to approve the June 9, 2009, minutes was seconded and carried without dissent.

Treasurer's Report. Copies of the Proposed MALA Fiscal Year 2010 Budget were distributed and discussed. The motion made to approve the 2010 Budget was seconded and carried without dissent.

Old Business:

President's Report. Building hangars on the airstrip was discussed. Aviation Committee Chairman reported that the airstrip is zoned residential. A petition to Mecklenburg County to rezone for building a hangar housing 6-8 aircraft would be needed for a fee of \$325.00.

The MALA Runway Safety Rules and Regulations that provides for hours of landing and takeoff and procedures for shutting down in case of emergency was finalized.

Because several letters from the Architectural Committee to the owner of the derelict property on upper Merifield Drive have met with no response, the Architectural Committee has turned the matter over to the Board. The burned-out house on Royster Court has been removed.

Lengthy discussion on the suggested revisions to the MALA Bylaws (draft 7/29/2009) led to two motions. It was moved that an *ad hoc* committee composed of the President of the Board and mandatory and non-mandatory lot owners confer to hash out the right fit between the mandatory and non-mandatory units within Merifield Acres, if even to disagree, with the Board obtaining legal opinion up to \$1,200.00. The motion was seconded and carried 13 to 0. The subsequent motion

made to table the suggested revisions to the Bylaws until MALA obtains a legal opinion was seconded and carried 15 to 0.

The Association Annual Meeting was postponed to October 10, 2009, beginning with a potluck picnic at 1:00.

Secretary's Report. Nothing to report

Open Forum:

An extensive portion of the almost three-and-a-half-hour meeting was devoted to listening to perspectives on restructuring governance of Merifield Acres from the floor, a slight majority of the observers representing the non-mandatory units.

Architectural Committee Report:

Very few requests for Architectural Approval have been submitted this year. One new house on Lakepoint Drive in the Fielding section is under construction.

A meeting with the Aviation Committee was held regarding hangars both on the runway and on private property. The AC provided draft architectural guidelines for hangar design and construction.

The Laurie Foote derelict property on upper Merifield Drive is discussed above. _

Standing Committee Reports:

Appearance and Beautification. Nothing to report.

Aviation. Over the Lakefest weekend Saturday, there was an incident on the runway, the Chairman reports. A Cessna 182, a four-seat, single-engine, tricycle-gear aircraft landed to discover the tire of the nose wheel had gone flat. Thanks to the efforts of our neighbors, the tire was repaired and the aircraft took off later that day. FJ wishes to give special recognition to his neighbor and good friend Scott (and Brenda) Young of 85 Roanoke Court. Without Scott's considerable skill and knowledge, the repair would have taken another day and cost the pilot considerable expense.

Please remind your neighbors who may wish to fly in to our runway that the frequency is 122.9, the same frequency used for Marks (W63).

With regard to the occasional complaints regarding the operation of the runway, FJ wishes to inform the Board that the zoning is current and as long as a landing / takeoff is made once every two years, the property will always be a runway. Furthermore, FJ believes the covenants regarding the transfer of that property to MALA specifies that it always be a runway, or return to the benefactor. FJ intends to confirm that in person as soon as time allows, hopefully this month.

With regard to building hangars on the runway property, FJ is in the process of making application to the county for a zoning / building permit to erect hangars. The general plan is to allow MALA property owners with aircraft to erect and house the aircraft in hangars for a sufficient period of time to be determined.

FJ will keep the Architectural Committee and the MALA President informed of his progress as each step is begun.

Common Areas and Facilities. The Committee assisted Maintenance Contractor Ralph Moore in cutting dead trees and pushing the community dock out. On June 16, 2009, a letter was mailed to Curtis Pope, Army Corps of Engineers, requesting the additional ten (10) feet of easement at the main entrance. Upon inquiry, the Chair has learned that resurfacing the tennis court would cost in the \$20,000.00 to \$30,000.00 range.

Community Events. Nothing to report.

Deer Control. The antlerless harvest began August 1 and extends until October 1.

Finance. Chair reports that monies not spent will be added to roads funds. The six-month Carter Bank CD that matured in July 2009 is \$51,042.00. The four-month rollover Bank of America CD that matures August 15, 2009, is \$63,243.00. Further reserve funds are recovering from the economic downturn.

Governance. Since the June 9, 2009, Board meeting, the Committee has met twice, June 16 and July 28, both evenings at John and Joanne Gilmores' home on Highpoint Boulevard.

The Committee that includes a non-mandatory unit member completed its review of the current Bylaws begun at its December meeting and continued with input from other sources and parties. The work of the Governance Committee has been reported on in its bimonthly reports to the Board, the March Merifield Acres Newsletter, and the bimonthly Board minutes posted on the MALA Website. Merifield Acres: Restructuring Governance (draft 6/1/2009) was delivered in hard copy to Board members and Architectural Committee Chair doorknobs a week in advance of the June 9, 2009, Board meeting.

President Ben and members of the Governance Committee prepared and mailed three successive letters to the Common Interest Community Ombudsman seeking a response to the proposed realignment of the inclusive Merifield Acres governance. To the first letter were attached the Merifield Acres, Inc., covenants, Articles of Incorporation of Merifield Acres Landowners' Association, current Bylaws I: The Association, Membership, Board of Directors, Meetings, and a map showing the physical layout of the inclusive community. The Ombudsman's third response, that of July 27, 2009, closed with the statement, "When I hear that anyone is not required to pay dues/assessments my assumption is that they may not belong to an association that falls under the POA Act."

The Committee reviewed a draft notification to the membership of the 2009 Association Annual Meeting, exclusive of the Treasurer's proposed MALA Fiscal Year 2010 Budget.

During August 3-4, the Committee delivered to more than forty Merifield Acres doorknobs working documents for Board member, Architectural Committee Chair, Board nominees, and additional residents' thoughtful review: Merifield Acres Restructuring Governance Test, Restructuring the MALA Bylaws with Attachment, the Association Annual Meeting notification letter with agenda, suggested revised MALA Bylaws (draft 7/29/2009), slate of Board candidates, and ballots.

The revised MALA Bylaws bring the Bylaws into compliance with the Merifield Acres, Inc., covenants and the Articles of Incorporation. Following deliberation and any further changes August 11, the

Governance Committee advises the Board to approve the suggested revised MALA Bylaws that provide representation on the Board for the non-mandatory units through their Associate Directors who are charged with managing their respective covenants, financial affairs, responsibilities, and concerns.

Following deliberation and any further changes August 11, the Committee advises the Board to approve the draft notification of the 2009 Association Annual Meeting.

Political and Environmental. Nothing to report.

Roads and Maintenance. The bidding process for the paving of MALA roads was initiated in early summer. We received five (5) competitive bids for our two-year road budget for the years 2008-2009. The contract was awarded to W-L Construction, in Danville, Virginia.

The roads selected for paving were Merifield Drive from the main entrance to the first Y at the intersection with Lakepoint Drive, Occoneechee Drive from Merifield Drive to just past Hiddenwood Court, all of Ridge Road and Elm Court, all of Longmeadow Drive, and all of Stacey Court.

Merifield Drive and Occoneechee Drive received a minimum of 1.5" of asphalt. All other roads received a minimum of 1" of asphalt. All roads received additional tonnage to level off deficiencies.

Merifield Drive was considerably widened (2 feet or more) to allow for better travel conditions and avoidance of vehicles running off the sides of the road. An additional expansion was created at the main entrance for the school bus stop and turnaround.

Approximately 1.8 miles of our roads were paved during this process which was completed in early July 2009.

Total cost for the two-year paving budget was \$101,811, approximately \$51,000 for each paving year budget.

Allocated budget for the two-year period was \$143,000. Approximately \$41,000 will be carried over to the next paving year 2011. Budget for road paving in 2011 is expected to be \$135,000 plus.

Twenty-four (24) reflective 3M warning signs have been placed along Merifield Drive and Lakepoint Drive. These signs were placed in lieu of the road reflectors that were once in place on Merifield and Lakepoint Drives. These reflective signs were placed due to concerns of darkness, curves, and steep banks/ ditches of Merifield Drive from the entrance to the first Y.

Security. On the night of July 24, 2009, there were three burglaries. One house on Darcy Drive had damage to the door, but nothing taken. A house on Lakepoint was broken into and two guns and a television were taken. The third house on Briarfield was broken into and a large flat-screen television stolen. A person who was working for a local contractor was caught with the stolen property. All of the stolen items were recovered except for one 22 cal. handgun.

On the night of August 3, 2009, there was a burglary at a home on Rosebud Court. A variety of items including firearms were stolen. Officer Randy Callahan reported that they are now working on this.

Welcoming. Nothing to report.

Communication:

Directory. Nothing to report.

Email. Nothing to report.

Newsletter. Nothing to report.

Website. As of August 11, the MALA Website is current.

New Business:

There being no further business, the meeting was adjourned at 10:30 p.m.

The next meeting of the Board of Directors, including the newly elected members, will be *Immediately* following the Association Annual Meeting, October 10, 2009, for election of Association Officers for the coming year and for any other business.

Respectfully submitted,

Cathy D'Amato, Secretary