

# HIGH TIDINGS

THE OFFICIAL NEWSLETTER OF THE FOREST BEACH ASSOCIATION, INC.

MARCH 1993

## Beach Erosion

Through the early fall last year, the beach nourishment project was holding up as anticipated. The sand fences and beachgrass we planted were collecting blowing sand and building the dunes. Unfortunately, during the late fall and early winter, we had a number of strong northeasters which caused considerable erosion. During the first weekend in February the tides were unusually high and there were heavy northeast winds with the result much of the high tide beach was washed away. In the North Forest Beach area, there is very little dry beach at high tide and the ocean is once again lapping at the rock revetment.

As we write this story, the first weekend in March is expected to have the highest high tide in 60 years due to the positioning of the moon relative to the earth and sun... the moon will be closer to earth than than it is expected to be for another 60 years. We hope for calm winds that weekend so erosion damage will be minimal.

As we understand it, until this time the Town does not expect to make plans for its next beach nourishment project until 1994 with the actual nourishment not being undertaken until 1996. Given our experiences in the past few months, we believe they should move ahead full speed with their planning and in seeking authorization from the SC Coastal Council for another beach nourishment project. We have written to the Town's Shore & Beach Preservation Committee and Town Council urging them to begin this process immediately.

Those of you who feel the same way are urged to write to Town officials telling them how you feel. If you need names and addresses, please call the office and we will be glad to provide them.

## Directors & Officers Elected

At the Annual Membership Meeting on October 3, 1992 the following three people were elected to a three year term as Directors:

- Alan Jackson, 26 Pelican Street, who had served a partial term replacing a previous Director who had resigned. He is a Landscape Architect with The Greenery.

- Donald MacVicar, 10 Jacana Street. He is a long term resident, a retired pediatrician and former Director.

- Robert Miller, the Marriott Ownership Resorts Vice President in charge of the Grande Ocean Resort project.

Shortly after the Annual Meeting, Vice President Jim Paris resigned from the Board and Herb King, a partner in Diversified Properties Group, was appointed to complete Jim Paris's term as a Director through 1993.

At its regular, monthly meeting in December, the Board elected the following as the 1993 Officers:

- President: Rose Montgomery, Vice President of Operations for the Adventure Inn and Vacation Time of Hilton Head Island. She had served as our President during 1992.

- Vice President: Rich Hughes, owner of Hughes Contracting Company.

- Treasurer: Pamela Ovens, local charter boat captain.

- Secretary: Herb King, a partner in Diversified Properties Group.

- Assistant Treasurer: Bill Lancaster, realtor and Chairman of the Forest Beach Public Service District.

Serving with the Officers are the following Directors: Alan Jackson, David MacLellan, Donald MacVicar, Robert Miller and Advisors Andrew Klepchick and David Witt who is our ARB Representative.

## Guide to Flood Awareness

The Town of Hilton Head Island has published a very useful small guide which outlines such things as The Flood Hazard, Flood Warning System, Flood Safety, Flood Insurance, Property Protection Measures, Flood Plain Regulations and lists agencies to call for additional information.

It is worthwhile to have a copy of this guide and to keep it for handy reference. If you have not received a copy or misplaced it, you can obtain a copy by stopping at the Reception Desk at Town Hall at One Town Center Court at the entrance to Wexford Plantation.

## Membership Meeting

The Semi-Annual Membership Meeting will be held on Saturday, April 10th at 10 A.M. at the Days Inn Conference Center on South Forest Beach Drive.

The Officers will brief members on the Association's activities and progress toward our 1993 goals as well as answer questions from the floor.

We hope you will plan to attend if you are in town that weekend.

## Covenants Enforcement Officer

Since the Association inherited the responsibility for enforcing the covenants throughout the Forest Beach area, many property owners have been urging the Board to be more aggressive in their enforcement efforts. While we understand the concern these people have, there is just so much a volunteer Board can do at a time and there are limited funds with which to work. However, the Board has been examining the best way to proceed given its time and dollar limitations.

To assist the Board and the Architectural Review Board to keep abreast of activities in the area, we expect to have by late March a part time person who will be responsible for making periodic checks throughout the area. This person will be checking on construction activity to make sure it has been approved by the Architectural Review Board and that the approved specifications are being adhered to. For example, that the setbacks are proper, the tree survey is being followed, the exterior colors are those that were approved, the building is properly sited, etc.

In addition, this person will be observing whether there are any obvious covenants violations such as debris being dumped on vacant lots, property being poorly maintained, beach accesses being blocked or walkways obstructed, unlicensed vehicles parked/stored on residential property

and for renovations being made to convert a single family into a multi family property in a single family covenanted area.

Apparant violations will be reported to the Architectural Review Board or the Covenants Enforcement Committee for appropriate action. This individual will not have the authority to make decisions but will primarily be the eyes and ears for the above and will carry out the instructions they give. In addition, this individual will probably be asked to undertake some preliminary observation/investigation assignments for the Board of Directors and the Covenants Enforcement Committee such as the preliminary investigation of an Alleged Covenant Violation Report.

The Board of Directors feels such a person will be able to do many chores for it that they cannot do themselves because they are employed full time. By having someone find out facts for them, they will be in a position to make decisions based on factual information rather than heresay. We feel this is a good step in the direction of getting more things accomplished for the betterment of all property owners in the area and will appreciate your cooperation with this person.

For additional information or questions, call the Association office at 785-5565 and leave a message on the recorder if no one is there.

## District Conducts Lead and Copper Testing

The results of a lead sampling program performed by the Forest Beach Public Service District indicate that some homes located in our service area have levels of lead higher than the Environmental Protection Agency's recommended level of 15 parts per billion (ppb). Lead can pose significant health risks primarily to pregnant women and young children. It rarely exists naturally in water, and there is NONE in the water supplied by the District. The most common way it enters drinking water is by leaching out of a home's plumbing. As water stands in the plumbing, lead can dissolve from pipes, solder and other fixtures.

The homes most likely to have problems with lead are those built since 1982 with copper plumbing. Solder containing lead was used to connect the copper pipes and fittings in most of these homes. The EPA outlawed the use of lead solder in 1986, but some was likely used after the deadline.

When there is lead in drinking water, follow these steps:

1) Flush your drinking water tap when it has not been used for 3 or more hours. Let the water run for 30 seconds prior to using it for drinking or cooking.

2) Do not use hot water from the tap for cooking or making infant formula. Hot water dissolves lead more quickly than cold water.

We appreciate the help of our customers who collected the water samples for our testing. We are continuing with this monitoring program. Please call our office at 785-4327 if you have questions about your water.

Suggested laboratories that can offer analytical services for lead in your drinking water are:

Columbia Analytical Laboratories,  
(803) 957-6608

General Engineering Laboratories,  
(803) 556-8171

General Environmental Laboratories,  
681-6296

## Crystal Sands Resort

Those who have not been to the Island since last fall may be surprised to find Marriott's Hilton Head Resort has been sold to Holiday Inn's Crowne Plaza Resorts and is now called Crystal Sands Resort. The Crowne Plaza Resorts is a new division of Holiday Inn's and is their entry in the luxury resort hotel segment of the hospitality business. The Island facility is the flagship property for this division and is the first Crowne Plaza Resort in the United States.

The property was closed from November through February for extensive and pleasing renovations reported to have cost about \$8 million. The interior public areas have been done in a nautical theme designed to remind the visitor of an

upscale yacht club including many attractive sailing pictures. The guest rooms have been upgraded continuing the nautical theme and adding new amenities.

The exterior of the main building has been painted an attractive light grey with blue trim. The outdoor pool area includes new seating areas overlooking the large lagoon, a children's playground and pool. Valet parking is now available.

You will enjoy a visit to see all of the improvements and changes including the lobby area, lounge and restaurants.

Our best wishes to General Manager Jack Miller and his staff for the successful, long term operation of this fine facility.

# Forest Beach Lawsuit

After careful consideration, Forest Beach Association filed a lawsuit against Property Research Holdings, Inc., Hilton Head Beach Subdivision No. 2 Assets Holding Corporation and John Esposito.

The original Summons and Complaint were filed on November 30, 1992. This Complaint alleged that Property Research Holdings, Inc. had breached its agreement to sell certain common areas and open spaces in Forest Beach to the Association. Included in these open spaces and common areas were the beach strand blocks, roadways, beach accesses, drainage and utility easements, and other open spaces. A lis pendens was filed to serve as public notice of the Association's claims pertaining to these properties. The Complaint also alleged that John Esposito and/or Hilton Head Beach Subdivision No. 2 Assets Holding Corporation tortiously interfered with our contract and contract negotiations with Property Research Holdings, Inc. by threatening suit against Property Research Holdings, Inc., without reasonable basis in law for fact, if Property Research conveyed the subject properties to the Association.

The Complaint also alleged that the Defendants are violating restrictive covenants and restrictions applicable to these properties by, among other things, subdividing the properties, denying or impairing other owners' use of the beach accesses and beach strand property,

and in general, by attempting to incorporate portions of these common areas and open spaces into their own private property for their own exclusive use and benefit. The Complaint has subsequently been amended, but the claims made against Property Research Holdings, Inc., and Hilton Head Beach Subdivision No. 2 Assets Holding Corporation remain substantially unchanged.

Hilton Head Beach Subdivision No. 2 Assets Holding Corporation has filed an Answer denying the material allegations of the Complaint. Property Research Holdings, Inc. has also answered and has denied most of the material allegations of the Complaint. They have, however, admitted that they entered into a contract to sell the property to us on June 22, 1992, and they have admitted that the parties agreed on or about August 19, 1992, to modify Paragraph 22 of the June 22, 1992 contract which made the consent of five (5) specified property owners a condition precedent to closing.

Property Research has filed two (2) counterclaims against the Association. The first alleges that they are entitled to a reverter of the declarant rights previously assigned to the corporation on the grounds that our lis pendens constitutes an encumbrance on the property within the meaning of the assignment. The second counterclaim alleges that we are interfering with their title to the re-

maining properties not transferred or sold, in that our lis pendens effectively prevents additional transfers of these properties.

We have made considerable effort to negotiate a resolution of the issues raised in the action. We believe that this effort has been useful, and we intend to continue to seek a mutually satisfactory settlement. A major stumbling block, however, is that the principals of Hilton Head Beach Subdivision No. 2 Assets Holding Corporation, and other ocean front owners who may have entered into agreements with Hilton Head Beach Subdivision No. 2 Assets Holding Corporation refuse to recognize or give any effect to the recorded covenants and restrictions that obligate the owner of the strand blocks to hold those properties in trust for the benefit of all lot owners within Subdivision No. 2. As Kent Fulton has expressly stated, the principals of No. 2 Assets Holding Corporation view the strand areas between their lots and the beach as an extension of their lots, not as property available for use by all owners in the subdivision. It is, of course, the Association's position that the strand blocks are trust properties available for the use and enjoyment of all owners in the subdivision.

We will vigorously litigate the issues in this action, while at the same time continuing to seek an acceptable voluntary solution.

## Speeding on North Forest Beach Drive

After receiving a number of complaints about this, we asked Lt. Heath of the Sheriff's Department to monitor this situation more closely, particularly at shift change times at Crystal Sands Resort. We sent a copy of this letter to Mr. Jack Miller, the General Manager at Crystal Sands Resort.

We received an exceptionally cooperative letter from Mr. Miller which said in part:

*"To help alleviate this we have taken the following actions:*

- 1. Each employee is cautioned regarding the residential roadway and is reminded to obey all traffic laws.*
- 2. Contractors have been informed about the complaints and have been instructed to notify their suppliers to obey all traffic laws.*

*We are very proud of our neighborhood and our new resort facility, and would like to assist you in your efforts to maintain a safe environment on North Forest Beach. Please contact me directly if the situation remains a problem or if you know of specific individuals who are violating the traffic laws or otherwise being unpleasant neighbors."*

With this kind of a positive, cooperative attitude between ourselves we will be able to resolve any differences that may arise in the future.

## Architectural Review Board

In January, letters were sent to all local architectural firms reminding them that the covenants for the Forest Beach area require that all buildings, additions or remodeling require the prior approval of the Architectural Review Board before work can be commenced. This was done because there are many new architects on the Island who appeared to be unfamiliar with this requirement.

The letter enclosed a copy of the covenant provision covering this as well as a copy of the ARB's Policies & Procedures. Response to this letter has been very positive and we plan over a period of time to send similar letters to builders, attorneys and realtors. During the last half of 1992 and into early 1993, the ARB has experienced a sizeable increase in requests for approval of new houses and remodeling of existing properties.

## FBA Board of Directors

### OFFICERS & DIRECTORS

Rose Montgomery, '94	President
Rich Hughes, '93	Vice President
Pamela Owens, '93	Treasurer
Herb King, '93	Secretary
Bill Lancaster, '94	Assistant Treasurer
Alan Jackson, '95	Director
David MacLellan, '94	Director
Donald MacVicar, '95	Director
Robert L. Miller, '95	Director

### ADVISORS

Dick Dey, Executive Director  
Andy Klepchick, Advisor  
David Witt, Advisor & ARB Representative  
Karen Dill, ARB Administrator

*If you wish to contact one of the Officers, please call Dick Dey at the office (785-5565) and he will ask the appropriate one to call you. If he is not in when you call, please leave a message on the answering machine. Please speak slowly, spell your name, address and phone number.*

## Cordillo Parkway Bike Path

The extension of the Cordillo Parkway Bike Path from DeAllyon Avenue to the intersection with South Forest Beach Drive near the Sea Pines Ocean Gate is included in the Town's 1993 Capital Improvement Program.

The existing bike path will be extended along the western side of Cordillo Parkway down to opposite the bike path running along Woodward Avenue. Here it will cross to the eastern side of Cordillo Parkway and continue southeasterly to South Forest Beach Drive.

Work has already begun on this project and it is expected to be completed by this summer.

## Do You Know?

Where does the name Coligny come from that is used for Coligny Circle, Coligny Beach Park and Coligny Plaza? This is a question we often hear.

According to local island historian Robert Peeples, the name was given to the Coligny Circle area when the early developers of the Island were laying out this section. He reports it is named for Gaspard de Coligny, Admiral of France, a Protestant opposition leader who sought to establish colonies for religious freedom in the New World for his followers, the Huguenots.

According to "The Sands of Time: A History of Hilton Head Island" by Margaret Greer, a local author and former editor of Islander Magazine, Coligny sent Captain Jean Ribaut to 'LaFlorida' and when he headed north from there he established a settlement called Charlesfort near the present town of Port Royal. It was the first Protestant settlement in the United States and the name Ribaut is used throughout the Beaufort area.

*(The above information appeared in a recent issue of The Island Packet.)*

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