

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF TRUSTEES OF
LUDLOW MAINTENANCE COMMISSION, INC.**

Saturday, 16 June 2007– 9:00 a.m. – Bay View Room

Trustees: Vaughn Bradshaw, Ted Buehler, Ian Feltham, Stan Kadesh, Paul Moseley, Art Moyer, Jerry Nelson, Sonny Sanzaro, and Elizabeth Van Zonneveld.

President Bradshaw called the meeting to order at 9:05 a.m. and asked for a roll call. Trustees Moyer, Van Zonneveld, and Kadesh were absent.

Agenda Changes: President Bradshaw made the following changes to the agenda: **LMC Lawsuit Dismissal** was added as a an unfinished business item and **New Legal Council Consideration** as a new business item.

Approval of Minutes: The minutes of the regular meeting of 19 May 2007 and executive session of 19 May 2007 were approved as written. The annual member meeting minutes of 21 April 2007 were accepted as presented.

President's Report: President Bradshaw expressed appreciation to Olga Wilson for her secretarial support of the LMC over the past six years. Ms. Wilson has given her notice.

Manager's Report – Brian Belmont

Mr. Belmont's written report is filed with these minutes. Questions and comments followed.

COMMITTEE REPORTS:

Finance Committee – Bruce Pyles

Since the last LMC Board meeting the committee met once for a special meeting requested by the LMC Treasurer. The committee addressed two Operations Committee requests.

By a motion duly made, seconded, and unanimously carried Mr. Pyles' request to approve Bill Funke as a member of the Finance Committee was granted.

Operations Committee – John Van Zonneveld

The minutes of the last Operations Committee meeting were distributed to the Board at their last workshop. Next meeting of the Operations Committee is scheduled for the upcoming Tuesday, July 10, 2007 at 4:00 PM Committee meetings are open to the public.

At 3 p.m. on June 27 there will be with the county with regards to the new Critical Area Ordinance. Everyone is encouraged to attend.

By a motion duly made, seconded, and unanimously carried the Board approved Mr. Van Zonneveld's request to authorize installation of the emergency pool shut-off switch by Double D Electric was granted. This operating fund expenditure has been approved by the Finance Committee.

By a motion duly made, seconded, and unanimously carried Kehele Park tennis court resurfacing was approved. The committee received two bids for this project with the lower bid being \$9972.80. This reserve fund expenditure has been approved by the Finance Committee.

Architectural Control – Veronica Ryan

Ms. Ryan's written report is filed with these minutes. Questions and comments followed.

Covenants & Regulations – Catherine Garrison (interim chair)

Ms. Garrison's written report is filed with these minutes.

By a motion duly made, seconded, and unanimously carried Ms. Garrison's request to approve Caron Mesa as the CRC newest member was granted.

Following brief discussion, Trustee Feltham made a motion to establish a service committee for trees and views under the jurisdiction of the ACC as recommended by the CRC in Ms. Garrison's report. Trustee Sanzaro seconded this motion. Trustee Nelson made an amendment to Trustee Feltham's motion to name the committee the private property trees committee. The amendment was duly seconded and carried by a majority vote with Trustee Bradshaw abstaining. The amended motion passed by a majority vote with Trustee Bradshaw abstaining.

Greenbelt Committee – Jack Rigger/Larry Scott

Mr. Scott's written report is filed with these minutes. Questions and comments followed.

Trustee Nelson made a motion to approve GBC List of Suggested Plantings for replanting in the LMC greenbelts. This document is filed with these minutes. This motion was duly seconded and carried unanimously.

Communications Committee – Barbara Berthiaume (interim chair)

Ms. Berthiaume's written report is filed with these minutes. Questions and comments followed.

Lot Owners Associations – Penny Sanzaro

Ms. Sanzaro announced upcoming events sponsored by the Arts Group.

Condominium Associations

No report

Port Ludlow Village Council – Larry Nobles

There will be an article in the upcoming Voice describing the progress on the PLVC discussions with Jefferson Health Care with respect to the possibility of establishing a clinic here in Port Ludlow. This would probably be mainly an emergency care facility. Questions followed.

The council has established a new communications committee. The PLVC sent out an electronic survey asking the membership to identify PLVC future goals. The most common response was unification of Port Ludlow. Questions and comments followed.

Beach Club Remodel Finance Ad-hoc Committee – John Van Zonneveld

No report

Beach Club Remodel Ad-hoc Committee – Art Moyer

No report

LMC/PLA Coordinating Service Committee – Vaughn Bradshaw

No report

CORRESPONDENCE:

The Board received no new correspondence.

UNFINISHED BUSINESS:

Proposed Amendment to Regulation I Article I (6) Parking and Storage of Vehicles:

Trustee Sanzaro made a motion to allow the LMC President to send an electronic survey to the membership asking for their input on a subject of RV parking by individuals. Electronic database contains over 600 addresses. Trustee Nelson seconded this motion. Following brief discussion the motion was amended to assign Trustees Bradshaw, Moseley, and Buehler to an ad hoc committee for the purpose of developing this survey. Following further discussion, amended motion was carried by a majority vote of the Board opposed by Trustee Moseley.

Board Goals 2007-2008: President Bradshaw reintroduced Board goals to the membership and asked for comments. All comments were positive.

Review of 1/14/06 Board Motion Regarding Tennis Court Use: In January of 2006, the Board has passed a motion regarding tennis court use requiring eligible non-LMC members buy contract memberships to use tennis courts. At the last Board meeting, Trustee Moyer asked to survey the membership on the use of other LMC facilities by non-members. President Bradshaw agreed to send out a questionnaire to this effect with Trustee Moyer preparing the language. Following further discussion of the issue, President Bradshaw asked to add this item to the next month Board workshop agenda. By a motion duly made, seconded and unanimously carried the Board authorized an electronic membership survey regarding tennis court use (survey to be accomplished prior to the next LMC meeting.)

LMC Lawsuit Dismissal: President Bradshaw asked for a motion to authorize LMC legal council to formally dismiss LMC lawsuit regarding trees and views in the view of the membership's recent approval of the new trees and views regulation. By a motion duly made, seconded and unanimously carried the Board voted to authorize the LMC attorney to formally dismiss the lawsuit.

NEW BUSINESS:

ACC Clerical Support: Trustee Nelson made a motion to ask for a recommendation from the manager on a personnel that would be capable of taking over ACC clerical support job from Ms. Wilson. Trustee Nelson stressed the importance of consistency and continuity in keeping ACC records. Trustee Buehler argued against considering paid staff. Following prolonged discussion, Trustee Buehler made a motion to hire a secretarial assistant to the ACC on a temporary basis not to exceed a three-month period, during which time the LMC will make an aggressive attempt to find a capable volunteer to fill this position with a provision that if a volunteer is not found at the end of three months the position will be made permanent. Secretarial service will include attending meetings, taking minutes, preparing letters, and maintaining records. Following further discussion, Trustee Feltham made an amendment to also develop a job description for this position within the next three months. The amendment was duly seconded and unanimously carried. Following further discussion, the amended motion carried by a unanimous vote of the Board.

CRC Review of Construction Height Restrictions: Trustee Buehler made a motion to request the CRC review Regulation II, Article II, Paragraph 1 as it relates to the approval of two-story homes. It is expected the CRC will work closely with the ACC to address the following issues:

- 1) Are the current guidelines used by the ACC consistent with the stated intent of the regulations?
- 2) Should the regulations be changed to reflect the current needs of the community?

Trustee Feltham seconded this motion. Following prolonged discussion, this motion carried unanimously.

Port Ludlow # 5 Bluff Ownership: The discussion of this item was deferred until July Board meeting.

New Legal Council Consideration: The LMC is considering retaining a Seattle-based law firm Wesley Best (?) to represent the association. The LMC needs someone with Land Use Matters & Community Association Experience, which this firm has. Wesley Best used to represent LMC prior to 2002. The issue has been researched. However, further research was requested. Trustee Feltham asked to defer this discussion until the next workshop. President Bradshaw granted this request.

Banking Resolution (Investment Account with Edward Jones): By a motion duly made, seconded, and carried by a majority vote of the Trustees present, the name of Bruce Pyles, Finance Committee Chairman, was added to the banking resolution as an LMC consultant with regards to the LMC Edward Jones account. Trustees Moseley, Sanzaro, and Bradshaw abstained.

Public Comment Period: President Bradshaw opened the floor for public comments. There were no comments.

At 11:45 a.m. the meeting went into executive session to discuss legal matters and resort provision appeal mitigation consideration.

The meeting reconvened in an open session at 1:18 p.m. and promptly adjourned at 1:19 p.m. with no action being taken.

Respectfully submitted,

Jerry Nelson, Secretary
Ludlow Maintenance Commission, Inc.

Reports:

Manager's Report:

The Trustees have been provided financial statements for May 31, 2007 are there questions that I can answer pertaining to those reports? Year-to-date we have collected over 99% of the invoiced 2007 annual assessments. We have 10 properties with outstanding assessment balances.

Jerry Nelson and Phil Eng have repaired the two overhead fans here in the Bayview room. We are looking for a replacement glass lens for one of the fan lights which was broken during the repairs.

We recently held an LMC staff meeting to discuss several topics in preparation for our summer swim season. Some of the topics discussed were facility rules; chemical adjustments to the pools and spa; pool contamination response procedures and CPR/First Aid recertification.

Maintenance Supervisor, Phil Eng, is getting prices for the purchase of a backup pool motor and pump for the outdoor pool. We have this on the 2007 reserve replacement schedule.

At the June 7, Board workshop we tested a digital recorder that we hope could be used in place of the Lanier tape recorder that Olga has used for years. The test resulted in a very good quality recording so we are trying the digital recorder again today to see how it works in this type of setting. It is my hope that instead of storing 2-3 tapes per meeting we can copy the meeting recording on to a CD and store an entire meeting on a single disk with much better sound quality.

Reminder to the Board I will be out of the office on Thursday, June 28 and Friday, June 29 while attending a Community Association Institute (CAI) course on Community Governance that's being held in Renton. This course provides continuing education credits for my Certified Manager of Community Associations (CMCA) certification.

ACC:

Since the last LMC meeting, the committee met twice. We approved thirteen requests: one new house, two propane tanks, two tree removals, one shed, and seven repaints. Two tree removal requests were denied.

We currently have thirteen pending requests (three new houses, one house addition, one revision to approved new house construction plans, one garage, one requirement waiver, two fences, and four tree removals.)

The committee is reviewing construction application package and is working on Shed Guidelines and Fence Guidelines.

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

Greenbelt Committee:

Greenbelt Committee met at its regularly scheduled meeting date of June 12, 2007. Currently we have approximately 20 open requests to the GBC, including 2 new requests and 2 requests for utility easement.

6 potential access points to the Rainier Lane to Oak Bay Road Greenbelt (T4) have been identified for further development consideration. Of the 6 locations, 3 are located on the North ends of Helm, Cascade and Olympic Lanes and 3 are located on the south ends/sides of Camano, Resolute and Goliath lanes. These points offer access widths of up to 15' into the greenbelt area with the least amount of disturbance to plants and trees and exposure to adjacent homes and lots. By coordinating with the PLVC Trails Committee and volunteer effort these access points should be able to be developed without the use of heavy equipment and relatively little expense. These accesses are proposed to be developed as wide trails that can provide access for Greenbelt maintenance and fire response equipment without giving the appearance of an access road. Each of these points will be studied in further detail with a report to follow. We will be contacting residents adjacent to the access areas to address any concerns that they may have to the location and development of these access points.

We met with a representative of the Wild Fish Conservancy (previously thought to be The Nature Conservancy) to discuss their interest in our uprooted trees damaged by the storms of this past winter which they advertised to use in reestablishing fish habitat at Dosewallips State Park. The conclusion is that this organization requires more accessible trees and trees that have near to full trunks with the root balls attached. Originally we thought that this organization was considering the use of helicopters for tree removal but that is not the case. Our next course of action, we believe, is to establish access into central points of the lower Rainier greenbelt and use these access points to remove branches and debris from the trees with volunteer work parties, to cut the trees where required so that they are on the ground, and to leave the trees to provide natural food for regeneration and habitat.

We also made contact with the representative of the Northwest School of Wood Boat Building and determined they no longer had an interest in cutting wood planks from some of the downed trees in the Greenbelts with a portable chain sawmill due to their heavy schedule of activities.

We will have a representative at the meeting with the County Planning representative concerning our responsibilities and authority related to tree removal requests that may be in areas designated as critical by the county. Following the meeting we will be asking the board for clarification and direction concerning the authorization of approved tree removal requests in Greenbelt areas that are not within 300' of a shoreline but MAY possibly be considered to be in a mild slide zone. As an example, we on the Greenbelt Committee feel that stabilization of moist earth in the ravine below Foster and Jackson Lanes will actually be enhanced by cutting a number of Alders and one Maple tree, leaving trunk sections perpendicular to the ravine slope and planting evergreen trees to establish root systems while the existing tree root systems continue to hold the soil. At

issue is the committee's approval of a request for tree removal and replanting in this ravine area to reestablish a significant amount of lost view.

As reported at the May 19, 2007 LMC meeting, there is less than \$350 remaining in the 2007 Green Belt committee budget. At that meeting we gave a preliminary estimate of balance of year expenses of approximately \$3500. There still remain a number of damaged and potentially hazardous situations with trees in Green Belt areas that remain from this last winter's storms that will require attention. The costs of professionally taking care of existing special risk situations, other work related to Greenbelt maintenance and our annual contribution to PLVC Trails Committee is estimated to be approximately \$3000. We also project that the diseased Sitka Spruce at the corner of Oak Bay and Baldwin will need to be removed. Assuming that this tree is not on County right of way, our share of the removal and some possible replanting of adjacent small evergreens will be between \$500 and \$700. We are asking the board to approve additional funding for the Green Belt Committee for 2007 in the sum of \$3500.

For next year's budget we are going to submit for consideration the establishment of an emergency reserve fund of \$5,000, in addition to a \$4000 operating budget, to respond to emergency work related to circumstances such as this past winter's storms.

The revised list of GBC Suggested Trees and Shrubs for replanting in the Greenbelt has been completed by committee member Joan Dragnich and we submit it for board review and approval. The list is in a two-sided one page format that can easily be included with request approvals that include replanting, a considerably more effective way of having this information available to the applicants.

We are currently developing a revision to our policies and procedures addressing the administration and filing requirements of documents related to requests of the Greenbelt Committee. When completed we will submit them for board approval and implementation.

As a committee we are actively pursuing at least one new member to assume the workload of one member who is on the disabled list (DL) for an undetermined period of time. Should anyone have the name of a candidate we would appreciate hearing from you.

Communications Committee:

Since the last LMC Board meeting the committee met once. It was agreed that the Communications Committee's primary function is to enhance communication in the community, making it inclusive and participatory to all residents and the Board. Whether written or verbal, communication mediums should be efficient, effective, timely, clear, and user friendly.

The Committee is also reviewing all communication that is currently available to North Bay residents in terms of what is needed, what is redundant, and what can be eliminated. We are looking at how the LOA Bulletin, LOG, and Voice interface and interact and what is the best vehicle to achieve relevant and timely communication for North Bay residents regarding LMC information.

As a Communications Committee, we are open to ideas, opinions, responses, and general thoughts that move us all forward.

CRC:

The Covenants and Regulations Committee met on Tuesday, June 12, 2007.

We welcome a new member, Caron Mesa, and we request that the board appoint Caron as an official member of the committee.

The committee changed their monthly meeting date to the first Tuesday of the month at 9:30 a.m. This will bring us into sync with the board's new work session schedule. We'll alternate between the Gallery and Bridge Deck – this is necessitated by busy room schedules. The committee will recess for the months of July and August with the understanding that we'll reconvene in the event of an urgent matter.

The committee discussed which LMC standing committee should have oversight of tree issues. We have prepared a report that has been distributed to the board and committee chairs. (Read the report into the record)

We also discussed the fact that Plat 6, Plat 7, the town homes, and the condos all have unique covenants specific to their area. We are of the opinion that all covenants should be included in the packet of governing documents. The covenants contained in our governing documents are identified as "typical"; however, we believe the membership would be well-served by having all the covenants in one place. Brian is gathering the various covenants together and we'll make a recommendation to the board after reviewing the documents.

The matter of a Record Date was the last item on our agenda. Brian Belmont, Caron Mesa and I will meet on June 18 to draft language for eventual inclusion in the Bylaws.

Our next meeting is September 4 at 9:30 a.m.

Memorandum

To: LMC Board of Trustees
Date: June 16, 2007
Subject: Committee Oversight of Tree Issues

From: Covenants and Regulations Committee:
Catherine Garrison, Stephanie Buehler, Bill Harju, Caron Mesa, Art Moyer, Terry O'Brien, Sonny Sanzaro, and Ex Officio Members Brian Belmont and Vaughn Bradshaw

BACKGROUND

On May 19, 2007 the Board of Trustees adopted the member-approved Regulation I, Article I, Restrictions and Requirements (9) Trees and Views. The trustees requested that the Covenants and Regulations Committee make recommendations regarding administration of all tree issues in compliance with LMC Governing Documents.

DISCUSSION

The Covenants and Regulations Committee (CRC) met on June 12, 2007. The committee reviewed the current Covenants, Bylaws and Regulations. Historical information was shared relating to how matters had evolved since the 1990s with the resulting confusion about committee responsibility for tree issues. That is: Which committee, Architectural Control or Operations has responsibility for certain issues relating to trees (cutting, pruning, removal of hazardous trees, etc.)?

During the discussion it became clear that several existing regulations will require modification for consistency and clarity in regards to matters relating to trees.

CONCLUSIONS

The committee concluded that the governing documents are clear in delegating responsibility for tree issues to the Architectural Control Committee (ACC).

RECOMMENDATIONS

In accordance with the provisions of the Bylaws, Article V, Committees, Section 2 and RCW 24.03.115, the CRC recommends that the Board of Trustees establish a service committee for a period no longer than one year to handle tree issues. We further recommend that progress be reviewed in six months and the committee's effectiveness evaluated after one year. The rationale being that after one year the board can determine the effectiveness of the committee and at that time decide if the committee should become a standing committee. The creation of a standing committee requires a Bylaw amendment by vote of the membership.

We recommend that the service committee be comprised of at least five individuals and function solely in an advisory capacity to the ACC. The service committee will report to the ACC which shall maintain enforcement responsibility. The CRC is of the opinion that it is not necessary to

appoint two trustees to the service committee as this committee is auxiliary to the ACC which has two trustee members.

We leave the naming of the committee up to board.

In addition the CRC will undertake a review of the Regulations and make recommendations for amendments for the purpose of consistency and clarity. The following are sections of the Regulations that the CRC identified as requiring further study:

- Regulation I, Article I, Restrictions and Requirements (9), Trees and Views – consider moving this section to Regulation II, Article I, Approval Requirement
- Regulation I, Article I, Restrictions and Requirements, 3. No Nuisance (i) ...re: hazardous trees, and (8) Maintenance
- Regulation II, Article I, Approval Requirements (2) Cutting of Trees, and section (d)...hazardous trees.
- Regulation II, Article III, Procedures (2) Consultation, Building Plans and Specifications (a) (7): make consistent with other regulations with reference to "trees" in general rather than specific to "evergreens."

The Architectural Control Committee and the Operations Committee will be consulted and brought into the process of revising the above Regulations as the CRC works through the procedures.

Greenbelt Committee Suggested Trees & Shrubs List Board Adopted 6/16/07

DECIDUOUS TREES AND SHRUBS

Red Flowering Currant (*Ribes sanguineum*) - Upright native shrub producing scarlet flowers in the spring. Grows in moist soil. Can reach 10 feet over many years.

Red Osier Dogwood (*Cornus stolonifera*) - Large, fast growing shrub. Good fall color and suited to wet conditions---good soil stabilizer.

Vine Maple (*Acer circinatum*) - Native tree to 15-30 feet. Moist soil with good fall color.

Cascara (*Rhamnus purshiana*) - Tall shrub or small tree to 30 feet. Small yellow flowers followed by berries favored by many birds. Prefers dry to wet soil, shade and southern exposure.

Ninebark (*Physocarpus capitatus*) - A dense, upright shrub prefers wet soil. Excellent soil binding characteristics.

Serviceberry (*Ameanchier alnifolia*) - Medium to large shrub producing white flowers in spring. Outstanding fall color---good for windbreaks and is drought tolerant.

Indian Plum (*Oemleria cerasiformis*) - Medium to large shrub with early flowering in spring. Fruit is edible, although bitter. Dry to moist soil.

Mock Orange (*Philadelphus lewisii*) - Medium to large shrub with fragrant, white flowers. Tolerates a wide range of soil conditions and good for windbreaks, and is often semi-evergreen.

Snowberry (*Symphoricarpos albus*) - Upright shrub to 6 feet. Tiny white flowers with berries following and remaining through the winter. Very versatile, tolerating a wide range of site conditions.

Nootka Rose (*Rosa nootkana*) - Thorny shrub 2 to 8 feet tall. Flowers pink up to 3" across. Fruit and hips are attractive to birds. Likes dry to wet sites, full sun to partial shade.

Elderberry (*Sambucus*) - Medium shrub of 8' to small tree 20'. Birds eat fruit which can be harmful to humans.

Holodiscus (Ocean spray) - Large shrub to 20' in moist conditions and less in dryer places.

SMALL CONIFERS AND EVERGREEN SHRUBS

Shore Pine (*Pinus Contorta*) - Shrubby form of lodgepole pine adapted to adverse conditions such as exposed, windy sites and drought tolerant. Recommended for windbreaks and screens. Excellent survival on harsh sites.

White Cypress (*Chamaecyparis Thyoidsea*) - An upright conifer that will eventually reach up to 25 feet with a 10 foot spread. Prefers wet soil and partial shade and is fully hardy.

Hinoki False Cypress (*Chamaecyparis Obtusa*) - Small conical shaped conifer with golden color. Grows to 30 feet eventually with a 15 foot spread. Prefers moist soil and partial shade and is hardy.

Japanese Yew (*Taxus Cuspidata*) - A small spreading conifer which eventually grows to 15 feet with equal spread. Prefers well drained soil and shade and is hardy.

Korean Fir (*Abies Koreana*) - A slow growing, compact pyramidal conifer that will eventually reach 25 feet with a 15 foot spread. Prefers moist soil conditions in shade and is hardy in our environment.

Salal (*Gaultheria Shallon*) - A native, evergreen shrub with glossy leaves that makes a good low bank cover. Can reach at least 4 feet tall in moist growing conditions. Produces black fruit that the birds love to eat.

Sierra Laurel (*Leucothoe Davisiae*) - A tough, upright evergreen shrub reaching 3 feet in height and 5 feet in width. Needs wet soil and when massed, makes a good windbreak. Has suckering growth.

Oregon Grape (*Mahonia Aquifolium*) - An erect, native, evergreen shrub with yellow flowers and glossy green leaves. Eventually reaches 6 feet or more and spreads by underground runners. Good for soil erosion control, is drought tolerant, once established, and produces fruit which the birds like to eat.

Pacific Wax Myrtle (*Myrica California*) - Evergreen shrub or small tree, reaching 20 feet when grown in protected area, away from winds. Prefers sun and moderate water.

Evergreen Huckleberry (*Vaccinium Ovatum*) - Native, erect growing shrub can reach 10 feet in shady conditions---smaller in sun. Produces edible berries and needs moderate water.