

MINUTES
COLINGTON HARBOUR
BOARD OF DIRECTORS MEETING
TUESDAY, March 21, 2017
7:00 P.M.

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

Attendees: Frank Hendricks, Chairman
Hickman Finch, 1st Vice President
Bill Hentnik, 2nd Vice President
John Collins, Treasurer
Sharon Wheless, Secretary
Stephen Ornstein, Assistant Secretary
Dennis Donaldson, President

Other Attendees: Elisabeth Silverthorne, Legal counsel for CHA

GENERAL SESSION

1. Call to Order

Chairman Frank Hendricks called the meeting to order at 7:00 and held a moment of Silence.

2. Approval of Agenda

Motion to approve with changes to the Agenda date to read March 14, 2017 by Hickman Finch, motion seconded by Dennis Donaldson. The motion was unanimously approved.

**3. Approval of Minutes
March 14, 2017 (am)**

Motion to approve by Hickman Finch Ornstein and seconded by Bill Hentnick. The motion was unanimously approved.

4. ACC Report

Bob Hopkins presented the report, and identified that there are updates to the application that give additional information and further identify common issues that are missed in the process. There was a question from the floor regarding how much fill can be brought into the lot. Bob suggested that the amount of fill is regulated by the county and by the slope requirements.

5. Board Member Reports

President- Dennis Donaldson mentioned that he hoped that we have this big of a turnout at the Annual Meeting.

1st VP- no report

2nd VP-- Bill Hentnick reminded everyone about the requirement to place reflectors on docks and piers for nighttime navigation.

Secretary - Annual Meeting Update- Sharon Wheless reminded everyone in that the ballot envelopes must be inside the B envelope for it to count.

Treasurer - John Collins presented preliminary numbers as of March 20.

Total Accounts \$662,296

AR \$ 97,448

Total Assets \$760,475.58

Comparison of Actual vs. Budgeted is not available at this time.

P/L - Total Assessment Rec. \$492,792

Total Income \$526,062

Total Expenses \$ 654,525 - includes reserve Distrib. \$179,690

Mr. Collins reported that our legal and professional fees are running over-budget. Additionally, our Office Salaries and Dredging are running over-budget.

Chairman- Frank Hendricks reminded everyone that they should change batteries in their smoke detectors and vacuum out the inside to prevent False alarms. We currently have 2 openings - part time. Pat

New Business

6. Colington Harbour in Visitor's Guide

John Collins reported that Colington Harbour was listed in the Visitor's Guide and included mis-information about welcoming visitors to our private community.

Unfinished Business

7. Petition to Impeach John Collins

This item was tabled from the last meeting. The Chairman, Frank Hendricks passed this to Elisabeth Silverthorne, Counsel. She reported that she had been asked to talk about the petition to impeach John Collins. Matt Spencer, had composed an opinion regarding the petition, and given her permission to share his findings. She explained that the CH By-Laws have a process for removing a director, and that is the petition. In the past, we have discussed how much our governing documents need to be updated. The By-laws say one thing and the NC GS say something different. There are 2 provisions that control: One that applies to HOAs and that appears it would let the petition move forward. However, there is another that deals with non-profits that says you cannot remove a director unless you have as many votes to remove as you did to elect. That would indicate that a 12-person committee would not be enough for removal. The By-laws and covenants say that the NC GS control. As far as the petition, in Matt Spencer's opinion (as delivered by E. Silverthorne), it cannot move forward. Removal of a Director does not require Board approval. If the membership feels strongly enough, they should move forward on their own.

There was a question from the floor if the petition could move forward if the "specified" number of people could remove a director. Ms. Silverthorne indicated that the board can appoint a committee to investigate, but there would still have to be as many votes as there were to elect. Given that CH has a declining quorum rule, there could only have to be a certain percent of the quorum. This all depends on the exact number it took to elect.

Another member asked if there was a reason why the Annual meeting was moved. Ms. Silverthorne responded with the information that related to the billing date.

Ms. Silverthorne stated that the document requests have been received and are being reviewed by Matt Spencer. He says he will have answers to the board by the coming Thursday.

There were some emotional outbursts regarding the Colington Island Community Watch and who owns it. Ms. Wheless offered that Per the November 2015 Minutes, this Facebook Page is not owned, supported, controlled or endorsed by CHA.

Member Comments

Ryan Hatched questioned who was responsible for the dredging project, and further asked if anyone on the board had any special knowledge about dredging.

Sharon Wheless voiced a concern that our Association should focus more on planning for the future and funding our Capital Reserve.

Dennis Donaldson motioned for adjournment, Steve Ornstein seconded and the meeting was adjourned.