



Minutes of the Meeting of the Board of Directors February 4, 2019

Call to Order

Proper notice having been given to the Board members, the meeting, held by conference call, was called to order at 5:00 PM. In attendance were Jeff Alpert, Lynn Barnard, Lou Anne Brown, Rex Cowdry, Fred Craig, Brian Johnson, Alan Reyner, Shawn Smith, and Cooper Young. Village Manager Chris McCall and Rich Tarplin participated in the discussion of FEMA funding of debris clearance on Middle Island.

FEMA Funding of Debris Clearance on Middle Island

Lou Anne Brown opened the discussion by asking for clarification about the differences between Village policy after Winter Storm Grayson, when there was no Village assistance with debris clearance beyond emergency road clearance, and after Hurricane Florence, when the Village contractor removed vegetative debris, demolition and construction debris, and damaged white goods.

Chris McCall and Rich Tarplin identified several differences. Winter Storm Grayson was not a declared disaster and debris removal would not reach the threshold for federal or state reimbursement; debris removal was handled by the Public Works Department. During previous events for which the Village received FEMA funds (Joachin and Matthew), the Village's consultant had indicated that debris removal from private roads was not reimbursable, whereas following Florence, the Village used Brunswick County's debris removal contractor who indicated that they commonly remove debris from private roads and that FEMA had specifically waived the requirement to demonstrate public interest and obtain advance approval prior to removal of debris from private roads.

Provisions of the Private Property Debris Removal program (PPDR) were reviewed. The Stafford Act does not distinguish between public and private property – both are eligible for funding, subject to a public interest test. Commonly additional certifications of both legal authority and public interest are required for PPDR funding. Many municipalities have passed an ordinance stating that they will perform debris removal from private roads during disasters. That responsibility seems a logical extension of the Village's actions maintaining public safety, removing solid waste, and removing owner generated yard waste. Depending on the storm, the Village may have to make event-specific determinations that a state of emergency exists and that it is in the public interest to remove debris from private roads in the same way it is removed from public roads. These event-specific determinations can be submitted to FEMA for advance approval of debris removal under the PPDR program.

Chris McCall indicated that the Village would be open to working on the necessary ordinance for submission to Council.

There was some additional discussion of state funding that may be available not only for the Village's share of costs during Federally-declared disasters, but also in some non-Federally-declared disasters where federal funding is not available. It is not clear whether the State uses the same criteria for funding of debris removal from private roads. Rich Tarplin noted that the increasing Federal deficits may reduce funds available through FEMA. Rex Cowdry noted that our approach to the Village may want to emphasize both the well-established nature of the PPDR and the fundamental fairness involved in receiving the same services for our tax dollars that other property taxpayers receive, including debris removal from the roadway following storms.

Lou Anne thanked both Chris McCall and Rich Tarplin for their participation.

Approval of Minutes

The minutes for the December 3 Association Budget Meeting, the December 3 Board meeting and the January 7 Board meeting were approved, with changes to remove a sentence referring to debris removal in gated communities from the Budget Meeting minutes, and to change the descriptions of the circumstances under which road maintenance backup will be arranged from a "prolonged" absence to "absences longer than 7 days".

Treasurer's Report

FY2018 ended with a \$4200 surplus. Forty-nine of 108 lots have paid their annual assessment to date. The accompanying survey showed 19 in favor of the BH creek kayak launcher site and 13 in favor of the Cape Creek kayak launcher site. It was noted that the survey did not include a choice of a launcher in both sites.

Property Owner Communications

The Eldridge letter about maintaining access along the road on the side boundary of his lot that leads to the BH Creek floating dock and locating any kayak storage in a location that does not block that access was discussed. We noted that the roadway is platted as Association property, and that we had installed removable bollards to block truck access to the parking area and dock bulkhead area. The location of a possible storage rack will be considered with that in mind.

Dues equalization between East Beach and Forest lots was discussed in response to a property owner suggestion. The Board noted that the other proponent of equalization had suggested it not be pursued at this time and concluded that proposing amendments to the Covenants at this time would be divisive. Lou Anne will send a reply to the property owner.

Cape Creek Dock Update

Alan Reyner reported that he and Jeff Alpert had met with Tommy Perry to discuss the ramp project. If it does not begin by April 1, it will have to be delayed until November 1 unless CAMA gives us a waiver.

Fred Craig raised the question of whether the work will have some form of independent supervision, and whether the ramp will be built as designed by the engineer or is likely to be modified in the field during construction. He noted that the actual dock construction differed significantly from the engineer's approved dock design, using shorter piles with smaller butt diameters that would provide less protection against failure. Alan Reyner pointed out that he had measured the diameter of the pilings and virtually all were significantly larger than the 8" in width that Fred claimed them to be. Alan stated in fact the 30 and 35 foot pilings which seems to be the norm in most southeastern marina's all vary in width. The Board agreed that some form of assurance that the slabs are built as designed, including specifically documentation of the use of epoxy rebar, would be desirable, either through a visit during fabrication or through pictures taken during the fabrication process.

East Beach Drive

The Association will remove the asphalt chunks from East Beach Drive that are on the berm in front of the Maher residence. Trucks have repeatedly damaged the berm at that location, contributing to erosion beside the driveway. The Board unanimously approved a request from the Mahers that they be allowed to place a timber curb similar to the curb at the beach access along the berm near their driveway to deter truck damage.

Mulch placed on the Association's road right of way by adjacent owners has washed into the road and then blocked the grate of the drain at the low point of East Beach Drive. To prevent this problem, the Association will remove mulch from the right-of-way. An email will be sent to property owners describing the plan.

Adjournment

By unanimous consent, the Board agreed to postpone discussion of priorities for David Ward's projects to the March meeting. The Board adjourned at 6:32 PM.