

## **Minutes, TEOA Board Meeting**

**September 14, 2021**

In attendance: President, Rhett Eleazer; Treasurer, Larry Wade; 1<sup>st</sup> Vice President, Melody Martin, 2<sup>nd</sup> Vice President; Secretary, Linda Hall; and residents.

The President called the meeting to order at 6:00 pm outside at TCC. He welcomed all who attended and requested that all residents check out their personal property; such as yard, fencing, and plants; to be good neighbors and help keep our neighborhood beautiful and maintained.

Rhett read the summary of our long standing attorney's legal analysis of dock jurisdiction 360 and below. This summary would be attached to the minutes.

Rhett stated that the Board would have an Executive meeting on Oct 5<sup>th</sup> to finalize plans for the annual meeting.

### **Treasurer's Report – Larry Wade**

#### **July 31, 2021**

Revenue:

Interest Income from Affinity savings account was \$57.59.

Major Expenses:

- In addition to the normal monthly fee Of \$2000 for landscaping expense we had a sprinkler repair for \$90.

- I reclassified a prior month expense in May for ARC copies (-\$66) to ARC postage (\$48) and Welcome Committee copies of (\$18) due to the UPS review I did in June.

- Dominion Energy invoice of \$99 was normal for the street lights.

- Town of Chapin water bill was increased to \$431 for the month.

Balance Sheet:

The ARC Escrow amount decreased by \$500 from \$13,800 to \$13,300 due to a return of deposit of \$500 for a resident driveway completion to JJ Rez LLC contractor.

#### **August 31, 2021**

Revenue:

Interest Income from Affinity savings account was \$57.61. We issued an ARC fine to a homeowner for \$575 for non-compliance.

#### Major Expenses:

- We incurred ARC supplies of \$11 for Ink.
- Green Earth monthly invoice of \$2,000 was paid for landscaping.
- At the request of the Board we had our Attorney Robin Turner research case law to give an opinion on whether the TEOA has control over docks and land beyond the 360. The report summary is attached to the September minutes. The cost for this research was \$635.
- Dominion Energy lighting was normal for \$99.
- Town of Chapin water bill increased to \$588 for the month.

#### Balance Sheet:

The ARC Escrow amount increased by \$1,000 from \$13,300 to \$14,300 due to receipt of a new build ARC deposit from Gallup & Lafitte for the Steele home on Island Point.

The Receivables account increased due to the ARC fine billing of \$575. The receivable was paid August 31 on time and posted on Sept 1 when deposited to BB&T.

#### General comments:

- We have spent \$27,141 – 56% (average \$3392/mo.) and have adequate expense budget remaining of \$21,688 for the last 4 months for 2021.

### **1<sup>st</sup> Vice President's Report – Melody Martin**

1. Road Repairs:
  - a) Lake Spur
    - i) At this time, we're unable to locate a contractor willing to make the repair.
    - ii) The plan is to purchase aquaphalt and a tamper to repair.
  - b) Putter Point
    - i) Reflectors were placed in front of the area where rut has occurred.
    - ii) Situation will continue to be monitored.
2. Utility Box:
  - a) AT&T is working to replace the broken utility box on the corner of Lake Estate and Lookout Pointes.
  - b) There is no ETA at this time. Will continue to monitor.
3. Signage
  - a) No solicitation sign was removed from the entrance.
  - b) A replacement sign has been purchased and should be installed by the end of the week.
4. Lighting
  - a) Lights at the entrance are not working.
  - b) Green Earth should be addressing the issue this week.
5. Landscaping
  - a) A request was made to trim the shrubbery at the entrance of Timberlake Estates.

- b) The Board will seek feedback from homeowners on using HOA funds to beautify the back of hole 18.
6. Timberlake Garage Sale
- a) The fall garage sale is planned for October 23<sup>rd</sup>.
  - b) If you are interested in participating and would like your home listed, please contact Kimberly Ameer, Timberlake Plantation Owners Association, at 803-603-0305.
7. Christmas Party
- a) The date is Tuesday, December 7<sup>th</sup> from 7:00 pm – 9:30 pm.
  - b) There will be heavy hors d'oeuvres and a cash bar.
  - c) Tickets will be \$20 per person.
  - d) The group is seeking neighborhood children to perform during the party.
- I thank Deb Fell, Irma Pittman, Terry Watson, and Cindy Sturman for lending a much appreciated hand.

### **2<sup>nd</sup> Vice President's Report – Sean Wagner**

Multiple examples of anonymous reports about TEOA violations were cited. Rather than give a case by case overview of the 11 anonymous reports, Sean defended his position and decided to announce his intent moving forward for executing his position as violations chair.

Sean stated that it had come to his attention that the board did not genuinely attempt to give the members of the TEOA the opportunity to voice their opinion on whether solar panels are to be welcomed into our community. He cited his reasoning.

Neighborhood interest Groups – Multiple People were very interested in advancing these groups. Sean said that he looked forward to advancing the following groups: Garden Club, Euchre/Card Game Night, Bunco Club, and outdoor movie.

Luminaries – There has been a lot of interest for the luminaries in TEOA and with the Plantation as well in the boulevard entry and into Lake Estates. It was decided the date on the Saturday before Christmas, December 18<sup>th</sup>. Last year Timberlake Country Club graciously offered to lend us the sand for this. Sean was sure for this year. Those willing to help are Trudy Rhodes, Deb and Bob Fell, Mel and Rob Martin, Amie and Chris Toohey, Walsh-Wagner Family. Cindy (maybe Todd) Sturman, Shannon Henry (waterlinks), and Irma Pittman.

After leading a discussion on partnering with TCC on beautifying the area around the club's 18<sup>th</sup> hole, the Board decided to let the residents vote on this issue.

### **Secretary's Report – Linda Hall**

Linda thanked those who had decided to run to serve as officers of TEOA:

Treasurer: Amie Toohey, Larry Wade (current treasurer)

Secretary: Deb Fell, Linda Hall (current secretary)

She described the procedures in this balloting process explaining that hard copy ballots will be mailed out approximately three weeks before the annual meeting and could be mailed to the secretary or brought to the annual meeting. The ballots would be counted by a group at the end of the annual meeting. Mel agreed to assist in the counting process.

### **ARC's report**

The ARC received 21 applications for August (5)/September (16) meetings.

- 5 for dock work
- 8 for tree work
- 2 paver work
- 4 for deck work
- 1 for lighting
- 1 new roof

16 Applications were closed for August/September.

Our architect received incomplete application/plans for a new home on Putter Point and sent information regarding what is required for a complete packet.

Lots were cleared for two new homes last week.

Now there are 5 homes under construction in TEOA.

- The following lots were cleared last week:
  - VVW at Water Links corner
  - Steele on Island Point.
- Buttle on Lake Estate should be completed by the end of October.
- Voelker on Bass Point should start framing shortly.
- Henry on Water Links doing mostly interior work.

Sandy Wade explained the important issues regarding growth in our neighborhood and their importance to our neighborhood. The board decided to email to the residents three important documents concerning the growth of our community: Public Hearing on Sept 28, Lake Murray Overlay, and Test Growth Scenario. Additionally a summary of the lawyer's determination regarding docks would be sent along with the minutes.

The combined August and September ARC report will be sent to the residents this week.

### **Other matters**

The fall garage sale is scheduled for Oct 23, 2021 and this should be in our next newsletter.

The Board decided to let the residents vote on the controversial topic of allowing solar panels in our neighborhood beyond our current guidelines.

A motion was offered by residents and was approved by attending residents. According to Robert's Rules of Order, motions can only be made by members of the Board. However, to address the residents' concern, the issue of funding the area around the 18<sup>th</sup> hole will be put to vote by the residents.

Rhett tentatively set the date of the annual meeting for Tuesday, Nov 16<sup>th</sup>, at 6:00.

Rhett adjourned the meeting at 7:24 pm.

**Attorney's summary of dock jurisdiction 360 and below follows:**

**At the request of the Board, ARC and some individual members of the Association, Larry Wade, our Treasurer, contacted Robin Turner, our HOA attorney for his opinion on enforcement of our covenants on docks that extend over the 360' contour of Lake Murray. His response:**

I believe there is no question whatsoever that the Association can require fair handed architectural approval of traditional docks running from water to subdivision land, if there are proper regulations in effect and legitimate goals stated in the subdivision documents, fairly enforced.

Restrictive Covenants which require erection or placement of buildings or other structures in residential areas to be approved by the ARC or developer have been upheld in South Carolina by our Supreme Court and have even been upheld where an ARC or developer has disapproved plans for aesthetic considerations.

The TEOA documents express an intention to promote and foster aesthetic considerations and property values for the benefit of the original developer as well as the members of the Association, so if these rules are enforced evenhandedly, in good faith, in an effort to promote aesthetics, they are presumed enforceable.

As far as Lake Murray is concerned, the rights of a riparian owner are not absolute and the use of the property is subject to lawful regulation by public authority and those rights are certainly legally, subject to being contracted away, either completely or to be regulated, by contract, including the contract formed by the TEOA covenants and restrictions with the lot owners in the Association. Surely, lakeside property carries with it riparian rights, but these rights can be affected by restrictive covenants which apply to the individual lot. These rights are not absolute and can be affected by regulating the type and dimensions of any dock to be built by the lot owner, by the lake owner, Dominion, and by contract (restrictive covenants) agreed to at the time the lot was purchased.

Lakefront lots cannot directly be restricted unless, as a matter of contract, (restrictive covenants) between the lot owner- developer, in which each owner has agreed to personally acquiesce to reasonable restrictions of the owner's discretion to build something anywhere which negatively affects the aesthetics of its own property or the property of other members, especially immediate neighbors, including future owners of its neighbors properties, or to frustrate a subdivision plan providing aesthetically superior but still reasonably adequate use of waters bounding the subdivision by its members, even if, the result is not as convenient as one would like.

So, the most important thing is whether or not the restriction is a fair one as between the owner (who wants to construct this improvement on the water, in plain sight of everybody in the cove) and, the subdivision Association-a matter of contract. I believe if you do everything right, and the dock is just wrong for the subdivision and you can articulate the reasons why, you can prohibit it, or positively affect its design. I have not seen any revolutionary new law on this subject in some time.

Additional Note from Rhett Eleazer: I have researched the old case of Epps v Lexington Water Co, in which our South Carolina Supreme Court held that if a covenant or agreement between parties "touched or concerned" the land, there is authority to regulate such an improvement in accordance with the covenant. I believe that decision, which has not been overturned since 1938, recognizes TEOA's authority to enforce our covenants on docks extending beyond the 360 contour on the lakefront lots because docks do "touch or concern" the regulated land, (lakefront lot).