

Windjammer Village of Little River  
Board of Directors Meeting  
Saturday, April 10, 1999

The April meeting of the Windjammer Village Board of Directors was called to order by President, Maggie Welden, at 9:00 A.M. in the Clubhouse. All Board members were in attendance. The Pledge of Allegiance was recited.

Maggie Welden announced the resignation of Board member Anne Chipman. Her resignation was accepted with regret. Hugh Cotcamp made a motion to appoint Carmine Ferrandi to fill the vacancy on the Board created by Anne Chipman. Second by JoJo Flaherty. Motion approved unanimously. Due to this appointment, there was a change in the officers. Hugh Cotcamp will act as the 1st Vice President and Chris Rohan will act as the 2nd Vice President.

The secretary read the minutes of the March meeting which were approved with one correction.

Bob Doty read the Treasurer's report which showed a closing balance of \$203,742.02. The report was accepted. A copy is attached and made a part of these minutes.

**STANDING COMMITTEES:**

**ARCHITECTURE:**

Bill Stenner read a letter from Mr. and Mrs. Grumbling, 2148 Brunswick Circle, requesting permission to enclose their screened-in porch and carport. All exterior walls will match existing siding. The Architectural Committee recommends approval. Chris Rohan made a motion to accept the Architectural Committee's recommendation. Second by Carmine Ferrandi. Motion approved.

**BEAUTIFICATION:**

Eleanor Fulmer reported that two trees, a flowering cherry and a purple plum, have been planted in the island between Swamp Fox and Plantation Circles. More plants are planned for that area. The mandevillas, hibiscus, elephants ears and banana trees survived in the ladies' room. Eleanor thanked all those who have helped her since Christmas. A special thank you was given to Larry Presti, Don Mollenhauer and the Maintenance Committee.

**BUDGET AND FINANCE:**

Bob Doty indicated that this committee met with the Board on April 2nd to establish a philosophy for the upcoming budget and reserves. Since that time the committee made the first cut on the budget and have given the Board a copy for review. The committee will have a final meeting and the budget will be ready to be included in the annual package.

**FIRE AND DISASTER:**

Paul Jensen reported for Sid Huish. The meeting mentioned in the previous minutes was cancelled due to the resignation of the Board liaison. It will be rescheduled. The turnout for the Firemen's dinner was low and there was a slight loss which was anticipated.

**MAINTENANCE:**

Dot Mollenhauer read Don Mollenhauer's report. After contacting DHEC and co-ordinating with Dot Jurczenia, this committee hopes to soon have approval for the improvements to the kiddy pool. There were three attempts to improve the dirt roads and great

strides were made on Friday. More repair is forthcoming. All should appreciate the rust removal and painting of the railing outside the Clubhouse. It is hoped that everyone enjoys the "pig pickin'" this afternoon. The volunteers are performing beyond expectations and it is apparent in the appearance of the village.

#### NOMINATING:

Hugh Cotcamp announced that there are currently three candidates for the Board election: Carmine Ferrandi, Maggie Welden and Victor Zecca. One person is still needed. Several residents have expressed an interest but have not yet made a commitment. It is not too late to submit your name to Eileen Anderson.

#### PUBLICITY:

Mary Harnett reminded everyone that April 20th is the deadline to submit articles for the P.S. A questionnaire will be included polling the residents as to the need for a monthly newsletter.

#### RECREATION:

Carol Jensen informed the Board that the pool is open and was 74 degrees at the last reading. The game and card night follows the Pig Roast. On Monday, April 12, there is a riverboat trip on the Waccamaw River. The librarian found books and magazines strewn on the floor and asks for co-operation when returning these items. A couple with 10 children, not all of them theirs, were in the gameroom. A few children were using the treadmill. The "adults only" signs are no longer in evidence. New shuffleboard equipment has been ordered to replace items broken by vandals. It may be necessary to put equipment under lock and key or have a roving security guard during the summer hours of 2:00 P.M. to 10:00 P.M. Several young boys were seen at the new golf net throwing sand and pushing at the net.

Maggie Welden asked Hugh Cotcamp to form an adhoc committee to address the issue of children abusing the rules of this village.

#### SECURITY:

In Sal Catizone's absence, Maggie Welden mentioned the continuing problem of long distance calls being placed by the guards from the guardhouse telephone. Pinkerton is not pleased to be receiving these charges. Hugh Cotcamp made a motion that a letter be sent to Pinkerton that they are responsible for all long distance calls placed by the guards. Second by Carmine Ferrandi. Motion approved.

Maggie Welden has a list of those residents who fail to inform the guard that they are expecting visitors. The list dates back to January, 1999. Letters will go out to those residents whose name appears three times or more.

Any resident having a complaint against the guards should fill out the appropriate form at the office.

After discussing a letter from Pinkerton concerning Bill Meister carrying a firearm, the Board decided there is no need for Mr. Meister to be armed. A letter was sent to Pinkerton regarding this.

#### SPECIAL COMMITTEES:

Lawsuits: Hugh Cotcamp reported.

1. Foreclosures - All monies due have been collected from the foreclosed properties - Sakala and Nester.

2. Dedman etal - The State Court of Appeals has reversed the decision by the Circuit Court Judge to not grandfather the lots owned by the Rogers. A timeline of this case was presented to the Board and explained in detail by Hugh Cotcamp. This timeline is attached and made a part of these minutes.

When the Board of Appeals made their ruling in March, 1996, the Board of Directors of Windjammer Village decided that they were prepared to take this to the South Carolina State Supreme Court. At that time, the Rogers and Horry County Zoning Board of Appeals also indicated that they were prepared to go to the Supreme Court. Normally, when a court makes a ruling, it becomes a published ruling and becomes a matter for future reference in the law. This case is an unpublished decision and can never become a matter of law in South Carolina. The Board's attorney is convinced that if the official decision was published, there would not be a subdivision in Horry County and possibly anywhere in South Carolina that was now legal under zoning.

The Board has petitioned the court to reconsider and has asked for permission to give oral arguments. If the court refuses to hear oral arguments or reaffirms its decision, then the South Carolina Supreme Court will be petitioned. If the Supreme Court looks at it and refuses to hear it, the decision of the Court of Appeals stands. Maggie Welden asked Hugh Cotcamp what would happen regarding bathhouses if the decision stands. One of the attachments to the letter from the Rogers attorney was a document the developer passed out when selling property to the Rogers and Newsomes as campsite lots in the early '70s. It showed five bathhouses with telephones, washers and dryers. They have not indicated that they would insist on five bathhouses but clearly indicated that if Bathhouse #1 was sold, they would go to the court and ask for damages which might require the village to buy land and build a new bathhouse.

3. Rogers vs. Windjammer Village - Since the latest decision by the State Court of Appeals, the Rogers have become very aggressive. Their attorney notified the Board's attorney that they will go to court seeking an injunction against the Board to prevent the completion of the sale of Bathhouse #1. Mrs. Rogers and Mr. Newsome believe that they are not governed by any of the restrictions that the rest of the Windjammer Village residents must follow and that the only restrictions they must abide by are the ones that were in effect when their lots were purchased. The attorney in Charleston, who is working for the Board's insurance company that is handling this case, now realizes that there is a lot of work facing him and his paralegals. They have to check every piece of property in Windjammer Village to determine when it was bought and what were the restrictive covenants in effect at that time. They also have to trace all of the changes in the restrictive covenants to ensure they were done according to law.

#### COMPOUND:

JoJo Flaherty read a list of boats that are in the compound with no record of ownership. If they are not claimed, they will be sold by the POA. The list is attached and made a part of these minutes.

**UNFINISHED BUSINESS:**

1. Trees - Chris Rohan stated that the tree committee will meet again to finalize the proposed new rules for tree removal.
2. Employment - Chris Rohan announced that two notices are posted on the bulletin board. There is an opening for a pool monitor on a volunteer basis. The POA can hire a paid pool monitor for Fridays, Saturdays and Sundays. The remaining days will be covered by volunteers if there is enough response. Anyone interested can contact Chris Rohan. There is an opening for a full time maintenance person. Chris will place an ad in the paper sometime next week.

There will be an executive session following this meeting to evaluate Debbie Minder's performance.

3. Appeals - Hugh Cotcamp reported that Andy Welden gathered the necessary information to appeal the property tax reassessment. It is difficult to prepare a budget without knowing the exact amount of the tax increase. Andy Welden is looking into the possibility that this village may be eligible for a tax abatement since it is a non-profit organization.

**MEMBERSHIP INTERACTION:**

1. Carol Jensen - O21 - asked Hugh Cotcamp if it would be possible to take pictures of all the homes in the village to show the courts. Mr. Cotcamp replied that Bob Dedmon had taken pictures of example properties early in the case. The board in Conway was not interested.
2. Bob Dedmon - K15 - stated that he took pictures of Section 1 to show that not just RVs are on the lots in question.
3. Mary Harnett - I23 - introduced Percy Bray who has volunteered to build the additional shelves needed for the library. He also built the stool for easy access to the bottom shelves.
4. Carolyn Ramsbottom - P10 - asked if the Rogers were also promised paved roads in addition to the five bathhouses.
5. Bob Dawson - J21 - wondered when orders would be taken for the new telephone directory due out in June. Maggie Welden stated that the new directory will be a condensed version and will be available at the office when it is completed. Mr. Dawson asked Hugh Cotcamp if there is no zoning in the village and are we appealing this. Hugh Cotcamp replied that everything remains the same for now.
6. Bernie Spalding - H17 - thanked Paul Reinhardt for taking care of the sound system. He asked if Larry Presti has resigned. Maggie Welden responded, "No". Bernie also inquired as to the erosion of reserves in the budget. Maggie Welden stated that the Budget and Finance Committee is working on this.
7. Yolanda Ferrandi - I6 - expressed concern for those who purchased property under R7 zoning. Mrs. Ferrandi wanted to know what happens to their rights if it reverts back. Hugh Cotcamp replied that if this decision stands, the Board's attorney would try to have the decision become published. If the Supreme Court states that the decision is legal and stands, then all zoning questions will be raised and the POA will have a major problem.

8. Bob Dedmon - K15 - informed the Board that the previous attorney stated that if a property was purchased after zoning and if the property owner made any improvements to their property, he/she may have had their constitutional rights violated. If the decision stands, the individual property owners can sue Horry County.

9. Paul Jensen - O21 - inquired if visitors can be refused entry into the village if residents do not notify the guard. Maggie Welden mentioned that the guards have refused entry if they get no answer when contacting the resident.

10. Hannah Spalding - H17 - read the existing R/R/R concerning visitor passes.

11. Beau English - D8 - stated that he informed the guards that his visitor would need a weekend pass and received a day pass. This happened on two occasions. Maggie Welden reminded him of the complaint forms available at the office. Mr. English noted that he had spoken to Bill Meister.

#### NEW BUSINESS:

1. Women's Club - Maggie Welden read a letter received from the Women's Club requesting a possible solution to the uncomfortable noise level in the main room of the Clubhouse. After a discussion among the Board members, it was decided that a letter be sent to the Women's Club acknowledging this problem. However, due to budget constraints, this problem can not be addressed at this time.

#### 2. Complaints:

a. Becker - O7 - JoJo Flaherty addressed the water drainage problem that the Beckers are having due to the new home built by the Robertsons. A similar situation had occurred on Adams Circle. The Board requested that the builder install a french drain to prevent water drainage onto neighboring properties. This was done and it worked. The architectural package was then changed to address any future water problems due to new construction. This was not done between the Robertson's and Becker's properties. Bill Stenner advised the Board that he had notified the Robertsons at least two or three times concerning this problem. A letter will be sent to the Robertsons and the builder requesting them to alleviate this problem.

b. English - D8 - Maggie Welden indicated that a letter was sent to Mr. English dated the fifth of April regarding his dogs barking. A second complaint has since been received. Mr. English explained that he spoke to his neighbors. The dogs bark when someone walks by and then stop. The shocker collar does not work. He stated that he cannot keep his dogs in the house due to the damage they cause to the interior of his home. Hugh Cotcamp made a motion that since there is no solution to this problem, the Board has no recourse and should fine Mr. English \$100.00. Second by Carmine Ferrandi. Motion approved.

A discussion followed concerning the railing that Mr. English erected without approval. Hugh Cotcamp asked the Board to allow this to remain as long as it is not used as a backyard fence and that there be no gate.

3. Supreme Court - Hugh Cotcamp made a motion that due to the Dedmon etal decision, the Board approve carrying the case forward to the South Carolina Supreme Court until there is a satisfactory resolution to the zoning matter. Second by JoJo Flaherty. Motion approved.

4-10-99

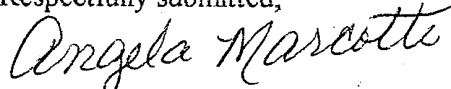
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4. Bathhouse #1 - Hugh Cotcamp made a motion for the Board to approve not to continue with the sale of the bathhouse until the legal situation with respect to the bathhouse is clarified. Second by Chris Rohan. Motion approved.

Maggie Welden expressed condolences to the family of Carol Nemeth.

There being no further business, Chris Rohan made a motion for adjournment. Second by Hugh Cotcamp. The meeting was adjourned at 10:26 A.M.

Respectfully submitted,



Angela Marcotte  
Board Secretary