

COLINGTON HARBOUR ASSOCIATION, INC.
July 27, 2009 Board Meeting Minutes
1000 Colington Drive, 7:00 P.M.

Board Members:

**Present: Keith Smaltz, Melissa McAllister, Don Brady, Frank Hendricks,
John Collins, Stephanie Coleman, Rikki Schuster**

Quorum present? YES

Others Present:

Property Manager: Carol Hopkins

(No list of sign in's)

Proceedings:

- *Meeting called to order at 7:00 p.m. by Chair Keith Smaltz*
- *Sunset Drive Stormwater Management-* The following options are proposed to alleviate the accumulation of stormwater on Sunset Drive.
 - Boring to depth of 10' and installing dry wells to provide a path between the surface water and the ground water to allow stormwater to draw down faster.
 - Raising the elevation of the road 8" through paving. The asphalt is cracking and in need of repair.
 - Adding road side swales with gentle 4:1 side slopes and no deeper than 12". The swales would run the length of Sunset Drive to allow stormwater to be managed locally rather than allowing it to run to the lowest point in the road and accumulate to the point it takes days to dry up.

A motion was made that the President would contract with an outside service to bore approximately 10 holes with a budget not to exceed \$1500. The motion carried.

- *The President reported that 7 bids were received for the east finger pier project;*
 - *Albemarle Bulkhead* \$26,213.00
 - *North East Marine* \$26,395.00
 - *PSS Construction* \$29,971.20
 - *Carolina Marine Structures* \$22,217.00
 - *Lighting Marine Const.* \$25,840.00
 - *Millstone Marine Const.* \$24,800.00
 - *Sampson Marine* \$36,783.76

Melissa McAllister made a motion that a contract be entered into with Carolina Marine Structures for \$22,217 to replace seven finger piers. Don Brady seconded the motion and Stephanie Coleman did not vote. The motion carried.

- *Ordinance Committee Appointments:*

- Melissa McAllister made a motion to appoint the following members to the Ordinances Committee created at the last board meeting: Betty Bomberger, Marilyn Brown, Emily Jones and Larry Gatewood. The responsibility of this committee will be to report any violations of the ordinances and any written complaints to the Board. Rikki seconded the motion and it carried.
- *Appointments to the Minutes Committee*- Melissa McAllister made motion to appoint the following members to the Minutes Committee: Marie Gelormine, Frank Hendricks, and Bill Froehlich. Rikki seconded again and the motion carried.
- *The Association Acceptance of Credit Cards* - Melissa McAllister stated that, after looking over Southern Bank's agreement, her problem with it was the minimum amount required on the tickets in order to get certain rates from the Bank. Carol Hopkins said that the purpose of this stipulation was to grab delinquencies before they went to an attorney. Melissa suggested that there was a more realistic number than \$500 needed, since assessments, (one of the primary reasons for considering offering the credit card option), were typically much lower than that figure. She asked Carol to check with some other banks that the Harbour deals with, as well as private companies who handle credit card issues. Rikki asked if the credit cards could be handled through Quick Books and Carol said we have to be able to charge the person's account on the other end. John Collins was asked to look into this matter.
- *Delinquent Assessments*- Melissa then brought up the issue of late penalties invoked by the Association that exceed state law's penalties for non-profits. Discussion ensued about whether it was under 47F or 55A and if it applied.
- *Capital Improvement Project*- Melissa McAllister made motion to move forward on the process of getting permits for the replacement of the 886 feet of bulkhead in the parking lot, including the fuel dock, emergency dredging, as well as the process of entertaining bids to resurface the basketball court. John Collins seconded. Rikki asked if the contractors making the bids would have to be licensed and discussion ensued with John clarifying the bulkhead project funding. Bill Combs then queried that in order to get the permits mentioned in the motion, it would be important at the outset to ask for anything and everything they could think of for three reasons:
 1. A major permit is required for any project over 500 feet, as well as...
 2. Anything new "out there"
 3. Major permit approval gives three years to accomplish the projects
 Melissa then interjected that her next motion would cover further requests for a major permit, but the motion now on the floor does not include that. She also informed the group that it would take six months to one year to complete all of the engineering studies and reports required to initiate the whole jetty project and that was not the issue now on the floor. She then recommended, that with this new information on linear limits for the

bulkheads now under consideration, they the project be curtailed to only include that much coverage to avoid the need for a major permit, which would have to come later.

The floor speaker then asked how the Board would define the 500 feet because it would take another 9 months before CAMA would issue another permit. Melissa then revised her motion to state that the request to pursue the process of permits would limit the bulkhead project to 500 feet or less, still cover the emergency dredge, and still entertain bids on the basketball court resurfacing project. Discussion ensued regarding the bulkheads and finger piers; Frank called for a vote and the revised motion carried.

At this point, Melissa made the motion for the major permit process which includes the maintenance dredge and the study for jetty repair and possible extension. John seconded, there was no discussion, and the motion carried.

- *Contractors without license-* Stephanie Coleman then brought up a motion made in March that CHA projects would only be done by licensed contractors. The problem seemed to be that the way the minutes recorded this motion, unlicensed contractors would be considered if they had a business license and a written contract with CHA. Rikki reread the minutes and supported Stephanie's concern that the intent of the motion and the recorded minutes were contradictory. Melissa expressed a willingness to consider forgoing the license requirement in accordance with state law that allowed no requirement for a license as long as the project cost was under \$29,999.00. Stephanie asked if there were a minimum project cost required under law. Bill Combs said that the reason for requiring licensed contractors was to protect the Association from unscrupulous, unlicensed contractors performing shoddy work and then declaring bankruptcy, upon an inquiry for damages, and leaving the Association holding the bag for damages. A licensed general contractor, he went on, would allow the Association a recourse to recover damages under the Homeowners' Recovery Act. He then brought up the RPC asphalt issue. Stephanie commented that if the project were under \$30,000.00, small claims court could be a recourse. Then there was discussion about the issue of our roads being private and the hindrance that sometimes afforded. Bill Combs went on with the asphalt issue about a proposal vs. a contract, and then said that the reason for his comments was to protect CHA from issues that have happened in the past. John asked what action needed to be taken in light of this discussion. Rikki supported licensed contractors, regardless of project cost. Discussion then took place regarding standards of operations and procedures so that future boards could understand past boards' reasons for project decisions and present boards could operate smoothly and efficiently with no need to rehash the same basic decisions each time a project is up for consideration. After a little more discussion between Melissa and John, Melissa made the following motion: as the Board entertains accepting bids for major projects, there be a case by case determination regarding what contractor to use thereby overriding the March motion. John seconded. Keith called for any further discussion which covered the same general ground and the motion carried.

- *Restricted Swim Area on the Beach*- John then requested information regarding the swim area and the posting of a buoy to mark the no wake zone in that area. Melissa reiterated that the Board would pursue one buoy to mark the swim area, 100 feet out and 300 feet across. Carol informed the Board that she could find no record of the Dare County Board of Commissioners ever giving permission to mark a swim area. John referred to Page 1, Item 12, of the report handed out to the Board from Betty Ward that stipulated a regulated area. Carol then asked how jet skis violating the area should be handled and John said that the Sheriff should be called for trespassing violations. Melissa then asked Carol if she spoke to Betty Ward, which Carol affirmed, and Betty said that the Board of Commissioners must designate any other areas outside the established NO WAKE zones. Melissa suggested moving forward with that request.
- *Maintenance Safety vest* -Don Brady then made a motion that Harbour maintenance crews be given safety vests to wear when working on the roads in the Harbour. Stephanie seconded and the motion passed.
- *Comments from the Floor* – none.

The meeting was adjourned at

These minutes were approved at the _____ Board meeting.

Frank Hendricks
Secretary