

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF TRUSTEES OF  
LUDLOW MAINTENANCE COMMISSION, INC.  
Saturday, August 12, 2006– 9:00 a.m. – Bay View Room**

**Trustees:** Vaughn Bradshaw, Ian Feltham, Art Moyer, Jerry Nelson, Terry O'Brien, Bruce Pyles, Amy Recht, Sonny Sanzaro, and John Van Zonneveld.

President O'Brien called the meeting to order at 9:00 a.m. and asked Secretary Moyer for a roll call. All trustees were in attendance.

**Changes to the Agenda:** President O'Brien added two items to the agenda: Trails Committee Report and Tennis Courts Usage. Trustee Van Zonneveld respectfully requested to be allowed to speak before any voting is done on the tennis courts usage.

**Approval of Minutes:** The minutes of the regular 8 July and special 25 July 2006 meetings were approved as corrected.

President O'Brien welcomed the membership to the meeting.

**Trails Committee Report – Michael Porter**

Mr. Porter started his report by commending Jack Rikken, an LMC member working on improvement of the safety of the Rainier Trail. This trail was started three years ago and appeared to be very rough and unsafe for the trail users. As a Trails Committee Chairman, Mr. Porter sees the safety of the trails his number one priority. Improvements to the Rainier Trail, that started with rerouting of the upper portion of the trail off the private property, should be completed within a year. The committee is expecting Port Ludlow Drainage District (PLDD) to have a large drainage project done in the area of the lower portion of the trail. Mr. Porter received PLDD Commissioners' assurance that the trail will be restored if it is disturbed by the drainage improvement project.

Mr. Porter thanked LMC for their ongoing support and asked for their financial support in the future. Responding to Trustee Pyles, Mr. Porter explained that most of the studies made in this community regarding trails show that the trails should be managed in a professional manner, which is not done today. For financial reasons, the Trails Committee relies on volunteers to maintain the trails. Mr. Porter believes the community should professionally maintain the trails they have because trail maintenance is becoming too time-consuming for volunteers. Mr. Porter stated that in the future the Trails Committee expects to ask LMC for a larger contribution to cover the expenses of hiring professional services to maintain the trails. Nevertheless, this year's usual contribution of \$1000 should be more than adequate for 2007.

Mr. Porter also reported meeting with Port Ludlow Associates (PLA) regarding a future South Bay trail that will run around the south end of the golf course grounds. He reported reaching an agreement with PLA arranging for the developer to build that trail.

Regarding the damage to the Interpretive Trail, Mr. Porter reported replacing the signs and cementing in the picnic table. The signs were posted in the RV Park in a hope to prevent future

damage to the trail. The trail used to go through the RV Park. At the PLA's suggestion, the trail is being rerouted through the Kitsap Bank property. Temporary signs are now in place.

### **Tennis Courts Usage – Connie Wilkerson**

Ms. Wilkerson stated that with a lot of work and a lot of legal expenses the South Bay residents recently became fifty-year renters of the tennis courts by the golf course. The courts have been resurfaced by the SBCA, who will also maintain them. As a part of the renting agreement, the courts are open for the resort guests. The SBCA wants to see the courts used by everyone in the community. Therefore, SBCA President, Bay Club Manager, and Ms. Wilkerson have recently met with LMC President Terry O'Brien and LMC General Manager Brian Belmont at which time it was agreed that everything was in place for reciprocity between LMC and SBCA members. Ms. Wilkerson asked for approval of reciprocal usage of the tennis courts.

President O'Brien spoke on the subject. He admitted that reciprocal use of the tennis courts by tennis players had been done in the earlier years before the South Bay courts became unplayable and it would make sense to reestablish the practice, if not for one paragraph in the LMC Bylaws specifically excluding anyone except for LMC members and their guests from using LMC facilities. President O'Brien concluded that LMC Board could not formally recognize any reciprocity arrangement as it will be a violation of the current LMC governing documents. The Board will be asking the CRC to review the governing documents for inconsistencies and possible modifications where and if appropriate. President O'Brien recommended that LMC tennis courts remain open exclusively for the use of the LMC members and their guests and the tennis players continue to invite guests as they had in the past. The LMC appreciates SBCA making their tennis courts available to LMC members.

Responding to a comment from the audience, President O'Brien stated that LMC Board has an opportunity at any time to regulate use of the LMC facilities within the scope of LMC governing documents. When such time arises that LMC members are either penalized or not given an opportunity to use the facilities in a fair equitable manner that will be the time for the Board to take action. At this point of time there is no reason to do this, as the courts are very lightly used.

Trustee Moyer read the motion passed by the majority of the Board members present at the January 2006 meeting, requiring SBCA members who wish to use LMC courts on a continuous basis to buy contract memberships. The motion is still in effect.

The hopes were expressed that the community will not be permanently divided over the facilities use issue.

There are now seven playable courts in Port Ludlow. The LMC has four courts, two in Kehele Park and two by the Beach Club. The SBCA has three courts located in the golf course area.

### **Manager's Report – Brian Belmont**

Trustees received printouts of the current financial reports.

The manager reported a legal workshop held at the Beach Club on a Friday before this meeting. The workshop was offered by a Seattle legal firm. The main topic was conflict of interests. Out of seventeen people attending this workshop ten were from the LMC.

The manager reported Dine and Discover Club (DDC) donating \$500 towards acquiring new kitchen equipment or improving Beach Club microphone system. Hilda Cahn, DDC treasurer, left it to Kim Monroe, LMC office manager, and Mr. Belmont to decide what to do with the money. Mr. Belmont and Ms. Monroe are working on a list of possible items. They will check with Ms. Cahn before purchasing anything.

Approximately three weeks ago two concrete sidewalk pads were removed and re-poured.

The manager is gathering information on improving Beach Club security. He had a local company coming out to give LMC a price estimate for taking over LMC alarm monitoring service. Currently the Beach Club has smoke and heat detectors being monitored. The manager is getting estimates for installation of motion sensors and associated monitoring costs. The security company was also asked to prepare a proposal that would allow digital recording from the security cameras.

The manager reported still waiting for information regarding the indoor pool cover bid. Several bids came in; the manager requested product samples. The indoor pool stays uncovered.

On a better note, the manager reported Groves Glass installing the sliding glass door that was broken during Memorial Day break-in.

To be in compliance with Washington Administrative Codes that regulate swimming pools, an emergency phone is being installed in the lobby. Directional signs to the phone will be added.

One of the two Bay View room fans went out of order. Trustee Nelson has agreed to troubleshoot it in attempt to determine the problem. Hopefully, it can be fixed. The other fan is down to one speed.

The manager reported meeting with Port Ludlow Emergency Response Team, who asked if the Beach Club could be used as the North Bay communication center. For many years the communication center has been set up at Bud Johnson's home. Mr. Belmont believes that it is only logical for the community communication center to operate from the community center, which is the Beach Club. The manager was planning to order the equipment next week unless there were strong objections from the Board. At their recent meeting, the PLVC passed a motion to cover up to a half of the final costs of setting up community communication centers in the Beach and Bay Clubs. Following discussion, Trustee Moyer made a motion to authorize the manager to use up to \$750 on setting up a community communications center at the Beach Club. Seconded by Trustee Nelson, this motion carried by a unanimous vote of the Board.

Mr. Belmont reported waiting on bids from Joe Thompson, Leavitt Trucking, Bernt Ericksen, and Loyd Crouse to install a new French drain around the Kehele Part tennis courts.

After the last month meeting, the manager had ordered two new tennis court locks for Kehele Park. The locks were in stock but the special keys have been back ordered. They are expected to be delivered next week. Once the new locks and keys are here, notices will be posted at the tennis courts advising users of when the new locks will be installed. This will give LMC members ample time to pickup their new key.

The maintenance staff had resealed the Kehele Park bathroom roof. Plumbing will be repaired; the interior will be painted.

For the convenience of the LMC members the bathrooms are now being left unlocked with a motion censored lights. The manager is trying to make the bathrooms as available to the members as possible. Some Trustees expressed concerns with the bathrooms being left unlocked at night. The manager responded that although the staff can close the bathrooms at night on weekdays there are no maintenance personnel on duty to close the bathrooms at night on the weekends.

Trustee Moyer asked to reexamine keycard system study. Following discussion, the board chose not to direct the manager to look into this.

## **COMMITTEE REPORTS:**

### **Finance Committee – Bruce Pyles**

Since the last LMC meeting the committee met once. The manager reported on several items requested by the committee. The committee reviewed the cost of new copier and cost per page on the old copier and agreed to change the membership cost of making copies to \$.10 per copy from \$.5. The committee is reviewing RV Storage changes: outlining spaces and cost per space. Recommendations should be ready in late fall. The committee will be changing the chart of the LMC accounts beginning with next year records. They are reviewing Mr. Belmont's recommendations for those changes.

The final cost of the women's locker room restoration came in just under \$195,000. The insurance covered a substantial amount. The final cost to the LMC was \$1000 deductible plus the cost of the insulation put up by the LMC members. The insulation cost was less than \$400.

The committee compared reserve fund liquidity with expected demands for the remainder of the year. They are comfortable to report that LMC has adequate liquidity.

The committee is looking at creating a building replacement account. The committee as a whole is comfortable with this idea. The recommendation is expected within a few months.

The committee is looking closely at two accounts that remain delinquent.

Trustee Pyles will be stepping down as a Finance Committee Chairman. No one was appointed to replace Mr. Pyles. Mr. Pyles will continue to serve as an interim chairman until the replacement is found.

Questions followed.

### **Operations Committee – Brian Belmont (for Carol Shamhart)**

Mr. Belmont read Ms. Shamhart's report.

The Operations Committee has been spending most of its time working on trees and views issues and property maintenance complaints. However, other matters are also being worked.

The committee prepared a draft revision to Regulation I Article I (6) Parking and Storage of Vehicles and submitted it to the Board for the first reading.

A sub-committee has been formed to begin formulating a vision of what the Kehele Park vegetation should be. The committee members include Brian Belmont, Teddy Clark, and Paul Moseley.

The committee recommended purchase of a used elliptical trainer for \$1625 and replacement of twelve Beach Club windows that will cost approximately \$4200. Once the Finance Committee has had an opportunity to review these proposals they will be forwarded to the Board for consideration.

Planting areas at the Bridge Deck are not being maintained. Mr. Belmont stated that they would be removed to allow for the lawn to come in to ease-up maintenance efforts.

Trustee Recht put in a request to the Operations Committee about Rainier Lane park. She asked for a signage identifying it as a community park.

Trustee Recht asked if the Board would consider voting on the purchase of the elliptical trainer subject to approval by the Finance Committee. Mr. Belmont responded that this could be brought up to the Board at a special meeting which is likely to happen within the next few weeks and after the Finance Committee has a chance to discuss the issue and make their recommendations.

Trustee Van Zonneveld supported Trustee Recht's request and asked if the Board might now consider passing a motion that if the Finance Committee agrees to the purchase of the elliptical trainer the Board agrees to purchase it. This became a motion, seconded by Trustee Recht. Trustee Feltham stated that he cannot vote on this motion due to the lack of information on the trainer. Trustee Recht asked the manager to provide information. Mr. Belmont explained that this nine months old elliptical trainer has been traded in for another machine. Trustees Moyer, Sonzaro, and Pyles asked to follow the procedures and not vote on the purchase until the Finance Committee had a chance to make a recommendation. Following further discussion, the motion failed by a vote of 7:1, supported by Trustee Van Zonneveld. Trustee O'Brien abstained.

### **Architectural Control – Veronica Ryan**

Since the last LMC meeting, the committee met twice. Among twenty requests approved was one new house, three fences, four tree removals, five repaints, two new roofs, two propane tanks, one rockery, one brush removal by goats, and one garage. One privacy screen, one petition to keep an unauthorized paint color, and one chain fence were denied.

The committee currently has ten pending requests (one new house, one remodel, one fence, one deck, one tree removal, one propane tank, one roof, and three repaints.)

Houses under construction are being monitored. Reported violations are being addressed.

The next ACC meeting is scheduled for Monday, August 14.

Trustee Sanzaro asked for an interim chairman to be appointed for the times Ms. Ryan is out of town. Ms. Ryan sees no reason to do so as she keeps in touch while travelling.

### **Covenants & Regulations – Catherine Garrison**

The committee last met on June 13 and will stay in recess until September 12.

Ms. Garrison respectfully requested that the Board appoint Stephanie Buehler as a new CRC member. By a motion duly made, seconded, and carried this recommendation was accepted.

Ms. Garrison reported placing a poster on the Beach Club bulletin board highlighting the proposed changes to the Regulation I, Article I, No Nuisance to invite member comments. However, having attended a legal workshop she suggested that the Board make the LOG an official organ of notice by running all changes through the LOG before approving any. Ms. Garrison needs to consult with her committee before making an official recommendation to this effect.

On July 10, Ms. Garrison met with the ACC. She reviewed their draft of fence guidelines and submitted for their review some draft language for revisions.

### **Greenbelt Committee – Dean Nelson**

Mr. Nelson asked to commend Jack Riggen for his tireless work on the GBC committee.

Mr. Nelson recommended approval of Dick Campbell as a new GBC member. His recommendation was approved by a motion duly made seconded and carried by a unanimous vote of the trustees.

Mr. Nelson reported attending a PLDD meeting on Thursday before this meeting and bringing to their attention that the large spruce tree on the corner of Oak Bay and Baldwin Lane appears to be dying. The GBC believes that the roots of the tree were damaged to some degree during the Montgomery Lane drainage improvement project. PLDD will have an arborist look at the tree. Removal cost is estimated at \$1000. PLDD will remove the tree at their expense if the arborist recommends and they determine that their work was the cause of the tree's condition. PLDD will also look at the greenbelt area behind 101 Fleet Drive and prepare a report on what corrective measures should be taken to reduce the problem of standing water.

A refrigerator dumped along Tablot Lane contained animal hooves and internal organs. The county was notified. The fridge has been removed.

Mr. Nelson encouraged the membership to pull out and properly dispose of Tansy Ragwort. The weed is noxious and toxic to animals.

Mr. Nelson reported the manager receiving copies of two letters from Jefferson County Department of Community Development apparently prepared by someone from the Olympic Beach Tracks Inc. Both letters were dated 22 July 2006. One was addressed to LMC. The LMC had never received the letter. The other was addressed to the county. Both letters express concerns about the tree cutting approved by the GBC and done in the area east and north of Keefe Lane earlier this year and possible effects it could have on their water wells, reservoir, and

pump house located by the fire house. One letter says the cutting might required a storm water abatement permit. Mr. Nelson will contact the county to follow up on this issue. Mr. Barden stepped up by identifying himself as the President of the Olympic Beach Tracks Inc. and clarifying that the letters were mailed without his knowledge, approval, or signature. He is very concerned and eager to find out who is behind this. The Olympic Beach Tracks Inc. Board decided to take no action pending further investigation. He apologized for the distress caused.

### **Communications – Sally Orsborn**

No report

### **Trees & Views Ad Hoc Committee – Vallery Durling**

The committee is finishing their research phase and is about to prepare a survey that will hopefully go out in September. The committee is still contemplating on the survey to be done. They are also debating whether a draft regulation should be inserted in the fall LOG and whether a public forum should be held in October. They appear to be a little behind schedule but are confident they will complete their task by the December 1 deadline.

### **West Parking Lot Feasibility Study Ad Hoc Committee – John Van Zonneveld**

Mr. Van Zonneveld reported the committee consisting of Terry O'Brien, Bruce Pyles, Larry Nobles, and himself with Bill Funke as a consultant only. The committee was charged by the Board with seeking information about the steps necessary for the Board to seek approval of the LMC membership to allow the sale of the land owned as common property. Mr. Van Zonneveld explained that if the membership decided to sell the parking lot area, the property would have to be short platted. Prior to the short plat application the survey is required and an appraisal is recommended to see whether or not the LMC might be in fact interested in selling the property. The estimated costs were presented as \$2500 for the survey and a maximum of \$1500 for two appraisals. Jefferson County short plat application fees add up to \$2121. Public Works Department and the Fire Department who check all short plat application work at \$59 an hour. Since the property in question is a parking lot, the question of adequate parking if LMC were to expand the Beach Club had been researched and a determination was made that LMC has adequate parking for expansion. This statement was argued in a long discussion that followed.

Based on his committee's recommendation, Mr. Van Zonneveld made a motion to authorize to allocate up to \$1500 for two independent appraisals of the value of the property. This motion was seconded by Trustee Nelson. Trustee Feltham stated his objections to this motion and the idea of selling LMC property. Trustee Sanzaro asked for a motion preceding the motion on the floor asking the board if they feel like going forward with this venture. President O'Brien found Trustee Sanzaro's suggestion untimely due to the motion being on the floor.

Following discussion, President O'Brien took a moment to talk about the idea of selling the parcel described. He started by mentioning that LMC membership has on numerous occasions expressed that they want to see a more usable and more modern facility. Several plans were considered and financing was discussed. President O'Brien believes the membership will not pass special assessment. A survey done last year indicated that there was an interest on a part of the membership to sell some reserve property to offset the expense of the remodel.

Trustee Recht mentioned that PLA has the first right refusal on the property in question. The property is currently leased to PLA as a parking lot until 2008.

Following prolonged discussion, the motion failed by a vote of 5:3 supported by Trustees Pyles, Nelson, and Van Zonneveld. Trustee O'Brien abstained.

#### **Lot Owners Associations – Karl Barden**

Mr. Barden reported on the past events and gave a calendar of upcoming events.

#### **Condominium Associations – Vaughn Bradshaw, John Van Zonneveld, and Jerry Nelson**

No report

#### **Port Ludlow Village Council – Bruce Pyles**

Mr. Pyles reported the council passing a motion to support half the cost of LMC efforts to install emergency radio system at the Beach Club. Other items revolved around the continuing relationship with developer and projects that are ongoing. The Community Development Committee made a presentation about the hearings that are coming up in September. September 22 will be a hearing on the resort development.

#### **CORRESPONDENCE:**

The Board received a letter from Glee Hubbard in regards to the tennis court use. Secretary Moyer will answer it as received and considered.

The Board received a letter of complaint from Ron Gregory. This letter was referred to the Operations Committee.

Secretary Moyer noted a notice of appeal from Paul Taylor regarding ACC decision to deny his request to install a composite shed.

The Board received a notice of appeal from Kevin Eckstrom regarding Operations Committee decision on his request to remove trees and brush from the Kehele Park area adjacent to his Harms Lane property. The time of this appeal hearing was set at this meeting.

The Board received a letter from the Operations Committee in regards to the parking regulation revisions. This issue will be discussed at a later time.

This meeting went in recess at 11:20 a.m. and reconvened at 11: 25 a.m. Trustee Nelson left.

#### **UNFINISHED BUSINESS:**

**Revisions to Regulation I Article I (No Nuisance, Industrial and Commercial Use):** This issue was tabled per Ms. Garrison's request.

**Bluff & Tideland Property Ownership Review:** President O'Brien reported waiting on a attorney's response to this issue.

## **NEW BUSINESS:**

**Appeal Hearing Scheduling, View (lot # 2-3-201):** Following discussion that revolved around comparing schedules for an acceptable date for a special meeting at which this appeal will be heard, President O'Brien asked for a motion to schedule this appeal hearing for Wednesday, September 6. The meeting will start at 3:30 p.m. This motion was duly seconded and carried. Ms. Ryan informed the Board that she would be representing Mr. & Mrs. Eckstrom at this appeal hearing. She stated that they are too upset to represent themselves. Ms. Ryan is their neighbor. President O'Brien did not see any conflict of interest with Ms. Ryan representing the Eckstroms. Secretary Moyer will notify the parties.

**Appeal Hearing Scheduling, Shed (lot # 2-2-035):** With the Board's approval, President O'Brien scheduled this appeal to be heard prior to the Eckstroms' appeal hearing on September 6. Secretary Moyer will notify the parties.

**Revision to Regulation I Article I (6) Parking and Storage of Vehicles:** Trustee Moyer moved that this change prepared by Operations Committee be moved to the CRC for consideration. Seconded by Trustee Recht, this motion carried.

**Governing Document Review – Reciprocal Groups:** President O'Brien entertained the fact that this issue be sent to the CRC for review and comment.

**Governing Documents Review – Charitable Groups:** President O'Brien entertained the fact that this issue be sent to the CRC for review and comment.

**Fee Policy Review:** Initiated by Trustee Sanzaro the Board decided to ask Operations Committee to review the current fee policy.

### **Finance – New Chair:**

None was appointed. Trustee Pyles asked for thirty days to look for his replacement.

**Public Comment Period:** President O'Brien opened the floor for public comments. Several members spoke on items of concern to them.

**Appeal Hearing, Fencing (lot # 2-1-040):** The Board considered Mr. McDonald's appeal of the ACC decision to deny his request to build a fence on his Montgomery Lane lot # 2-1-040. Following brief introduction made by President O'Brien, explaining the format of the appeal hearing, ACC Chairman Veronica Ryan was called to the stand to present her case of ACC involvement in this matter.

The ACC acts according to the LMC regulations that discourage fences while allowing ACC to consider fence requests on a case by case basis. In this particular case, the ACC felt that the fence should not be allowed to be built because the immediate neighborhood is not known for enclosures. Photographs of the Montgomery and Baldwin Lanes fences brought in by the petitioner showed accent fencing and small privacy enclosures. Mr. McDonald's property area is very open which will allow viewing of the fence from multiple locations. The ACC suggested building a garden shed or establishing a hedge as the reason for the fence was presented as screening garden tools and landscaping materials from the neighbors' view. Two neighbors

supported the idea, one multiple lot owner objected. Trustee Van Zonneveld presented another letter of support.

Following Ms. Ryan's presentation, Mr. McDonald was given an opportunity to present his appeal. Mr. McDonald insisted that the fence request was neighbor driven. He stated that his neighbors were the one asking for a fence because they want to see his stuff screened from view and the existing hedge is not doing the job. He refused to change out the hedge he has spent eight years growing. He stated that he did not know he could not build a fence that extends beyond the front of the house and agreed to modify his request to comply with this particular regulation. Mr. McDonald believes it will be a nice addition to his property and the neighborhood appearance. He refused to lower the requested fence height to four feet as proposed by the Board. He stated that his boat would not be stored behind the fence if the fence were allowed. However, the landscaping materials will be stored at that area on his property with or without a fence.

At 12:25 p.m. the Board retired to the Gallery Room for deliberations.

They reconvened in an open session at 12:55 p.m.

By a motion duly made by Trustee Pyles, seconded by Trustee Feltham, and carried by a unanimous vote of the trustees present Mr. McDonald was allowed to build a fence. The fence may not be higher than 4' in the front and 6' on the side. The fence may not extend beyond the garage in the front toward Montgomery Lane and may not connect from the side to the garage in the back. Thus, the fence is a front and side. The fence is to be constructed as shown in the application with cedar boards alternating on each side of horizontal 2x4's. Trustees Bradshaw and Sanzaro abstained from the vote being Board representatives on the ACC.

The meeting was adjourned at 1:00 p.m.

Respectfully submitted,

Art Moyer, Secretary  
Ludlow Maintenance Commission, Inc.