

Waynoka Property Owners Association

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WPOA Board of Trustees Meeting – Saturday, January 13, 2018

President Prescilla Redick called the meeting to order at 10:00 a.m.

Trustee Judy Yannone led those present in the invocation which was followed by the Pledge of Allegiance.

Roll Call: *Present:* Buckley, Holt, Johnson, Kitchen, Koch, Redick, Robinson, Taylor, Yannone & Mgr. Cahall
Absent: none

Minutes: The motion to approve the minutes of the December 9th, 2017, WPOA public meeting as published in the January Newsletter, was made by Koch and seconded by Yannone after the following corrections and addition were included: Under Motions and Resolutions (1) the first motion noted was #276 (not #275) and (2) the income in the same motion should indicate \$2,095,944.00 in income (not \$1,095,944.00) and (3) under Membership Compliments and Complaints members Daisy and Emmy Holt wished everyone a Merry Christmas. A yea/nay hand vote was taken and the motion passed unanimously with the corrections and addition.

Brown County Sheriff Gordon Ellis shared an overview of his 2017 report for the Sheriff's Office. The accomplishments of the Department included the following: A change to the mutual aid agreement which allows the closest officer in the county to go to an emergency; the training budget has increased ten-fold with use of state monies for continuing education; every cruiser has a laptop computer so that a deputy can take a report wherever he is; and the Department did not go over budget in 2017. Sheriff Ellis noted that there has been an increase in auto thefts recently in the northern part of the county. The jail is now fully functional and the building expansion will provide forty new beds for a total of 110. The task force and all departments are very actively fighting the opioid crisis. The Department has answered just over 21K calls for service and solved two homicides. (One homicide from prior to 2017 is still an 'open' investigation.)

President's Report (Prescilla Redick): Redick asked for updates to the printed reports since they were submitted for distribution on Wednesday, January 10th. *The updates are indicated in italics in the summary of each report from the handout that is included below.* jac Please note: Anyone who would like to receive an "email blast" of the report summaries, on the Fridays prior to the meetings, needs to contact the Office Staff to submit their email address for inclusion on this list. jac

Treasurer's Report as of December 31st, 2017:

Operating funds

- The total December operating income was \$54,000.00.
- The total operating expense for the month of December was \$169,000.00 with no unexpected expenses.
- The operating fund balance at the end of December was \$247,000.00.
- The operating income for the year at the end of December was \$2,011,000.00 and that is 107% of the plan for 2017.
- The operating expense for the year at the end of December was \$1,964,000.00 and that is 103% of the plan for 2017. The expected expense was 100%; so the budget is 3% over expectation.

Allocated Assessment Funds

- The income for allocated operating assessments in December was \$1,200.00.

- Assessment account expenditures in December totaled \$62,000.00. Most of this cost was for the road patching and capital labor transfer for the year's projects.
- The balance of all allocated assessment accounts at the end of December was \$207,000.00.

Invested Funds – Invested reserves at the end of December totaled \$372,545.00. This included an increase of \$25,000 from Campground Capital for the loan repayment.

Total cash 'on hand' at the end of December was \$826,661.00.

Year End – The WPOA's budget goals for 2017 were met and the WPOA will be able to increase its Operational Reserve account from \$131,000.00 to \$172,000.00

Manager's Report (Mgr. Cahall):

- The Admin Office staff has been working to close out the year 2017 and has started the process for the 2018 billing cycle. Payment for the bills, which are expected to be sent the week of January 23rd, is due April 1st. Cards and RFID car passes may be renewed any time after a property owner's 2018 bill is paid either over the phone or in person.
- The maintenance staff continues to work on the winter projects. *Installation of the new floor in the restaurant is finished and the walls are being painted. Cahall has spoken with the operator of the restaurant at Lake Lorelei and will be meeting with her in the near future.* Work will need to be done at the Recreation Center to stop water leaks which are being caused by condensation in the roof structure.
- The lake level will remain low, at least until the new ramp at the Marina is completed. *The old ramp has been completely removed. The contractor has guaranteed (without additional cost) that the ramp would be finished before the water comes back up.* The plan is to not shut the valve until February 15th. However, if the ramp work is completed earlier the lake level may be brought up sooner this year, depending on weather conditions.
- The new phone book is now available at the Admin Office. If a property owner finds a mistake or is not included and wants to be, please contact the office staff. The phone books will be printed as they are requested and thus, will be as 'up to date' as possible.
- *Cahall thanked the Maintenance Staff for 'being out all last night clearing the roads even though the salt is not doing much with the cold temps'.*

Security Report (Chief Wallace):

- In the December security report there were 30 calls for service including no arrests, two reports, no traffic citations, two warnings, five squad runs, one fire run, 5 animal (3) and dog (2) complaints, 23 calls for grinder pump service and 674 security checks.
- During December no arrests were made, but warrants were issued for two individuals in reference to a Grand Theft case in November.
- The rear RFID entrance gates have been experiencing issues due to the cold weather which are affecting the electronic components which control the gates. The rear FRID entry counter seems to have malfunctioned as well.
- Rangers Amole, Vires and Delgado all tendered resignations in December. (Amole was offered full time employment from the Aberdeen Police Department; Vires received a full-time offer of employment from UC Health as a police officer; and Delgado is working part-time for the Mt. Orab Police Dept.)
- Ranger McKinzie, who has worked part-time for this agency since 2015, was promoted to the vacant Security Administrator position and will hold the rank of Sergeant. With 20 years of experience working for law enforcement agencies in Brown, Adams and Highland counties in various capacities, he began full-time employment January 2nd.
- Security Officer Rios received a letter appreciation for his extra effort and dedication for working numerous vacant shifts due to illness during the holiday season.

Other Committee Reports:

Long Range Planning (Dick Bankes): The Committee focused its efforts in December on the initial integration of the revenue and project expense forecasts of the Reserve Advisor consultants for the Improvement, Lake and Road assessment accounts with the forecasts prepared by the General Manager for the 2018-2022 period. This work included a review and agreement of the proposed 2018 capital budget. The two forecasts were reconciled and balanced such that there were no projected assessment revenue shortages for the stated planning period. The reconciliation and overall forecast process and underlying assumptions were reviewed in detail with WOPA Board at the January 8th workshop and the report was submitted for Board review and approval by next month.

President Redick recognized the members of the Long Range Planning Committee for their successful efforts to make the presentation at Monday night's workshop very understandable for the Trustees.

Lake Advisory (Mike LaPlante):

- The WPOA has budgeted additional funds to increase the fish stocking activities for 2018.
- Work continues to review and draft boating and safety recommendations for the Board to consider implementing in the future. Due to the different types of boats and the varying wishes of residents, some of the recommendations may be difficult to implement in a manner that meets all expectations.
- The Committee is also addressing fish habitat studies to determine what devices would work best for our lake and where such devices should be located. Funds were not budgeted for habitat activities this year, but something will be implemented for 2019.
- The Committee is monitoring the installation of the new dock at Geronimo recreation area and greatly appreciates the efforts of the WPOA maintenance personnel on this project.
- Please contact Michael LaPlante, Committee Chair, if anyone sees something that might be a safety concern in or around the lake common areas. (937-689-7604/laplantema@gmail.com)

Building (Pete Levermore): One variance request was submitted to the Committee in December. *See New Business for the action taken in regard to this variance. jac* Eight permits (including one residence and 7 docks) were approved in December for a total of 130 permits in 2017.

Rules and Regulations (John Buskey):

- During the December 4th WPOA Workshop meeting the possibility that there may be discrepancies between what the Covenants and the CODE say about fees paid by new members and the initiation fee as stated in the Restrictive Covenants was pointed out. The Rules and Regulations Committee was asked to investigate the situation and return to the Board with recommendations.
- After review of the Restrictive Covenants, the CODE (current and proposed) and the specific procedures that are currently used to charge fees (to only new members, i.e., initiation fees), the Committee and the Manager concluded that in some instances current procedures are not in compliance with the Covenants or the CODE. It was also noted that simply stopping the current practices that are not in compliance would result in a significant reduction in planned income for the coming year as well as into the future.

Explanation of Income Loss – The Restrictive Covenant (Par. 8) specifically implies that the first payment a new owner makes is an initiation fee, and the next payment is due the following April 1st at which time dues and assessments are to be paid. Thus, for example, if we do not have an initiation fee, a person buying property on April 2nd would not pay anything until the following April 1st and the WPOA would not receive any income from the new member during that period. The loss of income means that the Board would have to amend the budget for 2018 and in future years in order to account for the loss and would have to reduce expenses or increase income from another source in the budget.

- As a result of this financial exposure, the Committee reviewed all current processes regarding the transfer of property to new members and developed recommendations that will ensure compliance with the existing CODE and Covenants as well as maintain planned income levels.

- Stressing the importance of timely action in order to maintain planned income at current levels in 2018, the Committee recommends that the Association replace the current procedures with a new simplified procedure that has the following provisions:
 - a. A set amount to be charged to new members as an initiation fee that is separate and distinct from dues, assessments and other fees.
 - b. The initiation fee is to be paid by all new members when they purchase property.
 - c. Removal of membership privileges for former property owners (seller) if no other Association property is owned.
- In order to establish the new simplified procedure, the Committee recommends that the Board take the following actions as soon as possible:
 1. Rescind Motion #50 (passed on August 14, 1999) which provides for a waiver of the initiation fee when property is purchased in December, January or February.
 2. Establish the new simplified process by resolution.
 3. Set the Initiation Fee amount for 2018 by motion.
- At the January 8th Workshop the Board discussed the proposed Resolution and the proposed motions to implement the Resolution, which will be considered for adoption at the January 13th WPOA Board meeting. It was noted that there may be amendments to the amount of the Initiation Fee and related procedures when the Initiation Fee Committee submits its report and recommendations later this year.

Election Inspectors/Nominating: none

Unfinished Business:

- Pres. Redick reminded the committee chairs and organization contact persons to check the Lake Waynoka website to make sure that the information about their committees and organizations is current. Redick also requested that Trustee Kitchen, who is chair of the Board's Initiation Fee Committee which was created last fall, submit names of committee members and other information about the Committee to the Office for the website.
- During the January Workshop a proposal to allow realtors to sell the WPOA lots was discussed. An open discussion was held as to whether or not to move forward with this proposal. It was decided that this concern will be further discussed by the Trustees during the February Workshop.
- The WPOA's insurance agent will attend the February Workshop to discuss the WPOA's insurance needs, etc.

New Business:

- *Taylor moved and Holt seconded a motion to approve a request by a property owner that a birthday party being held at the Lodge on Saturday, January 27th, 2018, be BYOB. A yea/nay vote was taken and the motion passed unanimously.*
- *Redick moved and Koch seconded a motion that The Lake Waynoka Book Club organized by Joy Ackley be recognized by the WPOA Board as an official organization in Lake Waynoka. A yea/nay vote was taken and the motion passed unanimously.*
- Motion #278 was made by Yannone and seconded by Koch to accept the proposed 2018 Capital Budget. A roll call vote was taken and the motion passed unanimously. *See Motions and Resolutions below for further details.* jac
- John Buskey, Chair of the Rules and Regulations Committee, reviewed the report submitted for the handout. Following an open discussion about the initiation fee and how to resolve the discrepancies between what the Covenants and the CODE say and the current procedures, the Board took the following actions:

- Motion #279 was made by Yannone and seconded by Taylor to rescind Motion #50. A roll call vote was taken and the motion passed with eight yea votes and one nay vote (Kitchen). *See Motions and Resolutions below for further details.* jac
- Resolution #2018-1 to clarify the WPOA New Member Initiation Fee was made by Taylor and seconded by Johnson. A roll call vote was taken and the motion passed with seven yea votes and two nay votes (Kitchen and Robinson). *See Motions and Resolutions below for further details.* jac
- Motion #280 was made by Buckley and seconded by Koch to set the WPOA Initiation Fee at \$700.00 for Fiscal year 2018. A roll call vote was taken and the motion passed with seven yea votes, one nay vote (Robinson) and one abstention (Kitchen). *See Motions and Resolutions below for further details.* jac
- Building Chair Pete Levermore shared that the property owner of lakefront Lot #3180 was seeking a variance for a shoreline ‘dig out’. *Yannone moved and Koch seconded a motion to allow for the excavation of the shoreline on lot #3180 that will be 30 ft. x 10 ft. x 3 ft. to allow for the double boat slips on the expanded dock. (A retention wall will be built.) A yea/nay vote was taken and the variance passed with 8 yea votes and one abstention (Kitchen).*

Motions and Resolutions:

- **Motion #278** was made by Yannone and seconded by Koch to accept the proposed 2018 Capital Budget with \$502,680.00 in income and \$544,125.00 in expenses. The Capital Budget includes the following expenses: Roads Improvement-\$205,125.00; Campground Improvement-\$70,000; Improvement Assessment-\$131,500.00; and Lake and Dam Improvement-\$137,000.00. A roll call vote was taken and the motion passed unanimously with 9 yea votes.
- **Motion #279** was made by Yannone and seconded by Taylor to rescind Motion #50, dated August 14,1999, which provides for a waiver of any new member fees (initiation fee) for lots purchased in the months of December, January and February. A roll call vote was taken and the motion passed with 8 yea votes and 1 nay vote (Kitchen) .
- **Resolution No. 2018-1** – It was moved by Taylor and seconded by Johnson that **Resolution No. 2018-1** be adopted:

A RESOLUTION TO CLARIFY THE WPOA NEW MEMBER INITIATION FEE

WHEREAS, paragraph 8 of the Lake Waynoka Subdivision Restrictive Covenants, as revised 12/14/1996, authorizes the collection of an Initiation Fee upon purchase of property in the Subdivision; and

WHEREAS, membership in the Association is non-transferable and non-assignable (ARTICLE II, Section 12, CODE of Regulations, Rev., 10-1996); and

WHEREAS, the dollar amount of said Initiation Fee has not been defined as such; and

WHEREAS, it is desirable to clarify the intentions of the Association with respect to this fee;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Waynoka Property Owner’s Association, Inc., Brown County, Ohio, a majority or more of all members thereof concurring as follows:

SECTION 1. That the amount of the Initiation Fee(s) for the purchase of a lot or lots by new members in the Lake Waynoka Subdivision shall be determined, from time to time, by a majority vote of the Board of Trustees.

SECTION 2. That this Resolution shall be in full force and effect immediately upon its adoption.

A roll call vote was taken and the resolution passed with seven yea votes and two nay votes (Kitchen and Robinson).

- **Motion #280** was made by Buckley and seconded by Koch that **the WPOA Initiation Fee shall be \$700.00 for Fiscal year 2018. This fee shall continue indefinitely and until such time as the Board,**

from time to time, may choose to amend it. This fee shall be in full force and effect immediately upon passage of this motion. A roll call vote was taken and the motion passed with seven yeas votes, one nay vote (Robinson) and one abstention (Kitchen).

Community Organizations: *The deadline for submission of information for the February newsletter and other media releases is Monday at 4 pm. The Office Staff appreciates the cooperation of all of the clubs to share the events and activities held in Lake Waynoka. Several representatives of the community organizations then reported information that they deemed necessary to be highlighted.* jac

Civic Club: none

WaterSports Club: none

Chapel: none

Shawnee Women's Club (Valerie Bullock): Donations of \$500 each have been made to the Russellville Fire Department and the Sardinia Fire Department. The Club has also chosen a logo.

Book Club (Joy Ackley): All are invited to participate in the Book Club. The Club would like the Board to consider allowing the group to turn the small meeting room into a library.

Art Club: none

Board Concerns: Yannone apologized that information about the Code of Conduct which the Trustees have been discussing was not shared in the last newsletter. It will be in the February Newsletter.

Membership Compliments and Concerns:

*Pat McDulin (Lot #689): McDulin asked for prayers for former Lake Waynoka resident, Char Coffee who is in hospice care. *Char had passed away by the time prayers were requested.* jac McDulin also asked about the truth of a Lake Waynoka Ranger driving a Lake vehicle to his home. Chief Wallace explained that this was a one-time occurrence. The Ranger worked at the Lake until midnight. He then drove the vehicle home so that he did not have to return to the Lake to get it before 6 am the next morning. He picked up the child with whom he would spend the day as a participant in the Shop with a Cop program at 6 am.

*Charles Porter (Lot #2047): Porter asked about the change the first of the year regarding who makes building inspections in Lake Waynoka. No one knew of any recent changes related to building in Lake Waynoka except the adoption of the updated zoning/building requirements last November.

*Valerie Bullock (Lot #2304): Bullock commented that there are only two rooms at the Lodge in which to meet. She said that, if one of the rooms becomes a library with bookcases, the Needy Children's Christmas project can't be done.

*Lt. John Manning (Russellville Fire Dept.):

- Lt. Manning shared that the Dept. is working on several grant programs.
- He announced that the Dept. has purchased a used fire engine for the main station; so the engine that it replaces will be moved to the AshRidge sub-station. It will be a couple of months before the transition.
- Manning addressed a couple of safety issues: (1) Check your dryer vent occasionally to make sure it isn't clogged because a fire can start from a lint build-up. (2) Do not allow anyone to walk or play on the ice because it is not solid, even though it appears to be.
- Lastly, he thanked the Shawnee Women for their donation to the Dept.

*Trustee Doris Kitchen:

- Kitchen noted that Buskey and his Committee have been working hard on the blue book.
- When Kitchen asked, Buskey shared the members of the Rules and Regs Committee: He named himself as Chair and Tim Redick, John McDulin, Vern Taylor (Board rep), and Gordon Ellis as the members. He noted that the ex-officio member is WPOA Pres. Prescilla Redick and the consultants are Mgr. Paul Cahall and Chief Wallace. In response to Kitchen's question about the number of members on this

Committee and the possibility of others joining them, Buskey shared that “he does not see the need for additional people at this time”.

- When Kitchen asked when the CODE would be available, Buskey shared a projected timeline from Board approval to share the CODE with the property owners to the mailing of the revisions for membership approval/vote.
- When asked about when the Committee would work on the Restrictive Covenants, Buskey responded that it would depend on when her Committee made the recommendation to the Board.
- Buskey then asked who is on her committee, (Initiation Fee Committee). Kitchen did not share any names, but noted that “everyone is welcome”.

*Joy Ackley (Lot #0591): Ackley asked the Board to consider that the request to use one of the meeting rooms for a library would serve the community the entire year. Accommodations can be made for the Needy Children’s Christmas project which involves about two weeks use of the room.

*Steve Campbell (Lot #2874): Campbell was told that information about the various WPOA committees including membership was posted on the Lake Waynoka website. He requested that the membership of the Initiation Fee Committee be posted. Campbell suggested that the Trustees need to treat one another with respect just as they ask the property owners to treat the Trustees with respect.

Mgr. Cahall once again warned everyone to not allow anyone to go on the ice. It appears to be frozen, but in many places there is no water supporting the ice. Water continues to be released from the lake, thus from under the ice, to allow for the boat ramp and dock work to be done. The ice is dangerous!

Adjournment: A motion to adjourn the meeting was made by Taylor and seconded by Koch. The motion passed unanimously and the meeting adjourned at 11:10 am.

Respectfully submitted,

Joanne A. Coker, WPOA Assistant Recording Secretary