

WINTERGREEN PROPERTY OWNERS ASSOCIATION INC.  
BOARD OF DIRECTORS MEETING  
August 5, 2022, COB 10:00 AM

MINUTES

Members Present:

Karen Asher-President  
Bill Gatewood-Secretary  
Larry Luessen  
Allen Bennett  
Myron Maslowsky  
Mark Fischer\*  
Tom Steele-Vice President  
Jay Gamble  
Bill Martin-Treasurer

\*Telecommunicating by phone

Absent: None

WPOA Staff:

Jay Roberts- Executive Director  
Theresa Harris

Observing:

Robin Pullen  
Lydia Tobitsch  
Ginny Poole

**CALL TO ORDER** – 10:06 AM

President Asher called the meeting to order.

**MINUTES:**

Approval of the June 16, 2022, minutes

Mr. Luessen Moved to accept the June 16, 2022, minutes.

Seconded – Tom Steele  
Carried

**TREASURERS REPORT** – Bill Martin

Booked Assessment Income and other for 2022 is on track (3K under budget)  
Revenues Booked: \$7,015,958

Budget: \$6,877,331

Expenses are normal for the mid-year (pre-paving)

Actual \$3,111,277

Budget \$3,133,010

48 Memo of Liens were processed for the final collection of 2022 Annual Assessments.

Disclosure packets have slowed down YTD 197 vs 260 in 2021

With the help of our bank, Atlantic Union, we have initiated the ICS-Insured Cash Sweep of our Money Market Operating funds. This will be noted in our audit.

A major expense included in the Road Maintenance Department is continued culvert replacement, slip lining and normal surface treatment on scheduled roads. Major culvert repair and replacement work will continue in the foreseeable future and budgeted funds going forward have been adjusted accordingly. In addition, Walking Trials and Stoney Creek Park improvements will continue through year end. It should also be noted that we experienced additional expenses this year due to rising Snow Removal and Fuel related costs. These are addressed in the 2023 budget.

The Executive Committee has reviewed and approved the **2023 Budget**. The budget summary below reflects a balanced budget based on an increase of **\$7.83 per Month (5%)** in the Improved Property Annual Assessment rate. Commercial, development, unimproved (lots) etc. rates increased by 5% as well.

Our biggest challenges are in EMS/Police staff recruitment and retention, pay and benefits will be the focus point going forward and this budget reflects an 8-10% increase in salaries for Patrol Officers, Fire & Rescue personnel.

Summarizing the 2023 Budget Proposal:

\$403,492 in additional budgeted Income

Offsets Expenses in:

\$172K Increase in Wages 4% COL and adjustments

\$204K Increase in Insurances, taxes & 401k

\$91K DECREASE in Road Reserve & Asphalt

\$121K Increase in Road operations, Snow removal & fuel related items

\$22K Increase in Police Equipment & Police operations

\$24K DECREASE in Operations and Facilities

Motion to approve a 5% increase in the Annual Assessment rate for 2023.

**Bill Martin moved to accept the Executive Committee recommendation of a 5% Increase in the Annual Assessment Rate.**

Seconded: Allen Bennett

Carried

### **RESORT UPDATE: Mark Fischer/Jay Gamble**

Capital improvements to the tune of 2.6 million are ongoing. Pickleball courts at Devils Knob are complete and the new membership level is available and popular. All open tennis courts have been refurbished even with contractor staffing issues. Concerns about golf course lightening alerts system have been addressed. Group Conference business is still strong and social bookings

are soft. Staffing remains a major challenge, especially in Food & Beverage. Early season pass sales are strong. Supply chain issues are still a problem especially in Golf with a \$200K equipment order that was placed last year and still not delivered. Stoney Creek pickleball is being discussed. Stoney Creek Bar & Grill reopening is still a priority. Labor Day Saturday will be filled with festivities.

EXECUTIVE DIRECTORS REPORT- Mr. Roberts gave the Executive Directors report.

- Stoney Creek Park path from the golf course restroom on Shamokin #5 to Wood Nettle is complete and feedback is positive.
- Properties continue to change hands at a slightly slower pace.

ARB REPORT 8/03/2022

**New Construction (in various stages from preliminary review to almost completed)**

<b>Current</b>		<b>8/03/2021</b>	
Mountain	14	Mountain	14
Valley	23	Valley	20
<b>TOTAL</b>	<b>37</b>	<b>TOTAL</b>	<b>34</b>

**Additions and Alterations**

Mountain	41	Mountain	48
Valley	13	Valley	20
<b>TOTAL</b>	<b>54</b>	<b>TOTAL</b>	<b>68</b>

**Maintenance (includes painting, reroofing, deck repairs, etc.)**

Mountain	21	Mountain	42
Valley	7	Valley	15
<b>TOTAL</b>	<b>28</b>	<b>TOTAL</b>	<b>57</b>

**Active projects of all types being monitored by ARB**

Mountain	79	Mountain	104
Valley	43	Valley	55
<b>TOTAL</b>	<b>122</b>	<b>TOTAL</b>	<b>159</b>

- The Nelson County Service Authority (NCSA) water and sewer line replacement project is complete. The road shoulder is being extended to Laurel Springs to facilitate less walking in the roadway.
- The NCSA sewer treatment project near the gatehouse (Headwaters Lane) is underway with very little impact.
- The NCSA manhole project is underway with very limited impact.
- The Central Virginia Electric Cooperative (CVEC) transmission line project is complete, both systems that feed the mountain are back online.
- Blue Ridge Parkway Exit – The environmental consulting company is moving ahead with the required environmental and archeological studies. We are still 12-18 months away from having any additional information on the viability of this project approval. The bat study could be problematic and expensive.

- Renaissance Ridge project continues forward at a slow pace. WPOA has reminded the development group the importance of passing along information about this project so WPOA can share it with the community. WPOA is communicating with Virginia Department of Transportation and Nelson County Officials sharing our concerns that the details surrounding this project get careful consideration. We are also asking that WPOA be kept in the loop as this project moves along. WPOA would have no liability in the road design when turned over. Jay discussed the addition of annual assessments and developer fees to offset increased demand on infrastructure.

Mid Pool Season Thoughts:

- August staffing will have similar challenges as previous years. Kids are going back to school/college making midweek staffing difficult later this month. Pools will remain open, and signage will reflect if guards are on duty or not.
- Estimates are being collected to address the need to resurface/renovate both pools and their pool deck areas. Both pools require resurfacing with Rodes Farm in need of an entirely new deck surface area.

COVID 19 Operational Update:

- Covid positivity rates are increasing locally. We are working through the challenges and will adjust as needed if another surge warrants operational adjustments.

Website activity is brisk with lots of topics researched and read.

**Update from Mitchell Barker, Deputy Director Infrastructure:**

- Chip seal/surface treatment is scheduled to begin the week of 8/8.
- Annual road surface line painting began this week.
- Connecting a gravel walking trail between Lake Monocan, Trout Pond & Sawmill on the to-do list. Timing for work TBD. Identifying and costing out other sections of the original valley path network will be an ongoing project.
- SC entrance sign renovation is ongoing. It will look the same but with new materials. Like everyone else, we are waiting on materials.
- Mowing Season is here. Cut, grow, cut, repeat until things begin to slow down some in October. Our new boom mower has arrived and is in service.
- Repair and replacement of culvert pipes, ditch work and signage is ongoing.

### **Update from Chief Curtis Sheets: Fire & Rescue**

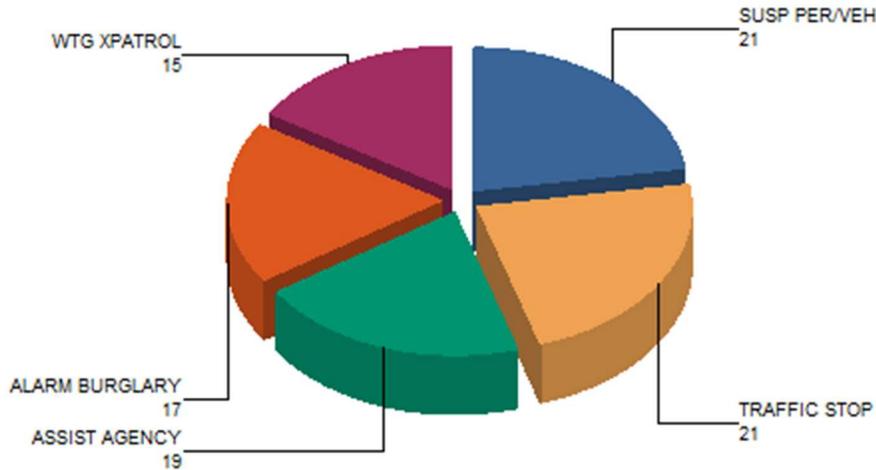
Headed into the third quarter we are on track for medical calls within our community to increase 15% year over year. I'm defining "our community" as anything on property and/or between the gates of Stoney Creek and Wintergreen.

- We currently have 4 open positions. We have interviewed a fair number of applicants who are simply not up to the task. We have never really experienced this before.
- We have two ambulances and one fire engine on order from 2021. None of them will arrive before 2023. (Supply chain issues) We're having to push our equipment and it's showing in our maintenance costs. Our newest fire engine is 19 years old and our oldest is 26 years old. We utilize 7 ambulances, and the average mileage is 103k miles. Historically we start looking to get rid of ambulances around 100k miles and absolutely discard around 150k. Now we routinely exceed 150k miles and on certain units could hit 250k. Vehicle maintenance is one of our most important tasks, and over the past few years has been managed exclusively by Curtis Sheets and Mike Riddle. This year John Harrington stepped up to assist staff with fleet management and he has been very helpful.
- We just started an EMT academy. There are 8 students.
- We just completed third-party testing of all hose, appliances, pumps, etc. Several sections of hose failed; however, replacements have been on order for over a year. One pump failed its vacuum test. We will resolve that issue quickly.
- One employee received an injury at a structure fire call. Possibly a partial rotator cuff tear. We are waiting on an MRI which is scheduled for August 31. (Soonest available)
- All preliminary engineering related to the training facility has been submitted to Nelson County for consideration. Worthy of note, we will NOT have an entrance from Route 151. We will be utilizing secondary roads to access our facility. We will turn just South of Tuckahoe Antique Mall and then drive to the back of our property.
- The generator at Station One has failed twice in the past 2 months. We will pay for repairs and then Nelson County will reimburse us after Jan 1.
- Staff voted 100% in favor of changing their schedule on October 1<sup>st</sup>. They will soon work under a 1-3-2-3 schedule. Hours worked per year will stay the same, this new schedule reduces commute, saving fuel and vehicle expenses for the staff.

### **Update from Chief of Police Dennis Russell:**

- Speed enforcement near Station One.
- Finishing BolaWrap training for all Officers. ([That's a Wrap: The BolaWrap is Helping Officers Detain Suspects | Officer](#))
- Member in Police Academy has completed first month of five-month training.
- Bear sightings continue (some with mange).
- Collecting information on new electronic speed sign with camera capabilities.
- Juggling schedules to allow Officers and Dispatchers time off prior to the upcoming ski season.
- Delivery of ammunition ordered over a year ago (.223 Rifle).
- Repair of current radio system and discussion with the County on possible replacement system.

## Top 5 Calls for Service



### New Business:

- **Owner Survey Update** – I have identified a potential vendor to help us conduct a comprehensive owner survey later this year. I should have more details to share in the next few weeks. The cost is estimated at \$18K.

### Old Business Items:

- **Land Planning Update** – Steve Key should be finished surveying the Rodes Farm Pool area in the next few weeks. Once complete we will think creatively about land use options. Quotes are being collected to help with the budgeting of renovating current amenities and adding additional. Details will be shared as they become available.
- **Skeen ACP Review** – Skeen has provided a preliminary estimate to revisit their opinion on the ACP tax issues and expenses to date. I am compiling the information they need and will share details once Skeen completes their review. I have set a limit of \$5K for this exercise.

**Nominating Committee:** Asher, Gatewood, Luessen

Candidate applications for the two elected openings are due today at midnight.

We have 7 applicants as of 10AM

**We wish to Thank Tom Steele for his many years of dedicated service to WPOA. Tom and Mille will be moving before the annual meeting.**

**OLD BUSINESS:**

**The Board (by email) voted unanimously on 6/29/2022 to update Section 7 of the By- Laws as stated below.**

Section 7. Regular Meetings. The Board of Directors shall hold a regular meeting immediately after the Annual Meeting of the Members of the Association, or at such other time as the Board of Directors may determine, for the purposes of electing officers and the consideration of any other business that may properly be brought before the meeting. Other regular meetings shall be held at such other times as the Board of Directors may determine. **Except for Executive Sessions, all meetings of the Board of Directors shall be open to members, as observers, and in accordance with VA HOA Act 55.1-1816**

**RESOLUTION:**

Jay presented a draft of a Resolution with four new rules/regulations regarding notifying WPOA of the properties primary use, rental/guests of owner's property relating to property management, Nelson & Augusta business licenses, and communicating community rules/guidelines. Our attorney has been consulted in preparation of the resolution. Jay explained the fine issues provided in the VA HOA Act before court action. Owners also have the ability to take court action against other owners for perceived violations. Jay will compile a Community Rules flyer to be distributed to all owners.

**RESOLUTION**

**Whereas**, The Wintergreen Community continues to grow, and the increased use of residential property for rental purposes requires the Wintergreen Property Owner's Association ("WPOA") Board to act in the best interests of all owners to protect and maintain the natural beauty and the relaxed atmosphere that makes Wintergreen a great place to live and visit;

**Whereas**, Property within Wintergreen is subject to Declaration of Rights, Restrictions, Affirmative Obligations and Conditions applicable to all property, Single Family and Multifamily properties on the mountain, and Single Family properties located within Stoney Creek and Rodes Farm ("the Covenants and Restrictions");

**Whereas**, Article IV of the Covenants and Restrictions allow WPOA "to establish rules and regulations" and "suspend the rights and easements of enjoyment of any member or tenant or guest of any member, for any period during which the Payment of any assessment against property owned by such member remains delinquent, and for any period not to exceed sixty (60) days for any infraction of its published rules and regulations";

**Whereas**, Article VII of the Amended and Restated By Laws of WPOA gives powers and duties to the board to "adopt and amend any reasonable Rules and Regulations not inconsistent with the Association Documents and establish and enforce penalties for the infraction thereof";

**Whereas**, pursuant to the Virginia Code 55.1-1819 of the Property Owners Association Act, the Board of Directors is authorized to adopt rules and regulations with regard to areas of its responsibility;

**Wherefore**, the Board of Directors adopts the following rules and regulation pertaining to all properties within Wintergreen:

1. All owners must notify WPOA if their property is used for rental purposes, and such owners must promptly notify WPOA of any change in use of their property.

2. All owners who rent their property as a short-term rental (less than 30 days) must comply with local ordinances, including but not limited to holding applicable business licenses, filing the required business tax returns, paying Transient Occupancy Taxes, and any other requirements of the local governing body.

3. All owners must inform all renters and guests, both in writing and onsite at their Wintergreen property, of all Wintergreen Community Rules published by WPOA, as available on the WPOA website.

4. All owners must provide WPOA with contact information (to include a phone number, email address, physical address, and mailing address) for either themselves or another party designated to handle property complaints, and through which contact information they are available 24 hours per day, seven days per week.

**Larry Luessen moved to adopt the Resolution as presented by our attorney.**

**Seconded: Mr. Bill Martin**

**Carried**

There was a discussion regarding the use of Board members personal emails and phone numbers for WPOA correspondence. It was noted, Owners may attend meetings and address concerns if they do not choose to use the WPOA email address provided. WPOA Staff is available to owners M-F 8-4

**Larry Luessen moved to continue having all email correspondence to board members be addressed to the WPOA email: [admin@wtgpoa.org](mailto:admin@wtgpoa.org) then distributed by WPOA Staff to the Board.**

Seconded: Allen Bennett

Carried

**CLOSING COMMENTS:** Asher to observers

General and WPOA Covenants discussion.

The next board of directors meeting is scheduled for November 12, 2022, following the Annual Meeting which begins at 9AM.

President Asher adjourned the meeting at Noon

**Scheduled Meeting Dates:**

November 12, 2022– Saturday 9 AM- Annual Meeting – election

November 12, 2022-Board of Directors