

RCMC Board of Directors Special Meeting

Wednesday, March 7, 2018

Ben Andrews called the meeting to order at 6:30 PM.

Present: Ben Andrews, Sam Stanphill, Marc Rosenthal, Sandy Stratton, Kevin Craine, Craig Schooler and Laurel Taylor. Absent: Darin Zumwalt and Myra Zumwalt.

Residents Attending: Barry & Sandy Litchfield, Carl & Patsy Cecil, Ron & Dorothy Love, Kathy Craine, Harold & Sharon Main, Gary & Jackie Woodard, Mark Nelson, Kim Coulter, Ken Pederson, Richard Coles, Kenneth & Cherie Knippa, Dana Campbell, Richard & Marcella Pasetto and Dan & Jamie Townsend.

Dorothy Love explained that she had researched “legal signatures” on several different sites online. According to her research a legal signature can be handwritten, printed, stamped or even a symbol. The 25 names that were printed on the petition represent the residents signing. The signatures were witnessed and validated.

Kevin Craine stated that most documents require a signature next to the printed name. He also said that there was no proof that these were signed in front of a witness and the signatures are on a different page from the petition. Therefore, he could not accept this petition as a legal document.

Dorothy said that she did not consult an attorney because she wanted to make sure that there was enough interest among the residents before incurring legal fees.

Sandy explained to Dorothy that this was not a disagreement between Dorothy and Kevin because the Board had voted and made this decision.

Craig expressed concerns about the legal liability.

Laurel stated that at the initial meeting about changing the deed restrictions concerning modular homes Darin had encouraged the residents to bring the petition to the Board before collecting signatures. That was never done.

Ben said that the intent of the petition is to show at least 10% member support for a deed restriction change before putting it on the ballot. This petition meets that intent. It would be hard to claim harm if we allow this to go to a vote. If it passes, it would negate any question of whether 10% supported it.

He also explained that we held the petition for over a month before asking for written signatures. While there was no ill intent, that extra month would have given the petitioners enough time to get the signatures. If we block the petition it will look like we are trying to prevent the membership from voting on the issue. Based on legal definition the petitioners did what they were supposed to do.

Sam said that we could have researched what a legal binding entails. In the future we should know the proper procedure.

Marc stated that the property owners have done their due diligence and shown their intent. Marc says we should accept the petition as is.

Barry objected to the statement that the signatures were not on the same page as the petition so that makes the petition invalid. Several residents stated that they have signed other petitions before where the signatures were on a different page from the petition and they don’t understand why this should be an issue.

Kevin explained that in the future we will have a better procedure involving petitions.

Sharon Main stated that she was with Dorothy when the signatures were collected and everything was above board. She took offense to negative comments that were posted on NextDoor. Sam explained that RCMC is not responsible for comments made on NextDoor.

Ben clarified that no one thought that Dorothy had forged any signatures.

Marcella said that she understands that the residents were trying to do the right thing. They should consider this a learning lesson and next time they will know the proper procedure.

Mark Nelson commented that in the Deed Restrictions it says ACC can deny approval for modular homes. Ben explained that ACC cannot refuse a modular home if they meet the requirements outlined in the Deed Restrictions.

Dorothy quoted a court case that was filed in Comal County about a mobile home being moved into a neighborhood where the deed restrictions didn't allow them. The definition of modular home vs. mobile home has changed since the deed restrictions were written.

Jamie Townsend asked if it's the Board that votes on this or the residents. She said that a lot of residents didn't even know about the petition. Ben explained that the Board was not responsible for the petition. This was a petition started by the property owners.

Dan Townsend said that a lot of people print their name so that should be considered a legal signature.

Ken Pederson feels that this is a valid petition.

Mark Nelson saw no problem with redoing the petition and presenting it next year.

Kenneth Knippa thought that this petition was a starting point. Can't the Board just accept this petition and move on to phase two?

Kevin felt if we accept this petition we are setting a precedent. Ben disagreed that it would be setting a precedent.

Marcella defended modular homes. She didn't think that they brought property values down.

Kim Coulter asked about the new petition procedure. Would it be approved at the Annual Meeting? Kevin explained that it would be the April meeting before it would be brought before the Board.

Gary Woodard asked if we would be voting to accept or reject the petition tonight. Ben told him that we would be voting tonight.

Jackie Woodard asked if it was one vote per person or one vote per household, do husband and wife each get a vote? She was told one vote per household.

Rick said we should wait till next year and redo the petition. That way we'll be covered legally.

Dan Townsend thanked the Board for caring. He requested that we vote to pass the petition.

Marc made a motion to vote. Laurel seconded it. The Board voted to accept the petition by a majority of the vote with one abstention.

Sandy made a motion to adjourn at 8:02 PM. Marc seconded it.

Submitted by Laurel Taylor