

Record Turnout for July 10th General Meeting

At most HSIA general meetings we are lucky to get a quorum. Not this one.. we had 94 residents attend! This was partly due to the topic and partly due to the fact that we mailed a reminder to everyone in Hillsmere. The topic was the future of the community property between the beach and the marina that we call the "beach strip". As I'm sure everyone knows by now, HSIA is involved in a legal struggle with the 17 lot owners along the strip over access and ownership of the property.

The normal agenda was suspended. Instead we had a report on the status of the controversy followed by a Q&A and comment session that lasted the rest of the evening.

The Beach Strip Committee report gave a brief history of the situation and the latest events. I won't repeat the history (see the May Sea Breeze for a detailed article). At the May HSIA board meeting, Mike Ragland, the HSIA attorney, was asked to prepare a report for the board addressing the legal issues that were raised in the letter sent to all Hillsmere residents on May 25th by a group claiming to represent the 17 lot owners (it was unsigned). An abridged version (without all the legal arguments and law citations) was read to the residents. A copy is included in this issue of the Sea Breeze. We will be happy to send a copy of the full report to anyone who wishes to see it.

Two additional recent events were also mentioned. An offer to have the HSIA board members meet face-to-face with the 17 lot owners was made on June 19th. The proposed meeting was to be an attempt to understand the issues important to both sides. Only the lot owners and board members would be permitted, no lawyers. This offer was rejected. Also, at the last HSIA board meeting (June 26th) an announcement was made that confused some people. There had been a suggestion that if we could build a walkway in the water in front of the existing bulkheads connecting the beach and the marina then this might be a basis for a compromise that would satisfy both sides. Bob Emmett announced that this would not be permitted by the state. Some people thought that this meant that the entire effort by the HSIA board to regain access to the property would have to be dropped. In fact, only a possible compromise solution was ruled out. Nothing else was affected in any way.

A few very important points were made concerning the HSIA board's position:

- The HSIA Board has a legal and moral responsibility to protect the interests of all the residents of Hillsmere Shores.
- HSIA does not own the beach strip property in the same way that it owns other property in Hillsmere. HSIA holds a custodial title in trust for every lot owner in our community. HSIA cannot take any actions that are inconsistent with either the 1965 deed restrictions or the rights of every single lot owner in Hillsmere. ***This means that HSIA cannot sell or lease the land without the written permission of every Hillsmere lot owner without even a single exception.***
- The ONLY action that the HSIA board has taken is to demand that all the fences, hedges, and other encumbrances that prevent residents from accessing this community property be removed.

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- HSIA has never decided or even considered a motion to build any kind of walkway, seek any beach restoration, or to put the beach strip property to any specific use.

The floor was then opened to any resident who wished to speak. Everyone who wanted to ask a question or make a comment seemed to have had the opportunity to do so. The opinions expressed by the residents covered both support for the board's actions and support for the 17 lot owners.

The session started with a discussion of the pier that was built at 119 E. Bay View. HSIA was recently informed by the county that the lot owner had been told that they must resolve the land ownership issue by October or the permit would be invalidated.

Several long time residents talked about the history of the beach strip. Some remembered an actual beach. Another described how HSIA built bulkheads and riprap to protect the marina. He stated that he did not believe there was ever a linkage made between the marina and the beach strip. He was against the board's action in the interest of preserving community peace and harmony. Another resident pointed out that every improvement in our community, such as the pool and Quiet Water's Park, involved controversy.

Another resident wanted to know how much money HSIA has spent on the beach strip survey and the legal costs. The survey cost approximately \$6,800. Legal fees have been about \$6,000. Another \$4,000 is approved but will not be spent unless necessary.

One resident asked that HSIA poll the community before taking any action. A suggestion was made that residents let the board know how they feel by coming to both board meetings as well as general meetings and by phone calls or email. Although only board members may speak at HSIA board meetings, 15 – 20 minutes is reserved at the end for residents to address the board.

Some residents were concerned about potential legal costs. Some were worried about the cost of maintaining the bulkheads. Some were adamant that HSIA should vigorously protect the community ownership of the beach strip. Other's thought we should leave things as they were. Because no votes were taken it is impossible to say which view was in the majority.

One purpose of the meeting was to educate the residents about the issues the board must consider and the restrictions on what the board can do. The other purpose was to answer resident's questions and to hear their thoughts and suggestions on this important community issue. These goals were clearly met and, perhaps best of all, it was done in a calm, courteous manner with no shouting! This just proves, once again, what a great community we live in.

-Bill Shuman
HSIA, Vice President