

Mountain Brook Community Association  
Minutes from July 9, 2003

The Board held its regular meeting on July 9. Members present were Andy Chabelal, Mark Thompson, Fran Childress and Pam Cook. Member Mike Liska was absent. Bob Seaman, Association Manager was also present.

A homeowner addressed the Board about his concerns regarding an outdoor structure on neighboring property. He was concerned that the Board was not acting fast enough on the issue since he had brought the complaint to the Board several months ago. The Board agreed to address the outdoor structure in question (and other outdoor structures in the neighborhood) before the end of the summer.

Phil Copeland, Covenants Committee, provided a report to the Board on exterior sculptures. The Committee believes that the current wording in Article XII, Section 20 is too vague. The Committee recommends that the Board establish specific guidelines regarding height, quantity, acceptable material, etc. The Committee also recommends that the Procedures, Rules, and Standards be amended to include this information.

Jim Wiggins, Architectural Control Committee (ACC), provided a report on two requests from homeowners for outdoor structures and landscaping plans with outdoor structures. The first request (134 Canterbury) is for a storage request. The ACC is not recommending approval since the proposed structure would be metal and 78" in height and be visible above the existing fence. The Board concurred with the recommendation. The Board decided that no outdoor structures will be approved until the Board addresses the existing structures and determines a uniform policy on the issue. Fran Childress will send a letter informing the homeowner of the Board's decision.

The second request included a landscaping plan with outdoor structures (pergola and trellis) at 108 Hursthaven. The plan included removing one existing tree but additional replacement trees would be planted. The ACC noted that the outdoor structures would exceed the height of the fence and be visible to neighboring properties. However, the ACC said they would recommend approval based on the drawings presented. The Board will inform the homeowner that no outdoor structures will be approved until the Board addresses the existing structures and determines a uniform policy on the issue. The board approved the other landscaping plans and tree removal.

The minutes from the June 4 regular meeting and June 11 special meeting were approved as read.

The Board addressed the drink machine at the clubhouse. Andy is trying to contact the vending company.

Bob Seaman presented the financial report for the period ending June 30. There are currently 9 homeowners who are delinquent in paying their 2003 dues and 1 with prior year amounts. The total outstanding is \$3,000.

The Board discussed the results of the official violation notices mailed on June 14. Five of the 11 homeowners declined to sign for/accept the certified letter that was mailed. Some of the homeowners appear to have corrected the violation but did not notify the Board as required. The Board discussed various ways to address the issues without making the process an administrative burden to the Board. The Board voted to revise the existing fine process which calls for a fine of \$25 per day. The Board approved the following:

- Homeowners/residents will be sent a warning letter requiring them to correct the violation or contact the Board for a hearing before the next regular board meeting.
- Homeowners/residents who do not respond to the warning letter (correction or request for a hearing) will be assessed a \$50 fine and notified of this fine via a certified letter.
- If the homeowners/residents do not respond (correction or request for a hearing) by the subsequent regularly scheduled board meeting, a second notice will be sent and the fine will increase to \$100.
- If the homeowner resident does not respond to the second notice, the matter will be turned over to legal and the fine will be increased to \$250 plus legal costs.

The revised policy will apply to those who have already been given an official notification or first warning letter. The time for response will be “re-set” for the next regular board meeting on August 6.

Andy Chabelal presented a request signed by 8 homeowners for a change to the Procedures, Rules & Standards regarding basketball equipment. The homeowners were requesting a poll of the community. The Board determined that procedures for actually conducting the poll do are needed but do not currently exist. The Board approved the following procedure:

- Any homeowner can request a poll of the community for a change to the Procedures, Rules & Standards. The request should be in writing and be specific about the change wanted.
- The homeowner requesting the polling will be responsible for the expense. The Board estimates the cost to be \$75. The requesting homeowner(s) will also be asked to assist with the mailing process.
- The Board will make the requestor aware that the bylaws require a 75% affirmative vote (113 of the 150 properties) for a change. Non responses are counted as a negative vote.
- The Board will be in charge of the polling process. This includes approval of the wording for the changed procedure, mailing and verifying the responses.

The Board addressed the request for variance on basketball equipment from the residents at 114 Montrose. The Board voted that the variance would not be approved and the equipment should be removed. Andy Chabelal will call the homeowners to discuss the issue.

Mark Thompson said that he has received a complaint regarding commercial vehicle on Canterbury Drive. He will check it out and recommend action to the Board.

Andy Chabelal reported that he had contacted the owner of the vacant lot (101 Remington) regarding mowing. Mark Thompson is going to contact the owners of vacant lots on Overton drive regarding mowing.

A special meeting will be held on Wednesday, July 23 to discuss outdoor structures.

*Minutes prepared by Fran Childress*

