

MINUTES

LEGACY PARK COMMUNITY ASSOCIATION, INC. BOARD OF DIRECTORS REGULAR MEETING JUNE 18, 2009

Attendance:

Allen Massey	Trasey Welton	Kyle Adams
Michael Shambaugh	Brandi May	Ivette Sill
Jim Bitner	Robert Mulligan	Clint McKinney
Michael Sesan	Mike Altman	Jason Wright
Tom King	Sandra Riedesel	Daryl Mickens
Joanne Weaver	Dennis Beach	Trip Tripoli
Tina Shambaugh	Thomas Edmunds	Mary Lee Tripoli

Open Regular Meeting – Allen Massey at 7:00 p.m.

1) Approval of Meeting Minutes – Tom King

Motion 2009-025 – Motion made by Tom King to approve the May 21, 2009 Regular Meeting Minutes as written. **Approved Unanimously.**

Motion 2009-26 – Motion made by Tom King to approve the June 2, 2009 Planning Session minutes, as written, with an excused absence for Jim Bitner. **Approved Unanimously.**

Motion 2009-27 – Motion made by Tom King to approve the June 9, 2009 Planning Session Minutes, as written, with an excused absence for Mike Sesan. **Approved Unanimously.**

2) Open Forum

- Bob Mulligan voiced his disapproval of the TV show being filmed in Annandale.
- Mike Altman voiced his disapproval of the TV show being filmed in Annandale.
- William, an Annandale resident, voiced his disapproval of the TV show in Annandale.
- Kathy, an Annandale resident, asked “Where is the money for the parking spaces going?” The Board responded that the money is put in the general fund.
- An Annandale resident is worried about the traffic from onlookers in Annandale.
- Trip Tripoli told the Board that they did a great job on the Clubhouse.
- William, an Annandale resident, would like added security when the walls come down in Annandale for safety reasons. He is also concerned about the vans and mules that are parked on the sides of the roads.

3) Treasurer Report – see attached report from Mike Shambaugh.

4) Committee Reports

- a) **Marketing Committee** – Brandi May reported that Marketing Committee is hosting a Realtor Luncheon on the 25th of June. They are also selling Legacy Park 4th of July t-shirts for \$10.00. She also requested the use of the round-about for a community wide Agent Caravan on the 23rd of June and this request was agreed upon by the entire Board.

- b) **Swim Team** –Sandra Riedesel reported for the Swim Team. The pool company asked her to request that the river birch trees by the pool be cut down or trimmed back due to leaves falling in the pool. The swim team has grown to 146 swimmers this year.

5) **Activities Report – Trasey Welton**

Trasey reported that Pizza in the Park was well attended and that she is diligently working on the Fourth of July event.

6) **Property Report - see attached from Lisa Neff**

a) **Appeals:**

2692 Blairsden Place – The Board has asked the Homeowner to resubmit lighter trim colors to the Modifications Committee.

4267 Brighton Way – The Board has reviewed this appeal and will have the Homeowner pay a \$250.00 fine and the home must be painted by July 31, 2009 or remainder of fines will be assessed.

3608 Hampstead Court –The Board has reviewed this appeal and will have the Homeowner pay a \$250.00 fine and leave the color of the paint.

- b) **Covenant Enforcement** – Tina Shambaugh reported that there have been 190 cases opened and 159 closed in May.

7) **New Business**

- a) **D. Mickens** – A resident has requested use of the Clubhouse for business purposes. The board has asked Mr. Mickens to talk to the Men’s Club about possible dates for his business events and to come back to the Board with the dates to discuss further.
- b) **Clubhouse Rules and Regulations – Motion 2009-028** – Motion made by Jim Bitner and amended by Allen Massey to approve the amended Clubhouse Rules and Regulations with the change of “For safety purposes” to be eliminated from the document, per the attached proposal. **Approved unanimously.** *Note: this applies to reservations made after this date.*
- c) **Fine for Non-compliance with Modification Rules – Motion 2009-029** – Motion made by Mike Shambaugh that if a property owner makes a modification to their property without receiving an approved modification request for that modification as required by the covenants of the Association or makes a modification that does not conform to the modification request that was approved, the property owner shall be subject to a fine in an amount not to exceed \$250.00. Modifications covered under this provision include, but are not limited to, painting and architectural changes. Specifically excluded from this provision are modifications that do not require an approved modification request, per the Association’s Covenants. **Approved Unanimously.**
- d) **Absentee Policy for Board of Directors – Motion 2009-030** Motion made by Allen Massey to adopt the definition, as stated below, as *excused* absences for Board members from meetings:

- i) Medical – If the Board member or member of the Board Members immediate family has a medical reason which prevents their attendance this shall be considered an excused absence even if no prior notification is provided.
- ii) Conflict with special meeting –If a Board Member has a conflict which prevents their attendance at a properly announced special meeting and notifies by email or letter either the Property Manager of the Board President *within 24 hours* of receipt of the meeting announcement the absence will be considered as an excused absence.
- iii) Conflict with Regularly Scheduled Meeting – If a Board Member has a conflict which prevents their attendance at a regularly scheduled meeting (Thursday night board meeting or planning session) then the Board Member must notify by email or letter either the Property Manager of the Board President *at least 7 days prior* to the meeting for the absence to be considered as an excused absence.

The minutes of the meeting will record each member's attendance as "attended", "excused absence" or "unexcused absence" based on the above criteria. If no notice was received from a member or the notice was not sent in accordance with the times defined above the member attendance will be recorded in the minutes as "unexcused absence." The member may request their attendance status be changed at the next meeting after offering an explanation to the Board. A simple majority vote of the Board will be required to change an unexcused absence to an excused absence. **Approved Unanimously.**

- e) **Term Limits for Board of Directors –Motion 2009-03** Motion made by Tom King to have the Legacy Park Attorney draft an amendment to the By-Laws to change the terms of the Board of Directors. **Not Approved 3-2. Allen Massey, Jim Bitner and Mike Shambaugh voted "No." Tom King and Mike Sesan voted "Yes."**

8) Old Business

- a) **Tennis Pavilion Update – Motion 2009-032** Motion made by Allen Massey to award Loren Construction the bid for the Tennis Pavilion and the use additional cash in the amount of \$65,000 from budget to cover the expense. **Motion Approved 3-2. Tom King, Allen Massey and Mike Sesan voted "Yes." Mike Shambaugh and Jim Bitner voted "No."**
- b) **Sports Policy –Motion 2009-033** Motion made by Jim Bitner to have the attached Sports Policy document approved and posted to the website. All Coaches and parents are to sign the document. **Approved Unanimously.**

Allen Massey adjourned meeting at 10:53 p.m.



Legacy Park Community Association, Inc.

A Georgia Nonprofit Corporation

Board of Directors Regular Meeting

Thursday, June 18, 2009

Agenda

7:00 **Call to Order – Allen Massey**

7:05 **Approval of Meeting Minutes – Tom King**

May 21, 2009 – Regular Meeting

June 2, 2009 – Planning Session

June 9, 2009 – Planning Session

7:10 **Open Forum**

7:25 **Treasurer Report – Mike Shambaugh**

7:30 **Committee Reports**

7:35 **Activity Report – Trasey Welton**

7:40 **Property Update**

a. Appeals

i. 4267 Brighton Way

ii. 3608 Hampstead Court

iii. 2692 Blairsden Place

b. Covenant Enforcement

c. Management Report

8:00 **New Business**

a. Clubhouse Rules & Regulations

b. Fine for Non-compliance with Modification Rules

c. Absentee Policy for Board of Directors

d. Term Limits for Board of Directors

8:30 **Old Business**

a. Tennis Pavilion Update

b. Sports Policy

8:45 **Adjournment**

FINANCIAL UPDATE

June 30, 2009

SunTrust Checking	\$83,681.14
SunTrust Imprest Account	\$1,000.00
PayPal Account	\$19,548.26
Edward Jones Investments	\$102,123.11
Suntrust Money Market	\$661,772.99

Actual Cash on Hand 06/30/09 **\$868,125.50** (1)

Operating Income/Expense:

	06/01-06/30 <u>Actual</u>	06/01-06/30 <u>Budget</u>	06/01-06/30 <u>Variance</u>	06/01-06/30 <u>Year-To-Date</u>	Year-To-Date <u>Budget</u>
Total Income	<u>\$28,264.09</u>	\$30,128.00	(\$1,863.91)	\$1,043,639.00	\$908,204.00
Total Expenses	<u>\$157,959.63</u>	\$91,086.00	\$66,873.63	\$676,820.92	\$647,880.00
Net Income/(Loss)	<u>(\$129,695.54)</u>	<u>(\$60,958.00)</u>	<u>(\$68,737.54)</u>	<u>\$366,818.08</u>	<u>\$260,324.00</u>
				[2]	

Operating Cash:

Actual Cash on Hand as at	01/01/09	\$620,486.29	
Operating Net Income/(Loss) as at	06/30/09	366,818.08	[2]
Prepaid Assessments as at	06/30/09	(5,618.79)	*
Clubhouse Security Rental Deposit as at	06/30/09	(400.00)	**
		981,285.58	
Less Capital improvements as at	06/30/09	113,160.08	
Operating Cash on Hand as at	06/30/09	868,125.50	[1]
Reserve Fund (Repair & Replacement)		(300,000.00)	
Total Cash Available as at	06/30/09	<u>568,125.50</u>	[3]
* Net pre-paid assessments calculated	12/31/2008	8,517.37	
	6/30/2009	2,898.58	
	*	5,618.79	
**Net prepaid clubhouse security rental deposits	12/31/2008	2,200.00	
	6/30/2009	1,800.00	
	**	400.00	

Projected Cash:

Available Cash as at **06/30/09** **568,125.50** [3]

Budgeted Yearly Income 1,319,261.00

Original Budgeted Yearly Expense 1,368,107.00

Addtl 2009 Budgeted Expenses Approved* 500.00

05/09 activities budget

Addtl 2009 Budgeted Expenses Approved*	13,000.00	05/09 security budget
Addtl 2009 Budgeted Expenses Approved*	11,710.00	05/09 common area budget
Addtl 2009 Budgeted Expenses Approved*	31,650.00	05/09 community center budget
Addtl 2009 Budgeted Expenses Approved*	65,000.00	06/09 Tennis Pavilion
Total Budget with Adjustments	1,489,967.00	

	<u>Budgeted Projection</u>	<u>Budgeted vs. Actual</u>
Remaining Budgeted Income 2009	411,057.00	275,622.00
Remaining Budgeted Expense 2009	562,802.00	699,986.00
Net surplus/(loss) as at 06/30/09	416,380.50	\$143,761.50

Assessment Delinquencies:

2009

2008

Legacy Park

assessments	90,348.61	76,375.90
interest & late fees	29,756.01	24,564.56
attorneys fees	22,180.12	23,365.64
violation fines	87,145.34	38,444.84
admin.fees	50.00	400.00
lease fees	780.00	0.00
initiation fees	1,165.00	3,545.00
sub-total	231,425.08	166,695.94

Northgate

assessments	43,008.87	27,375.19
interest & late fees	13,994.61	8,667.19
attorneys fees	12,041.04	10,865.87
violation fines	0.00	0.00
admin.fees	0.00	75.00
initiation fees	0.00	0.00
sub-total	69,044.52	46,983.25

Totals

assessments	133,357.48	103,751.09
interest & late fees	43,750.62	33,231.75
attorneys fees	34,221.16	34,231.51
violation fines	87,145.34	38,444.84
admin.fees	50.00	400.00
lease fees	780.00	0.00
initiation fees	1,165.00	3,620.00

Total of both communities

300,469.60

213,679.19

Assessment delinquencies as a percentage of
assessment budgeted income

12.38%

9.63%

June Property Management Report

HOA Items:

- For 2009, the HOA has collected **\$947.91** in non-resident sport participation fees.
- For 2009, the HOA has collected **\$549.60** in vending machine proceeds.

Amenity Monitoring:

- We now have two security guards working full-time, 2-10 during the week and 10-6 on Friday, Saturday & Sunday.
- Police will continue to work Friday, Saturday and Sunday evenings.

Playgrounds:

- Recreation Station has continues monthly inspections and is repairing all necessary safety issues as needed.
- We are almost done with re-staining and sealing all the playground equipment. New mulch has been put down at all playgrounds.
- We continue to have problems with children climbing on the fences and gates at the playgrounds and pulling the wire off. We will install signs that will hopefully deter parents from allowing their children to vandalize the playground.

2009 Projects & Maintenance:

- The cracks in the main pool deck have been repaired. We will get pricing on resealing the deck next year. Repairs are being made to a pipe at the Quiet Pool that has caused filling problems, the Mushroom pump has not been working correctly and is under warranty for repairs, and the backwash pipe is leaking at the main pool and is being repaired. Lastly, the pressure valve for the main pool house has been repaired so that no water pressure is lost in the building while filling the pools.
- We are working on the gate at Lullwater again; it works, but appears that someone is using a crowbar to bend the steel so the gate will not shut.
- I hope to have pricing for a handicap pool access chair by the July staff meeting. The company we use for pool repairs is working on a proposal and will include information about what other communities have found to be successful.
- New pine straw beds have been added at Winterthur, Bellingrath and Lullwater where the sod is very thin. We will look into repairing sod or extending the beds on the Circle in 2010.
- The trails were repaired around the baseball field and on the town green that were washed out from a storm and the trail that runs behind the tennis courts.
- The fence at Bellingrath has been repaired and will be painted soon along with the stucco on the monument.
- We are on the scheduled to get the basketball court resurfaced; new gravel has been installed around the court.
- Signs have been placed on the exterior of the clubhouse reinforcing the rule that there is no smoking on the deck and no wet bathing suits are allowed in the clubhouse.
- New chair holders and a table holder have been added to the clubhouse for ease in moving these items.
- The new windscreens have been installed on the tennis courts.
- The Legacy Park banners have been installed on Legacy Park Boulevard and the feedback has been amazing.
- Various electrical repairs have been made around the circle and we are working on repairing the street light at the entrance to Highcroft and the electrical outlets around the tennis courts and the Quiet Pool gate.
- New cameras have been installed around the main pool house and the clubhouse. We can now capture the whole pool area, basketball court and tennis court 1.
- The bathroom doors at the main pool house have had card access added to them, but it is not activated at this time. This will allow the doors to remain open during pool and tennis court hours, but will automatically lock at a set time. After the bathrooms are locked, you may get in with an access card, much like the gym door.

LEGACY PARK COMMUNITY CENTER RULES AND RENTAL GUIDELINES

Changes to page 2:

GENERAL COMMUNITY CENTER RULES

- Any use of the Community Center requires a written request approved by the HOA.
- The Community Center is not available for rental to any homeowner if the homeowner's assessments and other sums due the Association by the homeowner are not current.
- All posted rules in the Community Center must be followed.
- Official HOA functions take precedence over Community Center rentals.
- Each Official Legacy Park Group in good standing may have use of the Community Center one time per month with no rental fee, with the exclusion of "Special Holiday" rental dates listed in paragraph 1.b. **In the case where an Official group reserves the clubhouse for an event at which food and drinks are served, the \$200 security deposit must be paid from an individual's account that will be responsible for the event. All rules and regulations apply regarding the refund of this security deposit.**
- Each subdivision in Legacy Park may have use of the Community Center one time per year for a subdivision-wide party, with the exclusion of "Special Holiday" rental dates listed in paragraph 1.b. The Community Center may be reserved by the subdivision's Town Council Representative. The Community Center is provided at no rental cost, but must have a security deposit to hold the reservations. The HOA will not provide funding for these events.
- All HOA Committees, Groups and Subdivisions are responsible for clean up and any damages to the clubhouse **and are subject to the rules regarding the refund of the security deposit if one is made.**
- No smoking is permitted within the Community Center or on the deck at any time.
- No animals other than guide dogs are allowed in the Community Center or on the deck.
- Weapons, firearms and/or illegal drugs are strictly forbidden in and around the Community Center.

HOURS OF OPERATION

Community Center

Sunday – Thursday	8:30 a.m. - 10:00 p.m.
Friday & Saturday	9:00 a.m.- Midnight

Exercise Room

Sunday – Saturday	5:30 a.m. – 10:00 p.m. card access only
-------------------	--

For safety purposes, the exercise equipment may not be used by children under the age of 16. Anyone using the equipment must first sign a release for themselves, and if applicable, their children under age of 18. Access Cards are available for a fee from the HOA.

The Legacy Park Board of Directors reserves the right to change fees, terms and conditions on the Legacy Park Community Center Rules and Rental Guidelines.

COMMUNITY CENTER RENTAL AGREEMENT AND RELEASE

Changes to agreement, page 11 add the last paragraph (repeat of paragraph c from the rules and procedures section):

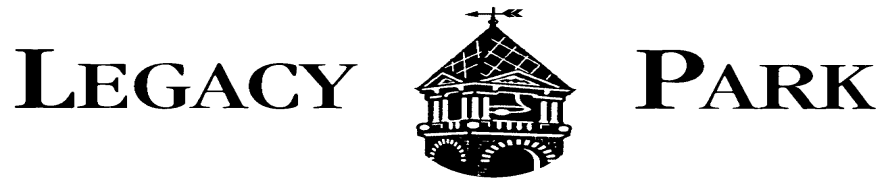
The undersigned Homeowner has read and agrees to be bound by the Legacy Park Community Center Rules and Rental Guidelines included with this document and to have the premises cleaned within the rental period as described in the Community Center Clean-up Procedures which are also included with this document.

The security deposit is refundable provided the areas are returned to their pre-rental condition. An inspection walk-through is required with the designated HOA representative before and after the scheduled event and any discrepancies should be noted on the back of this form. The Renter must be able to attend the Pre and Post inspections. The security deposit is to be refunded within 10 business days after the event, providing the Association Member or tenant and the designated HOA representative has completed the checklist and no damage or loss has occurred and there have been no infractions of the Community Center rules.

Renter's Signature _____ Date _____

Homeowner's Signature _____ Date _____

HOA Representative's Signature _____ Date _____



Legacy Park Coaches' Code of Ethics

Adopted June 18, 2009

I, as a volunteer coach in Legacy Park, agree to the following:

- I will remember that I am a youth sports coach and that the game is for children and not adults.
- I will lead by example in demonstrating fair play and sportsmanship to all my players and will always treat my players, fellow coaches, parents, fans, and officials in a respectful manner.
- I will uphold the authority of officials who are assigned to the contest in which I am involved, and I will assist them in every way to conduct a fair and impartial contest.
- I will do everything I can to provide a safe play situation for my players including working with parents to ensure players receive proper hydration.
- I will treat children of all races, religions, and culture with respect and consideration.
- I will treat each player as an individual remembering that significant differences that occurs within the same age group
- I will support a drug-free, alcohol-free, tobacco-free, and profanity-free environment for Legacy Park participants by refraining from their use at all Legacy Park youth sporting events.
- I will be knowledgeable in the rules of each sport that I coach, and I will teach these rules to my players.
- I will do my best to organize practices that are fun and challenging for all my players.
- I will use those coaching techniques appropriate for all of the skills that I teach.
- I will strive to use positive techniques of guidance, including positive reinforcement and encouragement rather than comparison or criticism.
- I understand that as a volunteer for Legacy Park, I may be asked to participate in a background check, including criminal history.
- I understand that any and all of my actions are subject to review by the Legacy Park Home Owner's Association Board of Directors.

I have read the above Code of Ethics and fully agree to abide by and support it as a volunteer coach for Legacy Park. I understand and agree that the Board of Directors of Legacy Park may relieve me of my duties as a volunteer coach for violation of the Code of Ethics, or for any other determination that my participation as a volunteer coach is not in the best interest of Legacy Park and its members and players.

LEGACY



PARK

VOLUNTEER COACH APPLICATION

Please check one of the following: Head Coach _____ Assistant Coach _____

Please specify the sport you wish to coach: _____

NAME: _____

ADDRESS: _____

HOME PHONE: _____ **CELLPHONE:** _____

E_MAIL: _____

SON / DAUGHTER'S NAME AND GRADE _____

HAVE YOU PREVIOUSLY COACHED YOUTH ATHLETICS FOR LEGACY PARK? YES _____ **No** _____

IF YES, PLEASE INDICATE SPORT AND DATES:

YEAR(S): _____ **SPORT:** _____

YEAR(S): _____ **SPORT:** _____

YEAR(S): _____ **SPORT:** _____

References

NAME	ADDRESS	PHONE/E-MAIL
------	---------	--------------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

In signing this Application, I certify that I have read the Legacy Park Coaches' Code of Ethics completely and agree to abide by the rules set forth in that Code.

VOLUNTEER'S SIGNATURE

Date: _____



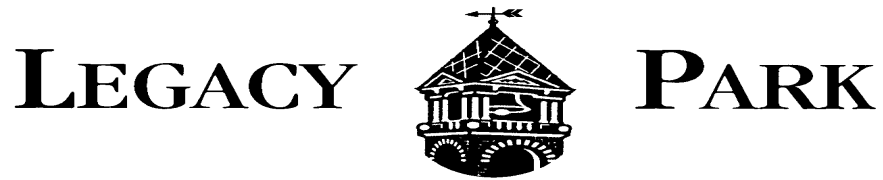
Legacy Park Parents' Code of Ethics

Adopted June 18, 2009

I, as a parent in a Legacy Park sport program, agree to the following:

- I will remember that I am a parent and that the game is for children and not adults.
- I understand that the coach, other parents, and the children are making a commitment of their time and energy and I need to do the same.
- I will make every reasonable effort to have my child at all practices and games, on time, and if I cannot, I will notify the coach to let them know that my child will be late or will miss a game or practice. I understand my child may not participate fully in games if they have missed practices or games.
- I understand I have the right to voice support for my child and her/his team but I cannot direct disparaging remarks toward other players, coaches, umpires, or spectators. I will help my child learn good sportsmanship and respect for the game, and will model this behavior while attending games and practices.
- I understand no one is paid to clean up after me or my child. I will help pick up anything I, or my child, brings to practices or games.
- I will do everything I can to provide a safe play situation for the children participating in the program including working with the coach(es) to ensure proper hydration for the players.
- I will treat children of all races, religions, and culture with respect and consideration.
- I will support a drug-free and profanity-free environment for Legacy Park participants by refraining from their use at all Legacy Park youth sporting events.
- I understand Legacy Park does not provide medical insurance, and I am responsible for any medical costs associated with my child's participation in any Legacy Park sports program.
- I understand that any and all of my actions are subject to review by the Legacy Park Home Owner's Association Board of Directors.

I have read the above Code of Ethics and fully agree to abide by and support it as a parent in a Legacy Park sports program. I understand and agree that the Board of Directors of Legacy Park may ask me not to participate in the Legacy Park sports program if my behavior is not in the best interest of Legacy Park and its members and players.



Legacy Park Players' Code of Ethics

Adopted June 18, 2009

I, as a player in a Legacy Park sport program, I agree to do the following:

- Play this game to have fun.
- Work hard to improve my skills.
- Make every reasonable effort to be at all practices and games.
- Pay attention to the coaches and be respectful to them.
- Cheer for my teammates.
- Not yell at my opponents or the umpires or referees.
- Pick up anything I bring to practices or games.

I have read the above Code of Ethics and fully agree to abide by and support it as a player in a Legacy Park sports program.

Covenant Enforcement Report

	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	
Carry Over Cases	65	39	59	131	151			
Appeals	8	1	5	18	5			
Modifications	11	11	30	47	31			
Commercial Vehicles/Parking	2	2	6	7	14			
Landscaping Issues	0	6	42	56	82			
Paint/Maintenance/Mailbox	10	39	28	13	20			
Miscellaneous	10	41	35	14	24			
Leasing/Signage	9	20	12	5	9			
Fitness Center Usage/ID				3	5			
Total Cases Opened	50	120	158	163	190			
Total Cases Closed	76	100	86	143	159			
Invoices Sent/Printed	0	0	17	25	27			
Monies Collected	1265+	\$25.00	\$175.00	\$2,850.00	\$2,631.48			