

SHHA BOARD OF DIRECTOR'S MEETING

Braddock District Meeting Hall

March 13th, 2014 - 7:30 pm

Kevin Martin	-	President	David Masterson	-	Treasurer
Linda Wirth	-	Secretary	Ray Antosh	-	BDR

I. **CALL TO ORDER** – Kevin called the meeting to order at 7:35

II. **APPROVAL OF MINUTES**

DRAFT minutes for the 2013 Annual Meeting of Members, and the minutes from the January 2014 meeting have been electronically reviewed, approved, and are posted.

The February 2014 meeting was cancelled due to weather.

III. **OPEN FORUM FOR HOMEOWNERS** – Ray Antosh had 4 questions.

1. What is the amount in each of SHHA's laddered CDs? The annual minutes say it is \$11,000. Dave checked and the annual minutes are wrong. All CDs started at \$12,000 and all but one have gained a few dollars. When SHHA was about to be charged a monthly fee because our checking account fell below the required amount money was transferred from one CD to the checking to bring the amount up enough to avoid the monthly fee. That CD has \$8,765.00. All SHHA's accounts are now linked so the monthly fee will be avoided from now on.
2. Ray disputed the BOD's vote at the annual meeting. It was recorded as 3-2 when only 4 directors were present. Kevin voted a proxy for an absent Board member. Ray did not agree that a proxy vote was allowed.
3. Ray asked about a problem on Lake Braddock that was mentioned in the annual meeting minutes. Linda replied that the problem has been resolved.
4. Ray questioned the wording in Policy Resolution #4 as it was not germane to SHHA's situation. Kevin replied that our lawyers recommended the language in the resolution.

IV. PROPERTY MANAGEMENT REPORT

A. Audits

- a. Current status will be part of Ben's report

B. Dues status – New invoices have been sent out, which are up to date with 2013 (and prior) delinquencies.

- a. 4 Multi-year delinquencies were referred to collections.

C. Metropolis report is attached

V. TREASURER'S REPORT – David Masterson

- A. David and Kevin need to go to BOA to have David added as signatory on the accounts, since he is now treasurer.

- B. Ed has provided the appropriate documentation for turn-over

- C. David and Ed met and turned over Treasurer duties

- D. Dues letters – Metropolis sent out dues letters with 2 errors. Metropolis is sending out a 2nd letter with the correct information. Although the dues deadline is February 28 the Board will not access late fees until June 1. Metropolis is paying all costs for the 2nd letter.

VI. COMMITTEE REPORTS

- A. ACC – Jack Hanley- No report**

- B. WELCOMING – Carol Cannava - No report**

- C. NEIGHBORHOOD WATCH – *vacant***

- D. GROUNDS – Glen Woods - No report; grounds expenses covered later.**

- E. WEBMASTER – Kevin Martin made a few updates regarding the failed petition to change the fence rules, and the new efforts by homeowners to try again.**

- F. BRADDOCK DISTRICT REPRESENTATIVE – Ray Antosh - The budget was discussed at the last meeting. A lot of different opinions were expressed. A point of contention is that the school system doesn't have to account to the County for its spending. Property tax is capped at 2%. Supervisor Cook asked what programs would be cut if the 2% tax was lowered.**

- G. Yahoo Group - Pete Seigman – Notice of the cancellation of the February meeting was sent out via Yahoo Group**

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. Information about the new effort to change the rules, including a link to the proposed Policy Resolution #4 has been added to the front page of the SHHA web site.
- b. Kevin sent petition, copy of covenants, and a list of addresses in community to homeowners who request it for their efforts to change the rules. Ray asked for a copy of this email.
- c. The Board is waiting for homeowners to create their proposed petition, and provide to us for review.
- d. Homeowners have until the September 2014 BOD meeting to collect enough proxies to change the fence rules, or BOD will have no other option but to enforce the existing covenants.

C. SHHA Annual Dues Invoices

- a.** Several homeowners have noted and asked about the late invoices.
- b.** BOD provided template for invoices to Metropolis in January
- c.** Metropolis sent BOD a spreadsheet with amounts per lot for review
 - i.** BOD reviewed and provided updates, including past due amounts for resale documents where our records did not reflect payment; returned to Metropolis in mid-February
- d.** Metropolis sent out invoices on 3/6
 - i.** There were errors on the year for the dues, and for the due date
 - ii.** At least some of the amounts due were not properly imported from the spreadsheet
- e.** Kevin contacted Metropolis; they will be generating and sending an explanation letter, and corrected invoices at their own expense
 - i.** These should go out this week
- f.** Individual homeowner complaints / comments / concerns will be addressed as they come in
 - i.** A few homeowners have provided proof of payment for prior debts (still shown unpaid on initial invoices) and sent to Metropolis for records correction

D. Blake House Ct. Parking Complaints

- a.** Homeowner reported a commercial vehicle is often parked in the cul-de-sac
- b.** Complainant suggested that the vehicle “may” belong to a certain home
- c.** BOD investigated, and did find a commercial van parked in the cul-de-sac, between two residences (5995 and 5997)
- d.** Kevin sent letters to all Blake House Court residents, reminding them of community and Fairfax County parking regulations, and providing the FCP non-emergency number for reporting violations.

VIII. NEW BUSINESS

A. Hearings Scheduled

None.

B. Final 2013 Outdoorsman invoice

- a. Sent to Metropolis for payment of in February - \$1510.00

C. JL Tree Service invoice

- a. Sent to Metropolis for payment in February - \$1150.00
- b. Covered removal of damaged pines at entrance sign

D. B&B Insurance invoice

- a. Sent to Metropolis for payment in February - \$1710.00
- b. Professional liability insurance installment

E. Fort Craig Drive homeowner request for “reasonable accommodation” fencing variance

- a. Received an e-mail from a homeowner on Fort Craig Drive asking for a variance to the SHHA CCRs for fences due to a need for “reasonable accommodations” for one of the residents (ADA)
- b. Homeowner refused request to provide ARC application, including additional information needed to make a decision on an accommodation. Information requested was standard – a plat showing the proposed fence location, and a design drawing of the proposed fence.
- c. Homeowner alluded to potential for legal actions; that information was forwarded to SHHA legal counsel for review. They assured us that our requests of the homeowner were reasonable, necessary, and legal. They will let us know if / when they are contacted further about the matter.
- d. SHHA Board of Directors has notified the homeowner that we are willing to work with them on a request / plans to meet their needs, once an application and supporting data are submitted.

- F.** Ray Antosh e-mailed BOD about January minutes, which reflected a 3-2 vote on delaying approval of proposed Policy Resolution #4
 - a. Ray feels that the proxy vote, belonging to Ed Rahme, and voted by Kevin Martin was invalid. He requests that the vote be amended to reflect 3-1.
 - b. Kevin and Ed replied that the proxy was provided (in writing, by e-mail) prior to the meeting, and exercised in accordance with Ed's instructions
 - c. ~30 days later, Ray submitted a formal complaint via the CICB Complaint Resolution Form to Metropolis (received on 3/6)
 - d. Per procedures, the Board will review and respond to the complaint at an upcoming BOD meeting (within the next 90 days, and after giving Mr. Antosh the required 14 days notice that the topic will be handled at said meeting).

- G.** The Virginia Assembly is considering HB 791. The bill will allow homeowner / condominium associations to levy fines against homeowners who have violated association rules. The Fairfax Federation of Homeowner Associations supports this bill and has asked that we disseminate its Talking Points (see attached).

- H.** 8912 Lake Braddock Drive
 - a. Contacted Metropolis regarding the status of the homes near her; would like to know who is inspecting her section.
 - b. BOD will contact her (David M is inspector)

- I.** A few homeowners e-mailed / called asking about snow clearing in the community after the February snow storm
 - a. Informed them that our streets are maintained by the county, and the BOD has no insight / control of their schedule

- J.** 9017 Lake Braddock Dr
 - a. Submitted a request to replace their roof with Certainteed Landmark Architectural shingles in Heather Blend (mixed browns)
 - b. The request was reviewed and approved electronically, and the homeowner notified of approval

K. 5611 Herberts Crossing

- a. Requested ARC approval to replace an existing deck, making changes to railing (for code compliance), and adding underpinning
- b. The request was reviewed and approved electronically, and the homeowner notified of approval

L. 5426 Flint Tavern Place

- a. Requested a resale package, which was provided

M. 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 E-mailed settlement company
d. 8927 Bald Hill Pl	Closed 7/1	\$350 Due E-mailed settlement company
e. 5594 Marshall House Ct	Closed 7/26	\$300 Due E-mailed settlement company
f. 5604 Mount Burnside Way	Closed 7/30	\$300 Due
g. 9003 Fort Craig Drive	Closed 10/24	\$300 Due
h. 5426 Flint Tavern Place	No Closing Date Yet	\$300 Due
i. 5613 Fort Corloran Drive	Closing 3/26/14	Paid

These amounts will be added to 2014 dues assessment invoices.

IX. DATES FOR UPCOMING MEETINGS

All meetings are held in the Braddock District Conference Room at Kings Park Library with a 7:30pm start time, unless otherwise noted below:

April	17 th	(7:00pm – Library Conference Room)
May	8 th	
June	12 th	
July	10 th	
August	14 th	
September	11 th	
October	9 th	
November	13 th	
December	4 th	

X. ADJOURNMENT Meeting was adjourned at 8:06

XI. EXECUTIVE SESSION

None

SIGNAL HILL HOMES ASSOCIATION

MONTHLY METREGISTER

February 2014

ANNUAL MEETING – 118386

As the Board is aware, the Annual Meeting for 2013 was a success and the Board remains with the same members. Please advise what positions each Board Member will hold.

POLICY RESOLUTION – 129294

We have included the master RFA regarding the fences in the report. Does the Board wish to take any additional actions in regards to the fence petition or changing the By-Laws?

LATE NOTICES – 124006

Upon receipt of an approval email from the Board about the amounts due for Unit Owners, Metropolis will send out the assessment reminder letters.

RESALE DOCS – 130802

As the Board is aware, there have been a list of owners who have not paid their resale package dues. This cost will be included in their assessment letters.

SIGNAL HILL HOMES ASSOCIATION

MONTHLY METREGISTER

March 2014

LETTER OF COMPLAINT – 131527 – Attachment 1

Redacted (legal matter) - Antosh regarding proxy vote

RESALE DOCS – 130802 – Attachment 2

As the Board is aware, there have been a list of owners who have not paid their resale package dues. These monies have been applied to their accounts. Metropolis has forwarded a copy of the apology letter and an updated set of records which include all those homeowners who have paid to the Board. **Upon approval of the letter, and spreadsheet, we will issue it free of charge to the Association.** We again apologize for the issues caused.

POLICY RESOLUTION – 129294

We have included the master RFA regarding the fences in the report. **We note that there was a motion regarding deference of the adoption of policy resolution #4 until September - does the Board wish to issue any literature or take any other actions in regards to the fence concerns?**

RESIDENT CONCERNS – 131627

Ms. Henson of 8912 Lake Braddock Drive contacted our office regarding the status of the homes near her. Ms. Henson would like to know who is inspecting her section. If Ms. Henson has not emailed the Board directly, please let us know who is inspecting her section so we may inform the Homeowner.

ACCOUNT CONCERN – 131631

Metropolis emailed the Board of Directors a concern voiced by Mr. Miceli regarding the charge of \$350 against his account due to the resale package. Metropolis informed Mr. Miceli that we would request any documentation from the Board with the Agent who requested the resale package and would provide it to Mr. Miceli. Upon receipt, we will forward it to Mr. Miceli.

ACCOUNT SUMMARY ATTORNEY LINK – 131118

Per the Board's request, Metropolis has forwarded four units over to Chadwick, Washington, Moriarty, Elmore & Bunn. In discussion with their paralegal Trish, they had asked for paperwork to show where the full balances have come from. As there was not official balance sheet showing the year by year breakdown, Metropolis is crafting the needed paperwork to allow the Attorney to proceed with their collection actions.

BANKRUPTCY FILING – 131427

Metropolis received notification that Mr. Hazera of 5611 Light Infantry Drive has filed for bankruptcy. Metropolis will work with the attorney to take the next appropriate steps.

SUPPORT HOUSE BILL 791 (LeMunyon)
ENCOURAGE COMPLIANCE; PROTECT PROPERTY VALUES
& DECREASE LEGAL COSTS FOR HOMEOWNERS

Why is the Bill Necessary?

- **Clarifies conflicting court decisions and restores association authority to assess monetary charges to enforce rules.** HB791 amends the Condominium Act and the Property Owners' Association Act to correct inconsistent Circuit Court rulings and confirm the long standing view and practice of condominium and homeowner associations to seek rule compliance through internal due process procedures. **This bill is supported by the Fairfax County Federation of Citizens Associations after a vote of the membership.**

What Does the Bill Specifically Do to Help Homeowners?

- **Imposes more due process limitations on association actions** – Creates a new, higher standard of review **before** rule enforcement action may be taken by associations against owners.
 - **Associations may assess monetary charges to encourage compliance with rules;** existing law (since 1996) limits the amount of monetary charges.
 - **Due process protections** -- More opportunities for the homeowner to address the condition. Notice will be given & a hearing will occur **before** monetary charges can be imposed or legal action can be taken.
 - HB791 mandates a process that **balances the rights of the offending owner with the rights of all owners** who want and expect the association to seek rule compliance.
 - Allows more efficient and effective methods for ensuring compliance with rules and **gives owners opportunities to correct problems BEFORE legal action.**
- Codifies best practices; provides efficient & fair method for rule compliance; **reduces costs associated with rule compliance measures – for owners AND associations.**
- **General District Court option.** HB791 ensures access to General District Court vs. the vastly more expensive Circuit Court – a benefit to homeowners and associations by reducing legal costs.

What Does this Bill Not Do? DON'T BELIEVE THE SCARE TACTICS!

- **HB791 does not change existing law.** Since 1985 associations have adopted due process procedures that allow the assessment of a charge after due process. Fairfax & Loudoun Circuit Courts have recently issued conflicting rulings.
- **HB791 does not permit an association board to change/alter covenants or overstep authority.** Only the owners collectively can change covenants – according to what the documents allow. Boards must exercise their obligations in good faith and not with the intent to harass.
- **HB791 does not permit associations to adopt rules that contradict covenants.** If the covenants address the permissibility of fences, for example, the association cannot adopt rules to prohibit or restrict fences in a way that contradict the covenants; in this example, fence restrictions could be added only by amending the covenants through a vote of the owners.
- **HB791 does not prohibit an owner from filing suit against the association.** Existing law, as confirmed by HB530, which just passed the House, allows an owner to file suit against an association to challenge charges assessed by an association. Current law provides that upon filing legal action, the charges are suspended, pending litigation. HB791 adds additional procedural requirements prior to the imposition of charges against a homeowner.