



Approved Minutes
Malvern Club, Inc.
905 Malvern Drive
Madison, VA 22727
<http://malvernofmadison.org/>

Board of Directors Meeting, Thursday, October 10, 2019, at the Clubhouse, called to order at 7:02 p.m.

Board Members Present: Doug Beaver, Fred Bourque, Rick Collins, Grover Dean, Rodney Taylor. Members Present: Carol Beaver, Ceil Collins, Chris Dickens, Tanya Klemick, Melody Langone, Steve Langone, Larry McClellan, Karen Pilkerton, Don Nicholson, Ellie Tarbous.

Decisions and Actions

The minutes of the September 12, 2019, Board Meeting were approved unanimously.

Additional patching of cracks on some feeder roads will be done this year.

A construction application was approved for a new house on Lot 195 on the corner of Old Forge Way and Anvil Court.

New floors are being installed this week in the Clubhouse Annex.

Bids are being solicited to remove two large trees and repair the large maple at the Clubhouse.

Trick-or-Treating will happen on Halloween night.

President's Comments

Rodney asked all members who plan to attend the October 19th Regular Membership Meeting to acquire as many proxies as possible from other members who will be unable to attend. Those members who are unable to attend the meeting were encouraged to provide their proxy to another member. A minimum of 50 lots, either present at the meeting or by proxy, are required for a quorum.

Committee Reports

Roads. Grover said the repairs to Sylvan Lane to correct the excessive drop-off may have to be delayed to next spring. We haven't found an available contractor to do that work. He proposed to wait until next year's paving work is done. The repaving then will require milling of high spots along Malvern Drive and Covered Bridge Drive, and those waste millings could be used to fill the ditches along Sylvan Lane. The Roads Committee's plan is to get the repaving contractor to provide, spread, and re-grade the millings at no cost to Malvern.

Grover said the committee will re-examine the Malvern feeder roads (Windmill, Aroda, etc.) to ascertain which ones are in need of immediate crack repair. C&C Seal Coating of Luray will be contracted to reseal and cover the cracks with a VDOT-approved sealant.

Pool. Fred said the cover is on the Pool until Memorial Day weekend.

Approved Minutes Malvern Club, Inc.

Clubhouse. Fred reported that D&D Floor Coverings of Ruckersville is installing the new flooring in the Activity Center. The work will be completed before the October 19th membership meeting.

Lake. Rick said the goose barrier on the dock seems to be working. There has been no sign of geese on the surface of the dock. He said he consulted with our engineer, who is starting the paperwork for next year's lake drain installation.

Grounds. Rick said the roadside tree trimming was completed for this year. Rick presented a proposal from Jason Woodward to remove two dead trees and grind their stumps at the Clubhouse. Rodney asked that we get a second bid for that work. Fred said he and Jason had inspected the big holly and the magnolia. He said the magnolia is growing naturally and to try and trim it could kill it. He said he and Jason cleaned out the holly. There is still growth underneath that needs to be trimmed, but there is also a hornet's nest that must be removed first. He said Jason inspected the big maple which needs attention. It is out of balance, and the large limb facing the Clubhouse should be removed. You would need a bucket truck to get up high enough to do that, and the two trunks should be cabled together. Otherwise, they will split, and the tree will die. Jason recommended that we get an arborist to do that job. Rick said he would get a second bid for the dead tree removal and stump grinding, as well as a bid for the maple fix.

Treasurer. Rodney reported the following cash balances as of October 9, 2019:

Operating Funds Balance	\$202,404.89
<u>Capital Reserve Funds Balance</u>	<u>\$258,190.57</u>
Checking/Savings Accounts Balance	\$460,595.46

Architecture. Fred said there was one new application for a new house to be built on Lot 195 at the corner of Old Forge Way and Anvil Court. The plan meets all of Malvern's building requirements. One question was about the driveway. The lot owner, Chris Dickens, wants to run the driveway from the entrance on Old Forge to the house in the center of the lot, then to continue the driveway out to an exit on Anvil Court. The reason is that he has a large camper that would require a large pad to turn around; he would rather just drive it straight out. The Architecture Committee determined that there is no prohibition in the Malvern documents for a driveway like that. In fact, there are several such driveways in the Malvern development. The committee recommended approval, and the Board approved the application unanimously.

Social Events. Tanya Klemick reminded everyone that there will be Trick-or-Treating in Malvern on Halloween. People interested in participating, either with their Trick-or-Treaters or as hosts, should look at this notice: <http://www.malvernofmadison.org/notices/2019-halloween.pdf>. Also, Fred said there will be a Holiday Christmas Party at the Clubhouse on December 14th.

Old Business

Short-term Rentals Amendment. Rodney said the proposed amendment to the Declaration would add the following clause to Section 2: "No lot or dwelling thereupon shall be rented for

Approved Minutes Malvern Club, Inc.

revolving use, transient use, or hotel purposes—including use as a bed and breakfast, for short term on-line rental, or the like. No lot or dwelling shall be leased or rented in its entirety for any period less than thirty (30) days.” No other changes are proposed. The amendment will be presented to the membership for consideration at the Regular Membership Meeting on October 19th. He said voting on the amendment would start at the Annual Membership Meeting on April 25, 2020. Voting will continue for up to 11 months, in accordance with Virginia law. Rodney said a two-thirds majority is required to adopt the amendment. There are 234 lots, and two-thirds is 156 lots. Voting will continue until 156 lots vote to adopt, 79 lots vote not to adopt, or time runs out on March 24, 2021, in which case the amendment would fail. Karen questioned the process to be used to conduct the vote. She voiced a concern about who should be permitted to vote. Rodney advised her that the Board is acting on advice from the association’s attorney, who is an HOA law expert. He said, “one lot, one vote,” regardless of status (i.e., good standing or not) is consistent with our By-Laws, and the Declaration is silent on how votes are to be taken. He said he hopes that this process will be used for all future amendment procedures.

New Business

Clubhouse Rental Taxes. Rodney said that we had received a letter from the Madison County Commissioner of the Revenue informing us that Malvern must start collecting the County’s “transient occupancy excise tax.” This is a 5% tax on all overnight rentals at hotels, B&Bs, boarding houses, etc. Rodney met with Commissioner Daniel and was told that Malvern is classified as a Non-Exempt organization under the County’s rules, so even though the Clubhouse is not a hotel, the tax does apply to the Clubhouse. Rodney said he thought this would amount to less than \$150 per year. We also have to pay the tangible personal property tax, which this year is 3.6%. This tax will be assessed on items supplied for use during Clubhouse rentals, which is just the bedroom furniture; the tax should be less than \$20.

Open Forum

Pokeno. Ellie said there is a group of 15 or so Malvern ladies who meet one night a month to play Pokeno. She said they would like to use the Clubhouse, but they shouldn’t have to pay the \$70 fee. Rodney advised her that the Activity Center is available for things like that, and there’s no charge for using it. He explained the Clubhouse Use policy, which has been in effect for many years. The policy can be changed, if that’s what Malvern members want. The place to introduce that question is a membership meeting.

Road Maintenance. Karen said VDOT has a process for adopting roads. The Board advised her that Malvern had followed that process unsuccessfully back in the ‘90s. The problem then was that not all property owners along the proposed route agreed to the adoption. Rodney advised her to take this issue to a membership meeting.

The meeting adjourned at 8:36 p.m.

Respectfully Submitted:
Fred Bourque
Secretary, Malvern Club, Inc.