

THE MALVERN COMMUNICATOR

FROM THE PRESIDENT:

The Board has had a busy year so far. We have had a couple of repair issues to deal with concerning the clubhouse and the pool. Those repairs are ongoing, and will continue into the spring months. Additionally, we had an emergent requirement for repair on a section of our road, which has since been taken care of.

Additionally, and of real concern, we have had to handle a number of complaints, concerning a resident and the welfare of Malvern as a community. The matter was investigated and action has been taken. Any time an issue is brought to the Board's attention, the fundamental steps that are taken are: researching our own rules and covenants, checking on the Virginia State Association rules and policies governing the situation, and contacting our attorney. It is always better, if possible, to attempt to reconcile differences between the respective home owners prior to bringing it to the Board's attention. If residents fail to come to a solution, it may then be time for the Board to get involved. I say, "may be" due to that fact there is a possibility that it could be a legal issue that should be brought to the proper local authorities, in which case the Board would not be involved.

We are continuing to update the Five Year Plan in order to prepare future budgets to address repair and replacement of our community infrastructure.

Finally, we are losing a couple of our Board members in the near future and urgently need interested residents to consider running for vacant positions.

Respectfully,
Gerald Monnat, Board President

FROM THE VICE PRESIDENT:

I would like to take this opportunity to thank the community of Malvern for a successful first year of service. I've had an opportunity to learn a great deal about the ins and outs of our community and try to work to improve amenities and those things that make Malvern a great place to live.

One of the areas that I focus on is the maintenance of our roads. Currently, Malvern has approximately 8 miles of road. This is our most important piece of infrastructure that holds Malvern together, both literally and figuratively.

One of the important things we need to do as members of this community is to be sure to monitor and insure that the roads in our particular areas are well maintained. I would ask that all residents who notice or observe damage to the roadways, shoulders, and/or ditch-lines in their areas please report this information to the Malvern Board either in the form of an e-mail or using the form on our website. (Any photos taken of the area may also be useful.)

Understand, action may not be taken immediately, but this information is helpful in planning how to best meet the needs of your area. Patching and other road maintenance will be done on an as needed basis, but will be based largely upon observations that you report.

We hope with careful maintenance and up-keep, our roads will continue to stay in good repair until such time as more large scale repaving is needed.

I'd like to thank everyone for their assistance in advance with this issue. If you have any questions concerning the roads in your area, please feel free to let us know.

Sincerely,
Lee Rees, Board Vice President

NOTES FROM THE SECRETARY:

The Board has had a very busy year keeping up with the issues that affect us all. We have formulated a Five Year Plan to insure a progression of steps that will update the Clubhouse, fund roads, improve the Pool and Playground areas and in general insure that we budget our projects in a planned manner.

Meetings have been well attended and new faces are seen at most. We have managed road problems, made improvements at the Clubhouse, replaced road signs, picked up trash and cleaned up after vandals. Serving on the Board is a great way to understand the issues and problems that a community of our size is faced with on so many levels. I encourage everyone to get more involved -- run for a position on the Board or volunteer for a Committee!

I will not run for a second term as Secretary as my work load has increased and I don't have the time right now to serve another 2 years. It has been a great experience and I plan to offer my services again in the future.

We all need to do our bit to keep Malvern functioning, safe and attractive!

Roberta Jalbert, Board Secretary

ARCHITECTURE COMMITTEE:

Be sure to visit our neighborhood web site: <http://www.malvernofmadison.org>. It has much useful information. Please take some time to review our covenants, as they are in each lot owner's best interests. Construction and Structural/Environmental Modification applications can be found on the web site or for direct access, you can type in the following web address:

<http://malvernofmadison.org/DocForm/MalvernBuilding.pdf>

- Applications for improvements, sheds, new construction and tree removal must be received by the first Thursday of the month to be considered for that particular month. Note: regarding trees, there has been significant damage done to some homes in Malvern due to falling trees and large branches. If a tree is dead (bark has fallen off, etc.) or is in close proximity to a home and is in immediate danger of falling due to rotting at the base, etc, then these trees would not require written approval prior to removal. However, the board would need to be alerted of this activity. Unless otherwise noted, the Architectural Committee meets at 7:00 p.m. on the Tuesday of the same week as the monthly board meeting. Meetings are held at the clubhouse and are open to the public.

- All applications recommended by the Architectural Committee will be submitted to the Malvern Board for approval at the monthly board meetings, held on the second Thursday of the each month.
- Applications need to be received by the first Thursday of the month and can be mailed to Malvern Club, Attention Architectural Committee, 905 Malvern Drive, Madison, VA 22727. Applications can also be scanned and emailed to the Malvern Board via the Malvern web site.

BUILDING AND GROUNDS:

- **Parking at the Malvern Mailbox:** Parking at the Malvern Mailbox is limited to 10 minutes. During a recent snow storm a Malvern resident elected to park his/her vehicle next to the mailbox parking entrance. This created a major safety issue during snow removal and impacted traffic flow. To mitigate this issue, vehicles left unattended at or around the mailbox pull-off may be towed at the owner's expense.
- **Roadside Cleanup (Shrubs and Trees):** Spring is almost here. So it's time to tidy up along the road frontage. As lot owners we are responsible for vegetation growth on our property, including road frontage. Ensure that you mow a minimum of 36" from the edge of the road. Additionally, trees and shrubs are to be trimmed to minimum of 6' from the road edge. The purpose of having the 6' clearance is to provide space for snow removal and sufficient visibility.
- **Bush Hogging Services:** Building and Grounds will again offer its services by establishing a bush hogging contract with Mr. Taylor. Lot owners who have previously used this service will be contacted via mailing. Others desiring this service need to contact Jeff Woodward (contact info provided below) by April 15, 2008.
- **Contact Information:** We need your assistance with identifying items requiring repair and/or attention of the Malvern Board. Please feel free to contact Jeff Woodward @ 540-948-6170 with such items.

MALVERN STREETS and LAW ENFORCEMENT:

One might think that a driver committing a traffic offense along any roadway in Virginia could be pulled over and issued a citation by a duly appointed Virginia law-enforcement officer who observed the violation. Apparently there are areas in Virginia where that premise is not always true. Malvern, for example, is one of those areas where a driver committing a typical traffic offense (speeding, not coming to a full stop at a stop sign) would not be issued a citation. The difference is that the streets in Malvern are private as opposed to being public.

There are provisions in the Code of Virginia though that do allow law enforcement along private streets. So what's keeping law enforcement from happening within our subdivision? The record appears to show there have been a number of attempts by previous Malvern Boards and residents for this provision to occur.

In 1995, our Deed of Dedication was amended to add a provision whereby "any law enforcement officer may patrol the streets and roads within the subdivision and enforce the provision of the Code of Virginia, 1950, as amended". Problem solved, right? Well, apparently not.

In 2003, the Madison County Attorney advised our then Board President in a letter on how to proceed with designating our streets as “highways” for law enforcement purposes. Over the next 3 years, the Board followed what was thought to be the direction given. This included modifying and adding signage at the direction of the Sheriff and County Administrator, having the membership vote in favor of designating our streets as highways for law enforcement purposes, recording the Resolution of the membership among the Land Records of Madison County, and having our attorney forward his certification of the Resolution back to the County Attorney.

Problem solved, right? Still the answer was no. In 2007, the Sheriff was again approached to begin law enforcement within our subdivision. We found out then that the Madison County Board of Supervisors must pass an ordinance designating our roads as highways for law enforcement purposes.

On July 10, 2007 the Board of Supervisors discussed the proposed ordinance. One might think here that the Board of Supervisors would not have a great deal to discuss on this topic. But upon an explanation of the history of the issue by the County Attorney and County Administrator, the Board was reluctant to approve an ordinance at that time. Two main issues were of concern to the Supervisors. First, the County Attorney reported an absence of communication with Malvern representatives since his 2003 letter. Second, a newly adopted Virginia statute gave the Supervisors the option of requiring a certification of street signage by a Virginia licensed professional engineer.

The outcome of the Board of Supervisors meeting was that Malvern must meet 3 requirements in order for the Supervisors to consider adopting an ordinance. First, the road signs and speed limits within Malvern must be certified by a professional engineer. Second, the Malvern Board of Directors must request the Board of Supervisors enact the ordinance to designate our roads as “highways” for law enforcement purposes. Third, residents of Malvern must be notified of the Board of Director’s request to the Board of Supervisors.

So one might now think, find an engineer, get the certification, submit the request to the Board of Supervisors and notify the residents. We are closer, it is true; but unfortunately there are still several hurdles. We have found an engineer qualified to make the assessment; we have performed a study of our current signage; and we have now confirmed what requirements will be applicable to the signs. But unfortunately we now find the majority of our current signage does not meet the current criteria as to size, height above the street, and/or location relative to the pavement. There are also several intersections within Malvern where stop signs will need to be posted.

The current effort is to purchase and install the necessary signs, posts and hardware needed to meet the requirements. That work is planned to be completed this Spring. Once complete and certified, the Board of Directors will formally ask the Board of Supervisors to consider adopting an ordinance designating our streets as highways for law enforcement purposes.

Hopefully residents in Malvern will find the information and history presented above useful as to the status of this issue. If necessary, further information can be obtained by asking a Malvern Board member, attending one of the monthly Malvern Board of Director’s meetings and/or attending the April membership meeting.

Sincerely,
Ed Johnson, Board Treasurer

VOLUNTEER UPDATE:

I would like to thank all who have volunteered their services to Malvern. Your willingness to give of yourselves to your community is greatly appreciated. For those of you who have not had a chance to participate, please consider giving just one hour per year of your time.

Remember, high school seniors are required to do at least 5 hours of community service for government class. Your Malvern senior can sign the Volunteer Committee roster and help right here in their own community.

We have on-going projects for all levels of participation from spring through fall. Residents of all ages are welcome to become part of our volunteer force. Please contact Karen Pilkerton at 948-3230 to get your family involved in keeping our neighborhood safe and beautiful while keeping your costs down.

Malvern on the Web

We have several new features on the Web Site. Please give them a look:

- [Calendar](#). Look to this on-line calendar for reminders of up-coming Malvern events and important dates.
- [Development Summary](#). Lists the number of lots and houses, average lot size, and estimated population.
- [Madison County Real Estate Tax FAQ](#). Copy of the real estate reassessment "Frequently Asked Questions (FAQ)" provided by the County on December 10, 2007.
- [Mom's of Malvern \(MOM\)](#). Informational page about MOM. Mother's of children of any age are welcome to join for activities, networking and support.
- [Pets & Wildlife](#). Links to: the Animal Control Ordinance; common pet diseases, Animal Control/Shelter; and tips for protecting your garden from deer.
- [Site Map](#). Lists, on one page, all the pages and features of the web site.

<http://www.malvernofmadison.org>

Malvern must have a quorum of 50 lot owners in order to hold our October and April meetings.

Proxy

(I)(We), _____ and _____ as owner(s)
Of Lot(s) ** # _____ Malvern Club, Inc. under the provisions of
The duly recorded legal instruments governing said Club, do hereby grant my/our
Proxy to _____ of Malvern Club
Inc., 905 Malvern Drive, Madison, VA 22727, owner of Lot # _____. This proxy
Is executed and carries with it the full right of the members. This Proxy is executed
For the spring 2008 Membership Meeting, to be held on April 26, 2008 at 10:00 AM,
at the Madison Presbyterian Church.

Date _____ Signature (Owner): _____

Signature (Owner): _____

** Each lot is entitled to one vote. Please indicate all lots owner. Fold in half, with proxy facing inward and return.