

Minutes of the September 23, 2013 Meeting Strawberry Knoll Elementary School

Board members present: Clyde Lutter, Steve Schuyler, David King, Walter Kelley

Homeowners present: Nancy Holderman, David Goldstein, Jean Decker, Zack Khan, David Nocket, and Tom O'Brien

The meeting was called to order at 7:07 p.m. Quorum was met.

Clyde Lutter reviewed the meeting agenda and noted that during Members' Time, members would be allowed 5 minutes each.

Next Meeting Date –October 28, 2013

Meeting Minutes Review:

The minutes from the August 19, 2013 meeting were reviewed. One additional item to be added and a format correction requested. The minutes were approved with accepted changes. The approved minutes will be posted to the WCHOA website.

Members' Time:

Issue:

Debris, including building supplies is being disposed of on common ground areas. Common ground areas are being used as a method trash disposal. This disposal is accumulating on the back of another homeowner's property fence, adjacent to where the debris is being disposed of.

Board Response:

The board requested that the landscaper document where this debris is accumulating throughout the months and being picked up by the landscaper. The landscaper will provide photos tracking the removal and forward it to the board members for further action to be taken. When the new architectural guidelines are distributed to the Walnut Creek community it will specify that dumping of any kind of debris on common ground areas is prohibited.

__ Issue:

Homeowner on Glendower mentioned that a \$25.00 fine for trash can exposure, previously imposed several months ago, was reversed by the board. He, however, continues to receive letters requesting the payment of the \$25.00 fine. It was his understanding that the board had reversed the \$25.00 find.

__ Board Response:

Steve Schuyler will reference the previous month's minutes to see if the board had indeed reversed the fine.

Architectural Submissions/Requests

Architectural Chair Steve Schuyler provided an Architectural Report to the board containing the following.

Steve read the following information to the board and general membership attending. This document was from the January 28, 2013 WCHOA meeting minutes:

Homeowner at 18904 Glendower Rd complained about the letter they received requesting that the portion of the fence that goes around the right hand side of their property be completed. David showed the board evidence that architectural request to complete the roof on an existing playground structure (which was higher than 7 feet tall) had been previously approved by a HOA board many year ago. David also showed evidence of a prior architectural request for a fence to be constructed around the property. This previous architectural request was many years old. Steve mentioned to David that there is a provision in the HOA covenant which prohibits outbuildings from being taller than 7 feet tall. Steve also mentioned that architectural requests expire after one year, after which time another request must be submitted if the requested work was not done. After some deliberation, the board arrived at a mutually agreeable solution to the conflict. The board agreed that since there was a document showing that the board had at one time approved a modification to the playground structure the existence of the playground structure should be "grandfathered in". However, the board agreed that the fence must ultimately be built since this would somewhat hide the structure from view and grant the neighbors some measure of privacy. The board also approved a plan which grants David and Tammy additional time to

build the fence, by agreeing to a plan which would allow David and Tammy until 9/30/2013 to complete the construction of the fence. The board mentioned that if economic conditions were such that the fence could not be completed by 9/30/2013 then all that David and Tammy would have to do is resubmit another architectural request form and then the board would grant them as much additional time as necessary to complete the task. The architectural chairman Steve Schuyler agreed to send a letter by mail which details the nature of our agreement to David and Tammy in writing.

The board then expressed its concern that going forward, the one year expiration date on future architectural approval forms could be challenged in courts of law if there is not an explicit mention of the fact that this on

the form that the homeowners sign themselves. Clyde Lutter mentioned that in a court of law, if there is any ambiguity in a contract then the case is typically decided against the side representing the contract writer rather than the contract signer. Because of this, Clyde Lutter agreed to review the electronic soft copy of the standard architectural request form to see if the wording could be modified somewhat so that the 1 year expiration date on the request is explicitly mentioned in the form.

Correspondence of September 9, 2013 was sent to the homeowner by the architectural chairman, Steve Schuyler, requesting an update on what was being constructed on his property and the proper architectural documents had not been submitted to the architecture chairman, Steve Schuyler. Also, there was a concern that the proper Montgomery county requirements for permits and documents and procedures had not been followed along with receiving neighbor signatures approving the working being done. It was requested that homeowner resubmit a current architectural application, as the other was dated 2009 and not current nor inclusive. It was also requested that homeowner obtain proper Montgomery County documentation to include neighbor signature of agreement.

__Outcome:

Homeowner will submit a current architectural application to include any changes from the original documents and any Montgomery County required documents. Homeowner will also obtain the Montgomery County required neighbor signatures of agreement. Size of the shed, materials used and paint to be applied will be specified in the new architectural request, which was not previously submitted or approved.

__Issue:

Steve Schuyler received correspondence from homeowner at 19817 Glendower. The homeowner is in disagreement with the architectural letter requests previously sent to him. Steve resubmitted information back to the homeowner regarding the architectural request and included photographs to illustrate the exact condition. Steve is currently awaiting a response from the homeowner.

Update of Architectural Regulations and Guidelines:

Update of Architectural Regulations and Guidelines dated 2007 including the incorporation of the new language on the use of basketball nets and other proposed changes.

Board members reviewed the regulations and guidelines and submitted their comments to Steve Schuyler. Steve will proceed to revise and incorporate the new language of the Architectural Regulations and Guidelines and will forward this to the management company for final production to be distributed to the general membership of Walnut Creek homeowner community.

Old Business

Townhouse Parking – Clyde Lutter requested that board members review the parking policy documents he forwarded to each board member by email. Printed copies were also presented to each board member at the meeting. Clyde Lutter requests that each board member submit comments and questions to him in the next two weeks (October 7th) via email.

Speed Bumps – The installation of speed bumps in the community will be addressed in the October meeting.

Playground rubber – Contracts Chairman Walt Kelley researched the feasibility of replacing the wood chips in the tot lots with a rubberized permeable surface. He contacted sales for ballpark with rubberized ASTM certified surfaces that meet standards for playgrounds. The approximate cost is \$14.00-\$18.00 per square foot. The tot lot near the tennis court is 1600sq. feet – would be \$33,600 and the upper tot lot is 1200 sq. feet – would be \$24,864. Due to the high cost the board rejected the rubberized material and voted to not approve this material. Walt Kelley will obtain estimates for the installation of additional wood chips to be added to the tot lots sometime next year, as it is too late in the year to do it now.

Erosion problem – Residents of 9032 Centerway have reported that a large maple tree and lack of adequate sunshine on the common area hill in front of their townhome has caused a detrimental appearance to their property. An erosion problem caused by the rainfall run off of the tree is contributing. President Lutter requested that Contracts Chairman Walt Kelley get some bids to address the issue. Walt did a thorough walk through of this area. He observed the slope of the property starting from the home and extending down to the sidewalk. The slope has a severe erosion problem which also creates mud covering the sidewalk. Homeowners have planted seed several times, each time not resolving the problem. The existing wood retaining wall needs to be extended down to the sidewalk far enough to prevent the erosion and solve the drainage area. This extension of the retaining wall needs to be installed using the same wood materials that currently exist. Ground cover needs to be installed in the area as grass does not stop the erosion area. The existing overgrown mature maple tree which overhangs the homeowner's house and contributes to the erosion will need to be addressed. It was recommended that a certified arborist inspect the tree and surrounding area for their recommendation and the second option would be tree removal. Competitive bids for tree maintenance vs. tree removal will be obtained by Walt Kelley. Steve Schuyler has the name of 3 arborists and recommended that a certified arborist inspect all the mature trees in the common area and give the board their recommendations. This will address any dangerous and libelous conditions that presently exist.

Walk Through – WCHOA Contracts Manager Kelley went through the list of two items identified in the community walk through and indicated that some of the issues identified have been addressed by the WCHOA Landscaping contractor, however these two items have yet to be addressed.

1. Poison Ivy – Contracts Manager Kelley inspected the upper playground behind the townhouses and took pictures to verify that the WCHOA Landscaping Contractor has not yet removed the poison ivy. The landscaping company will spray the poison ivy and rope off the area by signs. Landscaping company representative stated these are new poison ivy plants, as they previously pulled out the poison ivy. The board requested the poison ivy plants be sprayed so they will not return. This will be done in one to two days by the landscaping company.
2. Dead branches still remain on the pine tree off of Lindenhouse on the path to the tennis court. David King stated that there appears to be a dead tree at the side of Goshen possibly on our common area. The landscaping company will take care of the dead branches on the path to the tennis court and inspect as to whether the dead tree is on our common area or is owned by the county.

Townhouse parking lot-After Steve Schuyler and Dave King submitted trouble tickets and several contacts made by Steve Schuyler, WSSC repair and resurfacing of the parking lot road surface area around 9070 Centerway Road has been completed. The final layer of pavement, 7-8 parking spaces was completed on 9/23/2013. Parking spaces will now need to be repainted. Walt Kelley will contact Patrice Johnson as she knows who can paint the parking spaces. In order to accomplish the painting, signs will need to be posted when the painting is to be done so cars will not be parked in that area.

Tree at 9060 Centerway Rd. Common area-After inspection by a certified arborist it was determined that the tree was dying and needed to be removed. Walt Kelley, Contracts Chairman, obtained an estimate and the board approved tree removal with stump grinding. Tree removal and stump grinding was done last week. Walt Kelley was present when the work was being performed. Landscaper will look at the area and possibly reseed the ground.

New Business

2013/14 WCHOA Meeting Schedule – The WCHOA Board Meeting dates are as follows:

October 28, 2013
November 25, 2013
December 16, 2013 – THIRD MONDAY DUE TO THE HOLIDAY.
January 27, 2014
February 24, 2014
March 24, 2014

New Trees – There was a short discussion regarding the installation of new trees throughout the Walnut Creek common area. Discussion was presented regarding the consideration of maintenance costs related to

the various types of trees and discussion regarding the already mature trees in the common areas that are in severe need of maintenance decisions by certified arborists and the board members. Further discussion of the installation of "new" trees will be continued at the October board meeting. More information will be provided by a certified arborist as to the maintenance that is currently needed on the mature trees already in the common area.

Walnut Creek Neighborhood Sign-Tom O'Brien, homeowner, presented a new design for a community sign on common area. By saving the letters from the old sign – this saved \$3000, if they are able to be used, as they have corroded on the back. Repair will be necessary if they are able to be used at all. The proposed sign included solar power – led lights, illumination of the stone on the side along with a very attractive contemporary overall sign design. CAD drawings, photograph samples and material samples were professionally presented. Tom will present Walt Kelley with an official bid for the construction of the sign. At this time the present bid was \$8,000 however official bid figures will be presented to Walt Kelley. Proper Montgomery county permits will be obtained by the person awarded the bid. Walt Kelley will also obtain additional bids.

Common Area Fall Aeration and Seeding --Walnut Creek HOA landscaper stated aeration and seeding needs to be done. It has not been done in the past 3 years. Seed applied will be Tall Fescue with 10% shade grass. Evaluation of the area will mandate percent of shade grass seed needed. Landscaper will present a formal bid this year of \$3650 for all common areas and Walt will obtain additional bids. If current landscaper is awarded the bid he will remove dead limbs at the tennis court area at no charge. This would need to be done before 1st week of December as the ground temperatures will then be too cold to do the work.

Privacy Policy- Clyde will send a copy of the privacy policy to each of the board members to review to see if an update will be necessary. In the meantime, Steve Schuyler will contact Diane Winters, webmaster, regarding taking the minutes, as written up and approved, and her making any necessary adjustments to adhere to the privacy policy on the web.

Bush- Tulip Grove and Harkness -Large bush on the east side of corner of Harkness and Tulip Grove Road obscures road view and is a hazard. Steve Schuyler will send homeowner letter requesting bush be trimmed back to alleviate the obstruction of the road view.

Financial Report:

A financial report will be provided at the October meeting.

Meeting adjourned at 9:04 p.m.

NEXT MEETING OCTOBER 28, 2013