

FOREST BEACH OWNERS' ASSOCIATION, INC.

AGENDA, Board of Directors meeting

Tuesday November 15, 2022, 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

Joining the meeting

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

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

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

or

Launch the application and join meeting: 609 407 8890

2. If you do not have the Zoom application installed,

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

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

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.

Agenda

1. Welcome - Neighbors and Town Council members

2. Approve Agenda – Jack
3. Approval of prior meeting minutes
 - a) Approve meeting minutes from September 13, 2022 – Included Below – Jack
4. Treasurer’s report - John
 - a) Details available in separate file
5. ARB Submissions and pending items - John
 - a) 110 Shell Midden LN – New Pool – Approved
 - b) 120 Shell Midden LN – New Pool – Approved
 - c) 130 Shell Midden LN – New Home – Under Review
 - d) 1 Mallard ST – New Fence – Approved
 - e) 4 Shorewood – New Exterior Railing – Approved
 - f) Inquiry on ARB needed for fencing g in SFB
 - g) 31A Dune LN – Inquiry on Fence Requirements and ARB
 - h) 165 Jacana ST – 18’ wall – Referred to Town & Frank Guscio for ARB
 - i) 2 Ibis RD – Inquiry regarding ARB requirements
 - j) 6 Capri LN – Shed Roof on Pool Equipment – Approved
 - k) 8 Dove ST – Driveway Replacement – No ARB Required
 - l) 6 Capri LN 0 Landscape Retention Wall – Approved
 - m) 9 Guscio WY – Window, Doors & Exterior Changes – Approved
 - n) Sea Side Villas I – New Exterior Paint – Approved
 - o) 7 Dove ST – New Paint – Approved
 - p) 1 Guscio WY – New Windows, Doors & Siding – Approved
6. Covenants enforcement - John
 - a) 47 Hilton Head Beach Club – Property Transfer
 - b) 6 Capri :LN – Inquiry on ARB Approval from Oceanwood POA
 - c) Inquiry on FBOA dues amounts
 - d) Hickory LN – Parking Issued – Referred to Board
 - e) 16 Ibis ST – Dues Inquiry
 - f) Report of dead pine tree on Laurel LN access – Referred to Jack
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. Prelude to Forest Beach Overlay district update (see draft below)
 - a) Forest Committee

- b) Beach Committee
 - i. Turtle trackers

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
- g) Circle center

10. New business

- a) Board of Director election results – See Below
- b) Election of 2023 officers

11. Membership comments (Limited to 3 minutes presentation)

12. Adjournment

The next meeting of the FBOA will be the Annual meeting that will be held on either December 12th at 5:30 PM

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

September 13, 2022

Present: Eleanor Lightsey, Jack Daly, Amy Fee, Massimo Santangelo, John Snodgrass, Frank Roberts, Debbie Urato, guests Andrew O'Donnell, Jim Cook, Keith Mace, Anthony Sanvito, Susan Scurci, Nicole Roberts

The agenda was approved.

Minutes: The minutes from the August meeting were approved as read.

Financial Report: Dues receipts are comparable to last year at this time. The Beach House has not paid; there is a new manager. The Holiday Inn Express has sent in dues, both this year and last year, even though the hotel has changed ownership.

ARB Report

- Myrtle Lane – new home, approved
- 6 Capri Ln – the waterslide was approved because our covenants don't address "playground equipment"
- 10 Cassina Ln – new home, there are no non-conforming features, but they are bound by the conservation easement. The house plans show 2 parking spaces – approved
- 17 Mallard St – new home, the orientation of the house was changed, approved

Covenant Enforcement Report

- A few property transfers
- Bayberry, Hickory, Firethorn Streets – there are issues with golf cart parking in the access. The town would like FBOA to construct some bollards at the access entrance. David Ames is interested in doing some district planning, which includes golf cart parking. There are carts being parked on the beach; Jack will speak with the town code enforcement.

Legal Updates

- No new activity. We are still waiting on the response from Billy Toomer.
- Tier 2 violations – the gray water dumping into the dunes is not under the jurisdiction of the South Island PSD. According to Eleanor, Jacob Terry works for the town.

Committees Reports

- Overlay Committee – town staff is having a workshop this month, which will include some district planning that affects Forest Beach. Jack will follow up with David Ames after the workshop.
- Forest Committee – the FBOA covenants do not address the issue of trees. In order to change them, 75% of the residents and business with a financial interest must approve changes. We must work with the town to change language in the LMO Overlay District that will protect the tree canopy and the neighborhood character of Forest Beach.
- Beach Committee – Sea turtle nesting season has ended. Hatching season ends October 31. There were 423 nests laid on Hilton Head beaches, 10 were wild nests (not discovered until they hatched). There are 30 nests still incubating. Palmetto Dunes had the most lighting infractions. Amber will present a final report for the 2022 season on November 8 at USCB.

Unfinished Business

- 1 Avocet St – the brick wall has been removed. The owner is in compliance. We will send a thank you letter.
- Forest Beach signs – the issue has been buried with town staff.
- Break ins – There has been an extra sheriff patrol in Forest Beach. The beginning of the summer sees the biggest problems. There have been no new complaints recently.
- STR – there has been no more information from the town on their ordinance initiative
- Beach parking – Providence Presbyterian Church is not interested in providing beach parking. The First Baptist Church is considering a future parking lot which includes paid parking. The lack of beach parking is a town problem.
- Circle Center – the first plan for a tear down of the entire space fell through, so the space is for sale again.

New Business

- The annual meeting of the membership will be October 22nd from 10 – 12 at the Coligny Theatre. We will not be charged a rental fee and will have use of their sound system. Speakers will include David Ames (Ward 3 Town Council Representative), Captain Viens (BCSO), Amber Kuehn (Sea Turtle Patrol) and candidates for mayor, Alan Perry, JoAnn Orishack, and Thomas Cleary. Some questions will be pre-submitted by the board.
- Eleanor’s motion to increase dues for 2023 to \$125 annually was approved.
- The 2023 budget was submitted and approved. It will not change, even with an increase in dues.
- Amy’s, Frank’s and Eleanor’s terms are slated for re-election. All have agreed to continuing to serve on the Board. All board members will introduce themselves and provide their histories at the annual meeting.

Membership comments

- Jim Cook – May we see a financial report monthly? It’s always provided with the agenda and minutes each month before the Board meeting.
- Paul Beckler – Can the sheriff get the Ring alert from the Sea Crest about attempted break ins? Bob Bromage is the town Director of Safety. He will be invited to speak at the annual meeting.

The meeting was adjourned at 6:58 pm.

Prelude to Forest Beach Overlay district update.

“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.”

The Town through its own actions, both actively and passively, has participated in the depopulation and deforestation of Forest Beach. Therefore, it’s up to the Town to help rectify what they have done (and let happen by their absence) by passing some FBOA board approved LMO NCOD updates.

To define the neighbor character of Forest Beach, one can simply begin with the name Forest Beach itself. Forest Beach is a beach community nestled in a maritime forest with commercial, resort residential, and single-family residential components. With proper zoning as well as adequate zoning enforcement, these three separate and different elements should be able to amicably coexist in a complimentary way within one greater community.

In the single-family residential areas of Forest Beach, the natural beauty of Hilton Head was celebrated. Trees were valued and protected. Homes were tucked into a natural setting with natural colors and natural maritime vegetation. The natural beauty of the forest, its creatures, and the beach were exalted above the encroachments of man. Garish and over-built homes were discouraged. Our community had a collective sense of place within the natural setting of a maritime forest. The collective sense of place and appreciation for the natural beauty in Forest Beach was the founding tenet of our community. At the time this appreciation seemed so obvious to all that it could not be disregarded or usurped by other designs.

Historically island residents have resisted property tax increases and have instead directed the Town to collect necessary budgetary revenues by taxing short term rentals and vacationers in various ways. Once begun, the practice of collecting low-hanging budgetary revenue through an array of taxes targeting short term rentals proved irresistible for the Town.

Budgetary demands naturally grew and the Town Council and Staff celebrated a seemingly endless source of budgetary revenue.

Many gated communities with healthy HOA regulations protected themselves from the intrusion of short-term rentals while relishing in the fact that a significant portion of their taxes were now being paid by the practice of short-term rentals in other areas. Communities without solid HOA regulations (yet still zoned single family residential by covenant and Town Code) were less able to resist the trend towards short term rentals – especially if those communities were beach communities. Town Council and Staff were unable to resist the easy flow of money and certainly did not undertake any new Code initiatives that would restrict the lucrative practice. The Town refused to impose any regulations whatsoever on short-term rentals other than the regulations they would impose to increase the collection of those taxes.

By refusing to raise property taxes to the level necessary to deliver the services expected by islanders and by refusing to introduce Code to preserve the character of the Forest Beach community, the Town actively participated in transformation the single-family residential areas of Forest Beach into de facto commercial districts. Forest Beach was systematically depopulated of fulltime residents in order to reduce the tax burden on other island residents.

Now a Town short term rental ordinance has been passed and will take effect on 1/1/23. Short term rental structures in single family residential areas will now be required to have business licenses. Please do not miss the irony of that bit. The Town now has franchised commercial businesses in areas that Town has also zoned as single family residential. The Town disfiguration of single-family Forest Beach into a de facto commercial district to be harvested for tax revenue is complete.

Prevailing political sentiment seems to bear this out. A current mayoral candidate at a recent forum described the Forest Beach community as an “economic driver”. Another implied fulltime Forest Beach residents in single family areas should sell out while the market was ripe.

The future of Forest Beach is uncertain. Will the short-term rental ordinance simply enhance the Town’s ability to collect tax money? Will any of the provisions in the ordinance that could benefit full-time single-family residents actually be enforced?

Which is a higher priority for our Town Council and incoming Mayor, enhancing a pipeline of tax revenue, or protecting the character of the Forest Beach? Are our Council, Mayor, and Staff curious enough to engage in a conversation with full-time Forest Beach residents to explore the possibility of creating a pathway that could secure both tax revenue as well preserving the character of Forest Beach?

October 22,2022 BOD election results

Results of the Board of Directors election held October 22, 2022, at the annual meeting of the Forest Beach Owners' Association.

The results of the vote to fill the vacant board of directors' seats of the Forest Beach Owners' Association were delayed until the in-person and proxy ballots were validated. Only members in good standing, meaning they have paid their 2022 annual dues, are eligible to vote.

There were 27 in-person ballots cast. No ballots were invalid, none voted for more than 3 nominees, but not all ballots voted for 3; some voted for fewer candidates. There were 45 valid proxy votes cast.

The results have been calculated based on both the in-person and in-person plus proxy votes. The first column represents the percentage of votes cast in person who voted for the listed candidates. The second column represents the percentage of votes cast in-person plus the proxy votes cast who voted for each candidate.

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|------------------|-----|-----|
| Amy Fee | 81% | 93% |
| Matt Hardt | 78% | 89% |
| Frank Roberts | 70% | 85% |
| Eleanor Lightsey | 41% | 15% |

The inclusion of the proxy votes has no effect on the outcome of the election.

Eleanor will continue to serve until December 31st and Matt's term on the Board will not start until January 1st of 2023. Matt should attend the remaining meetings in November and December but will not have a vote on any board related business until his term begins.

Amy & Frank's new terms will run until December 31, 2026, and Matt's will run until December 31, 2025.

Should any member have any questions please refer them to John Snodgrass via email at fbassn@gmail.com