

**MOUNTAIN BROOK COMMUNITY
ARCHITECTURAL CONTROL COMMISSION (ACC)
MINUTES of the September 2024 Quarterly Meeting
September 18, 2024**

Chairman David White convened the quarterly meeting at 7:05 p.m. This is the fourth quarterly meeting of the new Mountain Brook community Architectural Control Committee (ACC), as required by the covenants. It was held at Zion United Methodist Church.

ATTENDANCE:

ACC Members IN ATTENDANCE	
NAME	POSITION
David White	Chairman
Dale Verheyen	Vice Chairman
James Isbister	Treasurer
Mark Pointon	Secretary
Albin Pasek, Jr.	Member-At-Large
ACC MEMBERS NOT in ATTENDANCE	
N/A	

The meeting was attended by 18 residents of the Mountain Brook community, in the audience. See list below.

OPENING REMARKS by CHAIRMAN – Mr. White stated that the main purpose of this quarterly meeting was to count the votes of the proposal revisions to the current covenants of the Mountain Brook Community.

MEETING MINUTES – The minutes of the December 2023, March 2024 and June 2024 meetings are posted on the new ACC website. There are no outstanding meeting minutes.

TREASURER’S REPORT – The Treasurer provided copies of the financial report for August 31, 2024, for the ACC from the Blue Ridge Bank for the main account, and the Lake Reserve and Emergency Reserve accounts. The main account has approximately \$22,700. There are still five lot owners who have not paid the dues for 2024; 139 of 144 lot owners have paid their dues. The Treasurer said that the legal fees were use to dissolve the incorporated old Mountain Brook HOA because of the legal ruling. It was pointed out that lot owners must be “members-in-good-standing” (have paid the annual dues) to be eligible to vote. Previously, the HOA accounts were changed over to the new ACC by the new Chairman and Treasurer.

ACC BUDGET for 2024 – Some of the budgeted items have exceeded the estimates, while others have been less. Previously, the Treasurer presented the budget for 2024 in December. The covenants now in effect after the legal ruling only allow an annual fee of \$75. This reduces the possible revenue to \$10,800 (144 lots X \$75), down from \$18,000 in prior years (144 lots X \$125). The various expenses items were discussed, including administration fees, insurance, legal costs, maintenance, easements, and lakes costs

for rodent (beaver, muskrat, groundhogs) and weed control, mowing, etc., real estate property taxes and website maintenance and updating.

COUNTING of BALLOTS of PROPOSED UPDATES of COVENANTS – Volunteers were solicited to count the submitted ballots of the proposed revisions to the current Mountain Brook Community covenants. Three community members volunteered and counted the ballots: Jeff Testerman, Wesley Smallwood, and Bonnie Hamalainen. All ballots received before the meeting from members in good standing were counted. The proposed revisions to the current covenants did not pass: there were 44 votes “for” and 42 votes “against” the proposed revisions.

There was a discussion of the “procedural process” to count the votes. The voting process will use the same process used previously by the homeowner’s association (HOA). Although there was “due date” included on the cover letter for the ballot, it was an attempt to encourage lot owners to vote. Subsequently, the ACC website requested community members to vote if they had not. Any ballot received before the votes are opened will be/were accepted and counted: every community member is entitled to having their vote counted if submitted before votes are counted.

An audience member recommended that the cover letter be better, with a better explanation and better transparency.

It was acknowledged that the ACC website needs to be better advertised and made more well-known and to reach a bigger audience of the community.

Previously, the ACC proposed the revisions to the current covenants now in effect, as a result of the legal ruling, primarily to amend the homeowners’ fees back to the level of \$125. The ACC coordinated with legal counsel for the recommended changes to the now-in-effect covenants. The review and revisions of the 7th Covenants by the ACC was presented at previous quarterly meetings, and the process to update the documents as recorded by the court, with input from legal counsel so the text is legally valid. The changes were tracked in the documents, so all revisions were identified. The primary focus of the updates was to restore the annual fees back to \$125, from the current \$75 in the prior covenants and clarifications to the existing text. The proposed changes (tracked) with a cover letter explaining the purpose and a form to approve the changes was sent to all lot owners. Only “members-in-good-standing” who are current in their dues are allowed to vote. The process to send out the documents will be similar to prior mailings for votes, as will the counting of the votes, in an open forum.

The current covenants and bylaws in effect are posted to the new ACC website, for any community member wishing to review the documents. Comments can be provided to the ACC through the website.

ACC WEBSITE and COMMUNITY COMMUNICATION – there was discussion of the Facebook page used by the Mountain Brook community and its use as a vehicle to communicate. There is a sentiment that Facebook is a good way to communicate. The Facebook page is not an official site of the ACC; it is not regularly monitored by the ACC; all community members are not on Facebook; the Facebook page was set up in December 2020 by the previous HOA because of the COVID pandemic. The new ACC website has been developed and is active/available as the primary method of communications with the ACC. It includes a calendar, documents, etc. as a source of information. There was a discussion about how to make a Facebook page available to all community members, and what to do with the current “Mountain Brook” Facebook page, whether to keep it activate or disconnect it.

Previously, the “new” ACC website is up and running. It is located at mtbrooksubdivision.com. The website was designed and developed by Mr. Pasek and a webmaster who is a member of the community, Mr. Kayvan Masouri. It focuses on providing information, updates, and improved communication, and is intended to be a resource for the community. The old website is no longer available. The new website is not affiliated with any Facebook page. The ACC website has a menu of items to select from, including Events/Calendar, ACC Members, Updates, Documents, Residence. Mr. Masouri has volunteered to be the webmaster for the ACC. It includes a common contact email address for the ACC members, that goes to all current members of the ACC. Once the ACC gained the access rights to the old website from the previous “owner” the first order of business was to convert it from the previous Mountain Brook homeowner’s association to the ACC now in effect. The website is a public domain open to the public in general, and currently has no privacy policy or terms of use. The goal is to provide transparent and comprehensive information for the community.

MOUNTAIN BROOK COMMUNITY EVENTS

A lady walking her dog was attacked by another black dog on Magnolia Circle, she was knocked down and had bruises: it is unclear who owns the dog or where it came from; the Louisa County Animal Control was called but there is nothing they can do at this time. Also, there is a report of another dog roaming the neighborhood, or is it the same dog? And it is rumored that there was a coyote sighting in the community.

There is also a car reported abandoned on Magnolia Circle. It has expired license plates and no valid state inspection stickers. The Louisa County Sheriff Department was called, but they said there is nothing they can do at this time.

There is also an increasing need for aquatic plant/weed control in the lakes – for Watershield. The geese eat the seeds and then spread the seeds throughout both lakes. Chairman David White personally treated the Landover Lake last year. There currently is no funding in the budget for weed control in the lakes. Last year the chairman personally treated the Landover Lake: He received permission and a \$10 donation from each lakefront owner to treat the aquatic growth with an herbicide. He recommends this become an annual “community effort” to control the weeds and in turn the geese population.

Chairman White stated that previous committees have become dormant. He suggested these committees be reconstituted or new committees be formed to address issues in the community, and as a way for community members/owners to get involved in the community: he recommended the “Beautification Committee” be reformed to help maintain the entrance area; perhaps a rodent or “Beaver Control Committee” be formed for the periodic beaver infestations the community has experienced. He proposed listing committees on the ACC website for community members to sign up.

OTHER DISCUSSIONS – there was a discussion of the Willow Ridge Lake dam: there is a sentiment that the State has been very lenient with the community, but it has now been several years. There is a concern the Commonwealth of Virginia could take over the dam. Plans, inundation maps and other paperwork were done several years ago – two homeowners “boards” ago. These all must be redone: any previous paperwork or proposals for the dam from several years ago are no longer valid. The costs to fix the dam is currently unknown, but it is anticipated the costs to fix the dam have increased substantially since then. A special assessment is one way to generate the necessary funding. The Commonwealth of Virginia wants the dam repaired; we can get the dam insured once it is fixed; if the dam is not repaired, the state/federal government would potentially remove the dam and allow the land to revert back to natural wetlands.

Nothing can be done at this time, until the current in-effect (7th) covenants are amended. There will need to be a separate action to assess the dam and what needs to be done.

All homeowners benefit from the lakes, as the value of property increases from having lakes in the community, even if the lot is not on the lake.

It was suggested by the audience that the state Department of Natural Resources (DNR), engineers and perhaps an attorney come and talk to the Mountain Brook community. The Treasurer stated that the Virginia Department of Conservation and Recreation (DCR) is concerned about the health and safety of waterways, including above and below.

CLOSING COMMENTS – None. All questions and comments from the audience were taken and addressed during the meeting proceedings.

OTHER – The ACC plans to schedule the next quarterly meeting for the early December 2024 timeframe, tentatively at Zion United Methodist Church.

There being no other business, the ACC meeting was adjourned at 8:30 p.m.

**Attendance at Meeting
September 18, 2024**

NAME	ADDRESS
Shawn Ayers	901 Willow Ridge Road
Virginia Fisher	71 Starling Lane
Jeff Testerman	150 Willow Ridge Road
Patti Downs	130 Willow Ridge Road
John Lytle	1008 Willow Ridge Road
Mary and Jim Daniel	63 Magnolia Circle
Sarah Foley	33 Randolph Circle
Wes Smallwood	660 Landover Road
Daryl Daughtrey	750 Landover Road
Wanda Isbister	722 Willow Ridge Road
Tommy Price	667 Willow Ridge Road
Lisa Forren	597 Willow Ridge Road
Patrick Carroll	241 Foxmoor Road
Bonnie Hamalainen	794 Landover Road
H.T. Throop	Lot #199 (25 Marymont Circle)
John Darden	621 Willow Ridge Road
Amie de Monbel	116 Marymont Circle
Contact information provided at the meeting will not be released	