

**COLINGTON HARBOUR
BOARD OF DIRECTORS MEETING
MINUTES
COLINGTON HARBOUR ASSOCIATION CLUBHOUSE
May 9, 2017**

Meeting Location: 1000 Colington Drive, Kill Devil Hills, NC 27948

Board Members Present: Frank Hendricks-Chairman, Hickman Finch-1st Vice President, Sharon Wheless-2nd Vice President, John Collins-Treasurer, Carole Warnecki-Secretary, Dennis Donaldson-At-Large

Board Members Not Present: Bill Hentnik-President

Guests: Elisabeth Silverthorne-Legal, Roy Welch-Security, Paul Lyttle-Maintenance, Donna Robertson-Bookkeeper, Pat McGowan-Covenant Enforcement

I. Call to Order

Chairman Frank Hendricks called the meeting to order at 9:08 am.

II. Approve Agenda

Motion

**Frank Hendricks made a motion to approve the agenda
Dennis Donaldson seconded.
Motion was approved unanimously.**

III. Approve Minutes

Motion

**Sharon Wheless made a motion to approve the April 11, 2017 minutes.
Dennis Donaldson seconded.
Motion was approved unanimously.**

Carole questioned the timing of when the minutes are distributed to the board. She requested that the minutes be distributed to board as soon as they are prepared by the secretary.

Motion

**Carole Warnecki made a motion that board meeting minutes are distributed as soon as prepared by the secretary.
Hickman Finch seconded.
Motion was approved unanimously.**

IV. Department Reports

- ***Security***

Roy Welch reported that there were repeated occurrences of “gate runners”. He produced a lengthy report with license numbers of offenders on it. He reported that someone questioned the procedure for these offenders. Procedure for offenders has not been enforced, and it was recommended that Pat McGowan, covenant enforcement, start checking on these people and take action.

John Collins stated that gate runners fall into two categories — residents and non-residents.

Residents who violate the gate rules should have a letter sent by the Association.

If it is non-resident, a letter should be sent to the registered owner of the vehicle that they have trespassed with a copy of the letter to the sheriff’s department.

There was a concern voiced by Dennis Donaldson about cars passing through the gate on the guard station sign, and not stopping. Roy Welch must address this with the security guards.

Various scenarios were discussed to mitigate incidents at the gate

- A Gate Arm - there were too many “cons” to consider this
- A “Yield to Traffic” signs - Sharon said this had been tried.
- Enforcing fines

Pat’s procedure should to be followed up and make sure that letters are being sent, and if not, establish a procedure for “gate runners”. This also applies to boat owner violations.

John stated that Pat is in process of working on a “violation” letter.

Sharon Wheless remarked that there is a new pole at the boat ramp, hampering people trying to launch boats. No one knows who put the pole there, and it was decided that it should be removed.

Paul Lyttle from Maintenance stated that it would be removed.

- ***Maintenance***

Paul Lyttle stated that there was a concern about the safety of the playground equipment. This originated from a letter received from a resident asking

if the equipment was being replaced. Sharon had subsequently followed up stating the condition of the equipment should be examined.

Paul has inspected the equipment this morning 5/9/17. He found the screws on the slide needs to be tightened. He will take care of this.

Sharon pointed out that the playground equipment, as reported on the Capital Reserve Study, has reached its life expectancy. Paul's opinion is that it is safe for the current year, and should be re-visited for next year.

It was decided that after Paul makes the needed maintenance, Sharon will inspect the equipment, report back to the board, and we will make a final determination at that time. This will be done in time for the next board meeting.

Sharon will get back to the resident who voiced the initial concern.

A "Children at Play" sign will be installed at Kitty Hawk Bay. Drive by maintenance. This is in response to a resident's concern.

Dennis Donaldson expressed concern about a stump in the water. He wondered if there should be some kind of warning by the stump. There will be a "danger" sign put there by maintenance.

Dennis asked if maintenance was still spraying grass that grows up in the cracks in the roads; Paul said he would keep spraying these areas.

Paul reported that an additional person has been hired for maintenance. Tim Hanford started last week; he is a part-time employee.

- ***Compliance***

Pat McGowan stated that most of incidents for compliance are owners who do not live here full-time. It takes longer to hear back from these non-residents.

She is also receiving concerns from residents about businesses being run from homes. This is a covenant violation, but extremely hard to prove. She feels this problem is growing.

She highlighted a reported concern of a construction company being run from a home on HarbourView. Proving this is a home based company, and not just an employee parking his employer's truck on the property is difficult.

Letters to the owners regarding these perceived violations should be sent giving a hearing date for the owners to present to the board their explanations.

John also recommended that Pat research R4 zoning laws with respect to commercial vehicles in a residential neighborhood. Elizabeth Silverthorne

said that this had been looked at in the past and no prohibition to this had been found.

There is nothing in the covenants regarding this; John suggested contacting Donna Creef (Dare County Planning) to get her opinion.

Elizabeth will research further also.

Sharon cautioned that we should define the parameters of what the board is looking to curtail. It is “nuisance” businesses/residents that are impacting their neighbors and utilizing our roads and common areas that should be the focus.

Elizabeth remarked that the rules should be applied equally, so it is imperative that the parameters be exactly defined.

Pat highlighted two cases that she has sent violation letters. She set up hearing dates, but she heard nothing back from the lot owner. They did not show up for the hearing.

Sharon requested that Pat send notification of scheduled hearings to Elizabeth and to Carole as they are set up. Carole will include these hearings on the agenda.

Certified letters will be sent to the lot owners and then fines will be started.

Motion

John Collins made a motion that the lot owner 105 Sir John White Court be notified by certified mail that a \$25.00 per day fine will be imposed starting today May 9, 2017.

Frank Hendricks seconded.

Motion passed unanimously.

There is a boat in a slip in the marina and the boat owner no longer lives in Colington Harbor. (See minutes from 4/11/17) Elizabeth suggested that a notice is posted on his boat. She recommended that the date posted and who posted the notice be kept on file.

Sharon asked what is being done about a residence on Soundview Drive; she believes Pat has already spoken to them about the condition of their yard.

The owners are unable to do the clean up themselves.

Elizabeth suggested checking with the local churches about getting some volunteers.

Hickman will check with the local boy scouts to see if they can help.

Sharon remarked that doing nothing was not an option; the lot is affecting the value of the surrounding properties.

Pat will send a certified letter that the property owners have 30 days to clean

up the property; the letter will set a hearing date for the property owners to appear before the board.

John Collins asked if there had been a formal complaint made about the condition of the property; official complaints must be in writing.

Sharon asked what was happening with another residence that has multiple boats sitting on his empty lot. There are \$18,000 in fines on the books. An installment payment plan was set up, but nothing has happened. John Collins said the owner said to go ahead with foreclosure procedures.

finer, A fifteen day demand letter has been sent to the owner in February. Besides there is one outstanding assessment due. Donna Robertson will turn over to the attorney to start the foreclosure process.

Motion

John Collins made a motion that the process for this property - 208 Soundview Drive - be turned over to the attorney to start the foreclosure process.

Frank Hendricks seconded.

Motion passed unanimously.

- ***Operations***

The board members are manning the office on a rotating basis, on Tuesdays and Thursdays.

John reported one issue about a resident not granting a variance on a dock for another resident. John spoke to Bob Hopkins, ACC, about this. Bob pointed out that there is nothing the board can do to intervene in this. It is between the two residents. Bob Hopkins will get back to the resident who applied for the variance.

- ***Architectural Compliance Committee (ACC)***

No committee Acc committee member was present at the meeting. Hickman spoke about an issue with two lots (76 & 77) at front gate; the owner wanted to meet about what he wants to build.

John advised that with this issue, the owner must check with Dare County and then go through the ACC.

Hickman will tell the owner that there is nothing more the board can do until there is an application submitted to the ACC for construction.

- ***Finance & Budget***

John Collins distributed a balance sheet as of 4/30/17, as of 5/5/17, and a Profit & Loss (P&L) 7/16 through 4/17; copies have been filed with the minutes.

The balance sheet on an accrual basis as of 4/30/17 is the end of fiscal year balances. Of note are the checking & savings balances, which can be found on the report.

Total Fixed Assets at end of fiscal year are \$875,203.00.

On the P & L, John noted the impact of a short period assessment unbudgeted refund of \$98,408.36 on the bottom line.

Of note in expenses, was an unbudgeted Tech Committee amount of \$3,213.75, Audit & CPA Fees of \$13,800.00 (vs. \$5,000.00 budget), and dredging amount of \$75,142.81 (\$25,000.00 budget)

Regarding the Capital Reserve Listing, there is a projected reserve balance of \$464,046.00 against the fully funded balance of \$466,688.00, which is 99.9% funded. The amount of \$466,688.00 is excluding amounts for road maintenance.

Items of note on the Capital Reserve Listing are The Kubota Tractor and the Zero Turn, both items being fully funded. Next year the boat launch will come into play.

V. Unfinished Business

- *Summer Temp for Office/Document Retention*

Carole checked with COA and was told that they did not have an intern program.

There needs to be a job description written, hours determined, paid or not paid, is it a job for the full summer?

A temp agency might be a possibility, and John Collins suggested using our in house staff.

John says we have 10 hours a week built in and we could possibly expand to a 20 hour week. This seems to be the most practical solution.

This project would be separate from the regular office hours.

This was tabled for the time being.

Elizabeth gave Carole a new name to call - Lynn Jennings at COA. Carole will call.

Elizabeth pointed out that all of Dare County Schools have learning based programs, but that is generally done during the school year.

Carole will proceed with a tentative job description for an intern.

Hickman will check with the Boy Scouts about the possibility of getting a scout for this, also.

- ***Colington Harbour Policies***

Tabled

- ***Security Committee Update***

John distributed his notes on issues regarding this topic, and a proposal for Colington Harbour designed by EDM Automation; copies are filed with the minutes.

There was a meeting with Lee Nelson of EDM and Steve Joziak, IT manager for the town of Manteo. EDM came back with a proposal.

point EDM is offering to manage our computer systems, including server and end-management options, back up and recovery plan, and password management.

Sharon Wheless wants to read the proposal and ensure that CHA is not duplicating services and fees that the current internet provider already provides.

She is concerned that the amount appears low, and wants to examine it for hidden costs.

John asked that all board members review the proposal and discuss their questions/concerns at the next board meeting.

- ***Pickle Ball - Response from Residents***

This is tabled until we check to see if there has been a response from the email blast sent to the residents.

- ***Signed Conflict of Interest Agreement by Board members***

Hickman Finch and Dennis Donaldson signed their agreements.

VI. New Business

- ***Extension on Major Permit***

Per an email from George Wood, we need an extension. It was decided that John would ask Mr Wood to complete the form and obtain the extension. It was suggested to ask for a 10 year extension, and we would probably get a 5 year extension.

Motion

John Collins mad a motion that the board give George Wood the authority to complete the form and obtain the extension.

Frank Hendricks seconded.

The motion passed unanimously.

- ***Inlet Channel Survey***

It was determined that an email blast had not been sent to the residents. This will be done as soon as possible.

- ***Possible projects for Scott Morton - Dredging, bulkhead arrangement***

This was tabled.

- ***Motion to reduce publication dates for Harbour Headlines.***

This is determined to stand as is.

- ***Re-visit change in rates for Harbour Headlines***

Sharon will check past minutes for mention/motion on change in rates.

- ***Determine viability of existing heliport***

Sharon stated that Bob Hopkins was checking on this and will report back to the board.

- ***Summer Boating***

This was tabled.

- ***Pavilion Rental***

This was tabled.

- **Additional Volunteer**

An additional volunteer name is Gerald Hamil.

VII. Resident questions/concerns

- ***Ads by residents to sell homes (by owner) in Harbour Headlines***

It was decided that these ads should not be allowed.

- ***Request to change date of annual meeting***

It was decided that the annual meeting date coincides with the requirements of our governing documents.

Carole will write a letter to the resident.

- ***Request to dredge Clipper Lake***

A resident requested to have Clipper Lake dredged at their expense. The residents are essentially land locked.

There is a channel opening but it is approximately 1 foot deep.

Disposal of spoil is a major consideration.

John is concerned that once it is dredged, would the residents come back and ask that the association become responsible for keeping it opened.

The land under the lake is technically owned by the association, so legal responsibility becomes an issue.

Elizabeth suggested having a Memorandum of Understanding, detailing that it is the residents' responsibility to keep the channel open.

Elizabeth felt that if we had permission from the property owners, all the assurances regarding the spoil disposal, property owners assuming all costs, and an understanding that the association will not now or in the future assume responsibility for dredging and maintenance, this should be allowed.

Carole will contact Mr. Sallide and ask him to submit his plans and studies And we will submit them to the dredging committee.

- ***Playground Equipment***

See Maintenance Report

- ***Bulkhead Maintenance***

A resident asked about compromised bulkheads, and who was responsible For maintenance if the lot owner doesn't.

For the resident asking, we need to inform them we need specifics.

Carole will get back to this resident.

VIII. Adjourn

Motion

**Carole Warnecki made a motion to adjourn
Sharon Wheless seconded.
Motion was unanimously approved.**

The meeting was adjourned at 12:00 pm.

Carole Warnecki
Secretary, May 9, 2017