

## SHHA BOARD OF DIRECTOR'S MEETING

Braddock District Meeting Hall

January 16<sup>th</sup>, 2014 - 7:00 pm

*Amended 6/11/2014 to reflect removal of proxy vote for Ed R. on Policy Resolution #4 under Open Forum For Homeowners. Vote amended from 3-2 to 3-1.*

Kevin Martin	-	President	Pete Seigman	-	VP
Linda Wirth	-	Secretary	David Masterman	-	At-Large
Ray Antosh	-	BDR			

**I. CALL TO ORDER** – Kevin called the meeting to order at 7:36

**II. APPROVAL OF MINUTES** - Minutes for the 2013 Annual Meeting of Members are under review, and will be posted (DRAFT) as soon as finalized.

**III. OPEN FORUM FOR HOMEOWNERS** – 8 homeowners were present: Henry and Barbara Fleming, Ray Antosh, Robert & Katie Miceli, Bob Boehme, Anthony Pagano, and Lee Breard.

7 of them attended to protest the proposed Policy Resolution No. 4, "Procedures for Resolution of Non-Compliant Fences". This policy is the Board's attempt to deal fairly with existing fences that are in violation of the CCRs and to enforce the CCRs against new fences being built that are not in compliance with the height and openness requirements of the CCRS. Kevin explained the main point of the policy resolution which allows fences established before Jan. 1st, 2013 to stay in place until they fall into disrepair, or the house is sold. If a fence needs repair then it must be replaced with a fence that meets the CCRs. If a home is sold then the fence must be replaced with a compliant fence either by the owner or the buyer. The discussion that followed is a continuation from the annual meeting. Mr. Pagano asked what SHHA's lawyer had advised about the January 1<sup>st</sup>, 2013 deadline. The lawyer advised the Board to stay with that deadline, because moving the date, and thereby "approving" more recent non-compliant fences would set a bad precedent for enforcement moving forward. The decision of the Board to follow this advice was questioned. A question was raised as to why the Board is now pursuing this matter and the Board was advised by the homeowner to simply ignore the matter as one homeowner felt the Board was creating this problem. All the owners of fences felt having to replace a fence before they can sell their house is an onerous and expensive burden, especially if the fence already existed when they bought their home. One homeowner felt that the past of consistent non-enforcement of this CCR should set a precedent for non-enforcement. However David quoted the CCRs which state that non-enforcement or permission given by a Board for something that violates the CCR does not negate the force or standing of the CCR nor the ability and duty of the Board to enforce it. Various Board members explained the Board's reasoning. The Board is required to enforce the CCRs. The Board cannot pick and choose which CCRs to enforce and ignore others. This would leave the Board open to law suits for unequal enforcement. Mr. Miceli disagreed with this stand. He said that the Board does not have to enforce this CCR and stated that there are precedents in Virginia that a homeowner can extend an existing fence. Another point of

dissent was the January 1<sup>st</sup>, 2013 deadline. Two homeowners who built fences after this time – both without requesting or receiving architectural approval - wanted the deadline moved to include their fences. Major Breard believed that not extending the deadline to July was selective enforcement. In response to homeowner complaints several members of the Board reiterated that they were not in favor of the CCR restriction on fences, didn't want to force homeowners to take down fences, and had worked very hard to repeal the CCR. However they had no choice as Board members but to enforce the CCRs. David also mentioned that there are a considerable number of homeowners who support the fence CCR and strongly oppose repealing it.

The previous year's petition effort was discussed next. Mr. Miceli asked about absentee owners. Kevin described the mailings and all the efforts that were taken to contact them. Several homeowners asked the Board to hold off on adopting this Policy Resolution, and give them a chance to conduct a new petition to change the rules.

Pete made a motion to defer the adoption of Policy Resolution #4 until September 11, 2014 (the date of the Sept. Board meeting) and inform all SHHA homeowners that this is the policy that the Board will adopt on September 11, 2014 if the new petition by the homeowners fails. Pete's motion passed by a vote of 3-1.

Kevin will provide the homeowners with copies of the petition used last year, which they will modify for their new efforts. The Board agreed to have the SHHA lawyers check over their new petition template and make any necessary corrections to ensure that the petitions can be used and certified. The homeowners can then attempt to collect the required 370 "YES" votes.

#### **IV. PROPERTY MANAGEMENT REPORT**

**A.** Audits – New company has been approved to do audits – still no results

**B.** Dues status – 23 accounts are past due; 4 multi-year

**a.** Multi-years have been sent to collections, per Ben

**b.** 2014 Dues are due 2/1/2014 – will add \$6.00 interest to all who still owe 2013 dues

#### **V. TREASURER'S REPORT – Ed Rahme**

**A.** In Ed's absence no report was made

## **VI. COMMITTEE REPORTS**

**A. ACC** – Jack Hanley

**B. WELCOMING** – Carol Cannava

**C. NEIGHBORHOOD WATCH** – *vacant*

**D. GROUNDS** – Glen Woods

**E. WEBMASTER** – Kevin Martin

**F. BRADDOCK DISTRICT REPRESENTATIVE** – Ray Antosh

The proposed small residential units will not be allowed in SHHA's housing zone but are limited to zones R12-R30, C1-C0, or I1-I6. John Cook thinks none will be built because they will not be profitable for builders.

**G. Yahoo Group** - Pete Seigman

## **VII. OLD BUSINESS**

### **A. Long standing un-resolved violations**

9002 Fort Craig Drive

9018 Fort Craig Drive

9118 Blue Jug Landing

8913 Lake Braddock Drive

- a. Chadwick has sent demand letters to homeowners, setting March 30th deadline
- b. Violations not resolved by that date will be sent to FFC Court to seek injunction

### **B. Policy Resolution For Fences**

- a. Board of Directors deferred enactment of Policy Resolution at annual meeting based on discussion regarding two current fence violations, and a desire to consult with legal counsel.
- b. Legal counsel advised that “grandfathering” two new fences (in essence, going on record approving two known non-compliant fences) was not recommended.
  - i. Sets a new, recent precedent of approving fences against CCRs
  - ii. Opens BOD up to possible legal action for NOT following / enforcing CCRs
- c. It has been well over a year, and well prior to the cut-off in the proposed resolution, since any non-compliant fence has been approved by the Board of Directors.
- d. Adoption of Policy Resolution discussed under **III OPEN FORUM FOR HOMEOWNERS** and adoption delayed until September 11, 2014 or rendered moot if new survey repeals the fence CCR

### **C. Cost of Fence CCR Change Efforts**

- a. Last November, Ray Antosh asked BOD for a total of the expenses associated with the unsuccessful attempt to change the Fence CCRs
- b. Chadwick responded that determining the exact amount is difficult for them, since consults with them were often about multiple matters, but provided the following breakdown:
  - \$414.00 Review of the fence petition language
  - \$460.00 Executive Session support (multiple topics, including the fences)
  - \$161.00 Review of a homeowner request to review the individual petitions vs privacy concerns

Therefore the lawyer's fees are somewhere between \$575 and \$1035, depending on how one chooses to allocate the support to the Executive Session meeting.

- c. While there were no specific community wide mailings for the fence petition, somewhere between one and two pages of the Annual Meeting announcement for 2012, and about a half a page of the Annual Meeting announcement for 2013 were dedicated to the fence rules petition. So, again, it is difficult to allocate a specific cost.
- d. Some incremental expense exists associated with printing out petitions and envelopes for the door to door efforts (toner, paper, and envelopes), but there is no exact record of the counts, no per-item cost breakdown.
- e. In summary, an exact amount cannot be broken out from other activities that the BOD supported, but the total amount certainly doesn't exceed \$1500;
- f. ~10% of the over-all amount stemmed from a single homeowner's request for access to private information

### **D. 9152 Fort Fisher Ct**

- a. Homeowner received violation for damaged / falling fence
- b. Homeowner reported at November meeting that fence had been righted
- c. Pete verified that violation has been cleared

## **VIII. NEW BUSINESS**

### **A. Hearings Scheduled**

None.

### **B. The Board established the following assignment of officer positions for 2014:**

Kevin Martin - President, Pete Seigman – Vice President, David Masterman - Treasurer, Linda Wirth - Secretary, Ed Rahme - At Large

### **C. 9129 Home Guard Dr.**

- a.** Homeowners reported that a neighbor's tree fell on to their property during ice storm; asked BOD to intervene
- b.** BOD informed homeowner that this was between them and the neighbor; they should either contact the neighbor, or their own insurance company

### **D. Tree down at the Rolling Road/Lake Braddock Drive Signal Hills entrance**

- a.** Tree came down during ice storm; a second was damaged
- b.** \$1150 quote from J&L to clean it up
- c.** BOD approved clean-up and removal of damaged tree

### **E. Homeowner Request for Fairfax County leaf collection**

- a.** 5266 Signal Hill Dr. asked if the BOD would consider asking Fairfax County to do vacuum leaf collection in the neighborhood
- b.** BOD replied that 55% of homeowners would have to agree (door to door effort likely required)
- c.** The effort would need a champion to circulate and collect petitions
- d.** BOD questions desirability, as this would result in piles of leaves by the curbs, un-bagged
- e.** No action taken by BOD

**F. 5608 Mount Burnside Way**

- a.** Notified BOD that they had engaged their PMC to contact renters about noise and parking complaints from neighbors
- b.** Later in the month, cc'd BOD on email to PMC; homeowners received direct complaints about large parties (60-80 people) and "construction materials going in" from across the street neighbors
- c.** Homeowner asked PMC to contact renters and their parents and notify them of possible lease violations
- d.** Homeowners stated that they plan to move back in to the property in 2014

**G. 9104 Lake Braddock Dr.**

- a.** Received complaints from several neighbors about large brush piles on the property
- b.** BOD confirmed that the brush piles have been removed

**H. Blake House Ct.**

- a.** Homeowner reported a commercial vehicle is often parked in the culs-de-sac
- b.** Vehicle parked between 5595 and 5997
- c.** Kevin will write a letter to both homeowners stating the Parking District regulations concerning commercial vehicles and asking its removal if it belongs to either homeowner.

**I. 9116 Home Guard Dr.**

- a.** Homeowners requested permission to replace rear porch roof with brown standing seam metal roof
- b.** Roof is too shallow for shingles (leaks), and is not visible from the street
- c.** BOD electronically reviewed and approved

**J. 5607 Herberts Crossing**

- a.** Submitted a request to construct a small lean-to shed behind his garage
- b.** Board reviewed the request and unanimously approved it.

**K. 5607 Herberts Crossing**

- a. Submitted a request for a privacy screen beside garage to conceal trash cans and recycling bins
- b. Board reviewed the request and unanimously approved it.

**L. Resale Packets**

- |                            |              |                                          |
|----------------------------|--------------|------------------------------------------|
| a. 9120 Lyon Park Court    | Closed 2/8   | \$300 Due                                |
| b. 5606 Mount Burnside Way | Closed 5/22  | \$350 Due                                |
| c. 5617 Fort Corloran      | Closed 6/26  | \$350 Due<br>E-mailed settlement company |
| d. 8927 Bald Hill Pl       | Closed 7/1   | \$350 Due<br>E-mailed settlement company |
| e. 5594 Marshall House Ct  | Closed 7/26  | \$300 Due<br>E-mailed settlement company |
| f. 5604 Mount Burnside Way | Closed 7/30  | \$300 Due                                |
| g. 9003 Fort Craig Drive   | Closed 10/24 | \$300 Due                                |

**Metropolis has been instructed to contact homeowners, and notify them that these amounts will be added to their due assessments if not paid immediately.**

**M. Time of meeting** – Information about meetings held at the regular time of 7:30 should be noted in the schedule

**IX. DATES FOR UPCOMING MEETINGS**

February	13 <sup>th</sup>	
March	13 <sup>th</sup>	
April	17 <sup>th</sup>	( 7-9 PM, Library Conference Room)
May	8 <sup>th</sup>	
June	12 <sup>th</sup>	
July	10 <sup>th</sup>	
August	14 <sup>th</sup>	
September	11 <sup>th</sup>	
October	9 <sup>th</sup>	
November	13 <sup>th</sup>	
December	4 <sup>th</sup>	

**X. ADJOURNMENT** Meeting was adjourned at 8:27

**XI. EXECUTIVE SESSION**

None