

YRHOA ANNUAL MEMBERSHIP MEETING MINUTES

JULY 16, 2016

John Grizzard called the meeting to order at 10:06

Board Members Present: Julia Aucremanne., Don Richards, John Grizzard,
Nancy Ford and Bill Kirk

Members Present:

Mary McGowan, Lot 22 & 48, Ed & Pam Harrah Lot 21, Mike Washer Lot33, Tom Eales Lot 6, Ted Senator Lot 13, Chris & Susan Smith Lot 19, Phil Ondo Lot 25, Pete & Jean Smith Lot 32, Bob Cherry Lot 46, Robbie & Diane Kaufman Lot 39, Andy & Sue Heisey Lot 47, Cliff and Teresa Essig Lot 27, Donna Kirk Lot 41, John & Holly Plunkett Lot 5, Bob & Barbara Foster Lot 45, Jerry & Ann Brewster Lot 8, Bob & Sue Rubenstein Lot 24, Doug & Darlene Hartley Lot 49, Larry Ford Lot 40, Diane Richards Lot 3, Lester & Cindy Miller Lot 42, Nanette Seligman Lot 7, Ajay Mahajan Lot 29 Suresh Chappidi Lot 29

John Grizzard went over the Agenda items (copy attached). He then announced lunch would be provided after the meeting.

John Grizzard announced if anyone is interested we would be meeting at Julia's house at the end of Yoakum Run Road at 5:00 to do Irish Road Bowling.

Don Richards reported on the number of proxies. Don Richards has 6, Nancy Ford 4, Julia 2, Bob Cherry 4.

The proxies are for the following lots: Don Richards, Lot #3, 9 #2, #30, #43, 21
Nancy Ford, Lots #11, 36 Julia, Lots #28, 16, 17; Bob Cherry Lots # 29 , 37, 38, 18

John announced we have a quorum and moved on to the Agenda Items.

Additions to the Agenda:

John asked if anyone has additions to the Agenda.

Ted Senator asked for approval from the minutes from the last Homeowners meeting.

Susan Smith asked for approval from the last Board Meeting. It was corrected that we do not need to do approval from the last Board Meeting. Only the Homeowners meeting.
Bob Cherry stated you don't second on Agenda items. Every member has a right to speak at every meeting. Per Roberts Rules.

Bob Cherry asked to discuss the admitted misuse of funds \$600.00 on private property improvements. He wants to get to the bottom of what exactly happened by whom.

John replied he was going to discuss that during the drainage report.

Bob Cherry said the other things we need to address the issue of carryover surplus funds. He said he brought it up last October to the Board and it has yet to be addressed, even though Don sent him correspondence it would be included as a line item on budget. He stated he didn't see it as a line item on budget. Bob Cherry stated we need to come to an understanding what the surplus funds are who they belong to and how they should be treated.

John Grizzard said that would be added to new business.

Andy Heisey asked what the Association is doing with Timberline in regards to the water and drainage. John Grizzard stated there is a Lawsuit by a homeowner against Timberline. We are now letting the lawsuit take precedence in dealing with them on that issue.

Robbie Kauffman asked to have a discussion about the lawsuit that is in place against several members. John Grizzard replied he thought this was the inappropriate forum for that. Kaufmann replied, he thought so because as homeowners we're going to have to pay for their defense and that money is coming out of our funds. John Grizzard explained that our insurance company is taking care of it at this point. Robbie Kaufmann stated he thought it is an appropriate discussion right now and he presumes there is a deductible. He wants to know why there is a lawsuit in a community that never had issues before. Chris Smith agreed.

Nancy Ford asked if you could please state your name before speaking.

John Grizzard said he is not going to speak to the lawsuit. Robbie Kauffman wants to know what's going on with the lawsuit. Ed Harrah volunteered to speak about the lawsuit.

John Plunkett stated he didn't see drainage on the Agenda. Lester Miller stated that was his concern also. John stated it was under old business and there was a typographical error. Please put it under old business it is the third item on your Agenda.

John Asked if anyone had anything else to add to old business.

Bob Cherry said he wanted clarification on a couple of protective restrictions in the covenants. He stated there had been some banter going on over the last year and he wanted discussion about exactly what is to be enforced. He wanted to talk specifically about the dog leash rule. There seems to be a couple different opinions about that. The other one is a clarification on the, PCR he couldn't remember which one it was, regarding the association right to cut drain ways for surface water only. John Gizzard said that would be probably be number 23.

Additions to the Agenda:

John Grizzard asked if there was anything else

- Approval of the minutes from the last Homeowners Meeting
- Surplus funds
- Explanation of lawsuit
- Dog leash rule
- Drainage report
- PC&R23

Someone asked about the eminent domain issue and John Grizzard replied that was PC&R 23

John Grizzard asked for a vote of the Agenda as it is with the additions. Someone asked for a copy of the Agenda. John Grizzard stated it was on the website, which we can't get to. Barbara Foster stated she had a copy of the Agenda. Copies of Barbara Foster's Agenda and her notes regarding the minutes from last year's meeting were being copied for everyone.

Financial Report:

Julia Aucremanne gave the financial report (copy attached)

(For the records Nancy Ford asked again for everyone to say their name before speaking)

Bob Cherry stated the road maintenance account has been correctly separated from the list of assets totaling \$45,000. This is now the time to address the surplus funds. Is the amount in the checking account the total that was leftover on June 30, after payment of all the bills? If it was then that should be reclassified as carryover surplus funds, not just checking account. I know it's sitting in the checking account, but we need to identify it. In short carryover surplus is what's left over at the end of the year after all other bills have been paid. The account should show some prepaid assessments that arrive before June 30 for the current year that have to be subtracted. That subtraction should leave a balance that is our carryover surplus.

Bob Foster asked why that mattered. Bob Cherry said it mattered because carryover surplus by law has to be treated one of two ways. Either refunded to the members or a forward credit for future assessments. Not current assessments. Those are the only two ways by law that carryover surplus funds can be handled. They cannot be used at the Board's discretion, even though Don Richards told me that in a letter he sent. That is absolutely incorrect. This is the member's money and they should receive it by way of either a refund or by way of it going forward in the way of a credit. That's why the figures are so important. We have been neglecting this until we started acquiring knowledge after Steve Prunty got involved with the Association two years ago. I had sent a correspondence to the Board in October, 2015, asking to give attention to specific subject of carryover surplus. There should be no excuse why we're sitting here almost a year later without knowing what the surplus funds are that belong to the members.

Ed Harrah asked Bob if he was giving a legal opinion and asked him if he was an attorney.

Bob Cherry responded you don't have to be an attorney. Ed Harrah responded that he was giving a legal opinion to these people. Bob Cherry responded that was an irrelevant comment. A heated discussion followed until John Grizzard asked them to calm down.

John Grizzard said he understood what Bob Cherry was saying and he understands that we can go back to June 30 and calculate what the exact number is. This has been happening ever since we have owned here for 6 or 7 years. What's happening is every homeowner has been given an opportunity for a discount on their dues every year. We have been whittling down that amount of money every year. When we came here that number was a lot higher. We are continually every year spending more money than we are taking in and that number continues to be whittled down. We can continue that process or we can do a refund so that number goes to zero. Then every year we will be a zero balance on the checking account. We can discuss however you want to handle it. Bob Cherry interjected two things. You are correct it has been the customary approach of the Board up until recently to do it that way. What I have learned in researching the law, and an attorney would probably support this statement, the money belongs to the members so we have been issuing the credit/discount based on early payment, correct? Well that penalizes the people that don't pay early. Their share still belongs to them and should not be tied to any condition of making payment. I understand what you're doing is what we did. Second point I want to make is the rules of order do talk about customs. I want to quote one sentence from Roberts Rules. "If a customary practice is in conflict with the parliamentary authority or any written rule or laws or documents, and the point of order citing the conflict is raised at any time. The custom falls to the ground and the written provision, rule, law or docs must thereafter be complied with. So I rising to a point of order, saying that short of a refund or identifying specific credits going forward, that is contradictory to West Virginia law 36B Section 3- 114 and I'll read it. It's one sentence talking about surplus funds. If Ed has a problem with this interpretation, I'll leave it up to each individual to interpret on their own. This is what that law says. Unless otherwise provided in the declaration (and the declaration is the protective covenants and restrictions.) Any surplus funds of the association remaining after payment of or provision for common expenses and any prepayment or reserves must be paid to the unit owners in proportion to their common expense liabilities or credited to them to reduce their future common expense assessments. I personally think it's probably time to go to a zero balance, because there seems to be a tendency, maybe a temptation to look at this pot of money as available money to kind of do what work on projects that maybe not all the members agree with. This way if the money is distributed back to members we can build assessments on a going forward basis to equal whatever the projected expenses are in the budget. I just think its simpler addition and the members get their money. I think it's a way to clean this up so it's easier for everybody to understand next year if the assessment is \$350. There's going to be a whole lot more discretion and attention paid to what is being proposed to the budget if the members now know that I's coming out of their pockets each year. There tends to be a tendency to forget that because there's a pool of money has been drawn upon.

Ted Senator asked one of the words you used was reserves. On the financial I don't see a separate breakout of the reserve account.

John Grizzard stated the road maintenance account \$45,000 is a reserve account. He said what Bob is suggesting is that the surplus funds in the checking account be reimbursed to the members.

Bob Cherry said the members can vote to create an operating surplus fund.

John Grizzard replied there are two options here. We can refund the money, the other option of reducing dues and going forward there's \$100 or \$150 a year off your dues no matter when you pay, That credit can go forward in 5 or 6 years the surplus will be whittled down to nothing.

Bob Cherry said if the surplus is carried forward for credit, the proper way to treat that is to identify a specific amount. Let's just say the surplus was \$25,000. Divided by 50 lots that's \$500 per lot owner. You would have to designate \$250 to be applied for next year and \$250 to be applied to the remaining year. Not leave it in this slush fund that various members have a right today based on that amount they owe. The other thing I wanted to bring to our attention is it's really a net zero gain. We bill \$250 in assessments, we give everybody a \$150 credit, and in essence if we refund the money, you're talking about a \$250 assessment to everyone. It looks like a shell game.

John Grizzard replied it's a timing game. It's not really a shell game. If we refund everybody their money, which if we all vote to do it, we'll do it. My opinion is if we do that and we have an emergency we need money for, we will have to dip into the reserve account to get it. I prefer not to do that, or we put out a separate assessment to get the money. Then all of sudden you have to depend on people to write checks at the right time, which doesn't always happen. You might have half the people write the checks and the other half doesn't then you have half the homeowners paying their way. That's my thought process why having the extra money is healthy.

John Plunkett said he thought the road maintenance account wasn't to be used for anything other than road maintenance. What he thought Bob Cherry was saying we could set up a separate reserve account for miscellaneous expenses and perhaps set an amount say \$25,000 on that. He said he likes what Bob was saying about if we build that reserve account for misc. expenses, anything in excess of that would be surplus funds at which time we would refund those. I think that's a reasonable approach.

Bob Cherry responded he missed the last annual meeting. There was a question about the name of this account road maintenance should be stricken. John Grizzard replies it had already been changed to reserve account. Bob Cherry said it should be Capitol Reserve, Julia Aucremanne responded it had been changed to Capitol Reserve and that was a typographical error. She asked that everyone make a note it is Capitol Reserve account. Bob Cherry responded again to Julia, it should be Capitol Reserve Account, specifically Capitol Reserve. Bob Cherry said when he tagged road maintenance, it really is to be used for replacement, repair, non-annualized maintenance of roads, so it really is a capital improvement, therefore, capitol expense item.

The other item Bob Cherry wanted to make to John Grizzard's comment, was the problem he has with what John Grizzard said was if you put money into a miscellaneous reserve fund that defeats the whole purpose. The money is, if we are going to create a reserve fund, he thinks the appropriate way is to put very strict limits on how that reserve fund can be used, or else we're in the same boat here where it's viewed as extra funds to be used for whatever happens. There's no pressure on the Board to carefully guard that, it it's going to be used for legal fees for example. Bob Cherry said his third comment was – it is permissible to borrow money from the Capital Reserve Fund as long as it is replenished after the fiscal year.

Chris Smith asked about the line item \$150.00 lien payment. He said that was for the HOA fees. Mike Washer said he had not made a payment on the lien. Julia A responded that it was her understanding that money has to go towards what is owed.

Nancy Ford asked again for members to state their name before speaking.

Ted Senator asked about the bylaws, if someone has paid their \$150.00 but still has a lien are they eligible to vote.

John Grizzard replied his interpretation of the bylaws is that they are. There are other people who interpret it differently. He thinks if we get down to the vote and that person is the tie breaker then we would have that discussion. John Grizzard says the bylaws doesn't say anything about it if you have a lien you are ineligible to vote.

Ted Senator said he has been on other Boards where it says if you have any liens you are ineligible.

Bob Cherry said just for the record, he had this conversation with the attorney a few years ago. The attorney said West Virginia treats fines, and late fees for violations as a type of assessment lien, for whatever that means, it is treated as an assessment lien, from a legal perspective.

John Grizzard got back to the topic of surplus funds. There are two approaches to take. One to refund the surplus to homeowners in total which will draw the checking account down to a very small amount that we would need for operating this year. The other approach would be to allocate as a going forward credit. That would reduce our dues over the next two or three years. I think the number is going to be closer to \$20,000 than \$25,000. You are probably talking about \$400. We could easily do the next two years \$200 each, so you would be paying \$50. I think it's important to pay something so everyone write a check and keeps themselves involved. You could get a \$400 check from us now or a \$200 credit over the next two years.

Bob Cherry asked Julia Aucremanne to do a quick subtraction of deposits of assessments from the balance

That was showing on June 30 to come up with a pretty accurate amount. Bob Cherry said he would argue with John Grizzard that amount would be less than \$2100 if you collected enough of the current assessments already.

Pam Harrah asked about refunding money to people who never paid their dues. John Grizzard responded that he thought everyone was current. Pam said she had the understanding that Board Members didn't pay dues.

John Grizzard responded that went away a couple of years ago. He said it wouldn't matter. The money is the homeowners money as long as everyone is current on dues they would get a refund.

Chris Smith said he thinks using an operating surplus or operating reserve under strict guidelines as to what may be spent.

John Grizzard said our position on this. When we get to discussing the budget, we will go through this. Our opinion is whatever the approved budget is, is what we can spend. We cannot spend over that without some approval. It's not like we can just dip into it just randomly to go do something. The budget we proposed this year is going to be about \$12,500.00 in the end. That's what we're proposing to spend. We are proposing to stay within that number within a few dollars. The idea is not that we can just routinely go into the surplus and spend it on something that we haven't agreed upon.

Someone asked if there was a budget handed out. John replied it was mailed out, but we will make copies to handout.

Bob Cherry commented the proposed budget sent out on July 1, shows a \$6,200.00 line item funding from checking account. This is precisely as the reason I asked the Board to tend to this issue last October. That in and of itself is not permitted. You are now acknowledging that it is part of the surplus funds that was not advanced to a future assessment. We are well into the assessment reserve this should have been done before the assessment the assessment was determined and billed back in April. None of that was covered in the Board Meeting in April. In other words we can't include the \$6200 because the law says it should be applied to future assessments.

John Grizzard replied, we can because we are doing it the same way it's always been done. He says Bob Cherry is proposing today we make the change.

Bob Cherry made a point of order that the way the Board has always done it, that is not allowed by state law. He stated that he is rising to a point of order saying that type of motion to include funds in the current funds two months after the assessments were sent is in violation of West Virginia law 36-B-3-114.

John Grizzard said we will take a vote on the budget.

Bob Cherry interrupted and said no, I just said no. The point of order requires a ruling by the chair based on the facts he presented.

John Grizzard said the facts he presented, the fact is we have a budget we sent out and we are going to vote on it.

Bob Cherry interrupted again and said it is a proposed budget.

John Grizzard said correct and we're going to vote on it.

Bob Cherry said let's deal with the first issue first, which is the surplus funds that should have been already dealt with by now.

John Grizzard said they haven't been Bob.

Bob Cherry said I'm saying, so let's deal with it. That's why Julia needs to establish exactly what the dollar figure is divided by 50 so every member here knows what they own in that surplus account.

Julia Aucremanne reported as of June 30 it was \$20,694.35 divided by 50 is \$413.89.

Bob Cherry said the Board has gotten themselves into a bind now because the law is limiting what we can do with the money. We don't have the authority as an association or as a Board to supersede and overrule the state law. This proposed budget which we have not voted on yet, requires \$6,000.00 to balance the budget which is not available by law.

John Grizzard said we can send another assessment out.

Bob Cherry said that is the solution if more money is required. Bob Cherry said he would argue that by refunding the money, there is an extraordinarily amount of accountability now on the Board of Directors to spend money in the way the members want and only in the way the members want. Going forward as we discussed a minute ago if you need money you know you can go into the Capital Reserve Fund and borrow funds until the next year. This way the money goes, the money is out of your hands and into the hands of the people that own the money. If anybody disagrees with that, if anybody wants to contribute money for some of these special projects. They can just endorse the check back to the association. Give the right to choose back to the members. If somebody wants to reimburse you for the \$600 you're out of pocket, let somebody endorse the check back to you. If people want to spend money to improve private property, let them endorse their checks to the owners of the private property, and those that want to keep the money as they are lawfully entitled to, it's a win-win for everybody.

John Grizzard stated he was not disagreeing with Bob Cherry.

Someone asked Bob Cherry if you have the Capital Reserve Fund you can borrow money and pay it back, doesn't that give you license to take it out also. Bob Cherry responded no, because at the end of the year the Board has to replenish it. The way they would do that would be with increased dues. There would be an amount, let's say they used \$5000.00 from the capital reserve. They would have to account an extra \$100 per owner times 50 to make up that difference.

The question was asked how we know what they take money out of the capital reserve for.

Bob Cherry replied it would be for whatever line items were approved on the budget.

Chris Smith said that's where the Board has to seek approval with the membership.

Robbie Kaufman said they just can't just go in there and borrow money.

John Grizzard said what Bob Cherry is suggesting, we can't take the \$6200 out of the \$20,694. We have to give the \$20,694 back or we have to set that aside and say we're going to give a \$200 credit for the next two years to everybody. That's something we can do and in order to approve the rest of the budget, we would have to at some time in the year dip into the capital reserve account. The dues next year would include enough money to pay that back. That's what Bob Cherry is suggesting.

Bob Cherry added on to what John Grizzard said, by law we are out \$6000, no matter what. It either comes back to the members in the form of a refund, or it is credited forward in the amount of a credit. When you look at the proposed budget, there is not \$6000 worth of funding in our funds today legally to fund that funding from the checking account as Julia A put on the balance sheet. The money isn't there. You're going to get it back either by credit or refund. We need to scrutinize each of the expense items to see exactly how much we want to dip into the reserve fund to fund all these line items.

John Grizzard replied, you can take the first \$1500.00 off this budget for the drainage. That's going away.

Bob Cherry said with this holding, maybe we need to move, Julia has determined the precise amount of the carryover surplus. Maybe the next step is to move to the expenses to really talk about whether the members really want each and every one of these.

Bob Foster asked why the \$1500 would go away. John Grizzard explained we put the ballot out for the HOA to pay for some drainage fixes. We didn't get the 26 votes, so that number is going away.

Bob Cherry asked how many votes received. How many yes votes. Don Richards replied 14 yes votes and 10 no.

Bob Cherry wanted to clarify drainage ditch maintenance is allowed item to maintain drainage ditches on either side of the roads which is part of the common element. This drainage ditch maintenance was proposal to use member funds to maintain drainage ditches on private property.

John Grizzard said it wasn't to maintain, it was to fix problems on about eight lots to get water diverted back towards the culverts under timberline road.

Bob Cherry said I assume we'll get more into this drainage issue on the Agenda for discussion.

John Grizzard said we would get more into it. With this ballot not passing, he is going to talk to the homeowners involved to recommend what they can do to help make the problem better. It is up to them as to whether they do it or not.

Bob Cherry said just one point of clarification, so that everybody has full awareness. State law is very clear that private property owners are responsible for their own lots and the association is responsible only for the common elements. In our HOA the only common element we have is the private Yoakum Run Road, the culverts going under it and the drainage ditches that are on each side going down Yoakum Run Road.

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John Grizzard announced we would now go line item by line item.

The drainage ditch, the \$1500, unless someone wants to allocate some money to do any kind of maintenance along the common element like Bob Cherry was talking about, this \$1500 is going to go away.

Lester Miller would like to propose someone allocate money to enlarge the ditch and common areas that run under the Yoakum Run in front of his house.

John Grizzard stated the problem with the drainage in this community is people have done little fixes on their property. There is no sense of a system level plan in place to fix it. Every time somebody makes a modification on one place it puts a problem somewhere else. I'm happy to work with Lester on enlarging the culvert. We are also going to have to work with property owners below the culvert to make sure we're enlarging their drainage area, so we're not overwhelming the drainage ditches down there.

Lester Miller stated if you look at that, and look at the slope of that, it's a matter of moving the water as fast as you can move it. Right now we can't move it fast enough because of the bottle neck under the road. The pipes were put in in 1982-83 range. That was before we had the added slope and water all diverted in that direction. Lester stated the faster we can get the water to the Blackwater River, the better off all the houses affected will be.

John Grizzard stated he was right. The problem is just past the Rubinstein's house. The bend needs opened up more to get more water through. All homeowners involved have to get together and work together to do it.

Lester Miller stated he has to do something. He is either going to build a wall from the edge of the road back to his garage to keep the water out of his house. Or he is going to put in a dam behind his house and dam up the property. He stated he had a few options and he is doing more than his share to meet the Board in the middle. He is willing to pay more than his share of the expense as a homeowner. He is giving the Board until September 1st to give a plan of action. He is willing to meet halfway. After September 1st he'll take it upon himself to get it resolved by building a wall, or open the ditch up.

Ted Senator emphasized we need to have a common plan on drainage. He asked about a projection of expenses over the next 5 or so years for the reserve fund.

John Grizzard replied the \$45,000 was based on a cost estimate the Board received to do Yoakum Run Road. John was going to get an estimate to see if that was still a good number. Every year that goes on it could get more expensive, and we may need to beef it up.

Pam Harrah said there was an engineering study done, called the Thrasher report and it was never done. That's part of our problem.

Mike Washer said it wasn't prudent for us to give back the \$20,000 for us to just give it back when we haven't done a feasibility study on future liabilities. It should be done. We need to have a uniform plan on the drainage, therefore giving back the \$20,000 isn't prudent.

Chris Smith replied the upgrade of the culvert under Yoakum Run road in front of Lester Miller's house is a legitimate expense of the capital reserve fund. John Grizzard agreed. Whatever else is considered as far as making a comprehensive plan, where the Board facilitates the owners in getting it done on their private property? John Grizzard agreed those were good points.

Bob Cherry wanted to reiterate the word that Chris Smith said relative to what Mike Washer said, the word facilitation is the proper use of the term. If the drainage committee can facilitate the plan with the owners without expending the member funds, which is in violation of state law.

John Grizzard replied it's in violation of state law unless the homeowners in writing vote to do it.

Bob Cherry said, to be clear they would have to vote to amend the protective covenant restrictions to assume duty to maintain. Then you have a bigger problem.

John Grizzard replied, I know where we are. We don't have to keep reiterating it.

Bob Cherry said the other question regarding Lester Miller's, a couple of years ago I spent a lot of time with a local contractor, Mike Huffman and Will Postelwaite and even John Plunkett had done some extensive research on these culverts. Will and Mike agreed that appears to be a major bottleneck based on the volume of water. It's clearly evident it's backing up there and at Youngbloods'

John Grizzard replied there's no disagreement that it's something we ought to do.
Bob Cherry asked why we don't do it.

John Grizzard replied my point is, if we do it, then the people that are downstream need to be on board to opening up their drainage are so we don't put a bigger problem down on other people.
Bob Cherry agreed. John replied, if I can get a word in here at some point, what I would like to do Lester, is work with you, the Brewster's and Nanette to try to make it happen before ski season, and get it done right, so nobody's house is getting flooded. So your house is safe, their house is safe, the water gets through the culvert properly and we don't have the current drainage ditch being overflowed onto other people's property down below the culver. You fix the culvert then all of a sudden you put a problem on somebody else, then you haven't fixed anything. We have to fix it as a system from point A to point B and that's what I propose we do. I understand Chris that the capital expenditure is the perfect thing for it.

Bob Foster responded two years ago 2014 member meeting, it was proposed that with John Plunkett's work and other work they had done to do the culvert and help facilitate with the homeowners the potential consequences to help alleviate that. They had even gone above and beyond their duty to put a culvert under Timberline Road to help alleviate Nanette's problem and some of the other people we're talking about. That motion was kind of killed by your motion to get an engineering study. In light of that motion and movement and considering what's been done up until now, was there ever an engineering study done that you talked about in that meeting, because you were drainage committee then.

John Grizzard replied he wasn't aware of the Thrasher Plan at the time and after getting it and looking at it, it's a very thorough study, a very good study, and it provides a very sound solution to the problem.

Bob Foster, said he thought the Thrasher Study took everything to Yoakum Run stream

Chris Smith replied it took it over to an intersection to Cripple Creek.

John replied, there is a plan and it wasn't implemented per the plan, but there is a plan. That plan is a very good one.

Bob Foster said unfortunately the plan took the water to Yoakum Run stream and didn't put anything through us. As is now we have it coming through us, because they didn't do it, so is there a plan to address that. . That's the plan, the motion was made in 2014 was to not take care of Lester's at the time until we have a study to see how to handle it throughout the subdivision. I assume that was not done.

John Grizzard responded we did not hire an engineering firm to do that. I got ahold of the Thrasher Plan, it's a good plan.

Bob Foster asked if the plan calls for cutting through the Casto's and whatever else was done with the \$600.

John Grizzard responded he was not going to get into all the details of the Thrasher plan at this meeting. In January, 2015, he took the Thrasher plan, knowing what wasn't implemented in Thrasher plan, and what the state of the drainage is today, he proposed an alternate plan to that to the Board. It wasn't implemented. I think that plan is a pretty solid idea. What it's going to require is, if we open the culvert, it's going to require Nanette and the Brewster's and maybe a little bit of the Rubinstein's to open up the drainage area behind them to get more water through that ditch so it doesn't come over the ditches and into their houses. That's what it's going to require.

John Grizzard stated we are trying to minimize the risk of people's homes getting flooded. He said every time you try to make a change it affects someone else. If we open the culvert by Lester's house and I think we should, then you have to understand there is an effect of that downstream. We have to work with the homeowners downstream to get them to open up their drainage ditches a little more so it will go into the culvert, so the extra water doesn't overflow the banks of the current drainage stream.

Nanette, lot 7, said she totally agreed because she is the bottom line. She said whatever happens above her affects her every time something is changed because she is the bottom line. That's the Rubenstein's house crawl space, Lester Miller's little part of the driveway and garage, the Youngblood's. She totally agrees with John, it has to be a comprehensive plan.

Bob Foster replied John Grizzard said he presented it to the Board, and none of the rest of us have heard it. John Grizzard replied, yes you have. Bob Foster replied I never heard why you cut through Casto's property.

John Grizzard said, that is completely separate Bob. I presented it to the Board in 2015. Bob Foster asked, about the Casto's. John Grizzard replied, no it had nothing to do with the Casto's. John said he took the thrasher report, and he recognized that the drainage cut that was recommended between lots 46 and 47 wasn't done, and he recognized where the berms that push the water down around and he came up with a plan that I presented to the Board, and Bob you were at the meeting. I had colored markings all over the plan showing what to do and where. After that, it was basically denied. We didn't do anything.

Bob Foster said the Thrasher you're talking about is an interim plan that didn't get finished in the year they wanted.

John Grizzard said he's not going to spend the day arguing about the Thrasher plan

Bob Foster said what you're implying it had something to do with that and it didn't. That diverted one percent of the water.

Bob Rubenstein, said he appreciated everybody's feedback and discussion. He said he understood the issue and we could talk about this all day. The water is running down behind Youngblood's and Lester. It's not on his property he spent \$4000 keeping it out of his house and crawl space. He put in French drains. If we put in the culvert, which needs corrected, the issue would be the water would come down through and Ann and Jerry's house sits down there. If you go down there and look at what we've been talking about for almost two hours, there's not a correct contour to keep the water toward the center and headed toward that lower pipe. The water flows over and hits their house. So if we increase that flow, which would help Lester, Youngbloods and me. It's overgrown and like a marshland. Instead of the water naturally flowing to the right it overflows and spills onto their property. If you're going to do this right you're going to have to put in a pipe and contour that property down through there and whatever it takes. Bob Rubenstein said he was in total agreement.

John Grizzard replied, yes but the homeowners down there are going to have to pay for that fix.

Chris Smith said you can offer facilitative assistance with the contractors.

John Grizzard agreed with Chris Smith, but said they still have to agree to pay for it and agree to do it.

Chris Smith said Timberline needs to fix their property. John Grizzard said there's no question about that.

Phil Ondo expressed that he had bought his property 20 years ago. He looked at houses along Yoakum Run. They were full of water. That's why he didn't buy there. The water that ran off the hill before the hotel was built still runs off. That low lying area there where the ditches are, aren't any worse than they were 20 years ago. That's all low marshland. It doesn't get any higher or wetter than it did 20 years ago. The only thing is there's more silt where you put gravel around the culverts has washed down and filled in more silt with gravel. This is his first meeting in 20 years and it's because of this culvert issue and the fact someone wanted to spend \$1500 on it.

John Grizzard replied the \$1500 wasn't for the culvert.

Phil Ondo stated he thought there should be a map put out showing what was being proposed. He stated he is in the affected area and he hasn't seen anything.

Bob Cherry said he agreed with Phil. He stated he had talked with a number of homeowners over the years that have literally brought in dump trucks of fill to build their lots up to mitigate the problem Phil's referring to of wetlands. A more important point is, we have a homeowner now that has pointed to a problem that is the responsibility of the association and its members. It's causing harm to his property. If we don't act quickly, Lester has grounds for a lawsuit against the association. He was suggesting we need to facilitate work with all the homeowners affected.

John Grizzard replied he is not arguing with that. He stated he has been saying that for about 45 minutes. He said he didn't know how to simplify this anymore.

Lester Miller said the only problem he had with this, is that we had the same discussion a year ago. That is his issue. We haven't moved any further today than we did two years ago. Without pressure, we'll talk about this again next year, nothing was done from last year to this year to alleviate the problem.

Bob Cherry asked if we could establish some plans now with timelines instead of putting it off and kicking the can down the road.

John Grizzard asked if we could talk about it when we get to the drainage report. We are only on item #1 of the Agenda. It's been an hour and a half.

John Grizzard proceeded with the rest of the budget.

Snow Removal: no one had a problem with snow removal.

Insurance policy: Insurance Policy has not gone up

Fire Hydrant Extensions:

We have updated quotes to get the two fire hydrants raised. It's important to do that so the fire trucks can get to them easily. We have quotes and people lined up to do the work. Once the budget is approved, we can execute those contracts to get them done.

Tree limb pick-up and disposal:

This year it cost \$1000.00. There is \$1200.00 in the budget for it, but they only charged us \$1000 for two pickups this year.

Diane Kaufman stated the limb pickup was too early. She would appreciate a different date and do we need two. The two pickups within a month is too close.

John Grizzard said we do need two. We tried to get one done before Memorial Day and one before the 4th of July. It's important to a lot of people to look good before the holiday weekend.

We didn't get charged for the second pick up this year. He just did it.

We'll look into different dates.

Lester Miller suggested doing it before Memorial Day and before Labor Day

Accounting Fees:

We had to change accountants. The person we were using stopped doing accounting. He recommended a couple of people in Elkins we went with what went we thought would be a good choice.

Bob Cherry stated the association is required by the by-laws to generate a professionally audited financial report by a CPA and we have done it every year. Does this fee include the cost to do that? John Grizzard said it did. Bob Cherry said he hadn't seen it and asked if it had been posted anywhere. John Grizzard stated we had it and it would be posted on the website.

Attorney/Legal Fees:

John Grizzard said we were \$500 under last year.

Bob Cherry asked how the fees would be spent and would any of it be allotted to updating the bylaws.

John Grizzard replied it was not to update the governing documents.

Fire Department Donation:

We typically do a \$500 donation. We did a \$750 donation last year because they were trying to get some new equipment. We are proposing the same \$500 we normally do for this year.

Meeting Food and Refreshments: \$600

Office Supplies - \$400

Taxes: \$125.00

Website Posting: \$120.00

P.O. Box Rental: \$68.00

Taking the \$1500.00 off for drainage, we are at \$12,520.00 for the budget.

Ted Senator stated in looking at the budget it looked like we are spending a lot on overhead things instead of direct things. Our overhead is 69% of our direct even before you take out the \$1500. If you take out the \$1500 we are probably spending an equal amount on overhead. All we really do is maintain the road, snowplowing and the drainage ditch. It seems to him we are a little out of balance there.

Bob Cherry said Ted Senator was correct. We have very few number of required mandatory expenses. Most of these are elections. We have blown through them pretty quickly. He asked anybody was in opposition to the tree limb pickup. There may be a number of lot owners that don't see any benefit to that. Maybe we do one a year. We didn't have any discussion about some of these and that's where we're going to reduce the budget by these line items.

Ted Senator said are things like attorney fees, food refreshments, office supplies website hosting, PO Box, you add all that up that's half our money and that's overhead. None of us benefits from those things. All we really are doing is buying snowplowing on Yoakum Run Road and the ditches on Yoakum Run Road. Is that the right allocation? Maybe we should triple our assessments and do a lot more to benefit everybody. Maybe we should cut our overhead and cut our assessments. It looks like the balance is out of whack.

Chris Smith asked if historically this budget represents what we've done for the last 10 years.

John Grizzard replied it's based on every budget he has seen since he has lived here for the last 6-7 years. And it's close to what we spend. We have to pay taxes

Ted Senator asked why we had an association if we spend all our money just to have one rather doing things that are useful.

John Grizzard replied that was a good question.

Lester Miller replied they had looked into the State taking it over and they didn't want it.

John Grizzard asked for any further discussion on the line items for the budget.

Doug Hartley stated we are at the point where we want to make a motion to approve the budget without the \$1500 and then we still have Bob's question regarding surplus carryover funds. That is not part of the budget that is just showing the surplus carryover funds. Is that correct, John Grizzard replied yes.

Doug Hartley made the motion to accept the budget, there was a second

Bob Cherry asked to clarify the dollar amount of income and expenses.

John Grizzard explained what we are proposing a budget of \$12,520.00. That's what we're authorized to spend. We will have to establish exactly what the surplus is, which is this \$20,694.35, of which we cannot dip into. So as we need to fund the operating expenses for the year, based on the \$12,520.00, we will have to dip into the capital reserve account and we will then as part of the dues next year include the money to make up for that and pay that money back next year.

Bob Cherry asked if we could show that line item, so it's really a operating deficit of \$4700.00. He asked if we could just show that so there's no confusion

John Grizzard replied it will be retyped that way. John asked if it was clear to everybody so they would know what we were voting on. There were several no responses.

Lester Miller asked if we were going to accrue money for the ditch when we put the pipe through.

John Grizzard stated we would dip into the reserve account to pay for it. As part of the dues next year, we would increase the dues, minus whatever credit or whatever we decide to do with the surplus to cover that expense, then we'll pay it back.

We had second to vote on that the motion carried and that budget passed unanimously. We will retype the budget and put it on the website.

Bob Cherry asked for a motion and vote on the surplus.

Bob Cherry made a motion to \$20,694.35 be refunded to each homeowner in direct proportion to their share.

Bob Foster seconded the motion.

Cliff Essig asked to amend the motion - the property owner had to be in good standing. There was a second to that motion

Doug Hartley had a question regarding the division of the excess funds in reference to how long homeowners had paid into it.

Chris Smith made an amendment the option be given to each member to allow the money to be refunded or retained by the association as part of the capital reserve. That means it would be added to the capital reserve.

Chris made a motion that we amend the other two motions that each homeowner have the option to receive their refund or put the \$400 into the capital reserve account. Motion was seconded.

What we are about to vote on is the \$20,694.35 get equally divided up among homeowners that are in good standing, which means their dues are paid. Also each homeowner has the option to put it into the capital reserve account. That's what we're voting on

Diane Richards made a motion that all the funds be moved to the reserve account.

Motion for the amendment to give the homeowners the option to receive their refund or donate it to the reserve account. Amendment didn't carry

Motion for amendment only homeowners in good standing would get the refund. Motion didn't carry.

Motion by Bob Cherry to refund the \$20,694.35 to each homeowner. Motion was seconded and Motion did not carry.

Motion by Lester Miller to transfer the surplus to the capital reserve account was seconded.

Bob Cherry made a point of order that the option we were left with was that a credit would be applied to each homeowner account. Either a credit or a refund.

John Grizzard said the credit goes to the homeowner who decided to put it back into the capital reserve account.

Lester Miller said we are voting as a group that we want to put it over to the capital reserve account.

John Grizzard said you get the credit, and everyone is voting with the credit they want to put the money into the capital reserve account with the credit.

Bob Cherry said the option by law is a credit to a future assessment. It says to reduce their future common assessments, not capital expense assessments. So the only option we have is to a credit to reduce future common assessments. Bob Cherry read again, any surplus funds of the association after payment of or provision of common expenses and prepayment of reserves. Anything left over after that must be paid to unit owners in proportion to common expense. Liabilities.

There was a discussion that we can move it over to reserves. If we move it over to reserves, then there is no money left to refund.

John Grizzard said he understands Bob Cherry's legal point. The best way to keep this clean is to not put the money in the capital reserve account and keep it as a credit going forward.. That would be about \$200 for the next two years, Then if we need to dip into the capital reserve account we'll just increase the dues. Some of it may go against as credit.

Ted Senator asked if we were going to roll back the vote we just did.

John Grizzard replied yes.

Bob Cherry wanted clarification we're looking at a \$4000.00 deficit that has to be made up next year. John Grizzard replied yes it would. Bob Cherry stated as capital reserves it wouldn't. John Grizzard replied that's why it's clean to keep it as a credit going forward.

Chris Smith said it needs to be in a separate account. John Grizzard replied we can do that.

Motion was made to repeal the last vote to put it in the capital reserve. Motion passed.

Bob Rubenstein made a Motion the surplus will be made as a credit going forward over two years. Motion was seconded. Motion carried

John Grizzard announced lunch was moved to 12:30

Snowplow Report:

We got competitive bids. We used the same person we used previously. We will get competitive bids again next year.

Drainage Committee:

The PCR 23, there is language that says the Board can make modifications for the safety and health of the community. There are issues between Yoakum Run Road and Timberline Road regarding drainage. Based on John Grizzard's interpretation of that PCR we did mow some areas down so we could really see where water was going. It did cost \$600 and based on Bob Cherry asking to get a legal opinion on it, we did. The attorney said we need to get the HOA to approve use of the funds before we did it. John Grizzard paid the money back. The HOA is not out any money. We did find problems once we could actually see where the water was going. We could tell it wasn't going where it was supposed to be going. What we are going to do is talk to homeowners involved and give them our recommendations what we have for improvements that can be made to certain properties that will get the water diverted towards the culverts and away from people's houses.

Ted Senator asked what the \$600 covered. John Grizzard explained we mowed several areas so we could see where the water was running. With all the growth you couldn't actually see where it was going. Ted Senator said, then the money wasn't for improvements or remediation, it was just for assessment. John Grizzard replied yes that's correct it was just for assessment of the problem. Homeowners would have to pay for any improvements themselves.

Bob Cherry stated this looks fishy from the beginning because at the April meeting there is a line item on the balance sheet that showed a \$600 drainage assessment refund. There is no such thing. Whenever this expense was incurred, unless you paid for it out of your own pocket it appears the money was inappropriately used, a check was cut and never accounted for by the Treasurer.

John Grizzard replied there was a check cut and it was accounted for by the Treasurer. He stated he refunded the money.

Bob Cherry replied it was not accounted for in the financial reports that were delivered in October, February, and April.

Julia Aucremanne stated on January 22 a check was cut to Timberline landscape and that \$600 was used to mow so they view the ditches. John reimbursed it.

The question was asked if John paid for it out of his own pocket.

John Grizzard replied after we got the legal opinion and realized we couldn't do it, he personally reimbursed the money. The HOA wasn't out any money,

Bob Cherry asked Julia on her accounting for the initial expense, she's responsible at each of the quarterly Board Meetings to present a financial report to the Board.

John Grizzard replied she did. Bob Cherry replied she did not. She did not include the \$600.

Julia Aucremanne said it was in the deposit. The expense was in January.

Bob Cherry said he was talking about the actual check that was written, not the reimbursement. You never made that conclusion in your report. He said it just smells fishy to him.,

John Grizzard said if she didn't, it was an oversight.

Julia said it was put down as Timberline landscape. They were the people that came in and mowed to see where the drainage goes. That was the \$600 check.

Susan Smith replied she understands now, because she never saw the expense. She just saw the reimbursement.

Sally Grizzard stated the expense had to be recorded for it to be brought to the Board's attention that it wasn't appropriate for John to know to reimburse it. Somebody knew.

Ted Senator replied the Board spent \$600 and after we got a legal opinion and the lawyer said that \$600 the Board did not have the authority to spend. So John reimbursed it out of pocket. The Board voted in good faith to spend that \$600.

Bob Cherry, said just to clarify this was not the first legal opinion we have received on this matter. We have received extensively thorough legal opinion from Steve Prunty in 2014 that articulated the same thing I included in my letter to the Board. They subsequently went to Pat Nichols who concurred that Steve Prunty's legal opinion, that everybody had a copy of was correct. I just want to make sure everyone is exactly clear what happened. You went for a legal opinion. There were actually two prior legal opinions. One by attorney Janet Preston and a second one by Steve Prunty.

Ted Senator asked are you saying they should have known about that in advance.

Bob Cherry said there was no reason for a competent Board not to know.

The question was asked if legal fees were incurred in the last finding. Bob Cherry replied yes, I think it was \$350 or \$250.

John Grizzard it was not. The question was asked it is a yes or no answer did we pay for that legal opinion. John Grizzard replied yes.

Bob Foster stated Article PCR 23 talks about standing water. That's a copy of Timberline's Board that didn't get redone for us even though we do have standing water. Standing water is a big issue. If people didn't take care of the standing water, then the Board had a right through the ARC or the Board of Directors to go in and prompt the owner to take care of standing water because that's where mosquitoes grow. It had nothing to do with drainage. It still did not give the Board or the HOA the right to do something other than force the owner to do something about standing water. There is no eminent domain.

John Grizzard replied he paid the money back, what do you want me to do.

Bob Foster said he was just saying for future reference so we don't get into legal fees we don't need again.

John Grizzard said he gets it.

Ted Senator made a motion we move on. The Board has clearly described what we want to hear and let's move on to the next topic.

The question was asked if we reimburse him. John Grizzard said no, he's not asking for it.

John Grizzard replied this meeting has already cost him more than \$600 sitting here.

Ted Senator replied it was unfair that John had to pay for it.

John Grizzard replied it's OK, I did it, I paid for it, I learned something and at the end of the day I'm going to go make recommendations to five or six homeowners that's going to make the situation better between Timberline and Yoakum Run Road.

Several people stated to we need to move on.

John Grizzard reported on Fire Hydrants. We have two fire hydrants that need to be raised. We have approved the budget for \$2600 to do that. We have quotes from the contractor to do it. We are going to get that done this summer.

ARC Committee:

Don Richards reported a quick review we have had five requested. Two tree removals, one gazebo and fire pit addition, one woodshed addition and one painting and staining. Everything was compliant. The Board voted on all five.

The question was asked if there were any pending requests. Don answered no. Everything had been completed to his knowledge.

Doug Hartley asked if he staining his house the exact same color does he need approval. Don replied no.

Nominating Committee:

All votes were in. John Grizzard re-elected with 21 votes, Julia Aucremanne re-elected with 20 votes, Tom Youngblood elected with 20 votes. Other votes were Barbara Foster 1 vote, Andy Heisey 1 vote, Ted Senator 2 votes, Bob Cherry 3 votes, George Finley 1 vote

Someone asked what the positions are. John Grizzard stated we are required after this meeting is over to meet and determine offices.

Robbie Kaufman asked John Grizzard what his position was. John Grizzard replied he was Vice President. Kaufman asked why the President didn't lead the meeting,

John Grizzard replied Don asked him to do it for each of the meetings. He stated that since we were in the lawsuit, Don Richards had been the person working with the Insurance Company. We decided Don Richards would stay on as President last year to make sure we had good continuity with the insurance company.

Robbie Kaufman asked what Youngblood's position was.

John Grizzard replied that hadn't been decided yet.

New Business:

We had a sign damaged and it will need to be replaced. We are in the process of getting quotes. Someone asked if we had any idea how it happened and if someone was responsible.

Nanette Seligman replied the wood behind it was totally rotten. We had a wind storm, and the sign was just rotten.

Barbara Foster replied the sign came from Dominic Signs. John Grizzard replied we had already been in touch with them. We have the print and are waiting for a quote.

Lester Miller stated the sign was run into a few years ago. If that wood was rotted in the back, we had them come and take care of that. There might be some warranty if the wood was rotten in the back.

The question was asked about how much it would cost. It was stated probably less than \$500.

OUTDOOR FIRES:

Instructions need to be placed in homes that are rented regard fire policy. We need to make sure Rental Agencies let the renters know about this fire policy.

Someone asked about some wording in his lease regarding the fire policy.

John Grizzard said he would get something out on an addendum regarding the policy.

Dog Leash Rule:

Policy is that dogs have to be on leashes in Yoakum Run. It is a violation if dogs are not on a leash on Yoakum Run Road.

John Plunkett asked if dogs are on his property, do they have to be on a leash. John Grizzard replied he didn't think so. If they are on Yoakum Run Road they have to be on a leash. We can't control what you do on Four Seasons Drive or Timberline Road. If they are on Yoakum Run Road, they need to be on a leash.

Bob Cherry said the reason he brought this up, is there is exposure to the association if an incident occurs. You might think it's the dog owner's responsibility. If the accident of the dog bite occurs on the common element and there's a policy that we're not enforcing, that does expose the association.

There was a request to do something about the lawsuit. John Grizzard said Ed Harrah would take that on.

Ed Harrah stated Ann Brewster was his sister and Jerry was his brother in law. They owned a house together, but now they have their own. He stated the law suit was coming to trial on March 7. The complaint was filed in Tucker County. If anyone wants a copy of it they can go get it. He stated he had three copies here if anyone wants to read it. He has one copy of the answers. Two of the answers are pretty much identical. The third one is a little shorter. He stated he is not an attorney and is not going to give legal advice. He stated if you think you need legal advice you should contact an attorney. He stated he has. He said he wasn't going to discuss the pros and cons, other than to tell you there is a huge drainage issue and it's not going to go away. The drainage issue affects everyone.

Robbie Kaufman said we have already discussed the drainage issue, just tell us what the lawsuit is. Ed Harrah said he could read a copy of the lawsuit.

The question was asked who is suing who. Ed Harrah replied Ann and Jerry Brewster are suing Barb Foster, Bob Cherry and Chris Smith, when they were on the Board as Board Members, but for their personal reasons.

Robbie Kaufman asked if the suit would cost us anything. Ed Harrah replied it hasn't yet but it could.

Ed Harrah offered his copies for anyone that wants to read the lawsuit.

Robbie Kaufman replied it was very sad that in over 30 years everyone got along. All of a sudden in the last couple years we have heard one thing after another. It's very discouraging.

Approval of Minutes from last Homeowners Meeting:

Ed Harrah made a motion to approve the minutes from last year's homeowners meeting.

Bob Cherry said John needs to ask for a correction.

John Grizzard asked for a second to the minutes there wasn't a second.

Bob Cherry made a motion to correct the minutes. There was a second

Barbara Foster stated she wrote to all five of the Board last September several things that needed to be corrected. She stated she didn't send it out to the membership because she doesn't play that game. It was pointed out that she had a recording of the meeting and there were several things that were either misrepresented or straight out lies. Things that are important on the drainage committee report, some of the things I have to say here have already been dealt with at the meeting. In the drainage committee report John Grizzard said he would like to have the Homeowners approval to use the capital reserve fund. That was the first of several times in the meeting he wanted permission to use that account to fund a non-capital expense. Obviously we have taken care of that at this meeting. John also said that Timberline resort knows it is the cause of drainage issues. That was said at last year's meeting. You also said that only the lot owners who would have a drainage path modified on his or her property would be notified and no one else in the HOA would receive notification of that work. Which after all the flack the previous Board took over transparency, I found that rather abhorrent. Under new business in the financial report, Lester Miller asked if there was money in the proposed budget to cover attorney fees for the current lawsuit involving three HOA Directors and John said there was money in there to cover the \$2,500 deductible. John put a motion on the table to use the reserve account (capital reserve account) for drainage again, which was followed by another lengthy discussion and the motion received no second or vote. Bob Foster explained in detail what West Virginia code 36 b and 31e say about that budget and surplus. We finally get down to the approval of the 2015 and 2016 budget. This is where it gets a little tricky. It says in the minutes that Ted Senator made a motion to approve the budget in 30 days. This is not what happened. What happened was Ted Senator, because we determined the budget couldn't be approved that day, Ted Senator asked if we could just have a sense of the memberships vote that is not a formal approval. Before that could happen Chris Smith motioned to recapitalize the capital reserve fund of \$45,000.00 from surplus to checking. His motion was seconded by Pam Harrah, the motion passed unanimously. Then John returned to Ted Senator's question, and you mistakenly called it a motion. I can understand fully why that was a mistake but that was not a motion. You never had a motion to approve that budget which is water under the bridge now. There was no motion to approve the budget and the minutes also say they mention 30 days. 30 days was never mentioned during that meeting. We also discussed the lien on lot 33 which didn't minutes didn't mention. I just think it needs to be in the minutes so if somebody 5 years from now needs to go back to see what happened, that's what happened.

John Grizzard said there is a motion on the floor to accept the minutes with Barb's notes added to it.

Barbara said they came straight off the recording I made up nothing.

Nancy Ford stated she would listen to the recording again.

John Grizzard asked for all in favor to accept the minutes with these additions please raise your hand.

Nanette Seligman asked if Nancy Ford was going to review the recording, we can't really change anything until she listens to it again.

John Grizzard recommended we just approve this and let Nancy listen to the recording again, and if there is something we want to change at a later date like next year, we'll bring it up.

Ted Senator asked if we don't approve the minutes now, does it have to be done next year or can it be done by email.

John Grizzard replied he thought it would be a year from now.

Ted Senator said his recollection of the part of the minutes Barb was referring to was that he thought he said something about approving it by email after that time period had passed.

John Grizzard said he made a motion that would allow us to approve it by email.

Ted Senator said clearly he said something that was not recorded in the minutes, you just said that. What Barb said didn't have that either. So I guess I'm making two points now. I think what we should do is not approve these minutes now, but wait for a corrected version based on reviewing the recordings and comments from Barb. Then we can vote on that by email. Part of the correction should include whatever I said about email a year ago. It is not reflected here and it was not reflected in what Barb said. It's likely it should be on the recording.

Bob Cherry said he was doing research regarding voting by email process. He referred the Board to look at Chapter 31E-7-704. There is language in there that suggests to Bob that voting by mail or email is allowed only if the articles of incorporation or bylaws are amended to provide it, to approve it along with the manner in which it was done. We don't have that in our current articles or bylaws. Going forward any vote by mail or email needs to be amended in the bylaws. Roberts Rules also says a vote by mail when authorized in the bylaws, even Roberts Rules is written in such a way it strongly suggests the bylaws have to authorize this.

Robbie Kaufman asked why we didn't hold a special meeting to approve maybe last year's minutes around Labor Day.

John Grizzard said we could do it at our October Board Meeting. All Homeowners are invited to attend Board Meetings.

It was said that Bob's suggestion that we update the bylaws for email or mail to be allowed is a good one.

John Grizzard said there was a motion on the table to approve these minutes. There were three seconds. This was to approve the minutes with Barb's amendment. Motion didn't carry

Motion was made to have a special meeting of the association on the same date as the currently scheduled October Board Meeting to review a corrected version of the minutes that incorporate notes from Barb. There was a second by Robbie Kaufman

Bob Cherry asked to amend that to replace the word association with members meeting, so as to not confuse the Board Meeting. So a special meeting of members.

John Grizzard asked all in favor to raise their hand. All Opposed. Motion carried.

Action Items:

John Grizzard took an action item to work with everyone on a statement or policy that can go into leases regarding fires.

Ted Senator said it should say the tenant acknowledges that they and all members of their party by signing the lease have to follow all the rules and regulations of the association.

John Grizzard will work with limb pickup and dates.

Bob Cherry requested the secretary to rewrite some of the minutes in a proper format. The minutes posted are the official corporate record. Whoever wrote the February minutes didn't do a satisfactory job like using John G and Don R. Caps. It's using multiple fonts. I am asking Nancy Ford to review that and refresh it a little bit.

John Grizzard made a motion to adjourn. Motion was seconded and unanimous to adjourn.

