

**EMERLAD LAKES VILLAGE HOMEOWNERS ASSOCIATION SPRING MEETING**  
**TROY UNION ELEMENTARY SCHOOL CAFETERIA**  
**WEDNESDAY, MAY 23, 2012, 7:00 P.M.**

**MINUTES**

1. Call to Order – Chairman/President Doug Haxer called the meeting to order at 7:01 p.m.
2. Establish A Quorum (5% of 550 = 28 homes) – It was established that there were 61 homes represented; therefore we have a quorum.
3. Approval of the 2011 Spring Meeting Minutes – **Bruce Gleba moved to approve the May 17, 2011 Spring Meeting Minutes. Ray Donnelly seconded and the assembly approved.**
4. Introduction of the Tellers – Paul Clark, Jim Kennedy and Frank Gerstenecker agreed to serve as Tellers and were introduced to the assembly.
5. Introduction of the Current ELVHA Board of Directors – President Doug Haxer
  - Vice President Dan Ewald
  - Recording Secretary Karen Charnawskas
  - Treasurer Jerry Elsenheimer
  - Corresponding Secretary & Newsletter Editor Kathleen Donovan
  - Lakes Chairman Tom Kuhn
  - Maintenance Chairman Joe Power
  - Membership Chairman Andrea Allemon
  - Restrictions Chairman Jay Reynolds
  - Security Chairman Allan Boots
  - Special Projects Sue Patterson
  - Assistant Treasurer Bruce Gleba
6. President's Remarks – President Doug Haxer
  - ELV has had a good year and its revenues are sound. Almost all dues have been collected with only six still outstanding. There was \$30,000 budgeted for expenses with only \$8,000 spent so far; however, it is expected that during the summer months, expenses will increase.
  - Walker Lake is covered with curly leaf pond weeds, which usually grows near the shore. This year, since it was so warm, they are now in the center of the lake making it necessary to amend the permit to treat that area. Treatment costing \$1,300 was done yesterday so dead weeds are expected to come ashore making clean-up necessary.
  - Three new signs were made for the spring meeting and three additional will be made for the fall annual meeting.
  - The Special Projects Committee will be updating the cul-de-sacs.
  - Old and abandoned paddle boats have become a problem. The Board is willing to chop up old boats upon request and Tringali has agreed that as long as the pieces are light enough to load, they will pick them up.
7. Proposed Bylaws Amendments – President Doug Haxer
  - Amendment to Article X – Amendments
    - i. President Haxer explained the Board's position on this amendment as outlined on the attached ballot (**Attachment #1**) that was posted in the ELV newsletter.
    - ii. There were no questions from audience.
  - Amendment to Article V – Membership Meetings
    - i. President Haxer explained Board's position on this amendment and why it proposes eliminating absentee voting on amendments.
      - Last year there were 17 absentee votes and 114 residents in attendance out of 550 homes
      - If a NO vote is handed down on both amendments, the Bylaws will stay in place
      - A YES vote cannot be given on both as they are in conflict with one another. Residents must vote for one or the other only.
    - ii. Questions and comments were taken as follows:
      - COMMENT: There are younger people who cannot get here to vote and folks in the sub who cannot make a 7:00 meeting. REPLY: The Chairman replied that with at least 20

days' notice of an upcoming meeting and signs posted on the corners the date of the meeting, those who want to attend will find a way.

- QUESTION: First a comment: I agree that there are old people who cannot get out to a meeting. Second, what if both amendments pass...what would the outcome be?  
ANSWER: As stated above, a YES vote cannot be given on both as they are in conflict with one another. Residents must vote for one or the other only.
- COMMENT: Another resident stated he doesn't see why we cannot allow absentee ballots. If an amendment is amended on the floor, the absentee vote would just become null and void. He also feels we should allow voting by Proxy.
- QUESTION: Is the main reason we do not want to vote absentee because of an administrative problem such as not enough people to help? If so, he is willing to assist.  
ANSWER: Yes, one of the concerns is the process to ensure that we are not getting a fraudulent ballot. The assembly is asking the Board to work for only a few people.
- QUESTION: What would prevent a Board that is eager to pass an amendment from having a meeting in two days? ANSWER: Can't do that because our Bylaws state a notice of any special meeting needs to go out 20 days before such a meeting is held.
- COMMENT: If we are worried about who shows up here, what about the government? They even have absentee votes and don't use them.

iii. **Eckart Leitner moved to take the vote; Ken Courtney seconded and the assembly approved.**

8. All State Tree Presentation – Dana Stevens (guest speaker and employee of All State Tree & Lawn Service, Inc.)

- Dana has worked 17 years in the landscaping field. She explained various types of trees, specifically Poplar and Willow trees, the pollution that they give and the fact that they suck up 200 gallons of water each day.
- All State Tree is offering significant discounts, approximately 30-40% off, for removal of these trees (**Attachment #2**). This offer will also expand to additional landscaping needs and they will work with residents on those details. Tree trimming of all trees is included in this offer and the proposal will be offered in late fall. All State Tree has also agreed to map every Poplar and Willow tree in the Village and the Board will send letters to every resident who has one on their property. Information will be in next month's newsletter.

9. Results of Voting on Amendments

Number of in-person ballots	61
Number of ballots declared invalid (subtract)	1
TOTAL number of valid ballots cast	60

A **majority** vote (50% +1) required for Bylaws Amendment approval is 32 votes.

**AMENDMENT #1 – Article X – Amendments (DEFEATED)**

Number of <b>YES</b> votes	8
Number of <b>NO</b> votes	52

**AMENDMENT #2 – Article V – Membership Meetings (PASSED)**

Number of <b>YES</b> votes	43
Number of <b>NO</b> votes	16

10. Treasurers Report – Treasurer Jerry Elsenheimer

- The Treasurer's Report was present and it was established that everything is in good order.

11. Litigation Update – President Doug Haxer

- Many are not aware that litigation was initiated in August on a resident who has allowed his property to become a junk yard and heavily overgrown. Repeated attempts to have the property cleaned up and overgrown trees removed to open the view for neighbors have been unsuccessful. An amount of \$6,500 per year has been placed in a reserve fund and there is now over \$44,000 set aside for this purpose.
- The suit was settled before going into litigation. During the deposition process, it was found that our Restrictions are not as good as they could be. First, there is not a single mention of the word "tree" and second, we were under the assumption that the City has a list of objectionable trees; however it does not cover trees that sprout up on their own. Third, any Restriction has a statute of ten years and we have found that some of these trees planted themselves over 20 years ago.

- Details of the settlement were briefly discussed. The final results were the removal of all Poplars, trimming up of several Pine trees and trimming of the Willow with the stipulation that it would be maintained at the current trimmed level and no new growth would be allowed.
- What we ended up with is 90% of what we wanted at the cost of \$18,000 and the property still looks bad, but we do not have any Restrictions in place to eliminate some of the present problems. A few of the changes in the Restrictions that the Board hopes to include are:
  - i. Adding the word “trees” to the document
  - ii. Putting restrictions on the number of boats allowed on one property
  - iii. Instituting a fine structure
- QUESTION: A resident stated “What I don’t understand is the fact that the Restrictions say the view cannot be obstructed by anything.” ANSWER: The Restrictions actually say “shrubs, bushes, and the like.”
- COMMENT: One neighbor commented that the yard in question still looks horrible. The City Zoning Department says the owner does not own the land beyond the shoreline so it may be possible for ELV to cut down any portion of the Willow that is overhanging the water. Photos were then shown of the Willow leaning over the lake. **The resident then requested making a motion to remove the portion of the tree on the property in question that overhangs the Association’s common area.** RESPONSE: The Chairman said this motion was out of order until further research could be done.
- QUESTION: On some of the original homes the water was deeded to the property owner. On the newer lakes the property owners do not own the water, the City does. Resident Paul Messano said nobody owns the water. In some lakes the people own the ground under the lake, but the water is owned by the State. Before we go to any expense, the deposition by Joel Garrett should be reviewed. A copy should be in the historical data. This is very important. **Paul will find that document and give it to President Haxer.** It will then be kept on record with the Recording Secretary.
- QUESTION: One resident said she owned property on Lake Huron for many years. She owned to the water’s edge; if the water went down she had more property. However, anyone could walk on the beach. This sounds like a pretty good idea here. ANSWER: We cannot legislate lake property lines. These are mapped out by the State and available on plate from the City
- QUESTION: What action are we going to take as a result of this discussion? ANSWER: Margaret McLand will obtain back-up information and give it to the Board.
- QUESITON: A resident thanked the Board that something has been done. ANSWER: The Board has learned some things from this that will help the Association going forward.

#### 12. Proposed Fine Structure – Vice President Dan Ewald and Restrictions Chairman Jay Reynolds

- The Board will discuss the Restrictions at the June Board Meeting and prepare a final draft at the July meeting for publication in September. Any Restrictions change requires signatures of 50% plus one of the homeowners; consequently, it will take some time to get this in place and done. The Board would welcome input from residents as to additional things that need to go into the Restrictions. Our Restrictions chairmen have continually taken care of the same things over and over, but the only thing that could be done was to send a letter. With that in mind, the Board suggests creating a fine structure that can be amended from time-to-time as needed. The purpose is not to collect money; it’s to get rid of the problem. These fines will be lienable.
- QUESTION: What does the DEQ say about Willow trees? ANSWER: The DEQ does not take a position regarding Willows. We follow City code.
- QUESTION: The house next door has five to six cars in the driveway that never move. Is there anything that can be done? ANSWER: As long as they are licensed and in the driveway, there is nothing we can do.

#### 13. Closing Remarks – President Doug Haxer

- Many residents have lived here over 30 years; some as many as 43 years and a good number are original owners. For sale signs are going up and down rather quickly in ELV and our beautification program is well underway.
- The Board has started a new program, that of paddle boat dismantlement and could use some volunteers; an hour once every two weeks or so would be appreciated. If interested, email President Doug Haxer.

#### 14. Questions and Answers

- QUESTION: Does the Board know anything about why the FBI and DEA surrounded a house on Emerald Lakes Drive? ANSWER: It was part of a national sting operation of Medicare fraud.

- QUESTION: Is there a survey of how many people grew up in the sub and then bought homes here? Last count was 34. ANSWER: The Membership Chairman will do some research and post an article in the newsletter.
- QUESTION: Could the Board hold the fall meeting within the first two weeks in October to accommodate the snow birds? ANSWER: Every effort will be made to accommodate that request.

15. Adjournment – The meeting adjourned at 8:22 p.m.

- **Charlotte Haxer moved to adjourn the meeting; Claudia Filipek seconded and the assembly approved.**

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Karen L. Charnawskas  
ELV Recording Secretary

**APPROVED on May 15, 2013**

**Attachment #1 – 2012 Proposed Amendments to the Bylaws of Emerald Lakes Village Homeowners Association**  
**Attachment #2 – All State Tree & Lawn Fall 2012 Tree Removal and Trimming Discount Program**