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**Lake Linganore Association, Inc.**  
**November 5, 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: John Allemang, Robert Charles, Jim DiMeglio, Brandon Frazier, Stephen Hembree, Brian Jacobs, Mark Paxton.

Staff in attendance: GM Edwards, CRM Gurley.

**APPROVAL of October 1, 2007 BoD MINUTES**

The minutes of the October 1, 2007 regular board meeting were reviewed and amended as follows:

Page 2- Developer's Report, last sentence should read: Director DiMeglio said the drainage would not come down through the existing yards in the village.

**October 15, 2007 BoD MINUTES** — because there was not a quorum there are no official minutes for the October 15, 2007.

**DEVELOPER'S REPORT**

Resident Kathy Brown asked Director DiMeglio about the progress of two proposed new sections (nine lot section, fourteen lot section) in Aspen. Director DiMeglio said that the plans were still working their way through the county approval process and he expected any progress to be several months off.

**CDA UPDATE**

No report.

**OLD BUSINESS**

**Aspen North CDA Extension**— Director Frazier provided some background on the matter for the benefit of newer board members, noting that the LLA has supported the CDA with financial support. Aspen North CDA Committee chairperson MJ Minton told

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the board that the authorization for the CDA had expired and that the committee had to go before the Frederick Board of County Commissioners (BoCC) for approval once again. The reauthorization meeting with the BoCC is set for November 27. She said the reauthorization was not a "slam dunk" because all of the commissioners who voted in favor of the authorization in 2006 are no longer on that board. She asked for the board to show its support at the meeting. Director Frazier said that the board has invested itself in the effort and would continue to do so.

**MOTION:** Director Hembree made a motion to renew the board's original letter of support to the county for the CDA and send it in time for the November 27 meeting. Director Charles seconded the motion. **DISCUSSION:** It was noted that the association had spent approximately \$45,000 during the past two years. Director Frazier noted that at least one member of the board should attend the meeting and speak to the BoCC on behalf of the CDA. Ms. Minton brought to the attention of the directors the matter of penalties to be paid without 100 percent of the lot owners participating in installation of the gas utility in that village and whether it could be resolved as an easement purchased from the LLA. LLA directors indicated that it would most likely have to be settled in another manner. Director Jacobs said that though he was willing to support this CDA he would have liked to have seen the lot owners organize themselves to the cause. Director Frazier said that originally he felt the same but understanding that the lot owners had paid dues to the association for several decades without any hope of being able to build, he came to believe there was some justification for LLA financial and other support. Director Hembree asked that an email broadcast be sent to residents asking for their support for the CDA at the Nov. 27 hearing. **VOTE:** seven of the directors voted in favor of the motion; none of the directors voted against the motion.

#### **NEW BUSINESS**

**Westwinds ECC**— GM Edwards had the board review several documents from LLA attorney Shelah Lynn about the efforts of the LLA to enforce Westwinds (WW) ECC guidelines and what is needed in order for the LLA to be able to take on that task with effectiveness and without liability. GM Edwards said that WW officials met with the LLA on several occasions during the past year to develop a working relationship on the matter. He said that a recent ECC case involving lot #160368 exposed the inconsistencies between the policies of the two associations and most likely will create another round of meetings between WW and LLA.

Director Frazier noted that WW prime objection to signing the proposed amended ECC guidelines was that they believed it would abolish their homeowner association and ECC, which he said was not true. He said that WW wants the LLA to enforce its covenants that go above and beyond those of the LLA but that the LLA cannot do so without the amendment agreement proposed three years or so ago.

**Developer's Rights and Responsibilities Agreement**— Director DiMeglio presented background information on the Developer's Rights and Responsibilities Agreement

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(DRRA) that currently is being discussed between the Frederick Board of County Commissioners and Eaglehead developer Land Stewards. He also reviewed for the newly appointed directors the background on the BoCC recent down-zoning of land within the Eaglehead Planned Unit Development (PUD), as well as Commissioner Kai Hagen's Alternative Plan for the Eaglehead PUD within the overall New Market Region Plan.

Director Hembree ask whether Land Stewards could discuss with Commissioner Hagen changing the designation of Linganore Creek "park" to an area below the Brosius Dam, which would help protect the privacy of Lake Linganore. He noted the proposed location would give non-members access to the lake via canoe or trails. Director Frazier said the proposed location and the idea of changing the park location had already been discussed with Hagen, to no avail.

Director Frazier said that from the LLA perspective the DRRA give a clearly defined picture of the Eaglehead build-out. Director DiMeglio said that enabling legislation needed to be passed by the county before Land Stewards could even apply for the DRRA. He asked for support from the LLA board members.

Director Jacobs said that the DRRA does bring stability to the community. He said that the BoCC believed that the DRRA was a document that could not be altered by subsequent county commissioners but it was later determined that it could be changed by future commissioners. He said that was why this BoCC was pushing for conveyances of the land for park/conservation areas and other things it was demanding so that certain aspects could be locked up in agreements. The question was asked whether a county park could exist within the boundaries of the PUD and whether LLA covenants would apply.

Director Frazier said that in terms of preserved land and general open space for the PUD the proposed DRRA was a better plan than anything before. He added that the question about changing the location of Linganore Creek park should be asked at this time, though he did not see it as a "deal breaker" in any way.

**MOTION:** Director Charles made a motion that the LLA board support an ordinance that would allow the county to create a DRRA, and offer the downstream alternative to the proposed location of the Linganore Creek/Gas House Pike park area in the DRRA plan. Director Allemang seconded the motion. **VOTE:** six directors voted in favor of the motion; none of the directors voted against the motion; one director (DiMeglio) abstained from the vote.

Director Charles asked if there should be discussion at this time with the county about the proposed silt de-watering site. The consensus was that this could wait.

**Paving Section for CDA—** GM Edwards asked the board to review a letter from Whitman Requardt regarding the "reclaiming" of existing asphalt for use as a road base in the villages of Balmoral, Coldstream and Meadows. (Letter attached to minutes) The general manager said this was a point he brought up to the contractor and engineers when

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he determined after work started on the county's water and sewer project that there was no asphalt left to be used as a road base. GM Edwards said that the project would now require a new base to be built for the two-inches of asphalt. He said the cost of the new base would be equal to the cost of the reclamation work as originally proposed, approximately \$400,000. Director Frazier said that he doubted the cost would be equal but that every effort would be made to do so.

**MOTION:** Director Charles made a motion to approve the request of changing the scope to building a new road base instead of requiring reclamation of asphalt, and to request any credit that may work in favor of the LLA. Director Allemang seconded the motion.

**VOTE:** seven directors voted in favor; none of the directors voted against the motion.

### **RESIDENT FORUM**

- North Shore resident Ron Cameron asked how the rebuilding process will go regarding the townhouse in that village that burned down in October. GM Edwards said that management has been making lots inquiries. He said that legally the LLA cannot force someone to build and that there are many aspects to this matter that remain to be researched. He said it will take at least a year for the displaced families to get back into their homes.

- North Shore resident Steve Hood handed out papers that included some copied photos of people along the south shore of Lake Linganore using ATVs. His paper listed actions that should be taken to remedy the trespassers on the ATVs. GM Edwards reminded everyone that deputies have to personally see the activity going on before arrests can be made. He also said that the Department of Natural Resources officers had not yet scheduled a time to be at the property. Director Hembree suggested that a flyer be sent out to surrounding homeowners. It was noted that a reward could be posted, as had been done by the LLA in the past on other matters. GM Edwards said that a high reward would have to be established in order to capture the attention of the audience the LLA is hoping will report the names of the trespassers.

**MOTION:** Director Charles made a motion to set the reward for information leading to the arrest and prosecution of ATV trespassers at \$1,000. Director Paxton seconded the motion. **VOTE:** seven directors voted in favor of the motion; none of the directors voted against the motion.

### **ADJOURNMENT**

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