

SUMMARY OF MAY ELV BOARD MEETING HELD MAY 3, 2021

Opening Remarks (President / Vice President)

- President (None)
- Vice President (None – Absent)

Guests

- None

Minutes from Past Meetings (Recording Secretary)

- **The Board voted to approve the Minutes from the April board meeting as presented by unanimous vote**
 - Draft summary of the March minutes is pending

Treasurer's Report (Treasurer)

- Treasurer's reports were sent out prior to this meeting. All reports are on file with the Treasurer
- Current balances in the ELV accounts were presented
- **The Board voted to approve the April 2021 Treasurer's Reports by unanimous vote**
- Status of dues payments
 - There was a lot more collection in Jan - April as Nov/ Dec were slower in terms of collection
 - We had barely about 50 checks collected in Nov/ Dec with remaining ~500 came in after Jan
 - That is one of the factors that was causing a "cash" deficit in 2020 that Jim was pointing out in the last board meeting
 - Going thru the previous years' trends, about 30% of the funds would have been collected in the months of Nov / Dec, but that wasn't the case for 2020
 - The \$0.55 in dues income was an allocation that our accounting system did automatically as one homeowner wrongly wrote a check last month for \$120 instead of \$220 so the accounting system did some crazy math to allocate it between dues and late fees. But they have now fully paid, so it will be cleaned up in May
 - 12 homeowners haven't still paid. One of those is the family on the little creek that got a waiver last year and have paid partially this year. Kannav will forward list to Andrea and divide calling residents with a final warning to pay by May 7 or face a lien

Ongoing Business

- Recent Electronic Approvals (Recording Secretary)
 - Approved a resident's patio expansion and arborvitae relocation by a vote of 9 in favor and 0 against
 - Approved the Architectural Approval Process as distributed via email on an interim basis
- Membership Update (Membership Chair)
 - Greeted no new residents this month
 - Sent no sympathy card this month
- Newsletter (Corresponding Secretary)
 - Jim Tompkins suggested an article regarding signs in ELV
- Lake Levels and Treatments (Lakes Chair)
 - The lake levels continue lower than normal at this time of year.
 - Most are at similar levels as they were in April, with the notable exception of Pebble which is about 9" higher than a month ago, reflecting the effect of both rain and the Andale pump
 - Andale pump was turned on the day after the lake levels were measured in April
 - LakePro was scheduled to start treatment today, but delayed 1-2 days due to weather
 - LFA
 - The aeration permit is still ongoing, with delays at both Lake pro and EGLE. EGLE is still working remotely and hard to access
 - Jim still expects to have it installed this season, but obviously later
 - There has been some finger pointing regarding the permitting
 - Peter F. is no longer with LakePro and new account representative (Tyson) is working through it
 - Jim communicated that if permitting is not completed in time to install the system this year, that he expects LakePro to cover the extra year of water testing since they are supposed to be managing the process
 - Tyson has been with LakePro for several years, he is just new to managing our account
- Security Update (Security Chair)
 - No update (Absent)

- Recent Maintenance Notices (Maintenance Chair)
 - Dog house replacement
 - Derrick will order the first rock using the maintenance chair expense allowance while waiting to get approval on the updated budget at the HOA meeting
 - It might be possible to get the first rock delivered in time for the spring HOA meeting
 - Water meter installation
 - Scheduled for 2nd week of May with City; it was the earliest available
- 5-Year Plan (Special Projects Chair & Recording Secretary)
 - Volunteer recruitment
 - So far have 2 volunteers to lead potential projects
 - Top priorities: beach sand, sidewalks, entrance lighting, play equipment, entrance signs, website
 - No update
 - Entrance signs (Wendy Gueth volunteered)
 - ELV Facebook page / website
 - Resident Karen Gard found that the ELV Moms Facebook page provided the interaction she was looking for and will not be an administrator of the ELV Residents Facebook page at this time
 - Playground equipment (Jackie Shelson volunteered)
- Restrictions Violation Issues (Restrictions Chair)
 - Violations committee reviewed complaint regarding a resident's raised bed and determined that there was no violation
 - To maintain consistency with violations issued in January, Notices of Violation for prohibited signs were delivered April 25 to 11 addresses
 - 2 additional homes have been identified but not yet notified
 - Discussion of signs restriction language
 - Kathleen received anonymous request on April 29 that the sign restriction be enforced
 - Current Restriction:
 - There are time limits to when the signs are to be removed (48 hours for an election or political sign)
 - For sale signs are allowed. It makes sense to be removed after the home has sold
 - Board was notified that the restriction was being enforced in January and during last month's board meeting
 - Jim proposes to include an article in the newsletter on the topic
 - Article will also include a general mention of the restrictions violation procedure previously distributed with the newsletter
 - Definition of a sign
 - Some residents previously cited have removed signs and now have garden flags and furniture pillows with similar or related messaging
 - What is the purpose of the restriction, is it aesthetic or messaging
 - What is the definition of a "sign" and when does something become home décor like a wooden welcome sign on a porch
 - **No determination was made**
 - Graduation signs:
 - Jim proposes to include a notice in the newsletter in June about all graduates in the neighborhood
 - Matt feels this might be taken too far or literally
 - Others believe the current strict enforcement does not serve our community's best interest
 - Matt counted 7 Athens seniors in the ELV neighborhood, there might be under 10 total
 - Does a graduation sign or happy birthday sign constitute a "temporary structure", which is allowed for day before, day of, and day after event?
 - **No determination was made**
 - Complaint handling
 - We are keeping the informant of a potential violation private, this was not always the case for many years
 - How many board members see the complaint from the ELV resident? Will the entire new subcommittee see the complaint? if so, is the subcommittee they held to some type of fiduciary standard to not tell anyone? if it is only one person that sees the ELV

resident's complaint, then that is not enough checks and balances. At least one other person or the committee should have access to the incoming complaints.

- The violation procedures allows for the Restrictions Chair to proceed based on some judgement as the policy states in Items #2 and #3:
- “The Restrictions Committee Chair may proceed on the basis of the initial complaint, or may request additional information or evidence of the alleged violation from the complainant.
- “The Restrictions Committee Chair may proceed to the formal complaint resolution process outlined below without seeking an Alternative Resolution.”
- Joe asked to have complainant for each individual sign but the information was not shared since the policy states that complainant identities would remain confidential
- Does confidential refer to general residents or also other board members
- **This point was tabled for discussion at a later board meeting**
- Joe further explained that the Board shouldn't “police our own” and that only official and specific complaints should be addressed by the board
- Restrictions Amendment:
 - Kathleen proposed we announce in the May newsletter that we are proposing an amendment to the Restrictions Agreement which allows celebratory signs to be displayed on a temporary basis.
 - Things such as graduation signs, birthday signs and thank you signs. While the votes for approval are being gathered (51% of all homes in ELV have to agree) we think it is a common-sense approach to allow such signs and only such signs to be displayed.
 - Do we want to include: open house signs (e.g.. Bishop Foley), event signs (Live Nativity at Woodside Bible, Elf shelf) or not mention these and ignore them when they appear?
 - We should not hastily make a change without thoroughly considering the legal ramifications of both non-enforcement of an existing restriction (that has already been enforced) and alterations to the existing Restrictions.
 - For example, someone could make an issue that certain types of signs are permitted while others are not
 - We may want to consider obtaining a legal opinion that the Board can rely upon if a resident ever takes legal action on this issue
 - The board will mention that this restriction clause is being reviewed
- **Board passed a motion to have the Restrictions Violations Sub-Committee only act on specific complaints about specific signs and that if a specific sign is not included in an official complaint to not engage by a vote of 8 in favor, 0 against with 2 members abstaining**
- Architectural approvals (Restrictions Chair)
 - Sent approval procedure to a resident that requested from a resident for a retaining wall, seawall, deck and driveway
 - Sent approval procedure to a resident that requested to install screening for their patio

Old Business

- Architectural Approval Process and Sub-Committee (Restrictions Chair)
 - Proposed General Approvals Procedures was distributed prior to board meeting
 - Motion to make changes to Architecture Approval Process document.
 - Remove item II E: “Fences will be permitted for properties which border South Blvd. (sound barrier) This fence will only be allowed on that part of the lot which borders South Blvd. and cannot exceed six (6) foot, six (6) inches in height.”
 - As this is in direct contrast to what is permitted by the Restrictions.
 - Add II F: “Approval of lake property landscaping in back and side yards” based on:
 - Restrictions Miscellaneous Provisions Sec. 6a Landscaping, which states “New landscaping (plantings), self-seedings or play structures shall not be located in a manner that obscures or could eventually obscure the view of the shoreline of the water from any adjacent property. A view shall be described as at least 45 degrees of lake visibility from the windows of an existing home across adjacent properties.”
 - Numerous proposals involving blockage of adjacent neighbors' views of the lake
 - Policy Letter #3, which states, “DO NOT PLANT TREES NEAR THE WATER. No Tree Is To Overhang The Water - The word "tree" means shrubs, bushes and all other woody vegetation.”

- Add II G: “Any work at the shoreline needs Board approval” based on Restrictions:
 - All shorelines must be maintained to prevent erosion
 - No docks
 - No channels cut or alteration of existing shoreline
- No actions taken, procedure will be used as previously approved (on an interim basis) and the board will revisit after a month or two of trial use
- Approvals Subcommittee
 - Tabled the discussion at this time
- 2021 Budget Revision (Treasurer)
 - Adult Social Budget
 - Amanda proposed three potential budgets all totaling \$2,750 in addition to the money already spent on the projector
 - Total budget requested is \$3,100 including \$2,750 for events plus \$350 for the projector
 - Some food truck vendors require a deposit that is refundable based on a minimum number of orders being placed while others waive a deposit
 - Heros and Villans truck had no deposit
 - Taco truck did have a deposit
 - Some concerns were discussed about presenting to residents too high of an ask for first time funding, as there have been zero funds historically
 - Could propose two different amounts at the HOA meeting for approval, \$3,100 and \$1,350
 - It would be a simpler strategy to present residents with a single option and if done at the lower amount would be more likely to be approved
 - **The Board approved a motion to present for a vote a revised budget at the Spring HOA meeting including \$1,350 for Adult Social by a vote of 9 in favor, 0 against and 1 member abstaining**
 - Status of social activities
 - Children’s Bake Off event (Children Social Chair)
 - Had 11 participants from k-6th grade
 - Winners announced for 1) Lower elementary, 2) Upper elementary, 3) Middle school
 - Total cost was \$44.47
 - Overall a big hit, look forward to doing this LIVE next year
 - The panel of judges consisted of 5 resident volunteers
 - Family Movie Night (Children Social Chair & Adult Social Chair)
 - Movie night cancelled, due to it being 34°
 - It was unclear how many orders or meals were ordered from the food truck
 - However, the food truck was happy and interested in coming to the neighborhood again
 - Castaway Challenge (Children Social Chair)
 - Event will be a “build your own boat” challenge out of recycled materials (like milk jugs)
 - Hope Water Project 5K (Children Social Chair)
 - As of April 13th organizers are going to the city for permits and “will be in touch with a registration link and discount code for the ELV residents in the next 30 days”
 - Hoping to have the link prior to the June newsletter going out
 - Summer Events: Fun Day/Battle of Bands/Etc. (Children Social Chair & Adult Social Chair)
 - Discussion tabled
 - Storage Unit
 - Who has the 2nd key to the unit
 - Brandon does have some keys and he will try to confirm their uses
 - Spring HOA Meeting (Recording Secretary)
 - Meeting is confirmed for 7pm on Monday, May 24th at Walker Beach
 - Matt will supply a microphone and speaker
 - Kannav will supply copies of the revised budget proposal
 - We will utilize the red and green cards to visually vote during the meeting

New Business

- Fence Policy (Letter #4) (Corresponding Secretary)
 - In the interest of time, discussion was tabled for a later board meeting
- Open floor for new issues (Board)

- None

Tabled Business

- Not planned for discussion this month (discussion held since meeting was still early)
- Procedures for bylaw violations of board members (Restrictions Chair)
- Facebook page per Special Projects

Other Action Items

- No actions

Date of Next Meeting

- The next meeting will be held on Monday, June 7, 2021

Adjournment

- The meeting was adjourned at 9:05 p.m.

APPROVED as amended on June 7, 2021