

Lake Lorman Board Meeting

January 17, 2011

At 7 pm President Antoon called the meeting to order. All Directors were present, and 28 lot owners were in attendance.

President Antoon first thanked Betty Marsh for her work in putting up signs advising the lot owners of this meeting.

The next item of business was the vacancy on the Board due to the resignation of Kevin Long. The Board under the By Laws has the right to fill such vacancies and President Antoon explained that the Board had discussed this and had decided that Lucky Chaplain, who got the next highest number of votes but was not elected, had been selected, as the Board thought this would be consistent with that vote of the Lot Owners. A motion was made, seconded and unanimously passed that Mr Chaplain will come on the Board as the new member to serve the remainder of the term of Kevin Long.

The matter of the Ben Bailey seawall request was brought up but Mr Bailey was not present. The Board needed written assurance from him that the seawall generally was to be situated along the original shoreline of his lot and not out into the lake, that he would take all left over excavation dirt out and away from Lake Lorman with small trucks, obeying the truck weight limits, and would assure that no dirt fell off in the movement of the dirt. The matter was set for the next meeting or as soon as the Board can confer with Ben.

The next item of business was a proposed house plan by Van Jones. He and his architect were present. His house is drawn to be 36 feet high while our Covenants limit the height to 30 feet. The Board explained that it has no right to waive the Covenants or to grant permission to build anything that is not consistent with the Covenants as recorded. There was a discussion about some houses on Lake Lorman claimed to exceed the 30 foot height, and if so, prior Boards have apparently not enforced the Covenants or they improperly gave permission to lot owners to ignore Covenants. Our Board is unwilling, and legally unable to ignore or waive the Covenants and the acts or omissions of prior Boards do not change the Covenants. There then followed, a long

discussion including input and comments from lot owners present covering the County height limit, and the issue of how to change the Covenants, The Covenants themselves provide and control how Lake Lorman Covenants are to be amended or changed, such Covenants are recorded in Book 2127 Page 0842 and following pages, dated November 21, 2006, recorded in the Chancery Clerk's office in Madison County. The rules for change are precise and strict and these Covenants are by law, written into deeds on all Lots, and change must be carefully and precisely and legally handled. See particularly the second page of the Covenants, "Page 0843." These Covenants are on the Lake Lorman website and can be obtained by anyone for study and information.

Several Lot Owners at the meeting volunteered to help Mr Jones by taking around any petition he prepared. The Board noted that this is not a controversial issue where some factions say "yes" and some say "no," but is to address architectural issues presented by the Covenants which were written years ago which are not fully consistent with more modern building practices and designs of today. It was suggested in the meeting that our Covenants may be "outdated." Nevertheless our Board is bound by the Covenants as currently recorded and on file in the Clerk's office. One thing that must be considered with any height restriction is obstruction of the view of other neighboring lot owners. The height is measured, according to Covenants, from the natural elevation of the lot.

The Board stated that it favored any Lot Owners' review of the Covenants and the height restriction, and anything else the Lot Owners vote for and that if the Covenants are legally changed the Board would vote to approve any plans that meet those changes.

The Board will coordinate with and cooperate with any lot owner insofar as amendments to Covenants are concerned. The Board does support the concept of amending the Covenants when the appropriate number of lot owners vote so to do, and as the Covenants themselves require.

The next item of business was a pier/boathouse plan from Tom Dunbar, and after a time of questions and discussion about his plans and drawings and the

dimensions, Mr Dunbar stated that he would bring revised plans to cover all of these issues.

The Insurance Policies for the Lake were briefly discussed and Mr Foote stated that Rusty Healy at Nationwide in Madison would send the Board copies of all insurance policies.

The next item was to advise that a fertilizer tank was left on the Little Lake and will be moved when the water level allows.

The next item of business presented by Cox was that the management company, Ridgway Lane had sent Lake Lorman a letter terminating the contract last year's board made with it. The contract provided for such termination and after discussion the Board voted unanimously to approve and accept the termination. The monthly fee in the contract will be paid through December 2010 and if Ridgway Lane performs work in January some fair pro-ration will be paid, then nothing more. There was a discussion of taxes and the billings and the mail box and the Board unanimously voted to open its US Mail box, and we got the same one that had been cancelled by Ridgway Lane.

Also the Board voted unanimously to open a new bank account with Bank First of Madison. Mr Foote handled all of this business in the emergency meeting called by President Antoon when the letter of termination was received. The Board reported that it had made a contract with Margie Abel to handle the books and records again for \$150 per month, she was reluctant to take this but ultimately agreed to, in order to serve the Lot Owners. The Board expressed its thanks for her coming to our aid at this critical time. Margie has already gotten out the billings and has the situation, as usual for her, in great shape and we lost nothing by the termination.

The next business was a "Lis Pendens" [litigation pending] from 1986, that was presented by Mr Cox. The Board had been presented this legal document relative to a lot. Mr Cox explained that Lake Lorman had

apparently hired a lawyer back in 1986 to file some sort of suit against Ronald R. Hess and that lawyer had caused the lis pendens to be filed. While the Court records were not found by the Circuit Clerk, the Court Records do show that the case was dismissed as a “stale case” [meaning a case in which no action had been taken for a long while] in September 1989 because no action had been taken by the lawyer for Lake Lorman. The law provides for this procedure. The name of that lawyer or anyone on the Board then was unknown. This Board does not know what that suit was about, and the statute of limitations has now most probably expired on a claim that was active in 1986. The Board therefore unanimously voted to cancel the lis pendens by President Antoon signing a document presented by the attorney asking for the cancellation.

Mr Cox stated, in order to clear the record, that while he was a lawyer and also a Lot Owner and now a Board Member, he was not the lawyer for the Lake Lorman Board, that he had not been retained to be that and would not accept the position if offered it during the time he is on the Board, and he would accept nothing as a legal fee for anything done as a Board Member even if it were offered.

The clubhouse was the next item of business and Mr Cox moved that Shirley Grace be granted the right to continue to schedule, this was unanimously approved, and the current Contract for use of the Clubhouse, \$75 for use and a security deposit for damage or cleanup of \$175 were also unanimously approved to continue to be used. The Board noted that Church groups for Bible Study are allowed to use the Clubhouse at no charge, just the obligation to clean up. One lot owner asked if the Utility District was charged, and there is no charge for that group now or in the past. The matter of limbs that had been pruned by a contractor and stacked on Clubhouse property along with some lot owners’ Christmas trees was the next item of business. Mr Foote has investigated and will get the contractor to move these from our property at no cost to the Lake. The Lake no longer puts such into the lake so this practice should stop.

The flag pole at the Clubhouse was the next item of business. Mr Antoon

and Mr Foote are to handle this.

They will have installed, a light at the base of the flagpole shining up on the flag so the flag can properly stay up at night. The light is to have a light sensitive mechanism which automatically turns the light on at dusk and off at dawn.

The cutting of the trees at the Little Lake dam was next discussed. The trees growing on that dam on the water side [or lake side] are to be cut. Mr Olivier is in charge of this and will monitor, have the job contracted and will report. It was noted that some trees on the north side or “away from the water” side might need cutting as they are near the toe of the slope of the dam.

A lot owner who jogs along the big lake dam said we also had some trees needing cutting on the water side or lake side of the dam on the big lake. Mr Foote will check and will resolve this.

The next item was a vote to move our monthly meeting to 6 pm rather than 7 pm passed on a vote of 5 to 1. The Annual Lot Owners meeting in December will remain at 7:30 as the By-Laws require, this time change is only for February to November. The Board seeks more Lot Owners to attend and participate and be a part of the activity in these monthly meetings.

Next a Lot Owner asked about an updated Roster of owners. There was a discussion in which the issue of privacy and confidentiality was raised, and the idea that it might not be proper to give out phone numbers or addresses. This will be reviewed. Mr Cox made a motion that as to Margie Abel, if she is asked by anyone for a copy of the Roster, that she should not give out this, but instead refer the person to President Antoon. This is to protect Margie from interruption and any involvement with giving out names and addresses or numbers to anyone.

The Critter Catcher, Larry Scott, has had a contract with the Lake to catch and eliminate pests, at \$150 per month. The Board passed a resolution

approving a contract with him for 2011, to run Feb 1, 2011 until January 31, 2012, and Mr Foote explained that this gives the new Board the opportunity to vote such contract up or down for renewal.

Mr Olivier explained that the long ongoing issue of the condition of the underground pipe or culvert between the Little Lake and the Big Lake has been studied and for \$800 this Board had a video made of the entire length of this pipe or culvert. The danger was a weakening of the street and damage to adjacent properties if this is not checked. He announced and had the video running on a laptop computer, that the video study showed our culvert or pipe was 100% in good shape, no cracks or breaks. However there has been erosion outside this pipe so that water not only travels inside our pipe or culvert from little to big lake, but also around the outside. Therefore we will need to have a contractor install a bulkhead at each end and also blow mud or concrete into the void around this pipe that has eroded to protect the pipe from breaking or cracking. Mr Olivier will investigate and report further.

Mr Foote reported on the lakes and dams and that we will fertilize this year and will talk to the pond management company to keep the lake in good health. He advised that as to the launching ramp on the big lake, there was a hole or drop-off that trailers got hung on, and there is a study of a coffer dam or other procedure to fix this.

The DEQ has notified us that our "Three Year Inspection" is due on our dam for the big lake and must be finished by March 31. We think the dam is in good shape, but to be careful in our expenditures, we need to see what the DEQ says about our dam before spending much money on road resurfacing. Mr Foote will continue to follow this and report.

Mr Olivier had a list of bids for work on the streets and roads, \$63,954, \$69,497, and \$74,589. This is just resurface and not patching potholes. After the DEQ issue is clear this will be further reported on. One lot owner asked about whether this work would include ditches, that the ditches are an important part of resurfacing. This will be addressed. One lot owner observed that at this time we already have set aside about \$13,850 for road

and street maintenance. The Board is continuing to monitor and study roads with the DEQ and dam in mind, and no decision will be made outside of a formal meeting and input from lot owners.

Report on bills from last year for payment now: Christmas party supplies—\$87.74. Kevin Holt bill for January-\$564.17 Matthews, Cutrer and Lindsay for preparation of 2009 tax return \$365.91. Matthews, Cutrer and Lindsay are to prepare Tax form 1099's. We will need to purchase the 1099's, envelopes, stamps.

The Board voted to address the issue of which Board members have 1 year terms and which have 2 year terms.

Mr McDowell asked about an erosion problem with his lot and had questions about drainage and culverts. He is to bring more details to the Board. Mr Olivier and Mr Foote will investigate this.

The Board suggests to anyone with plans to build a pier, boathouse, house or wanting to add on a room or any construction, needs to first carefully study the Covenants which are available to everyone on the Lake Lorman website and if someone asks me, I will mail them a copy. They should carefully check and be sure their project is within Covenants, because the Board cannot waive or grant exemptions, the Board must enforce Covenants as currently written. Such lot owner should prepare for the Board, and to be added to our Minutes and permanent construction files, a scale or semi scale drawing showing your plans and the details and all property lines.

There being no further business the Board voted to adjourn, and some photos of the Board were made.

William H Cox Jr., Secretary

January 20, 2011

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