

**MINUTES**  
**OYSTER HARBOR CITIZENS ASSOCIATION**  
**BOARD OF DIRECTORS MEETING**  
**SEPTEMBER 11, 2008**  
**(amended and adopted Thursday October 16)**

**PRESENT**

Kathy Burk, Chair  
Joe Butcher, Board Member  
Dan Craig, Vice Chair and Acting Secretary  
Winston Dunkley, Board Member  
Calvin Kidd, Board Member  
Joanie Stone, Board Member

Norm MacLeod, Resident  
Bob Eyster, Resident

**CONVENED**

By the Chair at Hillsmere Public Library with a moment of silence at 7:13 pm, September 11, 2008.

**ACCEPTANCE OF AGENDA**

Correction made to "Acceptance of June and July Minutes" to read "Acceptance of August Minutes."

Addition made: OHCA resident Bob Eyster asked to address the Board after the "Treasurer's Report and Spending Update."

**MOTION** to adopt corrected agenda.  
SECONDED and ADOPTED unanimously.

**APPROVAL OF MINUTES FOR AUGUST**

There was discussion of the need to attach all handouts, including the President's Report, Treasurer's Report, and budget materials, to minutes.

There was agreement that the complete minutes, including attachments, should be available on OHCA's website in a timely fashion.

It was noted that the webmaster has not been responding recently to emails and has not always posted material (e.g. June minutes) promptly.

The President was instructed to ensure that the webmaster has all board minutes and attachments and makes necessary updates to the website.

**MOTION** to instruct the Board Secretary to prepare draft minutes for circulation and review within 7 days of a board meeting.

SECONDED and ADOPTED 3-1 with the Acting Secretary voting present (the Chair voted NAY, noting the Board Secretary is a volunteer).

At the suggestion of Board members Butcher and Burk, the wording of item two under "Previous minutes:" from August 2008 was changed to read: "Mr. Craig reported to the Board that Mrs. Burk had requested that the minutes report a unanimous 9-0 email vote to allow the owner of 1243 Creek Drive to complete the hardtop on the graded portion of Creek Drive."

**MOTION** to approve the August minutes as amended.

SECONDED and ADOPTED 4-0 with the Chair abstaining since she was not present at the August board meeting.

#### **TREASURER'S REPORT AND SPENDING UPDATE**

The Chair (for the President, who was out of town) distributed the latest OHCA "Balance Sheet" as of September 11, 2008, and "Budget vs. Actuals: Fiscal 2009 budget." The Chair had emailed the monthly voucher log to all board members earlier in the day.

Discussion of the budget documents included: (1) questions about the amount spent to date in FY09 for landscaping (line item 60140: \$10,507.29, which is more than half of the budgeted amount for the whole year. This figure likely includes beach clean-up expenses and may be in error. The President is to double-check the number with the Treasurer); and (2) total budget expenses of \$1,132,758: how is this computed?

The Chair reported that pursuant to questions raised in the Board's informal meeting with community manager COMANCO on September 6, our accountant advises that OHCA's administrative expenses are not capped at a fixed percentage of our total budget. Furthermore, money within budget item 60000 (Community and Property Maintenance) may be reallocated for the purpose of hiring an office assistant as long as the total expenditure in that category does not exceed the amount budgeted for FY 2009, i.e., \$185,7000. For example, some of the \$75,000 for emergency weather contingencies in line item 60120 could be reprogrammed for General and Administrative expenses (item 61000) if we make it through the hurricane season without having to spend the money on storm clean-up. It was agreed that OHCA cannot afford \$50,000 to hire a professional community management company and that the board would pursue hiring part-time help to assist both the Board and the President in the execution of their duties.

**MOTION** to accept the Treasurer's Report.

SECONDED and ADOPTED unanimously.

**RESIDENT BOB EYSTER**

Raised concerns about the status of repairs on Creek Drive. He noted that work on patching Creek and maintaining the swales had started 2 years ago but had not been completed (despite past votes to include Creek in work under the now defunct Master Plan). Needed work includes replacing the culverts under the street and at least one driveway. Mr. Eyster expressed concern that other roads in Oyster Harbor were being repaired, but not Creek Drive.

**MOTION** to relay to the President Mr. Eyster's concerns and to have the President report to the board at its October meeting on the exact list of pending road repairs and the timeline for completing each project.

SECONDED and ADOPTED unanimously.

There was also discussion on how OHCA could set binding standards for contractors that would mitigate the runoff and drainage problems caused in the community by new construction.

**PRESIDENT'S REPORT**

***OFFICE LEASE:***

The Chair raised the open question of what to do with the lease to OHCA's office (which is now on an automatic 3-month extension at 125% the previous monthly rent).

**MOTION** to sign a new year-long lease for the existing OHCA office space.

SECONDED and ADOPTED unanimously.

***OFFICE ASSISTANT:***

Reiterating that OHCA cannot afford \$50,000 per year to hire a management company, the Board discussed the job description which the Board Secretary had drafted and circulated by email on September 8. After discussing the need for a correspondence log as called for in OHCA's constitution, the board agreed to amend the assistant's job description to include maintaining a log of all incoming correspondence.

**MOTION** to authorize the expenditure of up to \$25,000 in FY2009 to hire a form 1099 (not direct hire) office assistant.

AMENDED to have the President check with counsel on any liability issues or tax problems before making the hire.

SECONDED and ADOPTED unanimously.

***OPEN DREDGING PERMIT/POSSIBLE MDE LAWSUIT AGAINST OHCA:***

The Chair briefed the Board on correspondence received from MDE on August 25 about the fact that the state may file a \$10,000 civil suit against OHCA for illegally disposing of dredge material (i.e., allegedly having Norris deposit sand on Beckley's property in Venice Beach instead of hauling it away to a remote disposal site). MDE also asked OHCA to sign a tolling

agreement while MDE officials negotiate a possible solution with the community. The Chair noted that she and OHCA's President had met with MDE officials on September 9 to discuss the issue and possible outcomes (another of MDE's concerns is that Norris did not spread the sand on OHCA's beach according to the permit's specifications). When some board members mentioned that they had not received copies of the incoming correspondence from MDE, the Chair agreed to circulate the material. Concern was also raised that OHCA's President had written MDE a follow-up email to the meeting on September 9 without clearing the contents of the email with either the Board or OHCA's counsel.

**MOTION** to instruct OHCA's President to clear all future correspondence on the dredging/permitting issue with OHCA's counsel before it is sent.

SECONDED and ADOPTED unanimously

### **NOMINATING COMMITTEE UPDATE**

It was noted that the nominating committee, through the President, had sent a written report on its proposed slate for 2008 elections to all community residents by mail. Residents with email address were also notified online, and a copy of the proposed slate and information about the September 2008 elections - including a "meet the candidates" event at the community beach on September 13 -- was posted on OHCA's website.

The Chair noted the concerns expressed by several residents about being disenfranchised in the 2007 elections. - especially those who had arrived late and were not allowed to register even though balloting had not been completed.

**MOTION** to instruct the Nominating Committee, President, and those registering voters at the OHCA elections on September 23 that OHCA residents should be allowed to register and vote until such time that the tally of paper ballots has been completed.

SECONDED and ADOPTED unanimously.

### **OLD BUSINESS: BEACH RULES**

The Vice-Chairman (and Chairman of the Beach Committee) distributed a draft "OHCA BEACH / FISHING PIER RULES" for consideration by board members. He suggested that board members examine it during the upcoming weeks and propose edits at the next board meeting on October 16. The issue was raised of whether there should be a narrow exception to the "no alcohol rule" for just OHCA sponsored events, or whether any private party using the beach can have alcohol.

### **NEW BUSINESS: OHCA COMMITTEES**

The Chair raised another concern voiced by members of the community -- that they are not being invited to participate in OHCA's standing committees even though they have volunteered repeatedly for service on those committees. It was agreed that the President should appoint chairs to existing vacancies (e.g., the security and roads committees) and that she instruct committee chairs to include all people who have volunteered in their committee's deliberations.

The Chair agreed to double check the Constitution on who has the authority to constitute committees and appoint their chairs, and the board agreed that it should proceed with rewriting OHCA's outdated and unnecessarily complex Constitution - especially the provisions on officers and governance.

## **ADJOURNMENT**

**MOTION** to adjourn.

SECONDED and ADOPTED unanimously at 8:55pm.