

**LMOA BOARD OF DIRECTORS
Open Session Minutes**

DATE: Thursday, September 24, 2009

PLACE: Terrace Room, LMOA

DIRECTORS: **Present:**
Leighton Cumming, President John Platt, Vice President
Don Fickes, Secretary Mike Harrison, Treasurer
Scott Meiss Ray Gott
Benita Ellen (arrived during Executive Session)

STAFF John Korhonen, General Manager
 Peggy Alexander
 Meg Gore

1. CALLED TO ORDER

The meeting of the Lake Monticello Owner's Association was called to order in Open Session by Pres. Cumming at 6:00 PM on September 24, 2009.

MOTION by Secy. Fickes seconded by Director Gott "that the Board of Directors go into Executive Session to discuss legal, contractual, and personnel issues."

Motion carried 6-0-0

2. RECONVENE IN OPEN SESSION

The meeting reconvened at 7:10 PM.

3. PLEDGE OF ALLEGIANCE

4. EXECUTIVE SESSION REPORT

Secy. Fickes reported that the Board of Directors met in Executive Session at 6:00 PM to discuss legal, contractual, and personnel matters. The Executive Session adjourned at 6:59 PM. Action was taken during the Executive Session.

The Board voted in Open Session to confirm the following action taken in Executive Session:

On a proposal that LMOA make payment of \$5,800 to the firm Robinson, Farmer Cox Associates to cover a portion of the cost overrun for the 2008 Audit and IRS Form 990 preparation, the motion failed by a vote of 3-4-0 Treas. Harrison, Directors Meiss, Ellen, and Gott dissenting.

On an Audit Committee proposal to enter into negotiations for audit services for 2009, the motion carried unanimously by a vote of 7-0-0.

5. MINUTES AND CONSENT AGENDA

MOTION by Secy. Fickes seconded by Director Gott “that the Board of Directors approve the minutes of the Executive Session, August 27, 2009 and the Open Session August 27, 2009.”

Motion carried 7-0-0

6. LMOA REPORTS

6.1 President’s Report (Pres. Cumming)

Pres. Cumming reported that the BOD, the LMOA Staff and the Finance Committee are hard at work on the 2010 budget. Some items that may need significant funds are dam maintenance and Marina dock repairs. We will need \$1.1 to 1.3 million per year in the years 2013 – 2021 for roads. The \$230,000/year being planned for the 2010 -2013 budgets will only be enough for the year 2013.

6.2 Treasurer’s Report (Treas. Harrison)

Treas. Mike Harrison reported that Administration, Maintenance, Security/ECC are on track for the year. Golf is showing a \$89,673 loss YTD and will probably finish the year close to the Pro’s projection of a \$70 K loss. The Eagles Nest has a YTD loss of \$45,956. The Pool Snack Bar shows a YTD loss of \$9866. The Marina shows a profit, but will probably remain flat for the remainder of the year as the boating season draws to a close. The Pool has a YTD loss of \$24,574 that is about ten times that estimated.

6.3 General Manager’s Report (GM Korhonen)

GM Korhonen stated that LMOA must reapply for dam recertifications. WEG engineers are working on this at no additional cost. There will be an October or November Virginia state approval meeting that will use new more restrictive regulations. We may be required to implement Main Dam upgrades and improved fixes to the low level drain that will involve additional costs.

Fall Cleanup starts this Saturday Sept. 26, 2009 and continues for seven weeks. Dumpsters will again be available. A road patching process was demonstrated that can potentially save 50% is being investigated.

7. FLUVANNA COUNTY REPORTS (10 Minutes per Report)

7.1 Fluvanna County Board of Supervisors Report (Supervisor Ott)

Old Farm Days will be held on Saturday Oct. 3 from 9 am to 4 or 5 PM at Pleasant Grove. The County received a \$1.4 M grant for a firehouse at Fork Union. The LM Rescue Squad serves the entire county saving the County significant money. The electric pole at Monish Gate has been moved and the hill should be removed by next Friday to significantly improve drivers' vision when exiting the gate. The VDOT staff at the Louisa Office has been reduced to one person. October 3 is the next date for a Water Authority meeting. Fluvanna Real Estate taxes will soon increase by 5 cents and in the next three or four years we will see further increases bringing the total to 75 cents.

8. MEMBER COMMENTS #1 (5 minutes per member, total of 30 minutes maximum)

Chuck Johnson	57/1	Muskrats
Ida Swenson	121/12	Muskrats
Nora Byrd	139/8	Snack Bar volunteers, Wildlife Educational Flyers, Free deer counts (DGIF)

9. UNFINISHED BUSINESS

9.1 Fund Raising Activities for the Community Fishing Pier (Ted Makranczy, Chair Working Group)

MOTION by Director Ellen seconded by Director Gott “that the Board of Directors grant the Community Fishing Pier Working Group permission to begin advertising and efforts to solicit pledges from the community in support of the Community Fishing Pier. When final Board approval of the funds management plan is obtained, actual funds collection may begin.”

MOTION by Director Ellen seconded by Director Meiss “to amend the motion changing ‘Community Fishing Pier Working Group’ to ‘Volunteers for the LMOA Community Fishing Pier’.”

Motion to amend carried 7-0-0

Motion as amended carried 7-0-0

MOTION by Secy. Fickes seconded by Treas. Harrison “that the Board of Directors grant a waiver of the eight foot length limit imposed in the Policy Manual, Chapter 13.03; Section VI.A.1. This waiver would permit the Community Fishing Pier to extend approximately 91 feet into Tuffon Pond.”

MOTION by Treas. Harrison seconded by Director Gott “to amend the motion removing the sentence ‘This waiver would permit the Community Fishing Pier to extend approximately 91 feet into Tuffon Pond.’”

Motion to amend carried 6-1-0, VP Platt dissenting

Motion as amended carried 6-1-0, VP Platt dissenting

9.2 Eagles Nest Lease Request for Proposal (RFP) (Dick van Nierop, Chair Solicitation and Contract Review Committee)

MOTION by Director Meiss seconded by Director Gott “that the Board of Directors authorize Staff to issue a Request for Proposal soliciting proposals from qualified food service operators, with the intention of entering into a Lease Agreement for the ongoing provision of food service at the golf course Eagles Nest facility.”

Motion carried 7-0-0

9.3 2010 Pool Discount (Treas. Harrison)

MOTION by Treas. Harrison seconded by Director Meiss “that the Board of Directors modify the 2010 discount for 2009 seasonal pass holders to 15% from 5%. Evidence must be presented that a 2009 pass was purchased. This may either be a copy of the 2009 pass or a canceled check or charge.”

Motion by Director Ellen seconded by Director Gott “to amend the motion removing the sentence ‘This may either be a copy of the 2009 pass or a canceled check or charge.’ ”

Motion to amend carried 5:2:0, VP Platt and Secy. Fickes

Motion as amended failed 3-4-0, Pres. Cumming, VP Platt, Secy. Fickes and Director Gott dissenting

The Board recessed from 9:01 PM to 9:11 PM.

10. BYLAW AND POLICY CHANGES – SECOND READING

10.1 Amend PM 6.08 Facilities Rules and Regulations: Tennis and Basketball Courts to update rules for playing tennis (Meg Gore, Asst. Sec. for Policy Review)

MOTION by VP Platt seconded by Secy. Fickes “that the Board of Directors approve the amendment of PM 6.08 Facilities Rules and Regulations: Tennis and Basketball Courts to update rules for playing tennis developed by the Asst. Sec. for Policy Review as presented in the September 24, 2009 Board packet.”

Motion carried 7-0-0

10.2 Amend PM 6.01 Recreation Facilities & Activities, 6.09 Clubhouse & Associated Facilities, 6.10 Facility Reservation & Use, and 8.04 Use of Clubhouse & Other Facilities to consolidate rules and eliminate duplicate policies (Meg Gore, Asst. Sec. for Policy Review)

MOTION by Secy. Fickes seconded by VP Platt “that the Board of Directors approve the amendments to PM 6.01 Recreation Facilities & Activities, 6.09 Clubhouse & Associated Facilities, 6.10 Facility Reservation & Use, and 8.04 Use of Clubhouse & Other Facilities to consolidate rules and eliminate duplicate policies as presented in the September 24, 2009 Board packet.”

Motion carried 7-0-0

11. NEW BUSINESS

11.1 Request for Waiver of Enforcement of Setback Lot 351 Section 1 (GM Korhonen)

MOTION by VP Platt seconded by Director Gott *“that the Board of Directors grant waiver of enforcement for a 3.2 ft. waiver for the right side 10 ft setback requirement for Lot 351 Section 1. This waiver of enforcement is granted upon condition that the current property owners sign an agreement which will indemnify and hold harmless Lake Monticello Owners’ Association from any liability arising from the violation of the building setback line in the Statement of Subdivision.*

The decision of the Association in granting this waiver of enforcement shall be final and shall not be deemed a waiver of the right to enforce restrictive covenants, rules or regulations in other cases. Further, the property owners must understand that the position taken by the Association only affects the right of the Association to seek enforcement of the recorded covenants and restrictions and that said restriction inures to the benefit of all of the owners of individual residential lots at Lake Monticello, each of whom has the individual right to seek enforcement of said restrictions.”

Motion by Treas. Harrison seconded by Director Ellen *“to amend the motion changing the first sentence to read ‘Move that the Board of Directors grant waiver of enforcement for a 3.2 ft. waiver for the right side 10 ft setback requirement as reflected in the survey dated June 10, 2009 for Lot 351 Section 1.’ and to add the sentence at the end as follows: ‘Further, subsequent changes to the structure must meet the standard setback requirements.’ ”*

Motion to amend carried 6-1-0, Secy. Fickes dissenting

Motion as amended carried 7-0-0

11.2 Resolution for \$20,000 Contribution to LMVF&R (Treas. Harrison)

MOTION by Director Gott seconded by Director Meiss *“that the Board of Directors approve the donation to Lake Monticello Fire and Rescue in the amount of \$20,000 to be charged to the Administration Department, Professional Services category.”*

Motion carried 7-0-0

Pres. Cumming presented a \$20,000.00 check from LMOA to LM Volunteer Fire and Rescue Vice President Aubrey Pace and Corporate Secretary Len Bozza thanking them for the outstanding service of the Fire and Rescue Squads. VP Pace expressed LMVF&R’s appreciation to the Association for their continued support. He noted that this is the twentieth year that the Association has donated to LMVF&R for a total of \$400,000.

11.3 Award for Lake Lovers (Ida Swenson, Chair Storm Water Management Committee)

MOTION by Secy. Fickes seconded by Director Gott *“that the Board of Directors establish an ‘Award for Lake Lovers’ to recognize property owners who through property amendments have greatly reduced the influx of silt and nutrients into the community lakes.”*

Motion carried 7-0-0

11.4 Committee Appointments

MOTION by Director Gott seconded by Director Ellen “that the Board of Directors appoint Mel Podwysocki to the Storm Water Management Committee for a term to begin immediately and end December 31, 2010.”

Motion carried 7-0-0

MOTION by Secy. Fickes seconded by Director Gott “that the Board of Directors appoint Valerie Palamountain Chair of the Wildlife Management Committee effective immediately through the end of the year 2009.”

Motion carried 7-0-0

MOTION by Secy. Fickes seconded by Director Gott “that the Board of Directors reinstate Elaine Hagley to the Wildlife Management Committee effective immediately through the end of the year 2009.”

Motion carried 6-1-0 Director Ellen dissenting

11.5 Wildlife Management Educational Seminar

MOTION by Secy. Fickes seconded by Director Gott “that the Board of Directors approve the Wildlife Management Committee’s planned October Wildlife educational seminar.”

Motion carried 5-2-0, Pres Cumming, Director Meiss dissenting

12. MEMBER COMMENTS #2 (5 minutes per member)

None

13. STATUS REPORTS

None

14. REMARKS FROM THE BOARD

Director Meiss said that he appreciated many inputs received from LMOA members. He commented that at LMOA there are no free rides and no government bailouts. He responded to member’s requests for amenity improvements that “You are LMOA and that owners have a financial stake in all the LMOA amenities.” He stated that LMOA has a list of replacements compiled by experts. There are no reserves in the bank. He said that he is working on a proposal for the 2010 Annual Ballot to remove restrictions on the BOD for setting dues levels. He stated that the BOD sets priorities and fiscal responsibilities.

VP Platt said that a flyer is being distributed showing important date changes for Fall Activities. Oktoberfest has been moved from October 10 to October 24. Kids’ Halloween has been moved from October 31 to October 24. The Fall Craft Fair remains on October 31.

Treas. Harrison recommended that everyone read the latest LMOA newsletter especially the information regarding the LMOA dam. He said that civil discourse has broken down in some recent committee meetings. He stated that muskrat actions must be taken in January, February and March. He said that County Planning Commission approvals and traffic studies are needed for a new gate planned for Rt. 618.

Director Gott encouraged all members to utilize the LMOA amenities.

Director Ellen stated that she was disappointed by the BOD decision regarding rebates for swimming pool season members. She said that about \$50,000 for new pool equipment should solve many of the pool closing problems. She said that it is now public knowledge that the Schiff case is a non-suit. It is a do over and it can be refilled in six months. She said that the Investment Policy 4.02Q will be back on the BOD agenda. She said that there is no adequate operational lake dredging plan in place.

15. BYLAW AND POLICY CHANGES – FIRST READING

15.1 Amend PM 6.04 Recreational Facilities Rules and Regulations: Boating and Boat Operations to allow an exception for the maneuvering dredging equipment (Rich Barringer, Chair Lake Preservation Committee)

President Cumming called for a vote to extend the meeting time to 11:00 PM.
Motion was carried 5-2-0, Secy. Fickes and Director Meiss dissenting.
The Open Session meeting was recessed at 10:16 PM.

The Board returned to Executive Session at 10:17 PM to discuss contractual matters. The Executive Session adjourned at 10:32 PM. The Board reconvened in Open Session and reported that no action was taken during the Executive Session.

16. ADJOURNMENT

Pres. Cumming adjourned the meeting at 10:33 PM.

by: _____
Don Fickes, Secretary