

**Mixson Assembly Board Meeting**  
**February 13<sup>th</sup> at 6pm. Location: 4617 Scout Ally**

1. Call to Order- 6:11pm
2. Final Motions to Amend Business
  - a. 6 Additional resolutions to review/approve per Trever
    - i. 3 of those are Rules and Regulations (2-4) to be reviewed with ARB rules and Regulations
    - ii. 3 to be reviewed with CCRs (A, B, and C / 1,2, and 3)
  - b. 1 per Keegan - Add/confirm proposal and budget for Board domain and website (add to 9.5)
3. Review of January 4<sup>th</sup> Minutes - 6:16, Keegan
  - a. Review - reviewed
  - b. Discussion
  - c. Questions
  - d. Motions - motion to approve - motion passed at 6:14pm
4. Tax Audit Update - Trever
  - a. Have contact with city (Adam), going before the zoning board for review.
  - b. Still looking into ownership of Avery Ave.
5. Dominion Audit - Trever
  - a. Audit in process. Have received Dominion maps. Some fixtures that we thought were ours are not, some we did not think were ours are actually. Audit includes light poles and meter.
  - b. 4 poles will now be paid for by the city.
6. Review of Assessment Section 1 Vs 2. - Trever, 6:17pm
  - a. Section 1 (Phase 1, prior to 2017)
    - i. Mixson Assembly governs 297 Units, which is 293 Homes (4 homes have 2 units each).
    - ii. Per Attorney, association assesses Units, and not Homes/TMS Numbers. These 4 2-unit homes are part of Section 1.
    - iii. Review Communication to Residents - Stephen
    - iv. Letter reviewed, approved at 6:24pm, will be sent via email to board for any final edits.
  - b. Section 2 (Phase 3, Singles)
    - i. 4 Homes on Avery Avenue are in Section 2, not Section 1.
    - ii. Miranda will reach out to Sean to obtain a formal definition/clarification of what qualifies a Section 1, 2, or 3 lot. (Suggested: Section 3 are Townhomes, Section 1 homes are those with 0 to near-0 lot lines. Section 2 is everything else.)
    - iii. Review Communication to Residents - Stephen
    - iv. Letter reviewed, edited, agreed to send edited version via email to board for any final edits, final approval due Friday 2/16.
7. ARB and Rules and Regulations - discussion began at 6:33pm
  - a. Review
    - i. Cost of ARB Request
      1. To date, has been a two-check system, \$150 admin fee + \$300 refundable deposit.
      2. Question re: application fee vs. refundable deposit for compliance fee.
      3. Stephen made point that, in the event of small claims suit or arbitration, a judge could cite excessive fees as a point against us.
      4. Stephen proposed \$50 admin fee + \$150 refundable compliance deposit, payable to Miranda.
      5. Keegan will revise resident letter, add Quick Reference Section, put together motion using template, Trever will send.
    - ii. Request for Turf
      1. Discussion re: how to address, feasibility of exceptions to CCRs for things that were not previously enforced. Trever brought up need for a really good, compelling reason for us to grant a variance (e.g. photos showing how bad current lot is, argument that turf would be better, landscaper quote saying turf is the only option for this yard to look good given pets, etc.) Board agreed to follow up with resident requesting additional documentation as to why turf is needed in order to consider exception.

- a. Additional discussion re: tree removal, which must go through ARBs. Trever suggested that board allow for tree removals when reasonable, but require that resident get all appropriate city permits first, and then if approved, fund addition of new, replacement tree elsewhere in the neighborhood's common areas. Also want to tie approval to requirement for advice of arborist. This discussion tabled for time being, agreed to get additional cost data from Manale.
      - iii. Enforcement of CCRs
      - iv. Review draft email to residents
    - b. Discussion
    - c. Questions
    - d. Motions
      - i. Trever - Resolution 2, to increase Mixson Assembly initiation fee from \$250 to 0.5% of sale price of the property. Stephen shared that this follows Oak Terrace Preserve's model. Resolution passed at 7:01pm.
      - ii. Trever - Resolution 3, to increase fines for CCR violations. Propose following system for violations reported, with evidence, and specific section of CCRs cited, to Leasing and Management. 1st report: notice to correct within 30 days. 2nd report: \$50 fine with 30 days to correct. 3rd report: \$100 fine with 30 days to correct. All subsequent 30 day periods will incur additional \$100 fine. Timeline for 1st report can be shorter per CCRs. This resolution does NOT include inspection and is entirely dependent on the person doing reporting. Resolution adopted at 7:07pm
      - iii. Trever - Resolution 4, standard of maintenance for homes. Clarification to Section 9 of CCRs. Homes will be free from exterior damage, mold, and mildew. All sides of homes should be the same color. Porches and railings should be free of damage and chipped paint. Dead bushes, shrubs, or trees should be removed. This resolution does NOT include inspection and is entirely dependent on the person doing reporting. Resolution adopted at 7:12pm.
8. Financial Status Report - 7:14pm - Stephen
  - a. Review
    - i. Special Assessment
    - ii. Annual Assessment
    - iii. Actions to Collect Outstanding Debt
    - iv. Delinquency Report
  - b. Discussion
  - c. Questions
    - i. Stephen raised question/concern - Liens have little enforceability. How to best enforce? Trever suggested we update liens each year, hold off on foreclosure until unpaid dues were well over the cost of foreclosing (e.g. after 10 years). Need to consult attorney re: bringing in a debt collector, authority to do so, cost, debt limit to prompt collection. Temper that with willingness to offer payment plans to avoid collection for people with legitimate financial hardship, provided they come to the board and maintain payments.
  - d. Motions
    - i. Agreed to send email reminder to outstanding units on Feb. 15th and Feb 22nd. Final notice sent on Feb 28th. Will also send physical notice on Feb 15th.
    - ii. Stephen proposed motion to file demand letters for unpaid special assessments. Motion passed 7:24pm.
      - 1. Amended motion to first consult Sean re: consistent attorneys/fees for demand letters, since previous demand letters were sent by John Dodds. Trever and Miranda will contact Sean re: this question.
    - iii. Stephen proposed motion to adhere to CCRs in regards to any fees and/or interest on unpaid dues. Confirmed late fee of \$10. Motion passed 7:28pm.
9. Manale Bids for Service and Doody Calls Stations - 7:39pm - Trever and Miranda
  - a. Review - previously-sent map of proposed new dog stations, resident request.
  - b. Discussion
    - i. Additional dog stations would be \$610 for identified stations. Stephen confirmed in-budget.
    - ii. Manale agreed to share some of cost for fixing grading of pocket park with pond, as it is not graded correctly and washing away. Cost to re-grade bank, replace sod, re-mulch, and add low-maintenance plants, for \$2000. Only item to check is proposal for black mulch vs pine straw.

- iii. Manale quoted us at \$8,669.17 to beautify community entrances at Avery Avenue and Mixson Avenue. Mostly azaleas, Trever will ask re: more diversity of plants, camellias, etc. This fee INCLUDES the \$2k for pond regrading.
      - iv. Manale will be getting us quotes to add some improvements to courtyard area near front of neighborhood. Plus installation of sprinkler head and landscaping around oak tree on Social (as well as parking barrier of some kind, e.g. fence with setback, boulders). Plus vacant lot improvement near front. Trever would like to get bid from Roots & Shoots as well since they do sustainable, native plants, butterflies, etc.
      - v. Also need to start bidding on new Adirondack chairs, benches, etc. Trever has one vendor suggestion.
    - c. Questions
      - i. Need to look into parking blocks that are gone from mail boxes lot by Summey and Social. 10-minute dedicated mailbox parking signs are missing as well.
    - d. Motions
      - i. Motion to add 2 new dog stations at one-time cost of \$610. Motion passed 7:42pm
      - ii. Motion to approve maximum of \$9000 budget for Manale park grading plus beautification. Motion passed 7:49.
      - iii. Motion to approve \$75 for purchase of domain and setup of board email. Motion passed at 8:04pm
10. Report of CCRs and Rentals Committee - 8:05pm - Trever and Larry
- a. Review
    - i. Capital Contribution Amendment
      - 1. CCRs expressly forbid capital contribution fees for Phase 1 / Section 1, so that is not a fee we could impose on rental properties.
    - ii. Rental Operation Annual Assessment Amendment
      - 1. CCRs expressly forbid these fees for Phase 1 / Section 1, so that is not a fee we could impose on rental properties.
    - iii. Enforcement and Violations Rule and Regulation
      - 1. Sean has reviewed 2 out of 3 of proposed motions.
  - b. Discussion
  - c. Questions
  - d. Motions
    - i. Resolution A / Rule & Regulation 1: For all homes considered non-compliant.
      - 1. Former declarants issued approvals for short-term rentals in violation of CCRs. Homes built prior to 2017 are allowed to be short-term rentals with proper permits. Previously-approved homes, with written approval from former declarant, are grandfathered in, but permission is not transferable. If no documentation can be produced, the property owner does not have vested rights. Non-compliant owners WITH vested rights must show documentation within 45 days, have a rental application on file with Leasing and Management (Larry has draft of form), have a North Charleston City Permit on file, notify any purchaser or potential purchaser that vested rights are not transferable. Non-compliant owners that do not have one or more of the above will receive a 45-day notice to bring property into compliance and will be fined \$50 per month for each item deemed non-compliant not to exceed \$150 in the first month. In the event that an owner remains in non-compliance, fines can be levied up to the amount of the rental fee. Board will not grant any exceptions to these standards.  
4 ways to get citation:
        - a. Operating CTR without vested rights or outside the scope of the governing documents.
        - b. Operating with no application on file.
        - c. Operating without a city permit.
        - d. Operating with a permit that is not displayed according to city standards.
    - ii. Resolution B / Rule & Regulation 2: Policy regarding compliant short-term rentals.
      - 1. Mixson Assembly homes built prior to 2017 and homes granted vested rights and in full compliance with Rule and Regulation 1, and longer-term rentals. All must have rental application on file with Leasing & Management and must have all necessary city permits on file and displayed as required. Compliant rentals may still receive a fine of \$50 per month per violation, not to exceed \$150 per month, for each month they are not in compliance. Fines can be up to the cost

of rental fees. No exceptions will be granted.

4 ways to get citation:

- a. Operating CTR without vested rights or outside the scope of the governing documents.
- b. Operating with no application on file.
- c. Operating without a city permit.
- d. Operating with a permit that is not displayed according to city standards.

iii. Resolution C / Rule & Regulation 3: Policy for Rental Compliance and City of North Charleston Governance.

1. Mixson Assembly CCRs and documents will be aligned with city policy. Mixson will consider any rental property in violation of city policy to be in violation of neighborhood CCRs. Residents are encouraged to report any violations to the city and Leasing & Management. Mixson assembly will consider any rental approval terminated, regardless of construction completion date or vested approval, if property violates the City of North Charleston's 3-strike rule. - Board will have attorney review this item to ensure it is acceptable.

iv. All resolutions above (A, B, and C) voted on and approved at 8:26pm. All will go into effect within 45 days of notice sent.

- e. Need to craft letter to residents outlining new STR rules and regulations, requirements for compliance, steps to take for compliance, steps to take for reporting, etc.

#### 11. Open Discussion

- a. Larry shared and reviewed his research. Spoke with Eileen Duffy, city employee. She knows that we are not permitting any new STR applications. She requested letter from board, on official letterhead, specifying that Mixson neighborhood is not accepting new STRs. Also requests letter showing what approval form would look like for homes that are allowed to operate as STRs.
- b. Larry provided two lists: one from City of North Charleston on all their approved rentals, and one from Miranda of all STRs approved by Stanley Martin/Eastwood Homes. Main sheet includes status of both City and Association approvals for all known STRs, as well as compliance with display of license. Many are noted as only paying the 4% owner-occupant tax rate, not the 6% STR rate.
- c. Larry will provide information to city compliance department of all properties paying owner-occupant tax and not owner-operator rates.
- d. Some property owners have requested hearings with the board. We will listen to them as requested and refer them to the CCRs and resolutions. Trever and Miranda will ask Sean for our ability to refuse hearings based on the fact that the board resolutions explicitly state that there will be no variances or exceptions given.
- e. Larry referenced City of N. Chs requirement to have parking spaces. Also referenced Mt. Pleasant requirements, which are a good model. Need to also require booking link to rental so we have that documented.
- f. At 8:56pm - Larry brought up significant frustration among residents in Section 1 because their dues more than doubled even though they have no lots, no grass. Trever explained that per the CCRs and our attorney, we are required to bid equally for all lots in the neighborhood. Asked if a future vote could potentially be used to modify CCRs in order to make it so different sections could get different services, etc. Board confirmed that is a potential amendment that could be proposed in the future.

#### 12. Next Meeting Date and Time

- a. Next meeting will be scheduled via email.

#### 13. Adjournment - Meeting adjourned at 9:32pm.