



MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS MONDAY, SEPTEMBER 20, 2021

All members of the Board being present, except for Cooper, the Zoom meeting commenced at approximately 7:00 p.m. on Monday, September 20, 2021.

- **July Minutes.** The July Minutes were approved as presented.
- **Treasurer's Report.** Jeff Alpert reported that we are on track for a \$6,000 to \$8,000 surplus for the year ending December 31, 2021. Karen again brought up the water and toilet for David. There was much discussion about the cost of it which would probably, after paying the tap fees and installing everything, be about \$50,000, as well as simply looking at David's situation from an overall perspective. It was pointed out that he has options for washing down at the ferry landing, the maritime market, the hardware store, or the conservancy. Elayne contacted Katie Chatas regarding an official permit for David to use the bathroom and shower at the conservancy. Katie reported to Elayne that David was welcome to use the facilities starting in November. There are restrictions when the female interns are in residence in the summer months. Chris Shank is willing to discuss a formal arrangement with MIPOA for David for the future. It was also pointed out he has been averaging about 2 ½ to 3 days a week. It was decided to discuss this again later. Karen also indicated she has had discussions with Joe Snee and Greg Braswell about being volunteers for helping with David on road pruning and joining the Road Committee. Jeff is going to investigate as to coverage for insurance purposes, i.e., worker's comp and/or general liability.
- **Nominating Committee.** Alan reported that John Bruffey and Ginny Hunt have agreed to be nominated. He had shared that information with Cooper and Lou Anne.
- **Gate.** The Board voted not to approve a gate at the entrance to Middle Island after their review of the Access Control Committee (ACC) extensive reports, both pro and con. Voting against the gate was Lou Anne, Elayne, Jeff, Alan, and John. Voting for the gate was Karen, Fred, and Brian. Karen indicated she had talked at length with Cooper, and she was sure he would be voting for the gate. It was also decided that we would notify the property owners, probably in a newsletter and a posting on the web site. Elayne asked "who would contact the webmaster to include these reports?" Alan suggested Karen prepare the first draft of the newsletter and she agreed in which we detail why the Board is against the gate. We can attach both the Pro Gate and the Con Gate white papers on the subject. The feeling by many

board Members was this was a very contentious and divisive issue and that it should not be brought up again for at least Five (5) years. Elayne stated that the ACC, for the most part, worked in a cooperative manner to produce a detailed document which sighted recent traffic research and contained police report data through 2020, and vendor opinion data from 2021, She asks that her summary letter to the ACC (RE The Board Vote) be included as an attachment to the minutes. She would like it noted that Joe Snee, a neutral member, sent an email stating he agreed with the Board vote. Of the 13 ACC members only Rex Cowdry, Greg Braswell stated their disappointment with the Board vote. Ronnie Willis sent an email to Elayne expressing her appreciation for the hard work. Alan also suggested that if a future Board ever wants to put up a Gate that it takes a supermajority of the property owners to do that. The reason being we all bought into an ungated community, and this would be a major change in the community and should not be undertaken without a mandate.

- **Marina.** Alan reported we have good news that the Corp of Engineers has approved our wetlands request, so hopefully this slow process will move along a little quicker. Alan indicated he wants to stay on this Committee because he has been the main point person, along with Jeff. Karen indicated she wants Cooper to also be on the Committee. Alan also again indicated that the entire scope of the project has now been expanded because of the bridges and that is going to add a whole lot more cost to the project. The bridges must be replaced in any event. Since the plans submitted to CAMA now call for earthen bridges, we would be able to get a concrete truck to the water's edge and would be able to pour a conventional slab. This will also allow for access by a Fire Truck and Ambulance to the Marina. Bottom line, the bridges add additional cost but need to be done in any event. By using earthen bridges, the launch will be of much better quality and should be cheaper than having to cobble together many, many panels and bring them in by barge all while working on many of the panels underwater to secure them. Regulations require us to do the ramp work by April 1 as we are in a special natural area. Alan indicated in all events the bridges add a lot of expense, but they should, if built properly, last for a long, long, time and unlike timber bridges and pre-stressed concrete slab sections fastened together require little or no maintenance. Our future reserve contributions should be less with earthen bridges. Furthermore, the earthen bridges may well be cheaper to build than timber bridges as timber costs for Marine Lumber and Labor costs have gone through the roof. There should be less labor cost for earthen bridges as opposed to timber bridges and of course much less timber. The earthen bridges will have the additional cost of vinyl sheeting and concrete pipes but fewer pilings and less hardware costs.
- **Middle Island ARC Committee.** Karen reported that she met alone with officers of the Bald Head Island Association and their Architectural Review Committee. Elayne would like it noted she gave two dates that she could meet with Karen and the BHA-ARC and received no response. Karen stated definitively that the BHA-ARC “would not work with the current MI-ARC and wanted it disbanded.” She stated there were “daily complaints” from those seeking ARC action. Elayne Bennett voiced her surprise as to the daily complaints and wondered how this meeting took place without representatives from the MI-ARC. Elayne expressed her concern at Karen's statement that Carrie Moffatt wanted the current ARC dissolved. She pointed to Carrie's recent email suggesting a new format for communication between the two ARC entities (Please note Melanie Robbins questioned Carrie Moffatt the next morning regarding Karen's report that Carrie “would not work with the current ARC”, which included Elayne Bennett and Brian Johnson in addition to Melanie Robbins and Lyn Barnard who plan to resign January 1, 2022. Carrie reported to Melanie that she never said to Karen that she

wished that the current MI-ARC dissolved and that she could not work with the members.) See *Postscript* at the end. Alan noted only once in our ARC's history has an issue not been resolved by our ARC and had to be appealed to our Board. Lou Anne asked Karen "why did you go to that meeting alone and not bring members of our ARC with you?" Lou Anne reminded the Board when we had a controversy over the beach access, and we met with the building inspector Lou Anne made sure Karen Alan and Lou Anne were all on site with the building inspector to discuss the issue. Karen indicated she felt the Committee should be "dissolved" and then "reconstituted" and Nancy Easterling and Allen Knight should be the Committee. Karen read from prepared notes about Nancy and Allen's backgrounds. Lou Anne voiced concern as to how a President could unilaterally name Committee Members and shouldn't we be talking with all the property owners and seek volunteers. John York made the following points on the ARC issue.

- A) The MI-ARC made very useful suggestions/improvements to his project.
- B) That the MI-ARC Board should continue to exist because the MI covenants are long and important – thus it would be expected that a MI-ARC Committee Member have deep knowledge of these (whereas the BHA ARC Members would likely not have such expertise).
- C) That Charlie Young and his establishment of MI covenants serve to aid in building on the challenging terrain of some MI lots – He cited the example of 41 Cape Creek – at +42 ft. MSL it would be hard to imagine building on top of this dune. He received an email from Charlie outlining how he would approve a grading of a top dune (say to 35 or 36 MSL) so a building site could be accomplished. Such flexibility and reasonable insights are important. (Alan noted that having the final say is also critical to MI and John agreed).
- D) We are an evidence based MIPOA Board and rather than anecdotal reports of issues, John requested evidence of such issues raised – including complaints, refusals, etc. as to Bald Head Island ARC's dissatisfaction.
- E) When challenged about recollections of John complaining about the MI-ARC process – he corrected the record – while his experience of getting approval was long (due to months of BHA ARC rounds) the MI-ARC made important suggestions and improvements and felt the MI-ARC should not be abandoned (streamlined – well of course that would be nice).

The overall thought process being that we still need the Bald Head Island Architectural Review Committee's technical support, but that we did not want to cede the ultimate decision-making authority to them and in fact, we alone are the only ones that could enforce our covenants as our property owners are not subject to the Bald Head covenants. Bottom line ultimate decision-making authority rests with our Board.

POSTSCRIPT: It should be noted after this Board Meeting Melanie took exception to Karen's characterization and both Karen and Melanie separately and independently revisited the "Dissatisfaction Issue" with BHI-ARC and BHI-Association. As it turned out according to BHI Association and ARC officials Karen misspoke about their comments concerning Brian, Melanie, and our ARC. Karen subsequently formally apologized.

- **Meetings.** It was agreed there would be no October meeting and the November meeting would be held the first Monday in November at 7:00 p.m. and the annual meeting along with the budget meeting would be held via Zoom on Monday, December 13, 2021, at 7:00 p.m. Alan would send out a notice to the Property Owners about the Nominating Committee and the Nominees and would also at the same time solicit support for property owners including their contact info in the Bald head Association Directory.
- **Adjournment.**

There being no further business, the meeting was adjourned at approximately 9:10 p.m.

ACC Report and The MIPOA Board Vote

21 messages

Elayne Bennett <ebennett@bestfriendsfoundation.org>

Thu, Sep 30, 2021 at 3:37 PM

To: Catherine CHATAS <cchatas@me.com>, Ronnie Willis <ronnie.willis@gmail.com>, Jane Johnson <jjatbhi@bellsouth.net>, Rich Tarplin <rich@tarplinstrategies.com>, Rex Cowdry <rex@cowdry.net>, Audrey Kelly Dyer <audreykellydyer71@gmail.com>, Nena Bruffey <nenatobeach@bellsouth.net>, Ginny Hunt <ginnyh513@me.com>, Sally York <sally.york@gmail.com>, Jeremy Spivey <jspivey@cardinalcivil.com>, Douglas Larsen <douglas@nervouswaters.com>, Joe Snee <snee.joe@gmail.com>, Greg Braswell <gbraswell@live.com>
Cc: Elayne Bennett <ebennett@bestfriendsfoundation.org>, Middleisland Property Owners Association <middleislandpoa@googlegroups.com>

Dear ACC members,

The Board has completed the review of the Access Control Committee reports. There was an additional report submitted by the Gate Advocacy Group (GAG) in mid-August that needed review. There was no Board meeting in August and the September Board meeting was delayed from its customary first Monday of the month.

I would like to express my gratitude to those who agreed to serve for 6 months on the ACC. The PROGATE members, Rex Cowdry, Jane Johnson, and Ronnie Willis were also the report writers. The PROGATE submitted 3 reports to the Board, the last one in mid-August. The neutral members of the ACC were Greg Braswell, Joe Snee, Doug Larson, and Rich Tarplin. Rich ordered the entry signs that were approved by the ACC and deserves our appreciation. He and Linda recently sold their house in July and have moved off the island. He was an active resident and he will be missed. We wish him and his family well. The CONGATE members were Nena Bruffey, Audrey Dyer, Ginny Hunt, Jeremy Spivey, and Sally York. Nena and Audrey prepared the CONGATE report submitted June 30th.

I appreciate the patience and the spirit of cooperation exhibited by many on the ACC. I have reported to the Board that the committee, while having distinctly different opinions, was able to communicate in a largely friendly manner. It was my pleasure to get to know many of the ACC personally and I would particularly like to thank Greg Braswell, Sally York, and Audrey and John Dyer who took an interest in helping the ACC get factual information. The writers of the report, Rex Cowdry, Ronnie Willis, and Jane Johnson (PROGATE) and Audrey Dyer and Nena Bruffey (CONGATE), spent much personal time and energy on this unique fact-finding effort from 13 neighbors on Middle Island. In addition, Nena and Rex met with me and Gordon Naess of Brady Integrated Security for a lengthy tour of Middle Island and discussion of surveillance camera placement.

I also wish to thank John York, Board member of MIPOA, for his careful analysis of 4 years of data provided by traffic counters placed at the entry gate and on Cape Creek. It was extremely helpful in giving the ACC an accurate read of vehicle travel in and out of Middle Island. Also, Captain Swanson, of Bald Head Island Security, gave personal interview time with Jane Johnson and additional extra time to retrieve police report data on vandalism, traffic incidents, and provided all other police reports from Middle Island from 2019 to 2020. It is interesting to note that there were very few incidents on Middle Island from June to August 2021.

Another very helpful component of this project were interviews with various contractors and vendors that were conducted by the members of the ACC. This was very important in determining the impact of the entry gate on their services. Also, Jeremy Spivey provided the ACC with the Brady Integrated Security reference

and his personal knowledge of his own video surveillance of both his properties. Katie Chatas, advisor to the committee, was responsive in email information and her attendance of zoom meetings. She worked with Chris Shank, Executive Director of the BHI Conservancy, in the discussion of issues that would be encountered by the Conservancy programs should a gate be installed.

The Board voted Monday, September 20th, by a vote of 5 to 3 not to install a gate at the entry to Middle Island. Cooper Young called in his vote the following day, which made the final count 5 to 4. The Brady Proposal for surveillance cameras at the entry gate at the maintenance building and at the marina is still under review. The ACC had previously voted by a show of hands (12 to 1) in favor of entry level video installation. It has since been suggested that a relatively low cost camera be placed at the private beach access, which was designed for use by Cape Creek and Dogwood Ridge residents. The MIPOA Board "agreed to purchase two (2) cameras for the entranceway as outlined in the Brady proposal." Cooper Young abstained in the voting and Fred Craig was absent.

Any further comments from the ACC regarding the reports on access control should be sent as soon as possible. The ACC is encouraged to share with any Middle Island neighbor the first two reports of June 30 and the revised report in August of the GAG Committee as submitted by Rex Cowdry.

Please note the ACC general report has the updated financial status of MIPOA for road paving. Please find reports attached. I will ask the Board for permission for the website manager to attach these reports to the MIPOA website.

Again, my gratitude for your cooperation and commitment to the ACC. I believe that this report will be instrumental in the future as an information source for access control to Middle Island. I would like to thank the Board of MIPOA for creating this committee and appointing me as Chair.

Best regards and warmest wishes,
Elayne Bennett

2 attachments

 **2021 Gate Advocacy Report (8.8.21) .pdf**
1085K

 **MI ACC Report. updated 9:30.pdf**
273K

Elayne Bennett <ebennett@bestfriendsfoundation.org> Fri, Oct 1, 2021 at 10:23 AM
To: Audrey Kelly Dyer <audreykellydyer71@gmail.com>, Catherine CHATAS <cchatas@me.com>, Douglas Larsen <douglas@nervouswaters.com>, Ginny Hunt <ginnyh513@me.com>, Greg Braswell <gbraswell@live.com>, Jane Johnson <jjatbhi@bellsouth.net>, Jeremy Spivey <jspivey@cardinalcivil.com>, Joe Snee <snee.joe@gmail.com>, Middle Island Property Owners Association <middleislandpoa@googlegroups.com>, Nena Bruffey <nenatobeach@bellsouth.net>, Rex Cowdry <rex@cowdry.net>, Rich Tarplin <rich@tarplinstrategies.com>, Ronnie Willis <ronnie.willis@gmail.com>, Sally York <sally.york@gmail.com>

Please respond that you received this email. Thank you.
[Quoted text hidden]

Rich Tarplin <rich@tarplinstrategies.com> Fri, Oct 1, 2021 at 10:26 AM
To: Elayne Bennett <ebennett@bestfriendsfoundation.org>

I received Elayne. Thank you. Hope You and Bill and all the Bennetts are doing well.