

Lake Linganore Association, Inc.
January 15, 2007
Board of Directors Meeting Minutes

CALL TO ORDER

The meeting was called to order at 7 p.m. at the LLA Coldstream Drive office.

Board members present were: Jim Cates, Robert Charles, Jay Decker, Jim DiMeglio, Brandon Frazier, Stephen Hembree.

BoD Absent: Ken Allen.

Staff in attendance: GM Edwards, CRM Gurley.

APPROVAL of December 4, 2006 MINUTES

Minutes of the December 4, 2006 regular board meeting were approved as amended and noted below:

- Under Finance Committee Report— the first sentence should read: Director Charles reported that committee member Christie Sherwood had resigned from the committee.

The third sentence should read: Director Frazier said he would contact Mr. Stott.

- Under Judgments Re: Governing Documents Violations— the final sentence should read: VOTE: four of the directors voted in favor of the motion; none of the directors voted against the motion; one director (Director Charles) abstained from the vote.

APPROVAL of December 4, 2006 BoD MINUTES

Minutes of the December 4, 2006 board meeting were approved as written.

Director Charles noted that the December minutes stated that he was working on a draft of the agreement with Land Stewards about the spoils site and that he would be forwarding that draft to the board members soon so that the matter can continue to move forward.

DEVELOPER'S REPORT

Director DiMeglio reported that Land Stewards continues work in Aspen I with utilities in the first phase of construction for four homes. He said that development work in the Audubon townhouse section has been completed and that sales for the homes were

“decent”. In Woodridge, he added, the project manager was completing the “punch” list. In Aspen IV, the improvement plans were submitted for review. In Aspen III, the original plan for 40 units has been changed to 14 lots, and that those plans have been submitted but with a “twist”: the lots would be served with first floor sanitary only. He said that construction of the homes would be kept close to Accipiter to keep a large forest buffer. He added that the first round of comments were very small from the county on this plan. Director DiMeglio said that “hung” sewers were to be used on several lots and that the county seems to be okay with it.

Director DiMeglio said that on the previous Monday, Land Stewards had presented a “global” picture of its plans for Eaglehead, the APFO amendment, school construction, roads/traffic improvements. He added that Land Stewards did not know the impact on Eaglehead of the county commissioners’ recent comments on revisiting the New Market Region Plan.

Director DiMeglio said that the tree plan for Aspen would be soon sent to the village committee chairperson.

Meadows resident Jerry Dorsey asked whether any of the smaller trees in the new construction area were planned to be salvaged, along with native plants because residents in his village were hoping to use some of them. Director DiMeglio told Mr. Dorsey to have those interested to contact him.

COMMITTEE REPORTS

•**Environmental Control Committee**— AGM Seligson, administrator
GM Edwards said that there were a few new home projects that had some major problems that AGM Seligson was working with the owners to try to remedy; two of them in Woodridge. GM Edwards said that a silt fence issue related to new home construction on Woodcliff Ct. had been fixed. Director Hembree was concerned about one of the houses because even interior qualities would pose a problem for the valuation of other homes in the village. GM Edwards said the owner of that house bought the lot a peak market value and that the construction circumstances left it so that other builders were hesitant to get involved. He said that management was looking at other aspects that the ECC should consider in new home applications to avoid similar problems on future projects.

•**Events Committee**— CRM Gurley
CRM Gurley reviewed the community events calendar for 2007: April 28- GeoFest; May 5-Clean Sweep; June 16- That 70s Pool Party; July 21 or 28- MidSummer Night; August 25-Summer Hop; October 20-Haunted Cabanas.

•**Finance Committee**— Director Charles, chair
Director Charles said that \$4,000 more had been spent to get a full title report on the road ownership in Eaglehead. He said that a letter needed to be sent to former developer

Frank Ellis to clear up the Audubon section. Director Hembree asked if the Audubon single family home section was owned by the LLA GM Edwards said no. Director Decker asked whether Westwinds ownership was finally determined. GM Edwards said that roads in that village were in a limbo with some accepted by the county and others still owned by developers. He said that the matter of the roads ownership was getting in order, noting that there are still some small sections of roadway in Pinehurst that are still owned by Land Stewards. GM Edwards said that the title report gave the association copies of all plats and deeds regarding the roads and that the expenditure was well worth it.

•**Trailblazers Committee** —Katrinka Westendorf and Cathie Reed, co-chairs
Co-chair Katrinka Westendorf said the committee worked on part of the Indian Cave trail below Balmoral to remove some downed trees with chain saws. Some of the work was finished later and that the intention was to create a ribbon trail to show the direction of the trail for residents.

VILLAGE REPORTS

•**Aspen Village**— village committee chair Kathy Brown said there is now lighting at the village entrance.

•**Balmoral Village**—GM Edwards reported that there was an application for a new home on Balmoral Overlook. No report from village committee.

•**Meadows Village**— village chair Jerry Dorsey said the committee does a newsletter every other month. He said the December village meeting was a clean-up day to collect trash and litter, and netted 12 bags for trash collection. Mr. Dorsey said that he and his wife did some holiday decorations for the village entrance and that there was no vandalism of the decorations. He made a request that a power outlet be installed at the base of the new light located at the entrance. It was also noted that a trash can was to be installed that week at the mailbox area. Resident Charlotte Dusold thanked Mr. Dorsey for taking up the responsibility of village chairperson.

•**Pinehurst Village**— GM Edwards reported that LLA staff had submitted the plans for the Pinehurst park to the county permits department. He said the initial meeting went well and that LLA staff was waiting for comments. He expected the plans to go to the Frederick County Planning Commission sometime in March.

OLD BUSINESS

A. Municipality Study— CRM Gurley reported that a meeting needed to be set between the LLA directors and the staff of Institute for Government Studies in order to do some

preliminary talks before a study outline could be drafted and initial work begun. Director Frazier said that the board would talk amongst themselves to determine a meeting date.

Summerfield resident Charlotte Baker asked for background on the study. New Market Mayor Winslow Burhans encouraged the board to work toward incorporation. He said it would make the work of the governing structure easier for Eaglehead and would allow the community to become a member of the Council of Governments in Frederick County. He said it would also help regarding zoning issues that have a big impact on how Eaglehead develops. Mayor Burhans said the community would be more empowered and promised to advocate for Eaglehead where he could.

Director Frazier asked Mayor Burhans if he had any comments on a tax base for municipality without a commercial base. The mayor said that some commercial tax revenue is needed. He noted that in Howard County the ration of business to residential was higher than it is in Frederick County, which he said had an underdeveloped commercial base. Mayor Burhans said that he felt the Board of County Commissioners was getting ready to down-zone Eaglehead and noted that public meetings on the matter were coming up shortly. The question was asked whether the down-zoning that was proposed for Eaglehead could be considered a “taking” but Director DiMeglio said that the matter was being done through the county’s comprehensive planning process so the rezoning can be done without it ranking as a taking.

Director Frazier said that the LLA board needed to discuss a position to take on the matter. Summerfield residents Charlotte Baker and Mark Koehler said they were upset by the county’s actions on the New Market plan as it relates to Eaglehead. They both suggested that the board hold a workshop for Eaglehead residents to educate them on what would happen under the plan and get some idea of what would happen to property values. Director Frazier agreed that the community needed to weigh-in on the matter, even though the land is owned by a developer it impacted the community as a whole. Director Frazier asked the board whether it wanted a letter sent to the county to comment on the matter. He volunteered to do write the letter.

B. Revote on LoC Resolution of December 4, 2006— During the process of providing all the paperwork required by the lender for the LLA line of credit (LoC), it was determined that the resolution regarding the LoC would have to include a new date in the text. As a result, the board would have to revote the LoC resolution with the new language added.

MOTION: Director Decker made a motion to approve the LoC resolution with the new language “as modified by the loan commitment dated November 20, 2006.” Director Charles seconded the motion. **VOTE:** six directors voted in favor of the motion; none of the directors voted against the resolution.

NEW BUSINESS

A. Assessment rate for FY'08— because the board had not previously discussed the budget it was decided to have a special meeting on Saturday, January 27 to do so. The meeting was set to begin at 11 a.m. following the referendum vote on the vacant lot assessment.

B. Judgments on Governing Document Violations—

- Lot 140232 had two violations for which owners did not respond to request for correcting the problems or to the subsequent process for compliance. Violations were: 1) unkempt yard and 2) removal of lamp post. Fines: \$100 each, total \$200.

MOTION: Director Decker made a motion to impose the \$200 fine. Director Charles seconded the motion. **VOTE:** six directors voted in favor of the motion; none of the directors voted against the motion.

CDA & LLA AGENDA— Director Frazier instructed staff that the CDA Report be placed permanently on the agenda.

RESIDENT FORUM

- Director Frazier asked LLCS president Larry Dusold to have a joint meeting with the LLA directors on Saturday, January 27. LLCS secretary Charlotte Dusold said that the LLA/LLCS directors needed to meet with the CDA villages after meeting with the CDA contractor American Infrastructure. Mr. Dusold said he was concerned that a county staffer involved with the water/sewer project did not want to have joint meetings with the LLCS and CDA engineers Whitman Requardt & Associates (WRA). Director Frazier asked if GM Edwards and staff should meet soon with WRA. Mr. Dusold said that first the LLA/LLCS and WRA staff should meet.

- Summerfield resident Mark Koehler told the board that he felt the proposed down-zoning (Geronimo Option) of Eaglehead would set the community/region back decades and would institute piecemeal planning. He also asked the board if in the municipality study it would consider annexing in to New Market. Director Frazier said that when the association looks at municipality that would have to be one of the options considered.

- CRM Gurley read into the record the following questions from Woodridge resident Katherine Hembree:

- 1 - Why did some of the streets up here not get paved? Including Woodlake Place.
- 2 - What is going on with the house under construction on Woodcliff that is absolutely hideous to look at? How did this house get approved through the ECC or CCC?
- 3 - What is the status of regrading the side of Eaglehead drive on the N. Audubon Terrace side, next to Lake Marion? All other parts of the development seem to be getting a new

face except this one long part which has been needing help for over a year. Clay is aware of my consternation over this - we have spoken on several occasions on this issue.

Director Hembree asked why Woodlake Place and part of Woodridge Road had not been topped with the final "wear course" as with other roads recently. GM Edwards said that Fountainhead Builders installed Woodlake Place and it was not the developer's responsibility to complete that road. He also stated that it was decided internally that the road was in good condition and did not need to be repaved. Director Hembree disagreed that the road was in good shape because it already shows signs of trench failures indicating a bad sub-base and it clearly does not have the final wear course installed as required in the LLA Road Standards. Director Hembree also pointed out that when he went for a ride-around in Woodridge with GM Edwards and AGM Seligson to discuss the road completions he was informed by both that all of the areas they inspected were on the list for the developer to complete and perform proper repairs to if need be. GM Edwards said that later it was determined that the road was in good condition. Director Frazier asked the GM if that determination was made on the assessment that Woodlake had adequate paving. GM Edwards said yes and it was determined that the road had a five-inch sub-base. Director Frazier asked if the GM's judgment was that the road was okay. The GM said yes. Director Frazier said that he was comfortable with the LLA assuming the obligation. GM Edwards said that he and staff were working to do things correctly for the first turnover to the LLA of a village from a developer in a long time.

With regard to question two, GM Edwards said there were two homes in Woodridge in situations where they are incomplete and will remain so because builders took actions that put the projects in jeopardy. He mentioned that construction on the "pink" house on Woodcliff Court had been stopped due to retaining walls that were installed onto adjacent properties, as well as some other problems, including the exterior color of the house. Director Hembree said the pink house was not as much of a concern as the other incomplete house, which has many problems, that he felt would negatively impact the property values of surrounding homes. Hembree stated that although the ECC does not normally concern itself with the interiors of homes they do have an obligation to protect the overall values and that this home seems to have slipped through the cracks. GM Edwards said that AGM/ECC Administrator Seligson was working with the property owners to find a solution to the problems and to get the projects completed.

Director Hembree said that there were still a lot of outstanding matters for the developer in Woodridge. He said that he had discussed with Bill DiLoreta (former developer rep to the LLA BoD) and the multiple predecessors to Jim DiMeglio several of these items that would need to be completed in Woodridge. GM Edwards said that a list of that description was never received by him during the management transition. Director Hembree pointed out that all correspondence was by email and that any email records were left here at the LLA office. Director DiMeglio said that for months Land Stewards had been meeting regularly with staff to get the punch list done. Resident Charlotte Dusold said that with the turnover in staff, history tends to get lost and that everyone had a valid point. Director DiMeglio said that if the intention was to get Land Stewards obligated to another punch list, he did not think that would be fair. GM Edwards said

that he would like to see the punch list created with Mr. DiLoreta but reminded the board that there is no standard procedure for this "turnover" process. Director Frazier said that the developer was following a current punch list. He added that the GM had made a judgment call in things but beyond this he believed the discussion needed to be conducted between the board and the GM. He said that he thought staff had done a good job and if further discussion was needed that it needed to be between the board and staff.

Director Hembree asked if the board intended to do a final approval on the punch list. Director Frazier said yes and that his decision on the matter would be based not on past lists but on good decisions.

With regard to question three, Director Hembree said that no work had been done on this area within the past six months. Director DiMeglio said that the section of road was on the list of the contractor.

ADJOURNMENT

Director Charles made a motion to adjourn the meeting. Director Cates seconded the motion. The meeting was adjourned at 10:05 p.m.