

The Hills at Queens Gap

POA Board Meeting

10:00 a.m. Saturday, March 16, 2019

Union County Community Center

Small Conference Room, 2nd Floor, Blairsville, GA 30512

In Attendance:

- Billy Toups; Lots 4, 5, 6, 11, 12, 13
- Bill Towhey; Lots 15, 46, 47
- Ann & Wendell Caver, and Jake Lowry; Lot 69
- Everett Moore; Lot 113
- Mike & BJ Otero; Lots 76, 77
- Larry & Carol Davis; Lot 78
- Wayne & Cindy Tingle; Lot 79
- Cathy Powell; Lots 100, 101
- Gary “Luke” Lukoski & Joy Boulenger; Lots 105, 106
- Melinda Kirk; Lot 91
- Johnston, John; Lot 97
- Franklin, William; Lot 98

I. Prayer and Welcome

Billy Toups, POA President, welcomed the Board members and owners. Ann Caver opened the meeting in prayer.

II. Approval of December 13, 2018 POA Board Meeting Minutes

Cathy Powell made a motion approving the December 13, 2018 Minutes and Luke Lukoski seconded the motion. **Motion Passed.**

III. Financial Report

Billy Toups presented a line-by-line explanation of the following documents:

INCOME AND EXPENSE REPORT
1/1/18 thru 12/31/2018

Income & Expense Report
1/1/18 thru 12/31/2018

Carry Over from 2017 \$ 4,645.22
Income: 27,315.00

Available Operating Funds **\$ 31,960.22**

Expenditures: 1/1/18 thru 12/12/2018

Legal Services	\$ 502.50
Legal (\$472.50)	
Corporate Registration (\$30.00)	
Maintenance & Repairs	15,061.50
Gate Repair (\$522.91)	
Grass Cutting (\$6,200.00)	
Landscaping (\$512.34)	
De-Icer (\$128.09)	
Road Signs (\$1,010.66)	
Road Repair (\$6,445.00)	
Gate Remotes (\$242.50)	
Office Expenses	1,959.20
Meetings (\$673.81)	
USPS Box Rental (\$54.00)	
Utilities – Gate (\$372.10)**	
Insurance (\$691.00)	
Postage – Mailing Services (\$50.00)	
Supplies (\$118.29)	
Other	2,208.24
Tax Lien (\$2,110.00)	
Property Taxes (\$98.24)	

12/28/2018 Transfer to Capital Improvements Funds (Current balance is \$70,000.00 plus - \$300 Interest)	\$ - 10,000.00
Total Expenditures	<u>\$- 29,731.44</u>
12/31/2018 Available Funds	<u>\$ 2,228.78*</u>
12/31/2018 Check Book Balance	<u>\$ 2,228.78</u>

*Please note there was a typographic error in the hand-out copy to the Board at the 3/16/2019 meeting. December 31, 2018 Available Funds of \$2,228.78 erroneously reflected available funds as \$2,228.28 instead of \$2,228.78. This has been corrected.

**A utility payment for \$28.97 made near the end of 2018 was not included in this report. This has now been corrected.

2019 Budget

Carry Over from 2018		\$ 2,228.78	
Income			
HOA Dues & Remote Sales Total		<u>27,400.00</u>	
Available Funds			\$ 29,628.78
Expenses			
Legal Services Total		\$500.00	
Maintenance & Repairs Total		11,900.00	
Gate Repair	\$ 750.00		
Grass Cutting	\$ 8,000.00		
Landscaping	\$ 1,000.00		
Road Repair	\$ 1,500.00		
Signs	\$ 500.00		
De-Icer	\$ 150.00		
Office Expense Total		2,350.00	
Insurance	\$ 750.00		
Meetings	\$ 750.00		
Supplies	\$ 200.00		
Postage & Box Rental	\$ 150.00		
Utilities – Gate	\$ 375.00		
Property Taxes	\$ 125.00		
Miscellaneous Total		<u>500.00</u>	
Total Expenses			<u>\$ - 15,250.00</u>
Available Funds over Expenses			14,378.78
Less Transfer to Capital Improvement Fund			<u>- 12,000.00</u>
Projected 12/31/19 Cash Balance			\$ 2,378.78

Profit & Loss Statement January 1 through March 15, 2019

Ordinary Income/Expense	
Income	
Bank Interest	21.59
Program Income	
Gate Remotes	50.00
Membership Dues	<u>26,645.00</u>
Total Program Income	<u>26,695.00</u>
Total Income	<u>26,716.59</u>
Gross Profit	<u>26,716.59</u>
Expense	
Maintenance and Repairs	
Gate Repair	<u>297.54</u>
Total Maintenance and Repairs	297.54
Office	
Meetings	37.45
Post Office Box Rental	<u>60.00</u>
Total Office	97.45
Utilities	
Gate	<u>58.08</u>
Total Utilities	<u>58.08</u>
Total Expense	<u>453.07</u>
Net Ordinary Income	<u>26,263.52</u>
Net	
Income	<u>26,263.52</u>

Billy Toups reminded the board that the Capital Improvements Reserve Fund has a current balance of \$70,306.85. Prompted by a question by Luke Lukoski, Billy Toups clarified that the fund is held in a Money Market account with United Community Bank and, according to Ann Caver, earns a rate of .190100% per month. Approximately \$306.85 in interest has been earned since the account was opened in 2014.

Luke Lukoski suggested the board research possible higher interest rates.

Cathy Powell made a motion to accept the Income and Expense Report (01/01/18 thru 12/31/18) as stated with the exception that the errors be corrected in the report. Luke Lukoski seconded the Motion. **Motion Passed.**

Bill Towhey made a motion to accept the 2019 Budget as presented. Mike Otero seconded the motion. **Motion Passed.**

Bill Towhey made a motion to accept the Profit & Loss Statement January 1 through March 15, 2019 as presented. Mike Otero seconded the motion. **Motion Passed.**

III. New Business

a. Report on Liens Filed on Lot 24

Ann Caver reported the following:

- Lot 24 is owned by Orion Alliance, LLC (“Orion”). principals are Bunny Lee Kierstead, Joseph A. Saladino, and Karen Lynne Wilcox.
- Orion has not paid Assessment Dues since the POA assumed management from Waterfront.
- On April 25, 2017 a Certified Letter, Return Receipt Requested was mailed to the Principals of Orion and, and a copy was mailed via USPS giving notice to Orion their assessments were due and owing in the amount of \$1000. Penalties, fees, and interest could be avoided by paying the dues owed; otherwise, a lien would be filed against real property located at Lot 24. The Return Receipt green card was returned to the POA executed by a Jonathan Kierstead on April 29, 2017 and a Robert Jaucher on June 15, 2017.
- August 7, 2017 another letter was sent via Certified Mail, Return Receipt Requested to an additional address acquired from the Secretary of State Office for the Registered Agent of Service for Orion, Karen L. Wilcox, 949 Bay Bridge Circle, Apopka, FL 32703.
- No response to POA communications has been received from Registered Agent of Service, Karen L. Wilcox, or principals.
- **Lien** for Property Owner’s Association Dues and/or Assessments filed **on September 14, 2017** with Superior Court Clerk, Union County Georgia in the amount of \$1,000, plus interest, late fees, attorneys’ fees, and court costs for unpaid assessment dues for years 2013, 2014, 2015, 2016, and 2017. The principals were served copies of the Lien via Certified Letter, Return Receipt Requested and regular USPS.
- No response received from Registered Agent of Service, Karen L. Wilcox, or principals.

- **Amended Lien** for Property Owner's Association Dues And/Or Assessments was filed on September 19, 2017 with Superior Court Clerk, Union County Georgia, attaching a legal description for Lot 24. Again, principals were served copies of the Lien via Certified Letter, Return Receipt Requested and regular USPS on September 21, 2017.
- No response received from Registered Agent of Service, Karen L. Wilcox, or principals.
- **A lien will need to be filed for years 2018 and 2019** in the amount of \$400, plus interest, late fees, attorneys' fees, and court costs to be attached to the existing liens filed with Superior Court Clerk, Union County Georgia.
- No response has been received from Registered Agent of Service, Karen L. Wilcox, or principals.

Billy Toups restated the board policy in place pertaining to the POA Dues dated March 2017. All owners have received a copy of the Policy via email.

Cathy Powell made a motion to accept the report on Lot 24 as presented. Bill Towhey seconded the motion. **Motion Passed.**

b. Revised By-Laws

Luke Lukoski presented revised By-Laws to the board. He, his wife, Joy Boulenger, along with Mike and BJ Otero has worked as a By-Laws Committee. By definition, the By-Laws for the POA means rules of a corporation's board, as established by the board of directors.

When Waterfront turned over the management to the POA, it presented the POA with a document entitled Covenants. This document was deemed inappropriate by the board and modification to the covenants were presented to and adopted by the property owners in 2014.

Along with a template provided by Daniel Davenport, the attorney for POA, the current By-Laws Committee constructed revised By-Laws. Attorney Davenport recommended that the committee present the revised by-laws and their recommendation for adoption to the Board.

Discussion ensued by board members and attending property owners,

Everett Moore made a motion to accept the By-Laws as amended and after typographical changes are made. The motion was seconded by Bill Towhey.

Motion Passed. A copy of the By-Laws will be sent to the POA and posted on the website once certified.

On behalf of the board and all property owners, Billy Toups expressed gratitude to Luke, Joy, Mike, and BJ for their dedication and commitment to this important task. Job well done!!!!

c. Board Nominees

Three existing (and original) board members' (Billy Toups, Bill Towhey, and Ann Caver) terms will expire in April and both Billy Toups and Bill Towhey have decided to not run for re-election. Ann Caver has not yet decided. As of March 16, 2019, four property owners have expressed interest in running for the Board.

Other comments:

Ann Caver voiced that the Secretary/Treasurer positions should be split into two positions.

Bill Towhey stated that the Community of Queens Gap in 2019 is not the same community as in 2013. More people have moved into the neighborhood. As of today, 20 houses have been built, some under contract, future construction will be coming soon, more traffic within the subdivision, and problems will arise just because we are growing.

V. Old Business

a. Grass Cutting Contract

Billy Toups, on behalf of the POA, and Matthew Darymple, Contractor, signed a five-year contract for grass cutting on March 14, 2019. The pricing is the same as the amounts the POA previously paid him and are fixed for five cutting seasons. Included in this contract are a requirement that the Contractor maintain liability insurance in the amount of \$1,000,000. Also included in the contract is the requirement that the POA appoint a single individual to be the sole liaison with the Contractor on all matters having to do with the grass cutting contract. A copy of the grass cutting contract is available upon request.

b. Construction Update on Lot 74

Bill Towhey reported the following:

- Ground breaking took place on April 6, 2015.

- No construction activity seems to have taken place on Lot 74, within the last several months.
- Originally to be self-financed by the property owner, the house was budgeted at \$1.1 million for the construction. Currently the project is \$300,000 over that budget and is not yet “dried in.”
- Additional financing that the owners said was forthcoming fell through.
- Beginning August 1, 2018, a \$25 per day fine for violation of subdivision covenants has been assessed on the owners of Lot 74. Those fines have not been paid.
- Daniel Davenport, attorney, suggested that those Queens Gap residents and property owners near the unfinished project have the prerogative of taking legal action, without the POA. In fact, according to Mr. Davenport, those individual lot owners have much better legal standing to pursue legal remedies than does the POA, since they are the ones most affected by the incomplete construction.

VI. Comments and Questions

Billy Toups made the following announcements.

Covenant Violations. A Committee, appointed by Billy Toups, made a list of those who are in violation of the Covenants and Restrictions. The report will be sent to the current board members and will be acted on by the new board, after the April 6th Annual Meeting.

New Entrance Landscaper Needed. Lisa Toups has decided to spend her time and talents on her own yard rather than the subdivision entrance. A new person or group of people is needed to take on this responsibility, which includes planting, mulching, trimming trees, removing the dead flowers, etc. Bill Towhey suggested a community work day.

Billy Toups will be absent from the April 6th Annual Meeting. He has asked Bill Towhey, Vice-President to oversee the Annual Meeting.

Billy Toups asked for any other comments and questions from the Board.

Everett Moore reported that he had received a letter dated March 11, 2019 from Jason Dykes, P.E., Assistant District Traffic Engineer for the Georgia Department of Transportation, denying his request that a new turning lane be installed at the subdivision entrance.

Wayne and Cindy Tingle, Lot 79, who are Real Estate professionals, stated one reason they decided to build in Queens Gap was the Covenants and Restrictions posted on the Queens Gap website, stating this is a community doing it the right way.

VII. Executive Session (Open only to Board Members)

A motion was made by Cathy Powell and seconded by Luke Lukoski that the board goes into Executive Session to discuss legal options regarding the building project on lot 74. **Motion Passed.**

The Board cleared the room and went into Executive Session.

Motion was made by Everett Moore and seconded by Bill Towhey to return into regular session. **Motion Passed.**

A motion was made by Everett Moore and seconded by Bill Towhey that Attorney Daniel Davenport be instructed to immediately file a lien on behalf of the POA against the owners of Lot 74, for the amount of the current unpaid fines. **Motion Passed.**

A motion was made by Everett Moore and seconded by Mike Otero that, effective April 1, 2019, the daily fines levied on the owners of Lot 74 be increased to \$50 per day. **Motion Passed.**

Meeting adjourned.

AFFIRMED AND APPROVING MINUTES
QUEENS GAP PROPERTY OWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING
MARCH 16, 2019

CERTIFIED TRUE COPY OF THE EXTRACT OF THE MINUTES OF THE HILLS AT QUEENS GAP PROPERTY OWNERS ASSOCIATION BOARD MEETING HELD ON SATURDAY, **MARCH 16, 2019, 10:00 AM**, AT THE UNION COUNTY COMMUNITY CENTER, BLAIRSVILLE, GA, PROPER QUORUM WAS PRESENT SAID MINUTES HAVE BEEN READ AND AFFIRMED VIA EMAIL BY

Billy Toups, President

Bill Towhey, Vice President

Ann Caver, Secretary/Treasurer

Everett Moore, Member at Large

Michael Otero, Member at Large

Cathy Powell, Member at Large

Gary "Luke" Lukoski, Member at Large

Signed this _____ day of _____, 2019.