

# APPROVED

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

July 11, 2009 – 9:00 a.m. – Bay View Room

**Trustees:** Elizabeth Van Zonneveld, Jim Boyer, Vaughn Bradshaw, Teddy Clark, Hugh Jenings, 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 called by Secretary Michael Larkin. All trustees were present with the exception of Trustee Boyer. General Manager Brian Belmont attended the meeting. A quorum was present.

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

**Approval of Minutes:** Secretary Larkin discussed several corrections to the regular minutes of June 13, 2009. *Trustee Jenings made a motion to approve the regular minutes of June 13, 2009, as corrected. The motion was seconded by Trustee Bradshaw and carried unanimously.*

**09-07-01**

**President's Remarks:** President Van Zonneveld announced the Board of Trustees meeting was being recorded, 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 wait until recognized, announce their name, and speak one at a time. Motions will be disposed of as they occur.

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

The trustees have been provided with June 30, 2009 financial statements. Through the first six months of this year our total expenses are within \$1,000 of the budgeted amount. Unfortunately, our year-to-date revenue is \$10,700 under budget. Assessment revenue, contract memberships, architectural fees, rental income and interest income are all under budget. The Finance Committee and I discussed the financial statements in detail at last Thursday's meeting.

Year to date, we have collected 98.3% of this year's assessments. There is currently \$14,040.93 (20 units) in outstanding assessments, which includes three delinquencies from previous years. Late notices are sent out on a monthly basis.

Mr. Belmont explained several maintenance projects, which would be paid from the operating account, may have to be deferred in the last six months of the year. Discussion followed. Mr. Belmont has discussed several options to raise revenue in 2010 with Finance Chair Ian Feltham. Lengthy discussion continued.

During the past month, we closed the indoor pool for 11 days so that our maintenance staff could acid wash the pool, replace pool tiles, re-grout and seal the tiles in the pool and spa and repaint the pool deck. We have received numerous compliments on how nice everything turned out.

LMC has hired Steve Melnick as a part time maintenance employee, to assist Don Baker in the Maintenance Department.

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Our maintenance staff is in the process of screening the three new heat pumps that are used to heat the indoor pool and spa. Don and Steve will also be replacing the small wooden fence on the south end of the Beach Club which has rotted.

At Wednesday's discussion session the trustees asked me to provide the ACC's clerical cost during the past year. Wages for the past year totaled approximately \$3,591 with an additional \$500 in payroll taxes.

I will be taking six vacation days beginning Monday, July 27.

### **COMMITTEE REPORTS:**

#### **Architectural Committee (ACC) – Bill Clark, Chair**

Mr. Clark reported no controversial issues had occurred during his absence in June. Currently, there have been numerous requests to paint houses, replace roofs, and many tree and view issues. Two issues involving trees and views are currently before the board for noncompliance. The ACC is working to resolve ongoing disputes between neighbors. Mr. Clark stated he expects to bring a new member to the board for approval at the next meeting as well as a new alternate member.

Discussion followed.

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

No report available.

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

The committee met on Thursday, July 6. The committee meets the Thursday prior to the regular board meeting and the next meeting will be August 6, 2009 from 3:00-5:00 p.m.

An agenda item at the start of each meeting is a 15-minute review of an aspect of communication skills. The second communication skills workshop was held on July 6 as a follow-up to the June workshop. Listening skills were discussed, followed by difficult conversations and then looking at aspects of confrontation, etc. An evaluation done on this workshop was very positive.

The committee is considering inviting the trustees, committee chairs and committee members, to participate in this type of workshop.

Ms. Berthiaume presented the names of Michael Cahn and Amy Recht to the board, to serve as members of the CC. *Trustee Jenings made a motion to accept Ms. Berthiaume's recommendation for new members Michael Cahn and Amy Reich. The motion was seconded by Trustee Nelson and carried unanimously. 09-07-02*

The summer issue of the Navigator is out. The CC is open to any comments or suggestions to improve the publication. Ms. Berthiaume gave special thanks to David Goudie for all his efforts as editor of the Navigator. A new feature in the Navigator, "Question for the Quarter," did not elicit any response from the members.

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Off-site resources for board members who are unable to be physically present at board meetings have been discussed. Trustees Moseley and Nelson and Mr. Belmont are investigating this matter.

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

At the last meeting of the FC, the financial reports were reviewed and discussed. The first six months of the expenditures and the current budget were examined. At six months, we are slightly over budget.

The current rental policy was reviewed. Increasing the final payment for a room rental from two weeks to 30 days was considered, to allow more time to re-rent the room in the event of a cancellation. Past rentals will be studied before a decision is made.

A Premier Index Market account was discussed with American Marine Bank for the operating funds. It was decided to keep the operating funds in the regular money market account rather than develop a new banking resolution for only slightly higher interest. Funds designated for reserves are being investigated for several CD's maturing in July at the Edward Jones Brokerage Account. Mr. Feltham and the Treasurer will meet to discuss the brokerage account next week.

The August FC meeting will be dedicated to a semi audit of the last quarter financial records. The GMAC note for \$10,000 is expected to pay in full on July 15.

Discussion followed. New Business Item d. - New Bank Account – American Marine Bank was removed from the agenda.

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

No report available. The GBC is scheduled to meet next week.

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

Mr. Goode reported violations are being dealt with good results.

Mr. Goode asked the trustees to approve Monica Brown as a member of the OC. *Trustee Bradshaw made a motion to approve Monica Brown as a member of the OC. Trustee Jenings seconded the motion and it carried unanimously. 09-07-03*

Discussion followed.

**North Bay Lot Owners Association (NBLOA) – Roger Oster** – Mr. Oster requested the trustees discuss the previously mentioned community garden at the next board discussion session. Mr. Oster inquired whether the trustees would allow a seven (7) foot fence to keep the deer out of the garden if the project was approved. Discussion followed. President Van Zonneveld stated the project would be placed on the August agenda.

Mr. Oster discussed the need for a mission statement from the board as to what each committee should be doing, to assist the CRC in their work. He also addressed appeal time as it applies to

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the ACC when a new home is seeking approval to begin construction. Trustee Bradshaw stated mission statements do exist in the bylaws and clarified the appeal time for new construction. Lengthy discussion followed. President Van Zonneveld stated the trustees have set a board goal to review the policies and procedures of the committees and the appeal process, to be sure there are not contradictions. Steps for enforcement are also being reviewed at a board level.

**Condominium Associations – Jerry Nelson** – No reports.

**Port Ludlow Village Council (PLVC) –President Van Zonneveld**– PLVC President Lynn Gauche has resigned as President but will remain on the board as a director. Tony Simpson has been elected as the new President.

The PLVC has been working on completing the telephone directory for sale to the community, attendance at the Friday Market and the Port Ludlow Days event in August.

Larry Nobles discussed the Shoreline Management Program. It is with the Planning Commission and news is expected within a couple of weeks. Public meetings with the Commissioners are expected.

The East Jefferson land exchange is in a holding pattern. A PLVC subcommittee meeting with Commissioner Austin failed to provide a satisfactory response from Mr. Austin. A meeting in Olympia with the Commissioner of Public Lands will be scheduled to discuss PLVC's favorable response to the land exchange. Discussion followed.

**Elections Committee Ad-hoc Committee – Brian Belmont** – No report.

**Resource Network – Jamie Bima** – No report.

**Member Comments** – Larry Nobles stated he had observed the outdoor pool activity recently and felt the board should consider having a licensed lifeguard on duty, particularly on Saturdays and Sundays. Mr. Nobles complimented a hostess for the way she handled a difficult situation.

The meeting went into recess at 10:10 a.m. and reconvened at 10:18 a.m.

**Member Comments – continued** – Mr. Belmont reported on July 5 there was an incident in the indoor pool. A member's guest had a small child in the pool with a swim diaper and the swim diaper failed causing feces to be in the pool. The pool was shut down for 20 hours, in accordance with the State law, to allow ample time to disinfect the deck, pool, backwash filters and sanitize everything to get the pool chemicals up to the prescribed level for the period of time required by the State. The pool was reopened Monday morning at approximately 9:00 a.m.

### **CORRESPONDENCE:**

Trustee Larkin reported a letter dated June 20 had been received from Tammy Kasza, regarding the proposed pool policy of limiting guests. The member was against limiting the number of guests and stated the annual dues should cover the cost of additional liability insurance.

A letter was received from Archie Charwell, in support of a tree and view issue. Another letter was received from Roger Oster who questioned the ability of the CRC to have the authority to

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enforce some of the regulations related to view easements and infringing on property rights. A letter from Cheri Thurston dated July 1 recommended having a lifeguard at the pool. A policy to charge for pool guests was recommended to pay for the lifeguard. A letter from J. Herman, dated July 1, stated the ACC was a frustrating committee to deal with. Several letters were received from Art Moyer dealing with the number of guests a minor can bring to the pool.

### UNFINISHED BUSINESS:

**ACC Non Compliance Referral - Lots # 2-3-196 & 2-3-197 - Trustee Bradshaw** –*Trustee Bradshaw read the following motion into the record:*

*Given the following facts before the Ludlow Maintenance Commission Board of Trustees, LMC Regulation II, Article I, paragraph 3 a. states in part: Hedges, shrubs and trees planted by owners along property lines shall be pruned so as not to exceed a height of eight (8) feet. Policies and procedures adopted by the board for evaluation and enforcement of this regulation states: Hedges and rows of trees of any species planted along property lines shall be maintained at a height not exceeding eight (8 feet). For the purposes of this policy, the definition of along property lines is that area which is parallel to all property lines within fifteen (15) feet from that line. In December 2008, the LMC Architectural Control Committee referred to the Board of Trustees the matter of planted trees growing above eight (8) feet high along the common property line between lots 2-3-196 and 2-3-197, in violation of the LMC Regulations.*

*The lot owners have stated that the trees in question were not planted, but were instead left in place when the two lots were cleared for construction in 1986 and 1987. A photograph has been presented to the board indicated a row of small trees was present along the property line at approximately the time the house was built on lot #197. A letter from the builder of the houses on both lots states that he recalls the trees in question were there when the houses were built. The application to the ACC in 1986, to construct these two houses, requests that two (2) maple trees be removed from lot #197, with no trees remaining, and one (1) fir tree be removed from lot #196, with a maple tree remaining. An LMC member has suggested that since the Covenants for Plat Two do not explicitly grant any rights to a view, the LMC may not have the legal authority to enforce this regulation in the area of the two lots in question.*

*Therefore, the Board of Trustees hereby (1) directs the board President to ask our corporate counsel whether or not in his opinion we have the authority to limit the height of trees in Plats 1 through 6, since the CC&R's for Plat 7 specifically provide for view easement while those for Plats 1 through 6 do not and (2) if our attorney advises us that we do have the authority to limit the height of trees in Plat 2, the board will ask the owners of lots #196 and 197 to have the age of one of the trees in question established by a boring test. The motion was seconded by Trustee Kadash. Lengthy discussion followed. The motion passed 6:1 with Trustee Moseley opposed. 09-07-04*

**ACC Non Compliance Referral - #1-2-022 & 1-3-023** – Mr. Belmont reported Mr. Fessler called recently and reported that the Geo Tech engineer had visited his property and was preparing the Geo Tech report. Mr. Fessler knew he would not be prepared to meet with the board at this meeting. He discussed the data he was collecting and stated he would stay in touch with Mr. Belmont. After he receives the Geo Tech report he wants his attorney to review that

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information and then possibly meet with County officials prior to meeting with the LMC board. No estimated date for his availability to meet with the board was provided. Discussion followed.

Dale Williams, representing the neighborhood near Mr. Fessler's property, presented background information on the tree matter involving Mr. Fessler. Lengthy discussion followed.

*Trustee Kadash made a motion to send a letter to Mr. Fessler apprising him where the LMC stands at this time and that the corporate counsel is being contacted to clarify several points. Mr. Fessler will be encouraged to get all his information to the trustees as quickly as possible. The motion failed for lack of a second.*

Mr. Fessler will be contacted under the same process in place and ask him to provide his information. He will be informed LMC is seeking advice from legal counsel.

**RV Storage Rental Agreement – Mr. Belmont** – The trustees amended the RV Storage Usage Policy as well as the Rental Agreement. Mr. Belmont was directed to change the word “Association” in the Rental Agreement to “LMC.” One area of conflict read –“Whereas the Association (LMC) is the owner of the storage lots (hereinafter referred to as RV Lots) intended primarily for RV's, utility vehicles and boats, situated upon certain real estate in the development commonly known as Ludlow Maintenance Commission (LMC) in the County of Jefferson, State of Washington. Mr. Belmont recommended the word “Port Ludlow” be used in place of Ludlow Maintenance Commission (LMC).

*Trustee Jenings made a motion to accept the recommended change from “Ludlow Maintenance Commission (LMC) to “Port Ludlow” in the Storage Space Rental Agreement. A reference to Paragraph 10 in Section 15 of the same document will be corrected to Paragraph 11. The motion was seconded by Trustee Bradshaw and carried unanimously. 09-07-05*

**Rules and Regulations – Appeal Time Limits, ACC Policies & Procedures, Communications Committee Policies & Procedures, Greenbelt Committee – Tree Topping Policy and Insurance Risk Management Recommendations** – These matters remain with the CRC and will not be addressed at this time.

**2009 Board Goals – Status Report – E. Van Zonneveld** – President Van Zonneveld has asked Michael Cahn to serve as chair for an ad hoc committee to take up the goal to review the old long range plan and to write something going forward. Mr. Cahn has agreed to accept this position. *Trustee Nelson made a motion to approve this ad hoc committee and appoint Michael Cahn as chair, to review the long range plan and to write something going forward. Trustee Kadash seconded the motion and it carried unanimously. 09-07-06*

**Review Facility Guest Policies – OC chair Jim Goode** provided background on this matter. The OC had agreed to recommend guest privileges be extended without the issuance of specific guest cards to not more than five (5) invited guests per membership or household accompanied by an adult member and not more than two (2) invited guests accompanied by children of members under age 18. Other issues have since been discussed and are being investigated. Included in that discussion are the pros and cons to providing part-time lifeguards for the outdoor pool. Mr. Goode asked the trustees to withhold any decision on this matter and requested clarification on several points from the LMC attorney. Lengthy discussion followed. The matter was referred back to the OC for study and recommendations.

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## NEW BUSINESS:

**Committee Quorum Requirements** – No action required.

**Board Members Serving as Committee Alternates** – No action required.

**ACC Fees** – This matter requires review by the Finance Committee and ACC. *Trustee Jenings made a motion to ask ACC to review its revenue structure and costs and meet with the FC, to report back to the trustees with any recommendations. Trustee Kadesh seconded the motion and it carried unanimously. 09-07-07*

**Trees & Views – Interpretation – Trustee Bradshaw** – Trustee Bradshaw provided background on this matter and read the following report he had prepared:

An issue regarding enforcement of the Trees and Views Regulation has arisen recently on the ACC that I believe calls for direction from the board. A member submitted a view obstruction relief request, stating that trees have gone into their view and caused infringement of previous view to water. Committee members visited the site and determined the trees on two neighboring lots are infringing on the complainant's view. Letters were sent requesting the trimming and/or removal of the trees based on their being higher than roof height. A neighbor who owns one of the trees wrote back in response and attended our last ACC meeting to object the complainant did not provide a picture documenting the view at the time their house was purchased.

Trustee Bradshaw questioned the following:

- Does the ACC need to require a prior view to be photographically documented before we can require planted vegetation, shrubs and trees to be maintained at or below roof height?
- If a lot is purchased during the winter time and there were no leaves on deciduous trees, is that owner entitled to the same view during the summer when the leaves have grown back on the trees?

This matter will be placed on the trustee discussion agenda. Discussion followed related to the County rule in regard to cutting trees. A legal opinion will be obtained based on the current regulations and the attorney's opinion whether LMC can do any or all of the above. Discussion continued.

There being no further business, President Van Zonneveld adjourned the meeting at 12:45 p.m.

Respectfully submitted,

Michael Larkin, Secretary  
Ludlow Maintenance Commission, Inc.

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Prepared by Carol Shamhart  
LMC Recording Secretary