

**BAYSHORE BEACH CLUB, INC.  
BOARD OF DIRECTORS MEETING**

**Saturday, September 19, 2020**

**1:00 PM at the Clubhouse**

In attendance:

Mark Cook, President	Division 1
Michael Bradshaw, Vice President	Division 3
Kathi Lenz, Corp. Sec.	Division 1
Hollis Ferguson, Director	Division 1
Terry Pina, Director	Division 2
Phillip Arnold, Director	Division 5
James Davis, Director	Division 5
Mark Mugnai, Director	Division 6
Bill Nightingale, Director	Division 7

The meeting was called to order at 1:00. It was verified that a quorum was present.

**Approval of Minutes**

The minutes were accepted as submitted.

**REPORTS  
FINANCIALS**

The financial reports for August 2020 were accepted as submitted. Bayshore accountant Jerry Musial reported some members have not yet paid their dues. Interest and finance charges have been added and statements have been sent out.

Jerry Musial then recommended that the CB Financial account of \$369,000 be split into thirds and CDs purchased of different durations: one for three months, one for six months, and one for nine months.

**MSP**

Vice President Bradshaw moved, and it was seconded, that the Board approve Jerry Musial's recommendation regarding the CB Financial account.

Motion passed unanimously.

**PLANNING COMMITTEE** (Mary Lou Morris, Co-chair; Tim Brubaker, Co-chair; Norman Fernandes; Robin Adcock; Phillip Arnold)  
Committee Co-chair Tim Brubaker presented.

**Legend for Motions**

<b>M</b> -Motion	<b>S</b> -Second
<b>P</b> -Passed	<b>F</b> -Failed
<b>W</b> -Withdrawn	<b>A</b> -Amended

### **Fine requests**

The Committee requested that the Board approve a fine in the amount of \$500 for construction without approval, and an additional fine of \$500 for nuisance and noxious violations. A member had installed a fence, without approval, into the setbacks and attached it to a neighbor's privacy fence, destroying property on the neighbor's property. The complainants testified to the Board. They had spoken to the violator with no resolution. The complainants' builder has verified the property lines. The complainants testified that the violator had also destroyed twenty years of growth to a natural privacy fence and left the debris on the complainants' property. They provided photographs showing the property line, where holes had been drilled into their fence, and the debris pile left on their property. Tim Brubaker then reported to the Board that he had spoken to the violator at least two times and had shown them where the fence should be located. He also informed them of the requirement to obtain approval before construction. The Committee had also sent several letters to the violator, who had told the Committee that they would provide a survey report to verify property lines. The survey report was not submitted.

Discussion followed in which it was explained how the fine collection would be enforced. Mary Lou Morris explained that the violator has until the next Board meeting to appeal the fine. If no appeal is received and the fine is not paid, a lien is filed on the property. If the violations are corrected, the fine can be reduced or reversed. A question regarding the destruction of private property was raised and explained that that would be a civil matter and could be settled in small claims court since that does not fall under the jurisdiction of Bayshore Beach Club.

### **MSP**

Director Nightingale moved, and it was seconded, that the Board approve the fines. Motion passed unanimously.

The Committee then requested that the Board approve a fine in the amount \$100 for failure to trim a tree to restore views. There have been several verbal and two written complaints submitted. The violators claim that it is an original/natural tree (existing before Bayshore was platted) and therefore not subject to the regulations. The Committee can not verify that the tree is original/natural. The violators claim that the tree is over 100 years old, and they have pictures, but have not provided those pictures to the Committee. The Committee presented pictures indicating no trees on the property in 1965, and other pictures indicating no trees. The violators have informed neighbors that the tree would be taken care of. The Committee states that the tree needs to be topped to roof level. President Cook was asked to recuse himself because he is the violator and can not vote on this issue, but he said that he would speak about it. President Cook was recused and Vice President Bradshaw took over the meeting for this vote. The tree would need to be cut down to verify the age, or a hole could be bored into the tree, which would damage the tree. Mr. Cook stated that the diameter of the tree is 23" but it was determined that that was probably the circumference of the tree (circumference x pi = diameter). Mr. Cook stated that the aerial photographs that are used by the Committee to determine original/natural trees are not accurate. It was stated that the Board does not want to make a decision concerning the tree. Maybe they should pay to have a certified arborist to establish the age of the tree to determine if it is original/natural. The question arose as to who would choose the arborist if Bayshore pays. It was stated that the age of the tree must be determined before the Board would make a decision regarding the fine. The chosen arborist must be licensed and certified.

### **Legend for Motions**

<b>M</b> -Motion	<b>S</b> -Second
<b>P</b> -Passed	<b>F</b> -Failed
<b>W</b> -Withdrawn	<b>A</b> -Amended

## **MSP**

Vice President Bradshaw moved, and it was seconded, that the Board not approve the fine at this time. The decision will be tabled until next month. Receipt of the report from a licensed and certified arborist, paid for at Board expense, is needed before a decision can be made.

A discussion followed verifying that the Board would hire the arborist, but who on the board would locate the arborist? Vice President Bradshaw stated that he would locate the arborist.

Motion passed unanimously.

Mr. Cook continued to speak regarding the issue after the motion passed. Planning Committee member Norman Fernandes attempted to address Mr. Cook's comments, but President Cook would not recognize Mr. Fernandez.

It was not recorded when President Cook resumed as President of the meeting.

## **Approval of Resolution re: Fine Schedule**

Paula Brubaker, Chair of the Policies and Procedures Committee, presented.

The revision of the fine system was presented to the Board, as well as the Resolution to revise the fine schedule. The revision would increase the fine charged for trees not in compliance with the C&Rs from \$100 to \$200 per tree. It also states that for uncorrected violations, the violation may be revisited and fines can be re-levied quarterly (every three months) without the requirement to restart the notification cycle. There was discussion regarding which funds would pay for the postage, estimated at approximately \$500 - \$1000.

## **MSP**

Director Ferguson moved, and it was seconded, that the Board approve the Revision and that the postage would be paid from the general fund.

Motion passed unanimously.

## **Revision to Nuisance and Noxious Guideline, adding lighting**

### **PROPOSED REVISION TO GUIDELINES FOR DETERMINATION C & R ARTICLE II, SUBSECTION 8: NUISANCE OR NOXIOUS**

This revision to C & R Article II, Subsection 8: Nuisance or Noxious is being presented to the Bayshore Board of Directors at their September 19, 2020 Board Directors Meeting as a result of a discussion that took place at the August 15, 2020 Board of Directors' meeting regarding exterior lights. Marv Waterstone presented a written request that the Board consider adding a rule (perhaps in the same section as the nuisance clause that was applied to the radio antenna issue) to require those homeowners who insist upon exterior lights to have them shielded, so the light is directed down to the ground instead of radiating in all directions.

After some discussion at the August 15<sup>th</sup> meeting, Mary Lou Morris, Co-Chair of the Bayshore Planning Committee, suggested adding exterior lighting to the current Nuisance or Noxious section of the Guidelines for Determination. Mr. Waterstone was invited to attend the August 24<sup>th</sup> Planning Committee to assist in writing the addition to the Nuisance or Noxious section.

#### **Legend for Motions**

<b>M</b> -Motion	<b>S</b> -Second
<b>P</b> -Passed	<b>F</b> -Failed
<b>W</b> -Withdrawn	<b>A</b> -Amended

Below is the current wording of C & R Article II, Subsection 8: Nuisance or Noxious with the proposed addition printed in **RED**. This Article/Subsection appeared on pages 5 and 6 of the Guidelines for Determination.

C & R Article II, Subsection 8:

**Nuisance or Noxious** No noxious or offensive activity shall take place at any residence or lot, nor nuisance to the neighborhood, which shall be construed as any condition or disturbance that violates the “right of quiet enjoyment” or is visually displeasing.  
These shall include, but are not limited to: unkempt lots, outside storage of inappropriate materials, excessive noise (quiet hours are from 10:00 PM to 7:00 AM), **exterior lighting between dusk and dawn must be shielded and shine down so that the light does not leave the property**, barking dogs, uncontrolled dogs, abandoned vehicles, trash and debris.  
Fireworks are prohibited in Bayshore except on July 3<sup>rd</sup> and 4<sup>th</sup>. Legal fireworks are permitted on July 3<sup>rd</sup> and 4<sup>th</sup> unless weather conditions are so hazardous that the Board of Directors elects to withdraw permission. Sparklers, snakes, fountains, and spinners are not considered fireworks (ORS 480.112). All fireworks are prohibited on beach per OAR 736-021-0100.  
Houses, outbuilding, and fences must be regularly painted and repaired to maintain a pleasing visual appearance.  
Firewood must be neatly stacked. Firewood may be covered by a neutral colored tarp that is in good condition and tightly anchored.

There was discussion regarding the wording. It was suggested that the revision should not include “so that the light does not leave the property.” Committee member Norman Fernandes addressed the Board, but was denied recognition by President Cook. Mary Lou Morris argued that Mr. Fernandes is a member of the Committee and should be recognized. Mr. Fernandes was then allowed to ask his questions. More discussion followed: more verbiage suggestions, wording should be clearer, not so broad. The Planning Committee will research ordinances regarding lighting with the County and other HOAs and will bring the recommendation back to the Board next month.

Planning Committee Chair Mary Lou Morris then presented a statement from the Planning Committee and the Policies and Procedure Committee, to be included in the minutes of the meeting, requesting the Board to do their due diligence prior to attending the Board meetings.

**Statement from Planning Committee to be presented at September Board of Directors’ meeting and entered into the minutes.**

The Planning Committee urges the Board of Directors to study the agenda and attachments prior to the board meetings. Kathi spends a great deal of time putting the packets together and it is only common courtesy that board members review the information in the email she sends out and/or collect your packet prior to the meeting from your box in the office.

**Legend for Motions**

<b>M</b> -Motion	<b>S</b> -Second
<b>P</b> -Passed	<b>F</b> -Failed
<b>W</b> -Withdrawn	<b>A</b> -Amended

The August Board of Directors' meeting was a prime example of some board members not being prepared for the meeting. An example is the information that was given to the board prior to the March meeting (which was cancelled), the July meeting and the August meeting.

The Policies and Procedures Committee and the Planning Committee began work on the revisions to the C & R Violations and Fine System in February. The majority of the revisions were general maintenance to clarify and make sure the Guidelines for Determination and the Fine System were the same. The only two major revisions were:

1. Change revisiting violations when a fine was issued by the Board of Directors and the violation was not corrected. Instead of bringing the violation back to the Board of Directors one year from the date of fine, it could be brought back to the Board every three months for repeat offenders. **This was a direct request from members.**
2. Increasing the fine for tree violations from \$100/per tree to \$200/per tree is to seek compliance. If only one or two trees are in violation of height, the property owner may choose to pay the fine or ignore the violation since paying to have the tree(s) trimmed or cut down could cost more than the fine.

The Board of Directors has all of the Bayshore governing documents in their notebooks. The only two documents involved in these revisions are the Guidelines for Determination and the C & R Violations and Fine System. Board members should have used these two documents before the August meeting to make sure they understood the revisions and to have asked questions of the Policies and Procedures Committee and/or the Planning Committee prior to the August meeting.

Paula Brubaker and Mary Lou Morris reviewed the revisions prior to the meeting since Paula was going to make the presentation to the Board on behalf of the Policies and Procedures Committee. It took them **five** minutes to review the two documents and compare them to the revisions. The board members should have done the same thing.

Members of the Policies and Procedures Committee and the Planning Committee take offense to some board members stating these two committees didn't do the written presentation in an understandable format and maybe that's because they're "just volunteers" and don't have the necessary background and limited skills to write a document to board standards. These statements were uncalled for, demeaning and disrespectful to two committees that do the bulk of the technical work required for Bayshore.

We ask that the Board do their due diligence from now on.

**LONG RANGE RESERVE AND PHYSICAL ASSETS** (Chair, Michael Bradshaw; Jim Davis; Bob Tunison)  
No report.

**Legend for Motions**

<b>M</b> -Motion	<b>S</b> -Second
<b>P</b> -Passed	<b>F</b> -Failed
<b>W</b> -Withdrawn	<b>A</b> -Amended

## FACILITIES

Facilities Manager Bob Tunison presented.

### POOL PROPOSALS:

Three proposals have been attached to this report from Epoxy Finish LLC. The following is a breakdown of each proposal:

- Conversion of pool return plumbing  
Approximately 9-years ago, the pipes returning water to the swimming pool, after having been filtered and heated, was replaced. The size of the replaced piping was done using a 2-inch inside diameter pipe. Since all other piping in the pool filtration and heating system utilizes 3-inch diameter inside piping, water being returned to the pool is creating back-pressure on the filters, heater, and general connective piping between these components. The result is that the normal operating pressure in our pool filters is approximately 32 lbs. per square inch where it should be approximately 10 to 12 lbs. per square inch. Similarly, the current pressure within the pool heating system is approximately three-times the normal operating pressure. While this has not caused a dangerous operating pressure in the past several years, it has resulted in the following issues:
  1. The excessive operating pressure is causing excessive wear and tear on both the filters and heater of the systems to the extent that both systems will be subject to noticeably shortened operating life-spans. Since the pool filters are new (installed in April of 2020) and the pool heater is relatively new (installed in 2017), I am proposing that the attached proposal to replace the current 2-inch pipes with 3-inch pipes be approved by the board. The cost of replacing the filters and pool heater is approximately \$23,000.00 and the increase in the life-span of both pieces of equipment can conservatively measured between 7 and 10 years.
  2. The pool filtration system is designed to “turn-over” the water in the pool between 3 and 4 times every 24-hours based on the pool pump ratings *and the uniform use of 3-inch piping throughout the system*. Currently and with the existence of 2-inch piping in the return plumbing to the pool, the “turn-over” rate is less than 2 times every 24-hours. The result is less-than-required turn-over rate stipulated by the Oregon Health department. In addition, the efficiency of the pool’s filtration system to properly sanitize the water is being compromised.

The cost of the attached proposal to correct this configuration is \$10,000.00 and, if approved by the board, work would begin in mid-October of this year and completed within 3-4 days.

#### Legend for Motions

<b>M</b> -Motion	<b>S</b> -Second
<b>P</b> -Passed	<b>F</b> -Failed
<b>W</b> -Withdrawn	<b>A</b> -Amended

- Installation of new Skimmer system

Installation of a new skimmer system for the pool... *if this work is done separately from the above quoted work for replacement of the pool return piping is \$20,000.00. If done at the same time as the piping work is started, the combined proposal for both the work entailed in the piping repair above and the installation of a new skimmer system is \$22,000 which represents a savings of \$8,000.00 over the submitted, separate proposals. What appears as an excessively large discount is due to the fact that a great deal of the excavation work to correct the piping problem is the same as the work necessary to install a new skimmer system.*

Rather than argue the logic of the Epoxy Finish LLC proposal in this report, I have opted to have the board discuss the pros and cons of this proposal while in session on September 18<sup>th</sup>.

- **Please refer to attachment A7 FM 2 included with these minutes**

Bob Tunison explained that the work on the pool needs to be done to keep the pool legal or face possible closure of one month or more if noticed by the inspector during pool season. There followed a discussion regarding budget and where the funds would come from. Jerry Musial informed the Board that the funds could come from the contingency fund, since that is what the account is set up for. It would be best if the work was done now, rather than wait to be told to do it. If the skimmer is done when the piping is done, it would save approximately \$8000. More discussion followed. The work would cost about \$22,000 if done now. The Board asked how much was in the contingency fund now. Jerry Musial informed them that there is approximately \$75,000 in the account. More discussion followed.

#### **MSP**

Director Nightingale moved, and it was seconded, that the Board accept the approximately \$22,000 proposal to fix the pool return line piping and the skimmer. Motion passed unanimously.

More discussion followed.

#### **CLUBHOUSE CLOSURE:**

Based on a decision reached by the board during the August board meeting, the clubhouse is closed thru and including September 30<sup>th</sup>. The reasons given to and accepted by the board during that meeting included, primarily, the inability to adequately sanitize the clubhouse following use by members in order to ensure subsequent users that the facilities have been properly sanitized prior to their use. Based on this same rationale, I am suggesting that the clubhouse remain closed through October 31<sup>st</sup> and that this issue be addressed again during the October board meeting on Saturday, October 17<sup>th</sup>.

**CURRENT LINCOLN COUNTY COVID-19 RESTRICTIONS:**Currently, Lincoln County is in a Covid-19 re-opening stage of "Phase 1". Among other restrictions, indoor meetings are limited to a

#### **Legend for Motions**

<b>M</b> -Motion	<b>S</b> -Second
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maximum of 10 people and face masks must be worn. Phase 1 limits the number of attendees at indoor activities to 10 and face masks are required. Although the governor did allude to Lincoln County being eligible to enter Phase 2 on September 8<sup>th</sup>, this was dependent upon meeting certain minimum criteria as well as a favorable vote to do so by the Lincoln County Board of Directors. As of this date, neither the conditions have been met nor has the county board voted in favor of the upgrade to Phase 2.

**STATUS OF CEMENT SHED:**

The cement pad which was approved during the August board meeting has been completed. The pad forms the foundation/floor for a new shed for pool chemicals.

**PARKING LOT IMPROVEMENTS:**

The work approved during the August board meeting involving relocating several large boulders from the north side of the gravel lot across from the clubhouse to the south side of the parking lot in order to form an edge-of-road barrier on Pacific Way will be completed next week. Orders for new signs (which were also approved during the August board meeting) will be completed shortly.

**(This work was completed prior to the 9/19/2020 meeting)**

**BAYSHORE SECURITY PROGRESS:**

I have currently completed and passed the first phase of the Oregon Department of Security and safety course which is required for any person acting in the capacity of security personnel in our state. I will be enrolling in the second stage of the certification program shortly.

**SAFETY COMMITTEE** (Chair, Melissa Chown; Judith McNeil)

No report.

**POLICIES & PROCEDURES COMMITTEE** (Chair, Paula Brubaker)

Committee Chair Paula Brubaker presented.

**Resignation of Barbara MacPhee**

Paula announced that Barbara MacPhee has resigned from the Policies and Procedures Committee. She then informed the Board that the Committee now just has one member, herself. She stated that Bayshore member Karin Couch has volunteered. The Committee is also in need of a Board liason. Corp. Sec. Lenz volunteered to be Board Liason, and stated that Bayshore members Elaine Ferguson and Kerry Terrel had also volunteered. Vice President Bradshaw, who had previously volunteered, rescinded since there were others willing to serve on the Committee. There was a discussion about how many members should/could be on the Committee. Mary Lou Morris suggested that the Board check their Policies and Procedures Manual as to the number who could serve on the Committee. As stated in Policies and Procedures:

**Policies and Procedures Committee**

**Membership**

**Legend for Motions**

<b>M</b> -Motion	<b>S</b> -Second
<b>P</b> -Passed	<b>F</b> -Failed
<b>W</b> -Withdrawn	<b>A</b> -Amended



1. The Committee is appointed by the Board and consists of one Board member and two members in good standing.

Discussion followed.

#### **MS**

Director Nightingale moved, and it was seconded, that Corp. Sec. Lenz be appointed as Board Liason to join Paula Brubaker on the Committee.

#### **MSAP**

The motion was amended by Corp. Sec. Lenz to include that the third spot on the Committee will be open for applications.

Motion passed unanimously.

Director Ferguson then expressed his thanks to Barbara MacPhee for being so diligent and for serving so well for so long.

#### **SOCIAL COMMITTEE** (Chair, Rose Bradshaw; Jim Davis; Kerry Terrel: Kathy Connors)

No written report. Vice President Bradshaw informed the Board the there is the possibility of a virtual Halloween “thing.”

#### **COMMUNICATIONS COMMITTEE** (Leslie O’Donnell, Chair)

No report.

#### **UNFINISHED BUSINESS**

There was no unfinished business.

#### **NEW BUSINESS**

##### **Timeline of completion and/or updates to website**

Vice President Bradshaw informed the Board that the website has been a one-person job so far. No date was given for completion and/or updates. Corp. Sec. Lenz offered to assist.

##### **Discussion of evacuation plans for Bayshore, if necessary**

There has been nothing posted so far. Corp. Sec. Lenz would like clarification and more public access to any plans. She stated that she would like to see a plan and for it to be posted on the website.

#### **MEMBER COMMENTS**

A member requested information regarding Bayshore’s plans for a security guard. She would like to know if he will be carrying a gun. The Board responded that Bayshore does not have a security guard at this time, and that Facilities Manager Bob Tunison is currently taking classes.

Member Marv Waterstone then addressed the Board requesting a temporary exemption be made to the C&Rs regarding RVs due to the pandemic, which would allow family and friends to visit. Discussion followed. No action taken at this time.

#### **MF**

#### **Legend for Motions**

<b>M</b> -Motion	<b>S</b> -Second
<b>P</b> -Passed	<b>F</b> -Failed
<b>W</b> -Withdrawn	<b>A</b> -Amended

President Cook made a motion to adjourn the meeting.  
Motion failed due to lack of second.

There was more discussion/argument regarding the C&Rs for RVs. The permit for loading and unloading purposes only was outlined. More discussion/argument.

**MSP**

President Cook moved, and it was seconded, to adjourn the meeting.  
Motion passed unanimously.

The meeting was adjourned at approximately 2:46. Audio tape was stopped 1:45:49 after starting.

Minutes taken from audio tape  
Prepared by Kathi Loughman

DRAFT

Minutes taken by Mary Lou Morris  
Prepared by Kathi Loughman

**Legend for Motions**  
**M**-Motion      **S**-Second  
**P**-Passed      **F**-Failed  
**W**-Withdrawn   **A**-Amended