

Windjammer Village of Little River
Board of Directors Meeting
Saturday , May 8, 1999

The May 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.

The secretary read the minutes of the April meeting which were approved with two corrections.

Bob Doty gave the Treasurer's report. Due to time constraints, the report is incomplete. Bob Doty stated that the month's assessments were \$21,455 and the disbursements were \$22,823. There is income still to be included in this report. Mr. Doty foresees a positive cash flow for the month. Maggie Welden added that John Yonkers advised her that a finalized treasurer's report will be posted on the bulletin board by next Saturday and a copy given to the secretary. The Treasurer's report is attached and made a part of these minutes.

STANDING COMMITTEES:

ARCHITECTURAL:

Bill Stenner reported:

1. The Office Administrator was notified not to deposit checks for architectural requests until they are approved by the Board.
2. Martins - 2223 Swamp Fox Circle -
 - a. request permission to install vinyl siding on their home. The Architectural Committee recommends approval of the color and the siding. Hugh Cotcamp made a motion to accept the Architectural Committee's recommendation. Second by JoJo Flaherty. Motion carried.
 - b. request permission to erect a railing around the existing rear deck. Their insurance company has advised them to do so due to the fact that they rent the property to a couple with young children. The railing will be 36 inches high with 2x2 pickets 6 inches on center. The steps to the deck will be moved from the side to the center. The Architectural Committee recommends approval. Hugh Cotcamp made a motion to accept the Architectural Committee's recommendation. Second by Chris Rohan. Motion carried.
3. Leskos - 2240 Vereen Circle - request permission to build enclosed storage areas onto the back of their house. A variance was applied for and there were no objections. The storage areas will be attached to the house on either side of the electric meter and the same color as the house. A roof will be added to cover the enclosures and electric meter. It will be the same color and follow the existing roof line. The Architectural Committee recommends approval. Hugh Cotcamp made a motion to accept the Architectural Committee's recommendation subject to approval by Horry County and Santee Cooper. Second by Chris Rohan. Motion carried.

BEAUTIFICATION:

Eleanor Fulmer read her report. The highlights are:

1. weeding by the Kellners and Dorothy Jurczenia in front of the Clubhouse
2. volunteer needed to trim shrubs at the Clubhouse
3. thank you to John Kammerer for all the years of trimming the Clubhouse shrubs

4. island between Plantation and Swamp Fox Circles being rejuvenated
5. some daffodils divided to make room for daylilies and verbena
6. mums that were planted last fall are in bloom
7. purchase of perennials and shrubs for permanent beauty
8. golf cart and trailer use eases watering of new plants
9. budget allowance almost depleted
10. committee volunteers decreased from 20 to 6
11. look for a bit of whimsy from Bill Becker between Plantation and Swamp Fox Circles
12. homeowner gave Eleanor Fulmer \$20.00 to replace pots broken by tree removal - money spent on plants - pots were not needed
13. special thanks to: Larry Presti, Bill and Marion Kellner, Dorothy Jurczenia, Don Mollenhauer, Pat Patterson, Charlie Rodgers, Norm Anderson, Dave Fulmer and Bill Becker

HOSPITALITY:

Jane Keller visited one new owner:

John E. Curtin and son, Jason - 2253 Vereen Circle

MAINTENANCE:

Don Mollenhauer informed the Board of the following improvements: installation of mats in the Ladies Room, outlets have been installed in the exercise room and straps were replaced on pool furniture. Two candidates for a maintenance person will be interviewed this coming week. Mr. Mollenhauer asked for co-operation from everyone in filling out the vehicle inquiry which was attached to the May P.S.

NOMINATING:

Hugh Cotcamp stated that one more candidate is needed for the Board of Directors.

PUBLICITY:

Mary Harnett reminded those present that articles for the Village Voice be submitted to Muriel Davies by May 20th. This is the last newsletter until the fall. Mary Harnett thanked Carmine Ferrandi, Victor Zecca and Charlie Rodgers for the new library shelves and Elaine and Percy Bray for painting the base. The library is in great condition.

SECURITY:

Maggie Welden announced that Carmine Ferrandi is gathering bids for a new security company. She apologized for any inconvenience to the residents caused by the guards. Mrs. Welden added that Pinkerton is not being paid for the hours when the entrance is not covered by their employees. Pinkerton was given the last telephone bill which included very large charges due to the guards long distance calls.

SPECIAL COMMITTEES:

1. Lawsuits: Hugh Cotcamp gave the following updates.

- a. Dedman et al - The Court of Appeals refused the request to reconsider their decision and permit oral arguments. The one sentence answer was said, "No". The Board's attorney is in the process of tweaking the appeal. The people who run the Supreme Court look at cases and decide how to handle them. They assigned the case to the Court of Appeals of South

Carolina and this court, consisting of three judges, ruled against Windjammer Village and supported the County Board of Appeals. An opportunity now presents itself to return to the original seven members of the Supreme Court of South Carolina. The Board's attorney can submit no new evidence. He will address in more detail and more depth the issues that were ruled against and strengthen that part of the case.

The State Supreme Court may not hear this case. The Board's attorney told Mr. Cotcamp that the Board would probably know within four months whether or not the Supreme Court decides to hear the case. If they opt not to, it is over. If the Court decides to hear the case, it could be one year to fifteen months to finally get heard.

The Board had won two cases in Circuit Court. Horry County and the Rogers elected to take this to the State Supreme Court. The Board had no recourse. They could defend themselves or let the Rogers win.

Hugh Cotcamp continued by stating that he has asked the Board's attorney to clarify the zoning status of Windjammer Village. He was advised to contact the Horry County Planning Board. Mr. Cotcamp spoke to Rennie Mincie. Her interpretation was that all the County Board intended to do was grandfather a few of the lots. She was informed that this is contrary to what the State Court of Appeals indicated. The pertinent paragraph from the letter was read to her. It stated that Windjammer Village is exempt from the zoning ordinance. Ms. Mincie suggested that Mr. Cotcamp speak to the County attorney. The attorney and Hugh Cotcamp have not yet been able to touch base. The important question is what does Windjammer Village do if a building matter or some other matter comes up for approval that, in the Board's opinion, is not permitted under R7 zoning and is denied by the Board. If the applicant goes to Horry County for approval, how will the County handle this matter. At this point, no one knows the outcome of this scenario.

The Board's attorney recommends that the village continues to operate under R7 zoning until the final appeal is exhausted. If Windjammer Village loses, the residents, as a group, will have the option to pursue a legislative course of action. The County Council members are the ones who can zone property. After Mr. Cotcamp hears from the County attorney as to his interpretation of how Windjammer should operate, then contact should be made with Mr. Skidmore, our elected representative. It is imperative that he be aware of this situation. It is very likely that Mr. Skidmore does not realize a large portion of his territory has been unzoned. No action is required by the Board at the present time.

b. Rogers, Newsome vs. Windjammer Village - Hugh Cotcamp received a letter dated May 7th from the Board's attorney in Charleston indicating that the insurance company has approved researching the lots in Windjammer Village. The search involves obtaining accurate records as to who purchased which lots, when the lots were purchased and what set of restrictions applied at that particular time. Mr. Cotcamp has gathered all the documents from the election when the amended restrictions were approved. He will go through them to be sure they are complete and then will send the entire package to the attorney in Charleston. This will begin the process determining whether or not the amendments to the restrictions were done legally.

c. Bathhouse #1 - The Board reached an agreement with the purchaser's attorney to reimburse the purchaser for costs he had incurred in anticipation of the sale which can not be

completed due to the Rogers - Newsome lawsuit. A motion will be made in the unfinished business section of this meeting regarding reimbursement approval.

2. Compound - Maggie Welden asked if there was any response to the list of unknown boats outside the compound as mentioned in the April minutes and the May P.S. Hugh Cotcamp said that Bob Dawson had indicated that one of the boats in question is operated by Mr. Anderson for the South Carolina Department of Natural Resources. Mr. Dawson further informed the Board that two of the boats are owned by the above mentioned group. One is the Boston Whaler. Don Mollenhauer noted that the AMS, a sailboat, has a spot inside the compound. The Sea Ray is still unaccounted for. A notice will be put in the Village Voice since the Board's attorney advised the Board to continue advertising.

JoJo Flaherty raised the question as to why the South Carolina Department of Natural Resources boats stay at the compound. Don Mollenhauer explained that the Coast Guard and the South Carolina Department of Natural Resources are encouraged to use the village boat ramp.

UNFINISHED BUSINESS:

1. Employment - Chris Rohan reported.

a. Maintenance - Two applicants for the maintenance position will be interviewed on Monday. A previous applicant requested medical benefits which the Board can not provide.

b. Pool Monitor - After careful consideration, it was decided that volunteer monitors would not be feasible. Chris Rohan made a call to Carolina University advising them of the village's need for a lifeguard. This may be necessary due to the increased amount of children using the pool plus the many visitors in the area during the summer months. JoJo Flaherty added that since many of the children are not being properly supervised, a lifeguard is for our protection. The village can be sued beyond the insurance coverage.

2. Computers - Maggie Welden thanked Armand Roberge for all his work with the installation and upgrading of the office computer system. He has resigned from his "unofficial" job, but is available as the need arises.

3. Hurricane Preparation Plan - Maggie Welden received a plan from Sid Huish, chairperson of the Fire and Disaster Committee. The Board has copies for review. The plan will be discussed at the next Board workshop.

4. DHEC - Maggie Welden read a letter from DHEC dated April 19, 1999, responding to the Board's letter of March 10, 1999, which expressed concerns relating to the amendment request for additional docks by Big Landing Development. The letter received indicated that amendment request #94-1T-308-P was canceled on April 16, 1999, according to the enclosed attachment. The attachment, dated April 16, 1999, was sent to Dr. Wayne Beam of Beam, Shannon and Associates in Columbia, South Carolina. It stated that the above mentioned amendment request is canceled due to the failure to submit the required administrative fee as requested in letters sent March 1, March 9 and March 24, 1999. Any alteration of the critical area will require a new application.

5. Bathhouse #1 - Hugh Cotcamp made a motion that the Board approve disbursing to the purchaser's attorney \$2,066. This will cover the purchaser's expenses for preparing a closing on this building which had to be canceled due to legal action. The amount covers \$500 for a

survey, several hundred dollars for engineering work to bring the property up to hurricane standards under current building codes, approximately \$800 for legal fees and some initiation cost on the construction loan. Second by JoJo Flaherty. Motion carried.

MEMBERSHIP INTERACTION:

1. Bob Doty - J13 - asked what became of the business cards for odd jobs that, at one time, were posted on the bulletin board. Mr. Doty feels these are good sources of information, especially for those residents who can no longer do this type of work. Maggie Welden replied that they were removed since the bulletin board became too cluttered and it was difficult to keep the cards current. After a showing of hands revealed that the members present felt the cards are useful, Mrs. Welden stated that the cards can be put on the board originally designated for garden information. Bob Doty agreed to try to help keep these business cards current.

2. Hannah Spalding - H17 - was concerned that if a certified lifeguard is hired for some portion that the pool is opened, does this place more liability on Windjammer Village if something happens when the pool is unattended. Carmine Ferrandi suggested that a "Swim at your own risk" sign be posted. Maggie Welden stated that she would have Marge Farren check on this with the insurance company.

3. Bob Dawson - J21 - was interested to know if the clock at the pool will be replaced. It was knocked down during the last rain and wind storm. Carmine Ferrandi made a motion that a clock be purchased for the pool area. Second by Chris Rohan. Motion carried.

Mr. Dawson next stated that he has called the county and was told that the village is still under R7 zoning. He wanted to know if anything will be done concerning reassessment if the village becomes non-zoned. Hugh Cotcamp mentioned that no one knows what will happen if it is challenged. No request has been made to put an RV on a lot. The Board previously worked very closely with Doug Burns who enforced R7 zoning until the Rogers went to the Appeals Board which overturned him twice. There is no assurance that this cannot happen again.

4. Yolanda Ferrandi - I6 - asked if the ruling stands that Windjammer Village is no longer R7 zoned, does the ruling also apply to other communities in Horry County. Hugh Cotcamp explained that the Board of Planning Appeals was dealing only with Windjammer Village and gave two reasons to exclude the village from zoning. First, the Board applied for a partial grandfathering in order to continue using 8 foot setbacks. The Board of Planning Appeals said there was no such thing as partial grandfathering.

Second, grandfathering can only be applied for if it was a development in progress. This meant that there is a developer, such as Big Landing, spending a lot of money on roads, sewers and infrastructures who may not be able to sell lots when zoning is established. The ruling was that Windjammer Village was a development in progress in 1987. The Board's attorney argued that there had not been any infrastructure built in Windjammer in over ten years at that date.

5. Eleanor Fulmer - A13 - wondered who would pay for and maintain the five bathhouses if it is required due to the lawsuit. According to Hugh Cotcamp, the Rogers have not indicated that they would demand five bathhouses. The attachment to their letter stated that they would ask for an injunction to prevent the sale of bathhouse #1. The Board's attorney argued that

Windjammer Village never promised them anything. The common property in the village was inherited from the developer for \$1.00.

Mrs. Fulmer thanked the Board for all the time that has been spent on this lawsuit.

6. Don Mollenhauer - B10 - informed the Board that DHEC has approved the decorations for the kiddy pool.

7. Carolyn Ramsbottom - P10 - questioned if a lien could be placed on the Rogers property for failure to maintain it. Maggie Welden responded that the Rogers have been fined. Since they have not paid this fine, interest is being charged every month. The Rogers have paid for tree clean-up but the lot is still unsightly. Unfortunately, the revised Restrictions did not provide for liens for unpaid fines.

8. Yolanda Ferrandi - I6 - wished to clarify her understanding that when the Rogers purchased the five lots there was one developer who subsequently went bankrupt. She asked if the next developer was required to adhere to all that was promised by the original developer. Hugh Cotcamp replied that this is what the lawsuit concerns.

9. George McCord - L18 - referred to the possibility of a deficit in next year's budget. He suggested that it may be wise for the Board to raise the dues now. Maggie Welden explained that a dues increase of no more than 10% can only be done once a year. The last increase was initiated August, 1998.

NEW BUSINESS:

1. Pit - Maggie Welden received a letter from the Fire and Disaster Committee regarding the condition of the burning pit. Pictures were passed around showing the abuse of the pit. They revealed that items, such as furniture, were being dumped there. Mrs. Welden encouraged anyone observing this to fill out a complaint form. There is a need for the Board to receive a complaint in order to make the message clear that abuse of the pit will not be tolerated. She praised all the volunteers who try to maintain this area. She further noted that Larry Presti had spoiled us in the past with all his hard work.

Hugh Cotcamp suggested that clearer, more permanent signs be erected with a warning indicating a fine will be levied for illegal dumping. Don Mollenhauer will assist Hugh Cotcamp with these signs. Mr. Cotcamp further suggested that perhaps the trailer is an open invitation for the dumping of inappropriate items. He asked Mr. Mollenhauer to consider removing the trailer thereby forcing residents to use the county recycling center.

2. Clubhouse - Problems have been noted in several rooms of the Clubhouse. Chris Rohan made a motion to change the Clubhouse hours. The hours will be 7:00 A.M. to 1:00 P.M. at least through the summer months. A key will be available to a responsible adult who is in charge of an evening activity. Second by Carmine Ferrandi. Motion carried.

3. Pool - Maggie Welden asked for a volunteer to work with Carol Jensen and Hugh Cotcamp to study the possibility of some type of identification for those using the pool. Mary Harnett volunteered. This adhoc committee will also decide on how the identification will be distributed. Carmine Ferrandi made a motion that the Board approve the identification system that the above mentioned group decides upon. Second by Chris Rohan. Motion carried.

4. File Cabinet - Maggie Welden read a memo from Debbie Minder, Office Administrator, requesting the Board to purchase a 4 drawer fire proof file cabinet to protect important documents kept in the POA Office. Mrs. Welden assured the Board that funds are available in the account that was used for the new computer. Carmine Ferrandi made a motion to purchase a 4 drawer fire proof file cabinet. Second by JoJo Flaherty. Motion carried.

COMPLAINTS:

In regard to the complaint registered by the Beckers concerning water drainage on their property from the Robertson's lot, Maggie Welden, Hugh Cotcamp and Bill Stenner surveyed the situation during a recent rainstorm. Both properties had considerable water. Hugh Cotcamp addressed this issue. In his opinion, 70 to 80% of the problem is being caused by village roads. Water was observed coming from both directions on Little River Road and Lexington Circle. The village needs to correct this part of the problem. It would involve putting in a black top berm similar to those on other circles. It would start on the right side of the Becker property, go around the Robertson property and up the hill behind the Browns. The water would then go across the road into the common area between Plantation and Swamp Fox Circles providing water for the new vegetation.

Both property owners need to take responsibility for part of the problem. Mr. Robertson has indicated that he will put in a dry well to curb the water coming off his property between the low area and his deck. The Beckers have to recognize that they have a lot that will have standing water somewhere after a heavy rain. There is nowhere for the water to drain.

Hugh Cotcamp made a motion that the Board address this problem by first installing a berm along the edge of the road to stop the hill water from draining onto the properties in question. That Mr. Robertson complete the drainage work which he indicated he would perform. That the Beckers look at their own situation and decide whether they need to look into the problem at this time. After this is accomplished, the Board will review the situation after a hard storm to decide if there continues to be a problem that needs to be addressed. Second by Carmine Ferrandi.

A discussion followed the motion. Maggie Welden referred to the architectural package which states that the builder and property owner are required to address any drainage problem of the property. The builder while it is being built and the owner after the structure is completed. Mrs. Welden checked the package of Mr. Robertson's plans. The drainage problem was checked off, but nothing was found that indicated the problem was addressed. Her concern is that if the village installs the berm first, other residents will ask for the same consideration. She further stated that at the April meeting, Mr. Stenner informed the Board that he had spoken to the builder and Mr. Robertson several times about drainage and nothing had been done. Mrs. Welden's opinion is that Mr. Robertson should be held responsible for a drain before the village installs a berm.

Hugh Cotcamp noted that the architectural package does not mention anything about a builder or homeowner fixing a problem of water drainage from someone else's property or village property onto his property. The pertinent part of the package reads as follows: During construction the contractor is responsible for any erosion or runoff of any material onto roads, (It

does not say from roads onto his property. It states onto roads.) and adjacent lots and must take immediate remedial action to correct the situation.

Some of the problem on the Becker property is being caused by water draining from Plantation Circle. Mr. Robertson raised his driveway and is not getting the runoff. The Beckers driveway is flat thus allowing the water to run down Plantation and onto their driveway.

Hugh Cotcamp restated his original motion. The Board voted and the motion carried.

Maggie Welden welcomed all the newcomers that were present.


A letter was received May 7, 1999, regarding an article in the May P.S. Maggie Welden spoke to the letter writer who has a one year old and both she and her husband work. They are willing to volunteer their services on a limited basis. The letter also mentioned that perhaps an evening exercise group can be formed for those residents who work.

Mary Harnett asked Maggie Welden to remind everyone to respond to the poll in the P.S. asking if a newsletter is necessary. Those received to date have indicated a yes response.

Maggie Welden expressed condolences to the families of Lloyd Lavigne of Franklin Circle and Ditzie Brittain formerly of Plantation Circle.

There being no further business, Chris Rohan made a motion to adjourn. Second by Carmine Ferrandi. The meeting was adjourned at 10:22 A.M.

Respectfully submitted,



Angela Marcotte
Board Secretary