

# Herndon Community Association Coalition Meeting Minutes

Thursday – October 1<sup>st</sup>, 2009  
National Realty Partners  
7 p.m. – 9 p.m.

## I. OPEN FORUM

The meeting was called to order by Mr. Charlie Waddell at 7:14 p.m.

## II. INTRODUCTIONS

The following individuals were in attendance:

Charlie Waddell	Dumbarton Square
Bill Edmonston	TOH, Senior Community Inspector (Zoning)
Carla Falconi	TOH, Office Assistant
Elizabeth Gilleran	TOH, Director of Community Development
Betsy Johns	National Realty Partners
Bill Marr	Association Attorney
David Platt	Potomac Fairways
Kim Bailey-Middleton	Crestview; HCAC Secretary

## III. ANNOUNCEMENTS

### Mr. Charlie Waddell:

- Mr. Bill Marr and Betsy Johns formed a nominating committee, to nominate the next officers of the HCAC. Elections will be held during the December meeting.
- Last night Mr. Waddell attended the Neighborhood College Alumni Meeting, and did a presentation on the HCAC, trying to recruit interested people. There was good feedback from the attendees.
- There was discussion about how to reconnect with some communities that used to be involved in the HCAC. Perhaps updated flyers advertising the HCAC would attract new members or bring back old ones.
- Several people have several contact lists, some are updated, some not. Carla Falconi will get a list from the Town Clerk. Bill Marr will try to get a list from the Common Interest Community Board (CICB). Charlie Waddell will try to get a list from the State Corporation Commission. Then Charlie will work on incorporating all the information into one master list.

- Charlie will also try to attend annual meetings of some of the HOAs, to recruit board members (especially new ones) and highlight the work of the HCAC in collaboration with local HOAs.
- Homecoming Parade is Saturday, October 3 at 9:30 a.m.
- Sunday, October 4 is the 80<sup>th</sup> Anniversary of the Herndon Volunteer Fire Department.
- Sunday, October 4 at 8:30 a.m. is the Mayor's Cup Golf Tournament.
- Fall Clean-Up is still on, and starts the week of October 12.
- Election Day is Tuesday November 3
- Agenda: always open to suggestions for new items. There are a lot of interesting things happening right now.
- Looking at HOAs in Loudon and their websites, Charlie thinks the HCAC should do a similarly professional website with information for all the local HOAs. David Platt offered to post anything on the HCAC's website, if he is given the material.

Dave Platt asked if there are any upcoming Common Interest Community Board (CICB) Saturday morning seminars planned.

Bill Marr: There are two upcoming free evening workshops offered by the CAI Legislative Committee: On October 19, 2009, at the George Mason Law School, and another one on November 9, 2009, in the Board of Supervisors Chambers in Fairfax County. Bill Marr, five other lawyers, and the ombudsman will be there.

It was decided that at the beginning of 2010, there should be one of these seminars in Herndon, and perhaps that can also be a way to draw in new HCAC members, and reconnect with old ones.

Bill Marr will try to approach the people from the Hunters Creek HOA, at a meeting he will attend on October 19.

#### **IV. APPROVAL OF THE MINUTES FROM THE FEBRUARY, APRIL, JUNE AND AUGUST 2009 MEETINGS**

None of the above listed Minutes are ready for Approval. All HCAC members who were present at any of these (especially February and April) meetings and have their notes, should bring them to the next meeting and the notes will be compiled.

#### **V. OLD BUSINESS**

It was discussed that the HCAC should approach Tom Rust, to talk to him about how the House Bill 516 will affect the group. Charlie Waddell will approach Tom Rust on Saturday.

## **VI. NEW BUSINESS**

**Bill Edmonston**, Department of Community Development, Senior Community Inspector

Bill presented to the group a pie chart outlining the top six zoning complaints from the year 2006, through September 30, 2009. The number of overcrowding complaints in 2006 was 287, complaints for 2009 is 107 (October, November and December was calculated by getting the average of those months for 2007 and 2008)

48 people have been prosecuted internally for overcrowding.

\$60,000 in fines has been issued for all zoning violations, \$50,000 of which was for overcrowding.

Partnerships have been established with communities, HOAs, the Herndon Police Department, Herndon Fire Department, and various real estate companies.

The Building Code has changed and now a smoke detector is required in each bedroom. In the last three years, about 700 smoke detectors have been distributed. Fairfax County gives the smoke detectors to the Fire Department, and the Town installs them.

All the inspectors in Zoning have passed the test and are now certified by the Virginia Association of Zoning Officials as certified zoning officers.

The Town of Herndon is being more proactive in finding violators, as more of the complaints are coming from Town employees who notice the possible violations. This also means that most of the complaints now are more legitimate.

Definition of family: there must be one degree of consanguinity. There is no way to prove this, but people are asked to sign an affidavit so that we have something on paper, making it less likely for people to lie, or if they do lie, there is written proof of it.

The noise ordinance was ruled as unconstitutional by the Supreme Court of Virginia. The phrase "reasonable person" had not been defined. The Town Attorney, Richard Kauffman, is drafting another ordinance that will be more straight forward.

Bill offered to get the HCAC in contact with any of the communities that he is in contact with. He can be reached at (703) 435-6800, ext. 2030 or [bill.edmonston@herndon-va.gov](mailto:bill.edmonston@herndon-va.gov)

**Lisa Gilleran**, Department of Community Development Director

Downtown Master Plan: The Town of Herndon is embarking on a downtown master planning process that, when complete, will result in a clear vision for our downtown that is vital, vibrant, and respectful of our heritage and our unique sense of place.

The consultant, Urban Design (UDA), will meet with the Downtown Master Plan Steering Committee, the Town Council, the Planning Commission, the Architectural Review Board, and various small focus groups.

There will also be a community meeting on October 7 at 6:30 p.m. in the Mary Ingram Council Chambers. This will be a brain-storming, information-gathering session. All are encouraged to come and share their views and vision of our downtown.

UDA will come back to the town on November 17 for an Open House in Art Space, 750 Center St. This will give a chance for residents to look over the shoulders of the UDA designers and architects at work as they take what they have learned and bring it to life in a 3-D representation.

On November 19 at 7 p.m. there will be another public meeting at the Mary Ingram Council Chambers. This is an opportunity for residents to react to UDA's designs, give their input, discuss revisions, modifications and ways to refine the plan.

**Mr. Bill Marr, Attorney**

House Bill 516 (HB516) - Manager Licensing Bill

Mr. Marr handed out the draft regulations (blue 7-page long package), and the draft association complaint form (yellow, 1 page.) The Common Interest Community Board (CICB) will be looking these documents over at their next meeting on October 26. According to the draft document, a citizen cannot complain to the CICB about something that is within the board's authority and responsibility. A citizen could complain to the CICB if their board does not take action, does not follow its own proper process, or makes an adverse decision. It takes an adverse decision from the board and \$25, and a citizen can go to Richmond with the complaint.

Mr. Marr excused himself from the meeting.

**Betsy Johns, Vice President of National Realty Partners, LLC**

When there is a foreclosure, debts are typically not recorded until the resale of the property. This makes NRP's job tougher because they find out about the foreclosure when they are asked for a resale package. The biggest problem these days is misinformation from the realtors to the sellers about what the associations have the right to do, particularly in a short sale. In a short sale, the association's rights to the assessment are *not* extinguished, in a foreclosure they are. A new thing that boards must be willing to do is to put money in their budget for legal expenses. An important decision must be made on a case by case basis, on

whether to go to judgement against an individual that owes the association money. Although they risk paying more in legal fees upfront, if the person that they have a judgement against tries to buy another piece of property in the state, the association has the right to go after that other property.

**VII. ADJOURNMENT**

Motion to adjourn was made by David Platt at 9:39 p.m. All others in attendance agreed. The next meeting will be held December 3, 2009 at National Realty Partners.