

**COLINGTON HARBOUR
BOARD OF DIRECTORS MEETING
MINUTES
COLINGTON HARBOUR ASSOCIATION CLUBHOUSE
May 16, 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, John Collins-Treasurer, Carole Warnecki-Secretary, Dennis Donaldson-At-Large

Guests: Reid Henson, Fran Collins, Denise Collins, Gary Schwartz, Jane Wirth, Doug Wirth, Ken Pagurek, Todd Wheless, Karin deJong, Diane Boring, Lisa Storey, Dan Storey, Hank Laws

I. Call to Order and Moment of Silence

Chairman Frank Hendricks called the meeting to order at 7:00 pm, and observed a moment of silence.

II. Approve Agenda

Motion

Dennis Donaldson made a motion to approve the agenda

John Collins seconded.

Motion was approved unanimously.

III. Approve Minutes

The approval of the May 9, 2017 minutes was tabled. There were two concerns.

The first concern was voice by John Collins regarding agenda item “Unfinished Business - Signed Conflict of Interest Agreement by Board Members.

Mr Collins would like to review the agreements before finalizing this item.

The agreements will be presented at the next board meeting for all to review.

The second concern was voice by Sharon Wheless regarding agenda item “Department Reports - Finance & Budget.

Sharon questioned the report that the Capital Reserve Balance of \$464,046.00 was 99.99% funded against a fully funded balance of \$466,688.00. She questioned the source of this fully funded amount, stating that based on what she had in hand, the fully funded balance was \$2,706,291.00, and that would mean the association was only 17.4% funded.

John Collins stated that the fully funded balance was excluding dollars for road maintenance, which accounted for the difference.

The May 9, 2017, minutes will be amended to reflect “.....excluding amounts for road maintenance.”

Motion

John Collins made a motion to table the approval of the May 9, 2017, minutes.

Hickman Finch seconded.

The motion passed unanimously.

IV. Department Reports

- *Archetechtural Control Committee (ACC)*

There was no representative present from the ACC.

V. Board Member Report

- *Chairman - Frank Hendricks*

Frank reminded all that the tourist season was upon us, and to keep safety in mind.

- *President - Bill Hentnik*

Bill reminded the board members that when someone is out for an extended period of time as he was, to please check with the office staff and fill in for him. Upon his return, he found items stacked up waiting for him. The board should keep this in mind when someone has an extended absence.

- *1st Vice President - Hickman Finch*

Hickman reported about an incident he witnessed at the front gate with a “gate runner”. Hickman spoke with the offender about getting a bar code for his/her car.

Hickman expressed that the board should get tough on these types of offenses.

“Gate Runner” procedures have been discussed at a prior meeting and are being reviewed.

- *2nd Vice President - Sharon Wheless*

No report.

- *Treasurer - John Collins*

At the May 9, 2017 meeting, John reported cash on hand of \$862,796.00 as of April 30, end of fiscal year. As of May 16, 2017, the balance is \$981,347.00.

Accounts receivables are \$218,000, down from \$284,000.

- ***Secretary - Carole Warnecki***

Carole reported that the board had been keeping her busy since she joined last month in April.

- ***At-Large - Dennis Donaldson***

Dennis reported that he was enjoying his new position as an at-large member of the board.

VI. Unfinished Business

- ***Playground Equipment Safety***

Sharon reported that she and Paul Lyttle from maintenance inspected the equipment. She found two modules of the equipment unsafe for use. She instructed Paul to remove them immediately.

She investigated prices for replacement parts.

Doug Wirth (guest) advised that the original equipment was purchased from Kellogg, and perhaps they could help with replacement.

Sharon is requesting the office staff to investigate further regarding replacement.

- ***Summer Intern***

Carole reported that she has not yet followed up on this.

- ***Pickle Ball Court***

Carole reported that she had checked with the office and found that one person had responded to the email sent to the members.

That person said she was interested. She has not been contacted.

Bill stated that with little or no interest, this issue should be dropped.

Bill suggested that a follow-up email be sent inviting people to come to the next meeting if they are interested in this issue.

If no one attends, this issue will be dropped.

- ***Security Committee Update***

John reported that there is no update. The proposal is still on the table.

Sharon reported that she had reviewed the proposal. She found several duplication of services in EDM's proposal; services that are already provided with our current provider. One of the most important services offered, in her opinion, is the password management. Sharon offered to reach out to Lee Nelson of EDM to discuss her questions and concerns. Due to the technical nature of this proposal, Carole requested that she first put in writing her questions/concerns and present to the board before discussing with EDM.

She did correct the assumption from EDM that the association has 7 workstations, when in fact, we have 6 and one file server.

She also stated that although the web cam is included in EDM's proposal, the cam does not own or manage this. It is part of the OBX WebCam system.

She recommended that the association get more than an Executive Summary; maybe even a case study highlighting a situation where we would utilize EDM's services.

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

The ad rates in Harbour Headlines were reduced based on the reduction in the number published newsletters.

Carole reported that she could find nothing in past minutes regarding an agreement or a motion to reduce the ad rates.

John Collins produced a rate sheet for the ads, both the old and new rates. John reported that as of now, we have only two paid ads for the next newsletter.

Sharon will research for the documentation outlining the discussions and the agreement/motion to reduce the rates.

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

Bob Hopkins (ACC) is expected to check on this; he was not at the meeting to report.

There was some debate about reports that the new helicopter is too big to land in the association's heliport. This was disputed by Denise Collins.

Denise Collins (guest) stated she spoke with a retired official from Dare County EMS who stated the heliport is of an adequate size, but the it is determined by the Fire Department whether the helipad is used or not.

An obstruction to utilizing the helipad is people parking on the designated area.

It was discussed about having stanchions or cones to emphasize to residents and guests that this space is not a parking space.

Frank Hendricks will check with Dare County EMS to get an official statement as to whether they intend to continue to use this helipad.

- ***Summer Boating***

Although Sharon put this on the agenda, she had no input to this.

Bill Hentnik brought up the subject of Colington Yacht Club (CYC) with regard to insurance and liability.

The agreement for this was completed a number of years ago; Ken Pagurek (guest) was part of that negotiation.

It was intended for children of Colington Harbour residents only. Bill questioned whether this still holds true.

It was questioned whether Colington Harbour Association had a “hold harmless” agreement with CYC.

This raised another question regarding the shed that was erected solely for the purpose of the youth sailing group. There is a need to determine that the shed is still being used only for this purpose.

A letter will be drafted and sent to the Commodore of the CYC asking for all insurance policies, letters of intent, hold harmless agreements, etc.

Liability to the homeowners of Colington Harbour is in question.

Carole Warnecki will draft the letter to the Commodore.

Doug Wirth (guest) mentioned that there is power to the shed. Who is paying for this.

- ***Pavillion Rental***

Subsequent to the agenda, Sharon found the official policy on this.

- ***Clipper Lake***

Carole had distributed two emails and two aerial views of the proposed dredge area, which had been received from Michael Sallide of Colington Drive.

The emails defined some answers to questions posed by the board at the May 9 meeting, including the disposal of spoil.

He also included a letter of intent, the background, and purpose of the dredge. Copies of all are filed with the minutes to this meeting.

Mr. Sallide indicated his agreement to have a Memorandum of Understanding drawn up that specifies that Colington Harbour Association is not and will not be liable for any costs for dredging or future maintenance.

The board wants a “property owners survey” completed for all 35 lots to ensure that everyone is on board with this dredge.

Gary Schwartz (guest) is a homeowner on Clipper Court. He has spoken to C.A.M.A., and his understanding is that only the folks who “abut” the the channel, or sandbar, have to sign off on the permit.

Mr. Schwartz reiterated an offer for the Association to participate in the cost of the dredge. This had been decided on before, and the board reiterated their answer of “no” the Association would not participate.

Billy Hentnik questioned whether there was “common property” involved, which would require the approval of the entire association membership.

Reid Henson (guest) who also lives on Clipper Court, assured Billy that this was not an issue.

John Collins asked that, of the 35 properties that back up to Clipper Lake, were there any that were not bulkheaded.

There are probably some, and John wanted to know if those properties would be in danger of increased erosion due to the dredge.

Gary Schwartz said he had spoken to a few of the owners who were not bulkheaded, and said they didn’t have a problem.

Because there is movement now in the “Lake”, dredging the channel should not cause significantly more erosion, in Mr. Schwartz’s opinion.

The board requests that a “qualified” opinion on this be obtained, from either C.A.M.A., or Quible.

John Collins said that the Association may be able to help with disposal of spoil saving a trip to Kitty Hawk.

Carole will get in touch with Mr. Sallide with these requests.

VII. New Business

- *In-house Notary Public*

It was suggested that the association get an in-house notary public. Currently, it is necessary to go to the bank or another outside notary.

Motion

John Collins made a motion that one or both of the full time office employees get their notary public license. Frank Hendricks seconded. The motion passed unanimously.

VIII. Public Comments

- Doug Wirth reiterated his concern about contracts between the Association and CYC, and who is paying for the power to the shed utilized by CYC.
- Denise Collins expressed her concern about the accuracy of minutes taken for Association board meetings.

She is critical of board members not responding to correspondence, specifically emails she has written, and minutes being altered after they have been approved.

She challenged the board to “get it together”.

She would like to see raw audio of the meeting minutes kept in case there are questions after the fact.

She is asking the board to look at her documented items in her attachments.

There are questions, again, about the accuracy of past minutes, and actions taken without a meeting, not ratified in writing.

She cautioned about the use of FaceBook, with personal attacks against individual board members.

- Jane Wirth bolstered what Denise said about the questionable accuracy of the minutes, specifically the March 21, 2017, meeting minutes.

Jane had taken time to write out her talking points for that meeting, and was disappointed that none of her comments were recorded in the minutes.

She stated that Doug Wirth had also prepared a statement and read it at that meeting. Those comments were omitted also.

Jane submitted at this meeting, those written documents. They are being filed in their entirety with the minutes from this meeting.

- It was remarked on that two young kids were seen swimming in the beach without adult supervision. We were reminded that the beach is “Swim at your own risk”.
- Reid Henson asked the board’s help by way of maintenance for some brush upkeep by the Tennis Court by Clipper Court. He said it is like a “jungle”. The brush is starting to encroach on the steps to the tennis court. He mentioned that there are other areas in the Harbour that could use the same maintenance.

Hickman asked Reid to submit some specifics in writing for the board to take to the maintenance people.

Mr. Henson said he would submit his request in writing.

Dan and Lisa Storey asked for help with debris (tree limbs) in the middle of canals. This is a hazard. One particular hazard is in the canal by Craigy Ct.

It was suggested that we check with Paul Lyttle from maintenance to see if he could take a look and see what could be done.

- Fran Collins requested, and has requested in the past, that the baby swings in the park be lifted. They are practically touching the sand.

IX. Adjourn

MOTION

Carole Warnecki made a motion to adjourn.

Sharon Wheless seconded.

The motion passed unanimously.

Addendum to meeting minutes

Jane Wirth’s Comments from 3/21/17

Jane introduced herself as the president of the Colington Harbour Yacht & Raquet Club, and stated that she had been a CHA board member before that.

Jane emphasized the importance of CHY&R club to Colington Harbour. With 450 members and continuing to grow, the club has been able to maintain the pool, tennis courts, and building. And make improvements as well. She stated these amenities don’t come for free, and their board members work without any compensation. She highlighted some of the improvements over the

past several years, including new furnishings for the club room, face lifts for the hallways and ladies rooms, remodeling of the kitchen and dining room, just to name a few. She reminded all of the comfortable working relationship the club has enjoyed with CHA. She reminded all that the club has its annual meeting in October where a budget is passed.

Doug Wirth's Comments from 3/21/17

Doug went over some of the history for the Colington Harbour Yacht & Raquet Club, highlighting the relationship between CHA and CHY&R club. He stated there is a current lease with the association, and urged that no more money be spent on lawyers regarding this relationship.

He also voiced a concern about Colington Yacht Club, its use of common property, and their use of utilities (who pays). He voiced a concern about a new building project for CYC's use, and urged a stoppage until these questions are answered.

Carole Warnecki
Secretary, May 16, 2017