

## **Mosby Mountain Community Association**

### **MEETING OF THE BOARD OF DIRECTORS**

**Date and time: Tuesday, May 6, 2008, 6:30 pm**

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

Board members present:

Preston Miller, President, 1390 Singleton Lane  
Michael Hightower, Vice President, 1957 Ridgetop Drive  
Jim Peterson, Secretary/Treasurer, 1969 Ridgetop Drive  
Tom McGrath, 2041 Ridgetop Drive  
Todd Pullen, 1212 Hatcher Court  
Brian Roy, 1647 Hubbard Court

Other members of the Association present:

Jeremy Drumheller, 1665 Hubbard Court  
Cynthia Murray, 1342 Singleton Lane,  
Jana Glenn, 1330 Singleton Lane  
John Glenn, 1330 Singleton Lane  
Vic Peña, 1869 Rhett Court

1. Welcome and introductions

Mr. Miller called the meeting to order at 6:45 p.m. and welcomed everyone.

2. Adoption of agenda

On a motion by Mr. Hightower, seconded by Mr. Roy, the agenda was unanimously adopted as distributed.

3. Approval of April 21, 2008, special board meeting minutes

On a motion by Mr. Hightower, seconded by Mr. McGrath, the minutes were unanimously approved as distributed.

4. Financial statements

Mr. Peterson distributed copies of reports from Joseph Saunders, CPA, for the periods ending March 31 and April 30, 2008, with the April report showing a cash balance of \$24,498.16 and accounts receivable of \$2,973.52.

Members asked about the status of delinquent accounts, and Mr. Peterson responded that Saunders is recommending that late charges be assessed against those accounts that are overdue. This is prescribed in the Covenants:

Article V

Section 8. Effect of Non-Payment of Assessment: The Personal Obligation of the Owner: the Lien:

Remedies of Association. If the regular annual assessment or any special assessment is not paid on or before the past-due date specified in Section 7 Article V [Assessments shall be billed annually, quarterly, monthly, or on such other basis as may be determined by the Board of Directors. All Assessment bills shall be due and payable within thirty (30) days from the date of mailing], then such assessment shall become

delinquent and shall (together with interest thereon at the maximum annual rate permitted by law accrued from the due date and cost of collection thereof including a reasonable attorney's fee as hereinafter provided) become a charge and continuing lien on the land and all improvements thereof, against which each such Assessment is made, in the hands of the then Owner, his heirs, devisees, personal representatives, and assigns.

If the assessment is not paid within thirty (30) days after the past due date, the Association may bring an action at law against the Owner personally and there shall be added to the amount to such assessment the costs of preparing the filing of the complaint in such action and a reasonable attorney's fee, and in the event a judgment is obtained, such judgment shall include interest on the assessment as above provided and a reasonable attorney's fee together with the costs of the action.

Mr. Peterson recommended that the board adopt a policy to implement this requirement and then notify the affected homeowners and give them a 30 day grace period. Other members maintained that since the Association is already out of compliance with the requirements in the Covenants, that the policy should take effect immediately.

On a motion by Mr. Roy, seconded by Mr. Pullen, it was voted to authorize Joseph Saunders, CPA, to immediately notify residents with delinquent accounts that the balances are now subject to interest charges accrued from the due date at the maximum annual rate permitted by law in accordance with the Covenants; five voting yea, Mr. Peterson abstaining.

#### 5. Report on March 4, 2008, membership meeting

It was noted that this item had been addressed at the previous regular board meeting, and any attendant safety issues would be covered under other items coming up at this meeting.

#### 6. Approval of the selection for the establishment of the reserve fund

Mr. Roy reported that he explored the rates offered by banks for six month certificates of deposit (CD), and even though these would tie up the funds for six months, the rates were not at all favorable, varying from 1.5 to 2.75 percent. He also looked into ING Direct which offers a 3.3 percent six month on-line CD as well as a simple savings account for not-for-profits with a 3.15 percent interest rate. The account is FDIC approved up to \$100,000.00, and it was his recommendation to go with this recognizing that it could be reevaluated as the market changes.

On a motion by Mr. Pullen, seconded by Mr. Peterson, it was unanimously voted to establish a reserve account with ING Direct with an initial transfer from checking in the amount of \$10,000.00.

#### 7. Approval of maintenance plans for common areas

Mr. Todd provided some background. Four proposals had been received varying from \$17,000 to \$31,000. However, in conformance with the budgeted amount of \$13,500, an agreement with Crenshaw's Lawn Service to begin lawn cutting and fertilization was approved at the April 21 special board meeting. In the interim, Mr. Crenshaw withdrew his proposal. Following all of the rain, the grass was then growing rapidly and many expressions of concern were received from residents. Mr. Pullen stepped up at that point and arranged to have all of the common areas cut on a one-time urgent basis. Mr. Roy reported that a proposal was received from McClellan lawn service in the amount of \$13,000.00, and if this was accepted, Mr. Pullen would be the contact person. Mr. Roy noted that more participation of residents is needed; Mr. Peña suggested that the cutting blades should be set a maximum height. He also noted that the plants at the entrances are dead, and that the community should take a couple of hours to address the entrances.

On a motion by Mr. Hightower, seconded by Mr. Roy, it was unanimously voted to approve the proposal for landscaping maintenance services submitted by McCellan in the amount of \$13,000.00.

Mr. McGrath read the e-mail he had received from Ms. Carol Price on Turnstone Drive asking about landscaping enhancements to that area. Mr. McGrath had then taken the initiative to e-mail Beights asking if any more work was planned for Turnstone, but this is very unlikely. Mr. Pullen described the proposed plan from the neighbors on Turnstone for the island in the cul-de-sac which would be a band of lawn with the rest mulched, a tree and some shrubs. Mr. McGrath suggested that the web site could be used to get input and to develop a realistic budget. Mr. Roy suggested that a commitment from the neighbors should be secured to maintain the island.

On a motion by Mr. Peterson, seconded by Mr. Hightower, it was unanimously voted to authorize Mr. Pullen to arrange for landscaping of the Turnstone Drive island at an amount not to exceed \$500.00, and provided that the property owners on Turnstone sign a letter agreeing to water and maintain the plantings.

Mr. McGrath circulated photos of the entrances showing the dead shrubbery. Mr. Roy said that the Common Areas Committee (CAC) is scheduled to meet on May 14 and the number one focus of that meeting will be on the entrances. Mr. Miller asked that they make both short and long range plans that would be presented at the June membership meeting. Mr. Peña reminded members that months ago he had presented a list of plants that are hardy and low maintenance. Also, he has observed the Virginia Department of Forestry planting trees in Mountain Valley for a modest fee. Mr. Miller said that the landscapers should be authorized to immediately proceed with a short-range plan for the entrances. Mr. Pullen said that the CAC can adopt a plan in writing at the May 14 meeting but that wouldn't preclude maintenance before May 14.

#### 8. Update on responses to continuing erosion issues on Singleton Lane

The County officials did not show at the meeting held on Monday, April 28 on-site in the rain on Singleton Lane with residents, board members and Craig builders present, and repeated efforts to reach them by phone were unsuccessful. Mr. Miller reported that he had followed up with the County. They told him that they have been very busy with two vacancies in their department, but they will review the entrance erosion and the drain in front of Mr. Gunther's house. Mr. McGrath said we need to get a statement from the County telling us what plans and requirements they have, and what outstanding issues remain between Beights Development and the County. There appears to be a lack of commitment from the County to hold Beights accountable. Mr. Peña recommended that the member of the board of supervisors representing our district, Sally Thomas, be included in a meeting with the County. Mr. McGrath will draft a letter to the County for Mr. Miller's signature. The letter is to document our attempt to meet with the County and builder regarding the five house erosion issue along Singleton, and the lack of response from the County. Ms. Murray suggested that Ms. Thomas be copied on the letter, and also that we indicate that we worked around their schedule. Mr. Glenn reported that Mr. Brooks (from the County) has recommended that a retaining wall be constructed, but the County can only say that the problem must be remediated but they cannot dictate how it is to be done. Mrs. Glenn asked what documentation we have. Mr. Miller will reschedule the meeting with the County.

#### 9. Maintenance of mailboxes

This item will be taken up when Ms. Strain is present with her revised proposed guidelines.

#### 10. Yard sale

Mr. Peterson reported that Danielle and Trevor Starnes have requested up to \$200.00 for the signs and other publicity expenses for the yard sale which will be held on Friday, June 6 and Saturday June 7.

On a motion by Mr. Pullen, seconded by Mr. Peterson, an expenditure of up to \$200.00 for yard sale signage and publicity was unanimously approved.

#### 11. Update on website

The web site is up and running. As reported previously, Mr. Jeff Gunther captured the MosbyMountain.org domain on behalf of the Association and the monthly hosting charges of \$14.99 come to him.

On a motion by Mr. Pullen, seconded by Mr. McGrath, it was unanimously voted to authorize reimbursement of the \$14.99 monthly web hosting expenses.

#### 12. Annual calendar for the work of the board

Mr. Peterson noted that a formal annual calendar for the work of the board should be developed, but in the meantime certain critical deadlines need to be kept in mind. Working back from the annual meeting in December, the budget for 2009 must be publicized to the membership on October 31, which would mean that the board would need to approve the budget at its October board meeting the first week of October. In order to do that, the board will have needed to complete the evaluation and negotiation of the next year's contracts for accounting services, community-wide trash service and common areas maintenance. Mr. Miller responded that board assignments to carry out these tasks can be made in July.

#### 13. Comments of items not on the agenda

Mr. McGrath observed that there is a lot of activity at Mountain Valley lake and that Beights needs to be aware that there may be trespassers.

Ms. Murray noted that her mailbox is in disrepair. Members responded that Ms. Strain has researched the maintenance and replacement of mailboxes, and that guidelines and information will be issued shortly.

There were comments supporting a neighborhood watch program, but volunteers would be needed to carry out this program.

#### 14. Next meetings

Mr. Peterson reported that he has received comments from residents indicating that Tuesdays were the worst days for them to attend meetings and asked that the board consider trying another day of the week. It was agreed that the meetings (board and general membership) would be moved to the first Wednesday of each month, and that this change in meeting day will be evaluated following several months of experience with the new schedule.

The next membership meeting will be held on Wednesday, June 4, 2008, 6:30 p.m. at the Albemarle County Office Building, Fifth Street Extended, meeting room B.

The next regular meeting of the board will be held on Wednesday, July 2, 6:30 pm., at a location to be determined.

The meeting was adjourned.