

**ENGLEWOOD GARDENS HOA MEETING
TUESDAY, FEBRUARY 23, 2016
10540 HUNT CIRCLE, 6 O'CLOCK PM**

The following households were present and/or represented at the meeting:

Brad Treadwell (President/Treasurer), 10540 Hunt Circle
Angela McCullough (Vice President), 10331 Hunt Circle
Robin Boylorn (Secretary), 1591 Spencer Drive
Harold and Martha Spencer, (owners of 1651 Spencer Drive)
DeSuntra Cake, 1581 Spencer Drive

MEETING MINUTES

Brad Treadwell, HOA President, called the meeting to order at approximately 6:05PM.

Harold Spencer expressed some concerns regarding the procedural practices of the HOA, in particular as it relates to a quorum being met at our annual meetings. Brad explained, as per our lawyer Chris Thigpen, that according to our bylaws, while a quorum is required if we are conducting business such as a change to the Board or covenants, it is not necessary for our annual meetings, which are far less formal.

Brad opened by outlining that the agenda for tonight's meeting would include financial updates and a review of our collective goals for 2016, and then he would open the floor to discuss any other issues the members in attendance would like to address.

HOA FINANCES/CONTRACTOR BIDS

\$7,796 was collected in HOA dues in 2015. Roughly 11 homes are currently delinquent in dues, and that includes 3 that did not pay last year. The process of collecting unpaid dues is handled by our attorney who has successfully collected over \$10,000 in unpaid dues. As per our bylaws we initially pursue a lien on unpaid properties, followed by foreclosure. One of the goals, this year, is to pursue foreclosure on the 11 delinquent homes, which represents approximately \$15,000 of the \$20,000 still owed in unpaid dues.

Based on our budget, which includes, \$220 per month for Alabama Power (street lights), \$200 per month for landscaping, \$800 for annual insurance, and \$1000 for miscellaneous/maintenance, our dues remain at \$125 for 2016.

Harold inquired about bids for landscaping in the community and Brad explained that the protocol for the contract included a cost comparison with our current contractor. Our current landscaping contractor, Burnett Landscape, provides a calendar each year, before renewal, that includes the estimated dates that they will service the community, which varies depending on the season. For example, there would be no cuts in February, but potentially every 10 days in the spring/summer months. The contract includes maintenance and upkeep/cutting of the common areas, and cleaning out the three beds at the entrances and cul de sac once a year. Any additional cuts that may be necessary are requested are an additional \$55. Brad explained that this price is/was competitive and while we did not solicit additional bids in 2015, Burnett had been the most competitive bid the previous two years.

Harold expressed an interest in facilitating a new bid for landscaping that may save the HOA money. Brad agreed to provide information to Harold, based on our current schedule of service, and Harold will forward us at least two bids to consider that may be cheaper than our \$200/month contract with Burnett.

Brad explained that the \$1000 of miscellaneous/maintenance fund is to cover common repairs. For example, when equipment was brought in to do the work in the common area, there was an impression made in the ground on adjacent property that will require attention and is the responsibility of the HOA. Brad suggested that some potential remedies would be filler(?) dirt, getting the area paved (which, based on an initial estimate would cost upwards of \$2500), or putting railroad ties in between the sidewalk and gated area.

Harold shared that the pavement, while expensive, would likely be the best option because it would be considered an improvement to the community and would be the most lasting correction.

COMMON AREA OFFICIALLY OPEN

Brad shared that our common area improvements are completed and are now officially open and available to homeowners who are up to date on their HOA dues. The improvements include a new playground, basketball court, and picnic area. He shared that some homeowners have already utilized the space for a birthday party, but that there had also been an issue with illegal trespassing/unauthorized use. The police were called and there have not been any further infringements.

Moving forward, the Board will consider a second phase to the improvements which might include a toddler playground for younger children, a walking track, and/or a community storm shelter. We may also need to consider leveling the ground in the open area, or potential sodding (approximately \$3,000).

If we are able to collect the unpaid dues after pursuing foreclosure, we should have the funds to move forward with additional improvements next year.

Brad stated that the second phase of development to the common area in 2017 may result in a temporary increase in dues (nothing too substantial and not in excess of \$200) to accommodate the work.

COMMON AREA USE ELIGIBILITY

Everyone is now aware of the common area and notices were sent alongside the annual meeting announcement letter. All homeowners with paid dues and who sign and submit a waiver/liability statement are eligible to use the common area. Renters are not authorized users unless homeowners grant permission to renters via the waiver/liability statement, which will make homeowners liable and responsible for any damage done by renters and/or their guests.

COMMUNITY COVENANT ENFORCEMENT POLICY

Brad shared that there are some issues in the neighborhood that are currently and/or have been addressed with our covenant enforcement policy, which rises from a warning letter to eventual fine and legal action for noncompliance.

These issues have included 1) parking violations, including trailers blocking driveways, and cars being parked in the yards, 2) fence repairs, 3) trash being left in yards and allowed to transfer to other people's

property, 4) non-decorative items (such as boxes, grills, ice chests, etc.) being left and/or visible from the street, 5) cats being allowed to roam the neighborhood, 6) unauthorized access to the common area.

With the exception of common area restrictions, residents are given a certain amount of time to comply before being issued a fine and/or being subject to legal action. For the privacy and protection of residents, common area misuse may result in immediate law enforcement.

Brad stated that while some of these issues have been intermittent, most people respond positively to the warning letter and additional action has not been required.

INSURANCE

Harold asked when the HOA got insurance, and Brad indicated that it was October 2015. While he was not sure offhand who the underwriter was he knows we worked with an Allstate agent. Our insurance policy is \$770 a year which includes \$500,000 in liability coverage.

Harold's sister has her own agency and he will ask her for a quote in an effort to save us some money, when it is time to renew in October 2016.

HOA PLANS FOR 2016

- The HOA hopes to make use of the common area
- We will focus on the collection of late dues, liens and pursue foreclosure on high accounts
- Arrange a quorum meeting, as soon as possible, to finalize business and HOA Board items

Brad explained that we will be pursuing a quorum meeting, by sending letters out as early as this week, so that we can finalize some business issues. According to our provisions, we will call a meeting, allowing at least 10 days notice, and if a meeting doesn't have quorum, it will be rescheduled for another 10 days at which point the quorum is halved (and the halving continues for each meeting until a quorum is met).

Under that estimation, Brad concluded, based on the homeowner participation we have had in the past 5 years, that we will likely meet quorum (from 65 homes) by the end of April, at which point we can officially legally make changes and/or updates to existing documents and conduct a vote on issues for the record. Harold shared that quorum could also include proxies that can be collected in advance of meetings for those who are unavailable or unable to attend.

Some issues that will be discussed at the quorum meeting will include:

- 1) There is currently no written record of HOA officers and board members being elected officially.
- 2) The Architectural Control Committee verbiage should be updated

Brad shared that with a quorum we will have the flexibility to update the existing verbiage in our official documents so that, for example, "the architectural committee" is relegated to the generic board. We need to remove any "specific" names and/or addresses so that the documents do not require updating every time there is a change in Officer or Board member.

Harold identified another discrepancy in existing documentation where it states that annual meetings will take place on McFarland Avenue (the address of a previous officer?). Brad confirmed that the HOA

Board will review and identify any discrepancies and outdated information to be updated, amended, and voted on with quorum.

MEETING PLACE?

Harold also expressed a concern about HOA meetings being held in personal homes. He suggested that we consider a neutral meeting space to both accommodate more participation but also to protect homeowners in the event that a meeting gets heated. Brad expressed that it has not been an issue because of previous participation, but we will consider the possibility of meeting outside the community.

RENTERS?

Harold inquired about how many homes, in the neighborhood, are renters and Brad estimated that approximately 18-20 of the 65 homes in our neighborhood are leased.

STORM SHELTER?

Before adjournment, Angela suggested the possibility of including a community storm shelter in the common area. She has priced some above the ground shelters that accommodate 10-12 people at approximately \$4500. Brad said that he would look into it but expressed a concern that we would be able to afford a storm shelter that would accommodate the majority of our community residents.

Brad stated that he would move forward with getting the first quorum letters in the mail this week.

The meeting was officially adjourned at approximately 7PM.