

# Minutes for Annual Meeting of the Lake Omisol Estates Homeowners' Association

Tues, Feb 10, 2004

The annual Homeowners' meeting was held in the meeting room of Christ Our Lord Church on the corner of Minnieville and Omisol Roads on Tues, Feb 10, 2004. Mr Gordon Middleton brought the meeting to order thanking all of the participating homeowners and Board members for their attendance.

Mr Middleton informed the members that we have a representative from T-Mobile attending this meeting. He explained that we have been in communication with T-Mobile and their interest to lease space on our association's common property to install communication equipment on the existing VEPCO power tower. Mr Shawn Sutton, from T-Mobile, was introduced and asked to make a short presentation, followed by an opportunity to ask some questions.

Shawn began his presentation by explaining that his job as a consultant for T-Mobile is to identify and acquire property for long term leases. Their goal is to expand their network, required by law to provide service to the public. Zoning ordinances in counties such as Prince William County demand they follow a certain protocol in acquiring property and where they put their equipment. First they have to identify structures such as powerlines and communications structures which would provide enough height and acquire the site. They have an association with VEPCO in many cases so they don't have to construct another tower. The radio frequency engineers have blessed the Omisol site as the best site – it provides the desired height and gives them a good location to increase the coverage in the area. He has provided Mr Middleton with a formal offer letter and a copy of their standard lease agreement. The tower will still be seen as well as some ground equipment. But what they would do is make every effort to put the ground equipment under the four legs of the tower – the very large tower between Pintail & Omisol – the tower that carries two power lines. Zoning ordinances require that it be shielded by a solid wood fence and they would also plant foliage around the fence (VEPCO has a list of trees that are allowed). Shawn showed a photo simulation of one that will be completed

shortly in Fairfax County. They try to make every effort to make it esthetically pleasing. Asked for questions.

- Deborah Hart asked how much association would be paid. Shawn said that we have agreed to terms in principal. Would expect it to stay pretty much the way it is. Deborah also asked about the time frame. Shawn explained that lease would be approximately 30 years, but will let Mr Middleton explain specifics. He said the time line for the installation would be that the zoning process is approx 120-150 days and, if everything goes as planned, probably would be complete no later than the end of the year.
- Another homeowner asked if all the equipment would be behind the fence. Shawn said yes, except for the A frame, which would house the power meter – 2 wood posts to hold the box like we have in our homes. Once T-Mobile is comfortable that their plan is going to go through, they will have an architectural engineer come out and draw up plans. Lawrence Roth asked if it would be possible for us to approve the plans. Shawn said they were open to discuss that. Shawn felt that the picture is an accurate rendering, but approval language could be incorporated.
- Another homeowner asked if another tower was going to be built. Shawn said no – it is called direct mast. They would mount brackets to top of tower on top – static line. No additional steel. All equipment would be at base. This is nothing new – they do it all the time. It is a good source of revenue for the associations.
- Someone asked if there was a need for an environmental impact statement. Shawn said they would not expect it to impact on the environment. VEPCO builds the site – they have their own people do the work.
- Question on height of fence around the tower? 8 feet.
- Question on who will maintain it? Shawn said they have a property management company that checks on things like that.
- Question on health concerns. Shawn said studies have been done. Results at [fcc.gov](http://fcc.gov) or [fda.gov](http://fda.gov). They consider it the strength of a light bulb and by the time it hits the ground, effects are virtually non-existent.
- Question on RF interference with TV, cellular. FCC licenses frequencies in certain spectrums. T-Mobile runs at a high spectrum, does not interfere with anything. Should be no interference.

- One homeowner asked if there were any chance to get electrocuted? He said no, they have grounding equipment and towers are actually safer than they are now.

Shawn said it would be a win-win situation and hoped to wrap up the details soon. He suggested if we had any further questions, such as the health effects and environmental impact, to channel them through Mr Middleton and send them to him. Gordon thanked Shawn for coming.

Mr Middleton further explained that we received communication from T-Mobile about 2 1/2 months ago and ended up talking with Shawn just before they were coming out to do the RF survey. He said at that time T-Mobile was reluctant to deal with homeowner associations because of all the red tape. We tried to be as responsive with them as possible to try to overcome that. T-Mobile initially offered \$500 per month, 5 year lease w/five 5 year options. Gordon thought their offer was low considering his church receives \$1000 per month. Asked T-Mobile if they would consider a higher amount. He was informed that T-Mobile was also working with a private homeowner who was willing to accept the \$500 per mo offer. Because we felt that T-Mobile would rather have our site, we negotiated the \$700 month rate, with flat escalation throughout the 5 years. Shawn had indicated it was likely that that would be approved. Gordon was informed that historically, T-Mobile has not paid anyone more than \$900 per mo.

Gordon said two things he wants to get back from homeowners tonight:

- (1) any major concerns or issues from the membership and;
- (2) we have sent the package to the lawyers for review and based on the lawyers inputs (sent back 19 pages of advice), nothing is in the by-laws about the ability of the board to enter into commercial lease arrangement such as this. The Board needs to get approval from the homeowners to continue this process. Bernard asked if there was a need to change the by-laws for future references. Gordon didn't think so and thought it was within the authority of the HOA to manage its own area and, with the approval of the members documented, to enter into this kind of agreement. Bernard Oliphant made a motion to accept the offer from T-Mobile and grant the board the explicit authority to enter into the agreement. Karen Shinn seconded the motion. Kay verified that there was a quorum present. Vote was unanimous.

Mr Middleton said next on the agenda was the election of officers. Kay explained the positions that were being voted upon and asked each of the nominees if they would like to introduce themselves:

For Board Member (3 year term): Jim Hart/Richard Jessie/Larry Todd

Treasurer: Lawrence Roth

Secretary: Kay Richardson

Newly elected Board Members are: Jim Hart, Lawrence Roth, and Kay Richardson.

Next item on agenda was the Treasurers Report. Lawrence Roth ensured everyone had a copy of the report. He explained that not counting money from T-Mobile, we are in very good shape. At present, total cash on hand is \$65,166.94. (reflects the full quarter of dues). As of Dec 31, 2003, there was \$18,218.42 in checking account. Two CDs: Total \$41, 147.54 = Cash on hand: \$59,365.96. Treasurer's Report reflects where money was spent last year. Inflows: \$16,507.33. Compared to proposed budget from last year, it is close. Surplus of about \$5600. Proposed budget is pretty much the same as past years. There is still the proposed expenditure for the engineering study on the lake that we didn't get done, but hope to finish this year. With dues staying at \$75, project surplus of \$2845/cash on hand of \$62,211. Lawrence said we are in good shape. One other note about common area maintenance: \$3500 includes price we were quoted to clear the dam. The dam is regulated by the state and they took a look at it and they said we need to do some work on the dam because it affects the integrity of the dam. Hopefully, if we could get some cooperation from Corey Stewart, who is now a County Supervisor, maybe we could get some help with the lake/dam. Deborah Hart asked why we can't get this lake issue resolved. Lawrence explained it would take over a million dollars to get it up to specs and we don't have enough homeowners to handle such an expense. We would like the county, Corps of Engineers, or Fairfax County to help. Deborah asked if we could drain the lake – Lawrence said that is not an option because of land values. Gordon said we need a lake committee to look at options/solutions. Lori Strickland asked what the miscellaneous expenses were. Lawrence explained it was for things such as the picnic. He said his books are audited by a CPA. Bernard made a motion to accept the financial report and approve the budget. Motion was seconded. Vote was unanimous.

Next item on agenda was the Architectural Committee by Brian Evans. He said over the summer there were several requests:

- Mr Nichols requested several items: fence, pool, sunroom, gazebo. Everything was approved. I know there was a question on fence, but it was not a stockade fence by definition.
- Mr Castro requested trees, landscape and was approved.
- Mrs Dudley had a deck built which was approved.
- Mr Roth requested a portico and it was approved.
- Another request was reference a chain link fence but was disapproved and subsequently appealed and disapproved. That has precipitated the flyer handed out at the meeting to get an idea on the consensus of the membership.

First question on the handout is in reference to type of materials used and whether the general association wants to modify to allow the type that was requested: black vinyl coated chain link. Question 1 states: “The fencing industry has developed new fencing materials. Does the general membership wish to discuss modifying the AC fencing guidelines in regard to adding, deleting, or modifying the types of materials that are acceptable to the homeowners.” Brian asked Kipsy Gould to explain their request.

- Kipsy explained they wanted that kind of fence because of the maintenance issues with wood and thinks the black coated chain link would blend in and is less expensive than wood. They said they would only be here about 3 years and did not want to leave problems for someone who comes in behind them. They want to have the fence run along entire backyard. She would like a general sense from the community on whether to go ahead with the black vinyl coated fence. Right now the guidelines specifically prohibit this type fence.
- Chuck Richardson said he thought the AC committee needs to be more specific in the types of materials instead of leaving it wide open. Kay asked if we wanted to see what types were acceptable to the membership. Chuck asked that by checking “Yes”, are we agreeing to any type of material. Brian said the AC committee would look at options and present them to membership for approval. Gordon said if we go in that direction, it would require a lot of effort on the part of the AC committee and we wanted to see if there was an interest in that.

- Mr Castro said he felt a chain link fence was a chain link fence no matter what color it is and doesn't go with the neighborhood.
- Lawrence said if you do not want a change, vote NO and the AC Comm doesn't have to waste its time.
- Jessie felt it would open a pandora's box if you allow one to do one thing.
- Obie Baker said what are in the guidelines were derived from consultations from various homeowners association.
- Deborah asked if we could just take a vote tonight. Bill said that if we were to take a vote tonight, we would have to base it upon the current by-laws which would be No, because the bylaws prohibit chain link fences.
- Jerry Delane said we didn't want chain link fences because it wouldn't fit in the community and if you let one person do it, someone else would want a green one and the guidelines are there for a reason.

The second question on flyer pertains to the height of fence: "It has been general practice to keep the height of the fencing to 6'. Does the general membership wish to modify the AC fencing guidelines to include this, or continue to follow the "unwritten guideline" as a general practice?"

The last question pertains to the set back line which is not specifically addressed in the guidelines: "It has been general practice to require that no fence will be permitted to exceed the "rear corner" of the house, i.e. no fencing on the front of the lot. Does the general membership wish to modify the AC fencing guidelines [to] include this, or continue to follow the 'unwritten guideline' as a general practice?"

Bill said depending on how everyone votes, we can give the Goulds an answer. Votes were counted and the majority of homeowners voted to keep fencings types as specified, i.e., no chain link fences.

Kay Richardson was asked to make a few comments concerning the social committee. Kay thanked everyone for their participation in last year's picnic and asked if everyone was interested in having another picnic this year. Everyone said yes. Jerry Delane said he would check into getting tent. Kay asked for volunteers. Deborah asked if it could be in another area. Kay said it is hard to use the area she was talking about since the homeowners have not traditionally participated – we block off the street and there is no

where to park there because of all the vehicles. Lawrence said it worked out well in his cul-de-sac – it is not far for them to bring their grills and set up the tent. Kay hoped the Board would be willing to provide some money again for gift certificates and the board was in agreement.

Deborah Hart asked about getting a sign for the community. Brian said if T-mobile negotiations go through, we could afford a sign. Gordon said he didn't think the expense was the issue.

Gordon also made some comments that the county came in and cleared the area by the walking bridge. A lot of silt had come in there and blocked the water flow. He's hoping that set a precedent for the county's involvement in the lake. Karen said there are some Boy Scout troops in the area that are willing to come in and help clear the area.

Gordon said there is also an issue of vandalism on the fence on the other side of the lake. We also need to plant some trees so we don't have to continue mowing the grass.

Bill wanted to thank Gordon for his hard work on the board the last three years. Brian asked if Gordon would continue negotiations with T-Mobile. Bill said it would be considered by Board, but felt it would be better served if he acted as a consultant.

Mr Castro asked if there was any possibility of making any modifications so that the community could have access to the lake. Gordon said that was the reason for the bridge, but it is still a problem to get to the lake area. This is a topic that has been discussed for years. But we need to have a plan. Karen Shinn said the lake is our responsibility according to the by-laws. It is up to the community to do something about it.

Mr Middleton then adjourned the meeting after motion and second of the motion to adjourn.

Respectfully submitted,

Kay Richardson  
Secretary