

**YOAKUM RUN HOA**  
**BOARD OF DIRECTORS' SPECIAL MEETING**

**APRIL 18, 2015**

**Present:** Directors Chris Smith, John Grizzard (by phone), Bob Cherry, and Barbara Foster. Don Richards was absent. Also attending were Susan Smith and Bob Foster.

The meeting was held in the home of Chris and Susan Smith and called to order at 11:20 AM.

1. Bob Cherry has prepared the 50 invoices for assessments which, if paid by June 30 will be \$150.00. The Bakers (Lot 30) still owe for last year and will be sent a notice that a lien will be filed July 1 which will include a \$250.00 fee to cover costs. A letter will be mailed on May 15 to the Washers (Lot 33) with a separate invoice for the amount they owe for fines and other costs for violations and to have their lien released. The important "record date" (or "date of record") by which assessments must be paid in order for the property owner to be eligible to vote at the annual meeting is July 8, 2015, which is ten days prior to the meeting. This notice has been added to all invoices to adhere strictly to the By-Laws. All payments, proxies, and votes must be received by "date of record", July 8, 2015, in order to be deposited and counted. Everything that arrives at the post office by July 8, 2015, will be placed in a sealed envelope to be opened and counted at the annual meeting.
2. The agenda for the annual meeting was set.
3. There was a discussion about the ongoing drainage issues. Chris will be meeting with Timberline Resort General Manager Tom Blanzly on Sunday, April 19, at 8:30 AM to walk the property to get the Resort's plan of action to divert storm water away from the Yoakum Run community. Don Richards, chairperson of the Drainage Committee was to be part of this meeting, but he is not in attendance. Bob Cherry said that he had carefully studied the Thrasher Engineering blueprints and said there is a section of the plan that would divert a significant amount of water away from our subdivision if implemented by Timberline Resort. After the major storm in May 2014, a couple of homeowners blamed him personally for causing flooding to their properties (Brewsters, Youngbloods), and they continue to focus on the parking lot area behind his house because he had not granted a (temporary) storm water easement across his property in 2007. *Note: This storm water easement was initially proposed to Bob as an "interim and temporary" solution, but was later part of in the permanent recommendation made by Thrasher Engineering which included a 40 foot long culvert running from his lot 46 under Yoakum Run Road and discharging storm water runoff onto Chris Casto's lot 20.)* The amount of water that would have diverted by this ditch is less than 1% of the total drainage affecting the Yoakum Run community. Bob said some lot owners seem to be fixated on the parking lot runoff from behind his house as the primary cause of the flooding problems on their properties, but it is an insignificant volume of water relative to the total volume from Timberline Resort and the Winterset Community. Bob brought this to Chris's attention earlier in the day so that he could be prepared for his meeting with Tom Blanzly on Sunday and point out that Timberline needs to divert water over to Yoakum Run (the creek).

**Addendum:** Chris Smith met with Tom Blanzly on Sunday, 19 April from 8:30 AM until approximately 10:00 AM. After initial greetings and conversation, conversation turned to the Thrasher Plans for not only Timberline but also for Winterset. Tom pulled out the Winterset Plans which show that there are storm water drainage easements, but no catch basins which would collect the water and slow its movement into Yoakum Run area. Chris suggested that Tom consider rethinking the drainage plan as right now all of it drains into either the catch basin by the ski team building or across the exit from the parking lot and onto the Igal's lot 50, the Finley's lot 16, and Sunset Chalet, LLC's lot 15 with much of it heading directly into Laurie Franck's basement (her house is next to lot 15). After some discussion of the possibilities of redirecting some water into the large pond by the stables, Tom and Chris walked the area. They inspected the existing catch basin and Tom agreed that it was not deep enough or big enough and he intends to deepen it and make it larger. They inspected the drainage culverts/pipes and Blanzly agreed that Timberline diverts a lot of water into the catch basin and then into the Yoakum ditching. Tom asked what the HOA could do for him, clearly indicating that money would be helpful, but Chris explained to him that WV law prohibits the HOA from expending member funds on any improvements on privately owned property other than the common element, Yoakum Run Road and the culverts underneath it. Blanzly also mentioned the temporary storm water easement on Andy Heisey's lot 47 and Bob Cherry's lot 46 that was part of the Thrasher Engineering study. Chris advised him that neither Bob nor Andy were inclined to grant him a storm water runoff easement. Chris complimented Tom for the work that has been done to date, but suggested that the low spot surrounded by trees next to the zip line would be a perfect location for a large catch basin with a standpipe that would only begin to push water into the ditch behind the Youngbloods (lot 43) and Millers (Lot 42) and onward once the standpipe top was reached. Chris suggested that with railings and leaving the trees there, it would be an attractive and almost unnoticed catch basin. Tom and Chris then proceeded up Salamander where Tom showed Chris the silted in catch basin at the bottom of the kiddie lift. Tom committed to clearing it, which would enable the water to flow to Cripple Creek. This drainage pipe is not moving any water at the present time. Chris showed Tom the point of intersection at lower Salamander above the new Chairlift. Tom said the water was flowing toward the silted in catch basin, but agreed that a new pipe could be considered. Tom also showed Chris the work being done to move water toward the pump house pond near Yoakum Run Stream. It will help but continued monitoring and attention to the other aspects of not only the Thrasher Plan but additional suggestions for catch basins in Winterset and some changes in the water flows from there are needed.

Tom mentioned that all lot owners need to appreciate that Yoakum Run is situated between the resort and the wetlands of the wildlife refuge. That does not obviate the ability of the resort to moderate and better control storm water drainage. Chris told Tom that the implementation of the Thrasher Plan for the creation of a pipe at the point of intersection on lower Salamander, creation of catch basins and other water management would alleviate in large part the HOA's concerns. Tom committed to discussing the plans with Thrasher Engineering and also looking at the Resort's finances. YRHOA needs to keep on top of this issue. Chris inserted into the conversation references to WVDEP and FEMA as potentially concerned State and Federal agencies.

4. The policy for PC&R 12 pertaining to licensed and unlicensed vehicles on the common element (Yoakum Run Road) was discussed and approved by the Directors with edits. (Bob Cherry made the edits after the meeting and published the policy on the website immediately with notification to all members by email.)
5. The nominating committee, to be appointed, will make nominations for the three positions on the Board by May 18, sixty (60) days prior to the annual meeting. Members may add names to the ballot by submitting a name with five (5) property owners' signatures by May 18.
6. The Association currently has \$43,800 set aside in reserve for future road and culvert repair and replacement. Bob Cherry asked Jeff Cooper (Cooper Asphalt, Inc.), who did the original road paving and subsequent repaving work for the HOA, for an estimate if that same work were to be done now, and it totaled approximately \$45,000. It is imperative that the HOA's reserve fund remain protected and available for use when the time comes.
7. Bob Cherry said the 24-month Certificate of Deposit matures on April 29, 2015, (approximately \$27,000) and will be transferred into the road maintenance reserve account. The members can decide at the Annual Meeting how much of that money to invest in Certificates of Deposit and on what schedule.
8. Two Board members submitted their resignations to be effective at the end of today's meeting. Bob Cherry, Treasurer, and Barbara Foster, Secretary, both received a certified letter from Jerry and Ann Brewster dated March 20, 2015, threatening to sue them personally along with Timberline Resort and YRHOA for storm water runoff damage to their property (lot 8). The Brewsters demanded the runoff problem be corrected and they be compensated for damage to their property and for the decrease in value to their property, as well as remediation of their drainage problem at the expense of Bob Cherry, Barbara Foster, Timberline Four Seasons Resort, and the Yoakum Run Homeowners' Association. The Brewsters suggested that Bob Cherry and Barbara Foster "pass this letter along to your insurance carrier for handling", and if they didn't respond to the Brewsters within 15 working days, the Brewsters were prepared to hire an attorney and begin litigation.

Although Bob and Barbara would be covered under the Association's Director and Officer Liability insurance policy, the lawsuit would be frivolous and have no legal basis. Bob said that it has been one thing to tolerate the emails that have been exchanged over the past two years, but he considers the letter from the Brewster to be coercive and harassing, and it is no longer worth the investment of his time to serve the members of the Association, and he submitted his letter of resignation to Chris. He is resigning completely and entirely and will not be providing any support or service in preparation for the annual meeting which affects the budget, the annual reports, and all the things the treasurer typically does. (Bob has been on the Board for 16 years.) Barbara Foster said that the first 10 years of her service were pleasurable and fulfilling, but the last two have been difficult, and to be named in a potential lawsuit that has no

basis, that she, too, was resigning her volunteer position as Board member and secretary with regrets.

Barb agreed to write the minutes from this meeting, and Bob agreed to take care of the necessary work on the Certificates of Deposit and will post the minutes. John will assume the duties of treasurer and sign the necessary papers on a trip to the Valley early in May at the Canaan Valley Branch of Grant County Bank.

9. The annual meeting will be Saturday July 18, 2015, at 10:00 AM at the Timberline Resort Lodge.
10. Bob Cherry reminded the Board that, now that it is threatened with legal action by the Brewsters, that it will be difficult if not impossible for a new insurance company to write new policies for the Association. Until the board is certain that there is no known threat of a future lawsuit, the board cannot switch insurance carriers for better and/or less expensive policies. *(Note: This issue relates specifically to a question on the insurance applications which asks if the Association has ever been sued in the past or if we are aware of the possibility of a future lawsuit.)*
11. Barb will see that all the local realty companies have the "Welcome to Yoakum Run Rules and Guidelines" document for inclusion in rental packets prepared for renters of properties in Yoakum Run. It will also be posted on the website, and all homeowners are encouraged to print and post a copy in a visible place in their homes. It will be made clear to all realty companies that unlicensed vehicles are not permitted on Yoakum Run Road. *(Note: this has now been sent to Canaan Realty, MountainTop Realty, Best of Canaan Realty, and Timberline Four Seasons Realty.)*