

# Sandscribes

Heidelberg Beach  
Vermilion, Ohio

August 25<sup>th</sup>, 2009



## 2009 Summer Season Winding Down

This is a big *Sandscribes* issue this time—we cover a lot of news of our neighborhood from over the summer, the minutes from several Board Meetings and the Annual Membership meeting, and activities coming up for the fall.

Please make note of the new Board of Trustees members and officers for the 2009-2010 year (article below). As we have moved on from the assessment issue, the focus has turned to refining and restructuring our committees. The Board has already requested input and information from all of the committee chairs, but welcomes any input members care to share about committees or projects that should be done at Heidelberg Beach.

**Fall Work Day:** Fall Work Day has been set for **Saturday, November 7<sup>th</sup>, 2009 at 10:00 AM.** We are using this mailing as your only printed reminder of this date. To save extra mailing costs, hardcopy postcards will not be sent out. An email reminder will be sent nearer to the date to those that receive our electronic communications.

The next **Board of Trustees Meeting** is also scheduled for **Saturday, November 7<sup>th</sup>, at 1:00 PM** at the Pavilion (weather permitting). This is the Annual Budget Meeting. All Committee Chairs are requested to have their budget requests submitted to our Treasurer, Dick Castele by **November 1<sup>st</sup>**.

*Jane & John*

## Free Dump Day at Vermilion Township

Saturday, September 12<sup>th</sup>, 2009 from 7:30 AM to 3:30 PM at the Recycling Barn on Stanley Road.

## Mark Hayman Appointed to Board

Mark Hayman was appointed to the Board of Trustees to fill James Dumke's vacated seat.

## 2009-2010 Board of Trustees

Results of the 2009 Election are:

*Bill Chidester*, President  
*Roger Nehls*, Vice President  
*Dick Castele*, Treasurer  
*Jane Chidester*, Secretary  
*Mary Chidester*, Real Estate Trustee

Welcome to newly elected *David Rohrbaugh*—thank you for serving!

The other members of the board are:

*Jack Corrigan*  
*Carol Dunkle*  
*Mark Hayman*  
*Richard Henderson*  
*Jack Kramer*  
*Barclay Rohrbaugh*

## Fall Work Day: November 7<sup>th</sup> at 10:00 AM

### Beach tasks:

- Take down beach signs
- Take down pier benches
- Put up snow fences

### Pavilion and Promenade tasks:

- Put away picnic tables
- Turn off Promenade Water
- **Additional Task this year:**

Carol Dunkle (Pavilion Committee Chair) will be organizing and coordinating needed maintenance on the Pavilion. This will include the effort to sand, prime, and paint the currently painted areas of the Pavilion and re-seal the non-painted areas. She will have the needed materials and will gratefully accept volunteers for the manual labor!

### Community-wide tasks:

- Sweep rocks and leaves off streets
- Pick up sticks and debris from around the cottages and common areas

### **Beach Records now in Electronic Form A HUGE Thank You to Don & Harry Bratton!**

Harry Bratton and his son Don Bratton undertook a monumental task. They scanned all of the hardcopy minutes and correspondence of the Board of Trustees from the beginning of our time in the 1920's through the 1970's. They have created searchable PDF files for each decade. They are now available on our Web Site for your reading pleasure! They have saved a piece of history for us, and now it is available for all to see. Thank you!

### **Thank You from the Becks**

A huge thanks to those of you who helped make our big reunion in June a wonderful success. For helping with our accommodations, lending the golf cart to "transport" those that couldn't walk so well, and being friendly to our families. The reunion was Barb and her two sisters and their families. 57 attended for two days, coming from Calif., Arizona, SC, Indiana and several Ohio cities.

Heidelberg is just plain great!!

*Barb & Dick Beck (58 Kentucky)*

### **Concerns for Tom Eshelman**

In June Tom Eshelman (73 Indiana) suffered a vasovagal episode and was hospitalized for several days due to the complications. He ruptured a disc in his neck during the fall and received a pacemaker to mitigate the further escalation of these episodes that he's been experiencing. Please keep Tom and his family in your thoughts and prayers.

### **Norm Siebenhar's Father Passes Away**

Jack Siebenhar passed away in Florida on May 16 following a brief illness. He built the family cottage at 79 Indiana Road in the 1950s and spent many summers at Heidelberg Beach with his family. He moved to Florida for his retirement years. He leaves behind his wife of 62 years, Dorothy; 3 children; 7 grandchildren; and 11 great-grandchildren.

Please keep Norm & Karen Siebenhar (79 Indiana) and their family in your prayers.

### **Siebenhars Moving to Florida**

The Siebenhars (79 Indiana) have decided to move to sunnier pastures year round. We will all be sad to see them go—and the tennis court will not get nearly as much use! Best wishes always! Their home is listed with Tom O'Dougherty of Howard Hanna Realtors.

### **Kathy Hayman's Mother Passes Away**

Our thoughts and prayers are with Kathy & Mark Hayman (16 Pennsylvania) and their whole family.

Kathy's mom, Alice Brouse, and the last of the "Brouse House" name, passed away July 23rd at the Wyandot County Nursing Home in Upper Sandusky. She would have been 89 on Sept. 4. Alice had been in failing health the last several years. She married Fred Brouse on, Feb. 14, 1950 and Fred passed away in 1969. They had 2 girls, Becky and Kathy, and a step daughter Carol completed the family. (Becky passed away in 2004.)

Alice loved to spend time at Heidelberg Beach. Her other interests included flower gardening, and traveling the southwestern USA with her brothers.

The funeral was held on July 27<sup>th</sup> at Hoffman, Gottfried, Mack funeral home in Tiffin. Burial took place at Pleasant View Cemetery in Sycamore.

### **Bob Reimsnyder Passes Away**

Bob Reimsnyder (29 W. Virginia) passed away on July 28th due to a massive stroke after falling down stairs. He leaves behind his wife, Karen Reimsnyder, who also had a stroke in November 2001.

Bob was born in Bucyrus on July 27, 1933 and he married Karen J. Margard on August 28th, 1955. They had 3 children; Robert, Eric, and Kimberly. Bob was a Shelby High School Guidance Counselor and History teacher, retiring in 1986. He was also a veteran of the U.S. Army. He served as Mayor of Crestline 1969-1970. In Shelby, he was a Fourth Ward Councilman from 1970-4, and a Councilman at Large from 1984-7.

Services were held Monday, August 10th, at Calvary United Church of Christ in Crestline (of which he was a member).

Our thoughts and prayers are with Kim & Pat Leahy and their whole family.

### **Ray Schuman's Brother Passes Away**

Harry Melvin Schuman Jr. passed away on July 4, 2009. Our thoughts and prayers are with Ray Schuman (85 Michigan), Char Schuman (98 Ohio), Cliff Schuman (83 Indiana), Curt Schuman (84 Indiana), and the whole Schuman family.

### **The Glavianos are First Time Grandparents!**



We are happy to welcome Harper Elizabeth Glaviano to our family. She was born on July 10 three weeks early. Harper weighed 6 pounds, 2 ounces. She is (of course) perfect. Her parents are Matt and Marisa Glaviano. The family is now home and adjusting to many changes a baby brings. The grandparents (us) could not be happier. We cannot wait until she is able to make her first visit to Heidelberg Beach.

*Linda & Cliff Glaviano (78 Indiana)*

### **Farewell to Will & Betty Pretzer**

The Pretzers (36 W. Virginia) have now officially sold their cottage at Heidelberg Beach and are permanently calling the Inn at Chappel Creek their home. Will & Betty continue to do well and get out regularly for their social meals throughout the week.

James & Jane Rohrbaugh (19 W. Virginia) will now be moving up the street to the center of the newly formed "Rohrbaugh Compound." ☺

### **Welcome to Barbara Chidester**

Barbara Chidester is the new leaseholder at 19 W. Virginia (recently purchased from James & Jane Rohrbaugh). Barbara is Mary (18 W. Virginia) and Jane's (82 Indiana) mother (and John's mother-in-law!). Barbara currently resides in Tustin, California and intends someday to make Heidelberg Beach her permanent home. For the foreseeable future she will be here as time permits in between some of her other planned travels.

She has a long history with Heidelberg Beach as well—having honeymooned in 1961 with her ex-husband Bill Chidester at his parents' (Kent & Mary Jane Chidester) cottage at 67 Kentucky.

### **Ohio Edison Trimming Trees**

Ohio Edison's hired tree service (Nelson) is trimming trees with limbs near electrical wires at Heidelberg Beach in mid-September. Some of you may have received a green flyer in your door alerting you the fact that a tree near your cottage is on their target list. Ohio Edison comes through about every three years to do this.

### **Minutes from the Heidelberg Beach Board of Trustees Meeting June 13<sup>th</sup>, 2009**

**Present:** Barclay Rohrbaugh (presiding), Dick Castele, Jane Chidester, Mary Chidester, Carol Dunkle, Dick Henderson, and Roger Nehls.

**Excused or Absent:** Bill Chidester, Jack Corrigan, James Dumke, Linda Glaviano, and Jack Kramer.

**Opening:** The meeting was opened with a prayer by Rev. Henderson at 10:00 AM.

**Minutes:** Mary Chidester (Dick Castele) made a motion to approve the minutes of the May 23<sup>rd</sup>, 2009 Board Meeting as presented. Motion approved.

**Treasurer's Report:** Roger Nehls reported that he has just a few more small bills to pay and the fiscal year July 2008 to June 2009 will be closed.

**Real Estate:** No report.

### **Committee Reports:**

**CCWW Funds:** The Treasurer reported that there will be a minimum of \$200 available as of July 1<sup>st</sup>

for use by the CCWW for the summer's social activities.

Committee Restructuring: The task of Committee Restructuring and filling vacated positions will be a top agenda item for Board Meetings during the next fiscal year.

### Old Business:

Unpaid Assessments: The discussion clarified the steps necessary for the executive committee to take if any association member should go into default of their lease.

Payment Options: It was also discussed and decided that due to the recent change in assessment policy that the offer would be extended to the membership to contact the Treasurer if anyone required a personalized payment plan to help ease cash flow.

Nominating Committee: David Rohrbaugh's name was presented for consideration. Jane Chidester (Mary Chidester) moved that his name be accepted as the nominee to fill the open Board of Trustees spot. The motion was approved.

With regret, Jim Dumke has submitted his resignation from the Board of Trustees. Bill Chidester will appoint a replacement to complete his remaining term at a later time.

### New Business:

Annual Meeting: Possible agenda items were discussed.

Next Board Meeting: The next Board meeting will be July 18<sup>th</sup> following the Annual Membership Meeting.

The meeting was adjourned at 11:00 AM.

Respectfully Submitted,  
*Jane Chidester*  
(Secretary Pro Tem)

## **Minutes from the Heidelberg Beach Annual Membership Meeting July 18<sup>th</sup>, 2009**

Opening Prayer: President Bill Chidester called the Annual Meeting for 2009 to order at 10:10 a.m. Rev. Dick Henderson opened the meeting with prayer.

## **Membership Roll Call and Distribution of**

**Ballots:** Secretary, Linda Glaviano, called the roll of leaseholders by lot numbers. A ballot for the election of Board of Trustee members for 2009-2011 was distributed with one ballot handed out per lot.

Association members representing 56.5 lots were present and proxies were turned in for an additional 29.5 lots. A total of 86 lots were represented.

Following Roll Call, Bill Chidester, President, opened the meeting with brief remarks. He stated that the focus of the Board during this past year centered on the assessment issue. Due to this, other matters, such as committee assignments and duties were not addressed. These items will be on the new Board's agenda.

**Minutes:** Bill Hertzner (Jack Kramer) motioned to dispense with the reading of the minutes for the 2008 Annual Meeting. The motion was approved unanimously.

**Treasurer's Report:** Treasurer, Roger Nehls, distributed printed statements for the last twelve months ending June 30, 2009. He reviewed and explained the statement. He reported that the disbursements totaled \$34,729.37 leaving a balance through 6/30/09 of \$12,174.53. Approximately \$8000.00 less was spent during this last year due to lower costs for trees, snow removal, refuse collection and beach maintenance. Funds continue to be replaced for the road repaving.

Nehls reported that there will be an increase in the cost of electricity for the pavilion due to new billing procedures. The present cost of approximately \$15.00 per month will increase to a minimum charge of \$30.00 per month. To help limit the impact of this cost increase, electricity in the pavilion area will be shut off shortly after Labor Day. Nehls urged members to let Charlene Schuman know if they plan to use the pavilion area after this time frame so adjustments in the turnoff time can be made.

Nehls explained that the reduction of about \$800.00 in refuse collection was due to using only one container that was collected once a week during the winter season.



President Chidester thanked Nehls for the work he has done as treasurer and his work to reduce the cost of refuse pick-up.

**Report of Nominating Committee:** Linda Glaviano, Chair of the Nominating Committee, presented the slate of nominees for the Board of Trustees for the 2009-2012. They were Jane Chidester, Roger Nehls, Barclay Rohrbaugh and David Rohrbaugh.

B. Chidester asked for nominations from the floor. Ken Stone (Jack Kramer) nominated Bill Hertzler. Nominations were closed.

B. Chidester appointed Tom O'Dougherty, Gayle Montgomery and Curt Schuman as tellers. Chidester let Association members know that James Dumke had submitted a letter of resignation for his Board position. Mark Hayman was appointed to complete his term.

### **Committee Reports:**

**Christian Work and Worship:** Joan Margard (reporting for Karen Herwerden) presented the report for this committee. She reported that attendance for 2008 summer church services was 631. Offerings totaled \$2,279.15. This amount included good will offerings for the 2007 Brats and 2008 barbeque events. A tithe of \$200.00 was made to the Second Harvest Food Bank in addition to a canned goods donation. During this summer, the tithe and canned goods donations will also be given to a local food bank.

Margard reported that Susan Foote created a new podium cover to use during services and was reimbursed for the associated costs. The committee thanked her for the skill and time that she put into this project.

Vern Margard will again create the church bulletin for the Sunday services. The committee thanked him for continuing to do this.

The committee continues to offer a social hour following church services. The committee also continues to plan social events for the Association. However, they have asked the Board be reestablished a Social Committee to plan extra events starting in 2010. This summer's extra events include Sundaes on Saturday to be held on later

today, July 18. There will also be a 91<sup>st</sup> birthday celebration for Paul Rohrbaugh during this time. A potluck will be hosted by Mark and Kathy Hayman on August 8 as they grill their fresh bologna. Donations can be made at both events.

The committee also is looking for volunteers who would like to help with the PA system when it is used for Sunday services and social events. Training will be provided.

**Utilities:** Harvey Foote reported that septic tanks were cleaned earlier this spring. The cleaning company made the suggestion that tanks be cleaned every other year rather than every third year. This will help control any overflow that might cause pollution. President Chidester said that the Board will take this under advisement.

**Safety and Recreation:** Joe Tereshko thanked the volunteers who help maintain the playground area. In particular, he thanked Harry Bratton for all his work. He also thanked the Nehls for donating new playground swings.

**Pavilion:** Susan Foote presented the committee report for Carol Dunkle. Dunkle wanted to let members know that several cement areas around the columns are cracked and that there is also some wood rot in the columns. This means that there may be expenses associated with the pavilion area during the upcoming season.

**Real Estate:** Mary Chidester reported that there was one lease transfer during 2008-2009. This transfer was due to a death in the family. She reminded members that any transfer of a lease including those made for estate planning require the prior written approval of the Board of Trustees. Anyone wishing for help in making a transfer may contact her.

**Insurance:** Craig Peer reported that the rate for insurance went up marginally this year and that the bill has been paid.

**Trees:** Bill Chidester read a written report submitted by Jane Chidester, the Tree Committee Chair. In the report, Jane thanked Ben Norton for graciously cutting down his two trees that were obstructing our sunset bench view. As reported last year he'd initially balked at the idea. We are grateful he reconsidered.

During the winter, three trees that were threatening structures and had been severely damaged in storms were removed. This next winter the committee intends to do a more thorough trim of all the trees around the beach. The committee routinely tries to maintain a 15 foot separation of limbs from the roofs of cottages. A few helpful notices for dangling dead limbs were received from members. The committee appreciates any help noting things that need attention. The committee will probably request \$4,000 to \$5,000 in the next budget.

The committee will also ask our tree service to tend to the beach bank undergrowth this year. This was done 2 years ago and it is again time to keep up with our original investment in removing the undergrowth along the cliff expanse (which was done 4 years ago).

Grounds and Creek: Bill Hertzler reported that the front promenade area had been treated for weeds. He thanked Harvey Foote for the job he does with the mowing. Hertzler also thanked the many volunteers who help maintain the grounds and the flowers. Herb Foote was thanked for his work in maintaining the beach area.

Beach and Bank: President Chidester reported that there is presently no Chair for this committee. This will be addressed by the next Board.

Communications/Publicity (Sandscribes and Web Site): Bill Chidester presented a written report from the Committee Chair, John Macko. He asked members to make sure to keep mailing and contact information current with the Publicity committee. The committee will wait another year or two before producing another hardcopy directory. The most current information is available on the Web Site (<http://www.tuliptreepress.com/hb.htm>).

Tennis Club: Jim Schneider stated that the secretary will receive a written report from Ruth Schneider to include in the minutes. Norm and Karen Siebenhar were thanked for putting up, taking down and storing the tennis net during the winter.

In the report submitted by Ruth to the Secretary, she also thanked Herb Foote for putting up, taking down and storing the volleyball net used on the beach.

Dues of \$25.00 are due by July 30.

Boat Club: Jack Kramer reported that repairs will be made to the Boat House. Locks are also being replaced.

At the end of the committee reports, Bill Chidester thanked the Christian Work and Worship Committee for taking care of social events during the past two seasons. He stated that there is a need to set up a Social Committee to organize special events. Volunteers may contact him if they are interested.

### **Old Business:**

Finances (late payments): Bill Chidester outlined the procedures that the Board will follow when assessments are not paid or are paid late. First, after the initial due date has passed; the Treasurer will contact those responsible for payment and remind them that their assessment is late. The Treasurer will set a second date by which the payment must be made. If no payment is made by this second date, a 10% penalty will be assessed.

Board Members for 2009-2012: B. Chidester reported that Board members elected Jane Chidester, Roger Nehls, Barclay Rohrbaugh and David Rohrbaugh as trustees for 2009-2012.

Assessment Policy: President Chidester talked about the new assessment policy established by the Board. He stated that the establishment of new assessment procedures has been the major task of the Board since the last Annual Meeting. During this time, the Board has tried to develop a compromise that reflected the feedback and comments made during listening sessions as well as in letters and via the website. Throughout this process, the Board has tried to set procedures that are easy to understand and at least partially fair to all the community.

Assessments will now be based on the following:

- 1/3 for the assessment will be made by the number of cottages.
- 1/3 of the assessment will be based on the number of lots held by the leaseholder.
- 1/3 will be based on the value of the cottage and will not include the value of the land that it sits on.

Chidester stated that the above will be used for Heidelberg Beach assessment starting with the next tax bill. When improvements are made to cottages and they are reassessed, the Heidelberg assessments may also be changed.

**New Business:**

Clark Martin thanked Bill Chidester for the leadership that he has provided throughout this last year. He also reported that an intrusive weed, Burdock, is growing in the area behind the shed and needs to be treated before it spreads any further. This was referred to the Grounds and Creek Committee for action.

Char Schuman thanked Linda Glaviano for her work as Secretary of the Board during the past several years.

**Adjournment:** The meeting was adjourned at 11:00 am.

Respectfully Submitted,  
*Linda Glaviano*, Secretary

**Minutes from the Heidelberg Beach  
Board of Trustees Meeting  
July 18<sup>th</sup>, 2009**

**Present:** Bill Chidester (presiding), Dick Castele, Jane Chidester (by phone), Mary Chidester, Jack Corrigan, Mark Hayman, Dick Henderson, Jack Kramer, Roger Nehls, Barclay Rohrbaugh, and David Rohrbaugh (by phone).

**Excused or Absent:** Carol Dunkle

**Opening:** The July 18, 2009 meeting was opened with a prayer by Bill Chidester, President, at 11:15 am.

**Election of Officers:** Bill Chidester, opened the floor for nominations for officers for the upcoming year. The officers elected were:

President: Bill Chidester  
Vice President: Roger Nehls  
Secretary: Jane Chidester  
Treasurer: Dick Castele

Following the election, Bill Chidester thanked Linda Glaviano for her service as secretary, and Barclay Rohrbaugh for his service as Vice President.

**Minutes:** The minutes for the June 13, 2009 Board Meeting were approved as presented.

**Treasurer's Report:** Roger Nehls reported that one leaseholder had not paid their full assessment in the last billing. Nehls expects to receive additional payments from that leaseholder. A discussion was held about the transition from Nehls to Castele as Treasurer. Castele will spend most of his time in Cleveland and this may present some challenges with respect to banking. Nehls reported that the Association's accounts can have two signers and that he would be willing to help as necessary.

**Real Estate:** M. Chidester reported that James and Jane Rohrbaugh are purchasing the 5 lots owned by Will and Betty Pretzer. No further information is available at this time, but Chidester expects the closing to occur in the near future.

M. Chidester reported that Tom O'Dougherty had inquired about the Association's compliance with the Fair Housing Act which prohibits discrimination based on race, national origin, religion, gender, familial status or disability. M. Chidester suggested that the Board look into this matter in the coming year.

**Committee Reports:** There were no committee reports.

**Old Business:** None.

**New Business:**

**Committee Restructuring:** Bill Chidester opened the discussion concerning committee restructuring. It was decided that in the coming year the Board should consider how to best consolidate and restructure committees and appoint new members to those committees which are now defunct. B. Chidester suggested we reach out to the current committee members and ask for information on current membership, tasks and suggestions as to how we improve the function of the committee. Nehls suggested each committee create a history of actions that committee had taken and prepare short and long term plans to facilitate committee transitions in the future.

Jack Kramer gave a short history of the boathouse club and its membership. The original boathouse contained 8 stalls and the one on the west end was

used by Mr. Reutenick who had allowed us to construct the west peer in a manner that encroached onto his property. In the 1950's four additional stalls were constructed. At some point a storm damaged part of the boathouse and several stalls were lost. Current members of the boathouse are: Dick Beck, the Foote Family (2 stalls), Bill Richardson, and the Kramer/Peer/Springer Family (2 stalls). When repairs need to be made, the members are assessed for the costs. Nehls pointed out that the Association is not taxed on the improvement value of the boathouse. While Nehls is not certain, he suspects it is because the state of Ohio believes it owns the beach and the improvements thereon.

Nehls suggested the Board and the community owed a debt of gratitude to Pam Seymour, the Peer family and the Warder family for all their work maintaining the flowers by the entrance sign, the flagpole and the sundial. It was suggested that this task needs to be assigned to a committee in the future.

Pavilion: D. Rohrbaugh alerted the Board to cracking in the cement that supports the posts at the pavilion. It was suggested that the Board should consider setting aside funds for repairs.

Signage. It was noted that the Seibenhar's had placed a Realtor sign on their lot and that a sign had previously been located on the common property along Route 6, but that sign was no longer there. B. Chidester reported that Harry Bratton alerted him to a rule adopted by the Board of Trustees in the 1980's which prohibited such signs, without prior Board approval. The Board decided that it could not enforce rules which were not generally known without advance notice. B. Chidester said he would locate a copy of the prior Board action and that the Board would reconsider this policy at the next meeting.

Next Board Meeting: The next Board meeting was scheduled for Saturday, August 22<sup>nd</sup>, at 10:00 am, in the pavilion.

Respectfully Submitted,  
*Mary Chidester*  
Secretary Pro Tem

## **Minutes from the Heidelberg Beach Board of Trustees Meeting August 22<sup>nd</sup>, 2009**

Present: Bill Chidester (President-presiding), Dick Castele (Treasurer), Jane Chidester (Secretary), Mary Chidester (Real Estate), Jack Corrigan, Carol Dunkle, Mark Hayman, Dick Henderson, Jack Kramer, David Rohrbaugh.

Excused or Absent: Roger Nehls, Barclay Rohrbaugh.

Minutes: Minutes from the July 18<sup>th</sup> Board Meeting were approved.

Treasurer's Report: Duties (and boxes of documents!) have transferred from Roger Nehls to Dick Castele. Roger will still manage the Pavilion service collections since he is here week-to-week.

Real Estate: Two cottage transfers are about to take place.

- James & Jane Rohrbaugh will be purchasing the Pretzer cottage (36 W. Virginia). James & Jane are already members of the Association as leaseholders of lots 19-21. A motion was made (Mary Chidester/David Rohrbaugh) to accept James R. Rohrbaugh and Jane E. Rohrbaugh into membership as leaseholders of lots 34-38. The motion passed. The President and the Secretary were directed to execute a 99 Year Lease for Lots 34, 35, 36, 36A, 37, 37A and 38 and to deliver it to James R. Rohrbaugh and Jane E. Rohrbaugh, as joint tenants with rights of survivorship, upon the receipt of a release of the prior leases from Willard C. Pretzer and Elizabeth S. Pretzer.
- Barbara Chidester will be purchasing James & Jane Rohrbaugh's cottage (19 W. Virginia). A motion was made (David Rohrbaugh/Carol Dunkle) to accept Barbara Chidester, Trustee, under the Barbara Chidester Trust, dated June 18, 1993 into membership. The motion passed. The President and the Secretary were directed to execute a 99 Year Lease for Lots 19, 20 and 21 and to deliver it to Barbara Chidester, Trustee, under the Barbara Chidester Trust,



dated June 18, 1993, upon the receipt of a release of the prior lease dated September 18, 1998 from James R. Rohrbaugh and Jane E. Rohrbaugh. Barbara will meet with the Orientation Committee during her next visit to Heidelberg Beach.

### **Committee Reports:**

**Coastal Legislation:** Carol Dunkle will prepare a report for the next Board meeting on the current status of the legal battle over ownership of our coastline. She will also determine if Heidelberg Beach is an actual member of the Ohio Lakefront Group (by having made a donation), and will make a recommendation as to whether we should either join their membership or donate any future funds.

**Pavilion Committee:** Our sincere gratitude and thanks to David Rohrbaugh and "his crew" who repaired the Pavilion's rotted support pillars this summer. Needless to say it was not an easy task. Carol Dunkle was alerted to a roof leak; she will coordinate its repair. Also, for Fall Work day she will organize the effort to sand, prime, and paint the currently painted areas of the Pavilion and re-seal the non-painted areas.

### **Old Business:**

**FOR SALE Signage:** It was brought to our attention that there was a rule adopted in a 1984 Board Meeting that addressed "FOR SALE" signage. The relevant language is "Motion by Harry Bratton and seconded by Robert Reimsnyder that no signs can be placed on Heidelberg Beach Property without approval of the Board of Trustees. Carried."

To be consistent with this internal Board rule, a motion was made (Dick Henderson/Mary Chidester) to approve posting one sign on the leaseholder's lot and one sign on the common property at Rt. 6 for the sale of the Siebenhar's cottage. This approval is valid through the time period up to the next Board Meeting. The motion passed (with one dissent) and the issue will be re-evaluated at the November 7<sup>th</sup> Board Meeting.

### **Revisions to By-Laws & Mission Statement & Corresponding role of the Orientation Committee:**

As noted at our last meeting, there was inquiry as to Heidelberg Beach's compliance with the Fair

Housing Act. Mary Chidester researched this topic. Her report is included as an addendum to these minutes.

The Board has agreed that Heidelberg Beach's Mission Statement, By-Laws, and Lease need to be modified for compliance with the law. We have also agreed that our documents need to be reviewed and updated by qualified attorneys. Dick Henderson will pursue an initial review by his brother, a Civil Rights attorney. If necessary, Mary Chidester will then work as a liaison with a local law firm to review the lease documents in relationship to real estate issues. The Board will then need the community's support at the next Annual Meeting to vote the revised (and newly compliant) documents into active status.

Related to the need to remove the faith-based membership requirement, the Board discussed how to handle accepting new members to the Association in general. The approval process and coordination with the Orientation Committee was discussed at length. The Board discussed eliminating the need to vote on new members as currently required in the By-Laws as there would be no legal criteria to refuse a lease transfer. Removing the requirement for a Board vote would also "clean up" the requirement in our lease that the prior written consent of the Board is required before the lease can be transferred "by operation of law" (i.e. upon someone's death). If implemented, these changes would require a revision to our lease documents.

The future role of the Orientation Committee is seen as educating new members that they are not just leaseholders, but members of a community family. The role of the Orientation Committee will also be to share the story of our history, how we got to the present point in time, and to make sure the new member is familiar with our General Rules and our Building Rules and Regulations.

**Committee Restructuring:** This topic will be addressed more specifically in a future Board meeting. There was general discussion however as to overall philosophy of structuring committees; namely, whether to maintain many committees with lots of members, or whether to condense

responsibilities into fewer, but highly proactive, positions.

Three specific committee situations were discussed:

- The CCWW had been responsible for both the social hours after the Pavilion services as well as the community social functions. A new "Social Committee" is being formed to take over the general community social functions. A volunteer is being sought for the Chair of this committee. The CCWW will retain the responsibility for the social events following the Pavilion services.
- The Building and Zoning committee (with Bill Hertzner as Chair) was re-affirmed to be handling the approval process for James & Jane Rohrbaugh's improvement plans to their new cottage. As stated in the Building Rules and Regulations, the Building and Zoning committee will first review and approve the plans and then present them to the full Board of Trustees for approval prior to the commencement of any construction.

The Board wants to make sure they are aware of upcoming projects so that we can ensure meeting schedules that would not add undue delays to planned projects.

- There was general discussion as to how to better manage and organize our bi-annual beach work days. The past tradition has been that the "leader" alternates between the Beach and Bank Chair and the Grounds and Creek Chair. In recent times not much work has been scheduled or completed. The possibility of a separate work day "manager" is being considered. This person would organize the event in consultation with the Board of Trustees and the appropriate committee chairs.

### **New Business:**

Fall Work Day: November 7<sup>th</sup> at 10:00 AM. In addition to the regular Fall tasks (taking the benches off the pier, putting away the pathway signs and picnic tables, putting up the beach sand fence, turning off the promenade water, etc.), Carol

Dunkle will be coordinating a variety of maintenance work on the Pavilion.

Continuity of Information: The Board recognizes and is concerned that much of our valuable "brain trust" information may begin to be lost. There are long term members of the Association who have managed various aspects of our beach's upkeep and maintenance for years. We need to ensure that as time passes and the next generation becomes responsible for our infrastructure items (electricity, storm sewers, septic tanks, water shut-offs, required playground equipment maintenance, etc.) that we do not lose the valuable insights and information that our longer term members have. To that end, Jack Kramer has volunteered to cull what knowledge he can, and provide the Board with some lists that we can then preserve (probably on the Web Site).

Beach Buoys: Concerns were raised that we are down to one functional beach buoy in our swimming area. This concern will be passed on to the Beach and Bank Chair to ensure three functional buoys for next summer season.

Next Board Meeting: The next Board meeting will be November 7<sup>th</sup> at 1:00 PM at the Pavilion. This will be the Annual Budget Meeting.

The meeting was adjourned at 11:45 AM.

Respectfully Submitted,  
*Jane Chidester*  
Secretary

### **Addendum: Heidelberg Beach and the Fair Housing Act of 1968**

As I mentioned at the last Board meeting, Tom O'Dougherty, who is acting as the Seibenhar's Realtor in the sale of their cottage, asked me about the Heidelberg Beach Association's compliance with the Fair Housing Act. That act, adopted in 1968 prohibits discrimination in housing because of race or color, national origin, religion, gender, familial status or disability. It also prohibits the making, printing or publishing of any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on one of the

protected classes of people, or even an intention to make any such preference, limitation or discrimination.

Our Bylaws and Mission Statement make many references to religion, including “It is therefore the desire of the Association that the membership will continue to be made up of those who believe in the Christian faith and its founder, Jesus Christ.”

I have spent some time reading the Fair Housing Act, and I believe we are in violation of the Act. It has been a long standing belief of some members of the community that we at Heidelberg Beach fall into one of the exceptions to the Act, but after a careful reading, I don't think that is the case. There are two exemptions to the Act that could potentially apply to Heidelberg Beach. First there is an exemption for “a religious organization, association, or society, or any nonprofit institution.” However, the Act goes on to say that the association or nonprofit must be “operated, supervised or controlled by or in conjunction with a religious organization, association or society.” We do not fit into that exemption because we are not officially operated under the umbrella of the United Church of Christ or any other religious organization. The second possible exemption for Heidelberg Beach is one for a “private club not in fact open to the public.” We run afoul of this exemption because it goes on to say that the lodgings that the private club owns have to be “incident to its primary purpose.” In our case, owning and leasing the real estate IS our primary purpose and not just a secondary purpose. (This is this exemption that allows golf clubs and such to restrict access.)

The Act is administered and enforced by the Department of Housing and Urban Development (HUD). The penalties for violation of the Act vary from actual damages (money a person can prove they lost due to your actions), punitive damages (a monetary penalty to teach you a lesson and make an example of you), equitable relief (they can make you change your rules), and other fines and attorney fees. In terms of fines, one section mentioned \$11,000 to \$55,000. The action to make you comply with the Fair Housing Act can be brought by HUD itself if they discover your practices, by an individual citizen who has been discriminated

against or by someone who just knows of an association or organization who is violating the Act. I think the reason this has not been an issue before is that generally speaking, people aren't inclined to go to all the trouble of filing a private cause of action unless you have actually discriminated against them, and to the best of my knowledge, the Board has never rejected anyone for membership.

When Heidelberg Beach was founded in 1922, our By-laws, Mission Statement and lease were perfectly legal. But since then, Heidelberg Beach has remained the same and the world has changed. Bill has proposed some revisions to our By-Laws and Mission Statement for discussion at the next Board Meeting. Another thought to consider, is that if we are not voting on the membership of a candidate based on religion or any of the other protected classes, what is it that would make us actually reject someone for membership? With the one possible exception of a sexual predator or a pedophile (which are not protected classes) I can't think of a reason we would vote against any potential member. For me, it brings into question the requirement for the Board vote at all. Our lease prohibits the transfer of the leasehold interest by operation of law without the Association's consent. “By operation of law” is a fancy way to say that you can't die and leave your cottage to your heirs without the prior written consent of the Board. Enforcement of that provision would be problematic to say the least. Even if we do eliminate the requirement to vote on new members, I think there is still a place for a meeting with the Orientation Committee to acquaint new members with the rules and traditions of our community.

We have a lot to consider and I'd like to suggest that we hire legal counsel to review our By-laws, Mission Statement and lease documents for compliance with the current law. In addition, if we need to make changes to the lease they need to be prepared by an attorney. I think it is in the best interest of the Association and the community and would be worth the cost to the membership.

*Mary Chidester (Real Estate)*