

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Stephanie P. McDonald, Circuit Court Judge

**RECEIVED**

JUL 11 2019

S.C. SUPREME COURT

Case No. 2010-CP-10-10490

Appellate Case No.: 2015-001590

I'On Assembly, Inc., Brad J. Walbeck, and Lea Ann Adkins, individually and derivatively on behalf of I'On Assembly, Inc.,

Petitioners,

v.

The I'On Company, LLC, The I'On Club, LLC, The I'On Group, LLC f/k/a Civitas, LLC, and I'On Realty, LLC

Respondents.

**APPENDIX TO THE PETITION FOR WRIT OF CERTIORARI  
VOLUME IX**

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**I'On Assembly**

Asset Management & Consulting Services, Inc.

P.O. Box 62109

North Charleston, SC 29419

Phone: (843) 303-3586

Fax: (843) 764-2363

[www.amcs-inc.com](http://www.amcs-inc.com)

**President's Report**

November 1, 2004

Dear Neighbor:

This letter formally announces the annual meeting of the I'On Assembly which is scheduled for at 7 p.m. on December 2, 2004, at the Creek Club. In preparation for the meeting, please take a few minutes to review the enclosures: committee reports, the 2005 draft I'On Assembly budget, nomination information and form, and proxy information and form.

Our neighborhood continues to experience strong growth. Points of note:

- As of October 29, 2004 there were 490 homes complete or under construction in the neighborhood. Of this 490 total, 388 are occupied homes, which means we are at the half way point in terms of number of families who will eventually live in I'On. Of the 102 homes under construction, 68 broke ground in 2004.
- Site work for 56 home sites in Phase 7 of Montrose Borough is approaching completion. This phase includes a community dock and extension of the Marsh Walk. It also incorporates the historic cemetery where Jacob Bond I'On is buried.

Current Assembly Board members include Allen Coleman, Joe Halford, Gaye Joyner, Michael Purcell, Vince Graham, Carol Ann McLester, and Jody McKnight. Carol Ann and Jody were elected to the Board in July, 2004. We will be electing four new board members at the December 2 meeting as the term of Allen, Joe, Gaye, and Michael expires at year end. The Board will accept nominations from the floor on December 2, but to be placed on the ballot, nominations must be received by November 19.

Please review the nomination guidelines and consider placing your name or that of someone you think would be interested in serving on the Assembly Board. Please feel free to contact Cheryl Wilson the Assembly Manager, with any questions you have about the budget, nomination procedure, or proxy designation procedure. She can be reached at 303-3586 or [CWilson@AMCS-Inc.com](mailto:CWilson@AMCS-Inc.com).

If you can't attend the annual meeting, please review the proxy information carefully and submit your proxy authorization by November 30. Please note that you can designate another titleholder, a board member, or the community manager as your proxy. Information about nominees will be available on the community website by November 22, so you will have that information in time to determine who you want to assign your proxy votes.

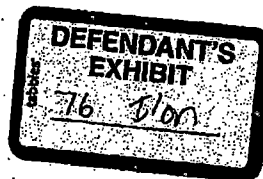
In addition to the election and budget announcement, the meeting will include updates on landscape, infrastructure, communications, and governance. Also special committee reports on lakes, boathouse, and traffic will be presented. There will be time for questions and comments from the audience.

Please join me in thanking Allen, Joe, Gaye and Michael for their commitment of service on behalf of their neighbors. Each has put in significant time, and their hard work and leadership have made I'On a better place for us all.

I hope to see you on December 2.

Sincerely,

Vincent G. Graham



AMCS 000072

Community UpdatesFinance Committee Update

In cooperation with AMCS (our management company) and with input from the various Board committees, the finance committee has proposed a 2005 budget for consideration by the full Board. The Board met on October 21, 2004 to review the budget. Libby Eble, Finance Chairman and committee members are holding an informational session on November 9, 2004 at 7 p.m. in the main lobby of the P'On Realty Office. Please plan to attend this session if you have questions about the budget. The Board will meet on November 11, 2004 to approve the 2005 budget as part of a regularly scheduled quarterly meeting. The final 2005 budget will be announced at the annual meeting on December 2.

Landscaping Committee Update

Joe Halford, Landscape Chairman, provided the following summary about the 2005 Landscape Budget:

If you compare the 2005 landscape budget draft with the 2004 budget, you will see a dramatic increase in funding for landscape care and maintenance. This is driven by a combination of experience and resident feedback in recent years. In 2003, an effort was mounted by the Assembly to reduce our costs. The developer subsidies were ending and the Assembly was running at a serious deficit. The largest single expense was landscape care, as it is today. The 2003 budget was reduced by about a third, through a competitive bidding process.

The quality of our landscape care in 2003 was not acceptable and the landscape contractor's performance seemed to deteriorate late in the year. For the 2004 contract, we held another competitive bidding. The low bidder was our current landscaper, Lawn-O-Green. The Board gave some consideration to rejecting this bid as being unrealistic. However, our new neighborhood management company, AMCS, formally recommended Lawn-O-Green and agreed to assure acceptable performance. So, we accepted the Lawn-O-Green contract.

Our experience in 2004 has been mixed. During the first half of the year, performance was marginal and led to many homeowner complaints. There were positive aspects to the experience, however:

1. When we pointed out shortcomings, Lawn-O-Green responded in good faith, resulting in a continuing improvement in performance.
2. The day-to-day working relationship between AMCS and Lawn-O-Green has proven to be excellent. In midsummer, this relationship enabled the Assembly to end direct contact with the landscaper and work entirely through AMCS.
3. Lawn-O-Green demonstrated an excellence at repairing and maintaining our irrigation systems, which none of their predecessors had been able to do.

By late summer, Lawn-O-Green's performance was at least as good as any of their predecessors. Based on their greatly improving performance and on the good relationship with AMCS, the Landscape Committee suggested to the Board that we consider renewing the Lawn-O-Green relationship for 2005, without a competitive bidding. The Board agreed that we should explore this, so we asked AMCS to approach Lawn-O-Green and ask for proposals, to include a dramatically higher service level.

Lawn-O-Green proposed three alternative levels of service. The first was essentially a continuation of the 2004 contract. This we rejected, accepting the idea that we had over-economized in 2004. The second proposed a greatly increased service level during the "green seasons" of 2005, but leaving the winter service level about the same as before. The third proposal was for a greatly increased service level all year. The Landscape Committee recommended the intermediate service level, which is the basis for the \$110,000 budget item for "Grounds Contractor."

We also budgeted for more seasonal flowers, mulching, pet stations, and tree maintenance, which added some costs to the Maintenance section of the budget.

P'On Assembly Board of Trustees 2004 Goals

- (1) Enhance the level of credibility between residents and Assembly management by proactively communicating and delivering the level of service expected of residents.
- (2) Refine the Assembly committee system to facilitate more bottom up involvement from residents who are interested in taking a more active role in the neighborhood's management.
- (3) Elect three new members to the Board of Trustees to replace three members who will be stepping down;
- (4) Manage finances to achieve a net budget surplus that can be applied to reserve accounts.
- (5) Position the Assembly so that it requires less involvement from The P'On Company.
- (6) Develop a comprehensive strategy for designated on-street parking areas.
- (7) Implement steps to assure more active enforcement of traffic laws with regard to speeding and golf cart use.
- (8) Explore development of a civic site for Assembly ownership and use.

AMCS 000073

**I'On Assembly**

Asset Management & Consulting Services, Inc.

P.O. Box 62109

North Charleston, SC 29419

Phone: (843) 303-3586

Fax: (843) 764-2363

[www.amcs-inc.com](http://www.amcs-inc.com)

TO: I'On Assembly Homeowners

FROM: The Board of Trustees

RE: Annual Meeting

The I'On Assembly (Homeowner's Association) will hold its Annual Meeting Thursday, December 2, 2004 at 7 PM at the Creek Club. All members are encouraged to attend this important meeting to elect four new Board of Trustee members and discuss Assembly issues.

Everyone is encouraged to take advantage of this beautiful time of year and walk to the meeting, weather permitting. If you must drive and if the main lot is full, please park at the overflow parking lot on N. Shelmore. Please do not park along Saturday Road or on vacant lots. Saturday Road is a narrow street and it is important to not block access for emergency vehicles.

If you are unable to attend, please complete the proxy statement and return it to the following address:

**I'On Assembly Proxy**

AMCS

P.O. Box 62109

North Charleston, SC 29419

**Proxies must be received by  
5 PM, Tuesday, November 30, 2004**

AMCS 000074

I'On AssemblyAppointment of Proxy for Annual Meeting

As the record Owner(s) of property in the I'On Assembly, I/we hereby appoint \_\_\_\_\_ (name of individual), or if left blank then the President of the I'On Assembly ("Association"), as Proxy, with full power of the substitution in the event that he/she is unable or declines to serve as Proxy, to exercise the entire vote of the undersigned as directed below at the annual meeting of the Associations' members to be held on December 2, 2004, and any lawful adjournments thereof. In the event that the designated Proxy is not present at the meeting and has not designated a substitute, then I designate the President of the Association to serve as the substitute Proxy.

Name: \_\_\_\_\_

I'On Address: \_\_\_\_\_

Signature: \_\_\_\_\_

AMCS 000075



**I'On Assembly**

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**Call for Nominations**

**I'On Assembly, Inc. Board of Trustees - Four positions open**

**Deadline for nominations: Must be received no later than 5 p.m., November 19, 2004**

**Submit nomination form by mail to:**

**Cheryl Wilson  
Management Director  
AMCS, Inc.  
P.O. Box 62109  
North Charleston, SC 29419**

**Recommended Process:** Each person who nominates someone should make every effort to confirm that the person wants to be nominated and understands the terms and roles of the Board of Trustees (see below for Role Summary). The person making the nomination needs to complete the following information and submit by the deadline. The nominee should complete the Nominee Application and submit by the same deadline.

**Composition and Selection of Board of Trustees:**

*The Board shall consist of three to seven Trustees. Except for Trustees appointed by the Founder Member, Trustees shall be Titleholders or residents of I'On who are at least 18 years of age. Only one titleholder or resident representing a particular Lot may serve on the Board of Trustees at any time. I'On Bylaws.*

In an effort to provide each candidate with a reasonable opportunity to communicate his or her qualifications to the Members prior to the election, a statement of purpose should be filed with nomination. This information will be scanned to [www.ioncommunity.com](http://www.ioncommunity.com) and be available for review until December 2. In addition, the Board encourages nominees to personally inform other residents about their qualifications for Board positions prior to the election.

**Role of Board of Trustees:**

In order to help potential nominees determine if they want to consider serving on the Board and to help voters review qualifications, here is background information about the role of Board of Trustee members.

Each elected Board of Trustee member agrees to serve a two-year term. Trustees may be elected to serve any number of consecutive terms. The Bylaws provide for removal of Trustees and for filling of vacancies.

*The affairs of the Assembly are managed under the direction of the Board of Trustees and, except as otherwise specifically provided in the Governing Documents, all powers of the Assembly shall be exercised by or under the authority of the Board of Trustees. The Board of Trustees shall be aided by the officers of the Assembly, the Covenants Committee and Board of Appeals, and such other committees as may be established pursuant to the Bylaws. I'On Bylaws.*

AMCS 000076

Currently, the Board meets at least four times per year for quarterly board meetings. These usually last 3-4 hours and start at 8:30 a.m. This year the meetings are on Thursday mornings at the I'On Realty office. In addition Board members are expected to attend two homeowner meetings - one mid-year and one in early December. These are night meetings usually lasting for 2-3 hours. This year Board members also attended a half-day planning retreat in January.

Board members typically serve as a chairman of at least one committee and most serve on one or more other committees. Currently the Board committees include landscape, finance, communications (includes the web subcommittee), governance, infrastructure, and ad hoc committees as warranted. Examples this year of ad hoc committees include: committee to renegotiate agreement with I'On Club for shared dock costs, traffic study committee, and committee to develop facilities use agreements. Some committees meet monthly (such as finance and web committees). Others meet until reports are completed. Others such as the landscape committee meet to review RFP from landscape companies, but handle routine landscape issues by email.

Board activities are also handled between meetings by email and conference calls. Board members routinely communicate by email with each other, with the community manager, and with their committee members. All Board members are encouraged to review the community website weekly and monitor the message board for Assembly-related issues. Board members are expected to provide, at a minimum, quarterly progress reports for committee activities and updates as needed for communication to residents through web or hard-copy materials.

Anyone who has specific questions about Board of Trustee duties can call or email Cheryl Wilson at [cwilson@amcs-inc.com](mailto:cwilson@amcs-inc.com).

**Guidelines for Voting:**

**Titleholders must be in good standings with the Assembly to vote on matters arising before the Assembly. To be in good standing, a Titleholder must be current to within 30 days of the date of all financial obligations to the Assembly. I'On Bylaws.**

Should you have any questions regarding your standing with the Assembly please contact Cheryl Wilson at 303-3586 or [cwilson@amcs-inc.com](mailto:cwilson@amcs-inc.com).

**For each position to be filled on the Board of Trustees, each Titleholder may cast one vote for each Lot which it owns in I'On. That number of candidates equal to the number of positions to be filled who receives the greatest number of votes shall be elected. I'On Bylaws.**

**Proxies. At any meeting of the Assembly, a Member who is entitled to vote may cast its vote personally or through a designated proxy. A designation of proxy shall be in writing and shall identify the Lot or Lots for which it is given and the person designated to cast the votes for such Lot(s). It shall be signed by the Member or his duly authorized attorney-in-fact, dated, and filed with the Assembly prior to the meeting for which it is to be effective. I'On Bylaws.**

**The election for the four positions will be conducted at the December 2, Annual Meeting. The Board has decided to also permit nominations from the floor on December 2.**

AMCS 000077

**I'On Assembly**  
**Nomination Form**  
**(Please Print)**

Deadline for nominations: Must be received no later than 5 p.m., November 19, 2004  
Submit nomination form by mail to:

**Cheryl Wilson**  
**Management Director**  
**AMCS, Inc.**  
**P.O. Box 62109**  
**North Charleston, SC 29419**

Name of Nominee (must be a Titleholder or I'On resident over 18 years of age):

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email address (if available): \_\_\_\_\_

Name of person making the nomination:

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email address (if available): \_\_\_\_\_

Date of Nomination: \_\_\_\_\_

Please include, on a separate piece of paper, a brief description of qualifications/attributes that the nominee brings to consideration for election to I'On Assembly Board of Trustees.

Nominee has read and understands that by agreeing to place their name in nomination that they are making a two-year commitment (within reasonable expectations) to actively participate in Board of Trustee meetings, committee activities, etc.

Signature of nominee: \_\_\_\_\_

Date: \_\_\_\_\_

AMCS 000078

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| T'On Assembly                   |               | UNITS:     | 644                        |                         |                        |               |
|---------------------------------|---------------|------------|----------------------------|-------------------------|------------------------|---------------|
| 2005 BUDGET                     |               |            | Actual                     |                         | Variance btw.          |               |
| Revised 10/10/04                | 2005 Budget   | \$/Unit/Yr | 1/04thru8/04<br>(8 months) | 2004 Budget             | 2004 & 2005<br>Budgets | % of<br>Total |
| <b>REVENUE</b>                  |               |            |                            |                         |                        |               |
| Gross Regime Fees               | 418600        | 650        | 260000                     | 260000                  | 158600                 | 97%           |
| Expected new assessments(40)    | 15000         | 0          | 35886                      | 15000                   | 0                      | 3%            |
| Misc. Income                    | 0             | 0          | 0                          | 1100                    | -1100                  | 0%            |
| <b>TOTAL REVENUE</b>            | <b>433600</b> | <b>650</b> | <b>295886</b>              | <b>276100</b>           | <b>157500</b>          | <b>100%</b>   |
| <b>ADMINISTRATION</b>           |               |            |                            |                         |                        |               |
| 6311 Office Supplies            | 3000          | 5          | 1825                       | 3500                    | -500                   | 1%            |
| 6320 Mgmt Fee                   | 42000         | 65         | 24500                      | 42000                   | 0                      | 10%           |
| 6341 Legal Fees                 | 3000          | 5          | not billed yet             | 2500                    | 500                    | 1%            |
| 6350 Accounting                 | 350           | 1          | not billed yet             | 300                     | 50                     | 0%            |
| Audit                           | 1500          | 2          | 5900                       | 3500                    | -2000                  | 0%            |
| 6360 Telephone                  | 0             | 0          | 0                          | 2000                    | -2000                  | 0%            |
| 6370 Bad Debt 1%                | 3040          | 5          | 0                          | 6828                    | -3788                  | 1%            |
| 6390 Homeowners Meeting         | 2400          | 4          | 400                        | 50                      | 2350                   | 1%            |
| Directory/Newsletter            | 2500          | 4          | 0                          | 2000                    | 500                    | 1%            |
| Website                         | 1050          | 2          | 0                          | 900                     | 150                    | 0%            |
| Loan repayment                  | 0             | 0          | 16000                      | 16000                   | -16000                 | 0%            |
| Boroughs committee              | 300           | 0          | 0                          | 500                     | -200                   | 0%            |
| Creek Club Dock usage Fee       | 4044          | 6          | 2696                       | 4044                    | 0                      | 1%            |
| <b>TOTAL ADMIN</b>              | <b>63184</b>  | <b>98</b>  | <b>51321</b>               | <b>84122</b>            | <b>-20938</b>          | <b>15%</b>    |
| <b>OPERATING EXP</b>            |               |            |                            |                         |                        |               |
| 6456 Electricity                | 7000          | 11         | 3602                       | 3200                    | 3800                   | 2%            |
| Street Lights                   | 56000         | 87         | 36792                      | 55000                   | 1000                   | 13%           |
| Water & Sewer                   | 16000         | 25         | 8036                       | 5000                    | 11000                  | 4%            |
| <b>TOTAL OPERATING</b>          | <b>79000</b>  | <b>123</b> | <b>48430</b>               | <b>63200</b>            | <b>15800</b>           | <b>18%</b>    |
| <b>MAINTENANCE</b>              |               |            |                            |                         |                        |               |
| Power washing                   | 1000          | 2          | 150                        | 0                       | 1000                   | 0%            |
| Signs                           | 500           | 1          | 306                        | 0                       | 500                    | 0%            |
| 6521 Grounds Supplies           | 8687          | 13         | 7702                       | 10000                   | -1313                  | 2%            |
| Fountain Maintenance            | 1750          | 3          | 0                          | 0                       | 1750                   | 0%            |
| Seasonal Flowers                | 5000          | 8          | 2260                       | incl. in Grnd. Supplies |                        | 1%            |
| Plant/Tree Replacement          | 20000         | 31         | 4375                       | incl. in Grnd. Supplies |                        | 5%            |
| Pet Stations                    | 2407          | 4          | 320                        | 0                       | 2407                   | 1%            |
| Mulch                           | 11000         | 17         | 15160                      | 16000                   | -5000                  | 3%            |
| 6522 Grounds Contractor         | 110000        | 171        | 39600                      | 59400                   | 50600                  | 25%           |
| Tree Maintenance                | 13520         | 21         | 1475                       | 4000                    | 9520                   | 3%            |
| 6542 Repairs                    | 10000         | 16         | 1320                       | 9563                    | 437                    | 2%            |
| 6686 Lake Maintenance           | 13680         | 21         | 3487                       | 6000                    | 7680                   | 3%            |
| Irrigation Maintenance          | 3500          | 5          | 2432                       | 2000                    | 1500                   | 1%            |
| Parking/Traffic Improvements    | 10000         | 16         | 0                          |                         | 10000                  | 2%            |
| <b>TOTAL MAINT</b>              | <b>211044</b> | <b>328</b> | <b>78587</b>               | <b>106963</b>           | <b>104081</b>          | <b>49%</b>    |
| <b>TAXES &amp; INS</b>          |               |            |                            |                         |                        |               |
| TAX/ IRS                        | 200           | 0          | 67                         | 215                     | -15                    | 0%            |
| Hazard Insurance                | 10000         | 16         | 6705                       | 7250                    | 2750                   | 2%            |
| <b>TOTAL TAX &amp; INS</b>      | <b>10200</b>  | <b>16</b>  | <b>6772</b>                | <b>7465</b>             | <b>2735</b>            | <b>2%</b>     |
| <b>TOTAL EXPENSES</b>           | <b>363428</b> | <b>564</b> |                            | <b>261750</b>           | <b>101678</b>          | <b>84%</b>    |
| <b>CAPITAL EXPENSES</b>         |               |            |                            |                         |                        |               |
| Replacement Reserves            | 32320         | 50         | 11000                      | 16500                   | 15820                  | 7%            |
| extra from expected assessments | 15000         | 23         | 0                          | 0                       | 15000                  | 3%            |
| Repayment of unfunded reserves  | 22852         | 35         | 0                          | 0                       | 22852                  | 5%            |
| <b>TOTAL CAPITAL EXP</b>        | <b>70172</b>  | <b>109</b> | <b>11000</b>               | <b>16500</b>            | <b>53672</b>           | <b>16%</b>    |
| <b>NET CASH FLOW</b>            | <b>0</b>      | <b>0</b>   |                            | <b>-2150</b>            | <b>0</b>               | <b>0%</b>     |

Page 1

AMCS 000079

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|                                                                                                                                                                                                                                                                                                                                                                                   |  |  |  |  |  |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|--|
| <b>Notes:</b>                                                                                                                                                                                                                                                                                                                                                                     |  |  |  |  |  |  |
| The landscape committee recommends \$11,000 for mulch, \$16,000 for landscape supplies (seasonal flowers, pre emergent, ants, fountain maintenance, etc.) and \$110,000 for the landscape contract. The landscape contract will include service 2X per week in Jan., Feb., March, Nov., and Dec.; 3X per week in April, May, and Oct.; 5X per week in June, July, Aug., and Sept. |  |  |  |  |  |  |
| The lakes committee recommends using Estate management and their monthly price is \$1090.                                                                                                                                                                                                                                                                                         |  |  |  |  |  |  |
| The finance committee has reviewed the insurance policy on the common areas and the premium will be \$10,000.                                                                                                                                                                                                                                                                     |  |  |  |  |  |  |
| A reserve study was done and the recommended and accepted figure is \$31,320. The finance committee also asks to budget an additional \$1000 for the reserve study to be updated in 5 years.                                                                                                                                                                                      |  |  |  |  |  |  |
| The reserve study shows the reserves are currently underfunded. \$22852 is budgeted to start repaying this amount in 2005.                                                                                                                                                                                                                                                        |  |  |  |  |  |  |
| The traffic committee has asked for \$10,000 to help with parking/ road issues.                                                                                                                                                                                                                                                                                                   |  |  |  |  |  |  |
| There is a tentative usage agreement for the Club. The Assembly would pay \$200 per month/\$2400 per year.                                                                                                                                                                                                                                                                        |  |  |  |  |  |  |
| Pet Stations: There are currently 6. It has been suggested to add an additional 8 in 2005.                                                                                                                                                                                                                                                                                        |  |  |  |  |  |  |
| They are \$279 each. Bags included in the budgeted amount.                                                                                                                                                                                                                                                                                                                        |  |  |  |  |  |  |

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[www.amcs-inc.com](http://www.amcs-inc.com)  
[cwilson@amcs-inc.com](mailto:cwilson@amcs-inc.com)

TO: I'On Assembly Homeowners  
FROM: The Board of Trustees  
RE: Annual Meeting

The I'On Assembly (Homeowner's Association) will hold its Annual Meeting Wednesday, December 7, 2005 at 7 PM at the Creek Club. All members are encouraged to attend this important meeting to elect four new Board of Trustee members and discuss Assembly issues.

All members are requested to arrive at the Creek Club at 6 PM and bring a covered dish. This will be a casual time to meet neighbors, board members as well as a time to find out more about clubs and organizations within I'On. The business meeting will begin at 7 PM.

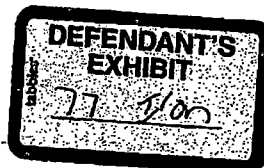
Everyone is encouraged to take advantage of this beautiful time of year and walk to the meeting, weather permitting. If you must drive and if the main lot is full, please park at the overflow parking lot on N. Shelmore. Please do not park along Saturday Road or on vacant lots. Saturday Road is a narrow street and it is important to not block access for emergency vehicles.

If you are unable to attend, please complete the enclosed proxy statement and return it to the following address:

**I'On Assembly Proxy**  
AMCS  
P.O. Box 62109  
North Charleston, SC 29419

**Proxies must be received by  
5 PM, Monday, December 5, 2004**

This is per the Bylaws of the I'On Assembly Inc.  
Article II Membership; Section 2-102 Voting; Paragraph B



AMCS 000083

I'On Assembly

Appointment of Proxy for Annual Meeting

As the record Owner(s) of property in the I'On Assembly, I/we hereby appoint \_\_\_\_\_ (name of individual), or if left blank then the President of the I'On Assembly ("Association"), as Proxy, with full power of the substitution in the event that he/she is unable or declines to serve as Proxy, to exercise the entire vote of the undersigned as directed below at the annual meeting of the Associations' members to be held on December 7, 2005, and any lawful adjournments thereof. In the event that the designated Proxy is not present at the meeting and has not designated a substitute, then I designate the President of the Association to serve as the substitute Proxy.

Name: \_\_\_\_\_

I'On Address: \_\_\_\_\_

Signature: \_\_\_\_\_

AMCS 000084

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**Call for Nominations**

**I'On Assembly, Inc. Board of Trustees - Four positions open**

**Deadline for nominations: Must be received no later than 5 p.m., November 24, 2005**

**Submit nomination form by mail to:**

**Cheryl Wilson  
Management Director  
AMCS, Inc.  
P.O. Box 62109  
North Charleston, SC 29419**

**Recommended Process:** Each person who nominates someone should make every effort to confirm that the person wants to be nominated and understands the terms and roles of the Board of Trustees (see below for Role Summary). The person making the nomination needs to complete the following information and submit by the deadline. The nominee should complete the Nominee Application and submit by the same deadline.

**Composition and Selection of Board of Trustees:**

*The Board shall consist of three to seven Trustees. Except for Trustees appointed by the Founder Member, Trustees shall be Titleholders or residents of I'On who are at least 18 years of age. Only one titleholder or resident representing a particular Lot may serve on the Board of Trustees at any time. I'On Bylaws.*

In an effort to provide each candidate with a reasonable opportunity to communicate his or her qualifications to the Members prior to the election, a statement of purpose should be filed with nomination. This information will be scanned to [www.ioncommunity.com](http://www.ioncommunity.com) and be available for review until December 7. In addition, the Board encourages nominees to personally inform other residents about their qualifications for Board positions prior to the election.

**Role of Board of Trustees:**

In order to help potential nominees determine if they want to consider serving on the Board and to help voters review qualifications, here is background information about the role of Board of Trustee members.

Each elected Board of Trustee member agrees to serve a two-year term. Trustees may be elected to serve any number of consecutive terms. The Bylaws provide for removal of Trustees and for filling of vacancies.

*The affairs of the Assembly are managed under the direction of the Board of Trustees and, except as otherwise specifically provided in the Governing Documents, all powers of the Assembly shall be exercised by or under the authority of the Board of Trustees. The Board of Trustees shall be aided by the officers of the Assembly, the Covenants Committee and Board of Appeals, and such other committees as may be established pursuant to the Bylaws. I'On Bylaws.*

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Currently, the Board meets on the fourth Wednesday of every month for board meetings. These usually last 3-4 hours and start at 5 p.m. This year the meetings were on Wednesday evenings at the I'On Realty office. In addition Board members are expected to attend two homeowner meetings - one mid-year and one in early December. These are night meetings usually lasting for 2-3 hours. This year Board members also attended a half-day planning retreat in January.

Board members typically serve as a chairman of at least one committee and most serve on one or more other committees. Currently the Board committees include landscape, finance, communications (includes the web subcommittee), governance, infrastructure, and ad hoc committees as warranted. Examples this year of ad hoc committees include: committee to renegotiate agreement with I'On Club for shared dock costs, traffic study committee, and committee to develop facilities use agreements. Some committees meet monthly (such as finance and web committees). Others meet until reports are completed. Others such as the landscape committee meet to review RFP from landscape companies, but handle routine landscape issues by email.

Board activities are also handled between meetings by email and conference calls. On a frequent basis Board members communicate by email with each other, with the community manager, and with their committee members. All Board members are encouraged to review the community website weekly and monitor the message board for Assembly-related issues. Board members are expected to provide, at a minimum, quarterly progress reports for committee activities and updates as needed for communication to residents through web or hard-copy materials.

Anyone who has specific questions about Board of Trustee duties can call or email Cheryl Wilson at [cwilson@amcs-inc.com](mailto:cwilson@amcs-inc.com).

#### Guidelines for Voting:

Titleholders must be in good standings with the Assembly to vote on matters arising before the Assembly. To be in good standing, a Titleholder must be current to within 30 days of the date of all financial obligations to the Assembly. I'On Bylaws.

Should you have any questions regarding your standing with the Assembly please contact Cheryl Wilson at 303-3586 or [cwilson@amcs-inc.com](mailto:cwilson@amcs-inc.com).

For each position to be filled on the Board of Trustees, each Titleholder may cast one vote for each Lot which it owns in I'On. That number of candidates equal to the number of positions to be filled who receives the greatest number of votes shall be elected. I'On Bylaws.

Proxies. At any meeting of the Assembly, a Member who is entitled to vote may cast its vote personally or through a designated proxy. A designation of proxy shall be in writing and shall identify the Lot or Lots for which it is given and the person designated to cast the votes for such Lot(s). It shall be signed by the Member or his duly authorized attorney-in-fact, dated, and filed with the Assembly prior to the meeting for which it is to be effective. I'On Bylaws.

The election for the four positions will be conducted at the December 7, Annual Meeting. The Board has decided to also permit nominations from the floor on December 7.

**I'On Assembly**  
**Nomination Form**  
**(Please Print)**

Deadline for nominations: Must be received no later than 5 p.m., November 24, 2005  
Submit nomination form by mail to:

**Cheryl Wilson**  
**Management Director**  
**AMCS, Inc.**  
**P.O. Box 62109**  
**North Charleston, SC 29419**

Name of Nominee (must be a Titleholder or I'On resident over 18 years of age):

\_\_\_\_\_

Address:

\_\_\_\_\_

Phone Number:

\_\_\_\_\_

Email address (if available):

\_\_\_\_\_

Name of person making the nomination:

\_\_\_\_\_

Address:

\_\_\_\_\_

Phone Number:

\_\_\_\_\_

Email address (if available):

\_\_\_\_\_

Date of Nomination:

\_\_\_\_\_

Please include, on a separate piece of paper, a brief description of qualifications/attributes that the nominee brings to consideration for election to I'On Assembly Board of Trustees.

Nominee has read and understands that by agreeing to place their name in nomination that they are making a two-year commitment (within reasonable expectations) to actively participate in Board of Trustee meetings, committee activities, etc.

Signature of nominee:

\_\_\_\_\_

Date:

\_\_\_\_\_

AMCS 000087

## I'On Assembly

Seventh Annual Meeting  
December 7, 2005, 7:00 pm  
Creek Club at I'On  
Mt. Pleasant, SC

- I) Call Meeting to Order
- II) Proof of Notice and Establish Quorum
- III) Welcome and Introduction of Board and Management
- IV) Approval of Previous Annual Meeting Minutes – December 2, 2004.
- V) Board Nominations from Floor and Election
- VI) Development Report – LeGrand Elebash
- VII) Committee Reports - Review of Assembly Goals for 2005 – LeGrand Elebash
  - a) Finance Committee – Ed Clém
  - b) Landscape Committee – Alan Comen
  - c) Communication Committee – Carol Ann McLester
  - d) Common Area Use Committee – Michael Purcell (DELETE?)
  - e) Governance Committee – Everett Wilcox
  - f) Infrastructure Committee – Dave Rosengren
  - g) Traffic Committee – LeGrand Elebash
- VIII) Announcement of New Board Members
- IX) Special Assessment/Transfer Fee
- X) Presentation of Civitas Award (I e-mailed Cynthia to see if this will be on this year's agenda or if she has any other items to add)
- XI) Next Annual Meeting: December 6, 2005.
- XII) Adjournment

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| I'On Assembly   |                             |             | UNITS      | 682                          |             |                        |               |
|-----------------|-----------------------------|-------------|------------|------------------------------|-------------|------------------------|---------------|
| 2006 BUDGET     |                             |             |            | Actual                       |             | Variance Btw.          |               |
|                 |                             | 2006 Budget | \$/Unit/Yr | 1/05 thru 8/05<br>(8 months) | 2005 Budget | 2005 & 2006<br>Budgets | % of<br>Total |
| REVENUE         |                             |             |            |                              |             |                        |               |
| 4120            | Gross Regime Fees           | 443300      | 650        | 430600                       | 418600      | 24700                  | 98%           |
|                 | Expected new assess.(20)    | 8123        | 0          | nol. in gross fee            | 15000       | -6875                  | 2%            |
|                 | Misc. Income                | 0           | 0          | 0                            | 0           | 0                      | 0%            |
| TOTAL REVENUE   |                             | 451425      | 650        | 430600                       | 433600      | 17823                  | 100%          |
| ADMINISTRATION  |                             |             |            |                              |             |                        |               |
| 6311            | Office Supplies             | 5000        | 7          | 3232                         | 3000        | 2000                   | 1%            |
| 6320            | Mgmt Fee                    | 44100       | 65         | 2800                         | 42000       | 2100                   | 10%           |
| 6341            | Legal Fees                  | 7000        | 10         | 3616                         | 3000        | 4000                   | 2%            |
| 6350            | Accounting                  | 400         | 1          | 350                          | 350         | 50                     | 0%            |
| 6375            | Audit                       | 1500        | 2          | 0                            | 1500        | 0                      | 0%            |
| 6360            | Telephone                   | 0           | 0          | 0                            | 0           | 0                      | 0%            |
| 6370            | Bad Debt 1%                 | 4622        | 7          | 0                            | 3040        | 1582                   | 1%            |
| 6390            | Creek Club Rental Fee       | 4300        | 6          | 1050                         | 1800        | 2500                   | 1%            |
| 6209            | Directory/Newsletter        | 5000        | 7          | 541                          | 2500        | 2500                   | 1%            |
| 6212            | Website                     | 650         | 1          | 644                          | 1050        | -400                   | 0%            |
| 6213            | Boroughs committee          | 1000        | 1          | 0                            | 300         | 700                    | 0%            |
| 6688            | Creek Club Dock usage Fee   | 4044        | 6          | 2696                         | 4044        | 0                      | 1%            |
| 6373            | Neighborhood Watch          | 10000       | 15         | 2840                         | 0           | 10000                  | -2%           |
| 6323            | Comm. Events                | 2000        | 3          | 500                          | 0           | 2000                   |               |
| TOTAL ADMIN     |                             | 89616       | 114        | 18269                        | 62384       | 27032                  | 20%           |
| OPERATING EXP   |                             |             |            |                              |             |                        |               |
| 6456            | Electricity                 | 5000        | 7          | 2484                         | 7000        | -2000                  | 1%            |
| 6445            | Street Lights               | 60000       | 88         | 35181                        | 56000       | 4000                   | 13%           |
| 6451            | Water & Sewer               | 16000       | 23         | 8319                         | 16000       | 0                      | 4%            |
|                 | Street light installation   | 6500        | 10         | 0                            | 0           | 6500                   |               |
| TOTAL OPERATING |                             | 87500       | 128        | 45984                        | 79000       | 8500                   | 19%           |
| MAINTENANCE     |                             |             |            |                              |             |                        |               |
| 6519            | Power washing & Painting    | 5000        | 7          | 150                          | 1000        | 4000                   | 1%            |
| 6440            | Signs                       | 3000        | 4          | 1100                         | 500         | 2500                   | 1%            |
| 6521            | Grounds Supplies            | 9190        | 13         | 10118                        | 8687        | 503                    | 2%            |
| 6534            | Fountain Maintenance        | 1995        | 3          | 546                          | 1750        | 245                    | 0%            |
| 6335            | Seasonal Flowers            | 5300        | 8          | 2475                         | 5000        | 300                    | 1%            |
| 6533            | Plant/Tree Replacement      | 5000        | 7          | 10165                        | 20000       | -15000                 | 1%            |
| 6529            | Pet Stations                | 2000        | 3          | 332                          | 2407        | -407                   | 0%            |
| 6532            | Mulch                       | 13110       | 19         | 9210                         | 11000       | 2110                   | 3%            |
| 6522            | Grounds Contractor          | 125820      | 184        | 76248                        | 114372      | 11448                  | 28%           |
| 6531            | Tree Maintenance/trimming   | 2000        | 3          | 8437                         | 13520       | -11520                 | 0%            |
| 6542            | Repairs                     | 10000       | 15         | 11984                        | 10000       | 0                      | 2%            |
| 6686            | Lake Maintenance            | 14035       | 21         | 10023                        | 13680       | 355                    | 3%            |
| 6455            | Irrigation Maintenance      | 6000        | 9          | 3403                         | 3500        | 2500                   | 1%            |
| 6689            | Parking/Traffic Improvement | 0           | 0          | 0                            | 10000       | -10000                 | 0%            |
| 6526            | Walking Path Refurbishment  | 3500        | 5          | 0                            | 0           | 3500                   | 1%            |
| 6527            | Landscape Lighting          | 2500        | 4          | 0                            | 0           | 2500                   | 1%            |
| 6525            | East bank of East Lake      | 3680        | 5          | 0                            | 0           | 3680                   |               |
| TOTAL MAINT     |                             | 212130      | 311        | 144191                       | 215416      | -3286                  | 47%           |

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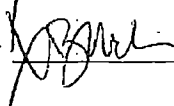
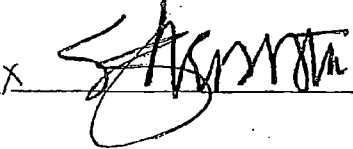
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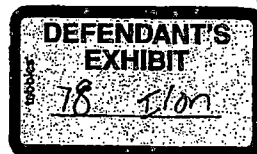
11/29/05

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I'On Assembly  
ANNUAL MEETING REPORT AS OF 11/29/05

| ALPHA KEY | PROPERTY ADDRESS                                                                   | ACCOUNT NO | LOT/UNIT | RATIO | SETTLED  | SIGNATURE                                                                            |
|-----------|------------------------------------------------------------------------------------|------------|----------|-------|----------|--------------------------------------------------------------------------------------|
| WADE      |  |            |          |       |          |    |
| WALBECK   |                                                                                    |            |          |       |          |                                                                                      |
| WALL      |                                                                                    |            |          |       |          |    |
| WALL      |                                                                                    |            |          |       | 03/01/05 |                                                                                      |
| WALSH     |                                                                                    |            |          |       | 03/01/05 |                                                                                      |
| WATERS    |                                                                                    |            |          |       |          |                                                                                      |
| WDS       |                                                                                    |            |          |       |          |                                                                                      |
| WDS       |                                                                                    |            |          |       |          |                                                                                      |
| WDS       |                                                                                    |            |          |       | 01/27/05 |                                                                                      |
| WDS       |                                                                                    |            |          |       | 04/19/05 |                                                                                      |
| WDS       |                                                                                    |            |          |       | 04/19/05 |                                                                                      |
| WDS       |                                                                                    |            |          |       | 04/19/05 |                                                                                      |
| WEBB      |                                                                                    |            |          |       |          |  |
| WEBB      |                                                                                    |            |          |       |          |                                                                                      |

\*=Delinquent Owner (R)=Current Owner (P)=Prev Owner (R)=Resident/Tenant (V)=Developer



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**I'On Assembly**

Asset Management & Consulting Services, Inc.

P.O. Box 62109

North Charleston, SC 29419

Phone: (843) 303-3586

Fax: (843) 764-2363

[www.amcs-inc.com](http://www.amcs-inc.com)

[cwilson@amcs-inc.com](mailto:cwilson@amcs-inc.com)

**TO: I'On Assembly Homeowners**  
**FROM: The Board of Trustees**  
**RE: 2006 I'On Assembly Homeowners Association Annual Meeting**

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The I'On Assembly Homeowner's Association will hold its Annual Meeting Wednesday, December 6, 2006 at 7 PM at the Creek Club. All members are encouraged to attend this important meeting to elect two new Board of Trustee members and discuss I'On Assembly issues.

All members are requested to arrive at the Creek Club around 6 PM. This will be a casual time to meet neighbors, Board members, as well as a time to find out more about clubs and organizations within the I'On Community. The business meeting will begin at 7 PM.

Everyone is encouraged to take advantage of this beautiful time of year and walk to the meeting, weather permitting. If you must drive and if the main lot is full, please park at the overflow parking lot on N. Shelmore Blvd. Please do not park along Saturday Road or on vacant lots. Saturday Road is a narrow street and it is important to not block access for emergency vehicles.

If you are unable to attend, please complete the enclosed proxy statement and return it to the following address:

**I'On Assembly Proxy**

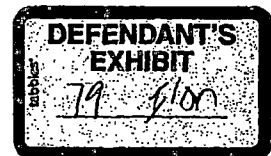
AMCS

P.O. Box 62109

North Charleston, SC 29419

**Proxies must be received by  
5 PM, Tuesday, December 5, 2006  
Proxies will not be collected at the Door**

**This is per the Bylaws of the I'On Assembly Inc.  
Article II Membership; Section 2-102 Voting; Paragraph B**



AMCS 000092

I'On Assembly

Appointment of Proxy for Annual Meeting

As the record Owner(s) of property in the I'On Assembly, I/we hereby appoint \_\_\_\_\_ (name of individual), or if left blank then the President of the I'On Assembly ("Association"), as Proxy, with full power of the substitution in the event that he/she is unable or declines to serve as Proxy, to exercise the entire vote of the undersigned as directed below at the annual meeting of the Associations' members to be held on December 6, 2006, and any lawful adjournments thereof. In the event that the designated Proxy is not present at the meeting and has not designated a substitute, then I designate the President of the Association to serve as the substitute Proxy.

Name: \_\_\_\_\_  
(Please Print)

I'On Address: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

If you are unable to attend the Annual Meeting, please complete the proxy statement and return it to the following address:

**I'On Assembly Proxy**

**Cheryl L. Wilson  
Management Director  
AMCS, Inc.  
P.O. Box 62109  
North Charleston, SC 29419**

**Proxies must be received by  
5 PM, Tuesday, December 5, 2006**

**Proxies will not be collected at the Door**

**This is per the Bylaws of the I'On Assembly Inc.**

**Article II Membership; Section 2-102 Voting; Paragraph B**

AMCS 000093





**I'On Assembly  
Homeowners Association**

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Eighth Annual Meeting  
December 6, 2006, 7:00 pm  
Creek Club at I'On  
Mt. Pleasant, SC

- I) Call Meeting to Order
- II) Proof of Notice and Establish Quorum
- III) Welcome and Introduction of Board of Directors and Management
- IV) Approval of Previous Annual Meeting Minutes -- December 7, 2005.
- V) Election of Board of Trustees
- VI) Development Report
- VII) Committee Reports
  - a) Finance Committee -- Ed Clem
  - b) Landscape Committee -- Alan Barbieri and Dave Rosengren
  - c) Communication Committee -- Theresa Green
  - d) Common Area Use Committee -- Alan Barbieri
  - e) Infrastructure Committee -- Dave Rosengren
  - f) Traffic Committee -- George Flynn
- VIII) I'On Trust Update
- IX) Announcement of New Board Members
- X) Transfer Fee
- XI) New Business
- XII) Presentation of the Civitas Award -- Alan Barbieri, Cynthia Rosengren, Steve Kwiakowski
- XIII) Next Annual Meeting
  - a) Tentatively December 5, 2007 at 7 PM at the Creek Club
- XIV) Question and Answer Period
- XV) Adjournment

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| On Assembly           |                                | UNITS: 702 (2006 Based on 682 Units) |               |               |
|-----------------------|--------------------------------|--------------------------------------|---------------|---------------|
| 2007 BUDGET           |                                | 2006                                 |               |               |
|                       |                                | 2007 Budget                          | Projected     | 2006 Budget   |
| <b>REVENUE</b>        |                                |                                      |               |               |
| 4120                  | Gross Regime Fees              | 526500                               | 450798        | 451425        |
|                       | Operating Interest Income      | 10000                                | 6000          | 0             |
| <b>TOTAL REVENUE</b>  |                                | <b>536500</b>                        | <b>456798</b> | <b>451425</b> |
| <b>ADMINISTRATION</b> |                                |                                      |               |               |
| 6312                  | Office Supplies-Off Site       | 7200                                 | 7196          | 5000          |
| 6320                  | Mgmt Fee                       | 45864                                | 43838         | 44100         |
| 6340                  | Legal Fees***                  | 3500                                 | 4188          | 0             |
| 6341                  | Legal Fees-Liens               | 3500                                 | 3321          | 7000          |
| 6375                  | Accounting                     | 0                                    | 0             | 400           |
| 6350                  | CPA - Tax Return/ Audit        | 1900                                 | 1840          | 1500          |
| 6370                  | Bad Debt 1%                    | 0                                    | 0             | 4622          |
| 6364                  | Bank Charges ***               | 90                                   | 88            | 0             |
| 6326                  | Creek Club Rental Fee          | 4719                                 | 2531          | 3250          |
| 6392                  | Directory                      | 3000                                 | 2500          | 5000          |
| 6328                  | Newseletter                    | 4000                                 | 1178          | 0             |
| 6212                  | Website                        | 702                                  | 750           | 650           |
| 6327                  | Boroughs Committee             | 200                                  | 96            | 1000          |
| 6329                  | Creek Club Dock usage Fee      | 4044                                 | 4044          | 4044          |
| 6361                  | Neighborhood Watch             | 10000                                | 10170         | 10000         |
| 6325                  | Social/Comm. Events            | 750                                  | 227           | 2000          |
| 6220                  | Community Support***           | 5000                                 | 0             | 0             |
| 6319                  | Sound Equipment***             | 1500                                 | 0             | 0             |
| 6391                  | Reserve Study Expense          | 0                                    | 4325          | 0             |
| <b>TOTAL ADMIN</b>    |                                | <b>95969</b>                         | <b>86291</b>  | <b>88566</b>  |
| <b>OPERATING EXP</b>  |                                |                                      |               |               |
| 6450                  | Electricity                    | 0                                    | 0             | 5000          |
| 6495                  | Street Lights                  | 40000                                | 39423         | 60000         |
| 6451                  | Water & Sewer                  | 0                                    | 0             | 16000         |
| 6453                  | Chas Cnty Strm Swg Fees        | 75                                   | 54            | 0             |
| 6454                  | Water-Eastlake-00491296        | 37                                   | 35            | 0             |
| 6455                  | Water-Frogmore-00491821        | 36                                   | 35            | 0             |
| 6456                  | Water-Ionsborough-119-004923   | 305                                  | 291           | 0             |
| 6457                  | Water-Ionsborough-167-00492345 | 403                                  | 384           | 0             |
| 6458                  | Water-Isle of Hope -00491391   | 142                                  | 135           | 0             |
| 6459                  | Water-Jogg/Sanib-00492486      | 179                                  | 170           | 0             |
| 6460                  | Water-MF516 00490000-00087584  | 1621                                 | 1544          | 0             |
| 6461                  | Water-MF516 00490001-0008758   | 27                                   | 25            | 0             |
| 6463                  | Water-MF518 00490020-0009678   | 3972                                 | 3783          | 0             |
| 6464                  | Water-McDaniel 00492248        | 4927                                 | 4693          | 0             |
| 6465                  | Water-Moultrieville-00491381   | 63                                   | 60            | 0             |
| 6466                  | Water-N. Shelmore-00492249     | 62                                   | 59            | 0             |
| 6467                  | Water-N. Shelmore-00491371     | 34                                   | 33            | 0             |
| 6480                  | Elec-Boathouse Close-0273-2265 | 677                                  | 645           | 0             |
| 6481                  | Elec-Civitas St 5502-826       | 210                                  | 200           | 0             |
| 6482                  | Elec-Eastlake-0273-3036        | 338                                  | 322           | 0             |
| 6483                  | Elec-Faye/Lati-5618-1074       | 308                                  | 294           | 0             |
| 6484                  | Elec-Frogmore-5625-8898        | 208                                  | 198           | 0             |
| 6485                  | Elec-Hospita Irr 5611-5015     | 291                                  | 277           | 0             |
| 6486                  | Elec-Ionsborough-6071-3304     | 519                                  | 494           | 0             |
| 6487                  | Elec-Isle of Hope-5607-858     | 207                                  | 197           | 0             |
| 6488                  | Elec-Joggling-6438-0159        | 188                                  | 179           | 0             |
| 6489                  | Elec-Low Country-5617-2161     | 207                                  | 198           | 0             |

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------|---------------|---------------|
| 6490                                                                                                                                                                                                                                                                                                                                                    | Elec-Math Fer Irr-5607-8852     | 337           | 321           | 0             |
| 6491                                                                                                                                                                                                                                                                                                                                                    | Elec-McDaniel/Star-5822-867     | 219           | 208           | 0             |
| 6492                                                                                                                                                                                                                                                                                                                                                    | Elec-Saribel/W Shi-6131-6993    | 811           | 772           | 0             |
| 6493                                                                                                                                                                                                                                                                                                                                                    | Elec-Saturday Irr-5611-504      | 222           | 212           | 0             |
| 6494                                                                                                                                                                                                                                                                                                                                                    | Elec-Saturday Lts-5611-496      | 207           | 197           | 0             |
| 6496                                                                                                                                                                                                                                                                                                                                                    | Elec-W Shipy Irr-5618-1021      | 1080          | 1029          | 0             |
| 6441                                                                                                                                                                                                                                                                                                                                                    | Street Light Installation       | 0             | 0             | 6500          |
| <b>TOTAL OPERATING</b>                                                                                                                                                                                                                                                                                                                                  |                                 | <b>57914</b>  | <b>56467</b>  | <b>87500</b>  |
| <b>MAINTENANCE</b>                                                                                                                                                                                                                                                                                                                                      |                                 |               |               |               |
| 6533                                                                                                                                                                                                                                                                                                                                                    | Power Washing & Painting        | 7150          | 3618          | 5000          |
| 6440                                                                                                                                                                                                                                                                                                                                                    | Signs                           | 4700          | 3386          | 3000          |
| 6521                                                                                                                                                                                                                                                                                                                                                    | Grounds Supplies                | 9190          | 9190          | 9190          |
| 6515                                                                                                                                                                                                                                                                                                                                                    | Fountain Maintenance            | 0             | 375           | 1995          |
| 6516                                                                                                                                                                                                                                                                                                                                                    | Seasonal Flowers                | 10000         | 7113          | 5300          |
| 6524                                                                                                                                                                                                                                                                                                                                                    | Plant/Tree Replacement          | 4000          | 9375          | 5000          |
| 6520                                                                                                                                                                                                                                                                                                                                                    | Landscaping Enhancement/Maint.  | 37722         | 18720         | 0             |
| 6519                                                                                                                                                                                                                                                                                                                                                    | East bank of East Lake          | 0             | 0             | 3680          |
| 6564                                                                                                                                                                                                                                                                                                                                                    | Pet Stations                    | 200           | 385           | 2000          |
| 6526                                                                                                                                                                                                                                                                                                                                                    | Pine straw/Mulch                | 15695         | 15170         | 13110         |
| 6522                                                                                                                                                                                                                                                                                                                                                    | Grounds Contractor              | 129600        | 125700        | 125820        |
| 6525                                                                                                                                                                                                                                                                                                                                                    | Tree Maintenance/Trimming       | 3681          | 5522          | 2000          |
| 6542                                                                                                                                                                                                                                                                                                                                                    | Repairs                         | 10000         | 9410          | 10000         |
| 6686                                                                                                                                                                                                                                                                                                                                                    | Lake Maintenance                | 14736         | 13660         | 14035         |
| 6687                                                                                                                                                                                                                                                                                                                                                    | Lake Equip. Maint.***           | 2500          | 0             | 0             |
| 6684                                                                                                                                                                                                                                                                                                                                                    | Fish and Wildlife***            | 3089          | 0             | 0             |
| 6530                                                                                                                                                                                                                                                                                                                                                    | Irrigation Maintenance          | 7000          | 8459          | 6000          |
| 6517                                                                                                                                                                                                                                                                                                                                                    | Walking Path Refurbishment      | 3500          | 1965          | 3500          |
| 6518                                                                                                                                                                                                                                                                                                                                                    | Landscape Lighting              | 1500          | 2605          | 2500          |
| 6689                                                                                                                                                                                                                                                                                                                                                    | Playground Maint/Rpr ***        | 1500          | 2550          | 0             |
| <b>TOTAL MAINT</b>                                                                                                                                                                                                                                                                                                                                      |                                 | <b>265764</b> | <b>237202</b> | <b>212130</b> |
| <b>TAXES &amp; INS</b>                                                                                                                                                                                                                                                                                                                                  |                                 |               |               |               |
| 6711                                                                                                                                                                                                                                                                                                                                                    | TAX/ IRS                        | 8085          | 973           | 750           |
| 6719                                                                                                                                                                                                                                                                                                                                                    | Hazard Insurance                | 10200         | 9584          | 12000         |
| 6715                                                                                                                                                                                                                                                                                                                                                    | Property Taxes                  | 125           | 113           | 0             |
| 6722                                                                                                                                                                                                                                                                                                                                                    | Workers Comp Ins.***            | 959           | 799           | 0             |
| <b>TOTAL TAX &amp; INS</b>                                                                                                                                                                                                                                                                                                                              |                                 | <b>19369</b>  | <b>11469</b>  | <b>12750</b>  |
| <b>TOTAL EXPENSES</b>                                                                                                                                                                                                                                                                                                                                   |                                 |               |               |               |
|                                                                                                                                                                                                                                                                                                                                                         |                                 | <b>439016</b> | <b>391429</b> | <b>400946</b> |
| <b>NET BEFORE RESERVES</b>                                                                                                                                                                                                                                                                                                                              |                                 |               |               |               |
|                                                                                                                                                                                                                                                                                                                                                         |                                 | <b>97484</b>  | <b>65369</b>  | <b>50479</b>  |
| <b>Reserve Set Aside</b>                                                                                                                                                                                                                                                                                                                                |                                 |               |               |               |
|                                                                                                                                                                                                                                                                                                                                                         | Capital Reserves *              | 85000         | 42354         | 31000         |
|                                                                                                                                                                                                                                                                                                                                                         | extra from expected assessments | 0             | 0             | 8125          |
|                                                                                                                                                                                                                                                                                                                                                         | Contingency/Oper. Reserve **    | 12484         | 23015         | 11354         |
| <b>TOTAL</b>                                                                                                                                                                                                                                                                                                                                            |                                 | <b>97484</b>  | <b>65369</b>  | <b>50479</b>  |
| <b>NET CASH FLOW</b>                                                                                                                                                                                                                                                                                                                                    |                                 |               |               |               |
|                                                                                                                                                                                                                                                                                                                                                         |                                 | <b>0</b>      | <b>0</b>      | <b>0</b>      |
| <b>Notes:</b>                                                                                                                                                                                                                                                                                                                                           |                                 |               |               |               |
| * The contribution to the Capital Replacement Reserve account is based on the recommendations in the preliminary Capital Reserve report prepared by Miller-Dodson & Associates dated October 31, 2006. A final report will be reviewed at the annual meeting, and the contribution amount may have to be adjusted to reflect the final recommendations. |                                 |               |               |               |
| ** The Contingency/Operating Reserve account can be used for expenses associated with use of off-duty police for security patrols, unforeseen repair expenses and/or storm cleanup, and any other unbudgeted expenses. Any balance remaining at year end will be applied to the Capital Reserve account.                                                |                                 |               |               |               |
| *** New Account for 2007 Budget                                                                                                                                                                                                                                                                                                                         |                                 |               |               |               |

Page 2

AMCS 000096



**I'On Assembly**

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**Call for Nominations**

**I'On Assembly, Inc. Board of Trustees - Two positions open  
for the Seats of Everett Wilcox and Alan Comen**

**Deadline for nominations: Must be received no later than 5 PM, December 4, 2006**

**Submit nomination form by mail to:**

**Cheryl L. Wilson  
Management Director  
AMCS, Inc.  
P.O. Box 62109  
North Charleston, SC 29419**

**Recommended Process:** Each person who nominates someone should make every effort to confirm that the person wants to be nominated and understands the terms and roles of the Board of Trustees (see below for Role Summary). The person making the nomination needs to complete the following information and submit by the deadline of 5 PM on December 4, 2006. The nominee should complete the Nominee Application and submit by the same deadline.

**Composition and Selection of Board of Trustees:**

*The Board shall consist of three to seven Trustees. Except for Trustees appointed by the Founder Member, Trustees shall be Titleholders or residents of I'On who are at least 18 years of age. Only one titleholder or resident representing a particular Lot may serve on the Board of Trustees at any time. (I'On Bylaws).*

In an effort to provide each candidate with a reasonable opportunity to communicate his or her qualifications to the Members prior to the election, a statement of purpose should be filed with their nomination. This information will be scanned to the community website at [www.ioncommunity.com](http://www.ioncommunity.com) and be available for review until the December 6 Annual Meeting. In addition, the Board of Trustees encourages nominees to personally inform other residents about their qualifications for Board positions prior to the election.

**Role of Board of Trustees:**

In order to help potential nominees determine if they want to consider serving on the Board and to help voters review qualifications, here is background information about the role of Board of Trustee members.

Each elected Board of Trustee member agrees to serve a two-year term. Trustees may be elected to serve any number of consecutive terms. The Bylaws provide for removal of Trustees and for filling of vacancies.

AMCS 000097

*The affairs of the Assembly are managed under the direction of the Board of Trustees and, except as otherwise specifically provided in the Governing Documents, all powers of the Assembly shall be exercised by or under the authority of the Board of Trustees. The Board of Trustees shall be aided by the officers of the Assembly, the Covenants Committee and Board of Appeals, and such other committees as may be established pursuant to the Bylaws. (I'On Bylaws).*

Currently, the Board meets on the fourth Wednesday of every month for Board meetings. These usually last 3-4 hours and start at 5 p.m. This year the meetings were on Wednesday evenings at the I'On Realty office. In addition Board members are expected to attend two homeowner meetings - one mid-year and one in early December. These are night meetings usually lasting for 2-3 hours. This year Board members also attended a full-day planning retreat in January.

Board members typically serve as a chairman of at least one committee and most serve on one or more other committees. Currently the Board committees include landscape, finance, communications (includes the web subcommittee), infrastructure, and ad hoc committees as warranted. Examples this year of ad hoc committees was a committee to develop a facilities use agreement of the common areas. Some committees meet monthly (such as finance and web committees). Others meet until reports are completed. Others such as the landscape committee meet to review RFP from landscape companies, but handle routine landscape issues by email.

Board activities are also handled between meetings by email and conference calls. On a frequent basis Board members communicate by email with each other, with the community management director, and with their committee members. All Board members are encouraged to review the community website weekly and monitor the message board for Assembly-related issues. Board members are expected to provide, at a minimum, quarterly progress reports for committee activities and updates as needed for communication to residents through web or hard-copy materials.

Anyone who has specific questions about Board of Trustee duties can call or email Cheryl L. Wilson at [cwilson@amcs-inc.com](mailto:cwilson@amcs-inc.com).

**Guidelines for Voting:**

**Titleholders must be in good standings with the Assembly to vote on matters arising before the Assembly. To be in good standing, a Titleholder must be current to within 30 days of the date of all financial obligations to the Assembly. (I'On Bylaws).**

Should you have any questions regarding your standing with the Assembly please contact Cheryl L. Wilson at 303-3586 or [cwilson@amcs-inc.com](mailto:cwilson@amcs-inc.com).

**For each position to be filled on the Board of Trustees, each Titleholder may cast one vote for each Lot which it owns in I'On. That number of candidates equal to the number of positions to be filled who receives the greatest number of votes shall be elected. (I'On Bylaws).**

**Proxies. At any meeting of the Assembly, a Member who is entitled to vote may cast its vote personally or through a designated proxy. A designation of proxy shall be in writing and shall identify the Lot or Lots for which it is given and the person designated to cast the votes for such Lot(s). It shall be signed by the Member or his duly authorized attorney-in-fact, dated, and filed with the Assembly prior to the meeting for which it is to be effective. (I'On Bylaws).**

**The election for the two positions will be conducted at the December 6, 2006 Annual Meeting.**

AMCS 000098

RESOLUTION REGARDING USE OF EXCESS TRANSFER FEES

Background: The I'On Assembly Board of Trustees has proposed an amendment to the I'On Declaration of Covenants, Conditions and Restrictions that would provide for the collection of a fee from buyers of homes in I'On of .25% of the purchase price upon transfer of title. The primary purpose of this transfer fee is to help fund the Assembly's capital/replacement reserves to the level recommended by the recent reserve study performed by Miller\*Dodson. The Board will re-evaluate the amount and funding requirements of the capital reserve periodically based on additional reserve studies performed every 3 to 5 years.

In order to clarify the uses that may be made of any transfer fees collected in excess of the amounts required to properly fund the Assembly's capital reserves, it is:

Resolved: All transfer fees collected will be added to the Assembly's capital reserves until the reserves total \* percent of the total value of the Assembly's assets, as reflected in the most recent reserve study. Thereafter, in the event that:

- (i) the amount of transfer fees collected in any year exceeds the recommended annual contribution to the Assembly's capital reserves plus replenishment of any expended reserve amounts; or
- (ii) the Assembly's capital reserves become fully funded (as adjusted from time to time to take into account future reserve studies and expenditures to repair or replace common assets);

then any transfer fees collected in excess of the proper reserve amount will be segregated, and the use of such funds will be determined by a majority vote of a quorum of homeowners attending the Assembly's Annual Meeting. Not in limitation but by way of illustration, such funds could be used to help meet annual association operating costs or to enhance I'On by, for example, building a community center.

Resolution adopted at the regular Annual Meeting of the I'On Assembly on December 6, 2006.

Theresa Green, Secretary

[\* Percentage will be filled in based on the final reserve study report from Miller\*Dodson]

AMCS 000099

*I'On Assembly*

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[CWilson@AMCS-Inc.com](mailto:CWilson@AMCS-Inc.com)

Dear Neighbors,

As we have already communicated, the Town of Mount Pleasant will begin implementing their Parking Plan in the near future. The implementation will be done on a neighborhood by neighborhood basis.

We are writing for 2 reasons: The first is to make sure that you are aware of the Plan as parking will be permitted only in the designated areas. If you have not seen the plan, a copy can be found in the I'On directory and we request that you review it.

The second is to advise you that the Town of Mt. Pleasant has told us that they will do a "walk-through" of each borough with us before the actual lines are painted on the road. At that time we will have an opportunity to request "tweaking" if the plan creates problems. Please understand that the plan can not be changed in a major way, i.e., allowing parking on a road that, as per the existing plan, will not be permitted. We will review any homeowner comments with the Town prior to the walk-through and implementation, and hopefully an accommodation can be made.

We request that if you have any comments or suggestions please let us know as soon as possible because our ability to make changes after implementation will be at best difficult, and most likely not possible. All comments should be directed to Cheryl Wilson at AMCS, Inc., [cwilson@amcs-inc.com](mailto:cwilson@amcs-inc.com).

Thanks and regards.

The Board of Trustees  
For the I'On Assembly.

AMCS 000100



## I'On Assembly Update

Third Quarter 2006

### HOMEOWNERS ASSEMBLY Board of Trustees

President: Everett Wilcox

Treasurer: Ed Clem

Secretary: Theresa W. Green

Member: Dr. Alan E. Barbieri

Member: Dr. Alan Comen

Member: George Flynn

Member: Ted Webb

#### Property Manager:

Cheryl Wilson, AMCS

### Don't Miss ...

### Annual I'On Garage Sale

Saturday, November 18th

8:00 am until Noon

Sponsored by: The I'On Lunch Bunch

(More details on pg. 2)

### Committee Updates

#### Finance Committee: Ed Clem, Chairperson

Through the nine months ending Sept. 30, we have realized income from Assembly dues of \$444,798 (not all of which have yet to be collected) against a budget of \$443,300 along with other income of \$4638 from interest earned, fines and late fees. Our expenditures have totaled \$321,876. At this point, it appears we will end the year with a balanced budget. We are beginning the process of putting together a proposed budget for 2007, which will be presented to the Assembly Board of Trustees this month for approval and included in the notice of the Annual Meeting, which will be sent out in November. If you know of some item that, in your opinion needs to be considered for the upcoming budget, please provide that information to the appropriate committee head, or a member of the board so that it can be considered.

We are currently doing an estimate of our cash needs to finish the year to see if some projects being considered for next year's budget can be completed and paid for out of this year's revenues.

Our Capital Reserve Fund now stands at slightly under \$230,000, well below the recommended level suggested by the consulting firm hired in 2003 to make recommendations on prudent funding levels. We are well underway with our plans to invest these funds in US Treasury bills to gain a reasonable return (current investments are now returning about 5% versus about 2% previously) and to establish maturity dates so that we can have funds maturing each month in the event a need arises. The Board has voted to have this Capital Reserve Study updated before year-end by a new firm with impressive credentials in this area of expertise. This will give us a new projection of funding level requirements that will reflect cost increases plus new assets that have been turned over to the Assembly by the developer since the last study, and which must be accounted for in setting a realistic goal.

If you have any questions or comments, please direct them to any member of the Finance Committee. Currently Ed Clem chairs this committee, with other members consisting of Annie Bonk, Libby Eble, George Flynn and Ted Webb.

#### Traffic Committee: George Flynn, Chairperson

##### Traffic Calming

Our efforts to install traffic calming stop signs at the intersection of Sowell and North Shelmore have been unsuccessful. There are very specific traffic volumes that must be met before the Town can agree to any installation, and unfortunately we did not meet these requirements. The other option is to install speed bumps and they too have very specific Town requirements, including the approval of 70% of affected residents. The two areas of traffic calming concern have been North Shelmore and East Lake. We will be canvassing residents as to their interest in speed bump installations as our next step.

##### Parking Plan

The Town is getting ready to implement their plan. They do not have a definite schedule at this time but implementation should begin within the next few months. Their implementation roll out will be on a section-by-section basis. They will advise us of their rollout schedule to both forewarn affected residents and also to give residents an opportunity to point out problems that the implementation may present. Please understand that "problems" are of a tweaking nature and not major or wholesale changes.

AMCS 000101



DATE: 11/27/06 TIME: 2:55 PM

I'On Assembly Homeowners Association

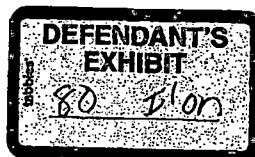
Page: 1

A-I

## ANNUAL MEETING REPORT AS OF 11/27/06

\*Delinquent Owner (H)=Current Owner (P)=Prev Owner (R)=Resident/Tenant (V)=Developer

| ALPHA KEY | PROPERTY ADDRESS | ACCOUNT NO | LOT/UNIT | RATIO SETTLED | SIGNATURE         |
|-----------|------------------|------------|----------|---------------|-------------------|
| ABBOTT    | [REDACTED]       | [REDACTED] | CIV164   | 08/25/05      |                   |
| ABELA     | [REDACTED]       | [REDACTED] | JAK105   |               |                   |
| ACKER     | [REDACTED]       | [REDACTED] | EAST34   |               | Tom & Doris Acker |
| ADKINS    | [REDACTED]       | [REDACTED] | HOPE34   |               | [Signature]       |
| AGUILERA  | [REDACTED]       | [REDACTED] | NSH182   |               |                   |
| AICHELE   | [REDACTED]       | [REDACTED] | NSH133   |               |                   |
| ALCALA    | [REDACTED]       | [REDACTED] | WSP129   |               |                   |
| ALKA      | [REDACTED]       | [REDACTED] | JOGG22   |               |                   |
| ALKA      | [REDACTED]       | [REDACTED] | SAN150   | 02/10/05      |                   |
| ALKA      | [REDACTED]       | [REDACTED] | SAN159   | 02/10/05      |                   |
| ALKA      | [REDACTED]       | [REDACTED] | SAN163   | 02/10/05      |                   |
| ALKA      | [REDACTED]       | [REDACTED] | SAN167   | 02/10/05      |                   |
| ALLEN     | [REDACTED]       | [REDACTED] | ESP186   |               |                   |
| ALTMAN    | [REDACTED]       | [REDACTED] | CIV176   |               |                   |



AMCS 000102

E: 11/27/06 TIME: 2:55 PM

I'On Assembly Homeowners Association

Page: 73

ANNUAL MEETING REPORT AS OF 11/27/06

\*=Delinquent Owner (H)=Current Owner (P)=Prev Owner (R)=Resident/Tenant (V)=Developer

| ALPHA KEY | PROPERTY ADDRESS | ACCOUNT NO | LOT/UNIT | RATIO | SETTLED  | SIGNATURE |
|-----------|------------------|------------|----------|-------|----------|-----------|
| WADE      |                  |            | KRIE43   |       |          |           |
| WALBECK   |                  |            | NSH114   |       |          |           |
| WALL      |                  |            | NSH209   |       |          |           |
| WALL      |                  |            | PERS40   |       | 03/01/05 |           |
| WALSH     |                  |            | SAT057   |       |          |           |
| WATERS    |                  |            | JAK149   |       |          |           |
| WDS       |                  |            | HOPE18   |       |          |           |
| WDS       |                  |            | MONT52   |       | 01/27/05 |           |
| WDS       |                  |            |          |       | 04/19/05 |           |
| WDS       |                  |            |          |       | 04/19/05 |           |
| WDS       |                  |            |          |       | 04/19/05 |           |
| WEBB      |                  |            | ISLE26   |       |          |           |

AMCS 000103

**I'On Assembly**

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[cwilson@amcs-inc.com](mailto:cwilson@amcs-inc.com)

**TO: I'On Assembly Homeowners**  
**FROM: The Board of Trustees**  
**RE: 2007 I'On Assembly Homeowners Association Annual Meeting**

---

The I'On Assembly Homeowner's Association will hold its Annual Meeting Wednesday, December 12, 2007 at 7 PM at the East Cooper Montessori Charter School. All members are encouraged to attend this important meeting to elect five Board of Trustee members and discuss I'On Assembly issues.

All members are requested to arrive at the Cooper Montessori Charter School around 6 PM. This will be a casual time to meet neighbors, Board members, as well as a time to find out more about clubs and organizations within the I'On Community. The business meeting will begin at 7 PM.

Everyone is encouraged to take advantage of this beautiful time of year and walk to the meeting, weather permitting. If you must drive, please abide by the marked parking spots and only park where it is permitted so as to keep the street open in the event an emergency vehicle might need to get through.

If you are unable to attend, please complete the enclosed proxy statement and return it to AMCS either by mail, by hand or via fax.

**I'On Assembly Proxy**

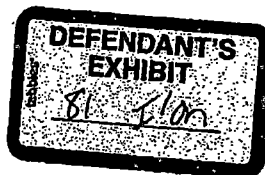
AMCS

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We encourage submission of proxies before the meeting date.



AMCS 000104

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**Appointment of Proxy for Annual Meeting**

As the record Owner(s) of property in the I'On Assembly, I/we hereby appoint \_\_\_\_\_ (name of individual), or if left blank then the President of the I'On Assembly ("Association"), as Proxy, with full power of the substitution in the event that he/she is unable or declines to serve as Proxy, to exercise the entire vote of the undersigned as directed below at the annual meeting of the Associations' members to be held on December 12, 2007, and any lawful adjournments thereof. In the event that the designated Proxy is not present at the meeting and has not designated a substitute, then I designate the President of the Association to serve as the substitute Proxy.

Name: \_\_\_\_\_  
(Please Print)

I'On Address: \_\_\_\_\_  
(Please Print)

I'On Lot Number: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_  
(Please Print)

If you are unable to attend, please complete the enclosed proxy statement and return it to AMCS either by mail, by hand or via fax.

**I'On Assembly Proxy**  
AMCS  
P.O. Box 62109  
North Charleston, SC 29419  
Fax: (843) 863-6136

We encourage submission of proxies before the meeting date.

AMCS 000105

**Notice to I'On lot owners and residents from the I'On Assembly Nominating Committee**

As stated in the President's communication to you on October 18, 2007, the I'On Assembly Board of Trustees has directed that a Nominating Committee be formed pursuant to Section 3-102(c) of the I'On Bylaws. The purpose of the Nominating Committee is to identify, recruit and nominate candidates for election to the Board of Trustees and to help ensure that enough diverse candidates run and that the residents are informed of their backgrounds and qualifications. The Committee will not be recommending or endorsing any particular candidates.

The Bylaws require that the Committee be composed of a chairperson (who also must be a Trustee) plus five lot owners or their representatives. As approved by the Board at its regular meeting on October 24<sup>th</sup>, the members of this Committee are Everett Wilcox (Chair), Andy Gowder, Becky Van Wie, Carol Ann McLester, George Flynn and Phil Ayers. David Rosengren also will be participating. Committee members serve for a period of one year.

The Committee held its organizational meeting on Monday, November 5, 2007, which all members attended. At that time the Committee determined that:

1. The period during which a resident may file as a candidate for the Board of Trustees shall extend until the close of business on November 26, 2007. This will allow time for the Nominating Committee to prepare the necessary documents and ballots for distribution prior to and/or at the Annual Meeting. In response to the President's October 18 notice, the Committee already has received a number of self-nominations for the six Board positions that will become vacant.
2. The normal term of office for a Trustee is 2 years. However, in order to return the Board to staggered terms as provided by the Bylaws (Section 3-102(b) (v)), 3 trustees will be elected for 2 year terms and 3 for 1 year terms. Each candidate will be asked to state their preference, but the final term decisions will be determined among the Trustees themselves, after the election in December.
3. Each candidate will be asked to fill out a questionnaire covering pertinent topics, including:
  - A description of their background and relevant volunteer experience;
  - A summary of why they are interested in serving on the Board and their goals and intentions;
  - Brief statements of their positions on various issues recently before the I'On community (such as the proposed PD amendment, acquiring or building a community meeting facility, use of the boat ramp and docks, adoption of transfer fees, etc.), as well as with regard to any other issues deemed important by the candidate.

Copies of the completed questionnaires will be provided to all homeowners prior to the Annual Meeting.

4. At the Annual Meeting, we propose that each candidate be given 2 minutes to introduce themselves and to share whatever information they feel is relevant to their candidacy. Additional copies of their written submissions to the Committee also will be made available.

Although this is the preferred process, as provided in the Bylaws nominations may be permitted from the floor at the Annual Meeting.

Anyone desiring to nominate a candidate for the Board, including themselves, should notify Everett Wilcox at [everettw@us.ibm.com](mailto:everettw@us.ibm.com). He also will be distributing questionnaires to candidates. Other inquiries may be directed to any member of the Committee.

Thank you and we look forward to seeing everyone at the Annual Meeting. If you cannot attend, please do not forget to fill out and return your proxies. They will be mailed to you shortly, together with the official notice of the Annual Meeting.

November 7, 2007

AMCS 000106

*I'On Assembly*

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[cwilson@AMCS-Inc.com](mailto:cwilson@AMCS-Inc.com)

December 6, 2007

Dear neighbors and fellow property owners,

Based on several threads on the message board, it appears that there may be some confusion about the enforcement of the I'On Governing Documents, which this letter is meant to clarify. This is a matter that the Trustees discussed at length at the regular I'On Board meeting on October 24<sup>th</sup>. At that time we decided to implement fully the requirements of the I'On Declaration of Covenants, Conditions and Restrictions ("DCCR") regarding a separate Appeals Board. Our review also indicated that alleged violators were not sufficiently aware of their appeal rights.

In recognition of this situation, the Board directed the Covenants Committee to reexamine all existing violation cases, and advise the Board which ones they felt warranted continued pursuit. Additionally, until this matter could be fully explored, AMCS was directed to put all existing covenant enforcement cases on hold. At our November executive session, this issue was further reviewed. As noted below, it was decided that all future violation notice letters would explicitly state the appeals rights of the alleged violators. Finally, the Board decided to "restart the clock" on all cases deemed to still be relevant, i.e., all existing fines for such cases are to be removed, and the process restarted as if the alleged violation had just been discovered.

Because the relevant sections of the Governing Documents are located in several different places, I asked Everett Wilcox, who was President of the I'On Assembly Board of Trustees in 2006, when the then homeowner controlled Board began to enforce these rules, to summarize the relevant sections of the Governing Documents for the Board's understanding. His description of the salient points follows:

"1. The DCCR provides that all I'On lot owners and residents must comply with all the I'On Governing Documents, which are defined collectively as the DCCR, Articles of Incorporation, Bylaws, Code and Rules. The DCCR takes precedence over all the other documents, the Articles over the Bylaws, etc. The Rules are lowest in order of priority and are the only provisions that can be modified by the Board of Trustees. (See DCCR Sections 1-103, 3-101, 3-102(a), 3-102(d), 4-101, 11-104 and Exhibit A.)

(As a reminder, the I'On Code lays out the written architectural standards administered by the I'On Design Committee, which must approve all improvements to any I'On lots. The Code, for example, is where the requirement is contained that all fences be painted or stained. Only the I'On Company has the authority to amend the Code until such time as all I'On lots have been sold. (See Article IV of the DCCR.))

2. DCCR Section 2-105 provides that "The Assembly may impose sanctions for violation of the Governing Documents upon recommendation of the Covenants Committee after notice and a hearing and exhaustion of appeal rights in accordance with the procedures set forth in the Bylaws." (The Covenants Committee is established pursuant to Section 2-102(b) and the Board of Appeals under Section 2-102(b) (2).)

3. The notice and hearing procedures for the Covenants Committee and the Board of Appeals are covered in detail in Sections 7-101, 7-102 and 7-103 of the Bylaws. In general, these provisions provide that an alleged violator has 10 days from the date of written notice to request a hearing before the Covenants Committee in order to review an alleged violation. If no hearing is requested, however, then the sanctions automatically will be imposed. If a homeowner requests a hearing before the Covenants Committee and subsequently disagrees with its determination, the homeowner has the option to appeal any adverse decision to the Board of Appeals by written notice within 10 days of the Committee's decision:

AMCS 000107

*l'On Assembly*

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 Charleston, SC 29419  
 Tel: (843) 303-3586 Fax: (843) 863-6136  
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[cwilson@AMCS-Inc.com](mailto:cwilson@AMCS-Inc.com)

2008 Budget Discussion

The budget, unanimously approved by the Board at last Wednesday's regular meeting is attached, and reflects the unpleasant, but necessary, increase in regime fees of 20%, from \$750 to \$900. This is in spite of the fact that some items thought to be needed and included in the preliminary budget, were removed. For example, the Board saw a need to consider a full time manager for our growing community and/or the services of an Executive Director, but these costs could not be justified, particularly recognizing the expense of providing rented office space for such services, since the Assembly, as we all recognize, has no community building for such offices.

While each of the major budget categories, Administration, Operating Expenses, Maintenance and Insurance/Taxes saw the same percentage increase, Maintenance which comprises almost half our total budget expense has the largest dollar increase. Simply speaking, the overwhelmingly large common spaces we enjoy with our lakes, rookery, walking paths, parks and landscaped commons require significant funds to maintain. Reflecting those needs, in particular the landscaping needs of our commons areas, the landscape committee started a program this year to improve the condition of the grasses and landscape plants with a comprehensive treatment program recommended by experts in these fields. Account 6521 Ground Supplies, reflects that program, which also includes treatment for fire and sugar ants, preemergence treatment to control weeds, as well as soil aeration (coring) and fertilizers. The landscaping contract was significantly rewritten and put out to competitive bid, so even though Account 6522, Grounds Contract/Landscaping shows about a 7% increase, it reflects services that were not formerly covered in the base contract, so the actual increase in cost is negligible, and enabled us to reduce Account 6520, Landscaping Enhancement/Maintenance from \$37,000 this year to an estimated \$20,000 in 2008. Account 6542, Repairs, while showing an increase in 2008 to \$17,000 from \$10,000 this year, is actually some \$5000 less than we have spent already this year (some \$23,000). Some big ticket items that occurred this year, unexpectedly, namely the failure of two of our lake irrigation pumps, and extensive repairs that had to be made to the reflecting pool at Perseverance Park should not be recurring items this year so the budget was reduced accordingly over the year to date actuals.

Administration Expenses at \$117,000 represent some 18% of our total expenses. The approximately \$21,000 increase over 2007 is due to three factors. Reflecting the uncertainty in the Real Estate market, our Management Company suggested we budget a 1% Bad Debt Account this year anticipating potential difficulties with regime fee collections. Account 6350 CPA/ Tax Return/Audit shows an increase of \$3450 to cover the cost of a full audit. For the last three years, the Assembly has done only a compilation of books, not a full audit and the Board feels it is time for a more complete

AMCS 000108

RECORD ON APPEAL 3360

| I'On Assembly         |                                 | Units:      | 708              | (2007 Based on 702 Units) |                     |               |            |
|-----------------------|---------------------------------|-------------|------------------|---------------------------|---------------------|---------------|------------|
| 2008 BUDGET           |                                 |             |                  | Actuals                   |                     | Variance btw. |            |
|                       |                                 | 2008 Budget | 1/01/07-10/31/07 | 2007 Budget               | 2007 & 2008 Budgets | \$/Unit/Yr    | % of Total |
| <b>REVENUE</b>        |                                 |             |                  |                           |                     |               |            |
| 4120                  | Gross Regime Fees               | 637200      | 527,303.39       | 526500                    | 110700              | 900           | 98.45%     |
|                       | Operating Interest Income       | 10000       |                  | 10000                     | 0                   | 14            | 1.55%      |
| <b>TOTAL REVENUE</b>  |                                 | 647200      | 527,303.39       | 536500                    | 110700              | 914           | 100%       |
| <b>ADMINISTRATION</b> |                                 |             |                  |                           |                     |               |            |
| 6212                  | Website                         | 702         | 0.00             | 702                       | 0                   | 1             | 0.11%      |
| 6220                  | I'On Trust Expense              | 7700        | 5,000.00         | 5000                      | 2700                | 11            | 1.19%      |
| 6312                  | Office Supplies-Off Site        | 4500        | 3,577.31         | 7200                      | -2700               | 6             | 0.70%      |
| 6319                  | Sound Equipment                 | 0           | 1,368.14         | 1500                      | -1500               | 0             | 0.00%      |
| 6320                  | Mgmt Fee                        | 45864       | 38,073.00        | 45864                     | 0                   | 65            | 7.09%      |
| 6325                  | Social/Comm. Events             | 850         | 466.20           | 750                       | 100                 | 1             | 0.13%      |
| 6326                  | Creek Club Rental Fee           | 4719        | 3,432.00         | 4719                      | 0                   | 7             | 0.73%      |
| 6327                  | Boroughs Committee              | 200         | 0.00             | 200                       | 0                   | 0             | 0.03%      |
| 6328                  | Newsletter                      | 4000        | 840.22           | 4000                      | 0                   | 6             | 0.62%      |
| 6329                  | Creek Club Dock usage Fee       | 6665        | 3,370.00         | 4044                      | 2621                | 9             | 1.03%      |
| 6340                  | Legal Fees                      | 13500       | 1,389.50         | 3500                      | 10000               | 19            | 2.09%      |
| 6341                  | Legal Fees-Liens                | 3500        | -1,675.36        | 3500                      | 0                   | 5             | 0.54%      |
| 6350                  | CFA - Tax Return/Audit          | 5350        | 400.00           | 1900                      | 3450                | 8             | 0.83%      |
| 6351                  | Membership/ Association Expense | 1200        | 872.85           | 0                         | 1200                | 2             | 0.19%      |
| 6361                  | Neighborhood Watch              | 7500        | 6,485.00         | 10000                     | -2500               | 11            | 1.16%      |
| 6364                  | Bank Charges                    | 25          | 3.00             | 90                        | -65                 | 0             | 0.00%      |
| 6370                  | Bad Debt 1%                     | 6372        | 0.00             | 0                         | 6372                | 9             | 0.98%      |
| 6375                  | Professional Fees               | 0           | 31.61            | 0                         | 0                   | 9             | 0.98%      |
| 6392                  | Directory Expense               | 4400        | 0.00             | 3000                      | 1400                | 6             | 0.68%      |
| 6393                  | Reserve Study Expense           | 0           | 810.00           | 0                         | 0                   | 0             | 0.00%      |
| <b>TOTAL ADMIN</b>    |                                 | 117047      | 64,443.47        | 95969                     | 21078               | 165           | 18.09%     |
| <b>OPERATING EXP</b>  |                                 |             |                  |                           |                     |               |            |
| 6440                  | Signs                           | 4700        | 1,964.58         | 4700                      | 0                   | 7             | 0.73%      |
| 6453                  | Chas Cnty Strm Swg Fees         | 75          | 36.00            | 75                        | 0                   | 0             | 0.01%      |
| 6454                  | Water-Eastlake-00491296         | 32          | 25.70            | 37                        | -5                  | 0             | 0.00%      |
| 6455                  | Water-Frogmore-00491821         | 229         | 188.54           | 36                        | 193                 | 0             | 0.04%      |
| 6456                  | Water-Ionsborough-119-004923    | 548         | 461.68           | 305                       | 243                 | 1             | 0.08%      |
| 6457                  | Water-Ionsborough-167-00492345  | 165         | 139.76           | 403                       | -238                | 0             | 0.03%      |
| 6458                  | Water-Isle of Hope -00491391    | 68          | 53.14            | 142                       | -74                 | 0             | 0.01%      |
| 6459                  | Water-Jogg/ Sanib-00492486      | 668         | 560.87           | 179                       | 489                 | 1             | 0.10%      |
| 6460                  | Water-MF516 00490000-00087584   | 555         | 440.36           | 1621                      | -1066               | 1             | 0.09%      |
| 6461                  | Water-MF516 00490001-0008758    | 4050        | 2,926.15         | 27                        | 4023                | 6             | 0.63%      |
| 6463                  | Water-MF518 00490020-0009678    | 6397        | 4,762.69         | 3972                      | 2425                | 9             | 0.99%      |
| 6464                  | Water-McDaniel 00492248         | 5618        | 4,575.19         | 4927                      | 691                 | 8             | 0.87%      |
| 6465                  | Water-Moultrieville-00491381    | 55          | 44.40            | 63                        | -8                  | 0             | 0.01%      |
| 6466                  | Water-N. Shelmore-00492249      | 54          | 43.50            | 62                        | -8                  | 0             | 0.01%      |
| 6467                  | Water-N. Shelmore-00491371      | 32          | -437.26          | 34                        | -2                  | 0             | 0.00%      |
| 6468                  | Water-Saturday RD-00491401      | 54          | 43.50            | 0                         | 54                  | 0             | 0.01%      |
| 6469                  | Water-Georgetown 00092314       | 1790        | 178.27           | 0                         | 1790                | 3             | 0.28%      |
| 6480                  | Elec-Boathouse Close-0273-2265  | 2008        | 1,593.32         | 677                       | 1331                | 3             | 0.31%      |
| 6481                  | Elec-Civitas St Shed 5502-826   | 218         | 171.37           | 210                       | 8                   | 0             | 0.03%      |
| 6482                  | Elec-Eastlake-0273-3036         | 237         | 184.85           | 338                       | -101                | 0             | 0.04%      |
| 6483                  | Elec-Paye/Latt-5618-1074        | 330         | 260.00           | 308                       | 22                  | 0             | 0.05%      |
| 6484                  | Elec-Frogmore-5625-8898         | 210         | 165.14           | 208                       | 2                   | 0             | 0.03%      |
| 6485                  | Elec-Hospita Irr 5611-5015      | 430         | 338.11           | 291                       | 139                 | 1             | 0.07%      |
| 6486                  | Elec-Ionsborough-6071-3304      | 606         | 473.01           | 519                       | 87                  | 1             | 0.09%      |
| 6487                  | Elec-Isle of Hope-5607-858      | 210         | 165.14           | 207                       | 3                   | 0             | 0.03%      |

AMCS 000109

I'On Final Budget-11-28-07.xls



| I'On Assembly                                                                                                                                                                                                                                                                                                                                                            | Units: | 708         | (2007 Based on 702 Units) |             |               |            |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------------|---------------------------|-------------|---------------|------------|--------|
| 2008 BUDGET                                                                                                                                                                                                                                                                                                                                                              |        |             | Actuals                   |             | Variance btw. |            |        |
|                                                                                                                                                                                                                                                                                                                                                                          |        | 2008 Budget | 1/01/07-10/31/07          | 2007 Budget | 2007 & 2008   | \$/Unit/Yr | % of   |
| <b>NET BEFORE RESERVES</b>                                                                                                                                                                                                                                                                                                                                               |        | 116695      | 153721                    | 102487      | 14208         | 165        | 0      |
| <b>Reserve Set Aside</b>                                                                                                                                                                                                                                                                                                                                                 |        |             |                           |             |               |            |        |
| Capital Reserves *                                                                                                                                                                                                                                                                                                                                                       |        | 0           | 94027                     | 104027      | -104027       | 0          | 0.00%  |
| Less Interest on Funds                                                                                                                                                                                                                                                                                                                                                   |        | 0           | 296                       | -10000      | 10000         | 0          | 0.00%  |
| Contribution From Budget                                                                                                                                                                                                                                                                                                                                                 |        | 94027       | 0                         | 94027       | 0             | 133        | 14.53% |
| extra from expected assessments                                                                                                                                                                                                                                                                                                                                          |        | 3750        | 0                         | 0           | 3750          | 5          | 0.58%  |
| Contingency/Oper. Reserve **                                                                                                                                                                                                                                                                                                                                             |        | 18918       | 0                         | 8457        | 10461         | 27         | 2.92%  |
| <b>TOTAL</b>                                                                                                                                                                                                                                                                                                                                                             |        | 116695      | 94323                     | 196511      | -79816        | 165        | 18.03% |
| <b>NET CASH FLOW</b>                                                                                                                                                                                                                                                                                                                                                     |        | 0           | 59398                     | -94024      | 94024         | 0          | 0.00%  |
| <b>Notes:</b>                                                                                                                                                                                                                                                                                                                                                            |        |             |                           |             |               |            |        |
| * The contribution to the Capital Replacement Reserve account is based on the recommendations in the revised Capital Reserve report prepared by Miller-Dodson & Associates dated November 29, 2006.                                                                                                                                                                      |        |             |                           |             |               |            |        |
| ** Contingency/Operating Reserves account can be used for expenses associated with use of off-duty police for security patrols, \$5000 in tax reserves to pay taxes in 2008 on incurred 2007 earnings, unforeseen repair expenses and/or storm cleanup, and other unbudgeted expenses. Any balance remaining at year end will be applied to the Capital Reserve account. |        |             |                           |             |               |            |        |
| *** New Account for 2008 Budget                                                                                                                                                                                                                                                                                                                                          |        |             |                           |             |               |            |        |

AMCS 000110

I'On Final Budget 11-28-07.xls

Notice to I'On lot owners and residents from the I'On Assembly Nominating Committee

This notice is a follow-up to the one sent November 7, 2007. At that time, we informed the I'On community of the formation of the I'On Assembly Nominating Committee pursuant the Bylaws. Among other things, the notice requested nominations for candidates for election to the Board of Trustees. This process now has closed. Eight of our neighbors have been nominated and completed the requested questionnaires. In alphabetical order (by first name), they are:

Alan Barbier

Barbara Fry

Bruce Kinno

John Powers

Matt Walsh

Mike Morris

Sheri Cooper

Skip Runge

As a reminder, the Annual Meeting will be held on Wednesday, December 12<sup>th</sup>, at the new Montessori School, beginning at 7PM. Each candidate will be given an opportunity to make a short (2 minute) presentation, and additional copies of their completed questionnaires will be available.

Please plan to arrive to the meeting early, as completing the process of signing in all lot owners, collecting proxies and distributing ballots will take some time.

Since not everyone knows each of the candidates, they all have been invited to attend the First Friday holiday celebration being held December 7<sup>th</sup> at Cynthia and Ted Webb's home ( ). Please introduce yourselves to them.

With regard to voting and collection of proxies, we will be arranging for an AMCS representative to be available at some convenient I'On location the afternoon of December 12<sup>th</sup>. At that time, those who cannot attend the Annual Meeting will be given the opportunity to vote for six Trustee candidates via proxy. Further details will be forwarded shortly.

Finally, please join me in expressing appreciation to the other members of the Nominating Committee: Andy Gowder, Becky Van Wie, Carol Ann McLester, David Rosengren, George Flynn and Phil Ayers. It is due to their good work that we have such a great slate of Trustee candidates.

Thank you and we look forward to seeing everyone at the Annual Meeting. If you cannot attend, please do not forget to fill out and return your proxies.

Everett Wilcox, Chair, Nominating Committee  
November 30, 2007

AMCS 000111

Alan Barbieri

2. acquiring or building a community meeting facility, use of the boat ramp and docks, adoption of a transfer fee, etc.).---It appears that we should continue to investigate the possibility of our own facility or the cooperative use of community facilities. The trust has surveyed the available spaces and I await their report.
3. . What do you think are the top 3 issues facing the Assembly in 2008 and how would you address them as a Trustee?  
Transfer fee  
Community Enhancement  
Management of the common areas
4. Why do you want to be on the Board of Trustees? What are your goals and objectives as a Trustee? Want to continue my work with the landscape committee and assist with the growth issues facing our neighborhood.
5. What else would you like the community to know about you? I have already shown myself to be dedicated, involved, and a person with steady leadership skills.

Please respond to Everett Wilcox (Chair of the Nominating Committee) no later than the close of business on November 26, 2007. All responses may be delivered either via email ([everettw@us.ibm.com](mailto:everettw@us.ibm.com)) or U.S. mail [REDACTED].

AMCS 000112

Barbara Fry ...  
Background Information for I'On Board of Trustees

November 26, 2007

C. I'On Involvement

We purchased our house in March of 2003. We belong to the I'On Club as well as the I'On Trust. I've participated in the Lunch Bunch, Women's Coffees, Yarn Buddies, community wreath decorating, Halloween in the Hood Pumpkin Carving Contest, a book club and a dinner club. In this year's Tour of Homes I'm helping with the house tours.

My I'On volunteer activities began with the communications group in starting the I'On is Growing gardening newsletter in March of 2004. We produced 14 issues, but suspended publication when the source of contributing writers dried up and my editing time was pulled away due to a family illness. There has been some discussion of creating an I'On is Growing module on the website. I'd like to see that happen.

For the past few years I have acted with the I'On Online Team as the Directory Editor giving new neighbors access to the Community Website. I've recently worked with the Landscape Committee in helping to do the tree survey in I'On as well as help put together the current landscape contract for outside bidders.

D. Issues, positions, goals, etc.

It's tough to summarize my position on some of the issues before the I'On Community in this format, because they are so complex. Following are some of my thoughts:

PD Amendment. I think the amendment as proposed would create some logistic problems with traffic and parking. I believe the I'On Company has agreed to have studies done to try to address those issues. I'm also concerned that the proposed increase in density might not allow for community green spaces which to me are crucial in maintaining the feel and beauty of what I call I'On. However, I find it hard to believe that the developer, who has done such a wonderful job thus far in creating our community, would take a chance at screwing it up on the last phase. I

Barbara Fry ...  
Background Information for I'On Board of Trustees

November 26, 2007

however is probably the one proposed a while back to build up the HOA reserve. I find it hard to comment on that because I don't know specifically what the reserve is used for, how much money is now available to fund it (if any), how much is needed, and what its' ultimate purpose is. If a specific amount of additional funds are needed, I think a transfer fee is a logical way to help collect them. The question then becomes, "Who pays?" If we all benefit, I think we all should have some interest in contributing.

Top 3 Issues facing the Assembly in 2008. I think the previous question really touched on some of the critical issues that will face the assembly in 2008. Rather than come up with three more, I'll just address the one most important to me.

I would like to see a greater level of participation in the community by a broader base of I'On residents. We all bought into the concept of I'On when we purchased our homes here, yet relatively few people are involved in the day-to-day workings. I understand that for some participation is a lot easier than others (I was a single parent for 10 years and the last thing I wanted to do after a days' work was run off to some other commitment), but in order to really benefit from the variety of people we have here, we need everyone's input. I would focus my energy on getting folks involved.

I think that is best done through better communication. We need regular, consistent and varied forms of communication to keep people informed and let them know when and how to get involved.

A lot of progress has been made and continues to be made on this front. For example:

- The I'On directory is an excellent source of information that is continually being updated with not only resident data but community details as well.
- The monthly community newsletter keeps us up-to-date on current activities as well as opportunities to get involved. Carol Williams has added a nice

Barbara Fry ...  
Background Information for I'On Board of Trustees

November 26, 2007

- Better use of email. I think email is a great mechanism to communicate quickly and effectively, as long as standards are developed to protect against misuse.

I think better communication is the key to getting better involvement. I would like to be on the Board to help improve levels of communication. And I enjoy projects, and I see I'On as one of the most significant "projects" in my future. My husband and I are thrilled that we stumbled across I'On a few years back, and every day thank out lucky stars that we have a home here. I'm willing to use my energy and time to navigate through what could be some difficult times to come as I'On continues to move from a developer owned community to one totally owned by its residents. I'd help the Board to be as inclusive as possible so that all residents will feel they have a voice that is heard by their Trustees.

Bruce Kinney

D. I would come to the Assembly with an open mind because I believe that the current Assembly has done much hard work that the typical property owner is not aware of. Having said that, I do have some preliminary feeling about issues that you raised.

1. PD amendment: I am not sure that the Assembly should take a position on any proposed amendment. Any amendment would affect specific areas and individuals within I'On very differently depending, for example, on whether you lived near the Creek Club or if you had a child in the Montessori School. The Assembly's roll may be to facilitate communication between the I'On Company and property owners who are affected so that their voices could be heard by the I'On Company and, more importantly, by the Town of Mt Pleasant which is the only entity entitled to approve a PD amendment.
2. Community Building: I would be very careful before acquiring or building any community meeting structures. The cost and ongoing responsibilities would have to be weighed against the real need for such a building as long as there are alternatives that can be accessed as needed.
3. Transfer Fee: I favor a property transfer fee to build a reserve fund. As the developer of Montclair I amended the Regime Documents to provide for a transfer fee before turning over the Board because I thought it might be difficult to get an amendment passed once I was not in control, and have been thanked many times by the regime.

The three top issues facing the Assembly in 2008 are (1) productive results oriented communication and negotiation with the I'On Company, (2) clear communication with property owners to promote the marketability and desirability of I'On, and (3) continued sound financial management.

I believe I can make a unique contribution to the I'On Assembly by virtue of my many years of experience in the real estate development business, having seen issues both as a developer and as a home owner. What would I like the community to know about me?... that as much as my wife and I came to know and like Charleston when I developed the Montclair, we never would have bought a home and moved here if we had not discovered I'On. Active community involvement defines our quality of life.

Respectively,  
Bruce E. Kinney

AMCS 000116

John Powers

D. Issues, positions, goals, etc.:

1. Summarize your positions on various issues before the I'On community in 2007 (for example, the PD amendment as previously proposed, acquiring or building a community meeting facility, use of the boat ramp and docks, adoption of a transfer fee, etc.).

I was generally in favor of the PD amendment as previously proposed and hoped for some additional negotiation; I am in favor of acquiring or building a community meeting facility. I think we need to have a better process for the boat ramp and docks. I am in favor of a transfer fee.

2. What do you think are the top 3 issues facing the Assembly in 2008 and how would you address them as a Trustee?

1) Relationship Building – With the Developer, with each other, with the homeowners.

Working together as a team within the Board itself for the good of the homeowners – I plan to get involved in making sure we work together professionally and with open communication.

2) Improved Communication to homeowners – I plan to try to make sure that homeowners know what is going on and how they can be involved in the decision process (more focus groups; town halls; and surveys).

3) Homeowner Value – I plan to do everything I can to continue to make I'On a really cool place to live. I define homeowner value not in terms of dollars (that is already understood). I define homeowner value by the little things that make I'On a place people want to move into and live such as the amenities, the architectural structures, the green spaces, the water areas, activity areas, walking/jogging paths, sidewalks, landscape design, etc. etc.

3. Why do you want to be on the Board of Trustees? What are your goals and objectives as a Trustee? – I want to be on the Board to make a difference in our community. My objectives are simple. As stated previously; Improved Communication, Improved Teamwork, Improved Processes, Improve the reasons to live in I'On, and Improved Involvement from the homeowners.

4. What else would you like the community to know about you? --

I love living in I'On and I hope to represent you well if elected to the Board of Trustees.

Please respond to Everett Wilcox (Chair of the Nominating Committee) no later than the close of business on November 26, 2007. All responses may be delivered either via email ([everettw@us.ibm.com](mailto:everettw@us.ibm.com)) or U.S. mail ( [REDACTED] )

AMCS 000117



Matthew Walsh

us purchased in I'On, and if you take some time and look around, they are all starting to show signs of neglect.

C. I'On Involvement:

I, along with my wife and three children (4, 2, and 3 months) and our loyal dog Delilah, have lived on Saturday Road in I'On for almost 5 years. We moved here from downtown Charleston and feel fortunate to live in such a great neighborhood. We are active participants in the I'On Club, and have participated in Tour of Homes and other "borough" events over the years.

D. Issues, positions, goals, etc.

The PD amendment as previously proposed by the developer was certainly a challenge for our current HOA board. The biggest issue was the control of information flow, and allowing the developer open access to the community with a plan the board should not have given them permission to present. As a group of homeowners we all realize that congestion and density are sensitive issues, and the developers proposal did not go far enough to define how those would have been handled. I believe that if given the opportunity to explore and explain the outcome of the new density plan, it may possibly have been met with approval. However, too much too soon turned into a withdrawal from the developer, and I think our next board has a responsibility to try again, should the developer have interest.

The docks in our neighborhood are meant to be used. At certain times of the year they become overcrowded, and a system needs to be put into place to enforce a set of "to be determined" rules. I approached the board on numerous occasions volunteering to work with them on a solution, not just for docking, but for the condition of the docks and the waterfront in general. At current time no committee has been formed.

I think that we need to live in a neighborhood that fosters a notion of caring and of give and take. We have a new church and a new school in our community that we should embrace. They should in return embrace the community. I am all for working with the school, the church(es) and the developer to use the vacant space to help with the needs of the community. Just as they expect us to provide for them, we need them to provide for us. I know that Utopia does not exist, but I think we can work together and find ways to make what we have in clubs, church(es) and schools meet the needs of the entire community.

I think the transfer fee has merit. I think how it is designed and presented to the homeowners will determine its success or failure. Bottom line is that a transfer fee is a low impact solution to a capital issue that the HOA is faced with.

Our HOA faces many of the same issues in 2008 as we have seen in the past. We are still faced with a looming PD discussion, the dealings with the developer over the different interpretations of easements he has with the HOA, and the ailing waterfront and its lack of control and maintenance. We need to stop the busy work of creating little problems and fixing them, and take a step back and look at our community in 5, 10, and 15 years. Currently we have no direction, and no developer independent vision. In the Covenants it states that "vision and leadership are necessary elements to sustain a community's health." My approach to fixing problems would be to think about how the decisions we make today will shape the healthy I'On that my children will come back and buy a house in one day.

AMCS 000118

Mike Morris

TO: Candidates for Election to the I'On Assembly Board of Trustees  
FROM: The I'On Assembly Nominating Committee  
SUBJECT: Background Information  
DATE: November 13 2007

In order to help enable I'On residents to evaluate the qualifications of candidates for election to the Board of Trustees, all nominees are being asked to provide the following information about their background, skills, interests and opinions.

The members of the Nominating Committee, all of whom are experienced I'On volunteers (including three past Trustees), believe that the following background information will be both helpful and relevant to your neighbors in determining their support for particular candidates.

Please briefly address each of the following topics:

A. Professional and educational background (please summarize):

1. Your educational background-Bachelor of Science
2. Your professional/work history-13y Medical Sales and Sales Management
3. Any notable accomplishments/awards/recognition-Multiple Sales Awards and Promotions
4. Your volunteer activities outside I'On and/or before moving to I'On-Financial Supporter of HALOS, Habitat for Humanity, Leukemia & Lymphoma Society
5. Your relevant skills (for example, financial, legal, communications, computers/internet/website administration, etc.)?-Managed Business with annual sales of \$15 million. Business plan development, managing projects, upward/downward marketing experience, technically savvy.

B. HOA Involvement:

1. Prior experience on an HOA board? Yes - at condo complex in So. California
2. Can you attend regular board meetings (held at 5PM on the fourth Wednesday of each month)? Yes
3. Can you devote 5 to 10 hours a week to fulfilling your Trustee responsibilities? Yes
4. What Assembly committees are you interested in chairing (Covenants/ABC Liaison/communications/boating/landscaping/finance/infrastructure)?
5. Would you prefer to serve a 1 or 2 year term as Trustee? 1y

C. I'On Involvement:

1. How long have you lived in I'On?-3y 5m
2. Please list the I'On activities you participate in (examples might include the I'On Club, the Lunch Bunch, Yarn Buddies, Women's Coffees, book clubs, Winter Clubs, BizNet, etc.)
3. Please describe your I'On volunteer activities (examples might include the I'On Trust, I'Onissimo, the newsletter, the community website, the Directory, welcome baskets, the House of Homes, Board committees, Conservation Corps, etc.) also involved with Community In Action

D. Issues, positions, goals, etc.:

1. Summarize your positions on various issues before the I'On community in 2007 (for example, the PD amendment as previously proposed-With current knowledge of PD my position would be to leave it as is, acquiring or building a community meeting facility-Not sure this is necessary, use of the boat ramp and docks-Current guidelines not working-needs to be revamped and communicated properly to those that use the docks, adoption of a transfer fee-seems reasonable with my current knowledge of the issue, etc.)-It is difficult to respond with more specific answers until I have the opportunity to study and understand the issues.
2. What do you think are the top 3 issues facing the Assembly in 2008 and how would you address them as a Trustee?-Proposed Amended PD, Infrastructure Upkeep, Maintaining and Increasing Community Involvement

AMCS 000119

**SHERI COOPER**  
[REDACTED]

**A. PROFESSIONAL AND EDUCATIONAL BACKGROUND**

**1. EDUCATION:**

University of Florida, Gainesville, Florida  
Bachelor of Science in Accounting

**2. PROFESSIONAL EXPERIENCE:**

National Rural Electric Cooperative Association, Arlington, VA  
Telecommuting Senior Financial and Budget Analyst – August 2005 – Present  
Vice President, Finance - March 2002 – August 2005  
Executive Director, Finance – February 2000 – February 2002  
Accounting Manager – January 1999 – January 2000

KPMG Peat Marwick LLP, Washington, DC  
February 1998 to November 1998  
Manager, Financial Services Consulting

Federal Home Loan Bank of San Francisco, San Francisco, California  
September 1996 to December 1997  
Assistant Vice President, Accounting and Operations

Accounting Solutions, San Francisco, California  
February 1996 to September 1996  
Consultant for Federal Home Loan Bank of San Francisco

Columbia Largo Medical Center, Largo, Florida  
October 1994 to February 1996  
Controller

CliniCorp, Inc., Saint Petersburg, Florida  
May 1993 to May 1994  
Acquisition Manager

Deloitte & Touche, Miami, Florida  
Audit Manager - 1991-1993  
Audit Staff 1986 – 1991

**3. ACCOMPLISHMENTS**

Certified Public Accountant  
Treasurer of the Homestead Funds  
Wife and mother

**4. VOLUNTEER ACTIVITIES**

Former board member of Big Brothers/Big Sisters  
PTA for daughter's schools

AMCS 000120

c. Bringing unity and continuity to the board and subsequently the community. While all boards have dissenting views and opinions, it is critical that they develop and enforce policy in unison and with a shared goal and vision.

**3. WHY DO YOU WANT TO BE ON THE BOARD?**

From my initial review, the board appears to be somewhat fractured and there seems to be a perception that it is operating independently of the community at large. I feel that being new to the neighborhood, and without any history with the current acrimony, I can help reinvigorate the board and bring a fresh perspective. It would also be beneficial to have a licensed CPA on the board to advise periodically on the financial issues that arise. In addition, there are many families in FON and I believe they could benefit from more representation on the board. FON is a wonderful community and we plan on being here a long time, it means a great deal to us to preserve its uniqueness well into the future.

AMCS 000121

B. HOA Involvement:

1. Prior experience on an HOA board
  - o None
2. Can you attend regular board meetings (held at 5PM on the fourth Wednesday of each month)?
  - o Yes
3. Can you devote 5 to 10 hours a week to fulfilling your Trustee responsibilities?
  - o Yes
4. Assembly committees interested in
  - o Interests would be in either covenants, boating, or communications
5. Prefer to serve a 1 or 2 year term as Trustee?
  - o One year

C. I'On Involvement:

1. How long have you lived in I'On?
  - o Four years
2. I'On activities and volunteer opportunities I participate in include
  - o I'On Biznet
  - o I'Onissimo Singers
  - o Community of I'On Artists (one of the founding members)
  - o Former member of the I'On Web Team
  - o Boathouse Committee
  - o Coordinated paddle sports for the I'On Yacht Club; helped coordinate Pond Polo and various other similar activities
  - o One of the Editors of I'On at Ten, Life in the New Village
  - o Other activities within the community as they arise

D. Issues, positions, goals, etc.:

1. A summary of positions on various issues before the I'On community in 2007
  - o The PD amendment: *My position on this issue is that the question of community density ought to be evaluated completely separate from any kind of added "incentives" in the way of funds to be paid to groups or organizations in I'On. The question needs to be resolved without that sort of bias. My position is that the HOA Board members need to approve or disapprove the amendment based solely on the will of the property owners.*
  - o Acquiring or building a community meeting facility: *This is an issue that was nearly resolved at one time in the past through the efforts of Biznet. It's an essential need for a community the size of I'On to have a facility in which to conduct business meetings, social functions, provide storage, etc. The HOA Board has to confront the issue and begin to identify some creative solutions, including how to finance such an effort. The longer we wait, the more expensive it gets.*
  - o Use of the boat ramp and docks: *Again, some creative thinking needs to be applied to issue of use of the boat ramp and docks. Like many other I'On residents, use of the lakes and the creekfront were sold to me as important amenities, yet their "user friendliness" at present leaves much to be desired. I don't know the answers to these issues, but I'm willing to confront them and attempt to find creative solutions to some long-standing problems.*
  - o Etc. *I believe in the importance of covenants. At the same time, I put great trust in the ability of humans with normal or better intelligence to communicate and to productively and effectively problem solve. The whole concept of a covenant (and there is a Biblical model for this) implies something promised that is to be given by both parties in the covenant.*

11/07 TIME: 10:12 AM

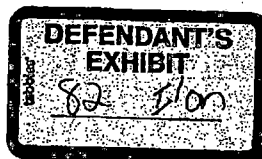
## I'On Assembly Homeowners Association

Page: 2

## ANNUAL MEETING REPORT AS OF 12/11/07

( )=Current Owner (P)=Prev Owner (R)=Resident/Tenant (V)=Developer

| ALPHA KEY    | PROPERTY ADDRESS | ACCOUNT NO. | LOT/UNIT | RATIO SETTLED | SIGNATURE                 |
|--------------|------------------|-------------|----------|---------------|---------------------------|
| ABBOTT       |                  | CIV164      | CIV164   | 08/25/05      |                           |
| ACKER        |                  |             | EAST34   |               |                           |
| ADKINS       |                  |             | HOPE34   |               | <i>[Signature]</i>        |
| AGUILERA     |                  |             | NSH182   |               |                           |
| AICHELE      |                  |             | NSH133   |               |                           |
| ALCALA       |                  |             | WSP129   |               | <i>proxy / Dave Rosay</i> |
| ALKA         |                  |             | SAN159   | 02/10/05      |                           |
| ALKA         |                  |             | 9-006    | 06/26/07      |                           |
| ALKA CONSTRU |                  |             | 9-005    | 06/26/07      |                           |
| ALLEN        |                  |             | ESP186   |               |                           |
| ALTMAN       |                  |             | CIV176   |               | <i>[Signature]</i>        |
| AMBLER       |                  |             | PON061   |               | <i>[Signature]</i>        |
| AMERICAN DRE |                  |             | SOWE75   | 06/26/07      |                           |



AMCS 000123

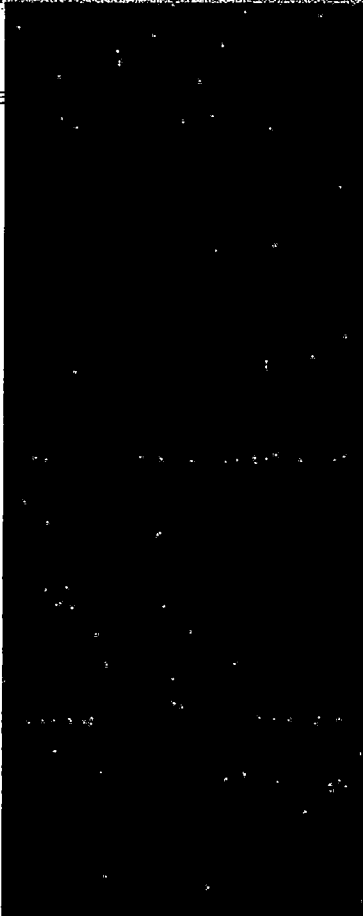
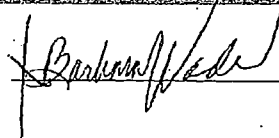
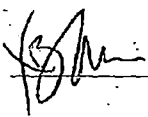
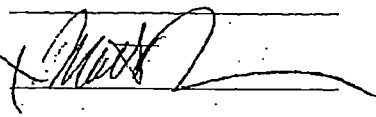
07 TIME: 10:12 AM

I'On Assembly Homeowners Association

Page: 75

ANNUAL MEETING REPORT AS OF 12/11/07

(C)=Current Owner, (P)=Prev Owner (R)=Resident/Tenant (V)=Developer

| ALPHA KEY    | PROPERTY ADDRESS                                                                   | ACCOUNT NO. | LOT/UNIT | RATIO SETTLED | SIGNATURE                                                                           |
|--------------|------------------------------------------------------------------------------------|-------------|----------|---------------|-------------------------------------------------------------------------------------|
| WADE         |  |             | KRIE43   |               |   |
| WAHOO PARTNE |                                                                                    |             | SAT010   |               |                                                                                     |
| WALBECK      |                                                                                    |             | NSH114   |               |   |
| WALL         |                                                                                    |             | NSH209   | 03/01/05      |                                                                                     |
| WALL         |                                                                                    |             | PERS40   | 03/01/05      |                                                                                     |
| WALLACE      |                                                                                    |             | PON070   | 08/13/07      |                                                                                     |
| WALSH        |                                                                                    |             | SAT057   |               |  |
| WATERS       |                                                                                    |             | JAK149   |               | P- Janice Johnson<br>(also under meyers)                                            |
| WAYMAN       |                                                                                    |             | HOPE18   | 02/16/07      | pro xy P. Jennings                                                                  |
| WAYMAN       |                                                                                    |             | HOPE18   | 02/16/07      |                                                                                     |

AMCS 000124

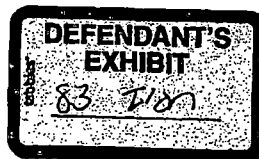
YOU ARE INVITED TO:  
THE 2008 I'ON ASSEMBLY ANNUAL MEETING

WHERE: Creek Club

WHEN: Thursday, December 11, 2008

Please come and join us to:

- 1) Go over the year
- 2) Select 3 new board members
- 3) Help set the course for 2009



AMCS 000125



**I'On Assembly**  
Asset Management & Consulting Services, Inc.  
2409-A Mall Drive  
North Charleston, SC 29406  
Tel: (843) 303-3586 Fax: (843) 735-7382  
[www.amcs-inc.com](http://www.amcs-inc.com)  
[cwilson@amcs-inc.com](mailto:cwilson@amcs-inc.com)

**TO:** I'On Assembly Homeowners  
**FROM:** The Board of Trustees  
**RE:** 2008 I'On Assembly Homeowners Association Annual Meeting

The I'On Assembly Homeowner's Association will hold its Annual Meeting Thursday, December 11, 2008 at 7 PM at the Creek Club. All members are encouraged to attend this important meeting to elect three new Trustees to the HOA Board as well as discuss I'On Assembly issues.

All members are requested to arrive at the Creek Club around 6 PM. This will be a casual time to meet neighbors, Board members, as well as a time to find out more about clubs and organizations within the I'On Community. The business meeting will begin at 7 PM.

Everyone is encouraged to take advantage of this beautiful time of year and walk to the meeting, weather permitting. If you must drive, please abide by the marked parking places and only park where permitted. Parking where indicated is necessary in the event an emergency vehicle might need to get through.

Included in this packet are a Proxy, Meeting Agenda, 2009 Budget, and Board of Trustee candidate information. If you cannot attend the meeting, please complete the enclosed Proxy. The Proxy allows you to indicate the person you chose to cast your vote by writing their name on the form. We encourage submission of proxies before the meeting date. Proxies received after December 11<sup>th</sup> will not be counted.

For lot owners who cannot attend the meeting and are interested in voting for individual candidates for the board, an alternative Proxy-Ballot can be used. This ballot will direct the Proxy to vote for the three candidates the lot owner chooses. However, this Proxy-Ballot must be completed in person, at the Creek Club on December 11<sup>th</sup> between 3 to 6 PM. Identification must be provided to submit a Proxy-Ballot.

We look forward to seeing you on December 11<sup>th</sup>.

Thank you!

**I'On Assembly Proxy**  
C/O AMCS, Inc.  
2409-A Mall Drive  
North Charleston, SC 29406

Fax: (843) 735-7382

We encourage submission of proxies before the meeting date.

AMCS 000126

**I'On Assembly**

Asset Management & Consulting Services, Inc.  
2409-A Mall Drive  
North Charleston, SC 29406  
Tel: (843) 303-3586 Fax: (843) 735-7382  
[www.amcs-inc.com](http://www.amcs-inc.com)  
[cwilson@amcs-inc.com](mailto:cwilson@amcs-inc.com)

**Appointment of Proxy for Annual Meeting**

As the record Owner(s) of property in the I'On Assembly, I/we hereby appoint \_\_\_\_\_ (name of individual), or if left blank then the President of the I'On Assembly ("Association"), as Proxy, with full power of the substitution in the event that he/she is unable or declines to serve as Proxy, to exercise the entire vote of the undersigned as directed below at the annual meeting of the Associations' members to be held on December 11, 2008, and any lawful adjournments thereof. In the event that the designated Proxy is not present at the meeting and has not designated a substitute, then I designate the President of the Association to serve as the substitute Proxy.

Name: \_\_\_\_\_  
(Please Print)

I'On Address: \_\_\_\_\_  
(Please Print)

I'On Lot Number: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_  
(Please Print)

If you are unable to attend, please complete the enclosed proxy statement and return it to AMCS either by mail, by hand or via fax.

**I'On Assembly Proxy**

C/O AMCS, Inc.  
2409-A Mall Drive  
North Charleston, SC 29406

Fax: (843) 735-7382

We encourage submission of proxies before the meeting date.

AMCS 000127



**I'On Assembly  
Homeowners Association**

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Tenth Annual Meeting  
December 11, 2008, 7:00 pm  
Creek Club at I'On  
Mt. Pleasant, SC

- I) Call Meeting to Order
- II) Proof of Notice and Establish Quorum
- III) Welcome and Introduction of Board of Trustees and Management
- IV) Approval of Previous Annual Meeting Minutes – December 11, 2007.
- V) Election of Board of Trustees
- VI) Development Report
- VII) I'On Trust Update
- VIII) Committee Reports
  - a) Presidents Report – Bruce Kinney
  - b) Finance Committee – Sheri Cooper
  - c) Communication Committee – Barbara Fry
  - d) Landscape Committee – Dave Rosengren
  - e) Infrastructure Committee – John Powers
  - f) Compliance Committee-Sheri Cooper
  - g) Amenities Committee – Matt Walsh
- IX) Presentation of the Civitas Award
- X) New Business
- XI) Next Annual Meeting
  - a) Tentatively December 10, 2009 at 7 PM at the Creek Club
- XII) Question and Answer Period
- XIII) Announcement of New Board Members
- XIV) Adjournment

AMCS 000128

I'ON  
2009 BUDGET

|                                | 2009<br>Budget | 2008<br>Budget | 2008<br>Estimated | 09 Budget to<br>08 Budget |       | 09 Budget to<br>08 Estimated |       |
|--------------------------------|----------------|----------------|-------------------|---------------------------|-------|------------------------------|-------|
| Prepaid Fees                   | \$ -           | \$ -           | \$ (45)           | \$ -                      | 0%    | \$ 45                        | -100% |
| Gross Regime Fees              | 663,172        | 637,200        | 631,669           | 25,972                    | 4%    | 31,503                       | 5%    |
| Reserve Contribution           | (100,000)      | (116,695)      | (120,000)         | 16,695                    | -14%  | 20,000                       | -17%  |
| Operating Interest Income      | 4,800          | 10,000         | 5,900             | (5,200)                   | -52%  | (1,100)                      | -19%  |
| Income - Late Fees             | -              | -              | 1,500             | -                         | 0%    | (1,500)                      | -100% |
| Income - NSF Fees              | -              | -              | 50                | -                         | 0%    | (50)                         | -100% |
| Other                          | -              | -              | 19                | -                         | 0%    | (19)                         | -100% |
|                                | 567,972        | 530,505        | 519,093           | 37,467                    | 7%    | 48,879                       | 9%    |
| Website                        | 1,200          | 702            | 130               | 498                       | 71%   | 1,070                        | 823%  |
| I'On Trust Expense             | 6,000          | 7,700          | 7,700             | (1,700)                   | -22%  | (1,700)                      | -22%  |
| Office Supplies-Off Site       | 6,000          | 4,500          | 6,500             | 1,500                     | 33%   | (500)                        | -8%   |
| Sound Equipment                | -              | -              | -                 | -                         | 0%    | -                            | 0%    |
| Mgmt Fee                       | 45,864         | 45,864         | 45,864            | -                         | 0%    | -                            | 0%    |
| Social/Comm. Events            | 3,000          | 850            | 2,000             | 2,150                     | 253%  | 1,000                        | 50%   |
| Creek Club Rental Fee          | 6,200          | 4,719          | 6,000             | 1,481                     | 31%   | 200                          | 3%    |
| Boroughs Committee             | -              | 200            | -                 | (200)                     | -100% | -                            | 0%    |
| Newsletter                     | -              | 4,000          | -                 | (4,000)                   | -100% | -                            | 0%    |
| Creek Club Dock usage Fee      | 6,720          | 6,665          | 6,660             | 55                        | 1%    | 60                           | 1%    |
| Legal Fees                     | 9,996          | 13,500         | 8,000             | (3,504)                   | -26%  | 1,996                        | 25%   |
| Legal Fees-Liens               | 3,000          | 3,500          | 2,500             | (500)                     | -14%  | 500                          | 20%   |
| CPA - Tax Return/Audit         | 100            | 5,350          | -                 | (5,250)                   | -98%  | 100                          | 0%    |
| Membership/Association Expense | 700            | 1,200          | 632               | (500)                     | -42%  | 68                           | 11%   |
| Neighborhood Watch             | 9,000          | 7,500          | 7,500             | 1,500                     | 20%   | 1,500                        | 20%   |
| Bank Charges                   | -              | 25             | -                 | (25)                      | -100% | -                            | 0%    |
| Bad Debt                       | 20,004         | 6,372          | 6,372             | 13,632                    | 214%  | 13,632                       | 214%  |
| Professional Fees              | -              | -              | -                 | -                         | 0%    | -                            | 0%    |
| Directory Expense              | 4,000          | 4,400          | 6,700             | (400)                     | -9%   | (2,700)                      | -40%  |
| Reserve Study Expense          | -              | -              | -                 | -                         | 0%    | -                            | 0%    |
|                                | 121,784        | 117,047        | 106,558           | 4,737                     | 4%    | 15,226                       | 14%   |
| Signs                          | 2,400          | 4,700          | 1,000             | (2,300)                   | -49%  | 1,400                        | 140%  |
| Water                          | -              | -              | -                 | -                         | 0%    | -                            | 0%    |
| Chas Cnty Strm Swg Fees        | 85             | 75             | 80                | 10                        | 13%   | 5                            | 6%    |
| Water-Eastlake-00491296        | -              | 32             | (1)               | (32)                      | -100% | 1                            | -100% |
| Water-Frogmore-00491821        | 252            | 229            | 230               | 23                        | 10%   | 22                           | 10%   |

AMCS 000129

11/14/2008

ION  
2009 BUDGET

|                              | 2009<br>Budget | 2008<br>Budget | 2008<br>Estimated | 09 Budget to<br>08 Budget |      | 09 Budget to<br>08 Estimated |      |
|------------------------------|----------------|----------------|-------------------|---------------------------|------|------------------------------|------|
| Grounds Supplies             | 38,004         | 35,850         | 40,000            | 2,154                     | 6%   | (1,996)                      | -5%  |
| Grounds Contract/Landscaping | 151,200        | 139,200        | 132,200           | 12,000                    | 9%   | 19,000                       | 14%  |
| Plant/Tree Replacement       | 4,000          | 4,000          | 3,000             | -                         | 0%   | 1,000                        | 33%  |
| Tree Maintenance/Trimming    | 18,464         | 15,800         | 17,125            | 664                       | 4%   | (661)                        | -4%  |
| Pine straw/Mulch             | 20,000         | 18,450         | 18,450            | 1,550                     | 8%   | 1,550                        | 8%   |
| Irrigation Repairs           | 7,500          | 5,000          | 7,000             | 2,500                     | 50%  | 500                          | 7%   |
| Power Washing & Painting     | 9,500          | 9,175          | 9,175             | 325                       | 4%   | 325                          | 4%   |
| Repairs                      | 25,200         | 17,000         | 17,000            | 8,200                     | 48%  | 8,200                        | 48%  |
| Mailbox Repairs              | 2,400          | 3,500          | 1,500             | (1,100)                   | -31% | 900                          | 60%  |
| Pet Stations                 | 2,600          | 3,710          | 3,000             | (1,110)                   | -30% | (400)                        | -13% |
| Fish and Wildlife            | 3,000          | 4,685          | 1,000             | (1,685)                   | -36% | 2,000                        | 200% |
| Lake Maintenance             | 14,520         | 14,736         | 14,736            | (216)                     | -1%  | (216)                        | -1%  |
| Lake Equip. Maint.           | 3,000          | 2,500          | 2,000             | 500                       | 20%  | 1,000                        | 50%  |
| Playground Maint/Rpr         | 10,000         | 10,000         | 16,000            | -                         | 0%   | (6,000)                      | -38% |
|                              | 351,992        | 318,606        | 325,186           | 33,386                    | 10%  | 26,806                       | 8%   |
| Income Taxes                 | 6,000          | 3,000          | 7,270             | 3,000                     | 100% | (1,270)                      | -17% |
| Property Taxes               | 750            | 500            | 500               | 250                       | 50%  | 250                          | 50%  |
| Hazard Insurance             | 11,000         | 15,000         | 9,667             | (4,000)                   | -27% | 1,333                        | 14%  |
| Umbrella                     |                |                |                   |                           |      |                              |      |
| Workers Comp Ins.            | 1,400          | 625            | 1,200             | 775                       | 124% | 200                          | 17%  |
|                              | 19,150         | 19,125         | 18,637            | 25                        | 0%   | 513                          | 3%   |
| Total Expenses               | 567,972        | 530,505        | 519,093           | 37,467                    | 7%   | 48,878                       | 9%   |
| Net Income                   | \$ 0           | \$ -           | \$ (0)            | \$ 0                      |      | \$ 1                         |      |
| HOA Fee                      | \$ 910         | \$ 900         |                   | \$ 10                     | 1%   |                              |      |
| Number of Homes              | 729            | 708            |                   |                           |      |                              |      |

APPENDIX 3877

AMCS 000130

11/14/2008

Run Date: 10/15/08  
Run Time: 08:50 AM

Page: 1

I'On Assembly Homeowners Association  
Balance Sheet  
As of 09/30/08

| Account                  | Description                     | Operating  | Reserves   | Other | Totals     |
|--------------------------|---------------------------------|------------|------------|-------|------------|
| ASSETS                   |                                 |            |            |       |            |
| Cash In Bank             |                                 |            |            |       |            |
| 1010                     | Cash In Bank - Operating        | 14,418.50  |            |       | 14,418.50  |
| 1030                     | Harbor National - Reserves      |            | 30,732.00  |       | 30,732.00  |
|                          | Total Cash In Bank              | 14,418.50  | 30,732.00  | .00   | 45,150.50  |
| Other Cash & Investments |                                 |            |            |       |            |
| 1050                     | Fidelity Cap Res.-Z44-439789    |            | 393,100.79 |       | 393,100.79 |
| 1060                     | Fidelity Oper Excess (FSLXX MM) | 178,591.73 |            |       | 178,591.73 |
| 1070                     | CD*Harbor*2000343*01/24/09      |            | 31,819.39  |       | 31,819.39  |
| 1071                     | CD*Harbor*2000354*02/11/09      |            | 31,775.93  |       | 31,775.93  |
|                          | Total Other Cash & Investments  | 178,591.73 | 456,696.11 | .00   | 635,287.84 |
| Other Assets             |                                 |            |            |       |            |
|                          | Total Other Assets              | .00        | .00        | .00   | .00        |
|                          | TOTAL ASSETS                    | 193,010.23 | 487,428.11 | .00   | 680,438.34 |
| LIABILITIES & EQUITY     |                                 |            |            |       |            |
| CURRENT LIABILITIES:     |                                 |            |            |       |            |
| 2110                     | Accounts Payable                | 2,575.87   |            |       | 2,575.87   |
|                          | Subtotal Current Liab.          | 2,575.87   | .00        | .00   | 2,575.87   |
| RESERVES:                |                                 |            |            |       |            |
| 2810                     | Reserve-Interest                |            | 5,462.09   |       | 5,462.09   |
| 2811                     | Reserve-Bank Charges            |            | (69.00)    |       | (69.00)    |
| 2812                     | Reserve-Dividends               |            | 12,175.41  |       | 12,175.41  |
| 2813                     | Reserve-Change in Invest Value  |            | 1,292.33   |       | 1,292.33   |
| 2814                     | U.S Gov't Interest              |            | 21,479.81  |       | 21,479.81  |
| 2870                     | Reserve-Contingency             |            | 199,353.48 |       | 199,353.48 |
| 2871                     | Reserve-Initial Capital Contr   |            | 17,065.12  |       | 17,065.12  |
| 2872                     | Reserve-Replacement Reserve     |            | 222,803.96 |       | 222,803.96 |
| 2873                     | Reserve- See&g Utility refund   |            | 7,864.91   |       | 7,864.91   |

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# RECORD ON APPEAL 3383

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## I'On Assembly Homeowners Association Income/Expense Statement Period: 09/01/08 to 09/30/08

| Account        | Description                   | Current Period |            |           | Year-To-Date |             |             | Yearly Budget |
|----------------|-------------------------------|----------------|------------|-----------|--------------|-------------|-------------|---------------|
|                |                               | Actual         | Budget     | Variance  | Actual       | Budget      | Variance    |               |
| INCOME:        |                               |                |            |           |              |             |             |               |
| 04110          | Prepaid Regime Fees           | 1,078.25       | .00        | 1,078.25  | (34.20)      | .00         | (34.20)     | .00           |
| 04120          | Regime Fee Income             | 709.84         | .00        | 709.84    | 632,378.59   | 637,200.00  | (4,821.41)  | 637,200.00    |
| 04121          | Reserve Contribution          | .00            | (9,724.58) | 9,724.58  | (116,695.00) | (87,521.22) | (29,173.78) | (116,695.00)  |
| 04410          | Interest Income               | 419.57         | 833.33     | (413.76)  | 4,435.17     | 7,499.97    | (3,064.80)  | 10,000.00     |
| 04911          | Bank deposit over/under       | .00            | .00        | .00       | 9.08         | .00         | 9.08        | .00           |
| 04913          | Income - Late Fees            | .00            | .00        | .00       | 1,492.76     | .00         | 1,492.76    | .00           |
| 04914          | Income - NSF Fees             | .00            | .00        | .00       | 50.00        | .00         | 50.00       | .00           |
| 04921          | Phone Directory Income        | .00            | .00        | .00       | 10.00        | .00         | 10.00       | .00           |
|                | Subtotal Income               | 2,207.66       | (8,891.25) | 11,098.91 | 521,646.40   | 557,178.75  | (35,532.35) | 530,505.00    |
| EXPENSES       |                               |                |            |           |              |             |             |               |
| Administrative |                               |                |            |           |              |             |             |               |
| 06212          | Web Site Expense              | .00            | .00        | .00       | 95.40        | 526.50      | 431.10      | 702.00        |
| 06220          | I' On Trust Expense           | .00            | 641.66     | 641.66    | 5,900.00     | 5,774.94    | (125.06)    | 7,700.00      |
| 06312          | Office Expense - Off Site     | 157.30         | 375.00     | 217.70    | 5,095.42     | 3,375.00    | (1,720.42)  | 4,500.00      |
| 06320          | Management Fees               | 3,822.00       | 3,822.00   | .00       | 34,398.00    | 34,398.00   | .00         | 45,864.00     |
| 06325          | Social/Community Activities   | .00            | 70.83      | 70.83     | 1,038.36     | 637.47      | (398.89)    | 850.00        |
| 06326          | Creek Club Rental Fee         | 600.00         | 393.25     | (206.75)  | 4,200.00     | 3,539.25    | (660.75)    | 4,719.00      |
| 06327          | Boroughs Committee            | .00            | 16.68      | 16.66     | .00          | 149.94      | 149.94      | 200.00        |
| 06328          | Newsletter Expense            | .00            | 333.33     | 333.33    | .00          | 2,999.97    | 2,999.97    | 4,000.00      |
| 06329          | Creek Club Dock Usage Fee     | 555.41         | 555.41     | .00       | 4,998.69     | 4,998.69    | .00         | 6,665.00      |
| 06340          | Legal Fees                    | 94.50          | 1,125.00   | 1,030.50  | 1,855.50     | 10,125.00   | 8,269.50    | 13,500.00     |
| 06341          | Legal Fees - Liens            | 159.00         | 291.66     | 132.66    | 1,285.00     | 2,624.94    | 1,359.94    | 3,500.00      |
| 06350          | CPA - Tax Return/Audit        | .00            | 445.83     | 445.83    | .00          | 4,012.47    | 4,012.47    | 5,350.00      |
| 06351          | Membership/Association Expens | .00            | 100.00     | 100.00    | 474.00       | 900.00      | 426.00      | 1,200.00      |
| 06361          | Neighborhood Watch            | 1,400.00       | 625.00     | (775.00)  | 5,625.00     | 5,625.00    | .00         | 7,500.00      |
| 06364          | Bank Charges                  | .00            | 2.08       | 2.08      | .00          | 18.72       | 18.72       | 25.00         |
| 06370          | Bad Debt Write Off            | .00            | 531.00     | 531.00    | .00          | 4,779.00    | 4,779.00    | 6,372.00      |
| 06392          | Directory Expense             | .00            | 366.66     | 366.66    | 3,219.76     | 3,299.94    | 80.18       | 4,400.00      |
|                | Administrative                | 6,788.21       | 9,695.37   | 2,907.16  | 58,163.13    | 87,784.83   | 19,621.70   | 117,047.00    |
| Operating      |                               |                |            |           |              |             |             |               |
| 06440          | Signs                         | 246.05         | 391.66     | 145.61    | 686.45       | 3,524.94    | 2,838.49    | 4,700.00      |
| 06453          | Chas County Storm Sewage fees | .00            | 6.25       | 6.25      | 60.00        | 56.25       | (3.75)      | 75.00         |
| 06454          | Water-Eastlake-00491296       | .00            | 2.66       | 2.66      | (1.10)       | 23.94       | 25.04       | 32.00         |
| 06455          | Water-Frogmore-00491821       | 16.76          | 19.08      | 2.32      | 172.13       | 171.72      | (.41)       | 229.00        |
| 06456          | Water-Ionsborough 119-004923  | 79.30          | 45.66      | (33.64)   | 607.60       | 410.94      | (196.66)    | 548.00        |
| 06457          | Water-Ionsbour 167-00492345   | 15.34          | 13.75      | (1.59)    | 137.60       | 123.75      | (13.85)     | 165.00        |

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**I'On Assembly Homeowners Association**  
**Income/Expense Statement**  
**Period: 09/01/08 to 09/30/08**

| Account           | Description                    | Current Period |             |            | Year-To-Date |            |            | Yearly Budget |
|-------------------|--------------------------------|----------------|-------------|------------|--------------|------------|------------|---------------|
|                   |                                | Actual         | Budget      | Variance   | Actual       | Budget     | Variance   |               |
| 06542             | Repair Contracts               | 185.00         | 1,416.66    | 1,231.66   | 9,286.11     | 12,749.94  | 3,463.83   | 17,000.00     |
| 06553             | Mailbox repair                 | .00            | 291.66      | 291.66     | 603.59       | 2,624.94   | 2,021.35   | 3,500.00      |
| 06564             | Pet Stations                   | 115.00         | 309.16      | 194.16     | 2,473.00     | 2,782.44   | 309.44     | 3,710.00      |
| 06684             | Fish and Wildlife              | .00            | 390.41      | 390.41     | 942.00       | 3,513.69   | 2,571.69   | 4,665.00      |
| 06686             | Lake/Pond/Lagoon Maintenance   | 2,323.74       | 1,228.00    | (1,095.74) | 10,466.83    | 11,052.00  | 585.17     | 14,738.00     |
| 06687             | Lake/Pond/Lagoon Equip maint   | .00            | 208.33      | 208.33     | 974.48       | 1,874.97   | 900.49     | 2,500.00      |
| 06689             | Playground Maint/Repairs       | .00            | 833.33      | 833.33     | 11,060.67    | 7,499.97   | (3,560.70) | 10,000.00     |
|                   | Maintenance                    | 18,728.86      | 26,550.43   | 7,821.57   | 228,927.80   | 238,953.67 | 10,026.07  | 318,506.00    |
| Taxes & Insurance |                                |                |             |            |              |            |            |               |
| 06711             | Income Taxes                   | .00            | 250.00      | 250.00     | 7,270.00     | 2,250.00   | (5,020.00) | 3,000.00      |
| 06715             | Property Taxes                 | .00            | .00         | .00        | .00          | .00        | .00        | 500.00        |
| 06718             | Umbrella Insurance             | .00            | .00         | .00        | 1,778.00     | .00        | (1,778.00) | .00           |
| 06719             | Hazard Insurance               | .00            | 1,250.00    | 1,250.00   | 7,869.00     | 11,250.00  | 3,381.00   | 15,000.00     |
| 06722             | Workers Compensation Insurance | (15.12)        | 52.08       | 67.20      | 1,102.88     | 468.72     | (634.16)   | 625.00        |
|                   | Taxes & Insurance              | (15.12)        | 1,552.08    | 1,567.20   | 18,039.88    | 13,088.72  | (4,951.16) | 19,125.00     |
| Reserves          |                                |                |             |            |              |            |            |               |
|                   | Reserves                       | .00            | .00         | .00        | .00          | .00        | .00        | .00           |
|                   | TOTAL EXPENSES                 | 31,273.59      | 44,108.36   | 12,834.77  | 366,657.13   | 397,501.74 | 30,844.61  | 530,505.00    |
|                   | Current Year Net Income/(loss) | (29,065.93)    | (52,999.61) | 23,933.68  | 154,989.27   | 159,677.01 | (4,687.74) | .00           |

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**I'On Assembly Homeowners Association**

## Reserve Statement

As of 09/30/08

|                       |                                | BEGINNING<br>OF YEAR | YTD<br>ALLOCATION | YTD<br>DISBURSEMENT | AVAILABLE<br>BALANCE |
|-----------------------|--------------------------------|----------------------|-------------------|---------------------|----------------------|
| <b>RESERVES:</b>      |                                |                      |                   |                     |                      |
| 2810                  | Reserve-Interest               | 5,418.61             | 775.48            | 732.00              | 5,462.09             |
| 2811                  | Reserve-Bank Charges           | (69.00)              | 0.00              | 0.00                | (69.00)              |
| 2812                  | Reserve-Dividends              | 6,202.46             | 6,514.12          | 541.17              | 12,175.41            |
| 2813                  | Reserve-Change in Invest Value | 3,061.46             | 1,288.10          | 3,057.23            | 1,292.33             |
| 2814                  | U.S Gov't Interest             | 12,358.55            | 9,121.26          | 0.00                | 21,479.81            |
| 2870                  | Reserve-Contingency            | 180,435.48           | 40,604.13         | 21,686.13           | 199,353.48           |
| 2871                  | Reserve-Initial Capital Contr  | 17,065.12            | 0.00              | 0.00                | 17,065.12            |
| 2872                  | Reserve-Replacement Reserve    | 125,026.96           | 195,554.00        | 97,777.00           | 222,803.96           |
| 2873                  | Reserve-Sce&g Utility refund   | 7,864.91             | 0.00              | 0.00                | 7,864.91             |
| Subtotal Reserves     |                                | 357,364.55           | 253,957.09        | 123,793.53          | 487,428.11           |
| <b>TOTAL RESERVES</b> |                                | 357,364.55           | 253,957.09        | 123,793.53          | 487,428.11           |

\$118,695 in YTD Disbursements is a correcting  
entry not an actual disbursement. Available balance  
reflects actual cash on hand.

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### I'On Assembly Homeowners Association

#### Income/Expense Statement

Actual spreadsheet Start date: 01/01/08 Cutoff date: 09/30/08

|                           | JAN           | FEB           | MAR          | APR          | MAY          | JUN          | JUL         | AUG         | SEP         | OCT      | NOV      | DEC      | Total         |
|---------------------------|---------------|---------------|--------------|--------------|--------------|--------------|-------------|-------------|-------------|----------|----------|----------|---------------|
| <b>INCOME:</b>            |               |               |              |              |              |              |             |             |             |          |          |          |               |
| Prepaid Regime Fees       | 2211-         | 0             | 158          | 0            | 0            | 1841         | 900-        | 0           | 1078        | 0        | 0        | 0        | 34-           |
| Regime Fee Income         | 308858        | 218094        | 39556        | 24164        | 29798        | 4150         | 6150        | 900         | 710         | 0        | 0        | 0        | 632379        |
| Reserve Contribution      | 116695-       | 0             | 0            | 0            | 0            | 0            | 0           | 0           | 0           | 0        | 0        | 0        | 116695-       |
| Interest Income           | 149           | 172           | 668          | 685          | 708          | 618          | 718         | 316         | 420         | 0        | 0        | 0        | 4435          |
| Bank deposit over/under   | 0             | 9             | 0            | 0            | 0            | 0            | 0           | 0           | 0           | 0        | 0        | 0        | 9             |
| Income - Late Fees        | 0             | 49            | 386          | 385          | 216          | 144          | 304         | 0           | 0           | 0        | 0        | 0        | 1493          |
| Income - NSF Fees         | 0             | 25            | 0            | 25           | 0            | 0            | 0           | 0           | 0           | 0        | 0        | 0        | 50            |
| Income - Fines & Violatio | 0             | 0             | 0            | 0            | 0            | 0            | 0           | 0           | 0           | 0        | 0        | 0        | 0             |
| Phone Directory Income    | 0             | 0             | 0            | 10           | 0            | 0            | 0           | 0           | 0           | 0        | 0        | 0        | 10            |
| <b>Subtotal Income</b>    | <b>190101</b> | <b>218349</b> | <b>40778</b> | <b>25248</b> | <b>30722</b> | <b>6752</b>  | <b>6272</b> | <b>1218</b> | <b>2208</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>521646</b> |
| <b>EXPENSES</b>           |               |               |              |              |              |              |             |             |             |          |          |          |               |
| <b>Administrative</b>     |               |               |              |              |              |              |             |             |             |          |          |          |               |
| Web Site Expense          | 0             | 0             | 95           | 0            | 0            | 0            | 0           | 0           | 0           | 0        | 0        | 0        | 95            |
| I'On Trust Expense        | 0             | 0             | 0            | 0            | 0            | 2500         | 3400        | 0           | 0           | 0        | 0        | 0        | 5900          |
| Office Expense - On Site  | 0             | 0             | 0            | 0            | 0            | 0            | 0           | 0           | 0           | 0        | 0        | 0        | 0             |
| Office Expense - Off Site | 2189          | 10            | 140          | 594          | 105          | 468          | 68          | 1384        | 157         | 0        | 0        | 0        | 5095          |
| Management Fees           | 3822          | 3822          | 3822         | 3822         | 3822         | 3822         | 3822        | 3822        | 3822        | 0        | 0        | 0        | 34398         |
| Social/Community Activiti | 488           | 400           | 0            | 0            | 122          | 48           | 0           | 0           | 0           | 0        | 0        | 0        | 1036          |
| Creek Club Rental Fee     | 0             | 0             | 0            | 600          | 0            | 1800         | 600         | 600         | 600         | 0        | 0        | 0        | 4200          |
| Creek Club Dock Usage Fee | 337           | 774           | 555          | 555          | 555          | 555          | 555         | 555         | 555         | 0        | 0        | 0        | 4999          |
| Legal Fees                | 0             | 0             | 0            | 0            | 0            | 1355         | 0           | 408         | 95          | 0        | 0        | 0        | 1858          |
| Legal Fees - Liens        | 0             | 220-          | 220-         | 0            | 0            | 0            | 234-        | 1780        | 159         | 0        | 0        | 0        | 1265          |
| Membership/Assodation Ex  | 474           | 0             | 0            | 0            | 0            | 0            | 0           | 0           | 0           | 0        | 0        | 0        | 474           |
| Neighborhood Watch        | 2000          | 625           | 0            | 0            | 1000         | 0            | 600         | 0           | 1400        | 0        | 0        | 0        | 5625          |
| Bank Charges              | 0             | 0             | 0            | 0            | 0            | 0            | 0           | 0           | 0           | 0        | 0        | 0        | 0             |
| Directory Expense         | 2838          | 0             | 382          | 0            | 0            | 0            | 0           | 0           | 0           | 0        | 0        | 0        | 3220          |
| <b>Administrative</b>     | <b>12128</b>  | <b>5410</b>   | <b>4775</b>  | <b>5571</b>  | <b>5505</b>  | <b>10547</b> | <b>8811</b> | <b>8528</b> | <b>6788</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>68163</b>  |
| <b>Operating</b>          |               |               |              |              |              |              |             |             |             |          |          |          |               |
| Signs                     | 0             | 301           | 52           | 44           | 0            | 0            | 0           | 44          | 246         | 0        | 0        | 0        | 688           |
| Water                     | 0             | 0             | 0            | 0            | 0            | 0            | 0           | 0           | 0           | 0        | 0        | 0        | 0             |
| Chas County Storm Sewage  | 0             | 0             | 0            | 0            | 0            | 0            | 60          | 0           | 0           | 0        | 0        | 0        | 60            |
| Water-Eastlake-00491288   | 3             | 3             | 3            | 3            | 9-           | 3-           | 0           | 0           | 0           | 0        | 0        | 0        | 1-            |
| Water-Frogmore-00491821   | 21            | 10            | 17           | 19           | 19           | 22           | 22          | 25          | 17          | 0        | 0        | 0        | 172           |
| Water-Ionsborough 119-00  | 30            | 35            | 23           | 7            | 38           | 34           | 135         | 227         | 79          | 0        | 0        | 0        | 608           |
| Water-Ionsbour 167-004923 | 13            | 9             | 8            | 4            | 12           | 12           | 29          | 36          | 15          | 0        | 0        | 0        | 138           |

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# I'On Assembly Homeowners Association

## Income/Expense Statement

Actual spreadsheet Start date: 01/01/08 Cutoff date: 09/30/08

|                                 | JAN           | FEB           | MAR          | APR          | MAY          | JUN          | JUL          | AUG          | SEP          | OCT      | NOV      | DEC      | Total         |
|---------------------------------|---------------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|----------|----------|----------|---------------|
| Repair Contracts                | 1625          | 0             | 650          | 960          | 60           | 1225         | 1001         | 3581         | 185          | 0        | 0        | 0        | 9288          |
| Unusual Repairs - Nonrecu       | 0             | 0             | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0        | 0        | 0        | 0             |
| Mailbox repair                  | 125           | 89            | 0            | 79           | 261          | 51           | 0            | 0            | 0            | 0        | 0        | 0        | 604           |
| Pet Stations                    | 0             | 1700          | 0            | 0            | 0            | 0            | 0            | 858          | 115          | 0        | 0        | 0        | 2473          |
| Fish and Wildlife               | 0             | 0             | 0            | 0            | 0            | 942          | 0            | 0            | 0            | 0        | 0        | 0        | 942           |
| Lake/pond/lagoon/ Mainton       | 1162          | 1162          | 1162         | 1162         | 1162         | 1162         | 1162         | 0            | 2324         | 0        | 0        | 0        | 10457         |
| Lake/Pond/lagoon Equip ma       | 0             | 158           | 0            | 0            | 0            | 0            | 587          | 229          | 0            | 0        | 0        | 0        | 974           |
| Playground Maint/Repairs        | 0             | 0             | 3327         | 5530         | 2203         | 0            | 0            | 0            | 0            | 0        | 0        | 0        | 11061         |
| <b>Maintenance</b>              | <b>20057</b>  | <b>32413</b>  | <b>17518</b> | <b>22858</b> | <b>22688</b> | <b>51532</b> | <b>19579</b> | <b>23555</b> | <b>18729</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>228928</b> |
| <b>Taxes &amp; Insurance</b>    |               |               |              |              |              |              |              |              |              |          |          |          |               |
| Income Taxes                    | 0             | 0             | 7270         | 0            | 0            | 0            | 0            | 0            | 0            | 0        | 0        | 0        | 7270          |
| Umbrella Insurance              | 0             | 1778          | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0        | 0        | 0        | 1778          |
| Hazard Insurance                | 0             | 7889          | 0            | 0            | 0            | 0            | 0            | 0            | 0            | 0        | 0        | 0        | 7889          |
| Workers Compensation Insu       | 0             | 0             | 868          | 0            | 7-           | 257          | 0            | 0            | 15-          | 0        | 0        | 0        | 1103          |
| <b>Taxes &amp; Insurance</b>    | <b>0</b>      | <b>9667</b>   | <b>8138</b>  | <b>0</b>     | <b>7-</b>    | <b>257</b>   | <b>0</b>     | <b>0</b>     | <b>15-</b>   | <b>0</b> | <b>0</b> | <b>0</b> | <b>18040</b>  |
| <b>Reserves</b>                 |               |               |              |              |              |              |              |              |              |          |          |          |               |
| <b>Reserves</b>                 | <b>0</b>      | <b>0</b>      | <b>0</b>     | <b>0</b>     | <b>0</b>     | <b>0</b>     | <b>0</b>     | <b>0</b>     | <b>0</b>     | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b>      |
| <b>TOTAL EXPENSES</b>           | <b>39303</b>  | <b>54017</b>  | <b>34745</b> | <b>33549</b> | <b>33379</b> | <b>57624</b> | <b>35137</b> | <b>38629</b> | <b>31274</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>366657</b> |
| <b>CURRENT YEAR NET INCOME/</b> | <b>151798</b> | <b>164332</b> | <b>6032</b>  | <b>8302</b>  | <b>2656</b>  | <b>60872</b> | <b>28865</b> | <b>37413</b> | <b>28066</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>154989</b> |

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**I'On Assembly**

Asset Management & Consulting Services, Inc.  
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North Charleston, SC 29406  
Tel: (843) 303-3586 Fax: (843) 735-7382  
[www.amcs-inc.com](http://www.amcs-inc.com)  
[cwilson@amcs-inc.com](mailto:cwilson@amcs-inc.com)

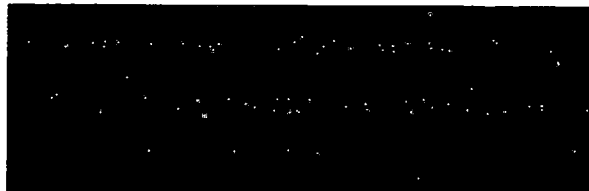
We have three openings on the HOA Board of Trustees for the 2009 year. These seats will be voted on at the I'On Annual Home Owners Association Meeting on December 11.

Positions on the board are designed to devote attention to specific needs of the community to assure I'On continues to grow in a positive direction. Chair positions include Landscaping, Infrastructure, Communications, Finance, Compliance and Amenities. The board has four officer positions: President, Vice President, Treasurer and Secretary. Assignment of chair as well as officer positions takes place at the first meeting in January of the new year. There are also various secondary positions filled by board members as well as appointees by the board. Board members serve two-year terms.

In an effort to even out the expiration of the two-year terms so that approximately only one-half of the Board will be up for election each year, Sheri Cooper has volunteered to run again this year. If re-elected, she and the other members will start a new two-year term in January. We then will have four seats expiring at the end of 2009.

We have 4 new candidates for the 2009 HOA Board. In order to give residents an opportunity to learn more about them, they have answered specific questions concerning some relevant I'On concerns. Their background as well as specific information follows. Candidates (in alphabetical order) are:

- J. Brady Anderson
- Julie Chapman
- Sheri Cooper
- Jody McAuley
- Jeff Tozzi



Please take some time to review their information and be prepared to vote at our annual meeting on December 11. If you cannot attend the meeting, please send in the proxy included in this packet.

Special thanks to George Flynn who helped the board in coordinating candidate questionnaires and information.

AMCS 000137

J. Brady Anderson [REDACTED]

From: J. Brady Anderson  
To: HOA Board  
Date: October 7, 20008  
Re: Qualifications to run for HOA Board Position

A. Professional/Educational

1. Educational
  - a. JD University of Arkansas
  - b. BA in political science Rhodes College
2. Professional/work history
  - a. US Department of State/US Agency for International Development
  - b. Sociolinguistics Research in African minority languages
  - c. Assistant Attorney General State of Arkansas
  - d. Private practice of law
  - e. Law clerk for US District Judge
3. Notable Achievements
  - a. Overseas Private Investment Corporation-Board Chair
  - b. Vietnam Service Medal; Navy Commendation Medal
4. Volunteer activities outside I'On
  - a. Currently Board Chair, Wycliffe Bible Translators (world's largest linguistics and literacy organization; conducting language development in 1,400 languages)
  - b. Currently Board Vice Chair, World Vision (Emergency Relief and Long-Term Development in 100 countries)
5. Relevant Skills
  - a. Legal; Board Governance

B. HOA Involvement

1. no prior experience on an HOA board
2. yes
3. yes
4. I am willing to serve as requested by the HOA President.

C. I'On involvement

1. three years
2. I'On Club, I'On Trust, First Friday
3. I've helped park cars

D. Issues

1. Top 3 issues:
  - i. Relations with the I'On Developers (Creek Club and I'On Club future; further development in I'On) channel growth so that its impact on existing residents is minimal while maintaining property values
  - ii. Quality of life for residents; ensure compliance with current HOA rules governing livability in I'On
  - iii. Maintain the infrastructure of I'On; obtaining passage of the Transfer Fee

AMCS 000138

Julie Chapman

A. Professional and educational background (please summarize):

1. Your educational background: BS in Nursing, BA in International Studies
2. Your professional/work history: I worked for many years as a home health nurse before having children.
3. Any notable accomplishments/awards/recognition:
4. Your volunteer activities outside I'On and/or before moving to I'On: Christ Episcopal Church in Charlotte: Sunday School teacher, Feed the Homeless, Habitat for Humanity. Composed a neighborhood directory in Dilworth.
5. Your relevant skills (for example, financial, legal, communications, computers/internet/website administration, etc.): communications- I can see from both sides and this allows others to compromise.

B. HOA Involvement:

1. Prior experience on an HOA board? no
2. Can you attend regular board meetings (held at 5PM on the fourth Wednesday of each month)? yes
3. Can you devote 5 to 10 hours a week to fulfilling your Trustee responsibilities? yes
4. What Board slot interests you: Landscaping Committee Chair, IDC Liaison, Compliance Officer? IDC Liaison

C. I'On Involvement:

1. How long have you lived in I'On? 2 ½ years
2. Please list the I'On activities you participate in (examples might include the I'On Club, the Lunch Bunch, Yarn Buddies, Women's Coffees, book clubs, dinner clubs, BizNet, etc.): Conservation Corps, Mom's group & Ambassador for Ionsborough.
3. Please describe your I'On volunteer activities (examples might include the I'On Trust, I'Onissimo, the newsletter, the community website, the Directory, welcome baskets, the Tour of Homes, Board committees, Conservation Corps, etc.): I was one of the founding members of the Conservation Corps. I have been in charge of recycling. We have increased per home recycling through awareness. I am liaison with the county recycling center. I was the ambassador for Ionsborough for a year until I moved to Saturday Road.

D. Issues, positions, goals, etc.:

1. What do you think are the top 3 issues facing the Assembly in 2009 and how would you address them as a Trustee? I believe that the future of the Creek Club is the most important issue right now. I would like to see the board review all options and take a proactive stance. We are setting standards that will impact our neighborhood for years to come. Secondly, I think we need a full time property manager. Our neighborhood is large enough. Thirdly, I would like our board to be filled with a diversity of people so that the neighbors will feel good about being fairly represented. When there is diversity, there is great opportunity to find the best solutions.
2. Why do you want to be on the Board of Trustees? What are your goals and objectives as a Trustee? I have the time, energy and desire to help shape the next ten years of I'ON. I want to help our board compromise and find the best solutions.
3. What else would you like the community to know about you? I am a compassionate person who can see both sides and would like to help our neighborhood be the best it can be for years to come.

AMCS 000139

Sheri Cooper-

A. Professional and educational background (please summarize):

1. Your educational background: BS in Accounting
2. Your professional/work history: Public accounting and private industry, ranging from controller to VP of Finance for several types of companies
3. Any notable accomplishments/awards/recognition: CPA
4. Your volunteer activities outside I'On and/or before moving to I'On: Daughter's schools, Big Brother/Big Sister board member
5. Your relevant skills (for example, financial, legal, communications, computers/internet/website administration, etc.): Finance & Accounting background

B. HOA Involvement:

1. Prior experience on an HOA board? Yes, current I'ON board member
2. Can you attend regular board meetings (held at 5PM on the fourth Wednesday of each month)? yes
3. Can you devote 5 to 10 hours a week to fulfilling your Trustee responsibilities? yes
4. What Board slot interests you: Finance

C. I'On Involvement:

1. How long have you lived in I'On? 1 1/2 years
2. Please list the I'On activities you participate in (examples might include the I'On Club, the Lunch Bunch, Yarn Buddies, Women's Coffees, book clubs, dinner clubs, BizNet, etc.): Conservation Corps, Women's Coffee, I'ON Home Tour, Halloween in the Hood, trying to organize family events at the Creek Club, First Friday, Stew Cook, Holiday decorating
3. Please describe your I'On volunteer activities (examples might include the I'On Trust, I'Onissimo, the newsletter, the community website, the Directory, welcome baskets, the Tour of Homes, Board committees, Conservation Corps, etc.): Current Board Member in charge of Finance & Compliance, I'ON Home Tour volunteer, Halloween in the Hood, Memorial day and 4<sup>th</sup> of July Trust event volunteer

D. Issues, positions, goals, etc.:

1. What do you think are the top 3 issues facing the Assembly in 2009 and how would you address them as a Trustee? 1) Ensuring that the Creek Club remains available to the homeowners of I'ON 2) Ensuring I'ON has enough money to keep it beautiful and well maintained and 3) Creating viable plans for the remaining properties in I'ON not currently owned by the homeowners.
2. Why do you want to be on the Board of Trustees? What are your goals and objectives as a Trustee? In order to have 3 board slots open for this election I volunteered to run again after one year of serving on the I'ON board. I would like to finish what I have helped to start, including getting the transfer fee passed and developing the right agreement with whomever buys the Creek Club
3. What else would you like the community to know about you? I have the best husband and daughter in the world and we plan to live in I'ON forever..

AMCS 000140

Jody McAuley [REDACTED]

A. Professional and educational background (please summarize):

1. Your educational background:

The Asheville School 1983-1987

The University of South Carolina 1987-1991 BA Political Science and History

1. Your professional/work history:

Senior Vice President Investments Wachovia Securities (1994- Present)- Co-Founder.  
McKenzie/McAuley Wealth Management Group. We work closely with individuals,  
institutions, funds and endowments in constructing asset management portfolios.

1. Any notable accomplishments/awards/recognition:

Recognized in each of the past 10 years for outstanding investment management services.

1. Your volunteer activities outside I'On and/or before moving to I'On:

The Asheville School - Annual Fund Committee 1987-2004

Chamber of Commerce Board of Directors - Rocky Mount, NC 1996-1998

Habitat for Humanity Charleston, SC Board of Directors - (2007 - 2009)

1. Your relevant skills (for example, financial, legal, communications,  
computers/internet/website administration, etc.):

Working closely with individuals and institutions on a daily basis to identify objectives  
and provide solutions is my relevant skill. The success of this process includes financial  
analysis, excellent client communication, the use of technology and proper  
administration.

B. HOA Involvement:

1. Prior experience on an HOA board?

None

1. Can you attend regular board meetings (held at 5PM on the fourth Wednesday of  
each month)?

Yes

1. Can you devote 5 to 10 hours a week to fulfilling your Trustee responsibilities?

Yes

1. What Board slot interests you: Landscaping Committee Chair, IDC Liaison,  
Compliance Officer?

I am quick study and would be able to jump in right away with any of these committees.

C. I'On Involvement:

1. How long have you lived in I'On?

4 years (Rented 1 year and since have lived at [REDACTED])

1. Please list the I'On activities you participate in (examples might include the I'On  
Club, the Lunch Bunch, Yarn Buddies, Women's Coffees, book clubs, dinner clubs,  
BizNet, etc.):

I'On club (Masters Swim, Youth Swim team, Tennis, Workout Room), All family events  
(Bridge Run/Blue Dogs, July 4th, etc), Dinner Club

1. Please describe your I'On volunteer activities (examples might include the I'On  
Trust, I'Onissimo, the newsletter, the community website, the Directory, welcome  
baskets, the Tour of Homes, Board committees, Conservation Corps, etc.):

AMCS 000141



Jeff Tozzi- [REDACTED]

TO: Candidates for Election to the I'On Assembly Board of Trustees  
FROM: HOA Board  
SUBJECT: Background Information  
DATE: Oct 1, 2008

In order to help enable I'On residents to evaluate the qualifications of candidates for election to the Board of Trustees, all nominees are being asked to provide the following information about their background, skills, interests and opinions.

We believe that the following background information will be both helpful and relevant to your neighbors in determining their support for particular candidates.

Please briefly address each of the following topics:

A. Professional and educational background (please summarize):

1. Your educational background:
  - o Master of Science Degree -- Johns Hopkins University
  - o Bachelor of Arts Degree -- Seton Hall University
  - o Participant in academic and professional development programs at The Center for Executive Education at Babson College as well as Massachusetts Institute of Technology (MIT) Executive Education Program
2. Your professional/work history:
  - o I currently am a General Manager at Microsoft Corporation, managing a nationwide organization that is responsible for driving just under 1 Billion dollars in revenue for the State & Local Government vertical within the company. Prior to this role, I have held various other positions at Microsoft over the last 10+ years. These roles have spanned our Federal, Education/Academic, Local Government, as well as commercial enterprise and small business segments.  
Prior to my time at Microsoft, I have held various positions at Lockheed Martin, Lucent Technologies and AT&T. These positions ranged from various leadership roles such as the Financial Controller for an overseas venture, as well as other leadership, project management, program management and consultant roles.  
In addition to my time with these major corporations, I have also been an owner of a small business in the IT consultancy space.
3. Any notable accomplishments/awards/recognition:
  - o Proud husband to my beautiful wife, and father for 2 great little boys (plus one more child on the way).
  - o Participant in highly selective Leadership Development Programs at Microsoft, Lucent Technologies and AT&T
4. Your volunteer activities outside I'On and/or before moving to I'On:
  - o Prior to moving to I'On, I have volunteered as a youth soccer coach as well as driven personal fundraising efforts for an organization to benefit fallen soldiers' families. In addition, I have volunteered for various other causes. Examples of these include painting classrooms for an impoverished school in Central America, as well as various holiday programs to support lower income families and children.
5. Your relevant skills (for example, financial, legal, communications, computers/internet/website administration, etc.):
  - o In general, I have a sound business foundation with strong relevant experiences in finance, communications, sales/customer services, as well as technology.

B. HOA Involvement:

1. Prior experience on an HOA board?

AMCS 000142

Jeff Tozzi- [REDACTED]

that we all care to be involved and to stay involved in making this community what it is. Without the contributions of many... our achievements as a community will have limited appeal. Everyone will have different motivating factors to their involvement (whether it be related to community building, maintaining value, safety, etc), but the simple involvement of many will ensure we broadly can address each of our concerns. I was captivated with the thought of my family living and growing in I'On from my first visit, and I certainly still am today. I know many of my neighbors feel the same.

AMCS 000143

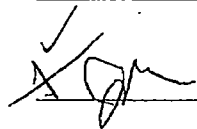
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I'On Assembly Homeowners Association

Page: 81

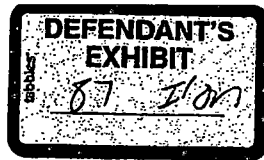
ANNUAL MEETING REPORT AS OF 12/09/08

Current Owner (P)=Prev Owner (R)=Resident/Tenant (V)=Developer

| ALPHA KEY   | PROPERTY ADDRESS                                                                   | ACCOUNT NO. | LOT/UNIT | RATIO SETTLED | SIGNATURE                                                                          |
|-------------|------------------------------------------------------------------------------------|-------------|----------|---------------|------------------------------------------------------------------------------------|
| WADE        |  |             | KRIE43   |               |                                                                                    |
| WAHOO PARTN |                                                                                    |             | SAT010   |               |                                                                                    |
| WALBECK     |                                                                                    |             | NSH114   |               |  |
| WALL        |                                                                                    |             | PERS40   | 03/01/05      |                                                                                    |
| WALLACE     |                                                                                    |             | PON070   | 08/13/07      |                                                                                    |
| WALSH       |                                                                                    |             | SAT057   |               |                                                                                    |
| WALSH       |                                                                                    |             | SAT057   |               |                                                                                    |
| RS          |                                                                                    |             | JAK149   |               |                                                                                    |
| WAYMAN      |                                                                                    |             | HOPE18   | 02/16/07      |                                                                                    |
| WAYMAN      |                                                                                    |             | HOPE18   | 02/16/07      |                                                                                    |
| WDS         |                                                                                    |             |          |               |                                                                                    |



AMCS 000144



From Alan Banksien

RE: THE PUD AMMENDMENT ISSUES

I AM TROUBLED THAT WE SEEM TO HAVE ABANDONED OUR EARLIER POSITIONS REGARDING THIS PUD AMENDMENT PROPOSAL.

FIRST---WE HAVE NEVER, AS A BOARD DISCUSSED AND/OR AUTHORIZED PURSUING THE CREEK CLUB FOR A COMMUNITY BUILDING. IN FACT WE HAVE OFTEN DISCUSSED THAT THE BUILDING IS INAPPROPRIATE FOR OUR USES. A COMMUNITY CENTER IS NOT THE HIGHEST AND BEST USE FOR THIS BUILDING AND/OR PROPERTY. PARKING IS VERY LIMITED. WE ALSO DON'T WANT TO BE IN THE "EVENT BUSINESS" TO SUPPORT SUCH A LARGE PROJECT. WE DON'T HAVE REGULAR CASH FLOW TO SUPPORT THIS PROJECT. THE DOCKS ARE A HUGE LIABILITY AND INSURANCE PROBLEM AND WE ALSO HAVE THE ACCESS BY OLDE PARK RESIDENTS THAT VINCE SOLD RIGHTS TO. THE NEIGHBORS IN THE AREA ARE NEGATIVELY IMPACTED BY EVENTS. WE ARE ALSO NOT SURE THAT THE CREEK CLUB, A PROFIT MAKING ENTERPRISE, IS NOT HOUSED ON A LOT ZONED AS A CIVIC LOT. WITHOUT KNOWING ALL THE FACTS WE SHOULDN'T BE CONSIDERING THIS APPROACH. WE HAVE NEVER DONE THE FINANCIAL DUE DILIGENCE, THAT WOULD BE EXPECTED OF THIS BODY, TO ACCESS THE FINANCIAL FEASIBILITY OF THE PROJECT.

SECOND---WE DISCUSSED NOT LINKING THE TRAFFIC ISSUES, PUD AMENDMENT AND OTHER ISSUES TO AVOID EXACTLY WHERE WE ARE NOW.

THIRD---I AM NOT INTERESTED IN THE ION GROUPS ABILITY TO HANDLE DENSITY. THAT IS THEIR SOCIAL EXPERIMENT, NOT WHAT ION OFFERED ITS BUYERS OR WHAT ION RESIDENTS BOUGHT IN TO. WE WILL HAVE 2 NEW CHURCHES WITH NO PARKING, A RETAIL STORE WITH NO PARKING HOW COULD ONE CONSIDER WORSENING THE CONDITIONS WITH DISPROPORTIONATE DENSITY ADDITON TO THE COMMUNITY.

FOURTH---WHEN ONE OVERLAYS THE SIZE OF THE PHASE 11 PROPERTY TO AN AVERAGE ION NEIGHBORHOOD WE SEE ABOUT 22 OR SO HOME SITES. WHY WOULD WE SUPPORT A PLAN WHICH ALMOST DOUBLES THAT AND THEN REMOVES THE CREEK CLUB OVERFLOW PARKING. THE OVERLAYS PROVIDED BY ION GROUP ARE THE MOST CONGESTED AND CROWDED AREAS IN OUR COMMUNITY.

FIVE---VINCE SHOW PHOTOS OF VERY SMALL HOMES NOW FIT IN AROUND ION TO JUSTIFY HIS DENSITY. COULDN'T ONE REASONABLY TAKE THE LARGEST HOMES IN ION AND PLAN PHASE 11 WITH THAT SIZE HOME?

SIX---OUR JOB IS TO MAKE SOUND, THOUGHTFUL JUDGMENTS AND NOT BE INFLUENCED BY THE DOLLARS THROWN AT THE COMMUNITY TO WIN SUPPORT. YES

AMCS 000220

VINCE HAS EVERY RIGHT TO DO WHAT HE WISHES, BUT AS REPRESENTATIVES OF THE HOMEOWNERS WE WOULD BE SELLING THEM OUT.

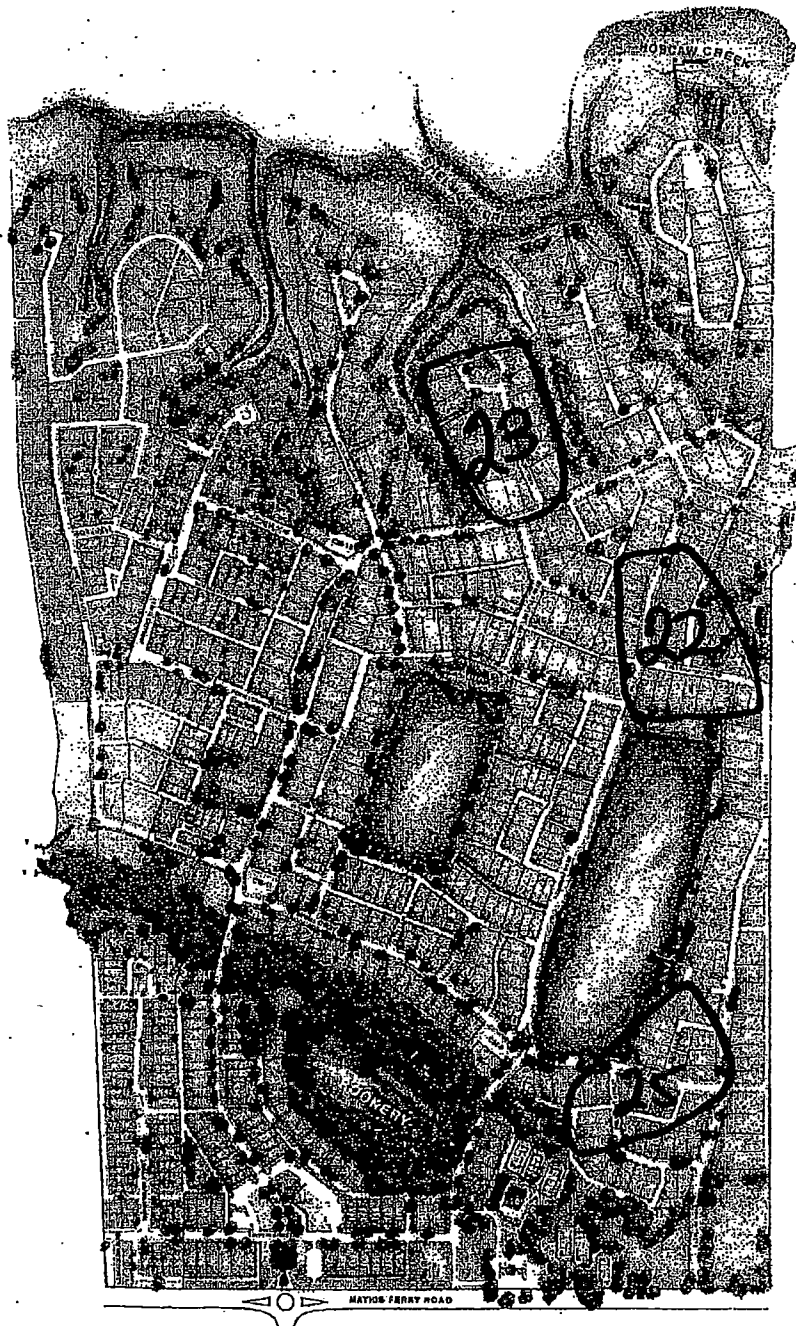
SEVEN---PERHAPS THE COMMUNITY CENTER SHOULD BE DEVELOPED ON A PORTION OF THE PHASE 11 SITE, CAREFULLY PLACED WITH PARKING AND ACCESS. LET VINCE KEEP THE CREEK CLUB AND LET'S SEE HOW QUICKLY HE WOULD WANT TO CONVERT THE OVERFLOW PARKING TO HOME SITES. PERHAPS THE COMMUNITY BUILDING SHOULD BE ON A LOT THAT ADJOINS THE SCHOOL, COULD SHARE PARKING AND COMPLIMENT SPACE USAGES.

WE ARE BEING TREATED TO MASTERFUL HORSE TRADING AND THE SHELL GAME ALL WRAPPED UP IN ONE. VINCE SEES INTEREST IN OUR OBTAINING THE CREEK CLUB AND GOES TO 45 LOTS IN PH 11 AND THEN WANTS THE OVERFLOW PARKING AREA DEVELOPED FOR HOME SITES. WOW, WHAT A DEAL.

WE MUST ABANDON ANY PLANS TO OBTAIN THE CREEK CLUB AND DOCKS. WE MUST SUPPORT A DENSITY FOR PHASE 11 CONSISTENT WITH THE DENSITIES PEOPLE BOUGHT IN TO. WE THEN CAN PURSUE A SITE FOR A COMMUNITY BUILDING INDEPENDENT OF PHASE 11.

WE MUST FIND COMMON GROUND. SUPPORT 22 HOME SITES IN PHASE 11, HAVE VINCE DONATE THE LOT AT THE END OF THE OVERFLOW PARKING LOT FOR US TO BUILD A COMMUNITY BUILDING AND ALLOW US USE OF THE PARKING LOT, DEMAND THE SOLUTION TO THE PARKING PROBLEMS AND MOVE ON.

AMCS 000221



AMCS 000222

## Inspiration for a Neighborhood

"It is well to remember that the entire population of the universe, with one trifling exception, is composed of others."  
*John Andrew Holmes*

The Marshes of Hobcow Creek are one of Mount Pleasant's most wonderful assets. Wanting to share this beauty with all of the residents and friends in the neighborhood, I'On has miles of linear parks along the waterfront and community docks rather than many individual private ones.

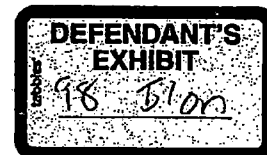
**C**ommunity docks not only provide the opportunity for neighbors to gather and enjoy the water; they also minimize the impact of individual docks and landings and protect our environment. As a living ecosystem and beautiful resource along the eastern coast, the marsh needs our stewardship. By offering a few community docks rather than individual docks for each waterfront homeowner, development can balance human and environmental needs.



**I'On Realty**  
**884-3080**

Located in the I'On Square, just off of the roundabout on Mathis Ferry Road in Mount Pleasant  
Call for more information or come by for a visit.  
Monday - Friday 9 a.m. - 5:30 p.m. - Saturdays 10 a.m. - 5 p.m. - Sundays 12:30 p.m. - 5 p.m.

**MARSHFRONT LOTS ARE NOW AVAILABLE.**



Plaintiffs Production 000332

### Inspiration For A Neighborhood

"Let's build bridges here and there  
or sometimes, just a spiral stair."

*Georgia Douglas Johnson*



A rendering of I'On from the Marshes of Mudaw Creek. Like the old post road along the banks of the Intracoastal Waterway in Florida, I'On will have a linear park at the edge of its marsh front. With this park and the paths surrounding three freshwater lakes, neighbors in I'On have access to more than three miles of waterfront, sidewalks, and trails.

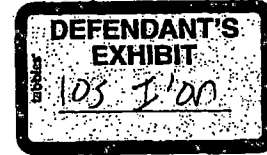
**L**inear parks are often thought of as paths or parkways. They range from narrow trails to wide corridors and broad greenbelts. Linking neighborhoods to a larger park system as well as providing access to beautiful corridors, these parks are great for strolling, jogging, riding, or relaxing. Well known linear parks in our area include the path beside Mathis Ferry Road in Mount Pleasant, the Battery along the edge of the Charleston Peninsula, and the Palmetto Trail which will ultimately cross the entire State of South Carolina.



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Call for more information or come by for a visit.  
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## Creek Club: Where We Are

Ward Mundy <wardmundy@gmail.com>

Tue, Feb 24, 2009 at 9:23 AM

To: "Templeton, Catherine B." <Catherine.Templeton@ogletreedeakins.com>

Cc: "Mary H. Mundy" <maryhmundy@gmail.com>, Laurie Thomhill <lt@scplaces.com>, Steve Brock <SteveBrock7@aol.com>, "LEAADK@aol.com" <LEAADK@aol.com>

Bcc: Ward Mundy <wardmundy@gmail.com>

Well, last night was disappointing, but not unexpected. My check is in the mail. :) I've tried to put on my appellate lawyer hat (briefly) to sketch out where we are. This, of course, is not legal advice, merely neighborly musings.

As I read the charter of the Board of Zoning Appeals, their mandate in this case was to decide whether to affirm the ruling of the Zoning Administrator or modify it in some way. By and large, I understood the 4-1 vote as a vote to affirm. Joel Ford's decision was that "current use of the I'On Creek Club as a venue for weddings, receptions, meetings, and other similar events is a permitted use pursuant to the provisions of Mount Pleasant Ordinance No. 97010" because "the Creek Club building is a neighborhood clubhouse, which the ordinance specifically identifies as a type of civic building." He specifically refused to wade into regulating "neighborhood clubhouse use, believing these matters are best handled privately between those involved."

The refusal to address proper use of a civic use property is dead wrong as a matter of law because the zoning complaint here involved inappropriate use. It doesn't really matter what the building looks like. If the primary use of a church building is to run a commercial pool hall, it's not civic use. If a scout hut is being used as a bordello, it's not civic use. And if what looks on the outside to be a neighborhood clubhouse is being used on the inside to run a commercial destination wedding business, it's not civic use. That's the legal theory anyway.

In my opinion, what's missing from all of this process is any factual basis for upholding or overturning the current zoning decision on the Creek Club. Stated another way, the Zoning Administrator refused to address how the building was actually being used. And BOZA did much the same thing although there was some discussion by "witnesses" of how the club was being used. The only factual evidence of appropriate use came from the attorney for the Grahams. That, of course, wouldn't constitute evidence in any court I've been in.

The bad news, however, is this. If I were a circuit judge, I would overturn the BOZA decision as clearly erroneous for failing to address the actual use of the facility in arriving at their zoning determination. The remedy, however, would be to send the matter back to the Planning Department for a factual determination on how the Creek Club actually is being used. I don't think the circuit court would make an actual civic use factual determination with no factual record from the Town. If I were the Grahams, I might appeal any circuit court ruling just to run up the litigation expense. Ultimately, they'd lose. But the victory would be on extremely narrow grounds, i.e. remand to Town to get a factual zoning determination.

There is plenty of information to document the actual use of the facility including the business and tax records of the LLC. My guess is when the matter finally got back to the Planning Department, the Good Ol' Boys would ignore the records and come up with some general language that says the club is being used for some civic purposes and is helping to defray costs by also using the facility for weddings and meetings. Then you're back to BOZA which would affirm. Then you're back in circuit court a year from now issuing subpoenas for business records. Even after a lengthy presentation on bait-and-switch and current usage and \$100,000 in legal expenses, I think it would be a close case at the trial level especially after all the evidence comes out that other clubs are situated on residential lots and are doing much the same thing. Another major stumbling block is the Supreme Court decision allowing private, for-profit operation of businesses on civic lots, i.e. the original Montessori School. If we won, they'd appeal. Bottom line: This is a real legal and financial can of worms that would go on, and on, and on with lots of lying and ambiguity. Given the legal cost of handling the first BOZA appeal last night and measuring the amount of effort that appeared to have been devoted to preparation, I think successful resolution would be cost prohibitive.

So... where do we go from here? One approach would be to lay low and wait on a sale to a real hospitality

Plaintiffs Production  
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business with no connection to the neighborhood. This eliminates many of the arguments about current civic use, and it also gets us a much stronger case on a commercial, for-profit business with virtually no civic component. Their whole business model is to run a destination wedding business with hotel rooms, restaurant, and wedding party facility. I don't think it would hurt to put them on notice that failure to agree to the HOA-proposed easement is going to land them in court. The proper approach the next time around would be to actually claim a violation of the PUD for exceeding the commercial square footage limit in I'On. That's much easier to prove once you can show it's actual being used in that manner. Why else would the B&B buy it?

Another option is for someone or some group that purchased lots directly from the I'On Company to go to the feds and raise hell about the HUD property report in which the I'On Company promised to convey the Creekside Park and Community Dock to the I'On Assembly "upon completion of construction... by quitclaim deed free and clear of all monetary liens and encumbrances at no cost to the I'On Assembly or its members." Instead, these facilities were conveyed to the I'On Club. And, as I understand it, both of these properties now are included in the proposed property sale to the B&B. I've also been told that the marsh in which the community dock resides is not owned by any entity controlled by the Grahams, and the Grahams reportedly have given Olde Park residents some rights to the dock and boat ramp. Suffice it to say, it is not unencumbered.

The HUD remedy is not the most desirable. The Feds could take civil and criminal action against the Grahams assuming they believed there were fraudulent practices, but as I read the Interstate Land Sales Full Disclosure Act, failure to comply with a HUD Property Report would not bar a sale to a third party. I'On residents that purchased a lot directly from the I'On Company also might have a civil claim for damages, but there is a two-year statute of limitations.

Just my \$.02. Take it for what it's worth!! Thanks for all you've done.

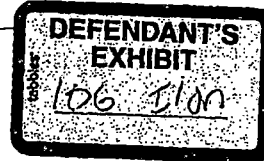
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NEWSCHANNEL 4 WCTV TV

FAX NO. [REDACTED]

P.01



August 28, 1995

VIA FAX

Mr. Ken Willingham  
Chairman, Board of Planning and Zoning  
Mt. Pleasant, SC

Members of the Planning & Zoning Board:

Last Wednesday I sat in a room while some people used terms like "urban sprawl" and "cookie cutter" to describe the town I live in. Then they got almost misty-eyed conjuring up visions of the Old Village, Rockyville and McClellanville. Finally they got around to presenting a land use corollary to the Exxon Valdez.

I didn't know whether to laugh or cry. If there was humor to be found it was in the liberal use of the word "neighborhood". I've seen neighborhoods and this is no neighborhood. In fact I walked one them last night - Hobcaw and I did not see what these developers would have us believe. People spoke to me, waved to me and I even saw some folks talking to each other.

Whoever planned their presentation worked harder at manipulation than information. They hit all the right themes such as the one about people from all walks of life living together. There is no way to oppose that without appearing elitist, or worse, and they knew it. The fact was, though, that the premise was nothing but red herring. It was a smokescreen for the issue of the massive density proposed.

I found their whole approach insulting and cynical. Insulting because it attempted to hide greed behind a warm, human face. The town I live in was painted as something to be disdained and its people as reactionary and behind-the-times.

Cynical because it used themes and images that are contrary to the reality of the project. It assumed that we are just naive enough to believe things like putting an elementary school on five acres of land and that taking only 5% of the wetlands is a good thing. Or that a "roundabout" will take care of any pesky problems with a few thousand more cars on Mathis Ferry Road every day.

In all of it I never heard a single substantial, convincing argument for changing the zoning. If one of them had said, "We want the zoning changed so that we can make a lot of money", I would have at least respected the honesty.

l'On Defendants 004902

95 TUE 15:37

NEWSCHANNEL 4 WQTV TV

FAX NO. [REDACTED]

P. 02

Their proposal is infested with holes and loopholes. It leaves enough questions unanswered to fill a book. Their idea of "flexibility" is more like saying to your kids, "Clean up your room if you want to".

I believe that we live in one of the nicest and most attractive communities anywhere. Years ago some people got together and created a plan to keep it that way, even to improve it along the way. We seemed to have muddled on fairly well.

I believe people in Mt. Pleasant are reasonably pleased with progress and would rise up in horror at the prospect of this development. Certainly, discounting for the moment real estate agents and developers and fishermen whose interest is in limiting docks, the opposition that you heard last Wednesday night mirrors that I believe you will find in the community. I would ask as well that you minimize the influence of outside groups. They may have multiple agendas whose motivation and connection with other interests could contaminate their advice. The decision to be made is local and we are perfectly capable of making it in that context.

Please add my voice to the many others I am sure you have heard and reject this plan. Keep the zoning of the Jordan tract R-1.

Thank you for your consideration.



Stephen G. Brock

cc: The Honorable Cheryl Woods-Flowers  
Mount Pleasant Town Council

1'On Defendants 004903

October 4, 1995

The Honorable Cheryl Woods-Flowers  
Mayor of Mt. Pleasant

Dear Cheryl:

I am sorry that I could not get back to you this morning, but we felt that everyone involved in our effort should have the opportunity to speak to our decision and it took a while to get in touch with everyone.

First, on behalf of the whole committee, thank you for arranging the meeting with you and Tom yesterday. Though we clearly do not agree on key points, I hope that we conveyed to you that our objections to the development are sincere and substantive. We accept as well your more positive feelings on the development.

It is therefore with regret that we have decided that we simply have no option other than to vigorously oppose the deferral. To do less is to break faith with those who have trusted us and supported us and we cannot do that any more than we can relax our efforts should the deferral be approved.

We do not feel that deferral serves any purpose. The reason is simple. The deferral is characterized as a period for the developers to meet with affected neighborhoods to find out what they want. We have already done that. The majority of residents in every subdivision wants R-1. They have signed petitions to that effect. You have letters that say the same thing. The Grahams have repeatedly said that they will not build R-1. It seems the issue is decided. If the Grahams will tell Council that they will return with an R-1 plan, obviously we withdraw any objection to deferral.

We believe that the majority of Town Council, by granting a deferral, is motivated by a sense of fairness. On the other hand, as the point was made before, we think the Grahams have received a heaping portion of that and that we have been disadvantaged. Though Council is inspired by a high purpose, we have every reason to expect the deferral period to be used to sell a version of the existing plan.

I On Defendants 004904

The letter requesting the deferral has a clear statement of purpose:

"The complexity of our planned development necessitates additional time in which to meet with residents of surrounding neighborhoods to explain our concept and address specific concerns".

While that effort continues, we endure efforts to sell this project from individuals and groups whose quality of life and property values are not imperiled by this project. You should know that these efforts simply throw gasoline on the fire of opposition.

As poorly thought through as it seems, it is rumored that supporters may use the deferral period to attempt to place the issue on December ballot as a non-binding referendum. We would win such a referendum, but an effort to force this project on residents of Mathis Ferry Road, which it affects directly, with the help of outsiders and residents from unaffected areas would drive a wedge between communities that would be disastrous.

Cheryll, we are not troublemakers. This trouble was made for us. We are defending ourselves and our cause is gaining ground. On the other hand, as we said in our letter and told you yesterday, this situation we all find ourselves in is miserable. Extended into the coming holiday season it will be awful.

I could not be more sincere when I say for every one of us how deeply we regret the circumstances. We love Mt. Pleasant. We hate what is happening here, but we did not begin it. We must continue because it is the quality of our lives and those of our neighbors which is at risk.

Sincerely yours,

Stephen Brock on behalf of The Mathis Ferry Road Committee

cc: The Honorable Tom Tanis  
Mt. Pleasant Town Council

cc: Council ✓  
Mayor

October 4, 1995

The Honorable Cheryl Woods-Flowers  
Mayor of Mt. Pleasant

Dear Cheryl:

Since the beginning of the debate on the development of the Jordan Tract our stand has been clear - no multi-family, no commercial, no retail and no rezoning. It remains that: Every name gathered has been signed in support of that position.

To update you, at this point the majority of homes in Hobcaw, Molasses Creek, Somerset, On the Harbor, and Heron Point are on record as opposed. Before next week's meeting we will have majorities in Parish Place, Wakendaw and Point Pleasant and letters from association presidents opposing the project.

Throughout the past few weeks the Grahams have been afforded every consideration, while we have been treated like outsiders. While we have played by the rules, we have watched town representatives actively support not just the project, but the Grahams personally. We have been told that we "don't understand the project". In fact, we have spent a considerable amount of time reading their codes, impact statement, traffic studies and the Master Plan. Our objections, though characterized otherwise by some, are reasonable, informed and irreversible.

A few people say that there are aspects of this project that are appealing. We believe that the image is appealing, not the reality. The time for that debate, though, has passed. A high-density, multi-use development on Mathis Ferry Road adjacent to established, single-family subdivisions is out of place and unacceptable. This project is being driven by land costs. Land costs should not be allowed to set our zoning codes.

We have no belief that deferral of this project will result in meaningful changes. First we have had experience on this project with "concessions". Further, there has been enough time before this to offer them. We have known the deadline and so have they.

It is time to end the divisiveness that is resulting from this project. People once friends no longer speak to one another. Words have passed between neighbors that should not have and the bad feelings are only going to escalate with delay. Further, while a delay will be an inconvenience to us, it will not deter us.

1'On Defendants 004906

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Page 2  
October 4, 1994

*We are asking you to support us and a growing list of more than a thousand citizens of Mt. Pleasant. Please commit to bringing the Jordan Tract proposal to a vote next Tuesday.*

*Sincerely yours,*

*Henry Thomas  
Carlton Poulnot*

*Steve Brock  
Gordon McCay*

l'On Defendants 004907



**URGENT**  
**RESIDENTS OF HOBCAW POINT**

A furious public relations battle is underway to convince you and Mt. Pleasant Town Council to allow a high-density development - 1240 homes, townhouses and apartments in addition to commercial property on the 243 acres adjacent to Hobcaw and Molasses Creek, known as the Jordan Tract. This will double the number of homes on Mathis Ferry Road.

The only thing standing in the way of this enormous project - 50% more residences than present R-1 zoning - is you. If the vote were taken today the Planning and Zoning Committee would approve it with some small revisions.

The developers are selling the project as a "traditional neighborhood" like the Old Village, Rockville and their Beaufort development, New Point. None of these areas are as densely developed or have 430+ apartments. New Point is an attractive single-family development with no apartments or commercial.

There is a great deal of pressure to get this development to a vote. Strong, well-placed forces, some of whom do not live in the vicinity of this project and others with vested interests are pushing this plan. The "Post-Courier", which credits itself for having started the process that led to this development, has gotten into the act with an editorial, articles and a somewhat lop-sided spread in this weeks East Cooper section.

They join many others who are so in love with the concept that, like anyone in love, they refuse to see the flaws in the object of their affection. Instead they suggest we just don't understand the concept.

This development is an experiment. If it is built in its present form all along Mathis Ferry will suffer - especially Hobcaw Point and Molasses Creek residents. There will be increased traffic on Mathis Ferry. There will be at least two roads to Muirhead. The newspaper confirmed it.

Further, it was acknowledged by the Town Planner that the traffic from the Jordan Tract to Muirhead has not been considered. This will be a "back door" to the subdivision for anyone going to Houston Northcutt, Coleman or downtown and for the return trips.

**What can you do, you ask?**

- **MARK OCTOBER 10 ON YOUR CALENDAR.** This is the meeting of Town Council that will consider the project. Our council representatives need to hear us.

- **SIGN, RETURN THE ATTACHED POST CARD.** If you have signed the petition, send the card anyway in case a petition has been misplaced. We will eliminate duplicates. Anyone 18 or older can sign.

- **WRITE TO TOWN COUNCIL.** Tell them. "Please, no apartments, no stores, no commercial- keep the Jordan Tract zoned as it is for single-family residences."

I'On Defendants 004908

**IF YOU CAN, ATTEND THE PLANNING AND ZONING MEETING ON SEPTEMBER**

20. It is a foregone conclusion that this committee will pass the project with minor changes. Remember, if they cut the apartments in half, the property will still have as many residences as the seven subdivisions on Mathis Ferry Road. (see last page).

**Remember...**

The infamous Mathis Ferry Mall had big money behind it and we defeated it. We said no! This is our fight and each one of us is critical to defeating this project. The quality of our lives, the values of our homes and the safety of our families is at stake.

These are member of the Planning and Zoning Committee and Mt. Pleasant Town Council. It is especially important to send letters to the Council Members. Send them to Town Hall, 100 Ann Edwards Lane, Mt. Pleasant, SC 29464.

**Mt. Pleasant Town Council**

Ms. Cheryl Woods-Flowers, Mayor  
Mr. Tom Tanis  
Ms. Margaret Kerr  
Mr. Krueger Smith  
Ms. Jewel Browder  
Col. Bob Bartoni  
Mr. Terry McManus  
Mr. Dolph Rodenberg

**Planning & Zoning**

Mr. Ken Willingham, Chairman  
Mr. Tom McLaughlin  
Mr. C.D. Hopkins  
Mr. Ken Dandridge  
Mr. Ed Lee  
Mr. Harvey McCormick  
Mr. Jim Posda  
Ms. Linda Rackley

The following are some of the things you may have heard.

- **The Master Plan for Mt. Pleasant calls for this type of development.**

A "traditional" development is an option of the Master Plan. If it were in the Plan, the property would not be zoned single-family as it is. Nowhere in the plan or the "traditional" neighborhood option is the word "apartment" used.

- **Mathis Ferry Road utilities will be underground.** There was the distinct impression left at the first hearing that Mathis Ferry Road utilities would be placed underground. They will not.

- **Five acres will be set aside for a school.** At the public meeting we heard that five acres were set aside for an elementary school. It was mentioned in the newspaper article. It was never going to happen, at least as it was described that the first hearing. Five acres is not enough land. A private school is possible as is a daycare center, mentioned in the project proposal.

- **The "roundabout" at the entrance to the project will handle all the new traffic even making the road easier to travel.** The roundabout is only somewhat different from traffic circles. Their data on traffic is only an estimate, based on "best case" and does not consider many variables. (It even assumes that car ownership in the project

will decline.) One of the arguments used to explain away traffic is that residents of Hobcaw and Molasses Creek will travel the two connecting roads to Muirhead through the project to the "roundabout" and then to Highway 17. They don't mention the reverse - the cars that will shortcut to downtown by using Muirhead.  
15,000 additional vehicle trips are projected per day from the development. There will be more.

- **This project will be like New Point.** New Point is a very attractive 50 acre project that has **no commercial and no apartments** as in this project. Average homes there compare with new R-1 developments here.

- **This project will be like the Old Village, Rockville and downtown Charleston.** This is being played over and over to conjure up the images of these special places. While it is possible to copy the appearance of those places, it is impossible to duplicate them. The comparison is useful to distract attention from the extreme density of this project which is necessary in part to justify the high cost of the land.

- **Parks and public docks will be built.** Good idea and possible in a single-family development too. With the 400+ more residences than under existing zoning boat traffic on Hobcaw Creek will rise proportionately as will use of Remley's Point boat landing.

- **Do you want 1240 units and a road to Hwy. 17, or 750 units and no road?** This is to frighten people into accepting the development. A road will eventually be needed to develop the property along the frontage road.

- **People who oppose apartments are "elitist".** This is to put you on the defensive. Most of us have lived in apartments. That's why we understand the incompatibility of apartments in the middle of single-family neighborhoods. The apartment plans call for one parking space per resident.

- **If this development fails through, we will get cheap tract homes.** The indisputable fact, and one of the driving forces behind the extreme density, is that the Jordan Tract is an enormously expensive piece of ground. It is zoned R-1 which requires 10000 square foot lots. The probability is that if the current proposal fails, a beautiful subdivision like Molasses Creek will develop.

- **The developers will subsidize the stores.** For how long? Stores will fail for the simple business reasons of traffic and competition. As businesses fail, the "live-above" store concept will make for easy conversion to another apartment. This is not speculation but a known option. The Planning and Zoning Committee says the feasibility of the retail aspect of the development is not their concern. It should be. Further, the proposal for one or two stores on Mathis Ferry Road should be refused.

- **Mass transit** - A member of the Planning & Zoning Committee actually suggested that the development presented the possibility. Bus lines on major thoroughfares are

subsidized by SCE&G and operate at a loss. How do you think this one will do?

**SUBDIVISIONS WITH PRIMARY INGRESS/EGRESS TO MATHIS FERRY**

|                | <u>UNITS</u> |                  |
|----------------|--------------|------------------|
| Hobcaw Point   | 351          | THE JORDAN TRACT |
| Molasses Creek | 150          |                  |
| Heron Point    | 67           |                  |
| Somerset       | 40           |                  |
| Wakendaw       | 300          |                  |
| Point Pleasant | 132          |                  |
| Greenpond      | 40           |                  |

**TOTAL 1080**

**1240**

*Please take the time to return the post card and defeat this threat to our neighborhoods.*

*Henry & Debbie Thomas  
Steve Brock  
Buzz & Margo Hammond  
Gordon & Karen McCay*

!On Defendants 004911

RESIDENTS OF WAKENDAW LAKES

The Old Village - Quiet streets, stately oaks - in the dictionary under "ambiance" it should say "see Old Village". Who wouldn't like to live there?

No wonder so many folks have been swayed as that image has been conjured up and applied over and over to the Jordan Tract. Unfortunately, the image is far from reality and it is reality that all of us along Mathis Ferry Road will face every day if this project is approved as proposed.

The Jordan Tract will be a high-density subdivision with more than 400 apartments. The plan calls for 1240 total residences - more than the total of Wakendaw, Point Pleasant, Somerset, Heron Point, Molasses Creek, Hobcaw Point and Greenpond combined. The density of the development is nearly twice that of the Old Village.

In addition, there are plans for stores and commercial space to add more traffic. 15,000 vehicle trips per day are estimated by the developer's own traffic consultants. A reading of the impact statement would indicate that there will be more.

Many of you have heard of New Point, a subdivision in Beaufort built by the developers of the Jordan Tract. It is frequently mentioned in relation to the Jordan Tract development. A lot of people seem to think that is what we are getting here. Nothing could be farther from the truth.

New Point is a very active, high-priced, single-family subdivision with no apartments and no commercial. The proposal before us was to build New Point here, there would be few objections.

You may also have heard that the Mt. Pleasant Master Plan calls for this type of development.

The Master Plan was drawn up some years ago to guide development. A few years ago, a citizen's committee revised it and a "traditional" neighborhood, very broadly defined, was offered as an option that might be considered in the future and not just on the Jordan Tract. It is just that - an option. The property remains zoned R-1, single-family. That would allow 750 homes as opposed to the 1240 residences proposed. Nowhere in the Master Plan or in the option is the word "apartment" used. How many apartments are in the Old Village?

No one argues that traffic won't increase but the developers propose a "roundabout", a sophisticated traffic circle to connect the Jordan Tract and Mathis Ferry Road to Highway 17. It is supposed to be the answer to handling the enormous increase in traffic. It is not.

If, like other elements of the proposal, is based on assumptions and estimates. Where there is a variable, it is interpreted in favor of the project. There are elements

723-2302  
On Defendants 004912

of traffic that were not even considered in the plan. (It doesn't appear that the traffic consultants tried to get to work or school from Wakendaw).

One thing is certain. If the Jordan Tract proposal is approved, the rural character of Mathis Ferry Road, a designated scenic road, will be lost forever. Stores are even proposed to sit on Mathis Ferry Road.

A lot of people have fallen in love with this concept, so much so, that like anyone in love, they overlook flaws or explain them away. Who can blame them? Very pretty pictures have been painted and that public relations and marketing effort will intensify as the Town Council vote approaches.

You have only to read what is available to see the problems, to know why this project will be a disaster in its present form.

The Planning and Zoning Committee is poised to approve the project some changes. If, as expected, half the apartments are cut, it still will remain as large as the seven subdivisions mentioned earlier.

There is still time to affect the decision. Here is what you can do.

Following Planning and Zoning approval, the proposal moves to Town Council. Write Town Council. Tell them "no apartments, no commercial and to leave the property R-1."

Members of Mt. Pleasant Town Council 100 Ann Edwards Lane.

|                          |                   |                   |
|--------------------------|-------------------|-------------------|
| Ms. Cheryl Woods-Flowers | Col. Bob Barton   | Mr. Tom Tanis     |
| Mr. Jewel Browder        | Mr. Terry McManus | Ms. Margaret Kerr |
| Mr. Dolph Robertberg     | Mr. Krueger Smith |                   |

Plan to attend the Town Council Meeting on October 10 at 7PM.

Return the ballot from your monthly newsletter. If you have misplaced it, write "No" on this flyer and give it to a Board member. The Board will take a position based on the results of the poll.

When you leave the subdivision Monday morning, ask yourself if you want even more traffic on Mathis Ferry Road. The decision on this project will affect the value of all our homes, the quality of our lives and the safety of our families and friends. It is up to you.

The Mathis Ferry Road Committee

Henry & Debbie Thomas      Steve Brock

l'On Defendants 004913

12-05-1995 4:28PM

FROM SCOTL 8037238308

971-9040

P. 2

TO: Town Council  
FM: Steve Brock

Summary: Retail Component of Jordan Tract

The Planning and Zoning Board refused to examine the retail component of Jordan Tract proposal at all. Their justification was that its primary was not the concern of the Board even though it is one of the most distinctive characteristics of the Graham's definition of "development".

Failure will impact residents who might choose to live there for the reason of promised nearby shopping. Failure will also increase traffic on Mathis Ferry Road and Highway 17 by eliminating the "capture area" the home-based shopping trips estimated to be satisfied within the development. There is also the question of what happens to the buildings.

Information from a number of sources leads to one conclusion.

There is no reason whatsoever to expect any of the businesses proposed for the Jordan Tract to succeed.

The retail component of the Jordan Tract plan was not the product of an examination of commonly accepted business principles such as:

- Number of competitors
- Market size and demand
- Pricing and competition
- Multiple uses
- Access to the site
- Location of "anchor" stores and local shopping

On Defendants 004914

12-05-1995 4:28PM FROM C00CL 8047238505

P. 3

## RETAIL/COMMERCIAL ON THE JORDAN TRACT

The retail/commercial mix of the Jordan Tract proposal received very little attention during the Planning and Zoning hearings. In fact, it was specifically exempted as not a matter for their deliberations even though it is one of the most distinguishing characteristics of the Graham's "traditional" concept. Without it as a successful component of the project, only a high-density development is left.

The older "traditional" neighborhoods so often referenced had commercial/retail mixes. These functional, self-contained neighborhoods were formed from natural social and economic forces. They survived only as long as those influences remained intact.

In the past three decades we have seen the advent of shopping centers, ever larger supermarkets, professional and commercial centers. The average family owns two cars. In our community that number is probably even higher. Higher income averages allow greater car ownership among teenagers.

The most important change in our economy and way of life in this country is that more than half of all women work outside the home and still do most of the shopping for the average home. The mobility of this part of the population and their lifestyle, combined with the great variety of stores nearby (the Jordan Tract are critical elements in any business plan for retail operation within the Graham's development).

Other changes have affected every facet of economic life in this country. Just look at the local picture. Remember Edwards, Döschers, Kernsers, Condons? Hundreds of smaller retailers have fallen victim to high-volume, high-discount competition. Only the mixed blessing of tourism combined with resulting downtown restoration that began with Charleston Place, saved King Street from falling victim to the malls.

The way that we live, the choices available and the pattern of our daily lives, including shopping habits, makes the ultimate success of the retail element of the Graham's plan impractical. As to the traffic study, census and economic data is missing leading to the conclusion that the retail mix is more wishful thinking than planning. It is a fact that the former store has become a warehouse. The style of living that created the small grocery, drug and hardware stores in small and village centers of the past is gone and cannot be brought back into being by building a store.

As noted, the Planning and Zoning Board maintains that the survival of the retail element of the Graham's project has not a matter for its consideration. In the context of normal business zoning approvals that is true. With regard to this development, it is not. For one thing, the economic concept disappears if the retail/commercial elements are subtracted. Furthermore, there is a great negative effect on the people who would live there when this element of the plan fails.

I On Defendants 004915



12-25-1995 4:29PM FROM SC66L 8037238208

P. 4

The Graham's have proposed that senior citizens will be served by their development's conveniences. Recently we heard from a disabled young man making a similar argument for greater self-sufficiency. Failure of the retail would mean the loss of the most important reason for their living there in the first place.

Second, the developers have estimated that 14% of home based shopping trips will be satisfied inside the development (the "capture rate"). The figure itself is only a guess, and a high one at that. Trip Conversion, the textbook for traffic engineers quoted in the traffic study, estimates the number of trips that any store may generate given the known number of potential households. We have no such information with this proposal. If an essential mix is not established and maintained, whatever capture rate is established declines and traffic to Mathis Ferry and Highway 17 increases as a result.

There was an apparent, at least instinctive, understanding of commercial reality as some of the Jordan Tract retail was proposed to be located on Mathis Ferry Road. It was simple acknowledgement of what convenience store executives cite as the most important requirement for success - traffic. Look at the fate of former 7-11 at East Cooper Shopping Center as the access to Highway 17 was shifted. It had a large surrounding population to draw from, but failed when traffic stream was eliminated by the closing of Cottingham Drive.

Though there may be others, five types of retail stores have been mentioned consistently as possibilities for the Jordan Tract - a grocery, dry-cleaner, video store, drug store and some type of restaurant. With the possible exception of the last, each has a common trait - the absolute necessity of high traffic volumes.

#### Convenience Store

The "Mom & Pop" type operation so often mentioned creates a certain warm, friendly image. Regrettably it is only that. The prototype for the Jordan Tract has to be the typical convenience store model, though with different architecture.

It is unrealistic to expect any significant patronage from residents outside the development. (The volume required would escalate traffic numbers anyway). There are too many other choices including a convenience store at the corner of Bowman Road and Mathis Ferry. The expectation of intense customer loyalty internally with such a mobile population is not reasonable. The average shopper makes several trips to the grocery store weekly and does not run out of bread and milk as often as some seem to think.

The stock of such stores varies little. Staples items - candy, cigarettes and gasoline, along with a variety of snack foods, are standard. These stores are aptly named cause convenience is their drawing card. Price certainly is not. With the exception gas, which actually makes little profit but results in many secondary purchases, most items are priced higher than the typical grocery. (The express convenience store was established to counter the convenience store major advantage).

12-05-1995 4:30PM

FROM: SCCL 8037238308

P. 5

Convenience stores are located in high traffic areas. High volume combined with higher prices is needed to keep these low inventory operations going - both the opposite of conditions that will exist in the Jordan Tract development.

#### **Dry Cleaners/Laundry**

Dry cleaners are similar to convenience stores in that they too require high volume. If there were to be a laundry/drycleaner in the project, first it would not be likely to capture traffic. More likely is that clothes would often be dropped off and retrieved as part of a routine trip to another location. That can be observed at any dry cleaner in the morning or evening. There is, in fact, not a good argument for this type of business inside the development in the first place.

#### **Video Store**

Video stores, as with all the others, need traffic. It also needs variety. Some people may rent almost any movie on occasion, but most will not. A major chain is five minutes away. This store would be more limited in its selection of titles. Note the Harris-Reeter in Mt. Pleasant which has incorporated both video rental and dry cleaning in its operations.

#### **Drug Stores**

Drug stores have become small department stores selling a wide range of merchandise. A drug store in the Graham's development on the same model would be impractical and would duplicate many lines in the convenience store anyway. The model of Pitt Street Pharmacy is the often used. In terms of comparison, this landmark is an exception for so many reasons that they don't require elaboration.

A more typical family pharmacy model might be on the order of East Cooper Pharmacy on Bowman Road. It benefits from the proximity of several doctors, a hospital and a major road connecting it to several subdivisions. Nevertheless, it feels the pressure of the economics of health insurance coverage. As a non-provider for at least one HMO it illustrates the continuing trend of that business. Of course, going back to supermarkets, at least the local ones have pharmacies adding to their allure for shoppers.

#### **Restaurant**

The restaurant is an undefined term. There is no way to evaluate the concept except to note the high failure rates among restaurants generally and the necessity for high traffic with fast-food outlets.

!On Defendants 004917

12-05-1995 4:31 PM FROM SCCL 8037238308

P. 6

In conclusion, in the event that retail shops will survive within this development, the developer's underlying assumptions for these enterprises are naive and do not take into account practical business realities such as the mobility of the population, lifestyles, competition, price margins, just to name a few. The developers themselves acknowledged the difficulty by suggesting "subsidizing" the businesses. The extent and term were not specified. Unless that subsidization is permanent, the fate of the stores is not in doubt.

The same arguments made against the success of these ventures at this location, can be reversed in less commercialized areas like Highway 41 where retail competition is not present. Stores internal to such a development would not only have initial success based on the competitive situation but time as well to build some customer loyalty before competing businesses locate to the area. In fact, frontage placement along a major traffic corridor like Highway 41 is reasonable, as opposed to a small, restricted scenic road.

#### Commercial

The commercial office space use is a complete unknown on the Jordan Tract and cannot be evaluated. It is unlikely to have much of an effect on life in the project. Any reduction in traffic volumes from its existence would be insignificant.

I'On Defendants 004918

**JORDAN TRACT PUBLIC HEARING - MONDAY, DECEMBER 11, 7PM**

**JORDAN TRACT VOTE - TUESDAY, DECEMBER 12, 7PM**

*On Monday night, Town Council will hold a special public hearing on the Jordan Tract. This will be our last chance to speak. On Tuesday night Town Council will vote without further debate.*

*In the past few weeks you've seen newspaper ads and received letters from the Grahams. Their well-funded marketing strategy has included an intense letter writing campaign to Council and the newspapers. A great deal of the support is from people with a vested interest in this project and from people who do not live near the development and will not be affected by the outcome.*

*You may have read of compromises. Unfortunately, they are not all that they seem. The Graham's new number of planned dwellings 850. That looks small compared to the original number, but it is still roughly double what a single-family development will be. The retail/commercial has been cut as well, but it is still out-of-place on Mathis Ferry Road.*

*There is an important underlying issue in all this: Who controls the development of our town? This property is owned by an individual, but we, the people, own the zoning. We entrusted its protection to others, but it was given away. Now we have to rely on Town Council to right the wrong done to us.*

*Attempts have been made to discredit and discount our voice in this. A great deal of money is behind this project which makes support look much larger than it is. The ultimate power, though, is our right as citizens to speak out and be heard. We were told at the beginning that the residents affected would be the first consideration.*

*Mathis Ferry Road is more than asphalt. It connects us all with a wonderful quality of life that we sometimes take for granted. We can let it be taken from us or we can show up Monday together with the determination and strength of numbers to keep it.*

*Monday's meeting is the most important, so if you can attend only one, please come Monday night.*

**THE MATHIS FERRY ROAD COMMITTEE**

l'On Defendants 004919

December 8, 1995

Dear Members of Town Council:

When the Planning and Zoning Board approved the Graham's plan they did so based on what they called "findings of fact".

We are submitting for your consideration what we believe are "findings of fact" with regard to the development.

Sincerely yours,

*Steve Brook*  
*for the Mother Ferry Road Committee*

*Vince*  
*Call*  
*me*  
*14*  
*Paul*

*irrelevant* *unsupported* *irrelevant* *error*

We respectfully request that Mt. Pleasant Town Council reject the proposal for the Jordan Tract based on the following finding of facts.

- The proposed development does not meet the existing R-1 zoning of the Jordan Tract. Further, residences, including single-family, do not meet the applicable codes and the requirements from the town's ordinances. Further, the property is not zoned for retail/commercial elements or multi-family.
- "Urban sprawl" is an ill-defined term and has not been proven to exist to a significant extent in Mt. Pleasant, though it is an issue for future development. The proposed development is not supported by an argument that it will address the issue.
- The town has not acted to create codes for "traditional" development and is therefore not obligated to accept codes and definitions created by others. Further, the Master Plan does not suggest that "traditional" developments will be accepted.
- The developers plan differs significantly from the suggestions contained in the Master Plan.
- The town is not obligated in any way to accept any proposal on land not zoned for that purpose.
- The estimated number of 850 possible homes under R-1 development of the Jordan Tract is arbitrary and irrelevant. The topography of the site, numerous examples of other developments refute the estimate. Furthermore, the Master Plan recommends that a maximum allowable density of 2.8 (pps. 67&68) be adopted though it is also too high for this site if existing town codes are enforced.
- Mathis Ferry Road is a single-family, low density environment and the current zoning of the Jordan Tract is consistent with that environment on which current residents of that area have made decisions to locate there on the belief that compatible zoning would be maintained.
- The town has no compelling interest that would require a change in the existing zoning against the wishes of nearby residents.
- Variances to Mt. Pleasant zoning and codes are not promised nor indicated to be promised to developers in the town's codes and that this site is suggested as only one of several sites for this type of development.
- Mathis Ferry Road is a heavily travelled road and the only ingress/egress for the subdivisions of Wakendaw, Point Pleasant, Green Hill, Somerset, Heron Point, Hobcaw Point, Molasses Creek and Remley's Point. The lowest traffic increase will result from single-family development.

- The proposed remedy for the traffic, a "roundabout" on which the developers based their traffic estimates for the Mathis Ferry Road has not been submitted to the SC Department of Transportation for approval. That approval is not guaranteed and therefore the developer's traffic estimates may not be accurate.

- Mathis Ferry Road is a scenic road and, if approved, the roundabout will destroy the "country" setting of that road, one of Mt. Pleasant's link to its past.

- The developers estimate that 45% of the traffic generated by the development will cross Mathis Ferry Road to Highway 17. This high estimate is unsubstantiated by US Census data which is customarily the basis for such estimates.

- The "capture rate", the home-based shopping trips estimated to be satisfied by the stores of the Jordan Tract, was deemed high by the town's traffic engineers. Such numbers are determined individually by type of business. With no specific stores planned, that rate should be reduced.

- There is no evidence to support the viability of the retail and commercial aspects of the development expressly deemed necessary in the Master Plan. Further, given the retail choices available, the retail component appears unlikely to succeed. The developer has provided no specific marketing data. Further, a recent decision from the Planning and Zoning Board not to limit the size of "big box" stores, while not in the best interests small businesses, supports the fact that consumers will by-pass small stores for larger stores for better price and the variety of merchandise.

- The proposed development does not meet the Intent of Master Plan with regard to minimizing traffic on "town routes" such as Mathis Ferry Road. (p.72, Master Plan).

- A showing has been made that the majority of homes on Mathis Ferry Road who will be affected by the development oppose locating this development on Mathis Ferry Road.

- The developers plans fall short of customary and accepted detail. The impact statements and codes do not match or have apparent equivalents in the town's codes. The number of individual types of housing, such as single-family versus townhouses are not defined. Lot sizes for single-family are not defined. The R-1 "sized" lots of the Grahams are not the same as R-1 the town codes.

- The parking for both multi-family and commercial/retail elements does not meet the requirements of the town's codes.

Several elements of the plan such as underground utilities, an elementary school, and library have been abandoned. The Master Plan specifically mentions schools as an important element. The developer's have suggested a private school but have offered no evidence that one will locate there. Further, five churches are unlikely to locate on the site and no provisions exist to restrict that property from being converted to residential.

- The Planning and Zoning Board made provisions for the developers to reinstate both retail/commercial and multi-family originally reduced by application to the Board which is still part of the motion for approval.

- This development does not meet the Master Plan recommendation which states that "these types of developments are best suited for planning areas designated for medium and high density..."

- The developers do not have the necessary experience with a development of this complexity in such a sensitive area which proposes significant risks to the several existing neighborhoods around it.



**L-J, Inc.**  
GENERAL CONTRACTORS

COLUMBIA, S.C.  
29210

April 2, 1996

Mr. Steve Brock  
WCLV/NBC Affiliate

Re: Mt. Pleasant property

Dear Mr. Brock:

After meeting with my people this week, we are unclear on the following items:

1. I would appreciate you sending me something in writing as to whom is interested in purchasing our property (state, federal, county???)

2. Are they interested in acquiring the entire tract or just a portion of the tract?

3. Let me know who the contact person is with the government and I will try to set up a meeting with them for myself or one of my people in that area. I spoke with someone concerning this about a month ago but have misplaced his name and phone number.

Sincerely,  
L-J, Inc.

*David N. Jordan*  
David N. Jordan  
President

DNJ:clw

|                              |                   |                 |                   |
|------------------------------|-------------------|-----------------|-------------------|
| NATURE SAVER™ FAX MEMO 01616 |                   | Date <i>4-2</i> | For <i>PROCES</i> |
| To <i>Vince Graham</i>       | From <i>David</i> |                 |                   |
| Co./Dept                     | Co                |                 |                   |

On Defendants 004924



|                              |               |          |        |
|------------------------------|---------------|----------|--------|
| NATURE SAVER™ FAX MEMO 01816 |               | Date 4-8 | Page 1 |
| To Vince Gramm               | From Christie |          |        |
| CC: Dept                     | Co C-J Inc.   |          |        |
| Phone #                      | Phone #       |          |        |
| Fax #                        | Fax #         |          |        |

April 4, 1996

Mr. David Jordan  
L-J, Inc.

Dear David:

Thank you for your letter of April 2.

Although coordinated by the state, the funds for purchase of the property would be mostly Federal from money budgeted to acquire private lands for public use. The interest is in purchasing the entire tract.

The gentleman you spoke with is Charles Farmer of the SC Department of Natural Resources. He is here in Charleston and can be reached at [REDACTED]. He can answer all your questions. He has a group which can detail for you the procedures for maximizing the tax advantages of property sales such as yours with conservation considerations.

I hope this proves worthwhile for you. If I can be of any service, please call me at your convenience.

Kindest regards,

Stephen Brock

Vince -

PLEASE get in touch w/ Charles Farmer.

Thank you -

Christie

For Defendants 004925

January 23, 1997

Mr. David Jordan  
L-J, Inc.  
[REDACTED]

Dear Mr. Jordan:

As I am sure you know, this week the Planning and Zoning Board of Mt. Pleasant passed the Graham's plan for the Jordan Tract. In some ways it is worse than the original. It is an exercise in determining how many homes can be placed on a piece of land. If it is built, it will have a devastating effect on both the lives of the people of Mathis Ferry Road and the beauty of that area.

I know that you don't see any of this as I do. This land is just an asset on a balance sheet. You don't have to get up and fight the traffic in the morning like we do. You don't appreciate how beautiful the road can be at certain times of day or how you can almost feel like you are out in the country driving the road at night. When the Grahams attach their four entrances to the road, strip away all but twenty-five feet of the buffer along the length of the property and add about double the number of cars that would have been there if it had been developed appropriately, it all disappears.

I can only paraphrase something I read a long time ago which said that all that is required for evil to triumph is for men of good will to do nothing. Now, I don't think anyone involved is evil, but the point remains: I do not intend to do nothing. In fact, I intend to do everything in my power to defeat this project. With the offer of help from another subdivision which just finished a petition drive for a referendum to halt a shopping center in their area, I am quite sure I can do it, though others may believe differently. I have often been underestimated.

As I said in a letter to you last year, I support your right to develop your property, but not at the expense of the people around it. Those people do not have money or power and are about to be run over by both.

The property is zoned in a way that guarantees you an enormous return and my efforts will not harm you in any way. The purpose of this letter is simply to make that point so that you will see my efforts as not directed at you.

Sincerely yours,

  
Stephen G. Brock  
[REDACTED]

l'On Defendants 004926

ON Server  
I On Opposition Uses

FILE

January 31, 1997

Mr. David Jordan  
President, L-J, Inc.

Dear Mr. Jordan:

Over the past several days I have heard from a number of friends that my letter to you has been widely circulated in Mt. Pleasant. The intent would seem to be to somehow undermine our efforts to protect our homes from this damaging development. Most recently, a copy was provided to the members of Town Council by someone in Town Hall. That behavior, at least, is precisely on a level that I would expect.

The issues in the letter, specifically the referendum, have been made public so there is no harm done in that regard. I have also been public and candid with my feelings as expressed in the letter, so there is no problem there. In fact, I have no problem with your having confided the contents of the letter or even providing a copy to, say, an interested party.

I wish I could say that I am surprised that the letter itself was then distributed en masse, but based on my experiences of the past year or so, nothing surprises me. This act, though, speaks volumes about the various characters involved in this travesty.

Having said that, let me quickly add that I do not count you in that company. Your reputation, as well as my own judgment of your character, makes it impossible for me to believe you would conscience wholesale distribution of a private letter. I choose to believe that you would not have expected this behavior from others because you would not have considered doing such a thing yourself.

In any regard, I thought you should be aware of lengths to which some have gone to promote this project.

Sincerely yours,



Stephen Brock

I On Defendants 004927

**I'ON ASSEMBLY FIFTH ANNUAL MEETING  
CREEK CLUB AT I'ON  
DECEMBER 3, 2003**

**I. Call Meeting to Order**

Chairman Vince Graham called the meeting to order at 7:05 P.M. Board members in attendance were Andy Gowder, Joe Halford, Gaye Joyner, Libby Eble, Allen Coleman, Michael Purcell and Vince Graham. Also present were Brett Young and Jerry Watson of Capital Consultants Management Corporation.

**II. Proof of Notice and Establish Quorum**

Mr. Young confirmed that a quorum had been established.

**III. Welcome and Introduction of Board and Management**

Chairman Graham introduced Andy Gowder, Joe Halford, Libby Eble, Allen Coleman, Gaye Joyner and Michael Purcell as the 2003 Board of Trustees.

**IV. Approval of Previous Annual Meeting Minutes – January 7, 2003.**

**Motion** by Joe Halford to approve annual meeting minutes of January 7, 2003.

**Second** by Gaye Joyner

**All in favor**

**V. Speakers**

**A. Development Report – Vince Graham**

**1. Concept review and progress report**

Mr. Graham noted currently there are 548 lots that are sold or under contract. There are 343 homes that are complete and 60 homes under construction.

**2. Development update**

**a. Phase 6 is now under construction and will be complete in February 2004.**

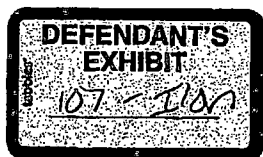
Mr. Graham noted that there are many amenities for the I'On neighborhood. The quality of the public realm has been maintained.

**b. In order to have slower moving traffic throughout I'On, most streets are no longer than 600'.**

**c. Two (2) churches are still undergoing plans to build in I'On.**

**B. Mt. Pleasant Fire Department – Steve Dross**

He addressed the problems that fire and rescue vehicles have in the neighborhood. The major problem is with vehicles parking on the streets. This prevents emergency vehicles getting to the proper destination in a timely manner. He stated that the emergency vehicles need 20 – 25 feet to make turns. The major problem street is Sowell. Mr. Dross asked that neighbor police neighbor to help solve this problem. Suggestions such as painting curbs and placing signs to denote parking on one side only to help alleviate these problems. Several homeowners stated these situations should be addressed before a serious accident or death occurs. The Board will take up these suggestions.



I'On Assembly 000198

## VI. Committee Reports

### A. Finance Committee – Libby Eble

#### 1. Budget

- a. Ms. Eble, Chairperson, recognized the members of the Finance Committee. They are Annie Bonk, Ed Clem, Andy Gowder and Joe Halford. It was stated that the Finance Committee had reviewed all of the 2002 invoices in preparation of the 2003 budget.
- b. The ¼% transfer fee will be reviewed during 2004 as a means to fund reserves. The Budget Committee strongly recommends the incorporation of this fee in 2004.
- c. Reserves will be at \$16,500 by year-end and the same amount is budgeted for 2004.
- d. The landscape and management fees for 2004 have been decreased in order to maintain assessments at \$500 per year.
- e. 2004 budget has been approved (Exhibit A).

#### 2. Collection Policy

The collection policy has changed. Fees will be increased substantially for past due accounts. The goal is to reduce bad debt.

### B. Landscape Committee – Joe Halford

Mr. Halford stated the committee had presented detailed RFP's to several landscape companies. He noted the landscape contract will be reduced in 2004 by the selection of a different provider.

### C. Communications – Gaye Joyner

Ms. Joyner noted that the committee had completed the Directory project. There are eleven homeowners on the committee and Cynthia Rosengren is the chairperson. I'On is now divided into boroughs to help improve communications throughout the community.

### D. Common Area Use Committee – Michael Purcell

Mr. Purcell stated that committee was considering charging outside groups to use the soccer field and amphitheatre.

### E. Governance Committee – Andy Gowder

Mr. Gowder introduced the members of the Committee. They are Ed Clem Michael Purcell and Vince Graham. He thanked Mr. Young for the hard work during the year. The main function of the Committee was to create RFP's for management. Of the responses sent out, the Committee received four (4) responses. The decision was made to select AMCS as the management company for 2004. The Committee will be reviewing the governing documents for I'On.

### F. Boathouse Committee – Hugh Wilder

Mr. Wilder introduced the members of the Committee. They are Annie Bonk, Joanne Grant, Libby Eble, J Anthony, Dwayne Ray, Dave Rosengren and Sara Dorociak. He noted that the lakes and boathouse were well used this past year. The problems have been addressed and in an effective manner. The goal for 2004 is to improve the signage.

## VII. Presentation of Civitas Award

The Civitas Award is to recognize community spirit. This year's recipient was Jack William Hamilton, III. This award was given by neighbors and BizNet.

**VIII. Open Discussion**

The following items were discussed during open session.

- 1) It was noted that the square is maintained by the developer.
- 2) The lakes and soccer field are owned by the Assembly.
- 3) Mr. Gowder stated that there was an agreement with the school for payment, which allows them usage of the playground.
- 4) Mr. Graham will review the problem stated in reference to the blind corner on Shelmore.
- 5) Mr. Graham stated that the repair of sidewalks will be determined.
- 6) Mr. Graham stated that a meetinghouse would be built in I'On by the I'On Club for club function use and rental for weddings and meetings.
- 7) The path on Eastlake was discussed regarding the use of grass vs. gravel.
- 8) Officer Jaster with the Mt. Pleasant Police Department noted that in order to drive a golf cart the followings rules apply: a) must have a valid driver's license; b) be within 2 miles of the house; c) cannot be driven at night; and d) not allowed on any secondary roads. He stated that the parents are responsible and can incur a fine of \$217.00.
- 9) If owners have problems with cars within the Assembly they are to contact Alan Coleman or Vince Graham.
- 10) Contact Allen Coleman in reference to construction site problems.
- 11) It was noted that construction crews should not begin work on Sunday until after 1 PM. Mr. Coleman is to be notified if there are problems.
- 12) Suggestions and complaints should be directed to the Board.

**IX. Adjournment**

The fifth annual meeting was adjourned at 8:55 P.M.

Submitted by:

\_\_\_\_\_  
Allen Coleman, Secretary

Approved by:

\_\_\_\_\_  
Vince Graham, President

Date: \_\_\_\_\_

**I'On Quarterly  
Board of Trustees Meeting  
February 12, 2004**

**Members Present:** Vince Graham, Andy Gowder, Allen Coleman, Libby Eble, Joe Halford and Gaye Joyner  
**Members Absent:** Michael Purcell  
**Guests:** Jack Hamilton, Ed Clem and Annie Bonk  
**AMCS:** Cheryl L. Wilson and Helen L. Postell Hutson

**Annual Meeting Minutes:**

Andy Gowder motioned to approve the December 3, 2003 annual meeting minutes with noted corrections. Seconded by Gaye Joyner.

**Board of Trustee Meeting Minutes:**

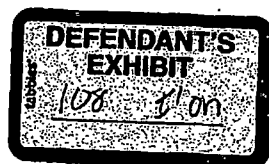
Andy Gowder made a motion to table the January 28, 2004 Board of Trustee meeting minutes and January 28, 2004 Board of Trustee Retreat minutes until the next scheduled Board of Trustee meeting. Seconded by Gaye Joyner.

**Open Session:**

- Jack Hamilton advised the Board of Trustee of the forthcoming events in the Band program.
- (Exhibit A): Sunday, February 29, 2004 at 4:00 p.m. "The I'Onismo! String Quartet Plays Beethoven and Pop"
- (Exhibit B): Sunday, May 2, 2004 from 2:00 p.m. to 5:00 p.m. "May Melodies Music Festival"
- (Exhibit C): Jack Hamilton also discussed the first "Communportion" tentatively scheduled for October 2004. The Kentlands Community Foundation and the I'On BizNet, Inc are sponsoring this event.
- Ed Clems informed the Board of Trustees of the ongoing situation at Mr. and Mrs. Lenex residence located at 109 Ponsbury Road. He noted that this residence sets a poor example for the rest of I'On. Such violations include hanging laundry over balconies, Christmas decorations still up; structure is still incomplete. The Board of Trustees advised Mr. Clem that they were working on this situation and that it would be discussed during the Board of Trustees executive session.

**Manager's Report:**

- Met with the I'On Design Committee. It was agreed that any modification request submitted after occupancy of the unit would be sent to AMCS.
- Met with the Finance Committee.
- Met with Allen Coleman to do a site inspection. Violation letters would go out next week.
- As of February 11, 2004, the operating balance was \$161,887.57
- Delinquent accounts totaled \$86,420.00



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**Finance Committee- Libby Eble:**

- Ending balance for 2003 was \$9,450 (operating)
- \$20,662 was the ending balance for the 2003 reserve account.
- Clarified that the operating and savings account had been combined.
- Went over check processing procedure and noted how AMCS shows the community what they are paying.
- Interest on I'On loan to be paid back to the I'On Company was not to be paid. Only the original loan amount of \$16,000. Joe Halford mentioned that this was discussed before and agreed upon as long as the \$16,000 was paid in full. Vince Graham said that this should not be a problem. AMCS will issue a check to the I'On Company by the end of February 2004.
- Libby Eble recommended that the previous late fees assessed to the homeowner's accounts should be waived because the previous property management wasn't consistent with their collection procedure. It was decided to leave the late fees and collection fees on the homeowners accounts and if the owners dispute the charges, let them submit proof of payment.
- Libby Eble recommended that more research be done on the Assembly's ability to collect an initiation fee. Research, along with a new reserve study should be completed by the July meeting.
- A proposal from Falcon Engineering was presented. The recommendation is to have Falcon Engineering prepare another Capital Reserve analysis since they did the first one. The proposal was for \$3,995.00  
Motion made by Libby Eble and 2<sup>nd</sup> by Joe Halford.
- The Finance Committee suggested that they have AMCS hold only two months of bills in the checking account and transfer the rest over to the reserve account.  
Motion made by Libby Eble and 2<sup>nd</sup> by Joe Halford.
- Pied Piper Service in the Rookery will be discontinued. If the problem persists then maybe the Assembly should look into traps instead of poison. Cheryl Wilson will advise Pied Piper.
- Ed Clem advised the Board of Trustees that at their Finance Committee they asked AMCS to send the Collection Policy Resolution with the reminder notices going out.

**Landscape Committee:**

- Joe Halford advised the sod at the entrance had been installed and it was warranted through the summer instead of the original warrant of 90 days.
- Experience with Lawn-O-Green has been positive, quality of work good.
- Crepe myrtles were supposed to be deadheaded, instead they cut back three feet. Maybe extra fertilizer will be needed to help the crepe myrtles. The Landscape Committee will discuss this further.
- Aquagenix's contract was approved by the Finance Committee and should have been followed up by the previous property management company. Vince Graham will sign the contract after a few changes are made.
- Joe Halford asked if the transfer of the common grounds from the I'On Company to the I'On Assembly had been done formally. Vince Graham will send the paperwork to Joe.
- Lawn-O-Green is to move the garbage can from the mail center to the boathouse. AMCS is to make a temporary sign to advise the homeowners of the move.
- Mr. Clem suggested that Lawn-O-Green should empty the garbage cans more frequently.

**Communication Committee:**

- Gaye Joyner suggested that an annual report go to the homeowners as per the By Laws, page 10, Section 6-103(b).
- Boroughs can hand deliver the reports.
- AMCS will come up with year-end numbers and the Finance Committee will review.
- Gaye Joyner will work with AMCS on this issue.

**Governance Committee:**

- Sign standards for the community to be put on the website.
- Boat parking needs to be consistent throughout the community.

**Ad-Hoc Committees**

- On Street Parking Committee to be co-chaired by Everett Wilcox. They will be looking for another co-chair.
- Vince Graham suggested that a parking engineer should be involved.

**Old Business:**

- Andy Gowder suggested that the Infrastructure Committee handle the sidewalk damage by the contractors. Vince Graham suggested looking into having the Town of Mt. Pleasant take care of the grass between the curbs and the sidewalks because the sidewalks are the town's responsibility because it is in their right of way. Andy Gowder suggested that once the Infrastructure Committee is formed, they should sit down with the Board of Public Works.
- Allen Coleman advised the Board of Trustees on the current status of the path on Eastlake. Vince Graham asked Allen to get the cost for runners that go down the path allowing for wheelchairs on the path.
- Skip Runge will chair the Ad-Hoc Golf Cart Committee. The committee will start meeting in mid-March.
- Dave Rosengren will chair the Infrastructure Committee. Joe Halford and Vince Graham will meet with him also.
- Gaye Joyner reported on the status of the Community Center building. It was noted that the Assembly wants to work with the Trust on this issue.
- Vince Graham advised the Board of Trustees that at the next East Cooper Cultural Trust they would discuss changing the name to reflect I'On and also the board members being I'On residents.

**New Business:**

- Gaye Joyner will discuss pet sanitation stations throughout the community with Michael Purcell.
- Vince Graham clarified that the I'On Club owns the dock at the Club because of the easement agreement with the Assembly.

**Executive Session:**

Motion was made by Vince Graham and 2<sup>nd</sup> by Andy Gowder.

- AMCS is to write letters to the homeowners regarding ongoing violations giving them a limit on a response time.

- Gaye Joyner, Joe Halford and AMCS to meet and discuss future modification request procedure.

**The meeting adjourned.**

**I'On Quarterly  
Board of Directors Meeting  
August 5, 2004**

**Members Present:** Vince Graham, Allen Coleman, Joe Halford, Gaye Joyner, Michael Purcell,  
Carol Ann McLester, Jody McKnight via phone  
**Guests:** Ed Clem, Annie Bank, Libby Eble and LeGrand Elebash  
**AMCS:** Cheryl L. Wilson and Helen L. Postell Hutson

**Board of Director Meeting Minutes:**

- Vince Graham made a motion to approve the May 13, 2004 meeting minutes and the July 1, 2004 meeting minutes with amended corrections. The corrections were to the I'On Community flag price of \$15.00 to \$50.00 in the May 13, 2004 meeting and to amend the July 1, 2004 to read from "Previous landscaping cost were expensive so the committee and the Board of Directors decided to cut back" to "previous landscaping cost were expensive so the committee and the Board of Directors decided to go out to bid." Michael Purcell seconded the motion. All in favor. Motion passed.

**Presidents Report:**

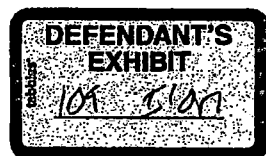
- Vince Graham gave a presentation regarding the size of I'On, which is 243 acres, in reference to other towns and communities.

**Neighbor Comment:**

- Ed Clem mentioned that the landscape was off to a bumpy start this year but he is impressed with the current condition of the landscape.

**Manager's Report:**

- Installation of mulch is continuing.
- The Ramble and Scramble will be mulched by next week.
- There haven't been any recent complaints from homeowners regarding common area landscape.
- All irrigation issues have been resolved by Lawn-O-Green except for one zone at the north end of Eastlake, which they are continuing to work on.
- The two trees on N. Shelmore Blvd. that were knocked down have since been reinstalled by Lawn-O-Green. The HOA's still waiting on payment from the driver of the vehicle.
- The two vacant lots on Jake's Lane will be cleaned up by Lawn-O-Green. The bill will be forwarded to AMCS per the Board of Directors.
- Vacant lot maintenance is becoming an issue along with landscape maintenance of occupied homes.
- It has been reported that there is an issue with the contractors that are working on the homes on Hopetown Road. Contractors are parking and driving on the landscape of the completed homes along this street. The homeowners are seeking help and were forwarded to AMCS by the I'On Company.
- The boathouse work was scheduled to be completed during the first week in July. Unfortunately, the contractor was unavailable for about three weeks. AMCS was in contact with this contractor last Thursday and was expecting a call by the following day advising of a new completion date. As of August 5, 2004 AMCS has not been advised of such a date.
- The "Caution Shallow Water, No Jumping, No Diving" sign at the boathouse has been vandalized again. This sign is going to be replaced with the same sign except this time the letters will be painted on so the letters can't be peeled off.



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- An electrician is scheduled to return to the boathouse to reinspect the sensor lights. A few additional lighting repairs will be made in other common areas as well.
- A white shelf was installed at the Eastlake post house for the mail carrier. The torn screens were also removed and will not be replaced per the Board of Directors.
- AMCS has contacted Nationwide, the Assembly's insurance carrier and has been advised of the items that are currently covered under the policy.
- When the Montessori School was relocated an irrigation line was damaged and wires had to be repaired. Lawn-O-Green forwarded the invoices to AMCS and a call has been made to the school to seek payment for the damages.
- Mac Martin delivered the paperwork to AMCS regarding common area transfer from developer to Assembly control; AMCS will forward this to the Board of Directors.

There was a discussion regarding the removal of construction debris on vacant lots and whether or not the Assembly should incur this cost or if the titleholder of the lot should pay for the clean up. Michael Purcell suggested that the Assembly needs to see how much the clean up will cost. LeGrand Elebash recommended that the Assembly not maintain homeowners' property due to the liability. The HOA is to pay for the removal of the construction debris on the two vacant lots on Jake's Lane.

**Finance Committee:**

- Libby Eble will continue to chair the Finance Committee.
- Libby Eble reported that the Assembly is currently under budget but payment has not been issued for mulch or the boathouse repairs. The Assembly is currently over budget for electricity and irrigation.
- She also reported that the Finance Committee is still reviewing the Reserve Study.
- Libby Eble asked the Board of Directors to set a date for budget preparation. The Annual Meeting is scheduled for December 2, 2004 the 2005 budget is needed 30 days prior to this meeting.
- The Goal is to have all bids by October 1, 2004 and the Finance Committee's preliminary draft sent to homeowners by November 15, 2004.
- The Finance Committee will meet to discuss the maintenance cost of the common areas for the 2005 budget.
- Each committee is to compile a budget for their expected expenses for 2005.
- Libby Eble advised the Board of Directors that she feels uncomfortable signing checks for the Assembly since she is no longer a member of the Board of Directors and not covered under the D & O policy. Gaye Joyner suggested having Libby Eble go over the check signing process for at least a month with the new designated signer from the Board of Directors. It was agreed that Carol Ann McLester would be the new designated signer along with LeGrand Elebash. Vince Graham made a motioned for LeGrand Elebash to be on the signature card for the Assembly. Joe Halford seconded the motion. All in favor, motion passed.

**Covenants Committee Update**

- Libby Eble is currently the chairperson of the Covenants Nominations Committee and has three people thinking of joining the committee.
- Libby Eble asked for a few names of architects she could call to be on the committee.

**Landscape Committee:**

- Joe Halford advised the Board of Directors of the committee meeting with AMCS regarding landscape concerns.
- It was mentioned that the problem seemed to be with the current contract between the Assembly and Lawn-O-Green. The problem was regarding leadership problems and to solve this difficulty it

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was decided that AMCS would be the point of contact for all landscaping issues. Joe Halford noted hoe this has been a great improvement.

- The marsh walk paths have been re-marked for stump / root removal by Lawn-O-Green. This is currently on their schedule to be done soon.
- Michael Murphy, the arborist hired by the Assembly, reiterated the current mulch problem around common area trees. A report from him is forthcoming.
- Joe Halford advised how it was not in the best interest of the Assembly to have the landscape company trim trees. He recommended that the Assembly should hire an arborist to do the work. Ed Clem suggested passing this information regarding the pruning of trees along to the homeowners in the gardening newsletter.
- Lawn-O-Green is working very well on resolving the irrigation problems within the community. There is still one zone at Eastlake that Lawn-O-Green is currently working on.
- Joe Halford advised that he would be stepping down as the Landscape Committee chair at the end of this year. Currently there is no one lined up to take his place as chair.
- Pet waste stations are working well and Libby Eble advised that there is money available to purchase 3 more dog waste stations. Joe Halford made a motion to purchase 3 more dog waste stations. Michael Purcell seconded the motion. All in favor, motion passed. AMCS will speak with Dave Rosengren on locations of the new stations.
- Vince Graham asked what the contract price would be for landscaping next year. Joe Halford advised that they have not asked Lawn-O-Green for the 2005 contract price as of yet. Joe Halford advised that they would either stay with Lawn-O-Green or go back to the Greenery.

**Communication Committee:**

- Gaye Joyner advised that the goal of the Communications Committee is to get homeowner directories out by November 1<sup>st</sup>. The cost will be approximately \$3,000.00 to publish. Any feedback / questions should be e-mailed to Gaye Joyner.
- Vince Graham reminded the Board of Directors of Newport's directory, the option of a loose-leaf binder. Gaye Joyner will take that option back to the committee.
- The committee would also like to include a map of I'On in the directory. The cost may be an issue but they are looking into it.
- Gaye Joyner reported on Kentland's newsletter. She suggested that the Board of Directors need an accurate way to report to homeowners monthly.
- Gaye Joyner raised the questions as to why did AMCS not recommend posting minutes on the website. AMCS advised that CAI has discussed this issue and that minutes should be paraphrased but not the exact minutes as recorded.
- Gaye Joyner recommended that minutes be given to the Board of Directors two weeks after the meeting and the summary would then come from minutes.

**Governance Committee:**

- Jody McKnight will chair the Governance Committee.
- At the December 2<sup>nd</sup> meeting four seats will be up for election. Allen Coleman, Joe Halford, Gaye Joyner and Michael Purcell will be coming off the Board. LeGrand Elebash will be appointed by Vince Graham. Other directors will have to be elected.
- Gaye Joyner advised that the bylaws allow for absentee ballots. Homeowners have asked why absentee ballots were not allowed at the July 1, 2004 meeting. Homeowners want to vote the way they want, not give up their vote.
- Jody McKnight will review the bylaws within the next 30 days to review the voting procedure and bring recommendations regarding proxy vs. absentee ballots to the Board of Directors at the next meeting

- Procedures for fire pit will be posted on the community website. Homeowners will need to contact AMCS to get the code for the locks. The homeowners will then need to call the Mt. Pleasant Fire Marshall to be advised of the event to take place.
- The lock is to stay off of boat ramp on Westlake.

**Lake Committee:**

- The Board of Directors made a firm decision to keep the lakes as a recreational facility within the community.
- Vince Graham made a motion to allow Aquagenix to clean the construction debris out of lakes at a cost not to exceed \$1,500.00. Jody McKnight made a motion to accept the motion. Allen Coleman seconded the motion. All in favor, motion passed.
- Vince Graham discussed the plans for the south canal. The new Water Square requires some lot reconfiguration. The south canal will be dredged deeper than it currently is. The I'On Company will look into possibly dredging the north canal as well. This project will start in the next 30-40 days.
- The I'On Company is willing to put a blower in the canals to circulate the water and they will look into this matter.
- It was noted that there currently is a pump located in the Amphitheater that feeds water into the lakes when the water level drops. The source of this water is from the water table.
- The Board of Directors advised AMCS to hold off on gathering prices on the recommendations made by the Lakes Committee until Aquagenix is able to meet with the committee and they are all in agreement on what steps should be taken to improve the current condition of the lakes. Allen Coleman and AMCS will attend this meeting as well.
- The Board of Directors agreed that the Lakes Committee needs to discuss the installation of boat cleats with the Boat House Committee. The Board of Directors strongly recommends that the boat cleats be installed inside the boathouse to prevent a possible trip hazard.

**Infrastructure Committee:**

- Allen Coleman gave a recap on the street light removal and relocation project. Allen Coleman is still waiting on the cost from SCE&G.
- Gaye Joyner advised the Board of Directors of the AMCS signs that could be posted at the entrances of the community to advise residents of the contact person for the community. It was decided not to go with the AMCS sign but to purchase a sign for one of the slots at I'On Center sign.
- Gaye Joyner advised of the amount of time it takes to order a replacement street sign blade from the current vendor. It was suggested to either try another vendor or order "back-up" signs.

**Ad-Hoc Committee:**

- Michael Purcell suggested looking into having professionals perform the July 4<sup>th</sup> fireworks show. He advised that the cost is roughly \$10,000 - \$15,000. It was suggested that this should be discussed with the I'On Trust to possibly share to cost of such an event. Michael Purcell is to look into this option further,

**Transition Committee:**

- Leslie Fellabom and Andy Gowder are on the committee but Vince Graham wasn't sure if the committee had met. Vince Graham will follow up with Andy Gowder.
- Vince Graham asked AMCS if they would be able to assist in the transition process. AMCS advised that they were able to. LeGrand Elebash will be as well.

**Traffic Engineering:**

- Traffic Engineering Committee met with traffic engineer, Rick Hall, last Monday. Next Tuesday the full report giving recommendation on how to remedy the traffic/parking issues in I'On will be available for review.
- Some suggestions given by the engineer were: paint on street, signage, new parking rule and enforcement.
- The I'On Company agreed to split the total cost of about \$10,000 with the I'On Assembly.
- Gaye Joyner made a motion to accept Rick Hall's transportation / parking visit. Michael Purcell seconded the motion. All in favor, motion passed.
- Rick Hall would be able to present his recommendations at the December 2<sup>nd</sup> meeting. The presentation would be about 30 to 40 minutes. It was suggested to possible hold a separate meeting to discuss this issue.

**Other Business:**

- The next quarterly meeting will be November 11<sup>th</sup> at 8:30 a.m.
- Jody McKnight gave a recap of the SPA Terminal meeting. It was suggested that I'On needs to be aware of southward expansions of the SPA toward I'On. Gaye Joyner advised of Jack Hamilton's recommendation regarding setting up a committee for this issue. LeGrand Elcbash is to report back to the Board of Directors with the cost for an environmental attorney. Vince Graham advised of the impact fees of about \$2 million dollars that are currently not being used to the benefit of I'On.
- Vince Graham is working with a graduate student on a tax revenue project.
- Gaye Joyner pointed out that on the message board the question arose regarding a permit for trailers (the school) in I'On. How long is permit in effect and can trailers be put on lots during construction? Vince Graham advised the Board of Directors that a meeting is going to be held for the entire community to update them on the issues concerning the school and to answer any questions residents might have. Notices will be sent out.
- Gaye Joyner suggested that the Board of Directors should meet more frequently. Michael Purcell and Joe Halford both agreed. This item will discussed at the Board Retreat. Gaye Joyner will propose a new schedule for the Board of Directors approval.

**Old Business:**

- Ed Clem updated the Board of Directors regarding the status of the new agreement between the I'On Assembly and the I'On Club. Rick Brownyard is working on drafting a new agreement. Once the agreement has been prepared they will sit with the I'On Club to review. It was reiterated by Vince Graham that the I'On Club would pay half the attorney fees for this new agreement.
- Vince Graham recapped for the Board of Directors the issue pertaining to the area at the entrance of the Creek Club. He advised how a couple of the homeowners along Saturday Road are not happy with the appearance of this area and the traffic pertaining the usage of the creek club. Vince Graham, Lisa Thomas, Allen Coleman, AMCS, Dave Rosengren met with a few homeowners on Saturday Road. The I'On Company will try to solve the problem in this area by extending the fencing in the center island to the right of the Creek Club so patrons of the facility have to make a right to exit and follow Saturday Road around to exit.
- The center lot on Saturday Road, which has become a storage area for trailers, boats and cars will be closed off by bollards. This installation is to be done by the I'On Company
- Gaye Joyner thinks interchanging between Kentlands and I'On is a good idea. Gaye Joyner to contact Kentlands and discuss this event and report pros and cons in an email to the Board of Directors.



I'On Assembly  
Budget Meeting  
October 21, 2004

Members Present: Vince Graham, Allen Coleman, Michael Purcell, Joe Halford, Jody McKnight, Gaye Joyner, Carol Ann McLester  
Finance Committee: Libby Eble, Ed Clem, Annie Bonk, Susan Harp  
Guest: Dave Rosengren  
AMCS: Cheryl L. Wilson and Helen L. Postell Hutson

Vince Graham called the meeting to order.  
Libby Eble thanked AMCS for all of their hard work because this has been the easiest budget the Finance Committee has recommended.  
AMCS presented the proposed 2005 budget.

The Creek Club dock usage fee has been changed from the maintenance category to the administrative category.

Legal fees include \$300.00 in case the Assembly needs legal advice pertaining to the SPA. AMCS recommends leaving the funds in the budget and if the money is not used then the money can go to the reserves.

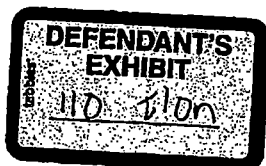
The homeowners meeting cost is for the proposed agreement with the I'On Club regarding weekly use of the Creek Club. Michael Purcell advised that the monthly cost would be around \$125.00 a month. It was agreed that the description of this cost be changed to better reflect what the funds are for.

There was a discussion regarding having AMCS as a full time onsite manager. The Assembly would also be responsible for supplying and setting up of an appropriate office.

The Board of Directors also discussed providing AMCS the use of a golf cart to allow for a more time effective way to inspect the community. The Board of Directors discussed where the golf cart would be stored. Issue tabled.

The grounds contract rose from \$59,400.00 in 2004 to \$110,000.00 for 2005. The landscape contract with Lawn-O-Green will include service two times a week in January, February, March, November and December. There will be three days of service in April, May, and October. Five days of service a week will be provided in June, July, August and September.

There is \$11,000.00 allocated for mulch in the 2005 budget. There is \$5,000.00 for seasonal flowers and \$1,750.00 for the maintenance of the fountain at Perseverance Park. There will be \$8,687.00 in the budget to allow for pre-emergent and fire ant treatment. To improve the overall appearance of the community, \$20,000.00 has been set aside for plant and tree replacement. In 2005 there will be an additional 8 dog waste stations added to the 6 bought in 2004. The cost for these will be \$2,407.00. This figure includes maintenance.



I'On Assembly 000217

Lake maintenance will increase in 2005 from \$6,000.00 to \$13,200.00 due to a change of contractors.

\$10,000 has been allocated for parking and traffic improvements for 2005. Vince Graham advised that half of the funds would be for campaigning. There will also be at least one more visit from Rick Hall to educate the homeowners. The other cost would be for signs and painting.

Lawn-O-Green will be doing a test area of tree staking, pruning and repairing of the tree rings starting at the end of October 2004. The test area will be along Sowell Street from N. Shelmore Blvd. to Ponsbury Street. The cost for the entire community will most likely come from the reserve account.

Liability insurance has been increased from \$2 million coverage to \$5 million for 2005. A question arose regarding the coverage on the street bridges over the canals. Michael Purcell is to find out if the town is responsible for the structures or if the Assembly is the responsible property for covering the bridges under their insurance policy.

Vince Graham reminded Joe Halford of a conversation they had regarding going to the Town of Mt. Pleasant about items that the town should be maintaining. Vince Graham recommended setting up a committee to address these issues next year.

Libby Eble advised the Board of Directors that the Assembly's insurance company strongly recommends that the school should be responsible for having a liability policy listing the Assembly as an additional insured.

Replacement reserves will be increased from \$16,500.00 to \$32,320.00 for 2005. This includes \$31,320.00 for funding the reserves and \$1,000.00 for the next reserve study in five years.

The 2005 budget that was presented at the meeting was based on 608 units currently being billed by AMCS. Vince Graham recommended that AMCS meet with Mac Martin to verify the total number of lots that should be billed.

Vince Graham suggested setting up an Investment Committee to look at investing some of the funds in the reserve account.

Vince Graham advised that the community would be built out in about 2 to 3 years.

The Board of Directors agreed to approve the 2005 budget based on 644 units.

Jody McKnight made a motion to improve the 2005 budget. Joe Halford seconded the motion. All in favor. Motion carried.

The next Board of Directors meeting is scheduled for Thursday, November 11, 2004 at 8:30 a.m.

The Finance Committee's meeting to present the approved 2005 budget to the Assembly homeowners is scheduled for Tuesday, November 9, 2004 at 7:00 p.m. in the I'On Realty Office.

The Annual Meeting is scheduled for Thursday, December 2, 2004 at 7:00 p.m. at the Creek Club. The Annual Meeting Notice will be mailed Monday, November 1, 2004. The deadline for the Board of Directors to submit information to go with the mailing is Friday, October 29, 2004.

**Meeting Adjourned.**

**I'On Quarterly  
Board of Directors of Directors Meeting  
November 11, 2004**

**Members Present** LeGrand Elebash, Jody McKnight, Gaye Joyner, Joe Halford, Carol Ann McLester, Michael Purcell, Vince Graham - absent  
**AMCS** Cheryl L. Wilson and Helen L. Postell Hutson

LeGrand Elebash called the meeting to order.

**Board of Directors of Director Meeting Minutes**

Jody McKnight made a motion to approve the September 9, 2004 minutes with Gaye Joyner's changes, which was to change the vote on the motion pertaining to proxies under "Communication Committee:

The correct motion was 5 in favor of the proxy system and 2 against. Seconded by Carol Ann McLester. All in favor. Motion carried.

Joe Halford presented a letter from the U.S. Post Office concerning the mail service provided to I'On.

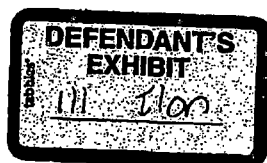
LeGrand Elebash introduced Jeff Fort as Allen Coleman's replacement for the I'On Company. Gaye Joyner recommended that Jeff Fort, Dave Rosengren and AMCS could make the needed changes asked by the U.S. Post Office.

**Neighbor Comment**

Susan Simpson and Victor Rodriguez spoke regarding the traffic entering and exiting the I'On Creek Club on Saturday Road. To date the I'On Company extended the wood rails to try and direct traffic. Their other concerns pertain to the lack of lighting in the area. Gaye Joyner recommended changing the design of Saturday Road to look more like Isle of Hope Road by adding curbing. Residents are also concerned with the events involving alcohol at the Creek Club. LeGrand Elebash advised of an internal discussion within the I'On Company about turning the Creek Club into a private residence. The Assembly would still have access to the boat ramp at the Creek Club and the parking lot could be used for boat trailer parking. Gaye Joyner asked that Jeff Fort, Dave Rosengren and the Creek Club meet to resolve the issues.

Jack Hamilton reported on his email regarding budgeting for Civic Life in I'On. Jack Hamilton is also asking to have money allocated in the budget for Christmas decorations. LeGrand Elebash advised that there are other entities in the community that could fund civic life, however, he does feel that the Assembly is responsible for infrastructure. Michael Purcell made a motion to purchase two flags in 2005 and allow \$1,000 for Christmas decorations. Jody McKnight seconded the motion. Anne Bonk advised that if this is to be paid in 2004 then the funds would have to come out of the reserve account.

Alan Coman presented the Board of Directors with a resolution. He is asking the Board of Directors to sign the resolution saying that they approve the closings of the streets in the community for the ABC weekend event.



I'On Assembly 000210

The event is tentatively scheduled for May 1, 2005. The Board of Directors advised that the Assembly will need to be listed as an additional insured. Gaye Joyner made the motion to accept the resolution. Joe Halford seconded the motion. All in favor. Motion carried.

Mark Maguire reported his concerns to the Board of Directors about the west side of Westlake. He reported that the area does not drain properly. He is asking that this area be addressed. Joe Halford advised that it is his opinion this is a developer issue since this area has been of constant concern. LeGrand Elebash and Jeff Fort will get engineers to the area to make the needed repairs.

Jack Hamilton advised that he spoke to CARTA about having a shuttle bus service for residents of I'On who would be interested in using their services.

#### **Manager's Report**

Annual flowers have been installed at North Shelmore Blvd., Eastlake Road entrance, and Perseverance Park.

Downed debris from storms is being removed from the marsh walk and the Rookery.

The Arborist tree project is scheduled to begin next week.

Estate Management to come on board as the Lake Maintenance contractor November 18, 2004.

Keith Johnson is continuing to make the needed repairs to the infrastructure items in the community.

It has been reported that the irrigation at the entrance has been tampered with but has been repaired by Lawn-O-Green.

#### **Finance Committee**

Annie Bonk reported on the infrastructure items to be insured.

The Assembly will hold a \$5 million liability policy.

LeGrand Elebash reported that the amphitheatre will be conveyed to the Assembly in January 2005. Jody McKnight made a motion to approve the Finance Committee recommendation per the Finance Committee report.

Insurance recommendations: Insure the boathouse, Ponsbury Bridge Lafayette, Ponsbury Bridge Jefferson and Rialto Lafayette Bridge. Also add three million dollars for the umbrella liability policy.

Seconded by Michael Purcell. All in favor. Motion carried.

\$1,000 for holiday decorations will come from repayment of unfunded reserves. Holiday decorations will be a new line item in the 2005 budget.

Lou Dandozzi asked that the Board of Directors send a letter and pole with the new assessment bills for 2005 asking for a transfer meeting. Gaye Joyner advised that the Board of Directors was looking into an initiation fee rather than the transfer fee. Annie Bonk advised that to change the Assembly's documents you need 75% of the vote. Lou Dandozzi will work on the wording for the letter. The letter to be drafted will reflect a transfer fee of 1/4% of the sales price.

Joe Halford made a motion to formally accept the 2005 budget. Seconded by Michael Purcell. All in favor. Motion carried.

#### **Covenants Committee Update - Jeff Fort**

Gaye Joyner asked Jeff Fort if the committee would be reactive or proactive. Jeff Fort advised that the committee would be reactive. Jody McKnight made a motion to allow AMCS to use their discretion unilaterally to site violations along with homeowner complaints. Seconded by Gaye Joyner. 5 in favor / 1 against. Motion carried.

**Rule Enforcement Procedure:** Four step procedure, 3<sup>rd</sup> fine has 30 days to respond. Jeff Fort asked for a deadline on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> violation. AMCS recommended 14 days. LeGrand Elebash made a motion to accept. Seconded by Michael Purcell. All in favor. Motion passed.

**Landscape Committee - Joe Halford**

The Arborist will begin working with Lawn-O-Green to begin the tree renovation project next week. They will be starting the work with the trees on Sowell Street down to Ponsbury Road.

**Communication Committee - Gaye Joyner**

Directories are to be hand delivered by the boroughs representatives. AMCS will mail the directories to the non resident owners.

Gaye Joyner asked that AMCS present the new web site at the Board of Directors's Retreat in January 2005.

**Governance Committee - Jody McKnight**

Jody McKnight asked the Board of Directors to make a motion to not get involved with any legal letters going out to any political offices. Jody McKnight will step down as the liaison. Homeowners will not represent the Homeowners Association but can report back to the HOA. Seconded by Joe Halford. All in favor. Motion carried.

**Lake Committee - Dave Rosengren**

The Board of Directors made a decision to keep the lakes as a recreational facility within the community.

**Infrastructure Committee - Dave Rosengren**

Dave Rosengren advised that he is working with AMCS to maintain and repair infrastructure items in the common areas. Landscape lighting is currently being replaced.

AMCS presented a bid for \$2,000 for painting of the white walking bridges over the canals. Michael Purcell made a motion to approve this. Seconded by Gaye Joyner. All in favor. Motion carried.

Dave Rosengren recommended having the Assembly hire an onsite worker who can repair infrastructure items. Issue tabled.

**Ad-Hoc Committees**

**Limited-Access Community use of the I'On Creek Club Proposal**

Michael Purcell made a motion to approve the agreement between the Trust, Club and Biznet. Seconded by Gaye Joyner. All in favor. Motion carried.

**Traffic Engineering**

Gaye Joyner advised that the committee met and will be making recommendations to the Board of Directors at the January meeting.

**Schools Update**

LeGrand Elebash advised that the Charter School has a two year land lease with the I'On Company. He has also advised them of their landscaping requirements and how they are to be held at the same level as the homeowners.

The school that was to be built near the I'On Club has pulled out. That lot will remain vacant. Gaye Joyner asked that the landscaping be installed to screen the Creek Club parking lot from Ponsbury Road.

**Signage**

Gaye Joyner asked that signs be installed in the common areas advising that the areas are for homeowners use only. Gaye Joyner will draft the verbage and email to the Board of Directors for approval.

**SCE&G Updates**

Gaye Joyner asked when the street light changes were going to be made. LeGrande Elebash will discuss this issue with Jeff Fort.

The meeting was adjourned and the Board of Directors of Directors entered into an executive session.

**The meeting adjourned.**

**The Annual Meeting is scheduled for Thursday, December 2, 2004 at 7:00 p.m. The Board of Directors of Directors will meet briefly at 6:00 p.m. at the Creek Club prior to the Annual Meeting.**

**I'On  
Board of Directors Meeting  
January 27, 2005**

|                        |                                                                               |
|------------------------|-------------------------------------------------------------------------------|
| <b>Members Present</b> | LeGrand Elebash, Carol Ann McLester, Alan Comen, Susan Larsen, Everett Wilcox |
| <b>Absent</b>          | Jody McKnight, John White                                                     |
| <b>Guests</b>          | Vince Graham                                                                  |
| <b>AMCS</b>            | Cheryl L. Wilson and Helen L. Postell Hutson                                  |

LeGrand Elebash called the meeting to order.

LeGrand Elebash advised that Jody McKnight will be unable to serve on the Board of Directors. AMCS advised the Board of Directors that they can appoint someone to the open position per their governing documents. It was agreed that the Board of Directors would forward all resumes of people they would like appointed to the Board of Directors to AMCS by Friday, February 4, 2005.

Everett Wilcox made a motion to appoint Dave Rosengren to the appointed seat. If he is unwilling to accept then resumes would be accepted. Seconded by Carol Ann McLester. All in favor. Motion passed.

**Election of Officers & Committee Members**

LeGrand Elebash was unanimously voted as President of the Board of Directors. Everett Wilcox advised that he is in agreement that the developer representative should serve as President for one more year. Carol Ann McLester made a motion to elect LeGrand Elebash as President. Everett Wilcox seconded the motion. All in favor. Motion passed.

Susan Larsen made a motion to elect Everett Wilcox as Vice President. LeGrand Elebash seconded the motion. All in favor. Motion passed.

LeGrand Elebash made a motion to elect Carol Ann McLester as Secretary / Treasurer. Susan Larsen seconded the motion. All in favor. Motion passed.

The Board of Directors liaisons for 2005 will be as follows:

Communications Committee Chair – Susan Larsen

Landscaping Committee Chair – Alan Comen

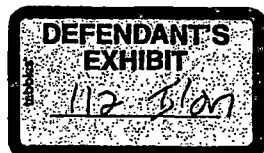
Finance Committee Liaison – Carol Ann McLester

Carol Ann McLester will speak to Ed Clem regarding becoming chairperson of the Finance Committee.

Governance Committee Chair - Everett Wilcox

Ad/Hoc Committee Chair – John White

Everett Wilcox made a motion to make the Traffic Committee a standing committee rather than Ad/Hoc Committee. LeGrand Elebash seconded the motion. All in favor. Motion passed.



I'On Assembly 000227



Carol Ann McLester made a motion to nominate LeGrand Elebash as chair to the Traffic Committee. Susan Larsen seconded the motion. All in favor. Motion passed.

**Minutes**

Carol Ann McLester made a motion to accept the minutes from the November 11, 2004 Board of Directors meeting. Alan Comen seconded the motion. All in favor. Motion passed.

**Manager's Report**

AMCS presented the two bids for the landscaping upgrades. One was for the east side of Eastlake for \$13,690.00 and the other was for the boathouse area at \$2,575.00. LeGrand Elebash made a motion to approve both proposals. Carol Ann McLester seconded the motion. All in favor. Motion passed.

AMCS advised the Board of Directors that Lawn-O-Green was continuing the work on repairing the street trees as per Joe Halford's report of September 17, 2004. This work is to include pruning and regrading of the mulch tree rings around each street tree.

AMCS advised that Lawn-O-Green had already applied "Top Choice" ant control and the pre-emergent to all the common areas throughout the community.

AMCS advised the Board of Directors that the removal and relocation of 19 street lights by SCE&G had started earlier this week and that neither the I'On Company or AMCS were notified that this work would be started. The Board of Directors decided to have the Infrastructure Committee review the street light removal project regarding dark areas that may be in the community due to this removal and relocation project.

AMCS advised the Board of Directors that the Finance Committee and previous Board of Directors requested that AMCS send a \$1,000 invoice to the Commercial Square in I'On for reimbursement on yearly maintenance of the entrance on North Shelmore Blvd. AMCS advised that CCMC, the property manager emailed AMCS and asked what the invoice was for and that it was the understanding of Chris Anderson, with the Commercial Square, that this amount was paid previously but only as a one time gift. LeGrand Elebash volunteered to speak to Chris Anderson regarding the matter of the \$1,000 invoice.

AMCS advised that they were working with the Infrastructure Committee regarding repairs to the stucco on all three canals. AMCS advised that the original bid of \$2,680.00 will not cover all repairs recently discovered by the Committee. AMCS is currently waiting on a bid that is all inclusive of the repairs that need to be completed. AMCS will forward the invoice to the Board of Directors upon receipt.

AMCS advised the Board of Directors that a letter has come from the attorney representing 109 Ponsbury Road. The Board of Directors briefly discussed the landscaping concerns of this address. Everett Wilcox suggested that the Landscape Committee review the landscaping and look into removing the current landscape that is in place at the curb and have the Assembly reinstall and maintain landscape. Alan Comen will review the property and report back to the Board of Directors. LeGrand Elebash agreed to call the attorney representing the homeowners of

109 Ponsbury Road. The Board of Directors are in complete agreement that if the landscaping is kept up to par then the fines should be lowered but not dismissed totally. LeGrand Elebash is to report the Board of Directors decision to the attorney.

AMCS reviewed the current outstanding Covenants and Restriction violations with the Board of Directors. Everett Wilcox would like to look into banning basketball goals from the community.

Meeting Adjourned.

**I'On  
Board of Directors Meeting  
February 9, 2005**

|                        |                                                                    |
|------------------------|--------------------------------------------------------------------|
| <b>Members Present</b> | LeGrand Elebash, Ed Clem, Alan Comen, Susan Larsen, Everett Wilcox |
| <b>Absent</b>          | Carol Ann McLester, John White                                     |
| <b>Guests</b>          | Libby Eble, Dave Rosengren, Jack Hamilton                          |
| <b>AMCS</b>            | Cheryl L. Wilson and Helen L. Postell Hutson                       |

LeGrand Elebash called the meeting to order and then welcomed Ed Clem to the appointed seat on the Board of Directors.

**Neighbor Comment**

Jack Hamilton asked the Board of Directors if he could dispose of the 2000 sail of lights because the I'On Yacht Club had made a new one. Alan Comen advised that he would inspect it but agreed that it should be disposed of. Ed Clem made a motion to discard the 2000 sail of lights. LeGrand Elebash seconded the motion. All in favor. Motion passed.

LeGrand Elebash advised that there has been some internal discussion among the I'On Company and the Graham family regarding the birthday of I'On. June or July of 1997 was the ground breaking of I'On. April 30, 1995 was the ground blessing ceremony of I'On but the project of I'On had not yet been approved by the Town of Mt. Pleasant. LeGrand Elebash advised that the Graham family suggested using the ground breaking date as the official anniversary date of the I'On community.

LeGrand Elebash will forward the exact date of the ground breaking to the Board of Directors. The Board of Directors did agree that the event should be held annually, starting with 2005.

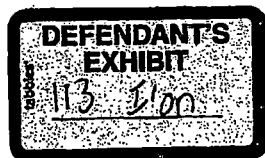
**Manager's Report**

AMCS advised that the street light on North Shelmore Boulevard near lot 323 would be replaced. LeGrand Elebash advised that this was a pressing issue in the community. The chairperson of the Infrastructure Committee, Dave Rosengren, was asked by the Board of Directors to review the street lights in the community. The Board of Directors asked that a list be compiled of all street lights that are not working properly and areas where street lights may be needed. Dave Rosengren advised that he would have this report at the next Board of Directors meeting. The Board of Directors agreed that once all street lights are repaired then the Infrastructure Committee should look for other ways to increase the lighting in I'On such as solar lighting or other low voltage lighting.

AMCS advised that the Eastlake landscaping upgrade project has begun and that the project should be completed next week.

AMCS advised that the tree repair project is scheduled to be completed by next week.

AMCS stated that nets for the soccer goals had been purchased and that they would be installed by the end of the week.



I'On Assembly 000230

AMCS stated that there has been a need for replacement address stickers for mailboxes. The cost is \$2.50 per sticker with a minimum order of \$35.00. AMCS reported that there is never a need for \$35.00 of stickers at one time. Jack Hamilton suggested using engraved addressed markers. Jack Hamilton stated that he would get a sample of the marker to the Board of Directors.

AMCS presented bids to power wash and paint the mail station on Rialto Road and at the Scramble. The cost would be \$1,100.00 for each structure which would include a 5 year warranty as long as the Assembly would allow the contractor to power wash the structure once a year. Ed Clem made a motion to accept the proposals. Everett Wilcox seconded the motion. All in favor. Motion passed.

#### **Finance Committee**

Ed Clem stated that the Finance Committee would be scheduling a meeting with AMCS to review financial statements. AMCS extended the invitation to the board members who were interested. Ed Clem suggested moving the regular Board of Directors meetings to the fourth Wednesday of every month because financial statements are not available until after the 20<sup>th</sup> of each month. Everett Wilcox made a motion to move the regular Board of Directors meetings to the fourth Wednesday of the month. Ed Clem seconded the motion. All in favor. Motion passed.

Ed Clem stated that the Assembly finished 2004 in the black, which included the payoff of the \$16,000 loan to the I'On Company.

#### **Landscape Committee**

Alan Comen stated that he had met with Dave Rosengren, Infrastructure Committee chairperson, to discuss future landscaping projects.

#### **Covenants Committee**

The Board of Directors agreed that any covenants concerns should go directly to Everett Wilcox and he would in turn report to the Board of Directors. The Covenants Committee report will be removed from the agenda until there is something to report.

#### **Communications Committee**

Susan Larsen presented a draft of the newsletter for the Assembly. The Board of Directors agreed to send the newsletter to homeowners quarterly. The newsletter will be mailed and posted on the website. The total cost for the year would be approximately \$1,200.00. The funds will come from the \$10,000.00 that was budgeted for parking and traffic improvements since a newsletter was not budgeted for 2005. Ed Clem cautioned the Board of Directors that funds not be taken from allocated monies on a regular basis as this may put the Assembly in a financial bind. The Board of Directors agreed to label the newsletter the I'On Assembly and refer to themselves as the Homeowners Association. Everett Wilcox made a motion to accept pending review of the Assembly's governing documents. Ed Clem seconded the motion. All in favor. Motion passed.

Susan Larsen stated that the borough representatives deliver directories, welcome baskets, but are seeking suggestions on other things committee members can do to help improve the community.

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THE STATE OF SOUTH CAROLINA

In The Court of Appeals

MAR 23 2016

**SC Court of Appeals**

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

The Honorable Stephanie P. McDonald, Circuit Court Judge

Case No. 2010-CP-10-10490

Brad J. Walbeck and Lea Ann Adkins, Both Individually and Derivatively on Behalf of  
The I'On Assembly, Inc.; I'On Assembly, Inc.

Respondents,

v.

The I'On Company, LLC, The I'On Club, LLC, The I'On Group, LLC f/k/a Civitas, LLC,  
and I'On Realty, LLC,

Appellants.

**RECORD ON APPEAL**

**VOL. 8**

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| 152 Mt. Pleasant Board of Zoning Appeals Order .....                                     | 3589 |
| 153 Zoning Appeal Petition .....                                                         | 3598 |
| 155 2004 Ed Clem Emails .....                                                            | 3600 |
| 157 June 23, 2004 Email from Brad Walbeck re Landscaping .....                           | 3602 |
| 164A Photo of Dock 3 .....                                                               | 3604 |
| 167 Photo of Boat Ramp and Creek Club.....                                               | 3605 |
| 173 September 19, 2007 Adkins Email .....                                                | 3606 |
| 174 March 22, 2007 Minutes .....                                                         | 3607 |
| 180 Email re Vote on PD Amendment .....                                                  | 3612 |
| 182 Creek Club Building Costs .....                                                      | 3614 |
| 139 Declaration of Covenants, Conditions and Restrictions .....                          | 3616 |

**Infrastructure Committee**

Dave Rosengren stated that Jeff Fort with the I'On Company was making great improvements on the marsh walk where current wash outs occur.

**Governance Committee**

Everett Wilcox stated that after 75% of the homes are occupied in I'On, the Board of Directors becomes a 6 member board.

LeGrand Elebash suggested having the current Board of Directors elect the next president after elections are held in June. This topic was tabled until the next Board of Directors meeting.

**Other Business**

LeGrand Elebash advised the Board of Directors that he would like the Board of Directors to eventually discuss the Assembly purchasing the Creek Club.

**Old Business**

Ed Clem presented the Board of Directors documents regarding the legal agreement between the I'On Assembly and the I'On Club pertaining to the usage of the dock at the Creek Club. This topic has been tabled until the next Board of Directors meeting.

The Board of Directors adjourned the meeting and entered into an executive session.

The next Board of Directors meeting is scheduled for February 23, 2005 at 9:00 a.m.

**Meeting Adjourned.**

**I'On  
Board of Directors Meeting Minutes  
February 23, 2005**

|                        |                                                                                   |
|------------------------|-----------------------------------------------------------------------------------|
| <b>Members Present</b> | Carol Ann McLester, John White, Alan Comen, Everett Wilcox, Ed Clem, Susan Larsen |
| <b>Members Absent</b>  | LeGrand Elebash                                                                   |
| <b>Guest</b>           | Dave Rosengren                                                                    |
| <b>AMCS</b>            | Cheryl L. Wilson                                                                  |

Carol Ann McLester called the meeting to order.

**Minutes**

The Board of Directors agreed to table the approval of the January 27, 2005 minutes until the next Board of Directors meeting.

**Manager's Report**

AMCS stated that the soccer goal nets were installed at the soccer field.

AMCS stated that the landscaping project will be completed by next week. The delay was caused by 20 to 30 plants that are on back order.

**Infrastructure Committee**

Dave Rosengren presented the Board of Directors with a map of the locations of all the street lights in the community. The map also reflects the lights that were removed per the Board of Directors decision in 2004.

Dave Rosengren stated that street light pole #J01062, #13 per Dave Rosengren map, on North Shelmore Boulevard will be replaced. The other lights he suggested should be left as is until further construction is completed. Dave Rosengren stated that AMCS has reported all the street lights that are in need of repair to SCE&G. The Infrastructure Committee will be working on landscape lighting next. Ed Clem suggested that Dave Rosengren and Jeff Fort, I'On Company, negotiate with SCE&G regarding changing of the lights throughout the community to a lower wattage light. Dave Rosengren will speak to Jeff Fort regarding the status of the street lights that were removed being installed in the new sections of I'On as originally agreed.

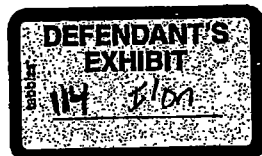
Dave Rosengren stated that the I'On Company held a meeting with the homeowners on Saturday Road and that the work being done to the center island should begin in the next 45-60 days.

**Finance Committee**

Ed Clem stated that he and Annie Bonk met with AMCS to review financial statements in order to have a better understanding.

Everett Wilcox suggested that ACMS provide a report that shows the total 2005 budget amount per G/L account. Ed Clem stated that he would speak with AMCS about providing this report. Ed Clem is to report back at the next Board of Directors meeting.

Ed Clem advised the Board of Directors of the check signing procedure. Ed Clem asked the Board of Directors to consider him as the check signer rather than Carol Ann McLester since he



I'On Assembly 000234



is the Finance Committee chair. Carol Ann McLester made a motion to accept Ed Clem as the signer. Everett Wilcox seconded the motion. All in favor. Motion passed.

Ed Clem gave background information on the Transfer Fee subject. Ed Clem stated that the transfer fee was a recommendation of the Finance Committee. Ed Clem stated that the past transfer fee was poorly presented. The previous Board of Directors started discussing this issue again last year. Carol Ann McLester volunteered to speak with Daniel Island on how their transfer fee is handled. Carol Ann McLester will report at the next Board of Directors meeting.

#### **Landscaping Committee**

Alan Comen stated that the Eastlake project is coming along nicely. Alan Comen stated that the Landscape Committee is going out to bid on the work for the Sowell Street / Ponsbury Road triangle.

#### **Communications Committee**

Susan Larsen presented the draft of the homeowner's newsletter to the Board of Directors. AMCS stated that the username and password that the homeowners currently use will be the same one they use to view their account. Susan Larsen will email a draft of the newsletter to the Board of Directors. The first edition of the newsletter is to be mailed by March 1, 2005.

#### **Ad-Hoc Committee**

Everett Wilcox asked John White to speak to LeGrand Elebash on moving the Traffic Study recommendations along. John White will contact the Town of Mt. Pleasant about installing a fourth stop sign at the intersection of Ponsbury Road and Sowell Street. John White will also contact the Town of Mt. Pleasant about installing a stop sign at the intersection of North Shelmore Boulevard and Sowell Street.

#### **Old Business**

Ed Clem brought the Board of Directors up to date on the status of the agreement between the I'On Club and the I'On Assembly. Ed Clem stated that he met with Rick Brownyard and had him draft a new agreement. Everett Wilcox suggested picking up the easement as Homeowners Association common area property including the overflow parking lot. Everett Wilcox and Ed Clem will work on this subject together.

Ed Clem reminded the Board of Directors of the official anniversary date and mid-year meeting election issues previously discussed at the last Board of Directors meeting. The Board of Directors agreed to table these issues until the next Board of Directors meeting due to LeGrand Elebash's absence.

Susan Larsen asked if the Board of Directors would be interested in having the Assembly put on an Easter event because the I'On Club was no longer sponsoring such an event. Everett Wilcox asked Susan Larsen to speak to the I'On Trust about sponsoring these types of events.

**The meeting adjourned and the Board of Directors entered into executive session.**

**The next meeting is scheduled for March 23, 2005 at 9:00 a.m.**

**I'On  
Board of Directors Meeting Minutes  
March 23, 2005**

|                        |                                                                                         |
|------------------------|-----------------------------------------------------------------------------------------|
| <b>Members Present</b> | LeGrand Elebash, Everett Wilcox, Carol Ann McLester, Ed Clem, Alan Coimen, Susan Larsen |
| <b>Members Absent</b>  | John White                                                                              |
| <b>Guest</b>           | Dave Rosengren, Susan Simpson, Annie Bonk, Ted Webb                                     |
| <b>AMCS</b>            | Cheryl L. Wilson and Helen L. Postell Hutson                                            |

LeGrand Elebash called the meeting to order and welcomed everyone.

**Minutes**

Everett Wilcox asked that the last sentence in the Ad-Hoc Committee report in the February 23, 2005 minutes be deleted. The sentence read, "John White will also contact the Town of Mt. Pleasant about installing a stop sign at the intersection of North Shelmore Blvd. and Sowell Street.

Ed Clem motioned to approve the February 23, 2005 minutes as amended and the January 27, 2005 and February 9, 2005 meeting minutes. Seconded by Carol Ann McLester. All in favor. Motion passed.

**Neighbor Comment**

Susan Simpson presented her petition regarding the lack of lighting on Saturday Road. Susan Simpson is asking that the street lights that have been blacked out be repaired to provide adequate lighting and a safer environment to the residents along Saturday Road.

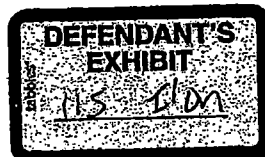
LeGrand Elebash stated that the lights were blacked out by individual homeowners. The Board of Directors did not approve this action.

Dave Rosengren stated that 25% of the street lights in the community have been blacked out to reduce the lighting. Dave Rosengren suggested that the Assembly negotiate with SCE&G in reducing the wattage of the street lights throughout the community.

Ed Clem reminded Dave Rosengren that the infrastructure committee was to meet with SCE&G regarding possibly reducing the number of street lights in the new phases. Susan Simpson stated that she can foresee the blacked out lenses on the street lights being removed exposing the bulb completely.

The Board of Directors agreed to turn on the light recently installed at the Creek Club parking area. Four out of thirty homes signed the petition Ms. Simpson presented. Susan Simpson asked that the I'On Club install tactful signs advising that cars will be towed that are parked on the grass.

Dave Rosengren stated that when someone signs a contract with the I'On Club to rent the Creek Club that the rental fee is suppose to include a security officer.



I'On Assembly 000236

LeGrand Elebash and Jeff Fort will be meeting to discuss improvements to the Saturday Road Island.

A discussion arose regarding the four single homes on the northwest side of Maybank Green. The issue is the misunderstanding in the property line for these homes as to who maintains the landscaping that has been installed by the builder. LeGrand Elebash suggested maintaining the property by the Assembly. Alan Comen stated that the homes have brick walkways that are on Assembly property. LeGrand Elebash stated that the homeowners should be responsible for the walkways.

Everett Wilcox stated that the Creek Club is not living up to their end of the contract between the Assembly and Creek Club in regard to preparing and presenting a budget to the Assembly in regard to the dock maintenance on the Creek Club. Ed Clem brought LeGrand Elebash up to date on the drafting of a new agreement between the I'On Club and the I'On Assembly. LeGrand Elebash stated that Olde Park bought rights to the boat ramp and docks at the Creek Club in the very beginning.

Everett Wilcox stated that the Board of Directors will be adjourning to executive session at 10:30 a.m.

#### **Manager's Report**

AMCS advised that Lawn-O-Green has taken down the trees on Isle of Hope.

AMCS advised that annual flowers have been ordered for the Spring/Summer season.

AMCS advised that the tree project had been completed.

AMCS advised that all tree pruning has been completed, including all palm trees.

AMCS advised that Isle of Hope marsh walk will be repaired by The Greenery and Daly and Sawyer will be absorbing the cost.

AMCS advised that Mt. Pleasant Waterworks credited the Assembly \$4,000.00 on a \$6,000.00 water bill which was due to a irrigation line leak.

AMCS showed the Board of Directors a sample of a mailbox name plate. They are sold in lots of 50 at \$5.00 or lots of less than 50 at \$6.00 each.

#### **Landscape Committee**

Alan Comen stated that Lawn-O-Green has applied a pre-emergent but there are many areas in which weeds are an issue and he would like to know where the treatment was applied.

Dave Rosengren suggested that the committees meet with the Finance Committee to have a better understanding of what funds the committees have available to complete projects.

I'On Assembly 000237

**Infrastructure Committee**

The Rialto and Scramble post houses have been painted and power washed.

Dave Rosengren advised that the amphitheatre is scheduled to be power washed and painted prior to being turned over to the Assembly. AMCS stated that the work will be done by the Assembly's contractor. Dave Rosengren stated that the I'On Company will be absorbing this cost.

**Finance Committee**

Ed Clem stated that the \$7,800 billed was for 12 new homes that have recently sold but this doesn't mean it was collected.

AMCS gave a brief rundown on the financial statements.

AMCS suggested that Alan Comen and Ed Clem come to the AMCS office to review invoices so that they may be aware of how invoices are coded and where they are budgeted to.

Everett Wilcox reviewed the new late fee policy that was implemented recently by the Board of Directors.

Ed Clem stated that the transfer from operating to reserves, for keeping the operating balance down, is not being done as it was last year. Ed Clem asked AMCS to keep only the funds needed for two months operating expenses be kept in the operating account.

Everett Wilcox asked that the Finance Committee review the reserve study. Annie Bonk stated that the Finance Committee did review the reserve study last year but suggests it be reviewed every year.

Everett Wilcox suggested that the Finance Committee review the need for a transfer fee.

**The meeting adjourned and the Board of Directors entered into executive session.**

**The next meeting is scheduled for Wednesday, April 27, 2005 at 9AM at the Creek Club.**

---

Carol Ann McLester, Secretary

**I'On  
Board of Directors Meeting Minutes  
April 27, 2005**

|                        |                                                                                    |
|------------------------|------------------------------------------------------------------------------------|
| <b>Members Present</b> | LeGrand Elebash, Everett Wilcox, Alan Comen, John White, Susan Larson, and Ed Clem |
| <b>Members Absent</b>  | Carol Ann McLester                                                                 |
| <b>Guest</b>           | Dave Rosengren, Bill Young, Annie Bonk, and Alan Gentry                            |
| <b>AMCS</b>            | Cheryl L. Wilson and Helen L. Postell Hutson                                       |

Everett Wilcox called the meeting to order.

Ed Clem made the motion to accept minutes as presented from the March 23, 2005 Board of Directors meeting. John White seconded the motion. All in favor. Motion passed.

**Neighborhood Committee**

Annie Bonk asked that buoys in Eastlake be removed. Alan Comen advised that he would handle this matter.

Alan Comen gave a brief report regarding the ABC event that was held last weekend in the community.

**AMCS Report**

AMCS advised that the irrigation repairs needed to get the system in operation for the season had been completed.

AMCS advised that Mahoney Signs is working on getting bids to replace the lake signs.

AMCS advised that SCE&G is working on looking into the history of the street lights situation and will be in contact to set up a meeting.

**Infrastructure Committee**

Dave Rosengren reported on the meeting he and AMCS met with Estate Management regarding the lakes. The treatment will take up to 60 to 90 days to remedy the weed growth problem.

Everett Wilcox recommended posting signs at lakes advising of the status.

Dave Rosengren reported that the I'On Company has completed the regrading project along the west side of Westlake.

Dave Rosengren reported that all landscaping lights are working.

Dave Rosengren presented his proposed handover agreement between the I'On Company and the I'On Assembly. This agreement calls for a meeting to be held between all entities involved before turn over can take place on new phases. Everett Wilcox asked if the common areas are deeded over to the Association. Ed Clem advised yes, but it is a slow process.

The Board of Directors agreed that there is a percentage of lots that needs to be sold (i.e.: 2/3) before the property is turned over to the Association.

LeGrand Elebash said he would review the turnover process with the I'On Company and find out information on having the percentage set up for the transfer.



I'On Assembly 000239

Everett Wilcox made a motion to accept the proposed turnover process. Ed Clem seconded the motion. Motion withdrawn.

LeGrand Elebash and Dave Rosengren will work together on the turnover process.

**Finance Committee**

Ed Clem advised that 15% of the owners have not paid the 2005 dues. The Finance Committee will keep an eye on collections.

Account # 6440 (signs) was budgeted for \$500.00 for 2005. To date \$543.38 has been spent.

Account #6522 (grounds contract/ landscaping) is over budgeted. Ed Clem and Alan Comen have set up a meeting next week with AMCS to review.

Account #6542 (repair contract) has spent \$7,469.00 year to date and \$10,000.00 was budgeted for the year.

Ed Clem advised that the electricity cost has increased for 2005 but the budget is in good shape for being on track for this year.

Everett Wilcox asked if utility invoices can be set up for automatic payment. AMCS advised that they are looking into this.

Ed Clem advised that the Finance Committee is reviewing the property taxes and bills for the Association. Ed Clem will report on the progress at a later date.

Ed Clem asked that any large expense be approved by the Board of Directors to make sure funds are available. LeGrand Elebash advised that the I'On Company anticipates 80 closing for the year. LeGrand Elebash advised that the community will have approximately 762 homes total at build out. Phase 9-A is to have 12 lots.

Ed Clem advised that the Finance Committee will meet in the next thirty days regarding the reserve funding.

The Board of Directors discussed a transfer fee.

**Traffic Committee**

Captain Droze and Lieutenant Scott discussed the ongoing parking issue in I'On. They advised that there are several streets in the community that need to have no parking and some with only one side of the street parking. The rescue truck is thirty feet long and ten feet wide making it difficult to maneuver down some streets in the community. Section 72.05 "Roadway left free for traffic" is a town ordinance. If the police receive a complaint regarding parking then they will investigate. The police will start enforcing streets with stealth radar by next week, streets to be enforced are: Eastlake Road, North Shelmore Boulevard, Sowell Street, and Ponsbury Road.

It was reported that Brad Morrison at the Town of Mt. Pleasant is who needs to be contacted regarding the installation of additional stop signs.

LeGrand Elebash advised that the traffic project will start with the most problematic streets first. Everett Wilcox suggested that since the streets are the town's property then the town including the fire department should implement the changes needed. LeGrand Elebash suggested that the Association present their thoughts and input to the town for review.

Seman and Whiteside will have the traffic report finished shortly and LeGrand Elebash will follow up and forward it to the Board of Directors for their review.

**Landscaping Committee**

Alan Comen advised that the homeowner's at 217 North Shelmore requested to install trees in the curb strip and add palm trees in common walking spaces. The landscape committee approves. The Board of Directors agrees.

The homeowners who purchased the Simoni homes on MayBank Green will maintain the plantings installed by the builders because the homeowners found out that the sprinkler system on the owners properties belongs to the owners and also because the Assembly's landscaping was removed.

Alan Comen is to speak to the homeowner on Eastlake regarding the removal of the Kayaks off the grass area.

**Communication Committee**

Susan Larson asked that all committees put their updates together for the June 1<sup>st</sup> newsletter.

**Governance Committee**

Everett Wilcox advised that neighbors have confronted him regarding the need for additional committee volunteers. Everett Wilcox suggested that committees recruit additional members.

**Ad Hoc Committee**

LeGrand Elebash suggested that nominations for the President-Elect be forwarded to AMCS.

LeGrand Elebash advised that his appointed term ends in December 2005. Ed Clem, LeGrand Elebash, and Carol Ann McLester terms are up in December 2005.

**Cars For Sale**

LeGrand Elebash advised that cars with for sale signs should be handled on a case by case basis.

**The agreement between the I'On Club and the I'On Assembly**

Everett Wilcox reminded LeGrand Elebash that he was to forward the accounting records for the Creek Club boat ramp to the I'On Assembly Board to review. Everett Wilcox reminded the Board of Directors that if the Creek Club is sold the boat ramp agreement still holds.

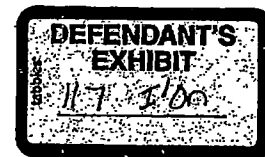
LeGrand Elebash reported that I'On's official anniversary date is the summer of 1997.

**The meeting adjourned and the Board of Directors entered into executive session.**

**The next meeting is scheduled for May 25<sup>th</sup> at 9AM at the Creek Club.**

---

Carol Ann McLester, Secretary



**I'On  
Board of Directors Meeting Minutes  
July 27, 2005**

**Members Present** LeGrand Elebash, Everett Wilcox, Ed Clem, John White, Carol Ann McLester, and Ted Webb.  
**Members Absent** Alan Comen  
**AMCS** Cheryl L. Wilson

LeGrand Elebash called the meeting to order.

**Minutes**

The Board of Directors asked that the minutes be amended to reflect the change that Ted Webb is the Board of Directors liaison and not the chairperson of the I'On Design Committee.

Carol Ann McLester made a motion to accept the minutes as amended. Ed Clem seconded the motion. All in favor. Motion passed.

**Mid Year Meeting**

LeGrand Elebash asked that the committees brief the Board of Directors on what they will be discussing at the mid year meeting.

Dave Rosengren briefed the Board of Directors on the Landscaping Committee's report. Since the committee's turnover last year there has been an increase in the investment in landscaping in the common areas. The committee will report on the refurbishment of the east side of Eastlake, trimming of all the street trees and palms, and the landscaping of the mailbox station on Frogmore Road. The projects that are in process are the refurbishment of the triangle at the intersection of Ponsbury Road and Sowell Street and the documentation and repair of the irrigation system.

Dave Rosengren also advised the Board of Directors to take into consideration the amount of money the Homeowners Association spends on the maintenance of the curb strips by landscapers.

Dave Rosengren briefed the Board of Directors on the Infrastructure Committee's report. The committee will advise of the new lake management contract, the street light inventory and repair, I'On Company projects such as refurbish of the west bank of Westlake, the Isle of Hope marsh walk access, washout repairs, and the service alley storm drain repair between North Shelmore and Port Royal, cleaning/painting of the amphitheatre and the changes made to the Saturday Road island. The Infrastructure Committee developed and implemented a handover process with the I'On Company. The Infrastructure Committee projects that are in progress include landscape lighting projects, lake path refurbishments, and obtaining documentation of early phases of the neighborhood.

Everett Wilcox made a motion to accept the bid from Lawn-O-Green for the installation of 6X6 posts at the entrances at the Rookery at \$500.00 for the total project. This is to prevent access of golf carts along the paths. Ed Clem seconded the motion. All in favor. Motion passed.

Dave Rosengren advised that one of the picnic table from Hopetown Road will be moved to the Scramble to replace the damaged picnic table.

Hugh Wilder briefed the Board of Directors on the Boathouse Committee's report. The committee's report includes dangerous and unneighborly behavior, vandalism, Yacht Club usage and enforcement of rules and policies. Everett Wilcox suggested not going into complete detail on the problem with the Boathouse at the mid

I'On Assembly 000251



year meeting. Simply report there is a major issue and it will be given high priority. Everett Wilcox asked the Board of Directors to agree to put a security officer at the Boathouse immediately. AMCS is to get prices on an hourly rate for a security guard to patrol the Boathouse.

LeGrand Elebash briefed the Board of Directors on the Traffic Committee's report. Being that this is a sensitive issue LeGrand Elebash and Everett Wilcox both suggested holding this report until the end of the mid-year meeting. LeGrand Elebash will report that the I'On Assembly, I'On Company, Mt. Pleasant Fire Department, and Mt. Pleasant Police Department worked together to come to a reasonable compromise on parking in I'On. LeGrand Elebash will emphasize that the Mt. Pleasant Fire Department advised the Board of Directors at a regular Board of Directors meeting that the Association needs to make changes to the on street parking otherwise, the Town of Mt. Pleasant will come in and start painting curbs and erecting signs.

Ed Clem briefed the Board of Directors on the Finance Committee's report. Ed Clem will advise that there are thirteen homeowner accounts that have not paid the 2005 assessment. Currently, the Homeowners Association is under budget. Expenditures are about \$198,000 versus a budgeted amount of \$217,000. The report will also touch on the capital reserve fund and a transfer fee.

Carol Ann McLester briefed the Board of Directors on the Communication Committee's report which will include the directory survey that will be mailed out shortly, Board of Directors newsletter, and the Borough Ambassador program.

Everett Wilcox briefed the Board of Directors on the Governance Report which will inform Homeowners that the Homeowners Association is taking over control of the Association from the developer and that there will be no developer representation on the Board of Directors in 2006 and elections will take place at the year end meeting in December. Everett Wilcox will also report on covenants and restrictions.

The Board of Directors discussed boat/trailer parking on vacant lots. The Board of Directors agreed to fine the title owners of the vacant lot and leave it up to the lot owner to tow the boats off the lots.

Everett Wilcox agreed to mention that the Homeowners Association has started attending I'On Design Committee meetings. Ted Webb is the Board of Directors liaison.

LeGrand Elebash briefed the Board of Directors on the Developer Report which will include an I'On Realty and I'On Company update, phase 9 and 10, and the PDF Amendment.

LeGrand Elebash reviewed the Board of Directors 2005 goals with the Board of Directors.

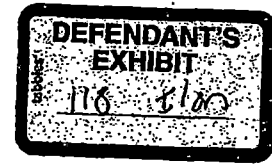
**Meeting Adjourned**

**The next meeting is scheduled for August 24, 2005 at 5PM at the I'On Realty Office Conference Room.**

---

Carol Ann McLester, Secretary

I'On Assembly 000252



**I'On  
MidYear Meeting  
July 27, 2005**

**Members Present** LeGrand Elebash, Everett Wilcox, Ed Clem, Carol Ann McLester, Ted Webb and John White  
**Members Absent** Alan Comen  
**AMCS** Cheryl L. Wilson and Jamie Kerr

LeGrand Elebash called the meeting to order and thanked everyone for coming.

LeGrand Elebash asked each Board Member to stand and introduce themselves and he then introduced AMCS.

LeGrand Elebash reviewed the 2005 Board of Directors goals which included choosing a president elect which will be Everett Wilcox. The Board of Directors agreed to have representatives at the Fly-Over Meetings.

**Committee Reports**

**Finance Committee**

Ed Clem thanked his committee: Annie Bonk, Libby Eble, Carol Ann McLester, Ted Webb, and Bill Young they advised that \$433,600 was the yearly budget and 644 lots were sold as of the end of 2004.

He advised that liens are being filed on delinquent accounts and there are currently thirteen. I'On is on budget for expenses, however; the repair account is being watched very carefully. Most repairs are due to vandalism. Other cost incurred by the Homeowners Association are street signs that are knocked down most off which occur during construction. He advised that common areas continued to grow, making it hard for the Homeowners Association to be on budget.

Infrastructure items such as irrigation pumps and playground equipment will need to be set aside in the Reserve Account for upkeep. The Finance Committee is reviewing the current reserve funding that is set aside at \$71,000 per year. Ed Clem touched on the topic of the transfer fee which collects money from re-sales for the reserve account. Ed Clem advised that the Board of Directors is researching this possible avenue for additional funding.

**Landscape Committee**

Dave Rosengren gave the Landscape Committee's report in Alan Comen is absent. Dave Rosengren advised that the current landscape company is now on site five days a week in the summer months. New additions to landscape services include pre-emergent and fire ant control. The east side of Eastlake has been upgraded with new landscaping and sod has been installed in some areas that had erosion problems, street trees and palms have been pruned throughout the community. Dave Rosengren advised that the Frogmore mail station has been landscaped. When construction eases, the committee will evaluate those phases. The irrigation system is being documented and repairs are being made.

**Infrastructure Committee**

Dave Rosengren gave the Infrastructure Committee's report. There is a new lake management contractor in 2005. The I'On Company has refurbished the west bank of Westlake, the access to the marsh walk from Isle of Hope Road has been repaired, the service alley storm drain between North Shelmore Boulevard and Port Royal Road has been repaired, cleaned and painted the Amphitheater and the changes to the Saturday Road island. The Infrastructure Committee has implemented a turn over process of common areas from the developers control to the Homeowners Association control. The Infrastructure Committee is working with the I'On Company to obtain information and documentation on all phases of the community.

I'On Assembly 000247

The Infrastructure Committee will install 6x6 posts at the entrances of the Rookery to prevent golf cart access, they are also looking into landscape light and path refurbishment throughout the community.

#### **Communications Committee**

Carol Ann McLester gave the Communications Committee's report advising that this year the committee has started doing a quarterly newsletter from the Board of Directors to improve communication. The committee is always looking for borough ambassadors, anyone interested please contact the Communications Committee. The directory is on schedule for end of the year delivery. A owner information survey will be mailed in September.

#### **Governance Committee**

Everett Wilcox gave the Governance Committee's report. Everett Wilcox reminded owners that at the December meeting, the Board of Directors will go to a staggered term and a six member Board. Three seats are up for election in December. Ted Webb is the liaison for the Board of Directors to begin communication with the I'On Design Committee for future turnover from the developer. Everett Wilcox reviewed the Covenants and Regulations and advised that they are being enforced. Boats are not to be seen from main thoroughfares and cannot be stored on vacant lots. The Board of Directors will hold lot owners responsible for boat/trailers stored on their vacant lots. Animal complaints are to go to animal control. Antennas are not to be seen from main thoroughfares or adjacent lots. Golf carts are not allowed on pathways. You must be a licensed driver to operate a golf cart according to South Carolina law. Homeowners are to contact AMCS to resolve complaints between neighbors if a resolution cannot come from discussion between neighbors. For repairs of common areas contact AMCS.

#### **Boathouse Committee**

Hugh Wilder gave the Boathouse Committee Report. The I'On Yacht Club uses the Boathouse regularly. Vandalism continues and is at its worst. All children under fourteen years of age are to be accompanied by an adult. Homeowners are encouraged to call the Mt. Pleasant Police Department for such events of vandalism, theft, and underage drinking. The Board of Directors are fully supportive and plan to make Boathouse Security a priority.

#### **I'On Design Committee**

Ted Webb gave the I'On Design Committee's report. Ted Webb is the Board of Directors liaison. Any exterior modifications to any lot needs to be approved by the I'On Design Committee. The I'On documents synopsis is on page 94-97 in the I'On Directory.

#### **Developer Report**

LeGrand Elebash gave a brief synopsis of the neighborhood. There are 560 Occupied homes, 112 homes are under construction. There have been sixty closed lots this year, nine are pending. The community is over 2/3 completed. The Graham family owns I'On Reality Company and the I'On Club. New renovations have taken place at the I'On Club. The I'On Reality's new broker is Carey Burnette. Phase nine is the North West peninsula. 30,000 square feet was initial approved for commercial space, the Town of Mount Pleasant has recently increased it to 45,000. The Town has granted approval to exceed the building height of 38 feet height to 40 feet in the new phase as long as the entire building has a sprinkler system. The I'On Company is working to make the I'On Design Committee process work better. Homeowners are asked not to dump anything in the builders dumpsters.

#### **I'On Trust**

The I'On Trust chairperson used to be LeGrand Elebash. Cynthia Rosengren has been elected. Annie Register and Becky Van Wie reported on the I'On Trust. Starfish is a not for profit organization. The Board of Directors for the I'On Trust consists of twelve members. They thanked Jerrie Heator and all who participated in the July 4<sup>th</sup> event. \$1,400 has gone to the Mt. Pleasant Police Department for the sale of American flags. They asked that owners complete the time and talent survey and return to the I'On Trust.

#### **Creek Club**

Cathy Davis gave the Creek Club usage report. In 2005 the Creek Club became available for rentals on Wednesdays, and forty reservations have been made to date. Remember to pickup rental rules from the I'On Club.

LeGrand Elebash advised that the next Board of Directors meeting is August 24, 2005 at 5:00 PM in the I'On Conference Room. The Annual Meeting will be December 7, 2005 at 7:00 PM at the Creek Club.

#### **Traffic Committee**

LeGrand Elebash gave a little background information on the parking plan for the neighborhood. The community was approved before initial building. Since the community evolved people began parking everywhere and speeding which now calls for additional organization. The Mt. Pleasant Fire Department started reviewing the parking in I'On. They made it clear that they were going to change the current parking problem plan in I'On. Fortunately the Town was willing to allow the Committee to have input. There are three categories of streets; two sided street parking, one sided street parking, and no parking on either side. The Committee had criteria as to which side of the street to park on based on habits, which side yields the highest number of spaces and common sense. The fire department will implement the parking plan which will include curb markings and signs. LeGrand Elebash advised that there will be a four way at Sowell Street and Ponsbury Road, Sowell Street and North Shelmore will be a three way stop, West Shipyard and Ponsbury Road south bound will have stop signs. LeGrand Elebash advised that should any owner have issues with new parking plan, call the Town of Mt. Pleasant.

#### **Questions and Answer**

A question arose from the floor asking will the police patrol the neighborhood on a regular basis? LeGrand Elebash advised that at a meeting with a officer from the Mount Pleasant Police Department at a Board Meeting it was stated six officers are on duty at any time for the entire town.

A owner asked what was the status on bridge repairs on the canals. The Board of Directors advised that the I'On Company is working with the Infrastructure on repairing the stucco on the canal bridges.

A owner asked what was the status on the vacant lots on canals? LeGrand Elebash advised that four spec homes will be built on the north canal, on the south canal there is a plan to reshape the canal and develop high density homes.

A owner asked if the street lights on Eastlake that are missing, will be reinstalled? The Board of Directors advised the Infrastructure Committee is reviewing the street light inventory.

A owner asked the Board of Directors how they plan to communicate to those owners who do not attend meetings. The Board of Directors advised by via newsletter and the website.

A owner asked what is the time owners are allowed to sit on lots and not build. LeGrand Elebash advised that he believed it to be 270 days from contract to apply for a permit and one year from contract to build.

A owner asked if the I'On Company is responsible for the maintenance of vacant lots owned by the company? LeGrand Elebash advised yes.

A owner asked what is being done for soccer field parking? LeGrand Elebash advised that parking changes will be made per the new parking plan.

The Board of Directors advised that the Creek Club is the property of the I'On Club and the I'On Assembly is not obligated to purchase the Creek Club once the developer is done in the neighborhood.

**Meeting Adjourned**

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Carol Ann McLester, Secretary

**I'On  
Board of Directors Meeting Minutes  
August 24, 2005**

**Members Present** LeGrand Elebash, Everett Wilcox, Carol Ann McLester, John White, Ed Clem, Alan Comen, and Ted Webb

**AMCS** Cheryl L. Wilson and Jamie Kerr

**Guest** Chad Bensenfelder, Annie Bonk, Jack Hamilton, Annie Register, and Ed Green

LeGrand Elebash called the meeting to order.

**Minutes**

Ed Clem suggested that spell check be done on the minutes as there are numerous grammatical errors. LeGrand Elebash asked that the July 27, 2005 minutes reflect that the Town Planning Commission recommend approval of the increase of building height.

Ted Webb made a motion to accept the Board of Director meeting minutes from July 27, 2005 and the mid-year meeting minutes of July 27, 2005 with the corrections. Ed Clem seconded the motion. All in favor. Motion passed.

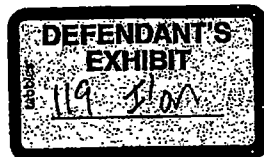
**Neighborhood Comment**

Jack Hamilton advised that the enforcement of the covenants and restrictions and the liens that are being filed is excessive and is affecting the civic and volunteer work being done in the neighborhood. He has asked the Board of Directors not to send letters to owners who have not lived in the property less than sixty days and not to file liens on properties for small amounts of money. He advised that the Board of Directors should set a maximum number of letters sent by AMCS per month. LeGrand Elebash advised that violation letters are sent out because fellow neighbors make complaints. He advised that liens are filed after much discussion and consideration. Annie Bonk advised that the Board of Directors is reactive not proactive and the Board of Directors sends letters based on complaints received by the Board of Directors and AMCS.

Annie Bonk asked for a key to Creek Club Boat Ramp. Chad Bosenfelder advised that he can get her one. Chad Bosenfelder advised that every January the boat ramp must be re-keyed. The I'On Club installed a security camera to prevent further vandalism.

Jack Hamilton advised that he had six boats stored in his backyard. They will be distributed to homes throughout the neighborhood to be checked out for the I'On Yacht Club.

LeGrand Elebash introduced Chad Bosenfelder. The I'On Company has written a new job description for him. He is the I'On Club manager but he will also be the liaison to the Association from the developer and the property manager for the vacant lots for the I'On Company. LeGrand Elebash suggested having a meeting between the Landscape Committee, I'On Company and AMCS. Everett Wilcox asked if Chad Bosenfelder will be working on the history of I'On. LeGrand Elebash stated yes. Jamie Kerr asked that the I'On Company not use the word property manager so not to confuse the homeowners as to where they need to direct complaints and questions regarding the Association. LeGrand Elebash asked AMCS to reword the newsletter article before the blurb goes in the Homeowners Association newsletter.



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**AMCS Report**

Operating Account \$26,715.47

Reserve Account \$203,478.63

Ed Clem advised that expenses are roughly \$35,000-\$36,000 a month. Ed Clem advised that the budget should be on track. AMCS reviewed the operating statement, twelve month trend, balance sheet, open and closed work orders with the Board of Directors. AMCS advised that year to date \$221,539.76 has been spent and the budget is \$212,271.21 which is a variance of -\$9,268.55. Everett Wilcox asked what is NOI, AMCS advised that NOI is net operating income before the reserve set aside. Everett Wilcox asked if the I'On Company has slowed down in lot sales. Annie Bonk advised that the Finance Committee did not want to budget anticipated lot sales and neither did AMCS; however, the Board of Directors agreed to. Ed Clem advised that \$15,000 was budgeted as anticipated lot sales by the I'On Company. Ed Clem advised that the repair budget needs to be watched as it is over budget.

**Off Duty Police Officers**

AMCS advised that the Board of Directors needs to decide where to code off duty police officer invoices. The Board of Directors asked that AMCS set up a security account code. Ed Clem advised that the off duty police officer schedule is 4pm to 9pm Monday, Wednesday, and Friday through Labor Day. Everett Wilcox suggested having security on Saturday. Ed Clem advised that the Boathouse Committee advised vandalism is not an issue on the weekend; however, the Board of Directors can always re-evaluate the schedule if need be. Annie Bonk advised that the police officers listen to dispatch while working for the Association. AMCS advised that some of the officers have been paid \$500.00 or more and the Internal Revenue Service is required to be notified. AMCS advised that these officers do not have workers compensation and general liability insurance. LeGrand Elebash asked AMCS to ask the Town of Mt. Pleasant what they do in other communities. The Board of Directors decided to re-evaluate the schedule after Labor Day.

**Eastlake Road/ Cistern Alley Easement Plantings**

AMCS advised the Board of Directors that if they want to send a letter to the homeowner, AMCS will do it; however, AMCS can not find documentation to prove ownership of the easement by the Association. Everett Wilcox asked LeGrand Elebash to research this matter.

**Combination of Lots**

AMCS advised of account, 325 North Shelmore Blvd. that was had a lien filed because one lot was divided and split between the lots on either side. AMCS asked the Board of Directors how they want to handle this. LeGrand Elebash advised that in the past when lots were combined, the owner was only billed for one lot because the developer would add a lot in later phases, so the Association would not loose income. LeGrand Elebash will look into what happened with this lot.

**Traffic Committee**

LeGrand Elebash advised that the Committee is waiting on a meeting with Brad Morrison with the Town of Mt. Pleasant.

LeGrand Elebash had to leave the meeting.

Carol Ann McLester made a motion to accept the Southern Stonecasting bid for eight 6"x6"x60" concrete posts for \$637.72 and Lawn-O-Green's bid for the removal of the old post at \$15.00 each and to install the new posts at \$40.00 each, including concrete. John White seconded the motion. All in favor. Motion passed.

#### **Amphitheater**

Ann Register advised that she was approached by Alex Kyier, that was interested in holding a concert at the Amphitheater. She advised that this would set a prescient as this is an outsider wanting to perform in the Association's common area. Annie Bonk advised that due to the Association insurance policy, the Association can not rent out any common areas because the policy will not cover the event. Furthermore, she advised that he would need to supply an insurance certificate to the Association listing the Association as an additional insured.

Everett Wilcox made a suggestion that the Board of Directors set a policy that only events sponsored by the I'On Trust; I'On Biznet, or the I'On Association should be allowed to use the common areas. Ted Webb made a motion to accept the new policy. Ed Clem seconded the motion. All in favor. Motion passed.

Everett Wilcox asked Carol Ann McLester to put the new policy in the next Board of Directors newsletter.

#### **Soccer Field Usage**

AMCS advised the Board of Directors that a homeowner was asking to reserve the soccer field for football practice. Ed Clem said that he has spoken to the Association's insurance company and has been advised that the policy does not include organized events. AMCS suggested obtaining a rider. AMCS will get a price on a rider. Annie Bonk asked the Board of Directors if the Montessori School is covered under the policy? Everett Wilcox will ask LeGrand Elebash to speak with the Montessori School regarding insurance. Everett Wilcox asked John White if he would ask the I'On owners who play soccer if there is an Association league.

Carol Ann McLester made a motion to purchase a sign to be installed at the soccer field that reads "Soccer field for use of I'On Residents Only, to reserve the field please visit [www.ioncommunity.com](http://www.ioncommunity.com)". John White seconded the motion. All in favor. Motion passed.

#### **Finance Committee**

Ed Clem asked AMCS to prepare a preliminary budget within the next thirty days for the Finance Committee to review. Ed Clem will send an e-mail to all the committee chairpersons asking them to forward budget items to the Finance Committee. Everett Wilcox advised that he is concerned about what to contribute to the reserve fund. Everett Wilcox advised that either the annual dues will need to be increased or a transfer fee will need to be passed. Everett Wilcox asked that the Finance Committee budget for security officers. Ed Clem advised that the current AMCS manager is not a full-time manager. The Board of Directors asked AMCS to submit a bid for a full time on site manager.

#### **Infrastructure and Landscaping Committee**

The Infrastructure and Landscaping Committee and Lawn-O-Green are currently working on documenting the irrigation systems and making needed changes. Alan Comen advised that Lawn-O-Green is to submit prices for repairs that are needed on the corner of the roadways where rutting has occurred. Alan Comen asked AMCS to notify Estate Management that weeds are growing in the North Canal.

In Dave Rosengren's absence AMCS read the Infrastructure Committee Report. The I'On Company will be beginning the Phase 6 handover, the Infrastructure Committee requests that the Board of Directors follow the process, at least this first time. Dave Rosengren requests being a part of the handover review. The Board of Directors agreed. The landscape lights are now working on the West Lake foot bridges, therefore the Infrastructure Committee is satisfied with the work of the new contractor. If the cost seems reasonable for these repairs there are other areas of the neighborhood needing attention. The walking path washouts continue to be an issue; the Infrastructure Committee is working with the I'On Company to get more attention placed against silt fencing.



There are several chronic path washouts that will require a more permanent solution. One is the mail boxes at East Shipyard Road and another is the marsh path at the walking bridge from Isle of Hope to Frogmore on the Frogmore side. Lawn-O-Green is working on costs to improve the drainage of these areas.

**Communications Committee**

Carol Ann McLester presented the Board of Directors with the draft of the newsletter. She requested that any additions to the newsletter be forwarded to her no later than next Wednesday.

**Governance Committee**

Mr. Green advised of the lien placed on his account because the Association had the wrong address. The Board of Directors apologized for his misunderstanding. The Board of Directors discussed the garbage can rule. The Board of Directors agreed to table the issue to the next meeting.

**I'On Design Committee**

Ted Webb advised that the I'On Design Committee meets every other Tuesday for two or more hours. The Association might want to discuss funding this committee further down the road. All plans and deliberations of the committee are digitized for easy referencing. Alan Comen advised that the I'On Design Committee does not have any enforcement.

Ed Clem discussed with the Board of Directors and AMCS that the minutes have not been coming to the Board of Directors in a timely manner as AMCS had been asked to do in the past. AMCS will have Board of Directors meeting minute to the Board of Directors within two weeks after the meeting.

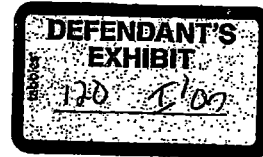
The Board of Directors entered into executive session.

**Meeting Adjourned**

The next meeting is scheduled for September 28, 2005 at 5PM at the I'On Realty Office Conference Room.

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Carol Ann McLester, Secretary



**I'On  
Board of Directors Meeting Minutes  
September 28, 2005**

**Members Present** LeGrand Elebash, Everett Wilcox, Ed Clem, Alan Comen, and Ted Webb

**Members Absent** Carol Ann McLester and John White  
**AMCS** Cheryl L. Wilson and Jamie Kerr

**Guest** Dave Rosengreen, Barbara Sigman, Annie Bonk, Libby Eble

**Minutes**

Ed Clem made a motion to accept the Board of Director meeting minutes from August 24, 2005 as presented. Alan Comen seconded the motion. All in favor. Motion passed.

**Neighbor Comment**

Barbara Sigman advised the Board of Directors of two dead trees that are located in the Rookery that over hang her property. Alan Comen advised that he would be meeting Lawn-O-Green to discuss the scope of work. Barbara Sigman requests that the trees be removed because the trees are infested with termites.

**Financial Report**

AMCS reported the following account balance as of September 28, 2005.

Operating Account \$20,226.48

Reserve Account \$185,702.43

\$96,047.84 of operating money is in the Reserve Account

The actual Reserve funds in the Reserve Account is \$89,654.59

Ed Clem advised that the Association spends \$34,000 to \$35,000 per month on expenses. Ed Clem advised that the Association is on budget for 2005. However, he is working with AMCS on some accounting issues.

Everett Wilcox asked what it costs to run a street light. Ed Clem advised that the cost is approximately \$40 to \$50 per month per light.

AMCS reviewed the operating statement, twelve month trend, balance sheet, and open and closed work orders with the Board of Directors.

Ed Clem reported that there was an error on the August 2005 balance sheet. The balance at the bottom indicating the operating funds in reserves reflected the July 2005 balance not the August 2005 balance.

The Board of Directors discussed posting the financials on the website on a monthly basis. The Board of Directors were in total agreement to post the financial report each month. AMCS will forward the information to the website administrator.

AMCS advised that the Eastlake concrete post will be delivered Friday, September 30, 2005. Lawn-O-Green will begin the installation Friday and complete the project by Monday, October 3, 2005.

**2006 Budget**

Ed Clem advised that AMCS has provided the Finance Committee with a preliminary budget. Currently, the budget is set based on 711 homes. Ed Clem advised that it is his intention to review the budget with his committee before presenting their recommendations to the Board of Directors. Ed Clem advised that one addition to the budget is based on the recommendation of the Boathouse Committee which is \$24,000 for security. The Boathouse Committee clarified that the security is not just for the Boathouse area but the entire community. AMCS advised that by using the word security it opens up the Homeowner's Association to a liability issue. LeGrand Elebash suggests speaking to Olde Park and Braemore regarding sharing the cost for

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the security if the officer patrols the three communities. Ed Clem advised that he will contact AMCS within the next two week to set up a meeting to review the 2006 budget.

#### **Turn Over Process**

LeGrand Elebash advised that the I'On Company paid an attorney to review the turn over process document. LeGrand Elebash advised that the changes were to make the document survive over time. Everett Wilcox pointed out that the document was changed to protect the interest of the I'On Company. LeGrand Elebash advised that if the Board of Directors doesn't see any benefit to the revised documents then the Homeowner's Association does not have to sign it. He did suggest that the Board of Directors review the revised document. Dave Rosengren agreed that his committee will set a meeting with the I'On Company to discuss the revised document.

The Board of Directors reopened the discussion regarding the turnover process and advised Dave Rosengren that if he meets with the I'On Company he can have an attorney present if he feels its necessary.

#### **Traffic Committee**

LeGrand Elebash reported that he has not heard back from Brad Morrison with the Town of Mount Pleasant. LeGrand Elebash advised that he will send a letter to Brad Morrison asking that the Town of Mount Pleasant start implementing the parking plan as soon as possible. Annie Bonk suggested using the website to get owners to start calling and writing to the town.

LeGrand Elebash had to leave the meeting.

#### **Street Lights**

Dave Rosengren discussed the recent homeowner request to re-install the street light on the south end of Eastlake. Dave Rosengren reported that there is currently a street light on the corner of Sowell Street and Prescient Street. LeGrand Elebash suggested re-installing the light pole number G14671 at the south end of Eastlake and light pole number J01062 near 289 North Shelmore Blvd. The Board of Directors were in agreement. Everett Wilcox suggested that there needs to a street light at the corner of North Shelmore Blvd. and Mobile Street, Dave Rosengren suggested that there needs to be a street light at the Rookery entrance on North Shelmore and a street light is needed at the corner of North Shelmore Blvd. and Hopetown Road. Dave Rosengren suggested that the Board of Directors discuss the blackened street light issue. The Board of Directors agreed to put this topic on the October 26 ,2005 Board of Directors Meeting agenda.

#### **Insurance**

AMCS reported that Patrick Smith with Nationwide had advised that events that do not collect fees are covered under the current Homeowner's Association insurance policy. However, the I'On Biathlon would need a separate policy. Everett Wilcox asked to see the policy. AMCS will forward him the requested material.

#### **Combined Lot**

AMCS asked the Board of Directors if they collect regime fees on each lot when a lot is combined or if a regime fee is waived. The Board of Directors agreed to research this issue further. The Board of Directors asked AMCS to ask Andy Beck to attend the October 26, 2005 meeting. Dave Rosengren suggested making a list of all the combined and subdivided lots. The Board of Directors agreed to leave the Campbell account on the record until this matter is discussed further.

#### **Eastlake Plantings**

Everett Wilcox asked AMCS to send LeGrand Elebash an e-mail and carbon copy the e-mail to the entire Board of Directors regarding the status on him researching the property line where the plantings were installed on Eastlake Road.

**Satellite Dish**

The Board of Directors agreed to send a letter to the owner of 53 Sowell Street asking that the owner paint the wires/conduit to match the stucco on the house.

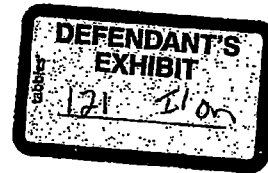
The Board of Directors adjourned the meeting and entered into executive session.

**Meeting Adjourned**

The next meeting is scheduled for October 26, 2005 at 5PM at the I'On Realty Office Conference Room.

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Carol Ann McLester, Secretary



**I'On Assembly  
Annual Meeting Minutes  
December 7, 2005**

**Members Present** LeGrand Elebash, Ed Clem, Alan Comen, Ted Webb, Carol Ann McLester, and Everett Wilcox

**Members Absent** John White

**AMCS** Cheryl L. Wilson and Helen L. Postell Hutson

LeGrand Elebash called the meeting to order.

LeGrand Elebash advised that a quorum has been established.

61 homes were represented in person or by proxy.

LeGrand Elebash explained he is the last developer appointed Board of Directors member. Everett Wilcox will be the president elect for 2006.

**Minutes**

Ed Clem made a motion to accept the 2004 I'On Assembly Annual Meeting minutes as presented. Ted Webb seconded the motion. All in favor. Motion passed.

**Board Nominations**

LeGrand Elebash explained that Ed Clem and Ted Webb are incumbents as they were appointed to fill Board of Directors vacancies. LeGrand Elebash asked the six candidates to stand and introduce themselves. They are: Ted Webb, Ed Clem, Alan E. Barbieri, George Flynn, Theresa Green, and Dan Parker. LeGrand Elebash called for nominations from the floor. No one came forward. Ballots were collected from the floor.

**Development Report**

LeGrand Elebash introduced Vince Graham. LeGrand Elebash reported that there are 628 residential lots and five commercial lots presently in the neighborhood. LeGrand Elebash advised that more than five hundred homes are occupied. LeGrand Elebash stated that I'On is more populated on a full time basis than Sullivan's Island.

LeGrand Elebash advised that build out is nearing the finish line but still a full time job for the I'On Company. Two phases are coming on line in early 2006: phase nine, the last peninsula with ten lots total and phase ten has seventeen lots total. The I'On Company is planning on a March auction for twenty of the twenty-seven lots. The date is to be announced. The Board of Directors will comprise of seven homeowners with Everett Wilcox as President of the Board of Directors. LeGrand Elebash thanked Dave Rosengren for his hard work on the I'On Assembly Infrastructure Committee with implementing an official handover process from developer control to homeowner control. This new process will include the turnover of an official library of plans, contractors information, plats, etc to the Homeowners Association.

LeGrand Elebash introduced and thanked Chad Besenfelder who oversees the property owned by the I'On Company.

The I'On Company is refurbishing Jogging Park, implementing a construction entrance, improving access lanes, improving the Saturday Road island, investigating canal aeration, completing cleaning and improvements of storm drains. In 2006, the I'On Company is planning on cleaning and improving the mail delivery system, aerate the canals and lakes, improve the Hopetown Road playground, and complete the turnover for phases 1-7.

LeGrand Elebash advised that the I'On Assembly goals for 2005 will be posted on the website with updates. LeGrand Elebash turned the meeting over to Everett Wilcox as the new President of the I'On Assembly Board of Directors. Everett Wilcox thanked LeGrand Elebash for all his hard work as the President for the I'On Board of Directors.

#### **Finance Committee**

Everett Wilcox thanked the committee members: Ed Clem, Bill Young, Carol Ann McLester, Libby Eble, Annie Bonk, and Ted Webb. Ed Clem advised that the 2005 year will end in the black. The I'On Association received three thousand dollars from the I'On Company due to building encroachment near Maybank Green. The I'On Association made two thousand dollars in interest from operating funds.

Ed Clem advised that regime fees were due by March 1, 2005. 125 homes were delinquent at the end of March 2005. To date only two are delinquent. Most budget accounts are on budget except for repairs due to the aging infrastructure in the community. The reserve fund is being funded based on recommendations from the Falcon Engineering Reserve Study completed in 2004. The 2006 budget is based on 682 homes. There is budgeting for the continuation of the neighborhood watch by off duty Mt. Pleasant police officers. Ed Clem advised that there will not be an increase in dues in 2006; however, the reserves will not be funded aggressively. Reserves will only be funded at half the amount as 2005. Ed Clem advised that a special assessment may be needed in 2006. Ed Clem introduced Ted Webb to speak about a transfer fee. Ted Webb explained that a transfer fee would be paid to the Homeowners Association by buyers on re-sales. These funds could be used to build a community center and/or build the reserve funds. The Board of Directors will be discussing this information over the next six months. Everett Wilcox advised that the Board of Directors has the right to implement a special assessment but to pass a transfer fee the Board of Directors needs a vote of the owners of the I'On Assembly.

#### **Landscaping Committee**

Alan Comen advised the landscaping has drastically improved over 2005 and improvements will continue in 2006. The erosion problems on the southeast bank of Eastlake was repaired and Lawn-O-Green is now working on the northeast bank of Eastlake. The Ponsbury Road and Sowell Road triangle and south canal landscaping was upgraded also upgraded in 2005.

#### **Communication Committee**

Carol Ann McLester advised that the directories will be delivered by Friday or Monday by the Borough Ambassadors. She thanked the Borough Ambassadors for delivering the welcome baskets. The quarterly Board of Directors newsletter was a new way this year for the Board of Directors to communicate to the homeowners and the newsletter will continue in 2006. Cynthia Rosengren advised that the I'On Club will continue to allow the I'On Trust, Biznet, and the I'On Assembly to rent the Creek Club on Wednesday throughout 2006. Dr. Alan Barberi advised that to reserve the Creek Club, owners need to fill out the form on the website. Jack Hamilton advised that there is a "advertise event" form on the website. Everett Wilcox thanked Carol Ann McLester for her hard work on the Board of Directors.

#### **Governance Committee**

Everett Wilcox advised that the Association does not police the community; however, they rely on homeowners to call in violations to AMCS.

#### **Infrastructure Committee**

Dave Rosengren reported that the following projects were completed in 2005. The west side of Westlake drainage was repaired by the I'On Company along with recent Westlake walking paths. Irrigation repairs on Frogmore and the soccer field were completed. The Boathouse and post houses have been painted. The lake maintenance was improved in 2005 by Estate Management. The Town of Mount Pleasant repaired the corner ruts along the community roads. Dave Rosengren advised that the street light inventory and repairs are still ongoing. Dave Rosengren advised that in 2006, the Association will install street lights in the darker areas in the community. He reported that wash out areas on the banks of Eastlake are currently being repaired. In 2006, power washing and painting of fences is planned throughout the common areas. Dave Rosengren advised that the handover process was finalized in 2005. Dave Rosengren advised that Amphitheater landscape lighting will be upgraded in 2006.

#### **Traffic Committee**

LeGrand Elebash advised that the Traffic Committee worked with the Town of Mount Pleasant and presented the Town with a parking plan. The Town of Mount Pleasant is working on implementing the plan. The Town of Mount Pleasant is to mark permissive parking and install general signage at the Town's expense. The Town is to begin work in about two to three months.

#### **Board of Directors Election Results**

The 2006 Board of Directors are: Alan Barbari, Ed Clem, George Flynn, Theresa Green, and Ted Webb.

#### **I'On Trust Report**

Anne Register advised that the Tour of Homes was held on Sunday, December 4. Eight hundred of the one thousand tickets were sold. Anne Register thanked everyone and encouraged people to join the I'On Trust. Anne Register advised owners they will receive letters in the mail to renew or join the I'On Trust and a list of planned 2006 events. On January 28, 2006 the Charleston Ballet Theater will be at the Creek Club. Everett Wilcox advised that on December 14, 2005 a meeting regarding Johnnie Dodds Boulevard will be held at City Hall at 6:00 PM and he encouraged all residents to attend.

#### **2006 Meetings**

Everett Wilcox advised that the Mid-Year meeting will tentatively be held on June 28, 2006 at 7:00 PM at the Creek Club and the Annual Meeting will tentatively be held on December 6, 2006 at 7:00 PM at the Creek Club.

#### **Question and Answer**

A homeowner advised that builders should also pay the transfer fee on new construction, not just re-sale's. Everett Wilcox advised that the Board of Directors is following the direction of other homeowners associations and that is the way the I'On Trust transfer fee is set up.

A homeowner suggested a flat fee to protect that of homes of higher price. Everett Wilcox advised the Board of Directors is reviewing this as an option.

#### **Meeting Adjourned.**

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Theresa Green, Secretary

I'On Assembly 000224

**I'On Assembly  
Board of Directors Meeting Minutes  
April 26, 2006**

**Members Present** Everett Wilcox, Ed Clem, George Flynn, Alan Barbari, Theresa Green, Alan Comen, and Ted Webb  
**Guests** Annie Bonk, Ed Ball, Dave Rosengren, Brent Hill, Chad Besenfelder, Hugh Wilder, and Andy Gowder  
**AMCS** Cheryl L. Wilson

Everett Wilcox called the meeting to order.

**Minutes**

The corrections to March 22, 2006 minutes are as follows: Under I'On Company Update, first paragraph it reads, "The I'On Company will replace that phase six street signs and sidewalks in the summer of 2006." It should read, "The I'On Company will replace the phase six street signs and sidewalks in the summer of 2006." Under Communications Committee Report, third paragraph, it reads, "Theresa Green will contact AMCS to give them information need to cut the check." It should read, "Theresa Green will contact AMCS to give them the information needed to cut the check." Under Newsletter it reads, "Everett Wilcox advised that whoever takes the Civitas Award over they need to come up with a election process for the Civitas Award candidates." It should read, "Everett Wilcox advised that whoever takes the Civitas Award over needs to come up with a election process for the Civitas Award candidates." Under Traffic Committee Report, second paragraph it reads, "George Flynn advised that he has also sent a letter to Mac Burndette the Town of Mount Pleasant Administrator regarding the implementation of the parking plan." It should read, "George Flynn advised that he has also sent a letter to Mac Burnette, the Town of Mount Pleasant Administrator, regarding the implementation of the parking plan." Under Traffic Committee Report, fourth paragraph, it reads, "Chief Mims asked George Flynn if the Homeowners Association could pay some of this cost. George Flynn advised him that the Assembly are tax payers." It should read, "Chief Mims asked George Flynn if the Homeowners Association could pay some of this cost. George Flynn advised him that the Assembly are taxpayers." Also, correction to Joe Bustos name. In the minutes it is spelled Bostus it should be spelled Bustos.

Ed Clem made a motion to accept the March 22, 2006 minutes with the above corrections. Ted Webb seconded the motion. All in favor. Motion carried.

**AMCS Report**

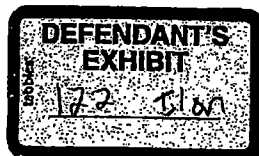
AMCS reported the following account balances as of April 17, 2006.

Operating Account \$100,114.92

Reserve Account \$192,133.62

Operating Excess Escrow Account \$200,000.00

AMCS stated that the Board of Directors meeting packet was sent out on April 21, 2006 to the entire Board of Directors giving them a chance to review the operating statement, twelve month trend, reserve statement, balance sheet, to do list from the March 22, 2006 Board of Directors



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meeting, and the open and closed work orders. AMCS asked the Board of Directors if there were any questions regarding these reports. There were no questions from the Board of Directors. The violation report, collection report, and lien report will be discussed in executive session.

**Neighbor Comment**

Mr. Ball expressed his concern about the recent vandalism in the community. The Board of Directors will discuss this issue later in the meeting.

Everett Wilcox congratulated Alan Comen with his recent job in his participation at the April 22, 2006 Bike Race Event.

**Audit versus Compilation**

Brent Hill with Jackson Hill CPA introduced himself to the Board of Directors. He is the I'On Assembly's accountant. Brent Hill discussed the different reports that the Homeowners Association could do from an audit, which would be the most thorough, to a compilation. The cost for an audit is about \$5,000.00 and a compilation is about \$1,500.00. Everett Wilcox advised Brent Hill that the I'On Assembly was officially turned over to the homeowners from the developer as of January 1, 2006 and the Board of Directors want to make sure everything is in order; however, the Board of Directors are not suspicious of any wrong doing. Annie Bonk asked Brent Hill that if the Homeowners Association were to do a full blown audit would it only cover one year? Brent Hill advised yes unless something was uncovered during the audit which would require looking into previous years. Annie Bonk advised that the Homeowners Association previous property management company's signed all checks; however, AMCS requires that a Homeowners Association Board member and a AMCS representative sign each check therefore she feels that in previous years where there were less checks and balances there may have been more errors rather than in the past two years with AMCS. George Flynn suggested a review of 2005 records and a review of the ongoing procedures. Annie Bonk suggested that Brent Hill give the Homeowners Association his recommendations to possibly improve the current checks and balances that are in place. Brent Hill will review the items that the Board of Directors are requesting and he will contact Ed Clem when he has a proposal to present to the Board of Directors. Everett Wilcox advised that the report needs to be completed so the Board of Directors can report the information at the June 28<sup>th</sup> mid-year meeting.

**Tax Return**

Brent Hill advised that a 1120 form has a lower tax rate than the 1120-H form. The 1120 form is riskier as you would need to provide more in-depth detail. The Board of Directors agreed to stay with the 1120-H form for the foreseeable future. The Board of Directors thanked Brent Hill for coming to the meeting.

**Communications Committee**

Theresa Green thanked the Board of Directors for the approval of the \$100.00 for the Easter Egg Hunt. The I'On Assembly, I'On Trust and I'On Biznet are meeting including a representative from the churches on a monthly basis. Items they reviewed include problems that large events in the community have such as a parking plan. Theresa Green thanked AMCS for their help with

getting the Quarterly Board of Directors Meeting Newsletter to the printer and getting it mailed to the owners. Everett Wilcox reiterated that the I'On Assembly does not endorse the churches.

#### **Security and Vandalism**

AMCS advised that the Mount Pleasant Police Department is currently in place to patrol the community on a random schedule that was approved by the Board of Directors. The patrols began in early April. Everett Wilcox advised the Board of Directors that vandalism continues to increase, therefore, he suggests that the Board of Directors look into possibly starting daytime police patrols in the community and have an engineer look into re-designing the Boathouse to give kids less places to hide.

Everett Wilcox asked Theresa Green to speak to Cynthia Rosengren about setting up a separate place on the website where neighbors can post vandalism reports and suspicious behavior that occurs in the community. Chad Besenfelter suggests that the Board of Directors possibly look into installing security cameras similar to the ones that he had installed at the Creek Club. Everett Wilcox will have an engineer take a look at the Boathouse. Annie Bonk will speak to the Boathouse Committee about updating to a more intense police patrol schedule.

#### **I'On Company Update**

Chad Besenfelter gave the Board of Directors a brief update on phase nine. The phase is almost complete. The I'On Company is considering adding three small sitting parks. Chad Besenfelter advised that the May 4<sup>th</sup> auction is for twenty-one lots. Chad Besenfelter stated that the road behind the cemetery will not be put in and this has been platted as lot 9-2. A small playground, Georgetown Park, may be installed in phase seven. Chad Besenfelter reported that the I'On Company is looking to make improvements to the Hopetown playground. Ted Webb suggested that the I'On Company should ask the neighbors for their input. Chad Besenfelter reported that the street and stop signs in the construction phases will be replaced. Chad Besenfelter advised that he walked the entire marsh walk with Dave Rosengren to review the improvements that Tom Graham wants to make which would replace the wood retaining walls with rock. Everett Wilcox asked Chad Besenfelter what the status was on the Eastlake Road School. Chad Besenfelter advised that the school is on hold due to financial matters. Chad Besenfelter advised that the I'On Company is still trying to get the Graham's to approve the installation of bubblers in the canals. Chad Besenfelter advised that the I'On Company is working on the remaining land turnover with the I'On Assembly and will have an update next month. Chad Besenfelter reported that phase ten development will begin within the next two months and that the Evan's staging area will be minimized after clearing is completed. Everett Wilcox thanked Chad Besenfelter for his hard work.

#### **Infrastructure Committee**

Dave Rosengren advised, that the brick steps at the Boathouse have been repaired, that the fountain at Perseverance Park was running. There is one step light at Perseverance Park that is out that has been reported to Complete Property Maintenance. Dave Rosengren discussed with the Board of Directors the encroachment issue with lots 5-179, 5-180, 5-181, and lot 5-182 on the Lafayette Canal. He asked to table this topic as he believes this canal was deeded back to the I'On Company, which would not make this an issue for the I'On Assembly.

**Finance Committee**

Ed Clem reported that everything is right on target and the budget is approximately \$10,000.00 under budget. Ed Clem advised that the Finance Committee has been looking into money markets and reserve fund commitments for long term latching CD's. Everett Wilcox gave the Finance Committee approval to move funds as they see fit for the best interest of the I'On Assembly. The Finance Committee will update the Board of Directors of their progress at the next Board of Directors meeting.

**Traffic Committee**

George Flynn advised that he has been calling Brad Morrison and Chief Mims to discuss the implementation of the parking plan. Brad Morrison advised that the funds are not available to implement the parking plan. Chief Mims has not returned any of George Flynn's phone calls. George Flynn had been calling Brad Morrison and after a few weeks Brad Morrison called back and he agreed to attend this evening's Board of Directors meeting; however, he was not present.

**Landscaping Committee**

Alan Comen advised that the Landscaping Committee is experiencing a few difficulties with Lawn-O-Green. They have set up a meeting with Lawn-O-Green to review these items and he will report back at the next Board of Directors meeting.

**Meeting Adjourned into Executive Session.**

**Next meeting is May 24, 2006 at 5:00 P.M.**

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Theresa Green, Secretary

**I'On Assembly  
Preliminary Board of Trustees Meeting Minutes  
February 28, 2007**

|                        |                                                                                                                        |
|------------------------|------------------------------------------------------------------------------------------------------------------------|
| <b>Members Present</b> | Dr. Alan Barbari, Ed Clem, Theresa Green, Ward Mundy, Ted Webb, and Everett Wilcox                                     |
| <b>Members Absent</b>  | George Flynn                                                                                                           |
| <b>Guests</b>          | Dave Rosengren, Libby Eble, Chad Besenfelder, Vince Graham, LeGrand Elebash, Barbara Fry, and several other residents. |
| <b>AMCS</b>            | Cheryl L. Wilson                                                                                                       |

Everett Wilcox called the meeting to order.

**Minutes**

Ed Clem made a motion to accept the January 24, 2007 Board of Trustees meeting minutes as presented. Alan Barbari seconded the motion. All in favor. Motion carried.

**AMCS Report**

AMCS reported the following account balances as of February 19, 2007:

Operating Account \$257,573.42

Fidelity Investment Account \$263,826.76 (Capital Reserve)

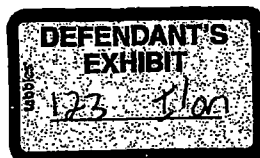
Operating Funds in Reserves \$30,000.00

AMCS stated that the Board of Trustees meeting packet was sent out on February 28, 2007 to the Board of Trustees giving them a chance to review the operating statement, twelve month trend, balance sheet, open and closed work orders. AMCS asked the Board of Trustees if there were any questions regarding these reports. There were no questions from the Board of Trustees. The violation report, collection report, and lien report were discussed in executive session.

**I'On Company**

Everett Wilcox thanked Vince Graham, LeGrand Elebash, and Chad Besenfelder for attending the meeting on behalf of the I'On Company. Mr. Wilcox reminded them of the three pressing issues the Board of Trustees are working on, which are to establish the storm clean-up fund, the lack of a community center and working out the details of the parking plan. Mr. Wilcox advised that the I'On Assembly cannot solve these issues alone and the Board of Trustees are looking to the I'On Company for their help in getting these matters resolved. Mr. Graham agreed that the I'On Company and the I'On Assembly should work productively together and addressed each of the items. He advised that he did not understand the need for having a large amount of money put aside in a interest bearing account to save for when a storm hit. However, if this is something the I'On Assembly wanted then the I'On Company would not stand in their way. Ed Clem advised that the Board of Trustees were convinced that it was their fiduciary responsibility to be adequately funded in case of a storm that some states are requiring boards to establish such funds.

Alan Barbari told Mr. Graham that the Board of Trustees has devoted countless hours of research regarding whether or not there was a need for a storm clean up fund and the Board of Trustees have reports that back the need for the funds. He asked Mr. Graham to advise if the I'On Company will



get on board with the idea of the need for a storm clean-up fund. Mr. Graham advised that he will review the matter and let the Board of Trustees know.

Alan Barbari reported that he met with Dave Rosengren and Jody Swanigan with the East Cooper Montessori Charter School regarding the I'On Assembly using the new school as a meeting place. He felt that due to the number of organizations within the school system requesting spaces for their meetings that the East Cooper Montessori Charter School would not be able to meet the I'On Assembly's needs. Mr. Graham offered that the I'On Assembly could do as the school and churches have done in the community and do a fundraiser.

Ward Mundy asked if the I'On Company would be willing to sell the Creek Club to the I'On Assembly and Mr. Graham advised maybe. Alan Barbieri asked the I'On Company what their thoughts were on the parking plan. Mr. Graham was asked if there were any other places in Mount Pleasant having to deal with the same parking issues as I'On. Mr. Graham advised no, that the Town of Mount Pleasant has singled I'On out. Mr. Wilcox reminded Mr. Graham that the Town of Mount Pleasant wrote a letter in 1997 to the I'On Company advising that there would not be any parking permitted on seventeen foot streets unless other conditions were provided. Mr. Wilcox advised that it is the Board of Trustees' responsibly to uphold the fire department concerns on the safety issues. Mr. Graham said that the I'On Company and I'On Assembly need to work together in a positive manner to get the parking plan matter resolved with the Town of Mount Pleasant. Mr. Mundy reminded the I'On Company that the Town of Mount Pleasant is ready to start marking streets. Mr. Wilcox advised that he has met with Tony Woody with Thomas and Hutton Engineering and they submitted a proposal for \$21,600.00 to look at the parking plan and help find solutions to no parking on the seventeen-foot streets. Mr. Mundy pointed out that the parking plan approved by the Town of Mount Pleasant does not permit parking on seventeen-foot streets; however, they missed Sanibel Street, which is a seventeen-foot street, and according to the parking plan, parking is permitted. Mr. Wilcox asked for a commitment from the I'On Company to solve the problems with the parking plan by providing room for emergency vehicles but also allowing parking in the front of the owner's homes. Mr. Barbieri asked the I'On Company how much time they needed to discuss these requests and come back to the Board of Trustees with a response. Mr. Graham advised he could have something in two weeks. Mr. Wilcox stated that the Board of Trustee meeting would be adjourned and reconvened on March 14, 2007 at 5:00 PM, later changed to March 15, 2007 at 7:00 PM, to discuss the planned development amendment and the parking plan. Mr. Wilcox also asked Mr. Graham if he could have a definite answer on the transfer fee whether the I'On Company would support the need for a by the March 15, 2007 meeting. Vince advised he would.

#### **Planned Development Amendment**

Vince Graham advised that the current planned development amendment called for 762 lots and the proposed planned development amendment would bring the total homes in I'On to 800. Mr. Graham advised that the plan would not only add 38 lots but also remove some current commercial lots. The amendment also calls for an increase in the commercial square footage from 30,000 to 36,000 square feet. The details of the planned development amendment were as follows:

Proposed Change: Increase the total permitted home sites in the neighborhood by 5% from 762 to 800. Decrease the number of commercial lots in the neighborhood by two from 11 to 9. Increase

the allowable commercial square footage in the neighborhood by 6,000 square feet from 30,000 square feet to 36,000 square feet. This latter change will enable the construction of a commercial building on CM-7 at a scale similar to those structures now fronting the I'On Square.

Increasing the total number of home sites in the neighborhood from 762 to 800 would include the following:

- Increasing the number of home sites previously contemplated for Phase 11 by 16 home sites from 22 to 38 home sites. This will make Phase 11 lot density consistent with existing phases of built-out parts of the neighborhood such as Phase 5 Rialto Road, Phase 6 Sanibel Street, and Phase 8 Ionsborough Street.
- Converting CM-12 at the intersection of N. Shelmore Boulevard and Montrose Road to a residential home site.
- Converting CM-9 and Lot 137 at the intersection of Ponsbury Road and Sowell Street into three residential home sites.
- Converting CV-10 into three residential home sites.

If approved by Mount Pleasant Town Council, The I'On Company, will make a donation of \$60,000 for each of the 38 additional lots. This equates to a total donate of \$2,280,000, and will be disbursed on or before the Phase 11 development loan closing, anticipated to take place within 180 days of planned development amendment approval by the Town of Mount Pleasant. The donation would be split as follows:

- 25% (\$570,000) to the I'On Assembly, Inc.
- 25% (\$570,000) to the I'On Trust
- 25% (\$570,000) split evenly among community church organizations
- 25% (\$570,000) to the East Cooper Montessori Charter School

**Donation Conditions:**

- Before moving forward with an application, there must be unanimous approval of the Board of Trustees of the I'On Assembly for this initiative.
- The I'On Assembly Board of Trustees must agree to be a co-applicant with the I'On Trust, churches, and the East Cooper Montessori Charter School on the application for amendment.
- A representative from the I'On Assembly Board of Trustees must be prepared to assist with the presentation for the amendment at the Mount Pleasant Planning Commission and the Mount Pleasant Town Council meetings. Other presenters are anticipated to include the Very Reverend John Burwell of the Church of the Holy Cross, Father Jay Parker of the Church of the Holy Ascension, the I'On Trust, and Jody Swanigan of the East Cooper Montessori Charter School. The I'On Company will prepare all the documentation and provide logistical and financial support for the application.
- The monies donated to the I'On Assembly shall not be used to reduce dues, but shall go toward public art, capital reserve accounts, a meeting facility, or other endeavors, which contribute, to the long-term beauty and/or financial health of the neighborhood. A plan for the handling of these monies must be submitted by the I'On Assembly for the approval of the I'On Company.

Mr. Wilcox advised he does not want to see the current parking situation worsened by adding the additional home lots. He strongly suggested that each of the homes have approved on the lot parking for two vehicles. LeGrand Elebash advised that the lots will be front loaded meaning that each lot will have a driveway. Mr. Graham advised that the I'On Company will not move forward

with this plan until they had full board approval from the I'On Assembly. Mr. Wilcox advised that the Board of Trustees would need to review the planned development amendment and get back to the I'On Company.

#### **Muirhead Entrance**

Mr. Wilcox advised the I'On Company that the Board of Trustees would like to re-open the discussion of having an additional entrance from I'On to Muirhead Road. Mr. Graham suggested that the I'On Assembly should head up this project. Mr. Wilcox agreed that this would be something the I'On Assembly could take the lead on.

#### **I'On Company Update-Chad Besenfelder**

Chad Besenfelder reported to the Board of Trustees on the following items:

- The I'On Company will repair the retaining wall damaged on Sanibel Street near Lot 5-83 as it appears to have been struck by a delivery truck.
- The I'On Company will repair the wood retaining wall near lot 6-2 and the access lane island near 6-29. Repairs will be made after surrounding construction is complete.
- AB Evans is finishing the staging area cleanup and dress up on the McDaniel Lane access lane including drain screen replacements and street sweeping.
- The I'On Company owned lots are being cleaned, including lot 6-25 and the fence installation and grading.
- The I'On Company has hired crews to walk the marsh walk paths to pick up trash in phase 7 and 9.
- The I'On Company is currently working on the property deeds and use agreements for the I'On Assembly including the Amphitheater, I'On Square, and boat docks.

The I'On Company will begin the following item in the next 30 days:

- Phase 9 park construction
- Cemetery and Georgetown Road park enhancements
- Reduce steep grade of the phase 6 walking path
- Phase 6 and 7 curb and sidewalk repairs
- Install pavers at the rollover curb at the fountain park in phase 6
- Storm drain repairs and cleanouts in phase 7
- Complete list of information for I'On Assembly turnover from last year
- Assist the I'On Assembly with the parking plan
- Improve accountability with Guild Members and increase site inspections

#### **Infrastructure Committee-Dave Rosengren**

Dave Rosengren advised that he is working with Wes Haynes on repairing sidewalks and curbs in the community. AMCS will be setting up an appointment with the Town of Mount Pleasant to review the repairs that are needed. Mr. Wilcox advised that there is broken curbing at the end of Isle of Hope Road and that the wood bench in the center island needs to be repaired. AMCS will issue a work order for the needed repairs on the wood benches. Mr. Wilcox also advised that the mailboxes on Isle of Hope Road had been repaired. Mr. Barbieri suggested putting the drawings of the community turned over by the I'On Company on CD-ROM. The Board of Trustees agreed that Mr. Rosengren can look into transferring the plans from paper to CD-ROM. Mr. Rosengren

advised that Chad Besenfelder with the I'On Company had cleaned out the storage shed at the Scramble. The Board of Trustees agreed to meet with Mr. Rosengren to review the site and see about turning it into a useable space. Mr. Rosengren will schedule a meeting with the Board of Trustees.

#### **Dura-Therm**

AMCS asked where the costs for the dura-therm crosswalks, that are to be installed as speed break options, are to be paid. Ed Clem advised that the check should be paid from the operating account. The Board of Trustees agreed that the locations of the crosswalks needed to be specific. The crosswalks are to be installed at the following locations:

- Intersection of Sowell Street and Eastlake Road with the crosswalk on the south side of Eastlake Road.
- Intersection of Sowell Street and Ponsbury Road with the crosswalk on the east side of the Sowell Street.
- Intersection of Sowell Street and N. Shelmore Blvd. with the crosswalk the on the south side of N. Shelmore Blvd.

#### **Landscape Committee-Alan Barbieri**

The Board of Trustees reviewed the Landscape Committee report prepared by Alan Barbieri. The Board of Trustees discussed Ed Pinckney's proposal of \$14,681.00 to design the three entrances to I'On, which are Lowcountry Boulevard, North Shelmore Boulevard, and Eastlake Road. The Board of Trustees agreed to put the project out to bid. The Board of Trustees advised AMCS to obtain three bids for the design enhancement of the three entrances. AMCS will forward the request for proposal to two contractors, which the names will be sent to AMCS from the Board of Trustees. The landscape architects are to have free rein of their design plans so we will have alternatives to consider. The Board of Trustees asked AMCS to obtain two more bids on installing sixteen landscaping lights to up light the palm trees on Maybank Green. The bids will be compared to Lawn-O-Green's bid of \$265 per light fixture.

The Board of Trustees agreed to have AMCS send a standard dog reminder letter to those owners that need to be reminded of proper pet owner etiquette.

Mr. Barbieri advised that the East Cooper Montessori Charter School would be repairing the soccer goal as the physical education teacher uses it on a regular basis.

Mr. Barbieri suggested that the Board of Trustees have AMCS contact Michael Murphy to obtain a proposal on how to proceed on treating the trees that were identified as in trouble by Steve Walker with Lawn-O-Green. The Board of Trustees agreed and advised AMCS to proceed with contacting Mr. Murphy for a proposal.

#### **Avant Garden**

The Board of Trustees agreed to permit the park at the southwest corner of Eastlake to be named Avant Garden.

#### **Parking Committee-Everett Wilcox**

The Board of Trustees reviewed the Parking Committee report prepared by Mr. Wilcox. He reported that he and George Flynn met with Brad Morrison with the Town of Mount Pleasant last



week and they spent a pleasant, cooperative hour together. Brad Morrison made it clear that he wants to work with the I'On Assembly wherever possible. They told him that the I'On Assembly had talked with Tony Woody with Thomas & Hutton about getting some engineering advice about alternatives to the communities parking situation such as how to get more parking spaces while meeting the town's requirements. Even though Brad Morrison still has several sections to complete in his evaluation/planning, he is ready to get started with the street painting whenever the Board of Trustees can get the neighborhood responses back to him. He also has to look into appropriate signage for the neighborhood. They also discussed the town going ahead and painting a 'test' section so that the residents would have a better idea what would be involved with the implementation of the parking plan. Mr. Wilcox advised that Brad Morrison shared with him a copy of a letter sent by the Mount Pleasant Fire Department to Vince Graham in 1997, in which the then chief spelled out in detail the no parking requirements for I'On. Brad Morrison said that the usual practice was for the town to approve a PUD based on incorporating all town department requirements, but did not know if this practice was followed in I'On. Mr. Wilcox advised that he had received the formal proposal from Thomas & Hutton and they are proposing \$21,600.00. The Board of Trustees will discuss this matter further at their March 15, 2007 meeting with the I'On Company.

#### **Finance Committee-Ed Clem**

The Board of Trustees reviewed the Finance Committee report prepared by Ed Clem. Ed Clem advised that as of as of February 15, 2007, the association had received over \$375,000 in regime fees leaving \$150,000 as still outstanding which represents 200 residents who have not paid their fees. He advised that under the I'On Assembly's collection policy, these accounts would be delinquent if not paid by the February 28, 2007 deadline and will start accruing late fees and penalties. Ed Clem advised that at the end of January, the association moved \$225,000 from their Wachovia checking account to a money market fund with Fidelity, which is paying 5.03% interest versus less than 2% it was earning at Wachovia. The associations Fidelity account now totals \$489,000, \$255,000 of which is operating funds and it includes the \$30,000 carried over from 2006 and \$234,000 in the Capital Reserve account. All of the associations Capital Reserve money is invested in U.S. Treasury Bills, as will be with this year's contributions to that account. During January, the association had expenses of \$35,689.22 versus a budget of \$36,274.16; in spite of the fact, the association prepaid all the insurance costs for 2007. Nearly all the individual accounts were either at or below budget for the month. Office expenses-offsite (that is expenses not incurred at the AMCS office) was unfavorable by a little over \$400 due to the proxy mailing the Board of Trustees sent out, which cost \$1024. Some individual zone irrigation bills and electric bills were higher than budget, and the Finance Committee is working with the Landscape Committee to try to learn the causes. Power washing was also unfavorable by almost \$900, relating to the board's decision to have the stained sidewalks along Eastlake Road cleaned at a cost of about \$1500 which also caused excess water usage for the zone in that area.

#### **Communications Committee-Theresa Green**

The Board of Trustees reviewed the Communications Committee report prepared by Theresa Green. The committee's monthly meeting was held on February 21, 2007 and seven representatives from each of the many I'On groups attended. The committee reviewed the strategic planning goals for the benefit of the new members on the Communication Team. The importance of having a master calendar was discussed and a link has been added to the website so that every group trying to plan

an event will be able to look at the Charleston Convention and Visitors' Bureau Calendar. Updates were given on the need to survey residents and gather information that all of the groups will be able to use. The committee wants to get input from I'On residents to plan activities that meet their needs and find out what is of interest to them. The I'On volunteer database project was discussed in length at the meeting. A plan was presented to the group and it looked as though the committee will be able to use resources and talent available in I'On to make this project a reality. Collaboration between Len Hanson, Ward Mundy and Cynthia Rosengren was discussed. The need to get more of our younger families involved was also discussed. There is an effort on the part of each organization to reach out and invite more of these residents to participate. The committee is looking at events such as Halloween in the Hood, Easter Egg Hunt, etc... that continue to draw younger households as well as organizing new events to attract more interest. There was some discussion about mentoring younger residents to assume future leadership roles and organizing babysitting for the annual I'On Assembly meetings and future I'On Trust events. A meeting is scheduled for March 7, 2007 with the Ambassadors to increase their responsibilities. The committee is looking to this group to plan block picnics/gatherings, visiting new residents after they have moved in to answer any questions, lend support or share neighborhood resources. The committee is also attempting to recruit new people to be mentored by the present ambassadors. The I'On Club representatives gave an update of the upcoming events, as well as, the childcare service that they provide once a month to I'On residents. The committee hopes to expand these services to encourage more residents to participate in the many planned events. I'On Biznet is looking for future projects to sponsor that would be of interest to all I'On residents. They will supply financial support for these events. Upcoming Biznet events, programs and activities were discussed. The Bike race is scheduled for April 21, 2007. They advised that the Market might not return due to poor attendance however, they are looking for a coordinator. The I'On Trust has numerous events planned. The jazz event has only 3 tickets remaining out of 160. A yearlong calendar of events was handed out at the meeting.

#### **I'On Design Committee Liaison Committee-Ted Webb**

The Board of Trustees reviewed the I'On Design Committee Liaison Committee report prepared by Ted Webb. Ted Webb advised that the original purpose of this committee was to introduce the I'On Assembly to the interworkings of the I'On Design Committee, as it appeared initially that within a few years the Assembly would take over that function when the community was completed.

Clearly the completion has been pushed out, yet the experience gained so far has helped to clarify how the Assembly can best interact with the I'On Design Committee. When the I'On Design Committee makes a final inspection of a new home, and assuming all conditions have been met, the I'On Design Committee has no more authority and it shifts to the Assembly. The I'On Design Committee still reviews all changes to or additions to existing structures. The Assembly then takes on the role of enforcer should there be complaints. Now that a committee has been formed to take on the role of arbiter with the addition of Lou Dardozzi, we are closer to refining the mechanisms by which complaints, etc. are handled. In fact, Lou had, several years ago, produced a procedure memo to codify how complaints are handled, and the appeal process.

The Board of Trustees asked AMCS to contact the Town of Mount Pleasant and inquire about any procedure for regulating basketball goals in town streets. Alan Barbieri will contact Chad Besenfelder to inquire if the soccer field was deeded open space. Mr. Wilcox asked Mr. Webb to work closely with the I'On Design Committee on making sure all plans are approved with two off

street parking spaces. Ted Webb will get a written agreement from the I'On Design Committee that two off street parking spaces must be planned for each lot.

**East Cooper Montessori Charter School**

Alan Barbieri advised that he met with Jody Swanigan and Dave Rosengren. The items discussed were the cross use of amenities and the availability. Jody Swanigan advised that East Cooper Montessori Charter School is using the playground and/or soccer field on the following schedule:

- Monday-Friday 12:00-1:00PM at both the soccer field and the Scramble with three classes at the soccer field and two classes at the Scramble.
- Monday-Friday 4:30-5:30 PM at the soccer field or Scramble with less than twenty children.

Alan Barbieri advised that the East Cooper Montessori Charter School could not list the I'On Assembly as an additional insured due to the East Cooper Montessori Charter School insurance policy. Ed Clem reminded the Board of Trustees that the I'On Assembly could not charge the East Cooper Montessori Charter School for use of the common areas because it will null and void the I'On Assembly insurance coverage. The Board of Trustees asked AMCS to contact Patrick Smith with Nationwide to confirm whether the I'On Assembly can seek reimbursement from the East Cooper Montessori Charter School for wear and tear on the common areas.

**Development of TMS#5350600237**

The Board of Trustees reviewed the request from I'On Realty asking that the Board of Trustees put in writing that the I'On Assembly would never build on the lot to the left of lot #285. The Board of Trustees advised AMCS to inform the I'On Realty office that they would not address this question at this time as they felt they could not foresee what future boards might consider.

**Work Site Conditions**

The Board of Trustees instructed AMCS to begin sending violation letters to the lot owners who do not keep their construction lots clean. Alan Barbieri will advise Chad Besenfelder of their decision.

Ed Clem made a motion to ask Dave Rosengren to join the Board of Trustees to fill the vacancy created by George Flynn's resignation. Alan Barbieri seconded the motion. All in favor. Motion carried.

**Meeting Adjourned into Executive Session, to be reconvened on March 15, 2007.**

**Next meeting is March 22, 2007 at 5:00 PM at the I'On Company Upstairs Conference Room.**

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Theresa Green, Secretary

**I'On Assembly  
Board of Trustees Meeting Minutes  
April 25, 2007**

|                        |                                                                                                                  |
|------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Members Present</b> | Dr. Alan Barbieri, Ed Clem, Dwain Ray, Ward Mundy, Ted Webb, and Theresa Green                                   |
| <b>Members Absent</b>  | Everett Wilcox                                                                                                   |
| <b>Guests</b>          | Bob Hervey, Libby Eble, Chad Besenfelder, Cynthia Rosengren, Lou Dardozzi, Richard Lennon, John Farrish, Jo Clem |
| <b>AMCS</b>            | Cheryl L. Wilson                                                                                                 |

Ed Clem called the meeting to order.

Ed Clem introduced himself as acting Board of Trustee's president of the month. Mr. Clem reiterated to those in attendance that the floor would be opened to owners for questions and comments during the neighborhood comments section of the agenda, after such time the floor will be closed.

**Minutes**

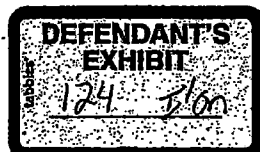
Alan Barbieri made a motion to accept the February 28, 2007 Board of Trustees meeting minutes as presented. Ted Webb seconded the motion. All in favor. Motion carried.

Ted Webb made a motion to accept the March 22, 2007 Board of Trustees meeting minutes as presented. Theresa Green seconded the motion. All in favor. Motion carried.

**I'On Company Update- Chad Besenfelder**

Chad Besenfelder advised that the Town of Mount Pleasant would not permit parking on seventeen-foot streets. He also stated that the parking plan implementation has begun. The I'On Company is working with the Mount Pleasant Fire Department and the Town of Mount Pleasant to make changes to the current parking plan to permit additional parking then initially planned. The I'On Company did not discuss purchasing an additional truck for the Mount Pleasant Fire Department as they already have a truck, engine three, that is capable of navigating the streets in I'On. The I'On Company is doing everything in their power to get parking on the streets and are currently working to modify curbs and sidewalks.

The I'On Company is working on a proposal on having a community center. Mr. Besenfelder gave the Board of Directors several options that the I'On Company is working on for a solution to the lack of a community center for the association. Option one would be for the I'On Assembly to purchase the Creek Club from the I'On Company for roughly \$1.5 million. He advised that the association would spend about \$3,000.00 a month for the loan and the maintenance needed to operate the Creek Club. The sale of the Creek Club would include the building, boat dock, ramp, parking lot, and over flow parking lot. As option two, Mr. Besenfelder suggested that the association build a meetinghouse type structure on the small parcel near the over flow Creek Club parking lot. He thought that the I'On Assembly could build a 1,500 square foot building for \$100,000.00. He estimated that the I'On Assembly would pay \$70,000.00 for a loan plus maintenance for this size building. Option three he suggested having the I'On Assembly increase



the number of weekly rentals at the Creek Club. He estimated that for 2008, the I'On Assembly would pay \$51,000.00 for the year. He advised that the rental rate would increase each year. Option four would be to inquire about re-zone the Creek Club overflow parking lot to build a community center. As Chairman of the Infrastructure Committee Dwain Ray will look into these options further. Dwain Ray asked Mr. Besenfelder if the lot between 245 and 285 on N. Shelmore Blvd across from the Creek Club over flow parking lot could be used as a lot to build a community center. Mr. Besenfelder thought that the lot was a buffer area and the I'On Company had to write the Town of Mount Pleasant advising that they would not build on this lot. Alan Barbieri asked if there is any similar agreement for the soccer field. Mr. Besenfelder advised that he was not aware of any such agreement; however, SCE&G does have a twenty-foot easement along the east side of the soccer field.

Ward Mundy advised Mr. Besenfelder that he spoke to the Town of Mount Pleasant about the back entrance. The Town of Mount Pleasant advised that the only reason they closed the back entrance was because they received complaints that there was a concrete business being run out of there. Mr. Besenfelder advised that if the I'On Assembly wanted to pursue opening the entrance, that is fine, but the I'On Company would not pursue it at this time.

Chad Besenfelder advised that he met with Carolina Landscape to resolve the drainage issue on Westlake. He suggested that the run off water from the homes on Westlake be piped under the common area walkway and lawn area and drain through a pipe in the bulkhead. The Board of Directors agreed that this was an acceptable resolution to the drainage issue. Chad Besenfelder will speak to the builders in this area and have them make the needed changes.

Chad Besenfelder asked if he was able to attend the proposed development amendment meeting to present the proposed plan. The Board of Trustees advised that they would let him know after they discussed the matter further.

#### **Neighborhood Comments**

John Farrish thanked the Board of Trustees for all their work in making the community a great place to live. He wanted to let the Board of Trustees know that he is in favor of the proposed development amendment and asked that the Board of Trustees vote in favor of the proposed changes.

#### **Planned Development Amendment**

Ed Clem advised that a meeting will be held on May 9, 2007 at 7:00 PM at the Creek Club for owners to voice their concerns regarding this topic. The Board of Trustees encourages all owners to attend. If they are not able to attend, owners are asked to send their written comments to the Board of Trustees. Dwain Ray advised that the churches and schools should be invited as they are civic property owners in the community. He also suggested that the I'On Company should be invited to attend so they can present their proposal. He suggested that everyone be limited to two minutes; however, the developer should have an unlimited amount of time to speak. Ward Mundy suggested that the developer should also be limited to two minutes. Dwain Ray advised that he does not think that anyone else can answer questions better than the I'On Company can. Ward Mundy advised that this meeting was being called for the Board of Trustees to hear from the community owners, the Board of Trustees have already heard from the I'On Company. Alan Barbieri noted that the

I'On Company has presented this plan at previous meetings and the information has been posted on the website. Theresa Green suggested giving the I'On Company ten minutes to run through a quick presentation. Ed Clem advised that he spoke to Everett Wilcox about the meeting and he was in favor of having the developer present; however, some owners may not be comfortable with expressing their concerns in the presence of the developer.

Alan Barbieri made a motion to limit the I'On Company's presentation to ten minutes, and the church's, school's and lot owners comments to two minutes. Dwain Ray seconded the motion. All in favor. Motion carried.

#### **Transfer Fee**

Alan Barbieri advised that the neighborhood will be an expensive place to maintain and rather than trying to do so by raising annual dues that the Board of Trustees should make another attempt to pass the transfer fee. He would like the Board of Trustees to let the community know that the developer holds the key to passing the transfer fee based on the number of lots the I'On Company still owns. Ed Clem reiterated that the I'On Assembly needs seventy-five percent favorable votes to amend the governing documents. Ed Clem asked Alan Barbieri how the Board of Trustees should market the transfer fee. Alan Barbieri thought that the Board of Trustees were naive in thinking everyone would understand the need for the transfer fee. He suggested that the Board of Trustees needs to let the owners know that the I'On Company holds 129 votes. Ward Mundy advised that eventually, a special assessment would need to be implemented.

Alan Barbieri made a motion to have the Board of Trustees begin working on the transfer fee presentation for the annual meeting. Dwain Ray seconded the motion. All in favor. Motion carried.

#### **AMCS Report**

AMCS reported the following account balances as of April 20, 2007:

Operating Account \$41,301.09

Fidelity Investment Account \$610,291.22

Capital Reserve Funds \$337,059.45

Operating Funds in Reserves \$273,231.77

AMCS stated that the Board of Trustees meeting packet was sent out on April 20, 2007 to the Board of Trustees giving them a chance to review the operating statement, twelve month trend, balance sheet, open and closed work orders. AMCS asked the Board of Trustees if there were any questions regarding these reports. There were no questions from the Board of Trustees. The violation report, collection report, and lien report were discussed in executive session.

#### **Landscape Committee Report-Alan Barbieri**

The Board of Trustees reviewed the Landscape Committee report prepared by Alan Barbieri. He advised that the Landscape Committee meeting would be held April 26, 2007 at 7 PM in the upstairs conference room of the I'On Company building. The meeting has been advertised broadly throughout the community. The committee will need to set a mission and survey the community for issues and concerns.

AMCS had received the revised bid from After Dark Lighting for installing lights on Maybank Green with extra piping around the wires closest to the light fixtures. They advised that the price remained the same as the original estimate. The installation of the lighting had been scheduled.

AMCS scheduled the meeting with Michael Murphy to evaluate the common areas trees on March 20, 2007 at 8 AM. Two Landscape Committee members will escort Mr. Murphy around the community. A report will be sent to the Landscape Committee and the Board of Trustees once it has been completed. Alan Barbieri advised that the committee would work to have the dead common area trees removed but will hold off on other tree issues until a consensus is reached by the committee on how to proceed and a budget has been established.

AMCS has called both Andrew Smith and Sheila Wertimer, the Landscape Architects recommended by the Board of Trustees, on several occasions and left messages. Alan Barbieri advised that as a point of interest Ms. Wertimer was the designer of Perseverance and Patience Park where she used plant materials not suited for this area. He questioned why the I'On Assembly would want her input. AMCS spoke to Ms. Wertimer some time ago and she was going to send her hourly rate before she starts on a design for the front entrances however, this information had not been received. AMCS left her another message before the meeting and was told that she will return the call when she returned to town on the following Monday. AMCS has never heard back from Mr. Smith. AMCS will send Ms. Wertimer and Mr. Smith a formal letter advising that the I'On Assembly is interested in working with them.

#### **Infrastructure Committee Report-Dwain Ray**

The Board of Trustees reviewed the Infrastructure Committee report prepared by Dwain Ray. Mr. Ray wanted to thank Dave Rosengren who, after three years of tireless service and many benefits to the community, has resigned from management of the Infrastructure Committee. He will be greatly missed. He is helping Mr. Ray to make as smooth a transition as possible.

Mr. Ray advised as to what the Infrastructure Committee oversees. They are:

- Maintenance of the Boathouse, Eastlake post house, Rialto post house, Scramble post house and storage house, Amphitheatre structure, bridges over Jefferson and Lafayette canals, Ramble fence, Scramble fence and the Hopetown Road playground fence. Maintenance to be done includes power wash, paint, repair, lights, etc.
- Lake maintenance that includes Eastlake, Westlake, Hospitality Street settling pond and the Saturday Road settling pond. The current contract is with Estate Management.
- Walking path refurbishment and repairs that include the Westlake paths, Eastlake paths, Maybank paths, marsh walk path system etc.
- Playground equipment maintenance that includes the soccer field, Scramble, Ramble, Hopetown play area.
- Curb and sidewalk repair.
- Interaction with street lighting company.
- Co-ordination of handover procedures with the I'On Company and the Board of Directors on various phases.

Mr. Ray advised as to what the Infrastructure Committee does not oversee anything involved with the Landscape Committee such as irrigation, lighting, etc.

Mr. Ray advised that AMCS has already issued the work orders on various power washing and painting projects on a range of structures in need of attention.

Mr. Ray noted that the lake conditions appear to have improved with chemicals, carp, etc. Mr. Ray reported that Lawn-O-Green has been physically removing floating weeds and trash in both lakes and that such action will be increased if the vegetation builds up in hot weather. The Infrastructure Committee will scrutinize the effectiveness of the small electric pumps the I'On Company has installed under the two wooden canal bridges and that increased attention will be given to eliminating the build-up of vegetation in the canals that the association has experienced in the past. Ed Clem reminded Mr. Ray that the I'On Company still owns the canals and that the formal turnover of this property to the I'On Assembly has not taken place.

Mr. Ray reported that Wes Haines has reviewed sidewalk and street maintenance problems in I'On and a report with a plan of action will follow in due course. AMCS advised that once the list is completed the committee should forward it to AMCS as they have already discussed the needed repairs with the Town of Mount Pleasant and they will make those repairs as long as they have a list to work from.

Mr. Ray advised that Dave Rosengren is willing to see ongoing complicated street lighting matters to conclusion.

#### **Finance Committee Report-Ed Clem**

The Board of Trustees reviewed the Finance Committee report prepared by Ed Clem. Mr. Clem advised that the I'On Assembly has completed the first quarter of the year with expenditures of \$103,513.77 versus a budgeted expenditure of \$108,471.45 for a favorable variance of about \$5000. The associations monthly expenditures for the next several months, however, will be higher as the association will incur higher expenses for irrigation, landscaping and with the implementation of security patrols utilizing off duty Mount Pleasant police officers. Nearly all the associations' individual accounts are within budget except for repair contracts where we have already spent \$6000 of our yearly budget of \$10,000, so the Finance Committee will have to watch expenditures in this area closely, or "borrow" from other accounts as the association encounters repairs that must be done this year.

On the revenue side, the association has collected \$482,706.56 versus a budget of \$526,500, so here the association is unfavorable by almost \$44,000. Some additional \$4000 has come in during the first two weeks of April, but there are about fifty residents who have not paid their regime fees of \$750. The associations collection policy calls for the Board of Trustees to start placing liens on these unpaid bills if they remain unpaid by the end of April, the association is in the process of sending the list of delinquent accounts to our attorney to start the legal process of placing liens, and recovering the money owed the association plus interest and legal fees. The association must have these funds to meet the budget approved for this year.

The Finance Committee has transferred funds from the operating account to satisfy the \$94,027 budgeted amount to be applied to our capital reserve account this year, so that account is now current. Additionally, another rebate from South Carolina Gas and Electric in the amount of \$7865,



has been applied to the capital reserve account. This refund is due to the excellent work of Dave Rosengren and Libby Eble, who discovered in the course of their negotiations with the utility, that the association was paying for electric lights the I'On Company replaced several years ago due to high maintenance costs. The I'On Company chose to finance this purchase via the utility, rather than pay for it, and this cost, entitled "Special Facilities Fee" has been a monthly expense to the association. The utility discovered they had been charging too high a monthly fee, so refunded the association the overpayment. Once again, the I'On Assembly is indebted to these two individuals for the efforts they have taken in this matter on our behalf.

#### **Maybank Green Paths**

Ward Mundy advised that the concrete path on Maybank Green that was installed and paid for by George Flynn looked wonderful and he suggested that the entire path be done the same way. The Board of Trustees agreed not to concrete the entire path.

#### **Sound System**

Ward Mundy made a motion to approve \$1,400.00 for a sound system for the I'On Assembly open meetings. Alan Barbieri seconded the motion. All in favor. Motion carried.

#### **Interim Votes of the Board of Trustees**

The Board of Trustees agreed to have any interim votes put on records at the subsequent meeting. The Board of Trustees asked AMCS to track all items voted on between meetings to ensure that all votes are documented.

#### **I'On Design Liaison/Compliance Committee Report- Ted Webb**

The Board of Trustees reviewed the I'On Design Liaison/Compliance Committee report prepared by Ted Webb. Mr. Webb advised that the Compliance Committee reports have greatly expanded and there has been great progress on getting violations corrected throughout the community. Mr. Webb reported that Larry Taylor has agreed to join Lou Dardozi and himself on the committee.

#### **Communication Committee Report-Theresa Green**

The Board of Trustees reviewed the Communication Committee report prepared by Theresa Green. Mrs. Green advised that at the Communication Committee's monthly meeting held on Thursday, May 19, the following reports were given:

- Jane O'Neil manages the calendar of events on the website. She would like to remind everyone that schedules an event to use the form on the home page on the I'On website.
- Carol Williams has volunteered to handle the monthly I'On newsletter. We are very grateful to Gail Young for all of her hard work in getting the newsletter published monthly.
- Anne Register gave an update about the I'On Trust's upcoming events. These events include:
  - May 6th-I'onissimo Sings Concert, 4:00 pm
  - May 12th-Adopt a Hwy Program
  - May 19th-I'On Kids Litter Pick-up Day
  - May 27th-Charleston Community Band performs

- The theme for the First Friday Cocktail Party will be Cinco De Mayo and it will be held at the Amphitheater.
- Ward Mundy, who now chairs our website team, reported the following:
  - Currently updating the website to meet the needs of our growing community and to handle the increase in the number of events planned monthly.
  - The technology has changed and we can take advantage of this new technology to make the website easier to navigate.
  - Better coordination with AMCS, our Property Management Company.
  - These changes will be implemented very soon.
  - The hard work and dedication of Cynthia Rosengren, who has chaired our website committee for several years, are very much appreciated.
- The database of I'On volunteers will be available in the near future. Ward Mundy, Len Hanson and Phil Ayers are on this committee.
- Diane Ayers, Ambassador Coordinator, reported the following:
  - Sissa Green is now putting the Welcome Baskets together. We are grateful to Diane Balister, who previously chaired the Welcome Basket Team, for all of her extra efforts and hard work!
  - Ward Mundy and Jack Hamilton are seeking more donations from local businesses to go into the welcome baskets.
  - Please call Diane if you notice that someone new has moved into the neighborhood. Diane or one of the Ambassadors will deliver the baskets & Directory in a timely manner.
- Anne Register is heading the signage committee. More info will be shared in the near future.
- Jack Hamilton gave an update of the future Biznet events. These events include:
  - April 21st-I'On Bike Races & numerous porch parties. I'On radio will be broadcasting the entire day and Maybank Green will have numerous food vendors and special activities thru out the day.
  - An all women business event is being planned by Carol Williams. No date was shared.
  - June 5 A block party sponsored by all of the I'On businesses in the I'On Square.
- Alan Barbieri is working on having an open night at the Creek Club for volunteers.

**Creation of Agreement with the Montessori School for use of the Ramble and the Soccer Field**  
 Ed Clem advised that Jody Swainagan would have a better understanding of what space would be available in the school for the I'On Assembly to use as meeting space after construction of the new school has been completed. The Board of Trustees agreed to table this topic until the school is open. Mr. Clem asked AMCS to have Patrick Smith with Nationwide speak with the East Cooper Montessori Charter School insurance agent to confirm that the insurance for the I'On Assembly and the East Cooper Montessori Charter School is adequate coverage in the event of an incident.

#### **Sandbox Installation**

Ward Mundy advised that he was contacted by an owner that is willing to install a sandbox in one of the playgrounds free of charge. The Board of Directors agreed to have Ward Mundy ask him to sketch a design and have him work with Dwain Ray on the design and location.

**Voting Locations**

Alan Barbieri advised the he did not feel as though the Creek Club would always be available on the voting dates. He suggested looking to the school or churches. The Board of Directors agreed. Alan Barbieri will contact Ann Thompson and advise her of the Board of Directors suggestion regarding the voting location.

**Community Meeting Facility**

Cynthia Rosengren advised that Vince Graham might be willing to keep the current location of the East Cooper Montessori Charter School trailers on Civitas Street as a civic lot for community building.

**Coerver of South Carolina Soccer Program**

AMCS advised that they have been approached by the Coerver of South Carolina Soccer Program seeking approval to use the soccer field. AMCS advised them that they needed to have a sponsor at which time the group contacted the I'On Trust. The I'On Trust advised that they were not interested in sponsoring the event. The Board of Directors asked AMCS to contact the Coerver of South Carolina Soccer Program and ask for written information on the ages that will be permitted to participate in the programs, insurance, fees, etc. AMCS advised that they already have a copy of the Coerver of South Carolina Soccer Program insurance certificate listing the I'On Assembly as an additional insured.

**I'On Trust Bench Program**

AMCS advised that the per the Board of Trustees request they have received a proposal from Lawn-O-Green to install the benches. Lawn-O-Green will install one to three benches for \$100.00 each, four to six benches for \$85.00 each or six to ten benches for \$75.00 each. Ed Clem suggested having the benches delivered directly to the office of Lawn-O-Green for them to install. AMCS will contact Lawn-O-Green to see if this acceptable.

**Bocce Court**

Alan Barbieri requested the approval to install a bocce court on Maybank Green. The Board of Trustees agreed to table this conversation until a later time.

**President of the Month**

Ed Clem advised that he has amended the Board of Trustees President of the Month report based on Therese Green and Dwain Ray not being in the circulation. The Board of Directors agreed on the amended list.

**Meeting Adjourned into Executive Session.**

**Next meeting is May 23, 2007 at 5:00 PM at the I'On Company Upstairs Conference Room.**

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Theresa Green, Secretary

**I'On Assembly  
Preliminary Board of Trustees Meeting Minutes  
May 18, 2007**

**Members Present** Dr. Alan Barbieri, Ed Clem, Dwain Ray, Ward Mundy, Everett Wilcox, Ted Webb, and Theresa Green

**Guests** Chad Besenfelder, Vince Graham, Dave Rosengren, Cynthia Rosengren, Bob Hervey, and Tom Graham

**AMCS** Cheryl L. Wilson

Everett Wilcox called the meeting to order.

**Minutes**

Ed Clem made a motion to accept the April 25, 2007 Board of Trustees meeting minutes as presented. Ted Webb seconded the motion. All in favor. Motion carried.

**AMCS Report**

AMCS reported the following account balances as of May 18, 2007:

Operating Account \$5,213.37

Fidelity Investment Account

Capital Reserve Funds \$337,808.00

Operating Funds in Reserves \$274,360.35

AMCS stated that the Board of Trustees meeting packet was sent out on May 18, 2007 to the Board of Trustees giving them a chance to review the operating statement, twelve month trend, balance sheet, open and closed work orders. AMCS asked the Board of Trustees if there were any questions regarding these reports. There were no questions from the Board of Trustees. The violation report, collection report, and lien report were discussed in executive session.

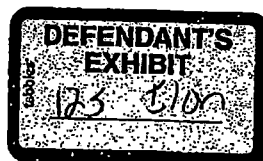
**Neighborhood Comments**

Cynthia Rosengren advised that a group of residents have formed to work on environmental concerns throughout the community with the I'On Trust and the other entities in the community. She advised that the group does not have an official name at this time. They will come to the Board of Trustees with any suggestions that come from this group.

Dave Rosengren advised that he spoken to professionals and he was advised that alligators are needed to help keep the bird populations up in the Rookery by eating predators of the bird nests including snakes, raccoons and turtles.. Dwain Ray, Ed Clem, and Ted Webb all agreed that they do not feel the need to remove the alligator from the Rookery. Everett Wilcox suggested that the I'On Assembly keep the gator catchers out of the Rookery for now.

**I'On Company Updates**

Vince Graham presented an amended version of the planned development amendment based on suggestions and feedback presented at the May 9 meeting held at the Creek Club. Vince Graham pointed out that homes already in the I'On community range in price; however, what ties them



together is the public realm. He advised that the I'On Company would proceed with an entrance connecting I'On to Muirhead Road, which would tie into a round about.

The newly revised planned development amendment is as follows:

Proposed Change: Increase the total permitted home sites in the neighborhood by 6.5% from 762 to 812. This will include 45 residential lots in Phase 11 and converting the Creek Club overflow parking area into five residential home sites. Add an additional entrance and roundabout at Muirhead Road and future Jane Jacobs Street. Decrease the number of commercial lots in the neighborhood by two from 11 to 9. Increase the allowable commercial square footage in the neighborhood by 6,000 square feet from 30,000 square feet to 36,000 square feet. This latter change will enable the construction of a commercial building on CM-7 located on the southwest corner of Civitas Street and N. Shelmore Blvd.

The development has 11 residential units. The following outlines these final 11-unit uses:

- Convert CM-12 and CV-8 at the intersection of N. Shelmore Blvd. and Montrose Road to three residential home sites.
- Convert CM-9 at the intersection of Ponsbury Road and Sowell Street into three residential homes sites.
- Convert CV-10 into one home site and a community/school park.
- Subdivide Lot 350 into two lots.
- Assign remaining three units to complete the Jefferson Canal project.

If approved by Town Council, The I'On Company will contribute \$60,000.00 for each of the 50 additional lots. This equates to a total donation of \$3 million, and will be disbursed on or before the Phase 11 development loan closing, anticipated to take place within 180 days of the planned development amendment approval by the Town of Mount Pleasant. The donation would be split as follows:

- \$700,000 to the I'On Assembly, Inc.
- \$700,000 to the I'On Trust
- \$700,000 split evenly among community church organizations
- \$700,000 to the East Cooper Montessori Charter School
- \$200,000 to design and construct roundabout entrance at Muirhead Road

Donation conditions:

- Before moving forward, this amendment must be approved by the Board of Trustees of the I'On Assembly for this initiative.
- The I'On Assembly Board must agree to be a co-applicant with the I'On Trust, churches, and East Cooper Montessori Charter School on the application for amendment.
- A representative from the I'On Assembly Board of Trustees must be prepared to assist with presentation for the amendment at the Mount Pleasant Planning Commission and the Mount Pleasant Town Council meetings. Other presenters are anticipated to include the Very Reverend John Burwell of the Church of the Holy Cross, Father Jay Parker of the Church of the Holy Ascension, Anne Register of the I'On Trust, and Jody Swanigan of the East Cooper Montessori Charter School. The I'On Company will prepare all documentation and provide logistical and financial support for the application.

- The monies contributed shall go toward public art, capital reserve accounts, facility, or other endeavors that contribute to the long-term beauty and/or financial health of the neighborhood. Each organization must submit a plan for the handling of these monies for I'On Company approval.

Vince Graham advised that the I'On Assembly could purchase the Creek Club and the parking lot adjacent to the club for \$700,000.00 from the I'On Company. Chad Besenfelder advised that the I'On Company would expand the current Creek Club parking lot and that both on the street and parking lot spaces would provide adequate parking for most events. Mr. Besenfelder estimated the I'On Assembly's monthly operating cost to run the Creek Club would be \$5,500.00 per month including taxes, insurance, regular maintenance, and general supplies. He reported that the Creek Club rentals rates average \$2,850.00 per event and that it is well established as a Charleston premier event venue.

Everett Wilcox asked Vince Graham if construction traffic for phase eleven could be forced to use the Muirhead Road entrance. Vince Graham stated yes. Mr. Wilcox asked Vince Graham to possibly work in some additional buffering behind existing homes that back up to phase eleven.

Ward Mundy asked if the I'On Company would approve the transfer fee if the I'On Assembly Board of Trustees would approve the planned development amendment. Vince Graham advised yes.

Theresa Green reiterated her option that she did not think that the donations were split evenly because the I'On Assembly has more to take care of than the other I'On entities such as the landscaping and infrastructure in the community. Ted Webb advised that if you look at the market value for the Creek Club the I'On Assembly definitely gets a larger donation.

#### **Transfer Fee**

The Board of Trustees agreed to discuss the need of the transfer fee at the mid-year meeting. Cynthia Rosengren suggested holding another meeting similar to the May 9<sup>th</sup> planned development amendment meeting to discuss the transfer fee with the owners.

#### **Landscaping Committee-Alan Barbieri**

Alan Barbieri asked Dave Rosengren what directions Lawn-O-Green were given over the past few years. Mr. Rosengren advised that there is a contract with Lawn-O-Green and that it is approved every year. He advised that the contract is not as robust as it could be but Lawn-O-Green has fulfilled their contract. Mr. Rosengren advised that they have discussed with Lawn-O-Green that they are not happy with the lawn areas and he was given a quote for aeration and top-dressing these areas. Mr. Rosengren advised that he did not think the top-dressing and aerating would work to the expectations the committee.

Mr. Barbieri advised that one of the major items that need to be addressed is the irrigation system. Mr. Barbieri advised that the I'On Assembly needed to go with a centralized irrigation system.

Mr. Barbieri reported that the Landscape Committee would be evaluating the current Lawn-O-Green contract.

Mr. Barbieri asked the Board of Trustees to put their faith in a professional landscape architect. Mr. Barbieri suggested that the I'On Assembly consider working with Landscape Architect Andrew Smith.

Mr. Barbieri will work with Lawn-O-Green and address the community common areas. Mr. Barbieri will work with Ed Clem to make sure there are funds in the budget to get the work done that Lawn-O-Green suggests.

Alan Barbieri made a motion to have the Board of Trustees ask the I'On Community to re-visit the landscaping at Patience Park and Perseverance Park. Ward Mundy seconded the motion. All in favor. Motion carried.

**Parking Committee-Everett Wilcox**

Everett Wilcox advised that the Town of Mount Pleasant is working on marking the parking spaces throughout the community.

**Infrastructure Committee-Dwain Ray**

Dwain Ray handed out his Infrastructure Committee Report. It was as follows:

- No new progress on study of options for future meeting facility. Perhaps Chad Besenfelder can give us some new information and suggestions tonight.
- Estate Management Services will test I'On lake waters for coli forms at cost of \$519 in May.
- The I'On Company is now paying Lawn-O-Green for bi-weekly manual removal of the algae/weed in canals. The water is now cleaner; however, a permanent fix is still needed.
- There are six Adirondack chairs at the end of Eastlake and one teak bench on the Boathouse that are in need of replacement. The cost is about \$200 per chair and \$350 per bench plus the cost of anchoring them with concrete, which is about \$100 each. The Board of Trustees could consider changing to the durable cast iron and cypress Charleston Battery design benches made by Birlant & Company that are \$500 each in 8' double configuration as used in corner park of Westlake.
- Three Charleston Battery benches that were donated by the Chitty family, Bud Woffard, and Brad Walbeck need to be placed in the community. Two will be placed around Westlake and one at Maybank Green. The Infrastructure Committee Suggested they put the benches on both the North and South ends of Westlake bolted on top the 5' X 9' wood covers over the concrete water pipe drains or behind them on grass and one diagonally at the Southwest corner of Maybank Green. Residents in immediate area of Maybank Green will be consulted with regarding the location of the bench for that area.
- The Westlake drainage systems for the rainwater coming from the new houses on Fernandina Street is on track. Two houses now have drains though the bulkhead into the lake.

The Board of Trustees agreed to test the lake waters and approved \$2,000.00 to replace the Adirondack chairs at the end of Eastlake and the one teak bench on the Boathouse.

**Communications Committee-Theresa Green**

Theresa Green advised that she is working on the National Night Out event and that all the entities in I'On will be involved.

**I'On Design Liaison/Compliance Committee Report- Ted Webb**

Ted Webb advised that the I'On Design Liaison/Compliance Committee is working on violations throughout the community.

**Website Committee-Ward Mundy**

Ward Mundy advised that he is working on making the website user friendly and has received lots of feedback regarding the new improvements.

**Finance Committee-Ed Clem**

Ed Clem advised that the I'On Assembly expenses in April were \$28,403.49 versus a budget of \$36,274.15. Year to date, as of the end of April, expenses totaled \$131,917.26 against a budget of \$144,745.60, for a favorable deviation of \$12,828.44. However, the I'On Assembly is now entering the time of the year when the expenses will increase significantly due to the onset of irrigation, repairs that can best be done in the summer such as power washing and painting, as well as the implementation of the off duty police patrols. As an example, irrigation of Maybank Green resulted in a monthly bill of over \$1000.00 for the month ending April 19, whereas the prior month bill was \$41.00. The drought conditions that continue are necessitating operating the irrigation systems longer than normally would be required, so high water bills will result until the drought abates.

The I'On Assembly continue to collect past due regime fees totaling \$19,650 in April, but some 35 accounts were still not paid at month end, and are now three months overdue. These accounts have been turned over to our attorney and the properties will be placed under a lien unless these bills, plus legal and late fees are not paid promptly. If anyone is facing financial difficulties with paying their regime fees, we are willing to try to work out a payment plan with them.

**Alligator Removal**

Ward Mundy made a motion to destroy the alligators that enter the lakes with in I'On, however if the alligators are in the Rookery they are to be left alone. Ted Webb seconded the motion. All in favor. Motion carried.

**Meeting Adjourned.**

**Next meeting is the Mid-Year meeting that will be June 27, 2007 at 7:00 PM at the Creek Club.**

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Theresa Green, Secretary



**I'On Assembly  
Preliminary Board of Trustees Meeting Minutes  
July 25, 2007**

**Members Present** Dr. Alan Barbieri, Ed Clem, Dwain Ray, Ward Mundy, Everett Wilcox, Ted Webb, and Theresa Green

**Guests** Chad Besenfelter, Cynthia Rosengren, Lou Dardozzi, Carter Fox, Alan Gentry, Richard Lennon, Hugh Wilder, Pam Wilder, Len Hansen, Charlie Mountain, and Tommy Manis

**AMCS** Cheryl L. Wilson

Everett Wilcox called the meeting to order.

**Minutes**

Ed Clem made a motion to accept the May 18, 2007 Board of Trustees meeting minutes as presented. Alan Barbieri seconded the motion. All in favor. Motion carried.

**I'On Company Update**

Chad Besenfelter advised that the August presentation of the revised PD amendment to the community has been delayed because the architect is drawing up a second plan to address all concerns the I'On Company had received and the parking issues.

Mr. Besenfelter advised that the Town of Mount Pleasant had approved mountable curbs on all seventeen feet wide streets and the work should begin in August on Latitude Lane, Ionsborough Street, McDaniel Lane, and part of Rialto Road. He advised that should the Town of Mount Pleasant not paint parking spaces on West Shipyard Road and Sanibel Lane then the I'On Company would address the issue.

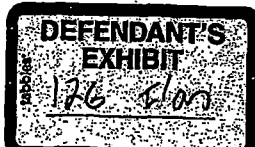
Alan Barbieri thanked Chad Besenfelter for working with the I'On Assembly on installing the irrigation on Maybank Green and the curb strip adjacent to it.

**Neighborhood Comments**

Charlie Mountain asked that Sanibel Street be considered for the mountable curbs. Mr. Besenfelter advised that he would take that into consideration and look into it further.

Carter Fox expressed his concern regarding the need for a mailbox sticker that he has been waiting for and he asked what the status was on finally having one put on his mailbox. AMCS advised that each mailbox station in the community had recently been painted and that they are working with the Board of Directors on purchasing either labels or plaques for each mailbox that was in need of identification. Everett Wilcox advised that this topic was on the agenda for later in the meeting.

Mr. Fox asked that Board of Directors if they had considered his statement made at the Mid Year Meeting suggesting the need for the I'On Assembly to have a full time resident manager. Mr. Wilcox advised that this topic was on the agenda for later in the meeting for AMCS to give an estimate on the cost of a full time manager.



Tommy Manis expressed his concern about the I'On Company's proposal to have the overflow parking lot be turned into five residential lots. Mr. Wilcox advised that the Board of Directors has not agreed to the PD amendment. Mr. Wilcox advised that the Board of Trustees were expecting a PD amendment update from the I'On Company at tonight's meeting but the update has been pushed back to August. Mr. Besenfelder advised that converting the Creek Club overflow parking lot into five residential homes is still part of the plan. Mr. Manis advised that the overflow lot is needed if the I'On Assembly is to purchase the Creek Club because there is not enough parking. Alan Barbieri advised that the Board of Trustees have not discussed purchasing the Creek Club and that the Board of Trustees have been listening to owners comments and concerns before they make an informed decision.

Len Hanson advised that he has the brass McDaniel Lane plaque for the sidewalk and will give it to AMCS to have Lawn-O-Green re-install it with an epoxy.

Richard Lennon read aloud a statement he had prepared for the Board of Trustees. It was as follows:

"We are quite disappointed in the decision of the I'On Design Committee and Homeowners Association regarding the recently constructed fence in the neighborhood. However, his disappointment is not with whether the fences stays or goes. We are resigned to the fact that nothing else is to be done. Our disappointment has to do with the fact that the I'On Design Committee, the Trustees of the Homeowners Assembly and AMCS chose to look the other way and not follow their own protocols. The very people and organizations we looked to protect our rights have caved in to a homeowner who clearly chose not to follow the requirements. This was selective enforcement at its worst. At least the I'On Design Committee and the Board could show some integrity and honesty and call this for what it is, an after-the-fact approval in a case where no one, individually or collectively, had the courage to step in and call a halt to this fence until proper review and approval was given. You and I all know that the facts you covered in your most recent letter were not correct. There was no prior request for a fence by the homeowner. And, therefore there could be no approval as required by the covenants and restrictions." Mr. Wilcox advised that the I'On Assembly has no control over the I'On Design Committee, as it is developer controlled. The I'On Design Committee allows one Board of Trustee to attend the meeting. He advised Mr. Lennon that if he has a concern with the I'On Design Committee then he should take his concerns to them. Ed Clem advised that control of the I'On Design Committee would not be turned over to the I'On Assembly until the last lot owned by the developer was sold.

Hugh Wilder distributed copies of his concerns with the boathouse and provided background information regarding the issues with the community amenity based on his involvement with the Boathouse Committee.

I. Problems (Related)

- a. Safety
- b. Legal (vandalism [structure, furnishings, boats], theft underage drinking, etc);
- c. Neighborliness.

II. Responses Considered

- a. History of involvement: Developer, residents, Assembly (including 2002 poll of all residents), Assembly Board, Boathouse Committee, Mount Pleasant Police.
- b. Design/Structural Ideas-none implemented
  - Remove boathouse (with the possibly of replacing it with an attractive and safe amenity);

- Extend lower deck on the north side (to prevent jumping & diving from upper deck);
  - Add grillwork or barrier on upper deck north (to prevent jumping & diving);
  - Remove walls on lower deck;
  - Add wall on lower level north side, extend floor over slip area.
- c. Security Responses
- Secure pump room-done;
  - Secure furniture-done;
  - Improve lighting and install motion-sensor lights-done;
  - Install (real or fake) surveillance cameras-not done;
  - Neighborhood meeting with city policy liaisons-done;
  - Request additional regular police patrols-done;
  - Hire off duty police patrols-done;
  - Improve signage-done;
- d. Regulations and Interventions
- Prohibit or limit swimming-not done (but age restrictions tired, 2004 "Water Activities Release Form," etc.);
  - Prohibit storage of private boats on common property, including lakeshore and boathouse-done;
  - Enhanced law enforcement-done;
  - Encourage parental supervision and adults presence-done;
  - Hire boathouse "monitor" (2001);
  - Regular cleaning and maintenance-done;

Mr. Wilder advised that his number one concern was safety as there have been several incidents at the boathouse. There had also been vandalism to the boathouse and to the boats being stored in the boathouse however, there has been a dramatic decrease in vandalism in the last several months. Ward Mundy asked what the timeline was on the vandalism and incidents. Mr. Wilder advised it occurred from the boathouses inception up to last year. Mr. Wilder advised that he was not sure what has caused the vandalism to stop it could have been due to the police patrols or the presence of an alligator.

Mr. Wilcox advised that the Board of Trustees explored installing cameras at the boathouse to record who was causing the vandalism but Mr. Besenfelder recommended against it because they were ineffective at the Creek Club. The Board of Trustees worked with the I'On Company and the I'On Design Committee to reconfigure the boathouse to address the safety concerns that were brought to their attention. Mr. Wilcox advised that the Board of Directors discussed the need for reconfiguring the boathouse on several occasions and even announced it at an open meeting; however, this was not pursued by advice of legal counsel.

Mr. Wilcox asked Mr. Wilder if he thought the proposed modifications would address his safety concerns at the boathouse. Mr. Wilder advised that they would benefit parts of the overall problem. He said extending the deck would address jumping and diving from the upper level of the boathouse however, extending the deck may encourage swimming. He further went on to state that the I'On Assembly is the only Mount Pleasant community allowing swimming. The Boathouse Committee and the Board of Trustees once discussed banning swimming and having a waiver signed by those

who swam. Dwain Ray suggested that the issue be brought back to the Boathouse Committee for further review and discussion. The Board of Trustees agreed to table this topic until the Boathouse Committee had a chance to revisit the subject.

Cynthia Rosengren advised that to improve the community involvement in recycling and to get more owners to recycle the Conservation Core was started. She asked that the civic groups in the community be more mindful of recycling waste after events. She requested that the Board of Trustees be more mindful of recycling cans, plastic bottles, and paper after their meetings to set an example for the community. Mrs. Rosengren thanked Mr. Besenfelder and the I'On Company for paying their landscape crew to clean up the builders lots. She asked if the I'On Assembly would set aside money to contribute and support the Conservation Cores efforts. Mr. Wilcox advised that budget season begins in October and the I'On entities will be asked to send in requests for budgeted funds. Mr. Clem asked Mrs. Rosengren to have their group look into having hazard waste pickup in the community or a drop off locations and she advised that they have already begun working on that. The last comment that she had was that the group has signs for the entrances advising of when recycling days are and that they would be put out prior to the scheduled pick up date.

#### **AMCS Report**

AMCS reported the following account balances as of July 18, 2007:

Operating Account \$7,990.34

Fidelity Investment Account

Capital Reserve Funds \$338,947.11

Operating Funds in Reserves \$196,450.66

AMCS stated that the Board of Trustees meeting packet was sent out on July 20, 2007 to the Board of Trustees giving them a chance to review the operating statement, twelve month trend, balance sheet, open and closed work orders. AMCS asked the Board of Trustees if there were any questions regarding these reports. There were no questions from the Board of Trustees. The violation report, collection report, and lien report were discussed in executive session.

#### **Board of Trustee Communications**

Alan Barbieri advised that he continues to work and using email to communicate with fellow Board of Trustees is very convenient, as he does not have to stop work to make a phone call when he can just use email. Furthermore, he resents demeaning and derogatory information posted on the website regarding the Board of Trustees, as they are volunteers and neighbors.

#### **PD Amendment**

Chad Besenfelder advised that once Vince Graham returns from out of the country they would review the revised PD amendment. Ward Mundy suggested that the I'On Assembly and I'On Trust share the cost of the Creek Club and parking lot. He also asked Mr. Besenfelder if he could see costs currently involved with operating the Creek Club and he said he could get the information to him.

Mr. Besenfelder advised that he is working on the entrance to Mathis Ferry Road from the I'On Club for the East Cooper Montessori Charter School and I'On Club traffic. He advised that he was trying to make the entrance an either turn entrance.

Mr. Besenfelder advised that he requested the State of South Carolina to clean up the traffic circle on Mathis Ferry Road at the N. Shelmore Blvd. entrance and possibly repair the curb and plant some trees.

Mr. Besenfelder informed the Board of Trustees that he had met with the resident of Hobcaw to campaign for the Muirhead Road entrance however; this was going to be an uphill battle.

#### **Transfer Fee**

Alan Barbieri advised that at a previous meeting the Board of Trustees agreed to have him revive the transfer fee vote so he is currently working with Mary Mundy on this project and they are still on schedule for having an update by September.

#### **Finance Committee**

Ed Clem advised that the June monthly financial statement shows expenditures of only \$14,005 for June, versus a budget of \$36,100. However, due to some bills incurred in the month that were not paid on time, some \$20,000 in bills for June will be paid in July, taking us near our budget for the month. Additionally, adding these costs, the first half of the year will be very close to the budgeted expenses of \$217,000. As expected, the costs for irrigation have increased dramatically with the onset of summer, compounded by the drought and malfunctions in some of the irrigation system zones, which have since been corrected. As a result, the irrigation costs, year to date, are about \$8,500, which is unfavorable by \$2,600. The electricity usage, except for the street light budget that is below budget is also unfavorable by some \$1,700 for two main reasons. The I'On Assembly had not anticipated the additional electric costs associated with running the new aerators the I'On Company installed in the two lakes and canals last year when the budget was prepared, and adding new landscape lighting, and repairing lighting that was not functioning has added costs not in the budget.

On the revenue side, the I'On Assembly is unfavorable by about \$16,000 due to some 23 home/lot owners that have still not paid their annual fees. These accounts, now nearly six months overdue have been turned over to the I'On Assembly's attorney for filing of liens against these accounts. This unfavorable deviation of \$22,400, including late fees, interest and administrative costs is partly offset by some fines that have been collected, these undesirable sources of revenue are not budgeted for, and interest on our operating funds amounting to \$6,200 versus a budget of \$5,000.

As of July 25, 2007, the I'On Assembly has nearly \$10,000 in the checking account and \$196,450 in the Fidelity money market account. The bills for July have all essentially been paid, so the \$206,000 spread out over the remaining five months of this year results in a monthly "allowance" of about \$41,000 to stay within budget for the year. Mr. Clem advised that the Landscape Committee will report on quite a bit of work that needs to be done in the community but the I'On Assembly should be okay on expenses, provided the spending is watched carefully.

#### **Landscape Report**

Alan Barbieri reported that he and Ed Clem had met with Lawn-O-Green and a turf consultant and each party's recommendations were consistent with one another's. He advised that he had Lawn-O-Green test the water and soil so they could arrive at a proper fertilization program for the lawn in the common areas and that this program had recently begun.

Mr. Barbieri advised that Lawn-O-Green has aerated the common area lawns, as this was long over due and that both Lawn-O-Green and the turf consultant agreed that this is imperative to the success of the turf.

Mr. Barbieri met with Chad Besenfelder regarding the irrigation on Maybank Green and that the I'On Company agreed to pay the cost of the needed repairs to the irrigation system in this location along with the cost for installing sod along the curb strip on the N. Shelmore Blvd. side of Maybank Green.

Mr. Barbieri advised that a meeting with the Wertimer Group regarding the ground cover and trees in Perseverance Park and Patience Park is needed to discuss the poor conditions of these areas.

The Landscape Committee has agreed to screen the meter and electrical boards with plantings because after further investigation reducing the size requires permits, an electrician, a plumber and a carpenter and the resulting cost would be prohibitive.

The mowing program has been amended to enhance the coverage as discussed with Lawn-O-Green and the turf consultant. The centipede will be cut two to three inches in height and Maybank Green be been being cut properly.

Barbara Fry is coordinating the production of a new landscape contract. Mr. Barbieri expects input from Mrs. Fry, Carter Fox, Harriet Ripinsky, Lawn-O-Green and others. Ed Clem had made a copy of the Community Associations Institutes landscape manual for Mrs. Fry to use as a reference.

Mr. Barbieri advised that the Westlake park plantings are in terrible condition. Lawn-O-Green reported that they have replanted several shrubs and they have continued to not do well in this location. Mr. Barbieri has ordered soil testing for this area and contacted Andrew Smith, a Landscape Architect, to consult on rehabbing this area.

Lawn-O-Green continues to work on developing a calendar schedule of landscape maintenance.

Everett Wilcox asked what the status was on deeding the I'On Square to the I'On Assembly. Mr. Barbieri advised that he would check with Chad Besenfelder on the status of this being done.

#### **Parking**

Everett Wilcox advised that he received an email from Brad Morrison with the Town of Mount Pleasant about streets that he had questions on regarding marking the available parking spaces. He will forward the email to the Board of Trustees. Mr. Wilcox reported that he Town of Mount Pleasant is continuing to mark parking space as they have time to get to it.

#### **Infrastructure Committee**

Dwain Ray advised that vandalism to the infrastructure in the common areas appears to be down. He also advised that the benches had been installed by Lawn-O-Green at the lakes and Maybank Green.

The Board of Trustees authorized AMCS to have Lowcountry Mulch install 27 cubic yard of mulch around the perimeter of the Eastlake Road playground area at a cost of \$1,150. AMCS will contact Lowcountry Mulch to set up the installation.

**Lakes and Canals**

Len Hansen advised that the test result had come back on the water samples taken from the lakes and canals and they show that the lakes and canals are safe for swimming. He advised that he was working on a balance between nature and aesthetics. Dwain Ray agreed to come up with a plan to clean the bottom of the lakes and canals of any large debris. Mr. Hansen advised that he authorized AMCS to have Estate Management proceed with the installation of the bubbler for the retention pond on Saturday Road. AMCS advised that the bubbler was installed yesterday.

Mr. Hansen will speak to Estate Management about maybe needing more carp for the lakes. He will also work on a procedure schedule for the treatment of the lakes and canals.

**Rookery**

Alan Gentry advised that he is working with AMCS to have a contractor replace the spiral staircase on the rookery tower with a wooden staircase and that kids are continuing to knock the bollards loose on the towers.

**Playground**

It was reported at the Hopetown Road playground the shovel toy may be installed upside down and could become a hazard. The Infrastructure Committee will review this matter further.

**Leadership Initiative**

Alan Barbieri advised the he is working with Susan Marlowe to put on a event one night at the Creek Club so interested residents can find out information on how to be on the Board of Directors or involved with other groups.

**Bench Program**

Everett Wilcox asked Theresa Green to make the publication of the bench program a priority for the Communications Committee. It was suggested putting it on the website via an e-form, in the monthly newsletter, and in the quarterly Board of Trustee newsletter.

**Communications Committee**

Theresa Green reported that there was not a Communication Committee meeting in July. She advised that the Annual Night Out event is not being pushed by the Town of Mount Pleasant this year. The Communications Committee did not feel the need hold the event without the support from the Town of Mount Pleasant.

The Board of Directors agreed that the next edition of the Board of Trustee newsletter would be sent out after the next Board of Trustee meeting so that it could include an update on the PD amendment. Cynthia Rosengren reminded Mrs. Green to include the directory survey with this edition of the Board of Trustee newsletter.

**East Copper Montessori Charter School Agreement**

The Board of Trustees agreed to table this topic until the East Copper Montessori Charter School is occupied in September.

**Soccer Field Goal Repair**

The Board of Trustees authorized AMCS to hire a welder that could fix the soccer goal even if they did not have the required workers compensation insurance, as the contractor would be covered under the I'On Assembly's workers compensation policy.

**Boathouse Modifications**

Dwain Ray advised that he wished to withdraw his previous motion that called for the addition of one wall to the lower level of the boathouse instead of removing two walls as had been planned. Everett Wilcox asked Mr. Ray to be involved with the Boathouse Committee on reviewing the future modifications.

**I'On Design Committee Liaison/Compliance Committee**

Ted Webb advised that the Compliance Committee continue to work on violations throughout the community including appropriate boat screening.

**Creek Club Usage Report**

Alan Barbieri advised that the Amenity Committee met last year to review the Creek Club usage by each I'On entity and determine the following year's rates to rent the Creek Club from the I'On Company. He advised that the committee would reconvene to work on 2008 fees.

**Community Association Institute Guidelines**

Ward Mundy made a motion to approve the purchase of the Community Association Institute Practitioner CD-ROM for \$348.00. Dwain Ray seconded the motion. All in favor. Motion carried.

Everett Wilcox will review the Community Association Institute publication usage to determine if it can be reproduced for each Board of Trustee to review at their leisure.

**Full Time Manager**

AMCS quoted the cost for a full time manager at \$45,000. This price does not include setting up an office or the monthly management fee; this only covers the managers' salary. The Board of Trustees agreed that Ted Webb, Ed Clem, and Ward Mundy would set a meeting with AMCS to review the matter in more detail.

**Meeting Adjourned to Executive Session.**

**Next meeting will be held on August 22, 2007 at 5:00 PM at the Creek Club.**

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Theresa Green, Secretary



**I'On Assembly  
Preliminary Board of Trustees Meeting Minutes  
August 22, 2007**

**Members Present** Dr. Alan Barbieri, Ed Clem, Dwain Ray, Ward Mundy, Everett Wilcox, Ted Webb, and Theresa Green

**Guests** Annie Bonk, Libby Eble, Chad Besenfelder, Vince Graham, Dave Rosengren, Cynthia Rosengren, Jack Hamilton, Lou Dardozzi, and Bob Hervey

**AMCS** Cheryl L. Wilson

Alan Barbieri called the meeting to order. He welcomed everyone in attendance and briefly ran through the agenda.

**Minutes**

Ed Clem made a motion to accept the July 25, 2007 Board of Trustees meeting minutes with a few grammatical errors. Everett Wilcox seconded the motion. All in favor. Motion carried.

**AMCS Report**

AMCS reported the following account balances as of August 16, 2007:

Operating Account \$40,607.62

Fidelity Investment Account

Capital Reserve Funds \$341,028.97

Operating Funds in Reserves \$157,358.54

AMCS stated that the Board of Trustees meeting packet was sent out on August 16, 2007 to the Board of Trustees giving them a chance to review the operating statement, twelve month trend, balance sheet, open and closed work orders. AMCS asked the Board of Trustees if there were any questions regarding these reports. There were no questions from the Board of Trustees. The violation report, collection report, and lien report were discussed in executive session.

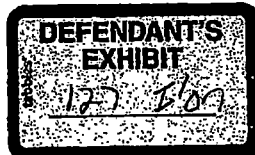
**PD Amendment**

Chad Besenfelder distributed copies of the proposed amendment to the planned development zoning ordinance.

Vince Graham reviewed the revised PD Amendment. It was as follows:

**Proposal to Amend I'On "Planned Development" Zoning Ordinance  
Presented to the I'On Assembly August 22, 2007  
Proposal valid through December 31, 2007**

Proposed Change: Increase the total permitted home sites in the neighborhood not to exceed 48 lot from 762 to a maximum of 810. This will include up to 43 residential homes sites in Phase 11 and converting the Creek Club overflow parking area into five residential homes sites with a portion reserved for event parking. Add an additional entrance and roundabout at Muirhead Road and future Jane Jacobs Street.



I'On Assembly 000358

The development has 11 residential units available. The following outlines these final 11-unit uses:

- Convert CM-12 and CV-8 at the intersection of Shelmore and Montrose to three residential homes sites.
- Convert CM-9 at the intersection of Ponsbury Road and Sowell Streets into three residential homes sites.
- Convert CV-10 on Civitas Street near the I'On Club into two home sites and/or community/school park.
- Subdivide Lot 350 on North Shelmore near the I'On Square into two lots.
- Assign remaining two units to complete the Jefferson Canal project.

If approved by Town Council, The I'On Company will contribute \$60,000 for each additional lot. This equates to a donation of up to \$2.88 million, and will be disbursed on or before Phase 11 development loan closing, anticipated to take place within 180 days of the PD amendment approval by Town of Mount Pleasant. The donation will be split as follows:

- Up to \$670,000 to the I'On Assembly, Inc.
- Up to \$670,000 to the I'On Trust.
- Up to \$670,000 split evenly among community church organizations.
- Up to \$670,000 to the East Cooper Montessori Charter School.
- \$200,000 to design and construct roundabout entrance at Muirhead Road.

**Donation conditions:**

- Before moving forward, this amendment must be endorsed by the Board of Trustees of the I'On Assembly.
- The I'On Assembly Board agrees to lead the effort to obtain town and SCDOT approval for the Muirhead Entrance. The I'On Company will help prepare necessary documentation including encroachment permits, applications, and offer financial support for entrance construction.
- The I'On Assembly Board agrees to be a co-applicant with the Trust, churches, and Montessori School on the Application for Amendment.
- A representative from the I'On Assembly Board will assist with the presentation of the amendment during the Mt. Pleasant Planning Commission and the Mt. Pleasant Town Council meetings. Other presenters are anticipated to include the Very Reverend John Burwell of the Church of the Holy Cross, Father Jay Parker of the Church of the Holy Ascension, Anne Register of the I'On Trust, and Jody Swanigan of the Montessori School. The I'On Company will prepare all documentation and provide logistical and financial support for the application.
- The monies contributed shall go toward public art, capital reserve accounts, facilities, or other endeavors that contribute to the long-term beauty and/or financial health of the neighborhood. Each organization must submit a plan to the I'On Company for the handling of these monies for I'On Company approval.

**Creek Club Sale Proposal**

The following pages describe the Creek Club and one option to modify the overflow parking area. This is simply a preliminary plan and The I'On Company is willing to discuss more opportunities with the HOA.

**Current Proposal:**

- I'On Assembly to purchase the Creek Club for \$700,000.

- Overflow parking will be converted into five home sites with portion reserved for event parking.
- The I'On Club will modify parking to provide approximately 50 off street spaces for events. This is ample room for events up to 150 guests. Average Creek Club event is 125 guests.
- The I'On Club will provide the I'On Assembly operational information to help evaluate revenue and operational cost. See following pages for more information.

This proposal is valid through December 31, 2007.

Chad Besenfelder advised that there is no planned commercial lots for phase eleven. There will be a time limit for homes to be built within phase eleven. The lots will be sold in groups to builders, so that it is easier to monitor and make sure homes are built within the proper time frame. Garages in phase eleven will face the rear of the lots.

Chad Besenfelder advised that the I'On Company is continuing to work with the Town of Mt. Pleasant on having an entrance at Mathis Ferry from Ponsbury Road to help alleviate the traffic from the East Cooper Montessori School; however, Mathis Ferry Road is a state road and it probably be easier to include the entrance in the PD Amendment and have the entrance go from Ponsbury Road to Eastlake Road near that entrance.

Alan Barbieri thanked Chad Besenfelder and Vince Graham for their time. The Board of Trustees will review and discuss the proposal at a later date.

#### **Creek Club Boating Facility**

Chad Besenfelder advised that the boating ramp is open to all residents (members and non-members of the I'On Club) of the I'On Assembly. The boating ramp is also open to any Olde Park resident that is a member of the I'On Club. There is a \$25.00 annual fee for the boating ramp key and decals for their boats. There is not a charge to walk out on the dock. A homeowner asked what the rules were in the agreement for the use of the Creek Club boating facility. Chad Besenfelder will forward the agreement to the I'On Assembly Board of Trustees to review and post on the website. Everett Wilcox advised that on any given weekend the Creek Club parking lot and Saturday Road are congested with trucks and boat trailers and he would like the I'On Company to enforce the rules for the boating facility. Everett Wilcox also advised that it is not just residents causing the problem but the contractors that work in I'On. Chad Besenfelder advised that the agreement calls for the I'On Assembly to contribute to the cost of the boating facility. The I'On Assembly contributes \$4,000.00 annually; however, to enforce the rules will become more costly. Alan Barbieri advised that the Board of Trustees will work on forming an committee for these issues later in the meeting. The Board of Trustees acknowledge that there is a great amount of concern in the community regarding the issues at the Creek Club boating facility and they will work diligently to address all the concerns posted on the website and brought up at this evening's meeting.

#### **I'On Assembly Committee**

Dave Rosengren made a motion to formally adopt the Landscape Committee, Parking/ Traffic Committee, Infrastructure Committee, Finance Committee, Communications Committee, I'On Design Committee Liaison/Compliance Committee, and the Boathouse Committee. Theresa Green seconded the motion. Six are in favor and one opposed. Motion carried.

Ward Mundy asked where the scope of work was for each committee. Alan Barbieri advised that he wanted to make sure the Board of Trustees wanted to have these committees then the scope of work would be discussed at a later time. Ward Mundy was concerned that some of the committees had not met in years. Alan Barbieri said that all the committees are active; however, the Boathouse Committee was asked to become active again at the last Board of Trustees meeting.

Ed Clem made a motion to formally adopt an Amenities Committee. Dave Rosengren seconded the motion. All in favor. Motion carried.

Alan Barbieri made a motion to formally adopt an Leadership Development Committee. Dave Rosengren seconded the motion. All in favor. Motion carried.

Everett Wilcox made a motion to formally adopt a Past Board of Trustee Committee. Ed Clem seconded the motion. All in favor. Motion carried.

Ted Webb made a motion to formally adopt a Boating Committee. Everett Wilcox seconded the motion. All in favor. Motion carried.

Alan Barbieri asked each Board of Trustee who chairs a committee to write a scope of work for that committee. The committee's structure and scope of work will be discussed at the next Board of Trustee meeting.

#### **Landscape Committee**

Alan Barbieri advised that the Landscape Committee has begun working on the landscape improvements and there is a long way to go; however, there is not a lot of money in the budget. Alan Barbieri advised that it is more evident each day that a transfer fee is needed. He is working on compiling information on how the Board of Trustees will proceed on trying to implement a transfer fee. If a transfer fee was in place it could free up funds in the operating budget that are currently being put in reserves. The funds could be used to improve, enhance, and maintain the landscaping and infrastructure in the community. The capital reserves do not cover any expense caused by a hurricane. Alan Barbieri hopes to have a set of landscape specifications by the next meeting.

#### **Transfer Fee**

Ted Webb advised that the transfer fee would be based on a percentage of the sales cost on re-sales. Everett Wilcox advised that if a transfer fee is not passed then each home/lot would be charged a special assessment. Ted Webb explained a transfer fee as a funding vehicle for a future need. Alan Barbieri and Ted Webb will work together with fellow Board of Trustees.

#### **Traffic Committee**

Everett Wilcox reported that the Town of Mount Pleasant continues to work on marking the parking spaces on the street. Ed Clem asked when signs advising of the parking rules would be in place. Everett Wilcox thought it would be done once all the parking spaces are marked, the signage should be installed.

Brad Morrison with the Town of Mount Pleasant has received a request from Mr. and Mrs. Acker of 34 Eastlake Road asking if they could modify the on street parking space in front of their home.

Everett Wilcox does not see any reason why the Board of Trustees should object. The Board of Trustees agreed. Everett Wilcox will advise Brad Morrison.

**Infrastructure Committee**

- Chad has gotten contractors who are building homes along the Westlake pathway on the West side to give attention to special drainage of rainwater into the lake and care to eventually restore the conditions of the pathway itself. With less water going into the grassy lakefront, we expect the soggy conditions to improve.
- During the last heavy rains, a washout occurred on the marsh trail on the Frogmore side of the Isle of Hope/Frogmore bridge. Much prior work has been done on that by the Developer. Chad has agreed to do further work on that area of the trail to avoid future erosion problems.
- The soccer field play area is getting much soon.
- Len Hanson will speak on lake, pond, canal issues.
- Work is proceeding on scheduled power washing and painting of various I'On common area structures (Cheryl has schedule)(Fred McIntyre manages).
- Repairs to Rookery view station structures being undertaken (Alan Gentry and Cheryl).
- Vendor is removing a dangerous steam shovel type play toy in the Hopetown playground park. Vendor will come up with ideas for a replacement.

Aerator pipe floating to surface again, AMCS will contact Estate Management for a more permanent fix.

Alan Barbieri advised that he has purchased polyester labels and are being tested before additional labels are purchased and installed.

Fred McIntyre advised that power washing and painting was a concern with bare wood now on some of the infrastructure.

**Finance Committee**

\$40,000.00 to \$16,000.00 due to current bills. As long as spending stays on track then the I'On Assembly should be on budget.

Approximately \$5,000.00 for Eastlake irrigation pump was paid out of operating and should have been paid out of reserves along with benches for the boathouse, these funds could be paid back to the operating account.

**Centralized Irrigation**

Alan Barbieri received a ballpark estimate of \$30,000.00 from Lawn-O-Green who works with Hunter. Everett Wilcox would like to see this in the 2008 budget. Alan Barbieri will work on a accurate estimate.

**Communications Committee**

The next meeting will be held on September 30, 2007. The fall newsletter will go out in early September. The communications committee is working on the next edition of the directory.

**I'On Design Committee Liaison/Compliance Committee**

Ted Webb is working diligently to enforce the covenants and restrictions. Between the I'On Design Committee and AMCS, communications have greatly improved.

**Creek Club Dock Monitoring**

Alan Barbieri asked if this was something the Boating Committee would handle. The Board of Trustees agreed to first review the user agreement and then discuss.

**Approval of Postings on Behalf of the Board of Trustees**

All required postings go through AMCS posed by AMCS for the Board of Trustees. All postings to have been approved by the Board of Trustees.

**Agendas**

The agendas will be posted ten days before the meeting. AMCS will work with the Communications Committee.

**September Executive Meeting**

The executive meeting will be held on September 20, 2007 at 7:00 PM. Theresa Green will try to reserve a home, there is no need for AMCS to attend.

**Buy A Turtle**

The I'On Company spent \$5.00 to sponsor Tommy the Turtle in Advent Turtle. South Carolina Charleston Aquarium will probably have Tommy Turtle auctioned at \$3,500.00. September 15, 2007 is the auction day. Alan Barbieri to post another message on the message board.

**Zoning Appeal**

It is a done deal.

**Sugar Ants**

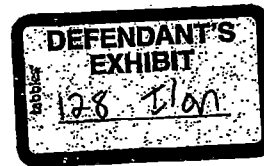
AMCS will get proposals from Lawn-O-Green.

**Meeting Adjourned to Executive Session.**

Next meeting will be held on September 26, 2007 at 5:00 PM at the I'On Company Upstairs Conference Room.

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Theresa Green, Secretary



**I'On Assembly  
Preliminary Open Board of Trustees Meeting Minutes  
September 26, 2007**

**Members Present** Dr. Alan Barbieri, Ed Clem, Dwain Ray, Ward Mundy, and Theresa Green

**Members Absent** Everett Wilcox and Ted Webb

**Guests** Chad Besenfelder, Lou Dardozzi, George Flynn, and Alan Gentry

**AMCS** Cheryl L. Wilson and Helen L. Postell Hutson

Ed Clem called the meeting to order.

**Minutes**

Alan Barbieri made a motion to accept the September 22, 2007 Board of Trustees meeting minutes with a few grammatical errors. Theresa Green seconded the motion. All in favor. Motion carried.

**AMCS Report**

AMCS reported the following account balances as of September 12, 2007:

Operating Account \$18,071.84

Fidelity Investment Account

Capital Reserve Funds \$341,028.97

Operating Funds in Reserves \$157,358.54

AMCS stated that the Board of Trustees meeting packet was sent out on September 25, 2007 to the Board of Trustees giving them a chance to review the operating statement, twelve month trend, balance sheet, open and closed work orders. AMCS asked the Board of Trustees if there were any questions regarding these reports. There were no questions from the Board of Trustees. The violation report, collection report, and lien report were discussed in executive session.

**Votes to be put on the Record**

Dwain Ray made a motion to accept Lawn-O-Green's proposal dated August 27, 2007 for \$5,560.00 to repair the Westlake pump station at the Amphitheater. Ward Mundy seconded the motion. All in favor. Motion carried.

**President of the Board of Trustees**

Alan Barbieri made a motion to appoint Ed Clem as president of the Board of Trustees until his term expires on December 5, 2007. Theresa Green seconded the motion. All in favor. Motion carried.

**I'On Company Update**

Chad Besenfelder advised the Board of Trustees that the I'On Company has applied for an encroachment permit from the Town of Mount Pleasant for the mountable curbs on Latitude Lane; north section of Ionsborough Street; and McDaniel Lane. Chad Besenfelder advised that the Town of Mount Pleasant wants a letter from the I'On Assembly advising that should there be a fire in I'On and a fire truck mounts a curb and causes damage to the curb, the I'On Assembly will incur

the cost of the repair. The Board of Trustees agreed and asked Chad Besenfelder to draft a letter for Ed Clem's signature.

Chad Besenfelder advised that the Town of Mount Pleasant has approved parking on Sanibel Street and Rialto Road.

The Board of Trustees asked Chad Besenfelder to get a letter from the Town of Mount Pleasant advising that the curbs and parking will be okay for Sanibel Street and the street is accessible by emergency vehicles. Chad Besenfelder advised that he would speak to Vince Graham about a letter from the Town of Mount Pleasant, and if he could get a letter from the Town of Mount Pleasant the I'On Company would consider installing mountable curbs on Sanibel Street.

#### **Park Enhancements**

Chad Besenfelder and Alan Barbieri met with Wertimer Landscape Architects about enhancing I'On Square, Perseverance Park, and Patience Park. Chad Besenfelder advised that he is still working on Patience Park; however, the following recommendations were made for the I'On Square and Perseverance Square:

#### I'On Square

1. Adjust irrigation so that each red maple has drip tubing around each tree. It's preferable if the trees are on a separate zone you can control how much water they get. If the maples still do not perform like you want, Chinese Pistachio is a good alternate.
2. Replace the rosemary with a creeping dwarf variety that you do not have to clip.

#### Perseverance Square

1. Limb up the sycamores to +/-8' depending on branching structure.
2. Sod the areas where the vinca is. Make sure the irrigation is correct, as we saw very wet and very dry areas.
3. Remove the lower limbs of the sago palm, and move the agapanthus to another location.

Alan Barbieri asked what the status was on deeding over the I'On Square Park to the I'On Assembly. Chad Besenfelder advised that Vince Graham was not sure whether to deed it to the I'On Assembly or the IS?. Chad Besenfelder will discuss the topic with Vince Graham.

#### **School Parking and the Club Entrance to Eastlake Road and Mathis Ferry**

Chad Besenfelder advised that lot CV-10 is being re-grated and zoned to make room for additional parking for the school and the club.

Chad Besenfelder is working with the Town of Mount Pleasant on installing a full entrance form the club parking lot, his back up plan is a right hand exit only onto Mathis Ferry Road.

Chad Besenfelder also reviewed extending the road from the club parking lot to Eastlake Road near the Eastlake mail house. Chad Besenfelder advised that there is an additional wooded area between the club and Eastlake Road which the I'On Company is discussing having a primary school built.



**Creek Club Boating Facility Operation and Parking**

Chad Besenfelder gave the Board of Trustees a list of boat owners who have registered their boat with the I'On Company. Chad Besenfelder also advised that the I'On Company will look at requiring a decal on the boats and trailers rather than just on the boats.

Ed Clem suggested the I'On Company look into hiring off duty police officers to patrol the Creek Club dock. Ward Mundy suggested hiring a college student in the summer months.

The Boating Committee will meet with Chad Besenfelder to discuss issues and suggestions.

Chad Besenfelder advised that he had read the use agreement for the Creek Club and the agreement needs to be discussed. Ed Clem advised that the Board of Trustees have been waiting for the I'On Company to address it.

Chad Besenfelder would like to have the use agreement reviewed by mid-November. The Boating Committee will meet with Chad Besenfelder and come up with a proposal for funds in 2008.

Chad Besenfelder advised he would like to turn over the community docks. Ed Clem advised that the docks are not in any condition to be turned over to the I'On Assembly. The Board of Trustees suggests to Chad Besenfelder to meet with Matt Walsh on Saturday Road as he has inspected the docks thoroughly. Chad Besenfelder advised that he would look into the needed repairs; however, the use agreement calls for reimbursement on the I'On Assembly's half. Ed Clem advised that the agreement is for shared management, not the maintenance from the beginning. Chad Besenfelder agreed.

**Property Turnover**

Chad Besenfelder will advise of a schedule for the turnover of the Amphitheater and phase seven. The Board of Trustees asked that this be scheduled in November 2007. Chad Besenfelder agreed and will advise the Board of Trustees of a tentative date.

**Rookery Restoration Project**

Chad Besenfelder shared with the Board of Trustees a proposal from Newkirk Environmental, Inc. The Board of Trustees asked Chad Besenfelder to get answers from Newkirk Environmental, Inc. on why would the sections of the Rookery paths need to be closed. Ed Clem advised that the Board of Trustees will hold a informational meeting on this topic at the Creek Club on Wednesday, October 17, 2007 at 7:00 PM.

**Building and Lot Sale Update**

The I'On Company currently owns forty-one lots and are working to sell the lots. The I'On Company is working hard to have the purchased lot built upon. Ed Clem advised that he will speak to the Realty Department on the number of lots to be sold through 2007 and then 2008.

**Miscellaneous Enhancements**

- Hopetown marsh walk truss were replaced by the I'On Company even though the damage was caused by vandalism. Chad Besenfelder will forward total invoice to AMCS for payment. The Board of Trustees agreed.
- McDaniel Lane alley sink hole was caused by a electric or utility contractor after the pavements was installed and the I'On Company is looking to the I'On Assembly to endorse

the cost for the report. The Board of Trustees agreed to split the cost fifty/fifty. Chad Besenfelder will review with Vince Graham and let the Board of Trustees know.

**PD Amendment**

The Board of Trustees agreed to be discussing the PD Amendment and will be having another meeting as soon as possible.

**AMCS Manager Report**

I'On Assembly

Prepared for the Board of Trustee meeting of September 26, 2007

Attended the Lake Subcommittee Meeting on 8/30/07

Sent monthly closing report to Cynthia Rosengren.

This month also included a report of all closing from 9/15/06 through 9/15/07 so that Mrs. Rosengren can review the website owners database against the AMCS owners database in preparation of compiling the 2008 directory.

Sent the October Board of Trustees meeting date to Carol Williams to be posted in the newsletter.

Attended Infrastructure Committee Meeting on 9/19/07

Obtaining bids on various maintenance items that need to be completed in 2008.

Working with Wakefield Recreation on the maintenance items to be done in 2007 and possible projects for 2008

Obtaining bids on installing a centralized irrigation system.

One bid has been received thus far. Lawn-O-Green had a meeting with both the Hunter and Rain Bird companies earlier this week and a bid should be forthcoming.

Posted various items on the community website.

Including various documents and the agenda by the 9/12/07 deadline.

Off Duty Police Schedule

Compiled a schedule for the off duty police patrols. The scheduled is based on the days the Charleston County's schools calendar. The schedule is set for October though January 2008.

Compiling a draft 2008 budget for the Finance Committee to review.

**190 North Shelmore Boulevard**

Marty Schussel asked what are the goals the Board of Trustees are trying to reach on the PD Amendment. Ed Clem advised that the Board of Trustees are reviewing all comments they have received from owners and are taking all owners comments into consideration. Marty Schussell asked if the Board of Trustees would publish their goals. Ed Clem advised that the meeting minutes are posted.

**Transfer Fee**

Alan Barbieri said the Board of Trustees needs to pass the transfer fee because there is constantly more funds needed to support the community items.

**Landscape Committee**

The Landscape Committee is working on the landscape contract which will be reviewed by Milton Langley, turf expert, and Michael Murphy, tree expert, before it is put out to bid.

Lawn-O-Green prepared a monthly calendar of their work schedule and the associated cost.

Alan Barbieri has given AMCS a design plan from Andrew Smith to be put out to bid to three landscapers. Alan Barbieri hopes to have the plan implemented in January 2008.

Sycamore trees to be limbed up to six to eight feet in the winter. Alan Barbieri asked AMCS to get bids on this project.

Maybank Green being over seeded is being done in accordance to turf expert, Milton Langley.

The Landscape Committee has AMCS working on obtaining bids on a centralized irrigation system, which will be better to keep costs down on irrigation bills over time.

**Infrastructure Committee**

Dwain Ray advised that AMCS reported on the Infrastructure Committee and he thanked AMCS for organizing the work on the playgrounds and infrastructure items.

Alan Gentry advised that the new steps in the Rookery tower are great and thanked AMCS on getting the project completed.

Dwain Ray advised that Len Hanson is working with AMCS on the lake and canals and he is working on the cost for stocking the lakes with vegetation and algae eating fish.

Dwain Ray is working on signs that may need to be addressed and he will forward the information to AMCS as they know who to delegate the work to.

**Finance Committee**

Tentative Finance Committee Report – September 2007

For the eight months ending Aug. 31, 2007 we have incurred expenditures of \$303,634.34 against a budget of \$289,315.70, for an unfavorable deviation of \$14,318.64. This unfavorable deviation is almost completely offset by our actual revenues of \$443,530.01 versus a budgeted expectation of \$430,682.64 for a favorable deviation of \$12,847.37. In addition, early in the year we transferred the budgeted amount of \$94,027 into the Capital Reserve Fund, so that budget item has been satisfied.

This spending level represents an average monthly rate of about \$38,000. As of today, we have already paid most of the bills due in September. We have a little less than \$9,000 in our checking account, and \$133,000 in a money market account at Fidelity, so that \$142,000 will allow us to spend at budget amounts for the remainder of the year, as we have sufficient funds. Having said

that, we need to watch expenditures closely as we have deferred some planned and budgeted landscaping enhancements to the fall. Additionally, as you heard from our Landscape Committee chair, we are experiencing some extra costs to deal with a program to bring our common area grass, trees and shrubs to a more acceptable state.

Specific areas where costs have significantly exceeded budget are Repairs, where we are some \$13,000 unfavorable. Two items account for all of this, some \$4000 to repair the lining, and replace the damaged submerged lighting of the reflecting pool at Perseverance Square, and almost \$10,000 to install the Duratherm speed calming strips on North Shelmore, Sowell and Eastlake roads as an attempt to slow down speeding in these areas. Repairs to our aging irrigation system, power washing and painting all the mailbox stations as well as the fences around several of our playgrounds, and mulching some areas that were not budgeted account for other expenditures well above budget.

Our Capital Reserve Fund is now \$343,255 versus a beginning balance of \$233,783 due to our early contribution as stated above of the \$94,027 to this fund which has allowed us to earn over \$8000 in dividends and interest on this money, all of which is invested in US Treasury bills.

#### **Communications Committee**

John Parker stated the church is completed in November 2007. The parishners to finish the interior and it will be part of the home tour.

The Communications Committee is working on the 2008 directory and Theresa Green will e-mail the different entities on the needed information for the directory.

The Communications Committee is working on a database of volunteers though an outsource company. AMCS advised that it can be done though the current website. Theresa Green asked AMCS to attend the Creek Club meeting to review the issue.

#### **Committee Charter**

Hugh Wilder presented the Board of Trustees with the Boathouse Committee Charter. The Board of Trustees agreed to table the discussion of the Boathouse Committee until after the I'On Assembly insurance agent reviews this information. The Board of Trustees asked AMCS to forward Patrick Smith with Nationwide to review the Boathouse Committee Charter. The Board of Trustees asked Hugh Wilder to make a recommendation to have the Board of Trustees to how the Boathouse Committee plans to recruit new members.

Theresa Green advised that Carol Williams will resign from the community newsletter after December 2007.

Alan Barbieri advised that the volunteer night will be postponed for 2008.

The Board of Trustees reviewed the Boating Committee Charter that was drafted by Ward Mundy. Ed Clem asked Ward Mundy to draft with proposed changes made. The changes are as follows:

- Change name to: **Creek Area Boating Committee**
- To limit the scope of the committee's responsibilities to the creek area as the Board has intended, words should be added as below (words in italics and underlined should be added).

**Purpose and Responsibilities:** The Creek Area Boating Committee is commissioned by and reports to the Board of the I'On Assembly. The committee's purpose shall be to promote the active and satisfying use of the creek area boating amenities including the creek area waterfront in the I'On Community. The committee is responsible for advising the Board on creek boating-related matters including the community boat ramp, the community creek area docks, boat, and boat trailer parking, enforcement of rules pertaining to the above, insurance of boating-related facilities in the creek area of the I'On Community, and utilization and interpretation of the easement between the I'On Assembly and the I'On Company and its subsidiary organizations including the I'On Club.

AMCS recommended that the final versions of each committee be put in one document with the approval date. The Board of Trustees agreed.

The Board of Trustees reviewed the Communications Committee Charter prepared by Theresa Green.

The Board of Trustees agreed to table the Covenants Committee due to recent events that were discussed in executive session. The Board of Trustees agreed.

The Board of Trustees reviewed the Landscape Committee Charter prepared by Alan Barbieri.

The Board of Trustees reviewed the Finance Committee Charter prepared by Ed Clem.

#### **Conservation Corps Web Module**

Cynthia Rosengren asked the Board of Trustees if the Creek Club could use a module of the I'On Assembly website to set up information on the Creek Club. The Board of Trustees agreed.

#### **I'On Amenities Standards**

Alan Barbieri advised that the I'On Amenity Standards Committee will be revisiting the amenities standards especially the requirements for owners throwing events for owners.

The Board of Trustees reviewed the Past Board Member Committee Charter.

The Board of Trustees reviewed the Infrastructure Board Charter.

#### **Suggestion Box**

Ed Clem asked Ward Mundy to set up the I'On Suggestion Box so that he is copied on each message and the rest of the Board of Trustees. Ward Mundy asked each Board of Trustee who wants to be set up to send him an e-mail.

#### **Basketball Court**

The Board of Trustees discussed a request they received from an owner for a community basketball goal. The Board of Trustees authorized AMCS to send an e-mail bulletin posing the issue to the community.

#### **Nominating Committee**

Alan Barbieri made a motion to nominate Everett Wilcox as chairperson of the Nominating Committee. Dwain Ray seconded the motion. All in favor. Motion carried.

Alan Barbieri suggested Everett Wilcox review the by-laws and review for a candidate's night at the Creek Club and the Nominating Committee pose a statement.

Ed Clem suggested staggering more Board of Trustee positions.

**Meeting Adjourned to Executive Session.**

**Next meeting will be held on October 24, 2007 at 5:00 PM at the P'On Company Upstairs Conference Room.**

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Theresa Green, Secretary

**I'On Assembly  
Preliminary Open Board of Trustees Meeting Minutes  
October 24, 2007**

**Members Present** Dr. Alan Barbieri, Ed Clem, Dwain Ray, Ward Mundy, Everett Wilcox, Ted Webb, and Theresa Green

**Guests** Chad Besenfelder, Lou Dardozzi, George Flynn, Libby Eble, Dave Rosengren, Cynthia Rosengren, Barbara Fry, Tom Graham, Gregg Cooper, Len Hansen, Ward Reynolds and Alan Gentry

**AMCS** Cheryl L. Wilson and Jamie Kerr

Ed Clem called the meeting to order.

**Minutes**

Alan Barbieri made a motion to accept the September 26, 2007 Board of Trustees meeting minutes with a few grammatical errors. Theresa Green seconded the motion. All in favor. Motion carried.

**AMCS Report**

AMCS reported the following account balances as of October 9, 2007:

Operating Account \$4,889.03

Fidelity Investment Account

Capital Reserve Funds \$343,254.00

Operating Funds in Reserves \$133,050.05

AMCS stated that the Board of Trustees meeting packet was sent out on October 19, 2007 to the Board of Trustees giving them a chance to review the operating statement, twelve month trend, balance sheet, open and closed work orders. AMCS asked the Board of Trustees if there were any questions regarding these reports. There were no questions from the Board of Trustees. The violation report, collection report, and lien report were discussed in executive session.

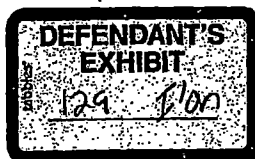
**Neighborhood Comments**

**George Flynn-221 North Shelmore Boulevard**

Mr. Flynn sent an e-mail to the Board of Trustees about the Compliance Committee and would like to volunteer his time. He suggested that candidates identify where they should stand on issues as parking, reserve fund, if a new PD amendment is offered, website, and message board. Everett Wilcox thanked George Flynn for volunteering his time and advised that the Nominations Committee will hold a meet the candidates night at the Creek Club.

**Ward Reynolds-11 Precient Street**

Mr. Reynolds will be paying more attention to the I'On Assembly issues especially due to the posting on the website message board. Also, he asked that violations be more specific when letters are sent out and give more time for residents who are needing to paint their house, fourteen days is not feasible. The Board of Trustees advised that they have reviewed the violation procedure and this matter may resolve his concerns.



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**Libby Eble**

Libby Eble is concerned that resident e-mail addresses and phone numbers are safe on the website. She asked the Board of Trustees to set guidelines for the use of the address book and information on the website.

**Mr. Barnhill**

Mr. Barnhill advised that he was concerned with the few number of residents that are in attendance of the meeting. He is also concerned with the controversy he has been reading e-mails sent out. Ed Clem advised that the Board of Trustees meets the fourth Wednesday of every month in the I'On Company upstairs conference room; however, there is never a large turnout to these meetings.

**I'On Company Update**

Chad Besenfelter advised that they are ready to proceed with having NewKirk Environmental explore the Rookery to determine the decline of the Great White Egrets and give recommendations on how to improve the Rookery.

Everett Wilcox made a motion to allow NewKirk Environmental enter the Rookery to complete the environmental study at the I'On Company expense. Ted Webb seconded the motion. All in favor. Motion carried.

Chad Besenfelter advised that the Town of Mount Pleasant advised them that it would be okay to have the mountable curb per the Board of Trustee requested that Chad Besenfelter drafted a letter for Ed Clem's signature that advised the Town of Mount Pleasant that the I'On Assembly will pay for any damages caused by vehicles driving on the mountable curbs.

Chad Besenfelter spoke with Vince Graham and Vince Graham believes it is in the best interest of the I'On Square park be turned over to the I'On Square. The Board of Trustees asked to speak to Vince Graham regarding this area. Chad Besenfelter suggested writing a letter to Vince Graham expressing their concerns. Chad Besenfelter's only concern is that the area be open to people that may want to have an art show. Ward Mundy suggests that the I'On Assembly finalize the amenity standards before they meet with Vince Graham. The Board of Trustees agreed.

Chad Besenfelter is still working on the fourth entrance near the club and a road from the club to Eastlake Road.

Chad Besenfelter is working on phase seven landscape plans to enhance the common areas. Will forward the cost for maintenance for the I'On Assembly budget.

Chad Besenfelter gave the Board of Trustees a letter regarding the boat ramp user agreement. Chad Besenfelter would like to bring a dock master to inspect the docks. The letter includes the estimate cost to operate the docks, costs to build the docks, and the dock user agreements.

Ward Mundy expressed his concerns regarding the docks being open to the public. He advised that the I'On Company has told the Board of Trustees that the docks are public, they are semi-private. He asked what would happen should a child, non-resident, drown in the Creek. Ward Mundy said the I'On Community would be in trouble. Chad Besenfelter warned about crossing areas off to the public, this community was never meant to be a gated community. The Board of Trustees agreed to work on this topic at a later time.



Chad Besenfelder advised that the I'On Company is working on an agreement for Jefferson canal. They are thinking of hiring a building to complete the job. Tom Graham advised that lot 129, 128, and 127 would be re-plotted to face Eastlake Road.

**PD Amendment**

Alan Barbieri suggested that due to all the work the Board of Trustees have done to come up with a set of parameters they need to take the concerns to Vince Graham. Ward Mundy expressed his concerns that the issue should be put to the vote of the owners. Ward Mundy strongly suggests that the Board of Trustees seek legal counsel. Alan Barbieri read a prepared statement to the Board of Trustees. It was as follows:

Mr. President and Fellow Trustees....

I need to speak up in regard to the recent events we have all endured.

The Board of Trustees does not conduct its business on the message board. Ward, I always separate by personal feelings and my concerns about behavior. So, I am fine with you as one of my neighbors but I strongly oppose your behavior as a trustee. Threats, adversarial comments, using a public form to demean the board and its efforts are unacceptable.

As an example, you uncovered a parking concern at the new school which was fine. What happened next was the problem. Did you put an agenda item for the board to consider this? No, you immediately went to the message board and stirred up major controversy. No conversation with fellow trustees, just "Ward to the rescue: and kicking of 59 responses and tons of wasted time and energy. All negative stuff! It deteriorated to a rampage about the school insurance issue and so on and so on. Why? That is the question. Why go the message board before raising the issue at a board meeting? This is just typical of the behavior you have exhibited that I just can't support. Follow that the dock and boating issue. Another display or rally the troops, and waste a lot of time since the board has no control of the docks or ramp. Considered action would have been guide people with concerns to meet with the I'On Company.

You were the strongest and most vocal advocate of not moving forward with negotiations of the PD Amendment until the 17' street issue was resolved and then you turn on your fellow trustees with another public display of criticism and demeaning comments.

Use of threats to sue Ed or the board is just outrageous behavior. At our rate of pay we don't need a fellow trustee intimidating the board and creating such an uncomfortable environment in which to operate.

Mr. President I feel that we need legal representation at board meeting because, for one, am not interested in looking over my shoulder because of the threat of a lawsuit from a fellow trustee as we deal with our normal business.

Ward Mundy advised that he is willing to produce the e-mails that were brought to the Board of Trustees regarding the insurance that the Board of Trustees. Ward Mundy advised that the boating concerns are the problem for the community as they should know. Ward Mundy advised that after

the executive session for the PD amendment he received legal counsel advising that the Board of Trustees should not be negotiating with the developer.

**Transfer Fee**

Everett Wilcox asked that the transfer fee be brought into consideration when developing the 2008 budget. The Board of Trustees agreed.

**AMCS Report**

Due to the Board of Trustees having the violation procedure reviewed by an attorney, all current violations were marked pending per Ed Clem on 9/27/07.

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On 9/27/07 sent Patrick Smith, with Nationwide Insurance, an inquiry on the cost for insuring the additional infrastructure the Board of Trustees would like to cover. Advised Mr. Clem of Patrick's response on 10/02/07.

Emailed the list of attorneys from the CAI directory to Ed Clem on 9/27/07.

Sent email bulletin to all owners advising of the motion to elect Mr. Clem as President of the Board of Trustees until his term expires on 12/05/07. There was also a reminder of the next Board meeting.

Updated the remainder Board of Trustees meeting dates on the website events calendar to reflect the new starting date of 6 PM.

On 9/28/07 issued work order to the Town of Mt. Pleasant for several needed street sign repairs.

Sent Patrick Smith a copy of the Boathouse Committee Charter to review and share his comments on 9/28/07. Advised Mr. Clem of Patrick's response on 10/01/07.

Sent Chad Besenfelder a reminder email on actions that he needed to follow up on from the 9/26/07 Board of Trustees meeting. Advised Mr. Clem of Chad's response on 10/02/07.

Sent IDC Liaison/Compliance Committee violation report on 9/28/07.

Update sent to Mr. Clem 9/28/07

Sent reminder email on 10/01/07 that the budget request information is needed by 10/08/07.

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On 10/02/07 issued work order to the Town of Mt. Pleasant for a faded stop sign.

On 10/03/07 sent the Board of Trustees the off duty police reports for the month of September.

Off duty payroll was received on 10/02/07 from the Mt. Pleasant Police Department. Payroll was processed on 10/03/07 and checks were mailed to Mr. Clem on 10/05/07.

Met with Eddie with Hot Water Works on 10/03/07 to review projects we need bids on for the 2008 budget and small miscellaneous repairs that need to be done in 2007.

Followed up with Mr. Barbieri on 10/03/07 regarding whether or not the test mailbox stickers have held up as I would like to finish the installation of stickers on the remaining mailboxes. Mr. Barbieri asked that I follow up with his next week to get the sticker sheets, as he will be out of town.

Mailed Avant Garden plans to A New Leaf, Carolina Landscape and Lawn-O-Green with a deadline of 10/22/07.

Contacted Mt. Pleasant Tree & Lawn Service, Bartlet Tree Experts and Lawn-O-Green to obtain bids on limbing up the sycamores in Perseverance Square by 6 -- 8 feet. Authorized Lawn-O-Green to limb up the sycamores per Alan Barbieri as it is included in their contract. Bartlet Tree did inspect the trees and they will be sending me their comments on the health of the trees.

Update sent to Mr. Clem 10/05/07

Sent Mr. Clem the tentative Board of Trustees agenda on 10-09-07 and posted it on the website on 10-11-07 and updated the meeting date on the website to reflect 10-24-07.

Hand delivered copies of the CCMC meeting minutes to Mr. Mundy on 10-11-07.

Posted the Rookery Meeting Notice on the private website and sent an email bulletin to all residents regarding the meeting and the POn at Ten book order deadline.

Issued work order to Lawn-O-Green for the fall annual flowers, which should be installed in November.

Posted the PD amendment withdrawal letter from Vince Graham on the website.

Update sent to Mr. Clem 10/12/07

Sent monthly closing report to Cynthia Rosengren, Theresa Green and Ed Clem on 10-15-07.  
Attend the Rookery Meeting on 10/17/07.

Sent Mr. Clem the meeting notes from the 10/17/07 Rookery meeting on 10/19/07.

Sent out President letter via an email bulletin to all POn residents on 10/19/07.

Sent the Board of Trustees their meeting packet on 10/19/07.

Sent Alan Barbieri bids for the centralized irrigation system on 10/19/07.

Sent Alan Barbieri bids for Advant Garden on 10/19/07. I am still waiting on a bid from A New Leaf.

Update sent to Mr. Clem 10/19/07

#### **Landscape Committee**

Alan Barbieri asked the Board of Trustees how serious they were about installing a centralized irrigation system. Ed Clem, strongly recommends that the Board of Trustees consider this system because as Finance Committee chairperson, he agrees that the system is needed. The Board of Trustees agreed that the Landscape Committee pursue the system further. Alan Barbieri will work with AMCS on pursuing the system.

The Board of Trustees reviewed the three properties on Avant Garden from A New Leaf, Carolina Landscape, and Lawn-O-Green.

Alan Barbieri thanked Barbara Fry for her hard work on putting together a landscape contract. It was reviewed by Milton Langley, turf expert; Michael Murphy, arborist.

Ward Mundy made a motion to get competitive bids on the landscape contract. Theresa Green seconded the motion. All in favor. Motion carried.

AMCS recommended that there be a bail out for each party. Thirty-days for I'On Assembly and ninety days for contractor. The Board of Trustees to bid out for a one year contract and a two year contract. Everett Wilcox suggested quotes on option of three, four, and five years.

**Parking Committee**

Everett Wilcox advised that the Town of Mount Pleasant is working on installing signage and laying parking on streets.

**Infrastructure Committee**

Len Hansen agree to accept three percent increase on Estate Management contract. AMCS has a bid on stocking ponds with fish for 2008 budget. He spoke to Chad Besenfelder; I'On may dredge south and north won't be done. Len Hansen suggest hiring an engineer to review.

Len Hansen will get a statement from Hillary Repik with the Mount Pleasant Storm Water Management about the drain outlets in the back of the community and then bring it to Chad Besenfelder.

Dwain Ray advised that the Rookery meeting was very informative and he noted that the people in attendance lived at the Rookery.

Dwain Ray's meeting with Chad Besenfelder to discuss the house drainage on Fernandina side of Westlake.

Alan Barbieri advised that \_\_\_\_\_ will be helping to learn about the phosphate levels in the lakes.

**Finance Committee**

We finished the month of September about \$6000 over budget, spending some \$42,000 versus a budget of \$36,000, partially offset by receiving revenues \$3600 above budget; \$4450 versus a budget of \$800. Year to date, we are some \$20,000 unfavorable on spending, at \$345,700 versus a budget of \$325,400, but we also are some \$16,500 better than budget on our revenues, so the net effect is less than \$5000 unfavorable.

Our major October spending is past, and, from a cash standpoint, we are in good shape, in spite of this slight overspending. We have a cash balance of about \$110,000, some \$7,000 in our checking account and \$103,700 in our Fidelity Select carryover from last year of some \$40,000. That, along with better revenues than projected, explains our favorable cash positions. Our actual spending is inflated because, so far, we have decided to absorb the cost of replacing both circulating pumps (nearly \$10,000) in our lake irrigation supply, as well as some \$2500 for replacing some worn out and vandalized Adirondack chairs, both expenses which arguably could have been paid out of our Capital Reserve fund.

Since our spending is consistently averaging about \$35,000 per month, and with just over two months to go in the year, I think we can safely move forward with some of the landscaping enhancement projects we budgeted for but delayed implementing since Fall is the preferred time for such plantings, and that enabled us to ensure we had the funds to do them. Looking ahead, there are no foreseen large outlays of cash looming on the horizon, although, we still may incur our budgeted directory expenses of \$3000. If something major and unexpected arises, we can revisit the question

of using Capital Reserve funds, not a desirable choice since we still remain woefully under funded there. While we have some \$345,000 in that fund, the Board felt we should have some \$500,000 in a storm cleanup fund alone, and the consultants who did an update to our capital replacement needs estimated we should now have a similar amount in the Reserve fund, so we are only a third of the funding level recommended.

We are in the process of putting together our budget for 2008, and the experience this year with much greater than expected repair costs, and the need to ramp up our landscaping budget to deal with identified shortcomings will be factored into that process. Our goal is to have a budget for Board approval in November, so it can be included in the mail out of the annual meeting package.

Alan Barbieri advised that the I'On Company may help pay for cost to help to repair Advant Garden.

#### **Communications Committee**

Theresa Green said the Communications Committee is working on the master calendar. Cynthia Rosengren is working on the director to have ambassadors deliver them by Thanksgiving. The directory will not have the parking plan map. Conservation Corp has designed a book mark for new residents. The Communications Committee has came up with objections on communicating in the community. Theresa Green will send the document to the Board of Trustees.

#### **I'On Design Committee Liaison/Compliance Committee**

Everett Wilcox made a motion to eliminate the D-107 amendment from the I'On rules which read "Rule Enforcement Procedure of the I'On Assembly. The most effective and desirable means of regulation enforcement is voluntary compliance. Common courtesy and concern for others goes a long way to maintaining a harmonious community. Therefore, when a neighbor objects to a condition, action, or event caused by another neighbor's actions or inactions, the initial step to resolve the matter(s) should be a discussion between both parties leading to resolution." As it is confusing and the procedure is set forth in the I'On Assembly. Dwain Ray seconded the motion. Six were in favor and one opposed. Motion carried.

Ward Mundy does not agree to eliminate D-107 because it makes the community a less nice place to live and it gets rid of the civility. Theresa Green thought that the ambassadors could address the concerns within their neighborhood and they did not want to offend their neighbors. Ed Clem read from the minutes of \_\_\_\_\_. Everett Wilcox advised that the new warning letter follows the policy set for in the document which reads \_\_\_\_\_.

Everett Wilcox advised that \_\_\_\_\_ minutes that \_\_\_\_\_. Alan Barbieri seconded the motion. Six were in favor and one was opposed. Motion carried.

Everett Wilcox made a motion to rename the Compliance Committee to the Covenants Committee. Alan Barbieri seconded the motion. All in favor. Motion carried.

Everett Wilcox advised that the Board of Trustees acted as the Board of Appeals in the past.

Everett Wilcox made a motion to appoint a Board of Appeals as called for in the governing documents and the Board of Trustees will take nominations for members at the next Board of Trustees meeting. All in favor. Motion carried.

Everett Wilcox will write up a notice to be sent out on the website.

Everett Wilcox made a motion to close and restart the clock on any outstanding violations subject to review of said violations by the Covenants Committee to determine which fines should be waived and why and which violation should stand. Alan Barbieri seconded the motion. All in favor. Motion carried.

#### Website Issues

Dwain Ray made a motion that the Board of Trustee now appoints AMCS as website administrator managing the I'On Assembly's ioncommunity.com website under the direct supervision and direction of the Assembly's president effective, immediately. Ted Webb seconded the motion. All in favor. Motion carried.

Board of Trustees agreed any concern with the website and should vote via e-mail and that would be acceptable.

Ed Clem advises the message board has become disgraceful. MC? Handed out four documents they were: I'On Community Website Subteam Charter, Community Web Site Terms of Service, Principles for Civil Dialogue, and What are the etiquette rules?

Everett Wilcox made a motion to approve the I'On Community website Subteam Charter as described as:

Purpose: This subteam of the I'On Assembly Communications Committee will serve at the ultimate direction of the I'On Assembly Board of Trustees, to provide a community website tool that fosters community collaboration by means of effective electronic communications in the best interest of the I'On Community. The office community website is [www.ioncommunity.com](http://www.ioncommunity.com).

The goals of the Team would include the following:

1. The Board establishes the official website-www.ioncommunity.com- serves as the official "publication" of notices for the I'On Assembly, as described in the I'On Bylaws (Section 2-106© and Section 3-103 (d)). The subteam will establish a process to ensure official meeting notices are posted on the website in keeping with the Bylaws, and that users who do not have ready access to the internet would be informed on at least an annual basis how to specifically request information of interest that is posted on the website. The latter special handling applies to titleholders that do not have access to an internet connection at their home or office.
2. Establish and institute a "Terms of Service" agreement for all users of the official www.ioncommunity.com website, such that all users of the site must accept these terms as a condition of use. This would establish that the use of the community website is a privilege, rather than a right, and that anyone not adhering to the Terms of Service could have their privileges removed at the discretion of the Board of Trustees.
3. Establish written job descriptions for the various website-related roles, such that volunteers understand their role, their boundaries, and the expectations set for them to serve in their

designated capacity. This includes establishing procedures for providing up-to-date content on the Community website, and other actions deemed appropriate by the Team to ensure proper usage of features of the website, such as address book, photo gallery, calendar, document depository, assignments of login ID's and passwords, etc.

4. Establish and maintain a schedule for the appropriate security levels required for individuals who need higher access levels than normal users of the website in order to perform their prescribed duties, that is to enter data, photos, schedule events, and perform other volunteer duties. The level assigned should be agreed by the Board and give only the access required for their specific function so as to maintain the highest level of security possible for the website. The subteam shall also determine whether the existing security system of the website is adequate to protect the assets stored on the website, and belonging to the I'On Assembly, and whether there are any existing compromises of the system that require Board Action.
5. Establish procedures for effective monitoring of the Community Message Board. The Communications Committee may choose to delegate responsibility to monitor the message board to the property manager, who will have the authority to determine if an action is indicated. The Website Subteam will establish a decision-making model that may specify circumstances that would necessarily require specific action by the Board (e.g. revoking a user's privilege).

Composition:

I'On Community Website Collaboration Subteam

- Website Administrator (TBD)
- Message Board Monitor (Property Manager, Cheryl Wilson)
- Calendar Editor (Jane O'Neil)
- Photo Gallery Editor (TBD-currently vacant)
- Director Editor (Cynthia Rosengren)

Which will consider adopting principles for Civil Dialogue. Follow Etiquette tips and website terms of service to be chaired by Ted Webb. Dwain Ray seconded the motion. Six in favor and one opposed. Motion carried.

Ed Clem asked Ward Mundy why he has created ioncommunity.net without coming to the Board of Trustees. Why it is identical and why with duplicate documents?

Ward Mundy stated he is using it as a backup. Ioncommunity.com uses a priatory company which claims to have copyright ownership on everything posted.

Ward Mundy advised .com is owned by Steve K\_\_\_\_\_ and he owns .net.

Everett Wilcox asked if the governing documents are on the AtHome.Net they get a copyright that document? Ward Mundy said he was not a copyright attorney and not sure by on each page they have a copyright. Everett Wilcox has a concern as do neighbors that he has pirated a copy of each residents e-mail address. Ward Mundy yes, Everett Wilcox asked about if he has passwords, Ward Mundy stated yes.

Everett Wilcox asked to return the information. Ward Mundy stated no and referred the Board of Trustees to page twelve of by-laws.

Alan Barbieri made a motion to hire an attorney to advise the Board of Trustees about the domain name and duplicate website. All in favor. Motion carried.

Ward Mundy to hire legal counsel which would be paid by the I'On Assembly. Everett Wilcox advised that the attorney would advise all members of the Board of Trustees, but if he feels he needs separate counsel he can get his own...

**Committee Charters**

**COMMITTEE CHARTER**

**NAME:** AMENITIES COMMITTEE

**CHARTER:** TO SERVE AT THE PLEASURE OF THE BOARD TO ASSIST WITH THE MANAGEMENT AND POLICIES FOR THE USE OF THE COMMON AMENITIES. ADVISE THE BOARD OF ANY ISSUES NEEDING ATTENTION AND WORK CLOSELY WITH THE ION TRUST, BIZNET AND OUR NEIGHBORS. WE WANT TO PROMOTE THE BETTERMENT OF OUR COMMUNITY WHILE PROTECTING THE COMMUNITY ASSETS.

**CHAIRPERSON:** ALAN BARBIERI

**MEMBERS:**

A REPRESENTATIVE FROM THE TRUST  
A REPRESENTATIVE FROM BIZNET

**The I'On Communication Committee Charter**

**Purpose:**

A standing Committee of the HOA Board, serving to proactively foster collaboration by means of effective communications, internal and external to I'On, consistent with expectations outlined in our ByLaws.

**Committee Objectives:**

1. **Quality:** To establish, maintain and enforce a set of quality standards for all oral and written communications of the I'On Assembly (in and outside of I'On). The purpose of these standards is to maintain a civil and collaborative spirit and way of conducting community activities in I'On.

This includes ensuring that all official communications of the I'On Assembly (including feedback letters) are consistent with these standards. This applies to all electronic forms of communications, too. The standards must be consistent with the spirit of the Preamble to our Declarations of Covenants, Codes & Restrictions. Should there be any concerns, the Committee recommends appropriate actions to the Board.



2. Frequency: To ensure every titleholder is regularly informed of matters of importance relative to the I'On Assembly - its strategic goals and progress against those goals.

This includes, but is not limited to publication of a quarterly newsletter to each titleholder, starting with the 1<sup>st</sup> Quarter newsletter outlining the Board's goals for the year. This is a proactive way to ensure Members understand how their regime fees are being used to maintain and enhance the community.

3. Timeliness and Accessibility: To ensure every titleholder has reliable and timely access to information relevant to the I'On Assembly Board and its actions, as specified in our ByLaws:

This includes formally establishing our community website as the official 'bulletin board' for community notices to ensure Members always have a way of accessing topics on the Board's agenda, as well as Board, Special, and Annual Meeting minutes. Residents without computer access are informed at least annually how to request a hard copy of anything that's posted on the internet they can't access.

4. Making Internal Connections: To ensure every new resident and titleholder has access to important and easy-to-use reference information about the community, including the phone directory, our official community website, and other on-boarding information.

This includes distributing Welcome Baskets to new neighbors, and the annual phone directory. Both of these tools are hand-distributed to residents as a service of our I'On Ambassadors. The Committee also makes recommendations to the Board about items that should go in the Welcome Basket, and recommends actions if they find that information in the printed and on-line directory has been mis-used.

5. Investing in External Connections: To establish and maintain a list of Key External Relations Contacts, e.g. Trustees or other neighbors appointed by the Board to serve as external liaison(s) with key outside organizations (e.g. Town and County officials, nearby HOAs, etc.), so communication channels are clear, open and consistent.

This is critical in establishing and maintaining a reputation for I'On as a leader in the greater community. It should include a specific goal in 2008 to take proactive steps to build relationships with our nearby neighborhood HOA leaders. And to establish a process by which written communications pertaining to Assembly business that are intended for an outside organization or the public are approved prior to distribution.

6. Event Coordination: To coordinate a long range Master Plan Calendar with the major community support organizations, and maintain a current ongoing Calendar for all of the major community events, easily accessible to residents and homeowners.

This includes looking for opportunities to collaborate, e.g. share resources (volunteers, financial or physical assets), prevent timing conflicts, and efficiently communicating to the community to ensure broad awareness using tools available to us. It may include improving or enhancing the existing communications tools we have.

NOTE: One event the I'On Assembly should coordinate for the community is National Night Out, in support of our local police department to strengthen our relationship with them.

7. Facilitating Feedback: To ensure every resident understands how they can most effectively provide information and feedback to the I'On Assembly Board or other appropriate organizations.

This objective includes training and empowering the I'On Ambassadors to be more effective resources and advisors to their nearby neighbors on how to give and receive effective feedback, and for the Ambassadors to have a formal means of providing constructive input and insights to the Board related to their specific borough needs.

- a. Support and Advocacy: To serve as a resource, advocate and/or liaison to the I'On Assembly Board on matters in relation to 'grassroots' community volunteer efforts.

This includes providing coaching and advocacy for 'unsponsored' volunteer roles like First Friday coordinator, Living in I'On newsletter editor, Annual Easter Egg Hunt coordinator, Flag stewards, etc. The designated advocate would be copied on neighbors' requests to use Amenities, and sit on the Amenities Committee. The Communications Committee can facilitate getting job descriptions and or event plans produced which will help these grassroots volunteers recruit and train themselves and their backups/replacements.

(Note: Lead responsibility for developing the Volunteer Database system should be with the I'On Trust, whose mission specifically addresses promoting volunteerism. The I'On Assembly will be one of the important 'customers' of this new database and will have a representative on the Subteam developing the tool.)

#### PROPOSED COMPOSITION

Chairperson: I'On Assembly Trustee (Theresa W. Green)

#### Members:

- HOA Newsletter Editor (Barbara Fry\*)
- Living in I'On Newsletter Editor (Barb Fry after Carol Williams)
- Website Collaboration Subteam Leader (TBD)
- Directory Collaboration Subteam Leader (Cynthia Rosengren)
- Calendar Editor (Jane O'Neil)
- Community Events Collaboration Subteam Leader (Anne Register\*)
- I'On Ambassadors Coordinator (Diane Ayers)
- I'On Radio/WGI Coordinator (William Hamilton)
- External Relations Coordinator (Designated Trustee, Theresa G.)

\*To be confirmed.

Proposed SubTeams:

Community Events Collaboration Subteam: (meets Q'ly or as-needed)

- I'On Trust (Anne Register) – Subteam Leader\*
- I'On Assembly (Designated Trustee, Theresa Green)
- I'On Biznet (David Williams)
- I'On Club (Joey Eskridge)
- Community of I'On Artists (Diane Balister\*)
- Conservati'on Corps (Julie Chapman)
- Community in Acti'on (Hannah Morris and/or Susan Cass)
- East Cooper Montessori Charter School (Jody Swanigan)
- Church of the Holy Ascension (Father John Parker)
- Holy Cross Church (Nicole Streetman)
- Calendar Editor (Jane O'Neil)
- Volunteer Database Coordinators (Len Hanson, Phil Ayers)

I'On Community Website Collaboration Subteam

- Website Administrator (TBD)
- Message Board Monitor (Property Manager, Cheryl Wilson)
- Calendar Editor (Jane O'Neil)
- Photo Gallery Editor (TBD – currently vacant)
- Directory Editor (Cynthia Rosengren)

Directory Collaboration Subteam

- Overall Editor (Cynthia Rosengren)
- Residents' Content (Cynthia Rosengren)
- BizNet Content (David & Carol Williams, Diane Balister)
- HOA Content (Designated Trustee, Theresa Green)

Finance Committee Charter

The finance committee and/or chairman have the following responsibilities:

1. Working with the management company, and with input from the Board of Trustees, committees and other organizations within I'On receiving some financial support from the HOA, prepares an annual budget for Board approval.
2. Reviews the monthly statements prepared by the Management company for adherence to recognized accounting procedures, to ensure charges are correctly documented and categorized. Keeps the Board of Trustees informed of progress against budget, including the status of regime fee collection, including any significant delinquency issues and/or unfavorable adherence to budgeted spending for specific accounts.

3. Makes periodic reports to the Board of Trustees, and the community, as called for in the by-laws, on financial issues affecting the organization.
4. Is a signatory for all checks issued by the management company, and ensures that sufficient documentation is provided to justify the expenditure, including invoices, bills, etc. Maintains a file of all expenditures.
5. Provides guidance to the Board on funding requests outside the budget, and makes recommendations as to from where the funding should come. Reviews contracts submitted by vendors for Board approval to ensure adequate funding exists.
6. With the approval of the Board of Trustees, administers an investment program for excess organizational funds that combines a need for liquidity, safety to preserve capital and adequate return on the investment. Transfers funds, as needed, from this investment pool to the management company banking account to support the spending needs of the community.
7. Arranges for an independent annual audit of the management company's records in accordance with accepted accounting procedures, and as called for in the by-laws.
8. Oversees the preparation of annual federal and state tax returns, and arranges for proper signatures for filing.

### **Infrastructure Committee Areas of Responsibility and Authority (Charter)**

On behalf of the P'On Assembly, this committee looks after the below responsibilities, subject at all times to approval and direction by the Board of Trustees. The committee will be headed by a member of the Board of Trustees and committee members will be homeowners who volunteer and are selected on the basis of their willingness and abilities.

- Maintenance of Boathouse, Eastlake post house, Rialto post house, Scramble post and storage house, Amphitheatre structures, bridges over Jefferson and Lafayette canals, Ramble fence, Scramble fence. (power wash, paint, repair, lights, etc.)
- Lake, pond and canal maintenance and improvement (Eastlake, Westlake, Jefferson Canal, Washington Canal, Hospitality St. settling pond, Saturday Road settling pond). (contract with Estate Management)
- Maintaining Rookery structures, pathways and wildlife sanctuary
- Walking path refurbishment and repairs (Westlake path, Eastlake paths, Maybank paths, marsh walk path system)
- Playground equipment maintenance (Soccer field, Scramble, Ramble, Hopetown play area) (annual contract with contractor and special repairs or improvements).

- Curb and sidewalk repair (negotiating with city for work on deeded streets and curbs and / or paying for work ourselves when necessary)
- Interaction with street lighting company.
- Co-ordination of handover procedure with Developer and Board on various phases.

What we do not do:

- Landscape lighting
- Landscape irrigation
- Landscape anything

2007

D. Ray

Infrastructure Committee Members  
I'On Assembly Second Quarter 2007

*Here is a breakdown of who is in charge of what in the Infrastructure Committee of the I'On Assembly Board. Please direct communications accordingly .(As of June 2, 2007)*

Fred McIntyre

Oversees maintenance and management of Boathouse, Eastlake post house, Rialto Road post house, Scramble post house and storage building, Amphitheatre structures, bridges over Jefferson and Washington canals, Ramble fence, Scramble fence, Memorial Park and docks on creeks (not including Creek Club docks). Approves and initiates ongoing maintenance schedules and arrangements for repairs and facility changes in conjunction with AMCS. Major unbudgeted expenses referred to Board for approval.

Len Hanson

In charge of the lakes and ponds (excluding Rookery pond). Includes Eastlake, Westlake, Hospitality Street settling pond, Saturday Road settling pond, and the two canals (canals are not yet officially conveyed to the HOA but we provide guidance to TIC to assure maintenance in best interests of homeowners). Manages lake maintenance primarily through contracted services from Estate Management Co. Interacts with AMCS to oversee issues such as water quality, coliform levels, algae and weed control, chemical treatments, stocking of fish, introduction of sterile carp, clean-up of debris in water, etc.

Alan Gentry

The Rookery. In conjunction with AMCS and TIC, looks after the management of the Rookery as both a homeowner's amenity and a wildlife sanctuary. Oversees maintenance of the trail path system and the observation towers. Acts to safeguard the natural environment as needed to meet objectives of the preserve. Acts as liaison with all parties involved, including neighbors, TIC, the HOA, AMCS and wildlife experts. Provides direction to AMCS on specific maintenance work.

**Wes Haynes**

Has conducted a partial review of sidewalk and curb repairs needed in I'On on streets deeded to the city. Future work needed includes completion of the review and seeking city-funded repairs (or HOA funded repairs where applicable).

**Dwain Ray**

Walking path refurbishment and repairs including path systems around Maybank Green, Westlake, Eastlake and the marshfront trails. Mailboxes. Playground equipment and facilities including Soccer field, Scramble equipment, Ramble equipment and Hopetown play equipment. Works with AMCS to oversee annual contract with playground equipment maintenance contractor. Interacts, when needed, with street lighting electric company. Coordinates handover procedure with TIC and the HOA on any new phases of I'On proposed for conveyance to the HOA. Handles miscellaneous infrastructure issues not covered by other committee members.

We appreciate the willingness of our neighbors on the committee to volunteer in managing the valuable assets held in common by the HOA. Thank You, Dwain Ray

**COMMITTEE CHARTER**

**NAME:** LANDSCAPE COMMITTEE

**CHARTER:** THE LANDSCAPE COMMITTEE WILL SERVE AT THE PLEASURE OF THE BOARD TO ACCOMPLISH THE FOLLOWING:

- 1- MONITOR THE PUBLIC REALM IN ION. MAKE REPORTS OF PROBLEMS AND/OR ISSUES, SUGGEST IMPROVEMENTS
- 2- WORK TO ASSIST THE MANAGEMENT COMPANY TO MONITOR THE LANDSCAPE CONTRACTOR
- 3- SEEK PROFESSIONAL CONSULTANTS TO, WHEN APPROVED BY THE BOARD, OFFER RECOMMENDATIONS FOR CORRECTIONS NEEDED AND/OR IMPROVEMENTS NEEDED
- 4- HELP THE BOARD IN DRAFTING A LANDSCAPE CONTRACT TO BE USED TO BID AND CONTROL THE WORK OF THE LANDSCAPE CONTRACTOR.
- 5- HANDLE ISSUES RAISED BY NEIGHBORS, TO THE MANAGEMENT COMPANY, INVOLVING LANDSCAPE ISSUES

**CHAIRPERSON:** ALAN BARBIERI

**MEMBERS:** BARBARA FRY, CARTER FOX, FRED MCINTYRE  
BRAD DAVIS, LINDA MOSER, CYNTHIA WEBB, JOHN POWERS, ALAN GENTRY,  
BROOKE NIZNIK, CHARLIE MOUNTAIN, MELINDA ARMSTRONG

**COMMITTEE CHARTER**

**NAME:** PAST BOARD MEMBER COMMITTEE

**CHARTER:** PROMOTE THE CONTINUED INTEREST OF PAST BOARD MEMBERS IN THE AFFAIRS OF THE COMMUNITY.  
PROVIDE A MECHANISM TO DRAW ON THEIR EXPERIENCES TO ENHANCE AND SUPPORT THE DECISION MAKING PROCESS OF THE SITTING TRUSTEES.

**CHAIRPERSON:** (PROPOSED) CAROLANN MCLESTER

**The I'On Boathouse Committee**

**Charter of the I'On Boathouse Committee**

The goal of this committee is to assist the Board in achieving the equitable management of the I'On Boathouse facility and adjacent Eastlake waterfront in the best interests of all I'On residents with special attention to recreation and water safety.

The Boathouse Committee was established by the Board of Trustees in 2001 to advise and assist the Board on the following matters relative to the I'On Boathouse structure and adjacent waterfront on Eastlake.

- Swimming and boating safety.
- Approved uses of the boathouse.
- Enforcement of safety rules such as restricted diving from the upper level.
- Vandalism issues.
- Behavior issues.
- Security issues.
- Use of facilities by non-residents.
- Advising Infrastructure Committee on maintenance needed on boathouse and adjacent banks.

The Boathouse Committee has been a standing committee since its inception but it is only active at times when there are issues that needed attention. It has an indefinite term. The chairman of the committee can call the committee to meet when if he/she recognizes a need or when the Board requests them to consider specific issues. At all times the committee will act in an advisory capacity. It will advise the board on Boathouse matters and the board will make final decisions on related rules, expenditures and controversial issues.

**Membership and Chairmanship of the I'On Boathouse Committee**

The chairman of the committee is appointed by the Board for an indefinite period and will continuously serve in that capacity until they resign or are replaced or dismissed at the discretion of the Board. At times when the committee is not active enough to maintain a full roster of members, the chairman will continue to act as an advisor to the Board on Boathouse Committee matters. The current chairman of the Boathouse Committee is Hugh Wilder. He was acted in that capacity since 2008 when he was appointed by the Board to succeed board member Leslie Feliabom.

Committee members will be appointed by the committee chairperson from time to time as needed. Appointments are subject to board approval. Committee members should include homeowners who live near the boathouse and homeowners with young children who are potential frequent users of

the boathouse and lakes. In addition, residents with special backgrounds and expertise of benefit to the committee should be sought out.

When last active, the committee's members were Joanne Grant, Libby Eble, Sara Darociak, Skip Runge, Steve Kwiatkowski, Dwain Ray, Annie Bonk, Dave Rosengren, and Mary Hewlett.

**Boating Committee Charter**

**Purpose and Responsibilities:** The Boating Committee is commissioned by and reports to the Board of the I'On Assembly. The committee's purpose shall be to promote the active and satisfying use of boating amenities including the waterfront in the I'On Community. The committee is responsible for advising the Board on boating-relating matters including the community boat ramp, the community docks, boat, and boat trailer parking, enforcement of rules pertaining to the above, insurance of boating-related facilities in the I'On Community, and utilization and interpretation of the easement between the I'On Assembly and the I'On Company and its subsidiary organizations including the I'On Club.

**Terms:** The Boating Committee is established as a standing committee of the Assembly with an indefinite term. Committee members and the committee chair's terms shall expire on the date of the first Assembly Board meeting each calendar year.

**Committee Organization:** Initial committee appointments shall be made after Board approval of this charter and within a reasonable time following public solicitation of interest in serving on the committee. Thereafter, the Board shall publicly solicit volunteers in December of each year. The committee shall meet at the call of the committee chair as frequently as necessary to fulfill its purpose and responsibilities. Minutes shall be taken at all committee meetings. The committee chair shall serve as the Board liaison. The committee may organize itself into subcommittees to address specific tasks; however, recommendations shall flow from subcommittees to the full committee for approval before being forwarded to the Board.

**Relationship to Board:** A copy of all committee meeting minutes shall be forwarded to the Board by the committee chair in a timely matter. Expenditures of the committee must be approved in advance by the Board.

**Relationship to Management Company:** Management company staff will provide access to all records, files, and contracts pertaining to subject matter within the purview of the Boating Committee. Staff will provide clerical and logistical support to the committee upon the request of the committee chair.

**Boating Committee Membership:** Ward Mundy, Bob Bishop, Lindsey Williams, Peter Perera, Duane Wayman, Lea Ann Adkins, Tip Jennings, Laurie Thornhill, Matt Walsh, Jamie Eisman, Skip Runge, William "Jack" Hamilton, David Niemann, Mike Balister, David Yarborough, Rion Foley, Nathan Hughey, Tim Wise, Kelly Mangas, Nancy Marsden, Andy Howell, Lorcan Lucey, Nate Dapore, and Nathan Marsden.

Everett Wilcox made a motion to accept the chargers. Dwain Ray seconded the motion. All in favor. Motion carried.



#### **I'On Amenity Standards**

Alan Barbieri advised that because the developer is no longer in control the Board of Trustees had a need to adopt a I'On Amenity Standards. Alan Barbieri will advised the committee to meet to discuss events thrown by residents for the community and recommend revision to the I'On Amenity Standards. I'On Trust and I'On Biznet are members of the community because they sponsor events and the I'On Assembly wanted their input. The committee will be more lenient on neighborhood events.

#### **East Cooper Montessori Charter School Insurance**

Ed Clem met with Dr. Nancy Kagan and JS? With Everett Wilcox. Everett Wilcox reported that it was a good meeting. JS? Had found use agreements (lease agreements) on two sites requiring insurance coverage. Not sure if the insurance was supplied permissive use agreement signed in 2003 between I'On Assembly and East Cooper Montessori Charter School to use common areas. PUA would hold I'On Assembly indemnified; however, it was tied to lands lease and that expired June 30, 2006. Everett Wilcox had suggested to East Cooper Montessori School to re-draft documents. SC Law \_\_\_\_\_. And this may coverage situation. Everett Wilcox will retain SC counsel to confirm. East Cooper Montessori School cannot get insurance, I'On Company raised the rent to cover which may have voided SC Law \_\_\_\_\_.

1. Revive per use agreement.
2. Retain SC counsel.
3. I'On Assembly and East Cooper Montessori School looking for insurance.

Alan Barbieri made a motion to move forward with retaining legal counsel. East Cooper Montessori School may hold annual meeting. Everett Wilcox seconded the motion. All in favor. Motion carried.

I'On Square parking signage. Alan Barbieri working with Chad Besenfelder.

#### **Basketball Court**

Everett Wilcox made a motion to put in a basketball court. Ted Webb seconded the motion. Five in favor. One opposed and one abstained from vote.

#### **Soccer Field**

Table conversation.

#### **Reality and Infrastructure Signs**

Alan Barbieri explained the concern with large numbers of unauthorized . Board of Trustee tabled discussion.

#### **Voting Procedure and Proxies**

Revised.

#### **Newsletter**

Barbara Fry-newsletter editor.

#### **Nomination Committee**

Five people on the committee. People who are known in leadership roles. Known people who are interested to be on Board of Trustee previously: Phil Ayers, Ann or Becky, George Flynn, Carol Ann McLester, Andy Gowder.

Alan Barbieri made a motion to approve. Dwain Ray seconded the motion. All in favor. Motion carried.

Candidates to meet Board of Trustees everyone is welcome.

**Personal Attacks of Board of Trustee Members**

The Board believes that the President of the I'On Assembly acted appropriately and within the scope of his authority and fiduciary duties last Friday to protect the security of the community website, as described in his communication to all I'On homeowners on Saturday. Although we believe it is unnecessary, for the avoidance of any doubt, the Board hereby ratifies and approves these actions.

The Board also agrees that the I'On community was entitled to see a copy of the letter from Vince Graham to our President regarding the proposed PD amendment. Thus we approved of the dissemination by AMCS on Saturday of a copy of this letter. While neither the President nor the Board endorses the positions expressed in Mr. Graham's letter, we believe it does provide information and viewpoints that the neighbors were entitled to know.

Best regards,

Everett

Bverett Wilcox made a motion to approve the above statement. Ted Webb seconded the motion. Five were in favor, one oppose, one abstain from vote. Motion carried.

Everett Wilcox made a motion to approve the above statement. Ted Webb seconded the motion. Five were in favor, one oppose, one abstain from vote. Motion carried.

Ward Mundy advised that Vince Graham's letter was inaccurate and Ed Clem was advised. Board of Trustees did not know whether the document was true or not. Brought to attention by Ward Mundy's document was wrong. The Board of Trustees will ask for clarification.

**Meeting Adjourned to Executive Session.**

**Next meeting will be held on November 28, 2007 at 6:00 PM at the I'On Company Upstairs Conference Room.**

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Theresa Green, Secretary

**I'On Assembly  
Preliminary Board of Trustees Meeting Minutes  
January 16, 2008**

**Members Present** Dr. Alan Barbieri, Sheri Cooper, Barbara Fry, Ward Mundy, Bruce Kinney, John Powers, and Matt Walsh

**Guests** Annie Bonk, Chad Besenfelder, Jack Hamilton, Ed Clem, Jennifer West, Alan Gentry, Skip Runge, Lee Ann Adkins, and Tom Graham

**AMCS** Cheryl L. Wilson and Jamie Kerr

Alan Barbieri called the meeting to order.

**Minutes**

The minutes were tabled until the next meeting.

**AMCS Report**

AMCS reported the following account balances as of January 4, 2008:

Operating Account \$14,791.73

Fidelity Investment Account

Capital Reserve Funds \$347,793.59

Operating Funds in Reserves \$24,508.53

AMCS stated that the Board of Trustees meeting packet was sent out on November 21, 2007 to the Board of Trustees giving them a chance to review the operating statement, twelve month trend, balance sheet, open and closed work orders. AMCS asked the Board of Trustees if there were any questions regarding these reports. There were no questions from the Board of Trustees. The violation report, collection report, and lien report were discussed in executive session.

Utilize website especially the Board of Trustees section which allow Board of Trustees to do the following: track tasks, communicate via chat or private message board, review Board of Trustee reports. AMCS would like to set up a meeting with the Board of Trustees to review these options further.

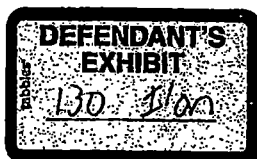
**Neighbor Comments**

Jack Hamilton passed information on the I'On 1640 AM Radio Station regarding the Presidential Election. He also distributed the January 17, 2008 edition of Going I'On.

**Agenda**

Alan Barbieri reviewed the evenings agenda with the Board of Trustees. He advised that this was the standard procedure for the monthly Board of Trustee meeting; however, this process can be changed.

The Board of Trustees discussed whether or not to hold the transition meeting as a part of executive session or open meeting.



I'On Assembly 000431

Bruce Kinney made a motion to hold the transition meeting during the regular meeting. Ward Mundy seconded the motion. All in favor. Motion carried.

Susan/West presented the Board of Trustees with pictures of the common areas that runs along and behind her property at \_\_\_\_\_ Hopetown Road. Alan Barbieri advised that last year Dwain Ray worked with Jennifer West and Lawn-O-Green to obtain a quote of \$1,250.00 to remove the unwanted vegetation. Mrs. West asked the Board of Trustees to reconsider the quote to remove the vines that are taking over the area and to remove the dead trees. Sheri Cooper asked Mrs. West if she thought this would be something that needs to be removed or maintained on a regular basis. Mrs. West advised that she did not know. Alan Barbieri suggests that after the committee chairpersons are in place and budgets are reviewed the Board of Trustees and asked Mrs. West to give the Board of Trustees sixty days. Mrs. West agreed.

Jack Hamilton advised the Board of Trustees that they have access to the I'On Radio to advertise meeting and events.

Jack Hamilton expressed his concerns with the need for civic life in the community.

Annie Bonk expressed her interest in volunteering for the Finance Committee as she has done so in the past.

#### **Election of Officers**

Barbara Fry made a motion to elect Bruce Kinney as President for the I'On Assembly. Matt Walsh seconded the motion. All in favor. Motion carried.

Ward Mundy will serve as Vice President.

Sheri Cooper will serve as Secretary by nano decree.

Barbara Fry will serve as Treasurer by nano decree.

#### **Board of Trustee Terms**

Ward Mundy expressed his concern regarding setting Board of Trustee terms at the first meeting. The Board of Trustees agreed to table this discussion until a later date.

#### **Development Update**

Chad Besenfelder updated the Board of Trustees on the following items:

##### **Rookery:**

The I'On Rookery Plan is complete and The I'On Company would like to move forward with enhancements. Work will begin early February 2008. We expect the project to be completed by February 15. The I'On Company asks the Homeowners Association's help with pruning and maintenance.

The I'On Company needs I'On Assembly permission to proceed. The project should be completed by March 1, 2008. The I'On Company will endure the cost for the project. The Board of Trustees will get a maintenance schedule on how to proceed with long term maintenance. I'On Assembly

will prune vegetation from the Rookery Tower and Chad Besenfelder will work with Lawn-O-Green.

Ward Mundy made a motion to approve Rookery maintenance plan by the I'On Company. Alan Barbieri seconded the motion. All in favor. Motion carried.

**Roundabout and Club Entrance:**

The I'On Company removed the suffering bushes from the Mathis Ferry Road roundabout. We would like to plant trees and waiting DOT permit. The I'On Company will landscape the roundabout to match the smaller triangle medians late January. We ask the Homeowner Association maintain the area weekly.

Survey work is complete for a new entrance from Mathis Ferry Roundabout. Engineering plans will be complete later this month. I plan to apply for DOT permit early February. The Entrance will provide added connectivity to the Club and School in hopes to reduce Civitas Street congestion.

The I'On Company and AMCS will work with Lawn-O-Green to have them maintain round about at the I'On Assembly's expense.

**Mountable Curb Project:**

Town of Mount Pleasant has approved curb modification design and Gulf Stream is staging this week. Curbs will be modified to allow on street parking for Ionsborough Street, Latitude Lane, and McDaniel Lane. We expect work to be completed by January 29.

**Rezoning CM-9 and CM-12:**

The I'On Company has applied to rezone commercial lots CM-9 and CM-12 into two residential lots. The first Town Commission Meeting scheduled January 23. If approved, the proposal will be sent to Town Planning Committee and public hearings. We expect a smooth process and complete by March 11.

The I'On Company will amend the documents to include CM-9 and CM-12 lots so they are governed under the I'On Company governing documents. The I'On Company is open to proposals from the I'On Assembly regarding the PD Amendment.

**I'On Lot Sale Report:**

The I'On Company has contracted 17 builder lots this past two months. We have released 13 of the remaining 15 lots for sale at reduced prices and expect them to sell quickly. The Jefferson Canal project is under review and we expect designs to be completed soon. This project will involve approximately 14 homesites.

**I'On Club and Boat Dock:**

The I'On Club is gearing up for another session and will be using I'On Amenities outlined in the "Recreation Use Agreement". The Club staff will be more engaged in the community events and promote fun and fitness throughout the neighborhood. The public realm is designed to be used by people and to enhance the quality of life for I'On Residents. The I'On Club will be more active in our community beginning this spring.

The I'On Boat Facility estimated operational costs are calculated for 2008 and the I'On Company presented to the Homeowners Association late last year. We ask the Board to please adjust their current payment to the Club. Added efforts to police the docks are in planning and we would like to meet with the I'On Boating Committee soon to review before April 2008.

AMCS to post user agreement on the community website.

**Miscellaneous Enhancements and Deed Transfers:**

The I'On Company will begin plans to enhance landscape in the I'On Square, Perseverance Park, and Patience Park on Ionsborough Street. Wertimer Architects will recommend schedule and the I'On Company will presented this plan to the Homeowners Association before work begins. We would like to complete this project early March.

The I'On Company is planning to deed over Phase 7, Phase 9, I'On Square, and the Amphitheater to the I'On Assembly before April 2008. We will schedule a walkthrough with the Homeowner Association Landscape Committee in March and follow the handover process established in 2006.

The I'On Company will draw up a user agreement for the I'On Square and Amphitheater before it is turned over to the I'On Assembly. John Powers asked Chad Besenfelder if he would be willing to help the I'On Assembly clean up the area at the corner of Hopetown Road and North Shelmore. Chad Besenfelder will meet with the Board of Trustees to work out something.

**I'On Survey:**

The I'On Company would like to conduct an I'On resident survey next month and include topics of community interest and events. The I'On Club, neighborhood organizations, and other I'On related issues. We would like the Homeowner Association to perform a professional survey directed by Guild Quality. Questions will be available before sending to residents.

The I'On Assembly can also include question to the survey. The Board of Trustee will appoint

Bruce Kinney asked if the I'On Company can amend governing documents. The I'On Company passed their term as founder and can no longer amend the governing documents, but can still have rights.

**Georgetown Road Name Change**

January 23, 2008 meeting for Town Commission to vote on the name change.

**Meetings**

Bruce Kinney suggests executive session at the top of the meetings.

**Open Meetings**

Neighborhood comments (five minutes each), minutes, manager report, order of committees, each committed two or three days before meeting list the topics.

Ward Mundy said that meeting be reserve for motions and decisions.

Bruce Kinney asked the Board of Trustees be aware of what they say when out in the community. Post the agenda the week before the meeting.

Ward Mundy suggests establishing a budget for each committee chairperson.

Committee threshold left at \$1,500.00. Reviewed the Board of Trustees manual, manager duties handout.

**SERVICES PROVIDED UNDER  
MANAGEMENT CONTRACT**

**FISCAL**

1. Assessment Collection
2. Delinquency Follow-up
3. Coordinate with attorney in filing liens
4. Coordinate with attorney in foreclosure proceedings
5. Invoice Approval
6. Bill Payment
7. Financial Report Preparation
8. Coordinate with accountant in tax filings
9. Budget Preparation
10. Reserve Analysis (Long Range Planning)

**ADMINISTRATIVE/CLERICAL**

1. Board of Directors Meeting Attendance
2. Annual Meeting Attendance
3. Typing of Minutes
4. Annual Meeting Coordination
5. Homeowner Roster Maintenance
6. Resident Orientation Letter
7. Specification & Bid Preparation
8. Contract Negotiating
9. Monthly Delinquency Report
10. After-hour Answering & Emergency Assistance
11. Work Orders: Recording & Processing with follow-up
12. Rules & Regulations Enforcement
13. General Correspondence
14. Hiring/Firing/Supervision

**COMMUNITY MAINTENANCE**

1. Coordinate with all contractors
2. Weekly Walk-through Inspections
3. Monitoring water and electrical usage

1. Website-communications committee subteam
  - a. Standards of communication-message board.
  - b. Appropriate security levels/password protection.
2. Montessori School insurance coverage and conditions of use.
3. Covenants enforcement.
  - a. Confusion over IDC/Assembly issues.
  - b. New "clean slate" start and notification.
  - c. Outstanding issues.
  - d. Need for consistency complicated by grandfather approvals.
  - e. Rental practices.
4. Drowning
  - a. Board liaison.
  - b. Boathouse modifications/safety provisions.
  - c. Potential impact on insurability.
5. Finances
  - a. Capital Reserve contribution for 2007.
    1. Minimum recommended level (\$1MM).
    2. Storm cleanup fund (\$500K).
  - b. Income tax filing status
  - c. Delinquencies/cash flow implications.
  - d. Transfer Fee.
6. Asset turnover process
  - a. Existing marsh docks/marsh paths.
  - b. Amphitheater-tax implications.
  - c. Board liaison.
7. Boating facility cost sharing agreement.

**Past Board of Trustees President Report**

Ed Clem reported on the following items:

Point person dealing with East Cooper Montessori School was Everett Wilcox, Alan Barbieri, and Ed Clem.

Tim Bouch, attorney, Bruce Kinney suggests hiring an attorney to be familiar.

Alan Barbieri made a motion to get a letter of engagement from Tim Bouch with Leah, Bouch, and Crawford. All in favor. Motion carried.

The insurance will increase in February 2008. It should not be a substantial increase.

The previous Board of Trustees agreed to hold off on transferring the 2007 operating surplus to the reserve account. The new Board of Trustees will need to decide.

AMCS advised that another Homeowner Association has applied for a line of credit available in case of a storm. This prevents the over funding of the reserves.



**Board Of Trustees Terms**

When any members leaves the Board of Trustees, that seat will be up for election.

**Committees**

The Board of Trustees agreed to the following:

Landscape Committee with Infrastructure sub committee-Alan Barbieri.

Finance Committee-Sheri Cooper

Compliance Committee-Sheri Cooper

Communications Committee-Barbara Fry

I'On Design Committee-Ward Mundy

Amenities-Matt Wash (includes boating and boathouse).

Past Board Members-

**Past Board Recognition**

To recognize the past Board of Trustee members a bench with a plaque will be placed in the community.

Alan Barbieri made a motion to provide a bench for the outgoing Board of Trustees. Ward Mundy seconded the motion. All in favor. Motion carried.

**Advant Garden**

The project will be paid from the 2006/2007 surplus.

Alan Barbieri made a motion to proceed with the Advant Garden. John Powers seconded the motion. All in favor. Motion carried.

**PD Amendment**

The Board of Trustees discussed the following: history, resident feedback, and strategy for going forward.

**Insurance Policy**

The Board of Trustees to meet with Patrick Smith regarding the following: D&O policy and common enterprises liability coverage.

**Creek Club Usage Agreement**

The Homeowners Association was paying \$4,719.00 per year. The Board of Trustees discussed whether there was still a need for the Creek Club. Alan Barbieri will get a price for the I'On Company for the I'On Assembly renting the Creek Club on a once a day on a weekly basis.

The Board of Trustees may discuss the need to charge for renting the Creek Club. Since the I'On Trust and I'On Biznet no longer have a need for the building and the I'On Assembly will need to pay full price instead the three way split.

**I'On Trust**

Alan Barbieri suggested inviting the I'On Trust to a Board of Trustees meeting to discuss a relationship. The Board of Trustees will set a date.

**Board of Trustees Meeting**

The Board of Trustees meeting will be set the fourth Thursday at 5:30 PM and 6:00 PM meeting start.

**East Cooper Montessori School Insurance and User Agreement**

Ward Mundy will meet with the presided of the East Cooper Montessori School and Bruce Kinney.

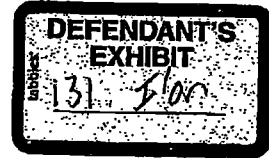
**Meeting Adjourned to Executive Session.**

Next meeting will be held on \_\_\_\_\_, 2008 at 6:00 PM at the I'On Company Upstairs Conference Room.

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Theresa Green, Secretary

I'On Assembly  
Board of Trustees Meeting Minutes  
October 30, 2008



**Members Present** Bruce Kinney, Sheri Cooper, John Powers Barbara Fry, and Matt Walsh

**AMCS** Cheryl L. Wilson

Bruce Kinney called the meeting to order.

Bruce Kinney reminded everyone in attendance that there are three seats on the Board of Trustees that will be up for election in December and owners should consider getting involved.

**Creek Club**

Bruce Kinney advised that the Board of Trustees have been compiling the community's input on the sale of the Creek Club and that they have taken those comments, questions, and concerns to the I'On Assembly's attorney to review.

The Board of Trustees advised that the Graham family has the right to sell the Creek Club and if this deal falls through there will most likely be another buyer down the road. This process will prepare the Board of Trustees for another buyer.

Bruce Kinney advised that the Board of Trustees will not enter into any binding agreement for the I'On Assembly in regard to the sale of the Creek Club. The agreement will be made available to owners of the I'On Assembly and a special meeting will be called for homeowners to ask questions to the I'On Assembly attorney.

Bruce Kinney opened the floor to the owners present.

Catherine Templeton [REDACTED], advised of her meeting with several homeowners on Saturday Road. At the meeting the owners voted unanimously to request the Board of Trustees to pursue a lease hold on the Creek Club property. Mrs. Templeton asked that the Board of Trustees obtain a ruling on whether or not the Creek Club is a civic lot or a commercial lot. Mrs. Templeton advised that she contacted Joel Ford with the Town of Mount Pleasant and asked him to make a ruling. (See attached proposal from the homeowners of Saturday Road to the Board of Trustees dated October 20, 2008).

Matt Walsh advised that the Creek Club is classified as a civic lot.

Lea Ann Adkins of [REDACTED], advises that she feels that the proposed plan for the Creek Club will need a Planned Development Amendment change. Mr. Walsh advised that the vacant lot next to the Creek Club will need a zoning change to change it from a residential lot to a commercial or civic lot.

M.P. Wilkerson [REDACTED], asked what property was included in the sale of the Creek Club. Mr. Walsh advised that the vacant lot to the left of the Creek Club is a separate piece of property. The property known as the Creek Club includes:

- The Creek Club.
- The parking lot to the right of the Creek Club.
- The lawn in the front of the Creek Club.
- The boat ramp.

- The boat dock and gazebo.
- The marsh walk path to the left of the Creek Club.
- The overflow parking lot at the opposite end of Saturday Road.

A resident asked if the number of events could be limited by any laws. The Board of Trustees advised no.

A resident asked what the timeline was for the sale of the Creek Club. The Board of Trustees advised that the parties are working together amicably and a exact timeline for the sale of the Creek Club has not been established.

A resident asked if the agreement would run indefinitely. The Board of Trustees advised yes.

A resident asked if civic use was defined in any of the I'On governing documents. The Board of Trustees advised that they were not aware of any definitions in the governing documents.

A resident asked the Board of Trustees to take their time when negotiating with the sale of the Creek Club. The Board of Trustees agreed.

The Board of Trustees advised that the purchasers of the Creek Club will present a more definitive plan once it is in place, then those details will be presented to the Board of Trustees.

Kevin Whalley [REDACTED] expressed his concern that the property values in the community will decrease if amenities such as the Creek Club are lost.

Bob Pitts of [REDACTED], stated that if the Town of Mount Pleasant rules that weddings do not fall within the civic guidelines then the Creek Club will lose it's value. It would no longer be of any use to the purchasers, only to the I'On Assembly. If the I'On Assembly has to run the Creek Club, they won't be able to supplement the income of the I'On Assembly by renting the building for weddings.

Brad Walbeck of [REDACTED], asked if the vacant lot next to the Creek Club is not rezoned commercial do the purchasers still want to buy the Creek Club? The Board of Trustees advised yes.

Jack Hamilton [REDACTED], expressed his concerns regarding civic life in the community.

#### Minutes

Barbara Fry made a motion to accept the September 24, 2008 Board of Trustees meeting minutes as presented. Matt Walsh seconded the motion. All in favor. Motion carried.

#### AMCS Report

AMCS reported the following account balances as of October 22, 2008:

|                             |              |
|-----------------------------|--------------|
| Operating Account           | \$17,569.21  |
| Fidelity Investment Account |              |
| Capital Reserve Funds       | \$393,100.79 |
| Operating Funds in Reserves | \$143,591.73 |
| Harbor National Accounts    |              |
| Reserves                    | \$30,732.00  |
| CD #2000343                 | \$31,819.39  |
| CD #2000343                 | \$31,775.93  |

AMCS stated that the Board of Trustees meeting packet was sent out on October 24, 2008 to the Board of Trustees giving them a chance to review the operating statement, twelve month trend, balance sheet, open and closed work orders. AMCS asked the Board of Trustees if there were any questions regarding these reports. There were no questions from the Board of Trustees. The violation report, collection report, and lien report were discussed in executive session.

**President's Report**

Sherri Cooper made a motion to have the Board of Trustees enter into negotiations with the purchasers of the Creek Club. Matt Walsh seconded the motion. All in favor. Motion carried.

The Board of Trustees agreed that the Board of Trustee representatives for negotiating with the purchasers of the Creek Club would be Matt Walsh and Bruce Kinney.

The Board of Trustees discussed the date and location of the Annual Meeting. The date and the location of the meeting will be determined at a later time.

The Board of Trustees discussed the Coerver of South Carolina using the soccer field for soccer training through the I'On Club. The Board of Trustees will make sure the I'On Club and the East Cooper Montessori Charter School coordinate together on scheduling the soccer field.

The Board of Trustees discussed the need for volunteers for decorating the community for the holidays. The Board of Trustees will post a request on the community website.

The Board of Trustees discussed the process of electing recipients for the Civitas Award. Barbara Fry will be the I'On Assembly representative. Annie Bonk will be a participant as a past recipient of the Civitas Award.

After proper notification per the section 3-102 of the Declaration of Covenants, Conditions, and Restrictions for I'On:

Sheri Cooper made a motion to approve **Exhibit D, I'On Civil Code**, as amended by addition of the following new section:

**D-108 Landscaping of Premises.** Within 30 days after either occupancy or closing on any residence in I'On, the owner of said property shall complete the landscaping of the premises in accordance with a landscape plan approved by the I'On Design Committee (IDC). Failure to complete the landscaping in accordance with an IDC-approved plan shall result in a \$250 fine for every month in which the property remains out of compliance. Owners of currently occupied homes shall have until January 1, 2009 to bring their premises into compliance with this rule.

Barbara Fry seconded the motion. All in favor. Motion carried.

Sheri Cooper made a motion to approve the following rule:

The common areas are a great natural asset for I'On residents. These lands were permanently set aside to benefit current and future residents, and provide an educational area for those interested in plants and wildlife. The preservation of these areas depends primarily on the cooperation of I'On residents. Our investment in the Commons can be enhanced and maintenance costs kept at a reasonable level if certain rules are followed.

Therefore, **Exhibit D, I'On Civil Code**, is amended by addition of the following new section:

**D-109 Common Area Use.**

- a.) Planting, cultivating, harvesting or removing vegetation on common grounds without first obtaining written approval from the I'On Assembly is not permitted.
- b.) Do not place personal structures or store equipment on the Commons.
- c.) Do not discard refuse on commons areas.

Barbara Fry seconded the motion. All in favor. Motion carried.

**Transfer Fee**

AMCS advised that they have received about 402 proxies in favor of the transfer fee. The Board of Trustees discussed their strategy for trying to pass the transfer fee. The Board of Trustees will re-evaluate the transfer fee strategy at the next Board of Trustees meeting.

**Communications Report**

The Board of Trustees reviewed the Communications Committee report prepared by Barbara Fry.

Mrs. Fry will work on the rules for inclusion of information in the I'On communication vehicles and present them to the Board of Trustees to review.

Mrs. Fry reported that the Mount Pleasant Police Department advised her that they do not have a fine schedule in place for ticketing illegally parked vehicles on the streets of I'On. John Powers will address the issue with the Town of Mount Pleasant as chairperson of the External Relations Committee.

**Landscape Report**

The Board of Trustees reviewed the Landscape Committee report prepared by Dave Rosengren.

Mr. Kinney asked Mr. Rosengren and Mr. Powers to work with the Town of Mount Pleasant on the landscaping in the roundabout at North Shelmore Boulevard and Mathis Ferry Road.

**Infrastructure Report**

The Board of Trustees reviewed the Infrastructure Committee report prepared by Mr. Powers.

**Compliance Report**

The Board of Trustees reviewed the Compliance Committee report prepared by Mrs. Cooper.

**Amenities Report**

The Board of Trustees reviewed the Amenities Committee report prepared by Mr. Walsh.

**I'On Design Committee Report**

The Board of Trustees discussed the I'On Company turn over of the I'On Design Committee to the I'On Assembly.

Bruce Kinney will contact Ted Webb about becoming a liaison for the I'On Assembly with the I'On Design Committee.

**2009 Budget**

Sheri Cooper presented the budget she prepared for 2009.

The Board of Trustees agreed that they would not complete an audit in 2009 and that Sheri Cooper will do the taxes next year even if she is not reelected to the Board of Trustees.

John Powers made a motion to approve the 2009 budget as presented requiring the 2009 annual dues to increase from \$900 in 2008 to \$910 in 2009.. Barbara Fry seconded the motion. All in favor. Motion carried.

**Minutes**

The Board of Trustees reviewed the way the minutes are being taken and unanimously agreed they are pleased with the amount detail in the minutes.

**Nominations to the Board of Trustees**

Mr. Kinney will post a message on the community website message board calling for nominations for the Board of Trustees election in December.

**Next meeting will be held on November 20, 2008 at 5:30 PM at the I'On Company Upstairs Conference Room.**

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Barbara Fry, Secretary

**I'On Assembly  
Board of Trustees Meeting Minutes  
January 15, 2009**

**DEFENDANT'S  
EXHIBIT**

132 6/10/09

**Members Present** Bruce Kinney, Sheri Cooper, Matt Walsh, John Powers, Barbara Fry, Brady Anderson, and Jody McAuley  
**AMCS** Cheryl L. Wilson  
**Guests** See Sign In Sheet

Bruce Kinney called the meeting to order.

**Minutes**

Matt Walsh made a motion to accept the December 11, 2008 Board of Trustees meeting minutes as presented. Barbara Fry seconded the motion. All in favor. Motion carried.

**Election of Officers**

Barbara Fry made a motion to appoint Bruce Kinney as President, Matt Walsh as Vice President, Sheri Cooper as Treasurer and Barbara Fry as Secretary. Sheri Cooper seconded the motion. All in favor. Motion carried.

**Homeowner Forum**

Annie Bonk advised that she was under the impression that the founder was obligated to run the I'On Design Committee until the last lot was sold. In the recent copy of "What Going I'On", it read that the I'On Design Committee would be turned over to the I'On Assembly. Mrs. Bonk was concerned that the I'On Assembly would be financially responsible for the running of the I'On Design Committee. The Board of Trustees advised that they are working on a transition plan. They also advised that they are looking into the cost associated with reviewing design plans and the possibility of that cost being covered by the application fees charged to the homeowner submitting the I'On Design Committee application.

**Sale of the Creek Club**

The Board of Trustees updated those present on the status of the sale of the Creek Club. Bruce Kinney and Matt Walsh were appointed by the Board of Trustees to work with the purchasers of the Creek Club to work out an agreement that would be recorded with the Creek Club property, so that the I'On Assembly could continue to have access to the boating facility and the parking lot. This could be accomplished by amending the current easement recorded on the Creek Club property. The Board of Trustees are also working to include an easement amendment that would continue to permit the I'On Assembly access to the Creek Club for community events which would be similar to the current agreement held with the I'On Club. Mr. Kinney has met with Mike Russo, one of the purchasers of the Creek Club, to discuss the proposed amendment and review it extensively. Since that meeting, a resident of I'On has filed a zoning appeal with the Town of Mount Pleasant and due to that appeal Mr. Russo has advised Mr. Kinney that negotiations regarding a use agreement easement are off the table until the appeal is heard.

Catherine Templeton updated the Board of Trustees on the zoning appeal that was filed. A group of I'On residents filed the zoning appeal so that the Town of Mount Pleasant could define the term civic use. Mrs. Templeton advised that the definition of civic use is neighborhood serving. The residents that filed the zoning appeal want the Creek Club to benefit the community regardless of who owns the property. Mrs. Templeton stated that if the Town of Mount Pleasant rules that the use of the Creek Club is commercial than the proposed use agreement would have to be amended and the I'On Assembly could amend such documents, but could use that leverage to have the purchasers sign the proposed amended use agreement. Then the I'On Assembly could negotiate



with the new purchaser to get the property rezoned to commercial use and then the community could receive profits from the Creek Club business. Mrs. Templeton further added that should the zoning appeal find that the use of the Creek Club is commercial rather than civic then that would lessen the value of the Creek Club for the Graham family. Mrs. Templeton suggested that the Homeowners Association could then purchase the Creek Club for a dollar since it would be of no value to the Graham family and they would not be able to sell it. The I'On residents asked that the Board of Trustees stay neutral at this time until the Town of Mount Pleasant makes their ruling. Those residents in favor of the zoning appeal are also in favor of the Board of Trustees working out an amended use agreement with the purchasers of the Creek Club. The zoning appeal will be heard on February 23, 2009 at 6:00 PM.

The residents presented the Board of Trustees with a petition seeking the Board of Trustees support to pay the \$3,100.00 for legal counsel pertaining to the zoning appeal. The Board of Trustees will discuss and make a decision at a later time. The Board of Trustees discussed the update given by Catherine Templeton.

Jody McAuley made a motion for the Board of Trustees to continue working with the purchasers of the Creek Club to come to an agreement on the amended use agreement. Furthermore, the Board of Trustees should not take any position on the pending zoning appeal. Matt Walsh seconded the motion. All in favor. Motion carried.

The Board of Trustees agreed to not pay the \$3,100.00 in legal fees.

The Board of Trustees will contact their legal counsel to make sure they are not opening themselves up for a lawsuit. The Board of Trustees will meet to review the use agreement easement.

#### **I'On Company Report**

Chad Besenfelder reported on the following items:

- The I'On Company has drafted an I'On Design Committee transition strategy and it is being reviewed by the Grahams. The I'On Company would like to meet with the Board of Trustees to review the transition strategy before the end of January.
- The I'On Company would like to complete the transfer of the I'On Square park and Amphitheater to the I'On Assembly in early February.
- The I'On Company would like to begin the transfer of phase seven and nine to the Board of Trustees in March.
- The I'On Company is working on deeding over the marsh walk docks and marsh area to the I'On Assembly.
- Tom Graham is recruiting a new Club Director for the I'On Club.

Chad Besenfelder will leave the I'On Square parking sign in the I'On Company's office and AMCS will arrange for Lawn-O-Green to install those signs.

#### **AMCS Report**

AMCS reported the following account balances as of January 15, 2009:

|                             |              |
|-----------------------------|--------------|
| Operating Account-Wachovia  | \$21,083.85  |
| Operating Account-RBC       | \$221,214.75 |
| Fidelity Investment Account |              |
| Capital Reserve Funds       | \$396,137.50 |
| Operating Funds in Reserves | \$69,380.16  |
| Harbor National Accounts    |              |
| Reserves                    | \$30,732.00  |
| CD #2000343                 | \$31,819.39  |

|             |             |
|-------------|-------------|
| CD #2000354 | \$31,775.93 |
| CD #2000431 | \$30,732.00 |

AMCS reviewed with the Board of Trustees the operating statement, twelve month trend, balance sheet, open and closed work orders. AMCS asked the Board of Trustees if there were any questions regarding these reports. There were no questions from the Board of Trustees. The violation report, collection report, and lien report were discussed in executive session.

**Fireworks**

David Nieman, [REDACTED], who has historically done the firework display at the July 4<sup>th</sup> events has decided not to do them any further due to liability.

The Board of Trustees discussed the recent issues with the setting off of fireworks causing damage to personal property.

Matt Walsh made a motion to have Brady Anderson draft a rule banning amateur fireworks/recreational fireworks within I'On. Jody McAuley seconded the motion. All in favor. Motion carried.

Brady Anderson will draft a rule and present it at the next Board of Trustees meeting.

**Transfer Fee**

AMCS advised that they have received approximately 406 proxies in favor of the transfer fee. The Board of Trustees discussed their strategy for trying to pass the transfer fee. The Board of Trustees will re-evaluate the transfer fee strategy at the next Board of Trustees meeting.

**Appointment of Committee Chairpersons**

Bruce Kinney made a motion to except the following Board of Trustees as chairpersons of their assigned committees:  
 Amenities Committee- Matt Walsh  
 Infrastructure Committee- John Powers  
 Landscape Committee- John Powers  
 Finance Committee- Sheri Cooper  
 Compliance Committee will be decided next month. It will be Sheri Cooper for the month of January.  
 I'On Design Committee- Jody McAuley  
 External Relations Committee- John Powers  
 Communications Committee- Barbara Fry  
 Matt Walsh seconded the motion. All in favor. Motion carried.

**Treasurer's Report**

Sheri Cooper advised that she is researching local banks certificate of deposits to invest the I'On Assembly's 2009 reserve funds.

Mrs. Cooper advised that she is researching local firms to perform a review of the I'On Assembly's 2009 financials as per the governing documents.

Ms. Cooper advised that the line of credit that the I'On Assembly has, renews automatically every two years.

**Landscape Report**

The Board of Trustees reviewed the Landscape Committee report prepared by Dave Rosengren.

There was discussion regarding modifying the soccer field irrigation system. The Board of Trustees tabled the discussion until a later time.

There was discussion regarding modifying the Maybank Green irrigation system by either irrigating Maybank Green with a well or by tying Maybank Green into the Westlake irrigation system which draws water from the lakes.

Matt Walsh made a motion to approve Lawn-O-Green's quote of \$11,463.00 to tie the Maybank Green irrigation system in to the Westlake irrigation system. Brady Anderson seconded the motion. All in favor. Motion carried.

**Communications Report**

The Board of Trustees reviewed the Communication Report prepared by Barbara Fry.

The Board of Trustees discussed rentals of homes in the community.

Barbara Fry will post on the website, the Board of Trustees discussion regarding the Creek Club.

**Amenities Report**

Matt Walsh advised that he worked with the I'On Club on Creek Club usage dates. These dates will be posted on the communities' website.

**Infrastructure Report**

The Board of Trustees reviewed the Infrastructure Committee report prepared by John Powers.

**70 Hospitality Lane Easement**

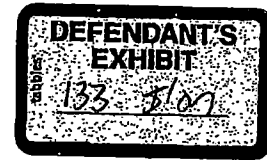
The Board of Trustees agreed to allow the easement of property for this lot due to a incorrect survey.

**Next meeting will be held on February 26, 2009 at 5:30 PM at the I'On Company Upstairs Conference Room.**

---

Barbara Fry, Secretary

**I'On Assembly  
Board of Trustees Meeting Minutes  
February 26, 2009**



**Members Present** Bruce Kinney, Sheri Cooper, Matt Walsh, John Powers, Barbara Fry, and Brady Anderson

**Member Absent** Jody McAuley

**AMCS** Jane Gottshalk, Helen L. Postell Huston, Cheryl L. Wilson

**Guests** Ed Clem, Dave Rosengren, Amy Sage, Catherine Templeton, Steve Degnan, and Lee Ann Atkins.

Bruce Kinney called the meeting to order.

**Homeowner Forum**

Steve Degnan with I'On Conservation Corps is working with the I'On Company to use some land in Phase 11 as a community garden. Don't know if the I'On Company has to go through a PUD amendment. Another area to be looked at other than Phase 11 is the Friendship Garden. Preliminary discussion has begun. It would be a community oriented project.

Lee Ann Adkins asked for clarification at the last Board of Trustees meeting as to whether or not the Board of Trustees agreed to not take a position on the Creek Club zoning. Bruce Kinney confirmed that the Board of Trustees did not take a position on the Creek Club zoning appeal but rather agreed to continue their plan to work with the potential Creek Club purchasers on a use agreement that benefits the community at large by keeping accessibility to the building and boating facility. She asked that Bruce Kinney forward a notification to the Town of Mount Pleasant advising that he misspoke at the zoning appeal that he lives on Saturday Road. Mr. Kinney advised that although he did misspeak, he signed in at his correct address [REDACTED]. He will take her suggestion under advisement. Catherine Templeton advised that she and other I'On residents were disappointed with the Boards' actions regarding the zoning appeal. Lee Ann Adkins wants to know if the Board of Trustees has a position on the civic use of the Creek Club.

Catherine Templeton discussed the easement at the Creek Club as it relates to the residents use of the docks. She recommended to the Board of Trustees that they seek legal advice on whether South Carolina law supports "easement by necessity" for landlocked parcels, in this case, access to the docks. She wants the Board of Trustees to hire a consultant to find the cost to purchase and use the Creek Club and I'On club and put a suggestion to the owners of I'On. She presented the Board of Trustees with the letter dated February 26, 2009 and suggests it be taken to the I'On Assembly attorney to review. Bruce Kinney advised that all comments would be taken into consideration.

John Powers made a motion to pay \$59.00 for a new flag at the entrance to I'On. Sheri Cooper seconded the motion. All in favor. Motion carried.

**Minutes**

Brady Anderson made a motion to accept the January 15, 2009 Board of Trustees meeting minutes as presented. Sheri Cooper seconded the motion. All in favor. Motion carried.

**AMCS Report**

AMCS representative reported the following account balances as of January 31, 2009:

|                             |              |
|-----------------------------|--------------|
| Operating Account-Wachovia  | \$21,074.44  |
| Operating Account-RBC       | \$281,724.79 |
| Fidelity Investment Account |              |
| Capital Reserve Funds       | \$396,674.39 |
| Operating Funds in Reserves | \$69,476.39  |
| Harbor National Accounts    |              |
| CD # [REDACTED]             | \$32,454.39  |
| CD # [REDACTED]             | \$31,775.93  |
| CD # [REDACTED]             | \$30,732.00  |

AMCS representative stated that the Board of Trustees meeting packet was sent out on February 20, 2009 to the Board of Trustees giving them a chance to review the operating statement, twelve month trend, balance sheet, open and closed work orders. AMCS asked the Board of Trustees if there were any questions regarding these reports. There were no questions from the Board of Trustees. The violation report, collection report, and lien report were discussed in executive session.

AMCS representative reported that as of February 26, 2009, 292 homes have not yet paid their 2009 dues.

**House Fire**

A letter was sent from AMCS representative to the homeowners, requesting a response as to when they are scheduled to begin clean up. The Board of Trustees advised that the police investigation is complete, and the burden of responsibility falls on the homeowner.

**Fireworks**

Brady Anderson presented a draft of guidelines of fireworks use in I'On that he and David Neimann worked up. The Board of Trustees discussed enforcing an age rule regarding fireworks. The Board of Trustees also discussed having homeowners have an input into the fireworks regulations. Barbara Fry discussed addressing the subject of fireworks in the May newsletter, possibly including a survey to get feedback before the guidelines are enforced.

**Infrastructure****Parking Plan Enforcement**

The Board of Trustees reviewed the infrastructure committee report prepared by John Powers.

There is some confusion as to what the Mount Pleasant Police Department can (or is willing) to enforce. Since the streets belong to the Town of Mount Pleasant, can we/they enforce rules in our covenants? John Powers will get more information regarding the parking situation.

**Ramble**

The decision was made to add crushed slate to the Ramble Playground turn radius instead of extending the fence. The quote for bamboo in the Ramble will be discussed at a later date.

**Amenities****Maybank Green Parking**

The Board of Trustees decided to limit parking on Maybank Green to public events, only on a case by case basis.

Reservation request for the Maybank Green's use as a temporary parking lot must follow the following guidelines:

- The Maybank Green may only be reserved for parking if the event is of such a scale that on street parking will not suffice, and the event is open to the public. The Green may not be reserved for private events.
- The person making the reservation must submit a valid credit card.
- A pre and post event irrigation check to be paid for by the person making the request have to be done.
- Any and all damage caused to The Green is the sole responsibility of the person making the reservation. The Homeowners Association will require that the individual making the reservation be financially liable to any damages and resulting repairs.

**Proxy Plan**

Everyone is making progress with the phone calls and e-mails. Another mailing is going out for non-resident owners.

**Treasurer Reports**

The 2008 tax returns are complete. 2008 ended with a net income excess of \$34,000.00.

|                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Barbara Fry made a motion to transfer \$30,000.00 from the 2008 net income to reserves. Matt Walsh seconded the motion. All in favor. Motion carried. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|

**Communications Committee**

The Board of Trustees reviewed the communications report prepared by Barbara Fry.

The Board of Trustees agreed to continue to attach the committee reports to the minutes.

The website committee is continuing to make progress with the website design.

**External Relations**

The Mount Pleasant Recreation Department is being allowed to temporarily use the soccer field.

**Next meeting will be held on March 25, 2009 at 5:30 PM at the I'On Company Upstairs Conference Room.**

---

Barbara Fry, Secretary



**Proposal to Amend I'On "Planned Development" Zoning Ordinance**

Presented to the I'On Assembly August 22, 2007

Proposal valid through December 31, 2007.

**Proposed Change:** Increase the total permitted home sites in the neighborhood not to exceed 48 lots from 762 to a maximum of 810. This will include up to 43 residential home sites in Phase 11 and converting the Creek Club overflow parking area into five residential home sites with a portion reserved for event parking. Add an additional entrance and roundabout at Muirhead Road and future Jane Jacobs Street.

The development has 11 residential units available. The following outlines these final 11-unit uses:

- Convert CM-12 and CV-8 at the intersection of Shelmore and Montrose to three residential home sites.
- Convert CM-9 at the intersection of Ponsbury Road and Sowell Streets into three residential home sites.
- Convert CV-10 on Chivitas Street near the I'On Club into two home sites and/or community/school park.
- Subdivide Lot 350 on North Shelmore near the I'On Square into two lots.
- Assign remaining two units to complete the Jefferson Canal project.

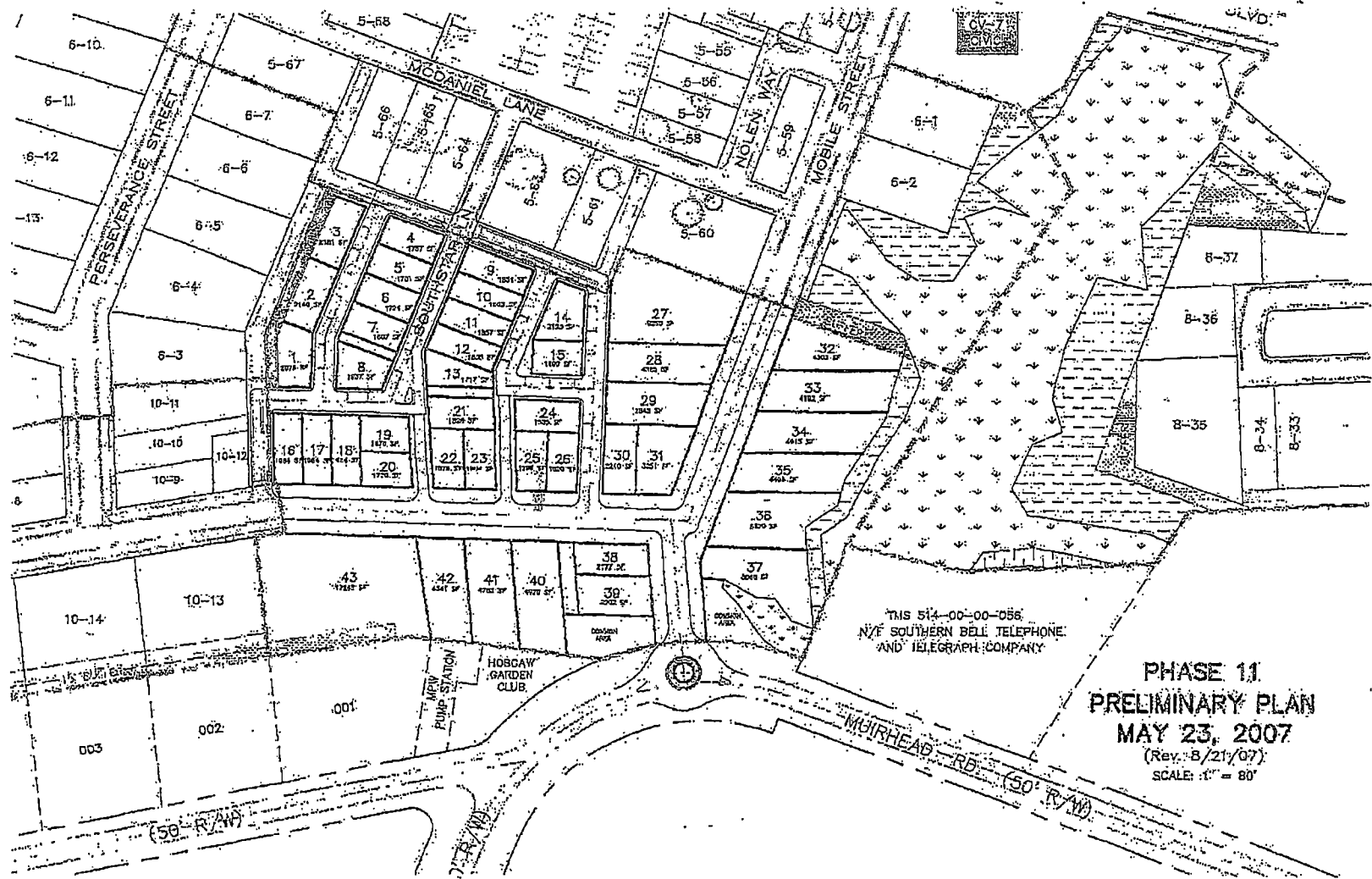
If approved by Town Council, The I'On Company will contribute \$60,000 for each additional lot. This equates to a donation of up to \$2.88 million, and will be disbursed on or before the Phase 11 development loan closing, anticipated to take place within 180 days of the PD amendment approval by Town of Mt. Pleasant. The donation would be split as follows:

- up to \$670,000 to the I'On Assembly, Inc.
- up to \$670,000 to the I'On Trust
- up to \$670,000 split evenly among community church organizations
- up to \$670,000 to the East Copper Montessori Charter School
- \$200,000 to design and construct roundabout entrance at Muirhead Road

**Donation conditions:**

- Before moving forward, this amendment must be endorsed by the Board of Trustees of the I'On Assembly.
- The I'On Assembly Board agrees to lead the effort to obtain town and SCDOT approval for the Muirhead Entrance. The I'On Company will help prepare necessary documentation including encroachment permits, applications, and offer financial support for entrance construction.
- The I'On Assembly Board agrees to be a co-applicant with the Trust, churches, and Montessori School on the Application for Amendment.
- A representative from the I'On Assembly Board will assist with the presentation of the amendment during the Mt. Pleasant Planning Commission and the Mt. Pleasant Town Council meetings. Other presenters are anticipated to include the Very Reverend John Burwell of the Church of the Holy Cross; Father Jay Parker of the Church of the Holy Ascension, Anne Register of the I'On Trust, and Jody Swanigan of the Montessori School. The I'On Company will prepare all documentation and provide logistical and financial support for the application.
- The monies contributed shall go toward public art, capital reserve accounts, facilities, or other endeavors that contribute to the long-term beauty and/or financial health of the neighborhood. Each organization must submit a plan to the I'On Company for the handling of these monies for I'On Company approval.







### Creek Club Sale Proposal

The following pages describe the Creek Club and one option to modify the overflow parking area. This is simply a preliminary plan and The P'On Company is willing to discuss more opportunities with the HOA.

#### Current Proposal:

- P'On Assembly to purchase the Creek Club for \$700,000
- Overflow parking will be converted into five home sites with portion reserved for event parking
- The P'On Club will modify parking to provide approximately 50 off street spaces for events. This is ample room for events up to 150 guests. Average Creek Club event is 125 guests.
- The P'On Club will provide the P'On Assembly operational information to help evaluate revenue and operational cost. See following pages for more information

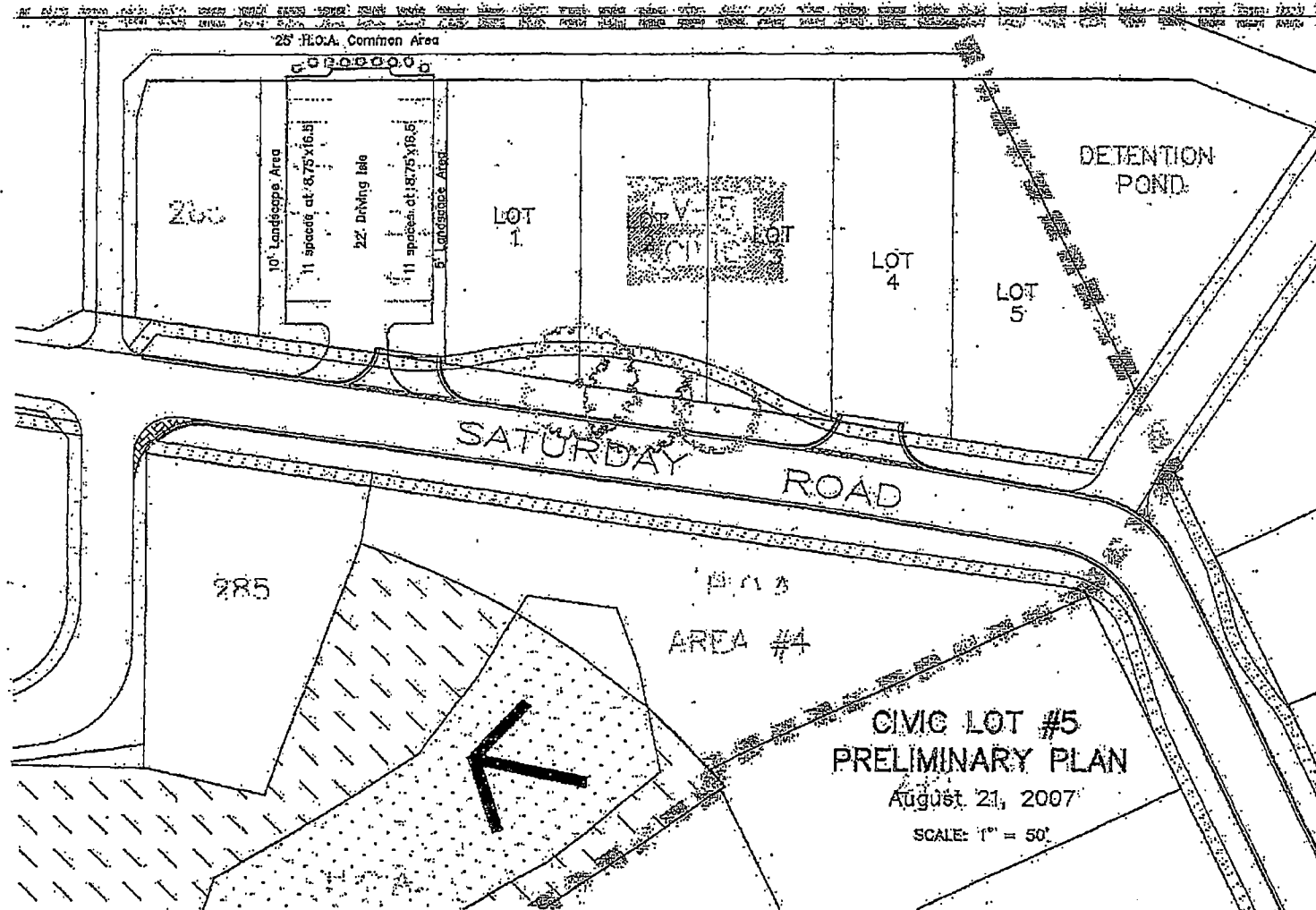
### Creek Club at P'On

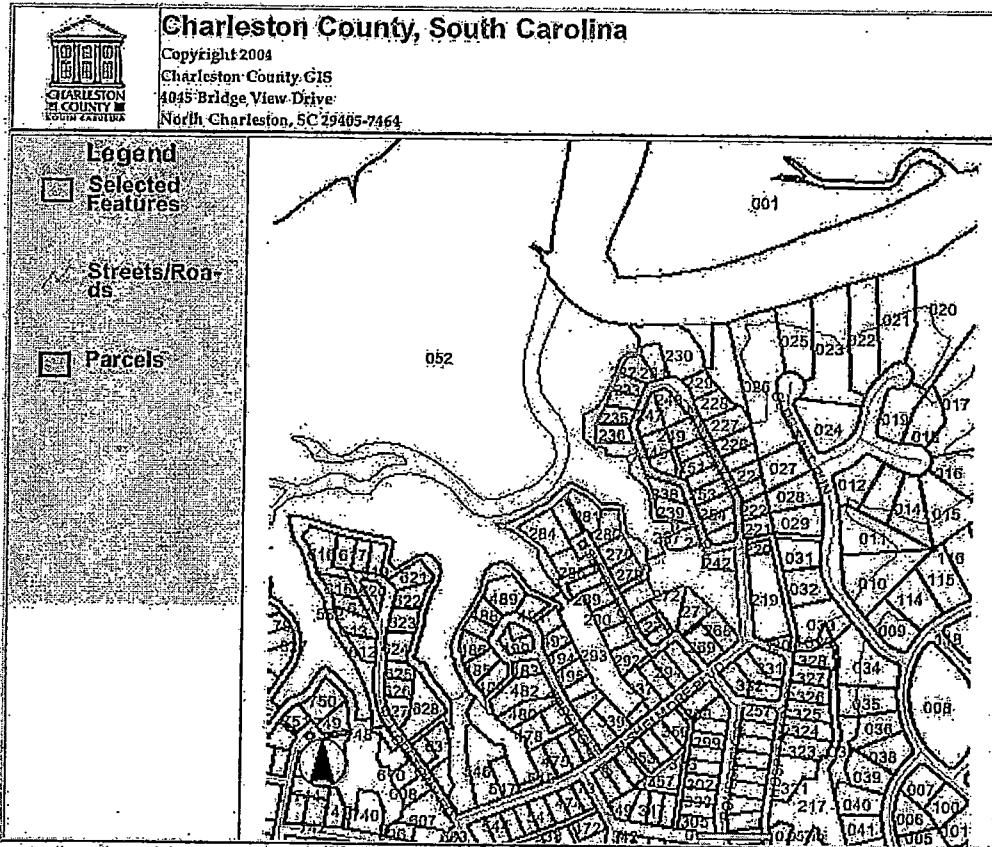
The Creek Club is located on the quiet banks of Hobcaw Creek with broad, shady porches and plenty of comfortable places to sit and relax. The views of the surrounding marsh are simply fabulous. The Creek Club's architecture is typical "Lowcountry", informal enough to be comfortable, yet classic in the line and form. It's appropriate for almost any occasion.

#### Quick facts about the Creek Club:

- Over 5000 sq. ft. including the deepest porches in the Lowcountry and an open floor plan w/ tall oversized windows overlooking the water on three sides, high ceilings and two grand fireplaces inside and outside.
- Large lawn area overlooking the creek with giant live oaks, perfect for an outdoor wedding or an oyster toast.
- Entertains 200 seated comfortably (inside and on porches). Inside seats up to 125 with room for music and buffet. Can entertain up to 250 for seated and standing event.
- The rental fee includes the use of 125 chairs (inside and porch use only), 15 (60") rounds, and 5 (30" x 72") rectangle tables- including set-up and breakdown, pre-event and post-event cleaning, and on-site supervision. Additional fee for the use of 125 chairs for ceremony (outside only)
- Saturday and Sunday rentals are for the entire day.
- On-site catering kitchen with no catering restrictions.
- BuzzOff Mosquito system

| <b>2007-2008 RATES</b><br>(Rates subject to change;<br>please call to verify.) | <u>Weekday</u><br>8 am - 3 pm | <u>Weeknight</u><br>4 pm - 11 pm | <u>Friday Night</u><br>11 pm - 11 pm | <u>Saturday</u><br>9 am - 11 pm | <u>Sunday</u><br>9 am - 11 pm |
|--------------------------------------------------------------------------------|-------------------------------|----------------------------------|--------------------------------------|---------------------------------|-------------------------------|
| <b>Regular Season</b><br>March, July, August<br>November                       | \$475                         | \$575<br>\$800 for Thurs         | \$2,000                              | \$3,500                         | \$3,000                       |
| <b>Off Season</b><br>January, February                                         | \$475                         | \$575<br>\$800 for Thurs         | \$1,500                              | \$2,800                         | \$1,500                       |
| <b>Peak Season</b><br>April, May, June<br>September, October                   | \$475                         | \$575<br>\$925 for Thurs         | \$3,000                              | \$4,500                         | \$3,500                       |
| <b>Holiday Rates</b><br>December                                               | \$475                         | \$575<br>\$925 for Thurs         | \$2,000                              | \$3,500                         | \$3,000                       |
| **Additional fee may apply for a 9am-11pm rental on a Friday                   |                               |                                  |                                      |                                 |                               |





PARCEL NUMBER: 5350600237

PARCEL ID: 5350600237

STREET NUMBER: 0

STREET NAME: SATURDAY RD

PROP UNIT:

PROP CITY:

PROP ZIP: 29464

SITE NAME:

GENERAL USE: HOA

MOBILE HOMES: 0

SUBDIVISION: ION PHASE II

LEGAL DESCRIPTION: SUBPHASE A-E HOA #1

LGL HI ACRES: 1.81

LGL MAR ACRES: 0

LGL WATER ACRES: 0

LGL SWAMP ACRES: 1.05

LGL TOTAL ACRES: 2.86

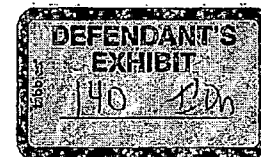
TAX DISTRICT: 21

JURISDICTION: CTA

PLAT BOOK: EH-555

OWNER ON 1ST: ION ASSEMBLY INC

OWNER2 ON 1ST:



I On Defendants 004961

# RECORD ON APPEAL 3570

<http://cgisweb.charlestoncounty.org/servlet/com.esri.esrimap.Esrimap?S...>

CURRENT OWNER1:  
 CURRENT OWNER2:  
 SALE DATE: 11/21/2000  
 DEED BOOK: T359-440  
 WILL CODE:  
 WILL DATE:  
 C O NAME: AMCS  
 MAIL STREET NUMBER: 2409  
 MAIL STREET NAME: MALL DR STE A  
 MAIL UNIT:  
 MAIL CITY: NORTH CHARLESTON  
 MAIL STATE: SC  
 MAIL ZIP: 29406-6506  
 MAIL COUNTRY:  
 MAIL POSTAL CODE:  
 SALE PRICE: 5  
 MULT LOT: 10  
 SPLIT CODE:  
 MLOD GROUP:  
 FINAL VALUE: 1300  
 BUILD COUNT: 0  
 AG USE VAL: 0  
 AG MARKET TOT: 0  
 LR APPROVE: N  
 YEAR BUILT: 0  
 BEDROOMS: 0  
 FULL BATHS: 0  
 THREE QTR BATHS: 0  
 HALF BATHS: 0  
 TOTAL FINISH AREA: 0  
 LIVING AREA: 0  
 CONDO BEDROOM: 0  
 CONDO FULL BATH: 0  
 CONDO H-BATH: 0  
 CAP LR VAL: 0  
 CAP ASSESSED VALUE: 0  
 CAP OTHER VALUE: 1300

l'On Defendants 004962

T359PG440

STATE OF SOUTH CAROLINA )

INDENTURE DEED

COUNTY OF CHARLESTON )

WHEREAS, The I'On Company, L.L.C., is a South Carolina Limited Liability Company, and Joseph E. Barnes, its Managing Member, is authorized to execute and deliver deeds on behalf of the Company.

KNOW ALL MEN BY THESE PRESENTS, that The I'On Company, L.L.C. in the State aforesaid for and in consideration of the sum of Five (\$5.00) Dollars to it in hand paid at and before the sealing of these presents by I'On Assembly, Inc., the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release, subject to the exceptions, restrictions, easements and limitations hereinafter set forth unto the said I'On Assembly, Inc. the following described property, to-wit:

See Attached Exhibit "A" for Legal Description

TMS#: Portion of 514-00-00-052

Grantees' address: [REDACTED]

Mt. Pleasant, SC 29464

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned, subject to the matters set forth in (a) through (k) on Exhibit "A", unto the said I'On Assembly, Inc., its Successors and Assigns forever.

AND subject to the matters set forth in (a) through (k) on Exhibit "A", The I'On Company, L.L.C. does hereby bind itself and its Successors and Assigns, to warrant and forever defend, all and singular, the said Premises unto the said I'On Assembly, Inc., its Successors and Assigns, against it and its Successors and Assigns, and all persons whomsoever lawfully claiming, or to claim the said or any part thereof.

By the acceptance of this deed, the Grantee(s) agree(s) to observe and be bound by the aforesaid Declaration of Covenants and Restrictions and the By-Laws of the Association which said Declaration shall constitute covenants running with the land and shall be binding upon the owner(s) of said lot and the owner's family, servants, guests, invitees and tenants.

IN WITNESS WHEREOF, The I'On Company, L.L.C., a South Carolina Limited Liability company, has caused these presents to be executed in its name by Joseph E. Barnes, as Managing Member, this 21<sup>st</sup> day of November, in the year of our Lord Two Thousand and in



I'On Defendants 003609

EX: T359P6441

the Two Hundred Twenty-Fifth Year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED

THE I'ON COMPANY, L.L.C.

By:

Joseph E. Barnes  
Its: Manager

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON. )

ACKNOWLEDGMENT

The foregoing Instrument was acknowledged before me this 21st day of Nov-ber, 2000 by The I'On Company, L. L. C., by Joseph E. Barnes, its Manager.

NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES: 6/24/2002  
AFFIX SEAL

I'On Defendants 003610

EX T359PG442

## Exhibit A

All those pieces, parcels or strips of land, situate, lying and being in I'On, Town of Mt. Pleasant, Charleston County, SC and known and designated as "HOA Access" and "25' Natural Buffer" said buffer running parallel to Mathis Ferry Road as shown on that certain plat entitled "Final Subdivision Plat of Lots 11-49, 60-69, Phase 1-A, I'On, Town of Mt. Pleasant, Charleston County, SC", said plat being prepared by Thomas & Hutton Engineering Co. and being dated April 12, 1998 and being filed in the RMC Office for Charleston County in Plat Book EC at page 631 on July 22, 1998; said lot having such actual size, shape, dimensions, buttings and boundings as shown on said plat, reference to which is hereby made for a more complete description.

## ALSO

All that lot, piece or parcel of land, situate, lying and being in I'On, Town of Mt. Pleasant, Charleston County, SC and designated as beginning at a point on the southeast property corner of Lot 18 and Prescient Street and running in a general westerly direction for 9.35' to the northeast property corner of Lot 19 then turning S 11 degrees 34 minutes and 03 seconds E for a distance of 47.36', then turning S 25 degrees, 41 minutes, 30 seconds E for a distance of 27.00', then turning S 81 degrees, 42 minutes, 25 seconds E for a distance of 51.08', then turning N 08 degrees, 17 minutes 35 seconds E for a distance of 6.00' then running in a generally northwest direction along the right-of-way of Prescient Street back to the point of the beginning, as shown on that certain plat entitled "Final Subdivision Plat of Lots 11-49, 60-69, Phase 1-A, I'On, Town of Mt. Pleasant, Charleston County, SC", said plat being prepared by Thomas & Hutton Engineering Co. and being dated April 12, 1998 and being filed in the RMC Office for Charleston County in Plat Book EC at page 631 on July 22, 1998, said lot having such actual size, shape, dimensions, buttings and boundings as shown on said plat, reference to which is hereby made for a more complete description.

## ALSO

All those pieces, parcels or strips of land, situate, lying and being in I'On, Town of Mt. Pleasant, Charleston County, SC and known and designated as "HOA Access" and "25' Natural Buffer", said buffer running parallel to Mathis Ferry Road and "Open Area, 4,433 sq. ft" as shown on a plat entitled "Final Subdivision Plat of Lots 137-155, CMI-CM9, CV1 - CV2 of Phase 1-B, and Lot 10 of Phase 1-A, I'On, Town of Mt. Pleasant, Charleston County, SC" said plat being prepared by Thomas & Hutton Engineering Co. and being dated July 15, 1998 and being filed in the RMC Office for Charleston County in Plat Book EC at page 976 and 977; said lot having such actual size, shape, dimensions, buttings and boundings as shown on said plat, reference to which is hereby made for a more complete description.

I'On Defendants 003611

T359PG443

## ALSO

All those pieces, parcels or strips of land, situate, lying and being in I'On, Town of Mt. Pleasant, Charleston County, SC and known and designated as "HOA Access", "HOA Open Space, 3,590 sq. ft." and "HOA 2,500 sq. ft.", said 2,500 sq. ft. tract being surrounded by a road known as Boathouse Close as shown on a plat entitled "Final Subdivision Plat of Lots 50-58, 70-91, Phase 1-C-1, I'On, Town of Mt. Pleasant, Charleston County, SC" said plat being prepared by Thomas & Hutton Engineering Co. and being dated January 26, 1999, and being filed in the RMC Office for Charleston County in Plat Book ED, page 225; said lot having such actual size, shape, dimensions, buttings and boundings as shown on said plat, reference to which is hereby made for a more complete description.

## ALSO

All those pieces, parcels or strips of land, situate, lying and being in I'On, Town of Mt. Pleasant, Charleston County, SC and known and designated as "HOA Access" specifically excluding the HOA Access and Utility Easement running parallel to Lot 108, "Jefferson Canal" and "Lafayette Canal" as shown on a plat entitled "Final Subdivision Plat of Lots 92-136, Phase 1-C-2, I'On, Town of Mt. Pleasant, Charleston County, SC" said plat being prepared by Thomas & Hutton Engineering Co. and being dated November 11, 1998, and being filed in the RMC Office for Charleston County in Plat Book ED at page 227; said lot having such actual size, shape, dimensions, buttings and boundings as shown on said plat, reference to which is hereby made for a more complete description.

## ALSO

All those pieces, parcels or strips of land, situate, lying and being in I'On, Town of Mt. Pleasant, Charleston County, SC and known and designated as "HOA Access" and "Eastlake 13.48 Acres" as shown on a plat entitled "Plat of Eastlake Containing 13.48 Acres, Owned by The I'On Company, I'On, Town of Mt. Pleasant, Charleston County, SC" said plat being prepared by Thomas & Hutton Engineering Co. and being dated December 21, 1998, and being filed in the RMC Office for Charleston County in Plat Book ED at page 229; said lot having such actual size, shape, dimensions, buttings and boundings as shown on said plat, reference to which is hereby made for a more complete description.

I'On Defendants 003612



FF T359PG444

## ALSO

All those pieces, parcels or strips of land, situate, lying and being in I'On, Town of Mt. Pleasant, Charleston County, SC and known and designated as "20' HOA Access" and "30' HOA Access", but specifically saving and excepting the area designated "20' HOA Access" running parallel to the Lot 186 northern property line as shown on a plat entitled "Final Subdivision Plat of Lots 156-188, Phase 3, I'On, Town of Mt. Pleasant, Charleston County, SC", said plat being prepared by Thomas & Hutton Engineering Co. and being dated April 7, 1999, and being filed in the RMC Office for Charleston County in Plat Book ED at page 328; said lot having such actual size, shape, dimensions, buttings and boundings as shown on said plat, reference to which is hereby made for a more complete description.

## ALSO

All those pieces, parcels or strips of land, situate, lying and being in I'On Subdivision, Town of Mt. Pleasant, Charleston County, SC and known and designated as "HOA Access", "HOA #1, 35,790 sq. ft.", "Pond HOA Area", "HOA #2, 31,239 sq. ft.", "HOA Area", as located in the center of Isle of Hope, "HOA #4, 13,010 sq. ft.", "10' HOA Area between Lots 255 and 256, "Wetlands & Detention Area", "20' HOA Access", "25' HOA Access", "10' HOA Access" between Lots 244 and 246 as shown on a plat entitled "Conditional Plat of Phase II, Subphases A-H, I'On, Town of Mt. Pleasant, Charleston County, SC", said plat being prepared by Thomas & Hutton Engineering Co. and being dated March 17, 1999, and being filed in the RMC Office for Charleston County in Plat Book ED at pages 108 and 109; said lot having such actual size, shape, dimensions, buttings and boundings as shown on said plat, reference to which is hereby made for a more complete description.

## ALSO

All those pieces, parcels or strips of land, situate, lying and being in I'On, Town of Mt. Pleasant, Charleston County, SC and known and designated as "20' HOA Access", "HOA, 3,319 sq. ft.", "HOA, 4,150 sq. ft.", "HOA 9,312 sq. ft.", "HOA, 1,180 sq. ft.", "HOA 59,536 sq. ft.", "HOA 5,762 sq. ft." and "20' S.S.E." as shown on a plat entitled "Conditional Plat of Phase II, Subphase F & A Portion of Subphase B, I'On, Town of Mt. Pleasant, Charleston County, SC", said plat being prepared by Thomas & Hutton Engineering Co. and being dated October 5, 1999, and being filed in the RMC Office for Charleston County in Plat Book ED at page 670; said lot having such actual size, shape, dimensions, buttings and boundings as shown on said plat, reference to which is hereby made for a more complete description.

I'On Defendants 003613

EXPT 359PG445

ALSO

All those pieces, parcels or tracts of land, situate, lying and being in I'On, Town of Mt. Pleasant, Charleston County, SC and known and designated as "Wetland #2", "Wetland #4", "Wetland #5", "Wetland #6", "Wetland #7", "Wetland #8" and "Wetland #9", as shown on a plat entitled "Plat of Wetlands and Buffers, I'On, Town of Mt. Pleasant, Charleston County, SC", said plat being prepared by Thomas & Hutton Engineering Co. and being dated June 9, 1998, and being filed in the RMC Office for Charleston County in Plat Book BC at pages 899-903; said parcels having such actual size, shape, dimensions, buttings and boundings as shown on said plat, reference to which is hereby made for a more complete description.

ALSO

All those pieces, parcels or tracts of land, situate, lying and being in I'On Subdivision, Town of Mt. Pleasant, Charleston County, SC and known and designated as "HOA - Post Office Tract, 300 sq. ft" as shown on a plat entitled "Plat of the Subdivision of the Amenity Area, Phase 1-A, I'On to create HOA - Post Office Tract owned by the I'On Company, Town of Mt. Pleasant, Charleston County, SC", said plat being prepared by Thomas & Hutton Engineering Co. and being dated October 10, 2000, and being filed in the RMC Office for Charleston County in Plat Book DC at page 564; said parcels having such actual size, shape, dimensions, buttings and boundings as shown on said plat, reference to which is hereby made for a more complete description.

This being a portion of the property conveyed to the Grantor herein by deed of David N. Jordan, KREPS Investment Company, LLC, L-J, Inc. and Barbara J. Alford, as Trustee of the Trust under the Will of Hampton S. Alford dated August 12, 1997 and recorded August 12, 1997 in the RMC Office for Charleston County in Book J288 at page 190; further by deed of David N. Jordan, et al. dated July 30, 1998 and recorded August 10, 1998 in Book M308 at pages 505; and further by deed of David N. Jordan, et al. dated January 11, 1999 and recorded February 9, 1999 in Book Y319 at page 382.

I'On Defendants 003614

T359PG446

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

) AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on the back of this affidavit and I understand such information.
2. Property located at T'on Subdivision (streets, roads and right of ways), <sup>HONORABLE</sup> Mt. Pleasant, Charleston County, SC bearing County Tax Map Number 514-00-00-052 was transferred by The T'on Company to T'on Assembly, Inc. on 11/21/00 <sup>LL</sup>
3. Check one of the following. The Deed is
  - a) ☐ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - b) ☐ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary
  - c) ☒ EXEMPT from the deed recording fee because (exceptions 1-12) (If exempt, please skip items 4-7, and go to item 8 of this affidavit.) 3
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
  - a) ☐ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$
  - b) ☐ The fee is computed on the fair market value of the realty which is \$
  - c) ☐ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$
5. Check YES ☐ or NO ☒ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement or realty after the transfer. If "YES" the amount of the outstanding balance of this lien or encumbrance is \$
6. The DEED recording fee is computed as follows:
  - a) 3 the amount listed in item 4 above
  - b)            the amount listed in item 5 above (no amount place zero)
  - c)            subtract line 6(b) from line 6(a) and place the result.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: closing attorney.
8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

[Signature]  
Purchaser, Legal Representative  
of the Purchaser, or other Responsible  
Person Connected with the Transaction

Sworn to before me this 21 day of November, 2000.

[Signature] Notary Public for SC, My Commission Exp: 12/9/04

THE WOODY LAW FIRM  
ATTORNEYS AT LAW  
622 JOHNNIE DODDS BLVD.  
MT. PLEASANT, SC 29464

FILED T359PG447

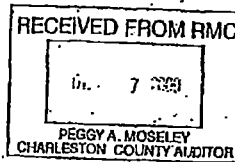
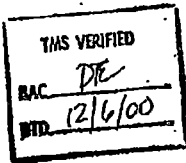
Recording Fee 13.00  
State Fee \_\_\_\_\_  
County Fee EXEMPT  
Postage \_\_\_\_\_  
TOTAL 13.00  
A

FILED

T359-440

2000 DEC -5 PM 2:15

CHARLIE LYBRAND  
REGISTER  
CHARLESTON COUNTY SC



On Defendants 003616



----- Forwarded message -----  
From: "Chad Besenfelder" <chad@iongroup.com>  
To: "Kent Prause" <Kprause@townofmountpleasant.com>  
Date: Tue, 23 Mar 2010 16:08:41 -0400  
Subject: RE: Driveway connection @ IOn Club

Kent,

Thanks for the emails. Not that bad.. and it's the same few people complaining. Shocker!

Regarding the new approved plat, obviously it was an oversight that the plat did not include our fourth entrance. This particular item was not listed as a change or posted by Mt Pleasant. So, how significant is this? I believe this is the only viable thing Lea Ann can hang their hat on, even if it's just a technicality. Obviously, the developer did not approve this change to their PD. Any thoughts? Lea Ann will likely speak and use this plat change for a reason why not to approve the driveway. How will the town (you) respond to this?

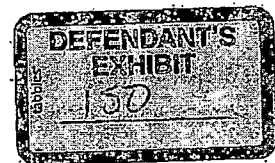
I attached the letter from Jody Swanigan at the school and they are in full support of the Club drive plan we submitted. And the HOA support for ADUs. I also received a few emails just today from property owners supporting ADUs. Can we forward them to Planning Commission members? Should I send to the town's email address?

Many thanks Kent. We will have Tim Keane of Keane Co presenting our request tomorrow. I think he will like to show a few slides. Could I send them to you before lunch to have time to include them?

Chad

Chad Besenfelder

159 Civitas Street



Mt. Pleasant, SC 29464

Direct: 843.284.2129

Fax: 843.971.1664

Email: [chad@iongroup.com](mailto:chad@iongroup.com)

Website: [www.iongroup.com](http://www.iongroup.com)

<image001.jpg>

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**From:** Kent Prause [mailto:[Kprause@townofmountpleasant.com](mailto:Kprause@townofmountpleasant.com)]  
**Sent:** Tuesday, March 23, 2010 3:05 PM  
**To:** Chad Besenfelder  
**Subject:** FW: Driveway connection @ I'On Club

W. Kent Prause III, AICP

Division Chief

Department of Planning and Development

Town of Mount Pleasant

PO Box 745

Mount Pleasant, SC 29465

P: (843) 884-1229

F: (843) 856-2195

[kprause@townofmountpleasant.com](mailto:kprause@townofmountpleasant.com)

-----Original Message-----

**From:** [catmcginn@comcast.net](mailto:catmcginn@comcast.net) [mailto:[catmcginn@comcast.net](mailto:catmcginn@comcast.net)]

**Sent:** Monday, March 22, 2010 2:19 PM

**To:** Kelly Cousino

**Cc:** Kent Prause; Lynette Lynes

**Subject:** Fwd: Driveway connection @ I'On Club

Kelly

I received direct neighborhood correspondence regarding a public hearing. Please ensure all Planning Commission members have a copy as well.

Thank you

Cathy McGinn

----- Forwarded Message -----

**From:** [LEAADK@aol.com](mailto:LEAADK@aol.com)

**To:** [catmcginn@comcast.net](mailto:catmcginn@comcast.net)

**Sent:** Saturday, March 20, 2010 10:22:32 AM GMT -05:00 US/Canada Eastern

**Subject:** Driveway connection @ I'On Club

Dear Ms. McGinn:

Regarding the driveway connection request from Mathis Ferry Road into the I'On Club parking lot – this matter came before you just last year and was deferred for some further work to the design, as I remember it. The new design submitted does not appear to be substantially different, nor does it adequately address the safety concerns raised in the initial review last year.

There have been previous requests for commercial connections onto Mathis Ferry from various property owners. In some cases, these connections would have provided the sole access point to particular parcels. In all cases, the disturbance to the scenic nature of Mathis Ferry Road came into play. The I'On Club already has three points of access from Mathis Ferry Road -- Eastlake Road, N. Shelmore Road, and Lowcountry Boulevard. The destruction to the Mathis Ferry Road buffer this driveway would cause is unjustifiable and would be a departure from recommendations made in the past.



The developer claims this driveway also serves as a long-approved fourth entrance into I'On. If so, the design is concerning as it brings thru traffic into a school and recreational club parking lot – and directly into a crosswalk, according to the drawn plan. Any convenience derived from this parking-lot plan is more than offset by the safety concerns raised.

As a significant side note, with the January 2010 final reading for amendment to the I'On PD Ordinance, the original technical plan showing this fourth entrance was repealed and replaced with a more recent sketch plan. The more recent sketch plan has no fourth entrance shown into I'On. I remind you care was taken in this amendment to provide for "future" development on Phase 11, even though all residential dwellings and commercial square footage are utilized fully. Since the replacement sketch plan was to indicate future plans for I'On, the fourth entrance is clearly not part of that plan. The Town may now claim this was an oversight. The developer may, as well. Reviewing minutes of the public hearing from November 2009 on this amendment prove the matter was discussed at length, all were aware of the issues, the developer was in attendance to hear the concerns and comment on them, and the Town itself was aware of the problems with repealing the original plan:

**Steve Brock**, speaking before the Commission: He asked that the issue be deferred in order to make an informed decision and not be too hasty...He suggested that the 1997 sketch

plan is a vested right and should not be repealed or replaced. He stated that there is no

reason to replace the approved technical plan. He suggested that erasing the 1997 plan

erases what I'On was going to be and should be carefully considered before a decision is

made.

**Lea Ann Adkins**, in correspondence to the Commission: I object to the original Technical Plan being repealed and having another "placed in its stead."

**Ward Mundy**, speaking before the Commission: He suggested that the original sketch plan represents what the developer promised to build and that there should be a fiduciary responsibility to develop the area in that manner. He suggested that the new sketch plan would basically rewrite history.

Speaking in support of amending the Ordinance "promptly" –

**Vince Graham**, developer of I'On, speaking before the Commission: He stated that they have done the best job possible and that this was a "cleanup" situation...He stated that he would like to move forward promptly.

Members of the Planning Commission and town staff also weighed in on the matter, and the direction from staff was clear regarding requests for more time to be certain of the amendment's accuracy:

"**Ms. McGinn** asked if staff had any objection to keep the public hearing open. **Mr. Prause** answered that it should be considered expeditiously. He suggested that there should only be a delay if there is a compelling reason...**Mr. Young** noted that the Town Council approval does require two readings which would provide ample opportunity for public input and review."

"**Ms. McGinn** stated that she is not comfortable with the word "repeal" and asked if it could be changed. **Ms. Woods-Flowers** suggested that it could be "amended". **Mr.**

**Prause** suggested that this was legal language. **Mr. Young** asked for clarification that the new sketch plan would be the controlling sketch plan and controlling in every way upon final approval of Town Council."

*The Commission agreed. Ms. McGinn moved to amend the motion to add the clarification that the new sketch plan would be the controlling sketch plan and controlling in every way upon final approval of Town Council. Mr. Chapman seconded the motion. Amendment passed on a 7 to 1 vote with Mr. Siegrist opposed and Mr. Woody abstaining.*

*Dr. Smith called for a vote on the amended motion. Motion passed on a 6 to 2 vote, with Mr. Brimmer and Mr. Siegrist opposed and Mr. Woody abstaining.*

With the town attorney's specific direction that the new sketch plan would be "controlling in every way" and the clarification of such in the motion, it is quite clear that the amended sketch plan eliminates the fourth entrance along with other significant features and amenities from the original '97 Technical Plan. Despite requests for more time to fully understand the numerous and complex changes in this amendment, staff seems to have fast-tracked the action to its approval. Now the fourth entrance is entirely eliminated from the plan, and I respectfully request you not recommend approval of the driveway connection to the I'On Club from Mathis Ferry Road.

Sincerely,

Lea Ann Adkins

[REDACTED]

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: "Julie O'Connor" <[julieoconnor@americanvernacular.com](mailto:julieoconnor@americanvernacular.com)>

To: "Chad Besenfelder" <[chad@iongroup.com](mailto:chad@iongroup.com)>

Date: Tue, 23 Mar 2010 15:10:10 -0400

Subject: ADU

Dear Chad:

I am writing to express my support for the change to the I'On Ordinance dealing with Accessory Dwelling Units. I have lived in I'On for almost 10 years and have been designing houses and accessory structures in the neighborhood for the same amount of time. The character and overall design of the neighborhood lend themselves perfectly to the addition of ADUs and it doesn't surprise me or phase me in the least that this ordinance revision has been suggested. I think the benefits of Accessory Dwelling Units are obvious in a neighborhood where smaller houses have been encouraged and high architectural standards continue to be enforced even in tough economic times. ADUs provide a convenient alternative to expensive hotel rooms for out of town guests. They also allow for additional income for families who otherwise wouldn't be able to live in this extraordinary community.

I am sure that there are concerns regarding traffic, increased population and parking. However, I honestly believe that there are many accessory buildings being used for this purpose already and the impact will not be significant. I support this change to the I'On Ordinance and feel that it is in keeping with the original goals and philosophy of I'On.

Sincerely,

Julie

Julie O'Connor

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: "Brzezinski, W. Adam" <[brzezinw@musc.edu](mailto:brzezinw@musc.edu)>

To: "Chad Besenfelder" <[chad@iongroup.com](mailto:chad@iongroup.com)>

Date: Tue, 23 Mar 2010 14:44:28 -0400

Subject: ADU's

Chad

As an Ion resident I would like to pass on to you my thoughts about ADU's in our community. As you know I have recently completed building a mother-in-law accessory building on my property in Ion. I would have loved to put everything she needs in her own space but of course that was not permitted at the time. As our society changes and more older relatives live with families, these ADU's are a phenomenally good idea. Economic times as they are, these types of situations will become much more common and our neighborhood and city must be adaptable.

Please let this letter stand as my full support of ADU's in Ion. Let me know if there is anything I can do to advance this much needed improvement.

Sincerely,

Jay Brzezinski M.D.

[REDACTED]

Timothy J. Keane





1 On Defendants 012027

**Order on Appeal From Action of Zoning Official  
Town of Mount Pleasant  
Board of Zoning Appeals**

Case No. A-01-09

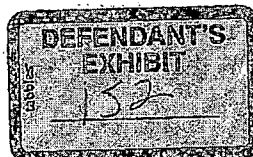
The Board of Zoning Appeals held a public hearing on February 23, 2009, regarding Case No. A-01-09, for an appeal from the decision of the Zoning Administrator that the use of the P'On Creek Club property located at 44 Saturday Road, P'On subdivision, TMS No. 535-06-00-230 is a permitted use pursuant to the provisions of Mount Pleasant Ordinance No. 97010.

Mr. Prause reviewed staff comments as follows:

- Referred to the letter from Mr. Joel P. Ford of December 8, 2008 and referenced attachments for an explanation of the Zoning Administrator's interpretation of the Creek Club use.
- Referred to the appeal documents filed by Ms. Catherine Templeton of [REDACTED] P'On subdivision on January 7, 2009 for an explanation of why she believes this decision is incorrect and the relief she seeks.
- Stated Town's position: Ordinance No. 07010 expressly designates the Creek Club site for a civic building and neighborhood clubhouse use. Civic uses may include those uses which are "strongly vested with public or social importance." One could certainly posit that a wedding, for example, or the Mount Pleasant Cotillion gala, which recently occurred there, are obvious examples of uses vested with public or social importance.
- The Town does not want to be placed in the position of being the arbiter in issues of neighborhood clubhouse use. There are many, many neighborhoods that have these clubhouses and virtually all are used to a certain degree for these types of activities by a variety of entities. The Town has no desire to dictate to any neighborhood; neither P'On, Hobcaw, Creekside, Belle Hall, Dunes West, Charleston National, Snee Farm, Rivertown, Hamlin Plantation or any of numerous others with neighborhood clubhouses, to whom they may rent their facilities, for what purpose, for what remuneration, if any, or in what frequency.
- The courts in SC and elsewhere have consistently determined that controlling ownership of property is not a legitimate exercise of the local government police power; i.e. zoning. In fact, all neighborhood clubhouses are privately owned, even those owned by homeowner or neighborhood associations. Therefore, ownership by a private entity should not be an issue for zoning control.

Mr. Paul Dominick, attorney for Catherine Templeton, reviewed the request with the Board. He stated that Ms. Templeton takes issue with the Creek Club being a civic use. He stated that the opinion is based on the fact that the Creek Club is a neighborhood

Order on Appeal From Action of Zoning Official  
P'On Creek Club  
Page 1 of 9



WCSR 000714

clubhouse, which Ms. Templeton takes issue with as the I'On Creek Club is a privately owned business. He read a portion of Mr. Ford's letter as follows:

Therefore, there is no question that the Creek Club building is a neighborhood clubhouse, which the ordinance specifically identifies as a civic building...some are owned by neighborhood associations and used solely for the enjoyment of residents of the neighborhood.

Mr. Dominick stated that the Creek Club does not fit the definition outlined in Mr. Ford's letter as it is used for hosting events for profit and primarily for individuals and organizations outside of the neighborhood. He stated that the Creek Club does not have any members and does not fit the definition of the I'On Code defines "civic realm" not civic use as follows:

Those spaces in the neighborhood shared by all residents...they include thoroughfares, greens, parks, and squares.

Mr. Dominick stated that the Creek Club has a business license for commercial use, which is similar to the Cottage on the Creek. He stated that the Cottage on the Creek is privately owned and rents the facilities and does not have memberships. He stated that they are requesting that the Board overturn the decision of the Zoning Administrator.

Ms. LeAnn Adkins, [REDACTED], stated that her first reaction to Mr. Ford's letter was that the letter was in error as the facility is not used as a neighborhood clubhouse. She stated that 2007 HOA minutes says that the lack of a community center is an issue and that they inquired about using the Montessori School for meetings, but this did not come to fruition. Another meeting in 2007 indicates that there is no neighborhood center. In 2007, Chad Besenfelder indicated that the I'On Group is working on options for a neighborhood community center and could purchase the Creek Club for use as neighborhood center or rent the building as a community center for approximately \$50,000. She stated that she wondered why the HOA would do this if the Creek Club was their neighborhood clubhouse. She stated that the Creek Club has been referred to as several things such as an event venue, a perfect venue, a conference and event site, a quintessential lowcountry option, etc. She stated that while you can say that the Creek Club is anyone of those things, it cannot be said that the Creek Club is a neighborhood clubhouse and the only one that does is Mr. Ford. She suggested that the basis of the ruling is in error.

Ms. Catherine Templeton, stated that civic uses does not have to be redefined. She stated that there is no control over what occurs at the Creek Club whatsoever. She stated that there is no access to the Creek Club by the I'On residents unless it is paid for. She stated that only recently have there been negotiations to sell the Creek Club. She stated Saturday Road continues through the middle of the subdivision and expressed concern with child safety. She expressed concern with parking as well and took exception with the overflow parking and stated that the parking area referred to is personally owned by the Grahams and not part of the Creek Club. She stated that there are few parking spaces



available at any given night in the subdivision. She stated that Mr. Ford relying on the fact that it looks like a neighborhood club and looks like a neighborhood club then it is a club. She suggested that this is incorrect and erroneous and should be repealed.

Ms. Susan Simpson, [REDACTED], stated that she lives next door to the Creek Club. She stated that the Creek Club was to be built for the I'On residents for civic use, but it is not being use for civic uses for I'On residents.

Mr. William Hamilton, stated that he has scheduled some meetings and events at the Creek Club during the week, but not on weekends because of not being able to afford the rental fee. He stated that the Creek Club fails to be a civic club. The Creek Club is not a part of the civic fabric of the community and the members of the club do not have control or vote over the club activities either. He stated that other clubhouses require a percentage of the members to live in the neighborhood, but not the Creek Club. He suggested that there should be a clear definition of the uses for the Creek Club. He stated that the Creek Club also controls the boat ramp and boat landing. He suggested that there needs to be a solid definition of civic uses to protect the civic buildings before they are lost. He asked that his affidavit be entered into the record in full. Mr. Garris stated that the affidavit would be entered into the record.

Mr. Bruce Kinney, [REDACTED], president of the board of trustees (HOA Board) stated that the current use of the Creek Club includes a recorded easement to allow use of the boat landing and boat ramp for all residents and that there are days throughout the year for annual uses such as annual and semi-annual meetings, events, etc. He stated that since the potential sale of the club became public there has been more interest in the uses at the Creek Club. He stated that there was a misconception that the I'On board owned the club. He stated that the board has reviewed the documents and stated that the vast majority of homeowners fear that the current use of the club will change after it is sold, but do not have many objections with the current uses. He stated that the I'On board voted to ensure that it is used in the future as in the past. Mr. Kinney stated that Ms. Templeton asked for an agreement with the new owner to have weddings and receptions and keep the use for meetings. He stated that the board agreed to amend the agreement that includes the following points:

- Agreement to have exclusive right to use the club building for one day a year
- Rules adopted by the club owner for use of the boat facilities would apply to all users
- Boating facilities would only be closed for repairs and would remain open during private functions at the Creek Club
- Acknowledge use for weddings, receptions, and other uses would be allowed as in the past
- Agreement could only be cancelled by the HOA assembly and the perpetual easement would be recorded and have continued civic use as well as provide a revenue source for upkeep of facilities.

Mr. Kinney stated that the board has agreed to enter into an agreement with the new owner to be used as has been used in past and is consistent with Dec 2008 letter from the Town of Mount Pleasant. He stated that a portion of the annual assessment is sent to the Creek Club owner to reserve for use of the club for up to 52 days a year.

Mr. Dan Orvin, attorney representing the P'On Creek Club, and Tom Graham, owner of club were present. Mr. Orvin stated that the property for the Creek Club includes the building, boat ramp and boat landing. He stated that the operation of boat ramp and landing built in 2000 with building constructed in 2001. He stated that the facility is used for numerous events such as Piccolo Spoleto, P'Onissimo, community oyster roasts, Charleston Animal Society, Muscular Dystrophy Association, etc. He stated that the building has also been used for HOA meetings. He stated that the Creek Club is a benefit to the community and adds marketing value to the neighborhood. He stated that the operation of the Creek Club has been consistent with the zoning designation of civic use. He stated that just because the civic uses have economic value does not invalidate the civic use. He stated that a 2003 Court of Appeals defined as a civic use the private school under the planned development. Thus, a private school, making a profit was a permissible civic use. Mr. Orvin stated that they understand that there is concern over change of ownership, but the use will remain the same as in the past seven years. A 1983 Court of Appeals case in Sullivan's Island cites that the use is the factor, not the ownership. It is a neighborhood clubhouse and when the planned development was established, the property was zoned for a civic use with the intention to have a clubhouse. He stated that it does meet the requirements for a civic use. He suggested that there is not a civic building in the area that does not have a rental or economic component. Mr. Orvin stated that only when the contract for sale of the property was announced was there any opposition raised regarding the use of the Creek Club. He stated that there has not been any opposition for seven years. He stated that the State vs. Sweat states that when interpreting an ordinance must receive a practical, reasonable interpretation of the language of the ordinance. He stated that the civic club a permissible use and this purpose is consonant with other clubhouses in the surrounding community. He stated that the Town must be allowed to interpret its own law.

Mr. Tom Graham, father of Vince and Jeff Graham who built P'On stated that the P'On Club owns the Creek Club and envisioned that it would be similar to the Sea Island Yacht Club. He stated that it was built to be a rental venue for all sorts of uses as an amenity to P'On. He stated that the rental has been advertised for private events on weekends with community, civic events and activities for the remainder of the week. He stated that it has been run this way since 2001 without incident. He stated that this is a legal use and have been consistent with the use since beginning.

Ms. Templeton stated that while she appreciates Mr. Graham and Mr. Kinney's efforts to negotiate with the potential owners, what is missing is the neighborhood component. She suggested that there is no control over the use of the club. She stated that the concern was raised when it was found that the neighborhood would not have any control over the events held and is now not an option. She suggested that the definition of Mr. Ford is not met by the Creek Club. She took issue with Mr. Donovan's statement that the HOA

board unanimously agrees and stated that she has e-mails to the contrary. She stated that she wants the property to continue to be used as civic property and for the Town to enforce that use.

Mr. Hamilton clarified that the Montessori School is a public school.

Mr. Orvin further clarified that at the time the case was heard, the Montessori School was a private school and had not applied for charter school status and that this was what the case law referred to. He stated that while he understands the concern, the issue is the current use of the building and not the possibility of a future violation.

Mr. Matt Walsh, [REDACTED], stated that he is vice-president and clarified that they approved to use the easement for perpetual use of the residents and did not vote for the current use.

Mr. Hollings asked Mr. Kinney how many days are allocated to civic uses for I'On residents. Mr. Kinney answered that the I'On residents negotiate for approximately one day a week for community events. He stated that approximately 26 of the 50 days for this year have been booked. Mr. Walsh stated that they have 52 dates at \$150/day or \$600 a month. Mr. Hollings asked if the dates are pre-assigned. Mr. Kinney answered that the dates are pre-arranged. Mr. Hollings asked if it is a partial day or full day. Mr. Walsh answered that it is usually a full day unless re-negotiated differently. He stated that this is negotiated annually. Mr. Hollings asked how many parking spaces are in the overflow parking. Mr. Kinney answered that he is unsure and that it is rarely used by assembly members. Mr. Hollings asked if use of the clubhouse facility is consistent with the zoning. Mr. Kinney answered that his opinion is that the use is desirable for the neighborhood. He stated that they are trying to have the right of the clubhouse once a week as a right instead of being negotiated on an annual basis. He stated that this would preserve the existing use. He stated that his opinion is that it would be consistent today.

Ms. Smyly asked about the parking on the club property. Mr. Chad Besenfelder, general manager, answered that the overflow has 50 parking spaces. Ms. Smyly asked what the designation was for the overflow. Mr. Besenfelder answered that he was unsure. Ms. Smyly asked how many spaces are at the club. Mr. Besenfelder answered that there are approximately 20-22 spaces, with 36 spaces of on-street parking. Ms. Smyly asked who holds the liquor license for the Creek Club. Mr. Besenfelder answered that the I'On Club does not hold the liquor license. Ms. Smyly asked about the impact assessment and how the traffic impact was discerned for civic uses. Mr. Prause answered that he was unsure. Ms. Smyly asked if the impact assessment specifically depicts traffic impact for civic uses. Mr. Prause answered that there is some consideration for uses and stated that it is beyond his expertise. Ms. Smyly asked if the potential for additional outside traffic was a consideration in the impact assessment for that use at the time of approval of the impact assessment and if sufficient parking was determined at that time. Mr. Prause answered that the traffic impact study shows the ITE codes, but it does not specifically note the civic use. He stated that in regard to the overflow parking, it is designated as a civic use lot. He stated that the parking was not felt to be a town issue as to whether it is used for

weddings or boat landing parking. Ms. Smyly asked if the zoning designates the types of uses such as to facilitate weddings, etc. Mr. Prause answered that there are certain zonings that allow those types of uses, including residential zoning. He stated that most of the golf communities are zoned R-1 including Rivertowne Country Club, Hobcaw Yacht Club, Snee Farm, Hamlin Plantation, Charleston National Country Club, etc. He stated that the code does not specifically address who can use the facility; that is between the residents and the person that runs the facility.

The Board convened for a short break at 7:53 p.m. The Board reconvened at 7:59 p.m.

Mr. Garris stated that the zoning map shows the property as a civic use and are common in other communities and quoted a portion of Mr. Ford's letter. He stated that based on the testimony he has heard, it is difficult to say that Mr. Ford has not done his job. He stated that there may be some things that must be done between the HOA and the owners of the club, but it is not a Town responsibility. He stated that it was zoned for a civic building and is being used for that, with the HOA having to pay for that use, which is not a violation of the determination.

Mr. Wilcox asked for a showing of those present that that lived in P'On prior to 1999 and have not called 911.

Mr. Morgan Templeton, stated that he has called 911 on several occasions and the response has been that nothing could be done and that it is a neighborhood matter, not a police matter. He stated that it is the board's duty is to uphold the law and they should do so. He stated that it is not a civic use on a civic lot.

Mr. Wilcox asked how one becomes a member of the HOA. Mr. Templeton answered that an owner of property is a member of HOA. Mr. Wilcox asked about one of the photos reviewed by staff earlier and what the sign meant. Ms. Templeton answered that this refers to use of the docks, which are deeded to HOA through quit-claim deed. Mr. Orvin answered that these points are irrelevant to the issue. He stated that there is an easement allowing access to the docks.

Mr. Moore asked what the consequence would be for supporting the application. Mr. Prause answered that it could be appealed to the circuit court, appellate court, and then the supreme court as both parties do not appear to be near a resolution. Mr. Moore suggested that the definition of a club is not the issue, but the use of the club. He suggested that over the years it has satisfied the use as a civic building. He suggested that the building would not be built and approved if it did not comply with the zoning. He suggested that the building, by design, satisfied the civic building and clubhouse function. He suggested that the Board is not in the position to resolve the differences. He stated that it was unfortunate that there are neighbors in close proximity, but that this does not affect the use of the building.

Mr. Wilcox asked for clarification on the meeting time. Mr. Prause answered it was advertised that the meeting starts at 6:00 p.m. in the newspaper and on the property.

Ms. Smyly asked Mr. Graham about the ownership of the overflow parking. Mr. Graham answered that the civic lots are owned by the P'On Company with a civic lot zoning designation to support the events, etc. He stated that it is a necessary component with the construction of the building in order to have the civic use and is part of the contract for sale. Ms. Smyly suggested that the ownership as determined by the Zoning Administrator is correct and that it is a zoning and land use matter, regardless of the owner. She stated that a civic organization in the code includes a description that a civic organization operates for the benefits of its members and not the general public. She stated that the planned development regulations impose a geographical limitation relative to it being a neighborhood clubhouse. She stated that the limitation relates to the internal capture of traffic and has a lesser impact on the surrounding neighborhoods. She suggested that the definition in the planned development regulations imposes this geographical limitation. She stated that the unpublished order refers to a planned development statement that civic buildings are to be cited to be visual landmarks and symbols of identity within the community and ties to the definition of a civic use. She stated that she is conflicted on the mechanism used to regulate these types of clubs, understanding that there is allowance for outside neighborhood uses. She stated that there is no control by the HOA over use of the property, which does not fit in this definition as it is not a controlling aspect.

Ms. Smyly further stated that she believes this is a commercial use and if necessary the Town needs to endeavor to define the boundary of uses for civic uses. She stated that it appears from the impact assessment perspective, the overflow parking is utilizing another civic area that may be appropriate, but expressed concern that the general traffic impact from what seems to be a commercial use should more properly be allowed in a commercial district or perhaps an economic development district that is a tourism related use, particularly if this is a regional destination for events. She stated that she does not believe the current zoning is correct for the existing uses and should be better defined. She stated that regarding the neighborhood's ability to obtain the use of a clubhouse, the Board does not have the authority to dictate this.

*Mr. Moore moved to uphold the Zoning Administrator's findings with the findings that there is a valid use under the zoning code and that it does perform its function and support the findings of the Zoning Administrator's letter dated December 8, 2008. Further, based on 156.411(A)(1) the decision of the Zoning Administrator is affirmed. Mr. Wilcox seconded the motion.*

Mr. Garris read Mr. Ford's letter, dated December 8, 2008 for the record as follows:

To Whom It May Concern:

Please be advised that the current use of the P'On Creek Club as a venue for weddings, receptions, meetings and other similar special events is a permitted use pursuant to the provisions of Mount Pleasant Ordinance No. 97010.

Order on Appeal From Action of Zoning Official  
P'On Creek Club  
Page 7 of 9

WCSR 000720

Mount Pleasant Ordinance No. 97010 is a planned development ordinance consisting primarily of three separate documents: the "I'On Impact Assessment", "The I'On Code" and a sketch plan map entitled "I'On Technical Plan." Page three of the impact assessment document provides that, "Throughout the community, specific sites are designated for civic buildings -- *neighborhood clubhouses*, a scout den hut, churches and other civic uses" (Emphasis added). The I'On Technical Plan map specifically identifies the Creek Club parcel as a civic building site. Page seven of the impact assessment document contains two photographs of the Sea Island Yacht Club in Rockville, SC with the notation that "*Clubhouses* in I'On will be modeled after traditional structures like the Sea Island Yacht Club in Rockville, SC." (Emphasis added, again) The Creek Club building is a very close architectural replica of the Sea Island Yacht Club building. Therefore, there can be no question that the Creek Club building is a neighborhood clubhouse, which the ordinance specifically identifies as a type of civic building.

Such neighborhood clubhouses are common throughout the Town of Mount Pleasant and other communities. Some are owned by neighborhood associations and used primarily for the enjoyment of the residents of the neighborhood. Others are privately owned and offer memberships not only for those living in the neighborhood but to the general public also. Virtually all are rented at different times for various functions to a variety of different folks: neighborhood residents and non-residents, members and non-members. The town does not regulate these aspects of neighborhood clubhouse use, believing these matters are best handled privately between those involved.

Please also be advised that Sections 156.411(A)(1) and (5) of the Mount Pleasant Zoning Code provide a mechanism to appeal this determination to the Mount Pleasant Board of Zoning Appeals.

Sincerely,  
Joel P. Ford, Director

*Mr. Garris called for a vote on the motion. Motion passed on a 4 to 1 vote, with Ms. Smyly opposed and Mr. Lane abstaining.*

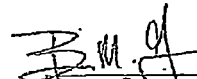
Additionally, after consideration of the evidence and arguments and statements presented, the Board makes the following specific findings of fact and conclusions:

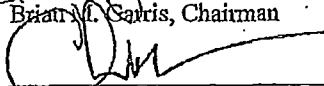
1. "Use" is the relevant and controlling factor in determining if the Zoning Administrator's decision is valid in this situation. "Ownership" and "control of the property" are not relevant and controlling factors in this regard.

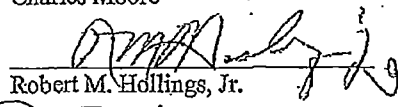
2. The following uses are common at the P'On Creek Club and are properly categorized as civic: weddings, receptions, P'On HOA meetings, P'On community events, and other special and private events.
3. The P'On Creek Clubhouse operates just like other clubhouses in the Town of Mount Pleasant which are located in other subdivisions around the Town.
4. The P'On Creek Club is a civic building being "used" for civic purposes.
5. The Zoning Administrator's decision in this case is reasonable and valid.

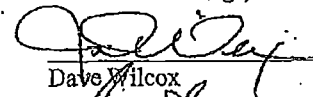
THE BOARD, THEREFORE, ORDERS that the requested appeal from the action of the Zoning Administrator is denied and the Zoning Administrator's decision is affirmed.

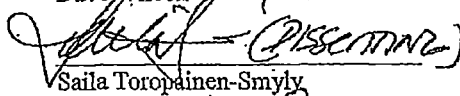
Date issued: 4-7-09

  
Brian M. Garris, Chairman

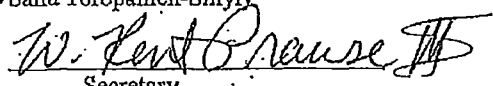
  
Charles Moore

  
Robert M. Hollings, Jr.

  
Dave Wilcox

  
Salla Toropainen-Smyly

Date mailed to parties in interest: 4-8-09

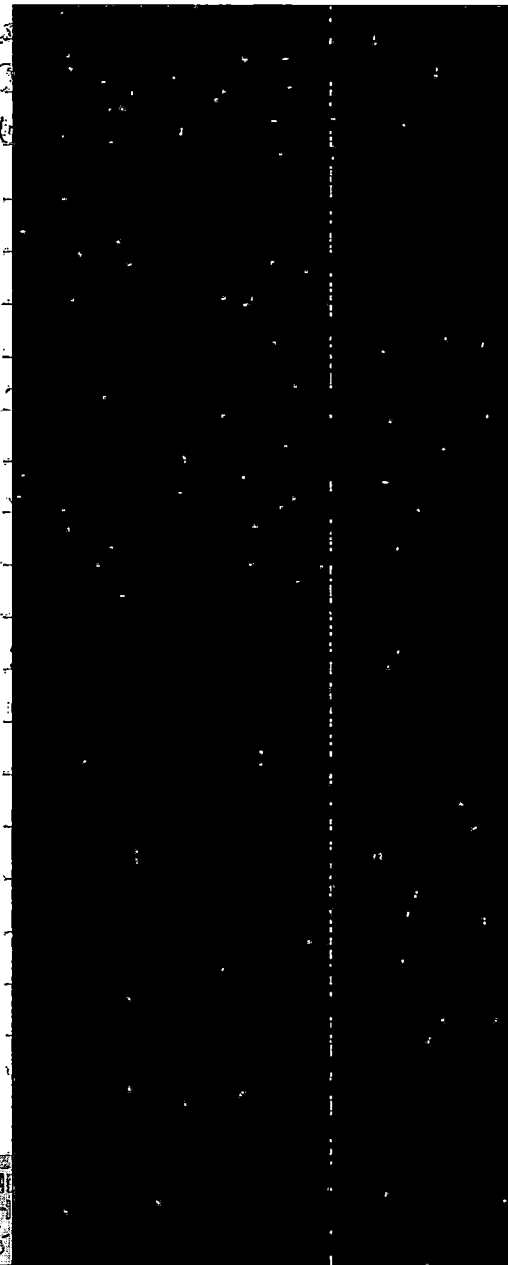
  
Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date the Order was mailed.

We request that the P' on Homeowners' Association Board protect the PUD by supporting the Creek Club zoning appeal to the Mount Pleasant Board of Zoning Appeals. We also request that the Board pay the \$3,100 in filing and attorney fees required for this appeal.

Name \_\_\_\_\_

Street Address

[illegible]



Ellen + Sh +

Mary Hunter

Annie + Doris

Annie Bink

Lillian Eble

Jessie Simpson

Kay K. Chittly

Anna C. Frost

Ketty Hammar

Call

Julie Chapman

Katie Bink

Mable + Jane

Tip Janning

WCSR 000749

PAGE 1 of 2

**Property Mgr3**

**From:** Helen Hutson [hhutson@amcs-inc.com]  
**Sent:** Thursday, June 10, 2004 2:21 PM  
**To:** Ed Clem (E-mail) (E-mail); Gaye Joyner (E-mail)  
**Cc:** Cheryl Wilson (E-mail)  
**Subject:** FW: Ton

Mr. Clem,  
 Attached is the original email I forwarded to you May 6th.  
 Let me know if you have any questions?

Thanks,

Helen L. Postell Hutson

**-----Original Message-----**

**From:** Helen Hutson [mailto:hhutson@amcs-inc.com]  
**Sent:** Thursday, May 06, 2004 10:36 AM  
**To:** Ed Clem (E-mail) (E-mail); Gaye Joyner (E-mail); Cheryl Wilson (E-mail)  
**Subject:** FW: Ton

Mr. Clem,  
 Pls. review and get back with me.

Thanks

Helen L. Postell Hutson

Helen-

I have had the opportunity to review the Recreational Easement and Agreement to Share Costs as you have requested. I have viewed the document from the point of view of the Assembly in determining the issues that might unfavorably impact the Members. Having reviewed the document I note the following:

1. The document was written with a bias strongly favoring the Club and giving the Club extraordinary flexibility in its operation and financial aspects; and
2. It potentially provides a vehicle for serving the community at large to a disproportionate degree, thus decreasing the value to the Members, and, potentially, introducing substantial numbers of non-residents to the community and to its common areas; and

6/10/2004



AMCS 000226

3. Without controls on the numbers of non-residents using the facilities and a solid provision for dealing with the associated costs, it is more likely than not that the Members would end up being surcharged unfairly for such non-residents' use; and
4. The accounting provisions provide for audit at the Members' expense- this is a costly venture, and, as loosely as the document is written, so long as monies are paid out, the Members will pay their share. The problem with this is that they could pay their employees/officers more than a competitive wage and you would have no standing to complain. Moreover, since there is no real formula for apportioning the expenses, you would be at the mercy of any creative Club accountant; and
5. Since I'm providing substantial lake access to the Club, there should be some quid-pro-quo in the form of reduced costs to Members when compared to the non-residents.

Not knowing the current situation as to the availability of modifications to the Easement, I have not re-written it as I would like to see it, but if I can meet with you and the officers of the Assembly to discuss my suggestions for specific changes and how they feel about them it would be a simple matter to do so.

Please convey my apologies to the Board for the delay, my only excuse is that we have had staff illnesses here and I have been busier than the well known one-armed paperhanger.

Rick

6/10/2004

AMCS 000227

Property Mgr3 [REDACTED]

From: Cheryl L. Wilson [cwillson@amcs-inc.com]  
Sent: Thursday, June 24, 2004 1:01 PM  
To: 'Brad Walbeck'  
Subject: RE: landscape issues in I'on

Dear Mr. Walbeck

I am working on getting someone out there to address the lighting at the front entrance.

I have contacted Lawn-O-Green and they will make sure the Ramble is addressed by the end of this week.

The right side of the main entrance was infested with dollar weed, which the area has been treated for. The grass could not grow in this area due to this type of weed but I have been assured that the grass will start to come back now that the weed infestation has been addressed.

I believe the town of Mt. Pleasant is responsible for the center island at the roundabout. Lawn-O-Green does try to tidy it up upon our request. I have spoken to Lawn-O-Green and they will be addressing this area tomorrow.

I have told Lawn-O-Green about the fountain as well.

The sprinkler system at Maybank Green is in fact working, the problem is that the contractors in that area are unplugging the control box. Lawn-O-Green is working on a solution.

The irrigation in I'On was not handed over to Lawn-O-Green until the middle of May, before then it was controlled by the Landscape Committee. Lawn-O-Green is working diligently on repairing and maintaining the irrigation system throughout the community.

The Board has made a decision on the mulch and I ordered it today. It will be installed around the middle part of next week. Also, the Board has approved the installation of some annual plantings around the community, this is being installed today.

The Board is aware of the landscape problems in I'On and are actively working on a solution at this time.

I hope I have answered all your questions and concerns. If you should feel a need to discuss these matters further, please do not hesitate to contact me.

Thank you,

6/24/2004



AMCS 000203

*Cheryl L. Wilson*  
*Community Manager*



Original Message

From: brad walbeck [mailto:walbeck@msn.com]  
Sent: Wednesday, June 23, 2004 7:47 PM  
To: cwilson@amcs-inc.com  
Subject: landscape issues in Ton

Hi Cheryl,

The light at the main entrance to Ton is out.

Also, the grass at the Ramble has not been mowed in several weeks.

There is no grass (only weeds and dirt) on the right side of the main entrance to Ton. Whose responsibility is this? There used to be grass there.

Who is responsible for maintaining the landscape in the roundabout on Mathis Ferry Road?

The fountain on North Shelmore is finally working, however, is filled with algae again.

Is the sprinkler system at Maybank Green working?

I don't mean this the way it sounds, but who is responsible for keeping up with the landscaping in Ton? I took a walk the other day and saw many dead plants, grass, etc. There has been no new mulch placed anywhere. This neighborhood is really going downhill with respect to the landscaping. Who else should I direct my dissatisfaction to? Is anyone paying attention to the notes on the message board? It saddens me to watch the place deteriorate.

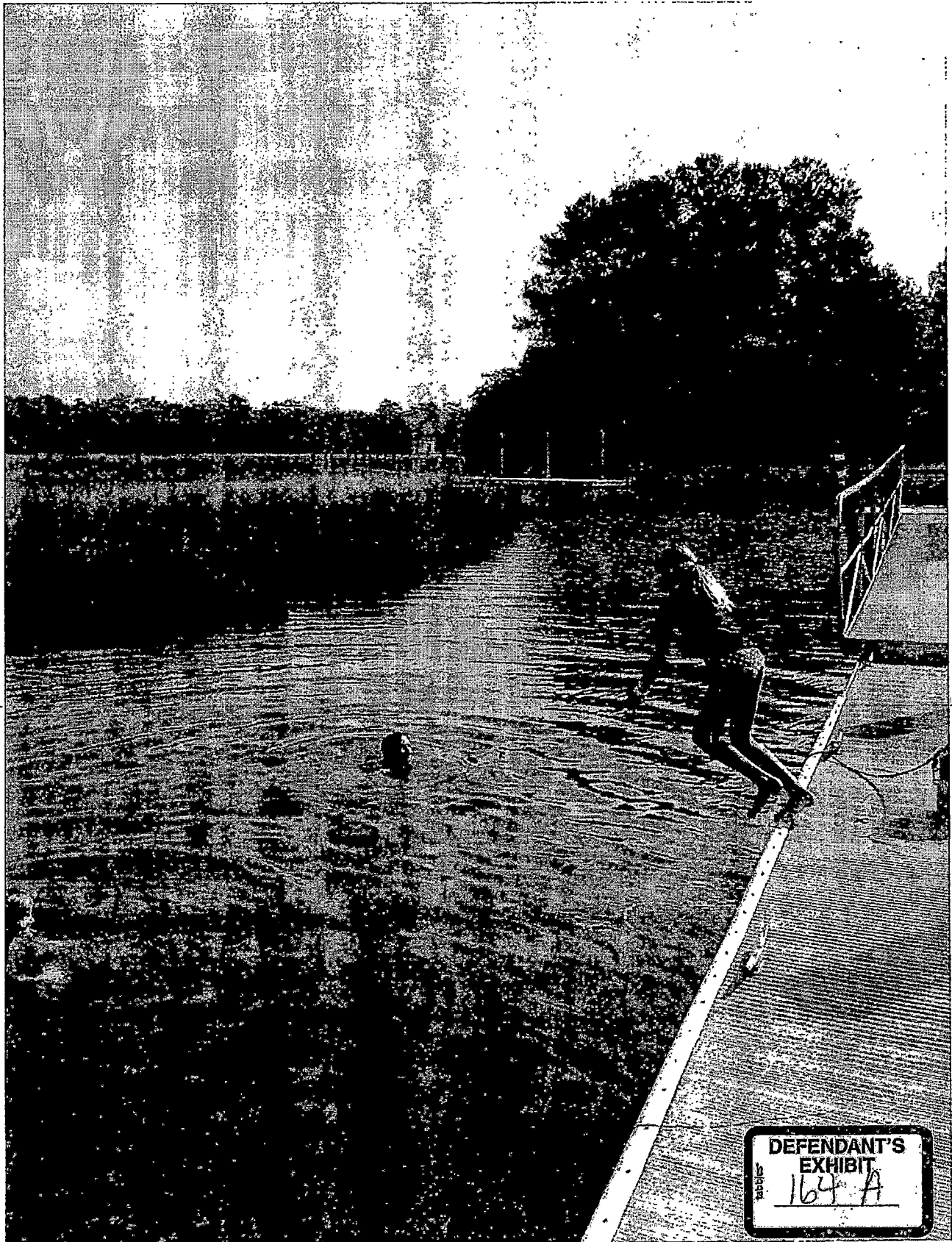
Thanks for your prompt attention to these matters.

Brad Walbeck



6/24/2004

AMCS 000204





DEFENDANT'S  
EXHIBIT  
167

Gmail - Re: Your VOTE on the I'On PD Amendment?

Page 1 of 1



Suggestion Box &lt;ionsuggestionbox@gmail.com&gt;

## Re: Your VOTE on the I'On PD Amendment?

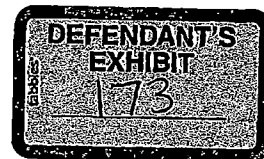
1 message

LEAADK@aol.com <LEAADK@aol.com>  
To: ionsuggestionbox@gmail.com

Wed, Sep 19, 2007 at 3:16 PM

1. I oppose the present plan.
2. Possibly. I would be in favor of this, but at this time it is not a simple yes or no answer. Would depend on several factors.
3. a) PD should not be amended WITHOUT COMPELLING REASON TO DO SO b) current parking problems c) conversion of creek club parking lot to residential d) conversion of civic/comm to residential e) density and parking problems with Phase 11 f) all the others -- in no particular order.
4. Not necessarily.....past experience has shown us that people whose full-time job it is to profit from development can really turn out some troops, while those merely opposing it don't have the time to invest in recruiting and motivating their fellow man to show up. The board may be able to make the decision, and I may prefer that over the "headcount" method that this idea suggests.
5. Not without a lot more information. I heard someone jokingly say once that they should give it to us; I laughed, thinking that wasn't a serious consideration. After thinking about it, it began to sink in that perhaps they should -- in lieu of the other mega-donations to various causes. There is, I believe, big opposition to the churches receiving such large donations, and these comments come from church-going individuals. Also, the school has its own fund raising. The I'on Trust.....c'mon.....and I'm a member! But I realize Vince gets a tax deduction for all these huge donations, as well. And probably takes a loss on the "sale" of the Creek Club. A proposal more people could get behind would involve nixing the donations to the organizations. And no \$\$ exchanged for the club. I think more residents would see this as a real give and take, and more would support him with the town. I believe few people are behind this present deal.

See what's new at [AOL.com](http://AOL.com) and [Make AOL Your Homepage.](#)



<http://mail.google.com/mail/?ik=cb8202c216&view=pt&ui=1151f32eefdf4f4&search=in...> AMCS 000195 9/19/2007



**I'On Assembly  
Board of Trustees Meeting Minutes  
March 22, 2007**

**Members Present** Dr. Alan Barbieri, Ed Clem, Dwain Ray, Ward Mundy, Ted Webb, and  
Everett Wilcox  
**Members Absent** Theresa Green  
**Guests** Dan O'Donnell, Steve Brock, Chad Besenfelder, Jack Hamilton, Leann  
Adkins, Lou Dardozzi, Trip Jennings, Bob Hervey  
**AMCS** Cheryl L. Wilson

Everett Wilcox called the meeting to order.

**Minutes**

The Board of Directors agreed to post the minutes from the February 28, 2007 Board of Trustee meeting on the website as preliminary minutes. The Board of Trustees will approve the minutes at the next Board of Trustees meeting.

**Neighborhood Comment**

Jack Hamilton distributed the latest edition of What's Going I'On along with an edition dated March 24, 2005, so owners can see how much the publication has evolved over the years. Mr. Hamilton also distributed a hand out entitled I'On at Ten, regarding the ten year anniversary of I'On.

Dan O'Donnell advised that he was in attendance to hear about the planned development amendment and to express his concerns. He advised that he is not happy with the proposed plan due to the increase of vehicle and construction traffic it would cause.

Leann Adkins advised the Board of Trustees that she is concerned with the center vacant lot on Hopetown Road known as 11 Hopetown Road owned by Mayhouse Development LLC. She advised that at a Board of Zoning Adjustments meeting it was stated on record that the lot should have never been plotted as a residential lot. She asks that the Board of Trustees work this into an agreement with Vince Graham when negotiating the Planned Development amendment. The Board of Directors agreed to take her request under consideration.

Jack Hamilton advised that he is concerned with the civic life in I'On and that it may fade if a community center is not developed. The Board of Trustees advised Mr. Hamilton that this is a high priority for the Board of Trustees and that they are working on developing a community building. The Board of Trustees thanked Mr. Hamilton for his hard work in the community.

Ward Mundy suggested that the Board of Trustees not read submitted neighbor comments aloud during a meeting and that this is the time for owners who are in attendance to address their concerns to the Board of Trustees. The Board of Trustees agreed to post written neighbor comments on the website.



I'On Assembly 000330

Ed Clem reminded everyone that the Board of Trustees has not made an official decision on the proposed planned development amendment and that the Board of Trustees will schedule a open meeting for owners to attend and express their concerns and questions regarding this matter.

#### **I'On Community Update**

Chad Besenfelder advised that it is important to the I'On Company that they hear everyone's questions and concerns regarding the planned development amendment and that this is not something the I'On Company is in a hurry to push through. Ward Mundy asked what the status was on planting wildflowers in the phase eleven open space. Mr. Besenfelder advised they will be in next week. Mr. Mundy asked if the I'On Company had met with the Town of Mount Pleasant regarding the parking plan. Mr. Besenfelder advised no.

Mr. Besenfelder presented the Board of Trustees with a proposal for the Rookery to help increase the population of nesting birds in the Rookery. The proposal advises that the water level is too high which is suffocating plant life and nesting trees. It also reports that there are too many public access points and walking paths near nesting islands, which allows for high disturbance from pets and people. There is decreased screen vegetation along the rookery banks and decreased nesting trees in rookery islands. The I'On Company is committed to preserving the rookery and complying with DNR guidelines. The I'On Company would like to install gates and signs to discourage access to the east portion of the Rookery during nesting season (February 15<sup>th</sup> through August 15<sup>th</sup>). The I'On Company is requesting approval from the Board of Trustees before they proceed with implementing the proposed recommendations. The I'On Company will coordinate with DNR and environmental experts to study the area including water quality, water levels, vegetation, and nesting patterns and they will then create a conservation plan for next year's nesting season. The Board of Trustees asked Mr. Besenfelder to come back to the Board of Trustees at the next monthly meeting with more detail on the proposal.

Mr. Besenfelder advised that replacement street trees are on order. Ed Clem asked Mr. Besenfelder what the status was on the drainage issue on the west side of Westlake. Mr. Besenfelder advised that he is working on this and that the I'On Company might bring in an engineer to look at this area.

Alan Barbieri asked Mr. Besenfelder to work with Dwain Ray when repairing and replenishing the walking paths in the community as Dwain Ray has worked with the Infrastructure Committee to establish specifications for the gravel for the paths. Mr. Besenfelder asked the owners from Hopetown Road to call him, as he would like to sit and talk to them regarding their concerns regarding the center vacant lot on Hopetown Road.

**Planned Development Amendment**

Everett Wilcox asked Ward Mundy what feedback he had received via the I'On Suggestion Box. Mr. Mundy reported that most comments have been negative. Alan Barbieri proposed that the Board of Trustees hold an open meeting for owners to express their concerns. The Board of Trustees asked AMCS to check the availability of the Creek Club on a Wednesday before the next monthly Board of Trustees meeting. The Board of Trustees agreed that each household would have two minutes for oral comments; and owners are to submit written comments either before or after the meeting. The Board of Trustees agreed to get notice of the meeting to all the owners via mail or e-mail. The Board of Trustees agreed to hold a Board of Trustees meeting after the open forum meeting to discuss the feedback received from the meeting.

**AMCS Report**

AMCS reported the following account balances as of March 19, 2007:

Operating Account \$149,881.29

Fidelity Investment Account \$490,646.82 (Capital Reserve and Operating Funds)

Operating Funds in Reserves \$30,000.00 (From 2006)

Operating Funds in Reserves \$122,516.00

**Special Assessment**

Alan Barbieri suggested that the Board of Trustees seriously consider passing a special assessment of \$1,000.00 per lot owner. He advised that this would build up the storm clean up fund and put money aside for repairing landscape areas and developing a community center. Ward Mundy suggested raising dues to cover expenses. Ed Clem will work with the Landscape Committee and the Infrastructure Committee to establish the cost for needed repairs/improvements.

**Community Center**

Everett Wilcox advised that the recent Community Association Institute meeting he attended was sponsored by two banks that would be able to give the association a loan to construct a community center. Dwain Ray will head the committee that will do further research on constructing a community center so Mr. Wilcox will forward the contact information to him. Everett Wilcox suggested considering the soccer field, the current location of the East Cooper Montessori School or the lot across from the overflow Creek Club Parking lot as potential build sites

**Lake Stocking**

AMCS presented the Board of Trustees with the proposal from Estate Management for \$3,089.00 for stocking the lakes with 380 sterile triploid grass carp. This item was budgeted for in 2007. Alan Barbieri signed the proposal for the I'On Assembly. AMCS will schedule the stocking of the ponds.

**Finance Committee Report-Ed Clem**

The Board of Trustees reviewed the Finance Committee reported prepared by Ed Clem. Mr. Clem advised that for February the associations expenses were slightly unfavorable at \$39,796.49 versus a budget of \$36,096.65, a deviation of almost \$3700. Year to date, the associations is unfavorable by slightly over \$3100, at \$75,485.71 versus a budget of \$72,372.80. Some of this deviation is misleading as we have paid for some services in the first two months that are allocated throughout the year. For example, the associations liability and D & O insurance coverage of almost \$10,000 was paid in January; Lawn-O-Green's application of insecticide and weed control chemicals, of \$9190 was paid in February, as was the worker's compensation insurance coverage of \$838 the association carries for the use of the Mount Pleasant off duty police officer's the associations uses for security patrols. The association also purchased four new pet stations due to complaints about dog feces issues. These cost \$1750 installed and were not in the budget. The association incurred high costs of \$4495 to repair a cracked liner in the fountain at Perseverance Park (\$3100) and \$1300 to install bollards at several locations around East and West lakes and Maybank Green to prevent damage to the common areas and unauthorized use of the walking paths by golf carts and other motorized vehicles.

On the revenue side, through the end of February the association has collected \$443,474.31 in regime fees against a budget of \$525,500. The unpaid \$83,000 in regime fees represents some 110 delinquent accounts, nearly 16% of the owners who have not yet paid, even though these accounts were supposed to be paid by January 31<sup>st</sup>, 2007. These accounts are now in arrears and are being assessed late fees. The P'On Assembly's collection policy will be more stringent this year, and a new attorney has been retained to help the association in the collection process due to the Board of Trustees dissatisfaction with the performance of the attorney formerly handling these matters.

To maximize the amount of interest the association earns on the cash already collected, but not yet needed to pay monthly expenses, the Finance Committee have already transferred \$335,000 from the Wachovia checking account, where the funds were earning less than 2% interest, to a money market fund at the account with Fidelity where they are earning 5% interest. The associations Capital Reserve funds (some \$235,000) are also invested in US Treasury bills at Fidelity where they also are earning about 5% interest. The Finance Committee is scheduled to put an additional \$100,000 in the Capital Reserve fund out of this year's operating budget.

**Landscape Committee Report-Alan Barbieri**

The Board of Trustees reviewed the Landscape Committee report prepared by Alan Barbieri. He reported that the Landscape Committee was waiting on bids for the lighting of the sixteen palmetto trees on Maybank Green and AMCS had presented the bids to him at the beginning of the Board of Trustee meeting. After Dark Light Design submitted a bid of \$3,685.00; Lawn-O-Green had submitted a bid of \$3,445.00 and Outdoor Lighting Perspectives submitted a bid of \$2,880.00

Ted Webb made a motion accept the proposal from After Dark Lighting Design for \$3,685.00 for the installation of up lighting for sixteen palmetto trees on Maybank Green. Dwain Ray seconded the motion. All in favor. Motion carried.

The Board of Directors asked AMCS to contact After Dark Lighting and Design to ask that PVC piping be installed around the wires leading to each light fixture to prevent wires being cut when the landscape maintenance is performed. AMCS will contact After Dark Lighting and Design to make the request and schedule the work.

The committee is also awaiting bids from landscape architects to establish some priorities for the community. A meeting of the Landscape Committee will be planned after the bids are in. The committee has authorized Lawn-O-Green to remove the dead tree on the southeast corner of Patience Park. The committee is pursuing the oak tree evaluation by Michael Murphy where two members of the committee have volunteered to accompany Mr. Murphy and note issues regarding the common area trees.

**Parking Committee Report-Everett Wilcox**

Everett Wilcox advised that there has been no further action concerning the parking plan. Mr. Wilcox reported that Brad Morrison with the Town of Mount Pleasant is ready to start marking the streets.

**Infrastructure Committee Report-Dave Rosengren**

The Board of Trustees reviewed the Infrastructure Committee report prepared by Dave Rosengren. He advised that he authorized AMCS to schedule the pressure washing and painting of structures that were approved in the 2007 budget. He is working with Lawn-O-Green and Complete Property Maintenance to get the landscape lighting burned bulbs replaced. Mr. Rosengren advised that the Perseverance and Jogging fountain back in service. He also reported that the Rookery sign on N. Shelmore Blvd. had been reset in concrete. AMCS advised that they were working with a contractor suggested by the East Cooper Montessori Charter School to have the soccer field goal post repaired. The Board of Trustees agreed that Dwain Ray would attend all future Infrastructure Committee meetings.

**Communications Committee-Theresa Green**

Theresa Green was not in attendance to the Board of Directors meeting and there was no report available.

**I'On Design Committee/Compliance Committee Report-Ted Webb**

The Board of Trustees reviewed the I'On Design Committee/Compliance Committee report prepared by Ted Webb. Ted Webb reviewed the letter he drafted regarding boat rules in the community. Mr. Webb will make a few corrections and post on the website after the Board of Trustees reviewed it one last time. The Board of Directors also agreed to mail the letter with the mid-year meeting.

**Meeting Adjourned into Executive Session.**

**Next meeting is April 25, 2007 at 5:00 PM at the I'On Company Upstairs Conference Room.**

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Theresa Green, Secretary

Gmail - FW: Your VOTE on the I'On PD Amendment?



Page 1 of 2



Suggestion Box &lt;ionsuggestionbox@gmail.com&gt;

**FW: Your VOTE on the I'On PD Amendment?**

1 message

Headdden MD, Gary F <headdeng@musc.edu>  
 To: ionsuggestionbox@gmail.com

Wed, Sep 19, 2007 at 4:30 PM

In favor of PD ammendment as currently exists.

No other opinions about the remainder of questions.

Gary

From: Ward MUNDY [mailto:wardmundy@gmail.com]  
 Sent: Wed 9/19/2007 1:59 PM  
 To: Headdden MD, Gary F; Paulette HEADDEN  
 Subject: Your VOTE on the I'On PD Amendment?

As you may know, the I'On Assembly Board of Trustees has scheduled a closed meeting tomorrow evening to review the I'On Company's PD Amendment proposal. Because the discussions may involve negotiating strategy, a majority of the Board concluded that an initial private meeting would be helpful. No vote will be taken on the PD Amendment proposal at tomorrow night's meeting, and minutes will be published. The Board's regular (open) public meeting is next Wednesday beginning at 6 p.m. in the I'On Company's meeting room. As with previous versions of the I'On Company's proposal, the current one is available for your review on our homeowners-only web site at <http://ioncommunity.com>.

The Board has heard from approximately one hundred neighbors regarding their views on at least some version of the PD Amendment. But we have not heard from over 500 homeowners in I'On. I'm writing as one of your elected representatives, and I'm interested in several pieces of information before tomorrow night. If you would kindly forward this email to [ionsuggestionbox@gmail.com](mailto:ionsuggestionbox@gmail.com) with answers to the following questions, I would appreciate it. This will only take a couple minutes of your time. I will also share the results with the other members of your Board.

1. Do you favor or oppose the PD Amendment as it presently exists?
2. If you do not favor the PD Amendment as it exists, do you support having all or part of the Board negotiate with the I'On Company to reach some middle ground that is acceptable to a majority of the Board?
3. If you oppose the PD Amendment, please rank the reasons for your opposition: Density of Phase 11, Conversion of civic/commercial lots to Residential, Conversion of Creek Club overflow parking lot to Residential lots, Safety concerns with construction traffic, Lack of Muirhead entrance/exit to I'On, Lack of community meeting facility, Current parking problems, Parking problems from new units, Planned unit development should never be changed, Other (please specify).
4. Should a final decision on the PD Amendment be put to an official vote of the homeowners at our annual meeting in December?
5. If we could purchase the Creek Club, adjacent parking lot, docks, and boat ramp for \$700,000 from the I'On Company, should the Board do it?

Thanks for sharing your views.

AMCS 000152

<http://mail.google.com/mail/?ik=cb8202c216&view=pt&th=1151f784cb650ec8&search=i...> 9/19/2007

Gmail - PD Amendment

Page 1 of 1



Suggestion Box &lt;ionsuggestionbox@gmail.com&gt;

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**PD Amendment**

1 message

Jane O'Neil <joneil2@comcast.net>  
Reply-To: Jane O'Neil <joneil2@comcast.net>  
To: ionsuggestionbox@gmail.com

Wed, Sep 19, 2007 at 4:34 PM

My Input, not necessarily Gary's:

1. no
2. yes
3. Vince's vision has us all here and loving every day. As wonderful as I'On is, I, therefore, trust this continuation of his vision in the broadest of terms. I don't have a problem with the density of phase 11, or even the never-ending work trucks/workmen, but first, there must be the Mulrhead entrance constructed to facilitate that construction traffic and eventually the added residents. I do not agree w/ him using the open remaining lots at Sowell/Ponsbury, Creek Club parking, Shelmore/Montrose. These 3 areas give a visual break to the on-going street after street of houses. I don't have a problem w/ the lots @ I'On Club, on the Square and the canal - they 'feel' right, like a finish to those already started areas.
4. yes
5. NO

Jane O'Neil

|                                             |            |               |  |  |  |  |  |
|---------------------------------------------|------------|---------------|--|--|--|--|--|
| <b>Creek Club Building</b>                  |            |               |  |  |  |  |  |
| <b>Carolina First Bank Draws</b>            |            |               |  |  |  |  |  |
|                                             |            |               |  |  |  |  |  |
| Closing - 8/15/00                           |            | <b>Amount</b> |  |  |  |  |  |
| Loan Origination Fee                        | 6,000.00   |               |  |  |  |  |  |
| Atlantic Appraisals - Appraisal             | 2,000.00   |               |  |  |  |  |  |
| Woody Law Firm                              | 1,500.00   |               |  |  |  |  |  |
| First Title & Abstract Co - Title Search    | 101.00     |               |  |  |  |  |  |
| Woody Law Firm - Title Insurance Binder     | 35.00      |               |  |  |  |  |  |
| First Title & Abstract Co - Title Insurance | 1,125.00   |               |  |  |  |  |  |
| Recording Fees                              | 39.00      |               |  |  |  |  |  |
| Assignment of LRP to RMC                    | 12.00      |               |  |  |  |  |  |
|                                             | 10,812.00  |               |  |  |  |  |  |
| Draw # 1 - 9/11/00                          |            |               |  |  |  |  |  |
| Charleston Engineering                      | 4,500.00   |               |  |  |  |  |  |
| Phillip W. Smith                            | 62,917.28  |               |  |  |  |  |  |
| Town of Mt. Pleasant                        | 5,270.50   |               |  |  |  |  |  |
| Brooks Sign                                 | 337.42     |               |  |  |  |  |  |
| Total                                       | 73,025.20  |               |  |  |  |  |  |
| Draw # 2 - 10/11/00                         |            |               |  |  |  |  |  |
| R-K Engineers                               | 1,000.00   |               |  |  |  |  |  |
| Phillip W. Smith                            | 48,020.97  |               |  |  |  |  |  |
| Carolina First Bank - Interest              | 516.33     |               |  |  |  |  |  |
| Total                                       | 49,537.30  |               |  |  |  |  |  |
| Draw # 3 - 11/13/00                         |            |               |  |  |  |  |  |
| Carolina First Bank - Interest              | 985.62     |               |  |  |  |  |  |
| Phillip W. Smith                            | 47,881.11  |               |  |  |  |  |  |
| Total                                       | 48,866.73  |               |  |  |  |  |  |
| Draw # 4 - 12/12/00                         |            |               |  |  |  |  |  |
| Phillip W. Smith                            | 90,759.39  |               |  |  |  |  |  |
| Carolina First Bank - Interest              | 1,242.48   |               |  |  |  |  |  |
| Total                                       | 92,001.87  |               |  |  |  |  |  |
| Draw # 5 - 1/12/01                          |            |               |  |  |  |  |  |
| Carolina First Bank - Interest              | 1,878.91   |               |  |  |  |  |  |
| Phillip W. Smith                            | 106,209.03 |               |  |  |  |  |  |
| Carolyn S. Griffith                         | 7,800.00   |               |  |  |  |  |  |
| Total                                       | 115,887.94 |               |  |  |  |  |  |
| Draw # 6 - 2/12/01                          |            |               |  |  |  |  |  |
| Phillip W. Smith                            | 39,759.63  |               |  |  |  |  |  |
| Carolina First Bank - Interest              | 2,668.46   |               |  |  |  |  |  |
| Total                                       | 42,428.09  |               |  |  |  |  |  |

Creek Club - Carolina First Bank Draws



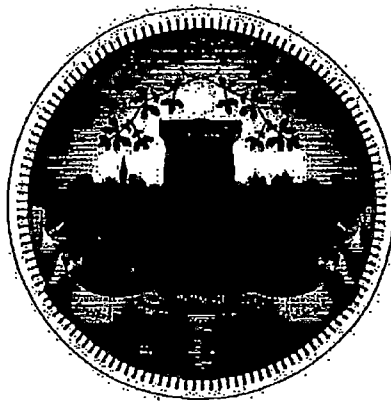


BK C 297PG282

**DECLARATION  
OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

for

**I'On**



The I'On Company, LLC  
P.O. Box 986  
Mt. Pleasant, SC 29465



I'On Defendants 000603

BK.C 297 PG 283

**DECLARATION  
OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

**for**

**I'On**

The I'On Company, LLC  
P. O. Box 986  
Mt. Pleasant, SC 29465  
(803) 971-1662

I

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I'On Defendants 000604

KC 297 PG 284

*Sons of this Place, Let  
This of you be said  
That you who live are  
Worthy of the Dead  
These gave their lives that  
You who live may reap  
A richer Harvest ere  
You sleep.*

*Anon. (Inscription on Bourton on the Watertown square monument.)*

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BX C 297 PG 286

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**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
for  
I'On**

**PREAMBLE**

**WE, THE FOUNDER AND ALL TITLEHOLDERS** who now have or will come to own Real Property in I'On, located in Mount Pleasant, South Carolina, affirm and subscribe to the purposes and provisions of this Declaration and concur as to the material importance and value to all Titleholders of I'On of the principles set forth herein; further,

**WE AFFIRM THE CENTRAL PURPOSE** of this Declaration to be to provide for the overall development, administration, maintenance and preservation of the planned community of I'On for the benefit of all Titleholders.

**WE FURTHER ENDORSE AND PLEDGE** our support for and commitment to the provisions of this Declaration and the following principles which have materially influenced both the Neighborhood Plan for I'On and the formation of the I'On Assembly, an association comprised of all Titleholders established to own, operate and maintain various common areas and community improvements within I'On and to administer and enforce this Declaration and the other Governing Documents referenced herein:

**On Stewardship:**

To advance stewardship for the human and natural ecosystems of I'On;

**On Civility and the Rights of Individuals:**

To encourage an advancing level of civility which promotes an individual's right to make personal lifestyle decisions so long as they do not interfere with or impair the personal or property rights of others; they uphold the integrity of the civic realm, and comply with the purpose and intent of this Declaration and the other Governing Documents for I'On, while recognizing that in order to promote the health, happiness and peace of mind of the majority, each person must give up a certain degree of freedom of choice for the benefit of the whole;

**On Personal Enrichment:**

To provide a cultural environment that engenders a desire to make I'On a community in which residents are better able to realize their individual potential by virtue of their participation in civic life;

**On Individual Responsibility to the Community:**

To foster active participation in the affairs of I'On in recognition that a direct relationship exists between the quality of life in a neighborhood and the degree to which its residents take part in the civic life of the community;

**On Self Government:**

To achieve, through the operation of this Declaration and the other Governing Documents and the good will of the Titleholders and residents of I'On, a neighborhood governing body that ceaselessly strives for harmony between all parties who own Real Property, live or work in I'On;

*On Change and Duty*

In recognition that time and circumstance may alter the appropriateness of certain provisions of this Declaration, we hereby recognize that the evolution of a community is a dynamic process in which the key to success is the ability to adapt to those inevitable changes, in order to remain responsive to the needs and desires of its current Titleholders and residents and the generations to follow:

**FOUNDER'S DECLARATION**

*AS FOUNDER*, responsible for development of I'On, we hold the following to be true:

Freedom enlivens the human spirit.

Social and cultural diversity enrich a community.

Perfection with regard to governing bodies is not possible. However, striving for excellence is.

Vision and leadership are necessary elements to sustain and improve a community's health.

*ACKNOWLEDGING THESE TRUTHS*, we aspire to the following goals:

- To lay the foundation for a community which promotes neighborliness and civic life;
- To further the enjoyment of the natural resources of I'On and of the Lowcountry;
- To enhance the natural beauty of I'On;
- To foster creative human energy and the arts within I'On and the Town of Mount Pleasant;
- To provide a means of effective self-government of I'On, and to provide the early leadership for that government to set the example for those who follow;
- To nurture a respect and pride in craftsmanship;
- To build an exemplary model for the State of South Carolina which arouses her citizenry to restore and improve upon her planning and architectural traditions in order that her built environment be enhanced and her natural environment conserved for the benefit of ourselves and future generations.

*NOW, THEREFORE, The I'On Company, LLC, as Founder and as the owner of the Real Property described in Exhibit B to this Declaration, does hereby declare this day of Nineteen Hundred and Ninety-Eight, that all of the Real Property described on Exhibit B, and such additional Real Property as may hereafter be included in accordance with the provisions of this Declaration, shall be known as*

**I'On**

and shall hereafter be owned, held, used, enjoyed and conveyed subject to the terms of this Declaration, which shall run with the title to all such Real Property and shall be binding upon all Persons having any right, title or interest in such Real Property, their heirs, successors, successors-in-title and assigns.



**ARTICLE I**  
**General Provisions**

*"Every organization of men, be it social or political, ultimately relies on man's capacity for making promises and keeping them." - Hannah Arendt*

**§1-101 [Definitions]**

The terms used in this Declaration are intended to have their normal, commonly understood meanings, except as otherwise specified. Capitalized terms used in the Governing Documents shall have the meanings ascribed to them in Exhibit A, "Definitions of Significant Terms," unless the context specifies otherwise.

**§1-102 [Applicability of Declaration and Jurisdiction of Assembly]**

(a) This Declaration shall govern the ownership, development, and use, and the transfer or conveyance of any interest in, the Real Property now or hereafter comprising I'On. Except as may otherwise specifically be provided in this Declaration, the jurisdiction of I'On Assembly, Inc. shall extend to all of I'On as it now exists or as it may be expanded.

(b) I'On shall initially include all of the Real Property described on Exhibit B, "Real Property Initially Comprising I'On". I'On may be expanded to include additional land upon the recording of a Declaration of Annexation in the Public Records, specifying the Real Property to be annexed and signed by the owner of such Real Property. Declarations of Annexation filed by any person other than Founder, so long as Founder has any rights or obligations under Article IX, "Founder's Rights and Obligations," shall require Founder's prior written approval. Such additions shall be subject to Applicable Law and the following conditions:

(1) Founder may from time to time expand I'On to include all or any part of the land described in Exhibit C, as well as any land contiguous to that described in Exhibit C, until all of the land described on Exhibit C has been added to I'On or 20 years from the date of recording of this Declaration, whichever is earlier.

(2) Except for annexations by or with the consent of Founder as provided in §1-102(a), any Declaration of Annexation shall be subject to the Approval of Titleholders entitled to cast seventy-five percent (75%) of the total votes held by Titleholders.

(3) A copy of any Declaration of Annexation shall be filed with the Assembly upon recording in the Public Records.

**§1-103 [Neighborhood Plan]**

Ordinance No. 97010 adopted by the Town of Mount Pleasant, South Carolina on March 11, 1997, as it may be amended, provides for the mixed use planned development known as I'On and sets forth a plan for the development of I'On (the "Neighborhood Plan"). For the purpose of beneficially securing and enriching the visual character of I'On, the Neighborhood Plan incorporates the I'On Code, which sets forth various design guidelines for construction within I'On. The I'On Code is intended to establish a consistent thematic harmony throughout I'On. Variances from the I'On Code may be granted on the basis of architectural merit.

The Neighborhood Plan and the I'On Code may be modified by Founder, subject to any necessary approval of the Town of Mount Pleasant, to accommodate and respond to changes in technological, economic, environmental, legal, and social conditions which affect the development, marketing, community operations, or achievement of the purposes and intent of this Declaration. Nothing in the Neighborhood Plan shall bind Founder to subject any land to the provisions of this Declaration or to develop any land in accordance with the Neighborhood Plan unless and until Founder records a Declaration of Annexation subjecting such land to this Declaration.

By acceptance of a deed conveying title to a Lot, the Titleholder of such Lot shall be deemed to consent to any amendments or modifications to the Neighborhood Plan, including amendments for the purpose of making technical corrections, defining easements and making boundary line adjustments affecting the Titleholder's Lot.

## ARTICLE II I'On Assembly

*"An institution is but the lengthening shadow of one man." - Ralph Waldo Emerson*

### § 2-101 [ Establishment of Assembly ]

The Founder has filed Articles of Incorporation for I'On Assembly, Inc., with the State of South Carolina, establishing the Assembly as a nonprofit corporation under South Carolina law. The Assembly is the primary body responsible for administering this Declaration. The Assembly is charged with duties and powers prescribed by law and the Governing Documents. The Assembly's primary purposes are to promote the purposes and intent of this Declaration, to carry out the duties assigned to it and exercise the authority granted to it under the Governing Documents, and to own, operate, manage, maintain and control certain properties for the benefit of Titleholders.

In accordance with its Articles of Incorporation and Applicable Law, the I'On Assembly may delegate any of its powers or duties, may merge with another organization similar in nature and purposes, or may assign its rights and obligations under the Governing Documents to any such organization. However, no such merger or assignment shall have the effect of revoking, changing, or adding to the provisions of this Declaration in the absence of an amendment to this Declaration adopted in accordance with Article IX.

### § 2-102 [ Organization and Operation of the Assembly ]

#### (a) Membership. There shall be two classes of membership in the Assembly, as follows:

(1) **Founder.** The Founder shall hold a Founder membership in the Assembly as long as it has any rights under Article IX of this Declaration.

(2) **Titleholders.** Each Titleholder shall automatically become a member of the Assembly upon taking title to a Lot in I'On and shall remain a member as long as such Titleholder continues to own any Real Property in I'On. There shall be only one membership per Lot. If title to a Lot is held jointly, all Titleholders of such Lot shall share the privileges and responsibilities of such membership. The membership rights of a Titleholder that is not a natural person may be exercised by any officer, director, member, partner or trustee, or by the individual designated from time to time by the Titleholder by written notice to the Assembly.

#### (b) Administration.

(1) **Board of Trustees.** Except to the extent that the Governing Documents or Applicable Law specifically provide for a vote of the membership, or of particular classes of members, for certain actions, or otherwise assign specific responsibilities to other bodies, all of the rights and powers of the Assembly shall be vested in a Board of Trustees selected as provided in the Bylaws and may be exercised without a vote of the membership.

(2) **Board of Appeals.** A Board of Appeals, consisting of three members to five members appointed by the Board of Trustees as set forth in the Bylaws, shall handle appeals from decisions of the Covenants Committee, in accordance with the Bylaws and such procedures as the Board of Appeals may establish. In addition, after termination of the Founder's right to appoint the I'On Design Committee pursuant to the Declaration, the Board of Appeals shall handle appeals from decisions of the I'On Design Committee in accordance with such procedures as the Board of Appeals may establish.

K.C. 2976291

(3) **POA Design Committee.** The POA Design Committee, consisting of three to five members selected as provided in Article IV, shall act on Titleholders' requests for approval of proposed improvements and changes to existing improvements. After termination of the Founder's right to appoint the POA Design Committee, Titleholders may appeal Design Committee decisions to the Board of Appeals.

(4) **Covenants Committee.** A Covenants Committee, consisting of three to five members appointed by the Board of Trustees as set forth in the Bylaws, shall investigate complaints regarding alleged breaches of the Governing Documents, conduct hearings and make rulings in accordance with the procedures set forth in the Bylaws, and recommend to the Board of Trustees appropriate sanctions or remedies for violations. Titleholders may appeal Covenants Committee's decisions to the Board of Appeals.

**[§2-103] Voting Rights]**

Titleholders must be in good standing with the Assembly to vote on matters arising before the Assembly. To be in good standing, a Titleholder must be current to within 30 days of the due date of all financial obligations to the Assembly. Voting rights shall be as follows:

(a) **Titleholders.** On any matter requiring a vote or the approval of Titleholders under the Governing Documents, a Titleholder is entitled to one vote for each Lot as to which he or she is a Titleholder, except that there shall be only one vote for each Lot regardless of the number of Titleholders who jointly hold title to a Lot. In the case of a Lot to which title is held jointly, the vote for such Lot shall be cast as the joint Titleholders determine among themselves and advise the Secretary of the Assembly in writing prior to a vote being taken. In the absence of such advice, any Titleholder casting the vote for such Lot shall be presumed to have the concurrence of all Titleholders and, if more than one Titleholder attempts to cast the vote for such Lot, the vote shall be suspended. The right to cast a Titleholder vote shall not be assigned, transferred, pledged, hypothecated, or alienated in any way except by duly executed proxy as may be permitted in the Bylaws.

(b) **Founder.** So long as the Founder membership exists, the Founder shall not vote as a Titleholder, but shall be entitled to grant or withhold its approval of certain actions as set forth in the Governing Documents, in addition to such other rights as are specifically granted or reserved to the Founder under the Governing Documents.

**[§2-104] Assembly's Finances and Power of Assessment]**

(a) **Establishment of Personal Obligation and Lien for Assessments.** The Assembly shall levy assessments in accordance with this §2-104 upon each Lot to fund the expenses which the Assembly incurs, or expects to incur, in exercising its authority and performing its duties under the Governing Documents. Each Titleholder shall be personally obligated to pay all assessments levied upon such Titleholder's Lot during the period that he holds title to such Lot, and shall be jointly and severally obligated with the former Titleholder for any assessments which are unpaid at the time of his acquisition of title to the Lot. In addition, such personal obligation shall include the obligation to pay late charges, in such amount as the Board of Trustees may establish by resolution, and interest (computed from the due date at a rate of 10% per annum or such higher rate as the Board of Trustees may establish, subject to the limitations of Applicable Law) on delinquent assessments, and costs of collection, including reasonable legal fees, whether or not suit is filed. The Assembly shall have a continuing lien against each Lot to secure the payment of delinquent assessments and the additional charges authorized in this section, which lien shall have priority over all other liens except those that are statutorily superior and liens of recorded first priority mortgages held by institutional lenders.

The Assembly may foreclose its lien through judicial or, to the extent permitted by Applicable Law, nonjudicial foreclosure proceedings in the same manner as any first trust mortgage under South Carolina law. Alternatively, the Assembly may sue for unpaid assessments and other amounts authorized hereunder without foreclosing or waiving its lien.

The obligation to pay assessments may not be avoided by non-residency, non-use of the Commons, abandonment of the Lot, or any other means. The obligation to pay assessments is a separate and independent covenant on the part of each Titleholder, and may not be offset, reduced or avoided by reason of any action or inaction on the part

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of the Assembly. The sale or transfer of a Lot shall not affect the obligation for assessments or the Assembly's lien, except that the sale or transfer of any Lot pursuant to the foreclosure of a first Mortgage shall extinguish the lien as to any installments of assessments and other charges due prior to such foreclosure. Any person acquiring title following foreclosure of such a Mortgage shall not be personally liable for assessments or other charges that were due prior to his or her acquisition of title.

(b) **Types and Computation of Assessments.**

(1) **General Assessments.** The Assembly shall levy General Assessments against all Lots to fund all expenses other than those for which other types of assessments are specifically authorized in this §2-104(b). General Assessments shall be levied at an equal rate per Lot based on an annual budget of estimated expenses which takes into account the number of Lots subject to assessment and the sources and estimated amounts of funds to cover such expenses. The Board of Trustees shall be responsible for preparing and adopting the budget and revising it as appropriate, and shall provide notice of the amount of assessment and a copy of the budget, as it may be revised, to each Titleholder at least 30 days prior to the effective date thereof.

Any budget or revision adopted by the Board of Trustees shall automatically take effect 30 days after the date of its adoption by the Board of Trustees unless disapproved at a meeting of the Assembly by Titleholders entitled to cast at least 75% of the total eligible votes of Titleholders and by the Founder, if the Founder Membership exists. The Board of Trustees shall not be obligated to call a meeting of the Assembly to consider any budget except upon a petition of the members pursuant to the Bylaws presented within 10 days after the date of the assessment notice. If any proposed budget is disapproved or the Board of Trustees fails for any reason to adopt a budget for any year, the budget most recently in effect shall continue until a new budget is determined in accordance with this section. Subject to the rights of Titleholders to disapprove any budget, the Board may retroactively budget and assess for any expenses incurred or shortfalls experienced by the Assembly.

(2) **Other Assessments.**

(A) To the extent specifically authorized in this Declaration or in any Declaration of Annexation, the Board of Trustees may levy Specific Area Assessments for the costs of benefits or services which the Assembly provides to the Lots within a specific area of 1 On. Specific Area Assessments shall be levied in such manner as specified in the provision of this Declaration or the Declaration of Annexation authorizing the same.

(B) An assessment may be levied against the Lot of a Titleholder who has been found, in the manner set forth in the Bylaws, to have violated provisions of the Governing Documents, resulting in monetary costs to the Assembly. The Covenants Committee, which shall determine such costs, may consider direct as well as consequential costs such as legal fees and increased insurance or operating costs. Titleholders shall have ultimate responsibility for damages sustained by the Assembly as a result of actions by the Titleholder's lessees, guests or invitees.

§2-105 [Powers and Responsibilities of Assembly]

(a) **Enforcement of Governing Documents.** The Assembly may impose sanctions for violation of the Governing Documents upon recommendation of the Covenants Committee after notice and a hearing and exhaustion of appeal rights in accordance with the procedures set forth in the Bylaws. (The Titleholder shall be responsible and may be sanctioned for violations by an occupant, guest or invitee of his Lot.) Sanctions may include:

- (i) Imposition of reasonable monetary fines that shall constitute a lien upon the violator's Lot;
- (ii) suspension of the right to vote;
- (iii) suspension of the right to use the Commons other than as reasonably necessary to gain access to one's Lot;

(iv) suspension of any services which the Assembly provides to the Lot of any Titleholder who is more than 30 days delinquent in paying any assessment or other charge owed to the Assembly;

(v) exercising self-help or taking action to abate any violation of the Governing Documents in a non-emergency situation;

(vi) requiring removal of any structure or improvement in violation of Article IV and restoration of the Lot to its previous condition and, upon failure of the Titleholder to do so, the Board or its designee shall have the right to enter the property, remove the violation and restore the Lot to substantially the same condition as previously existed and any such action shall not be deemed a trespass;

(vii) without liability to any Person, precluding any contractor, subcontractor, agent, employee or other invitee of a Titleholder who fails to comply with the terms and provisions of Article IV and the I'On Code from continuing or performing any further activities in I'On; and

(viii) assessing all costs incurred by the Assembly to effect compliance with the Governing Documents against the responsible Titleholder and his or her Lot.

In addition, the Board of Trustees may take the following enforcement procedures to ensure compliance with the Governing Documents without the necessity of compliance with the procedures set forth in the Bylaws:

(i) exercising self-help in any emergency situation (specifically including, but not limited to, the towing of vehicles that are in violation of provisions of the I'On Rules regulating parking); or

(ii) bringing suit at law or in equity to enjoin any violation or to recover monetary damages or both.

All sanctions and remedies set forth in the Governing Documents shall be cumulative of any remedies available at law or in equity. In any action to enforce the Governing Documents, if the Assembly prevails, it shall be entitled to recover all costs, including attorneys fees and court costs, reasonably incurred in such action.

The decision to pursue enforcement action in any particular case shall be left to the Board of Trustees' discretion, except that the Board shall not be arbitrary or capricious in taking enforcement action. Without limiting the generality of the foregoing sentence, the Board may determine that, under the circumstances of a particular case: (i) the Assembly's position is not strong enough to justify taking any or further action; or that (ii) the covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with applicable law; (iii) although a technical violation may exist or may have occurred, it is not of such a material nature as to be objectionable to a reasonable person or to justify expending the Assembly's resources; or (iv) that it is not in the Assembly's best interests, based upon hardship, expense, or other reasonable criteria, to pursue enforcement action. Such a decision shall not be construed a waiver of the right of the Assembly to enforce such provision at a later time under other circumstances or preclude the Assembly from enforcing any other covenant, restriction or rule.

(b) **Litigation.** The Assembly may institute, defend, settle, or intervene in, mediation, binding or non-binding arbitration, litigation, or administrative proceedings in matters pertaining to the Commons, enforcement of the Governing Documents, or any other civil claim or action. However, the Governing Documents shall not be construed as creating any independent legal duty to institute litigation on behalf of or in the name of the Assembly or its members.

(c) **Provision of Services.** The Assembly may provide services and facilities for the Titleholders, and their Lots, and shall be authorized to enter into and terminate contracts or agreements with third parties, including the Founder, to provide such services and facilities. The Board may charge use or service fees for any such services and facilities provided at the option of the Titleholder, or may include the costs thereof in the Assembly's operating budget and assess it as part of the General Assessment if provided to all Lots. By way of example, such services and facilities could include landscape maintenance, pest control service, cable television service, security, caretaker, transportation, fire protection, utilities, and similar services and facilities. Nothing in this Section shall be construed as a representation as to what, if any, services shall be provided. In addition, the Board of Trustees shall be permitted to modify or cancel

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existing contracts for services in its discretion, unless the provision of such services is otherwise required by the Governing Documents. Non-use of services provided to all Lots shall not exempt any Titleholder from the obligation to pay assessments for such services.

(d) **Safety and Security.** Each Titleholder, occupant, lessee, and invitee of Real Property in I'On is responsible for his or her own safety and the security of his or her property in I'On. However, the Assembly may, but shall not be obligated to, maintain or support certain activities within I'On designed to enhance the security and safety measures which each person provides for themselves and their property. In so doing, the Assembly assumes no duty or liability for the safety or security of any person or property or for loss or injury resulting from acts of third parties. Neither the Assembly nor the Founder shall in any way be considered insurers or guarantors of security within I'On, nor shall either be held liable for any loss or damage by reason of failure to provide adequate security or ineffectiveness of security measures undertaken. No representation or warranty is made that any systems or measures, including any mechanism or system for limiting access to I'On, cannot be compromised or circumvented, nor that any such systems or security measures undertaken will in all cases prevent loss or provide the detection or protection for which the system is designed or intended.

### ARTICLE III Standards of Use, Conduct and Maintenance

*"That government is best which governs least." - Thomas Jefferson*

#### **§3-101 [Compliance with Governing Documents]**

Every Titleholder and occupant of Real Property in I'On shall comply with the Governing Documents. Use and occupancy of Real Property in I'On shall be subject to the provisions of the Governing Documents, including Declarations of Annexation which may set forth additional protective covenants applicable to the Real Property annexed thereby and the I'On Rules, as they may be modified, repealed, or supplemented in accordance with the procedures set forth in this Article. The initial I'On Rules are set forth on Exhibit D.

#### **§3-102 [Rulemaking Authority and Procedures]**

(a) **Board Authority.** The Board of Trustees may from time to time modify, repeal, or supplement the initial I'On Rules set forth on Exhibit D by rulemaking action without the necessity of an amendment to this Declaration. The Board shall send notice by mail to all Titleholders concerning any such proposed action at least five business days prior to the Board of Trustees meeting at which such action is to be considered. Titleholders shall have a reasonable opportunity to be heard at the meeting prior to the proposed action being put to a vote. Any proposed rulemaking action shall require a majority vote of the Board of Trustees.

(b) **Member Authority.** The Titleholders may from time to time modify, repeal or supplement the I'On Rules, or reverse any rulemaking action taken by the Board of Trustees, by a vote at a meeting of the membership of Titleholders representing more than 50% of the total eligible votes of Titleholders, and by the Founder Member, if still in existence.

(c) **Notice.** Prior to any action taken under this Section becoming effective, the Board of Trustees shall send notice of the action taken to each Titleholder. The effective date shall be not less than 30 days following the date of such notice.

(d) **Scope of Authority; Conflicts.** No rulemaking action taken under this Article shall have the effect of modifying, repealing or expanding the I'On Code or any provision of this Declaration other than Exhibit D. In the event of a conflict between the I'On Code and the I'On Rules, the I'On Code shall control. The procedures required under this Section shall not apply to the enactment and enforcement of administrative and procedural rules and regulations governing use of the Commons and such other matters as are left to the discretion of the Board of Trustees under the

Governing Documents, unless the Board of Trustees chooses to submit to such procedures. Examples of such administrative rules and regulations shall include, but not be limited to, speed limits on private roads, and the method of allocating or reserving use of a facility (if permitted), by particular individuals at particular times. The Board shall exercise business judgment in the enactment, amendment, and enforcement of such administrative rules and regulations.

(c) **Effect on Real Property.** Each Titleholder, by acceptance of a deed, acknowledges and agrees that the use and enjoyment and marketability of his or her Real Property in POn can be affected by rulemaking action taken under this Article and that the POn Rules may change from time to time. All purchasers of Real Property in POn are hereby put on notice that the POn Rules as set forth on Exhibit D may have been amended. The Assembly shall make current copies of the POn Rules available to any Titleholder upon request.

**§1.03.1 Limitations on Rulemaking Authority**

Except as may be set forth in this Declaration (either initially or by amendment) or in the initial POn Rules set forth in Exhibit D, all rulemaking action under this Article shall comply with the following provisions:

(a) **Similar Treatment.** Similarly situated persons shall be treated similarly, however, the POn Rules may vary by area and land use.

(b) **Displays.** The right to display religious and holiday signs, symbols, and decorations inside structures shall not be abridged, except that rules adopted pursuant to this Article may regulate the time, place, and manner of displaying those items visible from outside the structure.

(c) **Signs.** No rules shall regulate the content of political signs, however, rules may regulate the time, place, and manner of posting such signs and establish design criteria to the extent not addressed by the POn Code.

(d) **Household Composition.** No rule shall interfere with the freedom of persons to determine the composition of their households, except that the Assembly shall have the power to require that all occupants be members of a single housekeeping unit and to limit the total number of occupants permitted in each dwelling on the basis of the size and facilities of the dwelling and its fair use of the Commons.

(e) **Activities Within Structures.** No rule shall interfere with the activities carried on within the confines of structures, except that it may restrict or prohibit any activities that create monetary costs for the Assembly or other Titleholders, that pose a danger to the health or safety of occupants of other Real Property, that generate excessive noise or traffic, that create unsightly conditions visible from outside of the structures, or that create an unreasonable source of annoyance to persons outside of the structure.

(f) **Allocation of Burdens and Benefits.** No rule shall alter the allocation of financial burdens among the Titleholders to the detriment of any Titleholder over that Titleholder's objection expressed in writing to the Assembly. Nothing in this provision shall restrict the right of the Board of Trustees to increase the amount of assessments as provided in Section 2.104.

(g) **Alienation.** No rule shall prohibit leasing or transfer of any Real Property, or require consent of the Assembly or Board of Trustees for leasing or transfer of any Real Property, provided, rules may require a minimum initial lease term of up to 12 months and may require inclusion of specific language for the protection of the Assembly in each lease.

(h) **Abridging Existing Rights.** No rule shall require a Titleholder or occupant of any Lot to dispose of personal property that was maintained in or on his Lot prior to the adoption of such rule if such personal property was in compliance with all rules previously in force. This exemption shall apply only during the period of such Titleholder's ownership or occupant's residency of the Lot and shall not apply to subsequent Titleholders or persons who take title or occupancy after adoption of the rule.

(i) **Applicability to Founder.** The TOn Rules shall not apply to Real Property owned by the Founder or members of the TOn Guild during the duration of Founder's Rights and Obligations under Article IX, to the extent that such rules would interfere with their ability to develop, market or sell such Real Property, as determined in the discretion of the Founder.

**§3-104 [Maintenance and Repair of Real Property]**

Each Titholder shall be responsible for maintaining such Titholder's Real Property in a clean and attractive condition and in good order and repair. In the event a structure sustains damage clearly visible from the exterior, its Titholder shall repair or reconstruct the structure in accordance with its appearance prior to damage unless the Assembly agrees to the contrary. The repair or reconstruction shall be accomplished within 90 days of the damage unless the Assembly grants a waiver based upon a finding of hardship. Should a Titholder not conform to these provisions, the Assembly may accomplish necessary repairs or reconstruction according to its best judgement, and levy an assessment upon the Titholder for the costs involved.

**§3-105 [Special Use Lots]**

The Founder shall have the right to designate any Lot as a Special Use Lot in the deed by which Founder conveys title to the Lot. In addition, the Association, upon written petition by the Titholder of the Lot and approval of Titholders entitled to cast a majority of the total votes of Titholders, may designate any Lot as a Special Use Lot. Special Use Lots may be used (i) for residential purposes (including such ancillary home business uses, if any, as may be permitted by the TOn Rules on Lots which are not Special Use Lots); or (ii) for such commercial purposes as may be specifically authorized in the deed designating the Lot as a Special Use Lot or by resolution of the Assembly approving the designation of the Lot as a Special Use Lot; or (iii) for a combination of such uses.

**ARTICLE IV  
Architectural Standards**

*"We shape buildings; thereafter they shape us." - Winston Churchill*

**§4-101 [General]**

(a) **Approval Required.** No improvements shall be made, placed, constructed or installed on any Lot and no exterior modifications to existing Improvements shall be undertaken without prior approval of the TOn Design Committee in accordance with this Article, except that the Founder's activities shall be exempt from this requirement so long as it is engaged in development or construction in TOn.

(b) **TOn Code.** All Improvements to Real Property in TOn shall conform to the TOn Code unless a variance has been granted in writing pursuant to this Article. The Founder shall have exclusive authority to amend the TOn Code until all of the Real Property described on Exhibits B and C has initially been developed, after which the power to amend shall pass to the TOn Design Committee. Any amendments to the TOn Code shall be prospective in effect and shall not apply to require modifications to or removal of structures previously approved once construction has commenced.



**§4-102 [ I'On Design Committee ]**

(a) **Composition.** The Design Committee shall be comprised of three to five persons who shall be appointed, and may be removed and replaced, in the discretion of the Founder, so long as the Founder owns any unimproved Real Property described on Exhibits B or C, and thereafter in the discretion of the Board of Trustees. The members of the Design Committee may, but need not be, Titleholders, and may include architects, engineers or similar professionals who may receive such compensation for their service as the Board of Trustees may determine appropriate.

(b) **Fees.** The Design Committee may establish and charge reasonable fees to defray costs of administering applications for approval under this Article.

(c) **Powers and Duties.** The I'On Design Committee shall receive and act on all applications of Titleholders seeking approval of proposed Improvements or proposed changes to existing Improvements to Real Property in I'On. The Design Committee shall establish and make available to all Titleholders guidelines and procedures for applications and required submissions.

The Design Committee may, by resolution, exempt certain activities from the application and approval requirements of this Article, provided such activities are undertaken in strict compliance with the requirements of such resolution.

The Committee may authorize variances from compliance with the I'On Code or any of its guidelines and procedures, when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require, but only in accordance with duly adopted rules and regulations. No variance shall (i) be effective unless in writing, (ii) be contrary to this Declaration, or (c) bind the Committee to grant a variance in other circumstances. For purposes of this Section, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance.

**§4-103 [ Scope of Review ]**

In reviewing each application and related submissions, the Design Committee shall be guided by the I'On Code, however, the I'On Code shall not be the exclusive basis for its decisions and compliance with the I'On Code does not guarantee approval of any application. The Design Committee may consider any factors it deems relevant, including harmony of external design with surrounding structures and environment and consistency with the visual themes established for I'On. Its decisions may be based on purely aesthetic considerations. Each Titleholder, by accepting a deed to Real Property in I'On, acknowledges that determinations as to such matters are subjective and opinions may vary as to the desirability or attractiveness of particular improvements.

The architectural standards and procedures established pursuant to this Article and the I'On Code are intended as a mechanism for maintaining and enhancing the overall aesthetics of I'On and shall not create any duty to any person. The Committee shall not bear any responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements, nor for ensuring that all dwellings are of comparable quality, value or size or of similar design.

Neither the Founder, the Assembly, nor the Design Committee shall be held liable for soil conditions, drainage, or other general site work, any defects in plans revised or approved hereunder, or any injury, damages, or loss arising out of the manner or quality of approved construction on or modifications. In all such matters, the Assembly shall defend and indemnify the I'On Design Committee and its members.

**§4-104 [ Schedule for Review ]**

The Design Committee shall notify the applicant of its determination on an application within 30 days after receipt of the completed application and all required information. The Committee may (i) approve the application, with or without conditions; (ii) approve a portion of the application and disapprove other portions; or (iii) disapprove the application. In the case of disapproval, the Committee may, but shall not be obligated to, specify the reasons for any

objections and/or offer suggestions for curing any objections. Notice shall be deemed to have been given at the time the envelope containing the response is deposited with the U. S. Postal Service. Personal delivery of such written notice shall, however, be sufficient and shall be deemed to have been given at the time of delivery to the applicant.

In the event that the Committee fails to respond in a timely manner, approval shall be deemed to have been given; however, no approval deemed to have been given under this paragraph shall be inconsistent with the I On Code.

After termination of the Founder's right to appoint the Committee, any denial of an application by the Committee may be appealed to the Board of Appeals in accordance with such procedures as the Board of Appeals may establish.

**§4-105. [Commencement and Completion of Construction]**

If construction has not commenced on a project for which an application has been approved within six months after the date of approval, such approval shall be deemed withdrawn. Once construction is commenced, it shall be diligently pursued to completion. Unless otherwise agreed in writing by the Design Committee, all elements of proposed improvements for which plans are approved hereunder shall be completed within one year after the date of approval, or such shorter period as may be specified in any agreement for the purchase of the Lot from the Founder.

**ARTICLE V  
Easements**

*The job is not to plan, but to reveal.* -Benton McKaye

**§5-101. [Validity of Easements]**

The provisions of this Article may not be amended or modified in any fashion without concurrence of the Founder as long as Founder retains its Rights and Obligations under Article IX. All easements provided for herein shall run with the title to the land and shall inure to the benefit of and be binding upon all Titleholders. Easements running in favor of the Founder, Members of the I On Guild, the Assembly, and all other easements, may be transferred to respective comparable entities or persons.

**§5-102. [Easement of Use and Enjoyment]**

Subject to such reasonable rules as the Board of Trustees may adopt, all Titleholders, their lessees, occupants of their Lots, guests and invitees, are hereby granted a non-exclusive easement of use and enjoyment of the Commons except for those portions of the Commons declared in a Declaration of Annexation to be for the exclusive or primary use and enjoyment of residents of a described area. Titleholders shall be deemed to have delegated their rights of enjoyment to the Commons to their lessees; however, Titleholders shall remain responsible for damages to the Commons committed by their lessees or lessees' guests or invitees.

**§5-103. [General Easements]**

(a) **Easement for Public Servants.** The Founder does hereby grant to those public servants whose duties include public safety and property protection activities, a perpetual, nonexclusive easement of access through I On and to, from and over exterior portions of each Lot as necessary to carry out their duties, subject to reasonable processes and requirements of Applicable Law.

(b) **Easement for Assembly.** The Founder does hereby grant to the Assembly, its officers, agents, contractors and designees, a perpetual, nonexclusive easement over the Real Property comprising I On as reasonably necessary to carry out its responsibilities and exercise its authority as provided for in the Governing Documents. Such entry shall be preceded by due notice unless an emergency jeopardizing life, limb or property exists.

(c) **Easements over Commons:** The Assembly, acting through the Board of Trustees, shall have a right to grant easements, rights of way, licenses and similar interests over any part of the Commons for any lawful purpose which it determines, in its own discretion, to be consistent with the interests of the Assembly.

(d) **Easement for Encroachments and Maintenance:** The Founder hereby reserves and grants a perpetual, nonexclusive easement over each Lot, not exceeding one foot in width, for the benefit of each adjoining Lot and the Commons, for the purpose of accommodating any encroachment due to settlement or shifting of improvements, roof overhangs, fences constructed, gutters, or draining of rainwater from roofs; and for the maintenance of said encroachments so long as they shall exist. The rights and obligations of Titleholders shall not be altered in any way by said encroachment, settlement or shifting; provided, however, that in no event shall a valid easement for encroachment be created if such encroachment occurred due to the willful misconduct of the Titleholder or Titleholders claiming the easement, and provided further that any such encroachments shall be required to conform to Applicable Law.

In addition, the Founder hereby reserves and grants a perpetual, nonexclusive easement over each Lot for the benefit of adjacent Lots and Commons, not to exceed five feet in width, to permit access for maintenance and repair of the structures on the benefited Lot; provided, such easement shall be exercised in a manner that would not be considered a nuisance by a reasonable person, and further provided that the party exercising the easement shall restore to its original condition anything that is disturbed as a result of such maintenance and repair.

(j) **Easement for Utility Usage:** A mutual right and easement for utility services is hereby granted for the benefit of all Titleholders, such that no Titleholder shall take any action which would in any way interfere with utility services being provided to other Titleholders within I'On. If a Lot contains any utility pipes, ducts, conduits, wires or the like which are for the benefit in whole or in part, of other Titleholders within I'On, then the Titleholder of such Lot shall promptly, at his expense, repair any damage to such utilities caused by Titleholder, his guests or invitees. The rights and duties with respect to sanitary sewer and water, storm drains, downspouts, yard drains, cable television, electricity, gas and telephone lines, connections and facilities shall be governed by the following:

(1) Whenever utility services have been partially or wholly installed within I'On, the Titleholder of any Lot, or the Assembly shall have the right, and are hereby granted an easement to the extent necessary to enter, or have a utility company enter any portion of I'On in which said installations lie, to repair, replace and generally maintain said installations.

(2) The right granted in subsection (D)(1) above shall be only to the extent necessary to entitle the Real Property of the Titleholder or Assembly serviced by said installation to its full and reasonable use and enjoyment and provided further that anyone exercising said right shall be responsible for restoring the surface of the easement area to its condition, as nearly as practically possible, prior to such use.

(3) In the event of a dispute between Titleholders with respect to the repair or rebuilding of said connections, or with respect to the sharing of the cost thereof, upon written request of one of such Titleholders addressed to the Assembly, the matter shall be submitted to the Board of Trustees, who shall decide the dispute, and the decision of the Board of Trustees (or its designee) shall be final and conclusive as to the parties.

(e) **Conservation and Landscape Easements:** Some Lots may be subjected to a non-disturbance easements or similar easements for conservation or wetlands buffering purposes. Further, some Lots may be subjected to landscape easements for the purpose of maintaining specified plantings, levels of maintenance, signs, walls, fences and other decorative structures. The operation of such easements shall be governed by provisions in the Declarations of Annexation or other recorded instruments, and by policies duly enacted by the Assembly pursuant to its authority set forth in this Declaration.

#### **§5-104 [ Party Walls and Other Shared Structures]**

The rights and duties of Titleholders with respect to party walls and party fences shall be governed by the following.

(a) **General Rules of Law to Apply.** Each wall, fence, driveway or similar structure which is constructed as a part of the original construction of structures on Lots, and any part of which is placed on the dividing line between separate Lots and intended to serve both such Lots, shall constitute a party structure. To the extent not inconsistent with this Section, the general rules of law regarding party walls and liability for damage to such structures shall apply.

(b) **Sharing of Repair and Maintenance, and Costs of Destruction.** The cost of routine maintenance and repair of any party structure shall be shared equally by the Titleholders of the Lots served thereby. If a party structure is damaged or destroyed by a cause other than by the act of only one of the adjoining Titleholders, his lessees, agents, invitees, or occupants of his Lot (including ordinary wear and tear), then either Titleholder may restore the structure. Any Titleholder who thereafter makes use of the structure (personally or through his lessees, agents, invitees, or occupant of his Lot) shall contribute a pro rata share of the costs of restoration.

(c) **Repairs of Damage Caused by One Titleholder.** If any party structure is damaged or destroyed through the act of only one adjoining Titleholder, or any of his agents, invitees or members of his family so as to deprive the other adjoining Titleholder of the full use and enjoyment of such structure, the Titleholder responsible for such damage shall forthwith proceed to rebuild or repair the wall or fence to as good a condition as formerly, without cost to the adjoining Titleholder.

(d) **Changes to Party Walls and Party Fences.** A Titleholder desiring to make changes to a party structure in any manner affecting either the appearance of such from the adjoining Titleholder's side, or in any way that may affect the adjoining Titleholder's use and enjoyment of such, shall secure the written approval of the adjoining Titleholder, in addition to any other approvals required by this Declaration or Applicable Law.

(e) **Right to Contribution Runs with Land.** The right of any Titleholder to contribution from any other Titleholder under this section shall be appurtenant to the land, inure to the benefit of, and shall pass to such Titleholder's successors in title.

(f) **Disputes.** In the event of a dispute between Titleholders with respect to the application and force of any provision of this Section, then upon written request of one such Titleholder, the matter shall be submitted to the Board of Appeals who shall decide the dispute.

## ARTICLE VI The Commons

*"A town plan is a structure whose purpose is to make room for life to happen." Jonathan Hale.*

### §6-101 [ Title to the Commons ]

The Assembly shall assume full responsibility for the control and maintenance of the Commons as conveyed to the Assembly by the Founder, unless contrary provisions are made through contract or in the instrument of conveyance. Upon a vote of two-thirds (2/3) or more of outstanding Titleholder votes, the Assembly may transfer title to some or all of the Commons to another entity.

### §6-102 [ Control of the Commons ]

The Assembly shall be exclusively responsible for the control and management of the Commons, as well as any property over which it has responsibilities by virtue of a lease, rental agreement, other contract or easement.

### §6-103 [ Condemnation or Taking ]

Proceeds from the disposition of the Assembly's Real Property by ordinary sale, condemnation or taking by eminent domain, shall be used for such purposes as the Assembly determines. No Titleholder shall have any right to any portion of such funds for his personal benefit.

**§6-104 [ Damage to Commons ]:**

In the event of damage to or destruction of Commons or other property which the Assembly is obligated to insure, the Board of Trustees or its duly authorized agent shall file and adjust all insurance claims and obtain reliable and detailed estimates of the cost of repairing or restoring the property to substantially the condition in which it existed prior to the damage, allowing for changes or improvements necessitated by changes in applicable building codes.

Damaged improvements shall be repaired or reconstructed unless Titleholders entitled to cast at least 75% of the total eligible votes of Titleholders, and the Founder Member, if still in existence, agree within 60 days after the loss not to repair or reconstruct. If either the insurance proceeds or estimates of the loss, or both, are not available to the Assembly within such 60-day period, then the period shall be extended until such funds or information are available. However, such extension shall not exceed 60 additional days. No Mortgagee shall have the right to participate in the determination of whether the damage or destruction to the Commons shall be repaired or reconstructed.

If a decision is made not to restore the damaged improvements, and no alternative improvements are authorized, the affected property shall be cleared of all debris and ruins and thereafter shall be maintained by the Assembly in a neat and attractive, landscaped condition.

Any insurance proceeds remaining after paying the costs of repair or reconstruction, or after such settlement as is necessary and appropriate, shall be retained by the Assembly for the benefit of its members or the Titleholders of Lots insured, as appropriate, and placed in a capital improvements account. This is a covenant for the benefit of Mortgagees and may be enforced by the Mortgagee of any affected Lot.

If insurance proceeds are insufficient to cover the costs of repair or reconstruction, the Board of Trustees may, without a vote of the members, levy special assessments to cover the shortfall against those Titleholders responsible for the premiums for the applicable insurance coverage under Section 7-101.

**ARTICLE VII  
Insurance**

*Weep not that the world changes - did it keep a stable, changeless state were cause indeed to weep.*  
- William Cullen Bryant

**§7-101 [ Required Coverages ]:**

The Assembly shall obtain and continue in effect the following types of insurance, if reasonably available; or if not reasonably available, the most nearly equivalent coverages as are reasonably available:

(a) Blanket property insurance covering "risks of direct physical loss" on a "special form" basis (or comparable coverage by whatever name denominated) for all insurable improvements on The Commons and other Real Property, regardless of ownership, to the extent that the Assembly is responsible for repair or replacement in the event of a casualty. If such coverage is not generally available at reasonable cost, then "broad form" coverage may be substituted. Such insurance shall have policy limits sufficient to cover the full replacement cost of the insured improvements under current building ordinances and codes, less a reasonable deductible;

(b) Commercial general liability insurance, insuring the Assembly and its members for damage or injury caused by the negligence of the Assembly or any of its members, employees, agents, or contractors while acting on its behalf, in such amount as the Board of Trustees deems prudent; provided, if generally available at reasonable cost,

such coverage (including primary and any umbrella coverage) shall have a limit of at least \$1,000,000.00 per occurrence with respect to bodily injury, personal injury, and property damage;

(c) Directors and officers liability coverage;

(d) Commercial crime insurance, including fidelity insurance covering all Persons responsible for handling Assembly funds in an amount determined in the Board's business judgment but not less than an amount equal to one-sixth of the annual General Assessments on all Lots plus reserves on hand. Fidelity insurance policies shall contain a waiver of all defenses based upon the exclusion of Persons serving without compensation; and

(e) Such additional insurance as may be required by law or as the Board, in the exercise of its business judgment, determines advisable.

In addition, the Assembly shall, if so specified in a Declaration of Annexation, obtain and maintain property insurance on the insurable improvements subject to such Declaration of Annexation. Any such policies shall provide for a certificate of insurance to be furnished upon request to the Titleholder of each Lot insured.

Premiums for all insurance maintained by the Assembly shall be included in the General Assessment levied against each Lot pursuant to Section 2-104, except that premiums for property insurance on specific Lots shall be allocated among the benefited Lots as provided in the Declaration of Annexation applicable to such Lots.

#### §7-102 [ Policy Requirements ]

All policies shall provide for a certificate of insurance to be furnished to the Assembly and, upon request, to each Member.

The policies may contain a reasonable deductible. In the event of an insured loss, the deductible shall be allocated among the Lots in the same manner as the premium for the applicable insurance coverage.

All insurance coverage obtained by the Assembly shall:

(a) be written with a company authorized to do business in South Carolina which satisfies the requirements of the Federal National Mortgage Association, or such other secondary mortgage market agencies or federal agencies as the Board deems appropriate;

(b) be written in the name of the Assembly as trustee for the benefited parties. Policies on the Commons shall be for the benefit of the Assembly and its Members. Policies covering individual Lots shall be for the benefit of the Titleholder of the Lot and its Mortgagee, as their interests may appear;

(c) not be brought into contribution with insurance purchased by Titleholders, occupants, or their Mortgagees individually;

(d) provide that each Titleholder is an insured person under the policy with respect to liability arising out of such Titleholder's interest, as a member of the Assembly, in the Commons;

(e) provide a waiver of subrogation under the policy against any Titleholder or occupant of a Lot;

(f) include an endorsement precluding cancellation, invalidation, suspension, or non-renewal by the insurer on account of any curable defect or violation without prior written demand to the Assembly to cure the defect or violation, and allowance of a reasonable time to cure; and

(g) include an endorsement precluding cancellation, invalidation, or denial of benefits under the policy on account of any act or omission of any one or more individuals, unless such individuals are acting within the scope of its authority on behalf of the Assembly.

(b) include an endorsement excluding Titleholders' individual policies from consideration under any "other insurance" clause;

(c) include an endorsement requiring at least 30 days' prior written notice to the Assembly of any cancellation, substantial modification, or non-renewal.

#### ARTICLE VIII Protection of Lenders

*Let us raise a standard to which the wise and honest can repair. — George Washington*

##### §8-101 [ Right to Notice of Certain Actions ]

Any Institutional Lender who provides a written request to the Assembly stating its name and address and the street address of the Real Property to which its Mortgage relates ("Mortgaged Property") will be entitled to timely written notice of:

(a) Any condemnation loss or any casualty loss which affects a material portion of I-On or which affects the Mortgaged Property;

(b) Any delinquency in the payment of assessments or charges owed on the Mortgaged Property which has continued for a period of 60 days, or any other violation of the Governing Documents relating to the Mortgaged Property or the Titleholder or occupant thereof which is not cured within 60 days; or

(c) Any lapse, cancellation, or material modification of any insurance policy that the Assembly maintains.

#### ARTICLE IX Founder's Rights and Obligations

*Example is the school of mankind. They will learn at no other. — Edmund Burke*

To secure the Founder's interests in development of I-On, to further the principles, missions and goals upon which I-On is founded, the Founder shall have the benefit of certain rights and shall be subject to certain obligations as set forth in this Article and elsewhere in the Governing Documents.

##### §9-101 [ Duration of Founder's Rights and Obligations ]

The duration of Founder's Rights and Obligations under this Article shall extend until the later of the conveyance of all Lots contained in the Real Property described in Exhibits B and C to Titleholders other than Founder or Builders, or termination of the Founder's right to file a Declaration of Annexation under §1-102(b), except that some specific Founder's Rights and Obligations may expire by virtue of their being tied to the occurrence of certain events arising prior to conveyance of all Lots. The Founder however, may voluntarily terminate all Founder's Rights and Obligations by expressing such in writing to the Assembly.

##### §9-102 [ Right to Complete Neighborhood Plan ]

(a) **Development Activities.** The Founder shall have the right to conduct all activities required to complete the Neighborhood Plan, as more fully provided for in Article I of this Declaration. The Assembly shall not take any position of opposition against provisions of the Neighborhood Plan in a public setting, nor utilize any of its material or financial resources to oppose development activities of the Founder so long as such activities are consistent with the Neighborhood Plan. This provision is not intended to diminish the right of any individual to express opinions.

nor of the Assembly to pursue any remedy against any alleged breaches of agreements or representations by the Founder.

(b) **Design Standards.** In consideration of the considerable time, effort and money the Founder has expended in developing the I'On Code, as long as Founder's Rights and Obligations remain in force, no changes shall be made to the I'On Code without Founder's concurrence. However, the Founder may effect changes to the I'On Code provided such changes are only prospective in effect.

(c) **Annexations.** The Founder shall have the right to incrementally annex all Real Property described in Exhibit C, subject to the provisions of Article I. The Assembly shall not take any action to prevent such annexations.

**§9-103 [Amendments and Other Actions Affecting the Founder]**

(a) **Founding and Governing Documents.** The Assembly shall make no amendments to the Governing Documents that materially affect the Founder's interests, nor shall the Assembly adopt other measures that materially affect the Founder's interests without Founder's concurrence. In this context, Founder's interests shall include the interests of the members of the I'On Guild, because of the indispensable role of these members in fulfilling the intents of the Neighborhood Plan.

(b) **Easements.** The Assembly shall not take action seeking to alter provisions of easements established by the Founder, nor to prevent establishment of easements necessary to completing the Neighborhood Plan.

**§9-104 [Assembly-Related Rights and Obligations]**

(a) **Founder's Responsibilities for Affairs of Assembly.** The Founder shall be exclusively responsible for conducting the affairs of the Assembly until at least one Titledholder, other than Founder or a Member of the I'On Guild, has been elected to a seat on the Board of Trustees. Thereafter, the Board of Trustees shall act strictly in conformance with the provisions of the Governing Documents and in accordance with Applicable Law.

(b) **Founder's Right to Appoint Board of Trustees.** Except to the extent that the Bylaws specifically provide for election of certain Trustees by the Members, the Founder Member shall have sole and full authority to appoint, remove and replace the members of the Board of Trustees until the earlier of:

(i) the date as of which 75% of the total acreage of the Real Property described in Exhibits B and C to the Declaration has been conveyed to persons other than Founder or a Builder;

(ii) 20 years after the date on which the Declaration is recorded in the Public Records; or

(iii) when, in its discretion, the Founder Member so determines.

(c) **Founder's Right to Disapprove Actions.** So long as the Founder Membership exists, the Founder shall have a right to disapprove any action, policy or program of the Assembly, the Board of Trustees, and any committee which, in the sole judgment of the Founder, would tend to impair rights of Founder or Builders under this Declaration or the Bylaws, or interfere with development or construction of any portion of I'On, or diminish the level of services being provided by the Assembly. Such right to disapprove shall be exercised as set forth in the Bylaws.

(d) **Founder's Obligation to Financial Support of Assembly.** The Founder shall provide funds to cover all cash deficits in the Assembly's operations for two years following the conveyance of the first Lot to a Titledholder other than Founder and shall otherwise not be obligated to make further payments of General Assessments for Lots owned until the expiration of Founder's Rights and Obligations.

**§9-105 [Easements for Development, Utilities and Other Purposes]**



(a) The Founder reserves for itself, its successors, assigns and designees, a non-exclusive easement over all Real Property within I'On, so long as the Founder owns any Real Property described on Exhibits B or C, to the extent reasonably necessary for the purpose of (i) installing utilities (including electricity, water, sewer, telephone, cable television and similar systems), infrastructure, and drainage systems to serve any Real Property described on Exhibits B or C or adjacent property, (ii) establishing or protecting environmental protection zones and special landscape zones, and (iii) any other purposes reasonably related to the founding principles, mission and goals of I'On; provided, such easements shall be restricted to setback areas on Lots, public rights-of-way, the Commons, and such other easement areas as may be reserved on recorded plats, and the exercise of such easements shall not unreasonably interfere with the use or development of any Lot.

(b) The Founder also reserves for itself, its successors, assigns and designees, and grants to the Assembly, a perpetual, non-exclusive easement of access over the Real Property in I'On as reasonably necessary for the purpose of inspecting, maintaining, repairing and replacing the utilities, infrastructure, and other improvements described in subsection (a), and grants to the providers of utilities serving I'On a perpetual, nonexclusive easement of access to read, maintain and repair their respective utility meters.

(c) All work associated with the exercise of the easements reserved and granted in subsections (a) and (b) above shall be performed in such a manner as to minimize interference with the use and enjoyment of the Real Property burdened by the easement. Upon completion of the work, the person exercising the easement shall restore the property to the extent reasonably possible to its condition prior to the commencement of the work. The exercise of these easements shall not extend to permit entry into the structures on any Lot and, except in an emergency, entry onto any Lot shall be only after reasonable notice to the Titleholder or occupants of the Lot.

#### **§9-106 [Right to Develop, Build and Market]**

For the duration of Founder's Rights and Obligations, Founder and members of the I'On Guild shall have the right to conduct development, construction, marketing and customer service operations within I'On in a customary and reasonable fashion. This includes the right to maintain construction and sales offices and model homes on Lots which they own, a right of access over the streets and rights-of-way within I'On by construction and supply vehicles, and the right to store materials and equipment related to such land development and construction on property owned by Founder or members of the I'On Guild, respectively. However, it shall be incumbent upon those exercising these reserved rights to conduct their activities in ways respectful of the comfort and safety of the occupants of Real Property in I'On.

#### **§9-107 [Founder's Power of Attorney to Amend Governing Documents]**

(a) **Founder's Limited Right to Amend Declaration.** For a period of five years from the date on which this Declaration is recorded in the Public Records, the Founder shall have the right to amend the Governing Documents to correct scrivener's errors, to conform to requirements of Applicable Law or Institutional Lenders, and for such other purposes as do not materially adversely affect the title to any Lot or the rights specifically granted to Titleholders hereunder.

(b) **Appointment.** By acceptance of a deed to any Lot, or by acceptance of a legal or equitable interest in any Real Property in I'On, each and every contract purchaser, Titleholder, Institutional Lender, and other lienholder or party claiming a legal or equitable interest in any portion of I'On does automatically and irrevocably name, constitute, appoint and confirm Founder as attorney-in-fact for the purpose of executing amendments to this Declaration in accordance with the provisions contained throughout this Declaration.

(c) **Duration.** The power of attorney created in this §9-107 is expressly declared and acknowledged to be coupled with an interest in the subject matter hereof and the same shall run with the title to each Lot and be binding upon the heirs, personal representatives, successors, transferees and assigns of any of the foregoing parties. Such power of attorney shall continue in effect until the expiration of Founder's Rights and Obligations pursuant to §9-101.

#### **§9-108 [Right to Transfer or Assign Rights and Obligations]**

founder shall have the right to transfer or assign any or all of its Rights and Obligations under this Article and any or all of its rights and obligations set forth elsewhere in the Governing Documents, in whole or in part, temporarily or permanently. Any such transfer or assignment shall be set forth in a written instrument executed by the Founder in recordable form.

**ARTICLE X**  
**I'On Trust**

*"A teacher affects eternity; he can never tell where his influence stops."*  
 -Henry Adams

**§10-101 [Authority to Collect Transfer Fee]**

Except as otherwise provided in this Article, upon the sale and transfer of title to any Lot in I'On, the transferring Titleholder shall pay to the I'On Trust, a South Carolina nonprofit corporation, a transfer fee in the amount of one-tenth of one percent (1%) of the total cost to the purchaser of the Lot and any improvements on the Lot, as such cost is shown by the amount of tax imposed by Charleston County, South Carolina on the transfer of title, but excluding taxes and stamps or other fees charged by Charleston County, South Carolina on such transfer. Such transfer fee shall be the personal obligation of the transferring Titleholder and, in addition, the I'On Trust shall have a lien against the Lot to secure payment of such transfer fee. Such lien shall be prior and superior to all other liens except (a) the Assembly's lien for assessments under §2-104, and (b) such liens as have priority over the Assembly's lien under that Section. Such lien may be enforced by the I'On Trust by suit, judgment and foreclosure in the same manner as the Assembly's lien for assessments under §2-104.

**§10-102 [Purpose of Transfer Fee]**

All transfer fees collected pursuant to this Article shall be deposited into a segregated account to be used for such purposes as the board of trustees of the I'On Trust deems beneficial to the general good and welfare of I'On. By way of example and not limitation, such transfer fees might be used to help fund:

- (a) preservation and maintenance of natural areas, wildlife preserves, or similar conservation areas and historical features; and sponsorship of educational programs and activities which contribute to the overall understanding, appreciation and preservation of the natural environment and history of I'On;
- (b) programs and activities which serve to promote a sense of community within I'On, such as recreational leagues, historical or cultural programs, educational programs, festivals and holiday celebrations and activities, a community computer network, and recycling programs; and
- (c) social services, community outreach programs, and other charitable causes.

**§10-103 [Exempt Transfers]**

No transfer fee shall be levied upon transfer of title to a Lot:

- (a) by or to Founder;
- (b) by a builder who held title to the Lot solely for purposes of development and resale;
- (c) by the Titleholder of a Lot to any person who was also a Titleholder of such Lot immediately prior to such transfer;

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- (d) to the Titleholder's estate, surviving spouse or child upon the death of the Titleholder;
- (e) to an entity wholly owned by the grantor provided, upon any subsequent sale and transfer of an ownership interest in such entity, the transfer fee shall become due;
- (f) to an Institutional Lender pursuant to a Mortgage, foreclosure of a Mortgage, or in lieu of foreclosure of a Mortgage held by the Institutional Lender.

#### ARTICLE XI Operation of Declaration

*Where there is no vision, the people perish. - Proverbs 29:18*

##### §11-101 [Duration of Declaration]

This Declaration shall run with the land comprising I'On and bind all Titleholders and the occupants, guests and invitees of their Lots for a period of 25 years from the date on which this Declaration is recorded in the Public Records. After this time it shall be automatically extended for successive periods of 10 years unless within the last year prior to an expiration date an instrument signed by Titleholders representing eighty percent (80%) of all Lots expressly terminates this Declaration. To be effective, a termination of the Declaration must be recorded.

##### §11-102 [Amendment]

Except as otherwise specifically provided in this Declaration, this Declaration may be amended only upon approval of Titleholders representing at least seventy-five percent (75%) of all eligible Titleholder votes. Such an amendment must be recorded in the Public Records in order to become effective.

##### §11-103 [Enforcement]

The Founder, the Assembly, any Titleholder, or First Mortgagee, as their interest may arise, shall have the right to enforce, by proceeding at law or in equity, the provisions of this Declaration and other Governing Documents. Failure to enforce any provisions of this or other Governing Documents shall not be deemed a waiver of the right to do so thereafter.

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**§11-104 (Interpretation)**

(a) Except as provided otherwise by law, the provisions of this Declaration, together with Declarations of Annexation, shall take precedence over the Articles of Incorporation and the Articles of Incorporation shall take precedence over the Bylaws. The Declaration shall take precedence over Declarations of Annexation, except in cases where a Declaration of Annexation is fulfilling a provision or intent of the Declaration.

(b) Unless the context otherwise indicates, the use of the singular shall include the plural and vice versa; the use of one gender shall include all genders. The use of the terms, "include" or "including" shall mean "including without limitation." This Declaration shall be liberally construed in favor of the party seeking to enforce its objectives and provisions for the protection and enhancement of values, marketability and desirability of I'On and the overall quality of life for its residents. The headings used in the Governing Documents are for indexing purposes only and shall not be used as a means of interpreting or construing the substantive provisions hereof. Unless context otherwise indicates, the meanings of capitalized terms employed in the main body of this Declaration shall be interpreted according to the definitions provided in Exhibit A.

(c) Any finding in judicial proceedings holding that a particular provision is null and void shall not serve to diminish the effectiveness of any other provision.

(d) Failure by the Assembly to enforce any provision of this Declaration at any time shall not serve to diminish the validity and operation of such provision in the future.

**IN WITNESS WHEREOF, the Founder has set its hand and seal as of the date first above written.**

**FOUNDER:**

THE I'ON COMPANY, LLC, a South Carolina limited liability company

BY:

Vincent G. Graham, its manager.

**WITNESSES:**

*Pam Martin*  
*Diane L. Hall*

STATE OF SOUTH CAROLINA

CHARLESTON COUNTY

PERSONALLY appeared before me the undersigned witness and made the oath that (s)he saw the within named The I'On Company, LLC, a South Carolina limited liability company by Vincent G. Graham, its manager, sign, seal and deliver the within instrument, and that (s)he with the other witness above subscribed, witnessed the execution thereof.

Sworn to before me this 5  
 day of February, 1998.

*Harvey L. Hall*  
 Notary Public for the State of South Carolina

My Commission Expires 10/2002

*Pam Martin*

**EXHIBIT A****Definitions of Significant Terms**

**Applicable Law:** all local, state and federal ordinances, laws and regulations that apply to the particular subject matter;

**Approval:** the affirmative vote, written consent, or any combination thereof, of persons entitled to cast the specified number or percentage of eligible votes, or of a specified person or entity

**Articles:** the Articles of Incorporation of I'On Assembly, Inc., filed with the Secretary of State for the State of South Carolina, as they may be amended;

**Assembly:** I'On Assembly, Inc., a South Carolina nonprofit corporation, its successors or assigns;

**Board of Trustees:** the body primarily responsible for administration of the Assembly, selected as provided in the Bylaws and generally serving the same role as a board of directors under South Carolina corporate law, as more particularly described in §2-102(b)(1);

**Bylaws:** The Bylaws of I'On Assembly, Inc., as they may be amended;

**Commons:** Real Property and interests therein which the Assembly owns or otherwise holds possessory or use rights in for the common use and enjoyment of Titleholders;

**Declaration of Annexation:** a legal instrument filed in the Public Records pursuant to Section 1-102 which extends the provisions of this Declaration to other Real Property. Declarations of Annexations may contain such additional covenants, restrictions and easements and complimentary provisions applicable to that Real Property as the Founder deems appropriate;

**Founder:** The I'On Company, LLC, its successors and assigns;

**Founder Control Period:** the period of time during which the Founder is entitled to appoint all or a majority of the members of the Board of Trustees, as provided in §9-104;

**Founder's Rights and Obligations:** those rights and obligations of the Founder set forth in Article IX;

**Governing Documents:** the Declaration, the Articles, the Bylaws, the I'On Code, the I'On Rules, and any applicable Declaration of Annexation;

**Improvements:** any grading or other site work on Lots, including planting or removal of plants, trees and other landscaping materials; any structure or thing attached to, placed, constructed or installed on any Lot (other than inside enclosed structures); and any modifications to existing Improvements;

**Institutional Lender:** a financial services institution regularly engaged in financing the purchase, construction, or improvement of real estate; or any guarantor, insurer, or assignee of loans made by such a lender, who has notified the Assembly of its mortgage interests in I'On;

**I'On:** the Real Property described on Exhibit B and such additional Real Property as is made a part of I'On by filing of a Declaration of Annexation in accordance with §1-102;

**I'On Assembly, Inc.:** the non-stock corporation in which each Titleholder has a membership interest;

**I'On Guild:** those persons identified from time to time by the Founder who are engaged in the business of constructing homes for resale and who apply and are admitted to the I'On Guild by the Founder, making them eligible to purchase property and build homes in I'On for resale as long as they remain participants in good standing in the I'On Guild.

**I'On Rules:** the body of rules regulating use, conduct, occupancy, and other matters within I'On, as initially set forth on Exhibit D and as they may be modified, repealed and supplemented pursuant to Article III.

**Lot:** any subdivided plot of land within I'On intended for independent ownership and use, excepting the Commons and property dedicated to the public.

**Member:** a person or entity entitled to membership in the Assembly, as provided in §2-102.

**Mortgage:** a mortgage, deed of trust, or similar security instrument affecting title to any Real Property in I'On. The term Mortgagee shall refer to the holder of a Mortgage.

**Neighborhood Plan:** Ordinance No. 97010 adopted by the Town of Mount Pleasant, South Carolina on March 11, 1997, as it may be amended, which provides for the mixed use planned development known as I'On and sets forth a plan for the development of I'On.

**Public Records:** the Registry of Mesne Conveyances for Charleston County, South Carolina, or such other place as may be designated by Applicable Law as the official place for filing of legal instruments related to Real Property.

**Real Property:** land and any improvements thereon.

**Special Use Lot:** a Lot so designated pursuant to §3-105.

**Titleholder:** one or more persons who hold record title to any Real Property in I'On, other than persons who hold an interest merely as security for the performance of an obligation.

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EXHIBIT "B"

REAL PROPERTY INITIALLY COMPRISING I'ON

All those lots, pieces, or parcels of land situate, lying and being in the Town of Mt. Pleasant, Charleston County, South Carolina, shown and designated as "Lots 10 through 49", inclusive, and "Lots 60 through 69", inclusive, Phase I-A, I'On and "Amenity Area (109,934 sq. ft.)", "Eastlake Road 50' R/W", "Sowell Street 50' R/W", "Prescient Street 36' R/W", "Grace Lane 25' R/W", and all "HOA Accesses" on a plat thereof entitled "Conditional Subdivision Plat of Lots 11, 49, 60-69, Phase I-A, I'On, Town of Mt. Pleasant, Charleston County, S.C." dated January 7, 1998, prepared by F. Elliott Quinn, III, R.L.S. of SouthStar Surveying, Inc. and recorded in the RMC Office for Charleston County in Plat Book EC at page 258; said lots, amenity areas, streets, lanes and accesses having such sizes, shapes, locations, buttings and boundings as are shown on said plat.

\_\_\_\_\_

I'On Defendants 000632

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## EXHIBIT "C"

## REAL PROPERTY SUBJECT TO ANNEXATION:

ALL that certain piece, parcel or tract of land, and the improvements thereon, situate, lying and begin in Christ Church Parish, in the County of Charleston and State of South Carolina, containing 325.02 acres of highland and 107.1 acres of marshland and pond as shown on a Plat of E. M. Seabrook, Jr., C.E. and L.S. No 1375, dated January 14, 1964, and recorded in the Office of the RMC for Charleston County, S.C. in Plat Book R, Page L, said tract measuring and containing and butting and bounding to the South on the right-of-way of the Mathis Ferry Road Three Thousand Two Hundred Ninety-Three and One Tenth (3,293.1) feet, as designated by the lettered line ABCDEF on said Plat; on the West line on lands of various owners in Scanlonville, on Muirhead Road, on Hobcaw Drive and on Hobcaw Point Five Thousand Eight Hundred One and Eight Tenths (5,801.8) feet, as designated by the lettered broken line ONMLKJHGF; on the North line on the waters of Hobcaw Creek; and on the East line on lands now or formerly of B. Capers and J. Read Johnson Four Thousand Six Hundred Forty-Five and Seven Tenths (4,645.7) feet, as designated by the lettered line PQRA on said Plat, all as by reference to said Plat of E.M. Seabrook, Jr., will more fully appear, EXCEPTING THEREFROM the William Read family cemetery of a quarter of an acre in extent on the Read Old Home Tract, with the rights of ingress and egress thereto said cemetery, being designated by a cross mark on the said Plat; ALSO, EXCEPTING THEREFROM, the following described premises: All that piece, or lot of land, in Christ Church Parish, Charleston County, South Carolina, containing ONE (1) ACRE, more or less, bounded on the North and East by lands of Cooper Corporation, formerly Shelmore Oyster Products Company, on the South by lands now or formerly of Benjamin Brown, et al; on the West by Muirhead Road (Molasses Creek Road), with lines and marks as agreed upon by H.G. Leiding and Benjamin Brown, May 21, 1943, said marks being blazed.

SAVING AND EXCEPTING THEREFROM, all that certain piece, parcel or tract of land, and improvements thereon, situate, lying and being in Christ Church Parish, in the County of Charleston, State of South Carolina, containing 78.00 acres highland and 12.4 acres marsh as shown on a Plat by E.M. Seabrook, Jr., Inc. dated May 18, 1976, and entitled, "Plat of Tract of Land Situate on Mathis Ferry Road in Christ Church Parish, Charleston County, S.C., and owned by R.E. Meyers" and said Plat was recorded on the 8th day of June, 1976, in Plat Book AG, Page 58, R.M.C. Office for Charleston County, South Carolina.

Said parcel of land having such size, shape, dimensions, butting and boundings as will by reference to said Plat more fully appear.



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**EXHIBIT D**  
**I'On Rules**

**SD-101 Vehicles.** Except for temporary guests and visitors, only standard private passenger vehicles, including passenger vans and pick-up trucks, are permitted to be parked within I'On. Such vehicles must bear current licenses, be in operating condition, bear no signs, and be parked at the rear of a Lot behind a home, or in designated areas. Further, boats and boat trailers may be stored only at the rear of the Lot only. Boats and trailers must be adequately screened to be visible only from the service lane, not from the thoroughfares.

**SD-102 Pets.** Household pets may be kept provided they do not cause a disturbance or become a nuisance to titleholders and occupants of other Lots in I'On. Each owner shall be responsible for immediately collecting and properly disposing of wastes of his pet. Pets shall be under leash or voice control at all times when walked or exercised outside the confines of a Lot.

**SD-103 Antennas.** Television antennas, radio receivers, or other similar devices shall be contained entirely within the interior of a structure. 18" diameter or smaller satellite dishes are permitted provided they are not visible from persons on adjacent Lots or passersby.

**SD-104 Trash and Refuse.** Trash and refuse containers shall be stored so as not to be visible from persons on adjacent Lots or by passersby. Each titleholder shall keep all parts of his Lot in good order and repair and free from debris.

**SD-105 Signs.** One temporary "For Sale," "For Rent," "Open," or other sign is permitted on a Lot with face surface no larger than 40 square inches, displayed no more than 4 feet above ground.

RECORD ON APPEAL 3648

Warren & Siskler  
Post Office Box 1254  
Charleston, SC 29402

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CHARLIE LYBRAND  
REGISTER  
CHARLESTON COUNTY SC

I'On Defendants 000635

BKH 347PG655

Upon recording, please return to:

Please cross-reference to Declarations recorded at: Book C297  
Page 282The I'On Company  
Attn: Joseph E. Barnes  
159 Civitas Street  
Mt. Pleasant, SC 29464Book K307  
Page 360

ABOVE SPACE FOR RECORDER'S USE

FIRST AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR

I'ON

THIS AMENDMENT is made this 9th day of April, 2000.

## WITNESSETH

**WHEREAS**, The I'On Company, LLC, a South Carolina limited liability company ("Founder"), executed that Declaration of Covenants, Conditions and Restrictions for I'On which was recorded on February 9, 1998 in Book C297, at Page 282, *et seq.*, in the Office of Mesne Conveyances for Charleston County, South Carolina ("Declaration"); and

**WHEREAS**, the Declaration has been supplemented to submit additional property to its terms by certain Declarations of Annexation recorded in the Office of Mesne Conveyances for Charleston County, South Carolina as follows:

| Recording Date | Book | Page |
|----------------|------|------|
| 7/22/98        | K307 | 360  |
| 8/04/98        | E308 | 752  |
| 3/04/99        | R321 | 376  |
| 5/03/99        | P325 | 334  |
| 11/05/99       | G337 | 182  |
| 1/18/00        | B341 | 477  |

**WHEREAS**, pursuant to Section 9-107 of the Declaration, for a period of five years after the date on which the Declaration was recorded, the Founder has the right to amend the Declaration for such purposes as do not materially adversely affect the title to any Lot or the rights specifically granted to Titleholders under the Declaration; and

**WHEREAS**, the Founder desires to amend the Declaration, as supplemented by that Declaration of Annexation recorded July 22, 1998 in Book K307, Page 360, *et seq.*, for the purpose of withdrawing from the coverage of the Declaration those lots described on Exhibit "A" to this Amendment, which lots are intended for commercial and recreational development (the "Commercial Lots"); and

BKH 347PG656

**WHEREAS**, the Founder and the undersigned Owner are the owners of the Commercial Lots and, by their signatures below, they agree that this Amendment effecting such withdrawal does not materially adversely affect the title to such lots; and

**WHEREAS**, the Founder further desires to amend the Declaration for various other purposes that do not materially adversely affect the title to any Lot nor the rights specifically granted to Titleholders under the Declaration;

**NOW, THEREFORE**, the Declaration is hereby amended as follows:

1.

**Article II, I'On Assembly, Section 2-105 [Powers and Responsibilities of Association]**, is amended by inserting the following new subsection at the end of that section:

(e) **Wildlife control.** If and when the Assembly, the Founder, or its successors, assigns or designees, determine that it is necessary for health and safety reasons or in order to protect property within I'On, the deer population and other wildlife may be controlled by lethal means, subject to applicable laws.

2.

**Article III, Standards of Use, Conduct and Maintenance, §3-103 [Limitations on Rulemaking Authority]**, subsection (b), is amended by deleting the phrase "to require that all occupants be members of a single housekeeping unit and," so that subsection (b) shall now read as follows:

(b) **Household Composition.** No rule shall interfere with the freedom of persons to determine the composition of their households, except that the Assembly shall have the power to ~~limit the total number of occupants permitted in each dwelling on the basis of the size and facilities of the dwelling and its fair use of the Commons.~~

3.

**Article V, Easements, §5-103 [General Easements]**, is amended by inserting at the end of that section a new subsection, which reads as follows:

(f) **Easement for Special Events.** Founder hereby reserves for itself, its successors, assigns and designees, a perpetual, non-exclusive easement over the Commons for the purpose of conducting parades, running, biking or other sporting events, educational, cultural, artistic, musical and entertainment activities, and other activities of general community interest, at such locations and times as Founder, in its sole discretion, deems appropriate. By accepting title to or occupying a Lot subject to this Declaration, as it may be amended, each Titleholder and occupant of a Lot acknowledges and agrees that the exercise of this easement may result in a temporary increase in traffic, noise, gathering of crowds, and related inconveniences. Neither the

2

EXH 34-7PG657

Assembly, nor any Titleholder or occupant of any Lot, shall take any action that would interfere with or otherwise attempt to restrict the exercise of this easement.

4.

**Article IX, Founder's Rights and Obligations, §9-106 [Right to Develop, Build and Market]**, is amended by deleting the word "and" after the word "vehicles" in the second sentence of that section and by inserting the phrase "and the right to make and reproduce photographs of the Commons and private homes in marketing, advertising, and public relations efforts" at the end of the second sentence, so that the section now reads as follows:

For the duration of Founder's Rights and Obligations, Founder and members of the I'On Guild shall have the right to conduct development, construction, marketing and customer service operations within I'On in a customary and reasonable fashion. This includes the right to maintain construction and sales offices and model homes on Lots which they own, a right of access over the streets and rights-of-way within I'On by construction and supply vehicles, ~~and~~ the right to store materials and equipment related to such land development and construction on property owned by Founder or members of the I'On Guild; respectively, and the right to make and reproduce photographs of the Commons and private homes in marketing, advertising, and public relations efforts. However, it shall be incumbent upon those exercising these reserved rights to conduct their activities in ways respectful of the comfort and safety of the occupants of Real Property in I'On.

5.

**Exhibit "A" to the Declaration, Definitions of Significant Terms**, is amended by changing the definition of the term "Lot" to read as follows:

**Lot:** any subdivided plot of land within I'On intended for independent ownership and use, excepting the Commons and property dedicated to the public, and any unit within any condominium located in I'On.

6.

**Exhibit "B" to the Declaration**, as supplemented by the Declarations of Annexation referenced above, is hereby amended to delete all references to those lots described on Exhibit "A" to this Amendment, thereby withdrawing them from the coverage of the Declaration such that the terms of the Declaration shall no longer apply to such lots.

7.

**Exhibit "D" to the Declaration, I'On Rules, Section D-105 Signs**, is amended by striking that section in its entirety and substituting the following in its place:

**§D-105 Signs.**

- (a) Each Lot may have posted, prior to initial occupancy, one sign setting forth the names of the Titleholder, builder, and architect and, in the case of a Lot owned

3.

BKH 347PG658

by Founder or a builder that is a member of the I'On Guild, such other signs as the Founder may approve, provided any such sign(s) shall be removed not later than the time of initial occupancy of the Lot. The materials, size, location, lettering and manner of installation shall conform to such rules as Founder may establish.

- (b) In addition to signs authorized under subsection (a), each Lot that is offered for sale may have one sign posted on the Lot advertising the Lot for sale, subject to such limitations on materials, size, location, lettering, and manner of installation as may be set forth in architectural standards adopted by the Founder to supplement the I'On Code.
- (c) No other signs, except those required by law, may be posted on any Lot so as to be plainly visible from outside the Lot.

8.

Except as expressly set forth in this Amendment, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, Founder and the undersigned Owner have set their hands and seals as of the date first above written.

FOUNDER: THE I'ON COMPANY, LLC, a South Carolina limited liability company

BY: Joseph E. Barnes, its manager

WITNESSES:

Barbara A. Dalton  
Linda M. Senner

STATE OF SOUTH CAROLINA

CHARLESTON COUNTY

PERSONALLY appeared before me the undersigned witness and made the oath that (s)he saw the within-named THE I'ON COMPANY, LLC, a South Carolina limited liability company, by Joseph E. Barnes, its manager, sign, seal and deliver the within instrument, and that (s)he with the other witness above subscribed, witnessed the execution thereof.

Barbara A. Dalton

Sworn to before me this 20th day  
of April, 2000.

4.

BKH 347PG659

Linda M. Seaman  
Notary Public for the State of South Carolina

My commission expires: 3/2/2009

OWNER:

Don Slawek LLC

BY:

Guy R. Pellegrino  
Manager

WITNESSES:

Sarah Knowlton

A. L. McBray

STATE OF SOUTH CAROLINA:

CHARLESTON COUNTY

PERSONALLY appeared before me the undersigned witness and made the oath that (s)he saw the within-named Guy R. Pellegrino an owner by Pexis Companies, its President sign, seal and deliver the within instrument, and that (s)he with the other witness above subscribed, witnessed the execution thereof.

Sarah Knowlton

Sworn to before me this 4<sup>th</sup> day  
of May, 2000:

A. L. McBray  
Notary Public for the State of South Carolina

My commission expires: My commission expires  
on 31 January 2002

523901/CADocs/1\* Amend/0322007ps

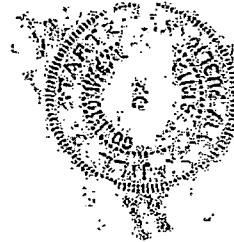


EXHIBIT "A"

EXH: 347PG660

Commercial Lots to be Withdrawn from Coverage of Declaration

Lots CM1, CM2, CM3, CM4, CM5, CM6, CM7, CM8, CM9, CV-1, and CV-2 and "Open Area 4,433 sq. ft." all as shown on that certain plat entitled Final Subdivision Plat of Lots 137-155, CM1-CM9, CV-1, CV-2, of Phase I-B and Lot 10 of Phase I-A, Town of Mount Pleasant, Charleston County, South Carolina, dated July 15, 1998 and recorded on January 26, 1999 in the RMC Office for Charleston County, South Carolina, in Plat Book EC at Page 976;

TOGETHER WITH:

Lots CV-5 and CV-6 as shown on that certain plat entitled "Conditional Plat of Phase II, Subphases A-E, Town Subdivision, Town of Mount Pleasant, Charleston County, South Carolina, dated March 17, 1999 and recorded on April 19, 1999 in the RMC Office for Charleston County, South Carolina, in Plat Book ED at Pages 108 and 109.



RECORD ON APPEAL 3655

*Woody Law Firm*

EXH 347PG661

*DA*  
*cc date*  
*SD*

FILED

#347-655

2008 MAY 10 PM 3:21

CHARLIE LYBRAND  
REGISTER  
CHARLESTON COUNTY SC

*12:00*  
*C*

I'On Defendants 000642

BK S36 PG297

RECORD ON APPEAL 3656

Upon recording, please return to:

Please cross-reference to Declaration recorded at: Book C297  
Page 282The I'On Company  
Attn: Joseph E. Barnes  
159 Civitas Street  
Mt. Pleasant, SC 29464

ABOVE SPACE FOR RECORDER'S USE

SECOND AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR

I'ON

THIS AMENDMENT is made this 4<sup>th</sup> day of January, 2001.

## WITNESSETH

**WHEREAS**, The I'On Company, LLC, a South Carolina limited liability company ("Founder"), executed that Declaration of Covenants, Conditions and Restrictions for I'On which was recorded on February 9, 1998 in Book C297, at Page 282, *et seq.*, in the Office of Mesne Conveyances for Charleston County, South Carolina, which instrument was previously amended by that certain First Amendment to the Declaration of Covenants, Conditions and Restrictions recorded on May 10, 2000 in Book H347, at Page 655, *et seq.* (as amended, the "Declaration"); and

**WHEREAS**, the Declaration has been supplemented to submit additional property to its terms by certain Declarations of Annexation recorded in the Office of Mesne Conveyances for Charleston County, South Carolina as follows:

| Recording Date | Book | Page |
|----------------|------|------|
| 7/22/98        | K307 | 360  |
| 8/04/98        | E308 | 752  |
| 3/04/99        | R321 | 376  |
| 5/03/99        | P325 | 334  |
| 11/05/99       | G337 | 182  |
| 1/18/00        | B341 | 477  |

**WHEREAS**, pursuant to Section 9-107 of the Declaration, for a period of five years after the date on which the Declaration was recorded, the Founder has the right to amend the Declaration to comply with applicable law and for such other purposes as do not materially adversely affect the title to any Lot or the rights specifically granted to Titleholders under the Declaration; and

**WHEREAS**, the Founder desires to amend the Declaration for the purpose of complying with certain requirements imposed by the Commissioners of Public Works of the Town of Mount Pleasant; and

**WHEREAS**, this amendment does not materially adversely affect the title to any Lot or the rights specifically granted to Titleholders under the Declaration;

**NOW, THEREFORE**, the Declaration is hereby amended as follows:

1.

**Exhibit D, I'On Civil Code**, is amended by adding the following new section:

**D-106. Fences and Hedges.** No person shall construct or install a fence, hedge or similar structure on any Lot in such a location or manner as to interfere with or obstruct access to utility meters or sewer cleanouts on the Lot by any utility company or public works employees or agents. In the event of a violation of this provision, the Founder, the Association, the Commissioners of Public Works of the Town of Mount Pleasant, or the affected utility company shall be entitled to enter upon the Lot and remove the fence, hedge, or other obstruction and recover all costs incurred from the owner of the Lot.

2.

**Article III, Standards of Use, Conduct and Maintenance, §3-104 [Maintenance and Repair of Real Property]**, is amended to read as follows:

Each Titleholder shall be responsible for maintaining such Titleholder's Real Property in a clean and attractive condition and in good order and repair. Such maintenance shall include, without limitation, maintenance of any water and sewer lines or laterals that serve only such Titleholder's Real Property. In the event a structure sustains damage clearly visible from the exterior, its Titleholder shall repair or reconstruct the structure in accordance with its appearance prior to damage unless the Assembly agrees to the contrary. The repair or reconstruction shall be accomplished within 90 days of the damage unless the Assembly grants a waiver based upon a finding of hardship. Should a Titleholder not conform to these provisions, the Assembly may accomplish necessary maintenance, repairs or reconstruction according to its best judgment, and levy an assessment upon the Titleholder for the costs involved.

3.

Except as expressly set forth in this Amendment, the Declaration shall remain in full force and effect.

[continued on next page]

IN WITNESS WHEREOF, Founder and the undersigned Owner have set their hands and seals as of the date first above written.

FOUNDER: THE ION COMPANY, LLC, a South Carolina limited liability company

BY: Joseph E. Barnes, its manager

WITNESSES:

Joseph E. Barnes  
Joseph E. Barnes

STATE OF SOUTH CAROLINA

CHARLESTON COUNTY

PERSONALLY appeared before me the undersigned witness and made the oath that (s)he saw the within named THE ION COMPANY, LLC, a South Carolina limited liability company, by Joseph E. Barnes, its manager, sign, seal and deliver the within instrument, and that (s)he with the other witness above subscribed, witnessed the execution thereof.

Joseph E. Barnes

Sworn to before me this 4<sup>th</sup> day  
of January, 2009.

Joseph M. German  
Notary Public for the State of South Carolina

My commission expires: 3/2/09

3239017CA Docs2nd Antena 8/10/2009.js

RECORD ON APPEAL 3659

Woody Law Firm

LS

R

DK S361 PG 300

FILED

S361-297

2001 JAN -8 PM 12: 59

CHARLIE LYBRAND  
REGISTER  
CHARLESTON COUNTY SC

Miss Amen

10.00  
C

l'On Defendants 000646

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

MODIFICATION OF DECLARATION  
OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR I'ON

WHEREAS, The I'On Company, L.L.C. (hereinafter "I'ON") filed a Declaration of Covenants, Conditions and Restrictions for I'On dated February 5, 1998 in Book C-297, at Page 282 in the Charleston County RMC Office; and

WHEREAS, in Article V, §5-103 (d), entitled Easements for Encroachments and Maintenance, of said declaration, the Founder reserved a perpetual, nonexclusive easement over each Lot for the benefit of the adjacent Lots and Commons not exceeding five feet in width for access for maintenance and repair on the structures of the benefited Lot; and

WHEREAS, the houses being built on Lots 312 and 313 of Phase 4-B (as those lots are depicted on the plat thereof entitled "Final Plat of Lots 310-363, CM11, & CV-7 Phase 4-B, I'On, Town of Mt. Pleasant, Charleston County, South Carolina", dated October 19, 2000, prepared by Thomas & Hutton Engineering Co. and recorded on January 30, 2001 in the RMC Office for Charleston County in Plat Book EE, at page 570, are closer than five feet to common line between these two lots; and

WHEREAS, I'ON and the I'On Assembly, Inc. are desirous of amending the aforementioned Declaration of Covenants, Conditions and Restrictions for I'On such that the houses being built on the above described Lots 312 and 313 (herein Lots 312 and 313) will not be in violation of the easements as contained therein; and

WHEREAS, The Marlowe Chandler Company, Inc. is the current owner of the above described Lots 312 and 313 and has joined in the execution of this instrument to evidence its consent hereto;

NOW, THEREFORE, for Five and No/100 (\$5.00) Dollars and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. As to Lots 312 and 313, the above-described Article V, §5-103 (d), entitled Easements for Encroachments and Maintenance, of the of the Declaration of Covenants, Conditions and Restrictions for I'On recorded in Book C-297, at Page 282 in the Charleston County RMC Office shall be amended to add the following language:

As to Lots 312 and 313, as depicted on the plat thereof entitled "Final Plat of Lots 310-363, CM11, & CV-7 Phase 4-B, I'On, Town of Mt. Pleasant, Charleston County, South Carolina", dated October 19, 2000, prepared by Thomas & Hutton Engineering Co. and recorded on January 30, 2001 in the RMC Office for Charleston County in Plat Book EE, at page 570;

BK L 44-7 PG 64-1

the easements reserved for the benefit of the adjacent Lots to permit access for maintenance and repairs of the structures on the benefited Lot shall not exceed three and one-half (3.5) feet on each side of the common line between Lots 312 and 313.

2. All other restrictions shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned have affixed their hands and seals this 2nd day of May, 2003.

Signed, sealed and delivered  
in the presence of:

THE I'ON COMPANY, L.L.C.

Pam Martin

By: [Signature]  
Its: Manager

James W. Lesser

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

PROBATE

PERSONALLY appeared before me the undersigned witness, and made oath that (s)he saw the within named The I'On Company, L.L.C., by Vincent S. Graham its Manager, sign the within instrument, and as its act and deed deliver the same, and that (s)he with the other witness appearing above, witnessed the execution thereof.

SWORN to before me  
this 2nd day of May, 2003.

Pam Martin

James W. Lesser

(SEAL)

Notary Public for South Carolina  
My Commission Expires: 6-18-11

BK L 447PG642

IN WITNESS WHEREOF, the undersigned have affixed their hands and seals this  
2nd day of May, 2003,

Signed, sealed and delivered  
in the presence of:

I'On Assembly, Inc.

Pam Martin

By:

Its: President

Harold W. Lasser

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

PROBATE

PERSONALLY appeared before me the undersigned witness, and made oath that  
(s)he saw the within named I'On Assembly, Inc., by Vincent C. Graham, its  
President, sign the within instrument, and as its act and deed deliver the same,  
and that (s)he with the other witness appearing above, witnessed the execution thereof.

SWORN to before me  
this 2nd day of May, 2003,

Pam Martin

Harold W. Lasser

(SEAL)

Notary Public for South Carolina  
My Commission Expires 6-18-11



K L 4476613

IN WITNESS WHEREOF, The Marlowe Chandler Company, Inc. has caused these presents  
to be executed in its name by Robert W. Marlowe, its President, thereunto duly authorized as of this  
2nd day of May, 2003.

Signed, sealed and delivered  
in the presence of:

THE MARLOWE CHANDLER COMPANY, INC.

By: Robert W. Marlowe  
Robert W. Marlowe  
Its: President

Shirley E. Elch  
Shirley E. Elch

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

PROBATE

PERSONALLY appeared before me the undersigned witness, and made oath that (s)he saw  
the within named The Marlowe Chandler Company, Inc. by its aforesaid duly authorized officer sign  
the within instrument, and as its act and deed deliver the same, and that (s)he with the other witness  
appearing above, witnessed the execution thereof.

SWORN to before me  
this 2nd day of May, 2003.

Shirley E. Elch

Shirley E. Elch (SEAL)  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

RECORD ON APPEAL 3664

OK L 447 PG 644

*11*  
*sd*  
SABER, UNGER & MCINTOSH, L.L.C.

FILED

L 447-640

2007 MAY -5 PM 12:44

CHARLES LYBRAND  
REGISTER  
CHARLESTON COUNTY SC

1000  
B

On Defendants 000651

STATE OF SOUTH CAROLINA     )  
                                          )     MODIFICATION OF DECLARATION  
COUNTY OF CHARLESTON     )     OF COVENANTS, CONDITIONS AND  
                                          )     RESTRICTIONS FOR I'ON

WHEREAS, The I'On Company, L.L.C. (hereinafter "I'ON") filed a Declaration of Covenants, Conditions and Restrictions for I'On dated February 5, 1998 in Book C-297, at Page 282 in the Charleston County RMC Office; and

WHEREAS, in Article V, §5-103 (d), entitled Easements for Encroachments and Maintenance, of said declaration, the Founder reserved a perpetual, nonexclusive easement over each Lot for the benefit of the adjacent Lots and Commons not exceeding five feet in width for access for maintenance and repair on the structures of the benefited Lot; and

WHEREAS, the houses being built on Lots 312 and 313 of Phase 4-B (as those lots are depicted on the plat thereof entitled "Final Plat of Lots 310-363, CM11, & CV-7 Phase 4-B, I'On, Town of Mt. Pleasant, Charleston County, South Carolina", dated October 19, 2000, prepared by Thomas & Hutton Engineering Co. and recorded on January 30, 2001 in the RMC Office for Charleston County in Plat Book EE, at page 570, are closer than five feet to common line between these two lots; and

WHEREAS, I'ON and the I'On Assembly, Inc. are desirous of amending the aforementioned Declaration of Covenants, Conditions and Restrictions for I'On such that the houses being built on the above described Lots 312 and 313 (herein Lots 312 and 313) will not be in violation of the easements as contained therein; and

WHEREAS, The Marlowe Chandler Company, Inc. is the current owner of the above described Lots 312 and 313 and has joined in the execution of this instrument to evidence its consent hereto;

NOW, THEREFORE, for Five and No/100 (\$5.00) Dollars and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. As to Lots 312 and 313, the above-described Article V, §5-103 (d), entitled Easements for Encroachments and Maintenance, of the of the Declaration of Covenants, Conditions and Restrictions for I'On recorded in Book C-297, at Page 282 in the Charleston County RMC Office shall be amended to add the following language:

As to Lots 312 and 313, as depicted on the plat thereof entitled "Final Plat of Lots 310-363, CM11, & CV-7 Phase 4-B, I'On, Town of Mt. Pleasant, Charleston County, South Carolina", dated October 19, 2000, prepared by Thomas & Hutton Engineering Co. and recorded on January 30, 2001 in the RMC Office for Charleston County in Plat Book EE, at page 570,

EX L 447PG64-1

the easements reserved for the benefit of the adjacent Lots to permit access for maintenance and repairs of the structures on the benefited Lot shall not exceed three and one-half (3.5) feet on each side of the common line between Lots 312 and 313.

2. All other restrictions shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned have affixed their hands and seals this 2nd day of May, 2003.

Signed, sealed and delivered  
in the presence of:

THE I'ON COMPANY, L.L.C.

Pam Martin

By: [Signature]  
Its Manager

Heaven W. Lesser

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

PROBATE

PERSONALLY appeared before me the undersigned witness, and made oath that (s)he saw the within named The I'On Company, L.L.C., by Vincent G. Graham its Manager, sign the within instrument, and as its act and deed deliver the same, and that (s)he with the other witness appearing above, witnessed the execution thereof.

SWORN to before me  
this 2nd day of May, 2003.

Pam Martin

Heaven W. Lesser

(SEAL)

Notary Public for South Carolina  
My Commission Expires: 6-18-11

EX L 447PG642

IN WITNESS WHEREOF, the undersigned have affixed their hands and seals this 2nd day of May, 2003.

Signed, sealed and delivered  
In the presence of:

I'On Assembly, Inc.

Pam Martin

By: [Signature]  
Its: President

James W. Lessor

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

PROBATE

PERSONALLY appeared before me, the undersigned witness, and made oath that (s)he saw the within named I'On Assembly, Inc., by Vincent G. Graham, its President, sign the within instrument, and as its act and deed deliver the same, and that (s)he with the other witness appearing above, witnessed the execution thereof.

SWORN to before me  
this 2nd day of May, 2003.

Pam Martin

James W. Lessor (SEAL)  
Notary Public for South Carolina  
My Commission Expires 6-18-11

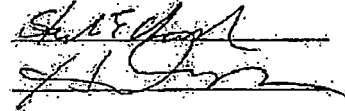
BOOK L 447P6643

IN WITNESS WHEREOF, The Marlowe Chandler Company, Inc. has caused these presents  
to be executed in its name by Robert W. Marlowe, its President, thereunto duly authorized as of this  
22 day of May, 2003.

Signed, sealed and delivered  
in the presence of:

THE MARLOWE CHANDLER COMPANY, INC.

By:   
Robert W. Marlowe  
Its: President

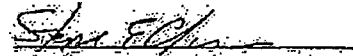


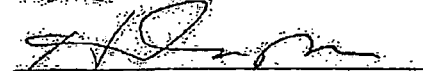
STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

PROBATE

PERSONALLY appeared before me the undersigned witness, and made oath that (s) he saw  
the within named The Marlowe Chandler Company, Inc. by its aforesaid duly authorized officer sign  
the within instrument, and as its act and deed deliver the same; and that (s) he with the other witness  
appearing above, witnessed the execution thereof.

SWORN to before me  
this 22 day of May, 2003.



  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_ (SEAL)

RECORD ON APPEAL 3669

DK L 447 PG 644

11  
Jed  
S. UNGER & McINTOSH, L.L.C.

FILED

L 447-640

2003 MAY -5 PM 12:44

CHARLES LYBRAND  
REGISTER  
CHARLESTON COUNTY SC

1000  
B

I'On Defendants 000656

BK U508 PG 274

|                         |   |                              |
|-------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA | ) | MODIFICATION OF DECLARATION  |
|                         | ) | OF COVENANTS, CONDITIONS AND |
| COUNTY OF CHARLESTON    | ) | RESTRICTIONS FOR I'ON        |

WHEREAS, The I'On Company, L.L.C. (hereinafter "I'ON") filed a Declaration of Covenants, Conditions and Restrictions for I'On dated February 5, 1998 in Book C-297, at Page 282 in the Charleston County RMC Office; and

WHEREAS, in Article V, §5-103 (d), entitled Easements for Encroachments and Maintenance, of said declaration, the Founder reserved a perpetual, nonexclusive easement over each Lot for the benefit of the adjacent Lots and Commons not exceeding five feet in width for access for maintenance and repair on the structures of the benefited Lot; and

WHEREAS, the house being built on Lot 8-29 of Phase 8-B is closer than five feet to common line between Lot 8-29 and Lot 8-30, with a foundation survey of the house being constructed on Lot 8-29 showing the foundation being located only four (4) feet from said boundary line; and,

WHEREAS, I'ON and the I'On Assembly, Inc. are desirous of amending the aforementioned Declaration of Covenants, Conditions and Restrictions for I'On such that the house being built on the above described Lot 8-29 (herein Lot 8-29) will not be in violation of the easements as contained therein; and

WHEREAS, The Marlowe Chandler Company, Inc. is the current owner of the above described Lots 8-29 and 8-30 and has joined in the execution of this instrument to evidence its consent hereto;

NOW, THEREFORE, for Five and No/100 (\$5.00) Dollars and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

I. As to Lots 8-29 and 8-30, the above described Article V, §5-103 (d), entitled Easements for Encroachments and Maintenance, of the Declaration of Covenants, Conditions and Restrictions for I'On recorded in Book C-297, at Page 282 in the Charleston County RMC Office shall be amended to add the following language:

As to Lots 8-29 and 8-30, as depicted on the plat thereof entitled "Final Subdivision Plat of Phase 8B, I'On, owned by The I'On Company@, prepared by Thomas & Hutton Engineering Co. and recorded on October 30, 2003 in the RMC Office for Charleston County in Plat Book EG at page 694, the easements on Lot 8-29 reserved for the benefit of the adjacent Lot 8-30 to permit access for maintenance and repairs of the structures on Lot 8-30 shall not exceed three (3) feet on the Lot 8-29 side of the common line between Lots 8-29 and 8-30.



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2 All other restrictions shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned have affixed their hands and seals this 21 day of September, 2004.

Signed, sealed and delivered in the presence of:

THE ION COMPANY, L.L.C.  
By: Civitas, LLC, Its Manager

E. A. Davis  
(signature of first witness)

By: [Signature]  
LeGrande Elebash  
Its: Co-Manager

[Signature]  
(signature of second witness)

STATE OF SOUTH CAROLINA )

PROBATE

COUNTY OF CHARLESTON )

PERSONALLY appeared before me the undersigned witness, and made oath that (s)he saw the within named The Ion Company, L.L.C., by Civitas, LLC, Its Manager, by LeGrande Elebash, Its Co-Manager, sign the within instrument, and as its act and deed deliver the same, and that (s)he with the other witness appearing above, witnessed the execution thereof.

SWORN to before me  
this 21 day of September, 2004.

E. A. Davis  
(signature of first witness)

[Signature] (SEAL)  
Notary Public for South Carolina  
My Commission Expires: 10-5-11

BA U508PG276

IN WITNESS WHEREOF, the undersigned have affixed their hands and seals this 2<sup>nd</sup> day of September, 2004.

Signed, sealed and delivered  
in the presence of:

I-On Assembly, Inc.

Eva Davis

(signature of first witness)

By:

LeGrande Elebash

Its:

Co-Manager

Meredith B. Galloway

(signature of second witness)

STATE OF SOUTH CAROLINA

PROBATE

COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned witness, and made oath that (s)he saw the within named I-On Assembly, Inc. by LeGrande Elebash, its Co-Manager, sign the within instrument, and as its act and deed deliver the same, and that (s)he with the other witness appearing above, witnessed the execution thereof.

SWORN to before me  
this 2<sup>nd</sup> day of September, 2004.

Eva Davis  
(signature of first witness)

Meredith B. Galloway

(SEAL)

Notary Public for South Carolina

My Commission Expires: 10-5-11

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IN WITNESS WHEREOF, The Marlowe Chandler Company, Inc. has caused these presents  
to be executed in its name by Robert W. Marlowe, its President, thereunto duly authorized as of this  
3rd day of September, 2004.

Signed, sealed and delivered  
in the presence of:

THE MARLOWE CHANDLER COMPANY, INC.

Patricia E. Paulson  
A. J. [Signature]

By: [Signature]  
Robert W. Marlowe  
Its: President

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

PROBATE

PERSONALLY appeared before me the undersigned witness, and made oath that (s)he saw  
the within named The Marlowe Chandler Company, Inc. by its aforesaid duly authorized officer sign  
the within instrument, and as its act and deed deliver the same, and that (s)he with the other witness  
appearing above, witnessed the execution thereof.

SWORN to before me  
this 3rd day of September, 2004.

Patricia E. Paulson

[Signature] (SEAL)  
Notary Public for South Carolina  
My Commission Expires: 10-29-2006

BARR, UNGER & MCINTOSH, L.L.C.

BN: U508PG278

LS  
#

L.C.L.

misc

D.D.  
A

FILED

U508-274

2004 SEP -8 AM 9:55

CHARLIE LYORAND  
REGISTER  
CHARLESTON COUNTY, SC

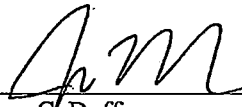
l'On Defendants 000661

**CERTIFICATE OF COUNSEL**

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

March 21, 2016

**RECEIVED**  
MAR 23 2016  
SC Court of Appeals

  
\_\_\_\_\_  
Brian C. Duffy  
Seth W. Whitaker  
Julie L. Moore  
Duffy & Young, LLC  
96 Broad Street  
Charleston, SC 29401  
(843) 720-2044  
*Attorneys for Appellants*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

MAR 23 2016

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

SC Court of Appeals

The Honorable Stephanie P. McDonald, Circuit Court Judge

Case No. 2010-CP-10-10490

Brad J. Walbeck and Lea Ann Adkins, Both Individually and Derivatively on Behalf of  
The I'On Assembly, Inc.; I'On Assembly, Inc.,

Respondents,

v.

The I'On Company, LLC; The I'On Club, LLC; The I'On Group, LLC f/k/a Civitas, LLC;  
and I'On Realty, LLC,

Appellants.

**PROOF OF SERVICE**

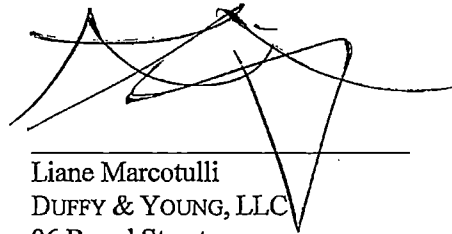
I, Liane Marcotulli, paralegal for Duffy & Young, LLC, certify that I have served the  
**RECORD ON APPEAL** on Respondents on March 22, 2016 by hand delivery to their  
attorneys of record as shown below:

Justin O. Lucey, Esq.  
Joshua F. Evans, Esq.  
415 Mill Street  
PO Box 806  
Mount Pleasant, SC 29465  
Phone: 843-849-8400

*Attorneys for Respondents Brad J. Walbeck, and Lea Ann Adkins,  
individually and derivatively on behalf of I'On Assembly, Inc.*

Timothy W. Bouch, Esq.  
Yancey A. McLeod, III, Esq.  
Leath Bouch & Seekings  
92 Broad Street  
Charleston, SC 29401  
Phone: 843-937-8811

*Attorneys for Respondent I'On Assembly, Inc.*



Liane Marcotulli  
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(843) 720-2044 (phone)  
(843) 720-2047 (fax)  
*Paralegal*

March 22, 2016  
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

MAR 07 2016

**SC Court of Appeals**

The Honorable Stephanie P. McDonald, Circuit Court Judge

Case No. 2010-CP-10-10490

Brad J. Walbeck and Lea Ann Adkins, Both Individually and Derivatively on Behalf of  
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v.

The I'On Company, LLC; The I'On Club, LLC; The I'On Group, LLC f/k/a Civitas, LLC;  
and I'On Realty, LLC,

Appellants.

**PROOF OF SERVICE**

I, Liane Marcotulli, paralegal for Duffy & Young, LLC, certify that I have served the  
**RECORD ON APPEAL** on Respondents on March 2, 2016 by hand delivery or by FedEx  
to their attorneys of record as shown below:

***VIA FEDEX***

Justin O. Lucey, Esq.  
Joshua F. Evans, Esq.  
415 Mill Street  
PO Box 806  
Mount Pleasant, SC 29465  
Phone: 843-849-8400

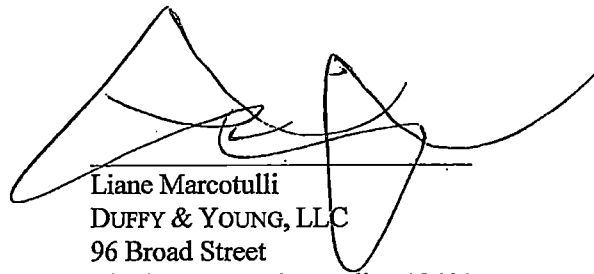
*Attorneys for Respondents Brad J. Walbeck, and Lea Ann Adkins,  
individually and derivatively on behalf of I'On Assembly, Inc.*



***VIA HAND DELIVERY***

Timothy W. Bouch, Esq.  
Yancey A. McLeod, III, Esq.  
Leath Bouch & Seekings  
92 Broad Street  
Charleston, SC 29401  
Phone: 843-937-8811

*Attorneys for Respondent I'On Assembly, Inc.*

A handwritten signature in black ink, appearing to read 'Liane Marcotulli', is written over a horizontal line. The signature is stylized with large, sweeping loops.

Liane Marcotulli  
DUFFY & YOUNG, LLC  
96 Broad Street  
Charleston, South Carolina 29401  
(843) 720-2044 (phone)  
(843) 720-2047 (fax)  
*Paralegal*

March 2, 2016  
Charleston, South Carolina