

## **Poplar Heights Recreation Association Board of Directors Meeting**

Date: July 10, 2019

Time: 7:00 p.m.

Location: Haycock Elementary School, Cafeteria

### Roll Call (x indicates those present)

Dan O'Grady, President X

Bill Bickel, Vice President X

Shari Kane, Treasurer X

Shawn Kline, Assistant Treasurer

Dorothy Lange, Secretary X

Cynthia Wilson, Registrar X

Chris Cook

John Grossman

Cary Meltzer X

Jim Nach X

Mike Nicholson X

Megan Pawlowski

Rob Reynolds X

### **Call to Order**

A quorum being present, the President called the meeting to order at 7:02 p.m.

### **SPECIAL INFORMATION SESSION**

Dan introduced Pat Via, an associate from the club's legal firm, who specializes in Zoning and Land Use issues. Via provided a short briefing about PHRA's obligations under its zoning status, based on the 1954 exception permit granted to the club, which was updated in 2002 with the installation of the tennis court lights.

The main elements of the presentation were as follows:

- In 1954 the Poplar Heights club was approved as a Community Club as opposed to a Commercial club and the recent Use Determination interpretation from the Zoning Office reaffirmed this fact.
- A community pool is intended to serve "nearby residential areas."
- The phrase "nearby residential areas" is not defined in the Fairfax County Zoning Ordinance. Therefore the Club has some discretion to define its boundaries, but in order to be supportable if ever challenged, those boundaries should have some "reasonable geographic relationship" to the location of the Club.

- We could not, for example, justify offering memberships to individuals from Washington, D.C., or Alexandria.
- Via said he is not aware of any current complaint against PHRA for not complying with its zoning obligations, but that if a complaint is received the County will be obligated to investigate.
- Any individual can file a complaint: it could be a membership applicant who feels unfairly treated, for example, or another club who feels we are encroaching on their membership base.
- If the County investigates and confirms that the zoning obligations are not being followed, they would issue a Notice of Violation. If we receive a Notice of Violation, we would usually have 10 days to respond: to appeal or rectify the situation.
- If the County feels that we are working with them they will often give more time for a resolution. However, if the County determines that we continue to be in violation they could shut PHRA down or impose significant civil penalties.

-- Questions/comments by board members.

- Question: Ten years ago, PHRA shareholders voted to eliminate the boundaries for membership. Would the County recognize the legitimacy of this vote?  
Answer: The shareholder vote has no bearing on the zoning ordinance.
- Question: Are you aware of any other neighborhood pools that have been investigated? Answer: No.
- Question: Can we request an interpretation of “residential area” from the County?  
Answer: Yes, you can, but you may not like the answer. The County’s definition may be stricter than you would like.
- Question: Can we “grandfather in” members who may be outside whatever boundaries we set, for example those who have moved away? Answer: Yes, you would just give a reasonable rationale for why this should be allowed.
- Question: In terms of our fiduciary responsibilities to members, what policy puts us in the safest position? Answer: The community should agree on and implement some form of acceptable boundary.
- Question: Approximately ninety-five percent of our membership lives within a five-mile radius. Is this a boundary we could support? Answer: Possibly. As long as you can reasonably define your rationale for the boundaries. It cannot, for instance, be the entire DMV. The narrower your definition, the more likely you are to be able to support it.

Via also indicated that, as the County has stated, PHRA also has the option of applying to become a Commercial Club, which would not place limits on its prospective membership to “nearby residential areas.” He said such an application would cost \$25,000.

Via also took questions/comments from PHRA members who were present.

One member asked what would be the quickest, cheapest way to have compliance without having to incur more legal fees. Via suggested narrowing the club’s boundaries.

He noted that trying to include Vienna and McLean with Falls Church would most likely not be considered a geographic neighborhood.

Another asked if we could wait to define our neighborhood until after we receive a Notice of Violation from the County. Via said, yes, but in that case the club might need to be prepared to terminate any current members who fall outside the boundaries that would be approved by the County. He said it would be more prudent for PHRA members to come together and set the boundaries. "You would then be in the strongest position if you are ever challenged."

At the conclusion of Via's presentation and Q&A, the board agreed with Dan's proposal to send a message out to the entire membership that would include a summary of the session and some initial thoughts on how to move forward.

### **Approval of the Minutes from June 12 meeting**

The board unanimously approved the draft Minutes from the June 12 meeting.

## **FINANCIAL**

### **Dues and Membership Update**

Active Members	312
Renters	189
Waitlist	152

Eight shares have been turned in and all have been sold, four have been paid in full and four are on a payment plan that ends September 1. August and September rentals will be offered soon. The Board has agreed to fifteen such rentals.

### **Treasurer's Report**

Checking	\$12,916
High Performance Savings	\$293,710
Swim Team	\$20,003
Annuity	\$78,457

Insurance claims from storm damage have been submitted. We have a \$1,000 deductible and the tree work is not covered.

## **OLD BUSINESS**

### **Decision on roof and siding replacement in September (Bill)**

Bill has received two bids and suggests we go with Century who had the lowest bid. We could also consider repainting instead of siding; however, siding is a better long-

term option and does not cost that much more. It is recommended that the work be done in September right after the pool closes. The Board asked that Bill get a third bid before they vote on the proposal. Bill agreed that he would secure another bid.

### **Update on Strategic Plan preparations**

This agenda item was tabled since Megan was unable to attend the meeting.

### **OTHER**

Bishop will be coming the first week of August to repair the tennis fence.

Electronic payments will now go through Member Splash rather than BB&T. Cary plans to have this function up soon. He said he is currently securing the necessary documentation for himself.

Maps compiled by a Board member pinpointing the location of PHRA members, renters, and those waitlisted were provided to the Board. It was noted that the majority of families seem to live within a reasonable distance from PHRA. It was also suggested that these maps might help to determine reasonable neighborhood boundaries for PHRA since we could ensure that a majority of families fall within these boundaries and any current members or renters who are outside the boundaries could be “grandfathered in.”

### **ADJOURNMENT**

The meeting was adjourned at 8:06 p.m.