

**Minutes of the
BOARD OF DIRECTORS MEETING
Held: January 22, 2015**

Approved: February 12, 2015

A meeting of the Columbia Association Board of Directors was held on Thursday, January 22, 2015 at the Columbia Association Building. Present were Chairman Russ Swatek, and members Reg Avery, Brian Dunn, Jeanne Ketley, Alan Klein, Nancy McCord, Tom O'Connor, Gregg Schwind, and Andrew Stack. Board Member Michael Cornell was absent. Also present were CA President/CEO Milton Matthews, Chief Staff Liaison Susan Krabbe, Governance Chief of Staff Rob Goldman, and General Counsel Sheri Fanaroff.

1. Call to Order: The Board of Directors Meeting was called to order at 7:04 p.m. by the Chair, Russ Swatek.

2. Announcement of Closed/Special Meetings Held/To Be Held:

The **Board of Directors** held a closed meeting at the Columbia Association Building on November 13, 2014. Members present were: Reg Avery, Michael Cornell, Brian Dunn, Jeanne Ketley, Alan Klein, Nancy McCord, Tom O'Connor, Gregg Schwind, Andy Stack, and Russ Swatek. CA President/CEO Milton Matthews also attended. The vote to close the meeting was 10-0-0.

The closed meeting was authorized under the Maryland Homeowners Act, Md. Code, Real Property §11B-111 (4)(vi) Consideration of the terms or conditions of a business transaction in the negotiation stage if the disclosure could adversely affect the economic interests of the homeowners association. The meeting was closed from 10:20 p.m. until 11:40 p.m.

The **Risk Management Committee** held a closed meeting at the Columbia Association Building on November 13, 2014. Members present were: Reg Avery, Alan Klein, Tom O'Connor, Milton Matthews and Susan Krabbe. The vote to close the meeting was 5-0-0.

The closed meeting was authorized under the Maryland Homeowners Act, Md. Code, Real Property §11B-111(4)(i) Discussion of matters pertaining to employees and personnel; §11B-111 (4)(iii) Consultation with legal counsel on legal matters; and §11B-111 (4)(iv) Consultation with staff personnel, consultants, attorneys, board members, or other persons in connection with pending or potential litigation or other legal matters. The meeting was closed from 7:05 p.m. until 7:25 p.m.

The **Architectural Resource Committee** held a closed meeting at the Columbia Association Building on November 17, 2014 to discuss covenant cases. Members present were: Denis Ellis, Debbie Bach, and Maryann Cohea. Also present were: Laura Parrish, Carl McKinney, Karen Turcan, and Dale Wasmus. The vote to close the meeting was 3-0-0.

The closed meeting was authorized under the Maryland Homeowners Act, Md. Code, Real Property §11B-111 (4)(iv) Consultation with staff personnel, consultants, attorneys, board members, or other persons in connection with pending or potential litigation or other legal matters. The meeting was closed from 1:20 p.m. until 1:45 p.m.

3. Approval of Agenda:

Action: Mr. Avery moved to approve the agenda; Ms. McCord seconded the motion, which passed unanimously. Vote: 9-0-0.

4. Disclosure of Conflicts of Interest: The chairman said none were disclosed to him.

5. Resident Speakout:

- (a) Dick Boulton, Dorsey Search, spoke about closed meetings and an ethics complaint against a CA Board member.
- (b) Joel Broida, Town Center, spoke about an ethics complaint against a Board member. (Mr. Broida also submitted a written statement.)
- (c) Cy Paumier, Harpers Choice, spoke about Alan Klein.
- (d) Joy Bonstingl, Wilde Lake, spoke about closed meetings and Alan Klein.

6. Approval of Minutes of January 8, 2015

Action: Ms. McCord moved that the minutes of January 8, 2015 be approved as presented. Mr. Avery seconded the motion. The following changes were requested:

1. Mr. Klein noted that Lines 67-68 should be moved to Line 61, after “Strategic Implementation Committee.”
2. Ms. Fanaroff suggested revising Lines 124-125 to read “... send to the CA Corporate members the proposed revisions ...”
3. Mr. Klein noted that there should be a space on Line 125 between the words “proposed” and “revisions”

The motion to approve the minutes as amended passed unanimously. Vote: 9-0-0.

7. Chairman’s Remarks: Mr. Swatek said three Aquatics Advisory Committee members spoke to him about the lack of notice of the January 15 Aquatics Work Session and were upset about the staff’s recommendation to shut Splashdown and to not pursue building an enclosed pool. The Board commented that the work session was intended to give the CA President a chance to inform the Board about CA’s recommendations and that the recommendations should go to one of the Board’s committees, which would then have a meeting at which the public can participate more fully.

8. President’s Remarks: Mr. Matthews described magnets given to board members tonight that list CA’s social media sites. In response to questions from board members, Mr. Matthews and staff said:

- Spectrum is getting closer to implementation of online enrollment.
- Five facilities will soon have fiber optic cable installed – the three gyms, Open Space maintenance building, and Haven on the Lake. The new headquarters building will also be connected.
- Staff has begun developing an estimate of the timeframe for launching online enrollment.

Mr. Schwind arrived at 7:37 p.m.

- The Inner Arbor Trust is no longer required to provide financial reports quarterly to CA. IAT is now only required to provide activity reports quarterly and financial reports annually.
- An agreement between IAT and the operator of Merriweather Post Pavilion is being negotiated that will spell out how many days per year Symphony Woods may be closed for events at Merriweather and when the public can use Merriweather.
- The Board will soon receive an update about \$350,000 that has been allocated for indoor tennis.
- Staff is working on publicizing the 30-day notice that is required before the Members of Columbia Association can vote on revisions to CA’s charter.
- CA has no authority to intervene re: a resident’s complaint about zoning for a proposed pool on Cedar Lane.
- CA’s benefits study consultants conducted focus groups today and their report may be completed by February 26, which will not be in time for CA to consider the results when voting on the budget.
- The Hobbit’s Glen Golf Clubhouse should open in March.

9. Committee Chairs’ Reports

- (a) **Board Operations Committee:** The BOC will meet after tonight’s Board meeting.

- (b) **External Relations Committee:** Ms. McCord urged members to attend Advisory Committee meetings and send their findings to her.
- (c) **Planning and Strategy Committee:** Mr. Klein noted that the Reston Association website focuses on its role as the focal point of the community. Mr. Matthews commented that CA's website may eventually be revised to better represent the Columbia community, not simply the organization.
- (d) **Strategic Implementation Committee:** None
- (e) **CA Representatives to the Inner Arbor Trust Board of Directors:**None

10. Recommendation for Board Action

(a) Consent Agenda – Ratify Adjustments to the FY 15 Budget to Reflect Board-Approved Personnel Changes

Action: The Board adopted the adjustments (no motion required).

(b) Recommendation for Action

1. Discuss Proposed Orientation and Organizational Schedule for FY16

Action: Mr. Stack moved to revise the calendar to omit Board meetings and work sessions during August.

Mr. Avery seconded the motion, which passed. Vote: 7-2-0.

For: Messrs. Avery, Dunn, O'Connor, Stack and Swatek; Mses. McCord and Ketley

Against: Messrs. Klein and Schwind

Abstain: None

Action: Mr. O'Connor moved to revise the calendar to include a social event and preliminary retreat activities on the evening of Friday, May 15 and to continue the retreat on May 16.

Mr. Klein seconded the motion, which passed. Vote: 8-1-0

For: Messrs. Avery, Dunn, O'Connor, Klein, Schwind, Stack, and Swatek; Ms. McCord

Against: Ms. Ketley

Abstain: None

Action: The Board approved the amended Orientation and Organizational Scheduled for FY 16. Vote: 9-0-0.

2. Discuss Draft Conditional FY 16 Capital Budget, as amended

Mr. Schwind questioned the wisdom of CA spending so much money and effort (\$400,000 in the conditional FY 16 budget) maintaining all of its 40 ponds, saying some should be allowed to return to their natural state. Mr. Matthews advised taking a look at all of the ponds to determine what should be done with them. Wood Elves Pond is one that has been taken out of service. The Board and staff discussed repairing or removing a dam at Dannon Garth Pond. They also discussed the removal of additional funds for a Hickory Ridge Village Center park and funding for Splashdown. Staff will develop alternatives re: Dannon Garth Pond.

3. Discuss Draft Conditional FY 16 Operating Budget, as amended

Ms. Krabbe explained that CA faces nearly \$500,000 in debt expense annually related to delinquent memberships and credit card fees. Staff is exploring charging a fee for people to use credit cards to pay for memberships, and is looking at ways to increase debt collection and reduce bad debt.

4. Discuss Draft Conditional FY 16 Rates, as amended

The Board discussed how rate increases for using CA facilities can be kept modest while generating enough revenue to maintain and improve the facilities. Mr. Schwind advocated leaving the resident rates for pool memberships and Package Plan Plus unchanged for FY 2016. Staff will determine the impact on revenue of leaving the rates for residents unchanged for pools and Package Plan Plus.

5. Discuss Annual Charge Rate for FY 16

The board discussed keeping the annual charge rate of \$0.68 or raising it to \$0.69 (which would provide an additional \$510,000 in revenue) or raising the cap from 2.5% to 5%. Rates have remained unchanged since 2004. Ms. Krabbe will explore the impact on CA income of raising the cap to 5%.

11. Special Topics and Presentations:

- (a) Discussion of Application for a Liquor License by the Owner of Store Adjacent to Huntington Pool
Ms. Fanaroff explained the background about a liquor license request from the owner of a store adjacent to CA property and said that if the Board has a position on the issue, that position can be presented during a Liquor Board hearing on the license application on January 27. The Kings Contrivance Village Board is split on whether to oppose or support the application. In 2008, the Kings Contrivance and the CA Boards opposed the application, citing fears of crime so close to a CA facility. The 2008 application was denied, the store owners appealed, then withdrew the appeal request to foster a spirit of goodwill and cooperation.

Action: Mr. O'Connor moved that CA maintain its opposition to a liquor license application for a store adjacent to Huntington Pool and that CA present this view at the Liquor Board hearing on January 27. Mr. Klein seconded the motion, which passed unanimously. Vote: 9-0-0

12. Committee Agendas

- (a) External Relations Committee

1. Discussion

- (a) Discussion with Todd Olson, Columbia Festival of the Arts – Plans for Changes in the Format of the Columbia Festival of the Arts

Executive Director Olson described several planned changes, including:

- Having four seasonal festivals each year rather than one long annual festival in June (during this transitional year, there will be two festivals – one this Spring and one this Summer)
- Hiring a marketing person
- Having events throughout Howard County, not just in Columbia
- Commissioning a play to be written about the history of Columbia and presented during the city's 50th birthday celebration

In response to a question from the Board, he said the Festival of the Arts organization may at some point collaborate with IAT to use Symphony Woods.

- (b) Update – Upcoming Stakeholders Dinners

i. January 26, 2015 at 6:30 – Howard County Executive and Howard County Council
Mr. Goldman said the County Executive and County Council members have the event on their calendars.

ii. March 2015 – Howard County Fire and Rescue and Howard County Police
Mr. Goldman said the event will be held on March 9 at 6:00 p.m.
Both events will be held at Dorsey Search's Linden Hall.

- (c) Committee Tracking Form

- (b) Strategic Implementation Committee

1. Discussion

- (a) Lake Water Quality Monitoring

Watershed Manager John McCoy explained that CA now monitors bacteria, algae and sediment in Columbia's three lakes, publicizes results on the CA website, and reports them to the Health Department. He said all of CA's lakes are eutrophic, have a significant

amount of plant growth and have been considered polluted since the 1970s. He stressed that the lakes are not suitable for swimming, especially after heavy rains when bacteria levels are highest. He also said that reducing bacteria to levels safe for swimming would be cost prohibitive, but CA is reducing the impact of phosphorus and bacteria to the lakes by limiting use of fertilizers with phosphorus to areas where new turf is being established and where plantings are being renovated around facilities and at golf courses.

(b) Purchasing Exception – Generator Powered by Natural Gas

CA Energy Manager Jeremy Scharfenberg asked the Board to allow CA to purchase a \$95,000 generator directly from the manufacturer, Tecogen, for installation at Supreme Sports Club. He explained that the generator will be powered by natural gas and will provide electricity as well as waste heat that will heat pool water and domestic hot water. BGE will help pay for the project, the manufacturer will maintain it and CA should save \$30,000 per year in energy costs. He said Tecogen is the only manufacturer with a product that meets CA's needs. Existing boilers will remain in place and serve as a backup system. Mr. Scharfenberg will send a financial feasibility study to all Board members.

Action: Mr. O'Connor moved that the SIC recommend that the Board approve the purchase of a natural-gas-powered generator and assign it to a contractor for installation at the Supreme Sports Club. Mr. Avery seconded the motion, which passed unanimously. Vote: 3-0-0.

Action: Mr. O'Connor moved that the SIC recommend that the Board vote tonight on the SIC's recommendation. Mr. Avery seconded the motion, which passed unanimously. Vote: 3-0-0.

Action: Mr. Stack moved that the Board waive its rules in order to vote on the purchasing exception. Mr. Schwind seconded the motion, which passed unanimously. Vote: 9-0-0.

Action: The Board unanimously approved the purchase of a natural-gas-powered generator for installation at the Supreme Sports Club. Vote: 9-0-0.

(c) Committee Tracking Form

13. Possible Topics for Future Board Discussions: None

14. Tracking Forms

- (a) Tracking Form for Board Requests: None
- (b) Tracking Form for Resident Requests: None

15. Talking Points: Recording Secretary Valerie Montague read the Talking Points.

16. Adjournment: The meeting was adjourned at 10:25 p.m.

17. Closed meeting: A closed meeting of the Board of Directors, hosted by the Board Operations Committee, followed adjournment of the Open meeting.

Respectfully submitted,

Valerie Montague
Recording Secretary

The following pages are from
Resident Speakout
at the January 22, 2015
Columbia Association
Board of Directors meeting



Verizon Message Center

Thursday, Jan 8 at 2:30 PM

From: ddboulton <ddboulton@verizon.net>

To: hcletters@tribune.com

Subject: Alan Klein

The cowardly, anonymous ethics accusation against CA Board member Alan Klein is truly despicable. Over the years, Alan's principled stands protecting the rights of Howard County citizens have ruffled the feathers of many powerful special interests, but until now, none have ever stooped so low as to question his ethics. Alan represents a substantial number of local residents along with several other CA Board members in resisting the machinations of Inner Arbor, a private corporation that has bamboozled the Board into giving up control over Symphony Woods, a priceless part of our Columbia heritage. Alan has raised serious and justified questions about the legality of the Symphony Woods easement and the secretive, closed-door Inner Arbor meetings (in which the Inner Arbor president has managed to siphon off as much as \$20,000 a month of CA and County funds to his own one-man consulting firm).

And one other thing -- let's not be calling the Inner Arbor scheme a "curated arts park." There was no curator, nor any arts jury. Inner Arbor, in one of their closed-to-the-public meetings, simply handed off -- in another no-bid contract -- the arts component of the project to the brother of a prominent County politician. If the Flier wants to look for a real ethics violation, that might be a good place to start.

Dick Boulton
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CA resident speak out 1.22.15

NEED HELPI both as a 44 year Columbia resident and CA lien payer am very disappointed, angry, and frustrated because of what I see, hear, and read about what goes on in this very room before, during and after CA Board meetings.

CA's function, whether you want to admit it or not, is basically the equivalent of the Howard County Department of Parks and Recreation. That said, the CA President, the CA staff, and the CA Board shoulder the legislation and administration that effects the pathways, gyms, golf courses, and the open green spaces in Columbia.

That said as background, I want to say that as a resident I believe you as a deliberative body and we residents want to see that recognition and fairness be a major part of the process. Not harassment or humiliation or secret meetings or mean spirited oral comments or emails or blogs being circulated. We are all better than that. That kind of behavior can be observed every day in Washington.

Case in point ...the alleged ethics charge being made against a fellow CA Board member. I raise this example because the use of resident input, board member input, and staff input to achieve

compromise to attain community goals seems to have been left out of this board's modus operandi to get on with the business of getting the job done.

Instead, I see what I think of as back room, one sided deliberations. The end result is a loose-loose, rather than a win-win outcome. I think we all can do better.

In closing, this board and a group of the same caring and involved 30 to 50 residents show up at every CA Board meeting. The unwashed masses, lien payers and thousands of rental property occupants could care less what goes on in this room regardless of the issue.

It seems to me that the Board, staff, and the small number of active residents need to be at the table negotiating and compromising on ways to make Columbia a better place to live, work, and play in. Stop mean spiritedness and start doing stuff together. You the Board can make this happen, that is if you want to.

Respectfully submitted,

Joel H. Broida, Town Center Resident
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