

THE LAKES PROPERTY OWNERS ASSOCIATION, INC.
QUARTERLY MEMBERS MEETING
MEETING MINUTES
Saturday, May 11, 2024 at 10:30 AM
The Lakes Recreation Center (LRC) 809 Waccamaw River Rd.

CALL TO ORDER

The meeting was called to order at 10:30 am by Chris Ophardt.

- Chris Ophardt led the Pledge of Allegiance and Moment of Silence

ROLL CALL

Approximately 80 members were present for the meeting.

Chris Ophardt, Stan Fortune, Michele Ferrante, Jack Price, Michael Dandrea, G. Linda Criscuolo, and Carla Wessells were all present for the meeting.

Special guest, Chris Millar of LITUS to Let.

ADOPTION OF AGENDA

- **MOTION** (CO) to adopt the Agenda with changes to add George Molina on item 8. and Tax Resolution needs official vote from agenda packet, and with all in favor, the agenda is adopted.

INTRODUCTION OF NEW BOARD MEMBERS

- Chris Ophardt introduced Michael Dandrea and G. Linda Criscuolo.

REPORT OF OFFICERS

- **PRESIDENTS REPORT.**

Banking Interest. Informed membership we are now receiving interest on all funds in cash accounts resulting in a \$1,148.06 in interest in April to fund contingency account.

Committees. Informed "Committees are full" with volunteers.

ACC. Informed members that Pat Higgins as interim Chair and will be voted on as Chairman.

Thank you to many homeowners who have reached out to the President

- **SECRETARY-TREASURERS REPORT** The Secretary-Treasurer gave an extended report to the membership in the provided quarterly packet with all monthly secretary-treasurer's reports for period March, April and May 2024 as well as the Executive Summary from the 2023 Association Level I Reserve Study. The report is submitted to the record and attached to these Minutes.

Bank account (UCBI) cash balances as of May 11, 2024:

Operating Account: \$262,828.95

Reserve Maintenance Reserve Cash Account: \$176,078.27

\$438,9078.22 total cash accounts

Compliance Escrow Account: \$152,014.03 asset/liability account. *This does not include ACC Compliance Checks outstanding that have not been deposited.*

Restricted Investment Account for Road Maintenance Reserves Only:

Edward Jones (Road Reserve Investment Account) CDs: \$284,000

- 3/6/9 Month Ladder Investment Strategy
- CD investments are currently at 5.25 - 5.30% APY

REPORT OF COMMITTEES

- **ACC** –Oral update by Pat Higgins, nominated Chairperson: “The ACC has in process 11 projects. We are currently working with 6 homeowners on paperwork. We have approved and finalized 3 projects.”
- **Finance and Budget Committee** – Stan Fortune, Chairman. Stan provided an extended Oral report. “The first 3 or 4 months there was not a lot for the Committee to do. The purpose is to identify longer term trends. We had our first meeting with the full committee with 3 board members on it. Our Committee’s goal will be to have the 2025 initial budget ready for the board by September 1st.” Introduced the “Financial Review Committee” created as a sub-committee on May 6th and read from its draft charter.
 - Chris added that the draft charter that will be voted on in the June BOD meeting.

Q & A Stan: Had we raised assessments 5% every year, in 2024 we would be at \$637.76

The report is submitted to the record.

- **Stormwater Management Committee** – Stan Fortune, Chairman. Read the Committee report to the members. Highlighted 6 projects that will require contractors to complete including reworking the spillway at Lake Seneca near Saluda River Rd, the lowering of Long Bay, two projects where culverts have failed, and installing additional drain pipes where swales are not working correctly. Also noted lakes dredging and possible grants that we may be eligible for in 2025 and these applications will be completed in September. Our contract for lakes maintenance goes to the water’s edge. The report is submitted to the record.
 - Chris added that Horry County has a new 2024 Stormwater Manual that applies to private and public properties. Some items are in conflict and are going to have to be looked at via attorney recommendation and the Governance Committee.

Q & A Chris engaged the members on the Horry County Stormwater update and concerns about lake edge overgrowth.

The report is submitted to the record.

- **Road Committee** – Jack Price, Chairman – Read the Committee update to the members. Committee is looking for 6 volunteers for road striping to avoid paying several thousand dollars for traffic control during striping work. Committee recommends striping go out from Edisto Court out to Meadowoods and on Cooper River Rd. The update is submitted to the record.

Q & A: Can we please get a published list of this (road projects/plan)? **Chris:** Yes. We will get you a list and as part of this board’s decision is to prioritize, publish and make sure that list comes out to everybody. I have here as a note to add to the agenda for the June 6 meeting.

The report is submitted to the record.

- **Governance Committee** – Carla Wessells, Chairman – Update was provided to the members in writing. Update is submitted to the record.

Q & A: There was a list of CCR/Bylaw changes. When will that list be refreshed or do we still care about these things? **Carla:** We have the photo of what was on the board (in the office) and I would like to open that up and revisit it. Next quarterly meeting Chris plans to have something planned on that. **Chris:** By the August meeting we have to have a finalized list for these items.

Is there a way to submit smaller changes to our governing documents? **Chris:** This is a 3-5 year project. The answer is yes. It is not going to be 85 changes asking you to vote yes. It is going to be broken down.

- **Election Committee** – Jeri Mathur, Chairman. The report is submitted to the record.

Q & A: There was a list of CCR/Bylaw changes. When will that list be refreshed or do we still care about these things? **Carla:** We have the photo of what was on the board (in the office) and I would like to open that up and revisit it. Next quarterly meeting Chris plans to have something on that. **Chris:** By the August meeting we have to have a finalized list for these items.

How many submissions were received for the open board seats? **Jeri:** Three.

- **Maintenance Committee** – Ken Ferrante, Chairman – Chris thanked Ken, Bill Vesely and the Committee for all of their hard work. Estimates have been submitted for new signs and investigating where signs might benefit the community. Sprinklers have been turned on in the community. Bill added that flowers are being planted. Dog stations please don't put garbage and waste from your home into the dog stations. Thanked individual Committee members. The update was read and is submitted to the record.
- **Safety and Security Committee** – Ken Ferrante, Chairman – we are looking at our cameras and making sure they are clean and maintenance performed. Speeding is getting worse. There are speeds in excess of 35-40 miles an hour while people are walking. The Committee is in the process of putting a plan together to submit to the board on community safety. We could use some additional volunteers. Thanked Frank Beck for getting the speed trailer out. The update was read and is submitted to the record.
- **Community Engagement Committee** – Michele Ferrante, Chairman – Read the Committee update to the members.
 - Office & Welcome: Hanging Files are up with ACC, Governing documents, and Welcome packet information. Volunteer Lucy Vesely cleans office every other week. We will be working to create a record binder for the office with Minutes. Office volunteers came up with some ideas to have in the office like CPR classes, etc.
 - Newsletter: Quarterly "Insider Scoop" articles have been requested from Committees. Neighbor spotlight, printer quotes are in process. Looking to have a Frequently Asked Questions (FAQ page). Michael Dandrea has volunteered to sell ad space for the 3 premium ad spaces.
 - Social Events: September 7th ART IN THE PARK and June 15th Ice Cream Social with neighborhood business owner business networking. Halloween Party October 19th at

LRC, Chili Cook-off November 16th at LRC. December 14th is our Holiday Event with Tree Lighting at the Park. Email thelakeparkevents@gmail.com

Q & A: Can we publish what the official Lakes communication channels are? **Chris:** There is one Nextdoor The Lakes POA and the emails that come from the LITUS system. Those are the two official sources.

When is the Lakes office open? **Michele:** We will get a bulletin out. It's probably going to be a day or two during the week and Saturday.

The update is submitted to the record.

Chris: You saw a lot of written reports up here. We will consolidate them down and get them out to the entire community so that way if you have a chance, you want to look over them, if you have any questions, we'll go from there.

NEW BUSINESS

- **Motion** (CO) to table the Consent Agenda, seconded and carried.
- **Motion** (CO) to approve nominations Andrew Majkowicz, Sal Guli, Bob Tomasetti, and George Molina to be on the Architectural Committee, and with all in favor, the motion passes.
- **Motion** (SF) to approve Pat Higgins as Chairman Architectural Committee and with all in favor, the motion passes.
- **Motion** (CO) to approve the tax resolution as presented at the Annual Meeting, and with all in favor, the motion passes.

The meeting was recessed for 5 minutes.

HOMEOWNER SUBMITTED QUESTIONS

Can you please trim the bushes around The Lakes sign on Holmestown Rd.? **Chris:** Yes.

Can you revert back to the former POA Board Application Form? **Chris:** The form is being reviewed by the Election Committee for board approval and publishing to the community.

Can we put member's meetings back on Monday nights? **Chris:** I would recommend to the new board elected in October that 2 meetings on Saturday and 2 on weeknights.

The roads are unsafe (speeders). There must be something we can do to slow drivers down. **Chris:** (answered at length) We need traffic studies and to put a plan together, short term measures include digital speed signs, stop signs, etc. In the long term, Waccamaw River Road needs to be redesigned.

When will the drains on Saluda River Road be done? **Chris:** We addressed this in the Stormwater update.

We have motorcycles that are allowed but when they play loud music on their bikes in flagrant violation of a family community, we have golf cart drivers who drive at night with no lights, we have vehicles that do not use signals and try to run down dog walkers and also do we have an ordinance regarding noise? **Chris:** First, I have to say this: we all need to think about our community when we are making decisions on going driving, walking and enjoying our community. It takes all of my patience on some days to, and I will fully admit to not go more than 25, and I know the speed limit is 20 and I try very hard and I slam on my brakes, to include my golf cart, whether I am late for an appointment or getting my kids from school. These are basic good citizen things that sometimes we need to remind our

self, kids, visitors, and this last part is for safe kids, mine are about getting ready to drive, our friends that come in that may or may not understand the rules, that come in for the summer, and also, friends. Now, also how to address these things...I do ask you first to talk to your neighbors. You have new neighbors, I've got new neighbors...but before you submit it to us I would ask, be a member of the community and speak to your neighbors. The next option... is to call the Sheriff's Department. Horry County Ordinance is very clear. They are your next best bet on that.

Talk about calling the police – in the easement on the lake – talk to me. **Chris:** I need to get a legal opinion about common area use and the 10 foot easement. We need to discuss it as a community.

Solicitors. Multiple questions on this topic. **Chris:** When they come to you and say they are "educators", they are soliciting. Tell them they are soliciting.

Why are so many boats, campers, trailers being allowed to park in driveways around the lakes? **Chris:** I can assure you that fine letters are going out at a record pace. I will pay the \$25 fine, that is cheaper than parking them in the RV and Storage space. The Governance Committee is going to look at the fine schedule for those things, the time duration, is 48 hours enough time, is 72 hours? That needs to be on the ballot for the October meeting.

Is the board going to be looking at detached sheds? **Chris:** It has not been brought up on the agenda yet. It is on the board whether to have sheds or not, detached sheds. It is not against our Covenants and Restrictions. At all. **ACC Chair Pat:** The ACC says you can have an attached shed to your house. I believe it is 100 square feet. It has to match in the finishing colors of your house. **Chris:** Correct. That is a policy that was passed by a former board. If the board decides to look at it and bring it up. There would have to be a shed policy put in place, but the board can act on that. It is not against the CCR&Es to have a detached shed. I went line by line again last night to check and I think Michele has, Carla has. It is a discussion and that is a board decision that can happen. **Homeowner** brings up a point about Lithium batteries, golf carts, and fire hazards in attached sheds. I want a detached shed. It's really getting a real concern over these lithium batteries. That's my concern, putting an attached shed to my house. I just want to protect my house and my property.

Did I hear correctly that we can have detached sheds? **Chris:** So no. So the policy, I'd have to go back and dig, but right now the ACC documents read that was approved by a prior board at some point said that you could not have them. Are those big tough boxes that are now sitting out next to everybody's houses considered sheds? **Chris:** I don't, because I have one next to my house. Those big tough sheds, the tall sheds, they're 8 foot tall? **Chris:** Mine's not 8 foot tall, mine's 3 feet tall. The tough boxes that are tall are not considered sheds? **Chris:** The board will have to look at that.

It's really hard to park here at the LRC. It was nice enough to walk today, but all types of weather and situations will not make that possible, so are we going to move the meeting to a place where people can actually park? **Chris:** We will take it into consideration.

The obvious issue with creating all the problems with the election last year. I know they went to a lawyer who said we can have only one person per house run for the board. **Chris:** The Election Committee has it on their agenda and the Governance Committee will work together. Some communities have it, doesn't matter, could go either way, while other communities don't. It's up to the community as a whole if we want to add that to the ballot and then vote on it.

The common area behind Saluda Road there, any plans for back there? **Chris:** That is another thing I need to talk to the lawyer about, giving us our left and right limits of what we can and cannot do with common areas. Now the lakes...the Stormwater Ordinance says we have to own the lakes. Not the old

part. The new part. Says that there has to be a common area. The common areas behind the houses along the wood lines. We have a number of different ideas that have been floated around, planting trees, community gardens, other stuff. Right now, we are legally obligated to maintain it.

What are we doing about people who can't seem to keep up with their lots? **Chris:** The first thing is, a lot of our older residents have fallen behind on their maintenance. I know the board, a couple places, inspecting ponds and other places, have knocked on doors and asked about a) is everything okay?, do you need help? The second thing, we as a board, and I know LITUS is starting to work really hard on this, too, we need to know who the renters are in the association, our list I think is outdated. People transitioned their houses into rentals and didn't necessarily inform the board that. So we're sending fine letters to the house and the renter is throwing them away, and we need to be sending them and calling the owner with their new address.

What's happening with the common area at Long Bay extension. **Chris:** That's on my list to discuss this with the developer on Wednesday this week because that is their punch list. They need to go in and trim that down, remove the silt fences and get everything out of those areas.

HOMEOWNER COMMENTS

1. I much appreciate the open dialogue here in this group today. However, there was one who was part of the participation that was inflammatory towards people who were associated with the board of the past. I would ask that you take a hard look at taking out any of the inflammatory comments until they are legally proven. Let's heal and not continue to poke at the past.
2. I have read every newsletter that has ever been written in this development since 1997 and there is a number of references to the policy to shedding was done that way a) because of hurricanes and having flying debris, and also the other reason was because the intent of the lakes was always to have unobstructed view of the lots between the lots so that everybody had a lake view. That was the main purpose that they were never allowed.

SPECIAL REVIEW COMMITTEE QUESTIONS

Chris: The Special Committee was created for the three of us to sit on, not to place blame, not to go back on a witch hunt, but to figure out exactly what the money was spent on. It may be misappropriation, it may be good intentions gone wrong. It may be nothing. But, we don't have enough money in our reserve accounts to do exactly some of the stuff that we described, and in our Reserve Study as well and in our pond study to be able to do. So we're going to have to come to the community and either ask for a single time assessment for a project or we're going to have to raise dues more than the 5% or whatever that we're going to need to come back and describe to you is, we're going to have to do it. And the number one question when I start talking like that is Why don't we have the money in our accounts since we've been an association, why wouldn't we have a bigger reserve fund to have available to spend? I can't answer that question. I need to come and say Okay, DR Horton gave us this much money, this is where we think it should have went, this is where our bylaws say it should have went, this is where it did go to. And those three things match. This is my personal opinion, I don't necessarily think that there was anything illegal or people stole money, at this point, right now. Now I may dig back in the records and we may look and say, there was, what is this invoice for? My prior job showed that to me down in Beaufort County where they were making fake invoices to companies that didn't exist. So, I don't know that piece. At first glance, at first look, I know Mike has gone through the records, and Stan has gone through, and I don't think there's anything criminal, per se. Okay. Again, I can't say that without matching the accounts and with how that money was spent, to

the invoices, to the projects, to the Minutes, okay? So that's what we're trying to go with this. And I think that's another good point from Carla is that some of these recommendations can be put into the bylaws to help the board direct funds to where we want them to be directed in the future. **Carla:** So as boards change, policies change, you can put it in your bylaws so that it's like a policy that stays until the community decides we're going to allow the board to do it this way. The next board may not do it this way, but if you tell them in the bylaws, you have to act this way, they have to. **Chris:** Last two things, 1) the charter for the committee, which Robert's Rules it takes the board to pass a charter. Stan kind of outlined where the ad hoc committee would like to go, but that has not been finalized and will be voted on in the June board meeting. So any feedback to that will go out to the community. If you would like to see the wording on that charter, and then also the budget. This is not a budgeted item, so anything that we identify that needs to be spent, that we think needs to be spent as three, it will come to the board, and it needs to be voted on to approve that budget or budget expenditures. So this isn't going to be a three person crusade that spends \$5,000 and keeps going without any oversight.

Is there a reason the committee is made up of sitting board members and no property owners? **Chris:** So we had a very live discussion on this on Monday. We wanted to do the initial slag to make sure we had enough if we needed to move forward even further. Then yes, as Stan said, we will look at adding community members, we have started to identify these things we want to bring some homeowners in to be able to round out that committee. Right now, this is the initial push, get the charter done, get a proposed budget, then yes, we have found enough things that we need to bring in homeowners. What we didn't want to do was bring in homeowners and we did the initial thing and it was only the park and the sidewalk. Those were the only two things that we could find when we went through this thing. Or do we start going through and we see this and we see this and then we bring homeowners in.

I come from finance background, I've been involved in financial compliance for 30 years, and what I have found when you have a financial review without CPAs or accountants, doing the work is that there is a lot of misunderstanding about processes and financial accounting policies as far as using accrual versus cash and which can make this a very complex part of a review where you're looking at a number here that's reported one way, and looking at a number here that is reported in another way. Is there a thought or a plan on how to bridge that gap in the special committee? **Chris:** I think the first part here is that between Mike, me and Stan, we know just enough to be dangerous to say we need help. Going back to the earlier comment, we need to identify and say yeah, we have gotten to the point now that we are ready to ask for accountants in the community to be on that, or do we need to offer the board that we need to get an independent accountant to give us a nice little report on these certain aspects to it. What I don't think is budgetable is to take a roomful of boxes and dump them in an accountant's office and say get back to us. But I think that between the three of us with our experience and degrees and other things, we have enough to say I need help. We have gotten to a point where we need to bring an accountant from the community or a separate accountant. **Carla:** I think one of the simplest ways to avoid the issue that you are discussing there or you're bringing up, is to go by bank statements and look for money in/money out. That's really the only answer because you've got a modified cash over here, you've got accrual over there, you've got GAAP compliant and not compliant. The only way is to look at every bank statement, going back to the beginning for all accounts, even the ones that were closed, for that period. You have to see where the money went. **Homeowner:** Absolutely. I also know that if those bank statements aren't available, it costs money to get copies. **Chris:** Which is why the budget piece.

Additional comments were made on this topic for and against the review.

Carla: While it may have been policy in the past, there is nothing that says major projects are voted on by the homeowners, and that I would like to see changed because they were going to add it to the bylaws years ago for non-budgeted, non-emergency capital expenses. But if it's a budgeted item, or if it's an emergency item or it's a repair or maintenance that's not capital, then the board should be able to freely do what they have to do to be the fiduciaries for the community. But if it's an unbudgeted, non-emergency capital expense, it must, by good practice, go to the community, that is one of the things and I'm glad I'm putting on the record today, that the Governance Committee and the Election Committee can get together on these initiatives. **Chris:** I think that goes into, I know Ken asked this and others, too, I don't view it as a witch hunt this is my personal opinion, because I want to be able to say here's why we should have this bylaw passed by you. Okay. I know I came into it, I saw it. I hope that I did not participate in it, some will disagree, that it has been a very rocky three, four years, within the community, and my effort is by the time I leave in October as President, and the new board decides who they want their officers to be, that this issue has been, we won't have to discuss it again.

I have seen this repeated on the Minutes about getting our records. Have you gotten our records?

Carla: We have not gotten all of them. **Chris:** We have gotten most of them. Chris helped us empty out a storage unit. Doug brought a batch at the meeting on Monday and I think we're close. **Chris Millar:** 2014-2022 and we have 2023-2024 at our office. **Carla:** And the election records that Karen found. **Chris:** Yes. She found them. **Chris Millar:** Oh, okay. I don't... **Chris:** Karen found them.

ADJOURNMENT

There being no other business to come before the membership, the meeting was adjourned at approximately 1:00 pm.


Carla Wessells, Secretary-Treasurer

Note: times are approximate.