

# Forest Hills

Community Association



2022 Forest Hills Board Meeting Minutes

This document contains 2022 Board Meeting Minutes and Committee Reports

Forest Hills Community Association (FHCA)	Date: 24 January 2022
	Time: 7:01 PM
	Meeting Minutes

Board Member	Present	Board Member	Present
Vacant	<input type="checkbox"/>	Mike Petrina	<input type="checkbox"/>
Karen Smith	<input checked="" type="checkbox"/>	Marty Suydam	<input checked="" type="checkbox"/>
Jessica Pierce	<input checked="" type="checkbox"/>	Bruce Klappa,	<input checked="" type="checkbox"/>
Bob Hood	<input type="checkbox"/>	Patrick Tucker	<input checked="" type="checkbox"/>
Bobby Blabolil	<input checked="" type="checkbox"/>	Prasad Indla	<input type="checkbox"/>
Theresa Godwin	<input checked="" type="checkbox"/>	Graham Law	<input checked="" type="checkbox"/>

Homeowners / Committee Chair Persons On-Line		
Christine Hunter	<input checked="" type="checkbox"/>	2325 S. Queen St
Tony Watson	<input checked="" type="checkbox"/>	2335 S. Rolfe St.
Diane Lynott	<input checked="" type="checkbox"/>	2324 S. Rolfe St.
Mary Williamson	<input checked="" type="checkbox"/>	2335 S. Queen St
Nell Pinol	<input checked="" type="checkbox"/>	2344 S. Rolfe St.
Lester Martin	<input checked="" type="checkbox"/>	2362 S. Queen St.
Eamon Spiegel	<input checked="" type="checkbox"/>	1706 S. 23 <sup>rd</sup> St.
Andrea Hoffman	<input checked="" type="checkbox"/>	2371 S. Queen St.

Agenda Items			Minutes
No.	Topic	Presenter	Highlights
1.	Call to Order/Welcome	Pat Tucker	The meeting was called to order at 7:01pm
2.	Roll Call	Theresa Godwin	Attendance as noted above by the Secretary
2.1	Approval of Minutes	Theresa Godwin	November 1, 2021 Board Meeting Minutes approved via email on November 14, 2021
3.0	Election of Officers	Pat Tucker	<ul style="list-style-type: none"> <li>Board went into Executive Session at 7:04 pm.</li> <li>Executive Session ended 7:11 and returned to open Board Session.</li> </ul>
4.0	Report of Actions taken in Executive Session	Pat Tucker	<ul style="list-style-type: none"> <li>Pat Tucker reported board elections in open session.</li> <li>Pat Tucker was nominated for President.</li> <li>Bruce Klappa was nominated for Vice-President.</li> <li>Andrea Hoffman was nominated to fill the vacant Board position.</li> <li>Graham Law was nominated to Chair the Nominating Committee.</li> <li>Motion made and approved to accept all the nominations</li> </ul>
5	Financial	Karen Smith	<ul style="list-style-type: none"> <li>Motion made and approved to accept the December 2021 financial reports as submitted.</li> </ul> <p><u>2021</u></p> <ul style="list-style-type: none"> <li>Operating surplus of almost \$24k. Major contributors to the surplus were Transurban Grants (\$6k), Contingency, (\$4.5k), Legal (\$3.3k), and Snow Removal (\$3k). Expect the Transurban Grants</li> </ul>

			<p>to be executed in 2022; the last three areas have traditionally enjoyed generous budgets due to uncertainty of the estimates and may provide an opportunity to limit future dues increases.</p> <ul style="list-style-type: none"> <li>Reserves cash balance increased by \$8k to \$213k; projects for storm water management, sprinklers, and the wood fence were accomplished.</li> <li>Special assessment remained essentially unchanged at \$56k.</li> <li>Dues ceiling was raised by \$86 from \$1,540 to \$1,626.</li> </ul> <p><u>2022</u></p> <ul style="list-style-type: none"> <li>Dues collection for 2022 is underway with payments for 80 properties received, representing 62% completion.</li> </ul>
6	Committee Report		
6.1	Caring	Diane Lynott	<p><u>Caring:</u></p> <ul style="list-style-type: none"> <li>Jennifer Campbell &amp; Michael Wagner 24th St – Baby Girl- cheer card</li> </ul> <p><u>Welcoming:</u></p> <ul style="list-style-type: none"> <li>1806 24th Street – welcomed by Block Captain – returned Forest Hills Resident Information Form.</li> <li>1812 24th Street – welcomed by Block Captain- returned Forest Hills Resident Information Form.</li> <li>1816 24th – welcomed by chairman – returned Forest Hills Resident Information Form.</li> <li>2350 South Queen – welcomed by Block Captain.</li> </ul> <p><u>Block Captain:</u></p> <ul style="list-style-type: none"> <li>Block Captains distributed (12/8/21) Save the Date flyers for Social Committee for winter social 2022.</li> <li>Block Captains delivered Welcome Packets to new residents in their section and pick up/returned resident forms to Patrick Madden.</li> </ul> <p><u>Houses Sold:</u> 1708 South 23rd Street</p> <p><u>Houses for Sale:</u> None</p> <p><u>Houses for Rent:</u></p> <ul style="list-style-type: none"> <li>2350 South Queen – new tenant moving in January 20, 2022</li> <li>2360 South Queen – new tenant moving in February 1, 2022</li> <li>2360 South Queen – moving out (Brian &amp; Annette Sandler)</li> </ul>
6.2	Social	Neil Pinol	<ul style="list-style-type: none"> <li>Winter Social has been postponed to 30 April 2022.</li> <li>Annual yard sell will be held in either May or June.</li> </ul>
6.3	Website	Lester Martin	<ul style="list-style-type: none"> <li>The President’s letter has been edited and copies available for including in the welcome packages. Pat may need to review now that he’s President.</li> <li>Website will be updated with the new info on Board nominations.</li> </ul>
6.4	Architectural Control	Christine Hunter	<p>See ACC Report for more detail.</p> <ul style="list-style-type: none"> <li>Snowfall on January 3 and 6 offered an opportunity to observe how roof design, materials, and snow guards perform in snow and ice.</li> <li>Several homeowners reported back to the ACC that they did not receive a homeowner’s insurance discount (or the discount was minimal) after installation of a composite roof. Recent experience by the ACC Chair suggests that the following process may be helpful:</li> </ul>

			<ul style="list-style-type: none"> <li>- Ask to speak to the underwriting or policy revision staff directly.</li> <li>- Confirm any available discount for roof age (a new roof is less likely to generate a claim).</li> <li>- Request insurer's forms necessary to document that the composite products approved for use in Forest Hills are rated as Class IV impact resistant. This may require verification from the roofing contractor.</li> <li>- Completion of this process yielded a combined discount of \$268 per year (approx. 10%).</li> </ul> <ul style="list-style-type: none"> <li>• Home at 1728 S. 28<sup>th</sup> street. Home continues to be out of compliance. Additional damage has been noted in both the rear and front of the home. FHCA non-compliance letters to homeowner sent in February 2021 went unanswered. ACC recommends another letter should be sent to document the latest damage. <ul style="list-style-type: none"> <li>- APS has closed their case with the homeowner. Arlington County seems reluctant to become involved.</li> <li>- Board recommended Andy Hoffman go back to Arlington County to make them aware the situation has continued to decline and it's becoming a safety issue. Follow up both verbally and in writing with the county.</li> <li>- If Arlington County cannot provide any assistance Board may need to engage with our attorney.</li> </ul> </li> </ul>
6.5	Reserve Committee	Marty Suydam	<p>See the Reserve Committee Report for more details.</p> <ul style="list-style-type: none"> <li>• During the Spring-Fall 2021 period many of the priority areas were addressed using existing contract resources to improve health of sod by removing several trees and raising and clearing branches of many trees that were providing too much shade for healthy sod growth.</li> <li>• Arlington County repaired the clogged storm drain area in the southwest corner of Forest Hills property (near the fence line between FHA and Park Apartments). Drain and sidewalk pavement was replaced in that area and has shown no return to surface water flow and sidewalk mud that had persisted for nearly a decade.</li> <li>• Davey Tree Experts (Landscaping Division) and Merrifield Gardens were selected to work on those projects in December 2021.</li> <li>• Motion made and approved for additional Reserve Projects funds, not to exceed \$2,000, for remaining / unauthorized Phase I work (landscaping and sodding) in areas identified as 4 &amp; 6. (\$1,200 + \$575).</li> </ul>
6.6	Trees	Martin Suydam	<ul style="list-style-type: none"> <li>• New contract proposals for 2022 from Davey Tree Experts were just received. They are within budget (same total as for 2021).</li> <li>• Davey performed storm damage removal after the last snowstorm.</li> <li>• Disease and insect infestation will be addressed this year.</li> <li>• Motion made and approved for the expenditure of up to \$6,000 of Grant funds provided to Forest Hills Homeowners Association for the purpose of awarding a contract to Davey Trees for planting addition trees for sound abatement and visual blocking of I-395 sound barrier wall.</li> </ul>
6.7	Grounds / Landscaping / Sprinklers	Bob Hood	<ul style="list-style-type: none"> <li>• Bob Hood not present. His report not reported.</li> <li>• Marty reported the following.</li> </ul>

			<ul style="list-style-type: none"> <li>• A new contract with GROW for 2023 with a 3% increase for inflation and has been reviewed but not signed. Waiting for information on storm drain maintenance contract line item.</li> </ul>
6.8	Snow/Ice Removal	Tony Watson	<ul style="list-style-type: none"> <li>• Tony working on standardizing the cost of snow removal with Able Tree Service. Company very reliable.</li> <li>• Able was responsive on short notice for the first snowstorm.</li> </ul>
7	Old Business		<p><u>Neighbors posting sign with regard to social issues</u></p> <ul style="list-style-type: none"> <li>• Update: A current Virginia legal opinion states that a HOA has the authority to prohibit signs from being displayed in the yards of the neighborhood. In light of this information, the Board decided it will take the position to not act at this time due to not having received any complaints.</li> <li>• No New Update: Issue from September 2021 Board Meeting: Board had a brief discussion on the home at 2340 Rolfe Street with numerous plants continues to be an issue. Homeowner resistant to removing any of the many plants along his driveway. Andrea Hoffman will discuss this issue with the attorney as well.</li> </ul>
8	New Business	Pat Tucker	<ul style="list-style-type: none"> <li>• Date for 2022 FHA Annual Meeting: May 21 with the 22<sup>nd</sup> as a rain date on the Queen Street Circle. Lester will support this effort to gather all the information needed.</li> <li>• Next Board meeting tentatively planned for March 28.</li> <li>• The contact information for the document storage unit location in Shirlington has been updated. Karen Smith and Bob Hood each have a key to the facility.</li> </ul>
9	Homeowners Questions/Comments		<ul style="list-style-type: none"> <li>• When will the bamboo on the Queen Street Circle be removed? A pickup date with Arlington County has been scheduled for this week.</li> </ul>
10	Adjournment	Pat Tucker	8:19 pm

Forest Hills Community Association (FHCA)	Date: 28 March 2022
	Time: 7:02 PM
	Meeting Minutes

Board Member	Present	Board Member	Present
Andrea Hoffman	<input type="checkbox"/>	Mike Petrina	<input checked="" type="checkbox"/>
Karen Smith	<input checked="" type="checkbox"/>	Marty Suydam	<input checked="" type="checkbox"/>
Jessica Pierce	<input checked="" type="checkbox"/>	Bruce Klappa,	<input checked="" type="checkbox"/>
Bob Hood	<input type="checkbox"/>	Patrick Tucker	<input checked="" type="checkbox"/>
Bobby Blabolil	<input checked="" type="checkbox"/>	Prasad Indla	<input type="checkbox"/>
Theresa Godwin	<input checked="" type="checkbox"/>	Graham Law	<input checked="" type="checkbox"/>

Homeowners / Committee Chair Persons On-Line		
Roger Mahon	<input checked="" type="checkbox"/>	1812 S. 24th St
Benjamin Costley	<input checked="" type="checkbox"/>	1812 S. 24th St.
Diane Lynott	<input checked="" type="checkbox"/>	2324 S. Rolfe St.
Mary Williamson	<input checked="" type="checkbox"/>	2335 S. Queen St
Nell Pinol	<input checked="" type="checkbox"/>	2344 S. Rolfe St.
Lester Martin	<input checked="" type="checkbox"/>	2362 S. Queen St.
Carol Moylan	<input checked="" type="checkbox"/>	2319 S. Queen St.
Susan Shelden	<input checked="" type="checkbox"/>	2414 S. Queen St
Alyson Miller	<input checked="" type="checkbox"/>	2420 S. Queen St.

Agenda Items			Minutes
No.	Topic	Presenter	Highlights
1.	Call to Order/Welcome	Pat Tucker	The meeting was called to order at 7:02pm
2.	Roll Call	Theresa Godwin	Attendance as noted above by the Secretary
2.1	Approval of Minutes	Theresa Godwin	January 24, 2024 Board Meeting approved via email on February 7, 2022.
3.	Financial	Karen Smith	<ul style="list-style-type: none"> <li>• Motion made and approved to accept the January and February 2022 financial reports as submitted.</li> <li>• Cash balances: operating, \$212,364; special assessment, \$56,449; and reserves, \$237,807 for total cash of \$506,620.</li> <li>• Spending in the Operating account is about 28% of budget vs 25% straight-line estimate; the over execution is due to two of our larger bills (insurance and Transurban grants, total \$11,467) occurring in the first quarter, while revenue lags a bit compared to budget.</li> <li>• Dues collection is not quite complete as two homeowners have not paid.</li> </ul>

4	Committee Report		
4.1	Caring	Diane Lynott	<p>Welcoming:</p> <ul style="list-style-type: none"> <li>• 2360 South Queen - Block Captain delivered Welcome Packet, haven't returned Information Form.</li> <li>• 1708 23rd Street, - Chairman delivered another Resident Form to new owner and waiting for return of form. They expressed interest in being a Block Captain for 23<sup>rd</sup> St.</li> <li>• 1811 24th St – Block Captain delivered third Resident Information Form to renter. Renter said he will complete.</li> </ul> <p>Block Captain:</p> <ul style="list-style-type: none"> <li>• Block Captains distributed twice (January and March) the flyers for the Social Committee for the Winter Social on April 30, 2022.</li> <li>• Block Captains delivered Welcome Packet to new resident.</li> </ul> <p>Houses Sold:</p> <ul style="list-style-type: none"> <li>• none</li> </ul> <p>Houses for Sale:</p> <ul style="list-style-type: none"> <li>• 2408 South Queen - renters moved out. Block Captain reported they were told the owner plans on selling property.</li> </ul> <p>Houses for Rent:</p> <ul style="list-style-type: none"> <li>• 2356 South Queen – renters moved – unsure if owner will rent again or sell.</li> <li>• 2357 South Queen</li> </ul>
4.2	Social	Neil Pinol	<ul style="list-style-type: none"> <li>• Winter Social will be on 30 April 2022.</li> <li>• Annual yard sell will be held on 14 May.</li> <li>• Fall Event still in planning stages.</li> </ul>
4.3	Website	Lester Martin	<ul style="list-style-type: none"> <li>• Nothing to report.</li> </ul>
4.4	Architectural Control	Christine Hunter	<p>See ACC Report for more detail.</p> <ul style="list-style-type: none"> <li>• Carol Moylan provide report in Christine's absence.</li> <li>• Home at 1817 28<sup>th</sup> St. continues to be a safety issue.</li> <li>• Christine drafted an email recommending it to be sent to the community regarding elevator safety and animal intrusion.</li> <li>• Board reviewed the email and agreed with ACC it should be sent out to the community as well as posted on the website.</li> <li>• Motion made and approved for ACC to send proposed email to the community.</li> </ul>
4.5	Reserve Committee	Marty Suydam	<p>See the Reserve Committee Report for more details.</p> <ul style="list-style-type: none"> <li>• February 24, 2022, Motion for Stormwater Management Plan approved via email vote.</li> </ul> <p>Stormwater:</p> <ul style="list-style-type: none"> <li>• The Phase II (2022) plan with (Areas 4, 5, 6, 7, 8, &amp; 9) was completed during March 2022. The last part of Area 5 was completed on March 29. Areas 1 &amp; 8 were modified to include new drainage systems behind 1804 24th Street South and around 2426 S Queen Street after discovering underground sections of roof drainage systems were no longer functional or were not connected to the community storm drain system.</li> </ul>
4.6	Trees	Martin Suydam	<ul style="list-style-type: none"> <li>• New contract was signed for Tree Maintenance and Plant Health Care with a 7% decrease in price.</li> <li>• First quarterly pruning and tree removal was conducted during last week of February. In addition to completing pruning and trimming and removal of many storm damaged trees, several large, dead trees that threatened residences behind homes on</li> </ul>

			<p>South Queen and 24<sup>th</sup> Street South uphill and along Park Apartments fence line were dropped and/or completely removed.</p> <ul style="list-style-type: none"> <li>• Additional Berm Tree Planting using VDOT grant to mask highway barrier sight and sound was completed 9 February 2022.</li> <li>• Lester recommended summarizing and sending reserve / tree report to the community to make them aware of the level of effort that has occurred.</li> <li>• Marty to draft up a report for Board approval to send to homeowners.</li> </ul>
4.7	Grounds / Landscaping / Sprinklers	Bob Hood	<ul style="list-style-type: none"> <li>• Mike Petrina presented report in Bob Hood's absence.</li> <li>• Mulching and seeding almost completed.</li> <li>• Sprinklers to be turned on the end of April.</li> <li>• Question raised about the new sod placed in the community. Would it survive without being watered until April?</li> <li>• Issue will be followed up with Bob Hood.</li> </ul>
5	Old Business		<p>Home at 1817 28th St.:</p> <ul style="list-style-type: none"> <li>• Home continues to be an issue. ACC noted additional damage to property.</li> <li>• History of this property provided.</li> <li>• Recommendation made to consult with outside counsel for advice and determine the cost if legal services are required.</li> <li>• Pat Tucker agreed to file another complaint with Arlington County to report the additional deterioration of home.</li> </ul> <p>Home at 2340 Rolfe St.:</p> <ul style="list-style-type: none"> <li>• Board discussed the issue with the numerous plants / containers at this residence.</li> <li>• Noted the number of pots seem to be fewer but noted that many of the pots that had been in the side yard has been moved to the rear of the home.</li> <li>• Motion made and approved to table this old issue.</li> </ul>
6.	New Business	Pat Tucker	<p>Annual Meeting:</p> <ul style="list-style-type: none"> <li>• Date for 2022 FHA Annual Meeting will be June 14 at the Aurora Hills Community Center at 7:00 PM.</li> <li>• Pat to contact the community center to reserve the room.</li> <li>• Lester will support this effort to gather all the information needed.</li> </ul> <p>Other Business:</p> <ul style="list-style-type: none"> <li>• Nominating committee consisting of Graham, Carolyn Sand, and Maryann Rowe have received 3 candidates for the three open board positions.</li> <li>• Next Board meeting planned for May 23.</li> <li>• Records in the storage room are to be audited and reviewed to determine which documents will be kept and what should be discarded. Bruce, Karen and Theresa have initiated the review. Nothing will be thrown out until all documents reviewed. May need more clarification on what should be kept.</li> <li>• Following the heavy snowstorm, a lot of the bamboo behind homes on the south side of the Queen St. Circle was destroyed. Those homeowners will replant the areas that were destroyed at their own expense.</li> <li>• Two homeowners incurred expenses on behalf of the association. Bob Hood provided a \$200 tip (\$100 each individual) to two Grow workers. Lester Martin purchased light bulbs (\$70.56) for the fixtures at the Queen Street entrance.</li> </ul>



			<ul style="list-style-type: none"> <li>• Note: No one should incur expenditures on behalf of the homeowners' association with expectation of reimbursement by the Board.</li> <li>• Motion made and approved for a onetime only reimbursement in the amount of \$70.56 to Lester Martin for purchase of lightbulbs, and a onetime only reimbursement in the amount of \$200 to Bob Hood for a cash tip paid to two Grow Employees in 2021, provided that the approval of neither of these reimbursements establishes any precedent and no such expenditure can be made in the future without the prior approval of the board.</li> </ul>
7.	Homeowners Questions/Comments		<ul style="list-style-type: none"> <li>• No questions</li> </ul>
8.	Adjournment	Pat Tucker	8:28 pm

Forest Hills Community Association (FHCA)	Date: 23 May 2022
	Time: 7:03 PM
	Meeting Minutes

Board Member	Present	Board Member	Present
Andrea Hoffman	<input type="checkbox"/>	Mike Petrina	<input checked="" type="checkbox"/>
Karen Smith	<input checked="" type="checkbox"/>	Marty Suydam	<input checked="" type="checkbox"/>
Jessica Pierce	<input checked="" type="checkbox"/>	Bruce Klappa,	<input checked="" type="checkbox"/>
Bob Hood	<input checked="" type="checkbox"/>	Patrick Tucker	<input checked="" type="checkbox"/>
Bobby Blabolil	<input type="checkbox"/>	Prasad Indla	<input checked="" type="checkbox"/>
Theresa Godwin	<input checked="" type="checkbox"/>	Graham Law	<input checked="" type="checkbox"/>
Homeowners / Committee Chair Persons On-Line			
Christine Hunter	<input checked="" type="checkbox"/>	2325 S. Queen St.	
Diane Lynott	<input checked="" type="checkbox"/>	2324 S. Rolfe St.	
Mary Williamson	<input checked="" type="checkbox"/>	2335 S. Queen St	
Mary Francis Widner	<input checked="" type="checkbox"/>	2407 S. Queen St.	
Lester Martin	<input checked="" type="checkbox"/>	2362 S. Queen St.	
Larry Dorsey	<input checked="" type="checkbox"/>	2354 S. Queen St.	

Agenda Items			Minutes
No.	Topic	Presenter	Highlights
1.	Call to Order/Welcome	Pat Tucker	The meeting was called to order at 7:03pm
2.	Roll Call	Theresa Godwin	Attendance as noted above by the Secretary
2.1	Approval of Minutes	Theresa Godwin	March 28, 2022, Board Meeting Minutes approved via email on April 6, 2022.
3.	Financial	Karen Smith	<ul style="list-style-type: none"> <li>Motion made and approved to accept the March and April 2022 financial reports as submitted.</li> <li>Karen filed the 2021 Federal Organizational Exempt Tax form for the association. Copy of the form provided for review.</li> <li>Question on the entry showing a social committee deficit which was explained as not actually a deficit but a credit due to the timing of payment and deposit.</li> <li>Karen to prepare and submit the renewal of the license required for Department of Professional and Organizational Regulation (DPOR).</li> </ul>
4	Committee Report		
4.1	Caring	Diane Lynott	<p>Welcoming:</p> <ul style="list-style-type: none"> <li>1708 23rd Street, - Lester Martin made 2 contacts with owner and delivered another Forest Hills Resident Form (Chairman also made first contact). No response yet.</li> </ul>

			<ul style="list-style-type: none"> <li>1811 24th St – Block Captain delivered third Resident Information Form to renter. Nothing returned yet.</li> </ul> <p>Block Captain:</p> <ul style="list-style-type: none"> <li>Block Captains distributed yard sale flyers for Social Committee.</li> </ul> <p>Houses Sold:</p> <ul style="list-style-type: none"> <li>none</li> </ul> <p>Houses for Sale:</p> <ul style="list-style-type: none"> <li>1805 28th St is being renovated and then the home will be put up for sale.</li> <li>2356 South Queen Street.</li> <li>2408 South Queen listed online for sale. Block Captain reported not sure of status.</li> </ul> <p>Houses for Rent:</p> <ul style="list-style-type: none"> <li>2314 South Rolfe Street. Block Captain reported renters will be moving to Florida in June. Unsure if owner will rent or sell.</li> </ul>
4.2	Social	Neil Pinol	<p>Neil not present. Report was read from Pat Tucker.</p> <ul style="list-style-type: none"> <li>Social at Army-Navy Club was very successful.</li> <li>Annual yard sell was held on 14 May.</li> <li>Committee will meet in summer to plan fall events.</li> </ul>
4.3	Website	Lester Martin	<ul style="list-style-type: none"> <li>Nothing to report.</li> </ul>
4.4	Architectural Control	Christine Hunter	<p>See ACC Report for more detail.</p> <p>Roof replacement:</p> <ul style="list-style-type: none"> <li>2310 S. Rolfe: Request approved for DaVinci Tahoe. Homeowner awaiting materials.</li> </ul> <p>New business:</p> <ul style="list-style-type: none"> <li>Solar: Homeowner at 2337 S Queen evaluating potential for solar panels/battery bank provide backup power for medical needs. Committee reviewed Virginia requirements for HOA support of solar installations. If a solid proposal is received between regular meetings, will convene a special committee call.</li> <li>“Duty to Repair”: After discussion of outside HOA standards with ACC Chair, FH president researched the insertion of a “Duty to Repair” paragraph in the Declaration of Covenants. Draft text endorsed by legal counsel reviewed by the committee (attached) with one grammar change recommended. Committee supported the measure and unanimously voted to forward the draft language to the board. If approved by the board, the next step would be a presentation at the 6/14/22 Annual Meeting. Several committee members volunteered to collect the necessary resident signatures. ACC members also recommended that community liability insurance be reviewed, and coverage limits updated if this language is adopted.</li> </ul>

			<ul style="list-style-type: none"> <li>House at 2337 S. Queen St. is requesting approval, at homeowner's expense, for extensive landscaping in the front and side of the home as well as the hill in the back of the home which is common property. ACC is requesting Board's approval for the homeowner to landscape the hill behind the home which is common property.</li> <li>Motion made and approved to allow the homeowner's proposed landscaping plan subject to Marty Suydam and Christine Hunter's approval of the selected plantings, that the plan only includes landscaping and not any hardscaping, and the homeowner will take responsibility for maintaining the hill once it's landscaped.</li> </ul>
4.5	Reserve Committee	Marty Suydam	<p>See the Reserve Committee Report for more details.</p> <ul style="list-style-type: none"> <li>All Phase I &amp; II storm water management projects are essentially complete. Last piece of sod replacement in Area 1 will take place 5/24.</li> <li>Sprinkler System Improvement Program is next priority. Potential relocation of lateral service lines and sprinkler heads – area behind 2347 S. Queen will be test case – no decision will be made until an acceptable proposal for work is received.</li> <li>Remote management (WiFi) of controllers to be evaluated.</li> <li>Develop a Phase III (CY23) stormwater management plan (e.g., area behind 1807-1817 24 South).</li> </ul>
4.6	Trees	Martin Suydam	<p>Tree Management:</p> <ul style="list-style-type: none"> <li>Two-day CY2022 Tree Pruning completed week of 5/16. Next pruning will be late June or early July.</li> <li>Issues: 2 Pin Oaks (1801 24 South &amp; 1801 South Queen) are dying and will likely have to be removed in a year or two. Will continue to prune and try to restore health.</li> <li>Three (3) large, dead trees will need to be removed in the uphill on South Queen.</li> <li>Community has English Ivy climbing trees which will need to be managed.</li> </ul> <p>Plant Health Care:</p> <ul style="list-style-type: none"> <li>Targeted Fertilization and Insect / Disease treatment program started.</li> <li>Crape Myrtles and Pin Oaks have been identified with scale.</li> <li>Ash and Beech borers</li> </ul>
4.7	Grounds / Landscaping / Sprinklers	Bob Hood	<ul style="list-style-type: none"> <li>Grow has hired two (2) new workers to manage FHA grounds and unfortunately, they do not speak good English. Residents are recommended to place notes out to indicate what plants should not be trimmed. Reminder to residences will be sent out when trimming is to occur.</li> </ul>
5	Old Business		<p>Home at 1817 28th St. Status ongoing.</p> <p>Annual Meeting:</p> <ul style="list-style-type: none"> <li>June 14, 2022, at 7:00 pm at the Aurora Hills Community Center. Resident packages will be sent out next week. Theresa, Karen, Graham, and Lester to prepare packages for distribution.</li> </ul>

6.	New Business	Pat Tucker	<ul style="list-style-type: none"> <li>• Next FHA Board Meeting will be July 25, 2022, at 7:00 via zoom.</li> </ul> <p>Proposed amendment to FHCA Proposed Declaration Amendment - Article VIII: See Attachment 1 of the Minutes for the proposed changes.</p> <ul style="list-style-type: none"> <li>• The proposed Amendment was read by Pat Tucker which was followed by a lengthy discussion by the Board of the pros and cons of such a change.</li> <li>• Board decided that the first step in taking any action against a resident would start with the ACC. ACC will be responsible in identifying a problem with a homeowner failing to maintain their property and bring a recommendation to the Board for enforcement.</li> <li>• Motion made and approved to strike out paragraph (a) whereby paragraph 19 would now read:</li> <li>• (19) In the event an Owner of any Lot in the Properties shall fail to repair, maintain, and restore the Lot and any improvements thereon in a manner satisfactory to the Board of Directors, the Association shall, after notice and hearing and approval by two-thirds (2/3) vote of the Board, have the rights to seek an injunction against the Lot Owner to have them perform the needed repair, maintenance and restoration to the Lot and buildings, and any other improvements erected thereon.</li> <li>• Motion made and approved to accept the Amendment to FHCA Declaration Amendment – Article VIII as amended and shown above.</li> <li>• Votes cast are as follows: <ul style="list-style-type: none"> <li>- Patrick Tucker - yes</li> <li>- Theresa Godwin- yes</li> <li>- Karen Smith - abstain</li> <li>- Bob Hood - yes</li> <li>- Prasad Indla - yes</li> <li>- Bruce Klappa- yes</li> <li>- Graham Law - yes</li> <li>- Mike Petrina- yes</li> <li>- Jessica Pierce - yes</li> <li>- Marty Suydam - yes</li> <li>- Andrea Hoffman – absent</li> <li>- Bobby Blabolil - absent</li> </ul> </li> </ul>
7.	Homeowners Questions/Comments		<ul style="list-style-type: none"> <li>• No questions</li> </ul>
8.	Adjournment	Pat Tucker	8:59 pm

ATTACHMENT 1

Forest Hills Community Association  
Proposed Declaration Amendment - Article VIII

It is proposed to amend the Declaration of Forest Hills Community Association by adding Section 19 to Article 8, as follows:

(19) In the event an Owner of any Lot in the Properties shall fail to repair, maintain, and restore the Lot and any improvements thereon in a manner satisfactory to the Board of Directors, the Association shall, after notice and hearing and approval by two-thirds (2/3) vote of the Board, have the rights to:

a) through its agents or employees, enter upon the Lot and repair, maintain, and restore the Lot and the exterior of the buildings, and any other improvements erected thereon, and charge the costs of such repairs, maintenance and restoration as a service assessment against the Lot, which service assessment shall be a lien against the Lot and a personal obligation of the Owner as set forth to Article VI, Section 1; and/or

b) seek an injunction against the Lot Owner to have them perform the needed repair, maintenance and restoration to the Lot and buildings, and any other improvements erected thereon.

The Lot Owner shall be responsible for all legal fees and costs incurred in the enforcement of this section.

Forest Hills Community Association (FHCA)	Date: 25 July 2022
	Time: 7:03 PM
	Meeting Minutes

Board Member	Present	Board Member	Present
Andrea Hoffman	<input type="checkbox"/>	Mike Petrina	<input checked="" type="checkbox"/>
Karen Smith	<input checked="" type="checkbox"/>	Marty Suydam	<input checked="" type="checkbox"/>
Jessica Pierce	<input type="checkbox"/>	Bruce Klappa	<input checked="" type="checkbox"/>
Bob Hood	<input checked="" type="checkbox"/>	Patrick Tucker	<input checked="" type="checkbox"/>
Bobby Blabolil	<input checked="" type="checkbox"/>	Prasad Indla	<input checked="" type="checkbox"/>
Theresa Godwin	<input checked="" type="checkbox"/>	Graham Law	<input checked="" type="checkbox"/>

Homeowners / Committee Chair Persons On-Line		
Christine Hunter	<input checked="" type="checkbox"/>	2325 S. Queen St.
Mary Williamson	<input checked="" type="checkbox"/>	2335 S. Queen St
John Smith	<input checked="" type="checkbox"/>	2349 S. Rolfe Street
Lester Martin	<input checked="" type="checkbox"/>	2362 S. Queen St.
Jayne Victor	<input checked="" type="checkbox"/>	2351 S. Rolfe Street
Alyson Miller	<input checked="" type="checkbox"/>	2420 S. Queen St.
Jack Dunlap	<input checked="" type="checkbox"/>	2340 S. Rolfe Street

Agenda Items			Minutes
No.	Topic	Presenter	Highlights
1.	Call to Order/Welcome	Pat Tucker	The meeting was called to order at 7:03pm
2.	Roll Call	Theresa Godwin	Attendance as noted above by the Secretary
2.1	Approval of Minutes	Theresa Godwin	May 23, 2022 Board Meeting Minutes approved via email on May 27, 2022.
2.2	Executive Session	Pat Tucker	<ul style="list-style-type: none"> <li>Board went into Executive Session to elect 2022-2023 Board Officers.</li> <li>Motion made and approved to reelect the four (4) Board officers Pat Tucker, Bruce Klappa, Karen Smith, and Theresa Godwin to continue in their current position.</li> <li>Board ended the executive session, returned to the Board meeting, and announced the results.</li> </ul>
2.3	2022-2023 Board Election Results	Pat Tucker	<ul style="list-style-type: none"> <li>Pat Tucker – President</li> <li>Bruce Klappa – Vice-President</li> <li>Treasurer – Karen Smith</li> <li>Secretary – Theresa Godwin</li> </ul>
3.	Financial	Karen Smith	<ul style="list-style-type: none"> <li>Motion made and approved to accept the June 2022 financial reports as submitted.</li> </ul>
4	Committee Report		

4.1	Caring	Diane Lynott	<p>Welcoming:</p> <ul style="list-style-type: none"> <li>Diane not present. Written report will be submitted at a later date.</li> </ul>
4.2	Social	Nell Pinol	<ul style="list-style-type: none"> <li>Nell not present. Pat Tucker reported that Nell will provide an update at a later time.</li> </ul>
4.3	Website	Lester Martin	<ul style="list-style-type: none"> <li>Emails sent to the community announcing a death of a long time resident and the birth of another.</li> </ul>
4.4	Architectural Control	Christine Hunter	<ul style="list-style-type: none"> <li>See ACC report for full details.</li> <li>Cooling systems: Heat pumps are now more efficient and good to use during hot weather.</li> <li>There is now a ductless system that runs on the outside of the home. Two homes in FH have installed this type of system to provide additional cooling to the third floor.</li> </ul>
4.5	Reserve Committee	Marty Suydam	<p>See the Reserve Committee Report for more details.</p> <ul style="list-style-type: none"> <li>Committee now has representation from throughout the community.</li> <li>Last meeting was June 28, 2022, by Zoom.</li> <li>All projects planned for 2022, primarily oriented on Stormwater Management, have been completed and we are now in a “protection and preservation” phase ensuring land shaping and turf additions are protected and performing, as designed.</li> <li>Tentative 2023 priorities (1- additional Stormwater Management and 2- Front Entrance) will be developed and sent out for bid to contractors starting late-September, for work to be accomplished in 2023.</li> </ul>
4.6	Trees	Martin Suydam	<ul style="list-style-type: none"> <li>3rd Quarter pruning will begin July 26. Priorities are to address 1- the tree at corner of 24th and 28th Streets with large dead limbs overhanging street, 2- several dead trees in the uphill, Forest Hills-owned wooded section that threaten residences, and 3 - 10 residents’ requests for building clearance and other tree maintenance.</li> </ul>
4.7	Grounds / Landscaping / Sprinklers	Bob Hood	<ul style="list-style-type: none"> <li>Sprinklers working properly.</li> <li>Entrance way ground cover was cut back but has not returned. Entrance looks bare. Bob to check with Grow to determine what can be done.</li> <li>Resident mentioned that the grass is being cut too short. Bob will check with Grow to make sure the blade on the mowers is set properly.</li> <li>The plat of property behind the wall on the east side of the entrance to Queen Street needs to be maintained. Grow will be contacted to make sure this section of property is being maintained.</li> <li>A few homes at the end of Queen have not had their shrubs pruned. Bob will contact Grow to attend to these homes.</li> </ul>
5	Old Business		<ul style="list-style-type: none"> <li>Home at 1817 28th St. Status ongoing.</li> <li>Duty to repair amendment: Status of homeowner’s signatures is currently at 87 and will need 88 homeowners to approve.</li> </ul>
6.	New Business	Pat Tucker	<ul style="list-style-type: none"> <li>In anticipation of the approval of the Duty to Repair covenant, Pat reported that he is working on a draft process document detailing the procedure that would be followed to enforce a needed repair or maintenance</li> </ul>



			<p>effort by a homeowner. Pat will share the document with the Board when he feels it's ready to be reviewed.</p> <ul style="list-style-type: none"> <li>• ACC has a process in place that should it become aware of a home that needs repair they would follow to handle the matter. This has worked well and has not resulted in any unresolved issues with homeowners to date.</li> <li>• Homeowner John Smith commented that the Repair Amendment needs good procedures to accompany enforcement of the amendment. This is a sensitive area. Reported on his concerns about adopting this change to the covenants. Thought that the amendment needed to be rewritten to be clearer.</li> <li>• Homeowner Jack Dunlap also shared his concerns about the proposed change to the covenants. Mention his concern over a run-away board and his desire to have the amendment language be rewritten.</li> <li>• Pat pointed out if the original amendment were to be reworded or rewritten then the process would need to start over, and signatures of homeowners would need to be collected again.</li> <li>• Pat acknowledged that the duty to repair procedure would need to be very clear and the use of this procedure would be very rare. He acknowledged all concerns and stated the Board would discuss and decide on how to proceed.</li> <li>• Jack Dunlap mentioned the issue of the legal fees that the amendment stated would be the responsibilities of the homeowner. Jack pointed out that a judge usually decides this.</li> <li>• Lester commented that the procedure for the Duty to Repair amendment will be transparent to all homeowners and does not see an issue with going forward with the current language. He feels that homeowners' comments to discuss would have been more appropriate at the annual meeting instead of waiting to bring up concerns 2 months later.</li> <li>• Next board meeting: September 26, 2022.</li> </ul>
7.	Homeowners Questions/Comments		<ul style="list-style-type: none"> <li>• No questions or comments</li> </ul>
8.	Adjournment	Pat Tucker	8:11 pm

Forest Hills Community Association (FHCA)	<b>Date: 26 September 2022</b>
	<b>Time: 7:03 PM</b>
	<b>Meeting Minutes</b>

Board Member	Present	Board Member	Present
Andrea Hoffman	<input checked="" type="checkbox"/>	Mike Petrina	<input checked="" type="checkbox"/>
Karen Smith	<input checked="" type="checkbox"/>	Marty Suydam	<input checked="" type="checkbox"/>
Jessica Pierce	<input type="checkbox"/>	Bruce Klappa	<input checked="" type="checkbox"/>
Bob Hood	<input checked="" type="checkbox"/>	Patrick Tucker	<input checked="" type="checkbox"/>
Bobby Blabolil	<input checked="" type="checkbox"/>	Prasad Indla	<input checked="" type="checkbox"/>
Theresa Godwin	<input checked="" type="checkbox"/>	Graham Law	<input checked="" type="checkbox"/>

Homeowners / Committee Chairpersons On-Line		
Christine Hunter	<input checked="" type="checkbox"/>	2325 S. Queen St.
Lucy Mustin	<input checked="" type="checkbox"/>	2347 S. Rolfe St.
Larry Dorsey	<input checked="" type="checkbox"/>	2354 S. Queen St.
Diane Lynott	<input checked="" type="checkbox"/>	2324 S. Rolfe St.
Lester Martin	<input checked="" type="checkbox"/>	2362 S. Queen St.
Rachel Dresen	<input checked="" type="checkbox"/>	2337 S. Rolfe St.
Alyson Minter	<input checked="" type="checkbox"/>	2420 S. Queen St.
Barbara Morris-Lent	<input checked="" type="checkbox"/>	2336 S. Queen St.

Agenda Items			Minutes
No.	Topic	Presenter	Highlights
1.	Call to Order	Pat Tucker	The meeting was called to order at 7:02pm
2.	Roll Call	Theresa Godwin	Attendance as noted above by the Secretary
2.1	Approval of Minutes	Theresa Godwin	July 25, 2022, Board Meeting Minutes approved via email on August 5, 2022.
3.	Financial	Karen Smith	<ul style="list-style-type: none"> <li>Motion made and approved to accept the July and August 2022 financial reports as submitted.</li> <li>Karen reported that a CD will be maturing on September 27 and recommends taking the money and placing it back to the money market account. Recommendation accepted.</li> </ul>
<b>4</b>	<b>Committee Report</b>		
4.1	Caring	Diane Lynott	<ul style="list-style-type: none"> <li>See Block Captain Report for full details.</li> <li>Block Captains distributed Forest Hills flyers for Fall Picnic, September Garage Sale and October Forest Hills Festival.</li> </ul>

			<ul style="list-style-type: none"> <li>• Block Captain asked Board to please remind residents not to put trash on curb before 5 pm and to take trash cans back as soon as possible. Also, to secure trash (boxes), as wind blows trash all around sidewalks and the street.</li> <li>• Block Captain for South Side of 23rd Street is still vacant. Chairman temporary filling position.</li> <li>• Renters at 2329 S. Queen are moving and the owner will be looking for a new tenant.</li> </ul>
4.2	Social	Nell Pinol	<ul style="list-style-type: none"> <li>• Nell not present. Barbara Morris-Lent gave report.</li> <li>• Picnic a success with approximately 75 in attendance.</li> <li>• This Saturday, October 1, a musical group will be performing on the Queen Street Circle at 4:00 PM.</li> <li>• Yard sale tentatively scheduled for October 15. If additional people do not participate it will be canceled. So far only 5 homes have signed up.</li> <li>• Holiday Caroling for the December holidays being considered.</li> <li>• Dog event still being discussed.</li> </ul>
4.3	Website	Lester Martin	<ul style="list-style-type: none"> <li>• Continues to send out emails for events and updates.</li> <li>• Website up-to-date.</li> </ul>
4.4	Architectural Control	Christine Hunter	<ul style="list-style-type: none"> <li>• See ACC report for full details.</li> <li>• Home surge protection may be of interests to some homeowners. ACC gathering info.</li> <li>• Continuing to investigate the ductless A/C system for ways it might be installed on homes not located as an end unit.</li> <li>• Recommend that homeowners may need to be reminded annually to contact the ACC early when planning work to their home or requesting disclosure packages for the sale of their home.</li> <li>• Lester will coordinate with Christine to prepare a list of items needing ACC approval to send out as a reminder to homeowners.</li> </ul>
4.5	Reserve Committee	Marty Suydam	<p>See the Reserve Committee Report for more details.</p> <ul style="list-style-type: none"> <li>• Committee met 9/21 and developed a proposed Board motion to repair three project areas (1, 4, &amp; 8) that required additional work because of traffic, shade, or landscaper damage.</li> <li>• Motion made and approved for contracts estimated to total \$5.6K, but not to exceed \$6K, for these Reserve Fund Stormwater projects designated as Areas</li> </ul>

			1, 4, & 8. Work is to be completed late-September/early-October 2022.
4.6	Trees	Martin Suydam	<ul style="list-style-type: none"> <li>• August Tree Maintenance and Pruning did not complete all tasks due to difficult and dangerous tree removals that required climbers. Next Pruning will be in late-October. Notice will be sent to community alerting residents of schedule and soliciting requests for work. Individual residences already on schedule (work not completed in August) will be contacted directly before work starts.</li> </ul>
4.7	Grounds / Landscaping / Sprinklers	Bob Hood	<ul style="list-style-type: none"> <li>• Grow completed the soil aerating last week. This week they are seeding and fertilizing. Weeding will begin next week.</li> <li>• Requested Grow to provide a proposal for adding additional winter plants to extend along the entire front entrance wall.</li> <li>• Bob will forward the proposal to Marty and Pat for review.</li> <li>• Marty reported that the Reserve Committee is reviewing the front entrance for alternative planting.</li> <li>• Sprinklers working properly. All the zones checked and operating properly.</li> </ul>
5	Old Business		<ul style="list-style-type: none"> <li>• Adoption of Rules of Procedure for Implementation to Declaration of Covenant Amendment Article VIII(19). <ul style="list-style-type: none"> <li>○ Pat presented a flow chart to explain how the Amendment would be administered.</li> <li>○ Eighty-nine homeowners signed the ballot.</li> <li>○ Motion made and approved to adopt the procedures. See Attachment 1 for a copy of the procedures.</li> </ul> </li> <li>• Registration with Arlington County of Amendment of Declaration of Covenants Article VIII(19) will be completed within the next few days.</li> <li>• Return of FHCA Special Assessment for Development Defense less expenses. See Attachment 2 for background summary. <ul style="list-style-type: none"> <li>– Motion made and seconded for the FHCA Board of Directors to approve the return of unexpended amounts, including interest earned as of September 30, 2002, of the Special Assessment imposed by the FHCA Board of Directors on August 14, 2018, of \$500 per lot for the purpose of opposing development of the hillside to the east of South Queen Street, with such amount to be returned by check in the amount of \$434.29 per lot and payable to the</li> </ul> </li> </ul>

			<p>owner of such lots as of September 30, 2022..</p> <ul style="list-style-type: none"> <li>- After extensive discussion the Board decided to postpone the vote.</li> <li>- Motion made and approved to table this motion until the fees for the attorney are reviewed and no further discussion will be required.</li> <li>- Karen to review invoices to determine the amount of funds that were used for counsel. There are some questions about how \$9,000 was spent when only \$5,000 was approved.</li> <li>- Mike Petrina requested the issue be tabled until he returns from vacation so he can review all the financial documents.</li> <li>- Christine urged the Board to make its decision as soon as possible.</li> </ul>
6.	New Business	Pat Tucker	<ul style="list-style-type: none"> <li>• Next board meeting: November 21, 2022.</li> </ul>
7.	Homeowners Questions/Comments		<ul style="list-style-type: none"> <li>• Andy Hoffman reported on the Missing Middle proposal from Arlington County. New zoning rules changes being recommended to increase low-income housing. Arlington County wants to vote on it in December. Andy Hoffman willing to follow this issue on behalf of the Board.</li> <li>• Barbara Morris-Lent thinks homeowners will be delighted that they will receive any money back from the Special Assessment.</li> </ul>
8.	Adjournment	Pat Tucker	8:51 pm

## Attachment 1.

### **RULES OF PROCEDURE FOR IMPLEMENTATION- OF AMENDMENT TO FOREST HILLS COMMUNITY ASSOCIATION**

#### **(FHCA) DECLARATION OF COVENANTS RELATING TO THE DUTY TO REPAIR, MAINTAIN, AND RESTORE OWNERS' LOTS AND IMPROVEMENTS THEREON**

**PURPOSE:** The amendment to the FHCA Declaration of Covenants adds paragraph 19 to Article VIII and reads as follows:

"(19) In the event an Owner of any Lot in the Properties shall fail to repair, maintain, and restore the Lot and any improvements thereon in a manner satisfactory to the Board of Directors, the Association shall, after notice and hearing and approval by two-thirds (2/3) vote of the Board, have the rights to seek an injunction against the Lot Owner to have them perform the needed repair, maintenance and restoration to the Lot and buildings, and any other improvements erected thereon. The Lot Owner shall be responsible for all legal fees and costs incurred in the enforcement of this section."

This Amendment is necessary to ensure that the FHCA meets the obligations for which it exists. As stated in the Articles of Incorporation:

"the specific purposes for which it [FHCA] is formed are to provide for maintenance, preservation, and architectural control of the residence lots and the Common Areas."

It is the intent of FHCA that the following procedures be used to enforce this Amendment when necessary.

"PREFACE: It is the intent of the Board of Directors of the Forest Hills Community Association (FHCA Board) that the following procedures be utilized in the administration of the FHCA Declaration of Covenants Article VIII(19).

#### **<sup>a</sup>TITLE I. IDENTIFICATION OF CONDITIONS AND INFORMAL RESOLUTION**

"The FHCA Architectural Control Committee (ACC), as part of its normal, on-going inspection activities of Owners' lots and improvements, or upon the written complaint filed with the ACC by any Resident, will identify conditions, which if not corrected, could become potential violations of Article VIII (19) of the FHCA Declaration of Covenants. No alteration to an Owners lot and improvements thereon previously approved by the ACC shall be the subject of these procedures unless that alteration itself is presently in a condition, which if not corrected, could become potential violation of Article VIII(19) of the FHCA Declaration of Covenants.

"In cases involving a complaint from a Resident, the Chair of the ACC shall informally consult with the ACC to ensure that the ACC fully understands the nature of the complaint. If the ACC agrees that there is a potential violation of Article VIII(19) the Chairperson of the ACC in any case initially shall informally advise the Owner of the lot of the condition or conditions of concern. Following the ACC Chair's informal notice to the Owner, the ACC shall engage in informal negotiation with the Owner to reach agreement with that Owner to perform, or have performed, the repairs, maintenance, and/or restoration of the identified conditions in a manner and within a specified period of time. If such repairs, maintenance, or restoration are performed within the specified time as agreed, the matter is closed. The Chairperson of the ACC shall advise the Owner in writing of that determination. If the complaint had been made by another Resident, the Chairperson of the ACC shall also advise the complaining Resident that the matter has been closed. (See Attachment A—ACC Issue Resolution Process for more information concerning ACC informal inspection and negotiation process).

#### **"TITLE 11 \_ REFERRAL TO FHCA BOARD OF DIRECTORS**

"If a matter concerning conditions identified or complained about under Title I is not closed under that Title, the ACC may, by majority vote, refer the matter, including such evidence as the ACC determines to be relevant, to the FHCA Board for possible enforcement action under FHCA Covenant Article VIII(19) or under any other relevant section of the governance documents of the FHCA or under other relevant provisions of equity or law. Upon receipt of such a referral, the FHCA Board may, by majority vote in open session— (A) close or table the matter;

- (B) consider the matter for possible violation and action under FHCA Covenant Article VIII(19); or,
- (C) pursue the matter under any other relevant Covenant of the FHCA or under other relevant provisions of equity or law.

"If a majority of the FHCA Board votes to consider the matter for possible violation of FHCA Covenant Article VIII(19), as provided under subsection (B) above, the procedures set forth in Titles III and IV shall be followed.

#### **"TITLE III. PROCEDURES FOR ENFORCEMENT ACTION UNDER FHCA COVENANT ARTICLE VIII (19)**

"~~(A)~~(1)If the FHCA Board votes in open session pursuant to Title II(B) above, to consider a matter for possible violation and action under the FHCA Covenant Article VIII(1 9), the FHCA Board shall notify the Owner by simultaneous US certified and first-class mail, (and if the matter arose from a complaint of another resident, such resident concerned) of—

- a. the nature of the condition or conditions that the FHCA Board believes may violate the requirements of FHCA Covenant VIII (19) and relevant evidence thereof;
- a. the right of the Owner to participate in a hearing, not sooner than 15 days following the mailing of such notice, before a Hearing Board to be designated by the President of the FHCA Board, to be represented at such hearing by a person or persons of the Owners choosing, and to present any relevant evidence and testimony at such hearing as the Owner may choose;

"(2)(a)The President of the FHCA Board shall designate a Hearing Board of at least three (3) Owners, one of whom shall be a member of the FHCA Board, one of whom shall be member of the ACC who is not a Member of the FHCA Board, and one or more who shall be neither a member of the FHCA Board nor the ACC (if such volunteer can be found). No Owner who owns a lot immediately adjacent to the lot of the Owner concerned under this section shall be appointed to such Hearing Board.

"(b)(i) The Hearing Board member who is also a member of the FHCA Board shall be Chair of the Hearing Board. The Hearing Board Chair shall determine the date (but not sooner than 15 days following the mailing of the US certified and first-class mail notice to the Owner required by subsection (A)(1)(b) of this Title), the time, and place of the hearing and whether such hearing shall be conducted in person or by electronic means. Such hearing shall be conducted not later than 45 days following the mailing of the US certified and first-class mail notice to the Owner required by subsection (A)(1)(b) of this Title. However, the Hearing Board Chair shall have discretion to grant delays or continuance of such hearing for good and reasonable reasons, as determined by the Hearing Board Chair. Furthermore, by majority vote of the Hearing Board or upon request of the Owner concerned, the Hearing Board may meet in closed session for the purposes of considering the concerned Owners private personal or financial evidence.

"(ii) Following the receipt of all evidence submitted by the Owner and the ACC, the Hearing Board shall consider all evidence submitted by the ACC, all evidence submitted by the Owner, and such other relevant evidence developed during such Hearing Board proceedings. Following consideration of such evidence, the Hearing Board in open session shall vote to determine whether the preponderance of the evidence establishes that a condition or conditions does or does not exist that violates the FHCA Declaration of Covenants Article VIII(19). Any determination that such a condition or conditions does exist shall be announced by the Hearing Board Chair in open session, shall describe the nature of such condition or conditions, and may only be made by— A. a unanimous vote if the Hearing Board consists of three Owners; or

A. a majority vote if the Hearing Board consists of more than three Owners.

"(iii) Within seven (7) days following the announcement of the determination of the Hearing Board, the Chair shall submit in writing to the FHCA Board and the Owner concerned a report of its determination, including the vote of the Hearing Board with regard to such determination. If that determination is that a condition or conditions exists that violate FHCA Declaration of Covenants Article VIII(19), the report shall include a description of the nature of the condition or conditions found to exist, the vote justifying such determination, and include or incorporate by reference all evidence considered by the Hearing Board.

#### "TITLE IV. PROCEDURES OF FHCA BOARD FOLLOWING HEARING BOARD

"(A) Following the receipt of a report of determination by a Hearing Board, the FHCA Board shall provide the FHCA with notice of its intent at its next regular or special meeting to consider such determination and relevant evidence in an open session, the time and date of such session, and whether such session shall be conducted in person or by electronic means.

"(B)(1) If the relevant determination of the Hearing Board was that no condition exists that violates Declaration of Covenants VIII (19), the FHCA Board shall be deemed to have tabled any further action under such Covenant VII(19) with respect to the underlying condition or conditions of the subject Owners lot and

improvements considered by the Hearing Board for a period of at least one year from that FHCA Board meeting, except with respect to new or emergency conditions; or

"(2) If the relevant determination of the Hearing Board was that a condition or conditions exists that justify pursuing action under Covenant VIII(19), the FHCA Board shall notify the Owner concerned by first class mail that the Owner may present such evidence as the Owner deems appropriate at the meeting of the FHCA Board for which notice is given to the FHCA as required by subsection (A)of this Title. Following any presentation of evidence by the Owner concerned at such FHCA Board meeting, if any, the FHCA Board may, in executive session if such session is approved by a majority vote, debate all information contained in the report of determination of the Hearing Board and any other evidence presented to the FHCA Board it deems relevant, and thereafter in open session—

"(i) by a vote of 2/3 of that FHCA Board, pursue action under such Covenant VIII (19); or

"(ii) by a majority vote of that FHCA Board, pursue such other action as may be permitted by other Covenants or provisions of law or equity; or

<sup>2</sup>(iii) if the FHCA Board does not approve action under either Subsection (B)(2)(i) or (ii) of this Title, the FHCA Board should consider whether, by a majority vote, to table any further action with respect to the underlying condition or conditions of the subject Owner's lot and improvements thereon for a period of at least one year following such vote, except with respect to new or emergency conditions.

"Any FHCA Board decision made under this Title shall be announced by the FHCA Board President in open session and a record of votes taken with respect to such decision shall be reflected in the minutes of such meeting."



## Forest Hills Architectural Control Committee Issue Resolution Process

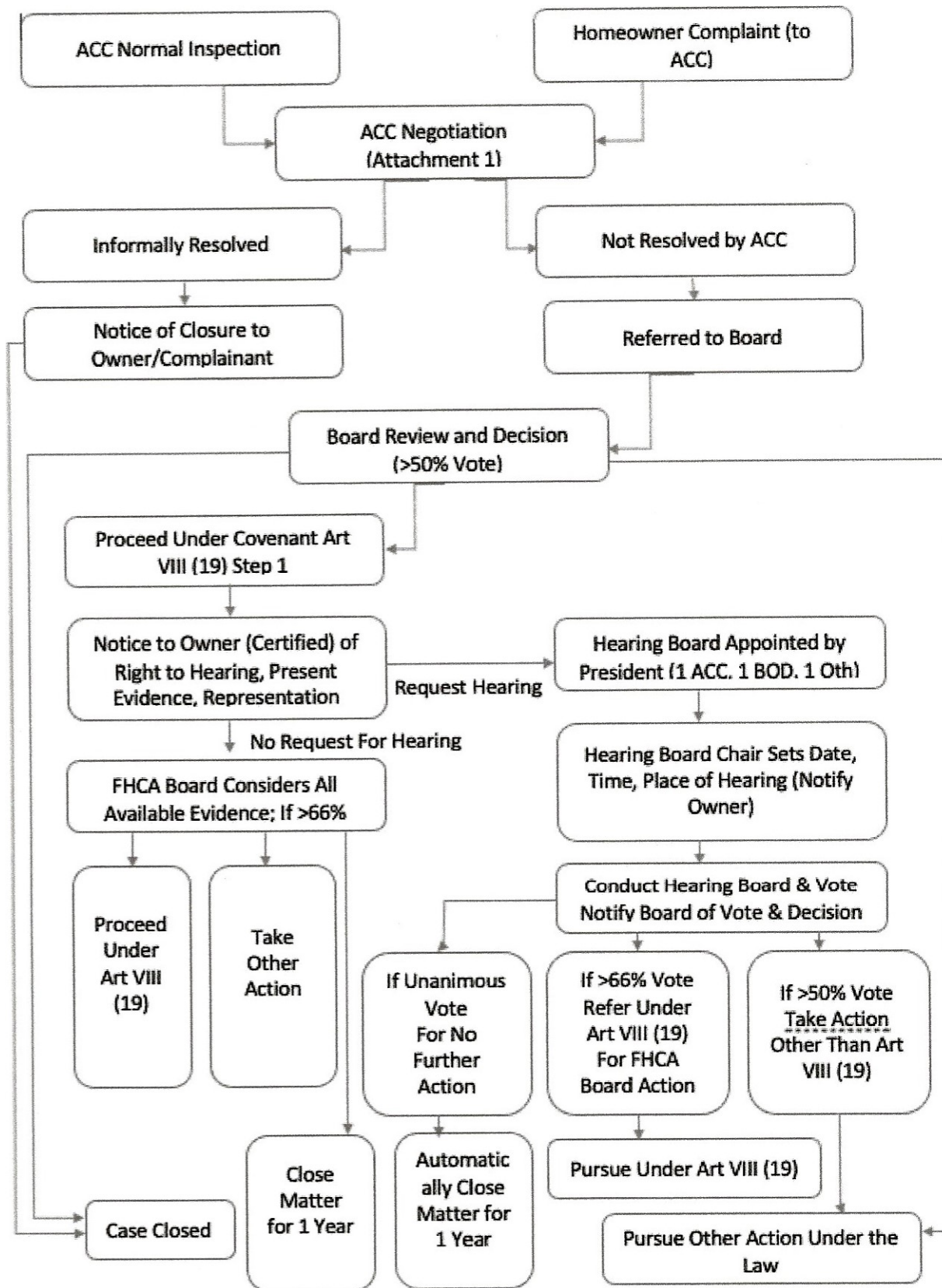
Attachment A to Rules of Procedure for Implementation of Declaration of Covenants Article VIII (19)

Preface: Article VII of the Forest Hills Protective Covenants and Restrictions directs that an Architectural Control Committee (ACC) be appointed by the Board to "conserve the natural beauty of the subdivided property, in ensure its best use and most appropriate development, and to prevent the erection of poorly designed or constructed improvements". The Covenants further direct that the ACC review proposed projects involving the exterior of the home for workmanship, design, materials, and harmony, and assign a variety of enforcement and oversight activities to the ACC. ACC has specific authority to prescribe exterior colors under the Declaration of Covenants Article VIII (1). A 2022 Amendment to Article VIII(19) makes explicit each homeowner's responsibility to perform necessary property repairs, maintenance, and restoration.

When the ACC becomes aware of a significant exterior repair, restoration, or maintenance issue that has not been addressed by the homeowner the following resolution process applies:

1. ACC contacts the homeowner via email or phone to describe the matter and inquire about plans for repair. If the homeowner is unaware of the issue, the ACC may provide photos and discuss repair options with the homeowner. In the vast majority of cases, this informal contact leads to timely resolution.
1. If the homeowner does not respond to phone or email contact, or the repair is not undertaken after a suitable period, ACC reviews the matter at its next scheduled meeting before sending a first class letter to the homeowner's address of record describing the issue and requesting a response.
1. In the rare case when a homeowner does not respond to the postal letter and/or does not undertake the repair, ACC sends another first class letter along with a certified letter requiring signature confirmation of receipt. In cases where the "Duty to Repair" amendment may be invoked, the letters will so state. A courtesy notification to the HOA Board is customary at this point.
1. If steps 1-3 above have not been successful in achieving resolution, the ACC votes on referring the matter to the board for review and further action. If a majority of ACC members support board referral, ACC completes its process by sending a first class letter informing the homeowner that the matter has been referred. If this process was initiated via written complaint, the ACC also sends a first class letter to the complainant describing the disposition.

## Covenant Process: Duty to Repair, Maintain, and Restore Owners' Lots and Improvements



## **Attachment 2.**

### **BACKGROUND ON 2018 SPECIAL ASSESSMENT REGARDING POSSIBLE HOMEBUILDING DEVELOPMENT ON EAST HILLSIDE BEHIND S. QUEEN STREET**

On August 13, 2018, the FHCA Board approved a Special Assessment of \$500 per lot for the purpose of FHCA presenting possible opposition to a then-proposed plan for home building development on the hillside behind and to the east of the upper Queen Street, including the exercise by Arlington County of its road easement through the open green space on the east side of the Queen Street Circle.

At a Special Meeting of the full FHCA on September 18, 2018, concerning this entire matter, two motions were made: (1) to defeat this Special Assessment in total, and (2) to reduce the Special Assessment to \$350. Both motions were defeated by majority vote of a quorum at that Special Association meeting.

Thereafter, this Special Assessment was collected from every one of our 130 lots for a total of \$65,000. Since that time this Special Assessment has been maintained on the Association's financial records in a separate interest bearing account to be used as needed only for the purposes for which it was assessed. In no small part due to objections lodged by the FHCA to various relevant agencies of the Arlington County Government, the initial development plan was altered at least one time and then apparently abandoned by all prospective developers.

These efforts, led by Andrea Hoffman, incurred only minimal expenditures totaling \$9548.15, of which \$374.40 was for copying and postage for communications with FHCA owners and Arlington County Government and \$9148.15 for legal and lobbying services provided to us by an experienced Arlington County zoning attorney. Initial estimates of potential expenses if our opposition had to be pursued throughout the entire development process exceeded \$40,000.

Recent inquiries regarding the potential likelihood of new attempts to develop this property suggest that there are no impending plans by the present owners to again place this property for sale for building development or interest by any developers to pursue such an action.

Henceforth, the FHCA Board now supports a motion to return the remaining amount of this Special Assessment which amounts to \$56,458.50, including interest earned as of September 30, 2022. This will result in the return of \$434.29 to each existing lot owner. Outside Counsel advises that this Special Assessment runs with each lot. Hence this amount will be returned to the owner of each lot as of September 30, 2022, regardless of who may have been the owner at the time the Special Assessment was imposed and collected.

During the month of October 2022, our Treasurer, Karen Smith, will be preparing individual checks in the amount of \$434.29 payable to each lot owner. The complication, printing and mailing of these 130 checks will take some time, some owners will receive their check earlier than others. But we hope all checks will be delivered by the end of October 2022.

**Special Board Meeting**

Board Member	Present	Board Member	Present
Andrea Hoffman	<input type="checkbox"/>	Mike Petrina	<input type="checkbox"/>
Karen Smith	<input checked="" type="checkbox"/>	Marty Suydam	<input checked="" type="checkbox"/>
Jessica Pierce	<input type="checkbox"/>	Bruce Klappa	<input checked="" type="checkbox"/>
Bob Hood	<input type="checkbox"/>	Patrick Tucker	<input checked="" type="checkbox"/>
Bobby Blabolil	<input type="checkbox"/>	Prasad Indla	<input checked="" type="checkbox"/>
Theresa Godwin	<input checked="" type="checkbox"/>	Graham Law	<input checked="" type="checkbox"/>
Homeowners / Committee Chairpersons On-Line			
Christine Hunter	<input checked="" type="checkbox"/>	2325 S. Queen St.	
Lucy Mustin	<input checked="" type="checkbox"/>	2347 S. Rolfe St.	
Nell Pinol	<input checked="" type="checkbox"/>	2344 S. Rolfe St.	
Lester Martin	<input checked="" type="checkbox"/>	2362 S. Queen St.	
Larry Dorsey	<input checked="" type="checkbox"/>	2354 S. Queen St.	

Agenda Items			Minutes
No.	Topic	Presenter	Highlights
1.	Call to Order	Pat Tucker	The meeting was called to order at 7:04pm
2.	Roll Call	Theresa Godwin	Attendance as noted above by the Secretary
2.1	Approval of Minutes	Theresa Godwin	September 26, 2022, Board Meeting Minutes approved via email on October 7, 2022.
3	Special Assessment		
3.1	Old Business	Pat Tucker	<ul style="list-style-type: none"> <li>Return of FHCA Special Assessment for Development Defense less expenses.</li> <li>Motion by Mr. Law to return unexpended amounts of special assessment to oppose development of hillside behind South Queen Street.</li> <li>At the September 20, 2022 Board Meeting, Mike Petrina had requested confirmation on whether reducing the amount of Special Assessment available for return to homeowners by the amount of legal fees incurred by a former President before the Assessment was approved by the Board would be "legal."</li> <li>Pat Tucker received an opinion from our outside counsel, and agreement from Mike Petrina, that the original accounting of expenses utilized in Graham's motion was both lawful and proper.</li> <li>Motion made and approved that the FHCA Board of Directors return to owners of unexpended amounts, including interest earned as of October 31, 2022, of the Special Assessment imposed by the FHCA Board of Directors on August 14, 2018,</li> </ul>

			<p>of \$500 per lot for the purpose of opposing development of the hillside to the east of South Queen Street, with such amount to be returned by check in the amount equal to 1/130 of the total remaining special assessment (approximately \$434) and payable to the owner of such lots as of September 30, 2022.</p> <ul style="list-style-type: none"> <li>• Karen stated that she can estimate the amount of interest and could start writing the homeowner's checks starting immediately. It may take up to 3 or 4 weeks before a homeowner could receive the check via US Mail. Karen will try and hand deliver the checks.</li> </ul>
4.	New Business	Pat Tucker	<ul style="list-style-type: none"> <li>• Karen will deliver the proposed 2023 budget and recommends no increase in dues. Budget should be reviewed prior to the Nov. 21 Board Meeting.</li> <li>• Next board meeting: November 21, 2022.</li> </ul>
5.	Adjournment	Pat Tucker	7:15 pm

### Attachment 1.

On August 13, 2018, the FHCA Board approved a Special Assessment of \$500 per lot for the purpose of presenting possible opposition to a then-proposed plan for home building development on the hillside behind and to the east of the Upper Queen Street, including the exercise by Arlington County of its road easement through the open green space on the east side of the Queen Street Circle. At a Special Meeting of the full FHCA on September 18, 2018, two motions were made to (1) defeat this Special Assessment in total, and (2) reduce the Special Assessment to \$350. Both motions were defeated by voting of a quorum at that Special Association meeting. Thereafter, this Special Assessment was collected from every one of our 130 lots for a total of \$65,000. Since that time this Special Assessment has been maintained in an interest-bearing account to be used as needed for the purposes intended. In no small part due to objections lodged by the FHCA to various relevant agencies of the Arlington County Government, the initial development plan was altered at least one time and then apparently abandoned by prospective developers. These efforts, led by Andrea Hoffman, incurred only minimal expenditures totaling \$9548.15, of which \$374.40 was for copying and postage for communications with FHCA owners and Arlington County Government and \$9173.75 for legal and lobbying services provided to us by an experienced Arlington County zoning attorney. Initial estimates of potential expenses if our opposition had to be opposed throughout the entire development process exceeded \$40,000. Recent inquiries regarding the potential likelihood of new attempts to develop this property suggest that there are no impending plans by the present owners to again place this property for sale for building development or interest by any developers to pursue such an action. Henceforth, the FHCA Board now supports a motion to return the remaining amount of this Special Assessment which amounts to approximately \$56,458.50, plus interest earned through October 31, 2022. This will result in the return of approximately \$434.00 to each existing lot owner. Outside Counsel advises that this Special Assessment is attached with existing lot ownership. Hence this amount will be returned to the owner of each lot as of the date this motion is adopted, regardless of who may have been an owner at the time the Special Assessment was imposed and collected. Beginning during the month of November 2022, Karen Smith, FHCA Treasurer, will begin preparing individual checks in the amount of approximately \$434 payable to each lot owner. While this processing will take some time, it is the Board's hope to have all funds returned by mid-December.

Board Member	Present	Board Member	Present
Andrea Hoffman	<input type="checkbox"/>	Mike Petrina	<input checked="" type="checkbox"/>
Karen Smith	<input checked="" type="checkbox"/>	Marty Suydam	<input checked="" type="checkbox"/>
Jessica Pierce	<input type="checkbox"/>	Bruce Klappa	<input checked="" type="checkbox"/>
Bob Hood	<input checked="" type="checkbox"/>	Patrick Tucker	<input checked="" type="checkbox"/>
Bobby Blabolil	<input checked="" type="checkbox"/>	Prasad Indla	<input type="checkbox"/>
Theresa Godwin	<input checked="" type="checkbox"/>	Graham Law	<input checked="" type="checkbox"/>
Homeowners / Committee Chairpersons On-Line			
Christine Hunter	<input checked="" type="checkbox"/>	2325 S. Queen St.	
Tony Watson	<input checked="" type="checkbox"/>	2335 S. Rolfe St.	
Neil Pinol	<input checked="" type="checkbox"/>	2344 S. Rolfe St.	
Sebastian Crawford	<input checked="" type="checkbox"/>	1816 S. 24 <sup>th</sup> St.	
Diane Lynott	<input checked="" type="checkbox"/>	2324 S. Rolfe St.	
Lester Martin	<input checked="" type="checkbox"/>	2362 S. Queen St.	

Agenda Items			Minutes
No.	Topic	Presenter	Highlights
1.	Call to Order	Pat Tucker	The meeting was called to order at 7:02pm
2.	Roll Call	Theresa Godwin	Attendance as noted above by the Secretary
2.1	Approval of Minutes	Theresa Godwin	September 26, 2022, Board Meeting Minutes approved via email on October 7, 2022, and October 20, 2022, Special Board Meeting Minutes approved via email on November 3, 2022.
3.	Financial	Karen Smith	<ul style="list-style-type: none"> <li>Status of Special Assessment – all checks have been distributed to homeowners and 108 have been deposited.</li> <li>Motion made and approved to accept the September and October 2022 financial reports as submitted.</li> <li>Motion made and approved to raise the dues ceiling IAW our governing documents. The ceiling for 2023 increases to \$1,732.83.</li> <li>The Board must establish a budget each year in time to notify homeowners of the upcoming dues by December 1st as required by our governing documents. Our fundamental decision is whether to increase dues or operate at a possible loss for 2023.</li> <li>The Board normally budgets to break even each year. The dues increase required to fully cover all costs in 2023 would be \$50. A further increase may be necessary for 2024 as the Grow contract cost will again increase by 3%.</li> </ul>

			<ul style="list-style-type: none"> <li>• Another option would be not to raise dues and run at a deficit for 2023. An increase of \$70 would potentially be required for 2024.</li> <li>• For reference our last dues increase was in 2014.</li> <li>• The Board discussed both options and felt that it would be best not to raise the dues for 2023.</li> <li>• Bobby Blabolil asked if the special assessment could have been used to offset the dues. Board responded that they felt it was best to return the special assessment funds as originally promised to the homeowners.</li> <li>• Motion made and approved to accept the 2023 budget without a dues increase.</li> <li>• Suggestion made to notify the homeowners of a possible dues increase for 2024.</li> <li>• Lester and Karen will draft a letter to homeowners informing them the annual dues for 2023 will not be increased and will be \$1,380.</li> </ul>
4	Committee Report		
4.1	Caring	Diane Lynott	<ul style="list-style-type: none"> <li>• See Block Captain's report for full details.</li> <li>• Block Captains held a meeting on November 7, 2022, at chairman's home.</li> <li>• Welcomed the 2 new Block Captains and went over procedures.</li> <li>• Discussed leaf collection and Block Captains requested chairman to ask Forest Hills President to request more leaf collection this fall.</li> <li>• Some residents are leaving trash/junk outside of resident patio. Christine said to let her know which residents and she would speak with them.</li> </ul>
4.2	Social	Nell Pinol	<ul style="list-style-type: none"> <li>• Yard sale a success.</li> <li>• Holiday caroling is still being discussed.</li> <li>• April 22, 2023, tentative date for the social next year.</li> </ul>
4.3	Website	Lester Martin	<ul style="list-style-type: none"> <li>• Website up to date.</li> </ul>
4.4	Architectural Control	Christine Hunter	<ul style="list-style-type: none"> <li>• See ACC report for full details.</li> <li>• New protective covenant documenting duty to repair, maintain, and restore lots and homes was formally approved and registered with Arlington County on 9/28/22. Announcement to community circulated by email on 10/25/22.</li> <li>• The high cost of repair, replacement, and service work in general is prompting some homeowners to delay or defer work.</li> <li>• Surge protection: Lightning strike at 2408 S Queen caused extensive damage to chimney and fireplaces. Event prompted research into surge protection. The 2020 revision to the National Electric Code now requires whole house surge protection in all new construction and electrical system upgrades. This may be something homeowners should consider.</li> </ul>
4.5	Reserve Committee	Marty Suydam	<ul style="list-style-type: none"> <li>• All 2022 projects have been completed.</li> <li>• Planning has begun for 2023 projects with priority to Sprinkler System modernization and Front Entrance</li> </ul>

			<p>plantings. There are some additional smaller storm water projects and maintenance of 2022 projects that will also be evaluated.</p> <ul style="list-style-type: none"> <li>• Quotations have been received for Sprinkler projects from GROW (subcontractor HIS) and Aspect Irrigation, Inc. (a subcontractor to Davey Landscaping).</li> <li>• Quotes for Front Entrance planting have been received from GROW and Merrifield Gardens. Proposals will be evaluated by the Reserve Projects Committee starting after Thanksgiving with the intent of starting projects in the Spring 2023.</li> </ul>
4.6	Trees	Martin Suydam	<ul style="list-style-type: none"> <li>• All contracted tree pruning, and plant health care have been completed for 2022.</li> <li>• New contract has been received and is approved. While I was able to get a price reduction last year (-7% from 2021), this quote is only 4.6% above the 2021 total. I have to acknowledge that inflation and COVID after-effects have an effect on their costs. Their service has been excellent and a feel I get more out of them than what we pay for. Our Plant Health Care component is now targeted plan rather than broad-area treatment, so that increases some of the cost, as well.</li> <li>• We have a requirement for removing some dead limbs that were not identified earlier. Davey Trees is preparing a “time and material” quote for a what would likely be a couple hours of work.</li> <li>• Tree replacement: Juvenile pin oaks have been planted. We had submitted for the grant to the Arlington Tree Canopy Fund Program earlier in the year and received the award. This was a test case to evaluate tree quality, size, maturity, the planting process, and care required and managed (watering).</li> </ul>
4.7	Grounds / Landscaping / Sprinklers	Bob Hood	<ul style="list-style-type: none"> <li>• Sprinkler was shut down two weeks ago for the winter.</li> <li>• Leaf collection: Grow coordinates with the Arlington County schedule. One more clean up on December 8.</li> </ul>
5	Old Business		<ul style="list-style-type: none"> <li>• Duty to Repair: HOA approved the new covenant and was filed with the county on Sept. 28. Can be found on the website.</li> </ul>
6.	New Business	Pat Tucker	<ul style="list-style-type: none"> <li>• Next board meeting: January 23, 2023.</li> </ul>
7.	Homeowners Questions/Comments		<ul style="list-style-type: none"> <li>• No comments</li> </ul>
8.	Adjournment	Pat Tucker	8:07pm



**Attachment 1.**

**RULES OF PROCEDURE FOR IMPLEMENTATION- OF AMENDMENT TO FOREST HILLS COMMUNITY ASSOCIATION**

**(FHCA) DECLARATION OF COVENANTS RELATING TO THE DUTY TO REPAIR, MAINTAIN, AND RESTORE OWNERS' LOTS AND IMPROVEMENTS THEREON**

**PURPOSE:** The amendment to the FHCA Declaration of Covenants adds paragraph 19 to Article VIII and reads as follows:

"(19) In the event an Owner of any Lot in the Properties shall fail to repair, maintain, and restore the Lot and any improvements thereon in a manner satisfactory to the Board of Directors, the Association shall, after notice and hearing and approval by two-thirds (2/3) vote of the Board, have the rights to seek an injunction against the Lot Owner to have them perform the needed repair, maintenance and restoration to the Lot and buildings, and any other improvements erected thereon. The Lot Owner shall be responsible for all legal fees and costs incurred in the enforcement of this section."

This Amendment is necessary to ensure that the FHCA meets the obligations for which it exists. As stated in the Articles of Incorporation:

"the specific purposes for which it [FHCA] is formed are to provide for maintenance, preservation, and architectural control of the residence lots and the Common Areas."

It is the intent of FHCA that the following procedures be used to enforce this Amendment when necessary.

"PREFACE: It is the intent of the Board of Directors of the Forest Hills Community Association (FHCA Board) that the following procedures be utilized in the administration of the FHCA Declaration of Covenants Article VIII(19).

**<sup>a</sup> TITLE I. IDENTIFICATION OF CONDITIONS AND INFORMAL RESOLUTION**

"The FHCA Architectural Control Committee (ACC), as part of its normal, on-going inspection activities of Owners' lots and improvements, or upon the written complaint filed with the ACC by any Resident, will identify conditions, which if not corrected, could become potential violations of Article VIII (19) of the FHCA Declaration of Covenants. No alteration to an Owners lot and improvements thereon previously approved by the ACC shall be the subject of these procedures unless that alteration itself is presently in a condition, which if not corrected, could become potential violation of Article VIII(19) of the FHCA Declaration of Covenants.

"In cases involving a complaint from a Resident, the Chair of the ACC shall informally consult with the ACC to ensure that the ACC fully understands the nature of the complaint. If the ACC agrees that there is a potential violation of Article VIII(19) the Chairperson of the ACC in any case initially shall informally advise the Owner of the lot of the condition or conditions of concern. Following the ACC Chair's informal notice to the Owner, the ACC shall engage in informal negotiation with the Owner to reach agreement with that Owner to perform, or have performed, the repairs, maintenance, and/or restoration of the identified conditions in a manner and within a specified period of time. If such repairs, maintenance, or restoration are performed within the specified time as agreed, the matter is closed. The Chairperson of the ACC shall advise the Owner in writing of that determination. If the complaint had been made by another Resident, the Chairperson of the ACC shall also advise the complaining Resident that the matter has been closed. (See Attachment A—ACC Issue Resolution Process for more information concerning ACC informal inspection and negotiation process).

**"TITLE 11\_ REFERRAL TO FHCA BOARD OF DIRECTORS**

"If a matter concerning conditions identified or complained about under Title I is not closed under that Title, the ACC may, by majority vote, refer the matter, including such evidence as the ACC determines to be relevant, to the FHCA Board for possible enforcement action under FHCA Covenant Article VIII(19) or under any other relevant section of the governance documents of the FHCA or under other relevant provisions of equity or law. Upon receipt of such a referral, the FHCA Board may, by majority vote in open session— (A) close or table the matter;

(D) consider the matter for possible violation and action under FHCA Covenant Article VIII(19); or,

(E) pursue the matter under any other relevant Covenant of the FHCA or under other relevant provisions of equity or law.

"If a majority of the FHCA Board votes to consider the matter for possible violation of FHCA Covenant Article VIII(19), as provided under subsection (B) above, the procedures set forth in Titles III and IV shall be followed.

**"TITLE III. PROCEDURES FOR ENFORCEMENT ACTION UNDER FHCA COVENANT ARTICLE VIII (19)**

"(A)(1)If the FHCA Board votes in open session pursuant to Title II(B) above, to consider a matter for possible violation

and action under the FHCA Covenant Article VIII(1 9), the FHCA Board shall notify the Owner by simultaneous US certified and first-class mail, (and if the matter arose from a complaint of another resident, such resident concerned) of—

- a. the nature of the condition or conditions that the FHCA Board believes may violate the requirements of FHCA Covenant VIII (19) and relevant evidence thereof;
- a. the right of the Owner to participate in a hearing, not sooner than 15 days following the mailing of such notice, before a Hearing Board to be designated by the President of the FHCA Board, to be represented at such hearing by a person or persons of the Owners choosing, and to present any relevant evidence and testimony at such hearing as the Owner may choose;

"(2)(a)The President of the FHCA Board shall designate a Hearing Board of at least three (3) Owners, one of whom shall be a member of the FHCA Board, one of whom shall be member of the ACC who is not a Member of the FHCA Board, and one or more who shall be neither a member of the FHCA Board nor the ACC (if such volunteer can be found). No Owner who owns a lot immediately adjacent to the lot of the Owner concerned under this section shall be appointed to such Hearing Board.

"(b)(i) The Hearing Board member who is also a member of the FHCA Board shall be Chair of the Hearing Board. The Hearing Board Chair shall determine the date (but not sooner than 15 days following the mailing of the US certified and first-class mail notice to the Owner required by subsection (A)(l )(b) of this Title), the time, and place of the hearing and whether such hearing shall be conducted in person or by electronic means. Such hearing shall be conducted not later than 45 days following the mailing of the US certified and first-class mail notice to the Owner required by subsection (A)(l)(b) of this Title. However, the Hearing Board Chair shall have discretion to grant delays or continuance of such hearing for good and reasonable reasons, as determined by the Hearing Board Chair. Furthermore, by majority vote of the Hearing Board or upon request of the Owner concerned, the Hearing Board may meet in closed session for the purposes of considering the concerned Owners private personal or financial evidence.

"(ii) Following the receipt of all evidence submitted by the Owner and the ACC, the Hearing Board shall consider all evidence submitted by the ACC, all evidence submitted by the Owner, and such other relevant evidence developed during such Hearing Board proceedings. Following consideration of such evidence, the Hearing Board in open session shall vote to determine whether the preponderance of the evidence establishes that a condition or conditions does or does not exist that violates the FHCA Declaration of Covenants Article VIII(19). Any determination that such a condition or conditions does exist shall be announced by the Hearing Board Chair in open session, shall describe the nature of such condition or conditions, and may only be made by— A. a unanimous vote if the Hearing Board consists of three Owners: or

A. a majority vote if the Hearing Board consists of more than three Owners.

"(iii) Within seven (7) days following the announcement of the determination of the Hearing Board, the Chair shall submit in writing to the FHCA Board and the Owner concerned a report of its determination, including the vote of the Hearing Board with regard to such determination. If that determination is that a condition or conditions exists that violate FHCA Declaration of Covenants Article VIII(19), the report shall include a description of the nature of the condition or conditions found to exist, the vote justifying such determination, and include or incorporate by reference all evidence considered by the Hearing Board.

#### "TITLE IV. PROCEDURES OF FHCA BOARD FOLLOWING HEARING BOARD

"(A) Following the receipt of a report of determination by a Hearing Board, the FHCA Board shall provide the FHCA with notice of its intent at its next regular or special meeting to consider such determination and relevant evidence in an open session, the time and date of such session, and whether such session shall be conducted in person or by electronic means.

"(B)(l) If the relevant determination of the Hearing Board was that no condition exists that violates Declaration of Covenants VIII (19), the FHCA Board shall be deemed to have tabled any further action under such Covenant VII(19) with respect to the underlying condition or conditions of the subject Owners lot and

improvements considered by the Hearing Board for a period of at least one year from that FHCA Board meeting, except with respect to new or emergency conditions; or

"(2) If the relevant determination of the Hearing Board was that a condition or conditions exists that justify pursuing action under Covenant VIII(19), the FHCA Board shall notify the Owner concerned by first class mail that the Owner may present such evidence as the Owner deems appropriate at the meeting of the FHCA Board for which notice is given to the FHCA as required by subsection (A)of this Title. Following any presentation of evidence by the Owner concerned at such FHCA Board meeting, if any, the FHCA Board may, in executive session if such session

is approved by a majority vote, debate all information contained in the report of determination of the Hearing Board and any other evidence presented to the FHCA Board it deems relevant, and thereafter in open session—

"(i) by a vote of 2/3 of that FHCA Board, pursue action under such Covenant VIII (19); or

"(ii) by a majority vote of that FHCA Board, pursue such other action as may be permitted by other Covenants or provisions of law or equity; or

<sup>z</sup>(iii) if the FHCA Board does not approve action under either Subsection (B)(2)(i) or (ii) of this Title, the FHCA Board should consider whether, by a majority vote, to table any further action with respect to the underlying condition or conditions of the subject Owner's lot and improvements thereon for a period of at least one year following such vote, except with respect to new or emergency conditions.

"Any FHCA Board decision made under this Title shall be announced by the FHCA Board President in open session and a record of votes taken with respect to such decision shall be reflected in the minutes of such meeting."

## Forest Hills Architectural Control Committee Issue Resolution Process

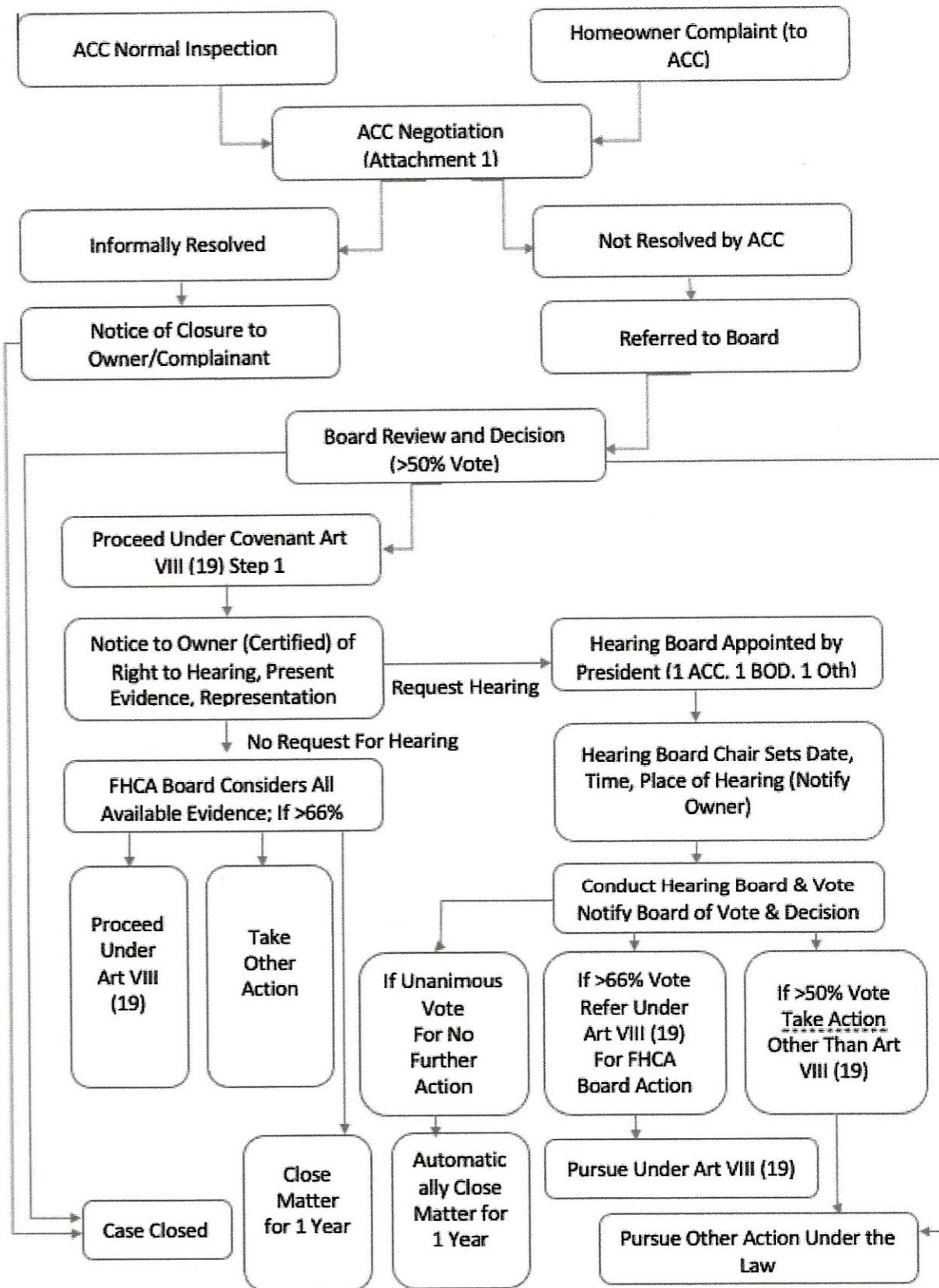
### Attachment A to Rules of Procedure for Implementation of Declaration of Covenants Article VIII (19)

Preface: Article VII of the Forest Hills Protective Covenants and Restrictions directs that an Architectural Control Committee (ACC) be appointed by the Board to "conserve the natural beauty of the subdivided property, in ensure its best use and most appropriate development, and to prevent the erection of poorly designed or constructed improvements". The Covenants further direct that the ACC review proposed projects involving the exterior of the home for workmanship, design, materials, and harmony, and assign a variety of enforcement and oversight activities to the ACC. ACC has specific authority to prescribe exterior colors under the Declaration of Covenants Article VIII (1). A 2022 Amendment to Article VIII(19) makes explicit each homeowner's responsibility to perform necessary property repairs, maintenance, and restoration.

When the ACC becomes aware of a significant exterior repair, restoration, or maintenance issue that has not been addressed by the homeowner the following resolution process applies:

1. ACC contacts the homeowner via email or phone to describe the matter and inquire about plans for repair. If the homeowner is unaware of the issue, the ACC may provide photos and discuss repair options with the homeowner. In the vast majority of cases, this informal contact leads to timely resolution.
1. If the homeowner does not respond to phone or email contact, or the repair is not undertaken after a suitable period, ACC reviews the matter at its next scheduled meeting before sending a first-class letter to the homeowner's address of record describing the issue and requesting a response.
1. In the rare case when a homeowner does not respond to the postal letter and/or does not undertake the repair, ACC sends another first-class letter along with a certified letter requiring signature confirmation of receipt. In cases where the "Duty to Repair" amendment may be invoked, the letters will so state. A courtesy notification to the HOA Board is customary at this point.
1. If steps 1-3 above have not been successful in achieving resolution, the ACC votes on referring the matter to the board for review and further action. If a majority of ACC members support board referral, ACC completes its process by sending a first-class letter informing the homeowner that the matter has been referred. If this process was initiated via written complaint, the ACC also sends a first-class letter to the complainant describing the disposition.

Covenant Process: Duty to Repair, Maintain, and Restore Owners' Lots and Improvements



## **Attachment 2.**

### **BACKGROUND ON 2018 SPECIAL ASSESSMENT REGARDING POSSIBLE HOMEBUILDING DEVELOPMENT ON EAST HILLSIDE BEHIND S. QUEEN STREET**

On August 13, 2018, the FHCA Board approved a Special Assessment of \$500 per lot for the purpose of FHCA presenting possible opposition to a then-proposed plan for home building development on the hillside behind and to the east of the upper Queen Street, including the exercise by Arlington County of its road easement through the open green space on the east side of the Queen Street Circle.

At a Special Meeting of the full FHCA on September 18, 2018, concerning this entire matter, two motions were made: (1) to defeat this Special Assessment in total, and (2) to reduce the Special Assessment to \$350. Both motions were defeated by majority vote of a quorum at that Special Association meeting.

Thereafter, this Special Assessment was collected from every one of our 130 lots for a total of \$65,000. Since that time this Special Assessment has been maintained on the Association's financial records in a separate interest bearing account to be used as needed only for the purposes for which it was assessed. In no small part due to objections lodged by the FHCA to various relevant agencies of the Arlington County Government, the initial development plan was altered at least one time and then apparently abandoned by all prospective developers.

These efforts, led by Andrea Hoffman, incurred only minimal expenditures totaling \$9548.15, of which \$374.40 was for copying and postage for communications with FHCA owners and Arlington County Government and \$9148.15 for legal and lobbying services provided to us by an experienced Arlington County zoning attorney. Initial estimates of potential expenses if our opposition had to be pursued throughout the entire development process exceeded \$40,000.

Recent inquiries regarding the potential likelihood of new attempts to develop this property suggest that there are no impending plans by the present owners to again place this property for sale for building development or interest by any developers to pursue such an action.

Henceforth, the FHCA Board now supports a motion to return the remaining amount of this Special Assessment which amounts to \$56,458.50, including interest earned as of September 30, 2022. This will result in the return of \$434.29 to each existing lot owner. Outside Counsel advises that this Special Assessment runs with each lot. Hence this amount will be returned to the owner of each lot as of September 30, 2022, regardless of who may have been the owner at the time the Special Assessment was imposed and collected.

During the month of October 2022, our Treasurer, Karen Smith, will be preparing individual checks in the amount of \$434.29 payable to each lot owner. The complication, printing and mailing of these 130 checks will take some time, some owners will receive their check earlier than others. But we hope all checks will be delivered by the end of October 2022.