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Gulf Shores woman fights condo association over American flag

Posted by Gabriel Tynes | May 1, 2019 | Baldwin County, Bay Briefs | 0 | ★★★★★

In 2011, when Sherry Harrison sold two other condos to take advantage of an absurdly low price on a 21st floor, four-bedroom penthouse on top of The Colonnades in Gulf Shores, one of the first accessories she introduced to the property was an American flag to fly on the balcony.

Then a 60-something retiree of the U.S. Army Corps of Engineers, a daughter of a veteran of World War II and Korea and a wife of a Navy vet who served in Vietnam, Harrison said she is deeply patriotic and has always flown a flag.

But at The Colonnades, shortly after she affixed the 4-by-6-foot flag to a 6-foot-tall aluminum pole, attaching it to the balcony railing with zip ties, Harrison received a letter from the property owners association asking her to remove it.

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When Harrison replied, requesting specifically what rule she was breaking, she didn't hear anything for the next eight years.

Harrison said during that time, she has been the only full-time resident of The Colonnades and has received many compliments about the flag, which, depending on the wind, can be spotted from Gulf State Park to the east to The Hangout and beyond to the west.

But in January, someone she described as a relatively new tenant allegedly entered her unit without permission and took the flag down, complaining it was making too much noise. Shortly thereafter, the property owners association again sent Harrison a letter requesting her to remove the flag, this time citing restrictions against disturbing other residents with "nuisances" and "fire hazards."

A month later, Gulf Shores attorney Daniel Craven wrote Harrison a letter on behalf of the association explaining the flagpole itself was unauthorized and "there have been complaints from those staying in units around you complaining of the banging of the flagpole chain keeping them up at night."

There was also a warning against storing her personal belongings in a utility closet outside her unit.

"While the board of directors is a very patriotic group, as well as I, the association cannot allow you to fly the American flag off your balcony and have a structure connected to it that has not been approved, may be a danger to others in the future and is a source of annoyance to other owners from the sound emanating from it," the letter read. "The board of directors cannot allow you to display it permanently any more than they can allow owners to drape their beach towels over the balcony railing."

The letter threatened a fine of \$100 per day if the flag was not removed within 14 days. Harrison took it down temporarily then called an attorney of her own.

"First of all, there's not a chain," Harrison said last week as she showed a reporter the scene of the alleged violation. "It's secured with zip ties. I sleep beautifully in a room right around the corner and I have guests that stay here that have never complained."

Last week, attorney Adam Milam responded to Craven, noting Harrison is "proud of the United States" and "honoring her country by flying the United States flag on her private dwelling at The Colonnade is extremely important to her."

Citing Congress' 2006 passage of the Freedom to Display the American Flag Act of 2005, Milam wrote that condo associations may not restrict members from displaying the American flag on property they exclusively own such as patios or decks.

"Since 2011, Mrs. Harrison has proudly flown her flag from her private, restricted to exclusive-use balcony, without complaint or incident."

Milam said a police report was being filed against the alleged trespasser, and noted the board's actions came after Harrison made unrelated complaints about the property's maintenance contractor. Craven did not respond to a request for comment.

"This complaint, as well as the personal belongings in the electrical room (which every floor and unit owner utilizes) are meant to harass Mrs. Harrison because she has brought attention to the new maintenance crew that does not do its job, and only has a contract because of its connections with a board member," Milam wrote. "Such harassment must stop immediately. The fact that The Colonnades' COA (Condominium Owners Association) and board of directors is using Mrs. Harrison's U.S. flag as a means of harassment is, in one word, despicable."

Earlier this month, Harrison attended the annual meeting of the property owners association and mentioned both the flag and alleged maintenance issues.

"I got a little hot about it," she said. "They asked again if I would take the flag down and I said 'hell no' and walked out of there. And not one person of about 30 in that room took my side."

Since Milam sent his letter, Harrison has raised the flag again, but this time it's set back farther; the flagpole is anchored in the hole for an umbrella in a patio table a couple feet from the railing. Harrison said she replaces the flag about every four months when it begins to fray.

"I don't have any intention of removing it completely," she said. "It's always meant something to me and it's a joy and pleasure when I get compliments on it."