

**BIRCH BAY VILLAGE COMMUNITY CLUB
BOARD OF DIRECTORS
REGULAR MEETING
DECEMBER 17, 2009 7:00 P.M.
AT THE CLUBHOUSE**

MINUTES

ROLL CALL:

Sandra Stillion, President	Present
Deon Wiechmann, Vice President	Present
Al Hawks, Treasurer	Present
Ken Davidson, Secretary	Present
Ralph Falk	Present
Terry Sullivan	Present
Craig Telgenhoff	Present

ALSO PRESENT:

Ken Hoffer, General Manager; Esther Matter, Administrative Assistant

CALL TO ORDER:

President Sandra Stillion called the meeting to order at 7:03 pm.

AGENDA:

- **Motion made by Ken Davidson, seconded by Ralph Falk and carried to approve the Agenda as written.**

HOMEOWNER'S PRESENTATION:

- **No Members wished to speak.**

MINUTES:

Regular Board Meeting of November 19, 2009

- **Motion made by Ken Davidson, seconded by Deon Wiechmann and carried to approve the Regular Session Board Meeting Minutes of November 19, 2009 as written. Al Hawks and Craig Telgenhoff abstained due to absence.**

COMMITTEE REPORTS:

ACC – Ken Woods

- **Two tree removals, one floating dock, and one shed were approved. One tree removal was asked to be replaced with another evergreen tree.**
- **Suggested AR&R changes to 12.11, 3.8.2, 11, and 3.9.3.**
 - **Motion made by Deon Wiechmann, seconded by Ralph Falk and carried to accept the changes to the AR&R 12.11, 3.8.2, 11, and 3.9.3 as written (see attached).**
- **Suggested changes to the AR&R 13.2.**
 - **Motion made by Deon Wiechmann, seconded by Ralph Falk and carried to approve the changes to 13.2 with the deletion of “open picket of lattice design” (see attached).**
- **Suggested changes to the AR&R Definitions.**

- **Motion made by Deon Wiechmann, seconded by Al Hawks and carried to approve the changes to the AR&R definitions as written (see attached).**
- **Approval of Ken Woods staying on as Chairman of the ACC for a third consecutive year.**
 - **Motion made by Deon Wiechmann, seconded by Al Hawks and carried to approve Ken Woods as Chairman for a third year due to the rewriting of the AR&Rs.**

GOLF COMMITTEE –

- **No meeting.**

LAKES COMMITTEE –

- **No meeting.**

MARINA COMMITTEE – Ken Hoffer

- **A Quorum was not present during the last Marina Meeting, so the Committee discussed recent projects to bring Norm Rauch up to date.**
- **There will be no meeting in January; the next Marina meeting will be February 9th, 2010.**

ROADS & DRAINAGE COMMITTEE – Jim Lockie

- **Projects have been slow going due to the cold weather.**
- **A change to the last Roads & Drainage Minutes: the drainage work was for the Lakes not Roger's Slough. Some of the drainage pipes to the Lakes have decayed and need replacement.**
- **Chuck Wolfe is searching for an affordable 3-5 yard Dump Truck for BBV; trying to keep it under \$25,000. Sandra Stillion asked that Chuck wait until the Board can discuss whether they want to replace the current dump truck, repair it, or rent one.**
- **Trying to figure out a way to clean out the covered pipes in BBV.**

VIP GROUP:

- **Still in the process of setting up an Open House for Volunteers to come; will hopefully open a wider volunteer base.**
- **The Nootka Loop Bathroom is still being refurbished, but work is moving slow.**
- **Still working on the Marina Parking Lot. Would like to put up some light poles, two cameras, and 12-14 individual circuits that will service two boats each.**

SECURITY COMMITTEE – Wayne McFee

- **Wayne McFee was voted in as Chairman and Mick Butschli as Vice-Chairman.**
- **There will be a Security Work Shop on January 6th at the Maintenance Meeting Room at 2:00pm to discuss how the Committee wants to review the Security reports.**
- **Two members are leaving the Committee: Bob Webber and Mick Bride. Mike Kent agreed to stay on for a second term; Dick Duffy and Ric Simons were requested to fill the vacant positions on the Security Committee.**
 - **Motion made by Ralph Falk, seconded by Deon Wiechmann and carried to approve Dick Duffy and Ric Simons to the Security Committee, and let Mike Kent stay on for a 2nd term.**
- **The new Security Handbook for new committee members was shown. The Handbook was prepared by Wendy in the Office.**
- **Requested that the Board approve a minimum of two hours of overtime for Security Personnel to attend Court if needed.**

- ❖ **By acclamation the Board will give the General Manager, Ken Hoffer, discretion on whether a Security Officer is needed during Court.**

MANAGER'S REPORT: Ken Hoffer

- **The crew doing the Pool resurfacing was having problems with their old tarp and they needed to replace it. Most of the work is completed; the rest of the work should be done in a week.**
- **2009 Reserve Expenditures:**
 - **The Front Gate work has been scheduled for 2010.**
 - **Replacing the BBQ's has been moved to 2010, and new bids will be requested.**
 - **Need to replace the Grounds Truck.**
 - ❖ **By Consensus the Board agreed to replace the Grounds Truck; preferably with a white 2010 Ford Ranger.**
- **Appropriation of 2009 Funds:**
 - **An air compressor is needed for Maintenance.**
 - **Motion made by Ralph Falk, seconded by Terry Sullivan and carried to approve the purchase of an air compressor around \$1800.**
 - **Pre-payment of legal fees for 2010.**
 - **Motion made by Al Hawks, seconded by Ken Davidson and carried to pre-pay \$5,000 of attorney fees from the 2009 budget for 2010.**
 - **Playground Equipment Replacement.**
 - **Motion made by Deon Wiechmann, seconded by Ralph Falk and carried to approve the purchase of the Playground Equipment for Lighthouse Park around \$11,000, and only put 50-75% down.**
 - **Gas Dock Replacement.**
 - **Motion made by Deon Wiechmann, seconded by Al Hawks and carried to replace the Gas Dock ramp; the work will begin in 2010.**
- **4th Quarter Reserve Transfers.**
 - **Motion made by Al Hawks, seconded by Terry Sullivan and carried to approve the following 4th Quarter Reserve Transfers:**
 - **From General Reserve into Operating:**
 - **\$9, 129.22 for Pool Resurfacing**
 - **\$4,309.62 for Garage Doors Replacement**
 - **\$5,763.93 for Rec Area Restroom**
 - **\$15,051.12 for Barcode Decals**
 - **\$147.93 for Playground Equipment**
 - **\$1,561.80 for Parking Lot Regrade**
 - **\$341.76 for Security Equipment.**
- **Passed out the new L&I costs to the Board.**
- **Most income accounts reached budget. Overall \$34,000 short of budget. Currently at 91.8% of budgeted information.**
- **20% of Dues have already been paid for 2010.**
- **The Office has already found some rental listing in the Village for the Olympics that state weekend long rentals. Precedent is \$1,000 fine for each verified offense.**
- **The fire hose leak on B Dock has been fixed.**
- **A pipe burst in one of the Rec. Area restroom's fountain, working on replacing it.**
- **Birch Bay Water and Sewer had to fix a small leak on the Sunset Park water meter.**
- **A back flow prevention valve at the Gas Dock sprung a leak, will need to replace.**

OLD BUSINESS:

- **Golf Course Screens.**
 - The Golf Crouse Screens were discussed at a Work Shop on December 8th, and also brought to the Village Attorney for an opinion.
 - Was agreed that no Committee or the Board can deem whether a screen needs to be put up for safety reasons; can only consider Home Owner's feelings and try to accommodate.
 - Height, material, and location were debated.
 - Motion made by Ralph Falk, seconded by Deon Wiechmann and carried to allow temporary Golf Screens contingent upon final rule changes to be adopted at the January Board Meeting.

NEW BUSINESS:

- The information on the new Semiahmoo development was in the Board packet for review. December 23, 2009 is the last day to send a letter and have it be considered by Whatcom County.

CORRESPONDENCE:

- Two letters were in the packet. One was about building an indoor Sports Recreation Facility and the other was concerning Lot Mowing.
 - ❖ By consensus the Board agreed not to charge the Vacant Lot Maintenance fee to owner's who maintain their own property; on the General Manager's discretion, once Maintenance needs to mow the lot, they will be charged double.

COMPLIANCE LIST:

- No comments on Compliance List.

ACTION ITEMS LIST:

- Addition of Golf Screen rule changes for Ken Hoffer to work on.

ADJOURNMENT:

- Motion made by Deon Wiechmann, seconded by Al Hawks and carried to adjourn. Meeting adjourned at 10:28 pm.

Approved _____
Secretary: Ken Davidson

Attest: _____

Esther Matter

Recording Secretary: Esther Matter

13.2 Propane tanks shall be either buried in the ground or enclosed on at least enough sides so as to obscure the tank from view from the road or any other lot. Enclosures shall be fire resistant materials with the bottom eight (8) inches above ground and painted to match the house. Corner posts shall be no greater than four (4) inches by four (4) inches nominal dimension. There shall be no cover of the enclosure permitted. Alternative enclosures can be fireproof materials such as concrete or brick masonry. . Installation must meet all requirements of the "Uniform Fire Code - Article 82."

Rationale: To clarify, delete wooden enclosures as dictated by the fire marshal and to allow buried as a means to screen propane tanks.

12.11 TREES AND SHRUBS

Note: To be brief only those parts of paragraph 12.11 and ACC Fines requiring a change are included below. The rest of paragraph 12.11 and ACC Fines remain unchanged.

The removal of any tree greater than 19 inches in circumference (6 inches in diameter) and measured 12 inches from the ground shall require a written request to the ACC with the exception of Alders, Willows, and Cottonwoods. Unauthorized tree removal shall carry a fine as stated in Appendix C.

Trees or shrubs that block visibility to streets and driveways are a safety hazard. Trees or shrubs that infringe upon neighbors' views should be reduced or removed. This is a matter of good reason, judgment, and conscience, and is reciprocal between neighbors.

APPENDIX C ACC Fines

Unauthorized Tree Removal Fines/Small Projects Fines

Rationale: To correct reference error of appendix A and create an appendix C in the AR&R. Also to delete the word planted since no one knows what that means and it adds nothing to the paragraph.

3.8.2 BUILDING COVERAGE

The building footprint of dwelling and garage/carport shall be no more than thirty five (35) percent of the site. The area of property and the area of the footprint, in square feet, shall be indicated on the plat plan.

Rationale: To correct an AR&R omission.

11 SIGNS

11.1 Only signs that comply with the following are allowed, except for political signs; see General Rules & Regulations 8.3:

11.1.1 Signs must be placed so they do not interfere with the mowing of vacant lots, easements, etc. by the Club

11.1.2 Signs must be professional in appearance with stenciled appearing letters and graphics. Hand drawn signs are allowed only when they meet professional aesthetics. The BBVCC management office has final determination of professional appearance.

11.1.3 Private contractor signs can be no larger than five (5) square feet. These signs may be placed on or adjacent to a structure while the contractor is performing physical work. One sign is allowed per contractor with a maximum of two signs per lot.

11.1.4 For Sale and/or Rental Signs are to be twelve (12) inches by eighteen (18) inches, white with red lettering, and limited to one sign per lot.

11.1.5 Signs are to be promptly removed upon the completion of private contractor work, sale or rental of property, or expiration of listing.

11.6 The BBVCC management office without notice, shall remove any sign not conforming to these AR & R's.

Rationale: Clarifies for members what is allowed and gives the BBVCC office enforcement language.

3.9.3 RETAINING WALLS

Plans for retaining walls greater than three (3) feet in height shall be approved by a Washington State licensed structural engineer. Retaining wall height is determined by a measurement from the bottom of the stem wall/first block (which maybe below grade) to the top of the wall. Tall retaining walls with a flat single plane are to be avoided. Low multi-plane retaining walls are encouraged. Retaining walls shall not exceed 5 feet in height nor be closer than 5 feet apart.

Rationale: Specifies type of engineer and where he must be licensed.

D DEFINITIONS

Rationale: Accessory use or building is not used within the AR&R and the definition for a structure is already defined.

D.2 Attached Structure- A garage, porch, or other structure having all or part of one or more walls common to a single family dwelling .

Rational: Deletes accessory building, an unused AR&R term. Also clarifies that other structures can exist attached to a home beside a covered porch.

D.3 Back Fill – The placement of earth or selected other material, such as sand, gravel, crushed agarate, or rock in an excavated void.

Rationale: Clarifies and provides examples of acceptable material.

D.4 Boat Prop A temporary or permanent support used to keep land-stored boats upright that is not a boat trailer.

Rationale: Clarifies by using language that exists in the AR&R.

Rationale: Not used in AR&R.

D.6 Building Coverage –The percent of ground area occupied by a single family dwelling, its eves, garage and its attached structures . It shall also Include the area covered by any carport in lieu of a garage, whether the area under the carport is hard surfaced or not.

Rationale: Uses language in existing paragraph 3.8.2.

D.7 Common Property – Property owned and administered by the Birch Bay Village Community Club which is the corporate entity governing and administering the rights and privileges of all owners (members thereof, of the Birch Bay Village Community Club) of private property in Birch Bay Village.

Rationale: Not used in AR&R.

D.9 Easement – A vested or acquired right to use land other than as a tenant, for specific purpose, such right being held by someone other than the owner who holds title to the land.

D.10 Exterior Renovations - Remodeling, reconstruction, alterations or additions, which increase the size or alter the exterior elevation or appearance of structures on the lot.

Rationale: To use language that is defined and used in the AR&R.

D.11 Finished Grade – The average elevation of the finished ground level at the center of all walls of a structure.

Rationale: Consistent use of AR&R language.

D.12 Flagpoles - A metal pole greater than 6 (six) feet in height used to raise a flag.

Rationale: Not needed as AR&R paragraphs 3.3.1 and 3.14.4 define square footage and its make up adequately.

D.14 Garden wall - A wall that is used as a landscape feature that does not exceed 2 feet in height. These walls typically hold soil for small plantings and flowerbeds or are used to outline paths, parking areas, etc. (changed 4/17/2008)

D.15 Impervious Material - Materials, which prevent or seriously impede the natural penetration of water into the ground. Examples include but are not limited to: concrete, asphalt, brick, pavers, close boarded decks/walkways, etc.

Rationale: Clarify.

D.16 Living Space – Finished interior area, excludes garages, carports, exterior storage, etc.

Rationale: Adequately defined in paragraph 3.8.3.

D.18 Lot Line – A boundary of a lot as determined by a licensed surveyor, commonly called a property line.

Rationale: Clarifies how a lot boundary is determined and its common name.

D.18.1 Front Lot Line – The property line separating a lot from a street right of way. In the case of a corner lot bounded by two streets it is the property line separating the lot from the main street right of way usually the one facing the dwellings main entrance door.

Rationale: Clarifies.

D.18.2 Side Lot Line – The two (2) property lines that intersect the front lot line. These property lines separate the lot from the adjacent left/right lots or the non main street right of way as applicable.

Rationale: Incorporates all options into the definition and eliminates language that is not used or needed in the AR&R.

D.18.3 Rear Lot Line – The property line, which is not a front or side lot line.

Rationale: Clarifies.

D.21 Remodeling – Adding or replacing more than 30% of the structure.

Rationale: Only remodeling is referenced in the AR&R not major remodeling.

D.22 Parking Space – A minimum area of ten (10) feet by twenty (20) feet exclusive of all area used for maneuvering, ramps, etc., which is used exclusively for temporary storage of motor vehicles.

D.23 Retaining wall – A wall designed to resist the lateral displacement of soil or other material and exceeds 2 feet in height.

D.24 Setbacks – Required minimum distances from property lines to structures exceeding a specified height .

Rationale: Clarifies.

D.26 Single Family Dwelling A structure (commonly called a home/house) designated to accommodate one household only and, among other things, may contain only one kitchen.

Rationale: Clarifies by using language contained in the AR&R.

D.27 Story Pole – Vertical line drawn on an elevation plan, illustrating, with dimensions in feet and inches, the actual structure finished height and allowable height, as determined by a survey, which is measured from a spike in the road surface. (Reference clause 3.7 Height Restrictions).

Rationale: Uses existing AR&R language.

D.28 Structure – Structure means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner. Structures are generally permanent in nature and attached to the ground or other structures in such a manner that they are not intended to be moved. Examples include but are not limited to: A home, detached garage/carport, storage shed, fence, privacy screen, flag pole, deck, patio, propane tank enclosure, dock, retaining wall, gazebo, pergola, trellis, concrete work, large playground set, carport, wind screen, exterior stairs, and observation platforms.

Rationale: Clarify what structures are and provide examples.

D.29 Undue Hardship –Undue hardship exists when the AR&R's deny the property owner all reasonable use of his property.

D.30 Variance – A modification of the terms of these regulations as contained in paragraph 14, Variances.

Rationale: Clarifies.

