

Mosby Mountain Community Association
MEETING OF THE MEMBERSHIP

Date and time: Wednesday, September 3, 2008, 6:30 pm

Meeting location: Fry's Spring Beach Club
2512 Old Lynchburg Road, Charlottesville, Virginia

Note: Notification of the September 3, 2008, meeting, along with the agenda and all referenced information, and instructions as to how to retrieve the June 3, 2008, membership meeting minutes from the mosbymountain.org website were mailed via USPS to the membership on August 20, 2008.

Attending:

Members from 29 households

Officers and directors present: Preston Miller, President; Michael Hightower, Vice President; James Peterson, Secretary; Brian Roy, Director and Chair of the Common Areas Committee; and Barbara Strain, Director and Chair of the Architectural Review Board

Proxies received: 38

I. Welcome and introductions

The meeting was called to order at 6:37 p.m. by the president, Preston Miller, who welcomed everyone and introduced the members of the board.

II. Roll call and declaration of quorum

Mr. Miller asked the secretary, James Peterson, to report on the quorum. With a total of 119 households, representation from 18 households would be required to achieve the 15 percent threshold necessary for action on regular items, and representation from 36 households would be required to achieve the 30 percent threshold necessary for action on the proposed special assessment. Twenty-nine households were represented and 38 proxies had been received for a total of 67 households represented. A quorum was declared.

III. Adoption of agenda

Mr. Miller asked if there were any suggested changes to the published agenda. Ms. Strain suggested that an update on the status of the exploratory committee (pertaining to paying a property management company) be added to the agenda. Mr. Miller responded that this could be covered under "Items for discussion from the membership."

On a motion by Steve Wasserman, seconded by Vic Peña, it was voted unanimously to adopt the agenda with the input noted.

IV. Approval of minutes from June 4, 2008, meeting of the membership

Mr. Peña moved that the reading of the minutes of the June 4, 2008, meeting of the membership be waived, and that they be approved as distributed. Ms. Strain seconded the motion and it was unanimously approved.

V. Common Areas Committee Report

Mr. Brian Roy, chair of the Common Areas Committee, reported that the committee now has eight members in addition to himself: Kevin Elgin, Jeff Gunther, Vic Peña, Carol Price, Todd Pullen, Jerry Rainey, Dave Stebbins, and Steven Wasserman. This is a good representation of the neighborhood but he would also like to see someone from Mattox Court added to the committee. Since June, the entrances have been completed after the committee selected Blue Ridge Landscaping from among three proposals. The contractor is watering the plantings every day.

The committee has met four times since the June membership meeting and has prioritized 15 projects with the bridge being the largest. The first priority consists of those projects needed immediately, to be undertaken during this fall's planting season. The next two priority groupings address projects for next year and then the following year.

All committee members agreed that the first priority projects needed to be planted this fall, and this would require a special assessment. The assessment would cover both sides of the bridge and also some seeding of other areas in addition to what is available in the current budget. Mr. Roy extended a special thanks to Mr. Peña for all of his "leg" work--literally--he used a measuring wheel to measure all of the common areas, and also to Mr. Rainey and Mr. Stebbins.

With the aid of display boards, Mr. Peña presented the specifics of the projects covered in the proposed special assessment. They had determined that there are over five acres of common area that need attention. He then described the sizes and characteristics of each of the areas. He said that certain assumptions had to be made in order to project costs and move ahead on these critical needs, one of which is that we are on our own. The developer only has to do the minimum in order for the county to release the performance bonds, and the county only requires that erosion be remediated.

The committee is proposing the use of deer and drought resistant native trees which also have the advantage of being relatively inexpensive--and with a one year guarantee. The landscaping amount is \$28,225 and another \$1,000 has been added to improve the entrance lighting for a total proposed special assessment of \$29,225. The biggest challenge is the bridge. It has been divided into three areas. The most steeply sloped would require ground cover such as junipers. There are lots of rock in the grass areas and so a high quality turf grass would be used and then the cuttings would be kept higher. For the rocky embankment on Ambrose, the contractor would be asked to polish the outcroppings and plant around them. Trees would be planted around the Singleton pond.

A question was asked about the method of how the costs were projected. A landscape architect was hired, and then the spacing of more expensive plants (using a 6 foot radius for junipers), less expensive ornamental grasses and the rest in grass seed. All of the square footage was measured.

A number of additional questions were raised concerning the specifics of the work and the areas covered as well as concerns about what were seen as remaining responsibilities for the developer. Ms. Ellen Lubinsky gave updates on the meetings and conversations with the developer and indicated that some participation is anticipated. Questions were asked about what would be done if any surplus funds remained after the completion of the work, and Mr. Miller responded that it would be up to the membership, that either the surplus could be returned or deducted from the next year's assessment. Comments from other members suggested that any excess could be applied to other identified landscaping needs. Mr. Miller emphasized that in any event, these funds would be accounted for separately and could only be used for the purpose outlined.

VI. Approval of a Special Assessment for landscaping improvements

The resolution under consideration had been published with the meeting notification that went out on August 20, and the resolution was also projected on a screen at the meeting:

Whereas the Common Areas Committee has completed a year-long study of landscaping needs in the common areas and has identified projects which are critical to be undertaken in the fall 2008 planting season including groundcover for 56,000 square feet on the north and south side of Ambrose Commons, and some cleanup, aeration and overseeding to other common areas throughout the community and the easement on Ridgetop Drive; and whereas the costs compiled to complete this work and entrance lighting totals \$29,225; and whereas the bridge and other common areas had not been completed by the developer at the time of the 2008 budget preparation and so the landscaping projects and costs could not be incorporated in the regular

2008 budget at that time; be it therefore resolved that the membership approves a special assessment not to exceed \$29,225 (\$245 per household) to be levied immediately provided that the total amount and per household amount would be reduced by any outcomes from the current negotiations with the developer.

Because the resolution came as a recommendation from the board, a second was not required. Mr. Miller asked for a show of hands—one vote per household—for those voting yes, and then for those voting no. Twenty-seven voted yes, and 2 no. The proxy votes were 22 yes and 16 no for a total of 49 voting yes and 18 voting no. Mr. Miller declared that the special assessment was approved.

VII. Architectural Review Board report

Ms. Strain reported that the ARB guidelines will be published on the website, but in the meantime, the committee will send an e-mail along with the guidelines attached to all residents. Beginning next Sunday, the ARB members will take a tour of all properties and compare what has been approved to what they find actually existing. For example, some basketball hoops have not been approved, and also there are cars on the street that have not been moved in a while. She asked everyone to review their own properties to see for themselves if they have compliance issues. The Association has the authority to bring in contractors to bring properties into compliance, but the ARB would much rather work cooperatively with the owners and serve as a resource to give suggestions to bring things into compliance. Ms. Strain noted that Mary Campbell is a new member of the ARB and so they have good representation and are at full strength. A question was asked about what are the rules about cars, and Ms. Strain responded that both safety and aesthetic considerations come into play. The committee has pulled as much of the requirements out of the Covenants that make sense, and these are reflected in the guidelines.

VIII. Approval of implementing a Neighborhood Watch Program

Ms. Beverly Glascock reported that no responses have been received to the second informational flyer that was distributed to all residents although there are 10 persons who have expressed interest in participating. A commitment from at least 50 percent of the households is required in order for the Albemarle County Police to sanction an official neighborhood watch program. Mr. Miller asked if there was interest in developing an informal program and none was expressed. He then suggested that the consideration of the formal program be postponed until the December Annual Meeting at which time a ballot could be distributed to determine the extent of interest and see if there is a commitment at that time.

IX. Items for discussion from the membership

It was suggested that signs reading, "Children at play," be installed. The Common Areas Committee will look into this suggestion.

Ms. Lesley Foster said that she would like to give an update on the Exploratory Committee and then distributed copies of a two-page update and asked that the write-up be made a part of the minutes (see attached). She then spoke to a number of the points in her write-up. After some discussion, Ms. Strain said that the board would appoint a committee representing multiple points of view.

X. Adjourn

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

James R. Peterson
Secretary

Statement read by Lesley Foster at the September 3, 2008, MMCA membership meeting

Update on the MMCA Exploratory Committee – September 3, 2008

I'd like to report on the status of the Mosby Mountain Exploratory Committee (EC) that was created at the June 4 quarterly meeting. For those of you who didn't attend that meeting, Kelley Hathaway, Ellen Lubinsky and I requested the committee be formed in order to educate the neighborhood about the different management options for Mosby Mountain and allow residents to vote on those options.

When the EC was approved in June by a vote of 23-9, Kelley, Ellen and I assumed we had the authority to move forward. With other commitments competing for our time, it was late July before we sent an email to those who'd volunteered for the EC. In it we suggested a divvying up of assignments based on our "Talking Points" handout from June 4th.

Kelley, Ellen, Shawn Brydge and I would prepare the document explaining the benefits of working *with* a management company since all of us had experience with the prior property manager. Kelley, Ellen and I had served on the HOAs first board in 2005, and Shawn has been on the ARB committee for almost four years now.

We asked if the other two who had volunteered for the committee could prepare the document explaining the benefits of the current self-managed model. Since one of these people, Marsha Peterson, is married to a current board member, we believed this would allow for the board to weigh-in on the benefits of self-management and assist in the preparation of the requested side-by-side budget comparison of the two models. We also copied Jim Peterson on the email so that he could update the board.

Unbeknownst to Kelley, Ellen, Shawn and I, the board decided in a meeting on August 6 that (and I quote from the minutes): "In the absence of a balanced membership represented on the committee this information [our email] would not be brought to the table to inform the committee." The minutes further state: "It is also the responsibility of the board to appoint the committee, and this board seeks to assure a broad representation of knowledge, experience and opinions. It is also the board's responsibility to establish the charge of this committee." The minutes conclude by saying that a board member would contact me to "explore these issues further in order to move this process forward."

We did not learn anything about this meeting until August 21, when we completed our document. We were surprised and disappointed by the board's handling of the EC. Kelley, Ellen and I acted in good faith and showed good will. In our July email, we purposely concluded our remarks by saying: "We look forward to your input and working together toward our common goals for creating a wonderful neighborhood. While we are not on the same side of the issue, we hope we can put our differences aside and work together to create an objective set of documents that will enable the community to understand each side of the issue and cast an educated vote."

The board also states in their August 6 minutes that they carefully weighed their decision not to renew the former management contract last year and, as part of the process, solicited and reviewed proposals from local management companies. These things are true. However, the community was not an active participant in the process, there was virtually no discussion on the subject at the June or September 2007 quarterly meetings preceding the board's decision, nor was there a community vote. While the bylaws allowed the board to make an independent decision, we believe the subject deserved the same treatment as that given to the subject of trash collection—which, you may remember, resulted in a lively debate that was ultimately voted on, and resulted in a new vendor and a community-wide trash contract.

We believe spirited debate is a sign of a healthy and involved community, in which everyone's voice can be heard. Accordingly, we request that the board extend the EC's timetable to the March 2009 quarterly meeting with the suggestion that the soliciting of bids from management companies be postponed until after the vote. If the vote is in favor of a property manager, RFPs could be solicited and a company selected by the community prior to next September's meeting. If the community vote is in favor of continuing to self-manage, there would be no need for bids. Either way, the collective voice of the community would be heard.

Ellen, Kelley and I have decided to step down from the EC in hopes of engendering a better dynamic between the EC and the board. Shawn Brydge will stay on. We hope that some of you will volunteer to serve on this committee. If you are interested, please contact Shawn or a member of the board.

In closing, we want to thank the many volunteers in the community who are working so hard to make our neighborhood a better place. I'd also like to extend a personal thank you to board member Michael Hightower for his sensitive and sensible outreach after August 21, when relations were strained.

I request that this statement be made a part of the minutes and ask that a motion be made to extend the EC's timetable.