

## SHHA BOARD OF DIRECTOR'S MEETING

Braddock District Conference Room  
March 9<sup>th</sup>, 2017 - 7:30 pm

Kevin Martin - President  
Linda Wirth Secretary Kent Ford - At-Large

**I. CALL TO ORDER** – Kevin called the meeting to order at 7:30.

### **II. APPROVAL OF MINUTES**

Minutes for the February 2017 Meeting are under review. They will be posted once Board review is complete.

**II. OPEN FORUM FOR HOMEOWNERS** – Raluca Bucur, H. Fleming, James Davis, Fang Yu.

**A.** Raluca Bucur said that she and Alan Feldenkris submitted an Architectural Request form to modify their non-compliant fence to conform to SHHA's Restrictive Covenants. They house is being sold and the fence was cited as non-compliant with the Restrictive Covenants. She stated that the fence was in place when they purchased the house and they did not know it was in violation until she received the Resale Documents. The Board referred her to Section 10 of the Restrictive Covenants, and to Policy Resolution #4. These documents define why the fence is non-complaint, and document the requirement that non-compliant fences which were in place prior to 1 January 2013 must be replaces at end-of-life, or resale of the property. The Policy Resolution, and the Restrictive Covenants regarding fences have been sent to all homeowners with annual meeting announcements, publicized and debated at many Board meetings, and discussed at three Annual Meetings.

The homeowners proposed cutting off the top of the pickets so the fence will be 42" high. After examining a picture of the fence and the backyard the Board voted 3-0 that cutting the tops of the pickets was not an acceptable solution. It would not be aesthetically pleasing, and could not be achieved in some areas where the fence is more than 50" tall. The Board discussed with the homeowner that the buyer could accept the fence as is, acknowledge the violation via the resale documents, and agree to submit and Architectural Request for a new fence to be installed within 30 days of closing. The homeowners will contact the Board with their desired path forward.

**B.** Jim Davis addressed the Board concerning fence enforcement. He recently installed a new split-rail fence that is 48" at the top rail. The fence was cited as a violation of the Restrictive Covenants as detailed in Policy Resolution #4. Mr. Davis acknowledged that he was aware of the Board's on-going difficulties with non-compliant fences, as well as the Policy Resolution #4 the Board enacted. Mr. Davis requested an open hearing on his fence violation at a future meeting.

Jim provided the Board with a resume to "demonstrate his expertise in the area of community development and management". He then shared some thoughts on the issue

of fences in the community. He asked the board to “continue the discussion from the 2016 June and July meetings”.

Jim says he asked professional fence builders their opinion of a three-rail split rail fence height and their opinions were that 48” to the top rail is the industry standard. They said a 42” split rail fence could not be a three-rail fence. Jim noted the 42” height requirement is a source of great anxiety to the Board. In his opinion the 42” height requirement is a subjective judgement and he characterized the 42” rule as an imaged order. He also noted that the builder installed some fences that were more than 42” high.

Jim gave the Board a survey listing fences in SHHA that he believes are over 42” high as seen from a drive-by he did.

Jim believes there is a bad relationship between the Board and homeowners. He wants to help the Board improve this situation. His suggestions included:

- a. Form a committee to help review and change the SHHA fence rules
- b. Post SHHA information on bulletin boards at local retailers such as Giant, CVS, BOA, and the library
- c. Resume to posting signs at entrances announcing meetings
- d. Publicly post violations of the CCRs

Jim also suggested that the Board should allow a range of height limits for split-rail fences from 42” to 50” as measured from the top rail.

Jim also suggested that the seating arrangements for members at the meetings could be friendlier. He believes there should be a table where members making presentations can spread out their documents and feel on an even basis with the Board.

Mr. Davies believes that presenting the SHHA covenants at the time of sale is a form of coercion, noting that earnest money, non-refundable, is usually already invested leaving the prospective homeowner little choice but to accept the Covenants.

Kevin had been taking notes and replied to several of Jim’s comments:

Split Rail fences that are 42” tall at the top rail – while not “industry standard” are possible and are what is required for a split rail fence to be compliant with the Restrictive Covenants. The Board recently worked with a homeowner on Fort Fisher Court to construct a 42” split rail fence along the SHHA Common Area Access route.

The Board is already aware that there are fences in SHHA that are in violation; that is why we enacted Policy Resolution #4 – to document when and how we will bring those fences into compliance.

The Board does not believe, nor is there evidence to support that the relationship with the homeowners is “poor”. There are a few homeowners who have issues and concerns, which we try to address.

We cannot find homeowners who will serve on committees. Jim is more than welcome to start a committee to review the fencing rules and recommend proposed changes, but given the Board’s experience mailing and circulating such a petition, the likelihood of achieving consent from 75% of all 493 homeowners is low.

The idea of bulletin boards is excellent and SHHA authorized Jim to pursue with local retailers the availability of such bulletin boards and / or whether they could be installed if not available. If Bulletin Board space is available, Jim or other homeowners are more than welcome to post relevant SHHA information on them.

Signs announcing meetings are no longer put out at the entrances because no one in SHHA living near the entrances will maintain, update, place, and store them. Linda's sign, the last one that was put out, was vandalized several times and letters were stolen.

Due to privacy concerns, and under advisement of counsel, alleged violations of the Restrictive Covenants are generally not made public.

The 42" height limit is not subjective. It is explicit in the Restrictive Covenants. The Board, and other homeowners have made significant efforts to change this limit but too many homeowners, including Jim Davis, voted against changing them.

Members are more than welcome to move chairs, tables, etc. within the space to make themselves comfortable. When addressing the Board, they are free to sit, stand, or move about as they wish.

Providing prospective owners with a copy of the Governing Documents, AND a list of any / all existing violations of the Restrictive Covenants is required under Virginia Law – which also allows the buyers three days from receipt of said documents to walk away from the contract if they are not comfortable living under the community rules and regulations.

### **III. PROPERTY MANAGEMENT REPORT**

#### **A. Metropolis report at end of Minutes**

### **IV. TREASURER'S REPORT – David Masterman**

#### **A. Dues status**

- a. 2017 Annual dues in the amount of \$140 were due from all homeowners on February 1<sup>st</sup>
- b. ~65 homeowners have not yet paid their 2017 dues
- c. Second Notices for dues (now 30 days past due) have been prepared, reviewed by attorney for collections concerns, and are going out this week

## **VI. COMMITTEE REPORTS**

- A. ACC** – Jack Hanly, Todd Karr, Kim Pedersen, Dona Thewes – no report
- B. WELCOMING** – Ashley Brid – no report
- C. NEIGHBORHOOD WATCH** – *vacant*
- D. GROUNDS** – *vacant*
- E. WEBMASTER** – Kevin Martin - nothing to report
- F. BRADDOCK DISTRICT REPRESENTATIVE** – Ray Antosh – no report
- G. Yahoo Group** - Pete Seigman – no report

## **VII. OLD BUSINESS**

### **A. Long Term Un-Resolved Violation(s) Status:**

#### **a. 9091 Blue Jug Landing**

- i. Property was sold as a foreclosure in January.
- ii. It was numerous years behind on dues, and had several un-answered violations
- iii. Attorneys are working to see if excess funds will be disbursed to cover past due assessments and fees.
- iv. A 34-page document containing detailed photos of all violating conditions on the property and provided to the new owner at their foreclosure closing.
- v. Attorneys included on foreclosure correspondence, resale documents, and dues statements provided to title company

### **B. Audits**

- a. The SHHA Board of Director received a DRAFT 2012 Audit report for review on January 30<sup>th</sup>. We will complete our review of the report, finalize it with the auditors, and then publish the results.
- b. 2013 – 2015 audits are in work
- c. We will request a 2016 audit once 2013-2015 are completed.

**B. Dead trees along Rolling Road**

- a. The Outdoor Man informed us of two trees that are dead along Rolling Road
- b. Trees were tagged with pink ribbon
- c. Kevin notified VDOT of the trees; they opened tickets to review and resolve if they are responsible for the trees.

**C. Stream restoration project**

- a. Waiting for work to begin. Nothing new to report.
- b. Ed will remain out liaison to the county for this project, even though he left the Board.

**D. 9089 and 9091 Blue Jug Landing**

- a. Shared asphalt driveway is reaching end of life. Grass growing through many cracks.
- b. Per Article VII, Section 3 b, replacement is the joint responsibility of the owners who access their properties via that driveway.
- c. Homeowners at 9089 Blue Jug are willing to work with the other homeowner to make the repair.
- d. 9091 Blue Jug was recently sold as a foreclosure. The driveway was documented in provided resale documents.

**VIII. NEW BUSINESS**

**A. The Outdoor Man**

- a. Submitted an invoice from JL Tree for \$1500 for tree removal and \$250 for stump grinding behind Rolling Road entrance
- b. Sent to Metropolis for payment

**B. The Outdoor Man**

- a. Submitted an invoice for Jan, Feb, March services totaling \$1410
- b. Sent to Metropolis for payment

**C. ARC Processing Process Updates**

- a. Linda Wirth drafted proposed updates to the ARC process (see below)
- b. The board approved these proposed updates, and will incorporate them into the existing “SHHA Procedures for Review and Approval of Requests” document on the SHHA web site:  
[http://shha-burke.org/Governing\\_Documents/SHHA Procedures for Review and Approval of Requests v4.pdf](http://shha-burke.org/Governing_Documents/SHHA_Procedures_for_Review_and_Approval_of_Requests_v4.pdf)

**D. 5614 Meridian Hill**

- a. Submitted a request for a new shed in the rear yard
- b. Shed will be gray with white trim
- c. Homeowner responded to a question about height vs. setback, saying that they confirmed OK with the county
- d. Unanimously approved 3-0

**E. 9005 Fort Craig Drive**

- a. Submitted a request to modify a non-compliant fence by cutting off the top 6” of the decorative pickets even with the top rail
- b. Debated and unanimously denied 0-3 earlier in meeting

**F. 5622 Point Roundtop Court**

- a. Submitted a request to change paint color on brick areas of home to match newly approved siding, and paint gutters white
- b. Request was electronically reviewed and approved

**G. 5611 Herberts Crossing Drive**

- a. Submitted a request for a new AC compressor in a new location at the side of the home
- b. Request was electronically reviewed and approved

## H. Resale Packets

a. 9004	Grovers Theater Court	Delivered 9/16/2016	\$275	Due *
b. 9091	Blue Jug Landing	Delivered 1/10/2017	\$0	Due
c. 5602	Mount Burnside Way	Delivered 2/17/2017	\$275	Due
d. 9005	Fort Craig Drive	Delivered 3/02/2017	\$275	Due
e. 5617	Mount Burnside Way	Requested 3/3/2017	\$325	Due

\* Amount due has been added as an assessment to the owner's account

\*\* Account is with Chadwick for collections

In response to a question Kevin explained that there is a \$225.00 charge for HOA packets and inspection, a \$50 Transfer Fee, and – if requested by the seller – a \$50 expedite fee to provide the documents quicker than the required 14 days.

## 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:

13	April
11	May
14	June
13	July
10	August
14	September
12	October
09	November
07	December (2017 Annual Meeting of Members)

## X. ADJOURNMENT

Meeting was adjourned at 8:46

## XI RECONVENMENT AND ADJOURNMENT

After conducting a Hearing and an Executive Session the Board reconvened to report on Executive Session to any homeowners present in the hall. No one was there so the Board Adjourned again at 9:17.

## SIGNAL HILL HOMES ASSOCIATION MONTHLY METREGISTER

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### FENCE CONCERN — 150927

At the February 2017 meeting, Metropolis mentioned that the fence was down near 5592 Blake House Court. **Has the Board had the time to investigate?**

Kent ford investigated this. He did not see any fences in disrepair. The house behind 5592 Blake House Ct has a split rail fence, with wire on the fence, I guess to keep in a dog. That fence has some rails down. It should be noted that 5592 Blake House Ct is on the boundary of our association. The house behind them is in a separate homeowners group and we would not have jurisdiction. I recommend we consider the matter resolved.

**Please contact the complainant and provide them with the above information.**

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### ANNUAL DUES NOTICE — 120079

The first notices for 2017 were mailed out to the homeowners. Per discussion, Metropolis has crafted the second notice to all homeowners who have not paid. A copy of the merge document has been sent to the Board President. Upon approval, it will be mailed out.

**Per Kevin Martin e-mail, this is approved to go once the attorney review is completed.**

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### AUDIT — 143024

Metropolis and the Board of Directors continue to work with Turner and Liens regarding the outstanding audits for the Association. Currently Mr. Kerr is working on the 2013 FYE audits - the 2012 draft audit was forwarded to the Board. The Board has authorized a one-time charge of \$120 regarding outstanding reserve bank statements. Mr. Martin has signed the needed forms and forwarded them to Mr. Kerr.

**Keep us posted. We want them to keep going until current with audits.**

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### FORECLOSURE — 278661

Metropolis has been informed that 9091 Blue Jug Landing has been foreclosed upon. The date was December 29, 2016. As such, a pre-petition account was created and the new owner's information updated.

**Thank you. Attorneys waiting to see if there are any funds to cover our fees**

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### PAYMENT ISSUE — 279177

**Redacted – Legal matter.**

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### PAYMENT PENDING — 279268

Metropolis received the envelope from Ms. Wirth with the latest batch of payments and resale information.

**Per Kevin Martin e-mail, please ensure that these credits are reflected in any Second Notice dues letters.**

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### PAYMENT PLAN REQUEST — 149533

**Redacted – Legal matter.**

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### RESERVE CONTRIBUTION — 136151

Metropolis received financial questions regarding the reserves and general income from Mr. Masterson. Metropolis has responded to the same. Upon direction from the Board, Metropolis will move additional money to the Reserve Account.

**David will provide direction once his review and any follow up questions are resolved.**

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## **Proposed ARC Procedure Updates**

### **MAIL ARC**

1. Secretary retrieves ARC from SHHA PO Box
2. Secretary scans ARC and e-mails it to acc@shha-burke.org as an attachment. Any approval by the Secretary is noted in the body of the email.
3. Secretary emails homeowner that the ARC has been received, using template as basis of email and cc'ing acc@shha-burke.org
4. Any questions concerning the ARC or requests for further information are emailed to the homeowner and cc'd to acc@shha-burke.org.
5. Any necessary inspections are done by an ACC Committee Member or Board Member and the results are emailed to acc@shha-burke.org
6. Board members decide on ARC and forward their recommendation or questions on the ARC request to acc@shha-burke.org
7. Decisions communicated to the homeowner via email are cc'd to acc@shha-burke.org

### **ELECTRONIC ARC**

1. First person to access email replies to homeowner, using template as basis of email. Email reply is cc'd to acc@shha-burke.org.
2. Any questions concerning the ARC or requests for further information are emailed to the homeowner and cc'd to acc@shha-burke.org.
3. Any necessary inspections are done by an ACC Committee Member or Board Member and the results are emailed to acc@shha-burke.org
4. Board members decide on ARC and forward their recommendation or questions on the ARC request to acc@shha-burke.org
5. Decisions communicated to the homeowner via email are cc'd to acc@shha-burke.org

**Executive Session Summary:**

The Board discussed information received from our attorney regarding Restrictive Covenant enforcement for two properties in the community.