

I'On Board Meeting Minutes

February 28, 2013

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

Members Absent: David Countryman

SCS: Trisha Elrod, Dana Cutright

Homeowners Forum:

John Bigler: challenged the legality of the board election at the December 2012 annual meeting. His prepared comments are attached to these minutes.

Bruce Kinney, Sandy Farkas, Athan Fokas, LeaAnn Adkins, Jack Hamilton, John Krainin and Bill Settemeyer: all offered comments on the Creek Club litigation.

Previous meeting minutes approved:

Motion to approve the January 23, 2013 minutes of the Special Meeting of the Assembly. All were in favor. Motion carried

Motion to approve the January 24, 2013 Board Monthly meeting minutes as submitted. All were in favor. Motion carried

Motion to approve the February 17, 2013 Special Board meeting minutes as submitted. All were in favor. Motion carried

Review of Creek Club Litigation:

The proposed settlement has been posted on the I'On website.

Deborah Bedell stated that the Board was not party to the settlement and isn't taking a legal position on the settlement. The Board will accept any deeds that will be handed over to I'On as a result of the lawsuit.

Based on an analysis, the Board does have some concerns about the proposed settlement. One concern is the availability of the docks to the residents. Another is the too-small community center building planned to be built on a very small parcel. The full board statement on the proposed settlement will be posted on the website tomorrow.

Deborah stated that the settlement decision was made without any legal representation of the Assembly present. The Board wants to participate in reaching a new settlement that better meets the needs of the Assembly.

Landscape/Infrastructure Committee:

Landscape

Dave Rosengren and Amy Sage proposed an enhancement of \$7,300 to improve an area in the square. The project would include removing some plants, installing new plants, irrigation, seasonal color and help save 7 trees.

A motion was offered to approve \$7,300 enhancement budget for the landscape project.

An amendment to the motion was offered to restrict the project budget to \$500.00 to help save existing trees. All were in favor. The amended motion carried.

The original motion was defeated.

Dave was authorized to spend \$1,050 to replace plants from the vandalism to park but will hold off on other enhancement projects until a later date for budget reasons.

Infrastructure

It is confirmed that Maybank Green, Perseverance Park and the marsh walk around Hopetown are owned by and deeded to the Assembly.

The two canals are still owned by the I'On Company and they are being responsive with the canal needs. One canal Hydro mixer is not working and will be replaced. There is a proposal for a 1 horsepower engine instead of ½horsepower to move the water better.

Tony Woody contacted the town about parking on Perseverance/Faye Ln. The Town asked for a drawing showing proposed new parking spaces. Drawings will be submitted.

Tony reported that Mt. Pleasant Water is looking into and taking care of the flood issues at stormceptors, and also that damaged stop signs have been replaced.

Ongoing improvement projects include crosswalks at Shelmore and Ponsbury Rds., cracked sidewalks, SCE&G lights and creekside trails. Tony continues working with the Finance Committee to monitor property transfers from the I'On Company.

Finance committee:

Transferring money from accounts managed by AMCS to those managed by SCS continues. Everything is running smoothly and the Finance Committee and SCS are double-checking all details as they move along.

An insurance review revealed that the Assembly didn't have fidelity insurance and a policy has since been put in place.

Frederik is preparing tax reports and the budget is on track.

The Finance Committee wants to adopt a new collections policy using a new law firm to collect delinquent assessments. If approved, there will be no upfront costs and firm will work on contingency fee.

Motion to approve the new collections policy as presented by Frederik. All were in favor. Motion carried

President's Report:

228 Ponsbury

Board earlier approved a contingent agreement to convey small alleyway to homeowner. A letter of intent has been provided to the homeowner for presentation to the Town Planning Department.

Police have agreed to enforce parking laws and ticket on main thoroughfares.

There are some concerns about Creek Club availability to residents and the Board will continue to work on an agreement.

Information about the Tour d'I'On will be in March newsletter. Deborah reports mixed views about the event and that some residents are worried about parking and safety.

Motion to approve \$23.00 reimbursement for out-of-pocket expenses to Deborah Bedell. All were in favor. Motion carried.

IO'n Design committee:

Frederik reminded everyone that a request form needs to be submitted to the IDC for any exterior change. (i.e. Additions, landscape, paint color, etc) and must be approved before starting.

Deborah stated that the Board would like to take over the IDC and had presented I'On Company with a transition contract to do that. One suggestion made was to start implementing a "yellow card" that residents would place in their window that shows that they have been approved to make exterior changes.

Amenities:

Amenities Committee needs volunteer to help address issues that will come up with owning docks and boat ramp. They will be responsible for developing policies to manage and maintain the amenities and help to solve problems when they arise.

Communications Report:

The committee suggested a letter be sent to residents to introduce new management company because there has been no time to schedule a "meet and greet".

Martha asked to extend the same civility rules to the website's HOA mailbox that apply to the bulletin board. It was agreed that a note could be added, "We will be happy to respond to all courteous requests."

Compliance Report: Nothing for the board.

Meeting Adjourned at 8:15 P.M.

I know that many of us are disappointed by the outcome of the lawsuit...

And we're frustrated by the lack of transparency of the Board -- the secret Executive Sessions and the claims of attorney-client privilege.

And now we've learned that the secret negotiations of our Board President and our own lawyer actually worked against our interests and prevented the lawsuit from achieving more !

But, it's much worse than that !

Have you seen the Minutes from the 4-months of Board meetings and the Annual Assembly meeting that the Board finally published just this past week ?

The Minutes clearly state that the Annual Assembly meeting did NOT have a legal quorum !!!
Even with the proxies, there were only 106 households represented !

The Bylaws make it very clear that, without a quorum, the President had only one course of action -- to adjourn the meeting and defer the election of officers and other business until a legal quorum was present !

But, instead, the President ignored the Bylaws and ran the election and other business anyway !

I have copies of the Bylaws and Roberts Rules of Order, incorporated in those Bylaws, here, for the Board and anyone else who's interested to review.

The election of 5 new Board Members at the Annual Assembly meeting on December 11th was illegal and the results are VOID !

And the election of Deborah Bedell as President and the appointment of the vacant Board seat are also void --
because the vote at the organizational meeting on December 20th failed to achieve a majority of a quorum !

How many Members of last year's Board are present here tonight ?

Unless there is a quorum of Members of the 2012 Board here tonight, I believe that this gathering cannot constitute a proper Board meeting and should be dispersed now, without any business being conducted.

We need to promptly schedule a new meeting of the full Assembly for the express purpose of electing Board Members to fill the 5 vacant seats --

None of the Board meetings since December has had a quorum present to conduct business !

Our State charter as a Non-Profit organization may be at risk if we don't promptly elect a valid Board.

I believe that many homeowners have been frustrated by the present Board and the Board's refusal to replace the Assembly's attorney...

If those people step up and agree to be Board Members, I believe we can move forward as a community and have a Board with the transparency that we all want and deserve.

John Bigler
15 Leeann Lane

I am submitting a copy of these comments to the acting Board for inclusion in the Minutes of this meeting.

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THURS FEB 28, 2013
RECEIVED, MINUTES, SEC