

Wolf Laurel Road Maintenance & Security Homeowners Association
Minutes of the Meeting of the Board of Directors
August 17, 2018

The meeting was called to order by President Smith at 10:00 A.M.

Directors in attendance in person: Kessler, Krueger, McCaghren, Moeller, Pendleton, Simmons, Smith.

Directors in attendance by phone: Parker, Romero

Directors absent: Shook.

Staff in attendance: Brown, Connor, Porche', Wyatt.

Audience: 16 in attendance.

Welcome

Minutes:

Krueger moved to approve the minutes of the July meeting. **Moeller** seconded. Minutes approved 8-0.

Seating of New Board Members

Smith thanked Shook for his service and said he was a valuable contribution to the board. He said the board needed to keep Shook active on some of the committees. **Smith** then welcomed the new board member, Lloyd Parker. **McCaghren** asked that he would like the minutes to reflect that Carol Krueger and Larry Smith have been re-seated as board members.

Election of Officers for the 2018-2019 Year

Smith opened the floor for nominations for President. **Pendleton** nominated Larry Smith. **Kessler** seconded. **Romero** nominated Kessler. There was no second. **McCaghren** moved the nomination be closed. **Moeller** seconded. Motion passed 9 – 0. A vote was taken to appoint Smith as President 8 – yes, **Romero** voted no.

Smith opened the floor for nominations for Vice-President. **Moeller** nominated Kessler. **Pendleton** seconded. **Simmons** moved the nominations be closed. **Pendleton** seconded. A vote was taken to appoint Kessler as Vice-President 9 – yes, 0 – no.

Smith opened the floor for nominations for Treasurer. **Moeller** nominated Krueger. **Kessler** seconded. **McCaghren** moved the nomination be closed. **Pendleton** seconded. A vote was taken to appoint Krueger a Treasurer 9 – yes, 0 – no.

Smith opened the floor for nomination for Secretary. **Kessler** nominated Romero. **Krueger** seconded. **Pendleton** moved the nomination be closed. **Moeller** seconded. A vote was taken to appoint Romero as Secretary 9 – yes, 0 – no.

Finance: Louise Wyatt

Wyatt reported there were changes to the balance sheet because of payment on the Clotfelter note. Clotfelter also paid the 2018 assessments with a lot and that lot was added to our lot inventory. As far as income, we are the same with homes and lots as we were this time last year. Overall we are about the same as we were this time last year with both roads and security. Percent of budget expenses at 7 months is 58.33%. Road Maintenance is at 53.92% of their budget after 7 months and Security is at 56% after 7 months.

Wyatt said there was an increase in depreciation. She got the year end entries from the auditor.

McCaghren asked about the ski slope and their payments. Wyatt said they were current.

Roads: Jason Brown

(Written report read into the minutes edited to condense)

Since last report: Wolf Laurel has received 7.22 inches of rain. 3 severe storms have been reported along with numerous trees down on or along the RROW's and minor damages to some of the roadways.

Equipment:

Performed all regular maintenance and service on all equipment.

The Ferri mower has been repaired by the dealer the entire drum had to be replaced. The

Sweepster broom has had a pump and shaft failure and a new pump and shaft have been ordered and will be repaired.

The John

Deer tractor has been serviced and had a cracked hydraulic pump the pump is being replaced by the dealer along with some of the linkages.

Changed cutting edges and bolts on the box blade.

Replaced the tail lights on the Ford L-9000 dump truck.

The tires and brakes on the Black GMC 3500 have been replaced.

The rear end on the Ford L-9000 dump truck may need to be replaced in the near future. The green Chevy 2500 had some electrical issues repaired and the brakes replaced and is recommended and on the Capital Equipment Schedule to be replaced before the winter season for safety reasons. CAT sent out a representative to give WLRM an appraisal on 416 the backhoe that is scheduled to be replaced in 2019 in the capital equipment schedule and is recommended to do so. Moved all equipment back to shop for maintenance.

Roads:

WLRM

Checked all roads for storm damage and repaired areas where needed. Matching gravel program:

Any home owner in Wolf Laurel wanting more gravel than can be afforded by WLRM can contribute to this program and their contribution will be matched and distributed on the roadway in the chosen area. In the last month WLRM has spread, graded, and rolled 2 loads of abcm were distributed on McDarris loop. 4 loads of abcm were distributed on Silver Knob, 1 load of abcm on Laurel Ln, and 2 loads of abcm were distributed on May Apple LN. in this matching program. 7 loads

of abcm have been spread, graded, and rolled on May Apple LN to cover the ballast that was left over from the winter construction damage. 2 loads of abcm were spread, graded, and rolled on Fox Den where needed. 2 loads of abcm were spread, graded, and rolled on Glenn Aire. 4 loads of abcm were spread graded and rolled on El Miner. 3 loads of abcm were spread, graded, and rolled on Puncheon Ln.

Weedeated and mowed all intersections, obstructions, and RR0W's. Cleaned out culverts where needed. Seeded and matted all exposed dirt areas except dirt stockpile along Buckhouse. Repaired washout on Chestnut Lane using 2 loads of boulders and 1 load of abcm. Swept roadways until Sweepster broke down. Fixed pot holes on

McKinney Gap and Glenn Aire. Graded and rolled
all gravel roads where needed. Cleaned out

creek crossing on Puncheon Ln also graded road shoulders and ditches where needed. Cleaned out creek crossing on Town Mountain Rd also graded shoulders, ditches and repaired slide. Cleaned out creek crossing on Chestnut Lane also built boulder headwall around culvert pipe using 2 loads of boulders. Removed

all trees and brush from RR0W's.

Graded road shoulder along Wolf Laurel Rd up to English Ridge where the Sweepster brokedown will finish once it gets repaired.

Addressed and marked pavement issues and water diverters on or along Big Bald Rd, Wolf Laurel Rd, McKinney Gap Rd and are awaiting a proposal from the paving contractor who is scheduled for the first of September "overlay \$\$\$ or full patching \$\$\$\$\$\$\$\$?"

2017 Storm Damage:

All storm damage repairs have been completed and seeded and are holding up and secure.

NCFS Grant project:

The district ranger I have been coordinating with has been deployed out west and will return on the 26th unless he gets extended.

Material:

Due to the severe winter conditions, construction damage, adverse weather and storm conditions, rising prices, and higher than previous years expectations the gravel budget is almost exhausted so moving forward the matching gravel program is highly recommended. The Morton Salt 2018-2019 salt contract has been renewed and available the first load of salt will be ordered, delivered, mixed, and stockpiled by the end of next month. The drainage project is moving along around 16 pipes have been installed with 4 more scheduled next month any more than that will put us over budget for the year and take away the cushion for storm damage drainage repairs.

Personnel:

A new operator Michael Sluder has been hired on a 90 probationary period and is hoping to get his CDL license.

I,
Jason Brown, will be putting in my 2 weeks' notice today and will be resigning as of 8-30-18. New business:" formal resignation notice"

Romero thanked Brown and wished him well. **Romero** asked if September was when we were going to get bids for repairing Wolf Laurel Rd. He noted more cracks, potholes and erosion. **Brown** said both contractors were going to be here doing work for Blue Mountain, so he was trying to schedule WL work while they were here. The contractor is hoping to get up here before that to give us his bid.

Romero mentioned the gravel matching program, and the drainage problems with driveways. He said that if homeowners do not fix their driveway drainage, water coming off the driveways will wash the gravel away. **Brown** said he would rather see property owners put money into fixing their driveway drainage than to participate in the gravel matching program. He said after the drainage is fixed then gravel can be put down. He said he would let property owners know if they need to fix their driveways before he let them spend money on gravel.

Romero recommended that a memo go out to property owners (with pictures) asking for assistance. Ask property owners to take a look at their driveways. If their driveway is not draining properly and running into the road, ask them to fix it.

Smith asked the board to act on Brown's resignation. **Simmons** asked Brown to read his letter of resignation.

Jason Brown's Letter of Resignation:

To whom it may concern:

Today marks the eight year anniversary date of my hiring on August 17 2010.

My family and I greatly appreciate the opportunity to work as the Director for the last eight years and thank all of the staff past and present for all of the hard work, dedication, and friendships that have been made and hope to carry them on.

My family and I also greatly appreciate some of the WLRMSHOA board members that I have worked under and appreciate the wisdom, kindness, professionalism, leadership, understanding, and integrity they have shown and instilled in me. The rest could learn a lot from them and the staff if you would take the time to listen.

My family and I also greatly appreciate the numerous residents that we have come into contact with over the last eight years who many have become lifelong friends.

I plan on making this transition as smooth as possible for the staff, the board, the residence, and myself. If needed I fully intend to fulfill a two week notice if needed or wanted. And/or if needed or wanted have recommendations for my replacement.

That being said I plan on terminating my employment as a WLRMSHOA employee as soon as possible the board was informed of my resignation at the 8-8-18 work session so my two weeks' notice would be up as of 8-22-18. I may be willing to stay up until but not after 8-31-18 depending on the board's recommendations.

All tools, equipment, materials, and property owned by WLRMSHOA have been inventoried, recorded, and locked up on or in either the maintenance shed or in the office and the keys and inventories are in the desk.

The WLRM staff have all been informed of my departure and is awaiting instruction from the WLRMSHOA.

All tools, equipment, or personal property of mine that were either brought in when I was hired or brought in during my employment have already been removed from the premises.

Any assistance I can be during or after this transition I will do my best to assist.

My 2 requests of the WLRMSHOA is that I keep the phone number 828-776-7221 that was set up by me in my name but was billed to WLRMSHOA and erase that number from any WLRMSHOA documentation. I have changed the billing to my personal billing address and will take over the payments as of September 1st 2018. The only other request would be that WLRMSHOA pay out the vacation and sick time that is owed to me as of this date.

Let this letter serve as my official resignation as the Director of Road Maintenance for the Wolf Laurel Roads and Security Homeowners Association.

I ask that this letter be recorded in the minutes of the August 17th 2018 board meeting minutes along with any questions, comments, concerns, or accusations resulting from my decision to resign and that any discrepancies, or accusations be dealt with in this meeting and settled as to not impede me from any of my future endeavors.

Thank You

Sincerely, Jason S. Brown

Simmons made a motion to accept Brown's resignation. **Krueger** seconded. **Smith** said he had no concerns and was willing to go forward and accept the resignation without reservation. He thanked Brown for his service.

Simmons recommended, approving Jason's request to transfer the phone number and the back pay/ vacation pay that he is entitled to. **Smith** stated these were not issues.

A vote was taken to accept Brown's resignation 9 – yes, 0 – no. **Simmons** thanked Brown.

A discussion of Brown's last days occurred. **Kessler** requested adequate time be allowed to transition two going projects, the NCFS Grant work, and information gathering for a reserve study before Brown's last day. Brown responded he is willing to help out however he can, depending on who his replacement was going to be, but would like the transition to happen quickly. He said his

two week notice technically began on August 8th at the work session when the board was notified that he was resigning and would end August 22nd. He said he would be more than willing to help out not later than August 31st but it will not be full time.

Krueger said she was heartbroken Brown was leaving but happy for he and his family.

Romero recommended that Brown be paid on an hourly basis for any consultation time requested of him after his last day.

Security: Ken Porche

(Written report read into the minutes)

Porche' started off by saying he will miss Brown.

We had 4 medical instances on the mountain this month. (breathing problems, fallen couldn't get backup, fell got head wound, possible heart attack.)

We had a situation where someone from outside the gate came in to go to the stables by way of back gate and then departed through front gate. A little while later they returned and said they were going back to stables they were allowed in but guard was thinking something was not right and he called back gate and found out that he was staying at wolf ridge and that they were using it as a way to get to Burnsville.

Got a call from neighbor that it looked like someone had broken into the house next door, I responded to the location with roving patrol and called Yancey County, they thought someone with weed eater had broken the door glass, the renters came home and told us they had left doors unlocked. We left location

We have situation on the mountain that is quite disturbing, we have a home here on mtn. that has become a constant place of police visits, DSS visits, the latest being a call from a homeowner calling to say someone was coming to their house to kill her son. The gate called me and I arrived and had a gate lock down. I instructed the staff to shut power off to gates, I placed security truck in exit lane and told staff to stay inside. Yancey County and Madison County was notified. I remained on station for 3 ½ hours and with no one showing up I reversed lock down. The same son wrecked his car a week later at a very high rate of speed (55-60 mph) on Big Bald Road and Pisgah Pass Rd.

Had report of gunshots from night before investigated found no bullet holes just a spider webbed glass door. Sheriff office called.

Another coon found at dumpster at country club actions gave appearance of having distemper animal control picked up from roving security. Will get results from county when they come back.

Had a young man approach gate at approximately 5:00 am. Gate called me said he was the son of a homeowner and his car was broke down, and had no one to call to get him home, he couldn't walk any further, so I got out of bed came up took him home. Along with a lecture about staying out to

late with friends getting inebriated when his parents are not on mtn. Also what would have happened if a cop had caught him driving while impaired.

Real estate sales in Wolf Laurel, we've recently had a situation where the seller didn't want the buyer back at their residence until they closed, (them still being the legal owners) they requested that we not let them back on their property, the buyer's agent who is a homeowner said he would sign them in as his guest and would take them to house anyway, and would let them park their trailer on the road. I told one of security on duty to tell buyer's agent that there could be two charges brought against him, plus parking on road is illegal as per covenants. Buyers do not own until they have closed on that property.

I've had another case of verbal abuse at the gate from a homeowner, this time it was bad enough that the employee has told me he can't take this anymore, that he really likes working here but that he is looking for another job.

Smith stated he would speak to the homeowner about the verbal abuse.

I would again like ask everyone if you have a problem with anything on the mountain please let us know while it is happening, I have received several complaints about things going on at or close by the next day or several days later, that I can't do anything about, the time of day or night makes no difference, or call 911.

Thanks for your support

KEN

Pendleton asked if the buyer's realtor knew that the homeowner did not want him or the buyers at their house until it closed. Porche' said the realtor did know this. **Pendleton** asked if Porche' had talked to the realtor. Porche' said he had.

Committee Reports

Communications & Community Relations: Larry Smith

Smith said RMS wants to communicate information that the community needs without being perceived to be burdening them with too much communications. An email blast was sent out about not abusing our security staff at the gate.

An email blast was also sent out about the problem of dogs coming on to other's property and being aggressive or dogs charging people threatening to bite with the dog owner doing nothing to restrain their dog.

Insurance / Finance Committee: Dick Moeller and David Pendleton

Pendleton reported he has been talking to the adjuster about the busted snow blade and is getting more numbers together for him.

Smith has asked Wyatt to get new employee credit cards so the she and the committee chairs will have the ability to look at the accounts online. **Romero** asked if the credit cards were issued in the employee's name or RMS. Wyatt said the card had to be in the person's name. **Romero** asked if RMS has a policy that said the credit card could only be used for WL business and not personal use. **Smith** stated we did not have a policy. He said Wyatt needs to be able to verify charges with receipts when she goes to pay the credit card bill. **Romero** stated he was not insinuating employee dishonesty, but from a record keeping standpoint it makes it easier if credit card use is restricted to RMS purchases. Wyatt said personal charges have never been put on RMS credit cards, but that there was no written policy about the use of credit cards. The board discussed the need for a policy and **Kessler** agreed to work on a policy.

Smith said the auditor has contacted him wanting to submit a proposal for doing an audit or financial report and taxes for the next year. He said if we do choose them, they would like to start in November. **Smith** told them to submit a proposal for an audit and tax preparation and a proposal for a financial report and tax preparation. **Kessler** noted this was a good time to start getting proposals from multiple firms for preparing taxes, and audit or review services. **Smith** reminded the board that the audit and tax preparation this year was \$2000 less than the financial report and tax preparation the year before.

Legal: Brent McCaghren and Cynthia Kessler

Wyatt said two properties have been added to the role. One, Yancey County sold for taxes and the other was from the Mountainside Townhomes. These properties will now be paying assessments.

Kessler said RMS has had one contact on a legal matter which has been responded to but no threats of litigation has occurred.

Security: Carol Krueger

Krueger reported there were positive responses to the email blasts that were sent out about the dogs and the abuse. People were shocked that their neighbors were abusive to our security staff.

Krueger thanked the committee members from this past year, Becky McKnight, Lewis Daniels, Eddie Shook and Ken Porche'. She said they have had a very successful year this past year.

The exit gate is still in the works at the front gate. We are waiting on good weather for several days in a row.

Road Maintenance & Equipment: Jim Simmons

Simmons thanked Brown again and said he and his crew have gotten the roads in as good of condition as they have been in a long time. Brown has bent over backwards as far as this transition goes. Brown and his crew have done a super job. **Simmons** stated he was looking forward to a nice, easy transition.

Property and Facilities: Dick Moeller

Moeller reported they have contacted five people for the installation of the septic system. Two have responded and we should have the price by the end of next week. We hope to get three bids and are cross checking to make sure all people involved will work well with each other.

The parcel boxes have been picked up from Greensboro by Larry Carlson which saved \$95.00 in shipping. The Post Office will not give us the 60 mailboxes and 2 parcel boxes until we have the concrete pad poured. The PO has also requested that the shelters for the mailboxes be large enough to keep the mail delivery people out of the rain.

Smith said along with the 60 mailboxes the PO is giving, Blue Mtn. turned over the keys to 37 mailboxes. **Kessler** added that we appreciated Blue Mountain's cooperation. **Smith** is requesting that the Preserve get their homeowners to use their mailboxes.

ARB: Steve McKnight

McKnight reported that the ARB has had 21 applications approved since the last report: 10 trees, 11 minor exterior renovations. Total year-to-date is 112 approved applications.

Smith thanked Bob Super for his dedication and service. Jered Silver has been hired by the board to replace Mr. Super. Steve McKnight and he are still looking for McKnight's replacement.

Long Range Planning: Larry Smith and Cynthia Kessler

Kessler said they have been preparing for board orientation and a discussion of the board's plan for the year. She noted that the auditor's number one recommendation was that we conduct a formal reserve study and capital plan. The board will need to discuss how and when to incorporate the auditor's recommendations into the plan for the year.

Smith reported that he is still looking for a map of Wolf Laurel roads that does not include lots.

POA Liaison: Larry Smith

No Report

Old Business:

Board Members to Sign Documents on Conflict of Interest and Self-Dealing

Kessler made a motion that the board reaffirm the conflict of interest anti self-dealing policy adopted 15, 2017. **Pendleton** moved and **Krueger** seconded. A vote was taken 9 – yes, 0 – no. Motion carried.

Bank Resolutions

Smith noted that each year the board must act to appoint authorized signatories on RMS bank accounts, typically on a form prepared by and required by the bank. After a brief discussion of options, **Kessler** moved to appoint Krueger, Romero, Wyatt and Kessler be appointed and to continue the appointment of those already approved as signatories until these new names can be added. **Pendleton** seconded. A vote was taken 9 – yes, 0 – no. Motion carried.

Smith said the board is looking for other banks to deposit revenues in so we are covered under the FDIC.

New Business:

Action on Roads Committee Recommendations

Simmons thanked the members of the Roads Committee.

After a great deal of discussion, looking at our options, and all the various consequences involved, the Roads Committee is unanimously recommending that our present employee of 3 plus years , Mitchell Ricker, be promoted to fill the position of Director of Roads on a 90 day probation basis. During this period, we recommend a \$3.00 an hour increase which splits the difference between his and Jason's present pay grades. During this 90 day period, Mitchell's use of a truck will remain the same as Jason's is today. In the interim, the details of a contract with him as a hired Director of Roads, in a permanent position, will be addressed, should the Board decide he is the best fit for the job.

The Roads Committee reasoning is this:

- #1 Mitchell wants, and is enthusiastic about the opportunity to demonstrate that he is capable of handling this position.
- He is the person that understands, and knows the present road conditions and what it is going to take to address them.
- Winter is coming up with all the snow and ice possibilities. The last thing we need on the mountain at this time, is someone with no knowledge of our unique road situations.
- At this point in time, the Roads Committee does not recommend an advertised job offering for the Director of Roads. This would undermine Mitchell's ability of showing the Board what he may be capable of. (Thinking this is a fill in position until someone else may be found to replace Jason) Give him a chance!! He has a family and future to consider, and wants to stay here at WL. Otherwise, he will be gone.
- Mitchell is the only experienced equipment operator that we have. There has been a new hire, but unproven.
- Including Mitchell, we will have 3 Road's employees. One proven equipment operator, one unproven equipment operator, and a laborer.
- Jason was in contact with Buy Pass automotive today. They are the company that is lending us the only capable road roller we have, as well as the Mahindra tractor to use as we see fit. (Big bonus) With Jason leaving, they want both pieces of equipment back. They do know Mitchell, and would agree to our continued use of their equipment if Mitchell were in the position of Director,

otherwise, they want their equipment back because of an unknown identity in the Director's position.

BOTTOM LINE

- Does the Board want to be in a position of no proven equipment operators? Especially with winter coming?
- A two man crew?
- No roller for the roads?
- No Mahindra Tractor? Equipment replacement costs?

Please, don't even think of this as a blackmail situation, these are the facts of life.

We need to put Mitchell in this 90 day probation position to see what he can do for the benefit of all the property owners.

Simmons recommended and made a motion they hire Ricker under the provision he just read. **Krueger** seconded.

Smith said he wanted to make a counter offer that the board needed to consider, and he was asking the board to defer action on Simmons' motion for 90 days. . He said he liked the idea of replacing Brown with Ricker. **Smith** further stated Ricker knows how to take care of the roads but he doesn't know if he can handle a \$700,000 budget, handle employee relations, if he has the skill set to come up with a three year road plan or equipment replacement plan. **Smith** said he needed to assess all these skills before he makes a decision. He also said he can't wait 90 days to see if Ricker has those skills. **Simmons** reiterated maximum 90 days, and stated that hopefully it will be done much quicker.

Smith said we have another excellent candidate to give us this 90 day solution. Harold Tipton had proven he has necessary skills when was the Roads Director for Wolf Laurel before Brown. He recommended the board put Simmons' recommendation on hold for 90 days and give Harold Tipton the position of Roads Director. Harold is willing to do it for 90 days, at \$1000 per week, and he has the skills.

Kessler asked if Harold had a long term interest in the position or was he just stepping in for the next 90 days. **Smith** said Harold does not have any long term interest in the position. He is doing it as a favor and would come out of retirement for 90 days. He can evaluate Ricker to see if he has the skill set, and if he does, Harold will probably recommend him for the position. If Ricker does not have the skills, Harold may be able to give him what he needs.

Simmons said whoever is in this position, will have a laborer; an unproven operator; and Ricker will be gone. He said the board will be doing a huge disservice for the community. **Simmons** stated this could be addressed 30 or 60 days from now. **McCaghren** asked Smith how Mitchell could be evaluated in that 90 day period, if Harold is functioning as Director. Is the board going to be able to evaluate Ricker's skill set when Harold will be providing those skills and Ricker will still be doing what he is doing?

Smith said Harold knows that the boards' intent is to put Ricker as Director of Roads. He said wants Harold's opinion on whether or not Ricker can do the job. **Simmons** stated the board had him and the roads committee making a recommendation, and that is what the committee is for.

McCaghren asked Brown if he was still here through the end of the month as the Director of Roads, would that give Brown, the roads committee and anyone else sufficient time to evaluate Ricker's ability to perform the duties. Brown said Ricker is ready for the job. Ricker has been in the office for the last month being trained. Brown said if he didn't feel comfortable leaving Ricker with the job, he was going to stay until spring. Brown said the only thing Ricker is lacking was what he himself lacked when he was put in the position.

Smith made a motion to table the motion. **Simmons** said there was a motion on the table and seconded prior to any additional motions. **Kessler** seconded the motion to table the motion so the board can discuss the timeline. **Simmons** said the board is still missing the point. No equipment, no staff, how is anybody going to do anything **Smith** said he was going to put a person in place to decide what to do about the equipment and the staff.

Simmons said if this is route that is going to be taken, he will not be in charge of something like that. He said he was willing to be in charge of what the roads committee came up with, but he does not want to be put in a position that he is not comfortable with. **Smith** agreed that they should not do that to Simmons.

A roll call vote was taken to table the first motion (Jim Simmons made).

Smith-yes, Moeller-yes, Krueger-no, Kessler-yes, Pendleton-yes, Simmons-no, McCaghren-no, Parker-yes, Romero-yes. Motion was tabled.

Smith presented a motion that the board hire Harold Tipton as the interim Roads Director for a period not to exceed 90 days at a salary not to exceed \$1000.00 per week. He will have the power to hire and fire employees, supervise all road employees, evaluate employees and to make recommendations to the board on equipment effective as of Monday, August 20, 2018. **McCaghren** said if they were going to discuss employee salaries, he would like to discuss it in closed session. **Kessler** seconded Smith's motion. **Krueger** questioned if Ricker was going to stay on as an employee? **Smith** said he did not know what Ricker was going to do, but he cared about what he might do, so he would try to talk to Ricker.

Smith said the board was told if they approved health insurance they would keep an employee. By the time they got the health insurance the employee was already gone. He said he can't make things happen or not happen, but he is not going to be stampeded into a bad decision. **Krueger** asked if Ricker leaves how many employees does that leave. **Smith** said Harold would fill the staff. He was not worried about that. Krueger said we were not going to have a roller or tractor either.

Pendleton said he gives credit to Simmons and the roads committee for the work they have done and he sees how they come up with their recommendation. He said he did not like the thought that we are going to lose the tractor and roller because it was tied into Brown leaving. He said anytime the lead guy says he is leaving, that's the time you have to step back and look at the way things are being done. It may be that what the roads committee recommended is what the board decides to do. He said he thinks the board needs to evaluate everybody and everything and make a decision after the review period. He said that is why he voted to table the motion because he felt the board needed to step back from the whole situation and take a look at it.

Smith said they may or may not lose our equipment person. He likes Harold because he can hire people that can do the job. Smith said there is a problem with the Mahindra tractor but he reminded the board that the Mahindra tractor was from Mahindra and not the dealer. The tractor was given to us to use for a year and we have completed that year so the tractor may be gone anyway. Smith said that WLRMS is one of that dealer's better customers. If you look at the vendor list, we have done an extensive amount of trade with that dealer over the past year almost exclusively. That dealer may choose to pull the tractor and roller and may choose to lose us as a customer. That is something that dealer has to decide.

Smith said he will talk to Ricker and tell him he has a leg up on getting this position if he wants to pursue it but if he doesn't, he doesn't. **Simmons** said they have already had that discussion. McCaghren asked how long Ricker has been employed by roads.

Brown said three years. **McCaghren** then said Brown has had three years to evaluate Ricker's performance and abilities. Brown is recommending that Ricker has the ability to do the job so if he does not demonstrate that he is on an interim basis anyway not to exceed 90 days. He said he did not know why they needed to bring somebody else in that is not familiar with our crew and all to evaluate Ricker. He said whatever it is that they are doing, he is against it.

Kruger said if it is a probationary period, isn't that what a probationary period is. It is to evaluate. We have an opportunity for the next three months maximum to take a look at how Ricker has done. We look at him after 30 days and if Ricker is not doing the job then we can talk to Harold and ask him to step in. We can evaluate Ricker and that is the idea of have a probationary period. Let's see what he is capable of. If he is not capable then you move to Harold. **Krueger** said that is her idea of how you evaluate someone. Get him in there and give him job. They're not saying he is going to be on forever. We are also looking at September, October and November. At the end of that time, we are looking at winter and if we don't have somebody that is proven by that time we are going to be up a creek.

Kessler read back the motion that Smith had made.

Moeller made a motion to end the debate. **Romero** seconded. A vote was taken 8 – yes, McCaghren – no.

A roll call vote was taken on the motion as stated.

Smith-yes, Krueger-no, Moeller-yes, Kessler-yes, Pendleton-yes, Simmons-no, McCaghren-no, Romero-yes, Parker-yes. Motion passed 6 – yes, 3 – no.

McCaghren asked if Harold is coming in on Monday, what does this mean for Brown. **Smith** said he hoped Brown would work with Harold to bring him up to date on where we are of things. He said he was leaving it up to Brown.

Brown requested that Harold start after lunch on Monday so he could meet with his guys and let them know what was going on. **Smith** said he would try to work that out. Harold has the job so he has to decide if he wants to do that or not. **Kessler** said they needed to do everything in their power to protect Ricker as a candidate for this position so that he can rise on his own merits and be embraced by the community as the right choice to lead our roads department. If that means Brown needs to talk to him to express what is going on before Harold does, we need to cooperate.

Simmons asked how Ricker is going to do that when he knows someone is going to walk in there being his boss. He is not going to have that opportunity.

McCaghren asked about Brown's use of the company truck. **Smith** said they are working on those details. All agreed to work together to make this transition go smoothly

Set Date for Training Seminar for Board Members

The board decided the training seminar will be September 21, 2018 following the Board of Directors meeting. **Kessler** said she will be sending information for the board to look at to keep things on schedule, especially the budget.

Set Date for Appointment of Committee Chairs and Date for Committee Appointments

McCaghren said under the bylaws, it is the board that approves the committee chairs. He said Smith could make recommendations but does not actually select the chair of each committee.

Smith's recommendations for committee chairs:

Communication – Smith

Finance – Pendleton and Romero

Legal – McCaghren

Security – Parker

Roads – Moeller

Property and Facilities - Simmons

ARB – To be determined

Long Range Planning – Kessler and Smith

Simmons stated his resignation will be coming next week.

Krueger asked to be considered at the chairperson for security.

McCaghren commended the election canvassing committee for tallying the results without a hitch.

Audience Comments:

John Beneke asked who the WWTP was being sold to or who is the board planning on selling it to.

McCaghren said there was no contract to sell the WWTP. He said they were having discussions with several groups that were interested in it. Beneke said they needed to keep in mind that a number of people, 100+, contributed funds to prevent it from falling into one particular individual's hands. If you sell it to that individual, that is just a blow in the face of those people that did contribute those funds. Beneke said the board should not wait until after the board meeting to post the previous months minutes on the website because for a month no one on the mountain knows what is going on. He asked that the board consider going back to posting the provisional minutes on the website, before the next board meeting, which can be formally approved at the next meeting. Beneke commended and thanked Brown for an outstanding job and improvement in the roads. He commended the ARB in the way they have functioned in the last few years.

Beneke said the house that has been under construction beside him for the last two years has had minimal work done on it and he has zero confidence that it will ever be completed. He asked the board to think about how this is affecting his property value. He feels the value of his home has gone down and that he is stuck. He realizes there is very little the board can do. He asked the board to consider requiring a construction bond when a house secures a permit.

He also said not accepting the road committee's recommendation was unconscionable. It places Ricker in a terrible position. **Smith** said we are sympathetic with Beneke's problem with the unfinished house next door to him. He said it is being pursued. The board is concerned with the issues new construction brings. He said they would look at getting the minutes posted earlier.

McCaghren said he would get with Steve McKnight to see what the board can do under the ARB Guidelines.

Smith said they are in negotiations with two parties about the sale of the WWTP and he did not think the community, especially those who contributed to purchase the motel would have a concern. He clarified the motel was not being sold, just the WWTP.

Tony Martin agreed with Beneke on the minutes issue and the new construction issue. He also said he did not understand why WLRMS is offering contractual agreements to employees. He stated the N.C. is an at will state. He wants the employees to be accountable to the people who pay their salaries, the property owners and the board. He feels the potential Director of Roads needs to prove themselves to the people who pay the salary, which are the property owners and the board. Martin suggested that the board take their time in choosing someone to fill that position especially because of the problems we have with the roads. He agreed with the board in bringing someone in on interim who has experience here on the mountain. He asked the board not to rush into hiring someone and consider offering employment at will.

Gayle Barr wanted Ricker to know that this has happened before and it was not an attack on him.

Becky McKnight said that she felt Carol Krueger ran for the board this time because she felt so strongly about security. She thought Carol should be the security chair.

Next work session is **September 12, 2018 at 10:00am.**

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Next board meeting is **Friday, September 21, 2018 at 10:00**

The meeting was adjourned by President Smith.

Respectfully submitted,

Willie Romero, Secretary