

**The Hills at Queens Gap
POA Board Meeting - Minutes
Saturday, November 21, 2015
3:00 a.m.-5:00 p.m.
Cathy & Don Powell's House
Lots 100/101, 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
- Everett **Moore**, Lot 113
- Jim **Tromanhauser**, Lots 1, 23
- Cathy & Don **Powell**, Lots 100, 101
- Dave Franck, Lots 42, 130

I. Prayer and Welcome

Ann Caver led in prayer. Billy Toups, POA President, welcomed the Board and Dave Franck, who was asked to report on his findings concerning the By-laws. Cathy Powell invited members to enjoy beverages and snacks during the meeting.

Billy updated the Board of a controversy between two property owners, Tom and Toni Prices (Lot 72) and Jerry and Linda Chastain (Lot 73). The controversy involved apparent violations of the Covenants. Specifically, the Chastains had multiple trailers and an RV parked around their lot and not in a totally enclosed building, as required in the covenants. Soon after, Jerry Chastain sent an email complaining that the Prices were also in violations of the Covenants. His specific complaints were that water was draining on his lot from Prices' lot and that their small outbuilding (shed) was not of the same material as their house and did not the required 6/12 pitch to its roof. Variances were granted based on the relatively small size of the buildings, the fact that they were not apparent from other lots, and they were attractive, in spite of not being exactly as defined in the covenants.

As of this date, trailers have been moved. The Prices and Chastains worked out the differences. No action is needed by the Board.

II. Approval of Minutes from Last Meeting - Ann Caver

Billy Toups asked for a motion to approve the Minutes from the Board Meeting held April 18, 2015. **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 Certification from the April 18, 2015 POA Board Meeting.**

III. Treasurer's Report – Ann Caver

Ann Caver gave the Board a copy of the following Treasurer's Report for their examination and questions:

Checking Account Balance as of 11/19/2015:	\$20,670.18
Collected as of 11/21/2015:	26,200.00
Expenses as of 11/21/2015:	<u>6,909.96</u>
Balance:	19,290.04
Beginning Balance 2015 (reported 4/18/2015 TR):	2,519.03
Dues deposited 1/12/2015 deducted Because already reported as income above)	-1,000.00
Credit received from plants:	-138.89
Balance:	\$20,670.18

Estimated Invoices for 12/2015

Blue Ridge EMC	\$ 28.00
Akins & Davenport	500.00

Gunther Krieger 1,100.00*
\$1,628.00

Outstanding Assessment Dues: (\$1,800, plus charges)

Lots 4, 5, 6 –Owes dues for 2013, 2014, 2015 (\$1,800, plus charges)
(Liens have been filed for these years); however, 2016 Assessment Dues Notices will be sent out on 12/15/2015 for January 2016 (if dues are not paid, lien will be filed for 2016)

Projected Budget for 2015:

Mowing:	\$ 5,000
Road Repair:	15,000
Legal:	1,400
Insurance:	750
Utilities:	500
Miscellaneous:	150
Contingency: \$	2,500

Board discussed the final mowing for 2015 by Gunther Krieger. Some thought he had mowed within the last month, but Gunther has not submitted an invoice for the services. He has not cut using the long-arm extension for the sides of the road. Invoices has been received and paid in the total amount of \$3,425.00 as of 11/21/2015.

The cost of the survey is an additional expense to be paid in 2015, but not listed in the above Estimated Invoices for 12/2015. Billy Toups and Bill Towhey agreed to discuss that matter as it appears on the Agenda.

For clarification, Billy Toups asked for the balance in the operating account. Ann Caver stated that as of November 21, 2015 the operating balance is \$20,670. If \$3,000 dollars is spent for the surveys, it would be deducted from the \$20,670 balance? This was confirmed by Ann Caver. Leaving a balance of approximately \$17,000? Ann Caver confirmed. This would allow the Board to transfer \$15,000 into the road fund? Ann Caver confirmed. Billy Toups asked if we had a balance of \$30,000 in the road account now. Ann Caver stated \$15,000, plus interest of approximately \$18.00 in Money Management road account fund. No extra monies were deposited into the road account fund in 2014 because the extra funds were spent for road patching/repairs in 2014. In 2015, the Board would like to transfer \$15,000 into the road account fund. Dave Franck asked the Board if \$15,000 was transferred in the account, would that leave enough working capital.

Ann Caver stated yes because assessment dues would be coming into to the operating account. Ann Caver also suggested to the Board that she would like to send out the Assessment Dues Notice in December as opposed to January 2016. Assessment Dues are due and owing by January 31, 2016. She would also like to permission to send out by email to save postage.

Billy Toups suggested instead of depositing \$15,000 into the road repair fund \$10,000 instead because of the unknown costs of the surveys. Bill Towhey stated the cost would be \$550, i.e. pump house and the gate. Also Billy Toups stated, if the Board decided to spend money on mailbox clusters, an additional \$1,500 would be spent on this year's funds. So, transferring \$10,000 into the road repair fund instead of the \$15,000 would leave more funds for operating.

Dave Franck suggested that in future, the road repair funds be reported in the Treasurer's Report as a separate line item. Ann Caver agreed.

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

Old Business

a. Mail Boxes – Everett Moore

Billy complimented Everett on his persistence regarding the mailboxes.

Everett Moore began his report. At the last Board meeting the consensus was unfavorable with the reason being the location of the cluster mailboxes. First location suggestion was at the entrance. The main problem associated with the entrance location is blocking traffic and eyesore. The alternate suggested location was near the pump house situated on Lot 40 at the back side, just in front of the well, alongside the pump, to the right. With this location, I approached Katie (don't remember the last name) at the USPS in Blairsville. She is in charge of overseeing mail deliveries. I met with Katie to ask about this location for the POA's cluster mailboxes. First, she said no because the mailboxes are not supposed to be more than a half a mile round trip into the subdivision. This location would exceed the mileage limitation for the mail carrier. However,

she said she would take it before the decision-makers in Atlanta. A couple of weeks ago, Katie reported the pump house location was approved. Katie gave the Board verbal permission to install the mailboxes at the pump house location. However, I do not have her written approval but will get this from her. Katie suggested that we install before the end of 2015, but I stated that would not happen because the next step would be getting the necessary easements.

Jason Hanson is the name of the contractor that Katie gave to me as having done these mailboxes before. Jason said to go ahead and put in all the concrete that we anticipated for the job, install one or two mailboxes as shown here.



Jason said for the ones he's done, he has used Home Depot and Home Depot got the mailboxes from a company in South Carolina called Florence Manufacturing Company. I called them directly to see if they would sell direct. They won't sell direct. However, I think Home Depot is as good as any other place to purchase the mailboxes. They run \$1,250 per unit. Each cluster contains 16.

Discussion occurred about the number of residents living in QG and how many mailboxes to install initially as opposed to installing enough for all property owners. Consensus was to install enough for permanent residence and then add more mailboxes as more residents moved into the community. However, concrete work should be done for the maximum number that will be needed in the future

because money will be saved by adding all the concrete at the beginning of the construction.

Billy Toups commented that whether we do \$1,500 or incrementally down the road, the issue at this point is how are the mailboxes going to be laid out? Everett Moore stated that Jason has constructed some for North Shore Subdivision. Perhaps the Board should arrange a time to go see the layout in the North Shore subdivision.

Billy Toups commented the other issues of concern are Coosa Water, the surveys and the rights-of-way. The Board should take a hands off approach and say to Coosa Water, they should approach the property owner. I don't think the property owner is even aware that the pump house is located on his property. We can prod Coosa Water to do this because it is a shield of protection against liability to the property owner. Billy Toups has already talked to Coosa Water about this issue. Therefore, the question become who will obtain the easement? Will the easement be between Coosa Water and the property owner or the Board and Coosa Water?

Suggestion was made by Dave Frank that a plan be drawn up. This plan would answer the questions of who, what, when, where, how and the costs involved over a 5- to 10-year span.

Conclusion made by Billy Toups: We need to walk that piece of property, determine how the mailboxes will be situation, will it create traffic problems, what is it going to look like not only today but 20 years from now, liability issues and who will be responsible.

Suggestion by Billy Toups to Everett Moore to have the constructor tell you the exact location of the mailboxes, and how much easement is required. Obtain a copy of the plat (available on the website), increase the size of the plat, and have the contractor draw the location on the copy of the plat, determine the location of water lines, etc., etc. Billy Toups will obtain a piping diagram from Coosa Water and obtain any access restrictions. Everett Moore say that he would set up a meeting between the contractor, himself, Billy Toups, and Bill Towhey.

Everett Moore asked if there enough community mailbox interest to process further and what do you think of the location? Bill Towhey stated the pump house location is the best location. The gate entrance as a location is not ideal because of the amount of coming and going traffic. Bill and Deb Towhey, Billy and Lisa Toups, and Robert and Ann Caver are not interested in having mailbox clusters installed.

The box is not big enough for larger packages.--would still have to go to USPS to pick up a larger package.

The Board agreed to keep it moving forward. As more people move into the community some will be for the mailboxes and others will not be for them, but eventually it will come down to a vote from the property owners.

Old Business

b. Lot owned by Waterfront at the Front Entrance

Bill Towhey obtained a name from a former employee of Waterfront as a person to contact with respect to the lot owned by Waterfront. Mary Ann was the name given. Bill will follow up with Waterfront regarding their interest in deeding over this tract of land to the POA, but only if it is free and clear. Ann Caver stated the POA owns nothing, but this tract of land would need to be reported on the tax return and the liability insurance premium could increase if acquired.

Bill Towhey pointed out that if and when this property sold, what structure would be built on the land? This is just something to consider. If it was unsightly, property value could decrease.

Billy Toups asked Cathy Powell if someone brought that piece of property, would the owner have a right-of-way to our driveway. Cathy responded they would have to have some kind of ingress/egress to the property. The Board looked at the plat and determined it was approximately 1-acre tract of land at the entrance into the subdivision. Easements would allow whoever brought the land to have access to road coming into the subdivision.

New Business

IV. Easements / Rights of Ways for Gate, Sign and Pump House

i. Surveys – Bill Towhey

Bill Towhey stated the cost would be \$550, i.e. pump house and the gate.

ii. preparation of documents

iii. Coosa Water

- 1. If mailboxes are not located there, between property owner and Coosa, only.**
(Covered under report of Everett Moore. See above)
- 2. If mailboxes are located there, between POA and property owner; then between POA and Coosa.**
(Covered under report of Everett Moore. See above)

V. Board By-Laws – Dave Franck

Billy Toups gave an overview of the By-laws as being the mechanics of what governs the Board. The Covenants are the framework for the By-laws, i.e. the Board shall have this many members (in our case minimum of 5, maximum of 9), Board will call an annual meeting once per year, and the POA will elect the Board members at this Annual meeting.

QG's Covenants attempt to address By-laws, but they are far from complete. The Executive Committee's (President, Vice President, and Secretary/Treasurer) goal for the end of 2015 was to have separate By-laws and Covenants as governing authorities. With that in mind, Billy Toups asked Dave Franck to look into the By-laws issue and come up with a solution. There was extensive discussion regarding this issue. Following are captions to that discussion:

- Meeting with Attorney Daniel Davenport - his findings revealed conflicts between the existing By-laws (inherited from Waterfront) and Revised Covenants filed September 2014. Attorney has started drafting By-laws.
- Authority of current Board members ends on December 31, 2015

- Recommendation was made at the 2015 annual meeting by property owners to move the Annual meeting from January to April of 2016
- Fiscal year runs from January 1 to December 31 of any calendar year
- Issues between neighbors should try to be resolved among themselves before bringing before the Board
- Potential liability issues can occur because of the fiscal year not coinciding with ending terms of the Board members
- Building specifications should be a separate document
- Business operation after December 31, 2015 until annual meeting.
- Three current Board members terms' will expire as of December 31, 2015
- Budget proposal does not require a quorum at a meeting for approved. Covenants changes requires a 2/3 votes of the property owners as stated in the Covenants.
- Billy Toups will draft By-laws to resolve conflict issues Covenants and existing By-laws inherited from Waterfront. After Billy Toups drafts the By-laws, Dave Franck will review the draft to suggest additions or changes.

Motion made by Cathy Powell to continue operating under the terms of the existing budget for 2015 until 2016 budget can be ratified. Motion 2nd by Bill Towhey. Motion passed.

VI. Annual POA Meeting - January to April 2016

The discussion was opened to the Board to move the Annual POA Meeting from January to mid-April because of inclement weather. Cathy Powell sent out an email to the property owners and the majority of respondents were in favor of April.

Bill Towhey made a motion to change the Annual POA Meeting from January to April and 2nd by Jim Tromanhauser. Motion passed.

VII. Other

Jim Tromanhauser initiated an issue of concern. The incident occurred just outside the entrance gate whereby four teenagers were riding 4-wheelers and motorcycles. They were knocking down small trees just around the gate to be able to ride onto QG development. Teenagers were smoking and it had not rained so this incident could have been a fire hazard. Jim asked the teens what they were doing and they stated they were just hanging out. Jim told them they were on private property, but they did not seem concerned that they were on Jim's property. Bill Towhey has also witnessed 4-wheeler riders on the property. His concern is the speeding on the curvy roads within the subdivision and the liability issue that could present itself. Bill Towhey and Dave Franck suggested that police reports be made of any incidents like this one. Hunters have been spotted in the development also. These incidents should also be reported to the police to establish a record. The Board should be made aware of trespassers, but the person witnessing the incident should be the one to report it to the police. Billy Toups warned that a statement such as, "Hey, man you are on my property! Get off!" A statement like this could backfire on you. Try diplomacy first, then police.

At this time, we do not have no trespassing signs posted. Several STOP signs need to be posted at several intersections. Posting signs have been an ongoing issue for about. Board member Chuck Jones has volunteered to oversee this project. Board will follow up with Chuck since he is not present at the meeting today.

VI. Adjourn

**CERTIFICATE AFFIRMING AND APPROVING MINUTES OF THE HILLS
AT QUEENS GAP POA BOARD OF DIRECTORS MEETING HELD
NOVEMBER 21, 2015 IS FILED IN THE MINUTE BOOK HELD IN THE
OFFICE OF THE SECRETARY FOR THE HILLS AT QUEENS GAP POA, 333
TREE LINE DRIVE (LOT 69), BLAIRSVILLE, GA 30512.**