

**Fairlington Mews Council of Co-owners
Minutes, Board of Directors Meeting October 24, 2006
4830 South 31st Street**

Call to Order/ Attendance/ Quorum

The Board of Directors meeting was called to order at 7:25 PM by president Fern Birtwistle. Quorum established.

In attendance were board members Julia Claypool and Tami Anderson in addition to Ms. Birtwistle. Seth Low was absent. Manager Steve Navar was also present.

A committee personnel in attendance was Lori Olivas of the Landscape Committee.

Residents attending were the following:

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| 1. Vail Mosier | 4652 S. 34 th Street |
| 2. Renee Powlette | 4670 B S. 36 th Street |
| 3. Tonya Dodge | 4666 S. 34 th Street |
| 4. Dianne Ruddy | 3608 S. Wakefield Street |
| 5. Carol Dabbs | 4670 A S. 36 th Street (residence 3335 S. Stafford St.) |
| 6. Sharon Webster | 3520 S. Wakefield Street |
| 7. Rodger Bailey | 3452 S. Wakefield Street |
| 8. Tom Corbin | 4624 S. 34 th Street |

Fern Birtwistle invited all homeowners present for the Homeowners Forum to stay for the entire meeting. She announced that Tonya Dodge had volunteered to fill the fifth board vacancy and that Tom Corbin was recording secretary for this meeting. Julia Claypool moved that the Board accept Ms. Dodge as a director with a second from Tami Anderson. The motion carried 3 – 0. Ms. Dodge explained briefly that she had lived in Arlington since 2003, was a current resident of Court 8, and was employed by George Washington University in the Psychology Department.

Tom Corbin recorded minutes of this meeting.

Homeowners' Forum

(Note: The numbered items below deal with the flood issues resulting from the June rains.)

1. Resident (Court 1) was present to “revisit” the June flooding issue. She explained that several large shrubs in front of her unit had been removed a few weeks before the June flood and that Engleking work men had stated that the shrubs may have previously deflected the water from her foundation. The workmen also put up gutters after the rain as they reported that she “had no gutters” on the front of her unit.

Ms. Birtwistle explained that legal counsel had not found the Mews liable for the damage and that all subsequent gutter repairs were “preventative”, not “remedial”. It was decided, due to the circumstances of the resident’s situation, that the board would “revisit” her particular concern.

Ms. Olivas indicated that the landscape contractor had properly regraded the slope at the foundation after the shrub removal.

Resident (Court 5) indicated that an inspector had observed a “trench” in her patio area created by water overflowing the gutter. Ms. Birtwistle implied that the association was not responsible for grade correction in the patio area.

Board member Julia Claypool indicated that there was documentation (invoices) for routine gutter cleaning twice in the spring. Mr. Navar added that a resident claiming association responsibility for water damage “must show association negligence”; Ms. Claypool said that there was evidence that the gutters had been cleaned to the “normal standard” and this negated association negligence.

2. Resident (Court 5) also revisiting the June flooding issue, referred to the Mews Handbook which she said indicated that a “defect in common elements”, e.g., the gutters at her unit, implied association responsibility. She also indicated that other residents in the past had collected compensation from the board for flood damage. Ms. Birtwistle stated that there were many reasons for flooding and because residents had collected damages in the past did not mean that their situations were the same as this resident’s. Flood damage from backed up sewer lines, for example, is collectible.
3. Resident (Court 9) also present due to June flood damage explained that her unit had previously flooded during the residency of former owners and that extensive drain work had been performed in front of her unit. She indicated that a defect (crack) in her window well contributed to the flooding of her lower level.
4. Ms. Birtwistle indicated it was time to “end the debate” over this issue, that legal counsel advised that the Mews was not responsible, but that Ms. Ruddy’s situation needed to be revisited. Julia Claypool repeated that an owner must prove negligence and asked for a “grace period” to revisit this issue. Board member Tami Anderson said that the board must consider what is the “good” of the entire association and that the board must act in good faith for the good of the whole association.
5. Resident requested a copy of the lawyer’s response to the flooding damages. (This response is still in draft form.) She also indicated that she felt there was a defect in her window well casing as workmen repaired a crack, that there was evidence of previous caulking, and that she expected a written explanation of the situation. Board member Tami Anderson asked resident if she wanted the engineer to inspect the front of her unit to see whether or not the drainage issue and grading were correct.
6. Board member Julia Claypool said she would see that an explanation of the 1994 Water Penetration Resolution stating owner responsibility would be in the next newsletter. A former board member indicated that the 1994 policy had been approved and issued when he was Mews board president.

Non-flood issues in Homeowners’ Forum

Non-resident owner Carol Dabbs had presented a letter to the board describing renovations she planned for her rental unit in Court 5. Because the renovations did not affect the structural elements, such as load-bearing walls, the board decided that she did not need a variance to continue this work.

Approval of Minutes

Julia Claypool moved to approve the September minutes as submitted. Tami Anderson seconded the motion with the correction of her address as recorded in the minutes. The correction was noted and the minutes were approved 4 – 0.

President’s Report

President Birtwistle indicated that the water problems and their solutions were on-going. She also cited several instances of “dog problems”, particularly a recent attack by an unleashed dog on

another dog in Court 15 as well as a resident's allowing his dog to urinate on landscape items in Court 9.

She also said that board member Julia Claypool will "rework" and summarize the lawyer's letter regarding association liability for flood damage for the next newsletter, and that individual homeowners who suffered flood damage would receive official copies of counsel's letter.

Ms. Birtwistle established November 18 from 2:00PM – 4:00PM as a board "walk around" to document building and grounds problems. Residents will be invited to participate via an announcement in the next newsletter. The "walk around" will begin at the playground near the pool.

Ms. Birtwistle also directed manager Steve Navar to follow up phone calls to residents with written documentation of the contents of the call.

The issue of the dog "attack" was further discussed with Tami Anderson indicating the need for involvement by Arlington County police and animal warden in the situation.

An issue of a resident's "screaming" at other residents at the tot lot was discussed. When this situation reoccurs, residents should call the county non-emergency number to document the incident. Police had been summoned as recently as Tuesday, October 25, about this situation.

Treasurer's Report

Treasurer Julia Claypool advised that she had met with Finance Committee member Jayne Mayne to discuss the recent audit and reserves study and that the Finance Committee would go over the Reserves Study for the board at the November meeting.

The Finance Committee indicated that the board should continue to deal with the previous auditors for this year's audit and a motion was approved 4 – 0 to accept the services of Gold Klang.

Ms. Claypool had several concerns regarding expenditures:

- She indicated that management was to move the accrued expenses of \$6,000+ for electrical repairs in Ct. 2 to the last fiscal year's expenditures.
- She also indicated that she was doing a comparison study of utilities' expenditures to determine the differences between last and current fiscal year costs.
- The water bill for the area encompassing Mews Court 7 doubled in the last quarter, and the association needs to determine the reason for this increase.
- There is a need for a more accurate record of monthly expenditures.
- Because of the increase in water expenditures in the first quarter, the association is over budget in this area for the year.

Landscape Committee Report

Chairperson Lori Olivas presented a written summary of committee activities and a proposal from Environmental Enhancements for fall planting. She indicated that the Mews was participating in a pilot Arlington County leaf recycling program at no cost to the association.

Ms. Olivas asked for an additional \$300 for a tree replacement in Court 11 which was not on the fall proposal. The motion was approved 4 – 0.

There was no total cost for Environmental Enhancements' proposal, but the board acted in good faith and approved the proposal 4- 0 as funds were available in the landscape budget and the work is scheduled to begin next week.

Ms. Birtwistle indicated the need to monitor patio plantings; Ms. Olivas indicated that such concerns should be directed to management not the landscape committee.

Recreation Committee Report

There was no report.

Newsletter Committee Report

Tom Corbin indicated that requests for materials for the November/ December newsletter had been sent with a submission date of November 8.

Finance Committee Report

This material had been covered in the Treasurer's Report above.

Continuing Business

- Leslie Engleking has completed repairs to the stoop in Court 10.
- Kelly Cummins has completed masonry repairs to the steps (Court 7).
- Manager Steve Navar has "walked" with a contractor regarding needed carpet cleaning in the apartment buildings.
- Handyman Giovanni will be paid an hourly wage to do the touch up painting in the apartment building hallways.
- The issue of posting "no smoking" signs in the apartment buildings is to be determined.
- The "time and materials" contract for snow removal was approved 4 – 0.
- Manager Steve Navar discussed the replacement cycle for roofs (as recommended by Seal Engineering) and that the board must finalize which roofs are up for replacement in 2007. The previous roof replacement schedule was discussed and the need for its revision.
- Mr. Navar is to solicit bids for roof replacement and for parking lot restriping for 2007.
- Mr. Navar indicated the need to repair "26 stoops", and there was a discussion about the difficulty to estimate costs as the degree of repairs needed was not known until the work was undertaken and all defects known.
- President Birtwistle indicated the steady increase in the cost of "bulk trash" removal due to noncompliant residents who do not follow trash pick up regulations.
- Follow up will be provided by management re: the tree removal in a patio area.
- Tami Anderson indicated to Mr. Navar the need to install poison labels on the rat trap boxes near the Interstate 395 fence as soon as possible. Mr. Navar indicated that Triple S contractor would "probably" pay the vet bills incurred by the North Fairlington resident whose dog was injured from eating the poison. Ms. Anderson indicated that since this service is paid monthly, management should withhold payment until the poison labels are installed on the boxes.
- The satellite dish in Court 12 which is above fence will be removed within the week.
- Vail Mosier asked about the General Operating Funds and she was told these are strictly for emergency situation funding.

A motion was made for adjournment and the meeting adjourned at 9: 07

Respectfully submitted,
Tom Corbin
4624 S. 34th St.