

River Club Homeowners Association  
North Augusta, SC  
Board of Directors  
Meeting 4/27/10  
Minutes

Voting members present: Ed Hensel, President; Steve Donohue, Vice President; Jennifer Adams, Secretary (arrived at 7:19 p.m.); Tim Pate, Treasurer.

Voting members absent: Lee Wetherington, ACC Chair

Visitors: Tim Pletcher, Fred Ilardi

The President called the meeting to order at 7:04 pm.

Mr. Hensel convened the meeting informally without requiring a Treasurer's report or minutes from the prior board meeting. He recognized Fred Ilardi to present an issue to the board. Mr. Ilardi said he was concerned about the drainage system and culvert that runs between his property and the HOA's property. He said it was a place of interest which attracts kids. The slope from the road down to the drainage rivulet is quite steep ending with a high drop into the water. The water has snakes in it. The only barrier between the slope and the drop is a white plastic link chain. Part of the area is owned by the River Club HOA and part is owned by the city. No one was sure where the property lines were. Mr. Ilardi thought an aluminum black fence erected at or just in front of the concrete culvert would help reduce the risks of injury. Mr. Hensel noted that Mr. Wetherington was getting quotes for erecting a fence. Mr. Hensel would also request Mr. Wetherington to check into the mutual responsibilities between the HOA and the city for this area.

Mr. Hensel addressed the recent vote of the members at the annual membership meeting in March, directing the board to place an issue on a ballot to reduce the number of "yes" votes needed to amend the covenants. He noted that the most recent experience the HOA with amending the covenants was the ballot measure to change the prohibited dog clause to one in line with the city ordinance. The change was not approved because the vote of 38 yeses to 19 nos was not enough under the current covenants to make the change, because the current covenants require 75% of all lot owners or 64 votes to approve any change. Went the vote failed, he advised the Abercrombie's they could not keep their dog. Mr. Hensel talked to a lawyer who advised him that HOA covenants are well protected by the courts in South Carolina, and current restrictions in the covenants were very defensible if challenged. At the annual meeting Mr. Abrecrombie wanted to change the votes need to approve amendments to the covenants. Another property owner moved to reduce the percentage from 75% to 50% (43 property owners). That motion was approved on a vote of 9 in favor to 5 opposed.

Mr. Pletcher noted that reducing the vote to 50% would be a community wrecker. That the HOA would be constantly in flux because issues and changes would be requested on any number of subjects, such as allowing refrigerators on the front porch, or disallowing all dogs, or all cats, or goldfish. Or prohibiting the renting of any house during Masters week. He recommended

that the board not put this issue on the ballot. He further recommended that the board take a strong policy stance against reducing the number of votes necessary to make changes.

Mr. Donohue did not accept the arguments of Mr. Pletcher and thought they were a hyperbole, and very unlikely to happen because even requiring 43 positive votes was still a high hurdle to making changes, especially since nonvoters are in effect a “no” vote. While he thought that 50% might be too low, the current 75% in his view was too high. There are substantive issues in the covenants that in effect damage the aesthetic value of the HOA. For example the lots on River Club Lane need to be developed, but are hard to build on because those on the cul-de-sac have very little frontage and cannot build a garage facing the street resulting in odd looking shapes or unworkable driving angles. If the covenants remain unchanged, the remaining lots on River Club Lane at the cul-de-sac may never be built on.

Mr. Pate thought 50% was too low, but the board had an obligation to place the issue on the ballot as requested at the annual meeting.

Mr. Hensel felt the board had no obligation to place the matter on the ballot.

Mr. Donohue moved to place the issue on the ballot as recommended at the annual meeting. Mr. Pate seconded the motion. Mr. Donohue, Mr. Pate, and Ms. Adams voted yes; Mr. Hensel voted no. The motion carried.

The board agreed to recommend to the HOA members that lowering the approval votes for any changes to 50% was not advisable. The vote would be held open until May 10<sup>th</sup> at 8:00 p.m.

The Board reaffirmed the next meeting for Tuesday, May 4, 2010 at 7:00 pm at Steve Donohue's house, 316 E. Shoreline Dr.

Mr. Donohue moved for adjournment. Mr. Hensel seconded the motion. The meeting adjourned at 8:19 pm by acclamation.

Certified true and correct and approved at the 5/4/10 Board meeting.

<u>                    /s/                    </u>	<u>                    5/4/10                    </u>
Jennifer Adams	(date)
Secretary	