

PPA Board Meeting Minutes ~ November 9, 2024

1. Call to Order ~ Shane 8:17 AM
2. Roll

President - Shane Wallace	Vice President- Dan Connell
Treasurer- Pat Ebetino	Secretary- Linda Minnick
District 1- Lynn Ballentine	District 5A- Marshall Minnick
District 2- Bernie Ebetino	District 6- Jim Whitehead
District 3- Anthony Serianni	District 7- Sherry Doherty
District 4- Mark Laurent	District 8&9- Darby Miller
District 5- Steve Wilson	

Guests

1. Kathy Roman D1
2. Paul Erst D6
3. Georganna Hart D5
4. Joanna Miller D9

3. Secretary's Report ~ Linda
 - A. Review of October 5, 2024 Board Meeting Minutes

**Motion to Accept October 2024 Minutes- Marshall

Second- Stevel Carried

4. Treasurer's Report ~ Pat
 - A. October 31, 2024

Money Market-	\$ 25,686.97
CD-	51,595.21
Checking-	12,999.84
Total Checking/Savings-	38,686.81
Total Current Assets-	89,813.62

Paid	Property Liability Insurance	\$ 4,432.00
	Aquatic Weed Control/ Fall SSW treatment	5,212.50

- B. Shane- did Donahoe send a map of treatment areas? NO Sherry- they placed a flag in the middle of her yard, her area not a previous site Shane- will look into getting a report
- C. Marshall- some of the documentation he has been through says the Dam Operator should be covered? Pat- recently paid is property, she has rec'd policy copy, going to make appt. w/ Star Insurance for explanation Dan- background in insurance law & litigation, he could help
- D. Shane- \$1M/\$2M aggregate sounds low Dan- common amount- for liability \$1M is per occurrence \$2M total, Indiana more realistic in valuation

**Motion to Accept October 2024 Treasurer's Report- Marshall

Second- Sherry Carried

5. PPA Calendar- up coming events
 - A. Finish updating owner mailing list in prep for 2025 invoices- Pat ongoing
 - B. Finalize 2025 Goals- Mark sent a proposed 2025 goals list & a project list before 10/5 meeting, on Calendar to propose goals Sept. finalize Oct., hasn't been discussed, he would like to define priorities and assign a responsible person to each for follow up Shane- not on the Agenda, needs attention, he'll make a note for next Agenda, everyone read the list before Feb.
6. Lake Maintenance- Marshall
 - A. Found recorded easement w/Oliver Reed & Janet Gadson for west levee toe-drain to Wawasee (will store in the safety deposit box)
 - B. Daily Dam report includes weekly lake levels, weather, tasks- cut some brush, ect.
 - C. Wetland north drain clog flooded the north pond and center section of wetland, snaked drain cleared cattails, back to normal, he would like to replace the existing pipe

- D. Nov. 3 Pulled 9' log in preparation for winter, picked up harvested weeds from Holiday Ln, broke the sign w/backhoe, will fix Shane- where did dump? Around the sign on PPA property burn pile
- E. Steve- info on non-lakefront owners docks (west levee)? Marshall not much maintenance floating pier is aluminum, east end pier could use some attention Steve- policy for docking? FCFS Bernie- donations from Steve Herendeen & Steve Yoder paid for the piers, NLF owners must maintain, still money in that account, Steve- because people tie to floating dock all summer it limits how many can use it, need different policy so others can use maybe 3 day limit, Linda- 5 total spaces, little pier sides filling w/cattail roots Bernie- not there to fish off of but for docking boats Linda- was there to be another one installed?
- F. Marshall- spoke with Kellen Heavin regarding cap crack, not much info without \$\$ wanted to see it, recommended grout instead of epoxy Marshall- will make a local contact, will bring 4th Q inspection we will have a better idea of how much time it takes, next year you can pay someone, DNR no.43-7 not providing any permit number so far, will talk to someone at DNR about how much engineering is required for small projects
- G. Mark- winterize Harvester & chemical boat? Battery tenders? Marshall will check antifreeze in harvester
- H. Shane- did we get the water sensor from Terry? Nothing electronic that we have seen.
- I. Marshall- it would be neat to get Wi-Fi at the building for monitoring levels and cameras
- J. Linda- texted Terry when found the wetland flooded, he let me know that was the "Dam Master's job" said a clogged drain
- K. Mark- 12" for winter water level? Yes
- L. Anthony- thinks the idea of Wi-Fi at the building is a great idea, for continuous read out/ records

7. Old Business

- A. PPA Documentation/ File Retrieval
 - a. Steve- will check on file cabinet
 - b. Pat- working on a procedure, may boost Arleen's confidence in the system, all of Terry's data digitally organized
- B. Mowing/Plowing Bids- Shane
 - a. Mowing, minimum of 2x monthly depending on weather
 - 1) Rowe Lawn Care: mowing/weed trim - \$4,655.00
 - 2) Salyer's Home Improvement: mowing - \$6,800.00 mowing/weed trim - \$7,650.00
 - 3) \$5,500.00 in budget for mowing
 - b. Plowing/salt,sand, as needed
 - 1) Josh's Handyman Service: \$5,625.00, \$275/plow, \$150/salt,sand (need clarification)
 - 2) SiteWorx: bid not returned
 - 3) \$7,000.00 in street budget includes road maintenance assistance
 - 4) \$4,950.00 previous plow/salt,sand
 - c. Bernie- would like to see more detailed requirements included (which areas, size, ect.)
 - d. Required to have proof of liability insurance

**Motion for Shane to accept plowing/salt/sand bid not to exceed \$6,000.00- Marshall

Second- Mark

Carried

- C. Building Inquiries
 - a. New build Hiawatha (Leach)- Approved
 - b. 8772 E Koher Rd S (Stukenborg)- needed sign off on Kos. county exception new foundation, 3rd time needing signature, Shane signed, hearing 11/12

8. STR

- A. **Shane-** it's 9:30 wants to be done by 10:00, we previously discussed Anthony's letter to D3, property owners, a paragraph stating there has been false information sent that the Board is trying to curtail your rights of what you can do with your property, this is not the intention of the

Board, the Board is tasked with insuring the ABCs are followed without prejudice is “misleading”, we are curtailing your rights, that paragraph is a conflict in itself, the specific wording is trying to curtail your rights that’s what I feel is misleading because that’s exactly what we are doing is curtailing your rights

- a. **Pat-** a letter went to many of the property owners, saying ‘your property rights are being attacked by Lake Papakeechee, I think the wording in Anthony’s letter is in response to that letter
- b. **Anthony-** it was written to reinforce the notion that the Board’s responsibility is to enforce the rules as they are currently written, our job is not to try to curtail people’s rights to use their property, we do have rules in place that do impact them. We have restrictions, we bought into that, that’s how it is, we can change what’s written there by voting, there is a provision that people can do that but right now we have what we have
- c. **Steve-** before it is sent we say- a letter has been circulated that asserts that the Board has been trying to do that, that is not our intention. This is part of an ongoing conversation, a preface would seem to be appropriate
- d. **Dan-** it would provide clarity if they are wondering why that statement is added, as I understand it the message is- we are bound to operate within the confines of the rules, that is what we are doing, these rules do contain restrictions that is what we are referring to, what is within the four corners of the document, we are not going outside of that, we are not trying to impact anything that is not within the language of the policy that this membership operates under
- e. **Sherry-** I believe we need to have why we were highlighting that specific area, is there a way we could pull that out, **Shane-** reads from Anthony’s letter ‘a point that has been raised by several lake residents who operate STR that the Board is trying to curtail your rights’, that is a problem area, **Sherry-** that is true **Anthony-** I didn’t reveal where that information came from, I avoided that, I said that we know about that and this is our response to it, it was purposefully nebulous, not my right to expound on where that information came from, but it’s still a true statement, it is correct **Sherry-** do we want to go through each section? Is there more concern that you have, Shane? Or is it that part?
- f. **Anthony-** why are we talking about this? It was just a way to share with the Board how I dealt with it within by District, my point was we should be sending the ABCs to the membership, my argument was not to be condescending to anybody but to do our due diligence as a community to make sure the Membership knows what these rules are, I came away from the Annual Meeting concluding that some people for whatever reason never delved into what they signed onto when they bought their properties, I was one of them, I only became more aware of the details when the STR matter came up and I looked very closely at what was written, I think this applies to many Lake residents. My argument was to extend that information with a letter that says, the Board is now going to be ruling eventually on this STR matter, what is important is that we need to be insured that the Membership which will likely be involved in this process, knows what’s been written down about this matter already, how it could impact their decision on if they support or do not support STR, due diligence on the part of the Board to make them aware of the rules
- g. **Sherry-** it’s important that they have them in their hands
- h. **Mark-** it’s premature to do that, people have access to these on the website, I don’t think we as a Board have come to a consensus on what the language in here is and how to interpret it
- i. **Anthony-** that is what I came prepared to do today, review the best that I can with some oversight by Dan & Linda review where we sit on the STR matter, briefly overview what we have done to get here

- j. **Steve-** I'm concerned that we are trying to manage people's feelings without concrete information, if we managed the depth of the Lake based on our feelings we might have an issue because we are just working off of feelings. My suggestion is a group of people or a journal to document when STR have been an actual problem, we have feelings that to me sound like fears that STR are going to get out of control, do we have a way of documenting when actual violations would infringe on good neighborly behaviors? Feelings are difficult to manage without concrete information
- k. **Dan-** Anthony's intent today is to give concrete information in the binding rules that we are bound to uphold, by concrete information I interpret that as objective, they are objective **Steve-** agrees
- l. **Steve-** a story about a speedboat doing rounds around the Lake turned out to be a RC boat. **Linda-** Alysia and Stacy did have to deal with an STR person bringing a boat propelled by a motor across the Lake to a pier next door to them, it was a real boat with a motor **Steve-** we need to document these things
- m. **Marshall-** here is your documentation, we have been hearing complaints for 2 years, so we took a survey, these are complaints people are coming to our meetings for 2 years screaming at us, I want you to understand why we are here, there is no mystery as to how we got here today, we are responding to complaints, we wrote a letter based on the rules in the book, why can't you people understand that? That's where we are at, that is exactly what happened, these people have had 2 years to study every damn letter in that book. If you are not going to start holding classes and going through it line by line what more can we do? We took action and nothing else has happened since, it's been 2 annual meetings what more do you need to make a decision? If you want to get the Members involved get a simple vote out there and let's end this. You're either for it or against it.
- n. **Anthony-** in my mind the reason we have been, quote unquote 'slow' is because it's a divisive problem, it could potentially pit one person on the Lake against another and none of us want to do that, I bought my property to enjoy myself when I come here not to be in conflict with the people who are on the Lake, the divisive potential is what impedes the solution to this problem, we on the Board are responsible for making this decision, we are elected to maintain the rules as they are written, we can change those rules but that is not what we are doing right now. We have these rules and we have to decide are they or are they not in support of STR, some of you were not on the Board at the time the letter was written and don't know the history of it, this was the whole point of the discussion today to bring everyone including the guests up to date on what really happened, this letter dated February 29, 2024 we wrote it because we were getting mixed input on STR forcing us as a Board to act on it. We decided to take a poll, Linda and my wife, who is a social psychologist and did survey research professionally, drafted the document. It was sent to the Membership for comment which we received, (gives a handout of the results of the survey)

Q1. Which comes closest to your feelings about STR at Lake Papakeechee?

A- Not allowed B- Allowed w/ regulation/restrictions C- Allowed no regulation/restrictions

Results - A- 57 (36%) B- 46 (29%) C- 45 (29%)

Percent in favor of total ban or w/regulation- 65%

Percent in favor no regulation- 29%

Q2. How do you feel about STR at Lake Papakeechee? on a scale of 1-10

should Not be allowed = 1 Should be allowed w/ no regulation = 10

Shows a representational graph of the results

1, 2, 3 = 67 (44%) - lean toward not allowed

8, 9, 10 = 54 (35%) - lean toward allowed

Anthony- after the poll the Board returned to the ABCs, when you look at the ABCs in total (there are several areas that potentially speak to the matter, commercial or private gain, ect., I am prepared to speak to these areas but there is a time constraint) there is a very strong sentiment that pertains to the private nature of Papakeeche and the Board's responsibility to maintain it. Where did the letter come from? It was written by Linda, maybe w/ Marshall's input, it was sent to the Board for approval or disapproval, it was signed by everyone on the Board, it was not some surreptitious operation, it was written, reviewed by everyone on the Board, this was an authorized position by everyone on the Board at that time, which was we ban STR on the Lake, effectively, this is what the letter says, that was and remains the position of this Board unless we change it. Marshall is correct, this document was approved by every current Board member at the time it was issued, you can bitch about that and you can challenge it but that's the reality of it.

Marshall- based on the rules in that book **Anthony-** going back to that, who am I? I am a property owner on the Lake, I have no interest in STR, I never personally had any negative or positive feedback from anybody who has one, I have no reason to have a bias one way or the other, I don't live on the Lake full time, my full time residence is elsewhere, I don't really have a personal opinion on this matter, my view is based purely on what our interpretation of what the ABCs say, there are at least two parts of the ABCs that speak to this matter, gives handout of what he recalls was the discussion of what led to this letter, Covenant 5- contracts with clubs and hotels Sec.1 (O) personal/commercial gain, in my opinion those 2 pieces of the ABCs were prominent in our thinking at the time the letter was written, they and others spoke to the idea that STR weren't allowed, I know Shane, I have heard many discussions here that spoke to the other side and I'm not going to get into the legal implications, we did speak to attorneys about this, they gave recommendations on how to proceed, so we did hear from people on the outside, the one thing I think we have as a Lake that distinguishes us from other lakes is we have a pretty powerful set of ABCs, when you look at this document it's precedents, these people wrote these nearly 100 years ago and yet it still speaks to many of the issues we are dealing with today including, I think, the STR, that could be challenged, that's a choice people could make, but we do have a pretty strong document that guides us as a group on what we need to do, if you look through the entire document not just focus on one thing that suits you, I think the document speaks to this issue in general,

- o. Another issue, is Respect, I take this personally, Disrespect for the Board in this matter, that has colored my view on STR, in that it states explicitly in the ABCs that individuals who might have had this intention should be consulting with the Board on the matter before proceeding, as long as I have been on the Board I have never heard anyone come to the Board that wants to operate an STR and ask for input from the Board, in my mind that's a serious violation of the ABCs, those individuals who are operating STR are out of compliance with regard to the ABCs as they are written, it has nothing to do with if they are approved or not it's just a respect I thought individuals should have in this matter, as far as saying, I wasn't aware of the rules, I don't accept that, maybe it's true but it doesn't absolve individuals from the problems that are associated with that, when we bought our property my Wife reminded me of how our property purchase proceeded, when we bought our property we got a copy of the ABCs, we read them, she called the President to get clarification on what the rules meant before we signed, each of us has the responsibility of reading what we sign, and we are not responsible for those who didn't
- p. **Shane-** one question, you mentioned respect and people coming to the Board for approval, can anybody tell me how many rental properties on the Lake have been approved in the last 60 years? And who those are? **Anthony-** you mean normal rental

not STR **Marshall**- residential rentals? **Bernie**- none **Shane**- nobody has come **Sherry**- we don't know that **Bernie**- as far as come to the Board? No one has come to the Board **Pat**- since you've been on the Board **Sherry**- there's is no way we can know that because none of us has been on the Board for 60 years **Shane**- so there is no documentation of nobody ever in the past coming to the Board for approval for any rental of any kind **Sherry**- we don't know that **Anthony**- the responsibility in this matter falls on both sides, Lake owners for whatever reason haven't read the rules and also on the Board, I would contend that we have been negligent in the past to some extent in following up on things that we have perceived as being in violation of the ABCs and that has slowly eroded the authority of the Board because of our unwillingness to pursue individuals other than in monetary things, we could have taken action but we didn't because of the sensitivity of the matter, people were very reticent to confront others because of the divisiveness it could cause, it's not the kind of thing any of us wanted to do when we got on the Board

- q. **Steve**- Thanks to Anthony for your presentation, I'm new and want to figure out what's been going on so we can move forward, from what I've heard where then in your opinion do our ABCs distinguish between a hotel which is allowed to be managed by the Board not necessarily prohibited but managed and a rental? Is there clarification? Because STR seem to hit a gap between neither or both is there a way of distinguishing from the documentation one from the other? **Anthony**- I don't want to be the point person on this, my understanding is STR, we struggled with the definition, are rentals that the people who stay there do not define that place as their permanent residence, 30 days is in my mind but I may be wrong **Steve**- that sounds like it has been discussed by the Board but never officially been made a part of the ABCs so that potential owners would have access to that definition **Anthony**- to be transparent, we as a Board and any Lake owner has the right to challenge the Bylaws and recommend change, that's certainly within the rights of all of us, we as a Board can say we recommend this Bylaw be changed or amended and we can go to the Membership and ask for approval, same is true for a property owner if they can gather enough support and make that motion **Steve**- is there a threshold for changing? **Pat**- Articles require a 75% vote Bylaws require 51%(simple majority) the Covenants are a part of your Deed and listed in the Bylaw section of this document
- r. **Dan**- I have 2 questions, is this discussion something we need to call a special meeting? if not, I would like to comment on this, could take 5-10 minutes, it's our job to govern by the rules. I have one quick question for everyone, has everyone had a chance to review the ABCs? Does everyone in their coverage of the ABCs feel that they do ban STR? some no, some yes, I have a proposition- some on the Board believe that they DO ban some on the Board believe that they do NOT ban, during the exchange with the attorney we told them there has been a new development, what is your opinion? Eads, Murray & Pugh offered a proposed amendment, the Covenants are under Sec 1 A general heading of Bylaws of the Association, Article VI talks about amendment to the Bylaws, 1 option is at a Special Meeting of the Owners where the majority of those present vote in agreement with the proposed change, Option 2 a Ballot is mailed to all Owners to vote on the proposed amendment, 51% must return the Ballot out of the 51% that return a majority (51%) must agree to the amendment, the attorney I mentioned earlier did provide language for the amendment which in their opinion is solid on the issue, it's straight forward, 2 paragraphs it says STR are banned, we allow the Membership to decide, it doesn't sound like we are convinced the rules as written are a certainty, it is my recommendation that we vote today that this amendment be sent to the Membership to

decide. Then we will know if the Lake wants an outright ban or not. The first paragraph is mine the second paragraph is from the attorney. See handout.

**Motion to vote yes or no to go forward with this amendment as written by the attorney- Lynn

Second- Anthony

- a. **Mark-** I would not put this forth today, a special meeting requires 35 voters for a quorum, I don't understand all the language that is necessary for approval, the fact that Covenants are under the Bylaws heading does that make them subject to the same percent required for approval, I'm not sure about that, because the Covenants are Deed restrictions, even though they are under that heading, when I go back and look at this the Hotel provision is sort of not applicable because I think residents have a right to rent their houses because their house is their personal property not PPA property, it comes to using PPA property, the Lake, is where restrictions may come in, the personal gain language, that's my interpretation, it just comes down to the personal gain restriction, I realize we recognize the right to rent but does that extend to Lake property the fishing provision implies that it does, the fishing provision doesn't distinguish between long term or short term renters, to me a short term renter is a leasee, I don't see why you would
Linda- it says while you reside there **Mark-** this is all legal interpretation that I think it makes it premature to ask Members to vote on something that I don't know that we've even clarified. It's one thing to say what's your preference it's another to say how do you interpret the ABCs
- b. **Pat-** your motion was to mail it out and ask everybody to respond?
- c. **Lynn-** no, we have to vote here first
- d. **Pat-** if your motion was to mail it out, we have 242 property owners of that we would have to have 122 respond and 62 vote to amend, if your motion was to mail
- e. **Shane-** what happens if this comes back and it's denied? Then it doesn't pass **Shane-** I see the intent of this so what would we do next? Hurry up and jump in there and send out another one saying yes or no for rentals? And try and pass that? **Pat-** No my personal opinion is if you send it out and 51% of the vote comes back saying No don't pass it then we now have a majority of the respondents saying they should be allowed, that's the answer, then we have to decide as a Board are there specific things we want to say on rentals
- f. **Dan-** if the Board is uncertain this as written would provide a level yes or no, correct? If it doesn't pass it doesn't pass we are right back where we started, I think the next step would be to ask do you think STR should be allowed? At the very least this is an action step, it gets it out there to see what they say, if it comes back 51% want this then it's done, it's over, if we don't get the 51% then it doesn't pass, you have to have 51% back to even look at the votes , then you need 51% of those to agree or not agree, I would think that even the STR owners don't want totally unregulated, I can speak to one case in AZ where corporations came in and took over, it's no longer a neighborhood, no one wants that, get it out there let the action take place see what they say we'll respond we'll know how the PPA feels about the amendment and if it's no then the next step is how do we regulate, what do we do now that it's here
- g. **Shane-** that's exactly where we are now, so we are doing the same thing except we are trying to, I don't approve of this, this is not my view of how we operate, this is again one side of the Board saying this, that wants this to go through like **Lynn-** the lawyer wrote this **Jim-** he wrote the bottom section **Pat-** yes **Mark-** do we have an opinion letter from a lawyer that justifies this? **Shane-** you could probably get 15 that would say opposite of this, this is a view of what the majority of the people on this Board want to push through here **Mark-** I agree with you **Linda-** that's all it takes is the majority of the Board **Mark-** are you saying the guy based this on under the bylaws **Shane-** no, this is just what he

wants to push through to make an amendment to pursue STR, it has nothing to do with the bylaws, it's what they want to add to it to stop the rentals, you know

- h. **Anthony-** could I interject one point of clarity? One thing that Dan said that I disagree with is that, in my opinion the Board has already ruled on this, we already took a vote and this is what we agreed on, the letter (2/29/24) came from the discussion on the matter and the cease and desist component of the letter is what it is, Mark I don't know if you were in on that conversation **Mark-** no **Anthony-** the Board authorized that position so in reality we have already made this decision as a Board, if we go through with this, it's not a question what the the Board's position is because it's clear, they got the letter (2/29/24) what we are trying to say is there are some people, rightfully so, people who run STR who dispute the position of the Board because of their views of the ABCs, so now we are going to clarify that matter but we can't make that change without the approval of the Members, they are going to know that the Board has effectively banned them (2/29/24 letter) and they can disagree with that and they can say no to the amendment and then we have our answer, they have a right to do that, if they do that then our only option is to allow them, ostensibly with some restrictions, on the return percentage history would suggest that we will likely get the percentage needed, the poll(survey) response was 157 I'm optimistic that there will be a sufficient response
- i. **Bernie-** if we send this out that does not nullify the original language in the thing, I think we are a step too early for this, the first thing to do is ask are you in favor of allowing STR on the Lake, if they are not in favor of it then you can come up with some kind of amendment to the language in the book **Steve-** isn't that what it's doing? **Bernie-** no this is a step too soon we don't know if they are in favor of or **Lynn-** we did a survey **Bernie-** you know what you can do with that survey, that is not a vote **Lynn-** no it wasn't it was a survey **Bernie-** we need a vote we need to know what percent of the people are in favor and aren't, if they are in favor of shutting them down then we send out an amendment so that we have a clarification of the language, right now we don't have a clarification of the language, we need to expunge those statements from our documents and insert something new, if they are not in favor of STR we need to do something about the language in the book so everybody is clear on what's going on **Shane-** Marshall's point, it's the Association Members choice where we go from here, we can kick this bucket around, we can be combative we can do all kinds of stuff, let the people make the vote **Bernie-** that's what I have said for months **Anthony-** maybe I am interpreting this wrong but I don't think it's disputable at this point what the Board's position is on STR we have already made that decision clearly, in order to formalize that position in the written document we would need to change the document and this is what this is all about, they can reject that, what that effectively does is rejects the opinion of the Board which means we need to figure out where to go from there **Bernie-** my opinion is if they are in favor of STR then that language needs to be changed it is totally irrelevant what the Board's opinion is, it is what does the Membership want if they want a change it doesn't matter what the Board says **Anthony-** it's not totally irrelevant, the Board has the authority to rule what's in the book **Bernie-** right **Anthony-** and we have done it now we are saying let's let the Membership weigh in on this, do they buy into the Board's recommendation on this or do they not? If they reject this motion they do not agree with the Board and we are subject to the will of the owners, that's the end of it as far as I'm concerned **Shane-** they have already made their stance, that's what I'm saying put it to the vote put it to the people, obviously we made changes because we didn't feel the Board was representing the majority of the people of the Association, now we have people who were not elected, no offense to Dan & Steve they were not elected they were appointed, if it doesn't pass then who's going to lose? Nobody, it is what it is, if it passes then what are we going to

do? **Anthony-** it is going to clarify the matter for us, at this point the Board has already ruled as far as I'm concerned it's ruled, some people on the Board might not like that but that is the reality of the situation we have ruled on that and now to legitimize it we really need to have the support of the membership and they might not support it, that's the way the world is, I mean I wouldn't want to see it go pro STR but I'm only one guy

- j. **Pat-** so point of order- we have a motion to send this out to the property owners and let them vote and we have a second to that motion, we've had discussion so
- k. **Lynn-** we have to approve it first before it goes to the membership, that's what my proposal was, we need to vote yes or no on this, is my proposal, as for the next step if it goes to the Membership, I didn't say anything about that
- l. **Shane-** I'm not in favor of this
- m. **Marshall-** so you want the Board to vote **Shane-** no, I don't want the Board to vote on this **Bernie-** there are so many things within this statement that people could argue with, like the 90 days they could say I don't like this because of the 90 days and turn it down, we are giving too big of an option, if this fails we don't know why it failed is it the 90 days or something else, that's where the are you in favor or not comes in, we find that out then we go from there
- n. **Shane-** simple, we find out yes or no to STR, long term, any term yes or no
- o. **Dan-** let's say we do that and it comes back no STR, there is something you all need to take into consideration, that doesn't prevent those with STR from suing the Board and the Association because they don't agree that the laws as written prevents them, anyway the point of that paragraph is to create certainty, if the membership decides we don't want STR on the Lake it's very difficult to find a court of law, it minimizes the situation, for the last year I've heard why are you spending my money on this situation, I recall being at a meeting at the school in which the members said I will sue you, I will sue you, I will sue you 3 times, directly to the President at that time, this Lake I have seen has a real concern and fear of litigation, people on the Board have concerns about being sued, there have been discussions that they will sue, if the the Lake says 100% we don't want STR, there is nothing in here that says STR is a hotel it is ambiguous, it's open to interpretation, there is a case in TN that almost mirrors us they have been in court for 3 years now it's going before the Supreme Court of TN strictly over the definition of residency, in MI they have the same thing for 2 years because of interpretation of the laws as written, this minimizes that, I believe, I don't know if people will be indecisive over 90 days versus 30 days but if it doesn't pass it doesn't pass, if we want to wait and work on that fine but the community coming back and saying we don't want them is not going to prevent the STR community from suing, saying in a court of law we have every right to be here. This paragraph as written will negate all of that, it saves us money and time, it is at least a step which we haven't done in a long time and it opens it up to the community to decide for themselves, we have seen a letter from a lawyer before we even enforced anything, do you honestly think that those letters are going to stop?
- p. **Bernie-** my opinion if we send this out it doesn't have a snowballs chance in hell to pass
- q. **Pat-** Lynn, you made the motion would you restate what is was
- r. **Lynn-** my motion was for the Board to vote yes or no to move forward with the proposed amendment

I think a special meeting or a special vote is a whole other motion, a different topic

Pat- Anthony seconded the motion, so your motion is for the Board to vote yes or no

Sherry- to get the pulse on where the Board is **Lynn-** yes, if they say yes to this

amendment then we move on to the next step if they say no we are back to square 1

Shane- or we start by sending out a yes or no

Pat- you have to vote on the motion that's on the table

Lynn- vote on the proposed amendment, yes or no

Anthony- there is a complexity here, the sentiment of this statement is effectively, STR will be banned on the Lake, if the Board votes against this that they believe STR should be on the Lake then that defeats what we have already achieved as a Board, we already voted against STR so why does this make any sense? **Bernie-** we are voting do we want to proceed with this? **Anthony-** by voting against this you can be voting against a previously made decision by the Board, that's the point they are incongruous, it would be countering our very decision, the only vote that could be made on this is to send it to the membership and see if they agree with it, because the Board already decided, it's not debatable unless we question the decision we made in February, that argument makes no sense

Shane- it makes some sense because what the previous Board has done is not what the majority of the Association wants hence why they elected new members to the Board

Anthony- the Board already made a ruling on this regardless of what the constitution of this group is now. 5 years from now you could have everybody on this Board pro STR but the rules have already been made, now membership has to weigh in, they are the only group at this point that can overrule what the Board has decided, unless the Board wants to retract everything that's been done previously and reconsider, that's the reality of it **Bernie-** I suggest we vote on that proposal, if that doesn't pass I'm prepared to make a motion that we send out a yes or no **Anthony-** this statement is a reflection of what we already decided, unless the Board doesn't like what it decided, it has already been decided that the Board wants to ban STR, this is the next step in that, where we are going to the Membership and saying do you agree with the Board or not? I agree they could quibble about a small part of this but never the less the Board has already made a decision consistent with this

Darby- we received a letter stating we were in violation saying we needed to cease and desist renting our property, which we did not stop, so we are in violation, what are the consequences for me being in violation? **Anthony-** in the Board's infinite wisdom we decided, do I want to come to you and tell you to stop your STR? I don't want to do that, I don't want to become a jerk, that is not my job, my job is to look at the document as it's written and make a decision for this organization, that's what we do, you are right, we haven't enforced that, there's a good reason for that, I don't want to live on the Lake and have half the people hate me **Mark-** the Board may revoke any Member's privileges if he violates any of the bylaws or restrictions **Steve-** is your motion that we are still discussing currently to agree that this accurately reflects what the Board did previously? Is this basically a good document to put in legal language for insertion, a reflection of what the Board did earlier? What I am hearing is that the Board has already spoken, I wasn't there, I didn't have a part of that, but this would be the next natural step of clarifying what the Board has already asserted as it's opinion, we want to find out if this language reflects that assertion leaving the decision if we are ready to send it or not to a separate decision? Is that an accurate way of understanding what your motion is? **Lynn-** yes **Steve-** I'm ready to vote then, if this language reflects the original opinion of the Board at that time

Sherry- as an amendment I think it would be a real good clarification of what we intended **Dan-** I'm asking that we bring this to the Association to vote on, once it is an amendment it would become a binding rule

Bernie- when we talked to the Board there was some dissent, we never settled on a length of time

Shane- at a point where we vote if we accept this document for approval for the next step or we disapprove **Marshall-** I like all of this **Steve-** then you would vote yes

Marshall- No, our bylaws and covenants were looked at, we made a decision, we voted. this is saying everything we decided in February wasn't worded quite right it needed to be saying this **Anthony-** that is the glitch I have as well **Marshall-** we said, the rules that we have already are good enough to make a decision, a decision that was a response to a complaint, not an effort to go out and take people's rights, there is enough people in this room that were involved that should remember what that conversation was, why are you so nervous about that? **Sherry-** I'm not nervous, I think we should have consequences, I have no problem with that, I think we should have right away done the consequences, **Marshall-** I'll be the first to tell you I wish I owned 20 of these STR, I think they are a great idea, it's a great way to make money, they don't bother me. What bothers me is I'm on this Board, we heard these complaints, I studied these rules, I read that book over and over, every time you read it you find a little bit more, it's an interesting document, that's the problem, I see STR as a violation, number 1, the most blatant is nobody asked permission to do anything, that disqualifies it right there, Dan's document is a great document, but it pretty much says everything you decided in February doesn't mean much we need this **Anthony-** I looked at the proposed amendment as a vehicle to clarify the rules that we currently have with respect to STR, we as a Board ruled on it yes, but the governing document would have to reflect that **Marshall-** does this reflect the governing documents, the covenants and bylaws? **Anthony-** this amendment would formalize the position that the Board took in February because when it's all said and done we should change the bylaws to reflect what the Board decided, right now the bylaws are not perfectly clear on this matter so in the future we won't have these uncertainties, it's not questioning the decision that the Board has already made it would formalize it in the bylaws, the Members could reject it. **Pat-** that is not the motion that is on the table **Anthony-** the reality is we should be by default approving this, maybe not the exact language, but approving because that's the decision we already made **Shane-** that puts us back to square 1 because without the vote yes or no, this is going to continue, you send this out and it gets approved or it doesn't get approved and we are right back to where we are here **Sherry-** because STR owners will still fight it? **Shane-** if this isn't approved what are we going to do? **Anthony-** if we were to send this out and ask them to vote on it and they say no, to me that means they don't agree with the Board's vote on STR, then we would have to figure out a way to accommodate them, that's the hard fact, I see it as a clarifying issue **Bernie-** if they say no the original language is still in the book

Shane- that decision has already been made, that the Board said you aren't allowed to have them but the rental people and the majority of the people already said that we're standing in this position **Anthony-** ok, let's say they say no, the Board now has to accept the resident's view on the matter, they want STR and we would have to make out how to make that happen, once that would be clarified within the Board how we would make that happen we would probably have to go back to the Members with an amendment that reflects that, we would want to clarify that in the final document, we are going to move forward with them (STR) or without them, we would want to clarify so that in the future people know what the rules are **Dan-** if it passes they have spoken, if it doesn't pass then they have spoken so what do they want, where do we go from here? How was our opinion not in jive with what we thought? Either way I see it as progress because steps are happening, nothing is happening

Sherry- if we send out what the amendment is it could be yes or no based on what is in the amendment, I believe a yes or no could be easier

Lynn- that could be step 2, when we vote if we approve or don't approve with this then we can decide what we want to do with it, maybe yes or no would be easier, we have

been spinning our wheels for a year and a half **Sherry-** we are saying we already made the decision now we need to go back and say? **Shane-** yes or no

Pat- we made the decision, now we need to put that decision to the people, yes or no

Linda- yes or no what?

Shane- yes or no rentals on the Lake, if it's long term, short term, mid term, rental rights, property owner rights **Linda-** we already answered the yes or no question **Pat-** the Board did, however the members have not, we've got to hear from the members **Bernie-** I have been saying that for 6 months **Marshall-** this is the language you want to use to get an answer from the members? **Bernie-** yes or no, are you in favor or not?

Jim- that was one of 3 possible scenarios that we didn't get until after we sent that letter out **Pat-** correct **Jim-** I stated at a previous meeting that I regretted signing that letter, because I don't think we were prepared for it, we got the attorney after that, this is one of 3 potential options that the attorney recommended and the steps taken to do it, I think you are dreaming if you think this is not going to court

Shane- I don't think anybody wants to take this to court, I just feel people want their property owner rights, nobody is taking rights away from anybody

Linda- in the ABCs over and over again it talks about restrictions on the lots within the Corporation, it doesn't just refer to property owned by the PPA, it says if you are going to build or move a house or a building the PPA gets to decide yes, no, where it's going to set, that's your personal private property, the Board gets to make a decision on that

Dan- there are restrictions already in play, one is you can't live in a garage past 1 year, you are restricted, you cannot have a mobile home on your property, that's a restriction on your private property that was decided for the betterment of the community, it comes down to this- what kind of community do you want? The Board has already said the rules as written are a reflection of what the community wants, they have not been changed so they are still relevant today, The Board in February decided the rules do not allow STR, you as a community have agreed to the rules, we are enforcing them, that's our job, I do not agree if this doesn't pass that it would change the rules as they are written, the Board's position doesn't change it's based on what is in the ABCs, this makes it clear, there's not a lot of wiggle room there, would we be sued if this passes and the membership votes that it wants this? Why would we be sued? The Membership voted and they said we want it in to make the rules clear.

Sherry- so this wouldn't count as a poll? We've already voted that there are rules and regulations that say no STR, then we would have a poll that the Members say no STR

Anthony- the poll is not an unequivocal statement of pro or anti STR it was just a means of gathering information

Sherry- what I hear today is there are new members who feel differently, I respect that, I do not believe that the vote (at the annual meeting) went to the new members only because they are STR owners and I hope you ran for other reasons because if you are here for only 1 item then you shouldn't be on the Board, Board members are here to look at the whole health of the lake, if you are telling me that you were voted in just for the STR that is a frustration because we are here for the entire lake not just for you

Darby- I wish we would focus on the Lake, that's our mandate is to focus on the lake not on this **Linda-** it's not just to focus on the Lake

Shane- that's what it was originally designed for, was to keep the Lake beautiful, to keep the fish healthy **Paul Erst-** and Private! **Shane-** it's still private and you're not in this meeting **Sherry-** you said the people have spoken, they voted you guys in because of STR they are not the only reason **Shane-** right, they don't want their rights restricted regardless of what it is **Linda-** they agreed to have their rights restricted when they bought their property, read through this thing and look at all the places it says you have

the right to do this and you can't do that, most people if you handed them this document & they actually read all the things they would say I'm not buying property there **Anthony-** that's the reason people don't want to be a part of an HOA, they do not want to be told what to do but we all bought into this, that was the agreement when we signed to purchase our property we agreed to whatever was in those rules **Shane-** it's over reach and that's why we are here, that's why there are new people on the Board **Steve-** I've got to go **Lynn-** I'm leaving too, I came here and gave up a day of vacation **Pat-** we have a motion on the table, it either needs to be rescinded or we need to vote **Lynn-** I'll just rescind it because obviously there is too much discussion going on, I'll see you next February **Pat-** I would have voted No because what I understood is Lynn wanted to vote on what we said in February we no longer agree with **Marshall-** I want Shane and everybody to know that what my feelings were in February were based on the rules we already have, it's not personal, this to me is a new rule it says you may not have been right in February, this to me is a new rule, I don't want to impose a new rule on anyone that would not be fair, I made my decision on these rules, what's in the book, I'm saying I looked at this heavily for over a year and based on what's in that book that we all agreed to, what's attached to the deeds, I don't want anybody telling me what to do with my property but I'm in the same boat that you are and I found out the hard way too **Pat-** the question is are we to a point where we need to ask the Members do we want STR or do we not? the Board said based on the rules and on what we got back from the survey we believe they should not be allowed, that's what we said in February and we are still doing this, are we to a point where we should ask the Members? **Sherry-** is there a reason that we have to ask the members? **Shane-** because it's their vote on if we need to change a bylaw to go one way or the other- **Linda-** they haven't come to us to say, we want to change a bylaw to give us unfettered **Shane-** we don't feel like we are breaking that and that's what our issue is **Pat-** we had some complaints about STR, **Shane-** we don't feel we are in violation **Pat-** we have had lots of conversation on people saying this is not an issue so now we need to let Members have a chance to vote, once you have that you are either going to have a majority saying yes or a majority saying no then the Board is going to know what we have to do **Sherry-** we can't make that vote now because people have left **Bernie-** we can because we have a quorum **Anthony-** I lean on the side of thinking if we ask are you for or against STR at this point it makes us as a Board look silly because we already ruled on that, we decided it, now what we are trying to do is change the bylaws to support the decision the Board has made, it's not pulling into question the legitimacy of the decision which I think now asking yes or no would do, it weakens the view of the Boards authority, if we go to the Membership and say we want to make this amendmant change that's a different approach then what you guys are talking about, if it were to pass it clarifies a legal issue enormously because now we have a legal document that can't be equivocated on, if they vote against it then ok we need to abide by the majority rule **Marshall-** I have a technical question for the lawyer **Dan-** I'm not an Indiana lawyer **Marshall-** ok, if we make this amendmant part of the bylaws then it's not retroactive to people who are STR now? **Dan-** it does **Darby-** let's say you have turkeys and chickens running around in your yard and somebody doesn't like it **Marshall-** I have had that happen **Darby-** you guys are changing the bar on people, we have lived on this Lake a number of years all of a sudden you don't like this and what's to prevent somebody from saying I don't like turkeys and chickens running around **Sherry-** we read the bylaws **Dan-** we started because the community complained, the Board is responding to community complaints **Bernie-** I have the floor, responding to what Anthony said, yes the Board did make a decision back then, if we ask for a yes or no decision if you want them or not the Board isn't saying we made a

mistake, we are saying this is our decision based on what is in the book we stand by that do you want to change? that's the only thing we are asking

Anthony- there is a distinction between asking them to rule, we have spent months and months going over these documents that is not going to happen when you go to the Membership, there is some authority the Board has in the decision because of the incredible time we have spent, that's why I don't favor a yes or no answer, it assumes that people have really done their homework, I favor the amendment because it implies that the Board decision holds and we are not equivocating.

9. Guest Comments

- 1.) **Paul Erst D6-** is there anything we can do about Connie Heimann's 10 foot fence? It's in violation of the County rules. *Pat- have you reached out to the County? *Shane- if it's in violation, clearly, you know Paul- is there anything the Association would like to do about that? She hasn't come to the Board for permission, she has to be only 3 feet high and 35 feet back from the road *Sherry- that's the county rule? Paul- that's the county rule *Bernie- you can call the County *Pat- this is the first time that this has come to the Board Paul- ok, you guys want to look into that? *Shane- ya *Pat- but that doesn't prevent a property owner from going to the County, you don't have to come to the Board to go to the County Paul- it's been brought to the attention of the County Shane- the County has been contacted? Paul- yes *Shane - and the County said she's in violation? Paul- yes *Shane- she came and said she had approval from the County to do that because it's non-restricted height wise, is what I was told Paul- the restriction is 3 feet high and 35 feet back from the road and she is in violation of that rule *Shane- did they say they would come out and take a look? Typically with a violation they will come out take a look and send it to her in the mail saying shes got to Paul- I'm asking as an Association do you want that tacky fence there? *Shane- No. I said from day one it's terrible, it's unfortunate they couldn't come together and be neighborly and figure out what the main issue is *Bernie- it's up to the County to enforce their rules *Shane- I'll contact the County and look into it and see what can be done *Jim- when did she put that up? *Shane- a couple months ago Paul- if it weren't for XXX we might not be in this situation
- 2.) **Joanna Miller D9-** all of these conversations seem like they are aimed at removing rentals entirely, there are ways we have offered as a group to provide guidelines and some rules and ways to make everybody come together and be neighbors again, I want to reiterate that's still on the table and there are Board members who support that, Anthony there is an assumption that none of us went to any Board members to inform them of our intentions, when we purchased our property we informed Terry who was on the Board at every step of the way, he came over and recommended some repairs so that is not entirely true, I find this funny I hope nobody finds this offensive but the covenants that came with our deed include terminology that says you can not rent to anyone other than someone who is colored white so when that terminology was removed what was it replaced with? It was not replaced with any other restriction for rentals, so rentals were acknowledged at some point in those comments, I can get you a copy of that if you guys want it *Anthony- in response to your first remark I appreciate learning I apologize, I didn't know that, truthfully, Terry doesn't represent the whole Board *Sherry- that's good to know I didn't know that *Anthony- I thought I made it clear that I was unaware of anyone doing that, not that it wasn't possible but that I didn't know *Name- Board member on Guest comment

**Motion to Adjourn- Mark

Second- Sherry

Carried- 10:24 AM

Next Meeting:

February 8, 2025 ~ 8:15 AM

Professional Learning Center ~ 801 S. Sycamore St., Syracuse

behind the Casey's Station, south building when entering the first parking lot