

## **I'On Assembly Board of Trustees Meeting**

**April 24,2017**

**Members Present:** Jody McAuley, Lori Bate, Karen Dillard, Tom O'Brien, Paul Gillis

**Members Absent:** Matt Walsh, Michael Purcell, Chad Besenfelder

**SCS:** Mike Parades

**Guests:** Carla Gilman, 344 N Shelmore Blvd.

### **Homeowner Forum:**

Carla Gilman, 344 N Shelmore Blvd., was present just to observe.

**Call to Order: 6:00 pm by Jody McAuley.**

### **Approval of Minutes:**

*Motion to approve the March 27, 2017 I'On Assembly Meeting Minutes. Motion Seconded. All in favor. Motion passed unanimously.*

### **Presidents Report:**

Jody McAuley noted some concerns had been raised by neighbors with the Board of Trustees Executive Sessions held prior to the start of the Board meeting when required. The concerns are based on an interpretation of the Bylaws that the Executive Session should be held during the meeting. In the interest of transparency, the Board of Trustees will now have its Executive Sessions during the meeting instead of before. This would mean the Board will now adjourn during the meeting when required and asks guests to leave the room, so that the Board may discuss sensitive matters. Jody feels there are valid reasons to have the Executive Session before the meeting, but the residents have raised the question and Jody would like to ensure the Board is as transparent as possible. The Executive Sessions are never used for voting or anything requiring Board action. The Executive Session is primarily to discuss sensitive information. Paul Gillis asked if the concerns raised by residents was to get rid of the Executive Session altogether. Karen Dillard stated it was not. The concerns were that the Executive Session was before the meeting rather than during the meeting. Tom O'Brien asked if there should be set principles for having an Executive Session. Mike Parades stated the main reasons were

legal, contractual, and employee matters. Jody McAuley noted the Bylaws state sensitive issues are also a reason to adjourn into Executive Session. Tom O'Brien noted Covenants is an area that he was concerned about discussing in the open meeting. Tom O'Brien stated the Board does receive fine information before the meeting, but wanted to ensure names and addresses were not listed in the minutes in order to protect the privacy of homeowners. Jody McAuley noted the Board can do electronic voting if it is unanimous. Potentially, this would be a way to handle the Covenants violations and protect the privacy of homeowners. Mike Parades agreed and reminded the Board if an electronic vote was taken, there would need to be unanimous approval and a report in the following Board Meeting Minutes.

Jody McAuley noted the permit notice for the dock expansion has gone out to the neighbors affected by the expansion. Jody McAuley asked that a letter of protest to the dock plan from I'On Resident, Catherine Templeton, be added to the minutes. Two other residents contacted Jody McAuley to voice their support of Mrs. Templeton's position. Jody McAuley emphasized the Board will continue to be as transparent as possible during this process. Mrs. Templeton asserts there is a Dock Master Plan that would prevent an expansion from being built. Jody McAuley has asked legal counsel to review the letter and look into any Master Dock Plan associated with I'On and what its limits may be. Time is not an issue at the time as the Creek Club lease is very specific when work can be done: December, January, and February, and the permit comment period ends on May 5<sup>th</sup>. Tom O'Brien asked if just those adjacent neighbors were sent a permit notice. Mike Parades confirmed, stating the permit has a list of about 12 homes that would be affected and received the notice. Tom O'Brien asked if registered boat owners interested in the dock expansion should send in a letter of support. Lori Bate noted the survey showed the community supported the dock expansion. Mike Parades agreed and stated Olde Park owners could send letters of support too if they are interested.

Jody McAuley noted OCRM had done its due diligence and supported the dock. Mike Parades noted the original neighborhood plan has 6 docks contemplated and only 4 were built. Mike Parades noted there were no other dock related plans he was aware of. Jody McAuley noted this dock was to help the 900 residents that have access to the docks. Paul Gillis voiced his concern that this issue could cost an unreasonable amount of attorneys' fees if not closely watched. Paul Gillis requested this process be laid out early, so the situation

can be properly monitored. Lori Bate agreed that attorney fees should be monitored during the process. Paul Gillis noted the legal budget was higher than expected this year already and was concerned about spending in that area.

Jody McAuley informed the Board that Matt Walsh was resigning from the Board effective May 1, 2017. Matt Walsh is selling his home and will no longer be able to serve. Trey Mathisen has been suggested to replace Matt Walsh on the Board and as the Chair of the Amenities Committee.

*Motion to appoint Trey Mathisen to the I'On Assembly Board of Trustees on May 1, 2017 to serve in the position of resigning member Matt Walsh. Motion Seconded. All in favor. Motion passed.*

Lori Bate asked for confirmation that Trey Mathisen would be serving out the remainder of 2017 and would need to run for election at the 2018 Annual Meeting to continue serving. Jody McAuley confirmed stating Trey Mathisen could run for the position in 2018 then if so chose.

### **General Manager Report**

Right of Way enhancement has begun on Ponsbury near the Rookery entrance. The wax myrtles have been cut back. A meter has been installed on the fire hydrant for irrigation and the Greenery has been working on installing plantings. The right of way across from 114 N Shelmore will begin on May 19<sup>th</sup>. The seasonal flowers have been changed out and mulching should begin soon. Karen Dillard stated a Communications Committee member had raised the question of what was being done with the seasonal flowers removed. Mike Parades stated they were likely mulched and trashed. Karen Dillard stated Community members should have the option to take the flowers being removed. Mike Parades could add a blurb to the General Manager Updates to let residents know in the future.

### **Landscape and Infrastructure Report**

Mike Parades noted that after much back and forth and walking the marsh path several times, the bid to refurbish the path came down from \$318,000 to \$160,000. Lori Bate applauded the work done to reduce the bid by almost half. Mike Parades noted much of the steel edging and plantation mix in the original bid was not needed as steel edging was only in a very small portion of the path

and the path's width needed to be reduced significantly. The bid also includes adding a retaining wall near the drainage pond on Saturday Rd, so that area would be safer. The bid also includes root and tree pruning and removal of the trees cut down and left along the path. The view pruning will also be completed. It will take approximately 2 months. Parts of the path will be shut down as they are worked on as it would be dangerous.

Karen Dillard stated she did not want to vote on the bid until there is at least one more bid. Karen Dillard noted she appreciated the work done so far but felt for such a large project it would be important for another bid to ensure the Board has done its due diligence. Tom O'Brien agreed with Karen Dillard and noted that multiple bids would allow the Board to fully understand the project. Mike Parades noted a landscaper will not have a warranty on plants that they do not maintain. Essentially, if another company refurbishes the marsh path, the plants will not have a warranty from the company doing the refurbishment or the Greenery. Tom O'Brien asked if the Greenery had done work on trails or paths previously. Mike Parades stated the Greenery had done the marsh path originally. Karen Dillard noted if another company will not give the Assembly a bid, that would be acceptable as long as the effort is made to solicit other bids. Paul Gillis asked who else would be able to give a quote for the scope of work needed. Mike Parades stated Forever Green would be a good choice for a quote as they have a division to do paths and trails. Mike Parades also highlighted the importance of having a landscaping company do the work as the pruning needed would be best done by the landscaper. Mike Parades agreed to solicit bids from other companies. Paul Gillis noted the plantation mix is the largest expenditure in the bid and questioned what made it so large. Mike Parades noted the mix itself is costly and there was a lot of labor needed to get the mix spread on the path. Paul Gillis asked about the cost of the pruning as it was high. Mike Parades stated there was a lot of pruning needed especially roots on the path.

The playground at Hopetown needs the play structure replaced. The first bid solicited was for \$16,000. Fortunately, the original builder of many of the I'On playgrounds was located and Mike Parades received a bid from that vendor for \$8,900. The vendor thought they would have the structure completed by the middle of May, but some of the components are coming in later than expected and the structure will not be ready until the end of May or early June. The

vendor will inspect the other playgrounds and take out the Hopetown play structure now.

The hardscape at the mail station in Scramble Playground was not put down with any base and some bricks are missing. It is becoming a safety hazard. Mike Parades noted these items were covered in the Reserve Study. The funding for the playground structure & the brickwork will come from the Reserves and will be approved with the Revised 2017 Reserves Budget.

The bulkhead study has come back. The bulkheads are the timber walls around the lakes. There is a section of bulkhead wall that has curve. The recommendation from the study was to closely monitor the area. The most important recommendation is to get the vegetation cut out of the bulkheads. As the vegetation grows, this can cause issues with the bulkhead. The Greenery will get the vegetation cut out and it will be done as general maintenance.

The TOMP has established a street sign policy that has breakaway posts and would remove the borough names. I'On pays to maintain the street signs now. Chad Besenfelder and Michael Purcell will meet with the Town to discuss what can be done to preserve I'On street signs. Jody McAuley applauded the efforts of the Landscape & Infrastructure Committee to preserve the signs, noting the current street signs reflect the character of the neighborhood. Lori Bate agreed the Assembly should take a stand on this issue. Discussion arose about the street signs and how to best handle the issue.

### **Covenants Committee**

Tom O'Brien presented 4 homes for fining. The home had received two letters and would receive a phone call prior to the fine letter being sent out.

Paul Gillis asked for specifics about the landscaping issues. Tom O'Brien stated there were no plantings as required. Karen Dillard asked if there were responses. Tom O'Brien noted the boat parking issues had responded and stated their boats were allowed by the Founder. However, no evidence had been found to support that assertion. The landscaping violations had not responded. Paul Gillis asked for an update regarding a home that had fallen into disrepair. Mike Parades informed the Board the home had been purchased and the new owner had already spoken with the Assembly about repairs.

Paul Gillis inquired about the fine. Tom O'Brien noted the starting place was \$10/day. However, the fines can be increased. The goal of fines is to encourage compliance. Tom O'Brien also noted the owner can appeal to the Board of Appeals which is separate from the Covenants Committee and the Board of Trustees.

Karen Dillard asked about the landscaping violation that also had a unapproved structure. Jody McAuley noted there was a concern that some streets were originally alleys which creates confusion for homeowners. Paul Gillis voiced concern about going back and asking a homeowner to do something that has been installed for a long period of time. Lori Bate asked that someone reach out to the homeowner by phone. Tom O'Brien noted the Covenants Committee has put that step into the process starting this year.

The Board elected to defer one of the violations until it could be investigated further.

Discussion continued about IDC & Covenants Enforcement.

*Motion to levy a \$10 a day fine beginning May 8,2017 on 3 homes. Motion seconded. All in favor. Motion passed unanimously.*

### **Treasurer Report**

Paul Gillis noted the Assembly is underbudget by about \$10,000 through March 31, 2017. The largest reason for this is the Creek Club property tax refund as the tax parcel has been split and the HOA is paying the HOA property rate on their sub parcel.

Paul Gillis directed the Board to Receivable Delinquent Dues chart. Paul Gillis noted from December 2014 to December 2016 shows delinquent dues came down from \$35,302 to \$6,035.

Operating cash was adjusted in the table, because the contributions for Reserves and Capital Projects were made in March 2016 and in April 2017. To make them comparable, Paul Gillis adjusted the balance. In March 2016, there were 10.2 months in Reserves. This year there are 10.7 months in Reserves.

Paul Gillis informed the Board that the Finance Committee and Landscape & Infrastructure Committee had worked closely on the Reserve Study and reserve project budgeting. The Reserves fund was well funded; however, the

Finance Committee has moved to fund the Reserves at \$125,000 starting in 2018. This is because the Finance Committee has elected to have the buffer in the Reserves moved from \$130,000 to \$200,000 and also moved the funding method from a cash basis to an inflation adjusted method. The \$125,000 will hold until after the 2020 budget. The Finance Committee believes this is the most conservative method of funding the Reserves and felt it was the best course for the Assembly.

Paul Gillis informed the Board that an audit had been done. The statements will be published on the website soon.

Tom O'Brien asked how much assessments and transfer fees totaled. Mike Parades stated \$800,000 came from the Assessments and approximately \$100,000 from the transfer fees last year. Tom O'Brien asked how much was put into Capital Projects. Paul Gillis stated it was \$46,000. Tom O'Brien noted this was approximately 6% of what the Assembly takes in and that many residents may not know the small percentage that makes up the Capital Projects budget. Mike Parades noted the \$46,000 was a combination of the Landscape & Infrastructure enhancement line items that were in the budget prior to 2016. The funds were going to Capital Projects instead of those line items now, but served the same purpose as before. Paul Gillis noted the Capital Projects fund was created to have a funding source for amenities.

*Motion to approve the revised 2017 Reserve Budget. Motion Seconded. All in favor. Motion passed.*

### **Board of Appeals**

The Board of Appeals met on the 20<sup>th</sup> of April about an IDC paint issue. The owners were not present but sent in their perspective. The Board of Appeals upheld the decision of the IDC.

### **IDC Liaison Report**

Lori Bate informed the Board that the IDC had only not approved one plan as it did not fit the LowCountry vernacular style.

### **Communications Committee:**

Karen Dillard informed the Board that the Communications Committee had discussed ideas to increase transparency. The goal is now to get the draft

Board Meeting Minutes out 7 to 10 days after the Board meeting. The Communications Committee has also reaffirmed the policy to not include all comments from the Homeowners Forum but only to include those present and a comment about if they spoke and what they spoke on. Paul Gillis asked if the Board would be able to review the Minutes before the draft went out. Karen Dillard confirmed the Board would review the draft Minutes before they are published. However, if they do not respond in a timely manner, the minutes will go out to the neighborhood in draft form.

The Communications Committee also asks that Committee Meetings be pushed up earlier in the month, so that Board reports can be in and the agenda put out the Thursday before the Board Meeting. Karen Dillard noted the agenda is always the same. The only thing that shifts is what votes will be taken at the meeting.

The final recommendation from the Communications Committee is to broadcast the Board Meeting on Facebook Live. This would only be possible when the Board Meeting happens in the 2<sup>nd</sup> level conference room at 159 Civitas as the Meeting House and Creek Club have too poor acoustics to successfully broadcast. Those watching could comment or express their concern via Facebook Reactions. The Board Meeting will be broadcast only on I'On Social, so the broadcast would only be viewable to members of I'On social, who are vetted as I'On residents before being allowed to join. Paul Gillis asked what technology would be needed. Karen Dillard stated a laptop with a camera and internet. The next Communications Committee meeting will broadcast as a test. Paul Gillis asked if the Facebook Live meetings would be recorded. Karen Dillard confirmed the meetings will be recorded and members of I'On Social could go back and view the meetings. Lori Bate noted this would be wonderful for folks who may be travelling, need to multi-task or have difficulty with the stairs at 159 Civitas. The Communications Committee will report back about the effectiveness of the Facebook Live testing next month.

Tom O'Brien noted he had received a lot of feedback about difficulty of getting to 2<sup>nd</sup> level conference room, but was concerned that the plan was not to display meetings over Facebook Live that occurred at the Meeting House and the Creek Club. Karen Dillard noted the acoustics were so bad in those locations it would be difficult for anyone watching to hear, but those locations



allow for easier access and more space, removing many of the barriers for residents to attend meetings in the 2<sup>nd</sup> level conference room.

**There being no further business to come before the Board of Trustees, the meeting adjourned at 7:45 pm.**

Respectfully submitted by \_\_\_\_\_

## Mike Parades

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**From:** CBT  
**Sent:** Monday, April 24, 2017 8:46 AM  
**To:** Mike Parades; JMcAuley@rwbaird.com; Trey Mathisen; matt.walsh@dtm.com; Steve Brooks  
**Cc:** Morgan.Templeton@walltempleton.com; Susan Simpson; Julie Chapman; Laurie Thornhill; Kenny Harrell; jeannieharrellsc@gmail.com  
**Subject:** Ion dock proposal

Good morning Gentlemen,

The 1997 Dock Master Plan limited the number of docks allowed in Ion to six. We were given notice and relied upon the DMP when purchasing 34 Saturday Rd. In fact, 54 Saturday Rd. was also available and the decision to purchase our home was based on the view. We have since renovated the house instead of moving because the view of Hobcaw Creek cannot be replicated.

It is unfortunate that decisions made over the lifetime of the neighborhood by the homeowners association have led to an increased need for dock space. The developers of the neighborhood and those of us who relied upon their vision and invested in this experience accepted that the current docks would be sufficient, even when the neighborhood was built out. At the time, the developers correctly made room for an overflow boat parking lot, a 24 hour /no overnight limit on parking boats, and continuous access to the Creek Club and it's attached parking lot. While it is not the fault of anyone on this email that shortsighted decisions have been made over the past few years, it is well within the control of the people on this email not to compound the error.

Additionally, within the last five years, the neighborhood itself has argued that MDP is legal and binding on residents. The Rodrigues's were able to build a dock despite the MDP because they showed a failure of the neighborhood to give them notice. Obviously, the counter argument is not available to the HOA even if we had not received sufficient notice. As it stands however we did have notice and the Simpsons at 38 Saturday had notice.

In short, our reliance on and knowledge of the MDP gives us sufficient grounds to be successful in a legal process to stop construction of additional docks in Ion. While OCRM may have approved the environmental impact of such construction, this is a legal argument that is all together separate.

Re-instituting a rule that only allows permit holders to use the dock and shortening the length of time to daily use instead of overnight on the weekends should relieve any problems of overcrowding at the dock. We used to pull our boats out, have somewhere to put them, and a dock master to make sure it all went smoothly. The cumulative failure of the homeowners association as it relates to this property over the last decade is very unfortunate. Regardless, however, we do not intend to allow their mistakes to compromise our property value and enjoyment.

Please let us know if you intend to pursue additional construction.

I hope you understand our position.

All my best,  
Catherine Templeton

(I don't have email or David Jordan's email so I have copied Laurie.)