

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF TRUSTEES OF  
LUDLOW MAINTENANCE COMMISSION, INC.  
Saturday, February 17, 2007– 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 Elizabeth Van Zonneveld.

President O'Brien called the meeting to order at 9:00 a.m. and asked Secretary Moyer for a roll call. Trustee Amy Recht was absent.

**Agenda Changes:** There were no changes to the agenda.

**Approval of Minutes:** The minutes of the regular meeting of January 20, executive session of January 20, and special meeting of February 5, 2007 were approved as written.

**President's Report:** President O'Brien expressed his disappointment with the hearing examiner's decision on a build-out of the Ludlow Bay Village and Admiralty III. According to President O'Brien, the hearing examiner has given acknowledgement only to one of the issues that the LMC felt to be important. The issue addressed was bringing the north road up to county specifications. President O'Brien proceeded by summarizing many errors and omissions in the hearing examiner's report. The LMC is a master association that includes townhouses and condominiums whose particular needs were not addressed by the hearing examiner's decision. President O'Brien expressed his disappointment with PLVC support of hearing examiner's decision. The motion for reconsideration appeal date is February 23, 2007. Typically, an appeal deadline would be set within two weeks from that date. The county have not issued corrected appeal periods yet, they intend to do that next week leaving the LMC up to the end of the next week to take action. The LMC may be joining the appeal, which is likely to be filed by townhouse owners and condo owners. A special meeting is expected to be called next week to discuss this action.

**Manager's Report – Brian Belmont**

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

**COMMITTEE REPORTS:**

**Finance Committee – Ian Feltham (for Bill Funke)**

Trustee Feltham reported that the Finance Committee had interviewed four auditors to perform a required audit of the LMC financial affairs. Trustee Feltham made a motion to hire an auditor Mr. Hurley from Bremerton to perform this year's audit of the LMC financial affairs. Seconded by Trustee Pyles, this motion carried by a unanimous vote of the trustees present.

The committee is also updating LMC reserve fund list.

**Operations Committee – Brian Belmont**

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

### **Architectural Control – Rae Watkins (for Veronica Ryan)**

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

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

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

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

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

President O'Brien asked Secretary Moyer to send a letter to Jack Rikken acknowledging his effort to restore LMC greenbelt trails after this winter's windstorms.

### **Communications – Sally Orsborn**

Ms. Orsborn's written report is filed with these minutes. Discussion of Trustee Recht's intention to resign followed. Trustee Recht did not attend this meeting.

### **Lot Owners Associations – Lenetta Johnson (for Karl Barden)**

Ms. Johnson gave a calendar of upcoming community events and asked Eve McDougall to report for the LOA Nomination Committee. Mrs. McDougall obliged. This year lot owners Rae Watkins, Gary Martin, and Greg Trzaska have agreed to run for the LMC Board. The committee continues to accept nominations. The candidates have not yet indicated which positions they choose to seek. Candidates' forum is being planned. An article explaining nomination process will be published in the next LOG.

The LOA is looking for editors. Sunshine and Welcoming Committees remain active. The Gallery Room will have new art exhibit in March.

### **Condominium Associations – Elizabeth Van Zonneveld**

During the course of the winter Admiralty II Landscaping Group worked with the Greenbelt Committee and County Shoreline Management Program to do bluff reconstruction. The North Olympic Salmon Coalition and Hood Canal Coordinating Council were running a pilot project for plantings for rehabilitation of the shoreline helping Admiralty II to complete one third of their bluff reconstruction project.

### **Port Ludlow Village Council – Larry Nobles**

Mr. Nobles reported Community Development Committee of the Village Council meeting to review hearing examiner's decision on the resort application. The Committee has unanimously voted to support hearing examiner's decision. The CDC members were particularly pleased with Recommendation 30, which reflected all PLVC requests with regards to the development of the Admiralty III.

### **Trees & Views Ad-hoc Committee – Vaughn Bradshaw**

Committee's work is completed. New proposed regulation has been submitted to the Board on February 1. The CRC has a meeting scheduled to review new regulation. This issue was further addressed under this meeting new business.

### **Beach Club Remodel Finance Ad-hoc Committee – Terry O'Brien (for John Van Zonneveld)**

President O'Brien reported 434 members returning this committee's survey with 223 voting for offering the upper parking lot for sale to finance the remodel and 211 voting against this proposition. Mr. Moyer pointed out that 434 votes represent about 40% of the LMC members. President O'Brien responded.

### **Beach Club Remodel Ad-hoc Committee – Art Moyer**

The committee is looking at the plans of previously proposed remodels. Ivo Gregoff has offered his services.

### **CORRESPONDENCE:**

The Board received a letter from Judy and Bob Blair appealing an ACC decision to approve construction of a two-story house on Baldwin Lane lot # 2-1-003. President O'Brien plans to hold an appeal sometime next week.

The Board received a letter from Bill Wilke in regards to the damage sustained to his house during the recent windstorm. Mr. Wilke is asking LMC to pay the deductible on his homeowner's insurance policy because he believes that the damage to his house was caused by inappropriate action on the part of several LMC committees. Having discussed this matter at the workshop, the Board found that it would not be prudent for the LMC to spend LMC member funds to recover Mr. Wilke's damages. President O'Brien asked the Board to instruct Mr. Moyer to draft a letter to this effect to Mr. Wilke. Trustee Van Zonneveld put President's requests in a form of a motion. Trustee Bradshaw seconded this motion. Following brief discussion, this motion carried by a vote of 6:2 opposed by Trustees Sanzaro and Moyer.

The Board received an email from Bill Funke in regards to contributions to the Voice. This issue was considered under this meeting new business.

Secretary Moyer had written letters of response to Lynn Hovde, Marjorie Wille, and Dean Nelson. Secretary Moyer was directed to sign and mail these letters.

Secretary Moyer has also spoken about a letter to LMC attorney Marion Morgenstern regarding discrepancies over special matters within LMC Articles and Bylaws. This letter remains a working progress.

### **UNFINISHED BUSINESS:**

**Delinquent Assessment Collection (2-3-150):** Trustee Feltham reported the Finance Committee review four properties delinquent over \$1,000. The manager is working out payment

options with three of these properties. All attempts to contact the owner of lot # 2-3-150, including a personal visit to the property, have failed. Therefore, Trustee Feltham made the following motion to direct the LMC lawyer to start foreclosure proceedings:

Whereas, the delinquent balance for unit # 2-3-150 is currently \$2,238.56;  
Whereas, the LMC Delinquent Assessment Collection Policy adopted December 10, 2005 states that "All delinquent accounts totaling \$1,000 or more in unpaid assessments, penalties, and fees may be referred to the LMC attorney to institute foreclosure proceedings or other legal proceedings, as directed by the Board of Trustees;  
Whereas, the owner of # 2-3-150 has failed to carry out the agreed upon payment plan;  
Whereas, monthly written communications from LMC to the property owner have gone unanswered;  
Be it resolved that the LMC General Manager instruct LMC attorney Marion Morgenstern to begin foreclosure procedures in accordance with the Association's governing documents and other applicable state and federal statutes.

This motion was seconded by Trustee Nelson. Following brief discussion, this motion carried by a unanimous vote of the trustees present.

**Trees & Views Committee Report:** Trustee Bradshaw made a motion to rescind previously approved motion to have the Covenants and Regulations Committee review regulation submitted by the Ad Hoc Trees and Views Committee. He further moved that proposed regulation be presented unchanged to the LMC membership for a vote, accompanied by the following explanation:

"This regulation is proposed to replace the existing Regulation I, Article I, Section 9 ("Tree Height Restriction") in the LMC Governing Documents. The wording was developed by an ad hoc committee formed by a settlement agreement that resulted from mediation to resolve a lawsuit. The proposed regulation is exactly as provided by the ad hoc committee and has not been reviewed by the LMC Covenants and Regulations Committee."

Trustee Bradshaw also proposed that the wording of both the current regulation and the proposed replacement be presented for approval by the LMC membership with the understanding that the membership be clearly asked only to vote for or against the new regulation.

Following discussion, this motion was carried by a unanimous vote of the trustees present.

The CRC meeting for the purpose of reviewing this regulation was, therefore, canceled.

## **NEW BUSINESS:**

**Recording of LMC Trustee Meetings:** As the result of February 5 special meeting the Board has received some criticism that the LMC had neither LMC recording secretary available nor a recorder set up to record that meeting called for the purpose of receiving the TVC report. Suggestions, therefore, were made that all meetings of the Board were to be recorded with tapes being kept for a period of one year. President O'Brien asked for a motion to this effect. Trustee Sanzaro made this motion. Recording secretary will not be required to attend all meetings. Motion failed to second. Following discussion, Trustee Van Zonneveld made a motion that the Board includes in its special meeting practices recording of their special meetings and holding

the tapes for twelve months. Trustee Nelson seconded this motion. Following further discussion, this motion carried. Board workshops and executive sessions were not included into this motion. No action is taking at the workshops or executive sessions, therefore, no recording is considered necessary.

**New Operating Money Market Account:** Trustee Feltham made a motion to authorize the creation of a new operating money market account to be maintained at Kitsap Bank. A resolution to this effect is filed with these minutes. Seconded by Trustee Sanzaro, this motion was carried by a unanimous vote of the trustees present.

**Paid Instructor Policy:** The policy, drafted by Operations Committee, is filed with these minutes. Following a detailed presentation of the policy by the LMC General Manager Brian Belmont, Trustee Feltham made a motion to accept the policy as submitted by the manager at this meeting. Seconded by Trustee Van Zonneveld, this motion was carried by a unanimous vote of the trustees present. The policy cannot be amended without a Board action. As a part of this action the Board has also approved proposed changes to the Instructor Led Classes Section of the Beach Club Rental Policy and LMC Instructor Form. These documents are also filed with these minutes.

**Port Ludlow Voice Contribution:** Trustee Van Zonneveld made a motion to discontinue payment of \$200/month contribution to the Voice for publication of LMC Board and Committee activities after the month of April 2007. Trustee Moyer seconded this motion. Trustee Sanzaro suggested carrying this motion over to the new Board that will be seated in April. Following prolonged discussion, which included a number of emotional comments from the audience, Trustee Van Zonneveld's motion carried by a vote of 5:3 opposed by Trustees O'Brien, Sanzaro, and Bradshaw.

The Board will be asking for a feedback from the community.

Trustee Bradshaw proceeded to make a motion that in the upcoming mailing for the annual meeting the membership be offered an opportunity to make a voluntary contribution to the LMC for the purposes of supporting the Voice. This motion failed for a lack of a second.

Manager Belmont suggested that a plea for voluntary donations to the Voice be included into the annual President's letter to the membership mailed with the April ballots. This suggestion was accepted.

Trustee Van Zonneveld explained that the intent of her motion was in no way an indication that the Board did not support the Voice.

**Tree Planting (Seafarer Lane lot # 2-3-184):** At the time when the house has been constructed on the Seafarer Lane lot # 2-1-184, several trees had been removed without ACC authorization. There was a subsequent decision of the Board that there would be trees planted on the Kehele Park property to compensate for the unauthorized tree removal. Since several trees have been planted on the Seafarer Lane property since the Board's decision was issued, President O'Brien asked for a motion to send a letter to the owner acknowledging that planting of trees on her property accomplished what the Board had intended. Trustee Nelson made a motion to this effect. Trustee Moyer seconded this motion. Trustee Van Zonneveld asked for an ACC recommendation to this effect. Following brief discussion, Trustee Van Zonneveld made a

motion to table Trustee Nelson's motion and send the case back to the ACC for a recommendation to the Board. The motion was seconded by Trustee Sanzaro and carried unanimously.

**Public Comment Period:** President O'Brien opened the floor for public comments. There were no comments.

The meeting was adjourned at 11:50 a.m.

Respectfully submitted,

Art Moyer, Secretary  
Ludlow Maintenance Commission, Inc.

### **Reports:**

#### **Manager's Report:**

The Trustees have been provided financial statements for December 31 and January 31, are there questions that I can answer pertaining to those reports? Year-to-date we have collected 85% of the 2007 annual assessments, late notices will be sent out next week to those members that have not paid.

In January we had a plugged sink drain in the kitchen after home owner potluck dinner. Due to the extent of the blockage we had to call a plumber to unclog the drain. It was the plumber's suggestion that we upgrade our garbage disposal to a better quality. We will, during the next couple of weeks, follow that recommendation and install a more powerful disposal the approximate cost will be \$200. In the mean time we have posted a notice in the kitchen asking users not to put food scraps down drain.

We are having a difficult time getting bids for the spa repairs. Apparently the Seattle pool contractors that we are working with are trying to coordinate their visit to Port Ludlow with other projects they are bidding on in the area.

Trustee, Jerry Nelson has donated a brand new portable generator to LMC. The generator is manufactured by Generac and is rated for 5,000 watts continuous power and can surge as high as 6,250 watts. Included with the generator is a wheel kit and a Gentran transfer switch.

On February 15, 2005 former LMC member, Charleen Powers, stepped into an uncovered hole on the indoor pool deck. Normally a metal lid covers the hole on the deck but because a former maintenance worker was washing down the pool deck he had removed the lid and Ms. Powers stepped into the hole that was approximately two feet deep and 14 inches square. Based on the incident report on file Ms. Powers hurt her hand, arm and back. Before Dick Smith left LMC, he told me about the accident and that a claim had been turned over to our insurance company. In August of 2005 a claim adjuster contacted me to report that they hadn't been able to contact Ms. Powers so there was no way possible to fully process the claim. Ms. Powers contacted me on February 14 because over past 2 years she apparently has continued to have pain in her left arm and hand and for the past six months has had to wear a brace. Ms. Powers told me she hasn't

been able to work because of the injury and is going to require surgery on her arm or hand. She is asking LMC for money to cover her expenses that include her ongoing medical costs, the upcoming surgery, pain medications, pain and suffering and inconvenience. Ms. Powers has indicated she hopes that LMC will take care of her request so that she doesn't need to involve an attorney. I have contacted our insurance representatives about Ms. Powers's request.

The gas tank in the 1995 Mitsubishi truck that we own has developed several leaks. Phil Eng has contacted 6 wreacking yards and had no luck finding a suitable replacement. We have now ordered a new tank that includes the fuel pump and sending unit. The cost for the new tank is approximately \$800.

It is my understanding that beginning February 19 Washington State Ferries is starting to use electronic ferry tickets on the Kingston/Edmonds ferry run. No word on when the Bremerton and Bainbridge runs will switch over to the new system.

In accordance with the LMC personnel policy Phil, Kim, Bob and I will be off in recognition of the President's Day holiday Monday, February 19.

### **Operations Committee:**

#### **OUTDOOR POOL OPENING:**

The pool is usually opened on the Memorial Day weekend. This year the committee would like to open the outdoor pool three weeks earlier than usual. Rather than opening on Memorial Day weekend (May26) the committee would like to see the pool open on Saturday May 5 instead. The committee is compiling cost estimates for the early opening and will discuss this with the Board in March.

#### **SWIM LESSON RENTAL POLICY DRAFT:**

The subcommittee consisting of Brian Belmont, Sharon Sorenson, and Carol Shamhart, presented their written draft. The main additions include a fee schedule, a change of swim instruction hours to the afternoon, written requirements of previously unwritten understandings, standard forms to be completed to give the club more detailed information about the instructors and students, and to set a goal limiting non-LMC member participation to 25% calculated per calendar year. The sub-committee had worked with the current swim instructor Lynn Hovde. The reason for this draft was to clarify policy in writing and to respond to complaints from lap swimmers about conflicts with the swim instruction program. During committee discussion, it was agreed that we were very satisfied with Lynn's instruction.

#### **DANGEROUS TREES-DISCUSSION:**

Because dangerous/hazardous tree evaluation often requires urgent decision making, the committee reviewed its responsibilities. After consulting with the ACC and with Catherine Garrison of the Rules and Covenants Committee, and after reviewing past board decisions, it was clarified that determination of dangerous/hazardous tree situations was in the jurisdiction of the operations committee, but that all such decisions should be communicated to the ACC. A draft of possible criteria for determining if a tree is hazardous was circulated to the committee members.

Next Meeting is Tuesday February 20 at 4:00 p.m.

## **ACC:**

Since the last LMC meeting, the committee met twice. We approved eight requests: four tree removals, one new house, one house addition, one shed, and one repaint. One tree removal was forwarded to the Operations Committee.

We currently have six pending requests (two new houses, two decks, and two tree removals.)

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

The next ACC meeting is scheduled for Monday, February 26.

## **Greenbelt Committee:**

Removal of dead or wind damaged trees that present a potential hazard to personnel or private property continues. Areas of unsightly dead, damaged or leaning trees will continue as funds and time permits.

Jack Riggen deserves special recognition for all his work in helping with the recent tree issues. He has cut down or cut up many of the trees himself and donated his chipper to dispose of the branches.

Had Greenbelt (GB) access roads existed, many of the trees downed by the recent wind storms could have been removed and the GB generally cleaned up, which it badly needs, with minimum cost to the LMC. The LMC accepted the GBC's recommendation that they initiate a study to determine the feasibility of installing access roads into the GB. The purpose of these roads will be twofold: allow fire department better access to a fire in the GB and allow access to remove downed trees as was experienced during the wind storms this winter. It is estimated that about three loads of timber are laying on the ground as a result of the recent winds but it is not accessible. Three general areas contain the most number of fallen trees: GB area off Goldfinch and Falcon; GB area west of Talbot; and lower half of GB area between Rainier and Oak Bay Road. Access roads would be blocked to prevent general public vehicle access. The GBC will investigate access feasibility, costs, county permits required (if any), and bring findings to LMC for a decision whether effort should continue.

## **CRC:**

The Covenants and Regulations Committee met Tuesday, February 13.

We were joined by Steve Siegiel representing the ACC for a review of the Application to Build a New Home packet. The committee offered suggestions for generally improving the current packet. Steve will take the recommendations back to the ACC and eventually bring revised drafts back to the C&R committee for review.

We briefly discussed recommendations for revisions to Regulation IV concerning clarifying language relating to short-term renters and reformatting the definition section of the same regulation.

At the invitation of Trustee Moyer, Dwayne Wilcox, an LMC member and retired attorney, joined the committee to assist us in reviewing the 50% voting clause in Bylaw, Article II, Section 7. Trustee Moyer provided the committee with copies of 1968 Bylaws and Articles – the 50 percent clause appears in that early version of the documents. Mr. Wilcox clarified that any change to the Articles would have to be argued in court. He suggested that although the 50 percent requirement is super restrictive he does not view it as a protection for the developer but as an additional protection for the LMC membership in those specific matters mentioned in the Bylaw. He strongly recommended that the board request an opinion from legal counsel. Trustee Moyer will proceed with seeking the advice of counsel.

Owing to time constraints we were unable to complete the agenda for the meeting and carried over two items: Recommendations for a Date of Record and additional language for Reg. IV concerning a prohibition against lending keys for LMC facilities.

We next meet on March 13, 2007 at 9:30 a.m. at the Beach Club.

### **Communications Committee:**

#### **Meetings**

The Communications Committee met on Wednesday, February 14, 2007 at 2 p.m. I wish to express my gratitude to the diligence of the committee for their care in writing articles, proof-reading and editing the current LOG. Through their efforts we have an issue we can all be proud of. They are: Catherine Garrison, Lenetta Johnson, Amy Recht, Penny Sanzaro, Carol Shamhart, Terry O'Brien and Brian Belmont.

#### **LOG**

*The Winter LOG is ready for distribution and will include action items through today's meeting.*

#### **Voice**

Articles that you would like to have appear in the Voice should be sent to Lenetta Johnson, Beach Club Editor. See the Voice for her e-mail address. The deadline for the April issue is March 10.

#### **North Bay Bulletin**

Information for the North Bay Bulletin should be sent by e-mail to Amy Recht. See her article in the LOG for Bulletin information