

MINUTES

The Preserve at Indigo Run, HPR
Meeting of the Board of Directors
Tuesday, March 5, 2019
8:30 a.m. | On-Site

- I. Roll Call/Call to Order** – Ross called the meeting to order at 8:35 a.m.
- A. Directors Present in Person** – Ross Pascall, President; John Babbitts, Vice President; Allan Morrison, Secretary; Joe Muenkel, Treasurer; Jerry Faulkner, Member at Large
- B. IMC Representatives Present** – Garrett Hamilton, Chief Financial Officer; Jaclyn Phillips, Minutes
- II. Executive Session** – The Board entered executive session at 8:35 a.m. and exited executive session at 9:05 a.m.
- III. Approval of minutes**
- A. October 15, 2018** – Jerry made a motion to approve the October 15, 2018 Board meeting minutes. Joe seconded the motion. The motion passed without opposition.
- III. Financial Report** – The Board approved the financials for the month end January 31, 2019. The Board unanimously agreed to forego an audit of the 2018 books and commission an audit for the current year (2019) that would continue the every other year schedule.
- The Board congratulated Jerry Faulkner for the win of the State Championship for HH Prep boys' basketball.*
- IV. Old Business**
- A. Trash Dumpster** – John reported on an electrical issue that's been affecting the operations. American Pride has an electrician coming from Charleston to check wiring and up date the primary circuit box. At this point it didn't seem replacing the unit itself was warranted
- V. New Business**
- A. Dog ordinance (prohibited breeds mix)** – It was reiterated that aggressive breeds are prohibited at The Preserve. Ross mentioned that considering the incredible number of dogs in the community, most of which are under 15 pounds and the added concern considering the age of many owners/walkers, the rules should be made more explicit. Fear is many times the result of appearance and then justified by physical altercations. Ross made a motion to amend the rules and regulations to include not just the purebred objectionable breeds but any mix of such prohibited breeds that result in the dog looking like one of the prohibited breeds. **John made a motion to amend the rules and regulations to contain such language. The motion passed without opposition**
- B. # of dogs (lower weight limit, pit bull or ANY 'mix')** – The current weight limit of dogs on property is 85lbs. and there is currently no limit to the number of pets allowed. **Joe made a**

motion to amend the rules and regulations to decrease the dog weight to 75lbs. and limit each household to 2 animals/pets. John seconded the motion. The motion passed without opposition.

- C. **Feral cats** –Ross brought up the problem of residents putting food out presumably for feral cats. Whereas this might seem laudable and benign, it isn't. Like all animals in the wild, they learn to forage and survive using their natural instincts, probably why we have so few rodents. Feeding interrupts this cycle but more importantly, also attracts ALL animals: rats, mice, reptiles, coyotes (they eat cats), food, after all is just food. Just because it's labeled 'cat food' doesn't mean leaving it out won't attract anything hungry. **Allan made a motion to implement a rule to prohibit feeding feral cats anywhere on property. Ross seconded the motion. The motion passed without opposition.**
- D. **Front 278 street sign (cutback repainted)** – Completed and looks fantastic. Apparently due to root invasion the light is out. Jackson will hopefully address the problem shortly.
- E. **Shredding party after taxes** – Ross and Jan will once again offer a secure shredding party for all residents. The truck will be here (back road by the 26 building, like last year) for a specific time either Saturday or Sunday just after the tax filing deadline. The truck shreds all paperwork on site. The exact date will be published in the mail kiosk and emailed to all residents
- F. **Ray Douty** – IMC Resort Services requires all vendors working on property to hold worker's comp insurance coverage to protect the HOA. **Ross made a motion to make an exception to waive the requirement to hold individual worker's comp insurance for Ray Douty (R&R) and back this coverage with the HOA's blanket coverage, cost to be passed on to the vendor. Joe seconded the motion. The motion passed without opposition.**
- G. **Any other new business**
1. **Speeding, Dog Poop and dogs off-leash** - Ross brought up the subject of his '2%' problem (see the Spring Newsletter). Ross said that probably the most serious problems within any community particularly one with our density, low lights and tons of dog walkers, are *speeding and disregard for traffic (one-way) signs*. Ross recommended a substantial increase in penalties to address these issues and research the board's ability to evict in the case of a tenant. *Dogs off leash* – it's simple, it isn't allowed under any circumstances. There are county, town and community rules against this, particularly with a larger dog. Take your dog to the dog park or those areas of the beach that allow the dog to romp at will. The problem is obvious. Regardless of the dog's behavior and/or training (and more importantly the lack of such discipline), any dog playful or not, would pose a serious problem jumping or wanting to play. How does a dog walker with a 10-pound dog on a leash know the intent of a 60-pound dog running at you? Lastly, if you've taken on the responsibility of having a dog, you've taken on the responsibility of taking care of it and that includes picking up after your dog. **Ross made a motion to vastly increase the fines for speeding, driving the wrong direction on the fountain circle, having your dog off-leash and not picking up your pet waste. Joe seconded the motion. The motion passed without opposition.** Suggestions for fine increases will be emailed to the board for approval and published as an amended Rule and Reg. Legal recommendations will be

sought as to viability of filing eviction for cause against repeat ‘tenant’ residents (action would be at the owner/property manager’s expense) and whether or not public disclosure can be made of owners that repeatedly show a disdain for the rules and regs that are an important factor in making this community’s safety and quality of life what it is.

2. **Short Term Rentals** – Ross stated that again, it’s simple. It’s illegal and will be closely monitored. Any owner discovered trying (a fine for each advertisement) or succeeding in renting their villa out for less than 1-year (unfurnished) or 61 days (furnished) will be fined daily for each day of residence, the illegal residents will be informed they are not welcome and may not use any of the community’s facilities and that the owner renting the villa to them knew this was illegal and what the consequences would be.

VI. Next Meeting Date – To be determined.

VII. Adjournment – With no further business to discuss, the meeting adjourned at 10:07 a.m.

Addendum: *subsequent to the meeting’s adjournment, the HOA’s council reviewed the Master Deed/Bi-Laws and advised the following:* Upon review by HOA council, it is confirmed: Master Deed section 17.4 provides that all tenants or future tenants are subject to the provisions of the Master Deed. Section 5.7 provides that no villa owner shall do or suffer, or permit anything to be done in his villa which would impair the soundness or safety of the Regime, or which would be noxious or offensive or an interference with the peaceful possession and proper use of other villas. Further, Section 12.1 of the Master Deed provides that the administration of the Regime and the Association shall be in accordance with the Bylaws. Article XII Section 1 of the Preserve Bylaws provides that no Co-Owner may lease his villa except by complying with these Bylaws, the terms and conditions of the Master Deed and the Rules and Regulations. Further, this section specifically provides: **SUCH LEASE SHALL BE COMPLIED WITH BY THE TENANT AND THE ASSOCIATION SHALL HAVE THE POWER TO TERMINATE SUCH LEASE, AND BRING SUMMARY PROCEEDINGS TO EVICT THE TENANT IN THE NAME OF THE LANDLORD THEREUNDER IN THE EVENT OF DEFAULT BY THE TENANT IN THE PERFORMANCE OF SAID LEASE, OR FAILURE BY THE TENANT TO PERFORM AN OBLIGATION IN THE MASTER DEED, BY-LAWS OR THE RULES AND REGULATIONS. Finally, the Owner is required to provide his/her tenant a copy of the then current Rules and Regulations and shall expressly include a provision in the written lease document cross referencing such Rules and Regulations as being applicable to the tenant.**

Based on the express language of the Bylaws, council believes the Association can by act of the Board, commence eviction proceedings against a tenant for non-compliance with the rules and regulations.