

**MYRTLE TRACE HOMEOWNERS ASSOCIATION  
CONWAY, SOUTH CAROLINA**

BOARD OF DIRECTOR'S MEETING – November 19, 2008

**CALL TO ORDER:** The meeting was called to order by Board President Tom Gray at 9:00 a.m.

**ATTENDANCE:**

Board Members present were Sheilah Reynolds, Tom Gray, Tom Dovey, Jack Mehl and Jack Von Deck. Committee Members present were Mary Frances Williams – Activities Committee, Pat Hosford - Architectural Review Committee, and Lyle Kershner - Property Committee. Guests present were Dave Cannon, Barbara Artz, John Beam, Renzo Falcinelli, Kelly Bledsoe and Jay Sharp. Also present was Lee Besemer. Dan Seeds was absent due to illness.

Tom Gray requested that all cell phones be silenced for the duration of the meeting.

The Board honored the memory of deceased resident Elizabeth Seeley of 112 Timberline Drive.

The draft minutes of the October 15, 2008, meeting were reviewed. **Sheilah Reynolds moved and Jack Mehl seconded that the minutes be accepted as submitted. All were in favor and the motion passed unanimously.**

At this time Tom Gray introduced guest Kelly Bledsoe. Kelly addressed the Board concerning pick-up and disposal by Hardee Maintenance at a homeowner's property after a storm this past summer. The homeowner was sent a bill for the pick-up and carrying away of yard waste due to the fact that grass clippings and branches which had been sawed off some bushes were among the waste. The Property Committee and the Board agreed with Mr. Hardee that these two items were not caused by storm damage and should have been the homeowner's responsibility. The homeowner has paid the bill but Mr. Bledsoe, who has been hired by the homeowner to care for her yard, came to the Board to explain that he added the grass clippings to the pile of yard waste from the storm without thinking since it was a small amount and because he had cut the grass in order to clean up the pine straw and leaves which had been blown down in the storm. He explained that the branches were a result of the storm ruining some bushes in the back yard and he cut them up for easier disposal. Mr. Bledsoe felt that it was unfair for the homeowner to be billed for this work. He was not requesting any further action on this matter but did want his feelings to go on record. The Board thanked Mr. Bledsoe for addressing the Board on this issue.

**ACTIVITIES COMMITTEE**

Mary Frances Williams gave a verbal review of the minutes of the Activities Committee meeting. Minutes of the meetings of October 27 and November 17 will be included in the papers for next month's Board meeting. There will be no Activities Committee meeting in December.

Mary Francis informed the Board that the Activities Committee had decided to donate the profit from the Murder, Mystery and Mayhem presentations to the fund for the children of hospice patients.

Luminary night has been designated for December 13 with a rain date of December 14. Charlene Rose has a supply of bags and candles for general use and Lyle Kershner said he also has a large supply of

bags to be used by any Myrtle Trace resident who needs them. A paper of instructions will be included in the November issue of the News and Views.

Mary Francis stated that plans for the New Year's Eve Dinner are moving along and several people have made their reservations.

**Tom Dovey moved and Jack Mehl seconded that the Activities Committee Report be accepted as presented. All were in favor and the motion passed unanimously.**

#### ARCHITECTURAL REVIEW COMMITTEE

Pat Hosford presented the ARC Report from the meetings of 10/27 and 11/10.

Pat announced that a new member has been assigned for the ARC. Due to the busy holiday season coming up, this new member will join the group after the beginning of the year.

The ARC has compiled a form, "ARC Retaining Wall Compliance Agreement" which will be distributed and discussed during the Board portion of this meeting.

Pat related an incident of a tree being removed by a homeowner who did not obtain permission from the ARC to do so. There is currently no penalty or action designated as a result of such an occurrence. The Board and Pat agreed that further discussion on the subject of a penalty is necessary.

**Jack Von Deck moved and Jack Mehl seconded that the ARC report be accepted as submitted. All were in favor and the motion passed unanimously.**

#### PROPERTY COMMITTEE

Lyle Kershner gave a review of the Property Committee Report from their meeting of November 11.

There was a discussion on who is responsible for replacing sod when a broken water main is repaired. It was agreed that if the water main is on a homeowner's property the homeowner is responsible. As in the case in question, if the water main is on a right-of-way, the water company is responsible. Lyle will keep after the water company to replace sod.

Lyle will put an article in the News and Views concerning homeowners who need sod replacement on common property.

Lyle reiterated the policy that Hardee Maintenance does not work for any homeowner or on private property. If any homeowner has a problem with any common area, they must go through the Property Committee and should not go to Hardee Maintenance.

**Jack Von Deck moved and Tom Dovey seconded that the Property Committee be authorized to spend up to \$650 for tree removal from common ground on Timberline Drive. All were in favor and the motion carried unanimously.**

**Jack Mehl moved and Jack Von Deck seconded that the Property Committee report be accepted as corrected. All were in favor and the motion passed unanimously.**

BOARD OF DIRECTORS  
TREASURER'S REPORT

Jack Mehl reviewed the Treasurer's Report with the Board. He reported that the community is in good financial shape. Jack reconfirmed that the increase in Homeowners' Dues of \$5 per month is being put aside for our roads only. It is not being used for general operating funds. Dave Cannon mentioned, and all present agreed, that our good financial health is mainly due to volunteers in the community such as the committee members and the Board members and that our situation is much better than many similar community who are forced to obtain paid management groups to do the job.

**Sheilah Reynolds moved and Jack Von Deck seconded that the Treasurer's Report be accepted as submitted. All were in favor and the motion passed unanimously.**

UNFINISHED BUSINESS

- A. Budget Approval: Tom Gray noted that no increase in Homeowners' dues will be incurred next year. Lyle inquired about the amount for relining and refilling the pool since those amounts are not included in the proposed budget. This work will not be scheduled for 2009. **Sheilah Reynolds moved and Jack Von Deck seconded that the Board accept the budget for 2009. All were in favor and the motion passed unanimously.**
- B. Gates and Roads Update: The Board has made the decision to defer settlement on this case and to proceed with legal actions on the ownership of the gate in Myrtle Trace. At the County Council meeting last night, the Council was made aware of this decision.
- C. Wal-Mart Development: At this time Tom Gray called on the members of the Ad Hoc Committee who were present to give a report on their latest findings. Renzo Falcinelli gave the report, a copy of which is attached and is made a part of these Board minutes. Renzo reported that the reason the trees had been cut down was because they were burned and there is a time restriction on the harvesting of burned trees. There is nothing planned on the Wal-Mart side of Burning Ridge Road for approximately 2 more years and on the other side of Burning Ridge Road the owner currently has no plans of selling or developing the land. It has been suggested that we apply for an encroachment permit and make some plantings along Burning Ridge Road. The Ad Hoc Committee will discuss possible plantings at their next meeting and will bring recommendations to the Board.
- D. Annual Meeting: Sheilah Reynolds reported that the information on the candidates will be included in the December News and Views.

NEW BUSINESS

- A. Volunteer Reception: This will be held in January and will again include all residents who volunteer in any capacity in the area.
- B. Christmas Decorations for the Clubhouse: Jack Von Deck will check with the Activities Committee on this project.
- C. Retaining Walls: The combined committee on this matter agrees that there is a place for both natural plantings and retaining walls in the community. There is also a third option which would be to do nothing. If a homeowner chooses to put in some natural plantings, the care and maintenance of these plantings would be monitored by the ARC. Pat Hosford presented and distributed the ARC Retaining Wall Compliance Agreement which defines ownership of the land if a retaining wall is constructed in a MTHOA easement area. This document also acts as a

disclaimer for liability by the MTHOA, acknowledges that the homeowner is responsible to make sure the contractors follows the guidelines and commits the homeowner to be responsible for the upkeep and repair of the wall at his/her expense. This form would be signed by the homeowner and submitted to ARC before permission to construct a retaining wall would be given. **Sheilah Reynolds moved and Jack Von Deck seconded that the ARC Retaining Wall Compliance Agreement be accepted as submitted. All were in favor and the motion passed unanimously.**

- D. Correspondence: Tom Gray read a letter from a homeowner who was requesting special permission to build a masonry wall behind her house. The building of this wall had already been denied by the ARC and the homeowner was appealing that decision to the Board. The Board agreed that the only choice a homeowner has for a fence on periphery property would be 2 blocks high or a wooden fence which would follow the laid down specifications. A request for either of these two types of fencing would have to be approved by the ARC. Tom Gray will send a letter to the homeowner denying her special request.

**Tom Dovey moved and Sheilah Reynolds seconded that the meeting be adjourned at 11:35 a.m. All were in favor and the motion passed unanimously.**

Respectfully Submitted,

Lee Besemer

(See next page for Ad Hoc Committee report)

## Attachment to Minutes of the MTHOA Board Meeting of 11/19/08

### REPORT TO MTHOA BOARD OF DIRECTORS BY AD HOC COMMITTEE TO PRESERVE APPEARANCE OF BURNING RIDGE DRIVE ENTRY WAY

The following report of committee activities through Nov. 13, 2008 meeting was prepared by Pat Hosford. Councilman Carl Schwartzkoff attended the meeting.

1. Intersection: Nancy Murphy, Ted Paffenback and Renzo Falcinelli. A call was placed to Steve Gosnell to determine if there was any action to begin development of 501/BR Road/Service road configuration. Nothing is happening at this time. Referral was made to Carl Schwartzkoff to discuss future planning with him.
2. McMillan Property- Mike Lucartuorto & Bill Fox. This is on the North or West side of BR Road. Mike spoke with Dr. McMillan and he has no plans at this time to develop this property. He seemed cooperative and was upset about all the tree removal on 501. Bill spoke with Santee Cooper and there are no approved plans for building north of Wal-mart, but there is a request to expand the access road from Wal-mart to BR Road.
3. Mr. Maynard: Dave Paxson. Mr. Maynard returned Dave's calls and informed him that the tree cutting was not the result of requests for future construction, but rather the need to clear the timber after the fire. This lumber apparently is only good for a short period after a fire and the proper permit was filed for a clear cut in the burned areas and a residential cut in the non-burned areas. He does not see any demand for development on this land for another 2 years at least.
4. Golf Course; John & Judy Beam. They spoke with Rick Taylor. The road from the golf course to 501 was built by the owners of the golf course and is maintained by the state. That may explain how the golf course has land available for their sign and why they maintain the roadside.
5. Tree Removal on Maynard property: Barb & Ron Artz & Pat Hosford: Several people were contacted in attempt to save a strip of trees between BR Road and the Maynard property. There is a 60 ft. state easement in this area, so we were trying to save the trees in this easement. The state does not want any responsibility for this area of trees and really does not want responsibility for sub-division roads. They are not sure how they came to be responsible for this road from the beginning. Steve Gosnell was contacted and he spoke with Tom Dargan who was the contractor responsible for the removal of the trees. He volunteered to leave trees along BR Road to serve as a buffer.

It was decided to invite Carl Schwartzkoff to a meeting to speak with him regarding the development of the service road and the 501/BR Road intersection and future development of the land on both sides of BR Road. We met with him on Nov. 13, 2008 and he assured us that nothing was close to being in the development stage for either the land or the roads at that location. He provided us with some resource people to contact to keep us up to date with future development. Janet Carter (Planning Department) and Steve Gosnell were recommended. Pat & Ron will keep monthly contact with them both.

Carl also suggested that we apply for an encroachment permit from the state to allow us access to the easement area along both sides of BR Road. We would need to contact Randy Grapham the state highway official in Horry County. We will discuss this at our next meeting. If we could get this area designated as an "environmentally sensitive area" we may possibly be able to save this 60 ft easement area from development. (Carl suggested that we consider planting this area with Leyland Cypress, Wax Myrtles, Formosa Azaleas and Holly)

This is a short version of what has occurred over the last month. We will be gathering more information and proposing a course of action in the near future. We feel that we now have some time before anything further occurs on this property and will take a little time to enjoy the holiday before meeting again. Thank you for your support!