

Mosby Mountain Community Association
MEETING OF THE BOARD OF DIRECTORS

Date and time: Tuesday, June 17, 2014, 7:00 pm

Meeting location: home of Beverly Glascock, 1347 Singleton Lane

Board members present:

Preston Miller, President, 1390 Singleton Lane
Matt Althoff, Vice President, 1372 Singleton Lane
Jim Peterson, Secretary/Treasurer, 1969 Ridgetop Drive
Jamie Shim, Director, 1141 Turnstone Drive
Diego Anderson, Director, 1872 Rhett Court

Others Present

Dave Cain, 1730 Maddox Court
Beverly Glascock, 1347 Singleton Lane
John Glenn, 1330 Singleton Lane

1. Welcome and introductions

Mr. Miller called the meeting to order at 7:05 pm.

2. Adoption of agenda

Because Ms. Shim would be delayed in her arrival, Mr. Miller suggested a reordering of the agenda items and also added four items (cars vandalized; brown stain on pavement on Ridgetop Drive; bulk pickup; and fence repair). On a motion by Mr. Althoff, seconded by Mr. Anderson, the agenda was unanimously adopted as revised.

3. Approval of the April 15, 2014, board meeting minutes

On a motion by Mr. Althoff, seconded by Mr. Anderson, the minutes of the April 15, 2014, board meeting were unanimously approved as distributed.

4. Financial Statements

Mr. Peterson distributed copies of the May 2014 statements (see attached).

5. Comments on items not on the agenda

Cars vandalized: Mr. Miller noted that a homeowner had earlier reported vandal activity to the board and an email alert was immediately sent out to all residents. This type of activity occurs intermittently, and in the past it was determined that juveniles were the culprits. The Albemarle County Police have stepped up their patrols through the neighborhood.

Brown stain on pavement on Ridgetop Drive: a resident on Ridgetop Drive sent the board an email three days ago reporting that a spill of some sort occurred in front of their

house on the day of the previous trash pickup. He was asking if the board would contact the trash service and ask them to clean up the stain. Mr. Peterson commented that this sort of thing happened in front of his house on Ridgetop several years ago and apparently caused by a red paint spill coming from the previous trash collection service. No corrective action was provided by the trash collection company. After considerable discussion, there was consensus that since the spill occurred on a public street and that the source of the spill cannot be confirmed, the board would not take action on this incident.

Bulk pickup: Dave Cain said that he has had inquiries from a couple of homeowners asking when the bulk pickup would take place. The contract with the new trash company provides for one pickup each year of large items like washer and dryers (and of course, individual homeowners can request special bulk pickups at any time but there would be an additional cost to them). It was agreed that John Garland would be asked to contact the trash company to establish a date for the pickup (which was originally intended to be held in the spring and so it should be scheduled for as soon as possible). As soon as Mr. Garland has a date confirmed, an email will go out to all residents informing them of this special service and the date.

Fence repair: This was the second recent incident when a tree in the common area fell and damaged a homeowner's fence. Common law and accepted practice suggests that when a tree falls as can act of nature, the cost is borne by the property owner of the resulting damage, not the property where the tree originated. An exception to this can be when the property owner had previously alerted the adjoining property owner that a tree posed a threat and then if no action was taken and the tree did fall and cause damage, then a court could hold the adjoining owner liable for the damages. The board will adopt a formal policy and process to govern this type of situation for the future, but for the current case, it was agreed that the Association should assist with the repairs to the fence.

On a motion by Mr. Peterson, seconded by Mr. Althoff, it was unanimously voted to reimburse the owner in the amount of \$240.00 for the repair of the fence.

6. Discussion of reinstating the mailbox maintenance program

A homeowner had emailed the board indicating that his mailbox needed repainting and asked if this was a service that the Association was continuing to provide. Mr. Peterson gave a history of the previous program which was initiated because the five building contractors in Mosby Mountain had all used different colors of "forest green" to paint the mailbox posts and also the black paint on many of the mailboxes was peeling. It seemed at the time a positive response for the Association to do all the leg work to secure the paint and supplies and to arrange for a young person in the neighborhood to do the work. However, even though extensive research on the paint materials was conducted by then-board member Hal Klee, the new paint also began to peel, and the amount of work the young man had to do to prepare and paint each post and mailbox was unexpectedly excessive. The project was eventually carried to a successful conclusion, but to reinstate it would likely prove inadvisable. After some discussion there was consensus that the board should not reinstate the program at this time, but rather encourage homeowners to go to the website and look at the Architectural Guidelines which provide the mailbox specifications.

7. Committee appointments and reports

Common Areas Committee (CAC): Mr. Anderson reported on a tree in the common area that is badly leaning over a property on Singleton Lane and that the homeowner had secured two bids (\$475.00 and \$795.00) to have the tree taken down and pulled back into the common area. It was suggested that other potential vendors could be contacted, but in the meantime it was agreed that the Common Areas Committee chair should be authorized to take action on this potentially dangerous situation.

On a motion by Mr. Anderson, seconded by Mr. Peterson, it was unanimously voted to authorize the chair of the Common Areas Committee to spend up to \$475.00 to have the tree taken down and pulled back into the common area.

Mr. Anderson continued his CAC report. Work to repair the damage to the grass at the entrance has been completed, but it is evident that a more permanent fix will be required. Mr. Anderson has contacted VDOT in an effort to see what approach would be more effective and he is awaiting their reply. In any event, the work probably would not be initiated until the fall.

The CAC has received a proposal from Luke Marshall to add plantings for color at the entrances and to enhance the grooming of grassy areas (e.g., apply crabgrass preventer). Because of the current hot weather, this work would also likely wait until the fall. In the meantime, Mr. Anderson would like to survey the neighborhood to seek additional members for the Common area committee and then to have them review and explore proposed plans. Mr. Miller reiterated that it was the original intent of the CAC to use native plant species whenever possible that would be low maintenance and deer and drought resistant. Any interested homeowners should reach out to Diego Anderson via email at Dander0412@aol.com.

Mr. Althoff mentioned the rip-rap that is washing out at Hubbard Court. Mr. Miller suggested that he and Mr. Anderson could do a walk-around to assess the condition of all of the rip-rap in Mosby Mountain.

Community Relations Committee (CRC): In the absence of CAC Chair John Garland, Mr. Miller noted that the yard sale was very successful.

Architectural Review Board (ARB): Ms. Shim reported that most of the activity so far this year has involved applications for fences and input for the preparation of Disclosure Packets.

On a motion by Ms. Shim, seconded by Mr. Anderson, it was unanimously voted to appoint the following members to the ARB: Jamie Shim, chair; Shawn Brydger; David Cain; David Stebbins; and Suzanne Waters.

8. Approval of easement for CenturyLink equipment cabinet and electrification of MMCA entrance sign

CenturyLink has submitted a request for an easement for the installation of a fiber based communications broadband equipment box just inside the woods on Old Lynchburg Road about 50 feet south of the entrance sign at Ambrose Commons Drive. The installation would improve broadband services for Mosby Mountain residents. CenturyLink will secure any necessary County approvals and will pay the Association \$1,600.00 for any landscape screening that may be desired. Further, CenturyLink will run an underground

electric feed from their box to the Mosby Mountain entrance sign so that the Mosby Mountain sign can be illuminated. CenturyLink will also then pay the monthly service charge for the electricity to operate the floodlights illuminating the entrance sign.

On a motion by Mr. Peterson, seconded by Mr. Althoff, it was unanimously voted to approve the easement for CenturyLink to install fiber based communications broadband equipment on a 25 foot by 25 foot pad off of Old Lynchburg Road, execution of the documents pending receipt of the final documents with all provisions included as agreed.

9. Rules and Regulations and Architectural Guidelines (posted on the MMCA website – mosbymountain.org – on March 2, 2014)

On a motion by Ms. Shim, seconded by Mr. Anderson, it was unanimously voted to approve the proposed Rules and Regulations and Architectural Guidelines as distributed.

10. Adoption of policy regarding common area trees threatening or falling on homeowners' properties

(Note: for background, please see Item 5, Fence Repair, above). To formalize the process by which homeowners can alert the Association to the possibility of trees falling from the common areas onto the homeowners' properties, the following policy will be implemented. An email will be sent out to all homeowners informing them that they should contact the chair of the Common Areas Committee (currently Diego Anderson at Dander0412@aol.com) to report any tree in the common area that they believe is in jeopardy of falling onto their property. The CAC chair will respond within 30 days to report to the homeowner whether or not they agree the tree should come down, and if so, the CAC will arrange to have the tree taken down at the Association's expense within a reasonable amount of time. For any trees that fall from the common area onto a homeowner's property that had not been previously identified as threatened and reported by the homeowner to the CAC for evaluation and possible action, then the resulting damage and any costs to repair the damage and to remove the fallen tree would be fully borne by the homeowner (and their homeowners insurance as applicable) given that through case law and accepted practice the occurrence is considered an act of nature.

On a motion by Ms. Shim, seconded by Mr. Anderson, it was unanimously voted to adopt the policy on trees falling from the common area as outlined above.

11. Discussion of relationship between MMCA and Mountain Valley Farm: fishing privileges

On June 5, 2014, the board received the following email from Ms. Ginger Slavic:

Good afternoon to all. As you know, I represent the present owners of the Mountain Valley Farm Subdivision. Gaylon Beights and Percy Montague are no longer involved with the neighborhood.

If you have had the opportunity to walk, run or ride your bike through our neighborhood, we have noticed a great deal of activity, new homes being construction and lots being sold!

A number of residents of Mountain Valley Farm have contacted me to advise several Mosby Mountain Homeowners have been using the common area and lake area in Mountain Valley Farm. Some, I believe, thought Mosby Mountain Residents are free to use the Mountain Valley Farm Common Areas. I have spoken with the current owners of the MVF Neighborhood, JESSCO, to ask if they have any knowledge of an agreement providing the Mosby Mountain Residents access to MVF Common Areas and Lakes. They advised the MVF Common Areas and Lakes are for the use of MVF Residents only.

I am reaching out to you to see if you would consider putting a note in your next newsletter advising residents they are welcome to run, walk their dogs (on a leash) or bike in the neighborhood but the Lakes and Common Areas are private.

I greatly appreciate your assistance. We actually have some of our Mosby Mountain Neighborhood residents, purchasing home sites in Mountain Valley Farm ☺

My telephone number is 434-981-0118 in the event I can ever be of assistance to you.

Best regards, Ginger

Ginger Slavic

*Better Homes & Gardens Real Estate III - West
500 Falconer Drive
Charlottesville, VA 22903*

Background: In August 2011, Mosby board member Hal Klee worked with the first resident of Mountain Valley Farm to establish an agreement wherein the residents of Mosby Mountain would be allowed to fish in the Mountain Valley Farm lake. Mosby residents would be issued "fishing licenses" which they would display so that the Mountain Valley Farm homeowners would be able to distinguish authorized Mosby residents from unauthorized poachers. Mosby residents would adhere to a simple set of regulations:

1. You are responsible for your own safety. Mountain Valley assumes no responsibility for accidents or unsafe conditions.
2. Permission is only for the lower three lakes; does NOT extend to western or southern shores of the lower lake, nor the southern shore of the first upper lake on Ambrose Commons.
3. Park on the shoulder of the road. DO NOT drive down to the lake's edge or onto the dams.
4. Please clean up; leave no rubbish!

In response to Ms. Slavic's instructions, the board issued an email on June 9 to all Mosby Mountain households informing them that they no longer had privileges to fish in the Mountain Valley Farm lake. Also, in order for the board to know the extent that the privilege had been exercised by Mosby residents, they were asked to respond and let the board know if they had fished in the lake. Twenty homeowners responded and their experience had been universally positive (see attached survey results). Also reported were very favorable comments from Mountain Valley Farm homeowners and no negative comments reported. Mr. Miller has sent a communication to Ms. Slavic and the board is awaiting her response.

12. Next regular board meeting

The next regular board meetings will be held on Tuesday, July 15, and September 16, 2014, 7:00 p.m. at locations to be determined..

13. Adjournment

The meeting was adjourned at 9:09 pm.

Respectfully submitted,

James R. Peterson
Secretary/Treasurer

MAY 2014 - BUDGET VS ACTUAL

| | Jan - May 14 | Budget | \$ Over Budget | % of Budget |
|-------------------------------------|------------------|------------------|------------------|----------------|
| Income | | | | |
| 41000 · ASSESSMENT INCOME | 29,403.00 | 28,798.00 | 605.00 | 102.1% |
| 41500 · Fee Income | 110.00 | | | |
| 43000 · INTEREST INCOME | 49.77 | | | |
| Total Income | 29,562.77 | 28,798.00 | 764.77 | 102.66% |
| Gross Profit | 29,562.77 | 28,798.00 | 764.77 | 102.66% |
| Expense | | | | |
| Add to operating reserve fund | 0.00 | 2,102.50 | -2,102.50 | 0.0% |
| 51000 · ACCOUNTING FEES | 952.50 | 1,750.00 | -797.50 | 54.43% |
| 52000 · Liability, D&O, Bonding Ins | 0.00 | 416.69 | -416.69 | 0.0% |
| 53500 · LICENSES AND FEES | 108.86 | 62.50 | 46.36 | 174.18% |
| 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 | 43.12 | 208.31 | -165.19 | 20.7% |
| 55005 · Association Events | 36.00 | 416.69 | -380.69 | 8.64% |
| 55500 · OTHER PROFESSIONAL SERVICES | 0.00 | 83.31 | -83.31 | 0.0% |
| 64500 · TRASH COLLECTION | 6,069.00 | 9,533.31 | -3,464.31 | 63.66% |
| 75200 · FENCING | 240.00 | | | |
| 75300 · LANDSCAPING - CONTRACT | 8,730.00 | 6,954.19 | 1,775.81 | 125.54% |
| 75400 · LANDSCAPING - NON-CONTRACT | 780.00 | | | |
| 75800 · Signage/Sign Maintenance | 85.00 | 208.31 | -123.31 | 40.81% |
| 82500 · LANDSCAPE IMPROVEMENTS | 0.00 | 2,083.31 | -2,083.31 | 0.0% |
| 85500 · WEBSITE EXPENSE | 0.00 | 75.00 | -75.00 | 0.0% |
| Total Expense | 17,044.48 | 23,998.31 | -6,953.83 | 71.02% |
| Net Income | 12,518.29 | 4,799.69 | 7,718.60 | 260.82% |

MAY 2014 - P & L

| | May 14 |
|------------------------------------|------------------|
| Income | |
| 41500 · Fee Income | 45.00 |
| 43000 · INTEREST INCOME | 10.22 |
| Total Income | 55.22 |
| Gross Profit | 55.22 |
| Expense | |
| 55005 · Association Events | 36.00 |
| 64500 · TRASH COLLECTION | 1,517.25 |
| 75200 · FENCING | 240.00 |
| 75300 · LANDSCAPING - CONTRACT | 1,746.00 |
| 75400 · LANDSCAPING - NON-CONTRACT | 630.00 |
| Total Expense | 4,169.25 |
| Net Income | -4,114.03 |

MAY 2014 - BALANCE SHEET

| | May 31, 14 |
|---------------------------------------|------------------|
| ASSETS | |
| Current Assets | |
| Checking/Savings | |
| 10300 · Cash - VNB - 6409 | 31,230.50 |
| 10500 · ING Direct Savings | 30,159.53 |
| Total Checking/Savings | 61,390.03 |
| Accounts Receivable | |
| 11000 · Accounts Receivable | -5,204.97 |
| Total Accounts Receivable | -5,204.97 |
| Total Current Assets | 56,185.06 |
| TOTAL ASSETS | 56,185.06 |
| LIABILITIES & EQUITY | |
| Equity | |
| 32000 · CAPITAL CONTRIBUTIONS | 2,000.00 |
| 3900 · Retained Earnings | 20,259.63 |
| 39996 · RETAINED EARNING | 21,407.14 |
| Net Income | 12,518.29 |
| Total Equity | 56,185.06 |
| TOTAL LIABILITIES & EQUITY | 56,185.06 |

Mosby Mountain Community Association
Survey of residents: Have they fished in the Mountain Valley Farm Lake
June 2014

- 1 We have used our canoe in the lake two or three times in the past 5 years, and we have enjoyed that benefit. Thank you for pursuing this.
- 2 I have not used the lake for fishing but I bought a small boat that I've only used once. I would like the opportunity to fish in the future as my son gets a little older.
- 3 We used the lake on occasion.
- 4 My family has enjoyed the lake for a few years. (3 boys 8/8/10). We have enjoyed the catch and release fishing. I hope we can continue our privilege. Thanks.
- 5 We've used the ponds for fishing over the years.
- 6 I have taken my two boys back there to fish. They are 5 and 6 and it is a very nice thing to do as a family. And we will continue. Truly a shame.
- 7 My family and I have been going to the lake for fishing since 2012 and it has been a great fun for the family. In average we usually went 2-3 times a year. It will be a sad news to tell my kids that we are no longer allowed to fish there. Hopefully we can negotiate with our neighbors to have the privilege reinstated. Please let me know if we can be helpful.
- 8 We have used the lakes for fishing.
- 9 My family has fished there perhaps 4 times total.
- 10 My son-in-law and grandson, both of whom live with us, have enjoyed using the lake many times over the years. They usually don't catch much and release what they do catch. A year or so ago an early resident of the farm saw them there and irately informed them that the fishing was going to stop, so that's probably the source of this new directive. These farm residents could be reminded that many of our Mosby homes are being inconvenienced by the constant noise of the heavy construction traffic that has been and will continue to disturb our neighborhood. What is more problematic, a kid fishing at the lake, or a constant parade of trucks? Please tell me they will eventually have door-to-door mail delivery! The mail boxes are gross.
- 11 I have fished with my kids many times in the large pond, as well as the smaller one that is connected to it (not the upper pond but the one to the right as you are on the dock). Sorry to hear that we have lost that opportunity.
- 12 I was really sorry to see this email. I've really enjoyed fishing in those ponds over the last couple of years with my twin daughters (now age 9). We have probably gone 7 or 8 times a year (maybe more) since the fishing licenses were issued. Hopefully we'll be able to get the privileges restored at some point.
- 13 Yes, I have fished on a very few occasions with my son and young grandsons. I actually have told my grandsons (ages 8 and 13) to bring their fishing gear when here this summer! Sorry to see this go away. Bummer for Grandma :(Actually, I've rarely seen anyone there and those that I have, I don't believe live in Mosby! Let me know if/when restored.
- 14 My son and I have used the pond for fishing several times without incident.
- 15 Thank you for your email. We have fished in the lake several times, and if possible we would appreciate the opportunity to continue to do so. Please let me know if you need any additional information.
- 16 We have used the lake for fishing a number of times over the past two plus years. This includes me (not a fisherman but did catch a fish!), five of our adult daughters/son/in-laws, and probably four of our grandchildren. The ability to use the lake was a nice positive for our life and family's life when they visited Mosby Mountain.
- 17 Over the years our family has enjoyed the fishing privileges at mountain valley farms. We have gone fishing there at least 15-20 times per year. Please note all fish were returned to the lakes.
- 18 My family has fished back there and definitely enjoyed it.
- 19 We have also used the pond to fish in before. Although not very often we have used it before and did appreciate it.
- 20 I was actually unaware that we were allowed to fish, and so I've never done it up there. That said, I'd love the chance if it might still be an option.