

TOLLGATE ASSOCIATION

Falls Church, Virginia 22046

Tollgate Association 2013 Annual Meeting

Date and Time: November17, 2013 at 5:00p.m.

Location: #127 Tollgate Way (HahnResidence)

Attending:For All Tollgate Residents

Attendance Summary	
# Homes Represented at the Meeting	19
# Homes Represented by Proxy	6
Required Representation for Quorum	51%
Actual Representation	86.2%

- 1. Opening Remarks by Keith Powell Thanks to all residents who came to the meeting and thanks to the Hahn's for hosting.
- 2. Treasurer's Report (Bob Donaldson): Bob made brief mention of the Capital Asset Management plan developed last year, and explained each of the three related bank accounts. The Capital Asset Savings account is used for asset replacement, the Maintenance Savings account is used for asset maintenance, and the Checking account is used for annual budget items. The Association ended 2013 under budget by \$3,672.00. This was driven largely by lower-than-expected costs for new shrubs, new trees, and tree removal. Bob also presented the 2014 budget. A motion to pass the 2014 budget was approved by all homeowners present at the meeting.

Details of the Association's 2013 expenses, net worth, and budget can be found online at:

http://tollgateway.org/budget/2013 expenses.pdf http://tollgateway.org/budget/2013 net worth.pdf http://tollgateway.org/budget/2013 budget.pdf

3. Committee Reports:

• Landscape (Marie Murray)—Marie introduced the membersof the 2013 Landscape Committee, and summarized the Committee's responsibilities authorized by Article VIII of the Association's Covenants including the care and maintenance of grass, trees, flowers, and shrubs in the front and side yards and in the common area (see Appendix I for a map of the Landscape Committee's coverage area). The Committee seeks continuity of landscaping design that is consistent with a Williamsburg appearance, while operating within the confines of City code, the Association's budget, and homeowner preferences.

In 2013, the Association split the Landscape contract between (1) Greenhawk for environmentally friendly fertilizer, seeding, and aeration and (2) Ramiro Landscaping for all other services including grass trimming, weeding, leaf removal, and shrub trimming. We finished our first year with Greenhawk, with mixed results, but the Committee acknowledges that with a new contractor comes a period of adjustment whereby the new products/servicesmust be given an opportunity to take effect. We will continue working with Greenhawkin 2014.

The Committee works closely with our contractors to oversee all landscaping- related matters, as well as with homeowners as requests are made.

Each year the Committee chooses one or two homes for more intensive landscaping projects. This year's projects included the front areas of #121(Bronikowski) and #109 (Ehmer). Plantings at #121 included a Japanese maple donated by the Ochsendorf's. Additional plantings included dwarf nandina's, autumn brillance fern, white Delaware azaleas, and striped lliriope. Two boxwoods were also moved from the flower bed to the bed just behind the parking pad at #114 (Sauner) to replace two that had died there. At#109 three hollies were replaced with three DeGroot Arborvitae. One holly was saved and transplanted to the front yard at #101 (Vlahos). See Appendix II for before/after pictures associated with this year's landscaping projects.

Additionally, a Japanese maple was transplanted from the back patio at #127 (Hahn) to the front yard at #101. Merrifield did not bill for the transplant work. Plantings were also done at #116 (laurel), #117 (skip laurel), and #121 (white azaleas, and two additional dwarf nandinas).

Projected projects for 2014 include:

- Pilotproject to determine possible abatement of storm water runoff between #102 and #124 using harvested plants. There are challenges in this area due to the proliferation of telecommunication wires and the need to preserve passageway for homeowners and contractors;
- 2. Update committee information on the Tollgate website;
- 3. Create the final planting list for 2014, including the entryway at #101 (Vlahos), replacement of a holly at #104 (Lynch/Doyle); entryway at #107 (Powell); replacement of one holly at #111 (Guyette); addition of bushes at #135 (Smolinski); replacement of several bushes in the front area at #124 (Murray).

*At the end of the meeting, Wynne Hogle complimented the Landscaping committee on the beauty of the neighborhood.

Trees (Bob Donaldson)

– Three trees were lost this year at #109 (Ehmer),
 #118 (Donaldson), and #122 (McNamara), which were replaced with a
 Buckeye, Ruth Ellen dogwood, and American fringe tree, respectively.

Trees to watch in 2014:

- 1. Serviceberry at #102 damaged due to digging;
- 2. Red oak tree at #105 has been failing for several years;
- 3. Japanese maple at #106 has been failing gradually. Systemic treatment has been applied, but we have not seen any results yet;
- 4. Cherry at #118 is showing signs of blight;
- 5. Norway maple at #116 showing signs of dieback on one side;
- 6. Leland Cyprus trees at #124 will likely need to be removed;
- Architecture (Garry Sauner)

 – Homeowners are reminded to review guidelines (posted on the Association website) prior to submitting requests to the Committee. Please allow as much time as possible for the Committee to review requests and provide material samples (roof shingles, siding, etc.) when possible. For exterior painting, homeowners are encouraged to paint a small area so they and the Architecture Committee members can see how the proposed exterior color looks against the house at different times of the day prior to approval and final application.

- Maintenance (Garry Sauner)—No upcoming items planned for 2014 other thanthe repair of a faulty light socket in the streetlight at #109. Special thanks to Rob Ochsendorf, Steve Lyons, and Beth and Ed Hahn for cleaning all of the streetlights in the neighborhood. Newsha Dau expressed thanks for the quick turnaround on her 2013 projects.
- Social (Wynne Hogle) Special thanks to Beth and Ed Hahn for hosting this year's annual Association meeting, and to Tom and Edie for hosting last year's holiday party. The spring and fall socials were held outside, thanks to favorable weather. The Committee provided food, refreshments, and flatware for the occasions. Additionally, the Committee and several homeowners pooled money to provide a moonbounce for the kids at the spring social. The Powell's donated ice cream and the Murray's donated toppings for the fall social. Both socials were well attended. This year's holiday party will be held on Saturday, December 15th from 5-8:00 p.m. at the Melhem's house. The Committee will provide white wine, clear sodas and paper goods, and neighbors are asked to bring desserts. Wynne noted that the Committee stayed green by leveraging email and the Tollgate Fare in place of paper for social communications. Spring and fall socials are planned for 2014.
- 4. Review of Storm Water Utility Fee (Rob Ochsendorf)— The City of Falls Church is facing a new state/federal mandate aimed at restoring the Chesapeake Bay called the Chesapeake Bay Total Maximum Daily Load (TMDL). The TMDL sets a limit on the amount of phosphorus, nitrogen, and sediment that enters our streams on an annual basis. In 2012, the City was given numerical targets it must achieve by 2025 with specific milestones along the way. In order to meet the new policy, the City must perform a number of infrastructure improvements. The money necessary to implement these projects will come from a new storm water utility fee. The City usedaerial photographs to assess the amount of impervious cover in the City, which was used as the basis for fee assessment. The fee is \$18 per 200 square feet of impervious surface area. The initial assessment for Tollgateincorrectly included cityowned street. The Board worked with the City to correct this error and to revise our assessment. The total fee of \$5,094 will be divided equally among all homeowners and each homeowner will be billed individually on their city tax bill, as determined by the Board. There are opportunities for homeowners to receive credits (disconnect downspouts, install rain barrels, remove impervious surfaces).

Several homeowners asked some clarifying questions about the new policy. Wynne asked about replacing parking pads with permeable services as they age and need

to be replaced. Bob indicated that the cost probably would not justify theutility fee savings.

For a complete transcript of Rob's presentation, along with supporting information, see Appendices III and IV.

5. Association Liability Insurance Levels (Bob Donaldson/Eric Kirchner)—Last year we raised our coverage from \$1m to \$4m (\$2m per occurrence), at no additional cost, to cover Association liability. The issue of liability was brought up this year and discussed as part of the discussion around tree climbing. Bob approached our insurance company about the issue and was informed that if we did not help mitigate the risk by banning tree climbing, they would not renew our policy. Our current Travelers liability policy of \$4m is the maximum amount that Travelers will write on this policy. We would need an Umbrella policy to extend it. The current policy covers liability and bodily injury plus libel & slander, but not Directors and Officers.

There is question as to whether Board members are covered under the policy for actions carried out as part of their duties. There is also question as to whether our existing coverage is sufficient for lawsuits that could arise for various reasons.

Bob presented a map delineating Tollgate property, homeowner property, and city property (Appendix V) so that homeowners are aware of their own risk from a liability perspective. Eric discussed homeowner loss assessment coverage that would cover losses incurred by the Association that aren't covered by the Association's existing policy. Jim Hogle said his insurance company told him that even if someone injures themselves on non-homeowner property, the injured party could still sue the homeowner. Jim asked if we are properly covered under our existing policy, and if we are in danger of losing our policy due to the tree climbing issue. Bob responded that his last communication to the Association satisfied the insurance company's requirement. Eric also mentioned research by Mark Kaye and Ed Hahn finding that standing trees are not considered an attractive nuisance in Virginia. Mark echoed that we need to be aware of our risks, and encouraged homeowners to check into umbrella policies if they don't already have one.

- 6. Common vs. Private Property (Keith Powell)—The Association works hard to maintain the visible appearance of the neighborhood. Some property is common and some is private. Homeowners are asked to be aware of this delineation and respect each other's private property. If issues regarding private property do arise, neighbors should speak to each other directly.
- 7. Parking in Tollgate (Keith Powell)— Parking is limited in Tollgate to fourteen guest parking spots. Homeowners are asked to utilize their own parking spaces in garages and parking pads before using guest spaces as a courtesy to homeowners who need those spaces for guests. Homeowners are also asked to avoid parking on the street as much as possible to allow proper traffic flow (see Appendix VI for Tollgate

Parking Policy). Bob added that street parking can pose a safety hazard to children and has been a contributing factor to vehicle damage in the past. Homeowners are encouraged to review and follow the Association's parking policy as a courtesy to neighbors. Mark encouraged folks to use common sense when parking and suggested that parked cars could actually help from a child safety perspective by slowing down traffic, but others view street parking as a safety issue since moving cars can't see around parked cars. Marie mentioned that original planning for the neighborhood did not allow for on-street parking. Julia Bayzie cited an instance when an ambulance could not pass through the street due to parked cars on the street. Rob O. suggested (tongue-in-cheek) that folks sell their extra car and replace with a bike.

8. Secret Ballot Election to Fill Two Tollgate Board Vacancies for a 3-Year Term -- Chuck Connor and Terry Zawacki were elected by a majority of homeowners to fill the upcoming Board vacancies.

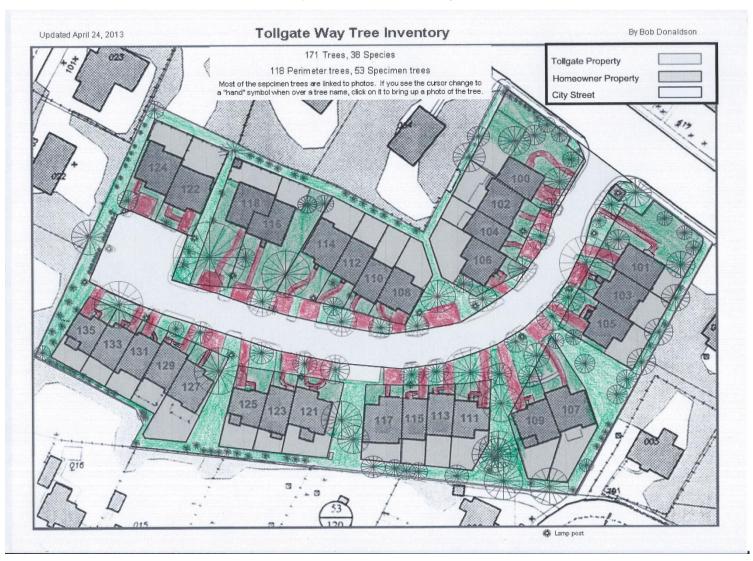
Keith discussed the process for Board elections. Historically, it has been challenging to find willing candidates to fill open Board seats. Consequently, the Board proactively seeks candidates to fill seats, but Keith emphasized that the intention is not to exclude willing volunteers from running.

Bob thanked Keith and Margaret for serving on the Board. Joe echoed that, and thanked them for their calm temperament and effort they brought to the job.

- 9. Concerns were raised about a neighbor who appears to be conducting commercial activities in his yard, adjacent to Tollgate. Formal complaints have been filed by surrounding homeowners due to noise and fumes. Subsequent to the Board meeting, the Board drafted a letter to the Chair of the City Zoning Appeals Board regarding the matter (Appendix VI).
- 10. The next Board meetingwill be on December 7th, 2013 at #117 (Ochsendorf) at 8:30 a.m. The Board will gather afterwards to decorate the gazebo with garland and lights in preparation for the holiday season. Homeowners are encouraged to follow Tollgate tradition by placing a single candle in their front windows. The Board meeting concluded at 7:05 p.m.

APPENDIX I

Landscape Committee's Coverage Area



APPENDIX II

#121 Bronikowski (Before)



#121 Bronikowski (After)



#114 Sauner (Before)



#114 Sauner (After)



#109 Ehmer (Before)



#109 Ehmer (After)





APPENDIX III

Testimony of Robert J. Ochsendorf

Date: 11/17/2013

Location: Tollgate Homeowner's Association Annual Meeting (Hahn Residence)

The City of Falls Church (CFC), like every jurisdiction in Virginia, is facing a new state/federal mandate aimed at restoring the Chesapeake Bay called the Chesapeake Bay Total Maximum Daily Load (TMDL). In this case, the Chesapeake Bay TMDL sets a limit on the amount of phosphorus, nitrogen, and sediment that enters our streams on an annual basis. In 2012, the City was given numerical targets it must achieve by 2025 with specific milestones along the way.

In order to comply with the Chesapeake Bay TMDL the CFC needs to build new water quality facilities, such as rain gardens, infiltration trenches, underground storage with filters, and hydrodynamic separators. Some redevelopment of private property will assist in reaching these goals but considerable efforts in public spaces are also very critical. The Department of Public Works will look for ways to save in construction costs by combining stormwater capacity projects with quality facilities where feasible. CFC staff estimates compliance with the Chesapeake Bay TMDL will require \$15 million in expenditures by 2025 for stormwater quality specific construction projects.

In 2012, the CFC adopted the Watershed Management Plan, which establishes a roadmap for restoring and maintaining a healthy, sustainable aquatic ecosystem in the Tripp's Run and Four Mile Run watersheds while providing adequate flood control and the safe management of stormwater runoff. The array of actions proposed by the plan include: policy and ordinance changes; staff additions; programmatic changes to the city's stormwater program; design and construction of 11 projects around the City; and creation of a dedicated funding stream for the City's stormwater program.

Much of the City's stormwater system was installed by developers as Falls Church rapidly grew between the 1930s and 1960s. Unlike more recently developed areas of Northern Virginia, the City was developed without the stringent stormwater restrictions on quantity and quality that we have today. Unfortunately, as density increased stormwater runoff increased. This led to undersized pipes that are frequently overwhelmed by storms smaller than the industry-standard benchmark (10-year storm event).

In July of this year, City engineers reached out to all HOAs within the City of Falls Church. They held an informational meeting at City Hall describing the procedures that were being used to estimate stormwater utility fees for residents in HOAs (condos,

townhomes, etc...). The city is using aerial photos and GIS technology to compute impervious surface area for each lot within city limits. At a meeting on August 1st, the City shared with each HOA the first attempt to calculate impervious surface area and an initial estimate of a fee. The fee is calculated based on the number of 200 sqft "billing units" that each lot has. The fee for each of these billing units is \$18. The initial calculation for Tollgate estimated 58,607 square feet of impervious surface area for 293 billing units (fee of 5,274). The Tollgate board reviewed this information and suggested that the city make a few corrections to the map given the inclusion of the public street in the impervious calculation. The city agreed and has revised the calculation. Current calculations have Tollgate at a little more than 56,000 square feet of impervious area. This is approximately 283 billing units, yielding a total fee to Tollgate of \$5094. After some discussion with the board, it was determined that a reasonable solution would be to evenly divide this fee between the 29 homes within Tollgate, for a total annual fee of approximately \$175 per home. It should be noted that a not insignificant portion of the impervious surface at Tollgate included is common area (e.g., all guest parking spots).

The City seems reasonably certain that the stormwater utility fee will not increase between now and 2025 but no guarantees have been made. It is my understanding that this fee will appear on individual homeowner tax bills beginning next year. The CFC has offered that homeowners may be eligible for small credits to offset their annual fees. To this end, they have established the Stormwater Credit Policy Task Force that will be meeting over the course of the next several months. Possible strategies that may be eligible for credits include disconnecting downspouts, installing rain barrels, removing impervious cover, etc... There are useful resources and references on the Falls Church website (link below) regarding such strategies.

As a means of comparison, here are estimates of other stormwater utility fees that will be assessed at similar townhome communities in the CFC:

Tollgate: \$175 Wren's Way: 198 Whittier Park \$210 Church View: 199 Gresham Place: \$232

Steeples Court: \$288
Trammels Gate: \$280

References and Additional Resources

City of Falls Church (2013). *Stormwater and Floodplain Management*. Retrieved online at: http://www.fallschurchva.gov/Content/Government/Departments/PublicWorks/StormwaterFloodplain/default.aspx?cnlid=4144.

Environmental Protection Agency (2013). Fact Sheet. Chesapeake Bay Total Maximum Daily Load. Driving Actions to Clean Local Waters and the Chesapeake Bay. Retrieved online at: http://www.epa.gov/reg3wapd/pdf/pdf chesbay/BayTMDLFactSheet8 26 13.pdf

Tollgate



Impervious Area (square feet)	56,415
Billing Units (area / 200)	283
Fee (per unit)	\$18.00
Total Fee	\$5,094.00

PRELIMINARY

APPENDIX IV

Fact Sheet

Chesapeake Bay Total Maximum Daily Load (TMDL)

Driving Actions to Clean Local Waters and the Chesapeake Bay

On Dec. 29, 2010, the U.S. Environmental Protection Agency established the Chesapeake Bay Total Maximum Daily Load (TMDL), a historic and comprehensive "pollution diet" with rigorous accountability measures to initiate sweeping actions to restore clean water in the Chesapeake Bay and the region's streams, creeks and rivers.

Despite extensive restoration efforts during the past 25 years, the TMDL was prompted by insufficient progress and continued poor water quality in the Chesapeake Bay and its tidal tributaries. The TMDL is required under the federal Clean Water Act and responds to consent decrees in Virginia and the District of Columbia from the late 1990s. It is also a keystone commitment of a federal strategy to meet President Barack Obama's Executive Order to restore and protect the Bay. The TMDL – the largest ever developed by EPA, encompassing a 64,000-square-mile watershed – identifies the necessary pollution reductions from major sources of nitrogen, phosphorus and sediment across the District of Columbia and large sections of Delaware, Maryland, New York, Pennsylvania, Virginia and West Virginia, and sets pollution limits necessary to meet water quality standards in the Bay and its tidal rivers.

Specifically, the TMDL sets Bay watershed limits of 185.9 million pounds of nitrogen, 12.5 million pounds of phosphorus and 6.45 billion pounds of sediment per year – a 25 percent reduction in nitrogen, 24 percent reduction in phosphorus and 20 percent reduction in sediment. The pollution limits are further divided by jurisdiction and major river basin based on state-of-the-art modeling tools, extensive monitoring data, peer-reviewed science and close interaction with jurisdiction partners. The TMDL is designed ensure that all pollution control measures needed to fully restore the Bay and its tidal rivers are in place by 2025, with practices in place by 2017 to meet 60 percent of the overall nitrogen, phosphorus and sediment reductions.

The final TMDL is shaped by an extensive two-year public involvement effort and, in large part, by final Phase I Watershed Implementation Plans (WIPs) developed by the six Bay states and the District of Columbia, which detail how and when the jurisdictions will meet pollution allocations.

In addition, the TMDL includes targeted "backstop allocations" for the few areas where the WIPs did not meet the allocations or EPA's expectations of reasonable assurance that those allocations would be met, and a plan for enhanced oversight and contingency actions to ensure progress.

Also, EPA has committed to reducing air deposition of nitrogen to the tidal waters of the Bay from 17.9 to 15.7 million pounds per year through federal air regulations during the coming years. The Chesapeake Bay TMDL is unique because of the extensive measures EPA and the jurisdictions have adopted to ensure accountability for reducing pollution and meeting deadlines for progress. The

accountability framework includes the WIPs, two-year milestones, EPA's tracking and assessment of restoration progress and, as necessary, specific federal actions if the jurisdictions do not meet their commitments.

Addressing the Challenges

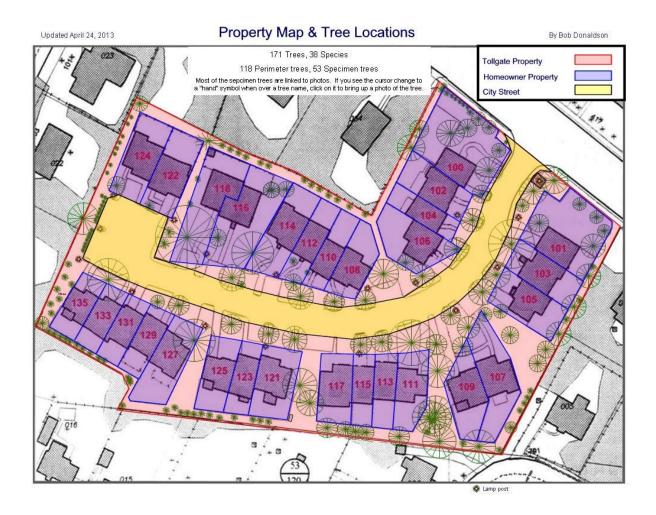
A TMDL is the calculation of the maximum amount of pollution a body of water can receive and still meet state water quality standards designed to ensure waterways meet a national primary goal of being swimmable and fishable. Monitoring data continues to show that the Bay has poor water quality, degraded habitats and low populations of many species of fish and shellfish. The Bay and its rivers are overweight with nitrogen, phosphorus and sediment from agricultural operations, urban and suburban runoff, wastewater, airborne contaminants and other sources. The excess nutrients and sediment lead to murky water and algae blooms, which block sunlight from reaching and sustaining underwater Bay grasses, and create low levels of oxygen for aquatic life, such as fish, crabs and oysters.

The Bay TMDL – actually a combination of 92 smaller TMDLs for individual Chesapeake Bay tidal segments – includes pollution limits sufficient to meet state water quality standards for dissolved oxygen, water clarity, underwater Bay grasses, and chlorophyll *a*, an indicator of algae levels. Actions under the TMDL will also have significant benefits far beyond the Chesapeake itself, helping to clean rivers and other waterways that support local economies and recreational pursuits like fishing and swimming, and serve as drinking water sources.

In 2011, while the jurisdictions continue to implement their WIPs, they will begin development of Phase II Watershed Implementation Plans, designed to more closely engage local governments, watershed organizations, conservation districts, citizens and other key stakeholders in reducing water pollution. The Phase II WIPs are expected to provide local area targets for implementation on a smaller scale. Phase III WIPs in 2017 are expected to be designed to provide additional detail of restoration actions beyond 2017 and to ensure that the 2025 goals are met.

For Further Information, View: http://www.epa.gov/chesapeakebaytmdl\

APPENDIX V



APPENDIX VI

TOLLGATE PARKING POLICY

During recent meetings, the Board has discussed ongoing concerns about Tollgate residents' use of the two community parking pads and the several spaces at the end of Tollgate Way (hereafter referred to as "community parking"). The Board has concluded that it would be in the best interests of the Association to adopt a policy relative to the use of these spaces.

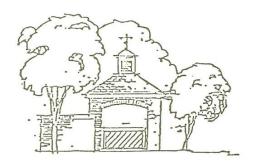
The policy is intended to maximize residents' use of their own driveways and parking pads and minimize their use of community parking. All residents should utilize their own driveways and parking pads to the fullest extent possible and should use community parking only when there is no alternative.

After careful consideration, the Board adopted the policy below unanimously. Following past practice, we will rely on voluntary compliance, confident that our neighbors will respect that our decision was made with the best interests of the entire community in mind.

- 1. Community parking should be utilized only for visitors and the small number of Tollgate residents that have more than two vehicles. If a household has more than two vehicles, the residents in that household should utilize community parking as little as possible. Vehicles with the lowest level of utilization should be parked in the residents' garage, driveway or parking pad, while the vehicles that are used most frequently should be parked in community parking. This will allow others to use community parking while the vehicle is being driven elsewhere.
- 2. Residents should maximize utilization of their own garage, driveway and parking pad before using community parking. If the household has two cars and a driveway or parking pad, the residents of that household should use the driveway or parking pad for both cars.
- 3. Community parking is not to be used for community storage, that is, for parking vehicles that are not being used regularly. (i.e. vehicles belonging to or used by students who are attending school out of the area) Residents are expected to park these vehicles in their own garage, driveway or parking pad or to store them off site.
- 4. Given the fact that Tollgate Way is such a narrow street, residents and their guests should fully utilize their parking pad and driveway before parking on the street.

Adopted by the Board of Directors on May 5, 2001.

APPENDIX VII



TOLLGATE ASSOCIATION Falls Church, Virginia 22046

Mr. Howard Stoody, Chair Zoning Appeals Board 300 Park Avenue Suite 300 West Falls Church, VA 22046 November 24, 2014

Dear Mr. Stoody,

I am writing on behalf of the Tollgate Homeowners Association, which represents the residents of the 29 townhomes on Tollgate Way in the City of Falls Church. As an association, we would like to express our community's concern with the operation of what, from all evidence, appears to be a manufacturing business at 404 Broad Street; and with the owner's pending appeal of the City's recent revocation of the Certificate of Occupancy.

This business, Elthon Enterprises, is immediately adjacent to our community, and in plain view to the closest homeowners. Mr. Elthon has been manufacturing a variety of products in the back yard of 404 Broad Street for several years. This manufacturing operation has been growing in scope and scale to the point that it has become a nuisance to the adjacent Tollgate homeowners with the noise from power saws, hammering, welding; and potentially a health concern with fumes from uncontrolled paint spraying operations. According to information available on Federal contracting web sites, the business has been awarded over \$1 million worth of government contracts over the last decade.

A manufacturing business operated in a residentially zoned neighborhood is an obvious violation of the City's zoning ordinance. The owner is now constructing a large "garage" in the back yard of 404 Broad Street and the Tollgate community is concerned that the intention is to move this manufacturing business into this new structure. Even if the activity is kept out of sight, the possibility of noise and fume exposure still exists and its presence is still a violation of residential zoning.

The Tollgate Association respectfully requests that the City deny Mr. Elthon's appeal, continue to closely monitor activities at 404 Broad Street in the newly constructed "garage", and enforce

compliance with the zoning ordinance. The presence of this business has negatively impacted the quality of life for several of the homeowners in Tollgate. Indoors or out, the operation of a manufacturing business in a residential zone is inconsistent with the preservation of the integrity of the residentially zoned areas of the City.

Thank you for your attention to this matter.

Sincerely,

Keith Powell, President
Tollgate Homeowners Association

cc:

John C. Boyle, Zoning Administrator Brandon Wade, Development Services Manager