

KICA/TOKI ARB RELATIONSHIP REVIEW TASK FORCE

Community Feedback on Initial Report - June 2023

Entry Id	Please share your comments.
1	Good preliminary report. Please follow through
2	I am concerned that KICA could handle the ARB responsibilities effectively, based on the past contradicting working relationship of the KICA board. The board member turnover would not allow for a consistency and clear instruction for an ARB. The ARB should have clear guidelines which cannot be changed easily for consistency e.g review every three years only. To establish this guideline KICA could be the organizing body involving homeowners, but the enforcement should be an independent entity, which could be part of TOKI.
3	I agree with the work group's approach
4	<p>Preliminary thoughts: The report did not explain ARB's claimed authority for exterior repairs and maintenance of existing dwellings (as opposed to new construction and alterations). Much homeowner consternation is attributable to such work; homeowners are actually required to perform maintenance but are being discouraged by ARB complications.</p> <p>The lowest hanging fruit would be to actually do what the Dev't Ag't requires---develop and publicize objective standards for commonly encountered issues. Examples: paint colors, materials, windows. Also, to publish ARB "rulings" so that predictability is enhanced through precedents.</p>
5	It is time for the Arb to transfer to KICA control. Lack of fairness in enforcement, slow response to simple requests to maintain our properties, and lack of owner control over what should be a fair, efficient enforcement of clear simple rules is unacceptable.

6	<p>Before I start with my negative comments, I'd prefer to start with some positivity. We are home owners since 2009 and have enjoyed the island and our experience immensely. That said, I am commenting here because I believe we can do better. My understanding is that the purpose of the architectural review process is to govern the overall aesthetic of the island. I believe that the intent is correct and necessary, however I think the implementation is counterproductive. My home is a perfect example. When we purchased it, the home was in need of updates both interior and exterior. We made quick progress on the interior (paint, kitchen redesign, new bedroom construction, paint). But progress has stalled as we have turned to the exterior work that needs to be done. Windows, doors, siding, decking... We were eager to get going. Biting off a few projects per year much as we did with the interior. After contacting a rep from the review board, we see that the review process does not lend itself to this type of renovation. Instead, it is clear that the board's preferred solution is to hire a contractor who has experience working with the review board and have that person renovate our home soup to nuts. The problem is, that is a significant lump sum investment. And so any exterior renovation sits on the back burner while our home remains outdated and in need of upgrades we'd like to make. Our home is a perfect example of how the review board stands in the way of their mission...to maintain the aesthetic of the island.</p>
7	<p>This is a very important issue about which most KICA members have strong opinions. The size limitations at the Beachwalker center will prevent in person attendance. Why not utilize the Sandcastle or the TOKI council chambers for the meeting site for this and any future meetings regarding the committee's reports.</p>
8	<p>COMMENT REMOVED BY REQUEST OF MEMBER</p>
9	<p>Thank you for undertaking this thorough review and phasing it appropriately.</p> <p>Please define ALL acronyms at the outset of the document. For example, "ARB" is not defined anywhere in the document. TOKI and KICA are only defined by their logos at the top of the document.</p>
10	<p>Great start at explaining this tangled web! Please keep in mind the role of individual HOAs in the approval process. HOA approval (if property is a member of an HOA) should be clearly recognized as the first step, or at least a major step, in obtaining ARB approval. Thank you!</p>
11	<p>Thank you! Very well done summary and starting point. Really appreciate the group managing this professionally.</p>
12	<p>I have restored several registered antique homes in both Palm Beach and CT. I thought they were difficult. It turns out ARB took it too an entire different level.. A Tree branch was hanging through the frame of a new addition. The ARB refused to allow Arbor Care to take it down until we framed as far as we could. A 5 year old could have seen the branch remember branch not tree. The branch ended up going through the roof and caused a major leak in the basement below. Its really just unnecessary harassment. Same as far as trees, they do not use the rule of planting a tree with a 10 year growing plan, instead they over plat and then the trees can't get the sun they require.</p>

13	<p>Thank you for doing this ARB review. I really appreciate that a group with interest in maintaining the beauty of Kiawah exists and hope that it will continue. My desire is that the review will result in a more reasonable permitting process. I have done several exterior projects since ownership, all of which have been painful. I will not bore you with details but the most recent one will serve as a good example. Please note I am not asking for assistance. We added lattice underneath the cottage and the builder suggested we wait 6-8 weeks before painting the new treated wood, which we did. We scheduled a painter only to be stopped because the building permit did not actually mention painting after completion of the project, so I began an entirely new permitting process. Thankfully after some discussion the ARB agreed that painting would be considered to be part of the construction. I also had to get a new encroachment permit for painting - really? Again, I am very much in favor of an architectural review process, but could it be made:</p> <ul style="list-style-type: none"> - less painful - easier to follow - more consistently applied - and more reasonable (eg encroachment permit for painting)
14	<p>This document exhibits little if any property owner advocacy. It might as well have been written by the Developer. Unless the authors' actual thoughts are considerably different from what is written herein, there seems little reason to continue this effort to Phase II. If the attitude is that the Developer has unlimited, unchallengeable control ... until such time as they decide to change their attitude, policies and practices of the last 50 years ... then nothing will change. This Work Group needs to decide that they're going to force some fundamental changes.</p>
15	<p>1. it is clear that authority for the ARB control were granted incorrectly and are legally Not granted. This needs immediate correction to be with the convents of the KICA agreements. 2. I had to wait nearly 4 weeks to get approval to replace my front egress steps (that were rotting). during this time egress from my home, in a serious fire event, would have been obstructed. Review of life safety issues Must have a 1-2 day approval process no matter what occurs. I am not complaining about the event on my home, however as a long standing Professional Engineer, Life Safety Must always be of the highest priority.</p>
16	<p>I appreciate the time and effort that has gone into looking at the ARB's control structure and evaluating how this can be better laid out in the future to support the individual homeowner and the well being of Kiawah Island. I have had several situations where the ARB has denied a project, but the project is within the scope of the regulations the ARB is supposed to function under. Once this occurs the homeowner is left with two options, 1.)Don't do the project or 2.)change the details of the project to meet the wishes of the ARB even though the original scope of the project was within their guidelines. Rulings from the ARB can NOT be subjective. The focus of phase two of your work needs to look closely on how the homeowner can have the regulations laid out for them clearly and know the ARB is going to follow them. If the ARB does not, there needs to be a timely way for the homeowner to arbitrate this disagreement and not be at the mercy of the ARB for an extended period of time. Thank you very much for your time and consideration.</p>
17	<p>While I approve and applaud the efforts to determine these facts the bottom line is the Partners have no incentive to give up control. Which means a legal process is the only way or we make a payment of give them some type of incentive to relinquish control. I would like an estimate of legal costs and all other outside parties that have been used to make these assessments as well as future needs. My guess is the general populace is not up to spending these types of money to satisfy the frustration of the the few.</p>

18	<p>I am mostly concerned with the language on slides 10 and 15 referencing KICA's relationship with the ARB as including "mutual understanding" and "informal practices." I'm thrilled your Work Group will be expecting an explanation from KICA, and demanding a standardization of the process with REAL (not token or rubberstamp) input from property owners. I'm strongly in favor of the Developer transferring the ARB to KICA and/or TOKI, and removing the Developer representative from the KICA Board.</p> <p>Thanks for your hard work - you have a tough task ahead!</p>
19	<p>I support the ARB and the Developer, which i believe are instrumental in keeping Kiawah the special place it is. Several points/questions I would like to make:</p> <ol style="list-style-type: none"> 1. Is the ARB a profit center (which it should not be) for the developer or do the fees/fines just cover costs. This could impact motivations. 2. Why do some of the simplest application take weeks to process (like painting, no color change, landscape maintenance like tree limbs). 3. Probably the gravest injustice that has impacted the island, the community, and severely discredited the ARB is the strenuous application of standards for owners, but not for the developers themselves with the cape/other projects. When called out, there was no credible explanation or remedy. Based on the sales prices of the properties this appears to be a massive example of greed. A significant fine/restitution/goodwill offering to the island should be exercised or the ARB/developer will never recover its credibility. 4. Finally, an oversight ability needs to be developed regarding projects directly impacting the developer like the cape. It is hard to believe the private organization policing the rules and regulations of island are are allowed to police themselves with no impunity, classic fox/henhouse situation.
20	<p>I consider this a well researched and thoughtful report. I have two concerns.</p> <ol style="list-style-type: none"> 1) While I support transition of the ARB to KICA, I have concerns about stability and continuity. With KICA board membership turning over almost completely every three years; and with new Board members often unknowledgeable about Kiawah history, many aspects of existing practices and their reasons, and the respective roles of the major Kiawah entities; and with personal agendas the new directors can have, it would be too easy for boards to totally change architectural guidelines. Any changes to control of the ARB need to address stability and consistency, over time, of standards. 2) Nothing in this report mentions ARB fee structure. The structure is unfair for small exterior repairs. ARB approval should not be required for repairs to rectify things like replacement of a torn screen or a piece of window trim or a deck post, or replacing plants that have died with the same plants. A \$300 repair can require a \$100 fee to the ARB. That is excessive and punitive and encourages homeowners to delay repairs until they have enough to justify the \$100 fee. And for repairs for which ARB approval is warranted—e.g. changing the plants being replaced, changing the size or color of a screen—the ARB fee should be maxed at a sensible percentage of the cost, perhaps 10%.
21	<p>(1) in addition to the legal reviews recommended, the role and authority of Home Owner Associations should be specifically included.</p> <p>(2) Yes, this is a confusing arrangement. After the transition a single point of contac or "front door," for all involved parties, should be established.</p>

	<p>My kudos and thanks to the joint task force for a job extremely well done in thoroughly assessing the tangled web that has evolved over the years to maintain and defend the developer's control of the ARB. It reminds me of one of those webs you see the big spiders make in the Myrtle trees in the median of Governors Drive!</p> <p>Two additional points: First, it should be noted the current ARB extended its improper authority even further into the "beyond the pale" area by recently adding to then donating part of the fees it collects to the Conservancy. In addition to this being a "forced" donation (without a corresponding deduction to the real doner), it calls into question the nature of the relationship between the developer and the Conservancy and whether the Conservancy has a vested interest in maintaining this design control structure. I believe the Conservancy's relationship to the ARB and developer and its relationship with TOKI and KICA should be fully and publicly examined as part of this effort.</p> <p>Second, as to KICA Rules and Regulations, the failure to record the 2018 amendment to the KICA Covenants effectively invalidates key portions of the Rules and Regulations that were subsequently modified to incorporate portions of the now ineffective Covenants amendment. These now invalid changes very directly impact what the extent of KICA's authority is regarding individual properties. This needs to be considered as your analysis evolves.</p>
22	<p>Again, my sincere thanks to all of you for taking this on.</p>
	<p>Thank you for all the work and effort to summarize the current situation and present the issues. Since we're not to the point of commenting on any specific recommendations, I think my only thoughts to offer at this time are this:</p> <p>It seems odd to me that property owners through their representation (KICA), do not have any true voice as to the management, daily decisions that effect the membership, or any direct oversight whatsoever to a governing body that is in existence to supposedly serve that same membership.</p> <p>I could go on and on about what you list as perceptions in the report, but based upon a few limited experiences with the ARB, I can attest that some, at least, are not perceptions at all, but realities.</p>
23	<p>Thank you for taking this on.</p>
24	<p>I am putting up a trash blind to conceal my trash cans on the side of my property. The project will be less than \$1,000. I am required to pay a \$300 permit fee and put up a \$1,000 bond. I am told these are the same fees required for someone to do a \$300,000 home addition. It doesn't makes sense to put double the money up than what the project costs. :(</p>
25	<p>Consider a phased approach: Year 1 : add more KICA personnel to ARB ie (40% KICA) Year 2: KICA 60% Year 3 : KICA 80% This provides training and transition time. Also KICA needs to budget for staff</p> <p>Maybe KICA is never 100%. Just like developer has 1 KICA board member. Developer should back out of ARB.</p>

26	<p>In my previous comment I neglected to address the "ARB deposit" issue as currently structured. Please see an excerpt from a post made to iKiawah about this last November below. This is an issue that must be resolved and clarified ASAP in my opinion. Deposits must be held safely and securely and the legal interests, rights and terms to a refund of these deposits should be completely clear and equitable.</p> <p>"Let me add, for now, one other thing to consider (there are others). Check out the ARB Deposit Agreement and look at the mechanics. https://arb.kiawahisland.com/wp-content/uploads/2018/11/CONSTRUCTION-APPLICATION-DEPOSIT-AGREEMENT-2018.pdf . Note to whom you have to write your check. Note the lack of information about the care with which the recipient of those checks must treat your deposit. I pose a question to the attorneys out there...if any of us were your client, is that an "escrow arrangement" you would recommend that we agree to? What might happen to those deposits if the holder chose to throw that entity into bankruptcy? Going further, how much money, in total would you guess is in that deposit account (i.e. consider all the deposits across the island)? It is likely several million dollars. Where is it being held? Who is getting any "benefits" from that? What incentive or, much more frightening, what legal obligations does the holder have to ever release those deposits? What state law, if any, governs such a unique arrangement between private parties?"</p>
27	<ol style="list-style-type: none"> 1) ARB needs a paint color pallet for choosing exterior paint and trim colors. 2) Once a color is approved, it should be grandfathered for that property (addresses homeowners wanting to repaint having to change colors) 3) The new ARB needs to be a not for profit organization 4) No requirements should ever be made for donations to conservancy or other purposes 5) Kiawah continually mentions sustainability and ecofriendliness in its publications (no plastic bags, straws). The ARB prohibits the use of non-organic/ composite decking materials. Rather, they only permit the use of ipe or similar South American hardwoods. Either of the permitted materials are not sustainable and lead to the devastation of S American forests.
28	<p>Shockingly loaded in favor of the developers at the expense of town and homeowners. Why in the world would KICA pay 420,000\$ to facilitate the transition of the ARB when the developers obviously never had any intention of giving up their control? At this point, the concept of "design with nature" has been forsaken for "design for maximum profit". Note the ravaging of nature at the Cape. More to follow.</p>

29	<p>I congratulate and appreciate fine efforts of the KICA/TOKI ARB Work Group and their Preliminary Report. When we bought our home in 2002, I was shocked to learn the ARB was controlled and ran by the developer. Now 21 years later, it is high time for a change to the ARB where property owners are in control - or at the very least have a strong voice in how it is operated overall - whether the ARB is eventually managed by KICA or TOKI.</p> <p>The current ARB is bureaucratic, authoritarian, slow, doesn't leverage current web form technology and in no way a "service" organization for property owners. The simple fact that you need a "permit with fees" to simply repaint your home exterior or remove a dying or dead tree is a prime example of the ridiculous rules from the current ARB. The work group has undoubtedly heard many horror stories from property owners accentuating similar and larger challenges in working with the ARB.</p> <p>For the work group's efforts going forward, I might suggest we find out what property owners AND all service providers (contractors, builders, etc.) think of the current ARB, it's rules, regulations, fees and level of satisfaction. For example:</p> <ul style="list-style-type: none"> * Conduct a thorough survey of property owners to collect real data points - versus all open-ended responses. * Conduct a similar thorough survey of service provides and contractors. * Research to ascertain if Kiawah is a "competitive versus closed" market with equal opportunity for contractors and service providers of all sizes. (As an example, we've reached out to multiple greater Charleston area contractors or services providers in the past who just won't work on Kiawah because of the ARB, it's processes, regulations and fees. t's easier for them to work elsewhere in the region - not worth the hassle of dealing with our ARB!)
30	<p>I have no problem with the ARB and fully support having it remain in place in its current state. It mitigates any agency issues regarding other residents using building materials or color schemes that are inconsistent with the environment on Kiawah. I see no need for this task force and hope that it is a) not incurring significant cost and b) not using much TOKI/ KICA board time.</p>
31	<p>COMMENT REMOVED BY REQUEST OF MEMBER</p>
32	<p>Ability to maintain or improve high standards,do not compromise high standards. Landscaping standards very inconsistent and have deteriorated. Concern over KICA ability to handle increased responsibility</p>
33	<p>I agree completely with the concerns that were noted at the end of the report. One of my largest concerns as a homeowner directly on the beach is the bushes and foliage between our house and the ocean. We paid a premium to have an oceanfront home. However, we are only allowed to trim the bushes between our house and the ocean only once a year during the winter season. There has to be approval both before and after the trimming. But, my biggest concern is the small amount that is allowed to be trimmed only once per year assures that the bushes will grow further each year and further block our view...not even allowing us to keep it at the current too high level. I think it is INSANE, and the rules ANGER me. I would like to at least be able to trim more than once during the winter season (maybe at the beginning and the end). Keeping the bushes at or slightly below their current levels seems REASONABLE but with the current system completely impossible. If something could be done to improve the current system, I would be thrilled.</p>
34	<p>I want to commend the workgroup on the excellent report. I thought it was a very fair balance of the advantages and disadvantages of the ARB. As a homeowner for 20 years, I want to confirm the concerns listed on slide 14. I have personally been confused and disappointed. I have personally been affected by late repayments, almost feeling like I have to chase down my money. I also think that the payment of \$420K should be a concern, as this is the homeowners' money and taxes/fees have risen substantially. Thanks</p>

35	As buildout on the island is approaching, all efforts to control island development and future renovations should be turned over to KICA.
36	Recend major reconstruction of our deck and steps and we were denied the right ot use Timbertech material to rebuild the deck. We were told we had to use wood products which we have used in the past and lasted approx 10 years each time. This is our 3rd deck and I feel the ARC needs to reconsider the material use of more permanent decking with less upkeep and much better appearance. At Hilton Head these products area used on many housing beach front homes. The refusal of our request will only cost us another deck in 10 years. Very disappointing action of the ARC who needs to update there knowledge of decking. Thanks
37	Provide greater transparency regarding rules to both contractors and homeowners What are homeowners options if they feel mission of review is being compromised in the efforts for economic gain Post reviews of property development or changes to existing properties that are up for review-transparency
38	Family members shouldn't have to be accompanied with the home owner to use the pool. It's really annoying!
39	<p>1. This preliminary reports shows that the committee has spent many hours researching and reading and may, for the first time, have a global grasp of the situation. Even if nothing is changed, I propose a few practices that would likely help the community to accept any configuration of an ARB.</p> <ul style="list-style-type: none"> a. ARB should provide literature that states clearly and succinctly the stipulations on all aspects to of their purview b. ARB should have a systematics approach to monitoring residential areas of the island to assure that all properties (not just ones on beaten paths) are covered c. If a property owner is cited for a violation or turned down for a request, the ARB should submit to that owner a written statement of the reason and specifically what document proves a violation d. If a construction or landscape company fails to comply with the regulations, that company should pay the fine and not the home owner <p>2. The Conservancy and all other entities need to align their regulations and records to match one another's expectations. Often the ARB will recommend a way to landscape that is totally out of line with Conservancy guidelines. This is particularly important since the Marsh Management Plan and Flood Mitigation processes become essential to the survival of the island, no matter how pretty it looks.</p> <p>3. Most importantly, any group that controls the ARB needs to look upon their role as one not of "policing" but rather one of assisting the homeowner in doing what is best for the neighbors and the island as a whole. If noncompliance is an issue, of course a fine is warranted. A fine should not be the first action the ARB takes unless something is done wrong even though the responsible person was aware of the guidelines.</p> <p>I hope someone will read this and share it because I have spend a good bit of time collecting my thoughts and expressing them.</p>
40	Looking good as a preliminary report. Thank you team for this quality work.
41	Kiawah is a beautiful place. We are proud to have been a part of this special spot for over 17 years. I am THRILLED to hear of ARB work feedback group. I do believe it is time to be overhauled.

42	<p>I am on the Board of Directors for our property regime and have noticed that many times the restrictive policies of the ARB actually deter compliance. I am 100% in favor of what you do, its just the how that is an issue. Once a project is completed, ARB approval should NOT be required for routine maintenance or the replacement of damaged material. It is difficult enough to get work done on the island and we have noticed that many contractors refuse our request for such work because of the ARB.</p>
43	<p>Thank you for your efforts and sharing the initial summary. You are very wise not to get involved in any issue between a homeowner and the ARB. I <i>(COMMENT REMOVED TO PROTECT MEMBER IDENTITY)</i> could expound on multiple issues we face with the ARB but won't as that is not my intent with this feedback.</p> <p>Our association developed a Modification Guideline and Standards (MG&S) that we continually update as opportunities present. This document resides on our HOA website and aides cottage owners in understanding the types of modifications and guidelines that apply to Night Heron. All cottage owners are expected to comply when they present modification or exterior maintenance requests to our Board for approval before going to the ARB. We met with the ARB on April 19, 2023 to discuss this MG&S document and other issues of non-compliance that needed the ARB's enforcement support.</p> <p>With regards to the MG&S we allow specific exterior paint colors and a single color of roof shingle. We requested the ARB allow our Board approve these types of maintenance requests to speed the process and encourage regular maintenance. Our request was immediately denied without discussion as they cited the Covenant requirement to approve ALL exterior requests. We offered the ARB the opportunity to periodically audit our review of modification requests, but they wouldn't discuss that either. Our family has owned this cottage since before Hugo and truly appreciate the overall unique feel of Kiawah. However, I hear more and more complaints (and reluctance) about the burdens of interacting with the ARB. I am seeing signs of owners deferring property maintenance to avoid the interaction or performing modifications without approval.</p> <p>I hope you can address these concerns in your subsequent efforts and would be pleased to share input and comments going forward.</p>
44	<p>We definitely think that the ARB should be managed by KICA or the Town, since these two entities represent the homeowners, and should be transferred as of the date the Development Agreement terminates in December 2023. We understand the Town has access to tourism revenue that KICA may not be able to access, so maybe the Town is best placed to run the ARB using this revenue. We think the most efficient and effective way to do this is to amend the General Covenants. We think a vote should be organized before the Development Agreement ends and made effective on that date.</p>
45	<p>Offering another example of ARB inconsistency. We purchased our house <i>(COMMENT REMOVED TO PROTECT MEMBER IDENTITY)</i> in 2007 and painted it soft green in 2008 with ARB approval. When wanted to use the same color to repaint in 2018 ARB required us to use a darker color. A few doors away the new house at <i>(COMMENT REMOVED TO PROTECT MEMBER IDENTITY)</i>, now nearing completion, is white stucco for its entire 3 story exterior, obviously with ARB's approval, utterly inconsistent with what they required of us.</p>
46	<p>I was wondering if construction season is now wide open on Kiawah or will we be adhering to the (possibly) informal standard previously in use as it pertained to stop dates for major construction and/or exterior design changes. I have been a homeowner on Kiawah for over 20 years and do remember that HOA's proposing construction projects had ARB limitations as to time of year that these projects could be ongoing. I seem to remember that high summer season was prohibited for construction. It now seems that any and all projects of any and all size are allowed to proceed at all times of the year. I think that a review of this policy would be beneficial to all residents, visitors, and resort workers in limiting traffic congestion , noise , and enhancing livability for residents.</p> <p>Thank you for the opportunity to comment.</p>

47	<p>I would like to see the ARB be more consistent in its rulings. For example the “rule” is trim on house can only be 2-3x lighter than house color but so many homes-including new ones-have white trim. Some people are denied and some are not. It’s either the rule or it’s not. Landscaping that is required to block chimneys from golf courses/golfers views while also blocking views for homeowners is ridiculous. Most of us buy a house partly for the view so we shouldn’t be required to block it with trees shrubs etc to meet some arbitrary requirements. These are 2 recent examples.</p>
48	<p>I think the background information is very well done. I appreciate the efforts of all the participants. However, the next steps are counter productive. There is a threat of lawsuit in the next steps that is not necessary at this point. Sitting down with the developer and looking for common sense improvements in day-to-day operations and also looking for win-win options for transitioning the ARB to community control is missing from phase II. Please look at this as a partnership discussion versus setting the foundation for a lawsuit. TOKI, KICA and th Developer will need to have several substantive discussions as the Developer disengages with the island. Let’s look across these issues for common ground and not enter each as an independent fight.</p>
49	<p>Great work and thank you for all your efforts. FYI, when we had this house built we were found in compliance with everything including landscaping. When our builder let us know years later that our deposit had no been returned to us, I contacted the ARB twice. After 6 months, they still had not returned our deposit. They then demanded more landscaping in!!!!.....the amount of the deposit! Let me note that we had already added 2 live oaks, 3 crepe myrtles, and one palmetto by that time in excess of the landscaping plan.</p> <p>I also request that you reconsider whether, when I hire a handyman to do work INSIDE the house, I need to have permission and a deposit with the ARB.</p> <p>Again, many thanks to the task force.♥♥♥</p>
50	<p>We need consistency from the ARB. What seems to be happening now is the ARB changes or reinterprets the rules and guidelines whenever it's convenient or financially expedient for the developer (who's also a builder). It makes no sense to have the fox guarding the hen-house as is currently the case.</p> <p>Overall design consistency also helps maintain our property values.</p>
51	<p>Dear Sir/Madam</p> <p>My dispute with the ARB brought to light an issue that the task force may take into account, while planning the course ahead. We received ARB permit for our project, only to discover when it was completed, that the ARB had provided a completed inspection approval to our contractor, in our absence. It turned out that the project had not been completed as originally contracted, with the contractor leaving rotted wood in place, and painted over. Even after my appeal to the full board, the ARB maintained their position that they were not responsible for the contractors shortcomings and that the ARB’s role was only “aesthetics,” and since the rotted wood had been repainted, the ARB denied to revoke their inspection, leaving me with no leverage with the contractor. Finally the town engineer was able to review the job in the presence of the contractor and he was forced to repair the superficial job. My point is that I’m not sure what role the ARB is playing for these types of projects for the \$500 they received for the permit. Kiawah non-resident certainly cannot rely on their permitting and approval process. My point to the ARB full board was that their superficial inspection process was just encouraging substandard work on the island. Thank you.</p>

52	<p>I already shared quite a bit before I realized that you really only want to know what steps the committee needs to take next. After listening to the Podcast, which was very well done, I have determined that nothing should be done. I doubt that the people on the staffs at both the Town and KICA want to handle ARB business. Volunteers would not want it. It is not worth the \$ for attorneys, the trouble of a Covenant change or any other ideas. Please refer back to my first input statements and see if having some consistency and possible oversight would help things. Some people are never going to be happy with the rules and enforcement thereof. Some people will complain about anything. Let the ARB be the scapegoat and leave KICA and the TOWN out of it. They have enough issues as it is.</p>
53	<p>The ARB needs to be more efficient in their communication as well as their processes in returning deposits to property owners for completed work. It took the ARB two days to cash our \$1,000 deposit for our recent project of replacing the vapor barrier and tile on our front porch balcony. Unfortunately, it's been 3 months (March 21, 2023) since the work has been completed, and the ARB has yet to return our \$1,000 deposit.</p> <p>Our contractor contacted the ARB multiple times for us asking about the return of our deposit, yet according to our contractor, each time the ARB either gave him an excuse for the holdup (we have a new encroachment officer and he forgot to submit the paperwork, or the Permit Office forgot to tell us the work was completed, or everything is done and the property owners should be getting their deposit back soon). It was never the ARB's "fault," but today, during a personal visit to the ARB Office, the ARB acknowledged that our contractor did everything that he was supposed to do.</p> <p>When the ARB is notified that the construction project is complete by a contractor, there should be an efficient path for returning deposits. It shouldn't take 3 months, especially after multiple phone calls and visits to the ARB Office.</p> <p>The ARB should have a more streamline communication process to follow-up on requests like this so that everything can be completed in a more timely manner. Once the ARB has completed their inspection the ARB should be more proactive and efficient in communicating with the other entities and returning deposits.</p> <p>I appreciate the work that you've done, and I've read your report. It's clear and helps us all better understand the history and function of the ARB. Thanks for giving us the opportunity to make suggestions.</p>
54	<p>The ARB should report into KICA... it's ridiculous that the development partners have any part to play in owner renovations. It's time we begin to unravel the "maze of Ks" and look to implement a simpler structure for Kiawah. One option is for TOKI to be the lead (as any town council would be) with KICA and the ARB (thru KICA) reporting to them while the Resort is simply the largest vendor on the island. Currently, there are too many 'cooks in the kitchen' unduly influencing policy and lack of adherence to rules, regulations and ordinances.</p> <p>Under KICA control, I would limit ARB oversight to minor and major improvements and leave the maintenance work for individual HOAs (where they exist). It's a waste of time and \$ to be involved with projects that have established specs/requirements (e.g., paint colors, roof) . There is no value add for the ARB, only additional barriers that slow down the process and support the collection of fees. Glad to discuss further with anyone wanting more details (<i>COMMENT REMOVED TO PROTECT MEMBER IDENTITY</i>)</p>
55	<p>Perhaps there is more to come but this report does not go deep enough into the actual perceived problems and issues of homeowners</p>
56	<p>COMMENT REMOVED BY REQUEST OF MEMBER</p>

	<p>Agree with next steps.</p> <p>One area that it would seem needs to be addressed is: Each entity requires separate permits or approvals for new construction and certain renovation projects. Timing of the permitting process includes a KICA encroachment permit, an ARB permit, then a TOKI building permit.</p>
57	<p>Is this excessive permit regulation for each project to go through?</p>
58	<p>I feel like the ARB has made some poor decisions that benefit the partners and not the community. If control is taken out of the hands of the partners I think the decisions can be more community based. Specifically what happened at the Cape with the clear cutting.</p>
59	<p>The preliminary report looks good. The explanation of the group's plan is clear, and providing the background information is critical.</p> <p>One quick note: The purpose of the KICA payments to the developer for the ARB isn't completely clear. It would be helpful to note WHY the payments were undertaken. <i>(COMMENT REMOVED TO PROTECT MEMBER IDENTITY)</i> ...voted to do so to begin training a KICA staff member towards the transitioning of the ARB to KICA. (The minutes of those board meetings will confirm that the funds were to pay 1/2 the salary of a staff person, again, to work on the transition of the ARB to KICA control.) My concern is that the developer decided (WHEN?) to NOT transition the ARB to KICA, yet continued to collect payments from KICA. I would hope the money has been refunded in FULL, preferably with interest. Has this occurred?</p>
60	<p>I appreciate the word of the ARB Committee. I have reviewed the report and the one thing I do not see addressed specifically is what is the Developers position on turning the ARB over to KICA. The report seems to imply the Developer is not ready and willing to do so without litigation. Is this the case and if not what is the view of the Developer?</p>
61	<p>Several more questions.</p> <ol style="list-style-type: none"> 1. What is the harm we are trying to avoid? Have the homeowners really been disadvantaged or is it all hearsay? 2. What is the cost to take it over? Both annual operating cost and transition cost. 3. What is the estimated litigation cost with the Developer if they refuse? 4. Are we confident we can win a lawsuit with the Developer?
62	<p><i>BLANK FIELD</i></p>
63	<p>We believe there should be an independent Architectural Review Board on Kiawah, not under the aegis of the Developers or the Partners. The standards should be clearly spelled out and there should be NO informal arrangements between KICA and TOKI.</p> <p>The development department of TOKI should NOT be able to grant variances concerning zoning and building without proper oversight of an INDEPENDENT ARB. In other words, the clear cutting of the CAPE should never have been allowed.</p> <p>We need a NEW ARB with clear guidelines, no allegiance to the Developer or the Partners, and a clear definition of architectural control that pertain to ALL homeowners. This transition needs to be conducted with or without Developer support.</p> <p>It is a very confusing process for all concerned and that should not be the case.</p>

<p>64</p>	<p>First, I hope the board reads the comments on the survey. Evening conversation at the boardwalks has centered around those, and members are comparing observations and experiences. As we understand we share similar perspectives and are dissatisfied with the scope and direction KICA Board has taken, it's important the board recalibrates.</p> <p>First, realize the board serves the members. There are directives outlined that have been ignored and scope has become distorted. Overreach is a problem. Members pay dues for services that benefit them, not the partners or TOKI or any of the multitude of offshoots we apparently have been subsidizing. Second, every new email now invokes a new awareness of how far out of scope the board is. For example, members pay for the security gates and the data gathered there has been used to police us rather than others allowed access. Our visitor logs are shared with TOKI and the developers, and used in a multitude of derivative ways to police and penalize members, often without direct cause or proof. Also, when we hire a contractor or a transportation service KICA has no business charging \$15 to "allow" members to utilize services or vendors. The gate is there to monitor access, not to provide a revenue source for KICA. For that, we all pay dues.</p> <p>Third, the Sandcastle is paid for and funded by members, but the Board has encouraged an increasingly broad use of the facilities for activities that restrict member access. This is a common problem with private clubs. The Sandcastle was conceived as a limited service venue for members to socialize and returning to that core will eliminate much of the controversy that now sours the experience. The staff are lovely people, we all agree, but their very existence underscores the mission creep the board has indulged in. Keep it simple. Serve the members. We are adults fully capable of organizing our own social functions, especially at a place we view as a retreat. Leave politically charged initiatives (anything related to climate change) and community outreach to TOKI and restrict KICA Board activities to those explicitly enumerated in the mission statement.</p>
	<p>The predicament the board is in is a result of unfettered disregard for its purpose and a topic not only on Kiawah, but in private clubs and online social media in areas KICA members call home. It sullies our reputation and discourages real estate investment at a time when a changing economy may well impact us all. KICA Board should shift focus to maintaining member satisfaction and steering us through times of plenty with an eye toward what has proven a cyclical rise and fall of value to investment ratio.</p> <p>Lastly, the abuse of the system of approved contractors, fees and unwarranted oversight, has already started to impact the island in a multitude of ways. That the ARB first requires maintenance, and at the same time uses maintenance as a revenue stream, is an area ripe for legal challenge. That the board feels entitled to a budget for legal services incurred due to their own malfeasance is mind boggling and has not gone unnoticed by many. When the board instigates or allows these situations to evolve, many members feel the board should be liable for legal fees incurred in defense of policy decisions, except when those policies are approved by membership through referendum. In general, rules and guidelines should be crafted through a democratic system of self-governance. For example, if the majority of members vote to allow E-bikes or to return to the previous dates and policies that govern leashing of pets, then the board should effect that policy. The current ad hoc and ever-expanding litany of rules dictated by bureaucracy and serving as a revenue stream for entities shrouded in an alphabet soup of acronyms has resulted in a quagmire of resentment and outrage that, whether fairly or unfairly, is directed at the board. Whoever made the mess, it's in the board's interest to clean it up and restore confidence and contentment.</p>

65	<p>Our experience with the Kiawah/Cassique ARB (building our dream home) was quite frankly the worst most contentious experience we have ever had with any organization in our 33 years of marriage. In addition, we have spoke with over 50 other home owners in Kiawah and their experience with the ARB was negative, contentious and very arbitrary.</p> <p>Our second primary complaint, is that once our house was completed the ARB comes in for review and says "well we'd like you to do something else, either change the paint color, because we don't like it, or by the way we notice something with regard to the landscaping, or by the way we want you to do a new survey. And unless you do that, you're not getting your deposit back which was \$7,500 and it took over 3 months to finnally get it back.</p>
	<p>The ARB as far as I can ascertain is not a legal entity in any way, shape, form, fashion.</p> <p>It is not registered with the state of South Carolina as a non-profit entity. It's not registered as a for-profit entity.</p> <p>I believe it does not have a separate business license to do business in the Town of Kiawah Island, but falls under Kiawah Island Real Estate's business license [KIRE}.</p> <p>You will find it has no Permitting Authority. It has no Licensing Authority. You don't find that derived from any law or covenant.</p> <p>It has no ability or authority to collect fees, to require deposits, to impose penalties. You will find none of that.</p> <p>This is for the record: they also clearly have no authority whatsoever with respect to vendors and service providers. To the extent that the General Covenants do impose an obligation on property owners to obtain approval from the Partners, with regard to certain things, not others (and there's a substantial amount of overreach), that's an obligation on the property owners. There is no privity whatsoever under any governing document, under any legal basis, for the ARB to have any authority over service providers and vendors. And yet, I've talked to several service providers and vendors, and they are certainly of the view (and I think this is one reason I raised the question about the uh about KICA) is that if they don't abide by the ARB guidelines, regardless what the ARB has any authority to impose those standards, that they won't be allowed to work on the island. That's a commonly held belief. The ARB doesn't control access to the island. Again, they're not a Permitting and Licensing Authority. So all of those things I believe to be true.</p> <p>Then you look at the ARB itself. I don't see the ARB Board as a traditional, an actual real board, in any traditional governance sense at all. The members aren't elected. They don't have terms. And the ARB standpoint, I'm not aware but I'm happy to be corrected (you can't find it on the website) that there are any bylaws governing their actions. There aren't any rules or procedures that they keep minutes. There's certainly no transparency.</p>
66	COMMENT REMOVED BY REQUEST OF MEMBER
67	COMMENT REMOVED BY REQUEST OF MEMBER

68	<p>I do not understand why we have to pay \$1000 every time we have any work done. We had one piece of rotten fasure wood prepared. Surely we do not want to put people off having repairs on their properties.</p> <p>Also there is no consistency. We had to have a trash pad removed which was in the bounds of our property well under the square footage for the plot, 24% developed. The trash cans could not be seen from the street. When driving on the island many trash cans are visible from the road. If this is a rule then enforce it, but do not penalise random individuals.</p>
69	<p>COMMENT REMOVED BY REQUEST OF MEMBER</p>
70	<p>I understand this committee’s purpose is not to mediate my personal disagreements with the ARB. The timing of my dispute happened to align perfectly with your committee’s work and I feel it’s extremely important for the committee to know the disservice the ARB is doing to the island through the heavy handed approach, arbitrary interpretation of their guidelines and treatment of island residents building homes and renovating. The result of the ARB as currently run is a glaring black eye & diminishing reputation for Kiawah island as well as a much discussed obstacle and addiotional obstacle for people considering building and residing on Kiawah.</p> <p>That being said...previous to this experience I had no opinion on the ARB and their relationship to the Partners or their treatment of homeowners. I am not trying to interject myself in island politics or want to or to be unfair to the ARB trying to insure the quality of construction on Kiawah. I just want to accurately describe what happened to me in the hope of helping future homeowners and the island in general. I have attached my latest correspondence documenting the facts for clarity and concrete examples for your review and the record.</p> <p>For brevity I have only included correspondence I can document over the last few months. This has been a 12-18 month ordeal of attempting to appease ARB’s changing demands that change at a whim with little or no consideration to the time, effort, and expense involved or my personal enjoyment of the home I purchased to enjoy with my family.</p> <p>The issues worth discussing are:</p> <p>1) ARB using guidelines to bully homeowners For example: my fence line.</p> <ul style="list-style-type: none"> • (ARB STAFF MEMBER) was adamant that me fencing my yard inside the setbacks was not in keeping with ARB guidelines and should be significantly reduced. I was taken aback. Her opinion was the pool should be enclosed suggesting a fence line 12-15 feet on each side of the pool. I pointed out that I not only need ample space for 3 dogs to safely use the yard plus 5 kids, friends etc. and ... the 12-15 feet enclosed pool fence she recommended would feel like a prison, restrictive for any size crowd and chairs, and I need full use of the yard I purchased within the setbacks. She then commented I would need a apply for zoning variance from the board, which I disagreed with. The “guidelines “ state a fence(especially one required by state law with a pool) needs to be landscaped and within the 10 foot setbacks. So I was given incorrect information by the ARB hoping I would acquiesce. • Lack of communication... and / or arrogantly not replying or responding for weeks (see attached)

2) Example (see attached) ON February 8th - I submitted a revised landscape plan adding screening, bushes, ground cover, reduced fence line, reduced turf to address specifically where they wanted additional screening for the fence and louvers. 4 weeks elapsed, 3 emails later, 2 VMs later to elicit a response. Finally on March 6th I asked who oversees the ARB so I could get an answer? ARB responds March 6th after my 3rd email, 2 voice mails. Many other examples over 18 months

3) Homeowner expense for the ARB interpretation of " guidelines"

- Asked me to remove all lighting fixtures at the back of my home the builder installed at my back door and pool. They gave no further explanation.
- At a cost in excess of \$3,500 I had all the lighting removed in my backyard. After which, I replaced them at an additional cost of \$1,200 with fixtures recently approved to the new construction home across the street.
- ARB then sent another request to remove all lighting again!!! no further explanation. (I was ultimately told two things when I pressed for the reason..(1) they were at the wrong height (2) lighting is only approved for pedestrian traffic).
- When I refused this 2nd strong arm tactic because it was becoming a safety hazard for my family with no lighting for the steps, back door, or pool and I pointed out my family is using this space they ultimately agreed to approve the lighting!

4) Additional requests ...after initial approvals

Fencing landscaping approved 2 times. Once at initial approval - once after the 2nd request for bushes - incredibly ...a 3rd request on June 2nd for 20 more bushes (see attached)

5) Inconsistent arbitrary approvals for different homes and guidelines

Approving gutters that match the trim (after my builder is gone) Asking for me to change gutter colors even though neighbors approved with the same (see attached)

We currently have 2 outstanding unreasonable requests for work (painting gutters and a 3rd change for more bushes) which feels like extortion to receive my deposit back. We are interviewing attorneys for opinions on the best route to move forward alone or with other homeowners with grievances. Please see below for my last correspondence asking for the return of my deposit and more clarity

Wednesday, June 14, 2023 3:11 PM

Demand letter for (*COMMENT REMOVED TO PROTECT MEMBER IDENTITY*) Deposit

Members of the Architectural Review Board:

I hereby demand the return of my \$15,000 deposit that the ARB has held since July of 2021, along with accrued interest since that time . The deposit after numerous requests has been unfairly delayed and withheld and from what I can tell., without any legal authority. I assume that the deposit has been separately escrowed for my benefit and has not been used for operating purposes for the ARB and/or Kiawah Partners/South Street Partners. The deposit money should be returned to me within 2 business days.

(*ARB STAFF MEMBER*)'s "demands" for yet more work to be completed at my expense constitute a continuation of overreaching arbitrary demands that have no uniformity or consistency with other homes that have been approved, or for that matter, previous requests for work done on my home to appease previous demands. It is also factually incorrect that any vegetation was removed at the rear of the property that was not congruent with building the home and pool and landscaped yard "as approved " by the ARB. That obvious "error ?" clearly stated for ARB benefit narrative.. .is particularly strange given the 3 or 4 or 7 to 1 replacement of trees and vegetation I have already paid for!

Some, but not all examples, of the changing arbitrary demands that ARB staff has required: ARB approved my original landscape plans with a fence, with the shrubs, with the fence screenings and appropriate number of bushes etc when submitted for construction of the home, the pool, screen the fence, the artificial turf, etc.

After the turf, fence, plantings were all installed and paid for, (*ARB STAFF MEMBER*) determined (if viewing from obscure locations on the golf course or from my neighbor's yard, or from the bend on Surfson Rd 2 a fairway away), that our home needed substantially more shrubs and bushes.. .and vegetation to cover the ground (including outside my property line) between my home and the golf course. She also determined the artificial turf was significantly over any ARB guidelines (which were somehow never stated or communicated in any way ,at any point) and had to be reduced .

<p>Additionally requesting to reduce the fence line that she did not, and I quote, “ care for “ and was overstated and is proportional to ARB guidelines. When I stated with 5 kids and 3 dogs I needed ample fenced in yard for safe enjoyment of the property I purchased she responded that architectural guidelines and freedom of movement of native wildlife was a priority. I would note that my neighbor at (ADDRESS REMOVED) fenced his entire yard even though he has no pool.. .with no reduction in fence line suggested or additional landscaping installed. The “guidelines” appear to be wholly arbitrary and shift based on the day, the property, the owner, the relationship with (ARB STAFF MEMBER), or their personal views of what constitutes acceptable. This approach lacks consistency, is highly subjective, and is unfair to individual homeowners. That is not the intent of ARB guidelines. Notwithstanding the inconsistent and arbitrary application of the “guidelines”, at substantial additional expense.. .to appease the changing opinion and to try to move to resolution, we submitted for and received approval to.. .reduce the fence , reduce the artificial turf, added 20+ shrubs, added several 6 ft screening bushes in agreed locations submitted by my landscape architect. After months of letters, approvals , scheduling, and planning.. .the additional work was contracted for and completed. The approximate additional costs we incurred for these changes include: Reduce turf.. .\$2800 Reduce fence line and reconstruct.. .\$2,100 Landscape additional changes...\$3800</p>
<p>As a result, the yard and fence are now appearing actually over-landscaped and will require pruning and likely removal of shrubs in a year or 2. The fence is screened, consistent with many other homes on the island and neighbors fences (we can provide photographic evidence). The fence cannot be seen unless peering over bushes from the course or stalking the fence line looking for the 18 inch space between shrubs or the 3 to 4 inches from the top of the shrubs to the top of the fence. If it is not over landscaped now .. .as the bushes mature daily it will be . Notwithstanding incurring substantial additional cost to accommodate the 2nd request, .. .Incredibly, I received yet another 3rd demand for additional plantings from the ARB</p> <p>“ Please install fifteen to twenty additional 4' tall evergreen shrubs to meet this guideline of screening". This additional request has no basis in logic or the ARB guidelines. It is unfair, inconsistent with other neighboring properties approved, completely subjective and arbitrary, and minimally retaliatory and bordering on extortion for the return of my deposit. My yard and fence and pool are all landscape well within the guidelines with more than ample screening from the golf course and would be more than demonstrable if we are required to litigate this matter for my deposit, expenses, and duress. In addition, attached are photos of neighboring homes recently approved in the neighborhood with their gutters painted the same color as the trim as mine which were approved by the ARB,</p> <p>2 as well as a statement from my architect stating that is the architecturally preferred color scheme. One of the photos is 2 houses down painted 2 years ago with ARB approval. Again.. .the ARB's request to incur a further additional expense (>\$5,000) is inconsistent with other homes approved with the same color scheme as our home.</p> <p>Again, in light of the above, I hereby demand prompt return of my \$15,000 deposit. If the ARB continues to stretch the guidelines beyond their intent and contrive that my home or landscaping infringe applicable covenants, then the ARB should pursue the remedies specified therein - which do not include retaining the deposit I provided in good faith almost 2 years ago. Thanks you in advance</p>

First, I applaud the thorough research and thoughtful analysis to untangle the history and present day reality of this issue. I strongly favor control over the matters collectively allocated to these three entities (ARB, KICA, and TOKI), but I am concerned about (1) the legal validity of how this presently operates, (2) the lack of clear standards and enforcement of standards, and (3) the lack of effective recourse when one of these actors makes an unreasonable decision. I'll address these in order.

First, it is only a matter of time before somebody with ample resources challenges the current arrangement to build a Mizner inspired pink house somewhere. I've read these documents myself and paid to have some of them separately reviewed by real estate counsel. It is not at all clear that the developer has an effective remedy for noncompliance as a non-governmental entity. Indeed, the ARB already relies on the cooperation of TOKI and KICA to bar rogue contractors through permitting and gate access. That is itself an admission of its limited enforcement power. What are the developer's damages if I build a nonconforming structure in my backyard, miles from any property still owned by the developer? Conversely, the developer has been largely free of the design restrictions it seeks to impose on us. That will present an interesting legal issue if challenged by somebody who violates those standards in the same way as the developer. Courts generally dislike "rules for thee but not for me" arrangements when the allocation of rights and responsibilities is as murky as on Kiawah. Time will tell, but why should we chance that? This is not a novel problem; it is simply one that we have through inattention and failure to transfer the ARB to KICA before now.

Second, my personal experience and that of many others (homeowners, contractors, and architects alike) is that the ARB's standards and internal process are not clear, and at times, simply arbitrary and capricious. I applaud your wisdom for not digging into the many personal stories of frustration and I will spare you mine. Too many homeowners have them. Too many architects and contractors advise homeowners that the ARB process is unpredictable and will add unknown cost and delay to every project. There is little to no effective oversight of declining properties, but costly and unpredictable processes apply to maintaining and improving properties. This is EXACTLY why the August 2020 HR&A study tagged the shift of the ARB to KICA/TOKI as critical to our future. It was good advice and we should take it. We wouldn't be having this discussion if the status quo was working well for the community.

Lastly, any staff members can make a well intentioned but mistaken decision. Presently, there is no effective appeal for this. ARB staffers get paid by the developer and island lore is that appeals are simply a waste of time and money. The staff should be employed by and accountable to the property owners as a whole now that we collectively own a far greater proportion of the island than the developer. Homeowners should have the right to appeal to a body controlled by fellow homeowners in order to do sensible things (Designing With Nature isn't a model of clarity...). No unelected staff member should be able to substitute their personal aesthetic judgment for that of an AIA architect who has followed the rules. That happens now, and my personal experience is that it happens as much based on who does the asking than what is being asked.

	<p>I think this is a good start, but would like to hear more about the limitations of the ARB's authority. What aspects of the design and development can they control.</p> <p>I would like a better understanding of how the ARB, which is run by the Partners, can actually review projects for the partners without there being a conflict of interest. This has resulted in what appears to be a different level of review for the Partners' projects. For example, on the Cape and Timbers developments, they pretty much clear cut the property to the property edges without leaving buffers and allowed large trees to be removed in areas that are now green space for apparent ease during construction, On the Cape, they were supposed to bank the removed trees for replanting and then were allowed to destroy them with no apparent penalty. No individual homeowner would be able to do that.</p> <p>Why doesn't the ARB publicly share variances for properties that are being developed. They claim they are not allowed to or do not have to. Understanding what variances are granted would provide for better project review on other projects but also provide for transparency so members could see that the rules are being applied equitably.</p> <p>In the designing with nature handbook, under Article VII, Architectural Controls, Section 2, "This paragraph shall not apply to any property utilized by a governmental entity or institution. " This appears to be an exception for KICA that would seem to allow for KICA to make decisions without ARB review on public lands such as road signs, road stripes even boardwalk and beach path design. However KICA refers to the ARB for all projects. Where is the requirement written that mandates the ARB has the right to review and act on every project KICA undertakes? For years KICA has maintained they cannot do certain things without ARB approval and that slows the project down.</p> <p>When I renovated my house and added a screened in porch over an existing deck, I had to pull the deck foundation back 3 inches on one side and 10 inches on the other to address setbacks. We also had to shave 6 inches off each side of the driveway to address lot coverage. Like many houses built in the 1980's, the houses were pushed back on the lot lines, and limits in heights which resulted in larger footprints. Decks were allowed in the setback area. They grandfathered our deck area and we were allowed to build screened porch on a slightly narrower footprint which added to the cost. Also, in our situation the KICA property line is approx 100 plus feet from the pond, but we get no credit for that green space that we have to maintain even though it is KICA's land. I think lot coverage credit should be allowed in situations where there is considerable green space adjacent to the lot that cannot be developed instead of making a homeowner shave the sides off their driveway. Is this an ARB function?</p> <p>Under what authority is KICA collecting penalties? I understood the schedule of penalties may not have gotten filed with the Clerk's office as a Covenant change.</p>
72	<p>We found dealing with the ARB to be tedious, stressful and pedantic.</p> <p>We applied to paint our house the same colour and were advised that this was no longer considered appropriate and we then spent time - in our opinion, wasted time - selecting a colour that was virtually identical to the existing, but they deemed the new colour acceptable. It caused a frustrating delay.</p>

This is a memo I shared with the Board several years ago regarding placement of signs on the island.

SIGNS

In response to the issue associated with road signs and what entity or person has the authority to make decisions on design and placement, as well as general use of signage on Kiawah, I have looked at all the ARB and KICA rules, covenants, guidance documents, policies and the development agreement I could identify that referred to signs. In this search I have not found any specific reference that mandates that the ARB has any specific authority over the placement of traffic safety signs. There are limited references and at most, the ARB may have authority to approve the actual aesthetics and designs of the signs; which must meet state and federal requirements. They have already done that for all road signs on Kiawah. However, as highlighted below, in the general ARB authorities, it is clear their review function is limited when it comes to governmental entities or institutions.

If I have missed any references that address this issue, please tell me. Although the following paragraph does not specifically reference signs, it provides a general viewpoint of what authority the ARB has.

ARTICLE VII ARCHITECTURAL CONTROL

Section 2. Architectural Review and Approval. No building, wall, fence, swimming pool, or other structure shall be commenced, erected, or maintained upon the Common Properties, Restricted Common Properties, or Purchased Common Properties nor shall any landscaping be done, nor shall any exterior addition to any existing structure or change or alteration therein, be made until the plans and specifications therefor showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to the harmony and compatibility of its external design and location, with the surrounding structures and topography, by the Architectural Review Board. This paragraph shall not apply to any property utilized by a governmental entity or institution. Since KICA has easements next to the roads, I would think those properties would be considered government property and could be utilized by a government entity or institution.

There are a few other references to signage in the Design Guidelines, but the following is the primary requirement. There is no mention of road signs.

ARB DESIGN GUIDELINES Page 27- (2) SIGNAGE: “The use of any sign, including those for the purpose of identification, renting, or selling of a property, is prohibited. Single-family homes may be identified only by the graphics included on the mailbox as specified by the Graphic Controls included in the Appendix. Owners’ names, house names, and lot numbers shall not be placed on the front of homes or on signs placed on lots. Limited temporary signage for golf tournaments or other Island events must be approved in advance and removed within 24 hours of the event’s conclusion.”

I also looked at the Development Agreement. It is important to note that KICA is not a signatory to that agreement, it is between the developers and the town. However, there is some language referring to signage which in my opinion does not apply to road signs. The only reference to traffic signs is the height of those signs.

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13.B.1(f) Buffers, Fencing and Signage

(f) Buffers, Fencing, and Signage

“Signage allowed within Parcels that permit residential, commercial or utility/community support uses shall meet and comply with the Kiawah Island Graphics Standards for land on Kiawah Island, with the Cassique Graphic Standards for the Cassique Parcels, and with the Freshfields Graphic Standards for the Freshfields Parcels, as updated by the ARB from time to time, (current editions, Exhibit 13.6), however, at such time as the Lots or Development Parcels on a Subdivision Plat are no longer part of the Undeveloped Lands on Kiawah Island, Property Owner agrees that signage shall be in the discretion of the KICA for land located on Kiawah Island. Temporary signs for special events may be approved by the ARB provided the signs do not have moving parts, blinking or flashing lights, glaring lights, neon or extensive use of bright, offensive colors, and further provided that any temporary sign shall be permitted for a maximum of fifteen (15) days.

Signs shall be located to avoid obstructing traffic visibility. No sign, excepting traffic signs, which is taller than three (3) feet above the pavement of the adjacent streets shall be permitted within the Sight Triangle of any street intersection without Town approval.”

There is a specific document for all informative signs on Kiawah that identifies the size, color and details of all signs including road signs. Although the 160 page document also identifies the location of the new signs that were deployed a few years ago, in itself does not regulate the location of signs on the island. <https://arb.kiawahisland.com/kiawah-standards-guidelines/>

From ARB Master Sign Plan - Introduction.

“Additional changes have included the incorporation of the Town of Kiawah Island in 1988 and more recently the registration of roadways with Charleston County, which requires that traffic regulatory signs now conform to DOT standards following the federal guidelines outlined in the Manual on Uniform Traffic Control Devices (MUTCD.)”

As an aside, I find the statement referencing the registration of the roadways and the requirement to follow federal guidelines interesting. Further review of what these statements mean might be helpful to fully understand the scope of traffic regulations on Kiawah. The objectives of this study were to address concerns with existing style and design of signage. No place in the document is there any reference to decisions on placement of traffic signs.

Objectives

“The KICA expressed three primary objectives for updating the existing sign system:

1. To update the appearance of the existing system.
2. To maintain the brand identity of the Kiawah Island.
3. To reduce maintenance and related costs.

The design of signs for planned communities has two primary objectives; pragmatically to enable visitors to more easily navigate unfamiliar surroundings and strategically to help brand the community. From a creative perspective we look to enhance the visitor's experience and help to create a "sense of place" that sets the community apart from its competition.

Based on the results of the design audit, the following objectives were added to the overall goals for the Master Sign Plan:

1. Improve the effectiveness of way finding.
2. Enhance the main entry point to create a better "sense of arrival."
3. Enhance the visitor experience with the resort's trails through improvements to wayfinding and interpretive signage.

In sum, if the ARB were invoking an authority over the placement of any traffic signs, it would seem that this document, devoted to signage that referenced federal DOY requirements would have identified the ARB's authority and made that point. Clearly the focus was on aesthetics only.

KICA

Similarly, KICA has only limited mention of rules or regulations concerning signage with no reference to traffic signs. The only place I could find a reference was in the KICA Covenants, Pages 19-20:

"Some prohibited activities at Kiawah include:

The use of any stationary sign, including but not limited to dog fences, home security (except stickers placed in windows or glass doors), pest control or the purpose of identification, renting or selling a property is prohibited unless authorized by the ARB.

- a. Approved signs must be removed promptly following completion of work.
- b. Unauthorized signs will be removed by KICA Security.

I have had several interactions with the ARB over the past 10 years. In general my experience has been positive. That said, it is a tedious experience, without any real opportunity to discuss or interact directly with staff or the ARB board. I will relate three specific experiences.

The first experience was a request to repaint my house the same colors as initially approved 7 years earlier. Upon review the Staff advised me that the Trim color needed to be changed "because their Grey Scale had changed. They wanted me to change the trim from a Cream /off white to a more off white /Yellow. This is the kind of over reach that makes people crazy. I understand the need to control color selection but if it was ok in 2005 why was it not ok in 2012. Nothing had changed surrounding my house. I was able to resolve but tinting the exiting trim color but it cost me time and money and in my opinion was an arbitrary decision. Homeowners should be able to repaint with the same colors with simple notice and should not have to put up \$1000 for a permit.

The second experience was to take down 2 large pines and large Live oak that was within inches of my rear porch roof. When I built in 2005 the ARB made me design around the Oak resulting in an expensive modification to my foundation and a less than desirable deck design. Not knowing much about the ARB at the time, I went along with my builders recommendation knowing that at some point the tree would become a problem. in 2018 the tree began banging into the side of the roof in strong winds. I requested permission to remove the tree as it had become a safety hazard.

Surprisingly I received permission and the process was relatively smooth. The only comment I would make is that it was obvious that the tree was going to be a problem and preserving it at construction cost me the homeowner not only the design and construction expense but also the enjoyment of the original deck design. It would seem in situations like this there should be a real dialogue between the homeowner and the Board to explore reasonable alternatives rather than just require preservation for the sake of preservation.

The third experience was again tree removal of 3 large Pine trees that had become a potential hazard. While the trees were healthy they were leaning in the direction of the house and would cause significant damage if they fell. I applied for and received permission to remove them but was required to install mitigation. In general I have no problem with this concept but instead of simply being told what I needed to plant again a dialogue would have been more productive. I was told I had to plant another Live Oak -in the same location as the Pines. However that would create a similar problem and would end up competing for the "Upper Canopy" space with the existing Oaks. With a simple conversation /email exchange, we agreed of a different species of tree that would fill in the lower canopy. Allowing the homeowner a little more flexibility in these decisions would seem to be more efficient and effective.

75

	<p>The two-step plan appears well thought out and the graphic presentation of Step One is informative. Hopefully both will contribute to a dampening of earlier tensions surrounding these matters. Thank you.</p> <p>I do have two comments/questions:</p> <ol style="list-style-type: none"> 1. The presentation seems , understandably, heavy on the General Covenants but is quite light on the aesthetic/landscaping provisions of the KICA Rules & Regulations, including their substance , references to the (or to some, an indeterminate) “ARB”, and relationship (or to some, lack thereof) to the KICA Covenants. 2. To paraphrase Mike Tyson, “everyone has a plan until the complaint is filed”. There are at least two concrete threats of litigation that have arisen and implicate, at least in substantial part, questions of ARB authority or relationships to KICA: KICA Board action to recover funds paid to the Developer or ARB allegedly in anticipation of transition ; and formal demand by Preserve Kiawah and/or its officers that KICA promptly take certain steps, including removal of the Class E Director from its Board , or face a lawsuit. Certainly such actions by either party will intrude on or disrupt this carefully thought out and calibrated process. The community is entitled, I believe, to a forthright description by KICA and the Task Force of the status of these matters and, if accurate, of any understanding or deferral of action. (Frankly, I would hope that PK itself, whose spokespersons purport to speak for “The Community” beyond its members and have equated its Demand Letter to a facilitation of this process , will disclose its present intentions.)
76	Thanks again
77	<p>Having owned a villa the past 7 years, I've had no direct interaction with the ARB. So I can't speak from personal experience in dealing with them. That said, I have spoken with a number of property owners who have grumbled about the ARB process and policies - especially the somewhat arbitrary nature of some of their decisions. It seems more than just a few folks over the years who have had issues with the ARB.</p> <p>But more importantly, big picture, I view it as a major conflict of interest to have the developer owning the ARB and controlling it's process - considering they own property around Kiawah for their own development plans. And also knowing there were some questionable considerations concerning ARB oversight and The Cape, Timbers, etc. owned by the developer. I think it is an excellent idea to try to have this task force explore options, including transitioning the ARB over to KICA's responsibility as soon as that can viably be done. I'm not sure what incentive the developer would have to give up control, as they benefit from having it, frankly, as long as they have development projects in the future. But these conversations, feedback and discussions are worthwhile. Thank you all for volunteering your time and talent in this regard!</p>
78	Thank you for the excellent summary of the work group's initial analysis and plan. I agree with both the work group's observations and next steps.

79	<p>Thank you for sharing your work thus far - it helps community members understand the complexities of what you're tackling and your process for moving forward. I agree that we need some type of architectural standards in place, but I think the mechanism for doing that needs to evolve as the island itself has evolved. We have been property owners of a villa since 2009, but only owners of a single-family home for the last year. We have not yet had any experiences, positive or negative, with the ARB. The anecdotes I have heard in the community worry me greatly, and I have the perception that minor requests for routine maintenance can sometimes turn into big issues for landscape or other exterior improvements. And there is the perception I can see with my own eyes that large-scale development by the Partners in the West Beach area have been done without regard for those of us in the surrounding area. They have dramatically altered the look of the Kiawah that is part of our neighborhood.</p> <p>I think there is a definite perception of standards being applied unevenly to the detriment of individual homeowners versus the Partners. I don't think that is good for the community for a million reasons. I wonder if one way to transition would be to move approvals for individual homeowners of existing properties to KICA; let a KICA ARB work with individual homeowners with routine and ongoing maintenance issues, and continue with existing ARB for new home construction and other new developments.</p> <p>Lastly, I believe that it is unfair and no longer appropriate to have the chair of the ARB (or any other designee of the Partner) have a seat on the KICA Board. While this may have made sense in the beginning, it is no longer a good model.</p>
80	<p>COMMENT REMOVED BY REQUEST OF MEMBER</p>
	<p>Clearly, the ARB representative's response acknowledges that the mitigation requested /required was not to lessen (mitigate) the impact of removing a particular tree, but was in fact, to put in place new screening unrelated to the tree being removed. I believe this is a clear example of "an opportunity to improve" being mandated by ARB! In other words, permission to do "A" is granted if you do "B." Even if "B" does not mitigate the impact of doing "A."</p> <p>Upon reflection following the resolution of this matter, it occurred to me that my sole dealing was with one individual at the ARB who, apparently, visited the site, required mitigation, revisited the site, and removed the required mitigation. This begs the questions: How does this process work? Were these decisions made by a "board" or solely the decisions of an individual? What are the criteria for this decision-making process?</p> <p>Admittedly, I have not studied the various documents by which the ARB has been granted authority, but I doubt that its authority extends to requiring homeowners to improve their properties (as subjectively determined by the ARB or one of its representatives). For us, the dealing resulted in a favorable outcome! For others, who may not have been fortunate enough to have a "property line" issue, I fear the result would have been different. The underlying questions are what authority does the ARB have, how is it exercised and what serves the best interest of the KICA membership?</p>

81	<p>Thank you TOKI and KICA for seriously looking into transition. The ARB should be under the control of KICA to ensure consistency and accountability.</p> <p>KP has clearly had 2 sets of standards in operating the ARB. I am not aware of any residential property owners that were able to clear cut their lot to facilitate construction and maximize land development. Yet, KP through the ARB approves such plans for large developers to facilitate the sale of the properties they own.</p> <p>Secondly, because it is operated by KP, the ARB has no obligation for transparency or accountability. Because of this detachment from any responsibility to the property owners, the ARB can add delays, costs, or arbitrary conditions for approval without explanation. The property owner has no real method for appeal. Asking the ARB to change a decision it has just rendered is a disingenuous process. It is equivalent to asking a judge to admit he was wrong and overrule himself. Not Likely!</p> <p>If the ARB were under KICA, there would be accountability through the elected representatives of the property owners. The Board would be responsible to ensure transparency and evenhanded actions by this very powerful entity.</p>
82	<p>does the scope of this work group include suggestions or influence on any NEW DA that might be put in place after December 4, 2023 (the expiration of the current DA's)?</p>
83	<p>The ARB should definitely NOT be controlled by the developer. In fact, I don't believe that the developer is even entitled to a seat on the ARB. The ARB should be completely controlled by the community, in this case KICA.</p> <p>Having said that, there needs to be complete transparency on the part of a community controlled ARB along with very clear rules and guidelines. Additionally there needs to be very clear appeal process.</p>
84	<p>The ARB seems to be secretive and arbitrary. I would like to see the process transparent and clearly stated. Currently the process is slow and cumbersome as there are many entities involved. There also needs to be a way for home owners to appeal a decision.</p>

	<p>1. Comments are made about the lack of authority to charge fees and levy fines – what documents give the ARB authority to require deposits?</p> <p>2. Are there South Carolina statutes that set forth the authorities of an HOA? Is there relevant case law that governs the authority of an HOA? Do the statutes or relevant case law distinguish whether that authority differs when it is administered by a declarant/developer versus administration by a non-profit HOA, administered by its members?</p> <p>3. What rights and/or obligations does KICA have to oversee the actions of the partners and the ARB?</p> <p>4. We understand that certain provisions of the development agreement with the partners were incorporated into the TOKI ordinances. Do the incorporated provisions survive the termination of the development agreement in December of this year? Are there any limitations on TOKI’s ability to modify or eliminate such incorporation before December of this year or after December of this year?</p> <p>5. While the General Covenants provide the ARB rights over alterations to existing properties, the term alteration can be subject to interpretation. What does the Task Force consider an alteration to be? For example, if a member wants to paint his house using the same color, would this be considered an alteration? More broadly, is maintenance of a property considered an alteration?</p> <p>6. The development agreement provides that the right to unilaterally appoint a director to the KICA Board shall be waived. Are there any limitations on the ability to enforce this waiver by the developer?</p> <p>7. There is a reference to “Other deeds and property documents” on pages 6 and 9 – do rights granted in a particular property deed confer rights over all of Kiawah if such deed is not registered with the county office in a manner like the General or KICA covenants?</p> <p>8. While an ARB has authority of certain rights of a member, how can the ARB have a “service” orientation to its’ members? What service level agreements should be achieved and reported on to the members?</p> <p>9. What communities will be considered for the benchmarking noted on page 16?</p> <p>10. If the ARB rights were to be transferred to KICA, would this be an assumption of its rights only, excluding any assumption of liabilities or any indemnification for any past actions? How would projects underway, including deposits held by the Partners be handled? Could a transition services agreement be entered into with the partners to assist in such transfer?</p> <p>11. It would be helpful in the Task Force would provide a summary of the June 20th meeting for the community. In addition, to focus community reaction, it would be helpful for the Task Force to outline next steps and the likely timeline for the next steps. What does the Task Force consider to be a successful outcome of its’ activities? Last, it would be helpful if TOKI and KICA would post on their websites the reference documents noted on page 6 of the presentation; maybe under a section or tab including the PowerPoint and these documents labeled ARB Task Force.</p>
85	COMMENT REMOVED BY REQUEST OF MEMBER
86	It's simple, there needs to be LESS Developer involvement and more Homeowner Involvement. Nothing that you've spelled out for me here in this report makes me think otherwise. They need to have much less influence and power than they have now.
87	

88	<p>We submitted our plans to build our house to the ARB in 2011. They were approved. The approval expired by the time we were to build in 2016. The ARB denied the same plans they approved earlier. The basis for the denial was they believed a corner of the house was too prominent (not any change in design requirements). We eventually secured approval by agreeing to certain design and landscaping changes.</p> <p>Our neighborhood, The Preserve, has unique design covenants. <i>(COMMENT REMOVED TO PROTECT MEMBER IDENTITY)</i> has recently submitted and quickly obtained approval for plans that violate those covenants (building size and coverage and building in the protected conservation zone). <i>(COMMENT REMOVED TO PROTECT MEMBER IDENTITY)</i> Are the approvals and votes a quid pro quo arrangement? It certainly creates the appearance of a conflict and that the rules are not uniformly applied. Given that there is no record of ARB decisions, there is no basis to determine if there was a legitimate basis for the ARB decisions.</p>
89	<p>We wanted to paint our house the same colors it had been for 20 years (grey with white trim). We had repainted it multiple times over the years with no issue getting approvals. Thus time, our request was denied. When the ARB representative came out, she held up an index card with holes in it, and decided our shingles were a certain value, the trim another value, and those values were too far apart. Determination of values seemed very arbitrary. When I asked why they wanted a lower differential, she said they “didn’t want to disturb the animals” which made no sense to us. We appealed, and were denied. We appealed again, with photographs, asking the ARB to pick the color they wanted from the photos and the color we wanted, and they couldn’t tell which was which. In the end, we were able to repaint the same colors we had. But this needless exercise caused way too much aggravation, time and significant extra money, as my painter had to sit through both appeals (for hours each time waiting for his turn), at my significant expense.</p>
90	<p>COMMENT REMOVED BY REQUEST OF MEMBER</p>

COMMENTS ON OBSERVATIONS OF CONCERN

- The observation of five concerns is not qualified nor is the anecdotal nature of the fact base disclosed
 - o That community members believe ARB's assumed authority is not supported by governing documents is not supported. What is the factual extent of this belief? None is provided. This being the case, the concern should be rephrased as "Some community members believe..." As it reads, one can easily conclude that all community members hold this belief.
 - o Similarly, the factual extent of the perception that architectural and landscape standards is perceived to be applied unequally is over-stated. This must be qualified unless the reader is to conclude that this perception is wide-spread or unanimous
 - o What is the frequency of instances in which rulings appear arbitrary or that decision making is not transparent? Is this a communication issue that can be solved with a standard "statement of ruling" that can eliminate the perceived appearances described?
 - o What is the nature of contractor confusion and loss of island access privileges? Are these instances concentrated in a handful of contractors who care not for complying with the rules and claim "confusion" or do contractors with a track record of knowing and complying with the rules lose access because of, say, one incident?
 - o What is the frequency and circumstances of delayed return of deposits?
- One concern should be able to be addressed by a reading of the governing documents: is the ARB's claim of authority to assess fees and penalties established, or not established, in the documents?
- One concern assumes into fact that it is a good thing that homeowners should have more than minimal input to ARB policies and governance. This is not a fact.
 - o By "homeowners" is meant "the KICA board": the elected body that represents homeowners.
 - o Being an elected board, the board will not necessarily have either the scope or depth of expertise to provide input to aesthetic policies.
 - o There is nothing in the KICA governing documents which prevents the board dysfunction that is evidenced by the board recently in its own videos (e.g. video of meeting which caused our auditor to resign; meetings at which KICA staff were subjected to ad hominum attack). This means that there is no guarantee that future KICA boards will be less dysfunctional.
 - o Should such dysfunctional boards have greater influence over ARB policies and governance there is no reason to conclude that it's aesthetic input would be good or that it's policy input would not enable weaponization of ARB policies to achieve personal objectives.
 - o Finally, the ARB is a South Street Partners agent. South Street Partners are investors playing with their own money. The ARB is aligned with the financial interests that have created the Kiawah Island we have today.

In contrast, the KICA board is an unpaid, elected body the members of which serve for a range of reasons. There is no necessary alignment of board member interests with the interest of furthering the Kiawah Island vision.

92	<p>Frustrating ,slow, and arduous ,approval process. We had to go through initial denials for no legitimate reasons. It took almost !8 months. One architect bailed out. The delay made a contractor drop out. Then the permit timed out. we resubmitted with no changes and yet we were placed at the bottom of the line. One feels that there is no regard or appreciation to time and cost issues of their actions. The project did not involve a change in elevation or the footprint of the house. They required a new survey !!! Silly stuff that cost time and money . No one from the ARB visited the site although their office is on Kiawah.</p> <p>I care about Kiawah and that is why I am writing this. We have had a Tennis Club villa and Windswet villas since the early eighties . Others with less attachment would have given up and quit. I believe the ARB may profess and have the best intentions , but their bureaucratic opaque decisions leave a bad taste and does not help the image and reputation of Kiawah.</p>
93	<p>COMMENT REMOVED BY REQUEST OF MEMBER</p>
94	<p>Our experience with ARB during our renovation was less than stellar. One especially frustrating experience was getting approval for the exterior paint colors. There is not a clear standard for color selection. In the absence of very clear guidelines, we add to prepare and present paint samples several times. The interpretation of what was acceptable seemed highly subjective. Before and after our colors were approved we have located numerous homes that have color combinations exactly like ones rejected by ARB for us. One example: we decided that we would find a house that had the colors we prefer and ask ARB for the details of those colors. When we purchased paint samples, put some paint samples on the exterior of our house to be viewed by ARB. They rejected those colors even though there was at least one home where ARB approved the colors that were rejected for us. This process of getting approval for color choices is inefficient, subjective and very frustrating.</p> <p>SOLUTION: Prepare a set of approved color palettes with the option for consideration of other options.</p>
95	<p>Nice summary and the project has been done very expeditiosly. Good work!</p>
96	<p>This is absurd.</p> <p>I was also unaware that the Developer has somehow "persuaded" KICA to pay it annual sums for an unspecified purpose for many years, payments not disclosed to the property owners. These funds need to be returned by the Developer to KICA.</p> <p>This a not a situation that can be solved by the Developer/ARB promising "to do better" and to make its operation more transparent or adding more community members to the ARB board. A complete separation of the ARB from the Developer is required. If a lawsuit is necessary to achieve this I am all for it.</p> <p>The historic cozy and ethically questionable relationship between the Developer/ARB and KICA should be an embarrassment to the current leadership of KICA, and anything less than a complete separation of the Developer from the ARB and a transfer of ARB control to KICA is likely to be viewed by property owners as an unsatisfactory and insufficient response to this situation. Certainly that will be my view.</p>