

**Fairlington Mews Council of Co-owners  
Minutes, Board Meeting November 28, 2006  
Abingdon Elementary School**

**Call to Order/ Attendance/ Quorum**

The Board of Directors meeting was called to order at 7:00 PM by president Fern Birtwistle. Quorum established.

In attendance were board members Julia Claypool, Tami Anderson, and Tonya Dodge in addition to Ms. Birtwistle. Manager Steve Navar was present. Seth Low was absent. No committee personnel, except newsletter committee, were present.

Residents attending were the following:

1. Beth Strickland Andrews                      4619 – A S. 36<sup>th</sup> Street
2. Renee Powlette                                      4670 – B S. 36<sup>th</sup> Street
3. James Morris                                        3422 S. Wakefield Street B-2

Tom Corbin recorded the minutes of the meeting.

**Homeowners' Forum**

1. Resident said that she had been to the July, September, and October board meetings requesting final clarification of the association's liability for the June flood damage to her unit in Ct. 5. She has not received an official, written response as previously requested from the board or from legal counsel. She is considering contacting a lawyer to settle her dispute.

Ms. Birtwistle responded that the official letter from legal counsel with a cover letter from the board would be sent next week (week of December 4) to all co-owners who had June flood damage. This letter would state that the board is not responsible for flood damage. She recommended that the resident consider the installation of window well covers.

2. Resident was concerned about the continued harassment by a resident of children and parents in or near the playground. This resident verbally harasses children and parents who use the facility. She indicated that residents at the "tot lot" were very concerned about a seemingly unsafe situation and indicated that Arlington County police had been summoned and that another Mews resident had documented most of the incidents.

According to Ms. Birtwistle and Mr. Navar, legal counsel is preparing a response to the situation.

**Approval of Minutes**

Julia Claypool moved to approve the minutes of the October meeting with a second from Tami Anderson. It was noted that Ms. Anderson and Ms. Dodge had been officially accepted as board members.

**President's Report**

Ms. Birtwistle along with board members Tonya Dodge, Julia Claypool, Tami Anderson and resident owner Vail Mosier conducted a walk around the property on November 18. Observations from this meeting are discussed elsewhere in the meeting's agenda.

Ms. Birtwistle indicated that the board had unanimously agreed to support legal counsel's recommendation not to accept responsibility for June flood damages. The board agreed to send letters from legal counsel stating the board's position on this issue with a cover letter from the board. This notification will be mailed the week of December 4.

Ms. Birtwistle also stated that Finance Committee member Jayne Mayne would meet in January with the board to go over a break down of the information contained in the Reserves Study/ Audit.

### **Committee Reports**

There were no reports from Landscape, Recreation, or Finance Committees.

Ms. Birtwistle expressed a concern about the trimming of the Photinia hedge along King Street and wondered if the job had been performed to the satisfaction of the Landscape Committee. She also expressed a concern about the date of the next leaf pick up as the recent storms have resulted in many leaves on association grounds.

Tom Corbin reported that the county had removed two dead street trees adjacent to Court 10.

### **Newsletter Committee**

Steve Navar reimbursed Ron Patterson \$103.00 for the printing of the latest newsletter. The board, as well as resident James Morris, expressed pleasure with the last issue.

### **Treasurer's Report**

The board discussed the billing practices of Engleking.

It was noted that maintenance work for lighting and replacement of rotten wood was covered under funding separate from routine maintenance work.

The board reiterated the need for consistency in Engleking's billing practices, accurate job descriptions, and total hours worked – and the regular, timely reporting of such. The board indicated that the current billing practices present conflicting and confusing information. The need for clarity was stressed to management.

Mr. Navar suggested that the board meet with Mr. Leslie Engleking to communicate their concerns.

Ms. Birtwistle expressed a concern that it appears that some repairs, e.g. certain gutter replacements, were made without board direction, and she was concerned about the legality of Engleking taking on the role of association "agent". Tami Anderson indicated that "changing gutters" (re: Engleking replacements) might be seen as the board's accepting "negligence" for water damage.

Steve Navar noted that Engleking is contracted for 16 hours of work weekly. In most cases, Engleking does more than the 16 hours of work per week for necessary maintenance projects, but only bills for the 16 hours. This results in Engleking being about a month behind in billing for work already done, a practice approved by former Mews boards. Typically, with little or no work in January and February, the billing

catches up with the actual hours worked and the total number of work hours balances out for the year. Ms. Birtwistle was concerned about the repetition of certain jobs as contained within the invoices and the fact that in some cases the material costs for certain jobs do not justify the hours required to complete the work order. She cited some lamp repairs as an example. She emphasized that the association and management must hold contractors responsible for the satisfactory completion of work requested.

Julia Claypool requested that invoices be prepared for actual work completed and time spent on those jobs. Currently maintenance work is under budget by three months due to the delay in submitting bills for work completed. Ms. Dodge suggested that once the association is "caught up" with these delayed billings, the board look at the quality of Engleking's work and reconsider the contract.

The board needs to know what buildings are covered by which water and electrical meters in order to solve the problem of excessive water and electrical bills being incurred by the association. It was suggested that Bob Hyde had a map of the metering system.

There were concerns about certain bills:

- Membership in Community Association Institute. Mr. Navar explained that this was a professional condominium association to which Fairlington Mews belongs. A concern was raised about the fact that the board members listed in the membership renewal were out of date and needed to be corrected. Mr. Navar said he had made the changes. The board reminded Mr. Navar that he needed to seek their approval before membership was renewed upon the expiration of the current membership.
- "Iron Mountain". A question was raised as to a bill relating to this item. Steve explained it was the storage facility maintained by Legum and Norman for association records. The board requested that Mr. Navar obtain a list of the items in storage.

### **Old Business**

1. The satellite dish attached to a unit in Court 12 has been removed.
2. Management has contracted with Bartlett Tree Service to remove the tree at 4535 S. Wakefield St. and charge the owner.
3. Steve Navar reported that the rat traps in the dog exercise area at the intersection of S. 34<sup>th</sup> and 36<sup>th</sup> Streets do have a poison warning on the tops of the traps. The board requested that a colored warning label be added to each trap, the label indicating a contact phone number for the pest control company, as well as a pharmaceutically-descriptive listing of the chemical substance(s) comprising the bait.
4. Steve Navar clarified the matter of the reimbursement check to David Biette for the Recreation Committee's purchase of the basketball equipment near the "tot lot". The confusion was whether the check was to be made payable to Ann Timmons or David Biette. Steve will follow up to see that the check was received and cashed by the Biette/ Timmons family.
5. Steve Navar reported that the \$138.00 bill for "pest control" was a monthly fee paid by the association.
6. The issue of the reinstatement of corporate status of the Mews association was raised as this has not been settled. Management apparently overlooked the May 31 deadline for renewing corporate status with the state. The problem has not been solved resulting in \$220.00 in legal fees. Filing of such information should

be a routine management expectation as it is a standard annual event. Ms. Birtwistle indicated that when she finally did receive the forms for signature that there were several errors. She indicated that Legum and Norman should reimburse the Mews for the legal fees incurred since it was their mismanagement which caused the delay in filing.

7. In response to the late filing of corporate status, Mr. Navar said that the forms were given to former Mews board well in advance of the May 31 filing date. The board indicated that there were "changes" to be made in the information requested; Mr. Navar indicated that there was no concurrence by the board in response to the changes made at the board's request by legal counsel, nor did the board return the forms for filing.

### **New Business**

1. The board discussed the invoice of \$68.00 for "Delinquency Administration" by Legum and Norman. Mr. Navar indicated that this resulted from processing fees for late condo fees. A concern was raised about the current \$9.00 collection fee for owners' condo fees which are not paid by the fifth of the month. The association receives only \$3.00 from late fees, whereas Legum and Norman receives a \$9.00 processing fee. The board wanted to know how delinquent fees are collected since one resident has incurred almost \$2,000 in delinquent association fees. Steve Navar said such delinquencies were in the hands of "legal counsel". Excessive delinquent fees are ultimately collected at the time of resale according to Mr. Navar.
2. The board will consider raising the delinquent fee for late payment of association dues to \$25.00 and have this change in place by the beginning of the next fiscal year. Julia Claypool explained the procedure to make this change.
3. Ms. Birtwistle followed up on the unsatisfactory carpet cleaning in the apartment buildings. She indicated she thought such work was to have been done by a professional cleaning service, not by a "handyman" as residual soap left in the carpets contributes to the counter-productive attraction of soil. Steve said he had planned a "walk through" with the contractor on November 30 to inspect the work.
4. The board was concerned about the unsatisfactory "touch up" paint job done in the apartment buildings. The "contractor" painted some of the buildings' exterior doors (in the wrong colors in some cases) rather than touch up the paint on the units' doors as requested by the board. Mr. Navar indicated that there had been a problem in communication about this work and that it would be corrected. Tonya Dodge indicated that in her building the brass kick plates had paint on them since they had not been removed and that there was paint on the carpet and on doorknobs. Again, Mr. Navar indicated that this work would be corrected without charge to the association.
5. Mr. Navar reported on the status of the proposed spring parking lot work and roof replacement. Proposals for this work will be available in December and David Fife of Seal Engineering will report on these proposals at the January board meeting.
6. The board expressed dismay at the fact that Engleking has still not cleaned out the gutters which in many cases are clogged with leaves. Requests have been made for these cleanouts. It was also noted that Engleking needs to routinely adjust and reattach the screws which secure the downspouts on units, including the patio downspouts. Ms. Anderson suggested that this job could be done in the "down time" of January and February.

7. Ms. Birtwistle expressed frustration at the board's need to micromanage Legum and Norman's responsibilities as the Mews management company. Mr. Navar explained the difference between a "property manager" and an "on-site manager", noting that he is not an on-site manager.

At approximately 8:30 PM the board agreed to go into an executive session to discuss:

- Management's responsibilities
- Resident's concerns about neighbor near Tot Lot

The next board meeting is scheduled for January 23 at 7:00 PM at the 31<sup>st</sup> street address.

Respectfully submitted  
Tom Corbin