

BMPOA Monthly Board Meeting Minutes: September 11, 2023

Minutes recorded by Jackie Veasey

Board Members Present: President Jim Critcher, 1st Vice-President Harry Davis, 2nd Vice-President Jonothan Morrison, Treasurer Mike Veasey, Directors at Large David Cook, Erica Santana, Carl Herz, Garrett McNamara

Board Members Absent: Patrick Patton, Secretary, who was out qualifying for the Boston Marathon

Guests: Walt Mabe, County Supervisor

Total Number of Membership and Guests Present: - 8 Board Members, 7 association members, and 1 guest.

President Call to Order/Opening Remarks

President Critcher opened the meeting with a moment of silence to honor the fallen and first responders of the 9/11 attack on America.

Previous Meeting Minutes Approval (Jackie Veasey)

David Cook made a motion to approve the minutes and dispense with reading them. The motion was seconded by Mike Veasey and unanimously approved.

Nominating Committee Report (Chair, Mike Veasey)

Mr. Veasey, Chair of the Nominating Committee reported that there was no report this month as elections had been successfully conducted at last month's annual meeting.

Financial Report (Treasurer Mike Veasey)

Mr. Veasey reminded everyone that the new FY began on September 1st.

Detailed financial reports may be found on the BMPOA web site. Monthly highlights include:

BMSD Highlight

---began the FY with \$129,801

---no income this period

---expenses this period of \$9359 (\$100 web site, \$5097 stone, \$4162 lake security)

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---has CD in reserve for \$64,385

---funds in checking account \$120,442

---total funds available \$184,827

BMPOA Highlights

---began the FY with \$67,871

---income of \$3000 (wedding)

---expenses of \$1950 (\$700 lodge landscaping, \$250 marketing, \$1000 wedding compensation)

---checking account balance of \$68,921

Mr. Veasey reported that he signed the letter of engagement with the auditor for the FY 22/23 audit. The cost of the audit this year is \$3800, a \$100 increase.

Mr. Mabe requested a copy of the financial reports as he sends them to county personnel. Mr. Veasey apologized for the oversight and sent Mr. Mabe the reports via email during the meeting.

Roads Report (Carl Herz)

Roads: Standard maintenance. Major planned maintenance is complete. Repaving of Old Log is complete. Fall ditch work will come with the leaf fall, and material stockpiling ahead of winter. Signage at little Indian may be installed, haven't seen it yet. Carl also discussed an ongoing request with VDOT to assess the need for installing reflectors and guard rails along portions of Blue Mountain Road.

ACTION ITEM FOR CARL: Let Walt Mabe know if the Little Indian sign has or has not been installed.

Recreation Reports (Chairman Jonathan Morrison)

- *Lodge*. Jonathan commented on the quality of workmanship reflected in the on-going replacement of the loading dock. The wall and joists look great, the contractor is doing everything correctly, and he (Jonathan) is very happy with the work. Jonathan then commented that the next major project is replacement of the rotting wood on the left-hand

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corner of the building. He indicated that he would be doing this work and plans to start in the months ahead. The board then thanked Jonathan for maintaining the building so well for the past years and David Cook for overseeing the contract for the loading dock.

- *Deer Lake Recreation Area*: Garret McNamara reported that he is making slow progress on the trails and hopes to complete them by the end of winter. He also indicated that Carl mentioned another possible area for a trail, and he'll speak with him about that.

Lodge Access Report (Dave Cook)

There was no report for Lodge Access.

Membership Committee (Beth Herz)

There was no report for Membership Committee.

Legislative and Public Relations Committee (No Chair)

There was no report for Public Relations Committee

Arbitration Committee (No Chair)

There was no report for Arbitration Committee.

Architectural Review Committee (Jim Critcher)

Jim Critcher reported that there are very few construction activities in BMPOA and that the only requests he's received in the last few years were for houses intended to be used as short-term rentals. The most recent request was an impassioned plea to permit the construction of a Yurt for short term rental purposes. The Architectural Review committee denied the request.

Covenants Enforcement Committee (Billy Orndorff)

Billy reported that he drove around most of the mountain to inventory egregious violations of the covenants and surprisingly he didn't find as many as he thought he would. He continues to explore support opportunities for his planned Spring Clean Up effort. He has identified a resident who has a dippy dumpster and a trailer that he is willing to let the association use for the effort, to include hauling the refuse to the Bentonville refuse facility. He also is exploring options to encourage residents to dispose of abandoned vehicles. He prefers they be donated to charity so that residents can take a tax deduction but is not averse to getting the county

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involved and have the vehicles towed. There is a particular vehicle in the Hawk Hill area that needs to be addressed because it appears to have been abandoned on unoccupied property.

Public Safety (No Chair)

The President discussed, considering the severe drought and dry conditions, the need to reenergize the evacuation plan and evacuation routes for the mountain with possible signage and posting of information in short term rental houses.

ACTION ITEM: Patrick Patton as Firewise Chair and Car Herz as Roads Chair to brainstorm what specific actions need to be taken (e.g., newsletter articles, website updates, signs, etc.)

Morgan Fox Elder then asked to make a comment about public safety regarding a trespasser at a wedding. It seems a woman driving a car with Maryland tags, neither a homeowner nor POA member, showed up as a wedding was being prepared and just sat in her car for 45 minutes. Morgan confronted her and she left but came back after 20 minutes. She became irate when informed she was trespassing. Morgan requested a bigger No Trespassing sign. Various types of signs were discussed but no decision was made.

ACTION ITEM: David Cook is to relocate the current No Trespassing sign to a more prominent spot.

Covenant Review/Modernization Status (Erica Santana)

Erica reported that she met with the lawyer as authorized by the Board and as would be expected, many questions were answered but many more questions arose. The key take away from her session that she wanted to stress was that when voting occurred each owning entity only got one vote. Thus, even if two or more people owned a property, they were one owning entity and they had to decide how to cast their one property owner vote.

There followed a lengthy discussion with much back-and-forth commentary about short-term rentals.

Erica also reported that she attended a meeting on behalf of the President that was convened by local sanitary district and property owners' association leadership to discuss proposed changes to the Warren County ordinances that regulate short term rentals. The group discussed two options being proposed by the county and decided that neither of them were in support of the desires the POAs/HOAs had related to short term rentals within their

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community boundaries. The collective formulated a third option, Option C, to be proposed to the County in advance of the monthly meeting of the Warren County Planning Commission. BMPOA did not sign onto the letter in support of Option C.

After Erica's report, the President asked Erica to strategize with her committee and to come back to the board with recommendations vis a vis conditional use permits.

He also stated that regarding BMPOAs participation in the local initiative by several homeowner associations/sanitary districts to form a collective group to have a unified voice on issues/topics that affect HOAs/POAs/sanitary districts, he is unsure of whether or not BMPOA should be part of such a group since he believes the topics that are of interest on Blue Mountain are unique to our subdivision. Erica asserted that the tone of the meeting was not adversarial, nor is the intent of the forming group to work against the County, but to have a collective voice and a unified front on to voice shared interests and advocate for common agendas.

Additionally, Harry Davis asked Mr. Mabe, as a follow up to the short-term rental discussions, if any attempt by BMPOA to limit the number of short-term rentals was moot since the county was going to approve them anyway if all the criteria were met. Mr. Mabe indicated that that was correct. Then Jackie Veasey asked Mr. Mabe if the county would "pull" a conditional use permit if the homeowner failed to correct homeowner concerns (e.g., excessive noise) and Mr. Mabe indicated that could be done and that the county has done it in the past. Mr. Mabe also indicated that the county was changing some of its rules because of court cases and real-world experience. The county is examining requirements for owners to live within a certain mileage of their short-term rental properties and/or to have designated local points of contact who live within a certain mileage of the property.

A final discussion point was how to get any short-term rental change approved and into the covenants. Harry Davis pointed out that the board could not unilaterally make that change but that it had to go to the membership at large for a vote. Mike Veasey then pointed out that he thought that, although the board couldn't approve any change, it did have the authority to inform the community of its recommended approval or disapproval. Erica emphasized that, according to the covenants themselves, the power to change the Covenants by a 2/3 vote was held by property owners, not the Board. She indicated that she wanted to make the process of revision/modernization as inclusive as possible and was actively inviting different

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perspectives and opinions to the conversation. She also indicated that individuals who volunteered to be on the Covenants Revision committee had strong views in opposition to short term rentals and had concerns that the recommendations of the committee would be skewed by a monopoly of disapproving opinions. Erica also indicated that the Committee had an interest to convene a special meeting of the POA membership to discuss short term rentals and covenant revisions before the process of drafting revisions occurred.

Bylaw Review/Modernization (No Chair)

There was no report for Bylaw Review and Modernization.

Deer Lake Reports

Lake Operations: Mike Veasey presented on behalf of Toni Magro. Toni reported the following:

Lake Incidents – during the year we dealt with a homeless couple camping on the tennis court, attacks by bees, 10 beehives being removed, fireworks being set off in the don john, recreation area being used as a shooting range, trespassers, snakes, and, of course, dog poop.

Lake Usage -- We had 2,127 homeowners & guests visit Deer Lake!

39 vehicles turned around upon seeing the guard and departed without being checked for a pass. (Mike Veasey noted that he thought this was low because many vehicles turn around because they see the guard but the guard was occupied and hadn't yet seen them.)

71 people were turned away by security as unauthorized users

5 dogs had to leave due to it being a weekend/holiday, or on the beach.

2 four wheelers were told to leave.

Lake Recommendations: an additional picnic table, steps for the "second entrance" to the beach, and a doggy waste station near the dam. Mr. Veasey indicated that approval for these will be on a future agenda.

Finally, Mr. Veasey mentioned that Toni took over Lake Operations this year and did an exceptionally fine job. The Board thanked Toni for her efforts and a round of applause was given by the assembled group.

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Dam Maintenance: Carl Herz reported that DCR performed their first ever site visit today, as a new normal part of certification. It seemed to go well and the indication was they will grant our normal operation and maintenance certification. As a reminder, this is the first time we've ever gone through this process, and this is all in accordance with legislation affecting dam owners and operators in Virginia. We can be proud to be among the first in our community to showcase a good example of dam safety in our region.

NEW BUSINESS

Contingency Plan for a Dry Well Morgan Fox commented that should the well run dry it was incumbent on the association to provide portable toilets and plenty of potable water for hygiene. She did not think wedding parties should be offered a cancellation option as several wedding venues have minimal facilities. Carl Herz and Jonathan then weighed in that to their knowledge the well, which is a commercial well, was deeper than any well on the mountain and had a larger pipe than is normal. They did not think the well would go dry. It was agreed to just continue operating and be prepared should the highly unlikely happen.

Proxies for Meetings (Harry Davis) Harry reported that proxy voting in lieu of in person attendance at a meeting was not allowed. However, in the event of inclement weather, the board could conduct a Zoom session if the urgency of the business so required one. He stated, however, that the cold months are slow months and there really isn't a lot of business to conduct. Cancelling the meeting has been the option of choice in the past.

Fall Gala (Tina Marie Johnson)

Tina Johnson (and Kris Nelson who was not present) requested \$2000 to put on what is hoped will be The First Annual BMPOA Family Halloween Extravaganza.

The proposal was for a double event on Saturday October 28th at the lodge.

The first part takes place during the day for kids and kids at heart. It will include activities like a bouncy house and other activities as well as a selfie station for family photos, a trunk or treat, costume contest for all members of the community, kids, adults, and pets. And child friendly snacks.

The second part is in the evening. The planners intend to have live music and dancing, a costume contest, a nice community meal (to be provided), games for adults such as a

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scavenger hunt or trivia, a different selfie station geared for couples photos or friend photos instead of families. There will be limited alcoholic punches but it will be BYOB so that funds are allocated to providing a meal. Some will be catered but volunteers may also cook to stay within budget. Breaking bread and community building is the goal.

Volunteer cleanup is expected but the board agreed to meet additional cleaning costs so that the entirety of the \$2000 goes to the event.

The board approved the request for \$2000.

Lodge Security Cameras (David Cook)

David presented a proposal for installation of security cameras for the lodge and grounds that he had coordinated with Ben Hutchison. See attached scope of work for details. The total cost of between \$3669 to \$3969 (labor dependent) was approved with a goal to complete installation by mid-October.

Insurance Update (Mike Veasey)

Mike informed everyone that the current insurer for BMPOA has stopped issuing policies that include any lake coverage. They are no longer in that business. We learned this about a month ago and have worked diligently to find a new insurer and policy no later than 30 Sep when current coverage lapses. This new policy is currently before the underwriter for pricing and acceptance. If all goes to plan, there should be no lapse in association coverage. The demands of the new proposed insurer, however, are drivers to the new signage at the wall at the lodge and the new upgraded security camera system.

Public Comment (3-minute Limit each) (Jackie Veasey)

Jackie Veasey read the governing rules of the public comment period.

Erica then used her allotted time to announce that she was hosting a community game night at the lodge on September 27, 6:30 PM to 8:30 PM.

Meeting Adjournment (President Jim Critcher)

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Jim asked if there were any other personnel that would like to speak to the Board during the Public Comment period. There were none. Jim adjourned the meeting at 7:45 PM.