

**MALLARD BAY PROPERTY OWNERS ANNUAL ASSOCIATION MEETING
OCTOBER 18, 2008**

DRAFT

The Mallard Bay 2008 Annual Meeting was called to order by President Barry Kean at 1:08 p.m.

Announced that we had a quorum.

B. Kean introduced the current Board Members and Committee Chairs:

Sam McKinney (Vice President)
Jane Locke (Secretary)
Jeanne Widenmyer (Treasurer)
Carol Henderson (Board Member)
Brenda Johnson (Board Member)
Dave Marcel (Board Member, not present)
Scott McGuire (Board Member and new WebMaster)
Harold Baldwin (Architectural Review Committee)
Barry Kean (New Pier Committee)
Tisha Hauser (Landscape Committee)
Carol Henderson, Carol Bracker, Carol Poundstone (Social Committee)
Gary Lupton (MB 20-20 (long range planning) Committee)

Harold Baldwin moved that the minutes of 2007 annual meeting be approved as submitted, seconded by Steve Jones. Minutes approved.

Reports of the Year in Mallard Bay:

President: Barry Kean reported on the previous year in Mallard Bay. Common areas are well managed and taken care of. A new dock has been added exclusively for fishing, crabbing, socializing and launching and retrieving canoes and kayaks and the Yak-a-Launcher has finally been installed. At the Board's request the Northumberland Board of Supervisors adopted an ordinance permitting the operation of golf carts and similar vehicles on the roadways in Mallard Bay. A big thank you to Rita Johnson for starting and maintaining the Mallard Bay website for many years. Rita has stepped down and Scott McGuire has taken over as the new webmaster. It is the Board's intention to use the website as the primary means of communicating with our property owners in the future. The Board is working on providing handicap access to the clubhouse and additional parking at the clubhouse. Another project in the works is placing benches around Mallard Bay—more on this subject later in the meeting. The Association is in sound financial shape and there are no plans to increase the yearly dues and there are no special assessments planned at this time. We have adequate capital reserves. Under Virginia law community associations are suppose to maintain adequate reserves for replacement of amenities. Mallard Bay is one of the few that actually does this. A major source of controversy this year is whether homeowners in Mallard Bay should be allowed to

rent out rooms or suites in their homes rather than permitting rental only of the entire property. We hope this does not become a divisive issue in our community.

In the bad news area logging crews have cleared the woods between Mallard Bay and Route 642 leaving open fields, brush and debris behind lots 150 through 168.

Our RV lot is running out of space. If anyone has abandoned property stored in the lot, please arrange to move it or contact the MBPOA at (804) 580-2709 or mbpoa@kaballero.com to discuss disposal.

Treasurer: Jeanne Widenmyer reported the 2009 budget similar to last year's except for Special Projects which has increased from \$2,500 in 2008 to \$5,000 in 2009. We did not spend last year's \$2,500 (to be used for new chairs around pool and upgrading playground equipment) and have increased this year's Special Projects to \$5,000 to cover the handicap access to the clubhouse. Our reserves are in good shape—82% funded. Pier reserves are 100% funded and they are paid only from boat fees. All dues and all special assessments have been collected. Of the \$28,700.00 special assessment, \$27,245.00 has been spent on the pier, path to pier, and the kayak rack. We have \$1,454.68 left and would like to put benches on pier and bring electricity and water to pier. As originally agreed, if this money is not spent by December 2008, it will have to be returned to the property owners by reducing the 2009 dues assessment, which means a reduction of \$8.87 per lot. Doug Hatch moved that the money not be returned but held for crabbing pier improvements; seconded Gary Lupton. Motion was approved.

Harold Baldwin moved that the treasurer's report be approved; seconded. The budget was approved.

Property manager/Dockmaster: Dolf Wais reported that the main lake pump was replaced due to motor and pump failure and pond pump motor rebuilt. (Thanks to Herb Fowler for his counsel and assistance.) The crabbing/kayaking pier has been completed. The Yak-a-Launcher finally arrived and has been installed. Instructions to use the Yak-A-Launcher are posted at the dock and also there is a link on the Mallard Bay website to the Yak-A-Launcher company that gives instructions, which includes a movie, on how to use. With Herb Fowler's help the pool ran very well this year. Clubhouse drive, cul-de-sac, parking, and marina area repaved with gray stone. This is less subject to erosion and potholes.

All 18 marina slips were assigned for 2008. One slip was vacated prior to the boating season for health reasons giving us one open slip which was used as a "weekender." Reminder of the November 1st deadline for 2009 priority 1 slip assignments. After that date all requests will go into a first come first serve pool predicated on postmark/reception date.

There are a number of items that were left at the pool. They are out on the deck table and if not claimed will be disposed of. The clubhouse has seen a lot of use. If you wish to reserve it for a function, would advise to do so early.

B. Kean recognized Sylvia Baldwin who presented Dolf with a gift from the water aerobics group for all his hard work cleaning pool early in the morning.

Architectural Review Committee: **Harold Baldwin** reported there are two new houses being built. These were started in 2006. There have been no new starts in 2007. Current members are: Sam McKinney, Ray Godwin, Doug Korman, and Ed Hind. The committee meets first Monday of the month at the Clubhouse. Barry Kean thanked Harold for all his hard work. It is probably the most time consuming job in Mallard Bay and we have Harold to thank for keeping Mallard Bay the way it looks today.

New Pier Committee: **Barry Kean** reported there has been no activity. Given the fact that the current slips are not filled, feels that we would have no chance with VMRC until the demand increases.

Landscape Committee: **Tisha Hauser** asked for volunteers to sign up for weeding in the common areas such as main gate and by the clubhouse. She has replaced a pear tree at the entrance.

Webmaster: **Scott McGuire** reported first on the benches that are to be placed in various common areas for everyone's use. Presently the ARC has designated 6 places for the benches—lower dam, upper dam, overlooking Flyway Lake, overlooking pond on Canvasback, overlooking ponds on Mallard Bay Drive. ARC has chosen a concrete bench that can be purchased at Curry & Curry in Kilmarnock for under \$100. A pad first has to be installed following ARC's plan. This will facilitate mowing. The cost of the bench and probably the pad will not come from Association funds, but rather will be borne by those interested in donating a bench. A memorial plaque can be affixed to the bench. All benches will be painted gray. Once all 6 sites have been spoken for, the ARC will designate additional sites if anyone is interested. Plans are still being worked out as to who will install pads. Three sites have already been spoken for. If anyone is interested in donating a bench, please call Barry Kean. The Board has endorsed this idea wholeheartedly.

Web page has been updated. We hope everyone will get in the habit of using it. The Board intends to make more use of it. It costs the Association about \$7 a month. We have 500 megabites of space to use and are presently using about 18. It has a Bulletin Board for community use only which includes announcements, classifieds (for sale, items wanted, services to offer), reviews of businesses—electricians, builders, plumbers, etc. The reviews must identify the property owner. Only residents and property owners can advertise. Also includes photos of the community, calendar of events, board members, newsletters, MB bylaws, covenants, rules and regulations. It has a section on Safety and Security regarding hurricanes in Mallard Bay and one on residential security. There is a link to the *Rappahannock Record* that has articles on what is going on in the area. Board hopes to be using the website as a primary source of information.

Social Committee: **Carol Henderson** spoke for the three Carols (Carol Poundstone and Carol Bracker). First thanked the ladies for helping with the refreshments provided for today's meeting. The Social Committee gets no funding from the Association. It relies on donations which is the reason for the basket at the door at each and every social function. This past year we have had 5 cocktail parties and 3 holiday cookouts. There are two more cocktail parties coming up this year on October 25th and November 22nd at 5:30 p.m. at the clubhouse. Reminded everyone that the committee is thinking green and requests that trash at the event be separated into trash for bottles and cans. The Board did give the committee \$50 for the purchase of 50 dinner plates and 50

dessert/salad plates, which will be left at the clubhouse for functions held there. Next year 6 cocktail parties and 3 community cookouts have been planned. Scott McGuire said a few words on January cocktail party which will be a casino night. Still working out some of the legalities. The plan is to have the money from the casino night donated to the local rescue squad.

20-20 Committee: Gary Lupton reported other committee members are Carol Bracker, Bob Cleland, Gary Garrett, and Carl Wigginton. This committee makes recommendations to the Board and meets about every 5 to 6 weeks. Some of the recommendations are increase parking around clubhouse, acoustical tiles in clubhouse, outside lighting recommendations, and discussion concerning our geese population problems. Enjoy the wildlife but please don't feed them especially the geese.

Covenants Enforcement Issues: Sam McKinney reported that the ARC sees a lot of things that need enforcement such as the removal of trees that has not been previously approved, signs especially realtor signs that are too big, and sheds that have not been approved. We have seen an increase of outsiders (non-property owners) using the facilities--fishing in ponds and using the pool. Have had reports of near misses at the Mallard Bay-Canvasback Rd intersection. Some people are not obeying stop sign at that intersection. Also speeding continues to be an issue in the community. It was suggested that the Board write letters to UPS and FedEx regarding their drivers speeding in the community. There continues to be the issue of dogs not being under control of their owners. At present the requirement is that the dogs be under the control of the owner which does not mean they have to be on a leash. However, the Board has imposed a leash requirement at the clubhouse and marina areas.

Inge Lindh asked about the possibility of staining the deck at the clubhouse. It is wearing out in some spots. Jeanne Widenmyer reported that it is in the budget for next year.

Election to Fill Five Seats on the Board of Directors: Barry Kean reported the nominating committee headed by Carol Bracker had presented five names Art Kilpatrick, Carl Wigginton, incumbents--Jane Locke, Sam McKinney, and Scott McGuire. The floor was opened for nominations. There were no nominations from the floor. There were no nominations on the proxy ballots. It was moved and seconded that the nominations be closed. Harold Baldwin moved that the nominations be accepted, seconded by Gary Lupton. The submitted nominations were approved verbally.

Proposed Amendments to the Protective Covenants: Barry Kean reported that we need 83 yes votes to amend the protective covenants. State law requires that it be in writing and signed by the property owner and Mallard Bay protective covenants require that any amendment to the covenants shall be made only upon the agreement of the then lot owners of record of a majority of the lots.

Ballots received--90

Amendment to increase minimum square footage for new construction by 250 square feet from 1,500, 1,250, and 1,000 square feet to 1,750, 1,500, and 1,250 square feet This was originally proposed by the ARC. At present there are no homes in Mallard Bay that do not comply with this rule.

Yes - 84 (Amendment passed)

Amendment permitting the Board to allow exceptions to the “no room rental” rule. Discussion regarding this amendment. Steve Jones cited problems renters caused in the Sherwood Forest community and as a result their association changed the rules so that renters could not use the amenities. Inge Lindh felt it was important to be able to rent a room in the event a caretaker was needed. Others felt that if you had a caretaker, you would be paying them, they would not be paying you for rental of a room. Doc Lyons felt that a caretaker would not be a renter. He bought in the community because it had single family residences and he felt that being able to rent out rooms would change the flavor of the community. Joe Emerson commented that he felt that it would increase traffic and use of the amenities. Donna Wyatt felt that it would put the Board in a difficult position having to decide who could rent and who could not.

Doug Hatch moved that the voting on the amendments be capped at the end of this meeting, Steve Jones seconded. Barry Kean asked if the vote could be tabled until after discussion of the third amendment. Vote tabled.

Yes - 38 (Amendment not passed by end of meeting.)

Amendment to change limitations of using motor vehicles on Mallard Bay common areas and roads.

Explained that the present protective covenants do not allow vehicles of any kind on the roadway in front of the clubhouse down to the marina and also on those roads in Mallard Bay that have not yet been taken over by the county. The amendment was to correct this error and also permit the Board to allow the use of golf carts on these roads.

Yes - 83 (Amendment passed.)

Unfortunately no cut off date had been provided regarding the three amendment changes. The motion was still on the floor cutting off voting at the end of the meeting today. By a show of hands the motion did not carry.

Harold Baldwin then made a motion to set the cutoff date as of October 31, 2008 which will include any votes postmarked that day. Seconded by Patty Lyons. Motion passed. Board will see that all non-voters will be notified probably via website.

Non Binding Straw Votes

Renters access to community amenities. As of now the practice has been to allow renters the use of the amenities. Discussion followed. The question was raised do both renter and property owner have use of the amenities. Thought availability of amenities should be limited to one family either the renter or the property owner. A suggestion was made that the renters should also pay \$350 for use of the amenities. Apparently this is done in another community in Northumberland County. This might give them some incentive to care for the amenities. It was felt by a number of people that renters do not have the same stake in the community as property owners do and therefore might not

treat the amenities as a property owner might.
Should renters have access to the amenities?

Yes - 49

No - 56

Should we institute a guest pass system?

Instead of guest passes there should be a property owner's pass. By a show of hands there were 19 in favor and 3 opposed.

Guest passes as opposed to nothing. By a show of hands 24 said yes.

Leave as it is. No hands.

Extra Mile Award

Barry Kean presented this year's extra mile award to Carol Bracker. She served on the Board of Directors as Secretary in 2003-2004 and President in 2005-2006. Under her administration we saw several major initiatives, including the new crabbing, canoe, and kayak pier, clearing and improvement of the Spring Valley Trail, and heating of the pool. She initiated the popular Dine-in group and is serving on the Social Committee and Nominating Committee.

Open Comment and Discussion Period

Sam McKinney commented on emergency preparedness. In the event of a hurricane, etc. please let Board know if you are staying or going. If you are going, someone will keep an eye on your property or if you leave pets they can be cared for.

Dale Henderson made a motion to adjourn, seconded by Donna Wyatt. Meeting adjourned at 4:36 p.m.