

**FAIRLINGTON VILLAGES, A CONDOMINIUM ASSOCIATION
MINUTES OF THE
REGULAR MEETING OF THE BOARD OF DIRECTORS
COMMUNITY CENTER
February 2, 2022**

Directors Present:

Terry Placek	President and At-Large Director (Via Teleconference)
Melanie Alvord	Vice President and Ward VI Director (Via Teleconference)
Anne Wasowski	Secretary and At-Large Director (Via Teleconference)
Harry Reem	Treasurer and Ward III Director (Via Teleconference)
Philip Brown	Ward V Director (Via Teleconference)
Jessica Auston	Ward I Director (Via Teleconference)
Ed Stollof	Ward II Director (Via Teleconference)
Larry Straub	Ward IV Director (Via Teleconference)
Joe Torres	At-Large Director (Via Teleconference)

Also Present:

Gregory B. Roby	General Manager (Via Teleconference)
Miguel Galvez	Facilities Manager (Via Teleconference)
Wil Washington	Chadwick, Washington – Counsel (Via Teleconference)
Mark Johnson	Operations Manager (Via Teleconference)
Erin Moran	Office Manager (Via Teleconference)
Victoria Gomillion	Office Administrator (Via Teleconference)
Marcus Reed	Office Administrator (Via Teleconference)
Dave Bush	Recording Secretary (Via Teleconference)

President Placek announced that due to the continuing nation-wide emergency caused by the Covid-19 (Corona) Virus, and the need to maintain social (safe) distancing between people, the meeting was being held partly by teleconference.

I. Residents' Comments

Carol Hamblin, the homeowner residing at 2871 S. Abingdon Street, came before the Board to comment on the need for a working group to discuss ways in which all owners in Fairlington can have a positive impact on climate change. She reported she has submitted a paper on this subject and asked for the support of the Board in attracting members through the newsletter and other social media.

Kate Lankford, the homeowner residing at 4606 S. 31st Road, came before the Board to speak about the application of chemicals and fertilizers to the grounds. She reminded the Board that

the residents in her Ward I neighborhood submitted a petition requesting that no chemicals be spread on the lawns in their area. She and her neighbors continue to have concerns about the effects of chemicals and other landscape applications on children and pets.

Elana Mendelson, the homeowner residing at 3010 S. Columbus Street, A-1, came before the Board to support the non-use of chemicals on the grounds.

Karen Olson-Weaver, the homeowner residing at 3048 S. Abingdon Street, C-2, came before the Board to (1) support the non-use of chemicals and other applications to the grounds; (2) to ask why the Board continues to operate under COVID-19 restrictions that discourage residents from coming to Board meetings in person; and, (3) note that, as a candidate in the upcoming Board election there do not appear to be procedures in place to notify candidates that they could nominate a person to be a Non-Director Member of the Election Panel.

II. Call to Order

At 7:09 p.m. President Placek called the regular agenda to order.

III. Establishment of Quorum

President Placek noted there was a quorum with nine members present by teleconference connection.

IV. Approval of Minutes

January 5, 2022 Regular Meeting

Mr. Reem moved to approve the minutes of the January 5, 2022 regular meeting of the Board of Directors, as revised. Seconded by Ms. Wasowski and passed (9-0-0).

V. Old Business

There was no Old Business on the agenda and none was presented.

VI. New Business

A. Rules Violation – 3056 S. Abingdon Street

Mr. Brown moved, having conducted the hearing and following the review and evaluation of all evidence, argument and/or comments presented to the Board of Directors of the Unit Owners Association of Fairlington Villages, the Board of Directors finds that there is a (continuing) violation of the Association's By-Laws, and hereby assesses Kurt Rosel, owner of 3056 S. Abingdon Street, \$50.00 for the Rules Violation noted in the letters dated, July 18, 2021, July 26, 2021, August 19, 2021 and January 20, 2022. Seconded by Mr. Torres and passed (7-1-1).

Prior to the vote there was a motion to table the rules violation, as follows:

Mr. Brown moved that a motion concerning a rules violation at 3056 S. Abingdon Street be tabled. Seconded by Ms. Auston and failed (4-5-0).

A previous complaint concerning a dog being allowed to be off-leash had come before the Board and was resolved at the October 6, 2021 meeting. The current complaint, filed by Ms. Lauri Dabbieri and Gerald Rapp who were present at the meeting, states that their neighbor, Flavia Amariei and her friend, have continued to allow a dog to be outside the unit unleashed. Ms. Amariei and her friend also attended this meeting. Karen Olson-Weaver, who is a neighbor, also attended the hearing and gave evidence, as did the owner of Unit 3056 S. Abingdon Street, Mr. Kurt Rosell.

Discussion centered around the facts in evidence, these being pictures and audio-video presentations of the dog running on the common element off leash; whether the dog owner had complied with the resolution approved at the October 2021 meeting; and, a review of Arlington County and Fairlington Villages rules governing pets off-leash.

B. Authorization Virtual Meetings

Mr. Reem moved that, WHEREAS, the Association's Board of Directors has determined that it is in the best interests of the Association to allow all of its meetings, including the annual membership meeting, monthly and other meetings of the executive organ, its Board of Directors, and meetings of the Association's committees to be held by electronic means in accordance with the following procedures and policy.

NOW THEREFORE, be it resolved, that the following policy providing for the conduct of Association meetings via electronic means is hereby adopted.

1. In order to participate in an Association meeting, Board of Directors meeting or committee meeting held via electronic means, Unit Owners, Tenants and Residents must provide the Board of Directors with adequate identifying information to enable the Board of Directors, Committee members or designated Inspectors of an Election, to determine that an individual is authorized to attend the meeting. Such information may include, but is not limited to, a person's name, email address, telephone number(s), and any other identifying information necessary to confirm the individual's authority to attend a given meeting.

2. All meetings held via electronic means shall be held on a readily available platform. Instructions to access the meeting shall be provided in the meeting notice that is required to be provided. Instructions shall include a link to allow attendance via video conference or Internet exchange, as well as the telephone number to allow meeting attendance via teleconference. Instructions shall include the meeting ID, any required passwords, and any additional information required for access to the meeting.

3. Unit Owners, Tenants, Residents, and other participants attending any meeting via electronic means shall have the ability to hear all attendees, to be heard by all attendees, and to participate

in the meeting as appropriate. If an individual who is entitled to participate in the electronic meeting is prevented from doing so due to circumstances not of that person's making, then the meeting chair is to ensure that all efforts are undertaken to enable such person to participate.

4. The Board of Directors shall determine, in its sole discretion, whether any meeting shall be held electronically and, if so, whether such meeting may be held entirely or partially by electronic means.

Seconded by Mr. Stoloff and passed (9-0-0).

C. FY2021 Draft Three Audit Acceptance

Mr. Reem moved that, WHEREAS, the Board of Directors reviewed and accepted DRAFT TWO of the Audit as final at its meeting on January 5, 2022, and

WHEREAS, on January 18th, Johnson, Bremer & Ignacio, CPA's, P.C., advised the Association that further adjustments to the audit of the financial statements for the fiscal year ended September 30, 2021 were in order resulting in a THIRD DRAFT.

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Directors accepts the attached DRAFT THREE (3) of audit for the fiscal year ending September 30, 2021. Seconded by Ms. Alvord and passed (9-0-0).

D. Spring Fertilization and Chemicals

Mr. Torres moved the Board approve the proposal from Lancaster Landscapes for fertilization and chemicals at a total cost of \$4,753.74, this amount to be reduced after excluding work performed in an area of Ward I as shown on the attached map. Seconded by Ms. Alvord and passed (9-0-0).

To be charged to Operating Account 6140 – Grounds Non-contract

During the Resident Forum it was noted that in October of 2021 residents of S. 31st Road had submitted a petition requesting their area become a chemical-free area. The Board discussed the merits of zoning one area for a chemical free trial and agreed that the area bounded by I-395, S. Abingdon Street, S. 31st Street and Park Shirlington which is centered on S. 31st Road, will be a chemical free test area, and that the amount of funding noted in the motion will be reduced accordingly.

E. 2022 (44th) Annual Meetings

Ms. Wasowski moved that the Board of Directors approve the revisions to the proposed agenda for the 44th Virtual Annual Meeting to be hosted at the Community Center but conducted entirely by telephone conference call.

And, that the question to amend the standard annual meeting agenda as presented in the by-laws of the Association be added to the proxy and put to the membership for vote at the 44th Annual Meeting on March 30, 2022. Seconded by Ms. Alvord and passed (9-0-0).

[At this time President Placek turned the gavel over to Secretary Anne Wasowski to conduct those portions of the meeting governing the election of Members of the Board of Directors, Items F., G. and H. on the agenda]

F.1. Certification of Candidates

Mr. Brown moved that the Board of Directors hereby Certifies the following individual(s) as Candidates qualified for election to the position indicated on the Board of Directors at the 44th Annual Meeting on March 30, 2022:

<u>Position</u>	<u>Candidate</u>
Ward I	Jessica Auston Kate Lankford
Ward VI	Melanie Alvord Elana Mendelson
At-Large Director	Terry L. Placek Karen Olson-Weaver

Seconded by Mr. Reem and passed (5-1-3) on a roll call vote with Mr. Brown, Mr. Reem, Mr. Stolof, Mr. Straub and Ms. Wasowski in favor; Mr. Torres opposed; and Ms. Alvord, Ms. Auston and Ms. Placek abstaining.

During the discussion of this resolution Mr. Torres referenced Section 3(d) of the Election Rules, (Revised Version, February 6, 2020), as follows:

Section 3. (Candidacy Petitions, Candidate Statements, and Candidate Election Panel Nominees), sub-section (d) The Candidate Statement permitted under Paragraph 3(b) will: (1) include the name, unit address, unit number, and residential address (if different from the unit address) of the potential candidate; (2) the name of the director position for which the unit owner is seeking to become a candidate;and,(5) and will not be released by the Secretary to any person or persons prior to the official mailing to all unit owners provided for in Paragraph 5.

Mr. Torres stated that one or more candidates had not adhered to one or more of these rules and omitted their name, unit address, and/or unit number and residential address (if different from the unit address) from their Candidate Statement, and that as a consequence of these omissions their Candidate Statements should be disallowed.

Discussion included how the contents of the candidate statements were obtained and whether there was a violation of the Election Rules; pros and cons of having Management bring the statements into compliance with the Election Rules by affixing the missing information to the Statements that omitted it after the submission date; whether a candidate can request that their present residential address if different from the address of the Unit may be withheld for security reasons; whether the rules be viewed by intent or strictly by verbiage; and, the best way to proceed assuring that the rules are enforced while allowing for full inclusion for participation by all those involved.

Legal Counsel Wil Washington reviewed the rules being referred to during the discussion and confirmed that while all the petitions had the address and unit information on them, three of the statements were missing that information. He then reaffirmed that because eligibility to be a candidate is based on the petitions and not the statements, Mr. Torres' objection did not rise to the level of disqualifying any of the candidates.

As to the sufficiency of the statements, he noted that upon review of the Rules at that time they did not limit the ability of the Board to annotate any missing information on the statements that did not contain it at the time of the submission – so statements can and should be brought into compliance so they contain information required by the rules. As to the candidate who does not wish to include their address of residence that was not also the address of the Unit owned by the candidate, the rules require it be listed – if that request is to be granted the rules would have to be changed. He stated that if this information is not included it is a relatively harmless error and would probably not be a reason to disallow a candidacy.

In response to a question posed by Director Brown as to whether the Board could grant a one-time waiver on the matter of omitting the current address in the statement, Mr. Washington stated he found nothing in the rules which would prohibit that action by the Board.

F.2. Technical Corrections for Statements of Candidates

Mr. Brown moved that upon finding that six candidates who complied with the criteria to be candidates for the Board of Directors, and finding further all such candidates having submitted Candidate Statements that are timely, the Board, in accordance with its Legal Counsel's opinion, directs and authorizes Management to affix the unit address, unit number, and address of the candidate if different than that of the unit they own to those statements from which such information had been omitted and to include those statements with the mailing of the ballots pursuant to our rules. Seconded by Mr. Reem and passed (5-1-3) on a roll call vote with Mr. Brown, Mr. Reem, Mr. Stoloff, Mr. Straub and Ms. Wasowski in favor; Mr. Torres opposed; and Ms. Alvord, Ms. Auston and Ms. Placek abstaining.

F.3. Waiver

Mr. Brown moved that the Board of Directors in accordance with its Legal Counsel's opinion, grant a waiver to one of the candidates who is on temporary military assignment out of state, to note that fact in lieu of providing the specifics of their temporary address. Seconded by Mr.

Reem and passed (5-1-3) on a roll call vote with Mr. Brown, Mr. Reem, Mr. Stolloy, Mr. Straub and Ms. Wasowski in favor; Mr. Torres opposed; and Ms. Alvord, Ms. Auston and Ms. Placek abstaining.

G. 2022 Election Panel - Director Members

Mr. Reem moved the Board appoint the following Directors, whose terms do not expire, to the 2022 Election Panel.

*Director Member: Edward Stolloy
First Alternate Director Member: Joseph Torres
Second Alternate Director Member Lawrence Straub*

Seconded by Mr. Brown and passed (6-0-3) on a roll call vote with Mr. Brown, Mr. Reem, Mr. Stolloy, Mr. Straub, Mr. Torres and Ms. Wasowski in favor; and Ms. Alvord, Ms. Auston and Ms. Placek abstaining.

H.1. 2022 Election Panel – Non-Director Panel

Ms. Wasowski moved the Board appoint the following Non-Director Unit Owners to the 2022 Election Panel.

*Unit Owner member: Mary Cusick
Unit Owner member: Cheryl Chevalier
Alternate Unit Owner member: Donna Volpone*

Seconded by Mr. Brown and passed (6-0-3) on a roll call vote with Mr. Brown, Mr. Reem, Mr. Stolloy, Mr. Straub, Mr. Torres and Ms. Wasowski in favor; and Ms. Alvord, Ms. Auston and Ms. Placek abstaining.

Pursuant to the procedure for selecting the Non-Director members of the Election Panel from a pool of nominations in excess of three individuals set forth in the Election Rules, the Board held two ballots selecting Ms. Cusick and Ms. Chevalier as members. Prior to a third ballot, Ms. Alvord withdrew her nominee to allow the remaining nominee, Ms. Volpone, to be selected for the third Alternate position by unanimous consent after the Board approved the following motion:

H. 2. Withdrawal of Non-Director Panel Nominee

Ms. Wasowski moved that Ward Six Candidate Melanie Alvord be allowed to withdraw her nominee, Ms. Sharon Bisdee, from consideration as a Member of the Non-Director Panel. Seconded by Mr. Brown and passed (6-0-3) on a roll call vote with Mr. Brown, Mr. Reem, Mr. Stolloy, Mr. Straub, Mr. Torres and Ms. Wasowski in favor; and Ms. Alvord, Ms. Auston and Ms. Placek abstaining.

I. Variance Request – 3022 S. Buchanan Street – Remove Load Bearing Wall

Ms. Wasowski moved the Board approve the January 14, 2022 variance request from the homeowner at 3022 S. Buchanan Street, to remove a load bearing in their unit, in accordance with the specifications outlined in the attached variance request. Approval is subject to the unit owners' acceptance of responsibility for any damage caused by the approved modifications and indemnification of the Association for all of its costs, judgments and/or expenses, including its attorneys' fees, which may arise from or relate to the approved modifications or to damages or damage claims arising therefrom. Further, the homeowner is responsible for obtaining all building permits, ensuring that the modifications are in accordance with those permits and all applicable building codes. Seconded by Mr. Stolof and passed (9-0-0).

VII. Reports

President: Ms. Placek, reflecting on the submission of a paper on climate change submitted by Carol Hamblin, noted that this would be an appropriate matter for action by the Fairlington Citizens Association; she then reported that there have been several emails from residents wishing to join the Working Group on Noise and she noted the first meeting of the group will be in March; and she concluded by reporting that the date of the 5K Fairlington run will be May 7th, not April 23rd, as reported in the All Fairlington Bulletin.

Secretary: Ms. Wasowski had no report.

Treasurer: Mr. Reem reported that the Fiscal Year 2022 second month financial report showed a \$71,689 excess of income over expense, however he cautioned that over time this figure will undoubtedly diminish.

Vice President: Ms. Alvord had no report.

Articles for the March 2022 Issue of the *North Fairlington News*: The Board reviewed items to be included in the March 2022 issue of the *North Fairlington News*.

Committee Reports: There were no committee reports, other than those in writing, and there were no questions from the Board.

Management's Financial Report: There were no reports, other than those in writing, and there were no questions from the Board.

Management's Administrative Report: There were no reports, other than those in writing, and there were no questions from the Board.

Management's Project & Status Report: There were no reports, other than those in writing, and there were no questions from the Board.

Office Administrative Report: There were no reports, other than those in writing, and there were no questions from the Board.

Facilities Report: There were no reports, other than those in writing, and there were no questions from the Board.

Operations Report: There were no reports, other than those in writing, and there were no questions from the Board.

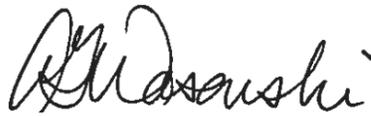
VIII. Establishment of Next Board Meeting

The next regular meeting of the Board will be held Wednesday, March 2, 2022.

IX. Adjournment of Meeting

Ms. Alvord moved the Board adjourn the meeting of February 2, 2022. Seconded by Mr. Torres and passed (9-0-0).

President Placek adjourned the meeting at 9:53 p.m.



Secretary
Fairlington Villages, a Condominium Association