

## Beachwalk HOA Board Meeting Minutes – May 2014

A regular meeting of the Beachwalk Homeowners Association (“HOA”) Board of Governors was called to order at 4:00 p.m., May 14, 2014, by HOA President Pat Brennan. Board members Dave Duffrin and Tom Moffitt also were present. In attendance were Beachwalk's property manager (Cindy Snead), Darryl McGee (McGee Pools) and seven homeowners (Bill Bryan, Richard Harding, Walt Jankowski, Larry Meachum, Jim Craig, Ron Bell, and Joe Truelove). With the quorum present, the Board proceeded to conduct its business.

### Approval of the April 2014 Minutes.

Pat Brennan made a motion to approve minutes of the April 2014 meeting prepared by HOA Secretary Tom Moffitt. The motion was adopted unanimously.

Financial Report. The Board received the financial reports made by property manager Cindy Snead. Cindy informed the Board that Beachwalk's phone plan had been changed to a discount business plan, which will significantly reduce Beachwalk's monthly phone bill.

### Swimming Pool Issue.

At last month's Board meeting Cindy Snead informed the Board that the swimming pool had been drained and slowly was being refilled via the pool faucet by McGee Pools, Inc., Beachwalk's pool maintenance company, without the HOA's prior knowledge. The Board requested a representative from McGee Pools to appear at the next Board meeting to answer the questions the Board had about draining the pool.

Darryl McGee appeared at the Board meeting to answer the questions. He explained that there is a concern about high levels of cyanuric acid (“CYA”) stabilizer in swimming pools that historically have resulted from the use of chlorine sticks. The Health Department closely monitors CYA levels before a pool is opened and will not pass/open a pool if the level is more than 100 parts per million (PPM). When the CYA levels are too high there is a danger of infection by the cryptosporidium parasite. He said that the best way to reduce the CYA level is to drain water out of the pool and refill it with clean water. That is what was done with Beachwalk's pool.

Tom asked whether fully draining the pool risked damaging it as a result of the hydraulic head pressure of groundwater on the empty pool floor and walls. He asked if the pressure could adversely affect the integrity of the pool by causing cracks and leaks. McGee said that generally in-ground pools are not drained to avoid such problems. He explained that the risk was low in our pool because: (1) our pool is elevated (thereby subject to less pressure) and (2) was strong and well constructed so that it could withstand the hydraulic head pressure.

McGee was asked whether it would have been more cost effective to fill the pool with water in bulk from a tanker or fire truck rather than filling the water from the tap. McGee did not know but believed that it probably was cheaper to fill the pool with tap water. Cindy did not have the latest water bill to see how much the tap water cost Beachwalk. McGee said he would inform Beachwalk before the pool was drained in the future.

Charter Cable Issue. Charter Cable has switched to all digital signals, and a cable box on each television set must now be used to receive Charter's signals. Currently, Beachwalk does not pay for cable service for the TV in the clubhouse. However, Beachwalk has been informed that if it wants to maintain this service that it will be required to install a box and pay a monthly fee for the service (approximately \$70 per month). There also was discussion concerning cable boxes that may be on Beachwalk property, one of which may be a master cable feed box, that may need to be removed if Charter Cable is going to charge Beachwalk for cable service. There also was some discussion about how many homeowners actually use the TV in the clubhouse and whether such service should be continued if it no longer will be free. The Board decided to table the matter until the homeowners' meeting in October and to refer the matter to the Landscape Committee to further investigate the matter and report its findings to the Board in October.

Maintenance Committee. Cindy reported that the alligator had been removed from Beachwalk's pond at a cost of \$300.00 after several homeowners complained about the alligator's aggressive behavior. She also reported that there still were problems with the pump on the pond fountain in the south pond. She said that Nick Gardner of Coastal Carolina Resources (Beachwalk's pond maintenance company) would be looking into this problem next week. Finally, Cindy told the Board that the eight lights on Beachwalk's entrance walls were rusty and not in good repair. She said that preliminary estimates were that it would cost approximately \$1,600.00 to replace the lights. The matter was referred to the Maintenance Committee for further investigation and recommendations for action.

The Board also acted on the Maintenance Committee's recommendations relating to four maintenance contract proposals:

(1) A motion was made to replace the HVAC unit at the Clubhouse with a Bryant Unit using CBS Mechanical Services at the cost of \$4,200.00. The motion was approved unanimously.

(2) A motion was made to replace three windows, the counter top and other items in the pool cabana using Value Added Construction Company at the cost of \$3,741.27. After a brief discussion, the motion was approved unanimously.

(3) A motion was made to replace the stepping stones at the side of the Clubhouse with a concrete walkway using Value Added Construction Company at the cost of \$1,598.25. The motion was approved unanimously.

(4) A motion was made to repair the decorative pattern on the sidewalk in front of the Clubhouse leading up to the pool using Value Added Construction Company at the cost of \$455.00. The motion was approved unanimously.

Rewrite Committee Report. Cindy reported that 42 ballots had been cast to date on the proposed rewrites of the Declaration and Bylaws, with 34 votes to approve and 8 votes to disapprove. The voting period will close on Monday, May 19, 2014. Ballots cast after that date will not be counted except for ballots received by U.S. Mail bearing a posting date indicating that the ballot had been mailed before the deadline.

By e-mail, Gary Stickley, made several requests for the Board to consider:

1. There should be a second person counting the votes, in addition to Cindy, to insure integrity.
2. If turnout is low, we could consider extending the close of voting to next Friday, May 23, 2014.
3. The Board may want a documented vote for those who are executing the proxy assigned to them. Consider either hard copy or email, but probably not telephone.

The Board unanimously decided that the voting period should not be extended. The rules for the vote are clear, and the rules should not be changed after the voting has commenced. The Board will meet in executive session on Thursday, May 22, 2014, with Cindy to tabulate the votes and

notify homeowners shortly thereafter when the final vote has been determined. The Board will document the execution of the proxy votes in writing by the person exercising the proxy on behalf of another homeowner to make the vote by proxy official.

Next, the Board expressed unhappiness with the broadcast e-mails being sent to homeowners to influence their votes. The Board unanimously decided to send an e-mail to all homeowners stating that:

"The Board strongly urges all homeowners to vote on the proposed rewrites of the Declaration and Bylaws. However, the Board members unanimously agree that the broadcast e-mails sent by various parties who support or oppose adoption of the proposed rewrites of the Declaration and Bylaws are getting very personal and inflaming the debate rather than providing useful information about the issues. The Board asks all homeowners to refrain from sending broadcast e-mails to other homeowners and to use the blog on the Beachwalk website to make their points."

Three additional matters were discussed. First, the Board addressed comments made by Lynn Bateman in a broadcast e-mail accusing Cindy Snead of inappropriately trying to advocate that she (Lynn) vote in favor of the rewrites in last October's vote. Cindy said that she had brought some documents to Lynn's house and that Lynn asked for her opinion, which Cindy provided. Tom expressed the opinion that if Lynn asked for Cindy's opinion that Lynn cannot complain later about the opinion she received. The Board did not find fault with Cindy's behavior. (Addendum: The Board followed up on this matter after the meeting. Lynn explained that this was a misunderstanding. She said she intended to ask a question and not to level a complaint or accusation of impropriety at Cindy. With this explanation, the Board considered the matter resolved without the need for further action.)

Second, a question was raised as to whether a proxy could be sent by e-mail. The Board agreed that the rules provided that proxies and ballots had to be signed hard copy and that the rules should not be changed after voting had begun.

Third, Dick Harding raised his concern that the names of those who voted and how they voted would be made public as he asserted had been done after the October vote on the earlier proposed governing documents that were not approved. Tom and Pat assured Dick that that did not happen. The Board did not publish or distribute the names. Instead, the Board provided the voting records of all votes that were cast for and against the proposed rewrites and the names of those homeowners who did not vote to the

Rewrite Committee to enable that Committee "to commence its post-mortum analysis as a first step to make any needed improvements that would enhance the opportunity for approval of the next set of proposed governing documents." See, Beachwalk HOA November 2013 Board Minutes, page 2. Tom also stated the vote on the rewrites was not by secret ballot, and there should have been no expectation that how a homeowner voted would be secret. Finally, he explained that keeping a list of who voted and how they voted is necessary since that would be important evidence if the vote tally was challenged later for fraud or irregularities. The same is true for the voting records relating to the voting on the current proposed Declaration and Bylaws. Tom pointed out that most votes at homeowners meetings are taken by show-of-hands voting in full view of all homeowners.

Stormwater Management System. The Chairman of the Stormwater Committee, Jim Craig, reported that Beachwalk's professional engineer, Larry Sneed, P.E., had put all work relating to plans to repair the stormwater management system on hold pending the outcome of the vote on the rewrites. He also said that Mike Gentile had made a report, labeled "Functions of Our Stormwater System," by broadcast e-mail to homeowners on May 10, 2014, that addressed the two purposes of the system: (1) to treat the first one inch of rainfall allowing debris to settle in our ponds before exiting to the river, and (2) to prevent flooding of our community in rainfalls that are in excess of one inch. A copy of the text of that e-mail is attached.

#### Architectural Review Committee.

The Board voted to approve two homeowners' requests to make some improvements to their property. The Board approved George Church's request to add a small roof over his garage door and to install one Bahama shutter covering the two windows above his garage door at 133 Settler's Lane. The Board also approved Mary Jo and Dennis Wrynn's request to move two palm trees that are near their front door to the rear of their property at 308 Settlers Lane because the palm trees have grown too large for their present location.

Adjournment and Scheduling of Next Meeting. Having concluded its business, the meeting was adjourned at 5:05 pm. The next Board meeting is scheduled for 4:00 pm on June 11, 2014.

#### Addendum

On May 22, 2014, Cindy and members of the Board counted the ballots and confirmed that more than two-thirds of Beachwalk homeowners had voted to

approve the proposed rewrites of the Declaration and Bylaws. The vote totals were as follows: (1) 59 votes for approval, (2) 18 votes for disapproval, (3) 1 vote was canceled because of conflicting votes of the co-owners, and (4) 7 homeowners did not vote. The proposed rewrites of the Declaration and Bylaws have been approved, signed and sent to the HOA's attorneys for filing at the Office of the Register of Deeds.

This is the 11<sup>th</sup> day of June, 2014.

  
Thomas Moffitt, Secretary

Approved: 

Attachment

**From:** Mike Gentile

**Sent:** Saturday, May 10, 2014 11:25 AM

**Subject:** Functions of Our Storm Water System

**Our Storm Water system has two purposes**

- Treat the first 1 inch of rainfall allowing the debris to settle in our Ponds before exit to the river.
- Prevent flooding of our community in rainfalls that are in excess of the 1 inch.

**Treating 1 inch of Storm Water**

Treating rainfall up to 1 inch is controlled by the 4 inch orifice located at the exit from the South Pond to the outflow box. The permanent pool elevation of our ponds is 18.1 Feet above Sea Level (to get some idea of what this represents, my home at 504 North 5<sup>th</sup> Ave is 23 Feet above Sea Level) and is controlled by this 4 inch orifice. The storm water system has a temporary storage capacity of 20.1 Feet above Sea Level or 2 Feet above the permanent pool level. The 1 inch rainfall can fill the system raising the permanent pool elevation to the 20.1 foot level and still treat the water. The orifice controls the amount of water that passes through the system to the outflow and then on to the river allowing between 2 and 5 days for the water level to return to the permanent pool level of 18.1 Feet.

To Summarize: Storm Water that raises the permanent pool level above 18.1 foot but less than 20.1 feet above Sea Level is retained in the storm water

system and controlled by the 4 inch orifice until the permanent pool level exceeds 20.1 feet above Sea Level. The permanent pool level between 18.1 feet and 20.1 feet above Sea Level flow through the 4 inch orifice which slows down the water flow allowing between 2 to 5 days for the permanent pool level to return to 18.1 feet. This 2 to 5 day slow down allows debris to settle out of the water and into our ponds before the water flows to the river.

### **Flood Prevention**

The next feature of our storm water system provides what I consider the most important feature for our community, Flood Prevention. After the water exceeds the 20.1 feet above Sea Level the water enters the over flow at the South Pond which bypasses the 4 inch orifice and directs water through the outflow box and on to the river untreated. The water will continue to bypass the 4 inch orifice until the water level decreases below 20.1 feet and at this time the water flow will be controlled by the 4 inch orifice.

At height of 20.1 feet above Sea Level the system provides a 3 foot bumper in the water level from the over flow to the elevation of most of our homes. The out flow and the canal to the river then control the height the water level will attain and how quickly that excess water level will decrease after the storm passes. Any obstruction in the passageway to the river will result in the increasing the height of the permanent pool which could result in flooding within our community. How much flooding will be dependent upon the amount of rain we receive after the obstruction occurs and the location of the obstruction. If for example the obstruction occurs in the canal on the Town side of the canal going down and parallel to Dow Road chances are there is a low area that will allow the water to overflow the canal and limit flooding in our immediate community. This escaping water could cause flooding elsewhere.

If the obstruction is in our out flow canal the water level can reach a height of approximately 6 to 8 feet before it overflows the canal. The overflowing water will continue to run back into the streets which drain into our storm water system. The increase water level in the out flow canal of 6-8 feet could result in the permanent pool level of the ponds to increase 6 to 8 feet to an estimated height of between 26 feet to 28 feet above sea level. This increase is 3 to 5 feet above the elevation of many of our homes. The overflowing water will enter our streets and then back into our pond and unless the water finds a lower area to flow which is outside of the Beach Walk storm water loop (water must flow out of our streets and the streets that our system services and elsewhere in Kure Beach) to provide any flooding relief to our community.

In Summary: The second purpose of our storm water system is the most important and the system must be maintained as a complete integral system to provide the community some protection from flooding. The system cannot be maintained by individuals who may have differing methods of maintaining their portion of the system and leaving the responsible to maintain portions of the system to many individuals also provides a nightmare for the management , compliance and effectiveness of the storm water system.

The Storm Water Committee has been focused on the flooding and property protection as a main issue and the DENR 1 inch rain fall treatment as secondary. Our system today can function treating 1 inch of storm water but the flood protection aspect is very much in question. The focus of the Storm Water Committee was to make sure Beach Walk Community did not turn into a large storm water retention pond in the event of a major tropical event.

For those who do not believe we have a problem I invite you to walk around our ponds and note the mushiness under your feet. This is the result of saturation in those areas by both ground and storm water. The water on its return to the pond leaches out the soil from under the grass layer until the bank droops and a portion break away. This is very visible in the areas the wattles have been installed as they highlight the contour of the failing banks at pond level. Also note the landscape around some of the homes that surround the ponds. Some of the landscaping is now off at an angle slanting toward the pond. This is an indicator that our sandy soil banks are moving toward the pond. I had noted one particular walkway that ran beside one owners home and asked him why he built a walk way on about a 30 degree angle (sloping toward the pond). His answer was "that walkway was level when it was installed".

We have been lucky that major storms have missed our area but we must never lose sight of the potential these storm can have on our individual homes and community. We must prepared if we become ground zero for one of these storms. Our Storm Water system if properly functioning may not completely prevent flooding in our area but it will limit the amount of flooding we receive. We must then wrap our arms around our storm water system like it is our family and we all must all make sure it can function to provide some flooding protection for our community if we are hit by one of these major storms.

– Mike Gentile