

# LANDMARK MEWS COMMUNITY ASSOCIATION MINUTES

Board Meeting June 1, 2005

The June LMCA Board Meeting was called to order at 7:30 P.M. by Board President Lou Wagner at the home of Roger Casalengo. Members present: Virginia Addison, Simon Bennett, Suzann Evinger, Dan Ferezan and Bruce Wood. Officers/Committee Members present: Roger Casalengo, Bill Evinger, Annie Foster, Marty McDonald and Carole Trimble. Others present: Nancy Bauer, Chris Dale, Bill Evans, Tim Foster, Brenda Johnson, Estella Laguna and Carol Lugo.

## 1. Agenda Change

President Wagner opened the meeting with an explanation of an agenda change, explaining that the Board had intended to convene the meeting at an earlier start time at his home, move into Executive Session to consider some sensitive Covenants Committee issues and then reconvene at the regular meeting time. At that time, the confidential issues discussed in Executive Session would be summarized in open session in a way that protected homeowner privacy and a vote would be taken on any required action. However, since some Board and committee members whose presence was necessary for the discussion of the confidential issues were not able to meet at an earlier time, that plan did not work. Therefore, the agenda was changed so that the regular meeting would take place first and then the Board would move into Executive Session. Lou invited all homeowners present who were not Board members to wait for the conclusion of the Executive Session, if they desired, when the Board would reconvene in open session to vote on any required action.

## 2. Minutes

Minutes of the May 4, 2005, meeting were approved on a motion by Simon Bennett that was seconded by Virginia Addison and approved unanimously with a small change noting that Bruce Wood was not in attendance at that meeting.

## 3. Financial Report – See report filed with minutes.

Treasurer Marty McDonald reported that he had transferred \$2,850 from capital reserves to the “other capital improvements” budget line to cover the cost of the first capital improvement expenses of the year – power-washing and staining the fence along the back of the Landmark Mews property.

He also reported that he had adjusted the new summary balance sheet and expense summary chart as directed by the Board at the May meeting to indicate actual dollars spent in each line item category and explain the meaning of restricted and unrestricted reserve funds. Those pages are now ready to be posted on the homeowner’s section of the new web site.

Regarding the Vanguard investment fund, Marty said that the LMCA account was up by \$224 that day and recommended that the Board invest another \$10,000 in intermediate term bonds.

Simon Bennett reminded the Board that the previous \$20,000 invested with Vanguard had been split between short and intermediate term investments. He stated that this strategy was the prudent course to follow and moved to place \$5,000 in short-term investments and another \$5,000 in intermediate ones. Bruce Wood seconded the motion. The motion was passed unanimously.

Revisiting an issue discussed at the May meeting, Lou reviewed the need to periodically transfer money among budget lines to avoid a budget overrun in any single line item or unnecessary overspending in accounts with excess funds. He appointed a committee to provide the Board with a recommendation that would allow the treasurer to move limited amounts of dollars among accounts without the need for Board approval as long as transfers remained within the total budget for the year. Lou asked Simon to chair the committee. Other members are Marty, Dan Ferezan, Bruce and Lou.

#### 4. Property Manager Report

Among the items reported by Property Manager Roger Casalengo were the following.

- Spring flower rotation had begun.
- Pineridge has discovered that some oak trees on the property are diseased. Roger is working with the landscape firm to determine appropriate treatment.
- Alexandria police ticketed some cars parked on Stevenson Avenue, but the tickets have been revoked because the street is within the jurisdiction of Fairfax County.
- Roger plans to use the new community web site to poll homeowners and determine how many want to participate in a program to trim cherry trees this fall. Simon recommended that the opportunity to save money on tree trimming by participating as a group also be announced in the *Mews News*.

Regarding resolution of the last remaining major drainage problem in the community, Roger said that Fountainhead has been selected to correct the problem on the berm behind Chaucer View Circle. He said LMCA spent about \$12,000 five years ago to install a French drain in that area, but that the drain is now clogged. He anticipated that this project will cost more than the drainage correction project on Brampton Court that came in at about \$14,000, but he did not have a firm estimate on cost.

In an update to the situation regarding Dominion Virginia Power's destruction of landscaping around a transformer on Chaucer View Circle during a power outage, Roger announced that a compromise had been reached. He met with Cliff Wilkins of Dominion Virginia Power's Operations Division who agreed to remove the tree stumps and plant an eight-foot border around the side of the transformer, but will plant nothing in front of the transformer. The company will use contract landscapers who work for Dominion Virginia Power to do the work, but LMCA may choose the plants. Roger will consult with Pineridge on appropriate plantings.

Marty queried whether it would be possible to move the transformers so that they would be more hidden from sight. Tim Foster responded that the location of the transformers is at the discretion

of the utility company and that the company has an easement to place transformers any place they want.

In a resolution of the ongoing dispute with Pulte Homes about plantings in the buffer zone between Landmark Mews and Overlook, Roger reported that Tim and Annie Foster had negotiated a settlement. Because attempts over several years to establish plantings in that area have failed, the Fosters negotiated a financial settlement rather than try again to plant it. Under the terms of the settlement, Pulte will pay LMCA \$4,500.

The Board then discussed what can and should be done to maintain the buffer zone and who was responsible for doing so. Tim explained that the area had been replanted about five times and while most of the large trees planted survived, about 25 rhododendrons and other plants had died for lack of care and water. Roger said the original intent of Fairfax County regarding that area was that it should be a natural wooded area and therefore, there was no obligation on the part of LMCA to do anything in regard to maintaining it. Tim pointed out that LMCA had achieved success in clearing the area of weeds, choking vines and poison ivy as well as of saving the trees that had been planted.

Roger's recommendation was that the Board use the Pulte settlement money to replace aging plantings along the Stevenson Avenue entrance to the property. Bill Evans suggested that when the Board was considering how to spend the settlement funds, that some thought be given to upgrading the landscaping along the staircase leading up to the property from the roundabout at the end of Landmark Mews Drive. The common area there currently has no plantings.

Lou appointed a committee consisting of Virginia Addison, Tim and Roger to walk around the community and determine current landscaping needs. He also mentioned that some thought should be given to a long-range plan for the buffer zone. Roger reiterated that successful landscaping of the buffer zone only will be achieved if LMCA homeowners assume responsibility for watering the plantings. He said that the Board had tried to encourage homeowners to water the area last year by placing watering hoses in back of LMCA homes. The effort was only partially successful, he said. Tim reiterated that the county preferred the area to remain a conservation zone. Marty inquired as to the cost of a sprinkler system for the area, but several Board members then stated that the area is not LMCA property and therefore, the Board could not approve an infrastructure improvement for it.

## 5. Other Business

Other matters discussed briefly by the Board included the following.

- Lou praised the work on the new web site done by Estella Laguna who received a round of applause from the Board for her efforts. Estella reported that passwords to access the homeowners' section of the web site had been delivered by hand to all homeowners who could be clearly identified. All other passwords had been given to Marty for distribution with the next month's homeowner assessment bills.
- Bruce and Roger reported on receiving a "Friends of Trees Award" from the Virginia Department of Forestry during the Fairfax County Arbor Day celebration for the work LMCA

has done to clear and replant the VDOT right of way along I-395. (*See correspondence filed with the meeting minutes.*) Dan noted that Tim and Annie deserved half the credit for the award because they had gained the state's agreement to move the fence in that area.

- Annie distributed the Zoning Committee report. (*See report filed with the meeting minutes.*) She said that she and Tim are still closely monitoring action regarding the redevelopment of Landmark Mall. She noted that Fairfax County is now engaged in the issue as a result of the urgings by LMCA and that she and Tim are working with the county to develop a letter to Alexandria city officials regarding the county's interest in the matter. She also reported that Tim has been clearing litter along Stevenson Avenue since no regular clean-up schedule has yet been created by Alexandria.
- Roger reported a conversation with a visiting police officer who advised that residents of Landmark Mews call the non-emergency Fairfax County police telephone number – 703-691-2131— when problems are noticed on Stevenson Avenue. The Board agreed that the number and this recommendation should be published in the *Mews News*. Estella asked that she also receive notice when the Board determines that items should be published so that she can post them on the web site as well.
- Simon asked to revisit the issue of the transfer of funds from capital reserves to the capital improvements line item in the budget. He requested that Marty explain why the funds were moved at this time. Marty said that accounting rules require that all capital improvement dollars be expended from capital reserve funds. He explained that past practice has been for the auditor to transfer these funds at the end of the fiscal year when he audits LMCA's financial records. Marty now plans to transfer the funds on a monthly basis whenever capital improvement projects are billed.
- Bill Evinger reported that the Covenants Committee had begun spring inspections and anticipated that the inspections would take three weeks to complete.
- Dan reported that he identified two architectural firms who are experienced at assisting homeowners' associations with review and modernization of architectural standards – Richard J. Schuetz, AIA in Arlington, and Desman Associates in Vienna. He distributed a request for a proposal (RFP) that he was proposing to send to the two firms to solicit bids for assisting LMCA with such a review project. (*See proposal filed with the meeting minutes.*) Assuming the Board approved the RFP, Dan outlined a timetable for action that called for responses to the RFP by June 30 with the project to be completed by August so that the Board could make decisions in September in time to discuss any proposed changes at the annual homeowners' meeting in October. Marty noted that the Community Associations Institute (CAI) might be able to provide Dan with recommendations of other firms with experience in this area. The Board instructed Dan to proceed with the RFP distribution and Lou asked Marty to let Dan know if he was able to obtain any other firm recommendations from CAI.
- Bruce reported that he had not yet received a response to a letter he sent to LMCA's outside counsel, Ken Chadwick, asking for clarification of Virginia law governing the management of homeowner associations, particularly in regard to proxy voting by board members and discussion of association business outside of board meetings. He said he would follow-up with the firm.
- Lou recommended that the Board vote to move meeting times to the second Wednesday of every month rather than the first. He noted that when the meeting date corresponds with the first day of the month, the treasurer does not have adequate time to present a final monthly financial report to the Board. Establishing the meeting date for the second Wednesday of the month would avoid this problem. Simon noted that the first day of the month would fall on the first

Wednesday of the month 25 percent of the time, or three times, in 2006. Simon moved that the regular meeting date of the Board be established as the second Wednesday of the month. Bruce seconded the motion that was passed unanimously.

#### 6. Executive Session

At approximately 8:30 p.m., Bruce moved that the Board convene in Executive Session in order to consider confidential Covenants Committee matters. Simon seconded the motion. The Board voted unanimously in support of the motion.

The Board reconvened in open session at approximately 9:40 p.m. Lou reported that the Board had considered two issues in Executive Session. Both matters pertained to covenants enforcement with respect to specific homeowners. One involved a letter from a homeowner requesting Board action regarding a Covenants Committee decision. The second was a discussion of enforcement approaches, generally and with respect to replacement front doors of specific residents that do not conform to the current architectural standards.

Bruce moved that the Board deny the request of the homeowner that the Board reverse the Covenants Committee decision. (*Under LMCA by-laws, the Board may reverse a Covenants Committee decision with a two-thirds vote.*) Simon seconded the motion. Lou recused himself from the vote, stating that he had a personal interest in the matter. All other Board members present voted in favor of the motion. It was passed by a vote of five in favor; one abstention.

Virginia moved to adjourn the meeting at approximately 9:45 p.m. Simon seconded the motion.

The next meeting will be at the home of Eve Holtzman.

Respectfully submitted,

Carole Trimble  
LMCA Secretary