

Englewood Gardens Home Owner's Association Meeting
Tuesday, February 2, 2011, 7pm

The meeting was held at HOA President Brad Treadwell's house, 10540 Hunt Circle

The following households were represented at the meeting:

1. Brad Treadwell, 10540 Hunt Circle, bradtreadwell1900@gmail.com
2. Angela McCullough, 10331 Hunt Circle, mccullough8617@gmail.com
3. Robin Boylorn, 1591 Spencer Drive, rboylorn@ua.edu
4. Richard and Denise Marlow, 10330 Hunt Circle, marl4006@bellsouth.net
5. Drew and Lauren Stricklin, 1581 Spencer Drive, dqstrick@uab.edu
6. Lynsey Brantley, 1481 Spencer Drive, lynseybug88@live.com
7. Andrea Robertson, 1670 Spencer Drive, andrea.robertson286@gmail.com
8. Joel McLaughlin (on behalf of Tinia Tubbs), 1640 Spencer Drive, 205-799-0203

The meeting was facilitated by new HOA President, Brad Treadwell, and began at approximately 7:15.

Officer Election/s

Drew Stricklin, former HOA President and current HOA Vice President is relocating with his wife to the Birmingham area. The position of HOA Vice President, then, is vacant. The treasurer position is also vacant, but Brad is currently serving in that capacity alongside his responsibilities as HOA President. He informed the homeowners that according to our HOA bylaws, one homeowner can serve two positions simultaneously and he is happy to maintain the Treasurer position until it is filled.

Angela McCullough had previously discussed her interest in serving as Vice President of the HOA and Brad supported her nomination. A hand vote was taken and Angela was elected in as Vice President with a unanimous vote.

New Website

Englewood Gardens now has a website, englewoodgardens.co.cc,

The website includes bylaws, covenants and articles, for quick reference, and board member information. There is also an option to pay dues online. This option, which allows payment by credit card (homeowners will incur a \$10 fee for using your credit card online) or Paypal (paypal transactions are free) offers convenience and multiple options/methods for payment which we hope will encourage timely payment. Additionally, because of the possibility of liens on houses with balances, homeowners can avoid liens by putting their balance on a credit card.

HOA Dues/Association Balance

HOA dues remain at \$360 a month and are due by March 1, 2011. Brad distributed invoices to homeowners in attendance and collected monies from those prepared to pay at the meeting (all other invoices will be mailed to homeowners). Brad explained that while our dues remain at \$360 this year, if there is consistency and diligence with payment from all HOA members, there is the possibility that dues can be reduced to the low \$300s or below, beginning in 2012. Trends with the sewage lift station will not allow our dues to go below \$250 and afford maintenance. This, however, will depend on compliance and other issues, including whether or not we are able to share or transfer responsibilities for maintenance of the lift station.

Brad has strategized other ways of saving money including taking over the bookkeeping, which saves us \$300 a month (\$3600 a year). We have also saved money by changing companies to check the lift station. We were formerly paying \$217 a month for Southwest Water to check it, we are now paying \$110 per quarter (\$33/month) which is a savings of \$184 a month.

Brad also reported that he followed up with Burnett Commercial, our landscaping company, to inquire about ways of reducing our cost. We currently pay

Brad is encouraged that we currently have \$4700 in our account which puts us in a good position, especially given the fact that a year ago there were issues with keeping the community lights on. Last week we had over \$7000 in the account but had to pay \$2200 for a repair for the lift station.

Outstanding Dues/Property Liens

Since our last meeting we have been successful with collecting over \$3,000 in past due member fees (leaving our current outstanding balance at approximately \$14,000). Currently the majority of outstanding dues can be attributed to two entities, both of whom have liens on their properties.

We have the ability to put liens on properties with outstanding balances, and we (as an association) can pursue a foreclosure against a house as a last resort.

We are currently using \$360 guidelines. People who have a delinquent account for more than a year are susceptible to a lien, but because there are so many homeowners who are a year behind, we will only pursue liens on accounts that are more than \$1,000 delinquent. When we take a lien on a property it costs us \$150, but that cost will be added to the total balance the homeowner would be responsible for to remove the lien from their property, so the HOA would be reimbursed for having to pursue payment. There is 12% APR late fee assessed if payments are not made within 30 days. That factors out as 1% per month.

Amendments to Covenants

We have been advised by our attorney, Kay Thompson, that our covenants need more information on how to update them. Because she indicated that she would have to research the information to determine what has to be done, which would undoubtedly include a fee, we have postponed her taking those options. Brad informed her that would do have a preliminary vote on the following amendments and will make arrangements to adjust the covenants with less ambiguous language at a later time.

The two covenants that were changed include the following:

1. No solicitation will be allowed other than what is approved by the HOA board. (This amendment will allow the distribution of documents by the HOA for purposes including, but not limited to, communication with individual homeowners.
2. The names of the architectural committee members will be replaced with “the board members of the HOA.”

Homeowners in attendance voted unanimously in favor of the amendments.

Sewage Lift Station

General Updates

Brad shared that he has recently been in touch with the city and EPA to determine what can be done about the sewage lifting station. He has been consistently in touch with city and county officials regarding a long term solution for the station which could include them taking on the maintenance of the station.

Unfortunately, our initial plans for getting federal assistance (through a grant) was rescinded because due to the new “earmarking” legislation, they are not currently accepting appropriating proposal. Therefore, our first option/plan, which was to seek cooperation of city/county official has been put on hold.

The EPA, however, has been tremendous helpful with getting cooperation and Brad will continue to work with them to determine what our overall options are. The City Engineering Office has been hesitant to help because they say that the station was not originally up to specs but they will talk to the mayor and get back to us so updates are forthcoming. Brad suggested that if the city will take over the maintenance of the station, our HOA would contribute money to getting it up to specifications. It was agreed by homeowners that this would save the association money in the long run.

Brad explained that some of the issues with the station stems from the fact that the county is hesitant to cooperate because they don’t get revenue from the station because we pay the city. The city doesn’t want to contribute to the maintenance because we are technically county residents.

A second option that Brad suggested was that the HOA could pay the power and phone bill associated with the station (which is approximately \$100/month) if the city will take over the maintenance. Further, if we can get them to agree to take over responsibility for the station then we would agree to pay to get it up to specifications. Brad has received contradictory information about what the specs are from various sources so he is waiting to get some official documentation before making any commitments or offers.

Other issues with the station

There have been some repairs required for the station including a leaking gasket in December which cost \$1500. While they were repairing one gasket there was a problem with a second one which led to an overall \$2200 bill. The contractor warned that some of the overall problems with the station results from items being flushed down the drain that should not be. These overall issues include everything from baby wipes, rags, and feminine products being flushed to people pouring grease down their drain or garbage disposal. There will be a letter provided to homeowners outlining these concerns and asking for compliance. The secretary agreed to help with verbiage, particularly related to addressing the problem with feminine products to try to avoid offending anyone.

One homeowner (Lynsey Brantley) suggested that perhaps a group could go around to collect grease from homes for disposal. Brad volunteered to help with that if the HOA decided to go forth with it but another homeowner (Joel McLaughlin) explained that grease could be disposed of in the trash if properly contained. We agreed that it would be more efficient for people to discard grease on their own, but a gentle reminder for proper disposal would be included in the letter about the lift station.

Miscellaneous/Member Open Forum

Brad opened the floor for any questions and/or concerns that homeowners may have not previously addressed. Brad also announced that he had confirmed that our Home Owner's Association is incorporated.

Parking Issues

Andrea Robertson expressed concern about cars being parked on the street and how the HOA would address that ongoing problem. Citing a vehicle that has been parked on the road with a flat tire, it was asked if there was a committee in place to address these issues. It was also suggested that reminders about HOA rules, including the 2 day street parking rule, be included in the forthcoming letter to homeowners/residents. We discussed how parking in the street is an inconvenience to neighbors and makes it especially difficult to back out of personal driveways without the fear of hitting a vehicle. Brad indicated that if you identify any cars on the street to let him know and he would take care of it (citation/warning/request).

Middle Ground Plans

Another member asked about what the plans for the middle ground are. Brad explained that while we do not currently have funds to do anything with the middle ground at this time (because of our ongoing responsibility with the pump station) if we are able to remove the lift station from our responsibility, we could potentially build a playground and basketball court in the area. We will address other suggestions and options at which point we can move forward with that project.

Lift Station/Future Dues

Brad explained that our membership dues would decrease if we are able to lessen our overall responsibility with the lift station. He inquired if anyone knows about other neighborhoods that may share the lift station, including Ridge Haven and Quail Ridge. Brad plans to identify the HOA presidents of those neighborhoods to discuss options.

Budget

As previously discussed, we are in a good place financially but there are still \$11,000 in past dues that remain unpaid. Angela explained that an owner of one of the delinquent properties is unfortunately deceased but we may be able to recover some of the costs through the execution of his estate.

Brad explained that he has investigated what our obligations are, as an HOA, and that some of our monthly expenses include the phone bill (related to the lift station), streetlights (\$207 a month, standard/not metered). Our landscaping contract with Burnett Commercial is \$297 a month (this includes winter months) but includes fertilizing, landscaping both entrances, tree pruning, and cuts every 7-10 days during peak season (summer). This was the cheapest bid that was negotiated by the past president because while other landscaping companies may have offered a lower rate it did not include fertilizing and they would only cut every 14 days during peak season. Burnett Commercial is an insured company, which was also a concern, in the event that there is an accident or property damage.

Home Business?

There was also a question about whether or not there were restrictions in the bylaws about in-home day care. Brad explained that there are restrictions in the bylaws for running businesses outside of your home. The bylaws indicate that homes in the community cannot be used for commercial purposes, which ambiguously restricts any out-of-home businesses. We discussed reasons for this bylaw, including concerns with traffic, large materials/equipment being housed in the street, etc. There was a discussion about how for purposes of consistency there could not be a clear line drawn between what would constitute an acceptable home business (i.e., daycare, 3-4 children versus 12+ children; pool company or selling items from a garage).

Brad explained that this is an issue that can be discussed and considered later but the current bylaws restrict any home business. He also explained that in order to make that accommodation the bylaws would have to be changed or re-worded which would require notice to all homeowners and a vote. The process is complicated because there would be a significant requirement of representation and meetings would have to be re-scheduled until the quota would be met. We decided that this would be something we could/would address at a later time, if necessary.

The meeting was adjourned at approximately 8:05.