

The Hills at Queens Gap

POA Board Meeting

6:30 p.m. Thursday, December 13, 2018

Union County Community Center

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

In Attendance:

- Billy & Lisa Touns, Lots 4, 5, 6, 11, 12, 13
- Ann & Wendell Caver, Lot 69
- Everett Moore, Lot 113
- Mike & BJ Otero, Lots 76, 77
- Cathy Powell, Lots 100, 101
- Gary "Luke" Lukoski & Joy Boulenger, Lots 105, 106
- Randy & Susie Weikle, Lots 74, 75
- Melinda Kirk, Lot 91
- David Kohutek, Lot 85
- Tim Rhinehart, Lots 57, 58

I. Prayer and Welcome

Billy Touns, POA President, welcomed the Board members and owners. Each person introduced themselves to the group. Ann Caver opened the meeting in prayer.

II. Approval of August 4, 2018 POA Board Meeting Minutes

Board members received a copy of the Minutes from the August 4, 2018 Board Meeting Minutes via email. The Minutes were finalized per the Board's approval. A Certification was circulated to the Board members for their signature affirming and approving the Minutes as written at the December 13, 2018 Board meeting. Billy asked for a motion to be made that the Minutes from the POA Board Meeting held on August 4, 2018 be approved. Mike Otero made a motion and Luke Lukoski seconded the motion. **Motion Passed.**

III. Financial Report

Those present at the December 13, 2018 received copies of the Income and Expense Report dated 1/1/18 through 12/12/18 and 1/1/18 through 12/31/18 Budget vs. Year to Date Actual. Billy Toups enumerated line-by-line the figures listed on the reports, including the current POA checking account balance. See the following documents:

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

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

Carry Over from 2017	\$ 4,645.22
Income:	<u>27,315.00</u>

Available Operating Funds	\$ 31,960.22
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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	 1,876.73
Meetings (\$620.31)	
USPS Box Rental (\$54.00)	
Utilities – Gate (\$343.13)	
Insurance (\$691.00)	
Postage – Mailing Services (\$50.00)	
Supplies (\$118.29)	

Other	2,208.24
Tax Lien (\$2,110.00)	
Property Taxes (\$98.24)	
Total Expenditures	<u>\$- 19,648.97</u>
12/12/2018 Available Funds	<u>\$12,311.25</u>
12/12/18 Check Book Balance	<u>\$12,311.25</u>
Projected Expenditures through 12/31/2019	\$555.00
Gate Repairs (\$250.00)	
Utilities - Gate (\$30.00)	
Meetings (\$100.00)	
Legal Fees (\$175.00)	
12/12/2018 Available Funds	\$12,311.25
Less Projected Expenditures	<u>- 555.00</u>
Total Available Funds	\$11,756.25
Proposed Transfer to Reserve Account	<u>- 10,000.00*</u>
Projected Carryover from 2018	<u>\$1,756.25</u>

*Prior approval was obtained from the Executive Committee, Billy Toups, Bill Towhey, and Ann Caver, approving \$10,000.00 transfer from the POA checking account to the Capital Improvement Account (funds held in reserve for road repairs) by December 31, 2018. This would leave a projected carryover balance of \$1,756.25 in the POA checking account.

President Billy asked for any questions or comments pertaining to the Financial Report. None were voiced. He asked for a Motion to accept the Financial Report as stated. Mike Otero made a Motion to accept Financial Report as stated and Cathy Powell seconded the Motion. **Motion Passed.**

IV. New Business

a. Compliance to Subdivision Covenants

It has been brought to the Board's attention that a number of covenant violations exist within the subdivision. Most of these are minor in nature but do need to be corrected and addressed as follows:

- **Outbuildings.** Not painted the same colors as the home and the pitch of the roof constructed is not consistent with the home. Most outbuildings in the subdivision are prefabricated and do not have a roof pitch of 6/12 feet as required in the Covenants and Restrictions. Outbuildings are normally transported via truck, to conform to DOT highway height restrictions, 6/12 and steeper roof pitches are not normally available.
- **No above-ground tanks exposed.** Subdivision covenants require that all Above-the-ground tanks should be camouflaged or hidden from the sight of other lots and traffic.

Fencing. Chain-link fencing.

ARTICLE V Building Standards, Exterior states, "**No chain-link, barbed wire or other similar wire fencing allowed.** All fencing must be constructed of wood, vinyl, stone or wrought iron."

Since these violations have been brought to the Board's attention, the Board discussed sending out an email to all property owners reminding them to read over the covenants and then look at their property to determine if they have violations. If they do have violations, they should address them and correct them. If they have questions on the violation, they should contact a board member for clarification. Following that, the board will inspect the subdivision and send out certified letters (as per the covenants) to the violating parties giving them 30 days to correct the problems. We noted that the covenants provide a variance clause that can be requested by any homeowner and there is a process for the Board to review and grant or decline the requested variance. No action was taken.

Billy appointed Melinda Kirk to survey the subdivision for covenant violations and report back to the board president by April 1, 2019.

b. 3 to 5-Year Contract with Grass Cutter

Matthew Darymple is the contractor that the POA hired after the resignation of Sodbuster's. The POA does not have a contract with Matthew. His pricing is consistent with what was previously paid. He does not have equipment for cutting the sides with a long arm; however, Matthew subcontracts this bi-yearly cutting. Several voiced their opinion, that the mowing, bush hogging, and long arm cutting was attractive and neat. Tim Reinhardt stated he noticed the grass cutting look much better.

Billy Toups suggested that he, with the Board's approval, would discuss drawing up a three to five-year contract with Matthew to guarantee pricing and requiring him to obtain liability insurance and produce a Certificate of Insurance to the POA. The Board encouraged Billy to negotiate a contract with Matthew Darymple.

c. Other

Everett Moore inquired as to when the next Board meeting would be scheduled. One has not been scheduled at the time. However, a special one can be called if necessary. The Annual Meeting will be in April of 2019.

V. Old Business

a. Road Repair

The Board discussed briefly the recent repairs made to the roads in Queens Gap by Crisp Asphalt Paving. The POA spent \$6,445.00 (October 15, 2018) for cracking and sealcoating on Treeline and Summer Cove Drives. By sealing the asphalt, an additional 5-year life expectancy has been added to the road because it acts as a protection against wear, weather, etc.

b. Steps toward Acquisition of Property at Entrance

Billy again acknowledged and gave Kudos to B.J. Otero for perusing the North Georgia Newspaper and in doing so happened to see a legal notice in the ads regarding a .5-acre tract of land located at the entrance of the Queens Gap subdivision. This property was scheduled for sale on the steps of the Union County Courthouse to the highest bidder in September 2018

for non-payment of taxes. Previous owners of the property were Waterfront Development but have since filed bankruptcy. Taxes were not paid for several years causing the Union County Tax Commissioner to file a tax lien against the property. Several Board members went to the auction to bid on the property. Queen Gap's bid was the highest and acquired the property by paying \$2,110.00. At the auction, Billy Toups learned that the other bidder on the property intended to construct a lawnmower shop at the entrance of Queens Gap. If this bidder had acquired the property, the entrance into Queens Gap would have been limited because the owner would have controlled the road entering the subdivision.

Billy Toups, Mike Otero, Luke Lukoski, and Cathy Powell met with Attorney Daniel Davenport regarding pursuing the foreclosure proceeding against the owner of record, Waterfront Development. After one year and one day has passed since the courthouse sale to Queens Gap POA, this procedure will begin, which will include a title search and public posting to potential creditors of Waterfront due to the filing of bankruptcy for the development corporation. Daniel feels that this will go smoothly as we believe that the bankruptcy filing was part of the overall plan that Waterfront had to close out the development once all the property was sold. The legal costs for this action are estimated to be \$1,500 to \$2,000 including the filing fees. Daniel also thinks this will all be completed in about a 2-month time period from filling. This property would become common space for the POA.

c. Construction Update on Lots 74 & 75

Billy Toups asked Randy Weikle to give the Board an update on construction at Lots 74 & 75. Following is a summary of Randy's comments to the Board:

- Originally the house was budgeted at \$1.1 million for the construction. Currently the Weikles are \$300,000 over that budget and the house is not yet "dried in." Randy Weikle explained that they originally "self-financed" the construction project which in hindsight was a mistake. That action led to contractor payments for work that was not done. In retrospect, the Weikles would have gotten a bank involved at the beginning to finance the project. The bank would have had a better oversight procedure to handle contractor payments.

- \$30,000 engineering plan that the Weikles' previous subs were asking him to get is not needed after all.
- Zach Coleman, general contractor since the inception of the construction project, is no longer the Weikles' general contractor but will still be doing landscaping work.
- New general contractor is 'Clay to Custom Construction' (see website at clay2custom.com). (Randy Weikle is featured on the website as a satisfied customer and makes some glowing comments). Clay to Custom has their main office in Mineral Bluff, next to Blue Ridge, Georgia.
- The Weikles stated that due to some significant and unforeseen losses in their investment accounts, the cash to finish the project is in doubt. That has led to the application for a bank loan in the amount of \$300,000 to finish the project. That loan has been approved by a company called Anchor. (The Weikles couldn't recall the full name of the company.)

NOTE: When asked about the progress of the loan application, not much detail was given.

The loan document signing has been delayed for a week. Randy Weikles assumes the loan company has been to the site for an appraisal because they told him the house, when fully finished would appraise for \$2.3 million.

- The Randy and Susan Weikle have renewed the building permit with the Union County Building Department.
- Siding should be going up on the house the week of December 17-21.
- Zach Coleman, landscaping and cleanup duties, should be cleaning up the site the weekend of December 15-16. Specifically it was pointed out to the Weikles that neighbors have been complaining about the debris, stumps, branches, old crates, metal parts, trash, paver pieces, and etc. piles on the lower driveway off Treeline Drive.
- Randy Weikle mentioned a 40-foot trailer and/or a Conex box is to be delivered to the site and placed on the lower driveway off Treeline Drive to store building materials and other items for the house. When told this would be unsightly Randy Weikle said the box would be placed far back in the driveway. This may also be unsightly.
- Randy and Susan Weikle do not want anyone trespassing on the site. The Weikles' insurance will not cover anyone who shouldn't be there getting

injured at the site. Randy did not want to place any 'No Trespassing' signs on the property.

- The Weikles stated there is no black mold at the build site and they claim no rot on the floor panels. Panels will cover the radiant heat floor system.

Billy Touns did make a point to remind the Weikles that the board at a previous meeting in May 2018, had decided to implement a \$25 per day fine for their covenant violation on the construction of their home. They were

- notified of that decision by certified letter from our attorney prior to the fine period as per the covenants;
- fine period started on August 1, 2018;
- an invoice would be sent out at the end of the year with payment due in 30 days, as per the covenant enforcement procedures;
- fines would continue until full compliance was reached and monthly billing statements would go out beginning in 2019; and
- Payment of these invoices would be required within 30 days of billing.

NOTE: See Minutes dated May 4, 2018 quoting Covenants and Restrictions stating, "At the discretion of the POA Board, and by the affirmative vote of 2/3's of the board members present at the meeting when the vote is taken, the Board may impose fines of up to \$100 per day on property owners who are not in compliance with one or more provision(s) of the covenants."

VI. Comments and Questions

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

Everett Moore gave an update regarding turning lane at subdivision entrance. He has tried to contact Lamar Paris, Union County Commissioner, to solicit his help, but Lamar has not returned his phone calls. No action was taken.

Billy Touns announced that the three original board members and officers (Billy Touns, Bill Towhey, and Ann Caver) terms would expire in April and that all have decided not to run for another term as Board members. Luke suggested this was a big change in leadership and should be announced to all POA members very soon so that new potential board candidates would have some time to decide to help out as board members.

VII. Executive Session open only to Board Members

A motion was made by Billy Toups and seconded by Luke Lukoski that the board goes into Executive Session to discuss legal options regarding the building project on lots 74 & 75. Motion Passed.

The Board cleared the room and went into Executive Session.

A motion was made by Luke Lukoski and seconded by Mike Otero that the board go exit the Executive Session and recommence the regular meeting. Motion Passed.

A motion was made by Mike Otero and seconded by Cathy Powell that the board send Randy & Susan Weikle an invoice in the amount of \$ 3,825.00 for the accumulated fines of \$25 per day for 153 days. Motion Passed

Billy called for a motion to adjourn. Such a motion was made by Cathy Powell and seconded by Mike Otero. Motion Passed.

Meeting adjourned.

AFFIRMED AND APPROVING MINUTES
QUEENS GAP PROPERTY OWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING
DECEMBER 13, 2018

CERTIFIED TRUE COPY OF THE EXTRACT OF THE MINUTES OF THE HILLS AT QUEENS GAP PROPERTY OWNERS ASSOCIATION BOARD MEETING HELD ON THURSDAY, **DECEMBER 13, 2018, 6:30 PM**, AT THE UNION COUNTY COMMUNITY CENTER, BLAIRSVILLE, GA, PROPER QUORUM WAS PRESENT SAID MINUTES HAVE BEEN READ AND AFFIRMED VIA EMAIL BY

Billy Touns, 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.