

Beachwalk BOD Meeting Minutes-March 8, 2016

Board members present: Bill Bryan, Joe Truelove, Gary Stickley, Mike Wood, Dan Church

Homeowners present: George Schierle, Kate Shorten, Gail Morris, Don Morrow, Lee Brennan, Walt Jankowski, Tema Church, & Mike Gentile. Cindy Snead with Network Realty was present.

Call to order was executed at 4:05 PM at the Beachwalk Clubhouse.

Bill Bryan (President) asked for approval of February 2016 meeting minutes. A motion was made/seconded to approve and passed unanimously.

Adoption of the January 2016 financial information was motioned/seconded and passed unanimously. The February 2016 financial information was tabled for a later meeting to allow Board members to peruse the report.

Committee Reports

Architectural Control Committee: Lee Brennan reported that all of the ACC guidelines were approved by homeowners for insertion into the final ACC document. 56 responses were required and 57 were achieved. After some discussion a motion was made/seconded that these additions should be registered with the original document. The motion passed unanimously. See Attachment #3 for ACC report.

Communications Committee: Gary reported that the web site is in a final state, imminent and should be available to homeowners by March 28, 2016. Cindy at Network Realty remains the initial contact via the new website. Currently the new site will be hosted by our volunteers and could go to a professional provider later if necessary.

Landscape Committee: No report is presented at this meeting. Work may begin March or April with discussions with vendors. We are in immediate need of someone to chair this committee. A letter will be sent to homeowners requesting a volunteer. See attachment #1.

Maintenance Committee: Joe Trulove reported that the in-line (on demand) hot water heater for the kitchen sink has been purchased but still requires wiring and installation. May need to be deferred until next year if \$500 installation costs cannot be reduced. Joe will continue to oversee the installation.

Social Committee: Kate Shorten reported that nothing was planned in the near future.

Stormwater Committee: Bill read excerpts from the Stormwater Committee report in Jim's absence. See attachment # 2. Contractor bid evaluation should occur next week. Plans are scheduled to go to DEMLR this week. Town of Kure Beach cannot start the installation of revised stormwater piping until Beachwalk plan is approved by DEMLR. Bill has initiated easement agreements with our homeowners required for the revised pipe routing.

Unfinished Business: Jeff Leppo water issue (309 Settlers Lane) was discussed. The Board, by consensus, determined that this situation is an issue between the two homeowners and the HOA does not have authority or responsibility in this case. Bill and Mike will compose a second letter addressing the issue.

The need for two signatures on all payments by Network Realty was discussed. Joe is now initialing all such payments. Cindy will investigate opening a separate account in lieu of existing trust account at Network Realty.

New Business: Bill produced New Pond Rules document to be voted on at the April 19 meeting. Dan read into record the Homeowner Impact Letter describing potential impacts to homeowners as we accomplish the SWS repair. See attachment # 4. Discussion followed.

Bill read into record the Resolution Letter and passed out copies to homeowners present (See Attachment # 5). Prices are intended to be presented to homeowners at the April 19, 2016 meeting. Bill announced the April 30, 2016 special stormwater informational meeting.

Meeting Adjourned: A motion was made/seconded to adjourn at 5:40 PM and was unanimously approved.

Next Board meeting is scheduled for April 19, 2016 at 4 PM at the clubhouse. Homeowners are encouraged to attend and bring any concerns to the Board before the meeting they wish to address.

 (April 19, 2016)

Submitted by: Dan Church, Secretary
Beachwalk HOA Board of Directors

 (April 19, 2016)

Approved by: Bill Bryan, President
Beachwalk HOA Board of Directors

Attachments:

1. Letter requesting Landscape Committee volunteers (1 page)
2. Stormwater Committee Report (2 pages)
3. ACC Committee report (1 page)
4. Homeowner Impact Letter (1 page)
5. Resolution Letter (1 page)

Attachment # 1

Dear Beachwalk homeowner,

The Beachwalk landscaping contract with Landscapes Unlimited expires in December 2016. Beachwalk must go through the process of defining contract requirements, securing bids and awarding a contract before the expiration. Preferably, we will have done this work by August, so the Board can present the results as a line item in the 2017 budget process.

In order to do this properly, we need to assess the current contract and contractor performance, identify any problems, and define a plan to correct. The results will be the basis for developing a request for price (RFP/bid) to local landscaping companies. For some time, the Landscape Committee has been understaffed, and has not had consistent leadership (Chair). We need to correct this situation. The landscaping service contract is the single largest expense in our operational budget, and we must manage it accordingly.

We ask each Beachwalk homeowner to consider their skills and experience, and the areas where they want to contribute to our community, and to consider volunteering for a leadership role on this committee. A collection of homeowners with a mix of skills in landscaping and in dealing with contractors would be a suitable balance. Please consider volunteering for this committee, and taking a leadership role in securing quality landscaping services at an appropriate price. Please contact any member of the Board if you have questions or suggestions.

Best regards,

Bill Bryan, President

Beachwalk Board of Directors

Attachment # 2

Stormwater Committee Report

1. From last month's SWS report, the engineer working for the Town of Kure Beach completed his drawings for the project to relocate the pipeline that is now routed to D5. The design was submitted to Cape Fear Engineering (CFE) who incorporated it into the engineering drawings for our stormwater system project. Since last month, we have learned the Town cannot begin the construction of relocating the pipeline until our final drawings have been approved. Their work is under our permit, and our permit has yet to be approved.
2. CFE and Dan/Bill agreed the SWS Project would be performed as follows:
 - 2.1 The drawings would be completed showing the new pipeline location (Jan 15).
 - 2.2 The potential construction contractors would be identified (circa Jan 16).
 - 2.3 The drawings and ancillary required information would be submitted to the potential contractors for bids (Jan 18).
 - 2.4 The bids would be received from the potential contractors (Feb 1).
 - 2.5 The bids would be evaluated for price (Feb 18).
 - 2.6 If the bids came back acceptably, the best bidder would be selected (based on price and interview).
 - 2.7 If the bids came back too high, the drawings would be value-engineered to reduce cost (Feb 25).
 - 2.8 The value-engineered drawings would be resubmitted to the potential contractors (Feb 26).
 - 2.9 The final drawings and permit application would be sent to DENR-DEQ for approval (circa Mar 8).
 - 2.10 The re-bids would be received from the potential contractors (Mar 11).
 - 2.11 The best bidder would be selected (circa Mar 18).
 - 2.12 The SWS permit would be approved (circa April 8).
3. CFE identified five contractors to bid on this project. After receipt of the drawings and ancillary information, two contractors withdrew from the project, and three submitted bids. These bids exceeded our budget and were considered unacceptable.
4. Dan, Jim, and Bill found the largest percentage of money in the bids was the dredging of the ponds (55%). At our request, CFE value-engineered the design to reshape the North Pond from a 3:1 submarine slope to 10:1 submarine slope. Not only will this change make this pond's sides more stable, but is expected to reduce the price (amount unknown at this time). The South Pond's submarine slope could not be changed due to geometrical constraints.

5. On Feb 18, Matt Haley from CFE and Steven Pusey from NCDEMLR (formerly known as NCDENR-DEQ) met with Dan, Jim, and Bill to walk the entire length of the SWS. As Matt delineated the changes to be performed on our SWS, Steven was very agreeable and gave us the impression he was very willing to accept the changes as described. Steven further stated that since this project has been very long in its development, he would *"put this project to the front of the line as soon as I receive it."*
6. Steven Pusey from NCDEMLR sent to us a letter of non-compliance from his field trip to Beachwalk. Steven's letter states that we are currently in non-compliance of our Stormwater Permit. (Distribute letter of non-compliance and discuss the last paragraph.)
7. Cape Fear Engineering is scheduled to send in the application for permit this week. We talked with Matt from CFE today, and he assures us it will be sent in by the end of this week.
8. We requested Matt from CFE provide us with the cost of construction management and final project verification for our permit renewal. Matt informs us the cost of these tasks will be \$8,000.
9. Bill found a copy of the original Pipeline Easement used for Rick Morton when the pipeline was installed at his home (Lot 56). He replicated it in Word and made two electronic copies. He placed the name and lot number of each of the two homeowners where the new pipeline will be placed into the two electronic copies. He sent the easement documents to David Heglar, Town of Kure Beach Councilman, to see if the original easement would work as a template for the new easements required for the relocation of the pipeline. Bill reasoned that since the original Pipeline Easement was generated by the Town (when Tim Fuller was Mayor), they might possibly accept it for the new easements.
10. Bill approached the homeowners of on either side of the new site for the pipeline and found them very accepting of granting an easement on their lots. Due to the narrow width between the houses located between Lots 52 and 53, it was determined by all parties that instead of the easement being five feet wide as originally given by Rick Morton, two and one-half feet would be given by each of the homeowners of Lot 52 (Jerry and Catherine Shorten) and Lot 53 (Peter and Margaret Hoyer). After Bill receives approval from David Heglar, these easements will be given to the homeowners for execution and notarization.

Submitted by:

Bill Bryan, HOA President
SWS Project Liaison

Attachment # 3

Beachwalk HOA Board of Directors Meeting March 8, 2016

Architectural Control Committee Report

Members: Bill Bryan, HOA President
Lee Brennan, Chairman
Jackie Wiebe
Mike Gentile

Update of committee activity:

We have to date **57 Ballots**. To have a quorum we need 2/3 of 84 (1 homeowner not qualified – non-payment of dues) **56 ballots were needed.**

Of the 56 **we needed 29 'Approved'** to pass each if the 37 Items. (**All 37 items have at least this minimum**)

There were **28 'Not Voted'**.

Attached is a copy of the **'Architectural Control Committee Design Guidelines'** to be made part of the **'Amended and Restated Declaration of Covenants and Restrictions for Beachwalk Homeowners Association, Inc.'**

Respectfully submitted,



Lee Brennan, Chairman

Attachment # 4

March, 2016

Fellow Home Owner,

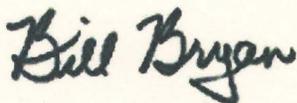
The NC regulatory agency for stormwater (DENR) has determined our stormwater system (SWS) is not in compliance with our permit. The required repairs will include work on both retention ponds and some of the open canals which convey stormwater to and from the ponds. Generally, sediment in the ponds will be removed/relocated to restore the shore line moving the static water line slightly away from some residences. Some of the open canals (not all of them) will be piped, covered, and sodded with some area drains being added. Best estimate is that our SWS repair work will not begin until late spring or early summer with completion Fall of 2016.

Some direct impacts to adjacent home owners include:

- As the ponds are drained, some of the fish and turtles may not survive. Odor will likely be undesirable temporarily.
- Some trees/brush may require trimming or removal to allow sunlight for the new sod. This work will be done by HOA.
- Some fencing which is located in the stormwater easement may interfere with contractor access in making stormwater repairs. These can be discussed on an individual basis when our contractor is selected and on site. This relocation/removal would be at homeowner's expense.
- Rerouting/modifying of existing buried downspout piping (at home owner's expense).
- Access to the work areas may cross grassy areas and look unsightly during the several weeks of construction. Damaged areas will be repaired by the contractor. Our streets may be made muddy at times by contractor dump truck traffic.
- Damage to private property such as sprinklers, driveways, etc. would be evaluated case by case. Contractor (HOA) would be responsible for repairs if found negligent.
- Noise may become noticeable/objectionable at times as large trucks, equipment, and water pumps are required to operate (some even at night).

The stormwater committee will make an effort to personally contact home owners whose property borders the affected ponds or canals. In the meanwhile, if you have questions or concerns you may call Jim Craig @ 910-622-0205.

Thank you for your patience and understanding as we complete this task.



Bill Bryan, President Beachwalk HOA Board of Directors

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Attachment # 5

March 07, 2016

Beachwalk HOA Board Resolution for Emergency Assessment to Repair the Stormwater System

Resolved that, in accordance with The Beachwalk Declaration and Use Restrictions Section 11.3(c)(1), the Board of Directors declares that repair of the stormwater system is a government mandated action as well as an emergency. Action is required to avoid severe financial penalties against the HOA for non-compliance.

The nature of the emergency is that:

- On February 24, 2016, the Beachwalk HOA received notification from the Division of Energy, Mineral and Land Resources (DEMLR), that our stormwater system is not in compliance with our stormwater management permit (see attached letter);
- In the same letter, DEMLR demands a plan of action and timeline for restoring the system to compliance status. If the required information is not supplied to DEMLR by March 29, 2016, Beachwalk "is subject to enforcement action as set forth in NCCGS 143 Article 21, including the assessment of civil penalties of up to \$25,000 per day."

The Board plans to submit the required information, including our plan of action and timeline, to DEMLR before March 29, 2016, at which time Beachwalk is committing to the plan and schedule for repair. The project will be funded with a combination of existing reserves and an emergency assessment.

The expenses to be covered are:

- Engineering
- Construction
- Construction management
- State permits

Beachwalk Board of Directors

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