

Forest Glen Station Homeowner's Association
Executive Board Meeting
December 14, 2009

I. Call to Order: The meeting was called to order by the President at 7:30 P.M. The meeting was held at Montgomery Hills Baptist Church, at the corner of Georgia Ave. and Forest Glen Rd. Present were Francis O'Donnell, President; Chuck Ehrlich, Treasurer; and Joe Hubbard, Member at Large. Others Present: Ganesh Shrestha, Camilla Jones, Allison Martin, and Marcus Joseph. Melanie Mullaney represented CMI.

II. Approval of Minutes of Last Two Meetings. After minor changes were made to the minutes of the October 19 and November 9 meetings, they were approved.

III. Officer/Committee Reports

A. Treasurer's Report. Mr. Ehrlich reported that he had met with Ms. Mullaney in November as part of the budget preparation process. He also had reviewed the November financial report from CMI. Expenditures for 2009 are within the budget for the year. Snow removal expense from early in the year was high but the snow removal reserve covered those expenses. The HOA has not yet received a bill from the lawyer on retainer (Mr. Schild) for his recent review of the by-laws and covenants with respect to parking. Mr. Ehrlich also presented the draft budget for 2010 (see VI.A. below).

B. Covenants Committee. No formal report was provided, but the Board noted that the Committee met in November and that Mr. John Corwith was nominated as Chairperson. The Board approved Mr. Corwith's appointment.

C. Other Committees. There were no reports from the Parking and Safety, Landscaping and Grounds, and Social Committees.

IV. Open Forum. Mr. Joseph reported that there was a break-in into an unlocked vehicle in the parking lot on Darcy Green Court. He also asked about the threshold of snow depth that triggered the contractor to start snow removal operations. The Board responded that the contract calls for the contractor to respond when the snow depth reaches 2 inches.

V. Old Business.

A. Parking. Mr. O'Donnell summarized the content of Mr. Schild's written response to the Board's request for his opinion about the authority of the Board to regulate parking on behalf of the Association. (A copy of the letter is attached to these minutes.) In the 10th paragraph of his letter, Mr. Schild wrote: "On balance, in my view, there is sufficient authority in the Declaration, Bylaws, and Articles of Incorporation to support action by the Board of Directors to assign designated parking spaces to some, but not all, owners. However, as illustrated by the foregoing discussion, such action is subject to challenge, in which case, it would be up to a court to determine the scope of authority of the Board of Directors." In the 13th paragraph of the letter, he wrote: "To avoid a challenge to action by the Board, the question of assignment of parking spaces could be voted on at a meeting of the owners. This could be either a specific parking plan or a general grant of authority to the Board to assign spaces. Therefore, to eliminate any question about the authority of the Board to allow assigned parking, I recommend that such action be approved at an owners' meeting."

The Board discussed Mr. Schild's letter and recommendations at length. Other Members of the Association in attendance also participated in the discussion. It was noted that the Board had already authorized CMI to send to all owners a survey pertaining to parking in the community in order to assess, as well as possible, residents' current use of parking spaces on Darcy Green Place and Darcy Green Court. It was hoped that the results of that survey would inform the Board about

the current demand for parking to help the Board in its efforts to improve the parking situation. Although the survey had been mailed out, the results were not yet available.

Mr. Ehrlich noted that Members might be confused by a process that asked them to vote on several propositions at the same time. One possible proposition would be an amendment to the Declaration of Covenants, Conditions, and Restrictions empowering the Board of Directors to adopt, on behalf of the Association as a whole, rules and regulations about the use of parking areas. Other possible propositions would ask the membership of the Association as a whole to approve specific parking rules. This latter approach would not require changing the Covenants to empower the Board of Directors to make rules about parking. At the conclusion of the discussion, the Board decided to take a stepwise approach in order to avoid over-complicating the process.

1) The first step would be to ask the Association as a whole to vote on whether or not to give the Board the authority to adopt parking regulations. If the vote by the general Membership approved giving the Board such authority, then the Board could move on to deciding what, if any, changes to parking regulations should be made. If the general Membership voted against giving the Board such authority, then the Board would take the alternative approach, described below as Step 2.

2) For Step 2 (necessary only if the Association voted against empowering the Board as described above) the Board would ask the Association as a whole to vote on specific proposals about parking regulations.

Since preparing the text of these alternatives would require some preparatory planning, the Board decided to postpone the Annual Meeting of the Association until February 8, 2010 to allow for sufficient time to notify the Association membership about this complex issue.

The Board agreed that the text of the proposed alternatives should be reviewed by Mr. Schild prior to forwarding it to the Membership.

Ms. Mullaney remarked that she has not yet heard from the County regarding its determination about the community's right to use the five parking places along the curb at the end of Darcy Green Place.

B. Newsletter. The Board noted that a December newsletter was prepared and should be contained in the mailing sent to Members about the upcoming Annual Meeting and the solicitation of nominees for Board positions.

C. Curb repair. Ms. Mullaney reported that she is going to solicit a bid from a third prospective contractor for the work to repair curbs and corners. Mr. Ehrlich noted that the current reserves for concrete work are too low to cover the projected cost estimates by the two previous contractors. The Board agreed to revisit this issue after final bids are available from all the potential contractors.

VI. New Business.

A. Proposed Budget for 2010. Mr. Ehrlich presented a proposed budget for the Association for 2010. It had been reviewed and discussed at a meeting of the Budget and Finance Committee. The budget would result in homeowner assessments very close to the level that applied in 2009. Items that reflected significant changes from the 2009 budget included:

- Transfer of surplus funds from the General Operating Fund into Income
- Increase in budget for Social Committee
- Increase in budget for electrical utilities and electrical maintenance in anticipation of adding new lighting to community
- Increase in budget for exterminator services
- Increase in budget for snow removal services (both operating expenses and reserve fund)
- Decrease in budget for tree maintenance due to positive effect of prior years' maintenance
- Increase in budget for site maintenance to cover landscape maintenance of storm water pond

- Decrease in reserves contributions for storm water pond maintenance due to transfer of the pond to county control, relieving the HOA of responsibility for structural maintenance
- Increase in budget for insurance due to new state law requiring fidelity insurance
- Increase in budget for income taxes due to accumulating balance in reserve funds

After Mr. Ehrlich's presentation of the 2010 Budget and the Board's discussion, the Board voted 3-0 to approve the budget for next year. The Treasurer and CMI will make sure that a copy of the approved budget is distributed to HOA Members as soon as possible.

B. Annual Association Meeting. The Board agreed to delay the Annual meeting until February 8, 2010 in order to provide adequate time to prepare the information needed for the Association vote about parking regulations. In the meantime, CMI will solicit nominations for the two Board positions that require elections in 2010. The positions up for vote are those held by Mr. Ehrlich and Mr. Hubbard. The Board agreed to hold a regular Board meeting on January 11, 2010.

VII. Adjournment: 8:45 P.M.

VIII. Next Meeting. The next meeting of the Board is scheduled for Monday, January 11, 2010, at 7:30 PM at the Montgomery Hills Baptist Church.

Respectfully submitted,
Francis L. O'Donnell, President