

# **Minutes of the Herndon Community Association Coalition Meeting**

Wednesday – February 7<sup>th</sup>, 2007  
Herndon Police Station – Community Room  
7:00 p.m. – 9:00 p.m.

## **I. OPEN FORUM**

The meeting was called to order at 7:10 p.m.

## **II. INTRODUCTIONS**

The following individuals were in attendance:

Elizabeth Hagg	TOH, Director of Neighborhood Resources
Meg Murphy	TOH, Office Assistant

Kim Bailey-Middleton	HCAC Secretary -- Crestview HOA
David Brett	Branch Drive HOA
Lise Lingo	Herndon Mills HOA
Bill Marr	Attorney
David Platt	Potomac Fairways HOA
Charlie Waddell	HCAC Chairman – Dumbarton Square HOA

George Mason University students observing the meeting for their anthropology class:  
Ismail Becirevic  
Amber DeNola  
Laura Fox  
Katie Honele

## **III. ANNOUNCEMENTS**

Charlie Waddell & Liz Hagg made the following announcements:

- Charlie Waddell welcomed the Anthropology students from George Mason University who were observing the HCAC meeting as part of a class project. The students will present their project and findings at an anthropology association meeting in October 2007 in Washington, D.C. Accompanying the students was their friend, Ismail Becirevic, a professional soccer player with the Richmond Kickers.

- Charlie Waddell gave an overview of what the HCAC does. He outlined the goals and objectives of the group. Charlie noted that the Excessive Occupancy ordinance of the Town of Herndon was crafted with significant input from the HCAC. He noted that the Town Council recently went on a retreat and reflected on what they would like to see in the Town in twenty years and they definitely wanted to see the HCAC as part of the Town of Herndon's future. He added that the HCAC has been well received by the Town.
- Charlie Waddell complimented Elizabeth Hagg on her excellent article in the February issue of Quorum Magazine. The article discusses the HCAC and the accomplishments of the HCAC.
- Charlie Waddell announced that Friday, February 9<sup>th</sup> is the deadline for budget requests. He also mentioned that the Council will be considering an ordinance in April to allow Bed and Breakfasts in the Town.
- Liz Hagg announced that May was Neighborhood Celebration Month and that she would like to get as many neighborhoods as possible involved in holding some type of celebration or community gathering in May. She said that her department provides water and some giveaways. She said that it takes a little while to organize these neighborhood events and she distributed a guide to Neighborhood Events. She also said that Neighborhood Celebration Month would commence with the Community Day and Housing Fair on Saturday, May 5<sup>th</sup> outside the Neighborhood Resource Center at the Dulles Park Shopping Center. All volunteers are welcome.

#### **IV. APPROVAL OF THE MINUTES FROM THE DECEMBER 6<sup>TH</sup>, 2006 MEETING**

Charlie Waddell asked if there were any corrections to the December 6, 2006 Minutes. There were two corrections to the December minutes.

First, a deletion of Bill Marr's name as Elizabeth Hagg's co-author of the Quorum article and, the second correction was to correct the spelling of Quorum magazine. The corrections will be made and the final Minutes posted on HCAC's website, which is [www.hcac-va.org](http://www.hcac-va.org).

#### **V. NEW BUSINESS**

##### **REPORT ON THE BRANCH DRIVE HOMEOWNERS ASSOCIATION IMPLEMENTATION OF ITS INNOVATIVE IDEAS TO IMPROVE THEIR NEIGHBORHOOD**

Mr. Dave Brett gave an extensive presentation on the changes in the enforcement policies and procedures in the Branch Drive Homeowners Association (HOA). The Branch Drive town homes feature 77 units total, 59 of which were built around 1980 with another 2 buildings (18 units) added in the mid 1980s. The current problems in this HOA began around 2002. Some of the problems included excessive overcrowding and related parking issues by certain tenants, excessive commercial vehicles in the area, and numerous trash problems. These problems became very noticeable in the last two years. The HOA rules were last revised in 2001, but many residents were not getting HOA approvals for things. In 2005, the HOA Board decided to have twice a year inspections, with one conducted by the management company and the other was conducted by the

Town of Herndon. After the Treasurer's death, the Board expanded the management company's services to include all financial functions previously performed by the Treasurer.

In late 2005 to June of 2006, Dave Brett and another person decided to get the HOA project moving. Based on input from some homeowners and their previous Board experience, they developed a vision of what corrective action would be needed, anticipated what changes the homeowners really wanted, and balanced the differences with specific strategies and objectives to pursue in achieving their overall goal of reclaiming a neat and uniform exterior appearance for the neighborhood.

Important to this process was to begin a regular process of communication with homeowners of the problems, the need to fix them along with the reasons, and finally what the solutions were going to be and when they would be implemented. A quarterly newsletter was used initially as the communication vehicle. The newsletter was supplemented with some special separate mailings to provide residents with more detailed knowledge to build community support and involvement. These communication pieces really spelled out clearly what would be required of the homeowners and what the enforcement procedures would be like. They listed things as "can do's" and "can't do's". A willingness to work with the homeowners was expressed. The desire was for the residents to take ownership of the process.

Around April of 2006, the HOA started meeting with various Town of Herndon personnel to discuss their issues. Dave said that they inquired about the restrictions on commercial vehicles, designated parking zones, trash ordinance enforcement and asked about the capabilities and responsibilities of the Town in assisting the Branch Drive residents. Dave said the TOH officials were very helpful but they alone could only do so much. However what the TOH could help with would provide a valuable piece of the puzzle in addition to steps the HOA would set in motion.

From May to December of 2006, Dave and his other committee member refined their strategies and decided on a zero tolerance policy for their HOA. They decided the rules would be strictly enforced. Residents could apply for an exception to a rule, but there would be few exceptions. One of the rules concerned the color of the front door matching the house, and that frames for screen doors and window screens and regular doors must be the same color. A decision was made to require that all units without storm doors would now have to add them and make sure the color matched the approved exterior trim color for the unit.

Even though most units had fences, they decided to mandate fences in the back of each unit. They had noticed that many of the yards in the back of the residences were not neat and had lots of clutter in them. Also many lacked sheds where many of the items could be stored when not in use. Residents were also leaving toys and other inappropriate items in their front yards where they are not supposed to be. Now all the units have to be fenced unless the unit's owner can demonstrate they keep a neat yard without the need for a shed. Existing rules, prior to the current revision, already required that if a unit has a shed then it must also have a fence. Thus, the gateway to the new

fence mandate is through a unit having to add a shed to store these excess yard use items which must be approved by the HOA. Once a shed is needed, then the fence is an automatic. According to this rule, 18 of the 77 units potentially would need to add a fence.

Satellite dishes must now be on the roof or out of sight. Also, the dish limit will be set at one dish per unit with HOA approval needed for any dishes beyond one. Many residents installed satellite dishes on their front or rear walls anywhere from the first floor to the second floor where they create a noticeable eyesore. Yet, all units have clear access to the sky for satellite purposes from the rear roofs. Also, some units had 2 or 3 dishes which are really unnecessary in a single family home since one dish can control from 1-3 TVs.

Other major problems in the Branch Drive Neighborhood were trash on the streets, a changing mix of people who “were not ready for unsupervised living” and many crowded parking areas.

There are two parking spots for each unit and there are also visitor spots for each building. Many overcrowded units began to park their vehicles in excess of their two reserved spaces in the visitor spots, which prevented the legitimate use of the visitor spaces. Now residents will have to register their vehicles and get decals for them, and they will be issued a visitor hang tag. Initially, residents will not be paying for their decals since the issuance applies to all units. Administratively, it was decided it was easier to increase the dues slightly to cover the cost versus collecting the cost directly from each unit separately.

Fees were established for new residents or those who lose their decals or short term parking hang tag. Thus, the program will become more user fee based. Several communications and a warm-up enforcement process are part of the program to help residents learn about the changes and exhibit compliance before violations and fines would begin and towing could result in certain situations. The HOA’s goal for the resident decals and visitor hang tags is to regain control and monitoring capability of who is parking on their private property so that vehicles and people that are not

authorized will stand out. Many of the problems the HOA is experiencing is caused by unauthorized property visitors.

In addition to the HOA’s decal and hang tag program, the HOA has authorized and requested TOH Police patrols of its private property for unauthorized vehicles and any problems their owners may be creating as well as contracting with a towing company to tow vehicles for certain violations. Combined, the HOA believes that these three components will result in the neighborhood’s parking issues being resolved.

The HOA has normally conducted an annual architectural inspection. But as these problems got worse over the last five years, it wasn’t enough. It was decided that the only way to obtain compliance was to conduct weekly inspections that would focus on the “nuisance” problems like inappropriate items left in yards, trash in yards, lack of compliance with the Town’s refuse and re-cycling ordinances and so forth.

The HOA decided that only personnel outside the HOA could effectively conduct the weekly inspections. Also, for liability purposes and logistical issues, hiring one individual was rejected. The decision was made to seek out a security company. The security firm has a checklist of issues to inspect against. There will be surprise inspections and residents will initially be issued a warning sticker during a phase-in period, but when that is over, violations and fines will result.

To make the program work, adherence to a tight weekly timeframe is critical. Thus, the security firm must turn in the inspection results to the HOA's management company within 24 hours. The management company must process and mail the first violation letters within twenty four hours of receiving the results from the inspection. That achieved, it would mean that the homeowners/residents would be informed in 3-5 days, giving them more than enough time to cure the violation before the next weekly inspection. If a resident is cited again the next week, they would receive the second violation with a warning that if it occurs again, then they would receive the third notice compelling them to either cure the violation to the HOA's satisfaction or attend a hearing to try to explain their way out of it. If that proves unsatisfactory to the HOA, then the HOA's fines of either \$50 per violation or \$10 per day would be assessed.

Thus, weekly inspections with the tight timeframe for issuing violation notices will address problems much faster than normal and improvements in the neighborhood's appearance will be accelerated.

Trash has been a real problem in the Branch Drive community. Between the enforcement actions of the HOA's weekly inspections and the TOH's enforcement inspections, substantial compliance should be obtained fairly quickly.

"English as a Second Language" is a problem. Arrangements have at least been made to communicate some of the recent developments in Spanish, including arranging to have an interpreter at the Annual Meeting, although there are other languages that exist in the community.

The security firm hired is All-Saints Limited. The security firm will not be armed when on the HOA's property, although they can legally carry firearms due to their special authority in Virginia as conservators of the peace. They will be conducting the weekly inspections and initially will work for five hours a week. It will take them 2-3 hours a week to do the inspections. The remaining time to be spent is to observe issues concerning overcrowding in the hopes that information could be forwarded to the TOH personnel for follow-up.

The security firm is being paid \$250 a week for their work with an annual budgeted amount for 2007 of \$7,000, for which a dues increase will be used to cover the additional cost. The HOA dues were increased from \$105 to \$135 a quarter beginning on March 15<sup>th</sup> and they will go up to \$150 a quarter on January 1, 2008. Not all of the dues increase is due to the security firm cost. Dues had not been increased since 2001, so some of the increase is due to inflation and the need to add more to reserves and for

some other costs, like the parking decals, Association member handbooks with all the rules and other helpful information (1<sup>st</sup> time), replacing mailboxes, etc.

Once, the inspections are not needed on a weekly basis, they would move to a bi-monthly basis and so on until the community shows it can police itself and the inspections are not needed. After that, it is presumed that the normal once or twice a year inspection cycle in years past would be all that is needed.

Dave was working to finalize the time line for the enforcement issues. The HOA does not want people to have the same violations over and over. Residents will be fined and the fines must be paid or it will go to their outside attorney for a legal solution including a court judgment, liens, etc.

As a result of all of the above steps and especially the additional communications over the last 12 months, the HOA's annual meeting yielded its largest attendance in years and resulted in five new board members joining the Board. A slideshow presentation was given showing visual proof of the street problems and the need for the recommended changes.

The HOA is also thinking of having a "Best Home Contest" with a gift certificate for \$50 going to the winner each quarter with a \$100 gift certificate awarded if they did not have any HOA violations from the HOA. With the renewed homeowner interest, the HOA will also explore if a Neighborhood Watch program could now take hold which would also eliminate the need to pay an outside security firm, as well as trying to promote a community event to foster homeowners becoming neighbors either in May or August/September.

Dave thanked Elizabeth Hagg and the HCAC for the support and promised to report back to the group in June on the status of things in the Branch Drive HOA.

Charlie Waddell congratulated Dave Brett on his great new program and the leadership that he and his fellow board members have exercised with the Branch Drive HOA. He looks forward to having an update from Dave at the June 7<sup>th</sup> meeting. A brief discussion followed with other HOA reps discussing storm doors, new fences and satellite dish issues that they have faced in their respective communities. Dave stated that those issues are the key issues for repair/replacement in Branch Drive HOA. Charlie stated that part of home ownership is home maintenance. The burden of home maintenance shifts to the individual even if the property is a rental.

**REPORT ON PROCEEDINGS FROM THE VIRGINIA GENERAL ASSEMBLY:**

Bill Marr provided the HCAC with a legislative update. He briefly discussed the short session of the Virginia legislature. He talked about Senate Bill #1409 dealing with enforcement of rules and changes for violations concerning vehicles on property. Bill stated that some of the legislation is done quickly in the Senate and then waits for House approval. He was keeping an eye on Senate Bill 964 concerning the display of political signs and also Senate Bill 969 concerning the display of flags. Bill also described a few Bills that concerned an HOA's re-selling the disclosure packets that homeowners must purchase at closing. One bill under discussion may allow some management companies

to be able to charge more for disclosure packets. Bill also mentioned that Delegate Tom Rust has offered a bill that would legislatively increase the penalties for overcrowding. Bill discussed Senate Bill 1217 that discussed private police and the allowing of private police in a chain of custody. He also stated that the various legislative committees were tweaking the commercial vehicle statutes and restrictions on the number of commercial vehicles on a public street per resident.

## **VI. ADJOURNMENT**

David Platt made a motion that the meeting be adjourned and Lise Lingo seconded the motion. The meeting adjourned at 9:20 p.m. The next HCAC meeting is scheduled for Wednesday, April 4, 2007.