



BOARD OF DIRECTORS GENERAL MEETING MINUTES

BOARD OF DIRECTORS MEETING

Tuesday, November 17, 2020@ 7:00 pm
145 members in attendance

Call to Order	President Ryan Fox
Directors Present	Vice President John Goodman, Secretary Pat Zlotin, Treasurer Lois Ann Eisel, Directors Todd Brown, Jim Greaves, Roberta Maness
Directors Absent	None
Association Management Present	Sharon Hodges, Community Manager, Assistant Community Manager, Safety and Security Manager, Courtney Lovely
Location	Video Conferencing via Zoom
Quorum Established	Yes

Call to Order President Ryan Fox

Establishment of a Quorum Secretary Pat Zlotin

Changes to Agenda Secretary Pat Zlotin

The motion previously listed under the Lake Committee report for a moratorium on ‘wake boats’ has been moved to the President’s Report

Secretary’s Report Secretary Pat Zlotin

- **Motion** to ratify the minutes of the October 27, 2020 Board Meeting. **Voted 7-0**

Correspondence Received: All are attached

President's Report President Ryan Fox

- Report of the President

All board members were polled regarding powerboat ownership. 2 members do not own any powerboats, 3 members own ‘wake boats’, 1 owns a pontoon and fishing boat, and 1 owns only a pontoon boat.

President Fox thanked the Treasurer and Finance Committee for their work on the upcoming budget, which is expected to be presented in December.

- **Motion:** Presented by Director Todd Brown:

To Enact a Two Year Moratorium on New Registrations for New or Used High Speed and / or High Wake-producing boats Not Currently Registered for Use on Lake Auman

Effective from the Board passage of this motion and for a period of twenty-four (24) months, no SLWLA boat registrations will be issued for new or used power boats longer than 21 feet, or weighing more than 4,000 pounds dry weight (per manufacture) and/or with a total horsepower greater than 180 HP and these boats will not be allowed on Lake Auman. All power boats currently permitted and registered by SLWLA, prior to this motion passing, shall be grandfathered until they are sold, after which they cannot be re-registered on Lake Auman. The current boat owners may replace their boat with a newer model not exceeding their current boat’s specifications. No existing boats can be retrofitted to increase horsepower beyond 180 HP (from all motors). Included in the moratorium are new boats having ballasts, bladders, “wells” or other devices which can be filled with water for the purpose of making large wakes and/or the addition of aftermarket devices that create larger wakes, such as "surf tabs" or "wake shapers” to existing boats.

All official SLWLA community websites, documents and communications shall remove any indication that new or used high speed and / or high wake-producing boats not previously registered as of the Board’s passage will be allowed to operate on Lake Auman.

Within sixty (60) days of the passage of this moratorium the Board of Directors will appoint an Ad Hoc Committee. This Ad Hoc Committee (AHC) will be comprised of one member each of the following entities; Sailing Club, Lake Auman Sports Club, Lake Auman Watersports Club and three (3) Random Members of SLW at least one of which is a Lake Auman Waterfront Lot Owner. The purpose of the AHC is to investigate and determine; (1.) Power Boat Growth including a projected population of Registered Power Boats of all types for the next 5 years if aforementioned restrictions were not imposed. (2.) Boat Wave Effects on human safety, infrastructure and Lake Auman Fisheries. (3.) An accurate Carrying Capacity for all Power Boat types on Lake Auman. A comprehensive report will be prepared and presented to the BOD and SLW Membership during the moratorium period. **Voted 1-6**

- **Amendment** made by Vice President John Goodman: change 180 horsepower to 225.

Voted 2-5

- **Amendment** made by Vice President John Goodman: to add ‘off the lake’ after the words ‘grandfathered until they are sold’.

Voted 2-5

Director Brown began by explaining that the Lake Committee has not voted on this motion nor is it being presented on their behalf. The motion has never been brought before the Board It is designed to begin a process of finding common ground.

All the directors discussed at length the motion and their perspective. Some directors stated that the motion did not adequately address the issue and that the Lake Committee is making additional changes to the 'ski zone' and 'no wake' zone that might mitigate some of the concerns expressed by members. Vice President John Goodman read a detailed defense of the motion, which is attached (Exhibit 2).

Report of the Vice President (Exhibit 2)

Vice President John Goodman

- **Motion:** To limit the total number of "wake boats" registered on lake Auman to a maximum of 60, after which there will be a waiting list and a new wake boat may be added only if another boat is deregistered/ taken off the lake. This includes currently registered boats which are modified or configured to create wakes suitable for wake surfing. In addition, no boats may be registered on Lake Auman with HP greater than 450 HP, which is the largest HP currently on lake Auman, with one exception.

As defined in Wikipedia:

"Generally speaking, wakeboard specific boats are V-drive boats. This means they are an inboard boat with the engine placed backwards in the rear of the boat. This is done to keep more weight in the back of the boat and make the wake larger. Some wakeboard specific boat models are direct drive boats where the engine is in the middle of the boat. Most wakeboard boats will have several features that help to create large wakes. These include ballast,[1] hydrofoil, and hull technology. Ballast is a simple term for weight. When wakeboard boats have ballast tanks, it means that they have room for extra weight to weigh the boat down for larger wakes."

Voted 1-6

The discussion centered around the specifics of the number of 'wake boats' and the parameters in the motion. Similar to the previous motion regarding a moratorium, the majority of the directors felt that restricting 'wake boats' at this time was unnecessary.

Lake Committee Report Report 1

Director Todd Brown

- **Motion:** Add red lights to the top of buoys 3, 4, 5 to increase dam visibility at night.

Voted 7-0

A discussion was held regarding the color of the lights but left the decision to the Lake Committee to determine the best color to use.

The lake committee is moving buoys further away from the dam and creating a no-wake zone along the entire dam to

Dam Committee Report (Reports 8 A and B)

Director Todd Brown

The dam continues to be professionally monitored and inspected. The Dam Committee is continuing the work on the emergency drain. A bathymetric and side sonar survey of the water-facing side of the dam is being undertaken for the first time.

Community Topics/Issues

<u>Community Topics/Issues</u>	<u>Responsibility</u>
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Exhibit 2

Reasons to limit number of wake boats on Lake Auman by Vice President John Goodman

First, I want to say that I believe all parties in this discussion agree that the integrity of our lake and dam is our number one priority and we must do whatever it takes to preserve and protect it. Second, although I disagree on many levels with allowing unabated growth in wake boats on Lake Auman, I believe all of the parties engaged in this discussion should be treated with civility and respect. Finally, for those who may have already made up your minds, I ask that you please listen to what I am going to say.

Let me explain why I plan to vote to limit the number of wake boats on Lake Auman through a moratorium or by limiting the total number to 60

1. Wake boats are the only boat type which generates numerous complaints and concerns from many of our residents **when used in conformance with our rules and regulations**. All other complaints related to boats are generated only when rules are broken: so, they are compliance issues, as in speeding pontoon or fishing boats. On the other hand, with wake boats we are dealing with the need for regulation. Unless we recognize that our lake size requires us to limit the number of wake boats, these complaints will not go away – they will only increase as we add more wake boats. So, I repeat: wake boats are the only boat type which generates complaints and concerns from our residents when used in conformance with our rules and regulations.
2. **Wake boats represent only a small percentage of the boats on our lake and yet their representation and influence on our Lake Committee and our Board is disproportional.** I don't mean to impugn the integrity of my fellow board members, who I deeply respect, but let me cite some numbers:
 - a. The number of wake boats registered a year ago was approx. 34
 - b. The number of wake boats registered today is approx. 47
 - c. The total number of power boats currently registered is 557
 - d. The number of canoes registered a year ago was 47
 - e. The number of kayaks registered a year ago was 545
 - f. A guesstimate for the number of paddleboards and paddleboats is approx. 100
 - g. The total number of power boats, sailboats, canoes and kayaks and paddle boats and boards is currently at least 1294
 - h. As a percentage of all lake boats and boards, wake boats constitute less than 3.5%
 - i. As a percentage of power boats, wake boats constitute approx. 8%

Maintaining a balance on this issue does not mean that 50% should be wake boarders and 50% "others": that does not reflect the makeup of our community and its watercraft and is therefore unrepresentative. Right now, it appears to me the tail is wagging the dog.

3. **The "grandfather" clause in the proposed Motions does no harm whatsoever to our current wake boats owners.** These motions will result in no loss of value or enjoyment for them if they are passed.

4. **It is in the best interest for our current wake boat owners to limit the number of wake boats on Lake Auman.** Our lake is relatively small and the space available for wake boarding is likewise relatively small. If the number of wake boats is allowed to grow unabated, sooner than later, our existing owners will be faced with scheduling requirements where their use must be scheduled in advanced. This will not only be inconvenient but difficult to manage and enforce. So, it is better for all, including our current wake boat owners, if the number of wake boats is limited now. If not, how many is too many? Double or current number to 100; quadruple the current number to 200? How about 300? At some point, there are just too many. And at some point you kill the goose that lays the golden eggs. Again, it is better for all, including our current wake boat owners, if the number of wake boats is limited now.
5. **Wake boats increase our Association's potential liability for damages.** Wake boat advocates argue that anecdotal evidence is not credible and published studies from other lakes are not relevant to our lake. Yet the law allows eyewitness testimony, past and present, and also allows conclusions from existing studies to be entered into the record. So, if we have personal injury or property damage which is allegedly due in whole or in part by wake board activity, it would be very difficult to argue that we acted reasonably as a community if we do not act proactively by limiting the number of wake boats on Lake Auman, which we have the opportunity to do tonight.
6. **Wake boats are causing a rift in our community which can be addressed in some measure if we pass the Motion(s).** Complaints have been registered from past Board members & Board Presidents, committee chairpersons and members, most of our highly regarded and respected Sports Club and Sailing Club members, and many other residents. Some are friends, some are acquaintances but all are my neighbors. A few of our residents are so intimidated by wake boat wakes they say they have stopped using their boats at certain times or completely. Although some of the complaints may reflect a degree of exaggeration and subjectivity, I respect them and I believe them.
7. **The Motions should be approved as necessary proactive measures to ensure the viability of Lake Auman until site-specific surveys and studies tell us otherwise.** As a proactive measure, our Dam Committee has commissioned a survey of the upstream or lake side of the dam to verify it is in good condition after 30 + years of service. In addition, some of our community members are working with several universities to provide us with a Proposal to specifically study Lake Auman related to lake density, environmental ecology, infrastructure and other issues, which I urge the Board and the community to support. Until it is ruled out by these surveys and studies, it is possible and therefore could be argued in litigation that wake boats may be exacerbating damage to our lake's environmental ecology and infrastructure. So, as a prudent, proactive measure, I would argue that the Board should limit wake boat numbers and until Lake Auman-specific studies conducted by engineering and scientific professionals provide conclusions and recommendation to act upon.

8. **All boats are not the same and it is not “discrimination” in the negative sense for one boat type to be treated differently from another.** It happens all the time. For instance, a golf cart is not the same as a car, so we regulate them differently. Currently, we do not even require registration of non-powered watercraft, but we do for power boats. “Wake boats” are inherently different from other watercraft principally because of the large high energy waves they propagate and the negative impact these waves may have on other watercraft and swimmers, especially children near docks, and potentially to our lake’s environmental ecology and infrastructure. Because of this, it makes perfect sense to regulate them differently. The best way to do that is to limit their total numbers which again, takes absolutely nothing away from our existing owners, who will have more access to wake surfing zones and who can sell their boats to others on the lake at any time. They have nothing to lose but a lot to gain. If I were a wake boat owner, I would see limiting the number of wake boats as a good thing, not as discrimination.

M. Fewkes <sevenlakeswest@hotmail.com>

Sun, Oct 25, 4:28 PM

to The, Dan, arc-infra-director@7lakeswest.com, lpr-legal-director@7lakeswest.com, Lois, safety-security-liason@7lakeswest.com

Suggestion for a motion:

Effective from the board passage and until further notice, no new boats designed as wake boats or boats with ballast (for the purpose of making large wakes) shall be registered by SLW and allowed on Lake Auman. Included are any and all boats with bladders or other devices that create large wakes. No aftermarket devices that create large wakes, such as "surf tabs" and "wake shapers" may be added to existing boats. Wake boats and boats with ballast (for the purpose of making large wakes) currently registered by SLW shall be grandfathered until they are sold, after which, they cannot be reregistered on Lake Auman.

A few thoughts for the BOD- A motion can be made now, while studies are done..

Further study needs be done on lake density and impact of such boats can be on the dam and personal and community property (Docks, boat lifts, bulkheads, Johnson Point slips, beach and piers.) There is enough information and vetted studies on ballasted boats that can save us lots money if we use them. Lake Lure has done a good density study.

I'm concerned that you were not proactive a year ago and this will drag on.

I've tried for the past few months to keep mention of the dam out of LAVA; whenever they ask questions, I direct them to the board.

But members are angry and want action. The BOD have the legal responsibility to follow Roberts Rules and do due diligence in making decisions.

You don't need to wait for studies or for state invention to have a moratorium.

Last Spring, many residents and some Board members heard about the helicopter drop to wake boat organized by J.D. & N.B., yet you did nothing. That should have gone to Judicial Comm. History- The FAA told us years ago that if a private plane were to come within 1000 ft. of our lake/dam they needed to be notified.

Lake patrol reports have been ignored, etc.

Can someone make a motion? Can someone second it? Show that you care.



Look how close they are to the dam. Is this to continue near all our infrastructure?

Mary Anne Fewkes

Lot 3413