

Kingstream Community Council Minutes of the June 21, 2012 Meeting

Attendees

Board Members

Tim Fouche, President
Morna Ikeda, Treasurer
Jim Talbert, Secretary
Jeff Albanus, ARC Committee
Tony DeMattia, Pool Committee
Tyrone Yee, Activities Committee
Mark Jensen, Welcoming Committee

Management

Lisa Cornaire

Homeowners

Nicolina Tanner
Leslie Jeffries
Alan Jeffries
David Fisher
Kathy Blystone
Randy Blystone
Kathy Harvey
Dianna Fields
One other who did not sign in

Board members not present: Frank Shaffer, Vice President and Jared Spigner, Landscape and Communication Committees.

The meeting was called to order by President Tim Fouche at 7:01 p.m. A motion to approve the agenda was made, seconded and unanimously approved. The meeting minutes from May 17, 2012 were reviewed and a motion to approve the minutes was made, seconded and approved.

Open Forum for Homeowners

Homeowners in attendance addressed the Board about a rumor that the Board was going to close the pool for the summer due to conflicts with the Swim Team. The Board assured the homeowners that this was an unfounded rumor, and that no such action was contemplated. A lengthy discussion ensued regarding the Swim Team holding team events at the pool. The Board's concern is that the Swim Team was closing the pool to non-Swim Team member homeowners without approval by the Board as required in the governing documents. Swim Team members spoke of the value and advantages of having the Swim Team. The Board concurred but advised that they are required to uphold the governing documents and advocate for the entire community, not just the Swim Team. The Board is concerned that the rights of non-Swim Team members to use the pool were violated by the team arbitrarily closing the pool without proper request and approval of the Board. The Board conveyed that the Swim Team does not dictate policy for the entire community. Swim Team representatives advised that they have planned only three such events for the season. All agreed that better communication between the Swim Team and the Board would help alleviate mutual concerns. It was suggested that when the Swim Team holds exclusive events, which have been approved by the Board in advance, that notice to the entire community could be posted on the website to avoid any inconvenience to non-team member homeowners. New Board Member and Pool Committee Chair Tony DeMattia volunteered to meet regularly with the Swim Team to coordinate such issues.

Another issue raised by the homeowners present, concerned allowing non-residents to be members of the Swim Team. The Board advised that the causative issue is the Federal Americans

with Disabilities Act (ADA) law and how it impacts on the operation of public versus private facilities, including our pool. Some homeowners suggested ignoring the Federal law but the Board is reluctant to do so. The Board agreed to do further research on the impact of the ADA laws. Having fully vetted the issues, the homeowners forum portion of the meeting concluded at 7:40 p.m.

Agenda Items

Swim Team Issues

There was further discussion of issues from the homeowners forum. A motion was made, seconded and approved to allow the Swim Team to proceed with their planned event on Friday, June 22, but that the pool cannot be closed to non-Swim Team homeowners.

A motion was made, seconded and approved to allow the Swim Team to proceed with their planned event on Thursday, June 28; that the pool can be closed to non-Swim Team homeowners during this specific event; and that all future requests for exclusive use of the pool by the Swim Team or any homeowner must be approved by the Board in advance, according to the governing documents. The Board agreed to consider any future requests for exclusive events but not on any Friday, Saturday or Sunday. Tony agreed to review the governing documents, and possibly propose revisions to ensure appropriate protection for all community members to enjoy equal use of the facility.

There was also additional discussion on the impact of the Federal Americans with Disabilities Act (ADA) laws on the operation of our pool. The ADA laws have been interpreted to have significant and expensive impacts on the operation of our pool *if* non-community members are allowed to pay a fee to use the pool or be members of the Swim Team. Although this may have been overlooked in the past, the current Board feels this is a significant issue and that non-community members should be prohibited from Swim Team membership. Further action may be considered.

Old Business - Insurance issues

The Board compared and analyzed proposals from various insurance companies. The Board agreed that the community needed insurance coverage for property, comprehensive general liability, directors' and officers' liability, and umbrella protection in the amount of two million dollars. The Board also discussed raising the deductible on our policy. Property manager Lisa Cornaire was directed to invite the representative from the Cincinnati Company to appear at the next board meeting to present their proposal in greater detail.

Old Business - Governing Documents Update

Lisa reported that our lawyers proposed performing the previously discussed revisions and updates to our governing documents for a fee of \$750.00. A motion was made, seconded and approved to have them perform this work.

New Business – Fence Between Herndon High School and Kingstream

Discussion was held concerning the fence between the school and our community. The Board is concerned about trespassing and illegal activities near the area. The fence is the property of Fairfax County Public Schools, is located on their land, but has a negative impact on our community. The issue has been raised with the school in the past with no resolution. The Board would like to have the school install a higher fence to prevent further problems. Lisa was directed to draft a letter requesting remedial action to the Fairfax County School Board, with courtesy copies to Fairfax County Supervisor Foust and the Herndon High School.

New Business – Easement Buy-in and Opt Out

Options were discussed and further research by our lawyers is needed.

New Business – Grills at the Pool

The idea of purchasing and installing permanent charcoal grills at the pool was discussed. This could be a beneficial improvement for community and Swim Team events held at the pool. Research to date indicates that two grills with appropriate safety and mounting features could be installed for approximately \$1,000.00. Zoning, building and fire codes should be researched further.

Management Report

Issues and problems with the seasonal opening of the pool were discussed. Lisa and several board members were not satisfied with the performance of the contracted pool operator, U.S. Aquatics, and their on-site manager. Problems with the life guards include guards not in the stands, not watching swimmers, and not checking people signing in. Lisa requested that the U.S. Aquatics manager be replaced. In other pool issues, new umbrellas for the life guard stands, and repair of the malfunctioning drinking fountain were discussed. Things seem to have improved since the opening. Lisa, Tony and the Board will continue to monitor the situation.

Lisa reported that three new state laws that may have an impact on our community will take effect on July 1, 2012. Our lawyers have proposed addressing two of the issues, and their fee would be \$275. 00. Further research is needed.

The Board reviewed an issue raised by a homeowner requesting a waiver for late fees for delinquent dues. A motion was made, seconded and approved to waive the late fees in this specific case only.

Committee Reports

Pool Committee

Tony reported that he has made frequent visits to the pool and addressed several issues with the U.S. Aquatics manager and the life guards. He will continue to monitor the situation.

There were no other issues from any of the other committees. A motion was made, seconded and approved to adjourn the meeting at 9:20 p.m.

Submitted by Jim Talbert, Secretary