

Mosby Mountain Community Association
MEETING OF THE BOARD OF DIRECTORS

Date and time: Monday, June 10, 2013, 6:30 pm

Meeting location: home of Jim and Marsha Peterson, 1969 Ridgetop Drive

Board members present:

Dave Cain, President, 1730 Mattox Court
Cynthia Murray, Vice President, 1342 Singleton Lane
Jim Peterson, Secretary/Treasurer, 1969 Ridgetop Drive
Preston Miller, Director, 1390 Singleton Lane

Others Present

Matt Althoff, 1372 Singleton Lane
John Garland, 1365 Singleton Lane
John Glenn, 1330 Singleton Lane

Dave Aikman, Division Manager, Republic Services
Darrell Wiley, Account Manager, Republic Services

1. Welcome and introduction

Mr. Cain called the meeting to order at 6:35 pm.

2. Discussion with Republic Services on recycling issues

In response to concerns expressed at the May board meeting regarding the increasingly late pick-up schedule of the recyclables, representatives from Republic Services (formerly Allied Waste Management) were invited to meet with the board. An extensive discussion was held with Dave Aikman and Darrell Wiley with the following outcomes:

- Mosby Mountain will now be the first stop on the route to collect recyclable materials. This means a much earlier pick up on Monday mornings.
- Allied will soon be providing options to have covered recyclable containers. These containers will be similar to the trash containers but shorter and narrower.
- With the new containers, which hold 4 times the volume of the current containers, it will be discussed to change the recyclable pickup schedule to every other week. Trash will remain every week.
- Allied gave updated statistics regarding separated recyclables vs. recyclable materials and trash all in 1 container:
 - Separated recyclables have approximately 95% of the materials recycled.

- Recyclable materials when mixed with other garbage will have from 30% to as low as 12% of the materials actually being recycled.
- Republic Services commended Mosby Mountain for its continued effort to use separate containers.
- **PICK-UP SCHEDULE:** If any of the following Holidays fall on a Monday, trash and recyclable materials will be picked up the next day (Tuesday)
 - Memorial Day
 - July 4th
 - Labor Day
 - Christmas
 - New Year's

3. Adoption of agenda

On a motion by Mr. Peterson seconded by Mr. Miller, the agenda was adopted as distributed.

4. Approval of the May 13, 2013, board meeting minutes

On a motion by Mr. Miller, seconded by Mr. Peterson, the minutes of the May 13 2013, board meeting were unanimously approved as distributed.

5. Items from guests

There were no items raised by guests.

6. Financial Statements

Mr. Peterson distributed copies of the May financial reports (see attached).

Mr. Peterson reported that there is only one delinquent account. It was voted at the May board meeting to set a fee for follow-up billings based on the average cost as determined by our book keeping service. The fee has been set at \$5.00 per follow-up letter.

7. Common Areas Committee (CAC) Report

Mr. Miller reported that Luke Marshall has completed the second part of the plantings for the community gardens and the trails have been done. A second trail maintenance will be conducted in the fall at no additional charge because the cool spring has required fewer mowings. Mr. Miller has secured the door on the old pump structure discussed at the May board meeting. He also reported that three pine trees are dying at the second entrance and Mr. Marshall will take a look at them. Marshall also recommends that we consider a one-time lawn treatment from Tru-Green.

8. Architectural Review Board (ARB) Report

Mr. Miller reported that the ARB has received two more applications, one for a fence and the other for landscaping. The proposed cell tower to be installed on the electric power transition tower in Mountain Valley behind Ridgetop Drive was discussed. It was agreed that the cell company should be encouraged to construct its driveway within the Mountain Valley property to connect up with Ambrose Commons Drive rather than bring it out to Ridgetop Drive.

9. Community Relations Committee (CRC) Report

No report.

10. Neighborhood Watch Committee (NWC) Report

No report.

11. Results of survey on possible amendments to the Covenants and Restrictions

Board members reviewed the tally of the responses and comments received to the survey which was first issued on February 3 and ended on May 31 (see attached). It seemed evident from some of the comments that the purpose for considering revising the Covenants and Restrictions (C & R) had been misunderstood by some. Many of the current provisions are highly restrictive to the extent that they have never been enforced or fully enforced (e.g., Trash bins shall be visible no more than 6 hours before and after pickup). Therefore, the purpose of the survey was for the board to determine if there was general sentiment among the property owners to revise the language in the C & R in order to make the requirements more reasonable. As can be seen from the attached survey results, a large majority agreed on every item that these burdensome requirements should be liberalized. The next step is to craft the actual language for the proposed amendments to the C & R and get this out to the property owners for comment. Then, the final proposed amendments will be sent out at least two weeks prior to the Annual Meeting which will be held on Tuesday, December 3 and will be voted upon by the membership.

12. Items not on the agenda

None.

13. Next meeting

The next regular meeting of the board will be held on Monday, September 9, 2013, 6:30 p.m., at the home of Jim and Marsha Peterson, 1969 Ridgetop Drive. A special meeting will be scheduled prior to the September meeting to develop the 2014

budget and to finalize the proposed amendments to the Covenants and Restrictions to be voted on by the membership at the December 3 Annual Meeting.

14. Adjournment

The meeting was adjourned at 8:08 pm.

Respectfully submitted,

James R. Peterson
Secretary/Treasurer

1:16 PM
06/05/13
Accrual Basis

**Mosby Mountain Community Association
Profit & Loss Budget vs. Actual
January through May 2013**

YEAR TO DATE PROFIT AND LOSS

	<u>May 2013</u>
Income	
43000 · INTEREST INCOME	10.18
Total Income	<u>10.18</u>
Gross Profit	10.18
Expense	
64500 · TRASH COLLECTION	1,906.66
75300 · LANDSCAPING - CONTRACT	1,985.50
Total Expense	<u>3,892.16</u>
Net Income	<u>-3,881.98</u>

PROFIT & LOSS BUDGET VS ACTUAL

	Jan - May 2013	Budget	\$ Over Budget	% of Budget
Income				
41000 · ASSESSMENT INCOME	29,282.00	23,998.31	5,283.69	122.02%
42000 · DISCLOSURE PACKET FEES	56.00			
43000 · INTEREST INCOME	49.45			
Total Income	<u>29,387.45</u>	<u>23,998.31</u>	<u>5,389.14</u>	<u>122.46%</u>
Gross Profit	<u>29,387.45</u>	<u>23,998.31</u>	<u>5,389.14</u>	<u>122.46%</u>
Expense				*
Write Off (Bad Debt Expense)	0.68			
51000 · ACCOUNTING FEES	1,278.75	1,750.00	-471.25	73.07%
51700 · Addition to Reserve Fund	0.00	208.31	-208.31	0.0%
52000 · Liability, D&O, Bonding Ins	0.00	416.69	-416.69	0.0%
53500 · LICENSES AND FEES	0.00	62.50	-62.50	0.0%
54000 · Membership Fees	0.00	62.50	-62.50	0.0%
54500 · MEETING EXPENSE	0.00	41.69	-41.69	0.0%
55000 · OFFICE EXPENSE	135.92	208.31	-72.39	65.25%
55005 · Association Events	31.00	416.69	-385.69	7.44%
55500 · OTHER PROFESSIONAL SERVICES	0.00	83.31	-83.31	0.0%
64500 · TRASH COLLECTION	9,533.22	9,533.31	-0.09	100.0%
71450 · Mailbox Maintenance	6.68			
75300 · LANDSCAPING - CONTRACT	9,087.50	8,848.31	239.19	102.7%
75400 · LANDSCAPING - NON-CONTRACT	216.00			
75800 · Signage/Sign Maintenance	0.00	208.31	-208.31	0.0%
82500 · LANDSCAPE IMPROVEMENTS	0.00	2,083.31	-2,083.31	0.0%
Total Expense	<u>20,289.75</u>	<u>23,923.24</u>	<u>-3,633.49</u>	<u>84.81%</u>
Net Income	<u>9,097.70</u>	<u>75.07</u>	<u>9,022.63</u>	<u>12,118.96%</u>

**1:18 PM
06/05/13
Accrual Basis**

Mosby Mountain Community Association

Balance Sheet

As of May 31, 2013
May 31, 13

ASSETS

Current Assets

Checking/Savings

10300 · Cash - VNB - 6409	25,422.44
10500 · ING Direct Savings	<u>30,039.36</u>
Total Checking/Savings	55,461.80

Total Checking/Savings

Accounts Receivable

11000 · Accounts Receivable	-3,234.12
Total Accounts Receivable	<u>-3,234.12</u>

Other Current Assets

12000 · Undeposited Funds	242.00
Total Other Current Assets	<u>242.00</u>

Total Current Assets

TOTAL ASSETS

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

20000 · Accounts Payable	1,906.66
Total Accounts Payable	<u>1,906.66</u>

Total Current Liabilities

Total Liabilities

Equity

32000 · CAPITAL CONTRIBUTIONS

2,000.00

3900 · Retained Earnings

18,058.18

39996 · RETAINED EARNING

21,407.14

Net Income

9,097.70

Total Equity

50,563.02

TOTAL LIABILITIES & EQUITY

52,469.68

Mosby Mountain Community Association – Survey of Property Owners Regarding Possible Amendments to the Covenants and Restrictions – Conducted February 3 through May 31, 2013 –Report issued June 10, 2013

The number of responses is shown in the boxes. The highest response for each item is highlighted in green.

1. Trash Bins

- A. **2** Trash bins shall be visible no more than 6 hours before and after pickup (current)
- B. **8** Trash bins shall be visible on collection day only
- C. **41** **Trash bins shall be visible no more than 7:00 pm day before pickup until 7:00 pm day of pickup**
- D. **17** Other:
 - Use common sense and take bins in when possible, preferably the same day as pick up day.
 - 7:00 p.m. day before pickup until midnight day of pickup.
 - Per our construction agreement, trash bins should not be visible from the primary road frontage. Given that our house was placed at a position that was required by the county due to a critical sloping, covering the bin is NOT possible from all angles of view.
 - Trash bins are allowed to be put out night before and put away day of pick up. No designation of specific times. Some homeowners work long hours (or nightshifts) and will not be able to meet the 7:00 deadlines and should not incur \$ fines for being at work.
 - Do not agree with this as this is difficult for people who don't have storage space in garage. In addition, there are people that work longer hours and can't pick up or put out trash in specified time. I think everyone does their best and I don't see any trash cans on the street for any long periods. Was not in the by laws when we purchased and feel not right to impose on owner or make them spend money for extra landscaping. Houses are selling in Mosby and people like the area. Garbage cans have no effect on homes selling. People buy homes here because of location and being kid friendly. First and current owners should be grandfathered in as this was not in the by laws when home was purchased.
 - Trash bins shall be visible no more than evening before pickup until evening day of pickup. If not already stated in the rules, can we include the following for clarification regarding trash bins: trash and recycle bins must be hidden from view at all times other than pickup times.
 - One day before or after unless traveling - given the benefit of the doubt.
 - Trash cans may be visible day before collection until day after collection, considering those folks who may be out of town.
 - No issue here. Never seen anybody leave cans out too long to bother me.

2. Tents:

- A. **3** Tents are not allowed (current)
- B. **53** **Event tents allowed in back yard for no more than 48 hours**
- C. **10** Other:
 - Allow tents but use common sense when neighbors complain.
 - Any tent allowed for no more than 48 hours.
 - Event tents allowed in yard (homeowner to determine location) no more than 72 hours (allow for day prior set up, day of event and day after even for clean up).
 - If in back yard should be up to owner when they want to take down. You can not infringe on what people do in their back yard. Some companies don't pick up tents for 4-7 days. Weather is also to be considered.
 - It is their back yard – set up and take down due to weather can be a problem...ideally 2 days but not a big deal if it is longer.
 - Fine. No one abuses this.

3. Signs:

- A. **5** No signs are allowed without ARB approval (current)
- B. **54** **Allow professional residential size Real Estate Signs, and home security signs up to 1' x 1'**
- C. **11** Other:
- Allow any sign but use common sense when neighbors complain.
 - Allow real estate and political signs.
 - Flags and Signs - Decorative or patriotic flags shall not be of such size as to overwhelm the look of the property e.g. no larger than 5 feet x 8 feet in size. Requests for permanent in ground flag poles must be submitted to the ARB. Signs, including but not limited to real estate, political or for advertisement purposes shall be kept to a maximum of 36 inches in either height or width.
 - Allow professional residential size Real Estate Signs and home security signs. No designation of size necessary.
 - Allow only Real Estate For Sale signs and home security signs up to 1' x 1': no professional business signs.
 - So – no political signs? That would be in “violation” and people do it all the time....
 - Add (possibly) signs regarding pick up after dog: both for new owners in Mosby and non-residents who walk dogs here.
 - 2nd choice and add: and political signs of reasonable size during election season.
 - Political signs, birthdays, etc. okay. No advertising.

4. Fences:

- A. **19** New fences are to be of wood material (current)
- B. **40** **New fences shall be of wood or other material provided it matches the look of the lot**
- C. **6** Other:
- Allow any fence.
 - I suggest that wood post-and-rail and “three-board” fences (similar to the black fence put up by the developer along the backs of the properties along Hatcher Court near the main entrance) be allowed. Both of these styles look appropriate for, and are commonly seen, in the surrounding countryside.
 - Homeowner to decide what fence material they would like to use.
 - No chain link: add on to second choice if chosen.

5. Fence location: yards

- A. **18** New fences shall be limited to the back yard only (current)
- B. **43** **New fences may extend to the side yard.**
- C. **4** Other:
- I would vote to NOT designate a specific location or cut off for where side yard ends and allow homeowners to determine.
 - Fences should be allowed wherever deemed necessary on owner's property, side or back or front. Lots of homes have steep lots and not always safe for kids.

6. Fence Location: slope

- A. **57** **New fences may be built in areas with steep upward or downward slopes.**
- B. **2** To minimize negative visual impact, new fences may not be built on steep slopes.
- C. **1** Other:
- a. How steep is a steep slope? Is there a measurement or locations in the neighborhood designated where a fence may not be placed? Can the visual impact be negated by type of fencing? b. Chain link fences should be specifically outlawed. c. Wrought iron or aluminum fences such as the one at 1737 Mattox should be acceptable. d. The proposed changes should be agreed upon by the committee or board and then sent out for public comment by the neighborhood. Once comments are received the regulations should be re-reviewed and then voted on.
 - I don't understand the "Fence Location: slope" question.
 - Regarding the Fence Location (slope) options – "steep slope" is not defined and must be specified to prevent subjective interpretation, especially as a majority of the neighborhood could be considered steep slope, depending on the definition. Unless this is well-defined, one cannot enforce the restriction. Something to the effect of "fencing located on slopes shall be designed and installed in such a manner to minimize differences in successive panel heights due to elevation changes, unless such difference is integral to the fence design" could help to ensure aesthetically pleasing results, while allowing for differences in designs.
 - New fences may be built in areas with steep upward or downward slopes with strict restrictions; to minimize negative visual impact, new fences on steep slopes will require approval of all neighbors within view and shall be restricted to 4ft in height and painted/colored a neutral tone.
 - New fences on steep slopes would need a plan and approval by ARB

Fence Maintenance:

- A. **43** **Fences need not be painted (current)**
- B. **18** Fences shall be painted either a wood or earth color, or white.
- C. **8** Other:
- Fences may be left natural or be painted or stained either a wood or earth color, or white

7. Portable Basketball Rims and Backboards:

- A. **6** Shall be removed from visibility each day after use (current)
- B. **10** Shall be allowed to be visible throughout warmer weather but removed during the winter months
- C. **49** **Shall be allowed to be visible throughout the year**
- D. **5** Other:
- Everyone should have a hoop.
 - My children use our basketball hoop year-round and we should not have to take it down. We do not have a neighborhood park and our backyard is sloped and not conducive to a play structure. Who is going to police all these mandates? Some of these rules seem more than a little over the top.
 - Shall be allowed to be visible throughout the year. I am strongly opposed to any restriction that would prevent children from playing outdoors at any time of the year (keeping in mind our current obesity epidemic).
 - Wood fences shall be protected with a paint or stain in a wood, earth or white color. Fences made of vinyl, aluminum or other material shall also be an earth or white color.

8. Heating/A/C Air Exchangers and Utility Meters:

- A. **14** Must be hidden from view by bushes or decorative fence (current)
- B. **47** Not required to be hidden but must be free of rust and chipped, cracked, or missing paint
- C. **7** Other:
 - Who cares as long as the neighborhood looks nice.
 - Must be screened from view by bushes or decorative material.
 - Shall be placed where they were placed at construction!
 - Upkeep, location and visibility to others at homeowners discretion.
 - I don't think most people even see their neighbors unit or care. People who are complaining about this need to focus their energy on other things like cutting down old trees, making neighborhood safe.
 - To minimize negative visual impact, preferred to be hidden from view, though not required to be hidden provided the unit(s) be free of rust and/or chipped, cracked, or missing paint.

9. Other suggestions:

- Use common sense, talk to your neighbors. Get rid of these silly ballots and stop being such Nazis
- Reduce HOA dues. Take a survey to see if the community would like to add a pool. Money would be well-spent on wooden street signs or an upgrade to the current metal street signs.
- This survey is ineffective as it fails to provide for any legitimate discourse. Clearly the agenda of the constructing parties is pathologically transparent and, basic survey development principles have been avoided. As with several other issues, property owners like us who had developer / county interventions making positioning of the house incompatible with the original plat design should be capable of a reasonability test that your survey fails to contemplate.
- I would also suggest the repainting of severely faded shutters and the repainting/re staining of front doors be required, as these greatly detract from the appearance of the homes and the neighborhood overall.
- I feel that if we are going to the trouble of a survey for ARB, then there needs to be consistency among the "infractions." It seems as if there are certain pet peeves that some folks have which are enforced, but other issues are not enforced. There are many homes who need powerwashing, yard maintenance, mailboxes still looking worn out, etc...
- I think that this survey and the efforts to update and clarify the ARB guidelines are a positive step for the community. Many thanks to those involved!
- Baby – sitting services should be allowed in the home for 5 children or less.
- Changes be made to these items in the covenants and restrictions, but these items and others should remain in the c & a.
- Is there a way Mosby Mountain residents can share knowledge of good contractors they've worked with?