

MINUTES
COLINGTON HARBOUR BOARD OF DIRECTORS MEETING
September 14, 2021
9:00 AM

Call To Order: Meeting was called to order at 9:19A – Stephen Ornstein

Present:

Stephen Ornstein, President

Howard Snyder, Chairman

John Collins, 1st Vice President, Treasurer

Daniel Hoggard, 2nd Vice President

Leah Holmes, Secretary

David Creecy, Member at Large

Bill Meyer, Member At Large

Others Present:

Donna Price, Community Manager

Pat Card, Maintenance Manager

Pat McGowan, Covenant Enforcement

Anne Blomberg, Bookkeeping

Approval of Agenda – Agenda approved as amended – John Collins 1st, Stephen Ornstein 2nd – All in favor

Approval of Minutes – August 10, 2021 – Approved – John Collins 1st, Stephen Ornstein 2nd – All in favor

Foreclosures:

359/356 Sir Chandler Drive – A motion was made to table discussion because homeowners have settled a majority of amount owed – John Collins 1st, Leah Holmes 2nd – All in favor

104 Harbour Ct – A motion was made to take no action – Leah Holmes 1st, John Collins 2nd – All in favor

818 Harborview – No action taken

Hearings

Michael Coder – 211 East Sir Richard – A motion was made to proceed with an “unkempt property” fine of \$25 – Leah Holmes 1st, Daniel Hoggard 2nd – All in favor

Timothy Wehrle – No action taken

Department Reports

Maintenance:

- Pat Card updated the Board about a new volleyball net put up on the sound side beach, the septic system has been fixed.
- A large expanse of the south jetty has rusted tiebacks. A motion was made to table funding until quotes for fixing the issue on land or water are received.
- The Board approved a policy effective January 21st, 2022, that any owner of multiple adjoining lots where there is a house on at least one lot is responsible for maintaining the properties – John Collins 1st, David Creecy 2nd – All in favor

Administrative: Donna Price presented a quote for new fencing along the sound and pool sides. A motion was made to approve funding for replacing the fences along the sound and pool areas – Daniel Hoggard 1st, Howard Snyder 2nd – All in favor

Security: None

Covenant Enforcement/ACC:

- Mow Easements – Due to an increase in homeowners not mowing easements, a motion was made to contact Attorney about handling the matter – Howard Snyder 1st, David Creecy 2nd, Daniel Hoggard abstained. All others in favor.

- Diane Kline – Board agreed to take no action
- 1977 Colington Road – Covenant Enforcement has been asked to contact the health department

Officers Reports

Stephen Ornstein, President: No Report

John Collins, 1st Vice President: No Report

Daniel Hoggard, 2nd Vice President: No Report

Howard Snyder, Chairman: No report

John Collins, Treasurer: Gave the treasurers report.

Leah Holmes, Secretary: No Report

Bill Meyer: No Report

David Creecy: No Report

Ratification of Evote – Septic – A motion was made to ratify the approval of septic repair – Leah Holmes 1st, Stephen Ornstein 2nd – All in favor

Old Business

803 Harbour View – A motion was made to table until October meeting – Leah Holmes 1st, David Creecy 2nd – All in favor

Review of Covenants – Attorney has been given until the end of September

Golf Cart Resolution – Motion was made to rescind the previous motion to forward Colington Harbour to the Dare County Commission (see attached email from CHA attorney) – Howard Snyder 1st, David Creecy 2nd – Howard Snyder, David Creecy, Stephen Ornstein, John Collins in favor – Daniel Hoggard, Bill Meyer, Leah Holmes against

New Business

Program for Public Information Committee – Secretary Leah Holmes has agreed to be a liaison for this committee

Adjournment: 10:50A – Howard Snyder 1st, Leah Holmes 2nd – All in favor

Executive Session: The Board went into Executive Session at 10:50A

Fwd: Golf cart regulations

DP

Donna Price <dprice@colingtonharbour.net>

Mon, 26 Jul 2021 1:40:05 PM -0400

To "SO rnstein" <sornstein@frostburg.edu>, "Guzziconv" <guzziconv@yahoo.com>,
"Daniel Hoggard" <daniel.hoggard@ncfbins.com>, "Leah" <leah@outerbanksrealtors.com>,
, "snyderhoward" <snyder.howard@att.net>, "Dcc226" <dcc226@me.com>,
"Kaitlyn" <kaitlyn@billsmarineobx.com>

Tags ☺

Please see email from Matt Spencer.

===== Forwarded message =====

From: Matthew Spencer <Spencer@spencerlawoffice.net>To: "Donna Price" <dprice@colingtonharbour.net>

Date: Mon, 26 Jul 2021 12:32:40 -0400

Subject: Golf cart regulations

===== Forwarded message =====

Donna:

This follows my phone conversation with John, Steve and yourself this morning. I have not researched county ordinances or state law concerning operation of golf carts on streets, but I know such rules exist. Your existing covenants (as modified in 2003), under Ordinance 2 entitled "Vehicles," states that county and state laws apply to the operation of vehicles. I am of the opinion that golf carts fall under this provision of your covenants.

I advised that any attempt by the board to impose rules that vary from state and county regulations will require the approval of the membership, because doing so would effectively be a modification of your covenants. Even if the board were to request an ordinance change from Dare County, I believe that should only be done with advance approval of the membership in the same manner as a covenant change. Asking the county to change its rules would have the same effect as a covenant change, and so I am of the opinion that you should proceed only with membership approval after proper notice, a meeting, and a vote. Reasonable minds may see this differently, but these are my conclusions and my advice based upon our conversation.

In closing, I would suggest that the board pause and conduct further research and community outreach before moving forward. It may be that existing state and county regulations are sufficient to ensure the safety of the community without further action on the part of the board. A good first step would be for the board to take a careful look at county ordinances and state law on this subject. If it is determined that those rules do not meet the needs of the community, you should put the matter before the homeowners for a vote before making any changes (or asking the county to make changes).

If my help is needed in any respect going forward, please call me. As always, I appreciate the opportunity to assist.

Matthew Spencer

Law Office of Matthew J. Spencer, P.C.

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