

**Dockside Homeowners Association**  
**Minutes of the Board of Directors Special Meeting**  
Monday July 26, 2010  
Dockside Pool

Present were:

Joe Siemiatkowski, Vice President  
Tom Richmond, Secretary  
Paul Schaefer, Treasurer  
Lisa Evans, President  
George Payne, Member at Large

Other Attendees:

See attached list of homeowners

It was determined that a quorum of board members was present.

A brief introduction concerning the issue with rule 5e was made.

Homeowner's forum was held; entered into homeowner forum at 7:10pm

Homeowner comments submitted in writing to be included in the minutes are as follows (all statements have been included in these minutes exactly as submitted, including typos as to ensure the intent of the author is maintained) :

From Jerry & Phyllis Bollinger 1501 unit owners

Date: July 25, 2010

Subject: July 26 BOD Special Meeting

Prior commitments prohibit us from attending the special meeting called for July 26 2010. Therefore, at the request of the Board I submit my questions and concerns in writing, and respectfully request that issues listed within be discussed at the meeting

Background:

Phyllis and I have lived at Dockside since inception, (approximately 25 years). We both have served on various community action committees, and I served on the BOD for 6 plus years. Based on these experiences, I believe that we have a unique insight and experience with regard to the history of Dockside and some of the same issues that the Board is addressing today

Discussion:

I'm having trouble wrapping my mind around the item listed in the Flyer sent out announcing the July 26 meeting, We are to discuss the provisional and yet to be enacted section 5e of the community rules. What are we to discuss? Reading

the community rules dated February 2009, section 5e, it looks like those rules have been adopted. If we are to discuss and vote on a provisional change to Section 5e, why not let us see the proposed change? In doing so, we the community will be better prepared to discuss and come to a consensus.

After discussing this matter with several Dockside neighbors and friends, I find out that the BOD has already enacted a change by voting to allow a non resident owner to use the pool. It looks like the Board has got the cart before the horse; we should allow input and then enact a vote. If the community decides to leave the rules as is, is the Board ready to rescind their vote to allow the non resident owner approval to use the pool? Does the Board have the right to allow a non resident owner to have his cake and eat it too? This whole issue smells a little fishy and leads one to believe that the BOD is trying to play catch up, based on the outcry of the community when the closed door vote became public.

This whole issue of owner rights is not new, most every Board has dealt with this, and every time has come back to the same conclusion. And that is; the owner has all the rights that he has paid for as long as he is a member in good standing and hasn't relinquished those right by leasing or renting them out. When he does this, his rights convey to the renter. The Dockside By-laws and Rules don't cover owner's rights specifically but tend to confer with what is listed in the above discussion. The BOD that I was a member of addressed the same issue, but handled it in a different way, we sided with Virginia State law which addresses rentals and leases. From all this input that Board developed and approved the FAQ item 6.

Why do we consistently go over plowed ground? If a previous Board has already resolved a specific issue why is the current Board compelled to revisit it? Could it be for selfish reasons? I'm hearing that's not the case at all, that the old rules are out of date and antiquated and need to be adjusted to the current way of thinking, sounds like politics to me. What's changed; same old Dockside; with 90 units. Only real change is the makeup of the Board. Could that be the problem? Or could some of this change talk be coming from the recently hired management company? Okay, who knows? If the system is mucked up, then tell us and let's discuss it, rather than leave us in the dark.

Issue:

Now I'm hearing; that "all" the Board is doing is allowing the person in question to keep one pool key and two wrist bands and his renter\* has the other key and remaining bands. Okay no big deal, right? Well let's think this thing through. I have 7 kids and 7 grandkids and I would like keys and bands for all them. Am I or any other Docksider any different from the person in question? Why can't I or we have the same provisions, or, what about boat slips and storage units, does the owner keep half a slip or storage unit and the renter the other half/ Oh! What about the refrigerator, owner keeps 2 shelves on the bottom and the renter the rest. Where does this thing end and why in the world would the Board want to try to control all of this, and encumber all future Boards with the same responsibility. One small thing leads to larger and larger things

I believe the Board made a concerted effort this year to regain control of the pool by changing the locks and purchasing and issuing new keys and bands. This effort gave the homeowners the assurance that the board was finally getting tough on outsiders and non authorized personnel using the pool. This has been an ongoing problem and needed attention. I applaud the Board for this action. But now I contend that if allowed to go forward, the Board has compromised their plan, and any attempt to control the non approved pool occupants is complicated at best.

I might add, this is not the first time the locks, keys and bands have been changed, probably the 5<sup>th</sup> or 6<sup>th</sup> time. And, why; because control was compromised by personnel passing keys and bands around to their friends and acquaintances.

Note:

The Board has some control over owners but none on outsiders.

In closing, I fully understand the operation of the BOD and issues that they deal with and will in most cases side with them when issues that concern the safe and wonderful life that Dockside affords us are in question. There is a thankless job. But when the Board starts siding with individuals (regardless of who they are) in lieu of the community as a whole, then that's where I draw the line.

As for our vote we are against any change of section 5e of the community rules.

Jerry & Phyllis Bollinger

\* Sounds like this is the kind of renter I would want to have, what does the renter do if he needs more keys or bands? He's being shortchanged.

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Unfortunately Kim and I have to be out of town Monday. But we would like our feelings to be considered. Regarding an absentee-owner's use of the pool while he/she is renting the unit to someone, we feel the use of the pool should be restricted to the Resident and their guests only. Otherwise there is a potential for 180 families to use a pool that may have been designed for 90 families.

Thank you,  
Joseph & Kim Mazzilli

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After reading the rules, I would like to point out that they specify "resident" in almost all instances, not just pertaining to the pool. If we change one rule wouldn't we have to change them all to maintain consistency?

I have also read the By-Laws/rules prior to 2009. In one section that is not even addressed in the rules states - F10 "....*Relatives or friends or non-resident owners living in proximity to Dockside are not considered an exception to this rule and may not use the facilities except as provided above.*" This rule is written to reference "**F. No nuisances shall be allowed in or upon any unit or the common elements, nor shall any use or practice be allowed which interferes with the peaceful occupancy and use of any unit or the common elements by the unit owners'/residents.**"

The 2009 Rule revision was made to clarify the existing rules. I do not believe the rules that were changed intended to allow owners who rent their units to benefit by using the facilities as if they lived here. Also it is clearly stated that guests must be accompanied by the resident host.

As pertaining to the FAQ's regarding nonresident owners, if the information is not correct, where did it come from?

That being said I was present at the July 15, 2010 board meeting and requested that the board not make any changes to the rules pertaining to the swimming pool at that time. I told the board that I was not only requesting this for myself but for some of my neighbors as well. Another resident requested the same in writing which will appear in the minutes of the meeting. I was told that no action would be taken at the meeting.

I feel that our wishes were ignored. The change was made, be it temporary or not.

The way the new revision was explained to me is that anyone, after sending the proper letter to the board, could let a member of their immediate non-resident family have one of the pool keys/bands for access to the pool without the resident being present. This would apply to nonresident owners as well as residents.

Dockside is trying to control the keys and guest situation. Why would anyone want to give out keys and access to our facilities in the manner? All 90 units could give out keys. This may sound like an exaggeration but the possibility is there.

My wife and I moved to Dockside because we knew residents here and felt that it would be a safe and controlled environment in which to live. That we would know our neighbors and who was coming and going in our neighborhood. I appreciate the By-Laws/rules for what they represent – keeping Dockside a safe and desirable place to live.

The By-Laws/rules as originally written were made for a reason. I ask that you reconsider your decision to make this change.

I request that this email be made part of the minutes of the July 26<sup>th</sup> meeting.

Sincerely,

Larry Austin  
7864 Sunset Drive

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My husband and I have been living in Dockside for five years now and we have never had a problem at the pool until this year. A couple of weeks ago, my husband and I were at the pool with another couple (our guests) on a Friday evening. We were there within pool hours, with no alcohol, just laughing occasionally. We were detained first by a member of the board and second by three Gloucester Deputies, with spot lights blazing, that were called because there were kids in the pool. As much as we appreciate the compliment, it has been a long time since we have been called kids. We understand that everyone is concerned about the safety of our community, but we ask that the community use a cool head before calling the **police** and **calm down** in regards to the pool area. The pool and tennis courts are there for the enjoyment of everyone, not for residents to constantly be pestered while we are trying to enjoy the areas.

In addition, only on holidays when the community is having a party in the pool area, is the area crowded. I go to the pool several days of the week and never see over 5 people at any given time. We are just having a hard time understanding why people are so upset about things they never use or obviously care nothing about. We believe a great deal of the issues that are now arising are due to the Board enforcing the rules for the first time. Now the Board and the community have agreed that there are changes needed. The Board is now providing us the opportunity to initiate change to reflect the feelings of the community. We wish this could happen more often.

A separate issue, we would also like to address is the issue of the owner having to be there with the guest at all times. That is simply over the top and too much red tape maintenance for the person attempting to monitor the pool. If you got in with a key and have a wrist band...is that not enough. We have several family members that live close by and when they come over for a visit we do not feel it necessary to constantly be with them while they are at the pool. Yes, we are responsible for their actions,

but if we want to start dinner while they are at the pool we should not have to escort them around Dockside. We also have several people in our community that are unable to accompany their guests for medical reasons. This is just another reason why a key and a wristband are simply enough.

In closing, we do not believe that we need to make things more complicated than they currently exist. Therefore, for all individuals of the Dockside community we recommend, stepping back, and ensuring you are being **reasonable** before making this a unfriendly neighborhood where people do not even feel comfortable using the common areas.

*Thanks!*

***Amanda S. Riley-Gross and Damon Gross***  
***7988 Sunset Drive***

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To the DCOA Board, I know that there is a special meeting on Monday, 26 July to discuss common area access discussed in part 5e of the current rules. In chatting with George Payne he referred me to the FAQs on our web page. I looked them over and see an obvious problem. The FAQ #6 restrictions are misleading and flat out incorrect to anything I found in the current DCOA rules, original bylaws, or Declaration of Dockside Condos. I suggest when time permits that all the FAQs are scrubbed for accuracy by the bd or our managing agent...a community listing like this can be very helpful and needs to be accurate if we are going to have one. But the current posted #6, if quoted, can lead to disagreements as to what is written in our governing documents versus what is on our web site's FAQ list.

I request that a board member at the meeting on Monday bring up this issue...I'll probably not be able to make the meeting but will try to show up after the Abingdon VFR meeting at 7:00. If the underlying issue is who is authorized common area access, I hope the board can focus on addressing the root problem and work towards a fair and workable solution. I have faith in the common sense and fairness of our board members.

I request that this email content be accepted and submitted into the minutes as owner input. If that cannot be done please so advise.

I am also sharing this email with other owners that might be interested in this matter.

Thanks in advance for your consideration.

v/r  
Heldur Liivak

Owner of 7829 Sunset Drive, Unit 303

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From: Paul and Courtney Schaefer Owners of 8003 Sunset Drive

Subject: July 26 Dockside Condominium Owners Association BOD Special Meeting

Preface:

At the BOD meeting on 15 July the Dockside BOD had a discussion as to the use of the pool at Dockside. According to the DCOA governing documents the BOD is to establish "Reasonable rules and regulations" for the mutual benefit of all "Unit Owners". At that meeting it was presented that it would be mutually beneficial to allow non- resident owner (which included seasonal, weekenders, and rentals) use of the Dockside pool as long as it was approved ahead of time and was limited to owners and their approved guests. The BOD came up with a mutually beneficial solution and voted on it. That solution was provisionally accepted and approved.

Comments:

Given the fact we have NO overcrowding issues, and there are no increased liabilities or safety concerns, I as an owner have a very difficult time understanding the “cause” of a few owners to restrict the use of the pool to residents and their guests only. According to our governing documents the rules are to mutually benefit all unit owners. There is nothing contained in any of the DCOA governing documents or the Condominium Act stating that when an owner rents their unit they relinquish their usage of the pool or other DCOA amenities.

The BOD made came up with the solution to benefit more than myself and family. There are other non-resident owners who have used and will continue to use the DCOA pool, tennis court, and docks for their benefit and enjoyment. I request to know the specific reason from the BOD in writing if they rescind the recently provisionally approved rule modification.

The bottom line remains as long as the BOD amends the rules to benefit the unit owners and they at the same time due that with due diligence to ensure protection and safety of our common elements, they are doing what they should.

I see this issue as one of differing opinions, and the mind set of some folks has been made-up without even listening and applying common sense to the issue. There is truly no real reason to restrict the pool from unit non-resident owners, even if the only come on the weekends, seasonally, or rent their unit.

I applaud the BOD for working hard to come up with a mutually beneficial solution to this complex issue and recommend they stay with their well thought decision. I sincerely hope that the BOD can get the few stubborn folks against this to realize it is a positive change to our rules and will mutually benefit all unit owners.

Sincerely,

Paul A. Schaefer

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I do not want or support the Rules of By-laws and Declaration to be changed and further do not want or support the use of the pool and or tennis courts to be used by the owner and resident when leased. In the FAQ of the website, question 6 answers this clearly. Additionally, Rule 5e currently states ONLY residents and their quests [sic] can use theses. In Article X, sections I & K makes a differences between owners and residents. I protest any change.

Richard Neiss & Sara Meintel

This concludes the statements submitted in writing. Homeowner forum closed at 8:25pm

### **Business Portion**

**Motion was duly made, seconded and unanimously carried to accept the architectural change request submitted for 1832 Dockside.**

**An ad hoc committee was established to meet and discuss section 5e of the rules. The committee is to have a suggested rule provision to present to the board at the regular meeting on August 19, 2010.**

**Motion was duly made, seconded and unanimously carried to adjourn the meeting at 8:45 P.M.**

Submitted by:

Lisa Evans  
Association President

#### HOMEOWNER ATTENDEE ROSTER

Amanda Riley-Gross  
Damon Gross  
Larry Austin  
Louis Austin  
Chip Tribble  
Pat Tribble  
John Lawson  
Marilynn Lawson  
Bob Wharen  
Sandy Wharen

Hamp Erwin  
Barb Erwin  
Ted Peterman  
Virginia Hudack  
Paul Hudack  
Vivian Shook  
Bill Mason  
Eleanor Mason  
Joan Heaney  
Gloria Strange  
Sean Hughes  
Emily Hughes  
Archie Leigh  
Richard Niess  
Peter N. Clayton  
Jeff Wehrung  
Roger Ferguson  
Ben Seawell  
Rosa Seawell  
Sara Simiatkowski  
Peggy Peterman  
Joanne Cougan  
Rosemarie Motto  
Metro Motto