

Public Meeting Minutes  
October 27, 2003  
7:30 p.m.

Pursuant to the rules of the Board of Directors, a regular meeting of the Board of Directors of Lakes of the Four Seasons Property Owners Association, Inc. was called to order at the Lakes of the Four Seasons Club building in Lake County, Indiana on Monday, October 27, 2003

Present at the meeting were President Batton, Directors Rogers, Kiest, and Peterson. Also present were Community Manager Robert A. Campbell, and Attorneys Theodore A. Fitzgerald and Brian E. Less.

Following the call to order by President Batton, The Pledge of Allegiance to the Flag, Attorney Fitzgerald then read the list of applicants for membership, and Director Rogers made a motion that members be approved as read. Following a second by Director Kiest, the following resolution was unanimously adopted 4-0-1.

“Be it resolved that the following named owners of property in Lakes of the Four Seasons subdivision be approved for regular membership in the Association:

Carlos & Maria Aedo	Lot	L-260
Polly & Scott Smith	Lot	L-748
James & Zurlene Klevickas	Lot	L-956
Christopher Byers	Lot	L-991
George McHenry	Lot	L-1194
Mr. & Mrs. Aaron Riegle	Lot	L-1442
Kim Canzoneri	Lot	P-43
Robert & Barbara Litko	Lot	P-286
Matthew & Jacean Stiener	Lot	P-384
Susan & Ronald Kalinowski	Lot	P-516
Michael Cassello	Lot	P-896
Brian Primeau	Lot	P-1055
Samuel Pappalardo & Kimberly Clark	Lot	P-1064
Jim & Denise Carney	Lot	P-1172
Mitchell Goldenberg	Lot	U-1425
Judy Mullins	Lot	C-85

“Be it further resolved, that the Secretary notify the applicants of their approval for membership.”

Next was President Batton’s report. He stated that this is the start of his fourth year, and he wanted the community to know that this Board had certain commitments to the community on how the board will conduct themselves. He stated that this has been the board’s practice for the past four years. The first practice will be that the board will be fiscally responsible by making sure this community is run in the most effective way

possible. Secondly, the Board will continue their policy of being open, honest and above board on every decision that is made. Lastly, President Batton stated that the board will establish the budget, set policy, and lay out the direction that LOFS needs to go in order to keep it on the right track. The Board will then step back and let the Community Manager and Department Directors do their job. Inclosing President Batton introduced the current Board of Directors to the public.

Next President Batton called on Vice-President Kiest to read the treasurer's report since Director Mason was called out of town. Director Kiest stated that Manager Campbell had a six- month projection finishing the year to the positive side by \$38,331.00. As of the seven month ending September 30, 2003 the POA is a positive 160,985.40. The restaurant is a negative \$68102.96 for the seven- month period.

Next was the Attorney's report. Attorney Fitzgerald stated that the precipice had been filed for the Tonetski property. Nothing new has happened with the Rate case; Attorney Fitzgerald stated that the longer it drags out the more months the resident's have at the current rates. He stated that his office has filed three foreclosures in the last week. Resident Engleman stated that the sanitary sewers that Twin Lakes are responsible for, have yet to be seen if they now work, what can we do to make sure that they work? Attorney Fitzgerald stated that the Indiana office of Utility Council would fight for all of here in LOFS. The more pictures, documents, and witnesses the better our case will be.

Resident Cavage asked when the Four Winds buildings would be torn down? Attorney Fitzgerald stated that the order was within 120 days of about two weeks ago. Resident Schmidt asked if this was going to be handled in two phases? Attorney Fitzgerald stated that the foundations were another lawsuit, and there has been no ruling on that.

Next was Manager Campbell's report. He stated that on November 13<sup>th</sup> we would have our second new resident's night, and if there were any new residents here tonight Manager Campbell wanted to encourage them to come. He also stated that the first phase of MS4 has been sent, and it is very hard to understand what this entails; however it is basically a study on the storm water that exits our community.

President Batton stated that in the November Seasonal there will be a budget request form, and he encourages all resident's to put their requests in writings to the Board.

President Batton then asked if there was any old business from the Board or Public, there was none.

President Batton then stated that under new business the first order was the Likas variance. President Batton stated, " Steve Likas residing at 1743 Beachview Court Lot # L-1271 requests a variance in accordance with LOFS Restrictive Covenants section 1.3.2 "The Association shall have the authority to grant variances from these covenants only in following circumstances", to allow for the placement of a shed closer to the lake then is allowed in LOFS Restrictive Covenants section 3.4.1.3 "Setback requirements for single family dwellings.

This Public Hearing is hereby set after the request for variance and a public hearing being duly advertised in the Winfield American on October 17, 2003 and registered letters being sent to property owners within 300 feet of property in question as required in section 1.3.2.4. of LOFS Covenants.” President Batton then asked Mr. Likas to present the request for the variance to the setback requirements of the LOFS Covenants. Mr. Likas stated that the shed is on a hill on his property, and the shed will have to be torn down to put it where the covenants state it needs to be. Mr. Likas stated that the shed was built down by the lake due to him storing his boat items in it since there is so much theft when items are left in the boats. He stated that if it is moved it will obstruct the view of his neighbors. He believes that his neighbors do not object to the location of the shed. Resident Litzkow asked if a permit was taken out on this shed in its current placement? Mr. Likas stated yes there was, Resident Litzkow questioned that the permit was taken out at this location or at a location that was within the covenant guidelines? Mr. Likas stated not at this location. Resident Welch stated that he lives across the lake and he feels that we should all follow the restrictive covenants, and this should be moved to the correct place. Resident Dull had no objection to where the shed was built. Resident Anderson stated that he was on the Covenant Committee when they were revised, and he stated that the covenant stated there needs to be a proven hardship, and he asked Mr. Likas what his hardship was? Mr. Likas stated that his hardship would now be moving it. Resident Ralph asked how long has the shed been in this position? Mr. Likas stated it was over one year. Resident Anderson questioned how far past the buildable lot line the shed was? Mr. Likas stated it was over by a lot. Resident Zackiewicz stated that if it was an honest mistake then he didn’t think it mattered, if Mr. Likas did the move on purpose than the shed should be moved. Attorney Fitzgerald asked if Mr. Likas purchased a County permit, and if so which location did he use for the County permit? Mr. Likas stated that probably somewhere he had a county permit, but he could not remember for sure. With no further questions. Director Kiest made a motion, that based on the setback requirements the shed should be moved to the location that it was permitted to be in, and to deny the variation, seconded by Director Rogers the motion carried 4-0-1.

Next under new business was the Campground development. Manager Campbell gave a presentation and told all residents the following.

- Campground was closed to camping in 2000
- Part of the property was converted to a storage area in 2001
- Storage area was moved to the siltation basin area in 2002
- In November 2002 the POA had DLZ Engineering study the possibility of developing the property into single-family lots or as multi-family housing.
- The DLZ study indicated a high cost for infrastructure development and a low return on investment.
- January 2003 a private developer approached the POA about a joint development of the property with a development being proposed for the property located on County Rd. 750 W and 275 S.
- Negotiations, infrastructure, utility service, and zoning have been studied, we are now at the time to present to the property owners prior to further work on the project.

- This public hearing on the project we appropriately advertised in the July 1, 2003 Seasonal for the first hearing and advertised in the October 1, 2003 Seasonal for this hearing.

The presentation continued from Manager Campbell with the proposal, and it is as follows:

- Proposal is currently to develop the approximately seven acres into 15 lots for single family homes, install a gate and develop the property privately owned on 750 and 275 S into 14 lots.
- LOFS will sell the seven acres of the former campground to the private developer.
- Developer will develop property and extend Four Seasons Parkway through to County Road 275 S.
- LOFS will purchase the right of way and install the gate equipment at the end of the current Four Seasons Parkway.
- Developer will be responsible for all infrastructure installation including but not limited to roads, utilities, and drainage.
- Former Campground property will remain part of LOFS
- Access to Cleveland Park and LOFS Fire Department will be maintained
- Developer will be responsible for all approvals through Porter County BZA and Plan Commissions on all permits (LOFS will assist).
- LOFS goal is to have the property developed and get a Porter County Gate installed at no additional cost to the POA.

President Batton then opened the floor up to all residents for their input. He stated that he wanted everyone to come to the podium and be orderly and one statement at a time. With that Resident Halterman asked if we would still have access to Cleveland Park, and who would maintain the park? President Batton stated that we would maintain the park and the access to Cleveland Park would stay about the same. The area back there on the LOFS side would still remain under the Restrictive Covenant just like the rest of LOFS does. President Batton restated that no decision has been made by the Board of Directors. Resident Marthaler questioned the Covenant section number 8 the Ownership, use and enjoyment of streets, parks, and recreational amenities. Attorney Fitzgerald stated that he understood where Resident Marthaler was headed with these statements about section number 8, however Attorney Fitzgerald stated that the Board has the right to vote on this issue.

Resident Anderson stated that he wished the drawing was more clear, and would the gate be between lot 15 and 20, and would there be an island and a guardhouse? Would some lots be outside the gate, would the POA require a performance Bond? Manager Campbell stated that at this point, this has not been talked about, however the POA would be crazy not to require one. Manager Campbell stated that this entire idea is in its infancy and the drawing is an over lay of an aerial view. Manager Campbell stated that it would be our intent to have a gated area very similar to the 117<sup>th</sup> street area, with updated technology. Resident Odenthal questioned who wanted the gate in the first place? Director Kiest stated that this is why we are having this meeting for input.

Resident Schmidt stated that he had a petition of 160 names of people who were against the gate, and he was sure he could acquire more. He stated that his concerns are the safety, a lot of traffic to the ballpark and soccer fields, and the fire department area as well. Resident Schmidt stated that when there are soccer tournaments the overflow parking comes all the way out to the ball field. He also wanted to know what kind of homes would go in this area? President Batton stated they would be per the covenant restrictions.

Resident Melton stated that she begged that Board not to let this go through. She said there are 400 children who play soccer back there every Saturday during the season, and taking up this green space will make the already poorly draining Loganberry Lane flood even more.

Resident Obajtek stated that he must be the only resident who wanted the gate. He stated that there is a need for a Porter County gate, and this would be wonderful.

Resident King stated he was interested in the back gate and wondered what the timeline would be? He stated that he could probably get a full petition. President Batton stated that there is no timeline as this is still so preliminary and no decision has been made.

Resident Malkowski stated that she is for the back gate and this would make children safer as they would not have to hurry through the subdivision to get to school, or use the Porter Lakes school gate.

Resident Marthaler questioned why the second gate could not go at the boat dock area?

President Batton stated that there is not enough room to put the gate at this location.

Manager Campbell stated that we'd have to go 250 to 300 feet back by the dam for the frontage road.

Resident Pierce stated that she is against the back gate, she is the last house in LOFS and she bought back there for that reason. She questioned the wetlands that are back there and questioned the quality of the drawing. She stated that she wakes up and sees deer out in that parcel of land and doesn't want that to change. Manager Campbell stated that this parcel of land is outside of LOFS and we have no control over what this land will be used for. She stated she is so upset she has put her house on the market. President Batton stated that action is a bit pre-mature, as the Board has not made a decision.

Developer Ray Theeker stated that the type of homes he would build in this area, would conform to the covenants of LOFS.

Resident Engleman stated that he has two young boys and he hopes to have an additional inhouse U-11 soccer team, which will increase the traffic even more in this area.

Resident Sawa wanted copies of the foils Manager Campbell put up on the overhead.

Manager Campbell stated that these would be available in the minutes. He also questioned whether this would be the last meeting? President Batton stated that if this was to continue forward the Board would have more meetings, if not it is a non-issue.

Resident Welch stated that the value of the land should be researched and then sold to the highest bidder, the houses should not look all alike, and they could possibly be all the same looking house. Manager Campbell stated that again, the talks have not gotten into the specifics of how the homes would look.

Resident Malkowski stated that he was on the Board in 92 through 96 and they installed the 117<sup>th</sup> street gate because there was a need for that gate. He questioned how many cars went through that gate. Director Peterson stated that on the week-days 2000 cars go through the gate a day and on the week-ends 3000 cars a day go through it. Manager

Campbell stated that they never dreamed that many cars would go through that gate. Resident Malkowski stated that there is a need for a back gate somewhere. Resident Brissette urged the Board not to give up green space; it will only hurt the children of the future.

Next President Batton asked the Board and Residents if there were any announcements.

Resident Engleman stated that the MS4 wetland control does not include the surrounding properties. He stated that Winfield is not part of MS4. Resident Engleman stated that the Fishing Club has filed their 501-3C and hopes to be able to utilize their non for profit organization to help finance projects in LOFS.

With no further business to come before the Board a motion was made by Director Kiest to end the Public meeting of October 28, seconded by Director Peterson, the motion carried 4-0-1.