

**FAIRLINGTON GLEN COUNCIL OF CO-OWNERS**  
**February 13, 2018 Board Minutes**  
**Fairlington Community Center**

**ATTENDEES:** Thora Stanwood (Vice President), Bill Worsley (Secretary), Maynard Dixon (Treasurer), and Candace Lewis (Cardinal Management). Bill Layer (President) arrived at 6:50 p.m. Lee Henry (At-Large member) was absent.

Residents attending the meeting included David Sherman (court 1), Margaret Windus (court 1), Alan Bow (court 1), Chris Keightley (court 2), Jocelyne Corderot (court 1), Lynda Lyle (court 14), Michelle Woolley (court 2), Jay Yianilos (court 12), Patrick Prisco ((court 8), Connie Francis (court 14), Ellen McDermott (court 14), Barbara Collier (court 14), Charles Robbins (court 13), Brad Surdam (court 1), Melissa Wolfe (court 2), and Bob Patrician (court 11).

**CALL TO ORDER:** The board meeting was called to order by the vice president at 6:30 p.m.

**ENVIRONMENTAL UPDATE:**

Trent Zivkovich, the Glen's environmental attorney from the firm of Whiteford, Taylor & Preston, gave an update on the status of chemical testing by ECS Mid-Atlantic around courts 1, 2, 13 and 14.

ECS Mid-Atlantic (ECS) has produced a risk assessment report and sent it to the Virginia Department of Environmental Quality (VDEQ). The outer boundaries of the chemical plume have been delineated. The northern end of the plume ends around 35th Street, a short distance into the Meadows. The risk assessment report describes the situation but does not address what next steps should be. Currently, VDEQ is planning to meet with ECS and the owner of the dry cleaning site to get them to develop a remediation plan. Zivkovich will be putting pressure on ECS to do that.

The Glen needs something done to block future flows from the source area. The concentration of chemicals at the dry cleaner is still very high. It is still contaminating the groundwater, which is moving very slowly. The spill probably happened in the 1970s.

The state does not have the legal tools to make the owner go off his property and remediate adjacent property. But it does have the consent order to require the owner to clean up the dry cleaning site to VDEQ's satisfaction. The owner cannot sell or get loans on his property with the consent order attached to it. In addition, the state has a voluntary remediation program, which VDEQ can encourage the owner to enter into. The state would settle with the owner, in effect releasing him from the consent order if the owner voluntarily goes into the voluntary remediation program. The cleanup requirement imposed by the program would run with the property, so a sale of the property would not impair the Glen's ability to seek remediation in the future.

As a result of the chemical testing, five homes in the Glen were found to have chemical vapor concentrations above acceptable levels, and sub-slab remediation systems were installed in those five units. A vacuum gauge will shortly be installed on one of the sub-slab remediation units, which will show that the unit is working properly. Zivkovich will request that gauges be installed on the other four.

Residents asked a wide range of questions, including where to find information, what the long-term health risks are, what remediation system the owner has at the dry cleaning site, how residents can know whether the sub-slab remediation systems are effective in removing all health risks, and whether it would make sense to test the room air inside homes.

VDEQ and the Arlington Department of Health are the best avenues for applying legal pressure to the owner. The VDEQ is planning to do an informational meeting for Glen and Meadows residents.

Zivkovich said that if people have questions about any aspect of this issue they should feel free to reach out to him.

#### **RESIDENTS' FORUM:**

No topics discussed.

#### **VARIANCE REQUESTS:**

**02.13.18.01 Motion.** Moved to approve a variance request to install an egress window on the side of 3525-B S. Stafford Street (court 1). Motion passed unanimously.

**02.13.18.02 Motion.** Moved to approve a variance request to install an egress window in the back of 3547 S. Utah Street (court 9). Motion passed unanimously.

**02.13.18.03 Motion.** Moved to approve a variance request to remodel a kitchen and bath at 3578 S. Stafford Street (court 12). Motion passed unanimously.

**02.13.18.04 Motion.** Moved to approve a variance request to remodel a kitchen at 3605 S. Taylor Street (court 8), contingent upon getting a building permit. Motion passed unanimously.

**02.13.18.05 Motion.** Moved to approve a variance request to install a sub-slab ventilation system for radon remediation at 3501-A1 S. Stafford Street (court 1), to be placed in the area where air conditioning compressors are located. Motion passed unanimously.

#### **BOARD MEETING MINUTES:**

**02.13.18.06 Motion.** Moved to approve the minutes of the January 9, 2018 board meeting. Motion passed unanimously.

#### **COMMITTEE REPORTS:**

**02.13.18.07 Motion.** Moved to approve Administrative Resolution 18-1 (attached in the appendix to these minutes). Motion passed unanimously.

Jay Yianilos (court 12) presented a proposal for aluminum signs to be installed by the on-site crew at various areas around the Glen.

**02.13.18.08 Motion.** Moved to approve a proposal from Banana Banner in the amount of \$466.40 for 16 aluminum signs. Motion passed unanimously.

**02.13.18.09 Motion.** Moved to approve a proposal from G&V Tree & Landscaping in the amount of \$2,860 to trim the photinias along Quaker Lane. Motion passed unanimously.

By e-mail vote on January 19, 2018, the board unanimously approved a proposal by Power Systems Electric (PSE) in the amount of \$1,156.11 to repair the court lights in court 1. The vote is hereby duly ratified and recorded.

#### **BOARD MEMBERS' REPORTS:**

President –

No report.

Vice President –

Dominion Virginia Power has submitted an application to the county to repair five street lights on South 36<sup>th</sup> Street.

Treasurer –

The treasurer said that Morgan Stanley had changed its proposal for investing the CD ladder to conform to the board's investment guidelines for the CD account.

The treasurer asked the management agent to arrange for interest from the CDs to be recorded as interest earned in Account 30270, whether it has been paid or only accrued.

**02.13.18.10 Motion.** Moved to authorize the management agent or president to sign a contract with REI for spot roof and gutter inspection, provided that REI modifies its proposal to make it less open-ended, as follows: basic inspection, billed under the stated hourly rates but not to exceed \$3,950; AIA contract preparation, \$375; bidding, \$500, if requested.

Secretary

**02.13.18.11 Motion.** Moved to approve REI's specifications for the complete replacement of the court 14 parking lot, curb and gutter, and sidewalks. Motion passed unanimously.

#### **MANAGEMENT REPORT:**

No report.

#### **EXECUTIVE SESSION:**

**02.13.18.12 Motion.** Moved to go into executive session at 8:09 p.m. Motion passed unanimously.

The board reconvened in regular session at 8:16 p.m.

**02.13.18.13 Motion.** Moved to send a 10-day demand letter to account 1032 and turn the account over to Legal if no funds are collected based upon the demand letter. Motion passed unanimously.

**ADJOURNMENT:** The meeting was adjourned by the vice president at 8:19 p.m.

The next scheduled meeting of the board is Tuesday, March 13, 2018, at 6:30 p.m. at the Fairlington Community Center.

Respectfully submitted,

Bill Worsley  
Secretary

## **APPENDIX**

### **FAIRLINGTON GLEN CONDOMINIUM COUNCIL OF CO-OWNERS**

## **ADMINISTRATIVE RESOLUTION NO. 18-1**

### **REQUESTS FOR EXAMINATION AND COPYING OF THE COUNCIL'S RECORDS**

**WHEREAS** Section 55-79.74:1 of the Virginia Code provides unit owners (co-owners) who are in good standing the opportunity to examine and copy certain records of the Council of Co-Owners (Council), subject to procedures approved by the Board of Directors (Board) under its power to enact and amend rules and regulations; and

**WHEREAS** Section 55-79.74:1 of the Virginia Code provides that the Council may recover the costs of materials and labor for copies of requested books and records, provided that the Board has adopted a cost schedule that (i) specifies the charges for materials and labor; (ii) applies equally to all unit owners in good standing; and (iii) is provided to any unit owner at the time the request is made; and

**WHEREAS** the Fairlington Glen Board is responsible for fostering an open and participative community in which owners and residents can have their voices heard, and providing information to further such participation (FAIRLINGTON GLEN HANDBOOK 2015, p. 15).

#### **NOW, THEREFORE, BE IT RESOLVED:**

##### **A. Record Keeping and Access to Records**

1. The Board shall establish a records retention policy to be followed by the Council, working with the management agent.
2. Informal Access. The Board shall designate information to be maintained as electronic records, updated at appropriate intervals, and available on request by co-owners. Electronic copies of such records, as well as those held by individual Board or Committee/Coordinator members involved in the performance of their responsibilities or authorities, may be made available at no cost when sent via email to the requestor or when available on the Council's website or via other electronic means. Neither the record request form (Exhibit A) nor the charges (Exhibit B) outlined below shall normally apply to such informal sharing of information among co-owners, whether digitized or on paper. An exception is when an entire disk is provided, in which case costs will be decided on a case by case basis. Requests of minimal time and cost to the management agent may also be waived by the Board or its delegate and assumed by the Council.

3. Formal Access. (a) Subject to certain exceptions set forth in Section 55-79.74:1 of the Virginia Code and also below, and provided that the request to examine books and records relates to the business of the Council and not for pecuniary or commercial reasons, co-owners in good standing shall have the right to examine and copy condominium records. Good Standing shall be defined to mean that a member is current in the payment of assessments and any other financial obligations to the Council and compliant with all other responsibilities of membership.

(b) Co-owners wishing to examine and to copy records must complete fully the attached form (Exhibit A) and file it with the Council's managing agent or other duly appointed representative, who will provide within a reasonable time an estimated cost based on the cost schedule attached hereto as Exhibit B or any updates later put into effect. After receipt of payment, the Council shall set-up an inspection meeting or provide the co-owner with copies as provided under Section 55-79.74:1 of the Virginia Code. Adjustments based on actual time and copying costs will be made.

(c) Whenever a co-owner makes a written request to examine original records under "(b)," above, the Council shall have a member of its managing agent's company meet with the co-owner and serve as a custodian of the records for the protection of the documents. The Council will include the cost of this service in the estimate and may establish reasonable limitations on how long such meetings may last.

(d) After a co-owner has requested formal access under "(b)," above, the co-owner and the Council may agree on a procedure for providing the requested records without formal office visitation and at reduced cost, via the means and sources stated in the informal access provision of "2," above.

#### B. Exempt Records

The following records are exempt from the co-owner's right to examine and copy:

1. Personnel matters related to a specific, identified employee and person's medical records;
2. Any documentation which relates to a (i) contract, lease or other commercial transaction currently under negotiation; (ii) pending or probable litigation; (iii) matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the Council documents or rules and regulations;
3. Communications with legal counsel which are protected by the attorney-client privilege;
4. Any records that any law prohibits the Council from providing to a 3<sup>rd</sup> party;
5. Minutes and other records reviewed in an executive session of the Board or Committee;

6. Individual member files, other than those of the requesting member;
7. Any drafts or other documents not yet approved by the Board for incorporation into the Council's books and records.

C. Miscellaneous

1. The Council shall not have any obligation to create documents in response to a co-owner's request for records.
2. Co-owners may make a written appeal to the full Board of any decision made under this policy, provided that an appeal is made within 30 days of the date of the decision. The Board will hear and resolve the appeal.
3. The Board shall have the right to amend the cost schedule attached hereto without having to amend the entire resolution.

Effective Date of Resolution

This resolution takes effect upon adoption by the Board of Directors and replaces Administrative Resolution No. 12-1, which is hereby revoked.

Duly adopted at a meeting of the Board of Directors held on February 13, 2018.

**Exhibit A**  
**FAIRLINGTON GLEN CONDOMINIUM COUNCIL OF CO-OWNERS**  
**RECORD REQUEST FORM**

You may use this form to request copies of or inspect the official records of the Fairlington Glen Condominium Council of Co-Owners ("Council"). In order to submit a proper request, please complete, sign and date this form and mail, e-mail, or fax it to the Council's common interest community manager at the address below:

Fairlington Glen Management Staff  
c/o Cardinal Management Group, Inc.  
4330 Prince William Parkway, Suite 201  
Woodbridge, Virginia 22192  
Facsimile: (703) 866-3156 E-mail: [c.lewis@cardinalmanagementgroup.com](mailto:c.lewis@cardinalmanagementgroup.com)

Name of Requesting Party: \_\_\_\_\_

Mailing Address:

\_\_\_\_\_

\_\_\_\_\_

Address of Property located within the Council if different than mailing:

\_\_\_\_\_

\_\_\_\_\_

Phone (Home): \_\_\_\_\_

Phone (Work): \_\_\_\_\_

Phone (Mobile): \_\_\_\_\_

Email:

Please describe the records you wish to copy and/or inspect, including all relevant dates, names or other identifying information (attach separate schedule if needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please describe the purpose of your request:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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Please check applicable box(es):

I am requesting to receive copies of the above-referenced records. [ ]

I am requesting to conduct an in-person inspection of the above-referenced records. [ ]

I am requesting to inspect such records on \_\_\_\_\_ at \_\_\_\_\_. [ ]

(The Council will provide you confirmation of the appropriate time, date and location for the Inspection.)

Please be advised: Not all Council records are available for review and inspection, per Section 55-79.74:1 of Virginia Condominium Act. You will be notified if your request contains records subject to withholding. You will also be notified of the estimated cost, if any, related to your request and such charges must be paid in advance of the Council fulfilling your request.

Please also be advised: The Council is obligated to respond only to record requests from members of the Council who are in Good Standing. Good Standing shall be defined to mean that a member who is current in the payment of assessments and any other financial obligation to the Council and compliant with all other responsibilities of membership.

You must date and sign this form.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit A**  
**COST SCHEDULE**

Hourly rate for compilation and copying of materials:

By management agent Administrative Staff - \$75.00/hour

By management agent Accounting Staff - \$75.00/hour

By Community Manager - \$120.00/hour

By management agent Vice President - \$170.00/hour

By management agent Chief Financial Officer - \$175.00/hour

By management agent Principals - \$300.00/hour

These hourly charges shall be billed in fifteen (15) minute increments.

Copies shall be billed at a rate of \$0.12 per page.

These prices were in effect as of January 1, 2018 and are subject to change.