



The

House Special

VOLUME XI

SEPTEMBER 1991

NO. 9

ONE ROUND FOR SKYLINE HOUSE

We have, as you know, an action against our former attorneys, Hyatt & Rhoads, for legal malpractice. The Defendants requested the Court to consider a demurrer to the Motion for Judgment, (A demurrer, according to my dictionary, is "a pleading in effect that even if the facts are as alleged by the opposite party, they do not sustain the contention based on them.") On August 14, 1991 Judge Jack B. Stevens, of the Nineteenth Judicial Circuit of Virginia, sent a letter to our attorneys, Brincefield, Hartnett & Associates, and the attorneys for the defense, stating that the Court overrules the demurrer on all grounds. This means that our case remains on the docket and proceeds toward trial. (The following summary has been taken from Judge Stevens' letter; his rulings are quoted only in small part.)

The Defendants demurred on three grounds: 1) Plaintiffs lack standing to bring this Motion for Judgment; 2) Plaintiffs' claims are barred by contributory negligence; and 3) Plaintiffs' allegations fail to establish proximate cause.

In response to 1), the Court noted that the Virginia Code, at the time the suit was filed, read, "...in pertinent part, as follows:
The executive organ of the

unit owner's association...shall have the irrevocable power as attorney-in-fact on behalf of all the unit owners and their successors in title...to settle any claims or actions related to common elements."

(The wording has been summarized for this article.) The ruling notes further that, "...this suit involves matters that are of a collective nature and stem from a misapplication of the Condominium Act. It has therefore been properly brought by the Board of Directors on behalf of the unit owners."

In regard to the demurrer on Contributory Negligence, the Court stated, "...the Motion for Judgment states that the statute of limitations on the claims had expired prior to the original action being nonsuited and refiled." (This refers to the suit against the Developer, Eleventh Skyline Corp.) "For the purposes of demurrer, this allegation sufficiently overcomes the Defendants' Contributory Negligence attack."

Finally, in responding to the third point, proximate cause, Judge Stevens wrote, "...the Motion for Judgment states that the Plaintiffs' claims against Eleventh Skyline

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The

House Special

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LETTERS TO THE EDITOR: THE HOUSE SPECIAL welcomes brief comments from its readers. Please limit your letters to 250 words and include your name and unit number. The Association Board reserves the right to refuse incorrect or improper statements.

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LETTERS

Ironically, the August issue of the House Special contains both a notice that the Bus Stop adjacent to our lobby would be designated "No Parking" and a comment in Management Quips regarding the shortage of parking spaces on Skyline House grounds.

We now have two bus stops on each side of the street in the block between the entrances of Skyline Plaza and Skyline House. Being one who has ridden the bus on many occasions, I never felt that the safety of motorists and pedestrians were at risk before, when the bus stopped about ten feet from the curb because of parked cars in front of that stop. If someone felt endangered, he need only to walk about 100 yards towards Skyline Plaza where there is a second stop right at curbside.

We have an acute shortage of parking for guests for Skyline House. The spaces used by Metrobus for all of their stops is, in my opinion, far in excess to their needs. Look at South George Mason Drive from the roof level and you can see all the unused space that could be utilized for parking with no effect on safety convenience, etc.

Is Skyline House better served by having all of this space on the street being designated "No Parking" when we have a shortage of available parking or are we better served by having more on street parking with the bus stopping a few feet from the curb?

As opposed to going off independently and writing letters to VDOT or others to try to reverse this, I solicit comments from other residents. If alone, I accept the voices of others, but if I'm not alone, I would prefer to go through our Community Relations Committee or other appropriate vehicle to resolve the situation, not go off and write my own letter.

*Don May
Unit 1407W*

The Editor welcomes any response to this letter. Although space is a consideration, if sufficient response is elicited a compendium of responses will be presented.

Continued from Page 1) Corporation were dismissed with prejudice because of Skyline Association's lack of standing at the time the original suit was filed by the Defendants in 1984. ...the Motion for Judgment states that, as a proximate cause of the Defendants' breach of contract with Skyline, the claims against the developer...were lost. Finally, ...the Motion...states that the Defendants' negligent breaches of their duties to Skyline have been proximate cause of their damages. The Court finds that the Plaintiffs have adequately alleged that the Defendants were the proximate cause of the Plaintiffs' injuries."

As noted above, this report covers only a small portion of the actual wording of the ruling. Unit owners who would like to see the complete letter may request a copy from the management office.

(Ed Bisgyer, Vice-President)

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PHYSICAL PLANT & OPERATIONS COMMITTEE

— Ed Ing, Chair

At the regular PPOC meeting on August 8, the following matters were discussed.

1. LANDSCAPING PROGRAM. Most of the session was devoted to reviewing the condition of the Condominium grounds. The PPOC had formed a Landscaping Subcommittee headed by Margaret Gassler who has over 20 years experience in landscaping design. Margaret has stepped down from the Subcommittee but before resigning, she, with other Subcommittee members had inspected the grounds to assess the condition of the landscaping, identify the problems, and develop a preliminary plan of action. Margaret, in her final report, had divided the grounds into 10 areas with the description of the condition, specific problems and recommendations for each area. The Chair read the report and invited comments from Committee members to guide the Subcommittee in developing a final recommendation.

In area 3 (north of the garage exit driveway from the compactor around the West side of the West

Building to the point of entrance from the street) the suggestion was made that low plantings be used to provide a clear field of vision for drivers coming around the corner. Rather than cut back tree growth too drastically, a Committee member suggested that the "Yield" traffic sign be moved from the left side of the exit lane where it is obscured by the boughs to the right side so as to face approaching drivers squarely.

In area 4 (the West end of the grounds West of the driveway from the Coca Cola Plant to the West side of the driveway entrance), a Subcommittee member suggested that the underbrush growing around the drainage grate and depression near the Coca Cola Plant be cleaned out.

In area 5 (the portion of the Lobby entrance driveway alongside of George Mason Drive from the entrance to the Lobby Building) the General Manager proposed construction of a handicap and wheel chair ramp. The Manager stated that the ramp would also provide an opening for people who now jump over the wall rather than walk to the driveway entrance. The Landscaping Subcommittee will consider this suggestion.

In area 6 (the area North of the Lobby Building, out to the bus

(Continued on Page 6)

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(Continued from Page 5) stop and then West along the brick wall to the end of the property) the General Manager said that the pruning and cutting of diseased yew trees will begin on Monday, August 12, 1991.

In area 7 (the grounds North of the East Building) several Committee members commented on the severe deterioration due to erosion and the removal of dead trees and azalea bushes without replacement. The General Manager suggested that this would be a good area to plant cypress trees which are fast growing.

In area 8 (the area East of the East Building -- the ground facing the narrow East front of the building) the General Manager stated that the heavy loss of azaleas and trees here is due to the past masonry restoration work.

In area 10 (the entire area atop the garage structure -- Skyline Park) John Petrella supplemented Margaret's report with a description of the root-bound trees, the dried shrubs, plugged drains, and deteriorating concrete spacers.

The General Manager noted that the arborist had said that the trees in Skyline Park were suitable for planters except for the small trees in the pots, that the bushes have revived with better watering, that clearing the drains is a item for the regular maintenance program, and that the spacers will be repaired.

The General Manager added that the arborist said the azaleas had an iron deficiency, that the white pines are not appropriate for this area, and that deep fertilization may revive the red oaks.

John Petrella who replaced Margaret to head the Landscaping Subcommittee recommended that the Fall landscaping effort focus on area 5 (entrance and octagon), area 7 (beneath the pedestrian overpass) and area 8 (the East side of the East Building). The Committee approved the Subcommittee's recommendation and directed it to submit specific details for Committee review in September before

referral to the Board of Directors. The Committee also praised Margaret's efforts and endorsed her report.

2. REPLACEMENT OF GARAGE DOORS. The General Manager reported that emergency circumstances required him to place purchase orders for the replacement and installation of new doors and motors.

3. MEDIA GENERAL CABLE TELEVISION INSTALLATION. The General Manager reported that Media General is now drilling through the floors and installing the feeder cables in the East Building Trash Rooms. Use of a water drill caused units to be soaked with water.

4. CONSULTANT'S REPORT ON REPLACEMENT OF TELEPHONE SYSTEM. The General Manager reported that the consultant's report is due in two weeks.

5. SPANDREL AND BALCONY REPAIRS. The General Manager reported that the work crew is about to catch up with the original repair schedule.

6. REPLACEMENT OF AIR COMPRESSOR. The General Manager reported that the new compressor will be installed next week.

7. COST OF IN-UNIT PLUMBING REPAIRS FOR DEFICIENCIES UNCOVERED DURING INSPECTION. The Board has approved a one year voluntary trial program for unit owners requesting in-house staff inspection to detect water problems. This may lead to a permanent program for all units. The question then arises; if a water problem is detected during the inspection, whether the repair should be carried out immediately by the in-house staff and in this case whether the cost should be borne by the Condominium Association or by the Unit Owner.

The PPOC discussion first turned to the question whether all repairs (water and non-water problems) should be covered with this policy. The consensus was that plumbing problems are and should be the sole concern because of the

(Continued on Page 7)

(Continued from Page 6) potential damage to common elements, surrounding units, and the costs to the community through higher water bills and insurance premiums.

A participant strongly assailed this voluntary trial program and any follow-up program. He asserted that any inspection of his unit without his consent was an unlawful invasion of his property and privacy rights. The discussion then moved to the issue whether the Condominium or the Owner should bear the cost of repairs needed in a specific unit. On one hand, it was argued that the Condominium should incur the cost to guarantee immediate and effective correction of the problem. On the other hand, it was argued that many owners detect and correct plumbing problems on their own and at their own expense. Other Unit Owners

whose problems are uncovered during the inspection should also bear the repair costs themselves. The problem should be corrected, but the costs should be charged or assessed back to the owner of the affected unit.

It was moved, seconded, and approved that the PPOC recommend that the Board request the Condominium attorney to determine if there is any legal basis for an Association to compel a Unit Owner to pay for correction of plumbing problems in his unit -- such as a bulging washing machine hose, a leaking faucet, a running toilet -- which were uncovered and corrected by the Association staff if the uncorrected problem would lead to common costs for the Association and/or damage to other units.



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RECREATION COMMITTEE

Tony DiSalvo and Dave Harvey
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The Committee did not meet in August. The next meeting is scheduled for Wednesday, September 11 in the East Card Room. All residents are invited as usual and are urged to attend.

The next TGIF will be held on **September 6, at 6:30 in the East Party Room.** All residents are invited, just bring your own liquid refreshments, setups, and a plate of hors d'oeuvres to share. No reservation required.

A **Flea Market** was held on Wednesday, August 14. We might add that it was very successful from a participation standpoint. There were about 21 residents who brought their treasures and other things to this flea market. There were many residents who attended and made many purchases. The consensus was that we should not wait another five years to do this again. The no reservation system for tables worked quite well. It was first come, first served. Thanks to all who participated, sellers and buyers.

Chinese Dinner. A first for Skyline House took place on Wednesday, August 21 and it was a big success. A good majority of the residents who attended agreed that another dinner should be held early in 1992. No, we do not have a Chinese chef on the Committee. This dinner was catered. We **will** endeavor to do this again soon.

A poll was taken during the Chinese Dinner as to changing the day of the week that we hold our December Christmas Party. In the past it has been held on a Saturday evening. A suggestion

was made that it be held on Sunday afternoon. For those responding 21 voted "No" for Sunday and 20 voted "Yes". Since the result was so close, the change of date will be discussed at the next Committee meeting. Please attend.

Mark your calendar for the next big event sponsored by the Committee. Mexican night is scheduled for November 21, in the West Party Room.

Come join the Recreation Committee at its next meeting on Wednesday, September 11, in the East Card Room.

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If there is enough interest, I would like to start a Skyline House Chess Club. If you would like to join me in this effort, please leave your name and unit number or phone number in my box at the Front Desk. I will contact you shortly.

Sam Blumberg (305E)

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FINANCIAL MANAGEMENT COMMITTEE

Gladys Frank, Chair

↓ The Financial Management Committee (FMC) met on Tuesday, August 13, 1991 at 7:00 P.M. There were five regular members present and six guests, including the Association's Vice-President, the Secretary and the General Manager.

The administrative costs associated with delinquent payments were discussed at length. The General Manager will track time and monetary costs involved and provide additional information to the Committee.

A question was raised about the difference between in-house maintenance and in-unit maintenance. The General manager explained the terms were interchangeable.

Replies have been received from all the Committees indicating their requirements for the budget year 1992. These figures will be used in compiling the preliminary budget to be submitted to FMC by Management at our next meeting.

Since the financial documents are normally not received until the 10th to 15th of each month for the prior month, the possibility of moving the FMC meetings back a week were discussed. In order to allow sufficient time for review of the financial documents the Committee decided to request the Board to consider moving its meeting to the fourth week of each month. However, it has been learned that the Association Treasurer, Wayne Krumwiede, (who was not present) will not be available any day of the third week of September to attend the FMC meeting. This has been coordinated with John Petrella, the FMC Chair for September. The decision was made to meet on the second Tuesday, September 10, 1991. ↓ The meeting date will be discussed

further at our next meeting.

The draft copy of the FMC Charter, submitted by Ed Bisgyer, Chair, Ad Hoc Committee on Governance was received. Minor changes were made and the annotated copy returned the Mr. Bisgyer.

A memo from Wayne Krumwiede, Association Treasurer, recommended that the Committee select Goldklang for the audit of the last six months for 1991 since he is preparing the audit for the first six months. This was unanimously approved by the Committee. John Petrella will be the Chairperson for September, October and November meetings.

Our next scheduled meeting will be held in the West Card Room on September 10, 1991 at 7:00 P.M. We welcome all residents. The meeting adjourns at 9:30 P.M.

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We have received a number of comments on the "speed" of the new heavy duty garage doors. As of Wednesday, the 28th, the entrance door has been set to 0 second delay and the exit door will be adjusted accordingly. Please keep in mind that it is still possible for more than one vehicle to enter the garage at one time. It is MANDATORY that the doors halt and reverse if anything comes in between the door and the floor. We do not have any choice in the matter. The motors, necessary to accomplish this without extreme wear and tear on the door system, are set to be relatively slow moving. The entrance/exit door system is to be considered the secondary security system with the locked personnel doors being the primary. Now that the heavy duty entrance door has been installed we can reduce the sensitivity of the transmitters. Occasionally we are told "another car followed me into the garage", (usually quite a bit later). We understand the reluctance, nay we encourage reluctance, to confront the driver. If you can get a license number, let us talk to the driver/owner. All these violations will be turned over to the Covenants Committee for resolution. We also plan to erect a sign stating "ONE VEHICLE AT A TIME". The extra reliability we are getting from the new heavy duty door and track systems should be paying dividends shortly.

The entire garage will be washed down, scrubbed and degreased the week of the 23rd of September. (See the schedule in the monthly calendar.) We plan to wash down one level per day and have the building finished by Friday, so start to plan now that your vehicle be removed from the garage during the day that we will be washing your level. If you have an oil stain (please look and see) we would appreciate your having your vehicle repaired.

Following the washdown we will be repainting the parking space numbers and lines. Additionally, the elevator entrance areas in the garage will be upgraded by painting to increase neatness and visibility. For example, the first of September we are planning to paint the entrance door and the walkway coming up from the lower D-Level on the West end. We are also going to paint all telephones a high visibility color, probably yellow along with a sign giving the location in order to make it easier for you to tell the front desk where you are when you need to. The reason for this is that some of the house phones are interconnected at the switchboard so that we really can't tell which plug is lighted. The phone company calls this bridging. This and many other items will be done this fall. We put the message on the exit garage door to turn off your lights and it seems to be working. We plan to do something similar to the entrance door.

Rule 8, B. calls for all residents and delivery personnel, etc., to use the service elevators for deliveries, larger items, etc. Now that the new carpeting has been installed this rule is even more critical. In addition, all bicycles are supposed to be brought in through the loading dock area utilizing the Service elevators and if not using the bicycle room(s) be stored within the unit, not on the balcony. Last weekend we had a person attempt to bring her bike in through the main lobby. When she was refused entry she became very angry and abusive. The rule is very clear on this point and the front desk person, quite correctly, would not relent. We, the owners through our assessments, and renters through rent to the owners enabling them to better pay their assessments, have just paid out a large amount of money to install new carpeting, redo the ceilings and repaper walls. Lets try to have it last. Lets keep the

(Continued)

(Continued) heavy items off the carpeting. If you have a lot of suitcases, boxes, your weekly shopping, please think about using the service elevator. It certainly looks a lot better, keeps up the resale value, and is most likely a shorter route to your unit. While the rules are somewhat vague on exactly what can and cannot come through the West Lobby and Main Lobby door lets think about how much money, time, and stress we all went through to get the redecoration done. All the employees who put out that extra effort to make things look good will definitely appreciate it. Now that unit sales have apparently started to pick up lets allow our home to loook goooooo.

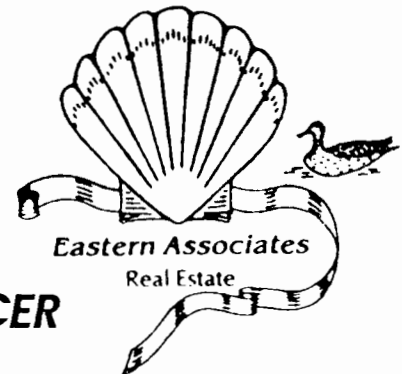
Speaking of carpeting we kept the gallery carpet and as planned are selling it, as is, where is, for \$2.99 a square yard. Those of us who have vacation homes, hunting

lodges, etc., can get a good buy on this carpeting. Let us know how much you want and we will deliver it to your vehicle at either loading dock. The residential carpeting will be kept for repairs to the other hallways until, if, or when this carpeting is replaced. The furniture from the main lobby, contrary to the rumor that I gave one piece to an ex-employee and rest to another employee, is still where it was taken, awaiting the Board's decision to either repair it and use it in one of the party rooms or to place it up for sale. We should shortly have an estimate to repair it and the matter will be resolved at the next Board meeting on the 25th. In the meantime, any one wishing to see it need only ask for an escort to where it is stored. Any one wishing to make a offer before the decision may to do so by submitting their bid, in writing, to the attention of the

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and not have to go out in the rain to talk to the repair person. Support your local In-Unit maintenance staff.

Recently a lower unit in the West building was forcibly entered while the residents were away. Fortunately no substantial damage was done other than irreparably bending the balcony door and stealing property. The balcony door had a deadbolt mechanism installed and it held even though the door was bent so badly that it had to be replaced. Since that time several people have talked about the high price of locksmiths installing deadbolts. In-Unit maintenance has in stock, and will install deadbolts on your balcony door for the low price of \$39.95 per installation. We also have some recommendations for window security, from locks to dowels. Remember, please report to the front desk any strange happening. We read the log every day and security will investigate.

(Continued)

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(Continued) The swimming pool season normally terminates on Labor Day which is, as you know, September 3d. The pool, however, will remain open for an additional weekend for the convenience of those who have regularly used it, and of course for anyone else who wants a last dip. If sufficient interest is exhibited, the tentative plan is to follow it with an additional weekend (the 14th and 15th). This is dependent upon the weather as well as interest.

In reference to the pool use, we have compiled some boring facts pertaining thereto. The average daily attendance for the 97 days of the swimming season was 36; the average Saturday attendance was 56 and for Sunday was 60; the week day attendance was fairly close for each day, varying between 25 and 32; the highest attendance for one day was on a Sunday when 111 swimmers or waders showed up, and the least was on a Wednesday (probably a cold one) when only 3 hardy souls arrived.

Well the worst and best for last! We're losing Bob O'Toole. I know that all of you will join me in congratulating him on his appointment as General Manager at The Marina Towers in Alexandria. I will particularly miss Bob and know that he will be very difficult to replace. His knowledge and expertise is extraordinary. We will keep in touch so at least I won't be losing a friend.

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