

**Baycliff Civic League
Minutes of General Membership Meeting
March 21, 2006**

Call to Order

The meeting was called to order by President Christine Westendorf at 7:05 PM in the Cafeteria of Alanton Elementary School.

Attendance

A membership count was taken. There were 50 people in attendance. A quorum was established.

Minutes

The minutes of the November 15, 2005 General Membership Meeting were approved as read by Recording Secretary, Susanne Dye

Treasurer's Report

Treasurer Bob Swink was in attendance and provided the Treasurer's Report as of 3/14/06. The beginning balance of the Money Market Account was \$11894.65. There were no deposits and no expenses. There were dividends of \$4.56, leaving a balance on hand of \$11899.21. The beginning balance of the Checking Account was \$11978.78. There were deposits of \$3250.00 and expenses of \$989.47 leaving a balance on hand of \$14239.31. The combined balance of both accounts is \$26,138.52.

Misc. Info 2006-YTD 145 of 275 residents have paid dues 53%
28 boat ramp keys @ \$20.00 each
\$960.00 in contributions received

Expense itemization – Dominion Virginia Power 1/13-2/14 \$37.49 Stamps for dues cards \$48.00 Woullard – February Service \$420.00 Newsletter \$483.98 (Total Expense - \$989.47)

Vice President Reports – None at this time

Unfinished Business and Announcements

*Christine Westendorf announced a Thank You was received from First Colonial High School for the \$100 donation for Grad Fest.

New Business

*Egg Hunt – will take place on Saturday April 1 at 4PM. Raindate is Sunday, April 2nd. All are welcome! Melissa Hickey and Jill Frazier are the chairs of the committee and are looking for volunteers. A sign up list was passed. Filled eggs are to be dropped off at Jill Frazier's home at 1500 Baycliff Lane between Saturday, March 18th and Wednesday, March 29th.

*Christine Westendorf offered “grease caps” which were provided by the city as a way to prevent citizens from pouring their excess cooking grease down their sink drains.

*Baycliff Community Yard Sale will be held Saturday, April 29th from 8:00 AM – 2:00 PM. The cost to participate is \$8.00 and to date there are about 40 – 50 houses participating.

Lifestyle Homes, LLC Presentation

*Christine Westendorf offered a brief explanation of the proposal made by Lifestyle Homes, LLC regarding their intention to build 4 luxury homes at the east end of Harbor Lane. She highlighted the process by which she and the Executive Council proceeded to make the Baycliff community aware of this proposal and advised this portion of the Membership Meeting was an opportunity to learn more and to ascertain whether Baycliff wants to proceed by hiring legal counsel and/or explore this situation further.

*February 28th – Executive Council met with a small group of Baycliff Residents along with Kenton Patrick who is the project engineer for Lifestyle Homes.

*March 1st – A notice was sent to the Baycliff Forum regarding the proposal and giving the time and date of the General Membership Meeting where this would be discussed.

*March 6th – A series of questions and answers were posted on the Baycliff Forum.

*March 8th – The Bugle was distributed with information as we had it available to ALL in the neighborhood.

*Christine Westendorf then introduced Steven Valdivieso, Field Operations Manager for Lifestyle Homes, LLC. (hereafter identified as Steve V.)

Flyers were handed out to everyone as they came in the door to the meeting. (See attached) Steve V. reviewed each of the printouts with particular attention to the Aerial Photography, page two. He indicated there would be 40% less impervious area on the site after the improvements have been made. He said environmentally speaking this is a better proposal than what currently exists. CBPA (Chesapeake Bay Preservation Area) approval is pending with conditions regarding the natural elements such as trees, shrubs and wetlands. The VMRC (Virginia Marine Resource Commission) is currently not posing any delay as the organization looks at this as if it is in their state waters and does not go by property lines. Waterfront Operations in Virginia Beach says LSH (Lifestyle Homes) must ask the owner of the property under that body of water for permission to access the deep water channel.

There were a few questions from the floor at this time.

Q. How big are the individual lots?

A. A little over one acre per lot, however buildable acreage is only about ½ acre as the other ½ is in wetlands.

Q. May I question the placement of the houses?

A. 30 – 40 feet off the street. Houses will NOT be placed too close to the marshland.

Steve V. said that LSH strongly points out the building of homes is a “done deal” with four homes being built on four sites. He said that was not up for debate this evening.

Steve V. said 24 trees must be removed, however the City of Virginia Beach is requiring a 4 to 1 tree replacement ratio. Therefore, 96 trees in total will be replaced.

The floor was open for questions and answers at this time.

Q. How do you put a dock across it?

A. A four foot path will be constructed for the homeowner to access his pier/dock. Other than that the construction of the pier/dock will be the homeowner’s responsibility.

Q. Are the property lines for the new homes sites within mean low water?

A. Don’t know.

Q. Is the property line for the new home sites exposed at low tide?

A. I don’t know

Q. What will prevent the new homeowners from deviating from the plan once construction is completed?

A. Not aware of any inspectors who would follow up on that but one would assume since permits for building will have to be filed, an inspection would take place.

Q. Without the agreement to sell you rights to deep water access what would happen?

A. The home lots would have to be sold as water view rather than lots being sold as deep water access.

Q. Can you walk from the proposed home sites to the water?

A. If the homeowners choose to do so they would build a pier above the marsh to get to the water.

Q. What will be the difference in the cost of the lots if they are sold as deep water vs. waterview only?

A. LSH is paying \$100k more per lot for deepwater access.

Steve V. discussed the lessened impact to the canal if there would be one main dredging line with a “T” from the property lines. However there could potentially be problems

with the fact that the homeowners may not all agree to dredging at the same time either due to their own personal choice or financial constraints.

*Larry Sancillio stood up on the floor and provided a disclaimer before proceeding with his questions. He asked Steve V. if he or any of LSH other principals know of or have business dealings with him. Steve V. said no. Mr. Sancillio proceeded to read a portion of a letter dated March 3, 2006 written to Christine Westendorf by Kenton Patrick, project engineer of LSH. He read Paragraph 1, section 6. He then asked if the State turned down the single dredging concept would it be true that each individual homeowner would have the right to proceed on their own. Steve V. said yes.

Steve V. stated the piers would be approximately 75 feet from the property lines of the home sites.

Q. Have you had a “topog” done on the entire canal?

A. No.

A. (comment from a Baycliff resident) Surveys are now being done by satellite.

Steve V. advised that the 1995 survey cannot be located.

Comment from the floor - only two areas were on that 1995 survey and neither is pertinent to the areas currently being discussed.

Steve V. stated that a physical survey will be done for each individual homeowner but NOT a hydrographic survey.

Q. Will the piers or structures cross into Baycliff property?

A. No.

Q. Where will the dredging start and stop?

A. It will start where the channel begins and will end where each individual property ends.

Steve V. commented that LSH is willing to put in the deed restrictions that NO structure will be put beyond the home property lines.

Q. Will the salt marsh areas be dredged?

A. Cannot foresee them dredging west of the property line.

Q. Will LSH fund the attorney fees and survey cost to Baycliff?

A. Steve V. advised that he discussed this at length and there is NO MORE money for an attorney or survey. They believe the \$200k offered is adequate to cover these expenses.

Q. Walkways or piers will be within the home sites property lines, only the dredging will cross Baycliff property correct?

A. Yes

Q. Neither owner of property or LSH is willing to fund legal or survey fees is that correct?

A. Again, \$200k is a substantial amount of money. There is no extra money for these type of costs.

Q. If Baycliff denies permission what happens?

A. The properties will still be sold as waterview only. If individual homeowners want to pursue this it would be up to them.

Q. Could State or Government entities still pull the plug on the dredging even if Baycliff spends the money on legal and survey and says okay?

A. Yes, that could happen, but a time frame will likely be established and if that time frame is not met then the deep water access issue would probably be dropped.

Q. Later, if Baycliff has to maintain the channel along with the new homeowners, how would that be addressed?

A. Legal papers/agreement would need to be drawn up i.e. Baycliff would share in the cost of all maintenance ALONG with the new owners.

Q. What would the cost difference be for the home sold with water view or deep water?

A. I don't really know at this time.

Christine Westendorf added at this time that when discussed with Cookie Page, a local realtor and Baycliff resident, she suggested that estimates from an appraiser indicated a \$150,000 up charge for a tidal lot and \$250-300,000 for deepwater lot on average.

Steve V. concluded his portion of the evening at 8:30PM.

Discussion continued in an open forum for those members of the community who stayed after the LSH representative left.

Pat Herman, a 23 year Baycliff resident said he was somewhat biased since he lives on the creek but said he felt Baycliff would be prostituting our values and feels we should be dealing only with each individual homeowner and not the developer.

Another comment from the floor – agrees we should negotiate only with each individual homeowner.

Larry Sancillio took over the discussion on the floor at this point. He indicated that he lives on Broad Bay so perhaps this would not impact him directly. He also indicated there are 28 people (as confirmed by Weaver Wrenn) who have boat ramp keys issued to date. Out of 277 residents in Baycliff approximately 60 live in the canal. Therefore, there are approximately 200 residents not directly involved with water access.

Comment from the floor – Concern that if Baycliff doesn't agree to this proposal that each individual homeowner would proceed to put a pier in and dredge regardless.

Comment from the floor – Ultimately the city may get involved and terminate the homeowner’s attempt to build regardless of Baycliff’s approval however a legal battle may ensue and be extremely costly.

Larry Sancillio is recommending that LSH fund the cost of legal and survey fees up to a certain amount or take that money out of the \$200,000 offer.

Christine Westendorf inquired whether Christie Woytowitz had any information to provide regarding research she had done on attorneys. Christie Woytowitz said not at this time.

Comment from the floor – in order to dredge the entire Baycliff Canal the cost would be between \$600,000 and \$700,000. The “short part” to the sand bar would be approximately \$50,000.

Bill Paige suggests that Civic League look strongly into accepting the \$200k offer.

Larry Sancillio made a motion that we prepare a document to LSH on the following:

- 1) Lifestyle Homes, LLC fund the cost that we would incur for proper legal investigation.
- 2) Lifestyle Homes, LLC fund the cost of the survey.

A standing count was taken. All in favor 33. All opposed 13. The motion was passed.

Attorney Rick Zahn agreed to write a letter to LSH with this proposal.

Christine Westendorf asked for any other business at this time. No additional business.

Motion to adjourn

The meeting was adjourned at 9:02 PM

Respectfully submitted,
Susanne Dye, Recording Secretary

