

## MINUTES

### Yoakum Run ANNUAL Homeowners' Meeting

#### Big John's Restaurant

19 July 2019

John Grizzard, President, called the meeting to order at 10:05 am

John Grizzard welcomed everyone, made introductory comments and asked each person to introduce themselves with their lot number.

**BOARD MEMBERS PRESENT:** John Grizzard, President, Julia Aucremanne (44, Treasurer. (DJ Richards, VP, had airline flight issues and would be late)

**HOMEOWNERS PRESENT:** John Grizzard (44), Julia Aucremanne (35), Bob and Barb Foster (45), Lester and Cindy Miller (42), Diane and Robbie Kaufman (39), Mary McGowan (22/48), Cliff and Teresa Essig (27), Ted Senator (13), Andy Heisey (47), Carl Faller(14/15), Bill Kirk (41), John Sencindiver and Sharon Sabo (4).

**CREDENTIALS REPORT:** John Grizzard reported we have 14 lots represented in person, and 13 proxies making a total of 27 for a quorum.

John Grizzard has 4 proxies, DJ Richards has 1 proxy which will cancel if he does not arrive in the valley for the meeting.), Barb Foster has 2 proxies, and Julia Aucremanne has 6 proxies).

**ADDITIONS TO AGENDA:** John Grizzard opened up the floor to any additional Agenda items.

Lester Miller requested prior to the meeting that three issues be added to the agenda:

1-Discussion of repair of the road in front of Lester's home where the culverts were replaced. As an addition, a request for discussion of possible interest by other homeowners to have their driveways paved at the same time the road is patched.

2-Discussion of trees at either end of Yoakum Run that have branches overhanging the road which may affect traffic after winter storms.

3-Discussion of possibility of reducing the limb pickups from 3 times to two times.

Diane Kaufman suggested an addition to the agenda of a discussion of the status of Timberline Resort and what the HOAs can do to ensure that it remains a ski resort. Ted Senator commented that he had some thoughts on the matter that he would be happy to share with members after the formal meeting.

**ADOPTION OF THE AGENDA:** John Grizzard asked for a motion to adopt the agenda. Bob Foster made the motion to approve and Julia Aucremanne seconded it. Motion passed unanimously. Agenda was adopted.

**APPROVAL OF 2018 MINUTES:** John Grizzard asked for comments, changes and/or additions to the Minutes of the 21 July 2018 Annual Members Meeting. There were none. Julia Aucremanne made a motion to approve the minutes and Bob Foster seconded. The motion passed unanimously.

### **OLD BUSINESS – COMMITTEE REPORTS:**

**Architectural Review Committee:** John Grizzard reported that as of the May 2019 Board Meeting, there were no applications. Subsequently, Lot 4 submitted a request to perform work which is ongoing.

**Drainage Committee:** John Grizzard reported that with the culverts having been repaired, it remains that the road needs to be patched. The board had reached out to 4 companies to get the work done but the companies would not offer a bid for such a small job. The board tried to get them to consider it if they were doing other work in the area, but none would consider it. The board wanted to keep the cost under \$3200, but that may not be feasible. John closed by commenting that the board had not been successful in getting that repair job done.

### **NEW BUSINESS AND ACTION ITEMS:**

- **Driveway Paving:** Lester Miller asked if any members were interested in having their driveways paved. He commented that enroute to the valley, he had stopped at WV Paving in Parsons. They also were not interested in such a small job, nor were any of them interested in weekend work. Lester noted that in the past, the way the HOA got paving work done was that it was in conjunction with other work contracted to pave driveways of members' homes. John Grizzard cemented that his long driveway had cost circa \$7,000 but in terms of maintenance and snowplowing, it was worth it. (Note: Chris Smith, Lot 19 had his driveway done at the same time and because it was much shorter, it cost approximately \$2500.) John Suggested that an email be sent to all members offering the option, which will not take place until at least next spring due to ongoing repairs of WV road storm damage.
- **Tree Trimming:** Lester noted that at both ends of Yoakum Run, there are trees with limbs overhanging the road. He is willing to do it with his trimmer, but asked the views of the members. Julia noted that some members are physically unable to undertake such work but would probably welcome it. John commented that it made perfect sense, but it would be best if the board reached out to members to request their permission to prune the limbs from trees on their properties.
- **Limb Pickup:** Lester suggested two vice three pickups John noted that Dave Mollenax charges the same price for three pickups as for two. Julia noted that the Plunketts had returned from their employment overseas at the end of June and were happy that they could get the debris

out to the road after July 4th, Dave did the clean-up. Following further discussion, it was decided to leave the policy in place, with the proviso that the board would advise homeowners that there would be specified timeframe during tree limbs and debris would be placed by the side of the road. Robbie Kaufman asked about an expense of \$200 for debris cleanup that was in this year's documentation. John noted that due to his travel schedule and the requirement for two wet signatures on all checks, Dave Mollenax had been paid late, but the overall cost of the pickups was \$1200. The cost for FY 2019/20 will be \$1400.

Timberline Ski Resort:

John provided the status as he understood it. The Herz's filed chapter 11 in PA and there is an investment banker with experience in selling ski resort who intends to see it for them.

Carl Faller offered that First United Bank and Grant County Bank have loans and there has been much discussion of how to proceed. The judge appointed Griffin to examine a sale of the entire property and equipment.

Bob Foster noted that in addition to secured creditors, there are unsecured creditors, Arden Sweckert, the CVPSD, and SMI (on the equipment). There is a Committee of Unsecured Creditors from Wheeling that is also involved.

Apparently the Herz's have agreed to sell the property. There was discussion relating to the venue for the bankruptcy and at this time, it appears that a Judge in Wheeling (for a WV venue) may be prejudiced regarding the creditors to the favor of the debtors. It appears the judge may not have a complete appreciation of the financial situation the Herz's created in the Canaan Valley. Another comment made was that the judge approved the sale of 15 year old equipment in order to pay insurance costs, which if not paid, would force the bankruptcy into Chapter 7 vice 11. If the sale continues as is, only the banks would be paid.

Apparently, a lawyer named Whalen has identified a group of 16 potential entities and 5 individuals who have expressed interest in the resort. There is also an unsecured creditors committee engaged as an interested party in the resort.

There was commentary as well about how piecemeal breakup of the resort would be a disaster for the Canaan Valley.

Consideration as given to contacting other HOA presidents and approaching the lawyers/judge to consider a change in venue to WV or file a friend of the court brief in an effort to cause the sale of the resort as a whole so that it can be rehabilitated and placed into operation for the economic development of the valley. Apparently, WV has spent much money on tourism and the valley may as a result be at the bottom of the list. Senator Manchin and Governor Candidate Thrasher have been contacted for support.

Comments were made concerning the Herz approach to business dealings, and it uncertain how they will respond to the latest developments.

**FINANCIAL REPORT:** (Copies Attached and posted to the website)

**BUDGET:** (Copies attached posted to the website)

During the discussion of the budget, a member asked about the Capital Reserve Account. John responded that it is monies fenced for the purpose of the repair and maintenance of the HOA's one capital asset, Yoakum Run Road. Under the current situation monies can be taken from the Capital Reserve to repair the road, but the subsequent budget must outline steps by which the reserve will be replenished over time, so that funds will be available for major road repairs or resurfacing without have to ask members for major one time assessments.

**ELECTIONS:** Three positions were open for election this year; DJ Richards, Tom Youngblood and Nancy Ford did not submit for reelection.

Lester Miller, Diane Kaufman and Bob Foster were elected to the three vacant positions with 21 votes each. John Grizzard and Jullia Aucremanne announced that they would resign from the Board effective the end of the annual meeting.

Two new board members would need to be appointed at the incoming board and they would serve for one year.

John advised that he will be meeting the new board during 19 July PM to turnover records, keys, and other administrative matters, that he has some records, Julia has some financial records and DJ has ARC records.

John explained his rationale for resigning, which was was that his employment requires significant travel what makes accomplishing HOA requirements very difficult. He just does not have the time. The members made a motion to thank him for his service and it was passed with applause. John thanked the group and noted that his fellow board members also deserved thanks as they were a team. He also expressed appreciation to Big John's for the luncheon.

John Grizzard announced nest year's Annual Membership Meeting will be 18 July 2020.

Lester offered that while he initially was hesitant about running for the board, his heart is now in it. His goal is to grow or maintain property values in the Yoakum Run HOA. In order to have success, it is important for homeowners to maintain their properties. During a recent walk about, he noticed that there were homes in need of restaining, external repairs and yard work. As a businessman, he has bought and sold companies. With regard to the ski resort, when considering a purchase, a buyer will look at homes, yards and overall maintenance standards in surrounding communities. If they have a neglected appearance, it can have an effect on the sale. So, in the

future, if properties give the appearance of being neglected, the board will be send letters to homeowners regarding the same.

John Grizzard adjourned the meeting at 1114 AM.