

**Fairlington Mews Council of Co-owners  
Minutes, Board of Directors Meeting, November 20, 2008  
Fairlington Community Center**

**Call to Order/ Attendance/ Quorum**

President Tami Anderson called the meeting to order at 6:30 PM. Quorum was established.

In attendance were Manager Jason Eglin and board members – Julia Claypool, Tom Corbin, Seth Low, and Ron Patterson.

Lori Olivas, Landscape Committee chair, and the following co-owners, guests, and residents were in attendance:

Jim Sharpe	4515 34 <sup>th</sup> St. S. (Mews co-owner and Commons' resident)
Fern Birtwistle	4678B 36 <sup>th</sup> St. S.
Charles Burnside	3432 A-2 S. Wakefield St.
Gretchen Martin	4680 34 <sup>th</sup> St. S.
Sam Anthony	4911 31 <sup>st</sup> St. S. (President Fairlington Citizens Association)
Paul Watlington	3469 S. Wakefield (Arbor resident)
Roy Nugent	Associate, Rees Broome P.C.

Mr. Peter S. Philbin of Rees Broome P.C. was a special guest.

**Special Presentation**

Mr. Peter S. Philbin, association legal counsel of Rees Broome, PC, Attorneys at Law, presented a “board primer” outlining the basics of community association organization, enforcement of covenants, responsibilities of board of directors, and recent changes to the Virginia Condominium Law. (An outline of the presentation was distributed to all present.)

Highlights of the presentation included the following:

1. Directors need to know all association documents, attend meetings, and use the “reasonable standard” in making decisions; directors need to apply Association “Due Process Procedure” to enforce documents; policy resolutions considered and enacted by the Council must be distributed to all co-owners within 30 days of adoption.
2. Directors have an important fiduciary duty in protecting communal assets and providing services and maintenance to the community. Directors have the power to regulate use of condominium common elements and the power to assess fees. Directors’ authority is based on (a) Statutes – VA Condominium Act and Nonstock Corporation Act and (b) Governing documents – Declaration/ Master Deed, Bylaws, and Rules/ Policy Resolutions.
3. All documents of the association are enforceable when bylaws, handbook, and resolutions are clear and do not conflict. Enforcement involves (a) imposition of charges, (b) suspension of privileges, (c) legal action/ lawsuit.
4. Upon completion of the bylaws draft revision (currently in process by committee), the association should hold a “town hall” style public meeting to allow for co-owner comments before distribution for ratification of the revised by laws. Insurance regulations/ coverage and water damage responsibilities should be in bylaws document.

5. The Council may suspend co-owner privileges for delinquent condo fees or failure to abide by rules. Use of recreation facilities may be suspended. Parking privileges may be suspended as parking is just that, a privilege and is not deeded with a unit. The handbook is an enforceable document. Proper installation of satellite dishes, in accordance with association policy, is enforceable due to the historic status of the community.
6. Changes to the Virginia Condominium Act (effective July 1, 2008) include: (a) special licensing regulations for management; (b) creation of a state oversight board; (c) changes in resale procedure; (d) provision of last 6 sets of Council minutes to prospective buyers as part of information received before purchase; (e) Right of entry to individual units {Section 55 - 79.79 et al} with proper notification, or in case of an emergency - defined as an immediate threat to life or property of individual or that of neighboring units, (f) "complaint" procedure, (g) establishment of a "Common Interest Community Fund" (CICF), and (h) changes to the "Resale Disclosure Packet" requirements.

(**Note:** A copy of Mr. Philbin's presentation: "Community Association Leadership – the Essentials" and "Changes to Virginia Law Affecting Community Associations" will be posted on the Mews homepage: <http://www.fairlington.org/mewsindex.htm>)

**At 8:25 PM the regular business meeting began.**

#### **Approval of Minutes**

Motion by Ms. Claypool with a second by Mr. Low to approve the October 23, 2008 minutes as submitted. **Approved 5 – 0.**

Motion by Ms. Claypool with a second by Mr. Low to ratify electronic votes of the board since the last meeting as follows:

- Katchmark Construction, Inc. – proposal for roofing @ Ct. 14, 4627 – 4629 36<sup>th</sup> St. S. @ \$65,487.00.
- Katchmark Construction, Inc. – "restocking" of Vermont slate for roofing work @ Courts 4 and 14 @ \$3,600.00
- Thrive (Tree Specialists) (A) Emergency pruning and Cabling work for Elm tree @ 3520 S. Wakefield and (B) Oak tree examination for rot (same area) @ \$1,815.00
- Jeff Hugney (Restoration Engineering Incorporated) oversight of Ct. 4 roofing based on hourly rate in July 7 contract

**Approved 5 – 0**

#### **Homeowners' Forum**

Gretchen Martin (4680 34<sup>th</sup> St. S.) explained aspects of her renovation proposal for which she requested a variance. **Follow Up:** The board will study the information provided. Ms. Martin was asked to provide additional engineer details and to return to the December Board of Directors meeting for further consideration of request.

Arbor resident Paul Watlington (3469 S. Wakefield) requested removal of the rental crane (provided by Middledorf painting contractors) to free the parking spaces along S.

Wakefield near Court 11. **Follow Up:** Ms. Anderson asked Mr. Eglin to have Middledorf remove the equipment if they had finished with it.

### **Officers' Reports**

**President's Report** – Ms. Anderson requested that management provide an update of association resale document information and fees for the December board meeting.

**Secretary's Report** - Mr. Corbin reviewed the status of on-going patio non-compliance issues and asked management to follow up with letters to residents who have not completed requested corrections.

**Treasurer's Report** – Ms. Claypool said the association had received the draft audit which needed to be approved within 60 days. She will send questions about the audit to Goldklang, Cavanaugh & Associates. Ms. Anderson requested a representative from Goldklang be present at the December board meeting to explain the audit and answer any questions from board members.

### **Committee Reports**

Ms. Olivas requested the board reimburse co-owner Larry Peters (Ct. 13) for purchase and installation of brick edging at Court 13. Reimbursement of \$32.00 requested.

**Approved 5 – 0**

Ms. Olivas noted that a repair to patio gate @ 3401 S. Wakefield St. had not been completed as requested.

### **Management Report**

Manager Jason Eglin reported the following:

- Painting and wood repair of Courts 1 – 6 completed.
- Painting and wood repair of Courts 6 – 11 to be completed soon. Middledorf damaged sidewalk sections in Court 11 which they will repair at their expense. Final payment of work is held until repairs are satisfactorily made.
- Repairs of association sidewalks by Colonial Concrete will begin as soon as weather/ temperatures permit.
- Procedures for variance requests discussed. Note: Alonso family (Ct. 4) told management that they did not need county permits for recent work at their unit.
- Draft proposal for association PODS resolution presented with requests for changes for December meeting.
- Condition of paint of Court Entrance Signs discussed. Mr. Eglin will provide an assessment from the original installer after he has examined the condition of the signs. Management will then suggest follow up repair work.
- Mr. Eglin will interview potential maintenance personnel on November 24, 2008.
- Mr. Eglin presented the September 2008 Variance Report and Financial Statement (written document dated October 31, 2008).

### **New Business/ Discussion**

- **Gutter Clean Out Proposals** – Management presented 4 gutter clean out proposals:  
All American Home Services @ \$9,485.00  
Puryear Services @ \$11,080  
Middledorf Property Services @ \$7,625.00  
Metro Gutter @ \$13,760.00

- Motion by Ms. Claypool with a second by Mr. Low to approve Middledorf proposal @ \$7,625.00 and additional time/ materials for any repairs made during clean out. **Approved 5 – 0**
- Puryear Services can also provide gutter inspection/ repair at \$35.00/ hour. (no action taken)
- All American Home Services also provided bid to replace loose/ missing slates at 4606 36<sup>th</sup> St. and 4624 34<sup>th</sup> St. @ \$385.00. (no action taken)
- Middledorf will provide 3 day written notice to residents before beginning gutter clean out; notice to include reminder to leave patio gates unlocked.
- Board members will examine PODS resolution draft and email suggested changes to management for the December meeting.
- Board will wait to sign new contract with Goldklang, Cavanaugh & Associates until questions are answered. An explanation of the audit will be presented at the December meeting. Consensus is to remain with this company since they are familiar with association procedures and finances.
- Proposals from Environmental Enhancements for drainage work: (A) Drainage Swale near pool @ \$2,900.00 (labor and materials) and (B) Drainage Swale near Single Tennis Court @ \$2,779.00 (labor and materials). Motion by Mr. Low to approve work with second by Mr. Patterson. **Approved 5 – 0.**
- Mr. Patterson presented sample variance request forms for possible association use. Such forms would provide uniformity to the kind of information requested of co-owners who request variances for renovations and would provide a time frame for application/ approval of such requests. Standardization of request information and procedure would improve the variance application process.
- With a motion by Mr. Low and a second by Mr. Patterson the board **voted 5 – 0** to convene in executive session at 9:25 PM. At 9:30 PM the board reconvened in regular session and adjourned.
- Next board meeting scheduled for December 18, 2008.

Respectfully submitted,  
Tom Corbin