

# **FOREST BEACH OWNERS' ASSOCIATION, INC.**

## **AGENDA, Board of Directors meeting**

**Monday January 09, 2023, 5:30 PM**

**This will be a virtual**

**meeting**

**Location: Virtual via Zoom**

Any member is welcome to dial into the meeting, however all lines except for the Board of Directors will be muted until agenda item number 10

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### **Joining the meeting**

**To connect to the Zoom meeting, select one of the following:**

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1. If you have the Zoom client installed, click on the link below to join the meeting:

<https://us02web.zoom.us/j/6094078890>

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Launch the application and join meeting: 609 407 8890

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you can launch Zoom from a browser, by clicking on the link below

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3. You can also just call in from your phone to only participate via audio.

Dial 929-205-6099

Enter 609 407 8890 # # as the meeting number.

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### **Agenda**

1. Welcome - Neighbors and Town Council members
2. Approve Agenda – Jack

3. Approval of prior meeting minutes
  - a) Approve meeting minutes from December 13, 2022 – Included Below – Jack
  - b) Update on annual meeting minutes from October 22, 2022 - Debbie
4. Treasurer's report - John
  - a) Reference separate file on website
5. ARB Submissions and pending items - John
  - a) Check back for updates
6. Covenants enforcement - John
  - a) Check back for updates
7. Legal updates
  - a) Letter to owners for ARB violations
8. Committee updates
  - a) BCOLT compliance - Jack
    - i. Tier 1 - Adverse possession issues
    - ii. Tier2 - Gray water dumping in dunes
  - b) Overlay committee
    - i. Update on effort to seek bids for legislative liaison for overlay district – Jack
    - ii. Action items for Town - (Discussed and approved December 2022), plus two additional items for review. (Details below)
  - c. Forest Committee
  - d. Beach Committee
    - i. Turtle trackers
  - e. Security Committee
9. Unfinished Business
  - a) Avocet Beach Access
  - b) Forest Beach Signs
  - c) Break-ins North Forest Beach
  - d) Sort Term Rentals (STR)
  - e) Beach Parking
  - f) Golf carts in Forest Beach – Related to timeshare shuttles
  - g) Circle center
  - h) Forest Beach Flag in Celebration Park (to be flown w/Country and State)
  - i) Forest Beach Signage (Cordillo and Pope, SFB drive by Sea Pines South Gate)
  - j) Electric and motorized vehicles prohibited on bike/walkways in Forest Beach.
10. New business
  - a) Dues notification mailing - John
11. Membership comments (Limited to 3 minutes presentation)

## 12. Adjournment

The next meeting of the FBOA will be February 13, 2023, at 5:30 PM

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### Our Vision

“Forest Beach is a beach village where we live, work, play, learn and worship in harmony with everyone, with respect for our neighbors and the natural environment.”

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### FOREST BEACH OWNERS' ASSOCIATION

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### Minutes of the Meeting of the Board of Directors December 13, 2022

**Present:** Jack Daly, John Snodgrass, Eleanor Lightsey, Debbie Urato, Amy Fee, Doug Felten, Frank Roberts, Larry LaBanc, guests Marci Wilhelm, Keith Mace, Lisa Roberts

**Minutes:** The minutes from the November meeting of the BOD were approved as read. The approval of the draft minutes from the annual meeting of the membership (October 22<sup>nd</sup>) is deferred until next month.

**Financial Report:** The report was approved as submitted.

#### ARB Report

- 130 Shell Midden Lane – new home, under review
- 7 Cassina Ln – new pool, approved
- 14 Gannet St – new roof, approved
- 1 Mallard St – completion review pending
- 23 Dune Ln – new pool and decking, under review
- 2 North Forest Beach Dr – new signage, under review
- 18 Pelican St – new room above garage, new roof, no ARB approval

#### Covenants Enforcement Report

- 18 Pelican St – possible interior construction without permit, referred to town

- Cassina Ln beach access – there was some landscape dumping that blocked the access. Adjacent property owners and BCSO were contacted; it was cleaned up
- 19 Dove St – property transfer

### **Legal Updates**

- Russell Paterson contacted the owners of 6 Laurel Ln and 8 Laurel Ln about environmental dumping in the dunes; awaiting responses
- Ibis St beach access – the re-evaluation of the \$500 value was successfully appealed.

### **Committee Reports**

- BCOLT compliance – FBOA owns 35 oceanfront acres from Sea Pines to the Marriott Grande Ocean – still working on adverse possession and gray water issues – see above
- Overlay committee: A communication prologue is being sent to David Ames, as requested. It will be followed by specific issues which need addressing and updating in the LMO. The Board voted to allow Jack to seek bids for a legislative liaison to the town for advancing our requests. This person should be knowledgeable of town and FBOA code and is able to spend the time that it takes to attend all committee meetings. Different issues go to different committees. The town is supportive, so far.
- Forest committee – town staff has been in communication with us for discussion of more tree protection. These issues will also be spelled out in the FBOD revisions that we are asking for.
- Beach committee – There are also some issues pertaining to businesses using FBOA owned property. These will also be addressed in our FBOD revisions. This is the off season for turtle nesting. Town ordinances are in place; it is just a matter of enforcement.
- Security committee – Bob Bromage has been hired as the Security Director for the Town of HHI. He will meet with the committee to determine what the county can provide to us at no cost, since we are not a gated community. Director Bromage is still an enforcement officer with the sheriff's department.

### **Unfinished Business**

- Avocet St beach access – Russell is composing a letter to be sent to Katie Bair, thanking her for coming into compliance with FB covenants.
- Forest Beach signs – since the town has dropped this issue, it can be added to the Overlay District requests
- Break-ins in Forest Beach – It is not unique to FB; these issues are island-wide. John forwarded a letter to the Board from the Hilton Head Plantation BOD. This issue falls under the purveyance of the security committee.
- Short Term Rentals – the town's new ordinance will take effect on January 1, 2023. Not all vacation rental companies are interpreting the ordinance in the same ways. Will the town be soft on enforcement? It will be a wait and see.
- Beach parking – Jeff Buckalew announced that the town will begin charging for beach parking beginning with the upcoming tourist season. No one at the town has considered the ripple effect of this in our neighborhood (i.e., people parking on our streets as they look for free parking). Reminder: we are designated a no parking neighborhood.
- Golf carts in Forest Beach – this is something to be addressed in the OD.
- Circle Center – the owner plans to subdivide the Bi-Lo space. The whole complex is still for sale.

**New Business:** The annual newsletter submissions are a week late. John is working on a history article. It will be mailed to all owners with the 2023 dues notices. Volunteers will be solicited to join our various committees.

**Membership comments:** Marci Wilhelm, who represents Oceanwood Condominiums, had a conference call with Shawn Colin. She told him that enforcement of town code has become lax to non-existent. Is the OD language on the FBOA website? No, but it can be found on the town's website.

**The meeting was adjourned to Executive Session at 6:34 pm.**

**The discussion in Executive Session was related to the Land Management Ordinance Neighborhood Character Overlay District (LMONCOD).**

- The various committees will communicate by email with suggested LMO revisions to the OD. There will be a list generated, with comments from all board members.
- There were no actions taken as a result of the Executive Session.

**The meeting was adjourned at 7:52 pm.**

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**Minutes of the Annual Meeting of the Membership**

**October 22, 2022**

**Present:** Jack Daly, Doug Felten, Massimo Santangelo, Frank Roberts, Eleanor Lightsey, Amy Fee, John Snodgrass, guests JoAnn Orishak, Alan Perry, David Ames (Ward 3 Council Representative), Bob Bromage (Security Director for the town of HHI)

**The meeting was called to order at 10:00 am.**

**All attendees were welcomed and the Board members introduced themselves.**

**The agenda was approved.**

**JoAnn Orishak and Alan Perry, candidates for the upcoming mayoral race gave opening statements.**

- Question #1 – What is your impression of Forest Beach?  
Mr. Perry – “Forest Beach has seen the most change of any neighborhood on the island. It used to be residential, but is now an economic driver for the island.”  
Ms. Orishak – “There has been a shift to short term rentals that has taken over our neighborhood and it is here to stay. Please read the town’s new STR ordinance which takes effect in 2023.”
- Question #2 – Should the town have thoughts about the proliferation of corporate-owned short-term rentals and residential depopulation in Forest Beach?  
Ms. Orishak – “The town is addressing this in the new STR ordinance.”  
Mr. Perry – “Property values are partly based on tourism dollars that add to the town’s budget. There is an ongoing town study and conversation on pre-pandemic and post-pandemic numbers.”
- Question #3 – How should the town address district, beach and STR parking issues?  
Mr. Perry – “Discussions have already begun. Issues of resident/day trippers/STR parking will be addressed in the next 6 to 12 months. This includes enforcement.”  
Ms. Orishak – “The town has partnered with an outside company to get feedback from other resort communities.”
- Question #4 – How will the mini hotels and other STR properties be inspected for safety concerns?  
Ms. Orishak – “The provisions for safety inspections are spelled out in the new STR ordinance.”  
Mr. Perry – “There should be some type of safety inspection, perhaps rentals of more than x number of bedrooms. There could be legal ramifications. The new ordinance will evolve.”

**Bob Bromage, Public Safety Director for the Town of HHI, gave a presentation:**

He is retired from the BCSO after 13 years. Violent crime is hard to predict. Tourists come with money and other valuable possessions and the criminals know that they leave cars and doors unlocked. The perpetrators are mostly juveniles with

nothing else to do. As a liaison to the BCSO, his responsibility is crisis communication, securing town facilities, path safety, parking, noise and trash enforcement and follow up with the BCSO. The town has 4 code enforcement officers (2 are new) and plans to hire 2 more. Crime statistics are low for our neighborhood. Amy noted that the numbers are underreported. Jack appealed for a newly dedicated patrol officer for the summer months for the beach and the Coligny area. Perhaps it could be some School Resource Officers when school is not in session. A good way to report crime is through the MyHHI app. There will also be a 24-hour hotline. Jack stated that neighbors have been heard; we would like to see what the town does, with the addition of new officers and the new STR ordinance. The town is moving in the right direction.

**David Ames, Ward 3 Council Representative spoke briefly:**

Forest Beach is now represented by one Council member instead of 3. David has lived on HHI since 1973 and knows a lot of the town's history. He is pleased to represent Forest Beach, but he also represents the entire island.

He is most concerned with the "monstrosity" at 6 Capri Lane. This was unprecedented and caught town staff by surprise. The town is looking at revising the LMO to make sure nothing like this happens again. His main focus is workforce housing, which affects visitors, residents and the taxes that everyone pays. Note the Accommodations Tax that tourists pay. It should be a priority for HHI. On November 1, Town Council will vote to adopt a framework for a workforce housing program. David urged everyone to support it. He gave a very positive shout out to Marc Orlando for his future vision of the island and his hiring of high-quality people, such as Bob Bromage.

**Minutes:** The minutes from the annual meeting on October 16, 2021 were approved as read.

**Financial Report:** The 2022 budget, 2022 actual income and expenses and the 2023 proposed budget were presented. The only difference in the 2023 budget is a line item that sets aside some monies to accumulate for future construction of beach access crossovers. The cost of these improvements is far beyond the ability of the budget to absorb, so the fund will hold monies as a savings for future use. Insurance costs are mainly liability for Board members and beach accesses. There are no ongoing legal issues, and the Board has tried very hard to resolve covenants enforcement without lawsuits. \$7000 was budgeted for 2022 and \$3800 has been spent. The proposed legal fees are for opinions and suggestions related to ARB and covenants enforcement. FBOA has no assets other than cash and beach accesses.

**Election of Board Members**

The terms of Frank Roberts (2022), Amy Fee (filled the unexpired term of Larry LaBanc) and Eleanor Lightsey (filled the unexpired term of Mira Scott) are considered for re-election and have agreed to serve another term. It is our understanding that there is a proxy block vote. There was a question about proxy protocol: must you be present to vote? Since we must solicit a legal opinion, the results of the voting will not be announced today. Matt Hardt was nominated from the floor and has agreed to serve. Paper ballots were distributed and collected for tabulation after today's meeting. The results will be emailed in two formats: votes in person, and votes in person + proxy votes.

**Membership comments**

- Mira Scott – The Dove Street Lights project will not go forth in 2022: no Deep Well donations, no public transportation, no partnering with the town, BCSO and FBOA. We couldn't secure liability insurance since we couldn't separate pedestrian and vehicular traffic. The neighbors on Dove Street may still put-up lights as they did years ago, so everyone is encouraged to visit.
- Is it possible to lower the speed limit on NFB Drive? Most of the speeders are residents (per the BCSO) and the road is owned by the state, so the town has little control. Employee parking and deliveries to the Sonesta add to the traffic along NFB Drive, so it is an issue of enforcement.

**The meeting was adjourned at 11:46 am.**

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**Potential Updates to Town LMO Forest Beach NCOD 01-08-2023**

**Parking**

1. The Town-owned streets in Forest Beach are zoned no parking and should be enforced as such. Service vehicles parked, while actively working, may be allowed at the discretion of the Town. Cars must park entirely and completely on the property to which they belong. No wheels in the street. Homeowners will park in their own driveway and garage (**or on the street with Forest Beach resident parking pass**), visitors park in the yard of the property they have rented.
2. No parking meters will be installed on Town-owned roads to accommodate beach parking. Beach parking on any Town-owned road will not be allowed. Violators will be subject to ticket and/or tow. If the Town does not enforce the No Parking regulations in the community, the FBOA reserves the right to have vehicles towed. The Town must provide one phone number for residents to and report vehicle on street parking.
3. Properly documented full-time Forest Beach residents may apply for a residential parking decal. Each residential unit within a parking district is allowed a maximum of two decals that may be issued to residents of that particular unit.

#### **Homeowner**

Homeowners are entitled to purchase 3 single-day Visitor Permit Booklets. Each booklet contains 30 single-day visitor permits.

**Cost:** \$30 per booklet

#### **Renter**

Renters are entitled to purchase no more than fourteen (14) one-day Visitors Passes per residential unit during a six (6) month period.

**Cost:** \$5 per day

### **DOCUMENTATION REQUIREMENTS EXAMPLES:**

#### **Homeowner**

1. Property tax receipt, deed, or mortgage document for property
2. Vehicle registrations with a Forest Beach address

#### **Renter**

1. A valid lease agreement of at least 6 months duration
2. A valid driver's license
3. Only one of the following: 1) valid SC vehicle registration(s) (or proof of payment of Beaufort County vehicle registration fee) **or** 2) a valid active student identification card and vehicle registration(s) **or** 3) a valid active military ID card/orders and vehicle registration(s).

#### **Natural Environment**

1. No species of live oak, magnolia or hickory with a 2" diameter at 5' or greater may be removed from the 10' setbacks in place. Exceptions can be made by the Town Natural Resources Department in cases of dead or dying trees and the affirmation of a licensed arborist. All tree mitigation in Forest Beach shall be elevated one level on the tree classification table, for trees in the highest category, mitigation value be multiplied by 1.5.
2. No commercial grade leaf blower equipment can be used before 8AM in residential areas on Saturdays and Sundays.
3. All graywater or pool discharge water must be dumped into the sanitary sewer system. No graywater or pool discharge water may be dumped into the ground or nearby waterway either on site or a nearby site. "Sanitary sewer system" (could be changed to "storm drainage"). (What does current code require? Where is it supposed to go?)
4. The use of glyphosate will not be allowed in any section of Forest Beach.
5. Maximum 7' fence height inside the setback/buffer. Native evergreen shrub and tree fencing is preferred.6. Curtail clear cutting of private lots and the removal of specimen trees within Forest Beach. We want current commercial tree rules applied to residential community.

7. Prior to any new construction permit or any tree removal, we request that the Town require a Forest Beach ARB approval in writing.

8. Any new secondary structure on a Forest Beach lot will require the approval of both the FBOA and the Town of Hilton Head. While there is no mechanism to prohibit a buyer from accumulating adjacent lots, fencing of the multiple lots, amenities shared on the lot lines, adjacent structures are strictly prohibited.

9. Curtail both the splitting and aggregation of lots that create multiple dwelling compounds. Increase minimum lot size requirements.

### **Beach**

1. No commercial activities or delivery of commercial services will be allowed on the Town-owned or Town administered beach within Forest Beach. Daytime chair and umbrella rentals, catering, beach equipment rentals, food delivery, delivery of items (or services) purchased elsewhere, etc.
2. The services that the Town has contracted through Shore Beach Services are exempt from this rule.
3. The Town can only permit weddings on sections of the beach actually owned by the Town, not the sections owned by Forest Beach.
4. The Town will increase both the frequency and quantity of sand fence installations in Forest Beach. Our Dunes were in the process of restoration, then Hurricane IAN hit and devastated the progress.

### **Commercial**

1. No commercial golf carts, time share soliciting via golf cart, "free shuttle" golf carts, or other commercial solicitation allowed on Town-owned roads or property in Forest Beach.
2. No use private beach accesses for commercial use including golf cart taxis, tour buses, etc.
3. No commercial activity permitted through the FBOA owned accesses, including wedding paraphernalia.

### **Rental Housing**

1. No new permitting of timeshare units in Forest Beach.
2. Each occupant shall have ready unlocked access to the main electrical panel as required by NEC
3. All licensed rental properties should be inspected annually. We anticipate this to be a fire safety inspection similar to the annual inspections in Bluffton and semiannual inspections in Beaufort. Working fire extinguishers are required in all rental properties.
4. No pool or play-ground equipment may exceed 10' in height.

### **NOTE: Additional items:**

No dumping of landscaping debris in beach access and dunes; any dumping is subject to fines of \$500; The laying/positioning of carpet or other man- made materials in beach access/dunes is prohibited, subject to a \$1000 fine.

No motorized or electric vehicle is permitted on the bicycle / walking paths in Forest Beach.