

## Minutes of TEOA Board Meeting May 7, 2014

President, Bob Perkins called the meeting to order at 7:00 p.m. He welcomed guests and gave them an opportunity to speak first:

- Gloria McMahan requested information on how to handle issues with dogs such as not being on leash, or not having deposits picked up. Jim Schafer responded that he has spoken to specific neighbors about this. He also wrote a letter for the newsletter as a reminder to all of us concerning being a good neighbor when it comes to pets.
- Richard McMahan commented on residents leaving towels and bathing suits hanging on deck railings. It can be unsightly and these items should be removed in a timely manner.
- Kerry and Catherine Helmeke discussed the TEOA board response concerning a swing set that was placed on neighbor's property but near their porch. Mrs. Helmeke read the following letter and requested that it be included in the minutes.

116 Bass Pointe Lane  
Chapin, SC 29036  
Wednesday, May 07, 2014

Timberlake Estates Owner's Association, Inc.:

In receipt of your letter of April 29, 2014, we have a few thoughts of our own concerning the construction of the swing set by our neighbor. You state:

1. *"The location selected and approved by the ARC was the best site."*

Our question is, "for who? It appears that only an opinion is what determines the decision of the members, since there are no clear guidelines as to what might cause a "discomfort, annoyance or nuisance to any person using any property adjacent to the lot", for example, that of a neighbor.

2. *"The swing set is not deemed to be in violation of Covenant 8.10, obnoxious, offensive, a nuisance, noxious, dangerous, unsightly or unpleasant.....etc."* We feel that the structure does diminish the enjoyment of our property. We have a porch on that end of our home in which we like to enjoy the view of the lake. This structure is in the line of our view of the lake.

Several years ago we were sent a letter from the ARC asking us to remove the pile of bricks on the side of our yard. Presumably they were deemed unsightly from the lakeside view of our home. The problem was that the 'pile of bricks (pavers), about 3 to 4 feet high' were not on our property. It was on the edge of the property at 112 Old Colony Drive, and it was there for a period of about 3 to 4 years. We never complained about it, but the ARC deemed it so unsightly that they were to be removed. Now, in the same area is a 10 foot high wooden structure deemed to not be unsightly, so there is no continuity in the opinions of the ARC. The membership of the ARC was relatively unchanged for these two decisions.

On Monday, April 21, after talking on the phone with Tom Remick of the ARC, we contacted the TEOA Board President, who came to our home to see that the structure was about to be built. The TEOA Board President asked several ARC members to join him at the site. It was agreed that the structure would be better built by their patio or closer to their side of their house. The neighbor was to be contacted by the ARC and asked to confer with the Helmeke's on the following Sunday when he arrived home from his trip. However, Sunday came and went with no contact from the neighbor. We received an email on Monday the 22nd of April from the TEOA Board President stating that there was to be a visit to the site

on Monday, the 28th of April at 3PM for the members of the Board and ARC to see, discuss and understand the controversy related to the ARC approval of the structure in question.

We were out of town at the time of the meeting, but the construction was done (Thursday, April 25, by the same workman that the TEOA Board President had asked to stop until all was settled) regardless of the controversy. After the visit by the Board members and members of the ARC on April 28, we received a letter from the TEOA saying that the majority of the members felt that the construction did not violate the covenants. It was further stated that "*the ARC members always take the interests of neighbors into consideration when making decisions concerning homeowner requests*". We disagree with this statement and feel that you have not represented our interests or rights under the covenants. We wish to state that we are not opposed to the neighbor having a swing set for their grandchildren. But to put a set so large and permanent in our view sight of the lake and next to our living area is unacceptable to us.

We request this letter be published in the minutes of this meeting.

Kerry and Catherine Helmeke  
116 Bass Point Lane, Chapin, SC

In response to the letter:

**Jim Schafer** pointed out to the Helmeke's that looking across their neighbor's property is not their view. Their view is down their property line. He reiterated the swing set is not large and could not in any way be considered obnoxious or unsightly. He also reminded the Helmeke's that on April 28, all five Board Members and four ARC Committee members visited the site, and all but one person agreed the swing had been approved in the best location.

**Barbara Remick** explained to the Helmeke's that their neighbors could have built their home on the property in question--they could still build an addition in that location or they could still plant trees in that area. That would all be approved because it is their property. She also pointed out we do not live in an over 55 community.

**Bob Perkins** commented that the source of this disagreement, is the ARC's policy of not allowing children's play equipment in the back yards of lake front homes. This forces the homeowner to put it in the side yard. The side yards can be very narrow and close to the neighbors homes. Two rights come into conflict, the right of the home owner to put items on their property and the right to not be disturbed by the neighbor's activity. He would like to see the ARC change this policy, but cannot get board support.

**Tom Remick** stated there were inaccuracies in the letter that should be corrected.  
Paragraph 4 – The ARC never sent a letter to Helmeke about moving bricks; that was another issue between the Helmeke's and the TEOA board.  
Paragraph 5 -- The ARC Committee spent a great deal of time determining the current and approved site, and it was never changed. Moving it down by the patio was never agreed to, nor was contacting the homeowner and asking them to contact the Helmeke's about such a move discussed with the ARC.

The minutes of the April meeting were approved.

### **Officer Reports:**

Jim Schafer, VP Covenants has been dealing with:

- A koi pond that needs to be maintained.
- Dogs that are not on leashes and the deposits that are not picked up. (Be sure to read his information in the TEOA Newsletter about dog issues.)
- Shore line trash at a residence on Water Links Drive has not been taken care of. He will speak with the owner again about that.

Barbara Remick, Treasurer

- Collected \$2400 from Lookout Point for landscaping dues.
- Collected late fee from one owner as well as late fee and dues from another.
- Paid \$280 for Back Flow valve inspection fee.
- Paid \$10 for lien filing.

### **Committee Reports:**

Tom Remick, ARC

- 8 files were closed in April.
- 2 homes are under construction. Walton home is near completion and Fitch home is in framing stage.

Bill Rawlings, Security

- There was a fight in the bar at Timberlake Country Club
- There have been vehicles broken into in neighborhoods close to us. Please keep your car locked when in the driveway.
- Lexington County continues to patrol our neighborhood.
- McMahons have noticed a car parked on the circle off Water Links Drive that does not belong to residents in that area. They were advised to call Lexington County Sheriff's Office, 932-0274 or 932-0274; ask for Officer Stoudemeyer. We get very good response on calls made to this office.
- A neighborhood watch meeting is not needed at this time.

John Facchinei, Newsletter

- Let John know if you want something published in the monthly newsletter, His email is [jmfacchinei@gmail.com](mailto:jmfacchinei@gmail.com).

### **OLD Business**

- Bob Perkins addressed the issue of needing people to serve on the board. We will need to have candidates by August for voting in the fall. The new terms begins in January. We are required to have a nominating committee, but since three board members have already been working on recruiting, they will serve as the nominating committee. Becky Gallman has created a recruiting flyer which you can see in this month's newsletter. Barbara Remick and Jerry Neely have been talking to people about serving. These three board members will make up the nominating committee.
- Barbara Remick will continue to follow up with the bank responsible for maintenance on a house in the foreclosure process.

The meeting was adjourned at 7:55; the next regular meeting date is June 4, 2014