

LAKE LEANN PROPERTY OWNERS ASSOCIATION

Annual Meeting Tentative Agenda: June 11, 2022

I. **CALL TO ORDER** – Pledge of Allegiance – President Anthony Ciaramitaro

II. **Roll Call** and determination of quorum

III. **Announcements**

IV. **Approval** of June 12, 2021 Annual Meeting Minutes

V. **NEW BUSINESS**

A. Motions

1. Membership Dues Increase
2. Mooring Fee Increase
3. Article IV Bylaw Change - Suspension of Membership
4. Article XI Bylaw Change - Vehicle Parking
5. Prohibit Additional Wake or Wakeboard Boats
6. Power Loading Fine and/or Penalty
7. Prohibit Ice-Retardation Systems
8. BCC Shed Requirements
9. BCC Building Project Fee

VI. **COMMITTEE REPORTS**

- A. Executive Committee – Anthony Ciaramitaro
- B. Budget and Finance – Chet Cromwell
- C. Lake Control – Bob Halstead
- D. Maintenance/Mooring – Mike Bostic
- E. Rules & Regulations – Dan Grant
- F. Building Control – Mike Bostic

VII. **ELECTION OF DIRECTORS**

The following Director positions are available and will be elected:

Maquago Hills	3 year term	Lakeview	2 year term
Indian Hills	3 year term	Westdale	2 year term
Royal Shores	3 year term	Crystal Estates	2 year term
Greenbriar	3 year term		
Laguana Park	3 year term		

VIII. **OLD BUSINESS**

- A. Dam Transfer to Hillsdale County
- B. Sale of Grand Point Lot 102

XI. **OPEN FORUM**

X. **ADJOURNMENT**

Call to order: by President Anthony Ciaramitaro at 10:02am.
Pledge of Allegiance.

Roll call: Jo Ann Colton/Grand Point, Lee Plowman/Grand View, Pam Spence/Maquago Hills, Tony Ciaramitaro/Royal Shores, Pierre Goovaerts/Highland Hills, Dan Grant /Greenbriar, Bob Halstead/Lakeview, Dave Wagner /Westdale, Maureen Butrico/Laguana Park, Mike Bannon/Crystal Estates, Mike Bostic/Highland Green. Absent: Marie Milbourne/Indian Hills, Christine Austin/Fairway Hills, Chet Cromwell/Plaza.

The audience consisted of 89 registered voters.

Announcements: Ciaramitaro thanked Steve Guerra, Superintendent of Addison Schools for allowing us to use this great facility and helping to coordinate the event. Also, a Special Thank You to member Virginia Hummel for providing facemasks to LLPOA donated by Hillsdale County Dept of Health and Human Services. The second Native Planting Session will be held Sunday June 13th. North Lake Members the temporary watering ban is still in effect. The Goose Round Up is scheduled for June 17th. Email list is the best way to receive information about Lake LeAnn. Township Fireworks will be July 2nd at dusk. Annual Boat Parade will be July 4th at 4:00pm. Meet at the Launches.

Maureen Butrico moved to approve the June 8, 2019 Annual Meeting Minutes as presented. Jo Ann Colton supported, and the **motion carried**.

Mike Bannon moved to approve the minutes from the Special Membership Meeting May 30, 2020 as presented. Dave Wagner supported, and **motion carried**.

NEW BUSINESS

1) Motion and a second from the Board of Directors to deed the Dam properties to the County with deeds and easements approved by our attorney.

President Ciaramitaro stated the purpose for the motion was to protect the LLPOA, Officers, Directors, and Members from liability in a catastrophic dam failure that could devastate the lakes and communities to the north into the Grand River Watershed.

If the motion is passed the title companies will provide updated legal descriptions; including appurtenances, which will be the dam control structure itself, and the attorneys will work out that wording.

Reference made to the Midland, MI dam failure.

An underfunded corporation could have directors, officers and members, as the dam owners, liable.

The dams are in good condition and being inspected. They are maintained and repaired by Hillsdale County.

The cost to repair or replace the dams, the property damage portion of the claim, would still go to the Special Assessment District that includes LLPOA Subdivisions.

The motion is for permission to negotiate the deeds and easements needed to perfect the transfer. Including the proper restrictions: making sure Lake LeAnn remains a private lake, that we can continue to access the properties as we do currently, the property does not become a county park and is used just to access the dams.

The Quit Claim deed provided to the Association does have a provision that may not allow the transfer and the attorneys will need to look into this. The communication on the development will be at monthly Board meetings.

Attorney Kyle O'Meara from the Law firm Fahey Schultz, which represents Hillsdale County and the Drain Commission presented. He reviewed Michigan Natural Resources and Environmental Protection Act, which allows a circuit court to establish inland lake levels and making Drain Commissioners responsible for maintaining dams.

He stated that it would not be the intent to make the property a county park; in part not to have people on a lake level control structures for liability. They do not want to impact the private lake status.

The benefit to the County would be to have access to the lake level control structure. The County has the responsibility to inspect the dams, and this would give them access to the dams, currently they do not have formal access right. The County would want to perform title work on the properties and make sure what land that is needed to ensure enough access. They would negotiate the drafting of the deeds, easements, walking path, and the transfer.

President Ciaramitaro reiterated that the goal is to get out from under the liability with the understanding the community would still have to pay for repairs. The properties would be maintained through the Special Assessment District as they are now, and they would take over mowing costs.

Members comments included:

Concern over preparing for something that may never happen, possible liability to members, quit claim deed issues with "forever clause", member access, agreement with off-setting the LLPOA liability, and potential public access.

Discussion regarding a previous lot, Grand View Lot 65, approved for sale and sold included on the same Quit Claim Deed.

O'Meara reiterated that the County only takes what land is necessary for Lake level control structures. The engineer would determine this. Potential benefit for the Association is if the County owned the land, the County would be liable and they have governmental immunity to liability, negligent claims.

Motion carried with 52 ayes and 19 nays.

2) Motion and a second from the Board of Directors to charge a monthly \$5.00 late fee to all members that are delinquent paying the Water Quality Assessment.

President Ciaramitaro explained members that are on the Board approved payment plan have a \$5.00 monthly fee. To be fair, those that do not pay or pay late should have to pay a late fee. No comments.

Motion carried with 80 ayes and 2 nays.

3) Motion and a second from the Board of Directors to Add to Temporary Structures: A temporary structure is defined as portable structures, structures constructed of fabric, wood or vinyl, and shall not be considered accessory structures and are not permitted to be used as garages, living spaces, or accessory buildings/structures. Temporary is defined as not to exceed 180 days.

President Ciaramitaro explained that this motion is to provide guidance and consistency for temporary structures as defined by Somerset Township and to differentiate temporary structures from accessory structures. Also to add what has been a BCC definition to the current Building Guidelines for clarity to the Members. This motion will replace the current Guideline language, which will be removed with the approval of motion seven (7). Motion seven (7) would be retracted if this motion fails.

Member comments include:

Confirmation of temporary structure use and wording.

Motion carried with 36 ayes and 32 naves.

4) Motion and a second from the Board of Directors to Add to Structures: All structures are to be of wood, plastic, or metal construction and conform to the appearance of the house.

President Ciaramitaro commented the appearance must match house color and roof.

Member comments included:

Additional types of materials

Motion failed with 16 ayes and 55 naves.

5) Motion and a second from the Board of Directors to Add to Fence: Fence on lake lots are not allowed to be parallel to the water's edge unless under the guidance of the Dog Pen Building Guidelines. Side fences must be a minimum of 25 feet from the water's edge.

BCC advised that the goal is to have open sight lines to the water.

No comments.

Motion carried with 57 ayes and 15 naves.

6) Motion and a second from the Board of Directors to Add to Shed: Effective September 1, 2021 New sheds will require a 4-foot setback – front, back, and both sides. The door cannot face so that the member has to use the neighbor's property to access the shed.

Motion recinded by Board of Directors due to an error in wording.

7) Motion and a second from the Board of Directors to Remove from Temporary Structures: All out buildings and sheds are to be of wood, plastic or metal construction and conform to the appearance of the house.

Comments included:

Confirmation on removal from Temporary Structure as the requirement, deed language – cannot occupy.

Motion carried with 45 ayes and 3 naves.

8) Motion and a second from the Board of Directors to allow for sale of Grand Point Lot 102 on Lemott Circle, also with permission for the LLPOA to request International Paper (successor to American Central Corporation, Grantor on the current deed for Grand Point Lot 102 to the LLPOA) to release the Restrictions on the Deed limiting the use to park or beach only. Thereby, allowing Grand Point Lot 102 to be sold for residential development use, subject to the remaining subdivision restrictions and the right of ingress-egress through Grand Point Lot 102 by the adjacent peninsula lot owner (Parcel# 04 125 001 008). President Ciaramitaro explained the buyer of the Peninsula lot has expressed an interest in purchasing Lot 102. The peninsula lot has ingress/egress through Lot 102. The easement will need to be negotiated. The Board supports the public sale of Lot 102. He noted Lot 102 is on the same Quit Claim Deed as the dam properties and the previously sold lot.

Member comments included:

Concern with previous possible committee recommendation for multiple lots to be sold and only Lot 102 presented to Membership. President Ciaramitaro responded that the Board did not receive a motion to sell multiple lots. Board Member Bannon reiterated that Lot 102 will have to have an easement for the peninsula lot and it would make sense to sell to someone to use it. President Ciaramitaro reiterated that the easement needs to be negotiated. The peninsula owner is using the current walking path. Member concerns of use of property. Lot 102 is on the Quit Claim deed. Survey of Lot 102 was paid for by peninsula owner. Peninsula owner addressed the Members, stating he will work with LLPOA.

Motion carried with 72 ayes and 6 nays.

President Ciaramitaro thanked each Board Member and recognized each Director's service individually.

Water Quality update given by Vice President Mike Bannon. He reviewed developing a plan for combating algae.

Years of build up needed to be addressed and also slow down the nutrients coming into the lakes. The plan put in place and approved by the Membership is moving forward with the LFA project to take care of the muck at the bottom of the lake with aeration and bioaugmentation to increase the bacteria. EverBlue created this LFA plan.

Critical Source Areas are being addressed. CSA remediation with Natural Shoreline Protection to stop excess nutrients from entering the lakes. Also harden shoreline needs to be addressed as it will erode non-hardened shoreline. Nutrients introduced by fertilizers. Progress will vary for areas around the lakes. Weeds will still need to be treated. Members can help by learning what plants can be used to help avoid erosion and not add nutrients, use of riprap at lakefront, stop putting grass clippings in lakes, and keep septic tanks healthy.

Committee Report Updates can be found on the on table and in the meeting notice.

Election of Directors:

The following slate was voted in uncontested.

Grand Point	2 years	Jo Ann Colton
Highland Hills	2 years	Pierre Goovaerts
Fairway Hills	2 years	Christine Austin
Highland Green	3 years	Kevin Murray
Plaza	3 years	Chet Cromwell

The following members ran for the below positions:

Cherry Park	2 years	Tom Arnold, Christopher Walker and Mike Bannon
		Mike Bannon was elected by majority vote
Grand View	2 years	Mike Bostic and Ray York
		Mike Bostic was elected by majority vote

The following Directors were elected to 1-year terms, serving in subdivisions they do not own property in.

Crystal Estates	Robert Halstead
Lakeview	Leon Plowman
Westdale	Dave Wagner
Laguana Park	Maureen Butrico and Kevin Aherne – Maureen Butrico was elected by a majority vote

Open Forum:

Member thanked the Board for volunteering time. A suggestion was made to limit Directors time to allow new members to get involved. Getting involved in monthly meetings and committees is a great way to become a Board Member.

Ciaramitaro thanked Superintendent Guerra for all he has done to help with this meeting.

Meeting adjourned at 12:45pm.

New Business

Motions for the Annual Meeting

1. Motion and a second from the Board of Directors to increase Annual Dues to \$170.00 per lot in 2023 with increases for 2024 through 2027 based on the Social Security Administration (SSA) Cost of Living Adjustment (COLA).

Inflation is now running at almost 8%. A level not seen since the 1980's. The LLPOA is not insulated from these increases. Prices of supplies, water treatment, chemicals, contracted labor and staff wages have all increased. Starting in 2023, we must increase our Annual Dues by \$20.00 per lot to catch up with the cost increases incurred since our last Dues increase in 2020. Thereafter, an automatic cost of living adjustment (the same percentage as used for SSA COLA) will help keep up with inflation through 2027.

2. Motion and a second from the Board of Directors to increase the mooring fees from \$100.00 to \$150.00 starting in 2023. LLPOA Board will review and present a 2028 proposal at the Annual or Special Membership meeting in 2027. Revenue generated from mooring slip rental will only be used for mooring operating expenses and LLPOA Board approved mooring site improvements.

The Budget and Finance Committee projects, that based on our 2022 budget, the current mooring fund will be depleted by the end of the year. The mooring fees must be increased to cover normal operating costs associated with the mooring slips and provide enough additional funds for annual site improvement projects recommended by the maintenance/mooring sub-committee. The proposal changes the Mooring Fee from \$100 to \$150 starting with the 2023 season through the 2027 season. Mooring Fees are used exclusively for costs associated with Mooring and have not been increased since 2007.

Motions for Bylaw Changes

3. Motion and a second from the Board of Directors to add to Bylaw Article IV Suspension of Membership, Section C. Suspension of Membership in Good Standing (3). “filed by a member in good standing” and “only one signature per membership.”

Current: Article IV; Suspension of Membership; Section C. Suspension of Membership in Good Standing (3). Any claim of misconduct against a member of the Association must be stated in written form, signed by not less than ten (10) members of the Association who are in good standing and presented to the Board of Directors. Upon receipt of such a claim of misconduct, the Board shall cause the same to be investigated and efforts shall be made to resolve the claim without a Board hearing. If such hearing is not resolved by the next regularly scheduled Board meeting, the Board shall then forward by certified mail, or cause to be personally delivered to the person or persons against whom such misconduct claim is made, a notice that a hearing will be held on such claim by the Board at a special meeting called for the purpose at least ten days after such notice is mailed or delivery made personally to the person or persons against whom such misconduct claim is made.

Proposed: Current: Article IV; Suspension of Membership; Section C. Suspension of Membership in Good Standing (3). Any claim of misconduct **filed by a member in good standing** against a member of the Association must be stated in written form, signed by not less than ten (10) members of the Association who are in good standing (**only one signature per membership**) and presented to the Board of Directors. Upon receipt of such a claim of misconduct, the Board shall cause the same to be investigated and efforts shall be made to resolve the claim without a Board hearing. If such hearing is not resolved by the next regularly scheduled Board meeting, the Board shall then forward by certified mail, or cause to be personally delivered to the person or persons against whom such misconduct claim is made, a notice that a hearing will be held on such claim by the Board at a special meeting called for the purpose at least ten days after such notice is mailed or delivery made personally to the person or persons against whom such misconduct claim is made.

The Motion is required to add clarification to this Bylaw and specifies that this provision is for a claim of misconduct filed by a member in good standing against another member. Claims of misconduct initiated by the Board are addressed in another provision of this section.

4. Motion and second from the Board of Directors to add the following language to the Bylaws, Article XI, Section D. Vehicle Parking.

Current: Article XI, Section D. Vehicle Parking.

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one ton shall be permitted per dwelling unit. The parking of other type of commercial vehicles is prohibited in a residential zone.

Proposed: Article XI, Section D. Vehicle Parking.

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one ton shall be permitted per dwelling unit. The parking of other types of commercial vehicles **or construction equipment** is prohibited in a residential zone **whether registered or un-registered.**

Exceptions shall be made for commercial vehicles or construction equipment parked at a site which is under construction, renovation, and repair in accordance with the properly issued permits as issued by the Township and LLPOA BCC. The maximum allowable parking period would be five (5) consecutive days in any given 30-day period unless extended by the BCC in writing.

The proposed additional wording further restricts the parking of commercial vehicles and construction equipment in residential districts.

Motions for Rules and Regulations Membership Guide

5. Motion and a second from the Board of Directors to add to the Rules and Regulations Membership Guide: As of June 11, 2022 Wake or Wakeboard Boats that are specifically designed for wakeboarding or wake-surfing, which use ballast systems or mechanical systems to create a large or shaped waves are prohibited from use on Lake LeAnn, excluding boats already owned and registered with the Lake LeAnn Property Owners Association.

No additional Wake or Wakeboard Boats, as described above, shall be allowed on the waters of Lake LeAnn as of June 11, 2022 hereof. Members owning Wake or Wakeboard Boats as of June 11, 2022 shall not be allowed to replace such boat with another Wake or Wakeboard Boat for use on the waters of Lake LeAnn.

Over the years, the Association has taken the position that certain types of watercraft represent an unnecessary risk to the safety of our lakes and/or members. For this reason, we have already placed reasonable restrictions, for example, on use of airboats, underwater craft, watercraft with above-water exhausts, those with on-board bathrooms, etc. This motion would restrict the use of wake boats and wakeboard boats, which are inboard watercraft modified with a wedge and/or ballast tank designed specifically to generate large waves on the lakes.

This recommendation is based on studies showing that the high energy waves produced by these watercraft can cause serious erosion of lake shorelines and disturb lake bottom sediments. The Michigan Lake and Stream Association has recommended restrictions on wake boats, including operation at reduced speeds within 300 feet of shore, that ballast water or extra weight not be used in these boats, and that they not operate near sandy areas, shallow water, natural shoreline, or lakefront areas. Clearly, if one follows these guidelines, the use of wake boats for their intended purpose is impractical on lakes such as Lake LeAnn. Restricting the use of wake boats on Lake LeAnn (while grandfathering previously registered watercraft) will help to prevent shoreline erosion and sediment disturbance, and contribute to our broader efforts to improve water quality for all.

6. Motion and a second from the Board of Directors that the first offense for power loading at boat ramps will be a \$25.00 Fine and a second offense to be loss of sticker for that year or the next.

Power loading causes extensive damage to our boat ramps by washing out the sand behind and under the rear sections of the boat ramps. The LLPOA Rules and Regulations Membership Guide prohibits “power loading of boats.”

Motion from Members

7. Motion from Membership to prohibit the use of ice retardation systems during the months of the year beginning December 1st until March 31st effective December 1, 2022 and each consecutive year thereafter.

These devices, when in use, create safety hazards that could cause children, pets, wildlife, ice fishermen, ice skaters, snowmobilers, etc. to fall through the ice. Due to the safety hazards associated with use of these devices, there should be no Grandfathering in of devices used during the 2021-2022 calendar year.

A Membership petition was presented by 50 Members in good standing as per the requirements of our Bylaws. Different types of ice-retardation systems were used to keep areas of water from freezing around docks, which may affect the ice in front of adjacent property owners. During the 2021-22 Winter season there were three such devices used on our lakes.

Building Control Committee (BCC) Motions

8. Motion and a second from the Board of Directors to add to the Building Guidelines Shed Requirements: A shed cannot exceed sixteen (16) feet from the foundation to the peak of the roof.

Currently the BCC Building Guidelines do not address maximum height of sheds.

9. Motion and second from the Board of Directors that failure to obtain an approved application for a BCC building permit before a building project is started will result in double the permit fee.

Currently, there is no provision for those members that start a project prior to obtaining the necessary approval from the BCC.