

**The Hills at Queens Gap
POA Board Meeting - Minutes
Saturday, April 18, 2015
2:00 a.m.-4:00 p.m.
Billy Toups House
Blairsville, GA 30512**

In Attendance:

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

Billy Toups, POA President, welcomed those in attendance and invited them to enjoy beverages and snacks during the meeting. Ann and Wendell announced that they will have to leave by 3:00 for an engagement with their grandson.

Billy Toups asked for a motion to approve the Minutes from the Annual POA Meeting on January 24, 2015. A motion was made by Bill Towhey and was seconded by Everett Moore that the Minutes be approved as written. The Board members present signed the Affirming and Approving sheet for the January 24, 2015 POA Annual Meeting. This sheet was signed and dated April 18, 2015.

Treasurer Report as of 4/18/2015:

Checking Account Balance as of 4/17/2015 - \$25,699.89

Outstanding Assessment Dues:

Lot 87 owes a balance of \$100 (3rd & 4th quarter-pay by the quarter).
Lots 4, 5, 6 - Owes dues for 2013, 2014, 2015 (\$1800, plus charges)

Beginning Balance 2015: \$2,519.03

Collected as of 4/17/2015: \$26,100.00

Expenses as of 4/17/2015: \$1,919.14

Projected Budget for 2015:

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

A motion was made by Chuck Jones and 2nd by Bill Towhey that the Treasurer’s Report be approved as stated and written. All other Board members agreed.

Old Business

Review of Legal Opinion:

Bill Towhey reported on the Legal Opinion letter, dated March 24, 2015 from Daniel Davenport of Akins & Davenport, P.C. Mr. Davenport is the attorney hired by the Board of Directors to examine and review public records to ascertain the legal responsibilities of the POA. Mr. Davenport examined the records of Union County and the Georgia Secretary of State, pursuant to the Declaration of Restrictions, Limitations and Covenants Running with the Land of The Hills at Queens Gap Subdivision, filed of records April 29, 2011, December 9, 2011, and April 29, 2011 by Waterfront; and further the subsequent Revised and Restated Declaration of Restrictions, Limitations and Covenants Running with the Land, filed of record September 15, 2014.

A discussion ensued regarding the official legal name of Queens Gap Subdivision. The official name of the Subdivision must be the name filed with the Georgia Secretary of State Office. A 501(c) non-profit tax identification number was applied for and received by Waterfront Properties and that tax number was given to the newly formed Board of Directors for the POA at the time the POA took over the responsibilities and duties of a POA. Ann Caver agreed to verify the official business name with the Georgia Secretary of State Office and also verify with the Internal Revenue Service the official name pursuant to their records.

Further, Billy Toups will contact Daniel Davenport for clarification regarding the following issues:

1. **2014 Amendment to Declaration (page 1)** Before the 2014 Amendments to Declaration were recorded, the board did receive a 67% vote of all of the owners, in favor of those amendments. As Mr. Davenport pointed out, however, we did not include documentation of that vote in the September 15, 2014 filing.

Also, as Mr. Davenport pointed out, Attachments A & B of the September 15, 2014 document were included primarily as Information Only and were superfluous and should be removed.

Our question, then, is what do we do to insert evidence of that vote into, and eliminate Attachments A & B from, the September 15, 2014 filing?

2. **Association Board Powers/Obligations (page 3)** We are asking for clarification and affirmation of your opinion on the procedure required to increase POA dues or impose one time assessments.

Mr. Davenport's opinion states that an increase in dues by more than 5% (and, presumably, a one-time assessment) requires a 51% vote of the lot owners present at an annual or special meeting, as long as a quorum is present. Mr. Davenport's letter continues that a quorum is defined in Article VII as 10% of the authorized vote.

There are 136 lots in Queens Gap. therefore there are 136 authorized votes. Is that correct?

Since a quorum is defined as 10% of the authorized votes, a meeting of the owners of, at least, 14 lots (authorized votes) represent a quorum. Is that correct?

So, if there is an annual or special meeting of owners, who cumulatively own 14 or more lots (authorized votes), and majority of those authorized votes are cast to increase dues or impose an assessment, then that vote is legal and binding. Is that correct?

Bill Towhey initiated a discussion regarding the locations of the pump house and the Queens Gap entryway sign. Waterfront built these structures and located them on lots owned by Jim Tromanhauser (Lots 1, 23) and Steven White (Lot 45). The Board voiced concern because of future liability issues. Bill Towhey suggested that a hold harmless agreement be drawn up and executed by and between the POA and the two individual property owners. Chuck Jones volunteered that in order to execute an agreement, the POA would need to hire a surveyor to obtain a legal description for these two pieces of property so that the properties could be legally conveyed to the POA by the property owners.

Jim Tromanhauser stated that Waterfront had verbally conveyed but he has nothing in writing. Jim is going to contact Waterfront to establish if there is a hold harmless agreement and/or what steps need to be taken for a legal conveyance, the same action will be taken for the pump house.

Mailboxes

The POA does not own any property in Queens Gap. Until such time as the POA acquires property, the mailbox issue will be on hold. During the course of discussions with Daniel Davenport, he brought to the attention of the Board that according to the Tax Assessor's Office in Union County that there is approximately a 1-acre tract of land just outside the entryway gate into Queens Gap, belonging to Waterfront Properties. Waterfront has been paying the tax bill each year. Waterfront was unaware of the said property. Bill Towhey has been in contact with Straton Smith at Waterfront to verify that Waterfront holds the deed and if so would Waterfront be willing to deed this tract of land to the POA.

Windstream Construction and Inspection:

At the request of Everett Moore, the board allowed fiber optics installation by Windstream into Queen's Gap. This followed the receipt of Mr. Davenport's opinion that, although the individual property owner has the ultimate right to decline permission to Windstream to run utilities across their property, the board could grant a blanket permission.

In the discussion with Windstream, Windstream accepted responsibility to repair the damage created by digging up the ground and promised to reseed the grass where it has been dug up.

Both Everett Moore and Chuck Jones stated that Windstream did attempt to repair and reseed the damaged areas but, in their opinions, did a substandard job. Both Everett Moore and Chuck Jones will be contacting Windstream to ask that they redo the job.

Easements

Discussion occurred regarding whether the owners of the lots that house the gate, sign, and pump house have any mention of an easement in their deed. Jim Tromanhauser purchased his lots (#1, 23) from an individual and not Waterfront so he did not know. Billy asked Jim to contact the owners of the lots where the pump house and gate are situated to begin a discussion of developing formal easements between the property owners and the POA.

Assessments/Dues:

A discussion ensued among the Board regarding increasing the annual assessment dues because of future repaving and repairs to the roads running throughout the subdivision. The POA has a reserve fund of \$15,000. It has budgeted another \$15,000 to be added in 2015. However, when repaving has to be done, it will have a large price tag. POA must save to accommodate the anticipated expense. A request from the board to the property owners to increase annual dues or for a One Time Assessment, may be necessary in the future.

Date Change for Annual Meeting:

A suggestion was made by Gary Locke (Lot 123) that the date of the Annual POA Meeting be changed to April. Typically, it has been held in January on the Saturday before the Martin Luther King holiday but, for the past two years, inclement weather has prevented some property owners from attending.

Cathy Powell surveyed property owners via email for the purpose of getting an indication of their support for the idea.

Of the 54 responses that Cathy Powell received, 38 voted to change the date of the meeting to April; 9 said to leave it in January; and 7 said either was fine.

Based on these results, Billy Toups asked that the board, as a whole, look at the details of what would be involved in changing the annual meeting to April.

Having finished its business, the meeting was adjourned.

New House Construction Update:

Grading has become on Lot 84 for the construction of Randel and Susan Weikle' house.

Landscaping:

Several plants at the gate entryway died because of the extreme cold this past winter. Since the receipts were maintained from the planting of 2014, the POA received a credit of \$136. This credit will be put toward replacing the plants at the entry gate. Bill Towhey made a motion and it was seconded by Chuck Jones to budget a total of \$400 for landscaping plants and mulch for the front entry gate and also for the area immediately in front of the Queens Gap entryway sign. The Cavers and Powells have volunteered to replant and landscape and install plants in the area in front of the Queens Gap entryway sign.

Here are your Board Members:

President

Billy J. Toups, Sr. (Lots 11, 12 & 13)
Queens Gap, Blairsville, GA 30512
billy.toups@earthlink.net Cell: 404 643-4869

Vice President

Bill Towhey (Lots 15 & 47)
96 Craig St, Suite 112 – 501, Ellijay, Ga. 30540
155 Barefoot Tr., Blairsville, Ga. 30512
b2e2009@hotmail.com Cell: 404 402-9588

Secretary-Treasurer

Ann Caver (Lot 69)
P.O. Box 1942, Blairsville, GA 30514 (Mailing Address)
333 Tree Line Drive, Blairsville, GA 30512
ann.caver@brmemc.net Home: 706-400-7050
Cell: 678 794-2798

Members At Large

Chuck Jones (Lots 106 & 107)
P.O. Box 1490, Blairsville, GA 30514
Cbj2041@aol.com Cell: 904-982-4753

Everett Moore (Lot 113)
P.O. Box 2315 (Mailing Address)
762 Rockwood Tr., Blairsville, GA 30512
emooredvm@aol.com Cell: 904-535-9081

Jim Tromanhauser (Lots 1 & 23)
P.O. Box 1639, Blairsville, GA 30514
jltroman@gmail.com Cell: 404-550-4588

Cathy Powell (Lots 100 & 101)
345 Young Harris Street, #1819
Blairsville, GA 30514
cmp@bellsouth.net Cell: 561-202-7884

The meeting was adjourned.

CERTIFIED TRUE COPY OF THE EXTRACT OF THE MINUTES OF THE HILLS AT QUEENS GAP BOARD OF DIRECTORS MEETING FOR THE PROPERTY OWNERS HELD ON SATURDAY, **APRIL 18, 2015**, AT 2:00 P.M. UNTIL 4:00 P.M. AT BILLY TOUPS' HOUSE IN QUEENS GAP, BLAIRSVILLE, GA 30512. **SAID MINUTES HAVE BEEN READ AND AFFIRMED BY BILLY TOUPS, PRESIDENT, AND BILL TOWHEY, VICE PRESIDENT.**

CERTIFIED TRUE COPY OF THE EXTRACT OF THE MINUTES OF THE HILLS AT QUEENS GAP BOARD OF DIRECTORS MEETING FOR THE PROPERTY OWNERS HELD ON SATURDAY, **APRIL 18, 2015**, AT 2:00 P.M. UNTIL 4:00 P.M. AT BILLY TOUPS' HOUSE IN QUEENS GAP, BLAIRSVILLE, GA 30512. **SAID MINUTES HAVE BEEN READ AND AFFIRMED BY BOARD MEMBERS PRESENT.**

BILLY TOUPS, PRESIDENT, Dated _____

BILL TOWHEY, VICE PRESIDENT, Dated _____

ANN CAVER, SECRETARY/TREASURER, Dated _____

EVERETT MOORE, MEMBER AT LARGE, Dated _____

CHUCK JONES, MEMBER AT LARGE, Dated _____

JIM TROMANHAUSER, MEMBER AT LARGE, Dated _____

CATHY POWELL, MEMBER AT LARGE, Dated _____