

**The Hills at Queens Gap  
POA Board Meeting - Minutes  
Saturday, October 1, 2016  
9:00 a.m.-11:10 a.m.  
Billy & Lisa Toups's House  
Lots 11, 12, 13, The Hills at Queens Gap, Blairsville, GA 30512**

**In Attendance:**

- Billy **Toups**, Lots 11, 12, 13
- Bill **Towhey**, Lots 15, 47
- Wendell & Ann **Caver**, Lot 69
- Chuck **Jones**, Lots 106, 107
- Everett **Moore**, Lot 113
- Jim **Tromanhauser**, Lots 1, 23
- Cathy **Powell**, Lots 100, 101
- Larry **Davis**, Lot 78

**I. Prayer and Welcome**

Ann Caver led in prayer. Billy Toups, POA President, welcomed the Board and Larry Davis, permanent resident (Lot 78). He was asked by Billy Toups to report on his thoughts and concerns regarding grass cutting for the remainder of this season and next season. (For details, see New Business, Section c. – Grass Cutting.)

**II. Approval of Minutes for POA Annual Meeting (4/23/2016) and POA Board Meeting (11/21/2015) –Ann Caver**

Board members previously reviewed and approved Minutes from the April 23, 2016 POA Annual Meeting and the November 21, 2015 Board Meeting via email sent by Secretary Ann Caver. Billy Toups asked for a motion to approve the Minutes from the Board Meeting held November 21, 2015 and the Annual Meeting held on April 23, 2016. **A motion was made by Bill Towhey and was seconded by Cathy Powell that the Minutes be approved as written. The Board members present signed and dated the Certifications from the November 21,**

**2015 POA Board Meeting and the POA Annual Meeting held on April 23, 2016. The Certifications for the respective Minutes will be filed in the Minute Book and these will be made available on the website at [www.thehillsatqueensgap.com](http://www.thehillsatqueensgap.com).**

**III. Treasurer’s Report – Ann Caver**

Ann Caver gave the Board members a copy of the following Treasurer’s Report for their examination, comments, and/or questions:

**Budget vs Actual**

**April 16, 2016 thru  
September 30, 2016**

<b>Available Funds 4 /16/16</b>	<b>\$27,631.12</b>		
<b>Category</b>	<b>Budget</b>	<b>Amount Spent</b>	<b>Budget Balance</b>
Mowing	\$5,000.00	\$2,575.00	\$2,425.00
Road Repair	\$1,500.00	\$3,013.67	\$1,513.67
Legal	\$1,500.00	\$419.00	\$1,081.00
Office Expense	\$2,736.00	\$1,482.67	\$1,253.33
Insurance \$737 / \$0			
Meetings \$1,000 / \$131.41			
Supplies \$400 / \$260.63			
Postage & Box Rental \$169 / \$53.68			
Website \$80 / \$0			
Software \$350 / \$ 219.95			
Landscaping	\$500.00	\$340.65	\$159.35
Utilities	\$420.00	\$164.28	\$255.72
Gate Repair	\$500.00	\$398.80	\$101.20
Income over Expenses	\$15,475.12		
Projected Transfer to			
Capital Improvements Fund	\$15,000.00		
Projected Year End Balance	\$475.12		

Billy Toups elaborated on the road repairs for Sundown Court. Sundown Court remains a consistent high expenditure and a drain on the budget for the POA, as prior Minutes will attest. (Minutes from all the Board Meetings and Annual Meetings are available on the website. (Go to [www.thehillsatqueensgap.com](http://www.thehillsatqueensgap.com), click Minutes.) The Owners of Lot 73, Linda and Jerry Chastain (house is located on Sundown Court), have complained numerous times regarding the condition of the road. Lot 73 is located on a gravel road and the grade is steep. Because of the topography of the land, during rainy seasons the road deteriorates rapidly. Billy Toups has consulted with legal counsel, Daniel Davenport, regarding the POA's responsibility as to repairing the road. The POA's responsibility is to maintain the road as "safe and passable." At no time has this road been unsafe or unpassable. Sundown Court was repaired in July 2016. It was graded and a base of gravel installed, the cost was \$2935. Historically Sundown Court has consumed a much larger percentage of funds as compared with other roads in Queens Gap. The question remains - is it fair to the POA to continue to spend funds on one particular road in the subdivision when there are approximately 5 miles of road throughout the subdivision.

Billy Toups stated another drain of funds for the POA is grass cutting. It takes approximately 50 percent of the Budget. (See New Business, Section c. for details.)

Billy Toups requested Wendell Caver to give a report on gate repairs. The gate was repaired by Automated Creations, Wyndle Bates, in September 2016. It was malfunctioning. In his trouble-shooting investigation, he discovered the motor was not stopping at the opening limit of the motor on the right gate entering. He swapped the motor leads on the control board and changed the battery. He did this to isolate the problem if it occurred again. He suggested replacing the leads to the board before a problem happened. The gate is 13 years old. If we have to replace the motor, it will cost approximately \$2000 to replace. There is a squeaking noise in the arm of both gates because there is a screw inside a cylinder that opens and closes the gate and there is no way to lubricate it without disassembly of the motor. Bill Towhey and Wendell Caver agreed to touch-up the paint on the gate.

**Billy Toups asked for a Motion to be made to accept the Treasurer's Report. Bill Towhey made the Motion and it was 2<sup>nd</sup> by Everett Moore. All were in favor.**

## IV. Old Business

### a. Mail Boxes – Everett Moore

Everett Moore has spent many personal hours on the project of purchasing and installing cluster mail boxes for the POA. The Board is very thankful for all his research, time, and effort working on this project for the POA.

Everett began his report and reiterated the two locations that have been suggested, i.e. front entrance gate and pump house. See Minutes dated November 21, 2015 at [www.thehillsatqueensgap.com](http://www.thehillsatqueensgap.com) for the historical record regarding the locations and the prices of the mailboxes. A new development that has occurred since the last Board meeting in November 2015, if the mailboxes were located near the pump house, an easement would need to be executed between The Hills at Queens Gap POA and Steven White, Lot 45. Upon contacting Steven, he was not willing to give an easement to the POA. Therefore, he sold a small portion of land where the pump house is located to Coosa Water. Coosa Water would need to give their approval to locate the mailboxes there.

Again, this location is not ideal because of traffic flow and potential liability issues that could occur. Again, there was a discussion regarding the number of residents currently living in QG and how many mailboxes to install initially as opposed to installing for future residents in QG.

Ann Caver commented that the facts are the facts and these will not change. (1) Queens Gap POA does not own any common space, (2) liability insurance would increase (current premium is \$737 per year) with the addition of common space, (3) no suitable location is available, (4) current residents living in QG would not agree to mailbox clusters being located on their property and/or would not want them near their property, and (5) USPS has offered their approval via phone, but approval has not been confirmed in writing. Preliminary inquiries with the USPS have not resulted in a definite answer. Billy Toups voiced that he was not in favor of the cluster mailboxes being installed in QG. Other board members, Ann Caver and Bill Towhey, agreed. Larry Davis and Wendell Caver agreed also. Larry Davis remembered that at the Annual Meeting in April 2016, most Owners were not in favor of the mailboxes. **Everett Moore made a motion to proceed on construction of the mail boxes, however, it was voted down by the Board. The mailbox issue has been terminated.**

## **b. Easements – Billy Toups**

Easements/Rights of Ways for gate and front entrance sign have been signed and notarized by and between Jim Tromanhauser (Lots 1, 23) and between Jeffrey Rymuza (Lot 31) and Queens Gap POA. Checks have been issued to the parties in the total amounts of \$10 per lot. Both Easements have been given to Cathy Powell for recording with Union County Superior Court.

## **V. New Business**

### **a. Lots 4, 5, and 6**

Lots 4, 5, and 6 are owned by Cecilia Hunter Corn. She has not paid assessment dues for years 2013, 2014, 2015, and 2016. She was in arrears to the POA in the amount \$2400 for assessment dues as well as penalties, interest, attorney fees in the amount for \$1310. Ann Caver, on behalf of the POA, has filed with the Union County Superior Court liens on Lots 4, 5, and 6 for years 2013, 2014, 2015, and 2016. In addition, Cecilia owes property taxes for years 2013, 2014, 2015, and 2016. She made the decision to sell these lots. When the potential purchaser did not finalize the sale for reasons unknown to the POA, she communicated to Billy Toups she had to sell the lots and was he aware of a potential buyer. Billy and Lisa Toups and Gabe Toups will be purchasing these lots from Cecilia. The POA will receive a check in the amount of \$3710 when the sale is finalized. These funds will be deposited into the general account.

### **b. Construction Update – Bill Towhey**

Under construction are Lot 47 (Deb Leger and Bill Towhey), Lot 90 (Jeffrey Wright), Lots 74, 75 (Randy Weikle), and Lot 122 (Russ & Chris Byrd).

Construction for Randy Weikle's house located on Lots 74, 75 will soon reach the one-year deadline for construction to be completed. Grading has been going on for about a year and some walls have been poured. See The Hills at Queens Gap, Amended Declaration of Restrictions, Limitations and Covenants Running with the Land, Article IV, Protective Covenants, Item 8, filed September 15, 2014, the deadline for completing construction is one year. Billy Toups and Bill Towhey have tried to contact Randy via email regarding the approaching construction deadline. He has not responded to their communications. They will continue to try to contact him to determine what the problems are with construction. Two concerns for the POA: (1) Construction contractors have caused minor damage to

Larry Davis' newly paved driveway by turning around in the driveway and leaving large black tire markings. Larry had to post signs against turning around on his property. (2) Contractors have been cutting deep cuts in the ground on two lots by creating a drive thru. Randy needs to be made aware of these problems to communicate with the contractors they are responsible for any damage they have caused. Further, Randy purchased Lot 75 with the intention of growing a vineyard, which would eliminate numerous trees. See The Hills at Queens Gap, Amended Declaration of Restrictions, Limitations and Covenants Running with the Land, Article IV, Protective Covenants, Item 8, filed September 15, 2014 ([www.thehillsatqueensgap.net](http://www.thehillsatqueensgap.net)),

*Any land disturbing activity shall comply with the rules of the Georgia Division of Environmental Protection, and specifically any applicable Provisions of the Criteria for Mountain Protection as set forth in Chapter 391-3-16 of the Georgia Administrative Code. Any such activity may also be subject to ordinances of Union County which protect the area from excessive erosion, groundwater depredation, and ground instability. In the case of any conflict between these restrictions and such State or Local Law, the provisions of Law shall apply.*

The Mountain Protection Act concerns an imaginary line (surveys shows as a broken line running over the lay of the land) at approximately 2200 feet in elevation. This Act protects from cutting down too many trees over 2 inches in size after the construction foundation is laid. The Act would affect his property as it does many residents in QG. The Act ensures against too many trees being eliminated on the mountainside.

There are 15 finished home presently in QG and 4 homes under construction. Russ Byrd (Lot 122) is building a garage with an apartment, which should be completed by November 2016. Russ and Chris will be moving into the apartment as soon as the construction is completed, which should be by November. At that time, they will become permanent residents. Construction on their permanent residence will begin shortly after they move into the apartment. They will have three years to complete the permanent residence. See The Hills at Queens Gap, Amended

Declaration of Restrictions, Limitations and Covenants Running with the Land, Article IV, Protective Covenants, Item 6, filed September 15, 2014 ([www.thehillsatqueensgap.com](http://www.thehillsatqueensgap.com))

*Guest suites may be constructed prior to construction of the primary residence, however the primary residence must be completed within three years of completion of a separate guest suite.*

**c. Grass Cutting – Billy Toups**

**i. This season (2016) and Next season (2017)**

Gunther Krieger's (contractor hired for mowing in The Hills at Queens Gap) contract will expire on December 31, 2016. He executed a three-year contract with the POA. Gunther has suffered some health issues during the latter part of his contract period with the POA. In order to reduce some of the costs, the POA eliminated one of his services, i.e. long-arm cutting, resulting in a saving to the POA. However, since we have not continued the long-arm cutting in over a year, the sides have grown up and the corners at the road signs have become dangerous due to limited sight around the corners. The long-arm service will need to be added back. Typically, this cut is approximately 10 feet to 12 feet down the side of the road. Gunther is scheduled for one last mowing this year. Billy will contact Gunther to schedule a long-arm cutting in October. This is a good time since vegetation is going into its dormant stage. The monies expected after the sale of lots 4, 5, and 6 will be allotted to pay for the long-arm cutting.

Because grass cutting consumes 50 percent of the budget, the Board is constantly looking for ways to reduce the costs on behalf of the POA. The latest suggestion by Ann Caver and Billy Toups has been individual residents voluntarily agreeing to mow specific sections of a road. In fact, permanent resident Larry Davis did mow both sides of the road on Tree Line Drive and did some long-arm cutting around the road sign on Barefoot Trail.

Billy Toups asked Larry Davis to consider the pros and cons of individual residents voluntarily agreeing to cut sections of the roads. Larry said he had given much time and thought to the question. Consensus was he did not mind cutting the grass, but he did not want to be obligated to cutting and other permanent residents would not have the proper equipment to do so. Billy Toups, Bill Towhey, Chuck Jones,

agreed with Larry that residents would not have the equipment for cutting. At Billy Toups' request, Larry agreed to start the interview and bids process with contactors, including Gunther Krieger. He will report his findings to Billy Toups. Following is a list of terms to be considered:

- one year contract
- best quality for service
- professional mowing, including no grass clippings on the roads
- costs for side roads mowing, long-arm cutting, corners and around utility boxes, sickle mow

Deadline for contract to be setup and signed would be February 1, 2017.

Wendell Caver will cut the front entrance at the gate and sign and Larry Davis will cut the pump house. These two areas will not be included in the contract with the hired contractor.

## **VI. Other**

Everett Moore suggested that the POA add to the agenda for 2017 the restructuring of the By-Laws to partner with the Covenants and Restrictions. Board wholehearted agreed.

Jim Tromanhauser suggested a QG prayer chain be set up for QG residents. He agreed to set up the chain and add Food For Thought to the chain. Ann Caver will send him a list of email addresses. Jim also suggested a flagpole at the front entrance of QG behind the front entrance sign. The Board agreed. Flagpole will be installed by Billy Toups and Wendell Caver.

**Motion was made by Jim Tromanhauser to install the flagpole and Board 2<sup>nd</sup> motion.**

Meeting Adjourned at 11:10 am, October 1, 2016.

**AFFIRMED AND APPROVING MINUTES  
QUEENS GAP PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
OCTOBER 1, 2016**



CERTIFIED TRUE COPY OF THE EXTRACT OF THE MINUTES OF THE HILLS AT QUEENS GAP ANNUAL PROPERTY OWNERS ASSOCIATION BOARD MEETING HELD ON SATURDAY, **OCTOBER 1, 2016**, 9:00 A.M., AT LOTS 11, 12, 13, LISA AND BILLY TOUPS, PROPER QUORUM WAS PRESENT SAID MINUTES HAVE BEEN READ AND AFFIRMED BY

---

Billy Touns, President

---

Bill Towhey, Vice President

---

Ann Caver, Secretary/Treasurer

---

Charles ("Chuck") B. Jones, Jr., Member at Large

---

Everett Moore, Member at Large

---

Jim Tromanhauser, Member at Large

---

Cathy Powell, Member at Large

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.