

MINUTES

LEGACY PARK COMMUNITY ASSOCIATION, INC. BOARD OF DIRECTORS REGULAR MEETING AUGUST 16, 2007

Attendance:

Mike Sesan
Allen Massey
Daryl Kidd
Lisa Neff
Joanne Weaver

Trasey Welton
Tina Shambaugh
Brandi May
Rev. Robert Henry
Mary-Ellen Tulper

Janice Stolle
Mike Shambaugh
Joe Marbury

Open Regular Meeting- Mike Sesan, president at 7:00 p.m.

1) Approval of Meeting Minutes- Daryl Kidd

Motion made by Allen Massey to approve, as written, Regular Session Board Minutes from 7/19/07, Executive Session Minutes from 7/19/07, and Planning Meeting Minutes from 7/31/07. **Approved 3 – 0.**

2) Treasurer Report- *see attached report submitted by David Kirkland.*

3) New Business

- a) Motion made by Daryl Kidd to extend pool closing date to September 30, 2007 for the Main Pool, all other pools close Labor Day. **Approved 2 – 1.**
- b) Motion made by Daryl Kidd to extend tennis court closing hours to 11:00 p.m. **Approved 2 – 1.**
- c) Motion made by Daryl Kidd to change Design Guideline No. 6 by defining a commercial vehicle as :

“Commercial vehicle” is defined as: panel trucks, buses, trucks with a load capacity of one (1) ton or more, full-size vans (excluding vans used by handicapped persons, mini-vans or sport utility vehicles used as passenger vehicles and receiving a “car” or “passenger vehicle” classification by the Georgia Department of Motor Vehicles), recreational vehicles (RV’s and motor homes), vehicles used primarily for commercial purposes and containing visible evidence of commercial use (such as tool boxes or tool racks), and vehicles with commercial writings on their exteriors (except for Sheriff’s, Marshall’s or police officer’s vehicles marked as such) are also prohibited from being parked in Legacy Park, except in garages or other areas designated by the Board as parking areas for particular types of vehicles. Notwithstanding the above, trucks, vans, commercial vehicles and vehicles with commercial writings on their exteriors shall be allowed temporarily on the Common Area during normal business hours for the purpose of serving any Lot or the Common Area; provided, that, no such vehicle shall remain on the Common Area overnight or for any purpose unless prior written consent of the Board

is first obtained. The rule shall be come effective on September 1, 2007. **Motion approved 3 – 0.**

4) Committee Reports-

- a) **Basketball Committee** – Mary Ellen Tulper discussed with the Board a plan to put in place to reopen the basketball courts. Motion made by Daryl Kidd to reopen basketball courts. **Approved 3 – 0.**
- b) **Rental Committee** – Janice Stolle provided an update on the progress of the Rental Committee.
- c) **Town Council** – Brandi May reported on the upcoming events and that the new Vice-President of Town Council is Mr. Robert Bottom.

5) Activities Report – Trasey Welton

Trasey Welton reported on current/upcoming events within Legacy Park.

8/24/07 – Dive in Movie

9/29- Jazz Concert

9/7 – 9/8- Garage Sale

10/13- Oktoberfest

9/15 or 9/22 Cinema Saturday

6) Property Report – Lisa Neff and Joanne Weaver

- a) Joanne reported that the new covenant enforcement policy has been put in place and 318 violation letters went out to residents. There were 30 appeals stemming from the violation letters. There were 14 modification requests last month, 2 were denied.
- c) Property Report – *see attached report submitted by Lisa Neff.*

7) Old Business

Community Center Update – The Board met with Loren Construction and the architect this month. Currently they are starting the processes of Civil/Survey/Zoning.

Mike Sesan adjourned to Executive Session at 9:03 p.m.



Legacy Park Community Association, Inc.

A Georgia Nonprofit Corporation

Board of Directors Regular Meeting

Thursday, August 16, 2007

Agenda

- 7:00 **Call to Order – Mike Sesan**
- 7:05 **Approval of Meeting Minutes – Daryl Kidd**
 - July 19, 2007 – Regular Board Meeting*
 - July 19, 2007 – Executive Session*
 - July 31, 2007 – Planning Meeting*
- 7:10 **Treasurer Report – Tom Cavanaugh**
- 7:20 **Committee Reports**
 - a. Basketball Committee*
 - b. Rental Committee*
 - c. Town Council*
- 7:30 **Activity Report – Trasey Welton**
- 7:40 **Property Report – Lisa Neff & Joanne Weaver**
- 7:50 **Old Business**
 - a. Community Center Update*
- 8:20 **New Business**
 - a. Main Pool Closure Date*
 - b. Tennis Court Hours*
- 8:30 **Adjournment to Executive Session**
 - a. Board Issues*

FINANCIAL UPDATE

August 31, 2007

SunTrust Checking	<u>\$101,354.80</u>
SunTrust Savings	<u>\$173,413.33</u>
SunTrust Impressed Account	<u>\$1,000.00</u>
PayPal Account	<u>\$84,409.58</u>
Edward Jones Investments	<u>\$1,143,569.40</u>
Actual Cash on Hand	
08/31/07	<u><u>\$1,503,747.11</u></u> (1)

Operating Income/Expense:

	08/01 - 08/31	08/01 - 08/31	08/01 - 08/31	1/1 - 12/31
	<u>Actual</u>	<u>Budget</u>	<u>Variance</u>	<u>Year-To-Date</u>
Total Income	<u>\$45,180.58</u>	\$28,680.50	\$16,500.08	\$1,070,938.98
Total Expenses	<u>\$86,327.08</u>	\$98,265.23	(\$11,938.15)	\$806,005.89
Net Income/(Loss)	<u>(\$41,146.50)</u>	<u>(\$69,584.73)</u>	<u>\$28,438.23</u>	<u>\$264,933.09</u>

Operating Cash:

Actual Cash on Hand as at	01/01/07	1,288,811.15	
Operating Net Income/(Loss) as at	08/31/07	264,933.09	[2]
Prepaid Assessments as at	08/31/07	<u>(3,189.44)</u>	*
		1,550,554.80	
Less Capital improvements as at	08/31/07	<u>(46,807.69)</u>	
Operating Cash on Hand as at	08/31/07	<u><u>1,503,747.11</u></u>	[1]
Reserve Fund (Repair & Replacement)		<u>(300,000.00)</u>	
Total Cash Available as at	<u>08/31/07</u>	<u><u>1,203,747.11</u></u>	[3]

* Net pre-paid assessments calculated

12/31/2006	7,461.60
8/31/2007	<u>4,272.16</u>
*	3,189.44

Projected Cash:

Available Cash as at	<u>08/31/07</u>	<u>1,203,747.11</u>	[3]
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Budgeted Yearly Income	1,299,386.00	
Budgeted YTD Income	<u>957,866.00</u>	
Projected Remaining 2007 Budgeted Income		<u>341,520.00</u>

Original Budgeted Yearly Expense	2,088,684.97	
Addtl 2007 Budgeted Expenses Approved*	4,200.00	4/07 - power budget - 710
Addtl 2007 Budgeted Expenses Approved*	6,078.47	5/07 soccer expense - 490
Addtl 2007 Budgeted Expenses Approved*	15,000.00	5/07 mulch budget - 504
Addtl 2007 Budgeted Expenses Approved*	2,000.00	6/07 brick pavers at circle entrance - 532
Addtl 2007 Budgeted Expenses Approved*	2,100.00	06/07 Covenant Manager Salary - 665
Total Additions to Budget		29,378.47
Total Budgeted Yearly Expense	2,118,063.44	

Budgeted YTD Expense	<u>1,804,720.46</u>
Projected Remaining 2007 Budgeted Expense	<u>313,342.98</u>

Remaining Budgeted Income 2007	113,072.98
Remaining Budgeted Expense 2007	(951,906.88)

Net surplus/(loss) as at	<u>12/31/07</u>	<u>364,913.21</u>
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Assessment Delinquencies:**Legacy Park**

assessments	60,450.04
interest & late fees	20,496.40
attorneys fees	9,193.17
violation fines	5,323.00
Admin.fees	150.00
Initiation fees	1,581.63
<i>sub-total</i>	97,194.24

Northgate

assessments	20,954.19
interest & late fees	6,871.37
attorneys fees	3,719.88
violation fines	
Admin.fees	
Initiation fees	
<i>sub-total</i>	31,545.44

Totals

assessments	81,404.23
interest & late fees	27,367.77
attorneys fees	12,913.05
violation fines	5,323.00
Admin.fees	150.00
Initiation fees	1,581.63

<i>Total of both communities</i>	128,739.68
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**Assessment delinquencies as
a percentage of budgeted
income**

6.26%

August Property Management Report

HOA Items:

- The Board has been provided with collection reports. In summary, of the funds turned over for collection, 21% of Legacy Park has been collected and 29% of Northgate has been collected.
- We have received advice from our attorneys regarding the issue of the power lines that run throughout Legacy Park. The Association is the owner of the power line easement property. Since this is common property, the Association can erect signs on common property.
- For 2007, the HOA has collected \$350.00 in non-resident sport participation fees. A request has gone out to the tennis program for rosters and the non-resident fees that are due to the HOA.
- For 2007, the HOA has collected \$579.95 in vending machine proceeds.
- Work on the 2008 Legacy Park Directory is underway.
- Work on the 2008 budget will soon begin.

Amenity Monitoring:

- Our security guard continues to work out well & provides daily reports to the office.

Playgrounds:

- Recreation Station has continues monthly inspections and is repairing all necessary safety issues. We are watching the Olmsted play set closely for damage done by moisture.
- The new bench for Highcroft bench has been installed.

Maintenance:

- Diaper changing tables have been installed in the main pool bathrooms.
- The city is working on the reduction of the triangle beds at the entrance to Legacy Park Circle and should be done on Friday.
- Pool gates locks and bathroom locks have been repaired.
- Many new sign poles have been put up and we are currently working on maintenance of other sign poles.
- A new pine straw bed will be added to the Kentmere playground to cover bare areas close to the street and bushes will be planted around the utility outlet.
- We are looking into replacing the 4 toilets at the main pool bathrooms. We are waiting on pricing & availability of flush valve toilets.
- The swing beside the bridge at the Carillon trails has been replaced.

2007 Budgeted Projects Completed:

Upcoming Budgeted Projects:

- The bathroom floors will be cleaned and resealed after pool season.
- The trail behind the tennis courts will be repaired and the area cleaned up of old debris.

Committee documents to be added to August 16, 2007 board meeting minutes:

Basketball Committee – meeting minutes 08/02/07

BASKETBALL COMMITTEE MEETING MINUTES

Legacy Park, Kennesaw, Georgia

Thursday, August 2, 2007

7:00 – 8:30 PM

HOA Office

Attendees:

Committee chairperson: Mary-Ellen Tulper;

Committee members: Robert W. Henry, Louisa McQuade, Deryck Yarde, Joseph Marbury, Lewis S. Whitten, Mark Peykoff

Board members: David Kirkland

Kennesaw Police: Officer Scott Luther

Other Residents: MaryLee Tripoli, Darrell Arvin, Kim Gallo, Jesse Benjamin, Bob Gossman, one additional female resident (name?)

Mission Statement: *“The purpose of this committee is to gather all of the facts, both pros and cons, concerning the Legacy Park basketball court. To explore all options with the community, the Kennesaw Police, the tennis committee and any other person who would like to give the committee input.”*

We will not entertain any “bashing” of the basketball court, but rather a well thought out, safe and peaceful solution to keeping the court open for the enjoyment of the children and adults of Legacy Park.”

I. Mary-Ellen Tulper opened the meeting at approx. 7:00 PM and stated the purpose of the meeting. A copy of the Mission Statement was handed out to all attendees. She stated that the committee was formed to see what can be done other than shutting down the Basketball Court. The committee formed as a direct result of the board’s decision to close the basketball courts and because there are concerned residents who wish to protect and reopen this amenity. This is a \$50K (approx.) amenity and a lot of people enjoy using it. It seems as though outside people come in and cause problems. Therefore, the main purpose of tonight’s meeting is to look for suggestions and some sort of solutions on ways we can secure the Basketball Court and allow residents to begin using it again. She referenced (by name) several residents (adults and children, some in attendance and some who were not in attendance) who enjoy playing basketball and are not happy that they are closed.

II. Mary-Ellen reviewed copies of ‘INCIDENTS’ that happened in and around Legacy Park from report that she received from Joanne Weaver. Copy of this is attached. Note that these are not true (police) Incident Reports but rather hand written incident report notes as reported by the Legacy Park Security Guard. This collection of reports was given to Mary-Ellen by Joanne Weaver.

It was stated that most incidents occurred between 2PM and 6:30PM and they are for all of Legacy Park. They are not all Basketball Court specific incidents (as some previously thought) - some were from Highcroft and various playgrounds. There was one at 8:30PM.

The question was asked if there might be some ways to ‘head off’ the kids after they leave the Basketball Courts? It was suggested that this might help because people have stated that kids go to the Highcroft playground after leaving the Basketball Courts.

III. A question was posed to Officer Luther (when hired as an off-duty police officer) regarding their 'role' in and around Legacy Park in order to dispel rumors that they are not here to '*baby-sit*' Legacy Park's basketball court.

Officer Luther clearly stated and set the record straight that the Kennesaw Police officers that come here part time as off-duty officers are indeed here to '*baby-sit*' Legacy Park's AMENITIES and to keep crime low – keep an eye out for the amenities and NOT to patrol the streets, etc... They are employed by the HOA and hired by the HOA but still have powers of arrest. They are here for all amenities (Basketball courts, pool, playgrounds, etc.). They are hired to work from 6PM – 10PM Friday, Saturday, and Sunday.

To patrol the ENTIRE neighborhood and keep crime low is for the Kennesaw Police Department. He also clearly stated that the Kennesaw Police DO NOT MIND responding to Legacy Park and are happy to respond whenever called upon.

The Legacy Park Security guard works from 10AM – 6 PM. One of the things the security guard does is to deal with people who do not have Legacy Park IDs.

IV. Officer Luther informed us of the four (4) Police Incident Reports that he brought along. Copies given to Mary-Ellen Tulper.

1. The first one took place on March 7, 2007 at 4:50PM, an officer was dispatched; Unruly subjects.
2. May 6th, 2007 – Security Guard "Vish" (sp?) asked subjects for ID's – refused – subjects unaware had to have IDs – left without incident.
3. May 22nd, 2007, 5PM
4. ?

V. CRIMINAL TRESPASSING: "*No Trespassing Citations*" and "*Subject to arrest*" procedures: Officer Luther explained the entire process used by the Kennesaw Police regarding Trespassing. A "No Trespassing Citation" will be issued the first time a person is caught trespassing. There is a piece of paper including all the details that the person must sign. It goes to Dispatch. It is explained on the spot that the next time they are caught on the property trespassing that their freedom can be taken away. The next time the same person is caught, they are indeed subject to arrest. Officer Luther will provide 'exact' protocol on this issue. See email request attached.

Officer Luther was also asked if there had been any other areas of regular incidents. His answer was no except for one or two times on playgrounds (i.e. Highcroft). Officer Luther also stated that he only brought incident reports related specifically to the Basketball Courts. There are many other incident reports for other areas of Legacy Park.

VI. There was a brief review of what the HOA is currently paying for:

1. 40 hours, Security Guard – not sure of exact hours, David Kirkland to find out and inform Mary-Ellen. A resident stated that the security guard patrolling seemed to be a good thing.
2. Off-duty Police Officer; 6PM – 10PM; Friday, Saturday, and Sunday.

VII. It was stated that some people will NOT park in the parking lot out of fear – for their personal well being, and for fear of retaliation.

VIII. Discussion regarding many residents just not wanting to get involved. Police have calls regarding issues but the person who calls does not want to speak to the Officer dispatched. It is believed that many fear retaliation. Officer Luther made it clear that this information is kept completely confidential and asked our help in dispelling this myth and getting the word out to other residents.

IX. Discussion about the many RENTERS in Lullwater as an issue. It was stated that this is a separate issue and is already being addressed by a separate RENTAL Committee.

X. Community Center: David Kirkland stated that once the Community Center is in place that this will also be a deterrent having more eyes in that amenities area. All agreed.

XI. Discussion followed about exactly why the Basketball Courts were closed. It was stated that the Board of Directors made the unanimous decision and we were not here to debate that issue but to rather come up with some suggestions on what we can do to get them reopened. Deacon Henry stated that the board made a good decision because he has personally witnessed a lot of non-residents using the Basketball Courts. He also stated that usually if an adult asks nicely, that non-residents will in fact leave. Bob Gossman also talked about 'incidents' that he has personally witnessed and dealt with where no police have been called. He informed us of one incident where a car was literally parked on the grass.

Below lists the results of this discussion:

XII. BRAINSTORMING SESSION – SUGGESTIONS (listed in the order they were discussed):

1. Establish **SET HOURS** to have **adult volunteer presence** at certain amenities. (If can get enough volunteers.) This would be set up on a volunteer **ROTATION** basis. By having parental presence and a rotation of volunteers, we can 'take back the Basketball Courts' ourselves.

2. **KEY ENTRY – Check out Key System – Short Term solution**. Because there are strong concerns from residents, the issue must be dealt with. The Key Entry solution provides a physical limitation immediately. This would entail a NEW LOCK and keys that can NOT be copied. The user would CHECK OUT a key with a security deposit and can keep the key for as long as desired. This type of system could be easily paid for and easily implemented.

3. **PROXIMITY CARD/PROXIMITY LOCK Computer System – Long Term Solution**. This card system will only allow certain access and all activity is recorded by a main computer system. This is something that has already been looked into by the Board of Directors (cost approximately \$30K per David Kirkland) and was stated that the discussion to move forward with this system was tabled by the board until the completion of the Community Center (Capital Expenditure). This type of a system would require an additional fee of \$5 or \$10 for each card issued which did not seem to create a big problem. Since the leg work is already done on this type of a project, it was suggested that this be brought up at the next board meeting (add to agenda) to be re-visited and something to be included in next year's budget.

Action: Neighborhood Watch to officially suggest this to the board.

4. **POSITIVE USE OF COURT – League Formation:** This idea is simply to start getting some positive things come of all of this. The first step is to identify some people who would be willing to head up this sport. Andy Rush was mentioned as someone who might be a resource to help in this area. Home schooled children might also be able to get some daytime use of the court in this way.

5. Assign **SPECIFIC TIMES** that courts would be open. Times mentioned were **4:00 – 8:00PM** and *possibly* 8:00AM – 12:00 noon.

Note: **4:00PM to 8:00PM with Security Present.**

6. **SECURITY CAMERAS:** Many options available here. Action Item would be to investigate costs and pros/cons associated here.

a. Good Quality Security cameras: May be a deterrent but many times, even though the picture is good quality – the subjects can not be identified because of such things as hats covering face, etc...

b. Non-working Security Cameras: Inexpensive but could result in a lawsuit if in fact something bad happened and person was under impression camera in place for safety and to record activity.

c. Blind (hidden) Cameras: Might be a possibility but really works well in conjunction with better lighting.

7. a. **PAID OFF-DUTY SECURITY POLICE** for **more specified hours** and more specified areas of patrol.

Officer Luther stated that it is truly the ‘presence’ of a police officer in uniform that is the first line of defense.

b. Continue to use our Security Guard – possibly more hours?

8. **STANDING OPERATIONS PROCEDURE** implemented for Legacy Park Security Guard. This is something that will insure that the Kennesaw Police are indeed called out to proper information regarding incidents and to better be able to track what’s happening.

ACTION: This was agreed that this is something that needs to be done as soon as possible – David Kirkland took as action to bring to the Board to get implemented.

9. **MORE COMMUNITY INVOLVEMENT:** This is something that is necessary – all of us (all eyes and ears) working together for the better of the community. Ideally this is great but difficult to generate. However, there are ways, by working closely with the Town Council, Neighborhood Watch, HOA and Board of Directors committees, that key information can be better distributed to encourage more people to get involved.

ACTION for all: Continue to encourage neighbors and friends to contact police as necessary – they are here to serve and protect us and will keep caller’s information confidential (due to fear of retaliation).

10. **TAKE PICTURES OF TRESPASSERS:** Have on file or post somewhere.

11. **LIST OF TRESPASSERS** easily assessable to Kennesaw Police (regular and paid off-duty), Security guard, HOA, and any concerned citizens.

12. **RESERVE COURTS** through HOA for specified time/date similar to Tennis Court system.

13. **DEER STAND and SCOPE:** (Just kidding)

14. More Frequent and Increased **SIGNAGE**: Add notes to Marquees at front of neighborhoods frequently.

15. **Darrell Arvin** spoke briefly expressing his interest in possibly being hired (to include a salary) to help in some way. He was advised to write up a proposal and submit it to the HOA/Board of Directors.

XIII. The meeting officially ended around 8:30 PM.

XIV. **FUTURE MEETINGS**: ALL are encouraged to attend!

TOWN COUNCIL:

Wednesday, August 8th, 2007

7:00 PM

HOA

BASKETBALL COMMITTEE:

Thursday, August 9th, 2007

7:00 PM

HOA

Suggestions to be discussed and finalization of proposal - that will be presented to board of directors at Staff Meeting.

BOARD OF DIRECTORS:

Thursday, August 16th, 2007

7:00 PM

HOA

ACTION: Mary-Ellen to get the Basketball Committee/Suggestions on the Agenda for the August 16th Board Meeting.

XV. **In Conclusion:**

1. The meeting was quite productive with many good suggestions during the brainstorming session – a group of concerned residents working together with the Kennesaw Police in a positive way.
2. Many myths/rumors were dispelled.
3. The good news is that the actual truth/facts as they were presented is not as bad as it has been made out to be.
4. It takes the entire community working together continually. We must continue to strive to get people informed and involved and to turn around the apathy in our neighborhood. We can be proactive before something bad happens. Together, with all our eyes and ears we can make a difference and Take Back our Community!

Respectfully submitted by Louisa McQuade.