

MINUTES

LEGACY PARK COMMUNITY ASSOCIATION, INC. BOARD OF DIRECTORS REGULAR MEETING MAY 21, 2009

Attendance:

Allen Massey
Michael Shambaugh
Jim Bitner
Michael Sesan
Joanne Weaver

Tina Shambaugh
Trasey Welton
Brandi May
Joe Marbury
Ken Hall

Doug & Mary Ellen Tulper
Kristy Swales
Cris Welsh
Robert Henry

Open Regular Meeting – Allen Massey at 7:01 p.m.

Tom King – Excused Absence

1) Approval of Meeting Minutes – Mike Sesan

Motion 2009-020 Motion made by Mike Sesan to approve all minutes, as written, from the April 19, 2009 Regular Board Meeting, the May 12, 2009 Planning Session and the May 12, 2009 Executive Session. **Approved unanimously.**

2) Open Session

Mary Ellen Tulper brought up the issue of using the Quiet Pool as a handicap access pool- there isn't access to a bathroom. The solution is to allow access to the gym bathroom.

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

Motion 2009-021 – Motion made by Mike Shambaugh to adjust the 2009 budget to include the following additional expenses for documentation purposes:

\$31,650.00 Clubhouse line item under capitol improvements.

\$11,710.00 Common Area line item.

Approved Unanimously.

4) Committee Reports-

a) **Marketing Committee** – Brandi May reported that Go Green Day was a success. The Parade of Homes that was on May 10th was also successful with some homes having 18 people attend the open house.

b) **Rental Advisory Committee** – *see attached report from Ken Hall.*

5) Activities Report – Trasey Welton

Derby Party was really fun and Trasey received great feedback. The Women's Health Seminar on May 6th was attended by 2 residents. Cinema Saturday on May 9th featured Bolt and was partially rained out. New Resident Social was on May 15th and 5 families attend the

event. Youth Pool Party was scheduled for May 21st, but it was rained out, over 180 kids were signed up to attend. The upcoming events are:

5-23-2009 Memorial Day Pool Party and 6-6-2009 Pizza in the Park

Motion 2009-022 Motion made by Mike Shambaugh to allocate an additional \$500.00 to the Activities Budget for the Memorial Day Pool Party. **Approved Unanimously.**

6) **Property Report** - *see attached*

a) **Motion 2009-023** – Motion made by Allen Massey to deny the appeal made by 4032 Palisades Main and to have Homeowner pay a reduced fine of \$265.00 and 30 days to correct problem. **Approved Unanimously.**

7) **New Business**

a) **Floats in Swimming Pools** – The Board is going to ask the Lifeguards to have Residents remove floats if it is a safety issue. Also, the Board would like to have an article placed in the Herald about safety issues with floats in the pool.

b) **Main Pool House – Motion 2009-024** – Motion made by Allen Massey to have, up to, \$13,000.00 to install additional cameras and access cards for pool bathrooms. **Approved Unanimously**

c) **City Council Election** – Cris Eaton-Welsh, a resident of Legacy Park, is running for City Council's open seat in the next election.

8) **Old Business**

a) **Tennis Pavilion Update** – Deadline for new bids is at the end of the month.

Allen Massey adjourned to at 8:32 p.m.



Legacy Park Community Association, Inc.

A Georgia Nonprofit Corporation

Board of Directors Regular Meeting

Thursday, May 21, 2009

Agenda

- 7:00 **Call to Order – Allen Massey**
- 7:05 **Approval of Meeting Minutes – Tom King**
- April 16, 2009 – Regular Meeting*
May 12, 2009 – Planning Session
May 12, 2009 – Executive Session
- 7:10 **Open Forum**
- 7:25 **Treasurer Report – Mike Shambaugh**
 a. 2009 Capital Budget Adjustment
- 7:30 **Committee Reports**
 b. Marketing Committee
 c. Men's Club – Rental Update
 d. Rental Advisory Committee
- 7:35 **Activity Report – Trasey Welton**
- 7:40 **Property Update**
 a. Appeals
 i. 3608 Hampstead Court
 ii. 4032 Palisades Main
 b. Covenant Enforcement
 c. Management Report
- 8:00 **New Business**
 a. Floats in Swimming Pools
 b. Main Pool House Security System
 c. Activities Budget Request
- 8:30 **Old Business**
 a. Tennis Pavilion Update
- 8:45 **Adjournment**

FINANCIAL UPDATE

May 31, 2009

SunTrust Checking	\$71,172.90
SunTrust Imprest Account	\$1,000.00
PayPal Account	\$14,663.63
Edward Jones Investments	\$809,192.74
Suntrust Money Market	\$102,001.14
Actual Cash on Hand 05/31/09	\$998,030.41 (1)

Operating Income/Expense:

	05/01-05/31	05/01-05/31	05/01-05/31	05/01-05/31	Year-To-Date
	<u>Actual</u>	<u>Budget</u>	<u>Variance</u>	<u>Year-To-Date</u>	<u>Budget</u>
Total Income	<u>\$49,573.79</u>	\$33,994.00	\$15,579.79	\$1,015,374.91	\$878,076.00
Total Expenses	<u>\$164,183.16</u>	\$136,198.00	\$27,985.16	\$518,861.29	\$556,794.00
Net Income/(Loss)	(\$114,609.37)	(\$102,204.00)	(\$12,405.37)	\$496,513.62 [2]	\$321,282.00

Operating Cash:

Actual Cash on Hand as at	01/01/09	\$620,486.29	
Operating Net Income/(Loss) as at	05/31/09	496,513.62	[2]
Prepaid Assessments as at	05/31/09	(6,009.42)	*
Clubhouse Security Rental			
Deposit as at	05/31/09	200.00	**
		1,111,190.49	
Less Capital improvements as at	05/31/09	113,160.08	
Operating Cash on Hand as at	05/31/09	998,030.41	[1]
Reserve Fund (Repair & Replacement)		(300,000.00)	
Total Cash Available as at	05/31/09	698,030.41	[3]

* Net pre-paid assessments calculated	12/31/2008	8,517.37
	5/31/2009	2,507.95
	*	6,009.42
**Net prepaid clubhouse security rental deposits	12/31/2008	2,200.00
	5/31/2009	2,400.00
	**	(200.00)

Projected Cash:

Available Cash as at	05/31/09	698,030.41	[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
<i>Total Budget with Adjustments</i>	1,424,967.00	

	<u>Budgeted Projection</u>	<u>Budgeted vs. Actual</u>
Remaining Budgeted Income 2009	441,185.00	303,886.09
Remaining Budgeted Expense 2009	653,888.00	792,945.63
Net surplus/(loss) as at 05/31/09	485,327.41	\$208,970.87

Assessment Delinquencies:	2009	2008
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Legacy Park

assessments	103,322.83	86,175.40
interest & late fees	31,855.95	25,401.75
attorneys fees	22,945.85	23,620.45
violation fines	84,330.84	35,739.84
admin.fees	50.00	100.00
lease fees	930.00	0.00
initiation fees	1,165.00	1,165.00
<i>sub-total</i>	244,600.47	172,202.44

Northgate

assessments	44,335.40	31,247.61
interest & late fees	14,266.01	9,170.05
attorneys fees	12,095.92	11,465.93
violation fines	0.00	0.00
admin.fees	0.00	100.00
initiation fees	0.00	0.00
<i>sub-total</i>	70,697.33	51,983.59

Totals

assessments	147,658.23	117,423.01
interest & late fees	46,121.96	34,571.80
attorneys fees	35,041.77	35,086.38
violation fines	84,330.84	35,739.84
admin.fees	50.00	100.00
lease fees	930.00	0.00
initiation fees	1,165.00	1,265.00

<i>Total of both communities</i>	315,297.80	224,186.03
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Assessment delinquencies as a percentage of assessment budgeted income	13.70%	10.90%
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May Property Management Report

HOA Items:

- For 2009, the HOA has collected **\$752.91** in non-resident sport participation fees.
- For 2009, the HOA has collected **\$321.60** in vending machine proceeds.
- All delinquent homeowners have received their May statement with a deadline to pay prior to being turned over for collections.
- We have sent out an e-mail, spoken to parents and an article is in the June newsletter regarding ATVs on streets, sidewalks and the power lines. The police are aware of the issue and have spoken to kids that were seen in their yard with ATVs. They are NOT permitted on streets, sidewalks or the power lines.
- There have been a lot of questions about what is going on in Annandale and there is an article about it in the June newsletter. In short, CBS is making a TV show involving some homeowners in Annandale and will be here from May 26 – July 15. The actual filming will be June 15-July 1, the days before and after are setup and cleanup.

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 will go down in the playgrounds next week.

2009 Projects & Maintenance:

- All pools are up and running. The pool company has to make an adjustment to the Mushroom. The cracks in the main pool deck have been repaired and will be sanded Friday morning.
- The mulch around the circle is finally complete. We have planted all summer flowers at each monument is year and have taken the required testing to irrigate new landscape.
- I am getting a quote for re-doing the gravel around the baseball field and the area of the trail along the Town Green that was damaged by the storm.
- We have all the new pool furniture and picnic tables for the tennis area and
- We have had more dead trees removed that were along the trails or in danger of damaging property.
- Sign holders have been installed on exterior of the clubhouse.
- The light poles and guard rails along the boulevard have been painted and Legacy park new banners will be installed this week.
- The clubhouse has been pressure washed and gutters cleaned out.
- Additional garbage cans were purchased and were placed at the main & quiet pools.
- Stepping stones were added to the outside of the quiet pool fence where there was a trail being made.
- The trees left over from the Green Day event have been planted in various places in Legacy Park.

Committee documents to be added to May 21, 2009 Board of Directors meeting minutes:

- **Rental Advisory Committee** – Meeting Minutes from April 13, 2009
- **Pack 002** – Leader Meeting Notes

**Notes of the Rental Advisory Committee meeting, : held on Thursday
14th May 2009 at the Legacy Park Clubhouse**

Members attending :

Ken Hall (Chair); Barbara Bender; Roger Pett ; Allen Massey ; Maribeth MacGillivray ; Greg Settle;
Deacon Henry

Residents attending : Greg (?); Jim Wisniewski

Apologies: Tina Shambaugh ; Rochelle Traub

Item 1: Chair's opening remarks

Item 2: Survey of the current housing market

Sales of homes are apparently still sluggish, although the 'Parade of Homes' event organized last Sunday was regarded as successful and will be repeated later in the year.

Item3: Update on Rental numbers and impact of HOA rental procedures

Tina had provided an analysis of the rental position as at 14th May 2009. The number of rental properties has increased slightly over the past 5 months to 117 (from 114 in February and March; 116 in April). However, the number of houses 'for sale' has increased significantly from 65 in March to nearly 90 in May. Again it appears that owners of a number of these properties have lowered their eventual asking price - in some cases by a significant amount.

Some 78 registration fees (\$80 soon to be \$90) have now been received, with a further 7 outstanding. As regards the latter, it was confirmed that, if the owner fails to respond to requests for payment, or to advise of some change in property title etc, a fine of \$25 per month is applied.

Following our discussions in March about the ongoing significance of the 'owner mismatch' data this has been dropped from the analysis.

Item 4: Outcome of the RAC recommendations to LP Board

Ken confirmed that the two RAC recommendations made to the LP Board in March, ie :-

1) Analysis of Covenant violations by property type

....." that, in future, failure to act promptly to rectify a yard problem on the part of any "pervasive offender" will cause the HOA staff to bring in a contractor to carry out the work - charging the offender actual cost (as now) but with a 20% admin fee. "

2) Impact of current LP policy & procedures on rental applications

....." that the registration fee should be increased from \$80 to \$90."

had both been accepted with a slight amendment to item 1, where a \$10 admin fee will be applied rather than the 20% suggested.

Item 5: Report back on representations made to Kennesaw City Council for the licensing of renters

Having been joined by residents from Bancroft Glen who were concerned about what could be done to avoid incidents like the one that had recently occurred in their neighborhood, Allen described the meeting he had recently had with the Attorney and other officials from Kennesaw about the possibility of introducing a scheme to license would-be renters.

Randy Bentley, the City's Attorney, believed that a local City ordinance was out of the question - largely as a result of a judicial ruling arising from the Marietta lawsuit. He believed that the only way for Kennesaw, or any other community in Georgia, to enact such a rental ordinance was if the State legislature passed a law specifically allowing this.

Bruce Jenkins agreed to encourage the Mayor and Council to lobby at State level for the introduction of such a law. **Action: RAC members to contact Bruce and other Kennesaw officials asking them to undertake such lobbying.**

Alternatively, the Attorney had suggested other (admittedly less effective) initiatives which LP might usefully consider :

- 1) That the HOA make it a condition that all landlords must be members of the Georgia Rental Association. **Action: RAC recommendation to the LP Board**
- 2) That the HOA liaises closely with the C of K Violation Board
Action: Allen to organise a meeting of HOA staff and a representative from the RAC with the VB

Item 6: The case for additional sanctions on landlords/renters who commit serious offences or are pervasive offenders

Allen responded to the concerns voiced by Bancroft Glen residents by outlining current HOA procedures for dealing with covenant violations. Emphasizing the comprehensive but confidential nature of those procedures, Allen confirmed that, as a last resort, cases could be referred to the HOA's attorney to initiate court proceedings.

Whilst it was recognized that the RAC would not normally involve itself in matters relating to covenant enforcement, the high number of rental properties which fell into the category of 'pervasive offenders', and the Bancroft Glen incident involving a rental property, prompted the Committee to focus its attention on this area.

Considerable discussion then followed as to what additional sanctions could be applied to renters (and owner-occupiers) who committed serious offences, necessitating police involvement, or were pervasive covenant offenders. A number of options were discussed and it was agreed to frame several of these as RAC recommendations in a letter to the LP Board. Recommendations (in addition to those in Item 5 above) for inclusion were :_

- a) Blocking access to LP amenities for those households - rented or owner occupied - which committed [X number] of violations over a specified period of time. {NB it was recognized that this sanction would be more enforceable if card-reader access was introduced at the entrances to amenities).
- b) Similar sanction on households responsible for unacceptable criminal incidents
- c) To ensure better appreciation and greater transparency, a clear & concise description of the steps contained within the covenant enforcement procedure to be posted on the new LP website. This to be accompanied each month by an (anonymised) summary of covenant enforcement action taken in the previous period.
- d) A supplementary article to be included in a future edition of the Town Herald publicizing all these initiatives.

In considering these recommendations the Board would no doubt wish to ensure that the Covenant Committee took a lead role in any subsequent action.

Action; Ken to draft letter; circulate to RAC members for comment before sending it via Allen to the LP Board

Date & time of next meeting

7.00pm on Tuesday 14th July 2009 at HOA Clubhouse. (Tina to confirm accommodation)

Ken Hall - 18th May 2009

Rental Advisory Committee (RAC) for Legacy Park

7th progress report to the Legacy Park Board - May 2009

Item 1 : Rental Numbers & Procedures

The latest analysis of LP households reveals the following :-

- Confirmed rentals have risen to **117** (cf **105** in November) or **6.7%** (cf **6.0 %**) of LP households. Some of this increase is the result of redefining properties previously recorded as "addresses of concern", but new rentals are evident.
- Confirmed rentals + "addresses of concern" total **147** or **8.4 %**, a slight increase on the February's reported total (**145**).
- The majority of properties previously recorded as "mismatches" (unclear ownership details) have now been resolved.

The significant variation between subdivisions has fluctuated somewhat. Lullwater's combined total of rentals + addresses of concern stands at **60** or **12.1%** (February : **58** or **11.7%**) ; Highcroft's has fallen by 1 from **37** to **36** (**14.3%**),as has Olmsted's total, down from **11** to **10** (**8.4%**).

To date, **78** registration fees (@ \$80 each) have been received (ie an increase of **23** over February's cumulative total) with only **7** fees outstanding. Some **32** other rented properties have yet to reach an anniversary date post 1st March 2008 or are empty. Two complaints have been received (from realtors) about our decision to increase the registration fee to **\$90** as from

Item 2 : Costing of Rental admin procedures

HOA staff have begun a second activity recording exercise to better determine the amount of admin time taken up by rentals-related work. The Board will be advised of our findings in July.

Item 3. Addressing the concerns of residents about rental properties and covenant enforcement

As invited to do so by the Board at its last meeting, residents from Bancroft Glen , concerned about what could be done to avoid incidents like the one that had recently occurred in their neighborhood , attended the Rental Committee meeting on the 14th May.

In response to their questions about the possible licensing of would-be renters, Allen Massey referred to a meeting he had recently had with the Attorney and other officials from the City of Kennesaw.

Unfortunately, Randy Bentley, the City's Attorney, believed that a local City ordinance was out of the question - largely as a result of a judicial ruling arising from the Marietta lawsuit. He believed

that the only way for Kennesaw, or any other community in Georgia, to enact such a rental ordinance was if the State legislature passed a law specifically enabling this.

Bruce Jenkins agreed to encourage the Mayor and Council to lobby at State level for the introduction of such a law.

Alternatively, the Attorney suggested other (admittedly less effective) initiatives which LP might usefully consider :

- 3) That the HOA make it a condition that all landlords must be members of the Georgia Rental Association.
- 4) That the HOA liaises closely with the C of K Violation Board

The residents' line of questioning then turned to the operation and effectiveness of LP's covenant enforcement procedures, which of course impact on owner-occupied as well as rental properties. Allen again outlined the practices and procedures followed by the HOA staff when dealing with violations.

During this extensive discussion a number of suggestions were generated for reinforcing the effectiveness of the enforcement procedures and strengthening the sanctions which might reasonably be applied in pervasive or serious cases. Whilst it was recognized that the RAC would not normally involve itself in matters relating to covenant enforcement, the high number of rental properties which fell into the category of 'pervasive offenders', and the Bancroft Glen incident involving a rental property, prompted the Committee to focus its attention on this area. It was also acknowledged that, in considering these ideas, the Board would no doubt wish to ensure that the Covenant Committee was fully involved at all stages.

It was therefore agreed that the ideas be formalized into a number of recommendations for formal submission to the meeting of the LP Board on the 21st May. These are contained in the separate letter which has been circulated to all Board members.

Ken Hall (Chair) 18th May 2009

From: Chris Kulat [mailto:kulat@bellsouth.net]
Sent: Sunday, April 19, 2009 9:39 PM
To: Lisa Neff
Subject: Pack 002 Leader Meeting Notes

Here are the notes for this month's Pack 002 Leader Meeting:

Pack Family Campout: April 25th & 26th

All dens who will be there will need to have a game ready for all scouts to play. Please email Steve Parker your game so we do not have duplicates. Even if only some of the scouts are participating, your den still needs a game.

You do not have to stay overnight to participate.

Newsletter Stuffing: April 30th 6:00 pm - 8:00 PM

All of the information is on the Pack Website, including what neighborhoods each Den is responsible for delivering.

Legacy Park's 1st Annual Green: May 2nd 11-2

Pack 002 will be selling concessions at this event. Will need at least 4 volunteers to work the concession stand. We will be selling hot dogs & drinks. We will need to arrive around 10:00 AM to set-up.

Pack 002 Bike Rodeo at Kennesaw Elementary: May 3rd 2:00 PM - 5:00 PM

Legacy Park's Movie Night: May 9th 6:00 PM

Pack 002 will be selling concessions at this annual Legacy Park spring time event. We will need at least 6 volunteers to work.

Scout Day with the Atlanta Braves: 5/17/09 at 1:30 PM

Tickets can be purchased at the April Pack Meeting, see Melissa Barnhardt. Upper Pavilion seats are \$6.00 and Upper Level Box Seats are \$12.00. There is a Scout Parade 1 1/2 hours before the game.

Scout Handbook:

Scout hand books can be pre-purchased at the April Pack Meeting for \$7.00, which includes a discount. We will take the monies and go to the Scout Shop so you don't have to, then hand out the books to the leaders at the next Leader Meeting.

Pack Meeting April 27th:

Jurassic Park will be the theme of next Monday's Pack Meeting. Den 2 will be doing the flag ceremony and Den 11 will be doing the skit. Because of Rank Advancements, we will not have a game after the meeting. All Rank Advancements need to be entered into Scoutrack by Monday, April 20th so Audra will have time to pick up badges, belt loops, etc. Please do not use the "Promote Scout to Next Rank" button on Scoutrack. I will take care of the administration side for the Pack as a whole. If you have any questions please feel free to email me at secretary@pack002.com.

Treasurer:

Our current Treasurer, Lorraine Danielson, will be stepping down as Treasurer in May. Please let us know if you or any of your parents are interested in this position. If you can think of someone who would be great in this position please email one of the Pack Committee Members: Rob Tallis Committee Chair, Lorraine Danielson Treasurer, Chris Kulat Secretary, Audra Edmunds Awards Chair, Pat May Cubmaster, or Steve Parker Asst. Cubmaster.

Day Camp June 1st - 5th:

The Pack Website lists all training dates for ALL VOLUNTEERS for Day Camp. Please check the website for dates and times for training.

Please check the website for news and upcoming events. I try to keep it up to date. If you see a problem or have any questions please feel free to email me at secretary@pack002.com.

Have a great week & see you next Monday!

Chris Kulat
Pack 002 Secretary