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

September 13, 2008 – 9:00 a.m. – Bay View Room

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

President Boyer called the regular board meeting to order at 9:01 a.m. Roll call was conducted by Secretary Bradshaw. All trustees were present with the exception of Trustee Nelson.

Agenda Changes: President Boyer asked if there were any changes to the Agenda. There were no changes to the agenda.

President's Remarks: President Boyer thanked the audience for attending and stated good attendance by the members helps the board with direction. He announced that two public forums will be held regarding the issue of Proposition 1 that would allow the Public Utilities District to take over electrical distribution from Puget Sound Energy (PSE). These forums will be held at 7:00 p.m. on October 2, 2008 at the Beach Club, and at 4:00 p.m. on October 7, 2008 at the Bay Club. President Boyer encouraged members to attend to learn the pros and cons of making a change in the future on this issue.

President Boyer announced the board meetings are recorded and are available to members. President Boyer indicated he will be a voting President.

President Boyer announced Bill Hanson will sit with the trustees today and act as a parliamentarian for questions and answers while the trustees conduct LMC business.

Approval of Minutes: *Trustee Moyer made a motion to approve the regular meeting minutes of August 16, 2008, as corrected. Trustee Van Zonneveld seconded the motion and the motion carried unanimously. 08-09-01*

Manager's Report – Brian Belmont

Mr. Belmont announced the trustees have scheduled a workshop for Saturday, September 20, 2008 at 9:00 a.m. The purpose of the workshop is to discuss the inconsistencies between the LMC Bylaws and the LMC Articles of Incorporation. LMC members are welcome to attend as observers.

The trustees have been provided the August 31, 2008 financial statements, which were also reviewed with the Finance Committee on September 11, 2008. As shown in the Late Collection Summary, dated September 9, 2008, there are currently \$6,084.34 in past due assessments and fees owed to LMC by seven LMC members. Mr. Belmont is working closely with the Finance Committee on two properties that owe substantial amounts.

The Homeowner Potluck organization (HOPL) has again donated \$400 to the LMC. The funds were used to purchase a new large wall mounted projector screen for use in the Bay View room. This donation is very much appreciated and will be used by the different groups and organizations that make presentations using overhead or digital projectors.

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Mr. Belmont recognized and thanked LMC member Lamont Sundman for donating a new flag to the LMC. Mr. Sundman's gift will be recognized in the LOG.

At the July Board meeting the Trustees authorized \$2,250 toward the purchase of a new camera monitoring system for the Beach Club. The 16-camera system that had been researched and selected was no longer available at Costco for the price that worked within our budget. Mr. Belmont found a very similar system online from several sources, but the cost was in excess of the budgeted amount. During the past two months all the distributors but one sold out of their inventory. Mr. Belmont decided to purchase one of the systems while supplies were available. The total cost was \$400.99 over the budgeted amount. Because this is beyond what was approved he asked for authorization for the additional funds. If the Board was not in favor of spending the extra \$400.99, Mr. Belmont was prepared to send back the system and keep looking. He reported that he had discussed this with the Finance Committee and they are in favor of authorizing the additional funding.

Trustee Moyer made a motion to approve the additional \$400.99 for the purchase of the LMC security system. Trustee Feltham seconded the motion. Discussion followed. The motion carried unanimously. 08-09-02

The 2006 Ford F-150 was purchased for \$9,100. It cost an additional \$868.20 for sales tax, title transfer and licensing.

The outdoor pool will be closed for the winter at closing time on Sunday, September 28.

Mr. Belmont announced he is in the process of getting prices for a heat pump system for the pools. Mr. Belmont explained propane prices are about .30 per gallon more this year so the sooner LMC can get off propane the better off we will be.

On August 21, Jefferson County provided LMC with written notice of the county's intent to surrender the easement for the communication tower located in the RV storage lot. In accordance with the easement, the county has six months to restore the property to its original condition, and remove the tower and equipment building. Jim Boyer, Ian Feltham and Mr. Belmont have met with a representative of the Port Ludlow Radio Club in an effort to explore alternatives to having the tower removed. As was discussed in previous meetings, the radio club would like to be able to continue using the tower if possible. LMC has concerns about liability, exposure, and tower maintenance costs should LMC take over ownership of the tower. Mr. Boyer and Mr. Belmont are meeting with a radio club representative again on Friday September 19 at 10:00 a.m.

President Boyer added that the County has budgeted \$90,000 from a grant for removal of the existing tower and the cost to erect a new tower would be in the vicinity of \$130,000. Other avenues of revenue for the tower are being investigated. Discussion followed.

Two weeks ago during a period of heavy rain, the two catch basins in front of the Beach Club backed up. At one point there was approximately 3 inches of standing water above the catch basin lids. Over time the water drained into the catch basins. Action Services, a company who cleans storm drain systems was contacted. They attempted to use high pressure water jetting to clear the obstruction with no luck. Action Services brought in a camera and inserted it into the 8-inch storm drain pipe. Approximately 50 feet down the pipe a root mass was encountered as

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shown in the attached photograph. I'm currently attempting to find a company that has the capability to cut through the roots so that we can examine the remainder of the pipe and assess the damage. Because the blockage is next to the tennis courts and approximately 7 feet below grade, digging up the pipe could be problematic. There are two fir trees in the vicinity of the blockage that I think will need to be removed. I will discuss this with the Operations Committee on Tuesday. Discussion followed.

Last week, yacht club member Doug Pulling asked if the LMC would be receptive to the idea of letting the yacht club use the display cabinet at the back of the Bay View room to display their trophies and possibly their announcements. Mr. Belmont pointed out that this is unused space that at times can be an eye sore. He has no objection to allowing the yacht club use of this space provided that the following terms are accepted by the club:

1. LMC has no responsibility for the displayed items.
2. It will be the sole responsibility of the yacht club to dust the displayed items.
3. No additional items will be posted in the Bay View room outside the display cabinet.
4. If alterations to the cabinets are made they must be reviewed and approved by the General Manager in advance.
5. LMC reserves the right to terminate this arrangement at any time provided 30 days notice is given.

Discussion followed. *Trustee Kadesh made a motion that the Port Ludlow Yacht Club be allowed to use the display case in the Bay View Room under the terms and conditions outlined by the General Manager. Trustee Moseley seconded the motion. Discussion continued. The motion carried unanimously. 08-09-03*

COMMITTEE REPORTS:

Architectural Control Committee (ACC) – President Boyer for Chair Bill Lazarus

President Boyer announced he had not received a written report from the ACC. The ACC has received the usual assortment of permit requests. There is a budget issue as to the secretarial and paperwork expenses that are being dealt with by bringing brevity to the ACC meetings. A new volunteer will be joining the committee to assist with that.

President Boyer indicated the most time-consuming and contentious area the ACC handles relates to trees and views. There are a number of differing opinions and differing language from covenants to bylaws to procedures about how trees and views are dealt with. Trustee Bradshaw has begun working on a draft to amend that language, so that it can be more easily understood and defined in the ACC meetings. In several areas, similar issues have been decided by the ACC in different ways, depending on the board or the location of the property, and they are trying to rectify that so that the ACC can make decisions that will stand and be equally applied to all LMC members, as soon as possible.

Trustee Kadesh stated he had heard a rumor that one of the trustees and Mr. Slattery were involved in the cutting of a tree on the Slattery property near Jefferson Ave and Pioneer without ACC permission. Trustee Moseley indicated he and Mr. Slattery had done some improvements on the tree in question and that the tree is on County property and, as such, does not fall under LMC jurisdiction for approval by the ACC. Trustee Moseley stated he had contacted the County

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and was advised that typically a tree that needs maintenance or removal should be dealt with by the owner nearest that property and it would be at their own expense. Trustee Kadash stated he felt the matter should be investigated to prevent this type of rumor from circulating within the community. President Boyer indicated the matter will be added to the ACC agenda for further review and action. Discussion followed.

Covenants and Regulations Committee (CRC) – Trustee Moyer

Trustee Moyer reported the CRC committee is in the process of being formed. There was no formal meeting since the August LMC board meeting.

Communications Committee (CC) - Barbara Berthiaume, Chair

Ms. Berthiaume reported the CC met twice 8-20-08 and 9-12-08. The *LOG* is coming out this next week. Editor David Goudie will be sending a draft to the board for their approval. Hopefully, the LOG will be ready for mailing within the next week or so.

LMC member Gunter Krumme attended the CC meeting yesterday and introduced many exciting concepts for using the web as a communication tool for LMC. A tool to poll LMC members on various issues and a historical background for new members are several of many possibilities Mr. Krumme discussed. To work on this project, a subcommittee has been formed within the Communication Committee. It is called the Web Development Team. Mr. Krumme has volunteered to help with this committee.

Ms. Berthiaume stated she and Bob Reasoner will conduct another communication skills workshop with the trustees on October 10, 2008 from 9:00 a.m. to noon. The workshop is open for member observation.

The CC has been asked to develop guidelines for a volunteer resource network. The name, LMC Volunteer Resource Team, has been chosen for this service committee. The purpose of this team, appointed by President Boyer, is to develop a list of resources that will be available to the LMC for whatever needs they have. This will be discussed further in the agenda.

Finance Committee (FC) – Ian Feltham/John Van Zonneveld

At the FC meeting on Thursday, September 11, 2008, John Van Zonneveld participated as acting chair. Mr. Van Zonneveld announced LMC currently has an excellent FC. The committee has agreed to meet twice a month to enable updating the reserve system costs. Mr. Belmont will meet with Bob Bima and Patrick Shannon on September 16, 2008 to discuss the format to be used in presentation of the 2009 LMC budget.

Greenbelt Committee (GBC) – Ted Buehler, Chair

Mr. Buehler reported on the current status of the GBC and discussed the upcoming GBC budget for next year. On an operational level, the GBC is currently taking care of hazardous trees in the greenbelt. Mr. Buehler presented different modalities for managing the LMC greenbelt areas, and recommended the GBC begin analyzing the situation and report back to the board with recommendations. The six steps he plans to implement include (1) data acquisition from experts, (2) identify the issues, (3) prioritize, (4) feasibility, (5) cost analysis, and (6) develop a 5-year or

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10-year plan and set up a procedure to evaluate the success. Mr. Buehler stressed the need for additional volunteers from the community. Lengthy discussion followed.

Mr. Buehler reported the GBC, at the board's direction, met with Kevin Hunter regarding the previously requested easement for Grace Christian Church property at the corner of Oak Bay Road and Osprey Ridge Dr. At that meeting, Mr. Hunter indicated they needed direction or confirmation from the GBC about the entry level (driveway) and where it could be placed. The County had recommended the driveway be placed almost directly opposite the driveway to the bank and the restaurant. Mr. Hunter questioned the GBC about any potential impact there would be from placing the driveway in that location versus some other place along the easement. It was the GBC's determination that from a greenbelt impact point of view the location of the driveway did not make a lot of difference and the GBC did not see any downside to putting it there. Mr. Buehler provided the trustees with copies of a map and a draft letter from the GBC. Lengthy discussion followed.

Trustee Kadesh made a motion that the LMC President be authorized to send a letter to Kevin Hunter, advising that his request for location of the easement has been reviewed by the Greenbelt Committee and the Greenbelt Committee has no objection to the location of the driveway. Furthermore, please understand that this letter in no way constitutes granting of any easement and that grants of any easement are subject to the approval by the LMC Board of Trustees. The motion was seconded by Trustee Van Zonneveld. The motion carried 6:2 with Trustee Moyer and President Boyer opposed. 08-09-04

Operations Committee (OC) – Jim Goode, Chair

Mr. Goode reported the OC has been working on current Beach Club problems with Mr. Belmont. A recent increase in parking of utility trailers and RV's on lots necessitated the mailing of a large amount of violation notification letters. At least half of the violations have been corrected.

The meeting went into recess at 10:52 a.m. and reconvened at 11:02 a.m.

North Bay Lot Owner's Association – No report.

Condominium Associations – No report from Admiralty I or II.

Port Ludlow Village Council (PLVC) – Larry Nobles

Mr. Nobles reported that yesterday the PLVC had received the report from the hearing examiner on Ludlow Cove II, which has been approved with a set of conditions that seem to be very boilerplate in nature. The council testified at the hearing, strongly in favor of the project. In the report it was clear Port Ludlow Associates (PLA) wants to have the 42 lots in Ludlow Cove II assigned to the LMC if LMC wants to take them. At some point the trustees will be approached by PLA, probably sometime in the very near future regarding acceptance of these units into LMC. Discussion followed. Trustee Moyer pointed out that PLA has a signed agreement with South Bay Community Association (SBCA) that Ludlow Cove II goes to SBCA and this would require a release from SBCA before these units could become part of LMC.

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Mr. Nobles announced there is a hearing at 6:30 p.m. on Wednesday, September 17, 2008 at the Shold Center on Rhody Drive, before the County Planning Commission, with respect to the possible mineral overlay for the Iron Mountain property (142 acres) on Route 104. They are hoping to lease this property from Pope Resources for additional mining activity in that area.

Mr. Nobles thanked the Port Ludlow Fire Department for putting up and taking down the banners on the meridian near the Port Ludlow Village Center.

John Van Zonneveld questioned whether the Community Development Committee had been disbanded. Mr. Nobles confirmed that the committee chair has resigned, and said the president of the PLVC would have to answer the question.

Member Comment Period – LMC member David Goudie complimented the trustees on their work and thanked the Greenbelt Committee for their assistance with a tree problem.

CORRESPONDENCE: A letter addressed to the ACC dealing with the conflict between Mr. Schreyer and Mr. Lambe will be forwarded to the ACC.

President Boyer read the following correspondence: Letter of nomination relating to a committee member from Bill Lazarus, ACC chair; Letter from Richard Regan opposing Steve Cross as chair of the ACC; letter from Bob and Jamie Bima supporting Steve Cross as chair of the ACC; letter regarding responsibilities, personal integrity, organization and energy supporting Steve Cross as chair of the ACC; letter from Connie Norman/Bob Bertoia in support of Steve Cross as chair of the ACC; letter from Doug Henderson in support of Steve Cross as chair of the ACC; letter from Terry Allen supporting Steve Cross as chair of the ACC; letter from Jeff and Stephanie Beres in support of Steve Cross as chair of the ACC.

Correspondence was also received from Hugh and Anne Jenings requesting a LMC board appeal following an ACC decision to deny a house paint color.

Trustee Moyer made a motion that the board schedule the hearing for the Jenings appeal to follow next month's board meeting on October 11, 2008, in the Gallery Room, if necessary. Trustee Moseley seconded the motion. Discussion followed. The motion passed 7:1 with Trustee Jenings abstaining. 08-09-05

Trustee Bradshaw discussed correspondence related to the transmission tower Mr. Belmont referred to in his report. A memo was received from the Operations Committee to the board relating to the risk management proof of insurance. This will be further discussed later in the agenda. The board was cc'd on two letters from the ACC to Larry Nobles and Frank Silver relating to a violation of LMC regulations. The ACC is referring the matter to the board for enforcement.

A letter from LMC member Anita Weakly was read as follows: "Dear LMC, I am submitting the attached letter I have prepared and submitted to the ACC on May 12. I am asking that this information be placed in your minutes and public information to confirm that the ACC and LMC are informed of the erosion issues on our shorelines. The topic of cutting the trees is a safety and security issue. Trees are a major support against erosion and drainage problems in our community. I am requesting that you deny the removal of healthy trees other than for the

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building of a new home or for safety of persons or property. Thank you for considering the importance of our environment, safety and security of our homes and bluffs above the personal interest of individuals.” A couple of photographs were attached to the letter.

UNFINISHED BUSINESS:

Appointment of Committee Chairs – President Boyer expressed his pleasure in asking John Van Zonneveld to be reinstated as chair of the Finance Committee. *Trustee Moyer made a motion to accept John Van Zonneveld to serve as chair of the Finance Committee and the motion was seconded by Trustee Jenings. The motion carried 7:1 with Trustee Elizabeth Van Zonneveld abstaining. 08-09-06*

President Boyer presented Dwayne Wilcox to serve as chair of the Covenants and Regulations Committee. *Trustee Moyer made a motion to accept Dwayne Wilcox to serve as chair of the Covenants and Regulations Committee and the motion was seconded by Trustee Van Zonneveld. The motion passed unanimously. 08-09-07*

President Boyer read a letter from Dwayne Wilcox in which he nominated the following to serve on the CRC: Caron Mesa, Michael Larkin, Richard Durand, Lia Robinson, Anthony Monti and Jan Richings.

Trustee Moyer made a motion to accept all the nominees named above to serve as members of the CRC. The motion was seconded by Trustee Van Zonneveld. Discussion followed. The motion carried 7:1 with Trustee Moseley abstaining. 08-09-08

President Boyer discussed a letter he had received from ACC chair, Bill Lazarus related to the need for him to step down, as ACC chair, due to work commitments, as soon as it was feasible and a replacement could be found. President Boyer stated that for some time he had thought about finding an individual who was a professional, with either architectural, design or construction experience. With the recent passing of the Conflict of Interest Policy, President Boyer spoke with Steve Cross, a local builder, and he agreed to serve as chair of the ACC. Over the ensuing weeks, there was some opposition to Mr. Cross' appointment as well as 9 letters supporting his appointment as chair of the ACC.

Trustee Jenings made a motion to accept President Boyer's appointment of Steve Cross as chair of the ACC. The motion was seconded by Trustee Moseley. Lengthy discussion followed. The motion failed 3:4:1 with Trustees Kadash, Feltham, Van Zonneveld and Moyer opposed, and Trustee Bradshaw abstaining. 08-09-09

ACC chair, Bill Lazarus, presented Sharon Sherfick to serve as a member of the ACC. *President Boyer made a motion to accept Sharon Sherfick to serve as a member of the ACC. The motion was seconded by Trustee Moyer and carried unanimously. 08-09-10*

At this point in the meeting, President Boyer stepped out of the room and the Vice President chaired the meeting in the President's absence.

Newsletter Name Change – from LOG to Navigator – Trustee Van Zonneveld provided background for this proposed name change. *Trustee Van Zonneveld made a motion to change the name of the LOG to the Navigator, effective January 1, 2009. Trustee Kadash seconded the*

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motion. Discussion followed. Trustee Jenings called for the question and the discussion was ended by a majority vote of 6:2 with Trustee Moyer and President Boyer opposed. Trustee Van Zonneveld's original motion carried 5:3 with Trustees Bradshaw, Feltham and Moyer opposed.
08-09-11

President Boyer returned to the meeting during the discussion of the previous topic.

Board Goals – Status Report – President Boyer explained he and Mr. Belmont are continuing to work on a draft for an organizational chart showing how all of the committees throughout North Bay and the entire community interact.

President Boyer reported a recent discussion at the Beach Club related to ballot materials and election procedures. Presented, as a sample, was a ballot obtained from the Port Ludlow Village Council (PLVC). This ballot, entered as Exhibit A, is simple and easy to fill out without a lot of discussion and the need to have a lawyer help to read it. Mr. Belmont will review the ballot. Discussion followed. Mr. Belmont indicated he had presented the trustees with an interesting article on elections and encouraged them to review it. Selection of an elections committee was discussed. Currently, Trustee Bradshaw and Mr. Belmont are the only members of that committee. Mr. Belmont stated a committee was needed that could look at the LMC governing documents, review other community association election procedures and talk with them, and then put together ideas on how LMC can streamline their election process. An article related to this subject will be placed in the LOG (name change to Navigator will occur 01-01-09). Discussion continued.

Insurance Risk Management Recommendations (policy changes) – Mr. Belmont – Mr. Belmont provided background on recommendations by the LMC insurance Company concerning a certificate of insurance for personal liability coverage for members, and a certificate of insurance naming LMC additionally insured for businesses and corporations. Although the insurance company wanted a minimum of \$1,000,000 coverage, it was the consensus of the board that \$500,000 would be more palatable to our members and seemed more reasonable given the exposure we have at the Beach Club. If LMC makes a change, there are two LMC policies that would be affected, namely the Beach Club/Bridge Deck Rental and Fee Policy and the Facility Rental Agreement. The subject was discussed with the Operations Committee, language in these two documents was crafted, and the Operations Committee approved the changes for forwarding to the board. Mr. Belmont suggested this draft be considered for first reading today and be forwarded to the newly appointed C&R Committee for their input. Following that it could come back for a second reading at the next board meeting on October 11, 2008.

Mr. Belmont read the proposed language changes in the two policies mentioned above: Proof of Insurance: Members, member-sponsored groups and nonmembers renting portions of the LMC facilities at which food and/or alcohol are being consumed, shall be required to provide proof of personal liability insurance with a minimum of \$500,000 coverage. Proof of personal liability insurance must be provided to LMC no later than fifteen (15) days prior to the meeting/function. In addition, professional organizations renting LMC facilities at which food and/or alcohol is being consumed, shall be required to provide LMC a certificate of insurance showing general liability coverage in an amount of at least \$500,000, and names Ludlow Maintenance Commission, Inc. as additionally insured for the date of the event. The certificate of insurance must be provided to LMC no later than fifteen (15) days prior to the meeting/function. Vendors, such as caterers, shall be required to provide LMC a certificate of insurance showing general

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liability coverage in an amount of at least \$500,000 and names Ludlow Maintenance Commission, Inc. as additionally insured for the date of the event. The certificate of insurance must be provided to LMC no later than fifteen (15) days prior to the meeting/function.

Mr. Belmont has prepared an article for the LOG explaining the insurance risk management recommendations to the membership. If the members wish to weigh in on this topic they will have ample opportunity before this matter is approved and finalized.

It has been proposed by the Operations Committee that the hourly rate for after hours use of the facility is increased from \$15.00 per hour to \$25.00 per hour, to cover expenses for staff to remain after hours.

Trustee Jenings made a motion to accept the proposed language changes to the Beach Club/Bridge Deck Rental and Fee Policy and the Facility Rental Agreement for first reading and forwarding to the Covenants and Regulations Committee. Trustee Van Zonneveld seconded the motion. Discussion followed. The motion carried 7:1 with Trustee Moseley opposed. 08-09-12

NEW BUSINESS:

Appointment of Volunteer Resource Network Service Committee – Barbara Berthiaume – Ms. Berthiaume discussed a proposal to find and/or identify volunteers to serve on various LMC committees and the board. The Communication Committee (CC) has suggested a LMC volunteer research team that would not be affiliated with the CC. The function of this committee would be to identify and develop a list of potential participants to be made available to the board and committee chairs for any open positions within the LMC. The makeup of the list would be based on LMC member skills, background and interests. The team will attempt to gather this information from as many LMC members as possible. It is recommended that the committee be composed of three (3) members of the association selected at large, including a chair appointed by the President. Membership on the committee would be subject to approval by the board, and the committee would not affect the Lot Owners Association (LOA) nomination work and, hopefully, would work in tandem with that association. Lengthy discussion followed. No further action was taken at this time.

Lot Owner & Condominium Owner Committee Membership – 1st Reading – Trustee Jenings – Trustee Jenings presented a draft amendment to the LMC Board Policies and Procedures for a first reading. Trustee Jenings discussed the rationale for this amendment. The proposed policy is as follows: The president any time during his or her tenure may make or change the appointment of trustees on the standing committees. The president shall only appoint those trustee members from the class of lot owners to be trustee committee members to the ACC and Greenbelt committees. The president may appoint any class of trustees (Lot Owner or Condo Owner) to all other standing committees. Lengthy discussion followed.

Trustee Moseley made a motion to accept Trustee Jenings Draft Amendment to Board Policies and Procedures (LMC) for first reading. President Boyer seconded the motion. Discussion proceeded. Trustee Jenings stated he would withdraw the matter at this time and take it to the Covenants and Regulations Committee (CRC) for review. Trustee Moseley and President Boyer agreed to withdraw their motion and second respectively.

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Proposed Amendment to Covenants – 1st Reading – Trustee Bradshaw –

Rationale: Covenant number 4 concerning the Architectural Control Committee (ACC) currently limits the size of the committee to five members. This committee has a very heavy ongoing workload. The limitation of five members sometimes results in approvals and enforcement actions taking longer, and sometimes a failure to achieve a quorum at regularly scheduled meetings. This proposed revision would allow for a larger committee to alleviate these conditions.

Additions: *bold italic* print.

Deletions: ~~strikethrough~~ print.

Proposed Wording: Covenant 4. Architectural Control Committee. The Architectural Control Committee shall consist of *at least* five individuals who shall be appointed by and subject to removal or replacement by the Board of Trustees of the Maintenance Commission....

Action Proposed: Refer the draft amendment to the Covenants and Regulations Committee for review and recommendation, and ultimately place the draft amendment on the April 2009 ballot for a vote of the membership.

Trustee Bradshaw made a motion to accept the Proposed Amendment to Covenants for 1st reading with referral to the CRC for review and recommendations. The motion was seconded by Trustee Feltham. Discussion followed. Trustee Moyer made a motion to defer Trustee Bradshaw's motion to the next board meeting and refer the motion to the CRC for their recommendations. Trustee Feltham seconded Trustee Moyer's motion and the motion carried unanimously. 08-09-13

Trustee Bradshaw presented a second proposed change to Covenant 4.

Rationale: The wording in Covenant 4 concerning the architectural control committee is not completely clear. The first sentence has traditionally been interpreted to mean that no trees could be cut on an unimproved lot until house plans have been approved by the ACC. This precedent has recently been challenged and there is the potential for another rancorous division in our community. In addition, the LMC membership approved a new regulation on trees and views in April 2007 by a two-thirds majority vote. This regulation provides for the restoration of views that have been gradually blocked over time by the growth of trees on private property. If owners of view lots are to have their view restored, there needs to be some means of cutting trees on unimproved as well as on improved lots. The proposed revisions would strengthen the covenants by clearing up ambiguous language and reinforcing the traditional interpretation while providing for some relief for view obstructions on unimproved lots. Note that actions by the ACC are also guided by the bylaws, regulations and established policies and procedures.

Existing wording: No building or structure (including fences or any manmade obstruction) shall be built or placed or thereafter altered on any lot, nor shall a lot be cleared or excavated for use, nor shall any tree of six-inch or more breast-high diameter be cut, until after the details and written plans and specifications thereof disclosing clearing, size, materials, location, finish and elevation (and as to tree cutting, with specific identification of individual trees to be cut) have been submitted to and approved by the committee referred to herein....

Proposed wording: No building or structure (including fences or any manmade obstruction) shall be built or placed or thereafter altered on any lot, nor shall a lot be cleared or excavated for

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use, ~~nor shall any tree of six-inch or more breast-high diameter be cut,~~ until after the details and written plans and specifications ~~thereof~~ **of the building or structure** disclosing clearing, size, materials, location, finish and elevation (and as to tree cutting, with specific identification of individual trees to be cut) have been submitted to and approved by the ~~committee referred to herein~~ **ACC. *Trees of six-inch or more diameter (at a height of four feet above the ground) may not be cut without the approval of the ACC. The ACC may approve the cutting of an individual tree on an unimproved lot in the absence of plans for a building or structure only when the tree is hazardous or to restore a preexisting view....***

Action Proposed: Refer the draft amendment to the CRC for review and recommendation, and ultimately place the draft amendment on the April 2009 ballot for a vote of the membership.

Trustee Moyer made a motion to refer the second draft amendment to the CRC for consideration and bring it back next month. The motion was seconded by Trustee Van Zonneveld. Discussion followed. The motion carried 6:2 with Trustee Moseley and President Boyer opposed. 08-09-14
Discussion continued.

Public Comment Period: There was one member comment from the audience.

By a motion made by Trustee Moyer, duly seconded, and unanimously carried, President Boyer adjourned the meeting at 1:50 p.m. 08-09-15

Respectfully submitted,

Vaughn Bradshaw, Secretary
Ludlow Maintenance Commission, Inc.

Prepared by Carol Shamhart
LMC Recording Secretary