

FAIRLINGTON MEADOWS COUNCIL OF CO-OWNERS  
MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS  
ABINGDON ELEMENTARY SCHOOL LIBRARY  
3035 S. Abingdon Street, Arlington, VA 22206  
APRIL 18, 2007

- IN ATTENDANCE**
- |                    |                                                |
|--------------------|------------------------------------------------|
| John Thurber       | - President                                    |
| David Andrews      | - 1 <sup>st</sup> Vice President               |
| Lisa Farbstein     | - 2 <sup>nd</sup> Vice President / B&G Liaison |
| Jacqueline Maguire | - Secretary / Pool Liaison                     |
| Debbie Diener      | - Treasurer                                    |
| Diane Thurber      | - Recording Secretary                          |
| John Kilkenny      | - Community Manager, Condo Division, CMC       |
| Chuck Edwards      |                                                |
| and Judi Garth     | - Co-Chairs, B&G Committee                     |
| Liz Moores         | - Chair, Pool Committee                        |
| Michelle McMahan   | - Member, Pool Committee                       |
- CALL TO ORDER AND QUORUM**
- Call to order at 6:50 p.m. Quorum established.
- EXECUTIVE SESSION**
- By UNANIMOUS CONSENT the meeting was moved into Executive Session at 6:50 p.m. to discuss a due process issue and two delinquent accounts. Following discussion, by UNANIMOUS CONSENT the meeting was moved back into regular session at 7:05 p.m.
- APPROVAL OF MINUTES**
- By UNANIMOUS CONSENT the minutes of the March 21, 2007, meeting were APPROVED as submitted.
- APPROVALS SUBSEQUENT TO MEETING**
- By MOTION duly MADE, SECONDED and CARRIED, the Board re-affirmed and entered into the record items approved via e-mail between the time of the last regular meeting on March 21, 2007, and this meeting:
1. Request for window replacement on S. 35<sup>th</sup> Street.
  2. Request to install a trench, drainage system, and sump pump along the front-facing outer wall of basement on S. 35<sup>th</sup> Street.
- COUNTY REQUEST**
- The Board received a letter from the Office of the Commissioner of Revenue for Arlington County requesting a list of Meadows residents, including name, address and vehicle information. The Association does not keep records of residents' vehicles; only names and addresses were provided, as required under Virginia law. The purpose of this information is to allow the County to discover and assess all vehicles located within the County that may be subject to personal property tax.
- PARKING IN COURTS 11 AND 14**
- Some residents in Courts 11 and 14 are interested in instituting assigned, reserved parking, and have begun or will begin a dialogue amongst the residents in their respective courts. If consensus can be reached in one or both cases, the Board will make arrangements for the appropriate numbered markings.
- B&G COMMITTEE**
- The Committee has decided to continue with the contract with Valley Crest. Edging and mowing were done today. A pre-emergent was applied on April 6, and another broadleaf spraying also will be done. The Co-Chairs reviewed the contract to determine reimbursement for certain items; they will continue to negotiate this issue and report back to the Board. Valley Crest presented a proposal for summer annuals for the circle and for the common area bed at the corner of S. Utah and 34<sup>th</sup> Streets. By UNANIMOUS

CONSENT the Board approved the contract for summer annuals. The Committee is working on the contract for a small summer planting; once complete, it will be presented to the Board for approval. The County will be performing work on the cedar trees along Quaker Lane, including trimming, removal of dead limbs, and shaping. The work is expected to begin soon, and will be performed by The Care of Trees.

**POOL COMMITTEE** Ms. Moores advised that Dave Lassiter is no longer interested in the position of head lifeguard; he will continue to serve on the Committee and assist with pool events. The Committee presented its proposed schedule of events. The Board requested that "Movie Night" be moved outside the pool enclosure because it is scheduled to begin after-hours, and there will not be a lifeguard on duty. Ms. Moores and Ms. McMahon agreed. They were advised that the budget for social events may be used for food and/or supplies. Events such as "Pizza Night" and "Wine and Cheese" must be self-supporting; the Committee will decide applicable fees. Any extra money earned may be used to finance other events. Pool materials will be ready for the printer as soon as a decision is made about the minimum age at which a child may go to the pool unaccompanied. The Committee recommends 10 years of age. Last year's contractor was "dogmatic" about 12, which some thought was high, but compelling literature was provided in support of its position, which it said was the industry standard. Mr. Kilkenny has discussed this issue with three insurance carriers -- our own and two others -- and it is their position that 14 is the appropriate age for unaccompanied children. Companies will acquiesce to 12 if an association is covered by a pool contractor's insurance. Insurance companies are concerned that lifeguards become "babysitters" and in the event of an emergency they cannot be wondering where small children are. Ms. McMahon offered that the worst problem she has seen at the pool involved not a child but an intoxicated adult who accosted a lifeguard. During a round-table discussion, Board members made the following comments:

- The Board has worked hard to reduce insurance rates. Our umbrella coverage was the only "pool coverage" we had while we were self-managed, and that caused our premiums to increase. Since that is no longer the case, and because the Board has been proactive on the sewer laterals, thereby reducing claims, they succeeded in reducing the premium by \$30-40,000.00, and would not want to see it go back up because of this issue.

- The lifeguards do become babysitters by default when children go to the pool alone because they end up being the "responsible adult."

- Concerns re: liability, as it could fall on every homeowner to pay a significantly higher condo fee if our insurance increases. If not this year, maybe next. Also, vulnerability -- not concerned about the policies of other communities; only what is in the best interests of our own community.

- There could be problems if children bring other non-resident children to the pool.

- The age restriction was raised to twelve last year and no one suffered. The Board received only three complaints. Ms. Moores alleged that many more complaints were brought to the Pool Committee Chairman, but the Board countered that those were never passed on to them. Ms. McMahon added that last year's change came as a surprise because there was little advance notice.

- The Board must take the right approach to ensure the safety and well-being of everyone at the pool. There are legal issues attached to the relationship of residents coming to the pool and the Association's responsibility for their safety. In the case of unaccompanied children, the Association assumes the duty *in loco parentis* ("for or instead of a parent").

- We have hired a new pool contractor this year, and we should give them the most deference possible to do the job they can do.

- Residents should understand that the Board heard their concerns and are trying to moderate.

- Some members initially were comfortable lowering the age limit to 10 or 11, but changed their minds during discussions.

- Mr. Kilkenny made a compelling argument in favor of age 12, based on his conversations with various insurance carriers. Not comfortable "playing around with" the insurance issue. If our insurer recommends 12, then stick with 12. If a situation arises with our insurance company, the community may say that the Board acted inappropriately in going against the insurer's recommendation.

- The younger a child is, the more active (s)he is. You never know when a "freak accident" will occur.

- This has been a divisive point with the Committee, but the Board has given it due consideration. We live in a litigious time. The onus is on the Board if they approve anything lower than 12. The Board hopes residents understand that this was not an easy decision for them and that the Committee's views were not ignored, but were taken into consideration along with a host of other issues. The Board does not wish to be divisive, but collectively has strived to come up with the best approach.

By MOTION duly MADE, SECONDED and CARRIED, the Board approved the minimum age for unaccompanied children at the pool at 12 for the 2007 pool season. The pool materials will be updated and turned over to Ms. Moores.

The Board's decision will be announced in the Messenger, and the updated pool rules will be posted on the web site. At 10:00 a.m. on Friday, Mr. Thurber will be meeting with the President of Community Pools to introduce him to our maintenance staff and to walk around and get familiar with the layout. Board and Pool Committee members are welcome to attend. Once the pool furniture is placed outside, Mr. Kilkenny will contact a pool furniture repair company to see if they have any recommendations on repairing our furniture. The Board requested that a representative of the Pool Committee attend every Board meeting.

**TRASH HAULER** Capitol Services has forwarded a contract proposal for 2007 to 2011 for hauling and recycling services. Mr. Kilkenny presented a proposal from Associa, whereby they negotiate the contract with the hauler and in return receive a percentage of any related savings. The Board needs additional time to consider this proposal.

**RODENTS** It does not appear that bait traps were set during the renovation of the FCC. As a result, rodents living in and around the building have been fleeing into the Meadows. The County was notified, they called the contractor, and the problem has been resolved.

**PLAYGROUND** Additional mulch will be added to the playground.

**FIRE EXTINGUISHERS** Fire extinguishers in B-buildings are serviced yearly, the last noted service having been performed in May 2006. The certification is good for one year.

**NEXT MEETING** The next regular meeting of the Board will be held on Wednesday, May 16, 2007, in the Abingdon Elementary School library, 3035 S. Abingdon Street, Arlington, Virginia. Executive Session starts at 6:45 p.m., followed by the regular session, beginning with Residents' Forum.

**ADJOURNMENT** By UNANIMOUS CONSENT the meeting be adjourned at 8:30 p.m.

Respectfully submitted,

Diane L. Thurber  
Recording Secretary