

# APPROVED

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

September 12, 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 Jenings. General Manager Brian Belmont was also in attendance. A quorum was present.

**Agenda Changes:** Trustee Bradshaw suggested allowing time to discuss the proposed community garden. This item was added as item k. under Unfinished Business.

**Approval of Minutes:** *Trustee Kadesh made a motion to approve the August 8, 2009 regular meeting minute's draft, as presented. The motion was seconded by Trustee Clark and carried unanimously. 09-09-01*

*Trustee Kadesh made a motion to approve the August 8, 2009 minutes of the executive session. The motion was seconded by Trustee Bradshaw and carried unanimously. 09-09-02*

**President's Remarks:** President Van Zonneveld announced the Board of Trustees meetings and all meetings of the LMC are recorded for transcription. In matters of interest to the members attending the meeting, board discussion will be held first followed by input from the members. President Van Zonneveld stated it will be her policy not to vote as President unless it is required to break a tie. 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.

President Van Zonneveld introduced Pat Traci, a member of the PLVC Emergency Response Team. Mr. Traci discussed the need for financial support for a CERT training program to be held in October 2009, and provided background and current plans for the CERT program. Plans include adding four additional CERT teams for Port Ludlow, two in the north and two in the south. A four-day CERT training course is scheduled for October 7-10. The course will run from 9:00 a.m. to 2:00 p.m. and will include lunch and breaks. On the last day, a mock drill will be held to practice what has been learned. A fee of \$45.00 will be charged to cover program expenses. The Medical Services Officer at Fire & Rescue will teach the course.

Lengthy discussion followed. *Trustee Boyer made a motion for LMC to contribute \$250 in support for the CERT Program. Trustee Kadesh seconded the motion. Discussion continued. The motion carried unanimously. 09-09-03*

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

The trustees have been provided the August 31, 2009 financial statements. Assessment revenue, contract memberships, architectural fees, rental income and interest income continue to be

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significantly under budget through the first eight months of 2009. Through August 31, operating revenue is \$10,148 under budget. At the end of August the total expenses are \$1,642 over budget. However, as was discussed with the Finance Committee \$11,342.83, that is currently posted to account #5310, may be reallocated to reserve expenditures later this year. This represents the replacement of the outdoor pool filter grid system this past spring.

Year-to-date, we have collected more than 98% of this year's assessments. There is currently \$12,473.29 (16 units) in outstanding assessments, which includes 3 delinquencies from previous years. Since last month's meeting two delinquent assessments were paid and a third is scheduled to be paid next week

The LMC maintenance staff recently closed the indoor pool for one day to paint the pool deck.

If the daily usage numbers stay up, the outdoor pool will remain open through Sunday, September 27. Review of September usage in 2008, our target average is 30 users per day in the outdoor pool. As a comparison, the daily average for the outdoor pool during the months of July and August were 144 and 87 respectively.

In August, LMC purchased 18 new chaise lounges for the outdoor pool deck. During a six-week period 12 plastic lounges broke. 18 chairs were purchased in order to qualify for the better price break of \$125 per chair, which included shipping and sales tax.

Maintenance employee Don Baker, replaced the heating elements in the men's sauna

LMC hired a mechanical engineer to prepare schematic plumbing drawings of the 6 recently installed heat pumps. Jefferson County Department of Community Development issued an installation permit to LMC on August 24 following receipt of the drawings. The final inspection was conducted and signed-off by the county on August 27.

Mr. Belmont announced that President Van Zonneveld, Trustee Clark, and ACC chair Bill Clark will attend the Community Association Institute (CAI) Day Program on October 3. Other interested trustees interested should contact Mr. Belmont for registration.

Discussion followed related to the program items to be offered at the CAI Day Program.

### **COMMITTEE REPORTS:**

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

Mr. Clark reported a good trees and views discussion was held at the Board discussion session. Mr. Clark stated it is not the committee's intent to drastically alter the trees and views equation, but rather to alter the Regulations so they can be more easily understood by all, not subject to multiple interpretations, and can be applied more consistently.

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Members who have issues before the ACC, that have been affected by the current moratorium, have been sent letters informing them that their requests have been put in a pending file until January 2010.

Beginning in October, ACC will meet the first and third Monday of each month. Previously, the committee met on the second and fourth Monday. The 3:00 p.m. meeting time will not change.

Discussion followed. Trustee Boyer reported the Jefferson County Commissions were leaning toward increasing the buffers along shoreline property. This matter will be discussed in the near future as to how it might relate to the property owners on Montgomery and Condon Lanes. Discussion continued.

Trustee Nelson left the meeting at 9:47 a.m.

### **Covenants and Regulations Committee (CRC) – President Van Zonneveld for Chair Dwayne Wilcox**

The CRC has completed work on the Greenbelt Tree Topping Policy. This matter will be discussed during the Greenbelt Committee report.

Work on differences related to appeals is continuing in the CRC

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

The committee met on Thursday, September 10<sup>th</sup> at 3:00 in the Gallery.

The Fall Navigator will be sent to the membership in the coming week. In order to expedite the process, all articles will be sent to Barbara Berthiaume who will send it on to Carol Shamhart for proofing before being sent to David Goudie for layout. A draft will then be presented to the board for review, either at a board meeting or by e-mail attachment. A final copy will then be sent out to members.

The committee will be pulling together articles for the winter edition and welcome any suggestions or articles from the board. The CC is trying to elicit participation from the membership through a question of the quarter and will review how this is working out in the next few months.

The next Communications Committee meeting will be Thursday, October 8<sup>th</sup> at 3:00. The membership is welcome to attend.

Discussion followed with a question about the Skype project. Mr. Belmont reported no new activity at this time. Trustee Moseley discussed the need for further evaluation of what would be required to accommodate LMC. Discussion continued.

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

At the last meeting of the FC, the current financial reports were reviewed and discussed with

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input by the General Manager. Mr. Belmont is following the delinquencies each month.

It was recommended the CDs maturing in September be reinvested into 5-year CDs with Kitsap Bank. Rate would be 3.2 to 3.25 percent. If required, the CDs can be cashed in with a three-month interest penalty. Interest, as it is accrued, can be withdrawn with no penalty.

The LMC budget for 2010 was discussed. The budget inputs will be addressed when the information has been received from the other committees. Mr. Belmont has reminded committee chairs that their input is due by the end of September.

Review of the financial records for the past quarter was held by FC member Bob Bima and Mr. Belmont. A proposed procedure will be presented to the board for approval when it has been completed. All records reviewed were in compliance. In October, the financial review will be conducted by FC members Trustee Bradshaw and Ned Luce will meet with Mr. Belmont.

Mr. Belmont briefed the committee on expected expenditures for the remainder of the year. Replacement of the wall windows in the indoor pool was discussed. The need to replace the plastic panels around the outdoor pool, due to rotting of the support posts, was discussed. A plan is being developed to incorporate a mounting system for the outdoor pool cover reels with this project.

At the last FC meeting, implementing a charge for guests was discussed. A monthly fee vs. annual fee for contract members was considered. Any decision will be delayed until input has been received from the Operations Committee.

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

Mr. Buehler reported a request for a sewer easement from Olympic Water & Sewer for an owner on Cressey Lane. Documentation and the GBC response were provided to the trustees. Discussion followed.

Trustee Kadash inquired about a hanging limb between lower Pioneer Dr. and Oak Bay Rd. on the south side at Swansonville Rd. Mr. Buehler indicated he had previously asked for a request to have the limb removed.

Mr. Buehler discussed the previously requested information related to the division of responsibility between the Trails Committee and the GBC. Because there are budget implications, the GBC will come back to the board as soon as possible.

### **Greenbelt Committee – Amendment to Committee Policy (tree topping) – first reading –**

Mr. Buehler discussed the current and recommended changes for the GBC Policies & Procedures as they relate to the topping of trees. Trustee Larkin stated this is a draft copy that was revised in 2006. Paragraph b. of the GBC Tree Topping Policy is the only paragraph under consideration to be revised.

“Mature conifer removal is discouraged and shall be considered on a case-by-case basis. Pruning, thinning or windowing may be permitted. Pruning shall not exceed fifty percent

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(50%) of the tree foliage. Further, pruning shall not take place until the tree has had a change to recover and after further ratification and approval by the Greenbelt Committee (GBC). Smaller trees may be topped for loss of views. Topping of large conifers is discouraged, but shall be considered on a case-by-case basis.”

**Proposed Addition** – “If it has been determined, however, that trees should be removed to protect a view, then topping the tree may be considered as a first step in the eventual removal and replacement of said tree only after a feasibility study is conducted, including proximity to residences and/or roads and the potential impact of tree topping or removal of any trees.”

*Trustee Bradshaw made a motion to accept the GBC’s option, as read above by Trustee Larkin, for First Reading, for a revision of the GBC Policies & Procedures. The motion was seconded by Trustee Moseley. Lengthy discussion followed. Trustee Bradshaw made an amendment to instruct Mr. Buehler and the GBC to add language that defines “smaller trees” to this First Reading, to consider clarifying who is responsible for producing the feasibility study, to consider adding the requirement for a deposit by the requester when the tree is topped and to cover future costs of tree removal and planting. These items would be addressed when the policy change comes back for a Second Reading. Trustee Kadash seconded the amendment to the motion. Lengthy discussion followed. The amendment to the motion failed 3:4 with Trustees Moseley, Clark, Boyer and Van Zonneveld opposed. 09-09-04*

*The original motion, as read above by Trustee Larkin for a First Reading of the GBC Tree Topping Policy, carried 5:1 with Trustee Kadash opposed. 09-09-05*

President Van Zonneveld stated comments related to the above First Reading of the GBC Tree Topping Policy should be directed to the CRC and GBC.

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

Mr. Goode discussed the recent handling of a specific case involving the parking of a boat in a carport. Discussion followed. It was agreed the homeowner was not in violation and would be so notified by the OC.

The previous instruction to the OC for definition clarification of a “family member” was discussed. Mr. Goode reported it was the recommendation of the OC to add a sentence to Regulation IV, Article III, 4.b. – This sentence will be inserted following the first sentence and will read: “*Holders of a family membership card collectively shall be granted the same access privileges to LMC facilities as members.*” Lengthy discussion followed. The matter was sent back to the OC for review and clarification.

Mr. Good reported on the previous request from the trustees to incorporate the Beach Club and swimming pool rules into the LMC Regulations. The OC is working on the project and will present their findings to the board prior to the 2010 swimming season.

The meeting went into recess at 11:15 and reconvened at 11:22.

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**North Bay Lot Owners Association (NBLOA) – President Van Zonneveld for Roger Oster -** President Van Zonneveld reported the NBLOA Board of Directors has deferred action on the community garden and the project has been tabled for three months or more. Discussion followed. President Van Zonneveld will send Roger Oster and Bryan Diehl a note acknowledging the tabling of this matter and that the trustees will await the NBLOA's next move on this project.

**Port Ludlow Village Council (PLVC) – Larry Nobles –**Mr. Nobles discussed the following issues:

Mr. Nobles reported on matters that are before the PLVC and noted work being done on a part of the Around the Bay Trail by the Trail Committee.

**Condominium Associations** – No reports.

**Member Comments** – An audience member inquired about receiving copies of committee reports and suggested the moratorium on trees related to views be extended to include all trees on lots in North Bay. Mandatory educational requirements were also suggested for those making decisions before any decisions are made.

**CORRESPONDENCE:** Trustee Larkin reported numerous letters have been received. Several letters pertaining to trees and views were received from members Gina Garrett, Dr. Richard and Mary Babaian, and David and Anita Weakley. An email was received from John Henderson.

In regard to the Fessler matter, a letter was received from the Norbut Law Firm. Another letter of response was received from GBC Chair Ted Buehler. A follow-up letter was received from Michael Fessler to the LMC board.

Correspondence was received from Roger Oster for NBLOA on the community garden. An informational letter was received from Lee Amundson of the Drainage Commission. A letter related to Iron Mountain was received from SBCA .

A letter regarding ACC correspondence with Robert and Tsugino Schreyer, dated July 20, 2009 to the LMC board was given to the Secretary this a.m.

The above-mentioned letter the David and Anita Weakley was read into the record.

Accompanying this letter are extensive attachments, including photos.

Discussion followed. President Van Zonneveld reported she had contacted Drainage District Commissioner Lee Amundson. Mr. Amundson has agreed to ask their consulting engineer from Gray & Osborn, to bring the Power Point presentation to their next meeting, to illustrate where their drainage projects have been installed to date and to talk about their future plans. The next meeting of the Drainage District is at the Beach Club on Thursday, October 8 at 10:00 a.m.

Trustee Boyer left the board meeting at 11:57 a.m.

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The Secretary will acknowledge receipt of the members' letters and the trustees will review the letters to determine what action needs to be taken.

Dr. Babaian asked the board to read their letter into the record. Secretary Larkin read the Babaian letter.

### UNFINISHED BUSINESS:

**ACC Non Compliance Referral - Lots # 2-3-196 & 2-3-197** – Tabled.

**ACC Non Compliance Referral - #1-2-022 & 1-3-023** – Tabled.

The above-referenced non compliance matters were tabled and included in the current moratorium related to trees and views. The Secretary will notify the affected homeowners.

*Trustee Kadash made a motion to extend the moratorium to those issues that are already at the board level. Trustee Larkin seconded the motion. Discussion followed. The motion carried 4:1 with Trustee Moseley opposed. 09-09-06*

President Van Zonneveld announced agenda items d, e, f, and g are all still in CRC. In particular, they are working on clarifying the appeal periods.

**Insurance Risk Management Recommendations (policy changes) – 2<sup>nd</sup> Reading** – Pending CRC review.

**2009-2010 Board Goals – Status Report – President Van Zonneveld** – One of the board's goals was the Long-Range Plan Committee. This is under way and will be placed on the next agenda. A second goal was a review of the policies and procedures of each of the committees, to be sure there are in concurrence with their practice and that they are complete. This is being held up in the CRC and will be addressed when the appeal periods matter is completed.

**ACC Fees – Jim Boyer** – No further action – will be removed from the agenda.

### NEW BUSINESS:

**Monthly Discussion Sessions – Should they be continued?** – President Van Zonneveld stated she feels the discussion sessions are very useful and would like to continue them on an as needed basis. Discussion followed.

*Trustee Kadash made a motion to continue the monthly board discussion sessions on the Wednesday before the regular board meeting, on an as needed basis. Trustee Clark seconded the motion. Discussion followed. The motion carried 4:1 with Trustee Moseley opposed. 09-09-07*

**Navigator Newsletter Update** – The trustees received a draft copy of the Navigator due to be published within two weeks. Trustee Moseley has an article that is in the works and the Finance

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Committee and the Treasurer have submitted a Question of the Quarter that is in the works. President Van Zonneveld asked the trustees to respond quickly and to review for content only. Future articles the trustees and committee chairs feel might be of interest to the members should be submitted to the Communications Committee. Discussion followed.

**Temporary Moratorium on View Obstruction Relief – Status Report** – Previously addressed by ACC Chair Bill Clark.

**Committee Orientation – Schedule a Date** – President Van Zonneveld stated Catherine Garrison has been asked to participate in a committee orientation, similar to the one provided for the new trustees. Ms. Garrison will be consulted regarding acceptable dates for the orientation and committee chairs will be notified of available dates. It is anticipated the session will be approximately three hours and will similar to a workshop.

President Van Zonneveld stated she would like to have an executive committee meeting in the next few days with Vice President Boyer, Secretary Larkin and Treasurer Bradshaw. President Van Zonneveld will be in touch with these individuals to schedule a time.

*By a motion made by Trustee Kadash, seconded by Trustee Bradshaw and unanimously carried, the meeting was adjourned at 12.35 p.m. 09-09-08*

Respectfully submitted,

Michael Larkin, Secretary  
Ludlow Maintenance Commission, Inc.

Prepared by Carol Shamhart  
LMC Recording Secretary