

**Huntington Forest Homeowner's Association
Annual Meeting
November 29, 2016**

Meeting called to order at 7:03pm by Kerry McCabe, President. Meeting held at Cameron United Methodist Church, 3130 Franconia Road.

Board Member Attendees: Kerry McCabe, Steve Piper, Dave Kolo, Steve Danz, Frank Donahoe, Grace Washburn, Kathy Spitzer, Michael Tanner

Homeowner Attendees: See final page for list of homeowners who signed in.

Kerry McCabe established that a quorum was present.

Introduction of Board of Directors

- Kerry McCabe, Steve Piper, Dave Kolo, Steve Danz, Frank Donahoe, Kathy Spitzer, Mike Tanner and Grace Washburn introduced themselves to attendees.

Introduction of Nominees for the Board of Directors

The Nominating Committee report was given by Lisa McCormack who introduced the committee's three candidates for a 3-year term on the Board of Directors.

- Rhonda Crawford, Chris McCormack and Tim Rogers
- Kerry McCabe asked for nominations from the floor; none were received.

Motion to close nominations.

- Steve Piper
- Seconded-Kathy Spitzer.
- Motion carried unanimously.

Treasurer's Report - Presented by vice-treasurer Steve Piper

- The budget report was presented in two parts: The Operating Budget for 2017 that was approved by the Board on November 10 and a Reserve Fund budget. The reason for the two parts was to put the legal expenses for the recently settled lawsuit in the Reserve Funds budget. The 2017 Operating budget provides for a 2017 Annual Assessment of \$117.50.
- Explained the possibility of a special assessment
 - Amount not yet known- the bill for all of the lawsuit-related legal fees has not been received.
 - Any Special assessment must be approved by at least two-thirds of Members voting, in person or by proxy, at a special meeting of Members at which a quorum is present.

Discussion

- Several homeowners raised issues related to the debt incurred by the recently-settled lawsuit. They felt that the Board should not engage in deficit spending, they thought the law firm left the Board exposed and should be fired and they felt there was a lack of financial transparency.
 - Kerry McCabe gave answers, noting: 1) that homeowners have typically worked with the HOA to settle disputes instead of forcing litigation, 2) the Board is bound to enforce the governing documents of the HOA 3) that failing to pursue an appeal on an Restricted Covenant/architectural violation would have violated fiduciary responsibilities and left the door open to future selective enforcement suits in the future and 4) failing to defend the HOA's corporate status when clearly both courts lacked jurisdiction , would

have destroyed the HOA's corporate ability to shield homeowners from the threat of individual lawsuit liabilities in the common areas; a situation the Board viewed as unacceptable. He also encouraged homeowners to attend future meetings so they can be well informed and make their voices heard.

- Steve Piper said that the new Board would need to address the outstanding legal bills, and if possible seek a reduction, and that the HOA's relationship with the law firm should be evaluated.
- General discussion with several homeowners followed regarding procedures for approving an annual budget. There was a perception that the Board was presenting a budget it had already approved and an objection to the inclusion of a special assessment that had not been voted on in the reserve fund portion of the proposed budget.
 - Several current and former Board members explained that the Board approved the proposed budget and was presenting it to the community for discussion and a vote. They noted the difference between the operating budget and the reserve fund. They also stated that treasurer's reports are a part of every open Board meeting and a part of the meeting minutes which are posted on the website under the **Treasurer's Report** menu, usually a few days after the Board meeting.
- More discussion followed regarding the debt, the lawsuit, the issue of selective enforcement and the fact that homeowners have a range of opinions on the application of the HOA's governing documents. Some felt that avoiding deficit spending should be the top priority and others felt that following the guidelines of the governing documents was the only way to create an equitable environment for all homeowners.
- Another discussion developed regarding a number of homes that have been out of compliance with the ARC guidelines for ten years or more. Kerry McCabe and Mike Tanner noted that the homes in question are well beyond the five-year statute of limitations mark and that the Boards in existence at the time of the violations should have enforced the governing documents then. Nothing can be done about the violations now but according to our documents these violations cannot be used as a precedent for current or future non-compliance.
- Janet Roberson stated she believed that for many years there had been a line item for an annual audit that went unspent. She asked if there had ever been an audit. She asserted that in the Virginia Property Owners Act there is a requirement to maintain a reserve fund report and a 5 year plan renewed annually. She asked if the current Board had done this and proposed those items be in place before a special assessment was brought to a vote.
 - Steve Piper said he thought that would be a good issue for the next Board to consider.

Motion to accept the 2017 operating budget as presented.

- Kathy Spitzer
- Steve Piper-second
- Discussion regarding operating budget versus reserve funds and obtaining final legal costs for the year.
- Kerry McCabe called for a vote.
- Motion carried by voice vote.

Kerry McCabe said he would send out agendas for future meetings at which legal bills would be discussed and encouraged homeowners to attend so that their voices would be heard.

Discussion

- Bob Redmond asserted that members of the Board have had violations on their homes for as long as two years. He asked if anyone was taking action. He asked Kerry McCabe to begin by explaining his windows.
 - Kerry McCabe said that although we do not typically discuss specific homeowners in open session he would answer since he was the homeowner in question. He stated that his windows were approved by the ARC after he submitted the appropriate written request. His windows have an approved muntin style for the neighborhood. He further noted that the ARC had approved the large window unit for the Huntington style home as a precedent setting change well before he installed it. The window was approved and can be found on two or three other homes in the neighborhood. The side units of the window are supposed to resemble double hung window units with muntins but the ARC failed to specify that detail in their approval at the time.
- Bob Redmond asked how much was in the reserve account to cover legal expenses and why the community was not consulted before filing an appeal.
 - Kerry McCabe replied that there was approximately \$16K in the reserve for legal expenses and that the short-fused filing deadlines of the court system prevented the Board's ability to seek community approval. Failure to appeal the judge's decision and not seek clarification from the Circuit Court would have left the HOA exposed on the issue of incorporation with potentially no chance to regain corporate protection.

Polls closed for the election of new Board members at 8:17 pm.

President's Report-Kerry McCabe

- 2016 year in review
 - Appreciation of volunteers
 - Volunteer CERT group. Always looking for volunteers. County training is provided.
 - Spring yard sale
 - Neighborhood Block Party
 - John Taber webmaster cleaned up website
 - Legal challenge to corporate status.
 - Began digital conversion of records from 2005-08. For 2008-2012 both paper and digital materials have been retained. The intent is to digitize everything and store on web host to find files.
 - VDOT snow plowing contract adjusted to avoid plowing problems in cul de sacs and the top of Florence Ln.
- Proposed focus for 2017
 - Document updates to include bylaws, covenants and ARC guidelines.
 - Volunteers needed to lead social opportunities.
 - Tour of homes
 - CERT day
 - Welcome committee
 - Raised issue of looking into professional management for HOA.
 - Volunteers needed to research and determine viability.
 - Urged community participation in monthly meetings and committees.

- A discussion regarding prospective document updates developed. A homeowner voiced a concern that the Board could decide to force the community to conform to a style without any input from the membership and recommended a review of the bylaws to ensure that a couple of people could not make this type of decision for the entire community. Another homeowner expressed desire for community discussion in an open forum to make sure all opinions are heard.
 - Dave Kolo, a member of the ARC committee, stated that homeowners in the neighborhood have expressed a variety of opinions regarding the ARC guidelines-many over email rather than at ARC or Board meetings. He noted that the community elected the Board to act on the community's behalf by considering the input from the entire membership rather than just a vocal minority. He encouraged members to attend future meetings.

ARC-Steve Danz

- Invited community to attend open meetings on the first Tuesday of each month.
 - Request Applications must be submitted by the last Tuesday of the month for consideration at the next meeting.
- Recent history of Request Applications
 - 2016: 19 received-18 approved
 - 2015: 44 received-42 approved
- ARC completed review of guidelines by committee in open meetings.
- Committee voted to present revisions to the Board.
- At its November 10 meeting the Board deferred discussion of the proposed guidelines revisions until there could be more community discussion in the coming year.
- Spring walk around completed (third year).
 - 54 homes with no violations.
 - 65 homes with violations.
 - Responses from 35 owners with plans to fix; 33 are closed.
 - 32 homes have open violations.
 - If remediation not communicated to the ARC, homes are still in violation.
 - All violations must be remediated or addressed in the sale package.
 - If a homeowner is unsure of violation status they may contact ARC Chair.
 - hfhoaarc@gmail.com

Land Use-Kathy Spitzer

- Big changes along Route 1 are imminent.
 - Current plan is to have a bus lane down the middle with two lanes on either side, from the Beltway to Woodbridge.
 - Funded by County and State.
 - Decision forthcoming on layout for sidewalks.
 - Wide sidewalk with highway or sidewalk with trees, then highway.
 - Mount Vernon District approving high density with business clusters near Wendy's on Route One. Plans also include an amendment to allow mid-rise, multi family residential (675 units).
 - 360 family units further down Route One.

Common Area-Michael Tanner

- No trees down, but several diseased trees with emerald ash borer.
 - It takes years to kill them but it can be treated and arrested.
 - Treating trees is a maintenance issue-more expense cut trees down.
- Spoilage pile from the cemetery in the back corner is affecting stream bed and creating erosion problems mainly affecting the end of Gentle Lane near the far cul de sac.
 - Progress toward solution has been hampered by poor communication and personnel turnover in cemetery management.
- Trespassers in cemetery and common area remain an issue.
 - An agreement is in place using non-emergency police number to remove trespassers.
 - Not always effective.

Election Results-Presented by Secretary, Frank Donahoe

All three vacancies were filled by nominees with the following vote totals.

48 Rhonda Crawford

50 Chris McCormack

54 Tim Rogers

Kerry McCabe recognized outgoing Board members Michael Tanner, Laura Robinson, and Steve Danz for their time and effort over the last several years.

New Business

Frank Donahoe announced that sign-up sheets for the ARC, the welcome committee and several other committees were available for those with interest.

Jon Butterbaugh wanted to remind the community that the three new Board members were elected along with others to make difficult decisions under time constraints. He noted that the same model is followed with Fairfax County School Board, and he asked the community to support the Board in making decisions. He noted the shift from receiving pro bono legal advice in the past to having to pay for it now and said that perhaps the same kind of shift to paying for professional management is in order.

Kerry McCabe reported that the Board had appointed Frank Donahoe, chair, and Dave Kolo to be the Nominating Committee for 2017.

Meeting adjourned 9:12 pm

Next Board meeting: December 8, 7 pm Montessori School.

Members in Attendance

Piper, Diane and Steve
Travia, Cindy
Paulus, Morty
Butterbaugh, Jon
Donahoe, Frank
Schrum, Jesse
Milligan, Patricia
Crawford, Rhonda
Sawin, Bill
Redmond, Bob
McCormack, Chris and Lisa
Gomez, Mike
Kuhn, Cecilia
Berthold, Nancy
Bushman, Jesse
Crawford, Peter
Kolo, David and Sarah
Rottenecker, Nancy
Britt, Beth
Washburn, Grace
Rogers, Tim
Manning, Heather
Spitzer, Kathy
McDonald, Tom and Nina
Andersen, Jerry and Karin
Watson, David
Tanner, Michael
Mlynar, Maria
Danz, Steve

Regehr, Darwin
Kilcoyne, Kevin
Taber, J
Storz, Bill
McCabe, Kerry
Krueger, Linda
Young, Peter
Gaines, H
Roberson, Janet