

I'ON Assembly  
Board of Trustees Meeting  
Thursday, April 18, 2013  
6:00 P.M.  
Executive Session 5:30 P.M.  
Conference Room  
159 Civitas Street, Second Floor  
Mt. Pleasant, SC

A G E N D A

- I. Call to Order
- II. Approval of Minutes
  - March Board Meeting Minutes
- III. Review of Creek Club Litigation Status
- IV. I'On Trust
- V. Landscape/Infrastructure Report
- VI. Treasurer Report
- VII. President's Report
  - Beer with the Board/Meet the Manager
  - Mid-Year Meeting Date
- VIII. IDC Committee Report
- IX. Amenities Report
  - Dog Park
  - Dock Management Report
- X. Communications Report
  - Ratification of Decision to Ban Resident from Bulletin Board
- XI. Secretary Report
  - Staffing
  - Forum Policy; Minutes Policy
- XII. Compliance
- XIII. Community Manager
- XIV. Adjournment

**I'ON**  
**Board of Trustees Meeting Minutes**  
March 28, 2013

**Members Present:** Deborah Bedell, Tony Woody, Martin Hansen, Martha Morgan, Jay Thompson

**Members Absent:** David Countryman, Frederik Winther

**SCS:** Trisha Elrod, Dana Cutright

**Homeowners Forum:**

Guests: John Bigler, Ed Clem, Lea Ann Adkins, Tom O'Brien, Julie Hussey, John Krainin

**Previous meeting minutes approved:**

*Motion to approve the February 2013 Board of Trustees meeting minutes as submitted. All were in favor. Motion carried*

**Review of Creek Club Litigation:**

Plaintiffs' attorney filled a motion to enroll the proposed new settlement. Attorneys are exchanging drafts and the Board lacks knowledge about the drafts at this time. Attorney Bouch is waiting to receive the final settlement papers so they can be reviewed by the Board.

**Board Training:**

The Board will have professional training on April 13<sup>th</sup>, 9a.m. – 1:00p.m.

**Landscape/Infrastructure Committee:**

Landscape:

Dave Rosengren again proposed that the raised bed enhancement project in the I'On Square be approved to proceed since money was budgeted for the project in 2012.

*Motion to reopen and approve the expense of landscape improvement project not to exceed \$7,300. All were in favor. Motion carried.*

Trisha Elrod will contact the ECMCS's principal to request that the children not run in the landscape beds.

Infrastructure

Committee continues to work on design for crosswalks and the permits. They are looking at modifying the crosswalk by raising it which will also serve as a speed table. Two pedestrian warning signs would also go up.

Committee also spoke with the Town to confirm that the Town will be painting new parking spots soon.

The Town has supplied an exhibit to show two additional parking spaces across from O'Brion's. Town will approve but not pay for the spaces and other modifications to the park in the Square. The I'On Square will discuss with the Assembly who will help with the cost.

**Finance Committee:**

Committee needs a copy of approved board minutes with an approval of two signers to show bank in order to go forward with Signature Cards.

Motion to approve Frederik Winther and Deborah Bedell as signers on the bank accounts. All were in favor. Motion carried.

Revised Collection Policy needed a minor change to become more consistent with SCS policy. Payment plans were originally approved at 25% down and pay over 9 months, but SCS payment plans are 25% down and pay over 3 months.

Motion to revise collection policy from previously approved policy. One opposed. Motion carried.

**President's Report:**

Annual Meeting quorum: Deborah Bedell explained that quorum was indeed met at the annual meeting in December 2012. First, AMCS incorrectly counted the number of Titleholders represented at the annual meeting. The correct number was 110, not 106. Second, there are two possible methods used to calculate a quorum, both of which require deducting the number of Titleholders not in good standing from the total of Titleholders eligible to vote. Under both formulas, a quorum was met. The Board has obtained legal opinions from two different law firms, each of which used one of the two possible quorum calculation formulas, confirming that in fact a quorum was present at the annual meeting.

In regards to the December 11, 2012 Annual Meeting Minutes: Deborah explained that on the recorded tape, she did declare that quorum was present. Deborah also stated that legally, any quorum challenge must be made from the floor during that same meeting.

Deborah also stated that historically, annual minutes approval has taken place at subsequent annual meetings a year later. The Board wanted to post preliminary minutes in order to be more transparent, and the preliminary annual meeting minutes approved in January were wrong. The recording of the annual meeting minutes is being transcribed by a court reporter.

Motion to approve revised preliminary minutes in order to post on HOA Board website and to have final approval in December. All were in favor. Motion carried

Creek Club access and contract: A contract from Creek Club was presented to the Board reserving 2 days a month for a daily rental fee. The property manager was instructed to respond that two days per month was not the agreement reached with the Board Amenities chair last year, and that other terms were not acceptable. A new contract draft was submitted, asking for one specific scheduled day a month plus 1 extra day in December at \$160.00 each day. Deborah also asked that I'On residents be given same rental rate as the Assembly's rate on a space-available basis and that chairs be cleaned and trash cans added. Mike Russo has given an April and May reserved date for "Pot Luck" group but will get back with the Assembly about change requests after lawyers review the contract.

Rules changes: Deborah Bedell stated that the current rules do not need to be changed in regard to boat storage. If a resident's boat storage is approved by IDC as an exemption from the current

rules, that approval is sufficient, and no further rules changes are required, provided IDC approval can be documented. Satellite dishes are already permitted; the proposed rules change increased the permitted size, but that is not a critical change. The final proposed rules change simply clarified some aspects of acceptable property maintenance, but is not a critical change. For these reasons, the Board will not continue to review or implement the rules changes proposed earlier. Enforcement of current rules, especially with regard to improper boat storage, will resume. Affected residents may either submit prior IDC approval or request IDC approval of current boat storage arrangements to avoid violations.

### **I'On Design Committee:**

Committee is following up with all requests. There was more discussion on the use of a card to be placed in residence window to let everyone know that the resident has IDC approval. Trisha is to take the lead and make up the IDC approval cards.

### **Amenities:**

Amenity Committee is looking for volunteers to help with the new Waterfront Management Committee which will address issues with docks and boat ramp. These leaders will take the lead in developing rules and policies for managing and maintaining the amenity area and to help solve problems when they arise. Tom O'Brien and John Krainin volunteered to serve on the committee.

Dog Park: A special committee has been created to explore the possibilities of creating a dog park. An additional suggestion of forming a dog free zone was brought up for consideration. Further choices for either of these possible areas will go in the Newsletter for resident input. This is in response to the many complaints of dog waste throughout I'On. In particular, the ECMS principal has frequent problems with children playing at the athletic field encountering dog waste, resulting in not only a dirt but also health concern.

The East Cooper Montessori School--ECMS Use and Indemnity Agreement has expired soon and normally automatically renews for 5 years. The school requested the need to renew for only one year at a time in order to receive insurance bids.

*Motion to authorize agreement change to a 1 year automatic renewal instead of 5 year automatic renewal. All were in favor. Motion carried*

### **Communications Report:**

The new web host contract with Association Voice is being finalized.

*Motion to approve contract with Association Voice and its expenses as new web host. All were in favor. Motion carried.*

It was brought to the Board's attention that the Newsletter deadline and Board meeting dates are the same time of month. Issues arise with getting the Board meeting information into the Newsletter.

*Motion to change the Board meetings to the third Thursday every month effective next month. All were in favor. Motion carried.*

**Secretary Report:**

Martha has concerns that the property management function is understaffed and would like to address how to get some help to relieve Trisha and organize the Board for better efficiency. With regard to future staffing issues, Dock Management, Amenities Reservations and the IDC will soon increase the current work load.

Concerns about recruiting future Board members and shifting the Board from an operational board to a strategic board were also expressed.

**Compliance Report:**

ADU concerns: ADU square footage has to comply with Town standards and restrictions. I'On has additional restrictions but the town does not enforce I'On rules or restrictions for ADU's. The rental of an ADU is allowed if the property owner lives in the house. Renting both the ADU and house is against the Town rules.

**Meeting Adjourned at 8:12 P.M.**

Comment submitted to the Board at its March 28, 2013 meeting, for inclusion in the minutes.

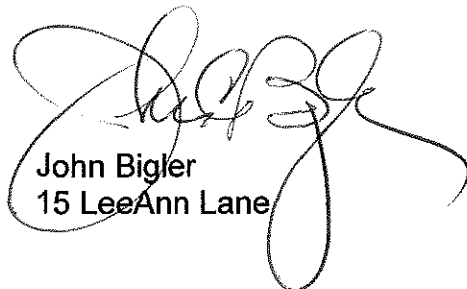
Everyone knows what a quorum is. You don't need to read Robert's Rules, go to Harvard or hire a lawyer -- just ask any school kid or look in a dictionary. A quorum is "the minimum number of members present at an assembly or meeting before it can validly proceed to transact business."

The first item on the Agenda for the December 2012 annual Assembly meeting was "Proof of Notice and Establishment of Quorum." The Board appointed AMCS to obtain the signatures of all homeowners present at the meeting and to count and retain the proxies which the Board had solicited and collected before the meeting. During the meeting, AMCS reported to the Board President that the official total of signatures and proxies represented 106 homesites out of a total of 762 homesites. Homesites owned by titleholders "not in good standing" were not represented at the meeting.

That official total of 106 homesites represented was less than the 15 percent of homesites (or possible votes) required by the Bylaws. The President clearly stated during the meeting that "we do not have a quorum present" and Tim Bouch, the hired attorney standing next to the President and advising the President during the meeting, endorsed that statement of no quorum. There was never a new count of attendees and proxies during the meeting to overcome the initial conclusion of no quorum.

The Minutes of the annual meeting state that there was no quorum. Those Minutes were approved at the January Board meeting, confirming that there was no quorum. And, the President confirmed that there was no quorum when I presented my demand for a new election at the February meeting -- she stated then that the attorney told her no quorum was necessary. Any attempt by the Board to fabricate an argument for a quorum 3-1/2 months after the meeting would be an outrage to every homeowner who believes in fair elections.

I am now repeating my demand for the Board to immediately schedule a Special Meeting of the Assembly for the expressed purpose of electing trustees to fill the five positions vacated at the end of the 2012 term.



John Bigler  
15 LeeAnn Lane



# LEATH, BOUCH & SEEKINGS, LLP

COMMERCIAL LITIGATION • CONSTRUCTION • ENVIRONMENTAL

March 11, 2013

**VIA EMAIL**

Deborah Bedell, President  
I'On Homeowners Assoc.  
I'On Assembly, Inc.  
179 East Shipyard Road  
Mount Pleasant, SC 29464

Re: December 11, 2012 Annual Meeting and Election

Dear Deborah:

You have asked us for our opinion to a quorum challenge to the December meeting and election. What follows is our analysis of the facts and law. Based on these facts known, and the current state of the law, we are of the opinion that the challenge is without serious merit.

Pursuant to section 2-106(a) of the Bylaws, the Annual meeting was held December 11, 2012. The meeting was properly noticed pursuant to section 2-106(c) of the Bylaws. Section 2-106(e) states that a quorum exists for the conduct of business at a meeting of the Assembly when "Titleholders entitled to cast at least 15% of the total votes of Titleholders are represented in person or in proxy." Approximately 14 minutes into the meeting, a quorum was declared. There were no objections or challenges to the quorum declaration and the voting proceeded. All of the seats were uncontested.

In spite of the quorum declaration, the minutes from the Annual Meeting incorrectly stated, "106 homes represented in person or by proxy. There was not a quorum." Based on this inaccuracy, a challenge to the election has been made two months later. We are of the opinion that the challenge is without any legal substance for the following reasons.

Initially, it is important to note that once the president makes a quorum declaration, the

continued presence of a quorum is presumed unless the president or other member notices a quorum is no longer present. *See Siteman v. City of Allentown*, 695 A.2d 888, 890 (Pa. Commw. Ct. 1997); Robert's Rules of Order § 39 (1981); See also *S. Louisiana Bank v. Williams*, 591 So. 2d 375, 379 (La. Ct. App. 1991) *writ denied*, 596 So.2d 211 (La. 1992) ("There is always a presumption in favor of a quorum and regularity of proceedings."). The burden of proving the absence of a quorum is on the party bringing forth the challenge. *Poole v. Miller*, 211 Md. 448, 454, 128 A.2d 607, 611 (1957) ("The appellants have not offered actual proof of the lack of a quorum at a meeting of the stockholders; and in the absence of proof to the contrary, the presence of a quorum at a stockholders' meeting will be presumed.").

Further, it is fundamental that a party waives its right to challenge or contest a matter by failing to object at the time or by participating and acquiescing. *See Jones & Artis Constr. Co. v. District of Columbia Contract Appeals Bd.*, 549 A.2d 315, 324 (D.C.1988) (concluding that the parties' failure to raise the quorum issue before the Board was an acquiescence and waiver of the right to later challenge the issue); *see also Will v. View Place Civic Ass'n*, 61 Ohio Misc.2d 476, 482, 580 N.E.2d 87 (Ohio Com. Pl. 1989) (concluding that failure to raise issue of whether quorum was present during meeting constituted waiver of issue); *Pellerin v. 1915 16th St. Co-op. Ass'n, Inc.*, 980 A.2d 1234, 1236 (D.C. 2009) (Same); *Croaff v. Evans*, 130 Ariz. 353, 358, 636 P.2d 131, 136 (Ct. App. 1981) ("We therefore hold that plaintiff waived her right to have a hearing before a quorum of the board, and proceed to the final issue raised by plaintiff."); *c.f. Jarosz v. Spano*, 65 A.D.3d 991, 992, 885 N.Y.S.2d 102, 103 (2009) (discussing waiver of parties' challenge to proxy votes and alleged lack of quorum therefrom). Because there was no objection to the quorum declaration, a party making a future challenge has waived the right to so.

In any event, a review of the documents and numbers establishes that there was in fact a quorum at the time of the President's quorum declaration. The Controlling Documents set forth when a quorum exists for the conduct of business. Section 2-106 of the Bylaws provides:

**§ 2-106 [Assembly Meetings]**

- (e) A quorum shall exist for the conduct of business at a meeting of the Assembly when Titleholders entitled to cast at least

15% of the total votes of Titleholders are represented in person or by proxy.

Therefore, whether a quorum exists ultimately depends on "the total votes of Titleholders." It is from this figure that the 15 percent is derived. This number fluctuates depending on the number of "Titleholders" that are presently eligible to vote. Section 2-103 of the Covenants, Conditions, and Restrictions state, in pertinent part:

**§ 2-103 [Voting Rights]**

Titleholders must be in good standing with the Assembly to vote on matters before the Assembly. To be in good standing, a Titleholder must be current to within 30 days of the due date of all financial obligations to the Assembly.

(a) Titleholders. On any matter requiring a vote or the Approval of Titleholders under the Governing Documents, a Titleholder is entitled to one vote for each lot as to which he or she is a Titleholder . . .

Based on the plain reading of this section, a Titleholder who is not in good standing does not have a vote and is therefore not included in "the total votes of Titleholders" pursuant to section 2-106 of the Bylaws. According to the Assembly's records, at the time of the December 11, 2012 meeting in question, there were 25 Titleholders that were not in good standing pursuant to § 2-103. Therefore, "the total votes of Titleholders" at the time of the election was 761 minus 25, or 736. A review of the sign-in sheets establishes there were a total of 67 Titleholders who signed in at the meeting, and a total of 41 Titleholders whose votes were represented by proxy. Additionally, at least 2 Titleholders were represented that failed to sign-in, Chad Besenfelder & Martha Morgan. The total number of Titleholders entitled to vote that were represented at the meeting was 110. Because 110 is 15% of 736, a quorum existed at the time of the President's declaration.

Total number of Lots (1 vote per lot) = 761

Total number of Titleholders ineligible to Vote = 25

Total votes of Titleholders = 736 (761 - 25)

Quorum = 110 (15% of 736)

Indeed, AMCS's statement in the minutes "106 homes represented in person or by proxy. There was not a quorum" has several inaccuracies and ambiguities. First, the statement itself is not an inaccurate description of how a quorum is calculated pursuant to the Controlling Documents. Contrary to the statement, it is the number of "Titleholders" represented in the equation, not the number of "homes." Second, the statement is silent on how the determination itself was made. In order to accurately determine the number of "Titleholders" that were required to constitute a quorum, there must have first been a determination of the total number of Titleholders that were entitled to vote. It is not clear whether this was done. Finally, it is not clear from the statement whether the "106 homes" figure came from the total ballots cast or the sign-in register at the meeting.

Moreover, once a quorum exists and the declaration is made, individuals leaving the meeting or failing to cast a vote do not necessarily affect the quorum's status. Section 2-106 of the Bylaws provides:

**§ 2-106 [Assembly Meetings]**

(e) . . . If a quorum is initially represented at any meeting of the Assembly, the departure of persons during the meeting leaving less than a quorum shall not prevent business from continuing, so long as any action taken is approved by at least a majority of the votes required to constitute a quorum.

Section 2-102 (a) of the Bylaws states, "the vote of Members entitled to cast more than 50% of a quorum of the total eligible votes on any matter shall constitute the decision of the members on such matter." Once a quorum is declared, therefore, whether the actual votes needed to constitute a quorum are actually cast is irrelevant, so long as the vote's cast constitute more than 50% of the quorum at the time it was declared. See also *Atterbury v. Consolidated Coppermines Corp.*, 26 Del.Ch. 1, 15, 20 A.2d 743, 749 (DEL.CH.1941) ("[A] quorum once present cannot be destroyed by subsequent withdrawals or revocations of proxies."). At the December 11, 2012 annual meeting, a quorum existed and was declared without objection. If the number of votes cast in favor of the duly elected board constituted a majority of the votes required for a quorum, the election would likely be upheld.

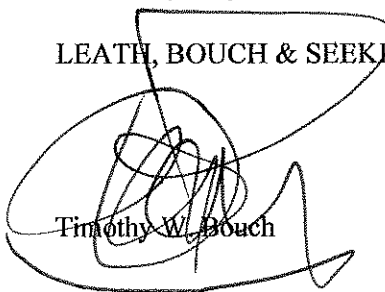
Based on the foregoing, we do not believe that the challenge to the election will prevail. The documents and numbers establish that a quorum was in fact present at the time the declaration was made, demonstrating the AMCS statement in the minutes is incorrect. Regardless, the declaration was made without objection, and is presumed valid until sufficient evidence establishes otherwise. This burden falls on the challenger. Given the inaccuracies and ambiguities surrounding AMCS's statement and the substantial evidence supporting the existence of a quorum, it appears the challenge is without merit.

This opinion is based on the facts as presently known and the current state of the law. Any changes in either the facts or law may ultimately change this opinion. Please call if you have any further questions.

With best personal regards, I am

Yours very truly,

LEATH, BOUCH & SEEKINGS, LLP

A handwritten signature in dark ink, appearing to read "Timothy W. Bouch", is written over the typed name. The signature is stylized with loops and a long horizontal stroke extending to the right.

Timothy W. Bouch

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140 Stoneridge Drive, Suite 650  
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Licensed in North Carolina

## CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION

March 28, 2013

### VIA EMAIL

Deborah Bedell, President  
I'On Assembly Inc.  
179 East Shipyard Road  
Mt. Pleasant, SC 29464

Re: Opinion Letter Regarding Annual Meeting and Election held December 11, 2012

Dear Deborah:

You have asked me for a legal opinion regarding the validity of the December 11, 2012 I'On Assembly meeting based on quorum challenge. I have reviewed the governing documents for I'On Assembly, and it is my opinion that a quorum was present at the December meeting and any challenge to the validity of this meeting would fail.

As a preliminary matter, § 2-106(e) of the Bylaws states "A quorum shall exist for the conduct of business at a meeting of the Assembly when Titleholders entitled to cast at least **15% of the total votes of Titleholders** are represented by person or by proxy. . . ." Based on the information I have been provided, there are 738 Titleholders in I'On. However, § 2-103 prevents delinquent Titleholders (those more than 30 days late on payment of assessments) from voting. I am informed that 25 Titleholders were delinquent as of the December meeting. This brings the total votes of Titleholders to 713.

I am also informed that *at least* 108 Titleholders were present at the December meeting either in person or by proxy. Based on these figures, there would have been a quorum of **15.15%** of the Titleholders represented in person or by proxy.

The I'On Assembly minutes from the December meeting state that "106 homes represented in person or by proxy. There was not a quorum." This statement is inaccurate based on the calculations I have provided above. I would advise the Association to revise the meeting minutes to properly reflect this percentage and the establishment of a quorum.

Please contact me if I may be any further assistance in this matter.

On Assembly Opinion Letter  
March 28, 2013

With regards,

A handwritten signature in black ink, appearing to read "Hal L. Beverly Jr.", written in a cursive style.

Hal L. (Chip Beverly) Jr.

HLB/ahw

## **Landscape Committee Report – April 2013**

### Update:

- All common area and right-of-way tree pruning will be completed in the next few weeks. As a point of perspective LOG has pruned 851 juvenile live oaks that are planted in the right-of-way.
- LOG has ramped up operations to 4 days per week (Tues – Fri) in order to manage the Spring growth spurt and the associated weeds.
- The Square raised bed replanting project will be completed in May.
- The neighborhood Spring color will be planted in May. At that time the common area irrigation systems will be adjusted to the Summer schedule in anticipation of the coming heat and long days of sun.

### **April 18, 2013 Infrastructure Update**

- a. Planning being discussed with Town of Mount Pleasant (TOMP) and neighbors for East Shipyard and East Lake Intersection Curve for 10 MPH signage.
- b. Town of Mount Pleasant (TOMP) has plans to establish the on-street parking spaces for Jane Jacobs Road, Duany Road and Robert Mills Circle Road. No specific schedule has been established by the Town. We have asked them to coordinate with our committee so we can pass along specific neighbor request. Both John and I are keeping a file of neighbors that have requested parking spaces to be established or removed.
- c. Continuing process for meeting on Stormceptors. TOMP to schedule soon.
- d. Still on hold on ordering the 1 HP Hydro Mixers until it can be determined if the I'On Company (who owns the canals) will pay for the improvements to their .5 HP Hydro Mixers that are not working properly.
- e. Plans in place for West Lake Irrigation Pump Motor Bearings to be replaced.
- f. Plans in place to replace some of the I'On Trash Cans in the neighborhood – getting bids
- g. Plans in place to order a pedestrian crosswalk sign for Shelmore/Sowell intersection
- h. Discussion needed for crosswalks to be placed or not placed in the Square at intersection of Civitas and Shelmore Blvd. Received a bid from Earth Source Engineering to design and permit crosswalk. Tony trying to schedule meeting with Jim Robertson to discuss cost sharing for design and construction.
- i. Neighborhood Crosswalks – Continuing to research surfaces for new and or replaced crosswalks on Sowell Street intersections such that they will closely match the existing crosswalks near Perseverance Park. Committee is also continuing to study traffic calming near the Shellmore / Sowell intersection.
- j. Handover of Amenities – Tony and Deborah meet with the I'On Company regarding the transfer of amenities in Phase 7, 9, and 10, and the Canals. The I'On Company is having LOG correct previously noted deficiencies and will schedule a new walk through with Infrastructure and Landscape Committees when complete. The I'On Company set a date to complete the Handover of July 31, 2013. Committee will solicit two bids from a structural engineer to inspect and provide a report on the canal bulkheads, and the docks and boat ramp.
- k. East Shipyard & East Lake – Deborah asked Town to review curb and make safety recommendation. The Town has recommended painting a center stripe on road through curve.

- I. Pond Maintenance – We solicited two new proposals for Pond Maintenance and both are substantially lower than current contract. Committee will review proposal and if necessary make a change recommendation to full Board.

Ongoing Projects on Calendar/ To Do List

- m. Cracked Sidewalks/busted curbs – contact Town regarding replacement
- n. Review of SCEG Lights Maintenance
- o. Creek Trails Maintenance

## Finance Committee Report – APR 2013

**FINANCES:** We ended the month of March Deficit to budget by \$12,036 (\$64,826 actual versus a budget for the month of \$52,790.) The Deficit is due to legal bills. We have spent 45,000 this year and our budget is 25,000. We are 20,000 over budget end of March. We do have a legal bucket for collection on the budget for \$12,000 (Account 6545-Legal Collections and Consulting) and we have used less than \$2000 so hopefully we can move some of this budget bucket to cover half of the above 20,000 over budget.

**MONEY MANAGEMENT:** We are working on a plan to consolidate our bank accounts to 4-6 banks total, as CD's mature. We have made sure our finances are safely insured. Eventually we like to divide banks up between operating funds and Reserve funds to keep it all simple.

**CAPITAL RESERVES/TRANSFER FEES:** We worked with Steve Wagner to devise a program to make sure we collect transfer fee on- sold properties. We have had 18 collections so far this year in the amount of \$ 18,037 total. (This puts us on target for the year towards collecting \$65,000 in total.)

**DELINQUENCIES:** All old and new delinquencies that occur will be handled by SCS through their existing collection process.

Moving the collection to SCS should save us between \$1500-\$2500 in collection fee a month.

We are still working on an unusual(y) high amount of delinquent accounts. We still have 93 that have not paid HOA on time and in addition another 21 accounts with old balances

Total delinquency report at 4/4/2013 = \$ 139,453.00, so we collected some 80,000 in March.

Out of \$139,453 about \$79,000 are new this year and about \$60,000 are old balances. Out of old \$60,000 balances \$30,000 are actual past due HOA fees since 2005 and the other \$30,000 are late fees and legal fees.

**TAXES:** We filed taxes on time before March 15 (and owed no additional taxes for 2012, in fact we were due a refund which was used to reduce our first quarterly estimated payments).

**EXPENSES:** It seems like we can Change Lake management and monthly fee could go from 1250.00 a month to 599.00 a month = saving of 7800.00 a year.

We are moving our collections to SCS and McCabe&Trotter for liens and foreclosure filings. We should see significant savings on collection cost/fees.

## PRESIDENT'S REPORT

April 2013

**Litigation Status:** There have been no further developments. Our attorney still has not been provided with a draft of the proposed settlement agreements circulating among the other attorneys. The Board continues to confer with counsel about our options.

**Common Area Turnovers:** The I'On Company has committed to turning over all remaining parcels in I'On by 31 July. The most significant of these parcels are the two canals. The Landscape and Infrastructure Committees will be scheduling property walk-throughs, generating to-do lists, obtaining independent engineering reports on the condition of the canals and bulkheads, and making their recommendations to the Board about accepting the turnovers.

**IDC Turnover:** The I'On Company has committed to turning over the IDC to Assembly control by 30 September. In coming months we will start working on managing the transition and conducting a search for a new Neighborhood Design Coordinator to replace Chad Besenfelder.

**Phase 11:** In a recent meeting on common area turnovers, Vince mentioned that the current plan for Phase 11 calls for 31 units, including 14 attached units (townhomes). Two previously unallocated lot entitlements are currently being carved out of the Phase 11 parcel at the end of Jane Jacobs and Perseverance; these resulted from the abandonment of property lines on two other parcels within I'On. There were no discussions of current activities or timetables with respect to Phase 11.

**Golf Carts:** The Board has noticed an increase in concerns expressed, especially over spring break, about under-aged and reckless golf cart operators. We've contacted the Mount Pleasant Police Department to inquire about its enforcement policies with respect to operators under 16.

**I'On Bicycle Races:** An informal observation is that the community is about evenly split (at least among those who expressed an opinion) about the Bike Races in I'On. They will take place on April 20<sup>th</sup>. We have asked race operators to remind residents who need to move their cars to be sure to park ONLY in marked spaces, and to be especially conscious about safety, especially on long blocks between intersections where crossing guards are posted.

## April Amenities Report

- 1) Web based poll concerning dog free zones- pursuant to last month's meeting, the question of whether dog free zones should be established was raised on the community website. Overwhelming opposition was voiced to this proposal. It would be the opinion of the community that this proposition be dropped, as the community does not support it. However, the underlying issue would appear to be that people are less than diligent in picking up pet waste. The committee would ask that something be placed in the newsletter encouraging better performance in this area. Also, we would suggest that money be set aside for additional signage concerning this issue and additional stations for collection bags.
- 2) Volunteers for dock maintenance - since the last meeting there have been a large number of volunteers. This is no longer an issue. The next question is when we will actually take control of the property.
- 3) The committee would like to formally propose the construction of a dog park at the Mathis Ferry end of the athletic field, as was discussed at the last meeting. We would request an approximate budget of \$10,000 for this project. This is based on the costs incurred in construction of the community garden, which is about the same size as the proposed dog park plus a fudge factor for inflation in the 4 intervening years. Once the board approves the project formally, we will begin obtaining bids, and will be able to give a more exact estimate of cost.

## Communications Committee Report April 2013

### Website

**VOTE** to Correct *Website Terms of Use policy April 2010* to include step to inform neighbors at time of 2<sup>nd</sup> offense action. (matches the step for 1<sup>st</sup> warning).

(Existing and Corrected attached)

**VOTE** (Website Policy procedure) on status of Ward Mundy April 3<sup>rd</sup>

Bulletin board posting. The communications committee recommends supporting their decision that this qualifies as a 2<sup>nd</sup> offense which removes his household's access to the Bulletin Board section of the website only. (violations attached)

### CAI Memberships

Each board member now has subscriptions to Community Association Institute <http://caionline.org> to use for researching common HOA Board issues and solutions.

## I'ON WEBSITE TERMS OF USE ENFORCEMENT POLICY

### Re: BULLETIN BOARD USE

As approved by the I'On Assembly HOA Board, April 22, 2010

Following is the Communications Committee policy for managing postings on the community website Bulletin Board that violate the Terms of Use (TofU). The objectives are to provide a certain level of due process for violators, to identify specifically what terms are being violated, to remove offensive postings, and to inform the community that action is being taken and why. It should be noted that messages disagreeing with the Board or other posters, even when couched in innuendo or containing inaccurate information, would not be considered violations as long as they do not fall afoul of Section 7 of the TofU relating to personal attacks, as well as abusive, threatening or harassing language or images.

The process is as follows:

**When a violation is alleged, either by a Communications Committee member or the report of another resident:**

1. Under our Terms of Use (Section 8), the Website Administrator has authority to decide whether a post on the Bulletin Board is deemed a first violation. The Administrator will consult with other members of the Committee in coming to that determination.
2. If the post is deemed a violation, the Website Administrator will take the following actions:
  - a. Send an email to the poster: "Your post of [date] and on [topic] violates the I'On Community website Terms of Use due to its use of [abusive, harassing, threatening language or personal attack—the specific terms will be specified from Section 7 of the Terms of Use]. It has been removed from the Bulletin Board. Further postings of this nature will result in loss of access privileges for your household to the Bulletin Board portion of [www.ioncommunity.com](http://www.ioncommunity.com)."
  - b. The Website Administrator will post on the Bulletin Board that the offending posting has been removed, identifying it by poster, topic and date, and that the poster has been notified that further postings of this nature will result in the loss of Bulletin Board access privileges.
  - c. The Website Administrator will enter a "Yellow Card" notation in the website database (not visible to regular residents) under the poster's account that this household was given a first notice of TofU violation on [date] about [topic] posted by [resident's name]. Violations will be logged by household, but determinations about a second violation will be based on individual behaviors.

**When there is an alleged repeat violation:**

1. The Communications Committee will decide whether a subsequent post by an individual is determined to be a repeat violation. It does not matter whether the subsequent post is contained within the same "topic thread" as the first violation, or what time has elapsed.
2. If the post is deemed a violation by a majority of the Communications Committee, the Website Administrator will take the following actions:
  - a. Send an email to the poster's household: "The Communications Committee has determined that your post of [date] about [topic name] is a repeat violation of the Terms of Use due to its use of [describe violation in Paragraph 7 terms]. As result, your household's access to the Bulletin Board on the Community Website is terminated as of today. This termination decision will be reviewed and either ratified or rejected by the I'On Assembly HOA Board of Trustees at its next monthly meeting. You are welcome to appeal the decision at that meeting."
  - b. Based on the Communications Committee decision, the Website Administrator will modify the poster's website account(s) preventing the household from accessing the Bulletin Board portion of the website, and then enter a "Red Card" notation on the website database that the poster's household has been given notice of a second violation and terminated on [date].
  - c. The Communications Chair will report to the Board at its next monthly meeting that a poster's household's Bulletin Board access privileges have been terminated under this policy, citing the offending posts. The Board may ratify or reject the termination at this meeting.
  - d. If the Board ratifies the termination decision, the Website Administrator will post a notice on the Bulletin Board that a post by [name] on [topic] has been removed, as described above, and that, due to a repeat violation of the Terms of Use, the poster's Bulletin Board access privileges have been terminated.
  - e. If the Board rejects the termination decision, the poster's Bulletin Board access will be promptly reinstated. The database record will be updated accordingly, i.e., changed back to "Yellow Card" status, or the yellow card notation removed completely.

### **Following a Bulletin Board access termination**

1. Under our Terms of Use (Section 9), "An appeal to the Communications Committee of the HOA Board can be made by any resident at any time if they feel they have been unfairly treated." Residents may address the I'On Assembly HOA Board at the specified meeting when their case is being reviewed.
2. The household will continue to receive correspondences sent out via the website's email bulletin feature (e.g. Assembly notices, monthly newsletters, etc.) and view and use other portions of the website. The household will not, however, be able to access the Bulletin Board portion of the website or subscribe to the Bulletin Board.

## I'ON WEBSITE TERMS OF USE ENFORCEMENT POLICY

### Re: BULLETIN BOARD USE

As amended by the I'On Assembly HOA Board April 18, 2013

Following is the Communications Committee policy for managing postings on the community website Bulletin Board that violate the Terms of Use. The objectives are to provide a certain level of due process for violators, to identify specifically what terms are being violated, to remove offensive postings, and to inform the community that action is being taken and why. It should be noted that messages disagreeing with the Board or other posters, even when couched in innuendo or containing inaccurate information, would not be considered violations as long as they do not fall afoul of Section 7 of the Terms of Use relating to personal attacks, as well as abusive, threatening or harassing language or images.

The process is as follows:

**When a violation is alleged, either by a Communications Committee Member or the report of another resident:**

1. Under our Terms of Use (Section 8), the Website Administrator has authority to decide whether a post on the Bulletin Board is deemed a first violation. The Administrator may consult with other members of the Committee in coming to that determination.
2. If the post is deemed a violation, the Website Administrator will take the following actions:
  - a. Send an email to the poster: "Your post of [date] and on [topic] violates the I'On Community website Terms of Use due to its use of [abusive, harassing, threatening language or personal attack—the specific terms will be specified from Section 7 of the Terms of Use]. It has been removed from the Message Board. Further postings of this nature will result in loss of access privileges for your household to the Bulletin Board portion of [www.ioncommunity.com](http://www.ioncommunity.com)."
  - b. The Website Administrator will post on the Message Board that the offending posting has been removed, identifying it by poster, topic and date, and that the poster has been notified that further postings of this nature will result in the loss of Bulletin Board access privileges.
  - c. The Website Administrator will enter a "Yellow Card" notation in the website data base (not visible to regular residents) under the poster's account that this household was given a first notice of TofU violation on [date] about [topic] posted by [resident's name]. Violations will be logged by household, but determinations about a second violation will be based on individual behaviors.

**When there is an alleged repeat violation:**

1. The Communications Committee will decide whether a subsequent post by an individual is determined to be a repeat violation. It does not matter whether the subsequent post is contained within the same "topic thread" as the first violation, or what time has elapsed.
2. If the post is deemed a violation by a majority of the Communications Committee, the Website Administrator will take the following actions:
  - a. Send an email to the poster's household: "The Communications Committee has determined that your post of [date] about [topic name] is a repeat violation of the Terms of Use due to its use of [describe violation in Paragraph 7 terms]. As result, your household's access to the Bulletin Board on the Community Website is terminated as of today. This termination decision will be reviewed and either ratified or rejected by the I'On Assembly Board of Trustees at its next monthly meeting. You are welcome to appeal the decision at that meeting."
  - b. Based on the Communications Committee decision, the Website Administrator will modify the poster's website account(s) preventing the household from accessing the Bulletin Board portion of the website, and then enter a "Red Card" notation on the website database that the poster's household has been given notice of a second violation and terminated on [date].
  - c. The Website Administrator will post on the Message Board that the offending posting has been removed, identifying it by poster, topic and date.
  - d. The Communications Chair will report to the Board at its next monthly meeting that a poster's household's Bulletin Board access privileges have been terminated under this policy, citing the offending posts. The Board may ratify or reject the termination at this meeting.
  - e. If the Board ratifies the termination decision, the Website Administrator will post a notice on the Bulletin Board that a post by [name] on [topic] has been removed, as described above, and that, due to a repeat violation of the Terms of Use, the poster's Bulletin Board access privileges have been terminated.
  - f. If the Board rejects the termination decision, the poster's Bulletin Board access will be promptly reinstated. The data base record will be updated accordingly, i.e., changed back to "yellow card" status, or the yellow card notation removed completely.

**Following a Bulletin Board Access termination:**

1. Under our Terms of Use (Section 9), "An appeal to the Communications Committee of the HOA Board can be made by any resident at any time if they feel they have been unfairly treated." Residents may address the HOA Board at the specified meeting when their case is being reviewed.
2. The household will continue to receive correspondences sent out via the website's email bulletin feature (e.g., Assembly notices, monthly newsletters), and view and use other portions of the website. The household will not, however, be able to access the Bulletin Board portion of the website or subscribe to the Bulletin Board.

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|----------------------|---------------------------|-----------------------------|------------------------|--------------------------------|-------------------------------------|-----------------------------|-----------------------------|
| <a href="#">Home</a> | <a href="#">Directory</a> | <a href="#">Inside I'On</a> | <a href="#">Photos</a> | <a href="#">Bulletin Board</a> | <a href="#">I'On Assembly (HOA)</a> | <a href="#">New to I'On</a> | <a href="#">Site Search</a> |
|----------------------|---------------------------|-----------------------------|------------------------|--------------------------------|-------------------------------------|-----------------------------|-----------------------------|

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## Announcements

[Home » Announcements » I'On Assembly » Website Terms of Use](#)

### Website Terms of Use

[Edit Announcement](#)[Delete Announcement](#)

3/14/2010

#### I'On Community Website Terms of Use

Welcome to the I'On Community Website. This site has been constructed by your neighbors with the help of AtHome.net, our website provider, and AMCS, our community management company. While we hope you find the information helpful, there are a few rules of the road that we will ask you to adhere to. Your ability to use the website is contingent upon respecting the rules. They are few, but important.

- 1) While the Public Page of the website is open to all, the Private Page and beyond is for residents and property owners of I'On only. Please protect your login name and password.
- 2) Login names and passwords are issued with the understanding that whoever has access to the login information agrees to these Terms of Use. If a login name is shared within a household, all users must be responsible. Abuse by one member could result in the loss of website privileges for the household.
- 3) Please respect the privacy of residents email addresses by not compiling email lists for commercial or any other mass-mailing purposes. Email addresses are available for social and I'On community purposes only.
- 4) Content on the Website is informational only. While we make every attempt to be accurate, occasionally we may err. Please accept our apology.
- 5) The Bulletin Board is designed to post and discuss notices of community events, request referral information for vendors or services, post lost and found items or pets, and other types of information of general interest to the community.
- 6) The Bulletin Board is not to be used to bring Assembly business to the attention of the Board. Community questions or concerns can be directed to the HOA Mailbox located on the Private Home page as well as under the Assembly News column. The HOA board is under no responsibility to either monitor or reply to any posting on the board. Inappropriate postings will be deleted. Monthly Assembly Board meetings are the best venue to direct specific questions or concerns to the Board.
- 7) Personal attacks, use of profanity, threatening, abusive, harassing or offensive language or images are not appropriate or permitted on our community website. Messages directed at a single individual are best conveyed directly and privately.
- 8) The Website Administrator(s) has the sole authority to determine whether an abuse of the Website has been made. The Administrator(s) may choose a remedy to an abuse ranging from contacting the resident directly to discuss a solution, to immediate termination of the residents Website privileges.
- 9) An appeal to the Communications Committee of the I'On Assembly HOA Board can be made by any resident at any time if they feel they have been unfairly treated.

As a resident or property owner of I'On and a user of the Community Website, I indicate I agree to the Terms of Use of this Website by clicking on the link below.

[\[Click here to see the policy adopted Apr 22, 2010 by the I'On Assembly HOA to guide enforcement of these Terms of Use related to Bulletin Board use.\]](#)

## I'Oncommunity.com website Bulletin Board violations

Ward Mundy

### 1<sup>st</sup> offense Yellow Card warning

----- Forwarded message -----

From: IOn Community - DO NOT REPLY <Lavonmch@gmail.com>

Date: Mon, Jun 4, 2012 at 6:26 AM

Subject: New Message on IOn Community Web Site's Message Board

THIS IS AN AUTOMATED NOTIFICATION, PLEASE DO NOT REPLY.

-----  
The following new message has been posted on the Message Board:

New Message Posted by: Ward MUNDY

Posted Under Topic: The Boat House

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This isn't the first time members of the I'On Board have attempted to destroy the boathouse. The last time a few of these folks actually had the dumpster in place to haul off the pieces. With some of our Eastlake friends, all I can suggest is you better watch them 24x7. Most of them hate kids, dogs, and life in general. To them the Boathouse is an ugly reminder of all of that. Pretty sad!

### 2<sup>nd</sup> offense Red Card notice

New Message Posted by: Ward MUNDY

Posted Under Topic: Dog Free, Poop Free Zone?



message posted Wednesday, April 03, 2013 7:32:30 PM



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Sorry to say that I served on a previous Board with the same sort of Rule Nazi mentality. I also watched property values decline as word of the I'On mentality spread to folks looking to buy new homes. It's the price we all pay for not becoming active participants in the governance of our community. Hopefully, if you care about our community, this will serve as a wakeup call that we don't really need another board with members elected by as few as 29 residents. The current board is serving illegally because there was no quorum at the December meeting. This was duly recorded in the minutes of that meeting (unless the current board has 'amended' the document since I last looked). The question is whether anyone wants to get lawyers involved to throw these folks out of office or merely endure this mess until next December. Pretty sad!

On Thu, Apr 4, 2013 at 7:11 PM, Trisha Elrod <[telrod@scs-carolina.com](mailto:telrod@scs-carolina.com)> wrote:

Mr. Mundy,

The Communications Committee has determined that your post of April 3, 2013 about 'Dog Free/Poop Free Zone' is a repeat violation of the Terms of Use due to its use of offensive and abusive language. As result, your household's access to the Bulletin Board on the Community Website is terminated as of today. This termination decision will be reviewed and either ratified or rejected by the l'On Assembly Board of Trustees at its next monthly meeting. You are welcome to appeal the decision at that meeting.

Thank you,

Trisha Elrod

Secretary Report  
April 16, 2013

**VOTE** on the *Board Minutes Policy*:

**BOARD MINUTES POLICY** - effective January 1, 2013

The Board will hear, consider and review any documents or prepared statements submitted by either homeowners or Board members, but such materials will not be incorporated into or posted with the Board Meeting Minutes.

Minutes are summaries of discussions and records of actions taken. They are not transcripts. Incorporating documentation or prepared statements from homeowners or Board members may be viewed as implying Board endorsement of the materials or opinions. It also allows the possibility for insertion of incorrect, misleading or slanderous material into the record.

This policy does not apply to actual third party documentation provided by a Board member, such as an attorney's opinion, an engineering report, or a vendor's bid, to be entered into the record as a basis for Board action.

**VOTE** on the *Board Meeting Homeowner Forum Policy*:

**BOARD MEETING HOMEOWNER FORUM POLICY**

The purpose of the homeowner's forum is to provide an opportunity for homeowners to address the Board informally about topics concerning matters of general community interest in I'On. The forum is not intended as a debate or extended question and answer session.

Constructive suggestions for remedies to problems or concerns presented are welcome. Matters relating to individual concerns should be addressed directly with the Community Manager.

Individual comments should be presented with respect and may be limited at the Board's discretion, out of deference to the Board's meeting agenda and time constraints.