

**LAKE LEANN PROPERTY OWNERS ASSOCIATION**

**Annual Meeting Minutes -Draft**

**Addison High School**

**June 12, 2021**

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**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 13<sup>th</sup>. North Lake Members the water ban is still in effect. The Goose Round Up is scheduled for June 17<sup>th</sup>. Email list is the best way the receive information about Lake LeAnn. Township Fireworks will be July 2nd at dusk. Annual Boat Parade will be July 4<sup>th</sup> 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 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 preform to title work on the properties, make sure the land that is needed to ensure enough access. They would negotiate the drafting of the deeds, easements and 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 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 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 motion number three is to provide guidance and consistency for temporary structures by Somerset Township, to differentiate temporary structures from accessory structures and add a BCC definition. This motion will replace the current Guideline language, which will be removed with the approval of motion seven. Motion seven would be retracted if this motion three fails.

Member comments include:

Confirmation of temporary structure use and wording.

**Motion carried** with 36 ayes and 32 nays.

**4) Motion and a second from the Board 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 other materials

**Motion failed** with 16 ayes and 55 nays.

**5) Motion and a second from the Board 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 nays.

**6) Motion and a second from the Board 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 Building Control Committee due to an error in wording.**

**7) Motion and a second from the Board 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 nays.

**8) Motion and a second from the Board 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 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 naves.

President Ciaramitaro thanked each Board Member. He recognized each member 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. Keep septic tanks healthy.

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

**Election of Directors:**

The following slate was voted in:

Cherry Park 2 years - Mike Bannon

Grand Point 2 years - Jo Ann Colton

Grand View 2 years – Mike Bostic

Highland Hills 2 years – Pierre Goovaerts

Fairway Hills 2 years – Chris Austin

Crystal Estates 3 years – Bob Halstead does not own property in this subdivision but will fill the position for one year.

Highland Green – 3 years – Kevin Murray

Lakeview – 3 years – Lee Plowman

Plaza – 3 years – Chet Cromwell

Westdale – 3 years – Dave Wagner does not own property in this subdivision but will fill the position for one year.

Laguana Park – Maureen Butrico does not own property in this subdivision but will fill the position for one year.

**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.

**Bannon moved** to adjourn Meeting at 12:45pm.

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Julie Sinkovitz, LLPOA Executive Assistant