

Regular Meeting  
Colington Harbour Association, Inc.  
Board of Directors  
May 19, 2009

The following Board Members were present: Chairperson Stephanie Coleman, President Don Brady, Secretary George Litwin, Bill Combs and Keith Smaltz. Also present Community Manager Carol Hopkins.

Meeting was called to order by Chairperson Stephanie Coleman at 7:00 PM. A moment of silence was observed. Stephanie welcomed everyone and announced that Frank Hendricks has resigned from the Board and has withdrawn his name from the Board of Directors Ballot. Carol asked how the Board will handle his votes and was advised they will be voided.

Bill made a motion to accept the April meeting minutes as corrected since RPC was listed as RBC. Don seconded the motion. The motion carried.

Carol offered her Management Report and stated that a large number of vehicles refuse to stop at the gate and gave some figures on the volume of vehicles that pass through the gate offering a very challenging effort for traffic control. Bill Combs is looking into better gate control measures for the Harbour. Carol advised that High Cotton BBQ is redoing their sign for the gate to announce when they are having their barbeques. The office has been advised of two recent crimes, one on Colington Drive and the other on Outrigger Drive. She also mentioned that the Board is looking at how to handle covenants violations.

Stephanie called for Committee Reports. Jerry Raveling gave the Community Crime Watch report and summarized what he has learned regarding the Dare County Commissioners zoning ordinance for off road vehicles on any private property. While Colington Harbour sought for a waiver, we were not approved however Martin's Point was approved. There is an ordinance moratorium for new tracks. He spoke against the ordinance on April 20 and on May 4th he spoke in favor of the moratorium. On May 4th he learned that a new item was added to the Commissioners agenda and that was these recreational vehicles will not be exempted from noise control ordinances. Jerry and his wife took a look at the track on Roanoke Island and it is 100 yards long with two jumps and perimeter roads. It is the only approved track in Dare County. The Board of Commissioners want to keep it approved for all terrain vehicles. Jerry advised that ATVs are covered under the traffic laws, they are not equipped for road use and they don't require licensing. Dirt bikes are not controlled. Jerry reported that he collected soup labels, box tops and printer cartridges for First Flight Elementary School. Ken Johnson asked Jerry if any private property could be used by all terrain vehicles and Jerry explained that any empty lot if the lot owner would give permission. During the moratorium other owners can't grant permission.

New Business: The Board is studying the information to consider accepting credit cards at the office. To calculate the ballots for the Annual Meeting election George announced that the Election Committee will meet along with the Board of Directors on May 28th at 6:00 PM and that each candidate can have a representative present. It was announced that George has been appointed as the Secretary for the Election Committee. Only Stephanie and Don can be on the Election Committee since they are not running this year. Don announced that Carolina Marine Structures was awarded the east finger pier project.

The floor was opened to the residents who were attending. Jason McNair of 405 Harbour View Drive voiced his concerns regarding the yard signs at 105 Harbour View Drive. He explained that he had gone to the office and spoke with Frank Hendricks, Penny Williams and Brenda Carter one morning. He believes that within 30 minutes the owner of 105 Harbour View Drive knew about the visit and that someone from the office must have revealed it was him that complained since the owner has been stalking him ever since. He said he didn't voice a formal complaint about the signs, he just happened to be with his neighbor that did. All he wants is to be assured that there is proper training of the office employees. Mike Swindle of 407 Harbour View said that he had complained of the sign and that Jason complained on the lack of grass cutting at 403 Harbour View Drive. Mike feels that when there are covenants' violations, actions to correct should be taken. It was suggested that Jason may want to consider a restraining order if he feels that threatened.

Bill Froehlich Sr. said he wanted to regress back to January's Board meeting and sighted 55A of the State Statute regarding conflict of interest transactions in which a director of a corporation is involved in making decisions that will benefit them. Bill asked if there is an engineer involved in the finger pier project and that NC State building code Chapter 3601 refers to having a professional engineer to design and seal such a project. Bill said that he mentioned at the January Board meeting that he believes there is a conflict of interest for Carolina Marine Structures to be bidding on projects in the Harbour while Bill and Stephanie are on the Board. Denise Collins of 904 Harbour View Drive stated that she believes there is an appearance of impropriety here. Ken Johnson asked Bill Combs "where is your equipment" and Bill replied it was in Wanchese. Ken said that at his house the pilings were installed "with the big end down and the little end up" and that if the tip point was down there would be an uplift force. Bill Froehlich, Sr. said that he "called Chris Cox the next day and I was told that Mr. Combs wrote the specs and that when Mr. Combs is awarded a contract that he inspects his own work." Bill Combs stated that when Mr. Froehlich's son was awarded the finger pier project and his materials were delivered they were incorrect. Bill Froehlich, Sr. said that "Chris Cox gave Bill Jr. 1/2 of the money for the finger pier project since he thought it would give Bill, Jr. an advantage". Bill Combs advised that it is in their company procedures that no one does a final inspection from his company and that it is done by a building inspector. Bill Froehlich said that the Manager works for the Board of Directors and asked when the last time the community was audited was. He was advised it was in 2003. Jonnie Combs of 224 Broadbay asked how many projects Bill Froehlich, Jr. had received from the Harbour. Bill Sr. replied 12 different contracts. Bill Combs explained that he submitted

a sealed bid for the west finger pier project before he was on the Board. Bill Froehlich Sr. said that he asked Pete Turek to research the minutes. Mary Ann Johnson of 329 Colington Drive asked who voted on the proposal. She was advised it was Don, George and Keith. John Collins of 110 King Edward Court said "I want to personally review the contract and it should be held up". Robert Hopkins of 311 Soundview Drive asked how many contractors were asked to bid on the project. Carol said that she sent out requests for proposals to at least 7 contractors.

Ken Johnson of 329 Colington Drive wanted to complain about weeds across from him on two lots and the lot next to him along with the trailers that are across from him. Ken said something needs to be done about people that don't mow; if they don't mow we should mow and then place a lien on their property if they don't pay. He felt that we should put items in the newsletter like sections of the Covenants, clearly spelling out things that are being violated in the Harbour like businesses in the home and that we are zoned R1. Bill Combs mentioned that the zoning in the Harbour is R4. Stephanie said that the Board is planning on adding a section in the newsletter from the Board. Bob Hopkins felt that a letter should be sent to the owners that aren't mowing to state that if you don't mow we will mow at their expense and then if they don't pay a lien can be placed on their property. Jason mentioned that the yard he complained about for 4 years just got mowed by the Association. Ken Johnson continued to complain about trailers on lots and a tour bus that parks in the Harbour

It was announced that George Litwin, Jerry Raveling, John Collins and Melissa McAllister have plans to revise the By Laws and Covenants and are looking at what avenues we have available to better define our Covenants. There will be a special meeting held to vote on the changes and that a 30 day notice will be sent out to everyone.

Melissa McAllister of 241 Roanoke Drive asked when the agenda for the annual meeting would be available. She was advised that the agenda will be available at the annual meeting and that the only business to be voted upon will be the budget for 2009-2010.

Mary Ann Johnson voiced her concerns on the annual meeting mailings and that it should be noted on the proxy that it is for a quorum only and that she won't be turning in her ballot and that the only things that should be in the ballot box are ballots. She felt that Eve Turek and Gloria Porter were the experts on the annual meeting. Mary Ann was advised that the election committee will be verifying if the members are in good standing, that there will be different groups doing different things to ensure that the ballot are secret. She said that the carrier envelopes should not be destroyed until after the election and that the ballot box should be behind a desk.

John and Denise Collins voiced that they felt the election was "no good". It was explained that there will be two separate groups to process the ballots. Stephanie Coleman read the section of By Laws for everyone present regarding the election process. There was much discussion on how things should have been done. John felt that the ballot box should be placed behind Brenda's desk and that the office should ask owners for identification before accepting the ballots. He further stated that he believes that the

office should verify if a person is current, that the carrier envelopes should be kept and that the election committee should only verify that as an example there are 2400 carrier envelopes and 2400 ballots before they begin to count the ballots. Denise Collins expressed that the proxy should state that it is for a quorum only. The Board was asked who was responsible for everything. Keith explained that the Board made collective mistakes on the first mailing and that the second mailing was carefully reviewed by the Board to make sure that there were no mistakes. John Collins suggested that the ballots without carrier envelopes should be used as a tie breaker for the election. He feels that Penny, Brenda and Carol should be verifying that the owners are current in their dues, then place the ballot in the ballot box and that we should also be verifying all of the proxies. Carol was asked to move the ballot box into her office and that we should create an annual meeting folder that can be used for all future annual meetings.

Fred Robison of 101 Kitty Hawk Bay Court read a letter he wrote to Frank Hendricks regarding the article in the recent newsletter about his wife Amy, the former CHA bookkeeper. The board recognized his opinion and Don Brady told him that the Board would be back to him.

Sue Carroll questioned the Board about the CHA website and why it hasn't been updated. It was explained that Penny could not access the former website to update it so it has finally been taken down. Penny is currently working on the new CHA website. Sue also questioned the Board about the 5% increase in assessment. Bill Combs replied that the Board reviews the current and future needs and projects for the Harbour before determining the fees. John Collins stated that he expects "a reply to my letter in writing" and that why we didn't get a notice about the assessments increase before the assessment billing was sent out.

Denise Collins wanted to know if Don Brady would continue to act as liaison with the Yacht and Racquet Club. Don stated he wasn't sure. Denise wanted to know how much of the 5% increase went to salaries and could she ask for a balance sheet. Fran Collins asked for items for the Annual Picnic. John Collins asked when he can expect the reports that he requested. Don said he would give Carol a copy of the letter so the reports can be run.

Keith made a motion to adjourn the meeting at 9:10 PM. George seconded the motion and the motion passed.

Respectfully submitted,

Carol Hopkins, CPM®  
Community Manager-Acting as Recorder for this Board meeting