

MINUTES OF THE ANNUAL MEETING
RainTree of Albemarle Homeowner's Association
Charlottesville, Virginia
October 3, 2023, 6:00 p.m. – 8:30 p.m.

Call to Order: Don Lyon, President, RainTree Homeowners Association, called the meeting to order at 6:00 P.M.

Establishment of Quorum: There was an in-person attendance of 53 (33 households) and proxies representing another 29 households; 85 households are needed for a quorum. After a fifteen-minute discussion of why there would not be an election, most members in attendance decided to proceed with an informational meeting, as they had taken the time to attend the meeting. They preferred to schedule elections later in the fall. Slides from the meeting are posted at <https://www.raintreecville.org>.

Notice for Annual Meeting: Notices were mailed in September 2023.

Minutes: Minute from the last, pre-pandemic meeting in 2019 were summarized and are posted to the website. In keeping with state guidelines regarding COVID there was a postponement of annual meetings since then.

The President's Briefing: President Don Lyon presented the legal status of the HOA as well as recent updates to the HOA's foundational documents. As background, our then-attorney Cheri Lewis in 2021, observed that the association was organized as a for-profit corporation (a holdover from the original real estate developer's documents). Consequently, her firm re-filed **Articles of Incorporation** creating the Association as a nonstock, nonprofit corporation. This required the attorney to establish new **By-Laws**, which were finalized and approved in May 2023. Incorporation as a non-stock corporation also places the association under the authority of the Virginia Non-Stock Corporation Act and relieves the Association of some onerous requirements of the Virginia Property Owner's Association Act. These documents were posted to the website and distributed to residents. (Note, as two-thirds, 114 households of the households are required as well as mortgage lenders approval to modify the original Covenants, Conditions, and Restrictions, it is not feasible to modify this document.)

A complaint process and form were also developed and added to the website. And as a final matter, the Board and the Architectural Review Committee revised the Architectural Guidelines to add specificity and clarity; the Board approved this document on July 22, 2023. The president noted that the guidelines are designed to be more specific but not more restrictive; he reaffirmed the Board's longstanding philosophy of working with each homeowner to support their enjoyment and use of their property while still respecting the neighborhood standards. He pointed out an amendment to the guidelines to clarify that minor changes to a home could be approved with a simple email to the Architectural Control Committee (ACC) instead of a lengthy application.

- In addition to the revision of the architectural guidelines, the Board also appointed three additional members to the ACC in June 2023: John Notis, Remus Whitt, and David Powell. With these additional members on the committee, we expect that this will eliminate occasions when the Board is involved with architectural decisions. The ACC met shortly thereafter to refine their procedures. Retained ACC members are Jackie Bright (Coordinator) and Joe Phillips. Contact information and the Architectural Change Request (ACR) form for ACC consideration are posted to the website; an annual reminder that homeowners need to seek approval of property modifications will be mailed to residents.
- ACC member and Neighborhood Ambassador, John Notis has agreed to facilitate public discussion to review and make refinements to the current architectural guidelines. He will organize and provide input to the process at a future date.

- Several members noted that the revised Architectural Guidelines are less restrictive than often found in other HOAs, including local HOAs.
- Contract service providers: The Board hired an outside Certified CPA and fiduciarily bonded firm to eliminate the administrative burden on the association to invoice and receive dues, pay contractors, reconcile statements and reports, coordinate with banks, title companies, attorneys, realtors, send out disclosure packets to sellers, and ensure compliance with federal and state laws. The firm, Accounting Solutions, is led by Devy Goradia, a former RainTree resident, past Board member and Treasurer. Several other firms were solicited, but Accounting Solutions offered the most competitive bid (\$5,000 in year one and \$4,200 in years 2 and 3) and is local to the community. Another community member affirmed that the Board found a good solution to continue its financial management of the association. When the accountant's three-year agreement ends, a renewed contract will be open for consideration by any bidder.
- The Association also retained the legal firm of Tucker, Griffin, Barnes, which now represents the neighborhood at an annual (base) cost of \$250. Our appointed attorney is a former RainTree resident.
- After dissatisfaction with a previous trash collector, the Board awarded the contract to Neighborhood Disposal, yielding improved services and cost savings (total cost is \$38,760 annually). Individuals can add recycling pick-up at a cost of \$8/month. Info: NeighborhoodDisposalVA@gmail.com, 434-985-2019, www.neighborhooddisposalva.net
- The HOA continues to retain its insurance company, Cincinnati Insurance Co.
- Next, the report covered recent association actions. From repaired sidewalks and cleaned water inlets to repaved streets, the Board has successfully worked with the County to schedule services. In addition, in 2020 the Association successfully received a renewed acknowledgment from Albemarle that they would continue to maintain our retaining ponds (at a savings of approximately \$40K every few years). The Board schedules Dominion Power to trim neighborhood lines to proactively minimize power outages. The Board successfully worked with an area home developer to re-route major water run-off caused by new construction. In addition, the Board got Ting to return and repair damages caused when they laid cable in our neighborhood.
- Work on repaving the remaining streets in the neighborhood was stopped since Albemarle County intends to replace the water mains in the neighborhood. Afterward, the recently repaved streets will be repaired, and the remaining streets in the neighborhood will be remilled and repaved.
 - At the 2019 meeting, there was strong interest in the HOA taking on increased maintenance of the common areas, particularly with trees that jeopardized life or property. The Board has made significant progress in this area while minimizing expenses. Total cost for this work in the past few years was nearly \$18,000, well below market value for the scope of the work. Other notes about the common areas: some of the past expenses related to common area maintenance because homeowners have dumped trash and debris in the common areas.
 - The Association Secretary briefly described the website, the Facebook group, and the "neighborhood directory" link on the website to submit email addresses for future communications.
 - The next topic regarded coordination with other agencies such as possible school redistricting, VDOT, and the County's Rio29 project. RainTree homeowner, Tom Paoletti, and chair of the Place 29 committee, spoke about possible changes to the Rio and Old Brook intersection, as well as plans for Home Depot to open at Fashion Square Mall.
 - The Board noted discussions with Charlottesville City to provide natural gas to the neighborhood. The latest discussions indicate that natural gas installation would require a prohibitive cost-offset by RainTree HOA members.

Financial Report: The Vice President presented the statement of insurance, an updated, market-based fee schedule for real estate disclosure packets (now handled by the accountant), a chart showing that our HOA dues are well below area averages and have stayed well below inflationary benchmarks. Cash on hand at the April 2019 meeting was \$12,408 and is now \$41,154. No dues increases are proposed for 2024.

- At the 2019 meeting, members discussed how to handle households in arrears on dues while still being compassionate toward families in financial distress. During the last several years, the Board continues to work with families in need (who made payment plans) while enforcing a no-trash-pick-up policy for families who were unresponsive. This approach was very successful, reducing unpaid dues from \$34,000 to \$4,531. The Board solicited group feedback about whether to pass along the accounting fees to homeowners -- \$5 per statement for families on a payment plan, and 2% fees for homeowners more than two months in arrears. After discussion, the recommendation was to pass along the fees to the homeowners.

Open Discussion:

- There was a brief discussion regarding the previous “neighborhood ambassador” (door to door information system) put in place in 2019, but which fell out of use during the pandemic.
- While the issue of increasing the number of Board members was discussed, this requires a vote of 2/3 (114 households) of the membership to change the Articles of Incorporation, as well as legal filings. For comparison, only 33 households participated in this meeting.
- Three homeowners stated a desire to disband the HOA, but there was general disapproval of this suggestion.
- Other homeowners expressed appreciation for the work of the Board. The consensus was that communication should be prioritized moving forward.

A call for volunteers to become engaged in the work of the HOA was issued. **The Association urgently needs someone to volunteer to maintain the Website.** If anyone wishes to discuss the nature of the position, you can contact Beth Cheuk at raintreecville@gmail.com.

Nominations and Elections: With no quorum established, those assembled discussed a process for the election (to be scheduled within 60 days). All members are encouraged to participate in person or by proxy.

- The current nominees to the Board of Directors are Don Lyon, John McDowell, John Notis, Andrea Henry, Todd Koogler, and Seth Berl. The last four briefly introduced themselves at the meeting.
- The Association will announce information regarding the election shortly. Neighbors or the previously appointed neighborhood ambassadors are encouraged to check in with homeowners to encourage attendance at the balloting or submit a proxy to someone who will attend. (A proxy authorizes someone in attendance at the meeting to vote on behalf of the homeowner who cannot attend. Sample proxy statements are available for download on the Web.)

Adjournment. The meeting was adjourned at 8:30 p.m.

The Board of Directors of the Association