

Meeting Minutes
Apache Hills Property Owner's Association Board of Directors
November 27, 2023

1. Call to Order

President Enyart called the meeting to order at 5:30 p.m. Directors in attendance: Ann Kripichak, Tom Roose, Joe Donovan, Jerry Saylor, Dan Woodhead, Mark Trierweiler.

2. Approval of Agenda

The draft agenda was approved without any changes.

3. Approval of 11/6/23 Minutes

Joe Donovan made a motion to approve the minutes of the November 6, 2023, meeting without change. Dan Woodhead seconded the motion and all directors in attendance concurred.

4. Old Business

President Enyart reported that he had approached an AH owner about becoming an auxiliary board member but the individual was not interested at the present time. Another member was identified as a potential auxiliary board member and will be contacted for his interest in serving.

5. Legal Issues-SNC Lawsuit

President Enyart reported that he has been advised by AH's legal counsel that Covenants related to the prohibition of short-term rentals are enforceable, following Judge Springstead's signature to execute the Summary Disposition Order (SDO). According to the Appeals Court Ruling, if a property owner receives compensation for the rental of their AH home, they are a business, which are prohibited by AH Covenants.

An Oceana County Circuit Court hearing will be held at 9 a.m. on January 5, 2024, to procure Judge Springstead's signature on the SDO and to determine if SNC is liable for appellate and Michigan Supreme Court legal fees in this matter, which SNC is arguing they shouldn't have to pay. The AH Board recently voted to use all means necessary to collect legal fees and other costs incurred by AH because of SNC Cottages' refusal to abide by the Covenants.

6. Financial Committee Report

- Treasurer Joe Donovan reported that he has received notice from Hirzel Law that the hourly rate for legal counsel will increase to \$375. Secretary Trierweiler said the rate hike isn't surprising considering the firm's many successes during 2023, including those on behalf of AH.

- AH's 2024 billing will be emailed January 15, 2024. Following discussion and a motion duly made and seconded, the Board approved that the dues and assessments for 2024 will total \$265.00, up slightly from \$257.50 billed for 2023. Unpaid billings will be considered delinquent if not paid by March 31, after which a \$5 per month late fee will be added.
- All owners are up to date with dues and assessments.

7. Building Committee Report

Mark Trierweiler reported that lot owner Jeff Chandonnet of Mears has requested approval to build a home on lot #109. A contractor, Mr. Chandonnet is building the home as his personal residence and has provided detailed plans to the Building Committee, which will review them and provide a response within a week. Chandonnet already has received approval from Pentwater Township.

8. Grounds Committee Report

Grounds Committee Chair Tom Roose reported that the snow plowing for the 2023-2024 season began on November 26.

9. Township and Village News

Tom Roose and Mark Trierweiler routinely attend Pentwater Village and Township meetings and had nothing of interest to report that would immediately impact AH.

Two points of interest for AH residents:

- The Village Council failed to define the maximum number of short-term rentals allowed in the Village which, at 105, is believed to have the largest percentage of short-term rentals in West Michigan.
- A survey of Village and Township residents was completed during November and shows strong opposition to the Village's plan to become a city.

10. New Business

President Enyart reported that AH will file for an easement with the Register of Deeds to secure access to lots on which an AH-installed drain is located. AH installed the drain several years ago to remediate rainwater that was collecting on Sioux Road. The easement assures access to the lots if/when the owners sell their property.

11. Next Meeting

The next meeting was tentatively set for January 9, 2024, at 5:30 p.m. at President Enyart's home. Zoom also will be available.

12. Adjournment

Mark Trierweiler made a motion to adjourn with Tom Roose seconding. All directors concurred.