

**COLINGTON HARBOUR  
BOARD OF DIRECTORS MEETING  
MINUTES  
COLINGTON HARBOUR ASSOCIATION CLUBHOUSE  
June 13, 2017**

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

Board Members Present: Frank Hendricks-Chairman, Billy Hentnik-President, Hickman Finch-1st Vice President, Sharon Wheless-2nd Vice President, Carole Warnecki-Secretary

Board Members Absent: John Collins - Treasurer

Guests: Elisabeth Silverthorne (Legal Council) ((9:00 am)), Donna Robertson - Bookkeeping, Roy Welch - Security, Paul Lytle - Maintenance, Pat McGowan - Covenant Enforcement, Steve Ornstein, John Marshall

**I. Call to Order**

Chairman Frank Hendricks called the meeting to order at 9:01 am.

**II. Approve Agenda**

Changes suggested for the agenda:

**Motion**

**Sharon Wheless moved that “New Business - Member Complaint” be moved to executive session.**

**Carole Warnecki seconded**

**The motion passed unanimously**

**Motion**

**Frank moved that the swearing in of the new board member be moved up to be the first order of business.**

**Bill Hentnik seconded.**

**The motion passed unanimously.**

**Motion**

**Bill Hentnik moved that Finance & Budget report be moved immediately after the swearing in of the new board member.**

**Sharon Wheless seconded.**

**The motion passed unanimously.**

**Motion**

**Frank Hendricks moved that with the approved changes, the agenda be approved.**

**Bill Hentnik seconded.**

**The agenda, with the approved changes, was unanimously approved.**

**III. Swearing in of New Board Member**

John Marshall was sworn in as member-at-large to the board, following the resignation of Dennis Donaldson, effective May 25, 2017.

**IV. Finance & Budget Report**

Donna Robertson reported that currently in the Yadkin Bank operating account, the Association has \$161,611.21; the Southern Bank operating account has \$407,914.47; CHA reserve account has \$391,357.82; CHA reserve dedicated for CHYRC has 48,014.05. Both Southern Bank accounts have been moved to where they are protected for up to \$1,000,000.00.

The current P&L showed expenses from May 1 through June 13 as \$39,175.73.

Donna provided a current balance sheet and profit & loss (P&L) statement.

Donna also reported that the updated by-laws have been filed with the county and are effective June 7, 2017.

In reporting on foreclosures, Donna stated that there were 3 properties that were at the foreclosure stage, that she was requesting board approval to move forward. The three properties are:

- Carol Bartow, 105 Harbour View Drive; Lot 49 Sect. C. balance owing \$1,713, 80;
- Michael Coder, 211 Sir Richard Drive East; Lot 88 Sect Q; balance owing \$1,713.80;
- Timothy Wehrle, 104 Craigy Court; Lot 75 Sect. T; balance owing \$1,820.11.

Carole Warnecki asked what steps had been taken up to this point; Donna stated that the procedural check list provided by Jordan Price had been followed.

**Motion**

**Carole Warnecki moved that since all legal procedures had been followed up to this point by Jordan Price, that foreclosures proceedings be initiated against these stated three property owners.**

**Bill Hentnik seconded.**

**The motion was passed unanimously.**

Donna reported that there were approximately 40 accounts that were ready to be turned over to Jordan Price for collections, all of the accounts being at least two years in arrears.

Donna requested permission from the board to turn over these accounts and proceed up to the foreclosure stage, without returning to the board at every step. At the foreclosure stage, the board would be notified for board approval.

**Motion**

**Carole Warnecki motioned that these 40 accounts be turned over to start and proceed with the collections process, up to the foreclosure stage.**

**Frank Hendricks seconded.**

**The motion passed unanimously.**

Last, Donna reported that she and Pat McGowan attended and passed the Public Notary class.

A question for the board is whether or not to charge for these services, and if yes who (the association or Pat/Donna) received the monies.

Bill Hentnik recommended that notary services for permanent residents be free; all others should be charged the traditional rate of \$5.00.

Elisabeth recommended that the association develop a list of documents/transactions that is acceptable for notarization, to avoid any conflict of interest situations. She will research this further.

The specifics about who gets the monies was tabled.

**V. Approve Minutes**

Carole Warnecki expressed some concerns over tabling the minutes because someone doesn't like what was reported/recorded. If what is recorded is what accurately happened, there is no legitimate reason to table the minutes.

Elisabeth Silverthorne reminded all that someone can abstain/or vote no on the minutes; the minutes do not require a unanimous vote.

*May 9*

**Motion**

**Sharon Wheless moved that the May 9 minutes be approved**

**Bill Hentnik seconded.**

**The motion was passed unanimously.**

*May 16*

There was discussion regarding what was not included in the minutes; specifically a document penned by a resident and given to the board.

It was determined that the document should not be included because it relates to possible litigation.

Carole Warnecki expressed a concern that if a word for word document from one resident was included, it opened a door that any resident could demand that their document be included in the minutes.

Elisabeth indicated to Frank Hendricks that he could vote against the minutes if he so desired.

It was agreed that the resident raised legitimate questions and concerns. They would be addressed by the board and an answer given to the resident.

**Motion**

**Sharon Wheless moved that the May 16 minutes be approved.**

**Bill Hentnik seconded.**

**The motion passed with Frank Hendricks abstaining.**

*May 31*

**Motion**

**Frank Hendricks motioned that the minutes be approved.**

**Bill Hentnik seconded.**

**The motion passed unanimously.**

**VI. Department Reports**

• *Security*

Roy reported that he had made some changes at the guard gate to hopefully help the traffic pattern coming through the gate, specifically making the Yield sign more visible.

Bill Hentnik stated he has been receiving complaints about people not stopping

in the left lane; not paying attention to vehicles with bar codes in the right lane and creating a dangerous situation.

Frank reported that he is receiving complaints about kids hanging out in the basketball court. Paul Lyttle noted that there is a hole in the chain link fence; maintenance has fixed this multiple times, and people keep cutting it.

Bill Hentnik suggested we table this for future discussion.

- ***Maintenance***

Paul Lyttle reported that he met with Mike Merrill, Asphalt Contractor, who presented a contract for paving.

Bill Hentnik presented copies of the contract to the board. This is a budgeted item, and the contract was for the budgeted amount of \$85,000.00.

Frank Hendricks signed the contract for Merrill to proceed with the paving.

Paul reported that swim buoys will be put out within the next few days.

The split log fence that borders the dog park on Kitty Hawk Bay Drive will be extended to keep folks off the neighboring property. Bill Hentnik also requested that the fence be extended across the front of the park to prevent people from launching boats from there.

It was recommended by Elisabeth Silverthorne that an enforcement spreadsheet be kept to monitor maintenance projects.

Sharon indicated that there was such a list in existence; the property manager had control and responsibility for that.

Paul reported that the “Children at Play” sign, requested at the May 9 meeting, had been erected on Kitty Hawk Bay Drive.

Paul said he would take the slides off of the swing set; Sharon Wheless had inspected them and found them to be a possible danger to children. He will put handrails up as a safety measure.

Bill gave Paul a letter from a resident complimenting on a job well done on Jester Court.

- ***Compliance***

Pat McGowan had scheduled a hearing for today, June 13; 105 Sir John White Court. The notice was sent certified mail and was signed for, but there was no response to the notice. The infraction was a vehicle with no tags and no tire.

Pat requested permission to move forward with daily fines.

There is a schedule of fines which should be followed; this fine would be \$25.00 a day per infraction. This property has two infractions, thus the daily fine is \$50.00 per day.

**Motion**

**Frank Hendricks moved that a \$50.00 (two separate infractions) a day be imposed on the property owner of 105 Sir John White Court, due to the fact they did not respond to the letter from the Association's Compliance Officer (Pat McGowan) to attend a hearing.**

**Carole Warnecki seconded.**

**The motion passed unanimously.**

There have been complaints about the condition of Colony Lake, specifically algae bloom. Pat contacted David May from the Division of Water Quality. He inspected the lake and advised to "let nature takes it's course."

- ***Operations***

The board members continue to staff the office on two days a week.

***Hydroseeding***

Hickman had contacted Ruben Sawyer about hydroseeding the hill on Clipper Court. This had been approved at a board meeting last August (2016), for seeding to be done in the fall of 2016. This was never followed up, and the hydroseeding did not occur.

Ruben Sawyer re-inspected the hill and came in with an estimate of \$6,650; his estimate August 2016 was \$3,438.

**Motion**

**Bill Hentnik moved to explore other options to hydroseeding other than the current bid.**

**Carole Warnecki seconded.**

**The motion passed unanimously.**

Bill Hentnik will ask Paul Lytle to contact local landscaping companies and get bids and get back to the board by the next meeting in July.

- **ACC**

There was no representative from the Architectural Control Committee, therefore there was no report.

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At this Sharon Wheless made a point of information. She noted that on May 31 at the Special Meeting, there was a motion made and motion approved to invited Marion Carroll to join the board.

There had not been an addendum or modification to that motion to invite John Marshall to join the board. It was relayed that Mr. Carroll declined the invitation.

Elisabeth Silverthorne cautioned against action(s) being taken without full board discussion and approval. She stated that such action(s) can be undone easily.

**Motion**

**Carole Warnecki moved that, with the May 25, 2017 resignation of Dennis Donaldson, and with Marion Carroll declining to join the board, that we invite John Marshall to join the Colington Harbour Association Board of Directors, as member-at-large to fill the vacancy left by Mr. Donaldson’s resignation.**

**Frank Hendricks seconded.**

**The motion passed unanimously**

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**VII. Unfinished Business**

- ***Summer Temp for Office/Document Retention***

Carole Warnecki asked that the board abandon the search for an outsider to work on this project. Rather, the board would utilize the existing staff work on and complete this project. It is noted that the hours worked be monitored, not to exceed acceptable hours worked.

There is no “time certain” for this project; this is ongoing and can be completed when it is completed.

- ***Security Committee Update/EDM Contract***

The committee had moved we accept the Managed Services Agreement from EDM, subject to Elisabeth Silverthorne’s comments/concerns/questions/feedback.

Elisabeth did have some questions for clarification, but did state that this seemed to be a standard agreement in many ways.

Elisabeth cautioned that we be certain of what we are contracting for.

She also noted:

- The agreement references Appendix A, but there is none attached. There is an Exhibit A, but does not pertain to the items referenced in the body for Appendix A.
- The agreement states “Supported Products may change at any time without notice to Customers.”
- Elisabeth questioned how we found this group; we informed her that John Collins found them.
- In set up fees, there is a “rules of engagement” phrase used. what exactly does this mean?
- She cautioned again about taking extreme care with passwords.
- What does a priority response mean?
- She questioned remote access capabilities.
- A question was raised about “30 day termination” really meaning a 60 day termination.

She recommended that more quotes should be obtained.

This item was tabled until EDM and John Collins, committee chair, could be contacted and these questions resolved.

**Motion**

**Sharon Wheless moved that the approval of this contract be tabled until these questions were answered.**

**Bill Hentnik seconded.**

**The motion passed unanimously.**

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

As there was only one response to this query, the pickle ball court will not move forward.

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

Carole Warnecki produced the signed CoI Agreements for all to see. Carole asked Sharon Wheless to sign a new agreement; the one on file for this year had the first signature page signed by Hickman Finch. Sharon completed a new agreement. An agreement will be signed by John Marshall at the end of this meeting.

- ***Ad Rates for Harbour Headlines (HH)***

There had been a question whether the rates per ad had been lowered; they have not, just the number of HH published reduced.

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

Frank Hendricks checked with the fire chief; they do not plan to use the heliport. There is always the possibility that in an extreme emergency, it could be utilized.

**Motion**

**Bill Hentnik moved to leave the heliport as is.**

**Frank Hendricks seconded.**

**The motion passed unanimously.**

- ***Colington Yacht Club***

A letter to Rick Hildebrandt was sent in a letter dated May 22. Bill Hentnik distribute Commodore Hildebrandt's response to the board.

There is a question about who is paying for the electricity to the shed. The amount this is negligible; Elisabeth suggested noting this amount as a donation to the Yacht Club.

There is still a question regarding insurance and whether the Association is indemnified against any liability. We need a clarification on this.

John Marshall will review the insurance policy provided by CYC; the association will ask for a revised application form that with a hold harmless for CHA in the short term. In the long term, he will investigate CHA being named as an additional insured on their insurance policy.

It is still unclear whether children who live outside the Harbour are

participating in this program.

- ***Extension of Major Permit***

**Motion**

**Carole Warnecki moved that the major permit be extended and the dredging committee be informed.**

**Frank Hendricks seconded.**

**The motion passed unanimously.**

John Collins will send an email to inform the dredging committee that we have extended the major permit.

- ***Playground Equipment***

See Maintenance Report

- ***Gate Running/Boat Fines***

This was tabled until the next meeting.

- ***Craigy Court Stump***

The stump was removed by Paul Von Suskill. The charge to the association was \$100.00

- ***Hydroseeding***

See Operations Report.

- ***Kayak Rack***

The rack was constructed by Gary Frazier.

It was decided that there should be signage on the rack that Colington Harbour Association holds no responsibility; kayaks are stored at the owners risk.

- ***Dredging Clipper Court***

This is in the resident's court to survey the lot owners desire to have this done at the owner's expense.

## VIII. New Business

- *Elisabeth Silverthorne*

Elisabeth suggested that the board develop an organizational chart for the employees; this would clear up any confusion about directives given to the employees and by whom.

Elisabeth recommended that reports for the board meeting be distributed before the meeting. This would give the members a chance to review and have questions ready. This would be a time saving measure, and would help to have matters resolved more quickly.

Carole Warnecki echoed this sentiment and asked that reports be sent to her in advance; these reports will be sent with the agenda for review. This is particularly pertinent with regard to financial reports.

Elisabeth reminded the board that she was asked to review R4 zoning.

### **Motion**

**Sharon Wheless moved that the discussion on R4 zoning be tabled until the next workshop meeting.**

**Frank Hendricks seconded.**

**The motion passed unanimously.**

- *Audio Retention/Public Comments/Public Meetings/Order of Meeting*

Carole Warnecki reported that the May 9 minutes and forward have been transferred to a thumb drive. Carole will keep the thumb drive in her possession.

Carole asked who could listen to the raw audio. Elisabeth Silverthorne advised the Board that attorneys do not recommend utilizing audio recordings for meetings. Typically there is no need to do so. Minutes should not be a transcription of discussion at a meeting, but rather, minutes are a record of actions (i.e. motions and votes) taken during a meeting.

However, Ms. Silverthorne understands the desire to utilize audio recording in order to assist in preparing the minutes for Board and Member Meetings. She advised the Board further that if audio recording is utilized for the purpose of helping to prepare the minutes, there is no legal requirement to preserve the recorded audio indefinitely. She recommended the respective audio files be deleted once the minutes are approved by the Board for Board Meetings, or by the Members for Membership Meetings.

Carole spoke on recording public comments. If a resident takes the time to attend a meeting and to speak to the board, as long as the comments are not profanity laced, and are not personal attacks, that resident deserves to have his or her comments preserved in the minutes.

The caveat to this is for that resident to given the respect by the board and not speak over them; if the audio cannot be heard, the resident comments cannot be reported.

Carole did ask that the chairman keep order in the meeting, and ask that the residents, when they give their comments, to first identify themselves and give their address. It is difficult, when listening to the raw audio to identify who is speaking.

The person holding that gavel must keep order in the meeting so that audio is discernible.

Elisabeth Silverthorne reiterated that keeping order and following Robert's Rules is essential to a successful meeting.

- ***No Wake Signs***

Bill distributed information on the signs he wants posted.

He would like 4 28x20 signs in the channel and twelve 14x10 signs throughout the canals.

The price for the signs will be approximately \$500.00

**Motion**

**Frank Hendricks moved that 4 28x20 signs and twelve 14x10 signs be purchased and installed in the channel and canals; specific placement to be determined at a later date.**

**Bill Hentnik seconded.**

**The motion passed unanimously.**

- ***Dredging Control***

No discussion

- ***Office Manager***

Bill Hentnik cited the Harbour By-laws, Article 6, "...a community manager is employed by the association...". Bill pointed out that currently we

do not employ a community manager.

Currently the board members are spending two days a week in the office covering a manager's duties.

**Motion**

**Sharon Wheless moved that the board seek to employ a full time office manager.**

**Bill Hentnik seconded.**

**The motion passed unanimously.**

Sharon suggested that we need to review and possibly modify if necessary the current job description for this position.

An employment committee was formed consisting of Bill Hentnik, Carole Warnecki, and Frank Hendricks.

- ***VFW/Poppies - September 12, 2017***

**Motion**

**Carole Warnecki moved that the VFW be allowed to conduct a poppy drive at the Harbour gate on September 12, 2017.**

**Bill Hentnik seconded.**

**The motion passed unanimously.**

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Sharon Wheless asked for a point of information regarding the office manager motion previously made.

She pointed out that an employment committee needs to be formed to carry out this motion.

An ad hoc committee was formed consisting of Carole Warnecki, Bill Hentnik, and Frank Hendricks.

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- ***Bar Codes for Monthly Rentals***

It was decided that monthly rentals do not need bar codes, just a pass from

the gate.

- ***Safety Vests & Flashing Lights***

Bill Hentnik wanted to reinforce the directive for all maintenance personnel to wear safety vests. This conforms with OSHA law. The Harbour truck is equipped with a flashing light. It should be utilized. Bill also mentioned that gate personnel are not wearing the Harbour shirts as they are required to do.

- ***Legal Contact***

Bill Hentnik reiterated that board members should not be calling Elisabeth Silverthorne on their own, but rather go through the board or at least the President.

- ***Variations/Board Approval***

Carole Warnecki wanted to verify that all variations need board approval. This is indeed the case.

There was one variance approved via email within the past month.

Variance O-32 for 1903 Harbour View Drive was approved by the board.

- ***Paving***

See maintenance report.

- ***Kitty Hawk Bay Drive Beach***

See maintenance report (split log fence).

- ***Home owners concerns/complaints***

Bill Hentnik received a question from a homeowner requesting a weight room be installed. It was decided “no”.

There was a request for Colington Harbour T-shirts, hats, etc. It was decided “no” at this time.

- ***Legal & Letters of Understanding***

There was no discussion.

- ***Order of Agenda Items***

See approval of Agenda

Elisabeth recommended that department reports be moved to the first item on agendas.

IX. ***Committee Assignments***

This was tabled in light of the motion to hire a property manager.

X. ***Adjourn***

**Motion**

**Carole Warnecki moved that the meeting be adjourned and moved into executive session.**

**Frank Hedricks seconded.**

**The motion passed unanimously.**

The meeting was adjourned at 12:18 pm.

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Carole Warnecki, June 13, 2017  
Secretary, Colington Harbour Association

