

**Mosby Mountain Community Association**  
**ANNUAL MEETING OF THE MEMBERSHIP**  
**Minutes**

**Date and time: Tuesday, December 1, 2020, 7:00 pm**

**Meeting location: Held remotely over the Internet via the Zoom meeting platform**

*Note: Notification of this meeting, along with the agenda and all referenced information, was emailed to the membership on November 13, 2020, and hand-delivered to the one household which does not have email.*

Attending:

Members from 13 households

Officers and directors: Jim Peterson, President; Bryan Hamil, Secretary/Treasurer; and directors Ryan Liverman, George Urban, and Ken Garrison.

I. Call to order

Mr. Peterson called the meeting to order at 7:03 pm.

II. Declaration of quorum

Mr. Peterson asked the secretary, Mr. Hamil, to report on quorum. With a total of 119 households, representation from 18 households would be required to achieve the 15 percent threshold necessary for action on agenda items V (Approval of December 3, 2019, Annual Meeting Minutes), VI (Approval of the July 30, 2020, Special Meeting of the Membership Minutes) and item IX (Election of officers and board members). 13 households were represented in attendance and 24 proxies were received for a total of 37 households represented. Therefore, a quorum was achieved to conduct all business scheduled to come before the membership.

III. Welcome and introduction

Mr. Peterson welcomed everyone and asked all members to introduce themselves.

IV. Adoption of agenda

Mr. Peterson asked if there were any proposed changes to the agenda.

On a motion by Mr. Hamil, seconded by Mr. Liverman, the agenda was adopted with no changes.

V. Approval of minutes of the December 3, 2019, Annual Meeting of the membership

Mr. Peterson stated that if there were no objections, the motion to approve the minutes would be adopted. The minutes of the December 3, 2019, Annual Meeting of the Membership were approved as distributed by unanimous consent without objection.

VI. Approval of minutes of the July 30, 2020, Special Meeting of the membership

Mr. Peterson stated that if there were no objections, the motion to approve the minutes would be adopted. The minutes of the July 30, 2020, Annual Meeting of the Membership were approved as distributed by unanimous consent without objection.

VII. Year in review – board and committee reports

a. President's remarks

Mr. Peterson started by welcoming the 10 new owners who have moved into our neighborhood since our last annual meeting in December 2019. Once again, that represents an eight percent turnover of the 119 homes in Mosby for the year.

Mr. Peterson thanked all of the officers and board members for their work over the past challenging, yet remarkably productive year. He regretted to report that due to changing circumstances for Noor Sabah, she would not be able to continue her service on the board into next year. Also, Bryan Hamil, who has been an outstanding secretary/treasurer, is wrapping up his second term on the board and is not eligible for re-nomination at this time, but we fully expect to see him back after a year's hiatus.

Mr. Peterson presented the president's report, and began by asking that any questions and comments be held until later in the meeting because much of what he would touch upon would be amplified in the reports of the officers and board members following his remarks.

Looking back over the year, the board, at its January meeting, adopted guidelines for the installation of solar panels and also completed a several months' study of the consideration of installing dog waste stations concluding that the stations were unlikely to be effective in Mosby Mountain and so no further action on this was planned.

The board cancelled its regularly scheduled meeting for March due to the onset of the Covid-19 pandemic, and the absence of any pressing business.

The May board meeting, and all subsequent meetings for the year, was conducted via the Zoom virtual meeting platform as we are again here tonight. During that May board meeting, the board approved a survey of the membership to determine the level of interest in contracting for the installation of a neighborhood fiber network. If the Association were to move in that direction, it would require an amendment to the Covenants and Restrictions and an eventual dues increase to cover the monthly pass-through cost of the Internet service.

In July the board held a special board meeting to review the survey (78 Percent responded with 91 percent in favor, two percent opposed) and then approved the scheduling of a special meeting of the membership to seek approval for moving ahead with the fiber network plan. The special meeting of the membership was subsequently held on July 30.

At the regular July board meeting, a problem with trespassers crossing back and forth between Oak Hill and Mosby's Hatcher Court cul-de-sac was considered. On a separate issue, a suggestion was received from a member to begin a process to see if there was general support among the membership to change the name of Mosby Mountain to something that was not so closely associated with the Confederacy.

The special meeting of the membership was held on July 30 and the amendment to the Covenants and Restrictions to include the provision of Internet services, and the dues increase to cover the monthly cost of service, were approved. The amended Covenants and Restrictions were subsequently recorded in the office of the county clerk.

The budget for 2021 was approved at the September board meeting. Also, it was concluded that instead of pursuing a name change of Mosby Mountain at that time, a document would be developed contextualizing the name of John Singleton Mosby.

a. President's remarks (contd...)

Mr. Peterson said that he would like to end his report with a brief summary of the process and status of the installation of the fiber Internet network. He gave special thanks to board member, George Urban, who conducted all of the early research on the fiber network, worked with Ting, and developed and carried out the neighborhood survey.

After the membership, on July 30, voted to approve the amendment to the Covenants and Restrictions allowing the Association to provide Internet services, and also a dues increase of \$45.00 per month for the pass-through cost of the Internet service, we recorded the Amended C & R and then signed a contract with Ting but they delayed in returning the fully executed agreement. In preparation for our September board meeting, we requested a status update from Ting, and then Mike Tarrant, director of enterprise sales for Ting, reported:

*"Unfortunately at this time the costs that have come in for Ting to build to Mosby Mountain are prohibitive for us to do. We are exploring some additional technologies that would allow us to build much more affordably. We are currently using a contractor capable of doing this in our Southern California markets and will be doing so in some of our mountain towns in Colorado shortly. Our plan is to do this in Charlottesville as well. We'll be working out getting approvals to do so but are in the beginning stages so I don't have a time frame. It is however a high priority for Ting since much of the Charlottesville area has a lot of rock. As we make progress, we'll continue to communicate but at this time we just don't have that time line which I know is very disappointing because you've all worked so hard to push this approval forward. We appreciate your strong support of wanting Ting in Mosby Mountain. I just wish we had better news at this point to share."*

We were concerned that Ting might not honor the original provisions of our agreement at such time as they may be able to commence construction, and so we requested written assurances. Mr. Tarrant responded as follows in September:

*"Thanks for the follow up. We just hated delivering this news but will remain hopeful that Ting will arrive in Mosby Mountain at some point. So in regards to our position on your points basically yes. Mosby Mountain if/when we do get to a better financial position Mosby will be at the top of the queue for delivery. We will not and are not looking to alter the financial obligations outlined in the agreement. Our goal if it plays out the way we believe it can is that we bring to town an alternative way of laying fiber (which is used in other cities just not here) and that it will dramatically improve our time to construct and lower the costs to deliver to a point we get approval to move forward. We will communicate along the way with progress made. We appreciate your patience. I can assure you that this team is fighting very hard to make this happen."*

Because we had not received any updates since September, we requested a status report in November. Mr. Tarrant's response:

*"We are moving ahead with our microtrenching work in Southern California which will begin later this month. So that is step one which is an important step for us. That doesn't give me any ability to forecast timelines but it was an important step. So for your side really we are making the progress we were hoping for...we'll keep you posted especially as any timeline news becomes apparent."*

That is our situation today. We remain hopeful that the work can begin sometime next year. If it does, and then after the system is fully installed and operational with cables running to every house, at that time the dues would be increased by \$45.00 per month (\$135.00 per quarter). Until then, we remain in a holding pattern.

b. Architectural Review Board (ARB)

Mr. Garrison reported that there were 8 HOA packets distributed for a home sales, 28 applications processed by the ARB in 2020 and that new resident Chris Boggs joined the committee mid-year.

c. Common Areas Committee

Mr. Liverman, chair of the Common Areas Committee, reported on activities during the year.

1. Review of property line, in conjunction with ARB, between Hatcher Ct and Oak Hill as well as review of other areas within the neighborhood to determine if work was needed as part of Common Areas, and none was determined needed.
2. Landscaping was completed around the signs, giving a simple, clean look. Will look to put in lower profile light at the main entrance sign.
3. No major tree clean up or issues in 2020, which saved us some costs but will continue to evaluate drainage and runoff areas for restoration/repair.
4. Will look to replace pines along Singleton entrance, which have been dying off.

d. Community Relations Committee

Mr. Urban reported on three areas of within his scope of responsibilities as chair of the Community Relations Committee:

1. All three main events were canceled due to COVID-19 (yard sale, movie night and Halloween party). We are hopeful to resume these in 2021.
2. Focus on the Ting survey and collection of information.
3. Expect to review the trash contract which is up for renewal in 2021. Mr. Urban, in response to a question, stated that the trash rate could be increased if the trash company exercises their small % increase but they have not done so yet.

VIII. 2020 Financial Report and 2021 Budget

Mr. Hamil shared the details of the balance sheet, profit and loss report of actual income and expense through October 2020, derived from the monthly financial statement issued by Robinson Farmer Cox Associates, CPA (see attached).

Mr. Hamil shared the 2021 budget adopted by the board on September 15, 2020 (see attached). The budget increased to \$64,374 and the quarterly dues increase to \$135.00 per quarter.

IX. Election of directors and officers

Current director, Noor Us Sabah, will not be available to complete the second year (2021) of her current two-year term, and so that opens a one-year partial term. Directors Carol Price, Ryan Liverman and George Urban will continue on the board for the year 2021 as they complete the second year of their two-year board terms.

a. Slate of Officers and Directors

- i. Directors (one-year partial term): Steven Wasserman; (two year terms): Ken Garrison, Jim Peterson and Chris Boggs
- ii. Officers (one year term): Ryan Liverman, president, George Urban, vice president, and Jim Peterson, secretary/treasurer

b. Mr. Peterson asked if there were any nominations from the floor. Hearing none, he stated that if there were no objections the motion to approve the slate of board members and officers would be adopted.

c. The nominations were closed and that the slate was elected by unanimous consent without objection.

X. Items from the membership not on the agenda

A question was raised regarding the board continuing to use Luke Marshall for landscape service. Mr. Liverman confirmed we are continuing with Luke and just recently signed a 3 year fixed rate contract.

A question was raised regarding having the leaves in the common areas cleaned up. Mr. Liverman confirmed he will follow-up with Luke Marshall to get this done.

A question was raised regarding having the common area bridges power washed. Mr. Liverman responded that he would add this for common areas committee consideration this coming spring.

XI. Adjournment

On a motion by Mr. Urban, seconded by Mr. Hamil, the meeting was adjourned at 7:38 pm.

Respectfully submitted,

Bryan Hamil  
Secretary/Treasurer

Minutes posted on mosbymountain.org: December 16, 2020

MMCA Oct 2020 Balance Sheet		31-Oct-20	MMCA Oct 2020 YTD P&L		Jan - Oct 20
<b>ASSETS</b>			<b>Ordinary Income/Expense</b>		
<b>Current Assets</b>			<b>Income</b>		
Checking/Savings			41000 · ASSESSMENT INCOME		63,225.04
10300 · Cash - VNB - 6409		23,166.02	41500 · Fee Income		172
10500 · Capital One Business Savings		30,942.49	43000 · INTEREST INCOME		102.76
Total Checking/Savings		54,108.51	Total Income		63,499.80
Accounts Receivable			Gross Profit		63,499.80
11000 · Accounts Receivable		2,586.60	<b>Expense</b>		
Total Accounts Receivable		2,586.60	Write Off (Bad Debt Expense)		8.01
Total Current Assets		56,695.11	51000 · ACCOUNTING FEES		3,008.80
<b>TOTAL ASSETS</b>		<b>56,695.11</b>	53000 · LEGAL FEES		833.15
<b>LIABILITIES &amp; EQUITY</b>			53500 · LICENSES AND FEES		25
<b>Equity</b>			55000 · OFFICE EXPENSE		168.42
32000 · CAPITAL CONTRIBUTIONS		2,000.00	64500 · TRASH COLLECTION		21,122.50
3900 · Retained Earnings		19,069.15	66900 · Reconciliation Discrepancies		0.1
39996 · RETAINED EARNING		21,407.14	75300 · LANDSCAPING - CONTRACT		23,190.00
Net Income		14,218.82	75400 · LANDSCAPING - NON-CONTRACT		925
Total Equity		56,695.11	Total Expense		49,280.98
<b>TOTAL LIABILITIES &amp; EQUITY</b>		<b>56,695.11</b>	Net Ordinary Income		14,218.82

MMCA Oct 2020 YTD Budget vs Actual	Jan - Oct 20	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
41000 · ASSESSMENT INCOME	63,225.04	63,308.00	-82.96	99.87%
41500 · Fee Income	172	83.34	88.66	206.38%
43000 · INTEREST INCOME	102.76	83.34	19.42	123.30%
Total Income	63,499.80	63,474.68	25.12	100.04%
Gross Profit	63,499.80	63,474.68	25.12	100.04%
<b>Expense</b>				
Write Off (Bad Debt Expense)	8.01			
51000 · ACCOUNTING FEES	3,008.80	3,600.00	-591.2	83.58%
53000 · LEGAL FEES	833.15			
53500 · LICENSES AND FEES	25	58.34	-33.34	42.85%
55000 · OFFICE EXPENSE	168.42	250	-81.58	67.37%
55005 · Association Events	0	541.66	-541.66	0.00%
64500 · TRASH COLLECTION	21,122.50	21,967.50	-845	96.15%
66900 · Reconciliation Discrepancies	0.1			
75300 · LANDSCAPING - CONTRACT	23,190.00	23,223.34	-33.34	99.86%
75400 · LANDSCAPING - NON-CONTRACT	925	3,083.34	-2,158.34	30.00%
Total Expense	49,280.98	52,724.18	-3,443.20	93.47%
Net Ordinary Income	14,218.82	10,750.50	3,468.32	132.26%