

## LANDMARK MEWS COMMUNITY ASSOCIATION MINUTES

Board Meeting May 7, 2007 The May LMCA Board Meeting was held on Monday, May 7th at the home of Simon Bennett, 6351 Brampton Court. Members present: President Bruce Wood, Simon Bennett, Loren Scurba, Don Washington and Brenda Johnson. Absent: Delia Riso. Also present: Marty McDonald (Treasurer), Roger Casalengo (Property Manager), Ladd Ryan (Covenants Chairman), Annie Foster (Zoning Chairman) and Estella Laguna (Social Committee Co-Chairman and webmaster). Homeowners present: Tim Foster, Bill Evans, Chris Dale, Leo Childs, Roz McKinnon, Jason Bachelor and Nancy Bower.

President Bruce Wood convened the meeting at 7:35 p.m.

**Approval of Minutes of April 2007 Meeting** – The minutes of the April 11th meeting were approved with a motion by Loren Scurba, seconded by Simon Bennett.

### **Covenants Committee Report**

Covenants Committee Chairman Ladd Ryan informed the board that the Spring inspections are complete and will be mailed with stamps, envelopes and address labels provided by Marty.

### **Zoning Committee Report.**

Zoning Committee Chairman, Ann Foster, updated the Board that Comp USA will not pick up trash along their property line on Duke Street due to safety reasons.

### **Financial Report**

Treasurer Marty McDonald submitted the monthly financial report which is posted on the LMCA website. Marty reviewed the report with the board, noting that the expense to budget variance is in line with contract expenses; however the computer expenses from Marty's failed computer have exceeded the allowance. He has installed an external hard drive with back-up in order to prevent future catastrophic loss of data.

### **On-Street Parking Enforcement.**

Bruce discussed the history of on-street parking prohibitions and non-conforming no-parking signs. Following the February meeting at which we were notified that our no-parking signs did not conform to County requirements, the Board directed Roger to install correct sign. He has done so. Bruce asked the board for approval to communicate to the Fairfax police department that approved signs have been erected and there is no longer any legal impediment to enforcement of on-street parking prohibitions. Fairfax police have provided assurance that officers retain discretion of whether to ticket in certain circumstances and usually do exercise reasonable judgment. Approved with a motion by Bruce Wood, seconded by Loren Scurba.

### **Property Report**

Property Manager Roger Casalengo reported on projects completed in April, including the repair of 5 pole lights in the berm area. One was straightened and 4 were raised on concrete pads to protect it from power mower damage. Simon Bennett noted that there is damage to the pole at the end of Brampton Court at the berm and asked that it also be raised. The board discussed how this pole and the remaining poles should be treated with Roger and agreed to revisit at a later

meeting. Roger provided 3 proposals for the berm path resurfacing and extension for the Board to review. The Board approved the PSI proposal for \$8,300, with the understanding that the juniper bushes along the berm pathway will have to be removed before the berm path resurfacing, motion by Brenda Johnson, seconded by Loren Scurba. Roger will provide a quote at the June meeting for removing the juniper bushes along the berm pathway.

### **Property Modification Appeal.**

Ladd Ryan, Covenants Committee Chairman reported that the Committee voted unanimously to deny a March 25th request from Tim and Annie Foster, 6370 Brampton Court, for property modification to install an exterior elevator. Ladd stated that the concept was well thought out and detailed and the committee acknowledged but did not take into consideration issues inside the house, nor the Committee attempt to deal with issues of aging community residents. The purpose of the architectural standards is to regulate external design and maintain the harmony and original design of Landmark Mews. The community has no precedent for this type of modification and the Committee felt it incumbent to remain consistent in application of guidelines.

Tim and Annie Foster spoke in support of their appeal and asked the Board to approve the appeal and adopt a resolution to allow the exception that they had previously provided to the Board. Bruce expressed a concern that by approving a narrowly construed request the Board would be setting an open-ended precedent on exterior elevators. He reviewed the opinion the Board received from LMCA's attorney Ken Chadwick which stated that both the federal Fair Housing Act, as amended, and the Virginia Fair Housing Act apply to private developments such as Landmark Mews. However, neither statute requires accommodation of individuals who are not within the protected class: disabled. By their own admission, neither of the Fosters is disabled, and it was within the Board's discretion to deny the request. Bruce did note the need to develop a policy to address accessibility issues. Bruce made a motion to vote on the Foster's appeal which was seconded by Loren Scurba. The Board voted to deny the petition as follows:

Bruce Wood	No
Simon Bennett	Yes
Loren Scurba	No
Don Washington	No
Brenda Johnson	No
Delia Riso	Absent

Bruce charged the Board with developing a policy to accommodate accessibility petitions, stressing that it is necessary and appropriate and valid to look at templates from other communities. A more detailed discussion of the issue, contained in a special letter from President Bruce Wood, is available on the LMCA website.

### **Board Member Resignation**

Bruce asked the Board to accept the resignation of Vice President Dan Ferezan, who is traveling

extensively in his job and not available for meetings. A motion to accept Dan's resignation was made by Bruce Wood and seconded by Don Washington.

There was no other business. A motion to adjourn was made by Loren Scurba and seconded by Simon Bennett. Bruce adjourned the meeting at 10.20 p.m.

Respectfully submitted,  
Brenda Johnson  
LMCA Secretary