

EMERALD LAKES VILLAGE HOMEOWNERS ASSOCIATION SPRING MEETING
TROY UNION ELEMENTARY SCHOOL CAFETERIA
WEDNESDAY, MAY 15, 2013, 7:00 P.M.

MINUTES

1. Call to Order – Chairman/President Doug Haxer called the meeting to order at 7:05 p.m. and welcomed and introduced new residents. It was noted that the oldest residents have lived here since 1968.
2. Establish A Quorum (5% of 550 = 28 homes) – It was established that there were 71 homes represented; therefore we have a quorum.
3. Approval of the 2012 Spring Meeting Minutes – The 2012 Spring Meeting Minutes were presented. There were no changes made. **Paul Clark moved to approve the May 23, 2012 Spring Meeting Minutes. Ray Donnelley seconded and the assembly approved.**
4. Introduction of the Current ELVHA Board of Directors – President Doug Haxer
 - Vice President John Martin
 - Recording Secretary Karen Charnawskas
 - Treasurer Megan Marx
 - Corresponding Secretary and Newsletter Editor Kathleen Donovan (not present)
 - Lakes Chairman Tom Kuhn
 - Maintenance Chairman Joe Power
 - Membership Chairman Andrea Allemon
 - Restrictions Chairman Jay Reynolds
 - Security Chairman Allan Boots (not present)
 - Special Projects Kay Pomeroy
5. Introduction and Acceptance of the ELV GooseBusters – President Doug Haxer
 - The three official GooseBusters are as follows:
 - i. Allan Boots
 - ii. Ken Grand
 - iii. John Hodsdon
 - **Resident Ken Courtney moved to approve the list of GooseBusters. Pam Kondziola seconded and the assembly approved.**
 - An article will be published in next newsletter announcing the current list of GooseBusters.
 - Resident Ken Grand announced that geese are now laying eggs so it would be wise to keep our eyes open to discourage nesting in our area.
6. President's Remarks – President Doug Haxer
 - ELV is currently in a good position. Of the 550 residents, 549 have paid their dues; and the judge ruled in our favor on the one resident who was taken to court.
7. Treasurer's Report – Treasurer Megan Marx
 - President Doug Haxer gave the following Treasurer's Report:

i. Checking Account:	\$ 25, 850
ii. Savings:	\$105,288
iii. Reserve:	<u>\$ 50,836</u>
iv. Total:	\$181,964
 - These bank account amounts will start dropping as soon as we get into the high budget spending times of May through October.
 - Our biggest issue in the village is our lakes. Andale currently has a problem, but the MDEQ has not yet signed off on our applications for treatment. It was submitted in February but has not yet been approved. All other lakes are also in need, but LakePro can do nothing until they get the permits or they will lose their license.
 - Special thanks were given to:
 - i. Sue Beach, who has agreed to do the 2012 audit this year
 - ii. Bruce Gleba, for getting signs made, storing and removing them tonight

- iii. Gloria Dezenski and Yvonne Misuraca, for providing tonight's refreshments
- iv. Maggie Blachford, Sue Sebastian and their husbands, for their hard work in organizing a successful Easter Egg Hunt

8. Changes to the Declaration of Restrictions – John Martin

- Copies of the Declaration of Restrictions 2013 DRAFT 1 were distributed and the noted changes discussed. A copy of DRAFT 1 will be sent via email to anyone who did not receive a copy tonight and signs up at the host table. After hearing from the residents this evening, final changes will be made and reviewed at the June Board Meeting. The revised document will be posted on the ELV Website and the process for approval will begin.
- As a point of information, 51% of the homes in the village is needed to approve any restrictions changes. Since there is not 51% represented here tonight, the board asks that everyone listen and offer input.
- The one major change that we are trying to accomplish is that our restrictions do not express any relief short of a law suit. Consequently, the board proposes establishing a fine structure with specified amounts. A fee schedule will be presented at the annual meeting and any changes to that fee schedule will always be voted on at an annual meeting before it is implemented.
- Most of the legwork has been done by Vice President John Martin and Restrictions Chairman Jay Reynolds with the board's approval. John and Jay presented and discussed the changes page-by-page as found in **Attachment #1**.
- Question – There are some people who have more than three animals. What happens then?
 - i. Answer – If it is brought to the attention of the board, it will be enforced.
- Question – What about kittens and puppies?
 - i. Answer – John will add a sentence for whelping litters to be exempted for the first six months of life.
- Question – Will there be any “grandfathering” of these issues?
 - i. Answer – No.
- Question – Can we add something about dogs that bite?
 - i. Answer – Since the city already has a vicious dog ordinance, it is not clear if we can have any more enforcement ability. That should be left up to animal control.
- Question – Regarding the number of animals, if there is already a city ordinance, why do we need to put that in our restrictions?
 - i. Answer – We are combining the two as we have had several people come in with a menagerie and we are trying to abate this problem.
- Question – On Sec. 6, (a) Landscaping, the change “A view shall be described as at least 45-degrees of visibility from the windows of an existing home across adjacent properties.” doesn't specify which windows. This could restrict anything from being planted in the back yard.
 - i. Answer – No. This only further defines plantings on the lake side that will grow over six feet tall.
- Question – If someone had a kennel license, would that supersede the restrictions?
 - i. Answer – That would be a fight, but “no” it would not work.
- Question – Regarding political signs, a resident wondered if the village can limit the number of political signs.
 - i. Answer – The board had planned on staying away from that and going along with what the city allows; however, Paul Messano said that as an association, we can enact rules that are more restrictive than the city allows. Consequently, whatever the city has, the association can be more restrictive.
- Comment – On Page 7 (h) Fences – a rewrite was made after printing of DRAFT 1 modifying pool dimensions as follows: ~~In-ground pool fences may be located any distance up to 15' from the outside edge of the pool deck. In such a case, the maximum distance of 15' holds for the other sides of the enclosure as well.~~ ***In-ground pool fences may be located at any distance up to 15 feet from the outside edge of the pool deck or patio provided the fence does not encroach into the side yard or rear yard setbacks and does not obscure the neighbors' view of the water.***
- Question – What about setting a standard regarding “noxious” weeds?
 - i. Answer – We decided to just insert weeds.
- Question – What trees are prohibited?
 - i. Answer – Willows, Cottonwoods, and Poplars as these are extremely messy and suck up 200 gallons of water every day.
- Question – Doesn't the city have a list of prohibited trees?
 - i. Answer – Yes, but it only addresses planting them, not the ones that self-plant.

- Question – Regarding the use of lake access lots, who has the ability to change the information in the neighborhood directory?
 - i. Answer – In the 2013 DRAFT 1 of the Restrictions, Page 8, Sec. 7 (b) Use, it reads as follows: “The residents of the Subdivision and their invited guests shall have access to the lake abutting their property or other lakes that have residential access, **subject to the rules governing the use of the lake access lots as described in the neighborhood directory**. Such access to the lakes by non-abutting village lot owners, shall only be through those lots which are specifically designated in Section 7 (a) as being reserved for recreational purposes. The residents shall have reciprocal rights of access to any lots set aside for recreational purposes. Such recreational areas shall be under the general direction and control of the ~~Association~~ **Board of Directors**. Fences, tool or storage sheds may be constructed upon the recreational lots provided that the plans and specifications are approved by the ~~Architectural Control Committee~~ **Board of Directors**. The use of the recreational areas shall be subject to the following rules and prohibitions in the nature of easements granted as an appurtenance to all lots in the Subdivisions.” Paul Messano stated he does not believe that the suggested addition “, **subject to the rules governing the use of the lake access lots as described in the neighborhood directory**” should be included unless we add “**as amended from time-to-time by the Board of Directors.**”
- Comments – Questions came up regarding Sec. 4 Residence Structures (g), which states: “No outbuilding or temporary structure of any nature shall be erected or placed upon any lot; with the exception of **single-day, catered affairs as the common areas** if approved by the Board of Directors.” After some discussion, it was suggested to remove the word “catered” and add a guideline that would clarify putting up a structure the day before and remove it the day after (up to no more than 72 hours).
- Question – A resident asked why the statement “*The Architectural Control Committee shall not be arbitrary in its decisions.*” was removed.
 - i. Answer – Because the whole board is now making decisions on the request instead of a committee of one, we no longer have to worry that decisions will be arbitrary. Consequently, there is no need to state that anymore.
- Question – Is there going to be a vote tonight on the restrictions changes?
 - i. Answer – No. You have served as our focus group and have given us some important changes. When leaving tonight, you will have an opportunity to vote “yes” or walk away.
- Comment – One resident commented that these changes have already made this a better document.
- Comment – In the winter, a truck cut ice and took water out of Emerald Lake.
 - i. Answer – The board was made aware of that illegal action.
- Question – Is it still the policy that before the board will act on a violation, a statement or agreement will be sought from a neighbor?
 - i. Answer – Yes, we will and do, and in addition will also act on violations identified by a board member.
- Comments from the Board
 - i. President Haxer felt there was nothing discussed this evening that was so substantial that we should not receive the 51% of votes required to enact the changes. The one thing the board had wanted this evening was to hear comments as to why residents would not be voting “yes.”
 - ii. The board’s main objective here is to make things easier for compliance.
 - iii. Vice President Martin will make revisions as discussed tonight and send them to Recording Secretary Karen Charnawskas who will have a revised document ready for finalization by the board at the June Board Meeting. Changes should be ready by June 10 and a ballot published in the June newsletter.
 - iv. Many questions were asked tonight and many comments were offered. They will all be taken under advisement by Vice President John Martin and the Declaration of Restrictions will be updated as necessary before presenting to the ELV residents in June.

9. Closing Remarks and Questions – President Doug Haxer

- The board is continuing the paddle boat destruction program. Upon request, boats will be cut up and disposed of free of charge.
- Special Projects
 - i. In 2011 the president and maintenance chair reviewed all CDSs and developed a five-year rehabilitation plan. We are now in the third year of completing that plan.
 - 1. This year a complete redo of Sandy Point and Sandshores CDSs is planned. One homeowner is taking responsibility for watering Sandshores CDS.
 - 2. The most critical CDSs will be done this year, and Emerald Shores CDS will be taken care of if there is enough money left in the budget.

3. Next year Little Creek and Walker CDSs are scheduled for updates.
 4. By the end of 2015 all CDSs and entrance ways will have been completely redone.
- Question – Someone asked about the private property on Walker with two arborvitaes missing near the entrance way and whether or not the association could replace the bushes that are missing.
 - i. Answer – The board does not want to set a precedence of paying for landscaping on a private owner’s property.
 - Question – How are these votes going to be tallied?
 - i. Answer – The board has addressed that issue. Ballots will be kept in a sealed box until such time that all votes will be counted.
 - Question – After the restrictions are approved, will the residents receive of the final document?
 - i. Answer: Yes. After this passes, every homeowner will receive a written copy of the new restrictions document.
 - Question – Last year, we didn’t have a fishing contest. Are we going to have one this year?
 - i. Answer – Yes. New resident, Derrek Zdeb has agreed to take charge of the fishing contest. As in the past, the contest will only be open to residents. Details will be published in the newsletter.
 - Comment – One resident commented that he was very impressed with the fact that 549 out of 550 have paid their dues. That is outstanding.
 - i. Response – And that is with no dues increase in the last four years!

10. Adjournment

- **Debbie Radtke moved to adjourn the meeting at 8:45 p.m. Elizabeth Kaniarz seconded and the assembly approved.**

Karen L. Charnawskas
ELV Recording Secretary

APPROVED as presented on May 13, 2014

Attachment #1 – Declaration Of Restrictions 2013 DRAFT 1 (Hard Copy)