

Waynoka Property Owners Association

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WPOA Board of Trustees Meeting – Saturday, July 9, 2016

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

Redick shared an invocation which was followed by the Pledge of Allegiance.

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

Minutes: A motion to approve the minutes of the June 11th WPOA meeting as published in the July Newsletter was made by Yannone and seconded by Koch. A yea/nay hand vote was taken and the motion passed unanimously.

President's Report (Prescilla Redick): Redick corrected the inaccuracies of several rumors:

- Even though construction of a bathhouse and a restaurant are part of the long range plan there is “no possibility or consideration right now” that either a bathhouse or a restaurant will be built in the beach area.
- It is not true that the WPOA will charge for docks on the properties of members or on lake access lots.
- The motion which allowed golf carts does not “open the door” to allow jet skis or personal watercraft on the Lake.

Treasurer's Report as of June 30th, 2016 (Vern Taylor):

Operating funds

- The total June operating income was \$116,756.00.
- The total operating expense for the month of June was \$209,474.00. The typical seasonal repair and maintenances expenses as well as the final payment of \$33,275.00 for the Marina building are included in these expenses.
- The operating fund balance at the end of June was \$535,967.00.

Allocated Assessment Funds

- Income from allocated operating assessments in June was \$24,101.00.
- Total capital account expenditures in June totaled \$63,072.00. This amount included \$19,835.00 for new workout equipment at the Health & Recreation Center, \$14,325.00 for the front gate system, \$8292.00 for updates of the back gate camera system, \$5682.00 for the back-up generator at the back gate and \$10,700.00 for RFID stickers.
- The balance of all allocated assessment accounts at the end of June was \$290,650.00.

Investments – Invested reserves at the end of June totaled \$270,888.00 and included a \$25K CD purchased with the first campground repayment of the reserve loan made to finance electrical upgrades.

Total cash ‘on hand’ at the end of June was \$1,097,506.00.

Manager's Report (Mgr. Cahall):

- Cahall shared the total cost to the WPOA for the new Marina building was \$51,178.58 and for the back gate improvements was \$116,030.66. Contact Cahall if interested in reviewing the "breakdowns" of the individual expenses related to these projects.
- ***Cahall asked property owners to continue conducting business with the Marina operators at the old Marina building at the Beach.*** The new building and surrounding area were constructed to provide a place to do "work only" and to provide a parking area for boats waiting for repair. A lease was signed.
- O'Brien Pools has been contracted to resurface the 'kiddie' pool some time between September 12th and October 30th, 2016.
- The operation of the gates at both the front and back entrances is being 'tweaked'. Payment of the final invoice is being withheld until all of the gates are operating satisfactorily.
- Two pieces of dredging equipment are non-operational. The push boat which was being used now needs its carburetor rebuilt and the back-up push boat still needs a new wiring harness (on back order). So the track hoe will be used in the coming week to replace a couple of culverts.
- The Federal EPA will be using our Lake as a part of a study this summer to compare thirty lakes. The Ohio EPA shared that the water quality of Lake Waynoka is one of the highest in Ohio. This water quality testing has not yet begun.
- Two new freezers were delivered and installed in the Restaurant.
- Mgr. Cahall has been on the Lake evaluating the shorelines of the property owners to whom he sent letters last year requesting that they improve their shorelines. If a property owner receives a second letter this season he has 30 days to do the improvements or be fined \$100 a month until the work is done. Cahall requested that if a property owner disagrees with this request that he contact Cahall so that it can be discussed.

Security Report (Chief Gordon Ellis):

- During June three citations were issued and traffic complaints have increased, which is consistent with the number of property owners coming into Lake Waynoka.
- There was one boating/tubing injury on the Lake. Chief Ellis asked everyone to try to be more aware as there is more boat traffic.
- The marine patrol is in operation and efforts are being made to adjust the schedule as necessary to be on the Lake when the Lake is most heavily used.
- Chief Ellis shared statistics of the 4th of July weekend and felt it was a "fairly safe" holiday weekend.
- One pattern of criminal activity - criminal mischief and damaging - was identified. Eggs were tossed at cars and houses in the area of Waynoka Dr. and Red Cloud recreation area for several nights between 8 pm and 2 to 3 am. Chief Ellis suggested that everyone be vigilant... If someone is seen walking around late at night, especially in the Red Cloud area, please contact Security.

Events/Marketing (Mgr. Cahall):

- There will be many activities on Waynoka Day (July 16th) including family exercise at the Rec Center (10 am), a corn hole contest at the Lounge (pre-registration required), and the traveling Lake Waynoka Information Booth.
- The next Family Swim and the next Adult Swim are August 5th and August 19th respectively.
- A great line-up of musicians continues at the Lounge in August. Check the website or the newsletter for more details. There was a \$5K Keno winner at the Lounge recently.
- The next Music on the Green event for members and their guests is on September 4th from 7 to 10 pm featuring Spearpoint Band. Despite the rain it was a 'standing room only' crowd for the Barcodes in the Lodge on July 3rd.

- The Lake Waynoka information booth will also be at the Clermont County Fair from July 24th through the 30th and the Brown County Summerfest in the Mt. Orab Community Park on August 5th and 6th.

Long Range Planning (Dick Bankes): The Committee is in the process of evaluating survey software that is available on-line to reduce the cost of conducting surveys by mailings. The Committee is also investigating the ability to access Federal Census Data to gain more complete statistics related to Lake Waynoka and its members as compared to the statistics collected from surveys which are returned by a small percentage of WPOA members.

Lake Advisory (Mike LaPlante): LaPlante encouraged all individuals interested in preserving the quality of the Lake, the reason we live here, to attend the next meeting of this Committee at the Lodge on August 2nd at 7 pm. The Committee will begin its testing of the Lake's water clarity and nutrients this month. The brochure of boating and fishing guidelines is also being reviewed and updated for next season.

Building (Tony Tatman): Four building permits (two additions, one storage building and one dock with a cover) were issued in June for a total of 36 building permits year to date.

Rules and Regulations (John Buskey): Buskey noted that several questions have been answered about the CODE of Regulations in the FAQ document in the Rules and Regulations section of the website. After reviewing the questions and comments that have been submitted the Committee is recommending to the Trustees that four additional revisions be made to the CODE. This motion will be voted upon later in the meeting. Buskey reminded everyone that an 'open forum' to answer questions about the CODE will be held following this meeting.

Election Inspectors (Margi Borgman): Borgman clarified that property owners who plan to vote on the CODE of Regulations on Saturday, August 13th may do so **any time between noon and 2 pm**. (No one is attending a two hour long meeting.) Voting property owners need to bring their membership cards and photo ids.

Campground (Walt Robinson): Robinson shared several items discussed during the Campground meeting last Saturday: most of the work on the bath houses will need to be done after the season; larger arrows will be painted on the roads in the near future; 'one way' signs have been ordered; and dirt will be brought in, but the campers will be responsible for distributing the dirt. Robinson shared several Campground activities including the Kids Fishing Contest on Waynoka Day at 8 am; Christmas in July on the 30th; the Chili Contest on September 24th at 2 pm; and the 'closed gate' Halloween Night on October 15th when the Campground is closed to all types of transportation from cars to skateboards at 4 pm that day.

Civic Club (Tony Tatman): Tatman commented that the Club was getting ready for Waynoka Day and that the next meeting of the Civic Club will be a pontoon boat dinner on July 26th.

Water Sports Club (Vern Taylor/Charlie Beard): Taylor announced that tickets for the Poker Run will be sold on Waynoka Day for \$30 (\$5 savings). The 2016 Poker Run t-shirts will also be available. Beard shared that the \$1700 raised from the 5K Run on Marina Day in June will be divided and awarded as track scholarships to three Eastern High School graduates.

Chapel (Valerie Bullock): Bullock encouraged everyone to attend Bingo tonight at the Lodge where 'the calling of the numbers' begins at 7 pm.

Shawnee Squaws (Margi Borgman): The next Squaws meeting is Wednesday, July 13th at 10 am in the Lodge. Borgman shared the activities of Waynoka Day as the Squaws are the sponsors of this year's event. She thanked many different people for their help. Borgman encouraged everyone to deposit aluminum cans in one of the 24 recycling barrels that will be provided. The monies raised from the sale of these cans goes towards the Labor Day weekend fireworks display.

Art Club (Joanne Edwards): The Club will be offering rock painting for the children from 2 until 4 pm on Waynoka Day. There will also be a display of the artwork of the members of the art clubs at the Lake.

Lake Committee (Prescilla Redick): The next Wednesday night tournament will be July 20th. Saturday, July 30th, is the Night Tournament when the fishermen begin fishing at 11 pm and finish the next morning at 7

am. The Committee meets at the Marina on the Lake at 4:30 pm and the boats launch at 6 pm. Anyone interested in being a member of this committee is welcome!

Unfinished Business: Cahall noted that signs had been posted earlier this morning, prior to the WRWSD meeting, stating that the restrooms in the Lodge were ‘out of order’. The line between the Lodge and its grinder pump was unclogged and a defective grinder pump motor was replaced. The problem was first reported at 7:20 am and corrected before the WRWSD meeting began at 9:30 am. Cahall shared, “I just want to take a moment to thank the crew. I am super impressed with the effort from our maintenance guys. These guys don’t usually work on Saturdays and they came in to take care of this problem because they knew there would be a lot of people here today.” The property owners applauded.

New Business:

- *In response to the Civic Club’s request at last month’s meeting for storage Redick moved and Holt seconded a motion to allow the Civic Club to use the shed by the ball fields behind the pools. The Civic Club will assume all liability for any items stored there and will provide the Manager and Security with keys to any locks. The shed remains the property of the WPOA which may request its return if needed. A yea/nay voice vote was taken and the motion passed unanimously.*
- Secretary Meese read the memo that explains the details related to the four modifications which the Rules and Regulations Committee proposed be made by the Trustees to the WPOA revised CODE of Regulations by approving Motion #258. John Buskey, chairman of the Rules and Regulations Committee, expressed the Committee’s gratitude to those members who have taken the time to review the Revised CODE and to offer comments and suggestions. Buskey then led a question and answer discussion with the property owners and the Trustees about the modifications (Article IV: Sub-section 1.1 (page 16); Article IV: Sub-section 6.2 (page 18); Article II: Section 6 (page 10); and CODE of Regulations Definitions: page 7: MEMBER). During the discussion Pres. Redick agreed that the modifications would be posted on August 13th in the Health and Rec Center where the special meeting to vote on the CODE is to be held. *Motion #258 was then made by Redick and seconded by Yannone to adopt changes to the WPOA Revised CODE of Regulations as proposed by the WPOA Committee on Rules and Regulations per the memo to the Board, dated July 6, 2016. A roll call vote was taken and the motion passed unanimously.*

(A one page summary of the modifications without the detailed explanation will be available at the Office. The memo mentioned above, in its entirety, can be found at the end of these minutes. jac)

Motions and Resolutions: Motion #258 was made by Redick and seconded by Yannone to adopt changes to the WPOA Revised CODE of Regulations as proposed by the WPOA Committee on Rules and Regulations per the attached memo to the Board, dated July 6, 2016. A roll call vote was taken and the motion passed unanimously with nine yea votes. (A copy of the memo can be found at the end of these minutes. jac)

Membership Concerns:

*Valerie Bullock (Lot 2304): Bullock shared her observations about the quality of the workmanship done by O’Brien Pools, the company that resurfaced the adult pool last year. The Manager agreed that he and the maintenance staff would re-evaluate the surface of the adult pool.

*Kathy Sewall (Lot 4015): Sewall thanked the Board for the electronic gates because “getting out the back gate is so much better now”. Sewall shared that she and her husband have obtained insurance at a reasonable cost (as a part of their homeowners’ insurance) to cover payment of assessments that may be charged to them as homeowners in the event the community suffers a major loss. In response to her question about whether or not the dam is insured Cahall shared that it is insured for liability only, as insurance on the structure itself is not

available and would be extremely expensive if it were, according to the agents he has contacted recently. Sewall reminded everyone that “we all have a financial stake in Lake Waynoka” whether we agree or disagree.

*Ginny Tatman (Lot 2634): Tatman questioned whether or not a person who is not able to vote during the upcoming special meeting or any special meeting in the future because of illness (home care, nursing home, etc.) would be allowed to give ‘power of attorney’ to someone to vote for them. The Election Inspectors, Borgman and Patton, agreed that this question will be researched and answered.

*Carolyn Slater (Lot 2790): In response to Slater’s concern about having enough tables and chairs for the Children’s Christmas Fund Dinner on October 29th Mgr. Cahall will also reserve the Lodge for this event that evening so those tables and chairs will be available. *Taylor made the motion which was seconded by Holt to allow guests to BYOW (bring your own wine) to the Children’s Christmas Fund Dinner on October 29th. A yea/nay voice vote was taken and the motion passed unanimously.*

*William John (Lot 2877): John shared his concerns about the revised application form for the Long Range Planning Committee. It contains confidentially clauses which he believes “are not appropriate and will not sign”. John then stated “For clarification, and for the record, that the Long Range Plan (Annual Report 2016-2020, submitted and accepted by the WPOA Board back on 2/13/2016) was approved by the Long Range Planning Committee long before any of the new members were added later this year, including myself, and we had no input and disavow any responsibility for the contents of same.” Lastly, John asked when the figures and proposed spending dollar amounts contained in the 5 Year WPOA Budgetary Considerations Report would be shared with the property owners. In response Pres. Redick noted that this is a ‘fluid’ document and is still being discussed by the Board and the Long Range Planning Committee. Long Range Planning Committee Chairman Bankes also commented on John’s concerns.

*Steve Sears (Lot 1177): Sears thanked the Manager ‘and his guys’ for the stop signs. He shared his appreciation of those who “showed enthusiasm and concern for this community” at last week’s meeting. Sears then suggested that the Board postpone the Blue Book vote for a year for several reasons including allowing time to get the Blue Book and the Yellow Book ‘in sync’ and to seek out ‘varying opinions’.

*Doris Kitchen (Lot 2844): Kitchen shared her concerns about the issue of ‘grandfathering’ the lake access lots. She noted that Attorney Jolley recommended that the lots in question be ‘grandfathered’ and asked why this hasn’t been done. Pres. Redick responded that this issue will be addressed and that Jolley also recommended that it should not be included in the present code work so as to remain transparent.

*Jim Meyer (Lot 2894): Meyer, a former WPOA Trustee who was a part of the discussion held with Attorney Jolley, disagreed with Redick’s response about Jolley’s opinion related to the issue of ‘grandfathering’ the lake access lots. Pres. Redick responded that she would get back to Meyer and share the paperwork related to Attorney Jolley’s recommendations.

*Karen Hug (Lot 394): Hug described herself as “another victim of T. M. Fano”. She shared the details of her experience with this contractor in regards to the construction of a dock. She also shared the actions she has taken and the complaints she has filed to ‘get the word out’ about Fano’s business practices ‘so others do not suffer as they are suffering’. Hug suggested that the WPOA publish an article in the Newsletter sharing that ‘the WPOA cannot endorse private contractors and that homeowners should do their due diligence to research contractors before hiring them’.

*Tom Wyatt (Lot 3194): Wyatt shared his thoughts about why he believes ‘the Board is operating in secrecy’. He believes that the way the voting for the CODE is being done ‘eliminates hundreds of members from voting’.

*Joan Brown (Lot 826): Brown described the condition of the Lake before the white carp were introduced. She noted that Security has caught some of those who are killing carp with crossbows. We can now swim and boat in the Lake safely. She believes the carp are needed.

*Paul Geiger (Lot 538): Geiger suggested that those property owners who purchase fireworks legally, but set them off illegally, “give the money they spend to Betty for the Lake’s fireworks”! He also wondered why the Board voted to allow golf carts when several years ago “we voted to not allow golf carts”. It was clarified

through discussion that no vote was taken several years ago and that the decision to not allow golf carts was made at that time from the results of a survey of the property owners.

*Donna Wyatt (Lot 3194): Wyatt suggested that the Chief share crime trends more often with property owners so that they know what they should watch for. She also questioned why people were being denied membership to the Rules and Regulations Committee and the Long Range Planning Committee.

*Roger Coker (Lot 1888): Coker shared that he was glad to see so many at the meeting and suggested that they come back to ‘help the Board out and to work together’.

*Steve Rish (Lot 2895): Rish asked whether or not he was still a consultant to the Elections Inspectors since being asked if he believed there was a conflict of interest because of his ‘open stance on the CODE vote’. Rish then asked if it was a conflict of interest for Mrs. Redick to be Board President and Mr. Redick to be Assistant Treasurer. Treasurer Taylor noted that Mr. Redick works for the Treasurer, not the President of the Board.

*Michael Druffel (Lot 933): Druffel shared his beliefs that the Board is not being transparent. He also suggested to the Board that they “should reconsider the August 13th vote as well as our concerns rather than your concerns”.

*Debbie John (Lot 2877): John asked whether or not she was on the Rules and Regulations Committee. She requested that someone contact her as Ginny Tatman was by letter.

*Dick Bankes (Lot 1860): Bankes stated that he has never denied membership to the Long Range Planning Committee to anyone. Bankes read the responsibilities of the Long Range Planning Committee as stated in the CODE.

*Gerald Black (Lot 2930): Black asked several questions about golf carts. He was told that golf carts must be registered at Security, must be insured and must be driven by licensed drivers. Security should be contacted if there is a golf cart in violation. Black also shared his dissatisfaction about not being allowed to bring a trailer through the back gates any longer.

*Doug Peters (Lot 3335): Peters asked whether or not golf carts are required to have license tags. Chief Ellis noted that a golf cart can be operated within Lake Waynoka, a private community, without a license tag. This is the only provision within the Ohio Revised Code regulations related to golf carts that property owners do not have to follow. Chief Ellis then shared information about several other concerns, expressed in a general discussion with the property owners, including financial liability, crossing the yellow line to pass a golf cart, and the laws that the Rangers are required to enforce (both criminal and civil). Peters then noted that in the recent survey done homeowners gave a high rating to security and a low rating to Board trust as well as to boater safety. He questioned the sale of alcohol at the Marina. Peters also shared that he believes too much money was spent on the back gates.

*Sue Eads (Lot 2864): In response to Ead’s questions Cahall clarified that the track hoe parked at Quachita will be the one used to do the culvert work. And he also explained that the monies used for the Campground electrical upgrade will be returned to the reserve fund over four years at a rate of \$50K per year in two payments of \$25K each in June and December of each year.

*Donna Wyatt (Lot 3194): Wyatt questioned the need for confidentiality among the members of the Long Range Planning Committee.

Adjournment: A motion to adjourn the meeting was made by Koch and seconded by Taylor. The motion passed unanimously and the meeting adjourned at 12:01 pm.

Respectfully submitted,

Joanne A. Coker, WPOA Assistant Recording Secretary

TO: WPOA Board of Trustees
FROM: Rules & Regulation Committee
DATE: July 6, 2016

The R&R Committee has received some comments and questions about the Revised Code, and in discussing them, determined that it would be appropriate to recommend some changes in the Revised CODE to the Board for consideration.

Proposed Modification # 1:

Page 19: ARTICLE V: BOARD OF TRUSTEES

Section 1: General Powers.

... The sale of any WPOA COMMON GROUNDS and FACILITIES designated in Appendix A must be approved by a special membership vote of 60% of those voting in accordance with ARTICLE IV, SECTION 6.

Discussion: One property owner was confused about the use of a “special member vote” to sell WPOA Common Grounds and Facilities; he thought that it limited the vote to a special member meeting. As we examined the question, we realized that a “special member vote” was not clearly defined, and also that it would be advantageous to ensure that all property owners could vote on such a sale.

Therefore, the R&R Committee **recommends** that the Board consider two changes to the Revised CODE; both are highlighted in yellow below:

ARTICLE IV: ELECTIONS AND SPECIAL MEMBERSHIP VOTES

Page 16: SECTION 1. Election of the BOARD.

1.1 The Annual Election of the BOARD and/or special membership votes Elections shall be conducted by first-class mail or secure electronic means as determined by the BOARD and as provided for in the CODE and any published R&Rs.

Page 18: SECTION 6. Special Membership Vote Elections.

On all matters requiring a vote of the membership, other than the election of TRUSTEES, the BOARD shall:

6.1 Request the Election Inspectors to prepare and conduct a special membership vote Election in accordance ~~to~~ with the guidelines set down in ARTICLE IV, Section 2, and Section 3, with the exception that the date MEMBERS-in-good-standing are determined and the date ballots are distributed and returned may occur at any time as appropriate or directed by the BOARD.

6.2 Special membership votes may be conducted by first-class mail, by secure electronic means as determined by the BOARD, or by holding a special member meeting, with the exception of approval of the sale of WPOA COMMON GROUNDS and FACILITIES listed in Appendix A, which must be done by first class mail.

Proposed Modification # 2:

ARTICLE II: MEMBERS & MEMBERS' GUESTS

Page 10: Section 6: Prohibition of Short-Term Rentals.

No MEMBER shall rent or lease their property for a period of less than 31 days, and no MEMBER shall allow or permit subletting of their property for a period less than 31 days.

Discussion: Three or four property owners have raised questions about whether the 31 day period is consecutive days, or if it is 31 days in a year, or if the days can be spread out over several months. It was suggested that adding the word "consecutive" would clarify the intention of the Board.

The R&R Committee **recommends** that the word "consecutive" be added to the section as indicated below in in yellow highlight:

Page 10: ARTICLE II, Section 6: Prohibition of Short-Term Rentals.

No MEMBER shall rent or lease their property for a period of less than 31 consecutive days, and no MEMBER shall allow or permit subletting of their property for a period less than 31 consecutive days.

Proposed Modification # 3:

CODE of Regulations Definitions

Page 7: MEMBER

MEMBER ~~Member-in-good-standing, which includes is one of any three of the recognized classes of~~ OWNERS, TENANTS, and/or VENDEES. ~~who have paid all past and current charges (DUES).~~

ARTICLE II: MEMBERS & MEMBERS' GUESTS

Page 9: SECTION 2. MEMBERS-in-good-standing ~~(MEMBERS).~~

2.1 OWNERS and VENDEES who have paid all their past and current WPOA charges (e.g., DUES, FEES or other charges), WRWSD charges, and are not subject to penalties and/or sanctions from either the WPOA or WRWSD.

WPOA Office staff pointed out that by changing the definition of MEMBER and defining "Member-in-good-standing" in ARTICLE II, Section 2 (MEMBERS-in-good-standing), we may need to add "-in-good-standing" to several other places in the CODE such as in ARTICLE II, Section 8 (Voting Rights). As we looked at how the term MEMBER is used so widely in the CODE, it seemed that the prudent thing to do would be to recommend restoring the definition of MEMBER closer to its original form.

The R&R Committee **recommends** that the term MEMBER be defined as shown below:

CODE of Regulations Definitions

Page 7: MEMBER

MEMBER-in-good-standing which includes is one of any three of the recognized classes of OWNERS, TENANTS, and/or VENDEES. who have paid all past and current charges ~~(DUES).~~