

**Minutes  
Colonial Village III  
Board of Directors Meeting  
19 May 2003**

**Call to order:**

With a quorum present the meeting was called to order at 6:32 p.m. Present at that time were Peyton Palmore, president; Stanton Stafford, vice president; Michael Bodden, treasurer; Dennis Gerrity, secretary; Michael McGregor, member-at-large; Laura Hagg, unit owner; and association manager George Hedrick.

**Proof of Notice of Meeting:**

All unit owners in attendance acknowledged the timely receipt of notice of this meeting.

**Resident Forum:**

Ms. Hagg said that she had two matters she wished to bring to the board's attention. The first was that she had asked for and was told by someone in CVIII's management office that she would be given notice of an exact time when the exterior side of the entry door to her unit was to be painted. To her dismay, the painters appeared at her door on a Saturday morning without the advance notice she felt she had been promised. She told the board she was unhappy about this. The board apologized for whatever inconvenience this might have caused, but said there must have been a communication failure because it had never planned or actually made specific appointments for the painting contractor to paint the exterior sides of the entrance doors to units. Second, she asked the board to make the residents of CVIII aware of the opportunities for and benefits from participating in Arlington County's Citizens Emergency Response Team. The board asked and she agreed to supply it with material describing this program so that mention could be made of it in the next issue of CVIII's newsletter.

**Reading and Approval of Minutes:** Mr. Bodden moved that the minutes of the 21 April 2003 board meeting be approved without change. Mr. McGregor seconded this motion, and it was approved unanimously.

**Reports of Officers:**

**Secretary:** Mr. Gerrity informed the board that he had attended Chadwick, Washington's annual Community Association Legal Seminar and had several items of interest to the board on which to report. **Virginia Condominium Act:** There had been a number of changes in the Virginia Condominium Act, most notable of which was the ability of owner associations to amend their bylaws to provide for a quorum as low as 10 % of votes of the association to conduct business at association meetings. Also, a board is authorized to levy an additional assessment if it is determined that current assessments are insufficient to cover the common expenses of the association. The board must give unit owners written notice of the additional assessment amount, an explanation of why it is needed, and a due date for the payment. Unit owners may rescind or reduce the additional assessment by a majority of the votes cast at a meeting held within sixty days of the mailing of the notice of the new assessment. In discussion of this change in the law, Mr. Hedrick noted that it effectively did away with the need for special assessments. Another change was to allow the use of e-mail to distribute notices of association and board meetings and the submission of proxies and votes if (i) permitted by association instruments and rules and (ii) the e-mail contains information sufficient to verify the identity of the unit owner or proxy. **Late**

**fees:** In a review of collection practices, Chadwick, Washington's lawyers advised that the courts viewed late fees as high as \$30 as being compensatory, and not punitive, and would enforce their collection. In light of this information, the board decided to increase the late fees CVIII would charge for delinquent assessment payments effective 2004. The exact amount of this increase would be determined at a future meeting.

### **Committee Reports:**

#### **Local Real Estate Development:**

Mr. Gerrity informed the board that he had attended the 26 April 2003 Arlington County Board meeting at which the Holladay Corporation was asked and agreed to make design improvements to the eastern elevation of its proposed four-story apartment building at 1800 Wilson Blvd. The County Board also discussed the implementation of the extension of N. Quinn St. between Wilson Blvd. and Clarendon Blvd. To allow for additional public comment and to give county staff time to evaluate Holladay's response to the county board's request for improvements and work on solutions to problems with the Quinn St. extension, consideration of the project at 1800 Wilson Blvd. was deferred until the County Board's 17 May 2003 meeting. These problems could not be resolved before the May meeting, and on 8 May 2003 the Holladay Corp. and county staff asked that consideration of the Holladay Corporation's project be further deferred until the 14 June 2003 Count Board meeting.

#### **Management Report:**

**Physical Plant:** The board asked Mr. Hedrick to have Mr. Kiman survey CVIII for **damaged brickwork**, particularly window wells, that Consolidated Waterproofing could repair while it was working on the chimney behind 1729 Queens Ln. The board reminded Mr. Hedrick that two **damaged window wells** on the south side of 1821 N. Rhodes St. had still not been replaced and that a window serviced by one of these wells was broken and needed to be replaced. The board noted that portions of the **privacy fence** on the east side of CVIII's property were being overgrown by ivy or some type of vine. Mr. Hedrick was asked to relay a request to Mr. Kiman that these vines be cut away or treated with an herbicide.

**April Financial Update:** Mr. Hedrick reported that, after making allowances for errors and omissions in the April financial report, CVIII had a year-to-date operating surplus of \$10,702 as of the end of April. Details of the April financial report are available for unit owner review at the CVIII office. **Asset Management:** The board reviewed CVIII's investments and asked Mr. Hedrick to have CMI to invest \$80,000 in a twenty-four month CD, assuming that one could be found that had a higher yield than the lowest paying money market fund in which CVIII currently had money invested. **Snow Removal Bill:** After discussion, Mr. Gerrity moved that CVIII accept an offer from McFall and Berry to reduce its bill for snow removal during and immediately following the Presidents' Day weekend storm by \$444 and authorize CMI to pay McFall and Berry's invoice for this storm after deducting \$444 from it. Mr. Bodden seconded this motion, and it was approved unanimously.

#### **Old Business:**

**Landscaping Update:** The board noted that the mulch McFall and Berry had applied in the southern courtyard of Queens Lane appeared to be contaminated with weeds and asked Mr. Hedrick to have the contractor remedy this situation. The board also noted that McFall and Berry's lawn maintenance crews were doing a poor job policing mulch beds for debris. The worst example of this problem was under the magnolia in front of 1724 Queens Ln. The board noted that one of the barberries and several of the grasses planted in the new bed between 1804 and 1805 Queens Ln. were dead and asked Mr. Hedrick to see that they were replaced.

**Tree Maintenance:** The board reviewed a bid from Bartlett tree experts to elevate several trees and remove a dying hemlock by the Rhodes St. end of the pedestrian bridge. The board asked and

Mr. Hedrick agreed to get bids on this work from two other tree surgeons to be selected from a list of such firms recently rated by Washington Consumers' Checkbook.

**Hallway Renovations Update:** Mr. Hedrick informed the board that he expected to reach agreement this week with Carpet One on a schedule to install replacement carpet with work beginning, weather permitting, as early as next week.

**1729 Queens Ln. Replacement Chimney Update:** Mr. Hedrick told the board that, weather permitting, Consolidated Waterproofing would begin preparations to demolish and replace the chimney behind 1729 Queens Ln. on 27 May 2003. Notices to that effect would be distributed to residents of Building One prior to the start of work. He asked and the board agreed to allow Consolidated to use the four parking spaces immediately to the right of the steps in the parking lot for its trucks and other equipment. Consolidated would lay down plywood sheets between the chimney and the parking lot to protect the lawn.

**Replacement Building Entrance Doors Update:** Mr. Hedrick told the board that he along with Mr. Kiman and Mr. Gerrity made a "field" trip to inspect the replacement building entrance doors that House of Doors, Precision Doors, and American Exteriors proposed to supply and install in CVIII. They reached a consensus that the door Precision wanted to install was the best combination of quality and price. Its only shortcoming was that its muntins were wider than those of existing doors installed in CVIII. Mr. Hedrick said that the cost of these doors would increase by \$400 apiece if they were modified with the narrower muntins. After discussion, Mr. Gerrity moved that CVIII accept Precision Doors' bid to supply and install ten doors, frames and hardware as specified in its proposal for a total of \$13,750. CVIII's acceptance of Precision's bid was conditional on Arlington County's Historical Affairs and Land Mark Review Board (HALRB) approving the wider muntins. Mr. Stafford seconded this motion, and it was approved unanimously.

**Installation of Sample Replacement Windows:** The board asked Mr. Hedrick for an explanation why it was taking so long to get samples of windows that met HALRB guidelines for replacement windows in CVVIII installed in the storage room in the basement of 1821 N. Rhodes St. Mr. Hedrick said that he had verbal commitments from Hodges to install a vinyl clad wooden Anderson and Pella to install one of their vinyl clad wooden windows, but neither had followed through on their promises. The board suggested that Mr. Hedrick contact these firms and point out that those firms with sample replacement windows installed in CVIII were the ones most likely to sell such windows to CVIII's unit owners. Because the Anderson vinyl clad window was the most economical replacement window the board had found, the board said that CVIII might be willing to help pay for it. **HALRB Hearing:** Mr. Palmore told the board that there was a HALRB meeting scheduled for Wednesday 212 May 2003 at which the HALRB would consider a CVIII unit owner's request that he be allowed to retain replacement windows he had installed (i) without permission from CVIII's board and the HALRB and (ii) did not meet HALRB guidelines. He asked and Mr. Gerrity agreed to represent the board at this meeting.

**Storm Water Management Tank Cleaning and Certification:** Mr. Hedrick told the board that Vernco would clean and certify the storm water collection/settlement tank buried under CVIII's parking lot sometime during the next two weeks.

**Janitorial Service:** The board reviewed Mr. Hedrick's detailed comparison of the cost to CVIII of hiring its janitor directly rather than using a contractor as an intermediary. It came to the conclusion that the savings were not great enough to justify a change at the present time. The board did note the contractor's apparent profit margins of 100 percent and asked Mr. Hedrick to be on alert for a contractor from whom CVIII or the janitor could get a better deal.

**Welcome Brochure:** The board reviewed and made changes in the latest draft of a proposed welcome brochure for new residents of CVIII. Noting that Ms. Hagg had recently bought a unit and moved into CVIII, the board asked her to review its helpfulness to new residents of CVIII. The board said that it would consider incorporating whatever changes she suggested. The board asked and Mr. Hedrick agreed to see if he could produce photographs with his digital camera that

would serve as artwork for this brochure. If this did not work out, the board suggested that Mr. Hedrick check with one of Arlington's high schools for an art student willing to produce some sketches of CVIII for a modest fee.

**New Business:**

**Short Term Leasing of Units:** A board member brought the meeting's attention to an Internet advertisement of a two-bedroom unit in CVIII with "all basics provided, including utilities, linens and kitchen supplies," being available for short or long-term rental. A telephone call to the owner of this unit elicited the information that all or part of this unit was available for rental periods of less than six months and this unit was currently being rented for two months. The board's discussion of this matter came to the conclusion that initial leases less than six months long or the lease of a portion of a unit would lower the quality of life in CVIII and reduce the value of CVIII's units. Mr. Hedrick told the board that that Article XI, Section 1, Paragraph (f) of CVIII's bylaws stated that: **"No Unit shall be rented for transient or hotel purposes or in any event for an initial period of less than six months. No portion of any Unit (other than the entire Unit) shall be leased for any period. No Unit Owner shall lease a Unit on other than a written form of lease requiring the lessee to comply with the Condominium Instruments and Rules and regulations, and providing that failure to comply constitutes a default under the lease....Each Unit Owner of a Condominium Unit shall, promptly following the execution of any lease of a Condominium Unit, forward a conformed copy thereof to the Board of Directors."** Mr. McGregor moved that Mr. Hedrick write the owner of this unit and request a copy of its current lease and inform the owner that this lease and any future lease must comply with Article XI, Section 1, Paragraph (f) of CVIII's bylaws. If not, fines and/or legal action would follow. Mr. Stafford seconded this motion, and it was approved unanimously.

**Parking:** The board reviewed its previous discussions of the effect of real estate development in the blocks on Wilson Blvd. across from Colonial Village and decided to proceed with getting the signatures of a majority of the residents of CVI, II and III living in units that have Queens Ln. and N. Rhodes St. addresses on a petition to Arlington County to restrict parking on N. Rhodes St. between Wilson Blvd. and Lee Hwy. to motor vehicles with Zone Four parking stickers twenty-four hours a day. The board asked and Mr. Hedrick agreed to prepare a draft of this petition for its review. The board asked and Mr. Hedrick agreed to ask the boards of CVI and CVIII to endorse and participate in collecting signatures on this petition by allowing CVIII to post this petition on hallway and laundry room bulletin boards in their buildings. The board set a goal of submitting this petition to Arlington County before this year's annual Owners Association meeting in October 2003.

**Executive Session:**

Mr. Gerrity moved that the open session of this meeting be adjourned, and the board go into executive session. Mr. Bodden seconded this motion, and it was approved unanimously.

The next board meeting is scheduled for 6:30 p.m. on 16 June 2003 in the conference room in the CMI office at 1903 Key Blvd.

Mr. Gerrity moved that this meeting be adjourned. Mr. McGregor seconded this motion, and it was approved unanimously at 8:45 p.m.