

# APPROVED

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

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

**Trustees:** Elizabeth Van Zonneveld, Jim Boyer, Vaughn Bradshaw, Teddy Clark, Hugh Jennings, Jr., Stan Kadesh, Michael Larkin, Paul Moseley, and Jerry Nelson,

President Van Zonneveld called the regular board meeting to order at 9:05 a.m. Roll call was conducted by President Van Zonneveld, in the absence of Secretary Michael Larkin. All trustees were present with the exception of Trustee Larkin. Trustee Bradshaw attended the meeting via speaker phone and General Manager Brian Belmont attended the meeting. President Van Zonneveld announced there was a quorum.

**Agenda Changes:** New Business item, Appointment of Chairs, was moved to follow the General Manager's report. This will allow committee chairs to be appointed and include their member approvals at the time the committee reports are given. The board was in agreement with this change.

**President's Remarks:** President Van Zonneveld announced this meeting was a Board of Trustees meeting, and it will be her policy not to vote as President unless it is required to break a tie. In matters of interest to the members, board discussion will be held first followed by input from the members. The meetings are not operated entirely by Roberts Rules of Order, but a general parliamentary procedure will be followed. Participants will speak one at a time and need to wait until recognized. Motions will be disposed of as they occur. The meeting is recorded.

**Approval of Minutes:** *Trustee Nelson made a motion to adopt the regular meeting minutes of April 11, 2009. Trustee Kadesh seconded the motion and it carried unanimously. 09-05-01*

President Van Zonneveld announced the minutes of the Annual Member's Meeting on April 18, 2009 were not yet available and would be voted on at a later time.

*Trustee Nelson made a motion to adopt the regular meeting minutes of April 18, 2009. Trustee Kadesh seconded the motion and it carried unanimously. 09-05-02*

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

The trustees have been provided with April 30, 2009 financial statements. The trustees will notice several budget to actual variances. The finance committee and I discussed those last Thursday. Most of the significant variances are a matter of timing. Are there any questions from the trustees regarding these statements?

On May 1, LMC recorded 23 liens on properties with unpaid assessments. Year to date, we have collected approximately 97% of this year's assessments. There is currently \$19,511.35 (30 units) in outstanding assessments, which includes three delinquencies from previous years. LMC recently received notification that one of the properties with an outstanding balance is being foreclosed on by their mortgage company. A few more payments are anticipated within the next 30 days.

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I would like to thank and recognize Neil & Lia Robinson for donating a belt sander to LMC. Jim Goode also donated several tools to LMC that will be used by our maintenance staff.

The installation of the new Beach Club carpeting is scheduled to begin Monday, May 11. Because Peninsula Floors is working around our facility schedule, I anticipate it will take the better part of four days to complete the project.

The outdoor swimming pool will open on Friday, May 22.

The installation of the pool heat pumps should begin the week of May 18. The electrical upgrades that are needed for the heat pumps will begin next week. Double D Electric will be doing the electrical work.

I will be taking the afternoon of May 15 off and will be out of the office Monday, May 18.

I would like to recognize and thank two LMC employees that work behind the scenes but provide very valuable services to the association. After each LMC Board meeting I give Carol Shamhart a digital recording of the meeting which she then uses to prepare the meeting minutes each month. In my opinion, Carol does a very good job preparing the permanent record of each of these meetings. I can't imagine that it is easy to listen to 4 or 5 hours of these recordings while preparing the minutes.

Sue Bartkus is the recording secretary for the ACC. Sue attends the two committee meetings that are held each month and prepares their minutes and tracks the progress of each submitted project. Sue also helps with the distribution of the ACC's correspondence and is responsible for their filing.

Both Carol and Sue do an exceptional job.

LMC attorney, Eric Frimodt, has prepared a revision to the LMC RV Storage Rental Agreement. The trustees have been provided copies of Eric's draft. To allow trustee review, this matter will be placed on the June agenda.

Lengthy discussion followed related to a specific RV lot delinquency.

Mr. Belmont suggested he work with Trustee Boyer to draft the criteria for receiving the newly established John Van Zonneveld Recognition Award. The draft would then be submitted to the trustees for review. The trustees were in agreement.

Discussion continued related to the RV lot delinquency.

*Trustee Kadash made a motion that the General Manager be directed to file a Small Claims Court action against the member who is delinquent in payment on boats stored in the RV Lot. Trustee Moseley seconded the motion. Discussion followed. Trustee Kadash called for the question. The motion carried 7:0 with President Van Zonneveld abstaining. 09-05-03*

**New Business Item b. - Committee Chair Appointments** - President Van Zonneveld asked the board to support approval of the following committee chairs:

Architectural Committee (ACC) - Bill Clark

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Covenants & Regulations Committee (CRC) - Dwayne Wilcox  
Communications Committee (CC) - Barbara Berthiaume  
Finance Committee (FC) – Ian Feltham  
Greenbelt Committee (GB) – Ted Buehler  
Operations Committee (OPC) – Jim Goode  
Volunteer Resources Network (VRNC) – Jamie Bima

Discussion followed.

*Trustee Jenings made a motion to accept Bill Clark as chair of the ACC. Trustee Boyer seconded the motion and the motion carried unanimously. 09-05-04*

*Trustee Jenings made a motion to accept Dwayne Wilcox as chair of the CRC. Trustee Moseley seconded the motion and the motion carried unanimously. 09-05-05*

*Trustee Jenings made a motion to accept Barbara Berthiaume as chair of the CC. Trustee Clark seconded the motion and the motion carried unanimously. 09-05-06*

*Trustee Jenings made a motion to accept Ian Feltham as chair of the FC. Trustee Clark seconded the motion and the motion carried unanimously. 09-05-07*

*Trustee Jenings made a motion to accept Ted Buehler as chair of the GBC. Trustee Clark seconded the motion and the motion carried unanimously. 09-05-08*

*Trustee Jenings made a motion to accept Jim Goode as chair of the OPC. Trustee Clark seconded the motion and the motion carried unanimously. 09-05-09*

*Trustee Jenings made a motion to accept Jamie Bima as chair of the VRNC. Trustee Clark seconded the motion and the motion carried unanimously. 09-05-10*

President Van Zonneveld expressed her thanks to the committee chairs for all the work they do.

Bill Clark, ACC chair, requested approval of committee member Eve McDougall and alternate committee member Sharon Sherfick. Discussion followed. *Trustee Nelson made a motion to approve Mr. Clark's appointments to the ACC. Trustee Jenings seconded the motion. Lengthy discussion continued related to ACC quorums at meetings. The motion carried unanimously. 09-05-11*

President Van Zonneveld announced she is asking the CC to review how we manage electronic attendance at LMC board meetings. The bylaws state that members can participate electronically, which, at times, can be difficult. The CC has begun tackling that problem, and it may be necessary to obtain new equipment. The goal is to make this work better than it has in the past. Lengthy discussion followed.

President Van Zonneveld announced the followed trustee appointments to the standing committees:

ACC: Trustees Jim Boyer and Vaughn Bradshaw

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CRC: Trustees Hugh Jenings and Michael Larkin  
CC: Trustees Paul Moseley and Teddy Clark  
FC: Trustees Vaughn Bradshaw, as Treasurer, and Stan Kadesh  
GBC: Trustees Jerry Nelson and Van Zonneveld  
OPC: Trustees Michael Larkin and Teddy Clark  
VNRC: No appointment at this time.

*Trustee Boyer made a motion that, in the case of ACC only, additional trustees can be called to participate when a meeting of the committee fails to establish a quorum. Trustee Jenings seconded the motion. Discussion followed. Trustee Boyer withdrew the motion and Trustee Jenings withdrew the second.*

President Van Zonneveld said she would prefer to give ACC the opportunity to consider the best approach to solve the quorum requirement problem and then come to the board with a recommendation.

Trustee Boyer stated each standing committee needs to explore the option of extending alternate status to trustee members because it is a trustee responsibility to serve on the different committees. Committee Policies & Procedures need to be clarified as to what constitutes a quorum within each committee.

Trustee Jenings recommended President Van Zonneveld notify the standing committee chairs, to request they review their Policies & Procedures, to establish the definition of a quorum, preferably within the next 30 days.

### **COMMITTEE REPORTS:**

#### **Architectural Committee (ACC) – Trustee Boyer for Sharron Sherfick, Chair**

Trustee Boyer reported the committee had received one application for a metal roof. The request was initially denied and then approved. Subsequently, the homeowner chose a composition roof.

#### **Covenants and Regulations Committee (CRC) –Dwayne Wilcox, Chair**

No report available.

#### **Communications Committee (CC) - Barbara Berthiaume, Chair**

The committee met on Thursday, May 7 at 2:00 p.m. Present were Evelyn Fett, Barbara Berthiaume, David Goudie, Teddy Clark, Elizabeth Van Zonneveld, and Brian Belmont.

An agenda item at the start of each meeting is a 15-minute review of an aspect of communication skills. All members are encouraged to share ideas and skills in this area with the broader committee. The follow-on session of the Communications Skills Workshop that took place April 3 will be held on Monday, July 6 from 10 am to 12 noon. We will continue with Listening Skills and move on to Conflict Resolution. The committee will evaluate the material and make recommendations for further training with the LMC board, committees, and broader membership.

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Brian Belmont and I will meet with Jack McKay to explore electronic options of offsite communication for board members who cannot attend the meetings. A discussion ensued around the need for a policy and procedures concerning the use of this new technology.

Potential articles for the next Navigator were discussed and the deadline for articles to be sent to the editor, David Goudie, is Wednesday, June 3. A draft will be sent to be board on June 10 for their review and the board will be asked to approve the final edit at the board meeting on June 13. The Navigator will be sent out the following week.

A "Question of the Quarter" was discussed and it was agreed that the first question will ask the membership if the ballots were easier, the same, or harder to understand and fill out. We are asking the membership to respond by e-mail and also offer suggestions or comments on the topic. This is one avenue to garner input from the membership and we are looking at other possibilities for member input on topics that matter to them.

David Goudie will be the North Bay Voice editor in June as I will be out of town June 11 to the 15<sup>th</sup>.

We are in the process of expanding the committee and have a list of potential members. If you know of someone who you think would be a good fit or if you are interested, please contact me

The committee is working on goals for the coming year and will have a more concrete report for the June board meeting. The next Communications Committee meeting will be Thursday, June 11 from 2:00 to 4:00 p.m. The membership is welcome to attend.

President Van Zonneveld asked Ms. Berthiaume to put another item in the Navigator, asking people to sign up by email, to save money on postage and to add flexibility to reach people. Because the Navigator goes to all LMC members, it is an excellent tool to survey the members.

## **Finance Committee (FC) – Ian Feltham. Chair**

Mr. Feltham asked the trustees to approve the following members to serve on the FC: Eve McDougall, Robert Bima, Patrick Shannon, and Norm Crump.

*Trustee Nelson made a motion for the board to accept the above-named LMC members to serve on the FC. The motion was seconded by Trustee Jenings and unanimously carried. 09-05-12*

Mr. Feltham announced Trustees Bradshaw and Kadesh will serve on the FC.

The May meeting of the FC was held Thursday, May 7.

Changes in filing costs were discussed. The committee discussed changing the filing fee for a lien from \$100 to \$200. Assessments for crossing the greenbelt filing fees are also going up and need to be raised from \$75 to \$125.

*Trustee Kadesh made a motion that the policy of charging \$75.00 for recording an easement across greenbelt/open space property be increased to \$125.00. Trustee Nelson seconded the motion. Discussion followed. The motion carried unanimously. 09-05-13*

*Trustee Kadesh made a motion that the policy of charges to record and release liens against a member's property be increased from \$100 to \$200. Discussion followed. The motion carried unanimously. 09-05-14*

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*Trustee Kadesh made a motion that the paragraph in the Delinquent Assessment Collection Policy, adopted December 10, 2005, be changed to read: "During the first business week following the April Board Meeting, the LMC will file appropriate lien documents as directed by the Board of Trustees. When filing a property lien, a \$200 filing fee will be added to the delinquent account". Trustee Jenings seconded the motion and it carried unanimously. 09-05-14*

Discussion followed.

Mr. Feltham discussed the need to update the reserve item list. The FC committee members will review the list and will make recommendations at the June FC meeting.

Current funds in the money market account at Edward Jones need to be reviewed and researched within the next few weeks, to try and earn more interest than the money market account offers at this time. Maturing CD's, within the next four months, will also be researched.

### **Greenbelt Committee (GBC) – Ted Buehler, Chair**

Mr. Buehler reported that due to the absence of committee members, a directive from the board to review the GB's Policies & Procedures regarding jurisdiction and communication between the GBC and the Trails Committee has been discussed but no further action has been taken.

The current problem of signage on trees has been corrected, but there is no written regulation on this subject. Mr. Buehler discussed the importance of having a rule in writing for enforcement. Mr. Buehler discussed the matter in depth and reported on the County's advice related to signage on trees in the GB right-of-way.

*Trustee Nelson made a motion to institute a regulation that no signs may be nailed to trees in the greenbelt. President Van Zonneveld seconded the motion. Lengthy discussion followed. The motion and second were withdrawn. Discussion continued.*

Mr. Buehler announced the following members will serve on the GBC: Steve Siegiel, co-chair, Skip Rasmussen, Jack Slattery, Jimmie Hendricks, Ross Robson, and Ted Buehler. Trustee members are Elizabeth Van Zonneveld, and Jerry Nelson.

*Trustee Kadesh made a motion to approve the above-named members of the GBC. Trustee Boyer seconded the motion and it carried unanimously. 09-05-15*

### **Operations Committee (OC) – Jim Goode, Chair**

Mr. Goode requested approved of the following members to serve on the CC: Carol Shamhart and Shelia Brunstad. Trustees serving on the OC are Teddy Clark and Michael Larkin.

*Trustee Jenings made a motion to approve the above-named members of the OC. Trustee Boyer seconded the motion and it carried unanimously. 09-05-16*

Mr. Goode reported the OC has been investigating how to achieve easier access to the lower pool area for handicapped persons. Several modalities have been discussed, but no there is no easy solution to this problem. Mr. Good explained the pros and cons of this project, and requested an

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opinion from the trustees. Lengthy discussion followed. The trustees agreed not to pursue the matter at this time.

**Condominium Associations – Jerry Nelson** – Nothing to report at this time.

**Port Ludlow Village Council (PLVC)** - President Boyer reported general discussion at the last PLVC meeting centered around the PLVC becoming a more powerful governmental or representative body for the Port Ludlow community on the County issues-at-large. There was no quorum at this meeting.

**Elections Committee Ad-hoc Committee – Brian Belmont** – Mr. Belmont announced a planned debriefing following the recent election has been postponed. Modification of the ballot proxy this year at the 2009 Annual Meeting resulted in 26 invalid ballots, an improvement over the 62 invalid ballots in 2008. Total member response this year for the Annual Meeting was 38 or 39 percent, with quorum requirement being 34%.

In the next issue of the Navigator, in the Question of the Quarter, election information will be provided and member input will be requested to try to improve the election process.

### **CORRESPONDENCE:**

Mr. Belmont reported correspondence dated April 20, 2009, addressed to Secretary Vaughn Bradshaw, was received from Mr. Fessler. The letter, dealing with the cutting of trees, flooding, bank erosion, and greenbelt property located in critical areas, was read to the trustees by Mr. Belmont.

President Van Zonneveld received a phone call recently from Frank Siler, representing himself and Larry Nobles. Mr. Siler stated he and Mr. Nobles had put together the data they wished to discuss with the trustees, and requested the trustees set a meeting date.

The meeting recessed at 11:10 a.m. Trustee Boyer left the meeting at this time. The meeting reconvened at 11:25 a.m.

**Member Comments** - Jean Westbrook, a Condon Lane homeowner, reported an ongoing problem with a neighbor on Condon Lane that involves tree topping of border trees, and other issues related to the greenbelt. President Van Zonneveld reported the GBC had a letter in draft notifying Jean Westbrook's neighbor that he no longer has a maintenance agreement with the greenbelt or the property adjacent to his property. The GBC will develop criteria and a plan for maintenance for that piece of greenbelt.

Doris Feltham expressed her opinion about absent trustees using the speaker phone system to attend board meetings.

### **UNFINISHED BUSINESS:**

**Insurance Risk Management Recommendations (policy changes) – 2<sup>nd</sup> Reading** – Mr. Belmont announced this matter remains with CRC. President Van Zonneveld stated CRC chair, Dwayne Wilcox, is going to ask for direction from the board to establish priorities so that they may develop a work program accordingly. The board will ask the CRC for a list of the items

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they are currently working on and the board will respond with priorities. Lengthy discussion followed.

**Rules and Regulations – Appeal Time Limits** – The trustees discussed, at length, the pros and cons related to the time homeowners are allowed to appeal committee decisions and other time limits as they relate to construction, etc. The difference between appeals to the committees and appeals to the board were also discussed.

President Van Zonneveld will send an email, directing the chair of the CRC to meet with the chairs of the enforcement committees (GBC, OPC and ACC), to review the enforcement regulations on all aspects of the appeal process, with an eye toward adopting or developing a regulation that is 30 days and consistent throughout.

Trustee Jenings suggested the committees come to the board with a strategy and if the board approves that strategy, then the rules pertaining to appeal times can be rewritten.

### **ACC Non Compliance Referrals:**

**Lots # 2-3-196 & 2-3-197** – The homeowners have requested a meeting with the trustees. President Van Zonneveld stated this matter was three years old. Trustee Bradshaw reported this issue had been discussed at the last trustee workshop, and this is a case where a compliance hearing might be appropriate. Lengthy discussion followed.

*Trustee Jenings made a motion to direct President Van Zonneveld to notify the relevant parties in this matter, including the original homeowners, that the board is going to schedule a special meeting to hear the homeowners of Lots 2-3-196 and 2-3-197's response to the board's letter of April 17, 2009. Said meeting will be scheduled prior to the June meeting. Trustee Kadash seconded the motion. The motion carried 5:1:1 with Trustee Moseley opposed and President Van Zonneveld abstaining. 09-05-17*

**Lot # 2-1-059** – Trustee Bradshaw provided background on this matter. The homeowner had previously been put on notice to comply within two weeks, as of April 10, 2009. The homeowner has not replied.

Due to a low battery, the meeting was briefly interrupted at this point to change phones, to accommodate Trustee Bradshaw who attended the meeting via speaker phone.

*Trustee Jenings made a motion to declare the homeowner of Lot #2-1-059 to not be in good standing and suspend his privileges to the LMC facilities and amenities. A letter will be drafted to the homeowner, informing him of such. Trustee Nelson seconded the motion. Discussion followed. Trustee Jenings called the question. The motion carried unanimously. 09-05-18*

Trustee Kadash left the meeting at 12:20 p.m. and rejoined the meeting at 12:40 p.m.

Trustee Moseley suggested that when declaring a member to be not in good standing (Step 4) is reached, the language in the enforcement policy state “in violation of,” which is different than saying a member is not in compliance.

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**Lot # 1-2-022 & 1-2-023** – There were two issues in this matter, and the GBC has cleared up their issue and have revoked the homeowner's permission to maintain the property next to his, which is greenbelt property. Discussion followed related to a letter, dated April 20, 2009, by the homeowner to the trustees. Trustee Bradshaw suggested a compliance hearing be considered. Lengthy discussion continued.

*Trustee Jenings made a motion to notify the homeowner of Lot # 1-2-022 & 1-2-023 that the Board of Trustees will hear or receive his best science solutions. Failure to comply may result in sanctions. The motion was seconded by Trustee Nelson. Lengthy discussion followed. The motion carried unanimously. 09-05-19*

**Lot #6-0-009** – Trustee Bradshaw provided background information on this matter, which involves the parking of a large motor home that is not shielded. The owner has planted a row of small evergreen trees in front of the motor home that will take many years to shield the vehicle.

*Trustee Bradshaw made a motion that the trustees declare the homeowner of lot #6-0-009 to be a member not in good standing, due to violation of LMC Regulations, and suspend his privilege to use LMC facilities and amenities. Trustee Nelson seconded the motion. Lengthy discussion followed. The motion carried unanimously. 09-05-20*

**Member Comments** – There was one member comment.

**Board Goals – Status Report** – President Van Zonneveld announced that during orientation with the new board members present, the hierarchy of law and the need to communicate openly was discussed. One team of board members developed three goals. They included:

- Revise Regulation II and revise and amend ACC Regulations where needed, to remove ambiguities.
- Establish consistency on tree policies through ACC GB, OPC, recognizing that the original marketing plan for the North Bay was view properties.
- Explore the establishment of a conflict resolution team.

The other trustee team took a different approach. Their board goals included:

- Develop an LMC Board Mission Statement.
- Review governing documents for incorporator language and eliminate language that favored the developed or was expressly put there to maintain the developer's ability to manage the properties.
- To review the Long Range Plan, assess progress, and determine a direction for the community for the next five years.
- Communication with membership toward involvement by members and volunteering.
- Prepare for LMC and PLA's relationship regarding the resort development, as they continue with their building plans and permitting. LMC has some interfaces and there is need to get to work on those.

By board consensus, the trustees drafted the following three goals for this year:

- Develop a Board Mission Statement.

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- Direct all LMC standing committees to review the Regulations related to their specific work and make recommendations to the board for amendments and revisions. All recommendations are to be reviewed by the CRC for legality and consistency, prior to board approval.
- Appoint a special Planning and Community Development Service Committee, the responsibilities of which would be to include review of the Long Range Plan, to assess progress, make recommendations for the next five years, and interface with other community entities.

President Van Zonneveld recommended the trustees develop a resolution for trustee signature. The trustees were in agreement.

There being no further business, President Van Zonneveld adjourned the meeting at 12:50 p.m.

Respectfully submitted,

Michael Larkin, Secretary  
Ludlow Maintenance Commission, Inc.

Prepared by Carol Shamhart  
LMC Recording Secretary