

**MOUNTAIN BROOK COMMUNITY  
ARCHITECTURAL CONTROL COMMISSION (ACC)  
MINUTES of the March 2025 Quarterly Meeting  
March 12, 2025**

The Vice Chairman Dale Verheyen convened the quarterly meeting at 7:00 p.m. This is the sixth 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:**

<b>ACC MEMBERS in ATTENDANCE</b>	
<b>NAME</b>	<b>POSITION</b>
Shawn Ayres (vice David White)	Chairman
Dale Verheyen	Vice Chairman
James Isbister	Treasurer
Mark Pointon	Secretary
Albin Pasek, Jr.	Member-At-Large
<b>ACC MEMBERS NOT in ATTENDANCE</b>	
N/A	

The meeting was attended by 10 residents of the Mountain Brook community, in the audience. See list below.

**OPENING REMARKS by (VICE) CHAIRMAN** – Vice Chairman Dale Verheyen provided a status of the ACC membership: David White resigned from the ACC in February due to health issues, and Shawn Ayres volunteered to fill the remaining time of the current term.

**MEETING MINUTES** – The Secretary Mark Pointon summarized the minutes of the December 2024 meeting. The minutes for the December 2023, March 2024, June 2024, September 2024 and December 2024 meetings are posted on the ACC website. There are no outstanding meeting minutes.

**TREASURER’S REPORT** – The Treasurer provided copies of the financial report through February 28, 2025, for the ACC from the Blue Ridge Bank for the main account, and the Lake Reserve and Emergency Reserve accounts. There are no outstanding checks. The pace of annual fee payments has slowed down recently. Currently, 24 lot owners have not paid the dues for 2025. A letter has been prepared to send to the 24 delinquent home owners. It will be mailed out this week. A person in the audience asked what is the next step after this letter? Another reminder will be sent to those lot owners who have still not paid the annual fees. The Treasurer has requested a proposal from KJon for the community landscaping for 2025. He is still awaiting a reply; he will again request a proposal in the next week or two if he still has not received a response. Previously, the Treasurer noted that postage costs and maintenance (landscaping) costs have been higher than budgeted and there is an amount due for the fee for the domain for the ACC website. Overall, the costs are approximately \$1,600 over for the year. It was reiterated that lot owners must be “members-in-good-standing” (have paid the annual dues) to be eligible to vote. The HOA accounts were changed over to the new ACC by the new Chairman and Treasurer.

**ACC BUDGET for 2025** – No change. Previously, the Treasurer handed out copies and presented the proposed ACC Budget for 2025 at the December 2024 meeting. The budget was agreed to by the residents in attendance. The covenants currently in effect 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). Eventually the \$75 fee will not be enough for the community needs, with inflation and increasing costs. The various expenses items were discussed, including administration expenses, insurance, legal costs, maintenance, easements, and lakes costs for rodent (beaver, muskrat, groundhogs) and weed control, mowing, etc., real estate property taxes and possible website maintenance and updating. For the 2024 Budget, some of the budgeted items have exceeded the estimates, while others have been less.

**DISCUSSION of PROCEDURES for ACC PETITION** – the members of the ACC and potentially a few volunteers from the community will use a modified procedure to get votes from lot owners by walking around the neighborhood from house-to-house to get votes (options to vote either Yes, No or Abstain) for the current proposal for the current proposal to increase the annual fee from \$75 back up to \$125. This has been done in the past by the HOA. This is intended to address the issue with many ballots not being returned. This modification will be announced on the ACC website in the near future. Going house to house will also help reduce costs for mailing out ballots. The ACC will visit every house/lot in the community for their vote. (Addendum: In May, members of the ACC initiated walking the neighborhood to get votes for the current proposal.)

**COUNTING Of BALLOTS for CURRENT PROPOSAL of COVENANTS** – No change from previous meeting. The current ACC proposed revisions to the covenants is to amend the homeowners' fees back to the level of \$125. Volunteers were solicited to count the submitted ballots of the proposed revisions to the current Mountain Brook Community covenants to restore the annual homeowners' fees to \$125. Three community members volunteered and counted the ballots: Mary Daniel, Tess Verheyen and JoDell Pasek. All ballots received before the meeting from members in good standing were counted. Only 78 ballots were returned: four were returned to sender and one did not have a vote. The proposed revision to the current covenants did not pass: there were 54 votes "to approve" and 19 votes "against" the proposed revision. It is noted that four checks were sent in with the votes.

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** – the ACC will post all pertinent information on the ACC website. Previously, the "new" ACC website is up and running. It is located at [mtbrooksubdivision.com](http://mtbrooksubdivision.com). The website was designed and developed by a webmaster who is a member of the community, Mr. Kayvan Masouri. Mr. Masouri also maintains the website for the community. Mr. Pasek provided guidance for the ACC and website content. 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. It provides transparent and comprehensive information for the community.

**MOUNTAIN BROOK COMMUNITY EVENTS** – N/A

**OTHER DISCUSSIONS – WILLOW RIDGE LAKE DAM** – The state “dam guy” visited Mountain Brook (MB) several years ago to discuss the dam. As a minimum the Attorney General will “fine” MB \$25,000. Fixing the dam is the cheapest solution. The condition and probable necessary fixes need to be reassessed. All 144 lot owners will be assessed for the costs to fix the dam. The current in-effect covenants need to be changed to proceed with fixes to the dam.

There is concern the Commonwealth of Virginia could just take over the dam, and do necessary repairs and charge every owner. They could also potentially remove the dam, eliminating the benefits of having the lake, and the property values derived from the lake by the home owners. The drain pipe was cleaned out last year. The consensus is that “regularly” cleaning the pipe out is a good idea, as needed. It appeared that debris has accumulated over time around the drain pipe. Also, siltation over the years has reduced the depth of the lake, so it is only 3-4 feet deep around the drain pipe. This probably makes it easier for the beaver to build on that area. The community is responsible for preventive maintenance. And there is a state requirement to inspect dams once a year and submit to the state Department of Natural Resources (DNR).

Previous efforts and work for Willow Ridge Dam were stopped due to the lawsuit against the 8<sup>th</sup> Covenants. All the old existing paperwork, inundation maps and other plans are all outdated. Old estimates for various proposed work on the dam ranged between \$86K and \$422K. It was noted that these estimates are no longer valid, or likely even close any more. See the previous discussion below.

The ACC hopes to put up a sign at the entrance to MB2 for future quarterly meetings.

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

**OTHER** – The ACC has tentatively scheduled the quarterly meetings for the remainder of 2025, at Zion United Methodist Church. The next meeting is scheduled for June 4, 2025 at 7:00 p.m. See the Calendar on the ACC website.

There being no other business, the ACC meeting was adjourned at 8:00 p.m.

## **OTHER INFORMATION and DISCUSSIONS from PRIOR MEETINGS of 2024 and 2025**

**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 7<sup>th</sup> 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.

**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.

## **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.

**DISCUSSION of 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 (7<sup>th</sup>) 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.