

**LMOA BOARD OF DIRECTORS
Open Session Minutes**

DATE: Thursday, January 28, 2010

PLACE: Terrace Room, LMOA

DIRECTORS: **Present:**
Leighton Cumming, President John Platt, Vice President
Don Fickes, Secretary Mike Harrison, Treasurer
Ray Gott
Benita Ellen Scott Meiss

STAFF John Korhonen, General Manager
Peggy Alexander
Meg Gore
Linda Adams

1. CALLED TO ORDER

The meeting of the Lake Monticello Owner’s Association was called to order in Open Session by Pres. Cumming at 6:02 PM on January 28, 2010.

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

Motion carried 7-0-0

2. RECONVENE IN OPEN SESSION

The meeting reconvened at 7:11 PM.

3. PLEDGE OF ALLEGIANCE

4. EXECUTIVE SESSION REPORT

Secy. Fickes reported that the Board of Directors met in Executive Session at 6:03 PM to discuss legal, contractual, and personnel matters. The Executive Session adjourned at 6:55 PM. No action was taken during the Executive Session.

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, December 17, 2009 and the Open Session, December 17, 2009, the Special Executive Session, January 4, 2010, the Special Open Session, January 4, 2010, the Special Executive Session, January 12, 2010 and the Special Open Session, January 12, 2010 and the record of the Work Session for Annual Meeting Proposals January 20, 2010.”

Motion carried 6-0-1 VP Platt abstaining

6. LMOA REPORTS

6.1 President’s Report (Pres. Cumming)

Pres. Cumming announced that on January 8, 2010 LMOA signed a settlement with Dr. Schiff denying sub division of his properties. She reminded everyone that a hearing will be held in late February on the Aqua VA rate increases and she encouraged all to submit their comments to the State Corporation Commission via either a form letter available on the LMOA web site or paper copies available in the LMOA office.

6.2 Treasurer’s Report (Treas. Harrison)

Treas. Harrison estimated that based on the November 2009 results, LMOA will finish the year 2009 with a \$148,000 deficit. He said that Administration, Maintenance, Marina and Security are meeting their targets. Golf, Eagles Nest, Pool, and the Pool Snack Bar all are experiencing losses. He reported that the ERA current Market value is \$7,181,804.

6.3 General Manager’s Report (GM Korhonen)

GM Korhonen reported that despite the bad weather the Dredging Operation removed 1341 yards of material during the first five months of the program. He said that the Eagles Nest has been contracted out and the new operation will begin moving in next week. He reported that Slice Gate repairs are being negotiated with the insurance company for estimated repairs of \$40,000. He estimated one month or more to replace the gate. GM Korhonen also reported that muskrat trapping has been delayed due to ice on the lake. He reminded all residents that if they do not wish trapping at their property areas to contact LMOA.

6.4 James River Water Authority (VP Platt)

VP Platt reported that at a Water Authority meeting held January 23, Aqua VA presented a proposal for providing water to the Zion Crossroads area.

6.5 Strategic Plan (Burt Marks, Chair Planning Committee)

Burt Marks presented an updated Strategic Plan as included in the January 28, 2010 Board Packet. The BOD called for a Work Session to discuss any changes or additions.

7. FLUVANNA COUNTY REPORTS (10 Minutes per Report)

7.1 Fluvanna County Board of Supervisors Report (Supervisor Ott)

Supervisor Ott announced that a School Board meeting will be held February 10, 2010 in the Old Court House. The meeting is open to the public. He stated that currently the BOS is undecided about the current need to raise taxes. He stated that the budget will be set by April 21. A \$562,000 deficit is projected. Supervisor Ott said that 80% of a proposed \$0.17 tax increase will be needed to cover costs passed to the County by the State of Virginia. He said that the 62 acres just west of the Rt. 53 and Rt. 618 intersection is now designated as part of the Rivanna Community District which means water and sewer may be available to the property.

8. MEMBER COMMENTS #1 AGENDA ITEMS (5 minutes per member – Total 30 minute maximum)

All members speaking on subjects other than deer issues:

Wayne Schmidt	370/3	TAB 10.1 PM 04.02A
Paul St. Clair	493/5	Boat Registration Fees
John Aker	371/3	Aqua Virginia Rate Increase

9. UNFINISHED BUSINESS

9.1 Board Goals 2009-2010 (Pres. Cumming)

Resolutions from the Ad Hoc Committee on Legislative Review (Treas. Harrison)

Treas. Harrison announced that the first reading of 4.02A will be delayed by one month.

Committees and the Strategic Plan (Director Ellen)

Director Ellen announced the Director Committee Liaison appointments:

* Audit	Treas. Harrison	* Investment	Director Ellen
* Broadcast	VP Platt	* Lake Preservation	Secy. Fickes
* BR & G	VP Platt	* Planning	VP Platt
* Compliance	Director Meiss	* Safety & Security	Director Ellen
* Election	Director Ellen	* Solicitation & Contract Review	Director Gott
* ECC	Director Meiss	* Storm Water Management	Secy. Fickes
* Finance	Treas. Harrison	* Wildlife Management	Secy. Fickes
* Golf	Director Gott		

She has requested from each committee chair a list of strategic plan goals that are supported by the committee's purpose and plans.

Eagles Nest Outsourcing (Director Gott)

Director Gott reported that the Eagles Nest outsourcing is complete.

Improvements to the Golf Course (Director Gott)

Director Gott stated that Golf course improvements are slated for the spring of 2010.

Strategic approach to fund major expenditures (Director Meiss)

Director Meiss reported that he met with the Finance committee. They discussed funding methods and cash flow issues. He solicited inputs and assistance from the BOD members.

Deer Management (Secretary Fickes)

Secy. Fickes reported that the Wildlife Management Committee elected Co Chairs Valerie Palamountain and Patrick O'Rourke. The committee voted to not change the committee charter and Secy. Fickes stated that he supports the committee's decision. A subcommittee was formed to improve the Wildlife Incident reports and processes. He thanked all who offered inputs to the BOD on the controversial issue of Deer Management.

Survey on need for capital improvements (VP Platt)

VP Platt stated that there may be a need to revise the Five Year Plan process for Capital Projects.

9.2 2009-2010 Board and Committee Chair February Meeting Location (Pres. Cumming)

MOTION by Pres. Cumming seconded by Director Gott "that the Board of Directors approve the announcement of the location for the meeting with Committee Chairs in the LMOA media at a later date."

Motion carried 7-0-0

10. BYLAW AND POLICY CHANGES – SECOND READING

10.1 Amend PM 4.02A: Financial Management Policy and PM 4.05C Official Records of the Association: Availability to LMOA Membership as recommended by the Ad Hoc Committee for Legislative Review (Treas. Harrison)

MOTION by Treas. Harrison seconded by Director Gott "that the Board of Directors approve changes to PM 4.05C Official Records of the Association: Availability to LMOA Membership recommended by the Ad Hoc Committee for Legislative Review as presented in the January 28, 2010 Board packet."

Motion carried 6-1-0 VP Platt dissenting

The Board recessed from 8:53 PM to 9:13 PM.

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

All members speaking on deer issues:

Patrick O'Rourke	463/3
Joe Arouca	203/4
Chris Roberson	155/8
Helena Arouca	203/4
Lorrain Toney	218/1
Jerry Passer	484/5
Randal Watkins	27/11A

MOTION by Director Ellen seconded by VP Platt “to extend the meeting to 11 PM.”

Motion carried 6-1-0 Director Meiss dissenting

Eugene Rella	501/3
Nora Byrd	139/8
Jean Demarco	14/8

11. NEW BUSINESS

11.1 2009 Waste Disposal RFP (Linda Adams, Solicitations and Contracts Administrator)

MOTION by Director Gott seconded by Director Meiss “that the Board of Directors approve the Solid Waste Collection and Disposal RFP as presented in its January 28, 2010 packet, and authorize the General Manager to release the RFP to the marketplace with the intention of executing a contract to be effective on June 1, 2010.”

Motion carried 7-0-0

11.2 Pool Snack Bar RFP (Linda Adams, Solicitations and Contracts Administrator)

MOTION by VP Platt seconded by Director Gott “that the Board of Directors authorize the General Manager to release a Request for Proposal as presented in the January 28, 2010 board packet, with the intention of entering into a Lease Agreement for operation of the Pool Snack Bar.”

Motion carried 7-0-0

11.3 Request for Waiver of Enforcement of Setback Lot 511 Section 12 (GM Korhonen)

MOTION by VP Platt seconded by Director Meiss “that the Board of Directors grant waiver of enforcement for a 12.1 ft. right-rear setback violation reducing the 35 ft. setback to 22.9 ft. for Lot 511 Section 12. 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 carried 7-0-0

11.4 Request for Waiver of Enforcement of Setback Lot 23 Section 4 (GM Korhonen)

MOTION by Director Meiss seconded by Secy. Fickes *“that the Board of Directors grant a waiver of enforcement for an 11.3 ft. rear setback violation reducing the 25 ft. rear setback to 13.7 ft. and a waiver of enforcement for a 1.8 ft. right side setback violation reducing the 10 ft. right side setback to 8.2 ft. for Lot 23 Section 4. 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 carried 7-0-0

11.5 Annual Meeting Date (Peggy Alexander, Communications Manager)

MOTION by Secy. Fickes seconded by Director Gott *“that the Board of Directors confirm that the 38th Annual Meeting of LMOA Members shall be held on Saturday, June 26, 2010 in the Terrace Room of the Clubhouse.”*

Motion carried 7-0-0

11.6 Ad Hoc Committee on Deer Herd Management (Treas. Harrison)

MOTION by Treas. Harrison seconded by Director Gott *“that the Board of Directors establish the Ad Hoc Committee on Deer Herd Control and the Ad Hoc Committee on Deer Contraception to be composed of two volunteer members each from the Wildlife Management Committee, Golf Committee, Safety Committee, Lake Health, and two members at large appointed by the Board for the purpose of defining the measures and procedures that would be used if the board decides to proceed with deer herd management actions.”*

Motion carried 7-0-0

11.7 Water Safety Patrol – Flotilla 88 US Coast Guard Auxiliary (GM Korhonen)

MOTION by Director Gott seconded by Director Meiss *“that the Board of Directors authorize the Water Safety Patrol, an arm of the Water Activities Association, for the summer recreation season, Memorial Day through Labor Day 2010, to establish the necessary patrol to educate and assist boaters, swimmers and other water activity participants and to assist Lake Monticello Police in the enforcement of LMOA rules and regulations and further authorize the Secretary of LMOA to execute a corporate resolution and related documents providing Flotilla 88 United States Coast Guard Auxiliary and listed Auxiliarists to use LMOA’s “Facility”.”*

Motion carried 7-0-0

11.8 Committee Appointments

MOTION by Director Gott seconded by VP Platt “that the Board of Directors appoint Mary Ann Hayward to the Election Committee for a term beginning immediately and ending December 10, 2010, Chris Zullo to the Golf Committee for a term beginning immediately and ending December 31, 2012 and as representative of the Ladies Golf Association for one year and Carol Brown to the Planning Committee for a term beginning immediately and ending December 31, 2012.”

Motion carried 7-0-0

13. STATUS REPORTS

None

14. REMARKS FROM THE BOARD

Director Ellen said that Director Candidate packets could be picked up beginning in February and had to be returned in March.

Director Gott thanked all attending guests.

Treas. Harrison said 12 inches of snow is again predicted for the weekend. He thanked the LMOA staff for the installation of the blue reflectors on the fire hydrants.

VP Platt thanked the staff for the outstanding snow removals.

Secy. Fickes thanked Mike for again announcing another snow.

Director Meiss thanked all of the LMOA staff who worked so hard to make Lake Monticello a great place to live.

15. BYLAW AND POLICY CHANGES – FIRST READING

- 15.1 **Amend PM 2.01 LMOA Bylaws and Policy Review: Bylaws Article 4 Meetings of Members with changes related to the Annual Meeting (VP Platt, Peggy Alexander, Communications Manager)**

16. ADJOURNMENT

Pres. Cumming adjourned the meeting at 10:57 PM.

by:

Don Fickes, Secretary