

## **Minutes: Flint Ledge Estates Board Meeting**

Tuesday, September 25, 2007

2320 McCormick Road 7:00 P.M.

Board-Attendance: Brian Rogers, President, Simone Seym-Nickel, Vice-President, John Nickell, Vice-President, Gayle Brooks, Secretary

Board-Absence: Sonya Rickman

Guests: No one

Signed off on Meeting Minutes from 8/28/07 meeting

Signed off on 2330 trim/landscaping/porch variance request.

Discussion with owner showed they have a preference to maintain one color throughout the trim. They will replace the gable vents with trim-matching vents and replace porch with trim-matching painted wood of the existing style. They are in the process of improving the landscaping appearance.

### **Other issues:**

Brian reported the following:

Resident Agent contract signed and paid. Should have new resident agent in October. Brian needs to follow up with agent service.

Received preliminary communication from Zbarsky residence, 2329 McCormick Road, regarding their plans to install garage door of trim-matching color with windows. After consulting with Board members, Brian informed them that the presence of the windows on the door would require them to apply for a variance. They told me that they would advise us about their plans once they had been made firm. They have subsequently installed a door of the correct color without windows apparently to avoid petitioning for a variance.

Further discussion and voting by the Board allowed windows to be permitted on Garage Doors without variance request and review. Doors must still be trim color and appropriate style for neighborhood.

### **Update on Architectural Control Violations:**

Tree behind 2403 McCormick Road has been removed as requested. The owners have contacted me and asked if we could contribute some money toward the cost of their tree removal expenses. I told them that we had not done this previously, but I would bring it up at the next Board meeting for discussion. Discussion with the Board showed the proposal to be an unwise precedent considering our small budget.

Garage Door standard color – Gayle provided a pamphlet showing standard garage door colors and window designs.

2316 has replaced their trim and is acceptable.

Tree in front of 2433 McCormick Road has been removed as requested.

Pile of mulch in front of 2410 McCormick Road has been removed from under goose.

The six street lights that are dark on Wootton Parkway, just south of McCormick Road, have been fixed. The one nearest McCormick road has since gone out.

Brian talked with Walter Patterson (previous survey contract proposal for \$2850 + printing costs) for proposal on limited Survey of Townhome area and Tot Lot Area. He suggested talking with the original surveyor who made the plats (IPDS Ltd., Silver Spring 301-585-5676). Brian will call. Patterson did not sound enthusiastic about survey. Need to try metal detector and compare results with plat. Board will borrow a metal detector for experiment to establish the possibility of self determination of boundaries.

Progress on Memorandum of Agreement with City: Dwayne reported: "In respect to the Draft MOA for constructing a retaining wall, the Legal Department has not yet reviewed the document, but should get to it in the near future. Your questions regarding the document has also been forwarded to them as well. Hopefully you will be hearing from us soon."

Contacted Thomas Schild Law Group, LLP about legal services related to HOA. Cost is either \$2400/year retainer (\$275/hr + attendance at one meeting per year) or flat rate of \$295/hr. They are located in Rockville by post office. Need signed opinions to prevent the Board from taking personal risks related to spending funds on various projects, such as tree trimming, entrance enhancement, etc.

Discussions concerning the need and expense for hiring an attorney were held. No policy was decided upon at this meeting. Various issues that might be brought up to an attorney were discussed at this time. Gayle felt that hiring a lawyer would likely be too expensive, and that she felt that it was important to try to talk with the Mayor first from the point of view of a neighborhood with a small budget and limited resources. Simone strongly supported Gail's concerns, and pointed out that challenging the City of Rockville with a lawsuit will never be a win-win.

Brian will attempt to contact nearby HOAs to determine their experiences with local lawyers.

### **What questions need to be asked of the legal council related to controlling documents and legal issues?**

1. What are our rights to maintain the area of the berm? Is it City property (being within the Wootton Parkway right-of-way)? Can we annex it through the MOA proposed by the City? Is the MOA content acceptable? Does it leave us totally vulnerable to liability for all the possible problems?
2. Must we be held responsible for the trimming of the trees in the single family house area since the City has maintained them up to this point? May obtain a tie-in and compromise with City pertaining to SFH trees and entrance maintenance.
3. What is necessary to replace/repair the sidewalks with respect to property lines?
4. Can we amend the Bylaws to allow us to vary the relative assessments between the SFH and the Townhomes? Discussion of possibility of splitting into two HOAs with one being responsible for Townhomes and one for SFMs. Probably unrealistic considering the significant overlap of responsibilities and property.

5. Can we amend the Bylaws to allow us to lower the quorum requirements to make it easier to change the controlling documents?

6 McCormick Court has signed contract to replace their fence. Have applied for both construction and other permit necessary to begin work. Construction permit is waiting on other permit related to sewer/water drain. They have begun replacing shutters as requested. The 10" gate proposed in the fence contract for 6 McCormick Court is to be used for maintenance purposes only. Brian will talk to neighbors about fence appearance.

**Brian: Do we need to bring some issues to the attention of the membership for vote on some or all of them? Some issues brought forward for discussion by Brian:**

1. Once we have the quote from the HOA lawyer on how much it will cost to interpret the controlling documents on issues related to maintenance of the front entrance in spite of ownership by the City, and how much it will cost (approximately) to fight Rockville to maintain the front area:

Do we want to spend the money on the interpretation by the lawyer? Furthermore, do we want to spend the money on fighting Rockville in an attempt to force them to maintain that area? If we sign the Revocable License Agreement, we and future homeowners will be responsible for maintaining that wall forever.

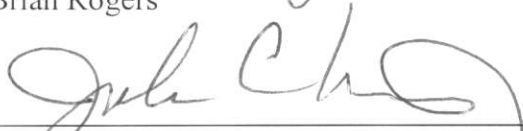
2. If the cost of obtaining the legal information we need is too high, do we want to simply go ahead and maintain that area in spite of the lack of legal guidance on our legal right to do so? At some point in our history, we took it upon ourselves to maintain the gardens in the front area without owning them. Can we use this precedent to continue to maintain the garden and maintain the wall? Rockville will not let us alter the wall without signing the Revocable License Agreement.

3. Do we want to approve a special assessment on Townhome owners only to spend money on sidewalk repair in front of their residences, and share the cost with the SFH of repairing the sidewalk in the tot lot area. We need a quote from a couple of Concrete Contractors to make a firm cost assessment for the meeting. Therefore, we need to establish precisely what concrete needs to be repaired by establishing property lines.


Tree between townhomes to be cut? Not begun. Will file permit with city when schedule permits.  
Simone made the comment that the tree at the end does not look unhealthy to her.

**Approved:**

  
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Brian Rogers

  
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John Nickell

  
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Simone Seym-Nickel

  
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Sonia Rickman

  
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Gayle Brooks