

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

Saturday, 21 July 2007– 9:00 a.m. – Bay View Room

**Trustees:** Vaughn Bradshaw, Ted Buehler, Ian Feltham, Stan Kadash, 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. Trustee Moyer was absent.

**Agenda Changes:** President Bradshaw made the following change to the agenda: **LMC Mediation Status Report** was added as item (h.), under Unfinished Business.

**Approval of Minutes:** The minutes of the regular meeting of 18 June 2007 and executive session of 18 June 2007 were approved as corrected. **President Bradshaw stated he was abstaining from all votes unless there is a need to break a tie.**

**President's Report:** President Bradshaw welcomed the audience and asked those participating to keep their comments concise and respectful. Due to the full agenda, he asked for self discipline and patience, to try to finish the meeting by 12:30 p.m.

**Manager's Report – Brian Belmont**

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

To date 99.5% of the 2007 assessments have been collected. The State mandated emergency switch for the outdoor swimming pool has been installed adjacent to the outdoor pool deck. Carol Shamhart was introduced as Olga Wilson's replacement as LMC Recording Secretary. Committee chairs were asked to email their monthly reports to Ms. Shamhart for inclusion with the LMC minutes. Within seven days of the board meeting a draft of the minutes will be emailed to the LMC Secretary for corrections and/or changes.

Watermill is scheduled to retile the spa the week of July 30. The spa is expected to be closed the entire week. Mr. Belmont announced he will be on vacation the week of July 30 but will be in town and available, if needed, during the spa work.

**COMMITTEE REPORTS:**

**Finance Committee – Bruce Pyles**

Since the last LMC Board meeting the committee met twice for two regularly scheduled monthly meetings.

The Finance Committee recommended adding \$2,500 to the Greenbelt Committee's current budget of \$4,000, for the remainder of 2007. Mr. Pyles explained the funds became available when the Operations Committee relinquished one of their projects in the same amount. Motion made by Trustee Buehler, seconded by Trustee Van Zonneveld, to add \$2,500 to the Greenbelt Committee budget. Brief discussion was held, followed by Trustee Kadash's

amendment to the motion, seconded by Trustee Van Zonneveld, that the \$2,500 will come out of the Operations Committee budget item for surveying Kehele Park and that it will no longer be part of the 2007 budget. By unanimous vote, the original motion and the amendment carried.

A copy of the Annual Independent Auditor Report and financial statements ending 12/31/06, prepared by the CPA firm Hurley, White & Williams, has been received.

Questions and comments followed.

### **Operations Committee – John Van Zonneveld**

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

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 Tuesday, August 7, 2007 at 4:00 p.m. Committee meetings are open to the public.

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

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

Ms Ryan welcomed Susan Bartkus as the new ACC Secretary.

### **Covenants & Regulations – Catherine Garrison (interim chair)**

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

Ms. Garrison presented background and rationale for presenting to the board a first draft reading to amend the bylaws (**Article I Section 3.**) regarding the need for a date of record. Study of the governing documents confirmed no such language existed. This deficiency can and has caused confusion for the secretary and staff officiating over annual and special elections. The establishment of a "record date" will determine that only owners of record are entitled to receive member-meeting notice and to cast votes at such meetings.

Following discussion, Ms. Garrison requested the board move this amendment to a second reading. If approved by the board, it will then go on the spring ballot for a vote of the membership. Trustee Van Zonneveld made a motion to move the draft amendment through first reading to second reading. The motion was seconded by Trustee Nelson and carried by a majority vote, opposed by Trustee Sanzaro.

### **Greenbelt Committee – Jack Rikken/Larry Scott**

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

The Greenbelt appeal dealing with the cutting of several alders along Oak Bay Road is scheduled to be heard by the Trustees on Tuesday, August 14, 2007 at 9:00 a.m. in the Bayview Room. The committee is looking for two new members and is working on several leads.

### **Communications Committee – Barbara Berthiaume (interim chair)**

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

Communications Committee has changed their meeting date to the Wednesday following the LMC board meeting. The next meeting will be Wednesday, August 22, 2007 at 2:00 p.m.

**Lot Owners Association – Eve McDougall**

Ms. McDougall spoke of the LOA sponsored Sixth Annual Art Walk that is being held this weekend (Friday, July 20 and Saturday, July 21), from 10 a.m. to 4 p.m. Another upcoming event is the annual LOA sponsored Arts, Crafts and Antiques Show on Labor Day Weekend.

Questions and comments followed.

**Condominium Associations**

No report

**Port Ludlow Village Council – Larry Nobles**

The Village Council elections are in October and ballots go out in early September. There are four vacancies from North Bay on the board, three two-year terms and one one-year term. Any one interested in running for these vacancies should notify a member of the current board or Frank Siler, Service Representative for the elections, preferably prior to August 10.

There will be changes in the Emergency Preparedness Committee. A new chairman is expected within a week or so. Reorganization of the emergency preparedness situation is needed to assist the block captains. Fire District #3 has provided increasing help and support in the community preparedness role in the community. Volunteers are being sought; particularly those who have had experience in disaster or public safety situations.

At the next meeting of the Village Council on August 2, David Wayne Johnson, Lead Planner for Port Ludlow in the County Department of Community Development, will give an educational seminar on MERU's (Measurement Equivalent Residential Unit). It is the unit that is used in the zoning ordinance for the Port Ludlow MPR and in the development agreement. It governs the total number of dwelling units that are available within the MPR over time.

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 Action

### **CORRESPONDENCE:**

The Board received one new correspondence - *communication* with regard to tree cutting on Oak Bay Road.

### **UNFINISHED BUSINESS:**

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

Operations Chair, John Van Zonneveld, announced the results of the electronic survey to the membership that asked for their input on the length of time members are allowed to park their RV's on their lots. Results were as follows:

- 21% wanted the language to remain the same and be enforced accordingly. (54 responses)
- 6% were in favor of the new proposed wording with a time limit of 24 hours. (16 responses)
- 32% were in favor of the new proposed wording with a time limit of 48 hours. (81 responses)
- 39% were in favor of the new proposed wording with a time limit of 72 hours. (99 responses)
- 2% were in favor of none of the above (6 responses)
- Total responses 256

The Operations Committee requested the Board of Trustees authorize 72 hours for members to park their RV's on their property. Prolonged discussion followed. Motion was made by Trustee Kadesh and seconded by Trustee Van Zonneveld, to accept the Operations Committee recommendation that the time limit for RV parking is 72 hours where possible and we are not in conflict with the CC&R of a particular plat. Extended discussion followed. Trustee Sanzaro made an amendment to Trustee Kadesh's motion to change 72 hours to 48 hours and to strike the language referring to time extensions by the General Manager. Amendment seconded by Trustee Moseley, but failed to carry by a majority vote. By a show of hands, Trustees Sanzaro and Moseley voted in favor of the amendment and Trustees Buehler, Feltham, Kadesh, Nelson, and Van Zonneveld were opposed.

Trustee Kadesh called for a vote on the original motion to send the Proposed Amendment to Regulation I Article I (6) for a second reading. By a majority vote the motion carried with Trustees Sanzaro and Moseley opposing.

**Board Goals 2007-2008:** President Bradshaw reintroduced Board goals to the membership and asked for comments. The Greenbelt and Operations Committees are working on their policies and procedures. All comments were positive.

**Search for New Legal Representation – Status Report:** A recent telephone conference with former LMC attorneys Inslee, Best, Doezie & Ryder was positive in regard to their representing LMC. Several concerns related to this law firm were discussed at the workshop and will be

taken into consideration. Two additional law firms will be interviewed by telephone conference call on Thursday, July 26 at 9:00 a.m. and 2:00 p.m.

**Private Property Trees Committee – Chair Appointment:** President Bradshaw announced his appointment of Eve McDougall as the new chair of the Private Property Trees Committee, a newly formed subcommittee of the ACC Committee. By unanimous approval of the trustees, Ms. McDougall's appointment was confirmed. Discussion and comments followed related to the duties of this committee.

**Tennis Court Scheduling and Guest Use:** Operations Committee Chair, John Van Zonneveld, discussed the issue of the tennis court scheduling and guest use being turned over to the Operations Committee for further investigation and recommendations at this time. To accomplish this, a subcommittee has been formed consisting of Jerry Nelson, Stan Kadesh, Teddy Clark and John Van Zonneveld, with an additional member to be added. Trustee Kadesh made a motion, seconded by Trustee Nelson, to refer the matter of the tennis courts back to the Operations Committee for their further consideration and report back to the board. Prolonged discussion followed. The motion was carried by unanimous vote of the Trustees.

Discussion followed as to the value of sending an electronic survey concerning use of the tennis courts to the member database at this time. John Van Zonneveld, Operations Chair, requested additional time for the subcommittee to make recommendations to the board and to also include recommendations regarding questions for the survey. Trustee Kadesh made a motion to revoke the previous past motion on the survey of the tennis courts and allow the Operations Committee to report back to the board within two months with their recommendations that would include whether or not a survey is appropriate. Trustee Nelson seconded the motion. The motion was unanimously carried.

Questions and comments followed.

**Search for Volunteer Clerical Support for ACC – Status Report:** To date no volunteers have come forward.

**Port Ludlow # 5 Bluff Ownership:** President Bradshaw gave a brief summary of the history of this issue. At present the board is awaiting a legal opinion from LMC's previous attorney as to whether or not LMC does own the #5 bluff. The question of LMC liability was raised and General Manager, Brian Belmont, reported he had been in contact with LMC's insurance carrier and was told our insurance coverage is all inclusive and any land owned by LMC is covered.

**LMC Mediation – Status Report:** Trustee Van Zonneveld explained the parties to the mediation are the developer, the County, and the four appellants from within LMC. LMC is represented by President Bradshaw and Trustee – *Vice president(?)* Van Zonneveld. The mediator for this matter is Peter Buck, from a Seattle firm. The issues are unchanged from those raised in the appeal. The first mediation meeting will be scheduled in the near future, but many of the meetings and/or responses will be handled by telephone to save expenses. Additional information is expected next month.

Questions and comments followed.

**NEW BUSINESS:**

**Proposed Amendment of Bylaws Article I, Section 3 “Record Date: - First Reading:** This item was approved under the Covenants and Regulations Committee report.

**Appeal Hearing Date and Appeal Procedure – View Maintenance on Lot #2-3-115:** Trustee Kadesh recommended the appeal for this matter be heard by the Board of Trustees on Tuesday, August 14 at 10:00 a.m. The trustees unanimously agreed. Trustee Buehler questioned who on the board would be able to hear the appeal due to potential conflicts of interest involving members of the board. Following lengthy discussion, Trustee Kadesh made a motion, seconded by Trustee Feltham, that the trustees who did not have the opportunity to vote for or against the applications (sp) in this matter sit as a LMC board to hear the matter. Trustee Kadesh called for the question, and the motion carried by a vote of 6:1, opposed by Trustee Moseley.

**Appeal Hearing Date – Greenbelt Committee Decision next to Oak Bay Road:** Trustee Kadesh made a motion, seconded by Trustee Sanzaro, that in the matter of the Greenbelt Committee hearing decision related to Oak Bay Road, the full board hears the appeal. Trustee Buehler made an amendment to the motion that the entire board hears the appeal minus the two trustees who serve on the Greenbelt Committee. The amendment was seconded by Trustee Moseley. Following discussion, the amendment failed by a vote of 5:2, opposed by Trustees Feltham, Kadesh, Nelson, Sanzaro and Van Zonneveld. Trustee Kadesh called for the question on the original motion. By a majority vote, the motion for the full board to hear the appeal passed, with Trustees Buehler and Moseley opposed.

The Oak Bay Road Greenbelt Committee appeal will be heard at 9:00 a.m. on Tuesday, August 14, 2007.

**County Ordinance Concerning Removal of Vegetation in Critical Areas – Comprehensive Master Plan:** At the County’s presentation last month, the new County ordinance concerning removal of vegetation in critical areas (slip zones – geologically hazardous areas, wetlands, and wildlife habitat) was discussed. Removal of vegetation from these areas will require a review by the County and a *minimum* fee of \$153. Trustee Buehler made a motion, seconded by Trustee Nelson, for the board to explore the feasibility of developing a comprehensive master plan for dealing with the new County Ordinance relating to removal of vegetation in critical areas. Following discussion, the motion carried by a unanimous vote of the Trustees.

**Public Comment Period:** President Bradshaw opened the floor for public comments. There were numerous comments made. Hugh Jennings made a submittal for the record regarding Bruce Pyles in a folder given to President Vaughn Bradshaw.

The meeting was adjourned at 1:45 p.m.

Respectfully submitted,

Jerry Nelson, Secretary  
Ludlow Maintenance Commission, Inc.

Prepared by Carol Shamhart  
LMC Recording Secretary

## **Reports:**

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

The Trustees have been provided financial statements for June 30, 2007. Are there questions that I can answer pertaining to those reports? Year-to-date we have collected nearly 99.5% of the invoiced 2007 annual assessments. We have 7 properties with outstanding assessment balances.

The state mandated emergency shut-off switch, for the outdoor swimming pool, has been installed. It is located next to the pool deck and when pushed, will shut off the pool circulation pump and activate an alarm that can be heard from nearly any where in the facility. When the alarm button is pulled back out the alarm is turned off and the circulation pump is started.

Beginning with today's meeting Carol Shamhart has taken over for Olga Wilson as our LMC board recording secretary. It is our goal that Carol will have the first draft of the minutes to the Board Secretary, Jerry Nelson, within 7 days of the Board meeting. Following Jerry's review, the Board will receive a draft of the minutes by email as soon as possible. I ask that the committee chairs provide Carol an electronic copy of today's report.

LMC's insurance provider, Community Association Underwriters of America, has conducted a risk management assessment of our facilities. The trustees have been provided copies of their report that includes four recommendations. Three of the recommendations are related to the Kehele Park playground area. The other recommendation is to require proof of liability insurance for room rentals at the Beach Club. Does the Board wish to discuss this report at this time?

Every year the Washington State Chapter of Community Associations Institute (CAI) has an annual event called CA Day. This year the event is scheduled for Saturday, September 22 at Meydenbauer Center in Bellevue. I have distributed copies of this year's program to the trustees and committee chairs. Last year LMC offered to pay the \$75 registration fee for the manager, any trustee or committee chair wishing to attend. I would hope the Board would again make the same offer. We can car pool over to reduce ferry fares, mileage and parking cost. If you wish to attend, please contact me so I can get the participants registered for the event.

Because the Board recently adopted the new Trees & Views regulation that the LMC membership approved in April 2007, it appears all conditions of the 2006 Mediation Agreement have been met. LMC's attorney has contacted the plaintiffs' (Henderson, Wood & McKinney) attorney about dismissal of the lawsuit. I expect LMC will receive a dismissal notice very soon.

I will be on vacation during the week of July 30 and will return to work August 6.

Watermill will be here during the week of July 30, retiling the spa. It is expected the spa will be closed for the entire week.

### **ACC:**

Since the last LMC meeting, the committee met twice. We approved eleven requests; two tree removals, one tree trimming, one shed, three house repaints, one house plan revision, one garage, one roof, and one house addition.

We currently have eleven pending requests (four new houses, one revision to approved new house construction plans, two fences, and four tree removals.)

The committee is reviewing construction application packages, and satellite dish FCC regulations. The committee is also working on Shed Guidelines and Fence Guidelines.

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

Veronica Ryan, Chair  
Architectural Control Committee (ACC)

### **Greenbelt Committee:**

The Greenbelt Committee met on its regularly scheduled meeting date of July 10, 2007. Currently we have approximately 17 open requests to the GBC for tree removal or utility easement, including 2 new requests and 3 closures.

During this past month most of the effort and energy of the available committee members has been spent in monitoring 2 significant tree removal projects that have involved a great deal of emotion and controversy related to the removal of trees included in requests approved by the GBC. As the result of a complaint concerning tree removal in the Greenbelt ravine between Foster and Jackson Lanes, the GBC will be meeting with a County planning department representative July 25 to review the tree removal in this area with respect to possible critical area concerns. An appeal has been submitted concerning the GBC approved removal of several alders along Oak Bay Road. The LMC Board has an agenda item to establish a date and time for the consideration of this appeal. As would be expected, these controversies are requiring time and energy of the available GBC members that would ordinarily be spent on other requests.

As has been discussed with the Chairman and the General Manager, trees and their removal continues to become an ever-increasing emotional issue in the LMC community. Over past years trees have not been managed in a harvesting program that would result in existing trees of varying sizes from small to large. Now the majority of the trees in the Greenbelt areas are large and in areas nearer to the water have diminished or eliminated views that once existed. It is a very emotional issue between those who want views restored and those who are committed to preserving the trees. It is becoming an increasingly stressful situation for the GBC to moderate and one which requires an increasing amount of administration effort and monitoring.

Greenbelt Committee members met with David Johnson, Port Ludlow Lead Planner of the Jefferson County Department of Community Development to listen to a presentation of regulated removal of vegetation in critical areas (1994 Critical Area Ordinance). In a discussion with Mr. Johnson we concluded that we will develop a comprehensive GBC procedure for addressing the removal of vegetation in critical areas which will be submitted to the County for approval. The approval of this procedure, which will include consideration requirements of the County, will allow the GBC to make determinations for vegetation removal in critical areas without requiring review and inspection by the County. Our understanding that the procedure review and approval by the County will require the \$154 fee but that subsequent submittals will not require County review and will not result in the \$154 fee.

The GBC requested and received additional funding from the Finance committee which will be submitted for approval by the board in the sum of \$2500. This additional funding will be used to address identified tree hazards in the Greenbelt areas.

The GBC has a couple of leads for possible new members and will be contacting these individuals in the near term.

Larry Scott/Jack Riggen  
GBC C-Chairs

### **Communications Committee:**

The Log was reviewed with very positive feedback on format and content. It was decided that the committee will recommend that the Log continue to come out quarterly and David Goudie has agreed to work with the layout and liaise with Amy Recth. We will contact Sally Orsborn for background information re timing of publication and other items that will be helpful to this communication tool. She has been a dedicated force in single handedly working with the Log and her efforts are greatly appreciated. The Communications Committee will continue to tap her knowledge and skills in this area.

At this point, we are looking for an editor to oversee the Log publication and are in the process of writing a job description with time commitment included.

We will be reviewing budget needs for the Communications Committee for 2008 and gathering input from all arenas. Again, we will contact Sally Orsborn for her input.

The Committee is continuing the process of developing goals, procedures, and protocol to take to the Board for feedback and approval.

It was decided that the Communications Committee will meet the Wed. following the LMC board meeting so that relevant information can be included in the quarterly Log and also the next issue of the Voice. This will be the schedule for the remainder of the year with the meeting times of 2:00 p.m. to 4:00 p.m.

Wed. Aug. 22  
Wed. Sept. 19  
Wed. Oct 24  
Wed. Nov. 21  
Wed. Dec. 19

We need input from the North Bay groups and organization to develop articles to be put into the Voice.

Barbara Berthiaume, Interim Chair  
Communications Committee

### **CRC:**

On April 6 Mr. Belmont presented a request and rationale to the board concerning the need for a date of record. The board agreed and requested that the C&R Committee develop language to amend the bylaws. The draft amendment was presented to the board for first reading. The LMC governing documents are silent regarding a date of record to determine who is entitled to receive notice of and to vote at meetings of the membership. This deficiency can and has caused confusion for the LMC Secretary and staff officiating over annual and special elections. The establishment of a record date will determine that only owners of record are entitled to receive member meeting notice and to cast votes at such meetings. At our July 11<sup>th</sup> work session, Trustee Feltham raised the question of restricting voting rights to members of good standing. After examining the governing documents, Ms. Garrison concluded LMC does not have the authority to enforce such a restriction. Covenant 8. states that “no more onerous restriction than those herein may be thereby applied as to have effect as to existing noncompliance.” The Covenants limit the board’s authority to establishing assessments and placing liens on property. Restricting voting rights would clearly be more onerous. The Articles, however, do give the board authority to make rules and regulations concerning use of facilities and property and we do have a regulation restricting use of facility