

# APPROVED

## MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES OF LUDLOW MAINTENANCE COMMISSION, INC.

March 21, 2009 – 9:00 a.m. – Bay View Room

**Trustees:** Jim Boyer, Vaughn Bradshaw, Ian Feltham, Hugh Jenings, Jr., Stan Kadesh, Paul Moseley, Art Moyer, Jerry Nelson, and Elizabeth Van Zonneveld.

President Boyer called the special meeting of the board of trustees to order at 9:04 a.m. Roll call was conducted by Secretary Bradshaw. All trustees were present with the exception of Trustee Kadesh. Trustees Jenings and Moseley attended the meeting via speaker phone. A quorum was present.

First order of business was to finalize the 2009 Annual Meeting voting material which is scheduled to be sent to the membership on or before March 27. LMC General Manager, Brian Belmont provided the Trustees with revised copies of the Ballot Information document and two samples of the Proxy/Ballot that will be sent to the lot and condominium owners respectively. The new drafts incorporated the LMC attorney's recommended changes regarding the ballot measures. The drafts also included a suggested change submitted by Trustee Van Zonneveld. The following wording incorporates the attorney's recommendations and Trustee Van Zonneveld's suggestion.

**Ballot Item #2:**

**Resolution:** That Article IV of the Articles of Incorporation be amended.

FOR                      AGAINST  
(     )                      (     )

**Ballot Item #3:**

**Resolution:** That Article II, Section 5 of the Bylaws and Article II, Section 7 of the Bylaws be amended.

FOR                      AGAINST  
(     )                      (     )

**NOTE:** Pursuant to the powers granted the Board of Trustees pursuant to Article III, Section 8, subparagraph (d), the Board of Trustees has determined that in order to avoid the possibility of creating inconsistencies in the Ludlow Maintenance Commission's governing documents by the ballot propositions in Ballot Items Nos. 2 and 3, the approval of both Ballot Item #2 and Ballot Item #3 is required in order for either Ballot Item to be effective. If either ballot item fails then both are automatically deemed to have failed.

*Trustee Moyer made a motion to accept the wording that the attorney has provided with Trustee Van Zonneveld's proposed changes as alterations to the voting material. The motion was seconded by Trustee Nelson. Discussion followed. The motion carried unanimously. 09-03-14*

President Boyer announced the primary purpose of this meeting was to hear the appeal of the Architectural Control Committee's (ACC) decision related to new construction on lot #2-1-054 on Montgomery Lane. The appellants are:

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Mr. & Mrs. Bangle (2-1-025)

Mrs. Brannan (2-1-024)

Ms. Brown (2-1-035)

Mr. & Mrs. Eddy (2-1-032)

Mr. & Mrs. March (2-1-036)

Mr. & Mrs. Gautestad (2-1-023)

Mr. & Mrs. Hendrie (2-1-034)

Mr. & Mrs. Reasoner (2-1-037)

Trustees Boyer and Bradshaw both recused themselves from participating as board members during the appeal because they both serve as board representatives on the Architectural Control Committee (ACC). Both trustees then left the Board table.

Both the ACC and the appellants were given an opportunity to present their positions.

At 10:45 a.m. the Board of Trustees recessed the meeting for the purpose of moving into executive session to discuss the merits of the appeal.

The meeting was called back to order at 11:40 a.m. Participating Board members were Ian Feltham, Hugh Jenings (by phone), Paul Moseley (by phone), Art Moyer, Jerry Nelson, and Elizabeth Van Zonneveld.

*Trustee Van Zonneveld stated that the Board has considered the appellants' request and recommendations of the ACC, and the Board concurs with the ACC approval and made the following motion: The Board approves the ACC's decision for the owner of lot 2-1-054 with a modification. As a condition of Board approval the Board will require that the owners complete the removal of all seven (7) trees included in their original tree removal request form as approved by ACC on December 29, 2008.*

*Our rationale is as follows: We believe that the house has been redesigned significantly, at the ACC's request, to reduce its impact on the neighborhood and now—as designed—falls within the criteria of LMC's Regulation II, Article II, Design Criteria #3 for height. We believe the Committee's evaluation as presented at this appeal hearing demonstrates that this house will be approximately the same in roof height above ground elevation as the other houses built along Montgomery on that side of the street. The motion was seconded by Trustee Moyer. Discussion followed. The motion carried unanimously. **09-03-15***

*Trustee Moyer made a motion to adjourn the special meeting. The motion was seconded by Trustee Feltham. Discussion followed. The motion carried unanimously. **09-03-16** The meeting was adjourned at 11:42 p.m.*

Respectfully submitted,

Vaughn Bradshaw, Secretary  
Ludlow Maintenance Commission, Inc.

Prepared by Brian Belmont  
LMC General Manager