

**Mosby Mountain Community Association**  
**MEETING OF THE BOARD OF DIRECTORS - draft**

**Date and time: Thursday, June 30, 2016, 7:00 pm**

**Meeting location: home of Ted and Jane Miller, 1437 Singleton Lane, Charlottesville VA**

Board members present:

Ted Miller, Vice President, 1437 Singleton Lane  
Jim Peterson, Secretary/Treasurer, 1969 Ridgetop Drive  
Diego Anderson, Director, 1872 Rhett Court  
John Garland, Director, 1365 Singleton Lane  
Bryan Hamil, Director, 1230 Hatcher Court

Others present:

Kieran O'Connor, 2059 Ridgetop Drive  
Brian Podbesek, 1737 Mattox Court

1. Welcome and introductions

President Matt Althoff called the meeting to order at 7:08 pm.

2. Adoption of agenda

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

3. Approval of minutes of the May 17, 2016, board meeting

On a motion by Mr. Miller, seconded by Mr. Garland, the minutes of the May 17, 2016, board meeting were unanimously approved as revised.

4. Financial Statements

Mr. Peterson distributed copies of the May 31, 2016 financial statements (see attached).

On a motion by Mr. Miller, seconded by Mr. Garland, it was unanimously voted to accept the May 2016 financial statements.

5. Committee reports

a. Architectural Review Board

Mr. Miller reported that the ARB processed two requests since the last board meeting, one to redo a deck and the other to remove a dead tree.

Mr. Miller also reported that he has joined the Albemarle County 5<sup>th</sup> and Avon Community Advisory Committee and this will help with communications with our Board of Supervisors Member Liz Palmer and also to see developers, builders and county planners. The road connecting 5<sup>th</sup> Street with Avon is scheduled to open mid-September.

b. Common Areas Committee

Mr. Anderson reported that the grass has been treated by Virginia Green Lawn Care. Also, there are two crepe myrtles that need to be treated in the fall. Luke Marshall will clean out the mulch areas and around the sign and repair the broken light.

The repair of the footbridge has been delayed due to rain and then the contractor backed out and so Mr. Anderson has made arrangements with another contractor for the work to be conducted in July.

Mr. Anderson is negotiating for some plantings to screen the CenturyLink equipment in the fall.

The paint on the sign is dull and chipped and so the contractor who painted the fence has looked at the signs and indicated it would cost \$4,000.00 for painting. Mr. Peterson said that in the past Mosby homeowners volunteered their time to repair and repaint the signs and so he suggested that rather than spending \$4,000.00 for paint, perhaps the wooden sign should be replaced with a maintenance-free brick monument-style sign. Mr. Anderson indicated he would explore this alternative.

Mr. O'Connor mentioned a tree needing attention but it has not been determined as to whose property it is on. Mr. Anderson will follow up on this.

#### c. Community Relations Committee

Mr. Garland reiterated that the Second Annual Movie Night is scheduled for Friday, July 15, with a rain date of Sunday, August 14.

#### 6. Preliminary planning for 2017 budget

The three-year contracts for trash collection and landscape maintenance expire this year and the fee schedule for accounting services is on a yearly basis. There was consensus that everyone was pleased with the performance in all three areas and so they should be extended for up to another three years if agreeable terms could be negotiated. Mr. Anderson will follow up on the landscaping contract, Mr. Garland on trash collection, and Mr. Peterson on accounting services.

#### 7. Whittington Report

Mr. Miller reported that he has received complaints about gravel in the road and also that a resident on Singleton Lane was concerned about the Whittington plan calling for a primitive trail running along the south side of Mosby. Mr. Miller responded to the resident that he should call the county with his concerns.

Some plans for Whittington remain preliminary but in the meantime dirt has been trucked in from the new 5<sup>th</sup> Street pump station site.

In the future there may be a connection to Ridgetop Drive but due to the topography for now will just be emergency access.

Mr. O'Connor reported that he has had extensive dealings with county officials and others with regard to the possible Ridgetop connection. He provided the board with the following report beginning with a timeline of his interactions with planners, developers and fire marshals.

- a. August 2014, we attended a city/county planning meeting (Whittington plat review meeting) after receiving a letter to neighbors abutting the new Whittington development. I believe we were the only Mosby residents to attend. We expressed our priorities for no connectivity development such as roads or fire easements between Ridgetop and Whittington. At the conclusion of that meeting, we were told there would be no connection at Ridgetop, but the easement between Mosby and Whittington would be maintained for future review.

- b. August 2014, we spoke with Whittington developer John Kessler about our priority to preserve as many trees at the end of Ridgetop as possible. He agreed to keep us informed once they started to develop that back home lot.
- c. November 2015, we noticed surveyors mark lines and trees at the end of Ridgetop. I called Albemarle Planner Ellie Ray, developer John Kessler, and eventually Fire Marshal Robbie Gilmer.
- d. In late November/early December, we noticed rapid clearing of large tracts of land just beyond the end of Ridgetop. We asked the hired contractor/tree-cutter to stop before clearing the entire width of trees at the end of Ridgetop (he was there to clear the width from the driveway line along Ridgetop to the property line on the other side of the cul-de-sac). Fire Marshall Gilmer then told me that he needs two points of entry to Whittington for safety. According to him, this has been the code for some time (10 years?), but has not been consistently enforced until his arrival (e.g., Mountain Valley has one entrance only). They attempted to gain easement through Mountain Valley by the water tower, but the owner of that land would not grant it (I am unsure if this landowner is a Mountain Valley resident or a landowner between Mountain Valley and Whittington).
- e. Aside from an easement across the residents' property near the water tower in Mountain Valley, there would be the option to put a second access point also on Old Lynchburg like the first, but the engineer in charge of the project expressed reservations about that (Fire Marshall Gilmer said this would be sufficient to meet code if they were to do it). Access from Singleton in Mosby is no longer an option (I believe this was the original plan) because it seems to have been rejected due of environmental impact on the stream there. So, if they cannot get access by the Mountain Valley water tower, if the project manager/engineer will not agree to put it on Old Lynchburg, and if the Singleton route is already rejected, then there is no alternative except the Ridgetop connection. Fire Marshall Gilmer said the only place they can put it is at the end of Ridgetop because an easement was granted when Whittington/Mosby was originally zoned, or because an easement was granted recently by the landholding company at the center of the Ridgetop (between the last house on Ridgetop and the driveway leading to Mountain Valley).
- f. In early December, Gilmer also noted that he merely needed a 20ft wide Fire Access road at the end of Ridgetop. No one would have access to the lock except the Fire Department (not even the Police would have access). We then spoke with developer Kessler requesting that only 20ft wide be cleared for the road and ideally no more, preserving as many trees as possible. He seemed to agree when he met us at the end of Ridgetop in early December.

As of early December, Mr. Kessler guessed that they would build the fire road by January 1, by February at the latest. It is now mid-July, so it is unclear what the plan is and if it has changed at all.

Mr. O'Connor's questions for the Mosby board and residents are:

- a. Can we ask the County and/or Whittington developers in any other way not to put an additional access point through Mosby?
- b. Does Mosby have any leverage to resist the fire road? One concern is that it will be an unused road and encourage the kind of late-night visitors seeking an isolated space where no one will bother them (similar to cars parked at the end of Ridgetop, parties, and previous activities mentioned by police monitoring the area). And, if the fire road is there, what stops the county from simply converting it to an actual road at any point in the future?

- c. Below is an email exchange with the planner in charge of the Whittington division, and Mr. O'Connor's attempts to clarify when and how the fire road could become a new road:

***From Mr. O'Connor to Ellie Carter Ray, Senior Planner, Albemarle County Community Development:***

Thank you again for chatting with me today.

If it isn't too much trouble, would you mind sending the number of the Mountain Valley parcel that is relevant for the possibility of the fire access eventually becoming a road at the end of Ridgetop?

To recap what you said, it sounded like the fire road would not become a road because it is not wide enough with the current access point and easement. However, if the Mountain Valley parcel were ever "developed" further, the county would require a road there. By "develop," you meant further subdivided or built for more houses. Conversely, if someone purchases that lot and decides to build a house on that parcel, no road would be required. Is that an accurate assessment?

Last, could you send the name of the LLC that granted the easement for the fire road?

***From Ellie Carter Ray, PLA, Senior Planner, Albemarle County Community Development to Mr. O'Connor:***

Sorry for the delayed response, things are super busy.

The parcel behind Whittington on which part of the current fire road easement is located is 08900-00-00-073G6. I don't know what LLC granted the easement, but the owner of the parcel is Jessco LLC. You can find all of this information in the County's online GIS system <http://gisweb.albemarle.org/GISWEB/Welcome.aspx>

I think your understanding of our conversation is pretty accurate.

Mr. O'Connor and Mr. Miller will follow up

8. Comments on items not on the agenda.

Mr. Anderson asked for an update on the Airbnb compliance and Mr. Althoff responded that no Mosby properties are listed on the Airbnb site.

9. Next regular board meeting

The next regular board meeting will be held in September on a date and location to be determined.

10. Adjournment

On a motion by Mr. Garland, seconded by Mr. Miller, the meeting was adjourned at 8:13 p.m.

Respectfully submitted,

James R. Peterson  
Secretary/Treasurer

## MAY 2016 - BUDGET VS ACTUAL

	Jan - May 16	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
41000 · ASSESSMENT INCOME	26,868.50	26,180.00	688.50	102.63%
41500 · Fee Income	85.00			
43000 · INTEREST INCOME	50.37			
Total Income	<u>27,003.87</u>	<u>26,180.00</u>	<u>823.87</u>	<u>103.15%</u>
Gross Profit	27,003.87	26,180.00	823.87	103.15%
Expense				
51000 · ACCOUNTING FEES	1,133.88	2,100.00	-966.12	53.99%
52000 · Liability, D&O, Bonding Ins	0.00	416.69	-416.69	0.0%
53000 · LEGAL FEES	621.00			
53500 · LICENSES AND FEES	38.84	62.50	-23.66	62.14%
54500 · MEETING EXPENSE	0.00	208.31	-208.31	0.0%
55000 · OFFICE EXPENSE	0.00	208.31	-208.31	0.0%
55005 · Association Events	41.00	416.69	-375.69	9.84%
64500 · TRASH COLLECTION	7,586.25	7,586.25	0.00	100.0%
75300 · LANDSCAPING - CONTRACT	8,985.00	11,092.94	-2,107.94	81.0%
75400 · LANDSCAPING - NON-CONTRACT	2,579.00			
85500 · WEBSITE EXPENSE	0.00	75.00	-75.00	0.0%
Total Expense	<u>20,984.97</u>	<u>22,166.69</u>	<u>-1,181.72</u>	<u>94.67%</u>
Net Ordinary Income	<u>6,018.90</u>	<u>4,013.31</u>	<u>2,005.59</u>	<u>149.97%</u>
Net Income	6,018.90	4,013.31	2,005.59	149.97%

## MAY 2016 - BALANCE SHEET

	May 31, 16
ASSETS	
Current Assets	
Checking/Savings	
10300 · Cash - VNB - 6409	50,166.40
10500 · Capital One Business Savings	30,401.50
Total Checking/Savings	<u>80,567.90</u>
Accounts Receivable	
11000 · Accounts Receivable	-6,423.53
Total Accounts Receivable	<u>-6,423.53</u>
Total Current Assets	<u>74,144.37</u>
TOTAL ASSETS	<u>74,144.37</u>
LIABILITIES & EQUITY	
Equity	
32000 · CAPITAL CONTRIBUTIONS	2,000.00
3900 · Retained Earnings	44,718.33
39996 · RETAINED EARNING	21,407.14
Net Income	<u>6,018.90</u>
Total Equity	<u>74,144.37</u>
TOTAL LIABILITIES & EQUITY	<u>74,144.37</u>

## MAY 2016 - P & L

	May 16
Ordinary Income/Expense	
Income	
41000 · ASSESSMENT INCOME	7.88
41500 · Fee Income	25.00
43000 · INTEREST INCOME	10.28
Total Income	<u>43.16</u>
Gross Profit	43.16
Expense	
64500 · TRASH COLLECTION	1,517.25
75300 · LANDSCAPING - CONTRACT	1,797.00
75400 · LANDSCAPING - NON-CONTRACT	1,054.00
Total Expense	<u>4,368.25</u>
Net Ordinary Income	<u>-4,325.09</u>
Net Income	<u>-4,325.09</u>