

WHHOA Board Meeting Minutes

September 12, 2022, 7:00 PM

In Person at Clubhouse & Via Zoom Video Conference

Board Member Attendees: Steve Ryan, president; Jeff Rooks, Treasurer, Patricia Ryan, Secretary; Finis McCarver, Director

Absent: excused - Bill Logan, Vice President

Committee Member Attendees: Steve Milby, Whitney Meyers, Elwanda Klucik

Community member attendees: (4 in person, 3 via Zoom)

I. Call meeting to order/Agenda overview

II. Public Comment:

a. Mike Van Gorder presented a few of his concerns:

- The ACC is permitting too many homes to be painted white. The neighborhood is becoming filled with ‘cookie cutter’ color homes. **ACC chair responded that the regulations do not disallow white for homes. The ACC guidelines will be reviewed if the POA passes.**
- Violation notices have been received for minor infractions (mailbox too high, chimney cap needs to be repainted)
- He has spent an exorbitant amount of money attempting to repair damage to his yard from water drainage and continued to receive violation notices. **This issue was resolved by the board earlier this year. Heritage was directed to cease sending violation notices because Mr. Van Gorder had done due diligence and the issue was out of his control.**
- Mr. Van Gorder is concerned that some neighbors are neglecting their property and it’s impacting surrounding association members (i.e.: trees being removed and not replaced, cars parked in back yards)
- A neighbor of his continues to use a very loud leaf blower frequently, a few times a week. This impedes him and others from enjoying their outside space. **ACC suggested that he approach his neighbor to ask if leaf blowing could be done less frequently.**
- The board determined that it could not resolve all of Mr. Van Gorder’s concerns at this meeting. The directors plan to address covenants and ACC regulations and accountability.

b. Lois Jackson brought up the issue of trash collection in Cobb County. Although last week, commissioner Keli Gambrill reported that the board of commissioner’s voted to table discussion of county takeover of trash collection, Lois has heard that there may be further discussion taking place.

Lois also promoted the creation of a pickle ball court on one or two of the tennis courts. The suggestion was well received and Steve stated that he will research that option.

- c. Jeff Hester voiced his grave concern about the recent finding of a person listed on the sex offender registry living in our neighborhood. He and other neighbors have written to the property owner, First Key, and have called the sheriff's department. Steve and Finis told him that, as advised previously by our attorney, anyone may participate in these kinds of actions, but as a board, we cannot initiate actions. If there was a clear and immediate danger, the board would notify the authorities.

III. Consent Calendar

Approval of previous minutes- Minutes of the August 8, **2022** board meeting were approved unanimously.

IV. **Financial Report-**Jeff Rooks. See report below

V. Committee Reports

1. **Pool**-Dorothy Minter chair.
2. **Welcome** –Whitney Meyer chair.
3. **Landscape**- Bill Logan chair. See report below
4. **ACC**-Bill Logan chair.
5. **Tennis**- Jamey Linard chair.
6. **Social**-Debbie Ladin chair.
7. **Clubhouse**- Steve Ryan chair. See report below
8. **Playground:**
9. **Home Rental Limitations:** Steve Milby chair

VI. Old Business

- A. Steve will contact Heritage regarding ACC violation notices (i.e. mailboxes, leaves/pine straw on roofs). However, if the POA does not pass, the situation will be moot because WH will have no authority to levy fines for ACC infractions.

Heritage was contacted and directed to dial back the low level infractions that add little or no benefit to the aesthetics of the neighborhood and for which there are no written standard or specification for association members to reference in regard to violations received.

The Board is having discussions regarding the need to update and revise the ACC and covenant standards to more clearly specify what the expectations are and what constitutes a violation. This has not kicked off yet and will likely involve establishing an ACC standards review committee to provide input from the community ensuring that the rules we agree to going forward are developed and supported by the Association (NOT ONLY THE BOARD). The details of minor infractions, as noted above, need to be stipulated in writing to give to Heritage so that they are looking for the infractions we want them to look for and not just assuming standards that may not apply to West Hampton. This will be a somewhat lengthy process and will most likely only proceed if we are able to transition to a POA. If

we don't transition to a POA we have no way to enforce the standards equitably, so the effort to clarify the standards would be a waste of time.

- A. A resident in the Lake Somerset subdivision contacted Heritage about having WH cut back a tree that is overhanging into her property. Cobb County had told her that this tree was WH's responsibility. The board has hired a surveyor to confirm the boundaries between West Hampton and Lake Somerset neighborhoods. Steve Ryan responded to the resident of L.S. to let her know that we are looking into the situation and will get back to her after the surveyor's visit.

The Board has had the property line surveyed around the Southeast Retention Basin off Westwood Drive to ensure we understand our property line and the property for which we are responsible. Upon review of the survey results and after consultation with the association's attorney, it was determined that some of the identified trees were within West Hampton. However, West Hampton will not participate in trimming or removal of the trees. The resident of Lake Somerset was notified that by law, she is within her rights and is responsible to trim any branches that encroach upon her property.

VII. New Business

- POA consent update
 - a. The BOD and Rental Control committee will hold a final information presentation meeting Wednesday, September 14. It is important that all members have the opportunity to hear the proposal and submit their consent forms, if they choose.
 - b. The BOD expects to announce the results of the balloting by Friday, September 16th.
- **Proposed 2023 budget, Finalize Capital Budget items for 2023.** Must be filed with Heritage by the end of September. There is currently \$185,352 in the reserve account. It is recommended that we maintain the equivalent of one year's assessments or more. Since there are outstanding bills to be paid, we will be dipping below this amount for the year. (see attached report)
- **Discussion of 2023 annual assessment**
 - a. The BOD determined that there will be an increase of just under 5% (\$30) to the annual assessment fee. The fee for 2023 will be \$660. Since there was no increase for 2022 and due to necessary expenditures throughout the year, we will soon be transferring an estimated \$15,000 from the reserves. The 2023 increase will enable us to maintain a healthy amount in the reserves, maintain our facilities and complete the projected Capital projects.

- **Golf carts driven by underage drivers on WH streets and clubhouse parking lot**
Underaged people are not allowed to drive any motorized vehicle (i.e. golfcarts, scooters, go-carts) on WH common property, accesses or grounds areas.
- **Dorothy Minter resignation as pool chairperson**
The board thanked Dorothy for her years of service to the community. She did a fantastic job balancing the swim team and general pool care. We're grateful that she will continue overseeing the swim teams!
- **Need for someone to chair swimming pool committee**
The association will need people to chair and serve as swimming pool committee members. Without volunteers, the pool **cannot** open in Spring 2023. Whitney Meyers volunteered to serve on the committee but will not assume the chair position. Thanks, Whitney!
- **Nautix informed that WH pool will remain open through September 30. There will be no lifeguard support from now through the end of September.**
- **Social Committee events**
Deb Ladin reported that the Movie Night and BBQ evening were successes. Thanks to all who turned out for these fun events. Thanks, Deb!
- **Pool House: Trenching needed to abate rainwater intrusion into pool house.**
The board asked the Landscape committee to provide possible solutions to repairing the rainwater intrusion into the pool house. The siding has become damaged.
- **Playground: Reach out to community to demolish old and possibly install new equipment.**
The board is considering asking for volunteers to remove the old equipment and rebuild a new playset. The board will research the efficacy of doing this.
- **Revised resolution for Fines.**
Steve Ryan read the draft document for revision of Fines procedure and amounts prepared for the anticipated passage of the POA amendment. The board wants to be transparent about the upcoming steps. This draft was presented to the board by our attorney, Michael Rome of Rome & Associates. The board then modified the document to better reflect West Hampton and returned it to Rome for review. The draft document will be distributed to all association members for review and comment.

VIII Meeting adjourned at 9:00 pm

IX The next Board meeting will be **October 10, 2022**

Minutes written by Patricia Ryan

Financials:

West Hampton Homeowners Association, Inc.

Balance Sheet For 8/31/2022

Cash		
Operating Account - Truist	\$20,200.28	
Total Cash		\$20,200.28
Cash-Reserves		
Reserve Account - Truist	\$185,352.44	
Total Cash-Reserves		\$185,352.44
	Total Assets	\$205,552.72
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Liabilities		
Collection Fees Payable	\$4.00	
Prepaid Dues Payable	\$3,850.35	
Total Liabilities		\$3,854.35
Reserves		
Reserves - General	\$185,352.44	
Total Reserves		\$185,352.44
Equity		
Prior Years' Net Income	\$22,433.53	
Net Income (Loss)	(\$6,087.60)	
Total Equity		\$16,345.93
	Total Liabilities / Equity	\$205,552.72

West Hampton HOA
2022 Operations Budget Analysis

August

	2022	2022	2022	2022	2021	2020
Income	Annual	Jan-Aug Actual	Jan-Aug Budget	Jan-Aug Variance	Jan-Aug Actual	Jan-Aug Actual
Assessment Revenue	\$150,560	\$147,729	\$150,560	(\$2,831)	\$154,910	\$145,456
Other Revenue	\$5,500	\$6,118	\$4,100	\$2,018	\$6,180	\$4,273
Total Income	\$156,060	\$153,847	\$154,660	(\$813)	\$161,090	\$149,729
Expenses						
General & Administration	\$20,171	\$17,293	\$12,537	(\$4,756)	\$13,090	\$9,674
Taxes & Insurance	\$9,675	\$7,653	\$9,675	\$2,022	\$9,410	\$17,587
Recreation	\$34,960	\$27,055	\$30,424	\$3,369	\$27,755	\$27,661
Landscaping	\$40,979	\$22,156	\$29,486	\$7,330	\$26,528	\$25,971
Utilities	\$21,790	\$11,657	\$13,770	\$2,113	\$13,228	\$14,124
Maintenance & Services	\$5,300	\$5,012	\$4,464	(\$548)	\$1,238	(\$2,538)
Total Expenses	\$132,875	\$90,826	\$100,356	\$9,530	\$91,249	\$92,479

2022	January	February	March	April	May	June	July	August	September	October	November	December	YTD Total
Monthly Management Fee	738	738	738	738	738	738	738	738					5,904
Postage Reimbursement	202	146	57	214	225	263	809	934					2,850
Office Supplies (includes invoices)	49	251	40	64	259	80	370	281					1,394
Photocopying Charges	219	39	11	7	16	11	388	406					1,097
Web Portal Access Fee	60	60	60	60	60	60	60	60					480
Record Storage Fee	9	9	9	9	9	9	9	9					72
Georgia Corporate Annual Registration	75	0	0	0	0	0	0	0					75
IRS 1099 Form Preparation	0	270	0	0	0	0	0	0					270
Reimburse Collection Fees Paid To WHHA By Delinquent Homeowners	0	0	0	0	0	175	100	25					300
Reimburse Labor to Research Deed	0	0	0	0	0	0	100	0					100
Stop Payment Fee for Vendor Check	0	0	0	0	0	0	0	40					40
Monthly Total	1,352	1,513	915	1,092	1,307	1,336	2,574	2,493	0	0	0	0	12,582
2021	January	February	March	April	May	June	July	August	September	October	November	December	YTD Total
Monthly Management Fee	632	632	632	632	700	700	700	700	700	700	700	700	8,128
Postage Reimbursement	22	290	207	183	245	138	117	162	319	226	343	83	2,335
Office Supplies (includes invoices)	12	251	50	44	206	37	35	47	61	53	75	24	895
Photocopying Charges	3	74	258	7	6	6	6	7	258	8	256	3	892
Web Portal Access Fee	0	0	0	0	0	0	0	0	0	0	0	0	0
Record Storage Fee	9	9	9	9	9	9	9	9	9	9	9	9	108
Georgia Corporate Annual Registration	75	0	0	0	0	0	0	0	0	0	0	0	75
IRS 1099 Form Preparation	0	270	0	0	0	0	0	0	0	0	0	0	270
Reimburse Collection Fees Paid To WHHA By Delinquent Homeowners	0	0	25	100	0	25	100	25	25	0	0	25	325
Monthly Total	753	1,526	1,181	975	1,166	915	967	950	1,372	996	1,383	844	13,028

West Hampton HOA
 2022 Capital Projects Status Update
AUGUST

	<u>Budget</u>	<u>Actual Cost</u>	<u>Status</u>
• Replace One Pool Pump	\$2,500		Pending
• Repair Pool Deck	\$3,000		Cancelled
• Resurface Lower Tennis Courts	\$13,195	\$8,281	Complete
• Replace Westwood Entrance Sign	\$3,600	\$2,297	Complete
• Replace Pool Gate Security System	\$4,900	\$6,400	Complete
• Install Dedicated Power at Pool Deck	\$3,100	\$1,814	Complete
• Remove Trees, Stumps & Roots Next to Clubhouse	\$4,000	\$5,100	Complete
• Replace Walkway to Patio Area	\$4,100	\$9,232	Complete
• Replace Pool Furniture	\$20,000		Pending
• Retention Pond Maintenance		\$2,800	Complete
• Install New WIFI System In Clubhouse		\$3,442	Complete
• Replace Privacy Fences for A/C Units & Trash Cans		\$ 3,740	Complete
TOTAL	\$58,395	\$43,106	

WHHOA Projected Cash Balances 12/31/2022

Operations Account

8/31/2022 Balance	\$20,200
Budget for Final Four Months	- \$32,000
Transfer from Reserve Account	<u>\$15,000</u>
<i>12/31/2022 Balance</i>	<i>\$3,200</i>

Reserve Account

8/31/2022 Balance	\$185,352
Transfer to Operations Account	- \$15,000
Pool Furniture	- \$23,000
Replaced Pool Pump	<u>-\$8,500</u>
<i>12/31/2022 Balance</i>	<i>\$138,852</i>

West Hampton HOA
2023 **PROPOSED** Capital Projects Budget

	<u>Budget Amount</u>
• Repaint Clubhouse Exterior	\$15,000
• Screen In Clubhouse Back Porch	\$2,100
• Landscaping Projects at Clubhouse	<u>\$8,000</u>
TOTAL	\$25,100

West Hampton HOA
2023 PROPOSED Operations Budget (with \$30 Dues Increase)

<i>Income</i>	2022	2023	Difference	Reason(s)
	<u>Annual Budget</u>	<u>Annual Budget</u>		
Assessment Revenue	\$150,560	\$157,740	\$7,180	Dues increased \$30
Other Revenue	\$5,500	\$4,600	(\$900)	Reduced Tennis Income and Swim Team Income
Total Income	\$156,060	\$162,340	\$6,280	
Expenses				
General & Administrative	\$20,171	\$21,847	\$1,676	8.1% Increase by Heritage; increased audit fee by \$200; increased website hosting by \$720
Taxes & Insurance	\$9,675	\$9,675	\$0	
Recreation	\$34,960	\$38,260	\$3,300	Nautix contract increased by \$4,300; reduced Playground by \$1,000
Landscaping	\$40,979	\$40,979	\$0	Assumes no increase by landscape company
Utilities	\$21,790	\$19,790	(\$2,000)	Decreased water bills \$2,000 based on 2022 usage and adding new water line
Maintenance & Repairs	\$5,300	\$5,300	\$0	
Total Expenses	\$132,875	\$135,851	\$2,976	
<i>Amount Transferred To Reserves Account</i>	\$23,185	\$26,489	\$3,304	

Clubhouse:

1. I identified a clogged condensate drain for the Clubhouse HVAC units which was putting condensate water on the floor of the HVAC Room. Called Plumb-Smart and Paul came out the next day and unclogged the line. Verified it is now flowing freely. Follow-up inspection found not further problem.
2. Parker Young construction was called to inspect a possible roof leak on the north side of the clubhouse over the stairs from the main floor to the downstairs. Inspection found that the leak is not in the roof but from around the curved windows. When installed, the windows were never flashed at all and have leaked repeatedly over the years. The window frames have clearly been caulked but never fixed to prevent leakage. The windows are now loose, as is the siding in some areas due to repeated wetting and drying of the wood. There is a see-through hole (small) in the lower corner of the window that needs to be caulked temporarily. I have asked the Parker Young to give us an estimate for repairs. This is the same company that did the repairs of the kitchen and replaced the roof in 2019. Not the cheapest but they do good work the first time. This will not be an insurance claim because it is damage because of neglect and not accidental. More to come.
3. Recently, there have been several instances of extended overnight parking in the clubhouse parking lot. It is clearly posted that parking overnight in the Clubhouse parking lot is prohibited. The board takes association members needs into consideration on a case-by-case basis and encourages members to contact the board if they need to use the parking lot. On occasion, it has been necessary to have vehicles towed and impounded at owner's expense. As much as we want to avoid this, the rule will be enforced to ensure we preserve the safety and security of our residents and minimize the Association's exposure to liability.
4. Through our security cameras, we have observed several questionable activities in the parking lot after midnight. Cobb County Police have been asked to keep the area under increased surveillance after 11:00 PM.
5. Brenda Ray has obtained four bids for painting the clubhouse in 2023. Those bids will be submitted to the Board of Directors for budgeting and to select a preferred provider to do the work. Thank you, Brenda, for taking this on and making this happen.
6. I found that the lights to the tennis courts were on until 1AM. Checking the timer I found it mis-set. It has been reset for the Fall and Winter time frames to allow lights to be on from 5:00 PM until 10:00 PM. I will readjust it when we hit the time change to EST from DST.

Stephen Ryan,

Clubhouse Committee Chair

westhamptonclubhouse@gmail.com

Pool: The last day to use the pool will be September 30.

ACC: No report was given to the committee by Heritage regarding ACC requests.

Landscape:

Rain sensors should stop sprinklers from starting unnecessarily. Sprinklers may be turned off in mid-October for the season.

Social:

Movie night and BBQ at the pool were huge successes!!

Upcoming events:

Ladies Night – possibly October – If anyone is interested in hosting...

Halloween – Sunday October 30th 1:30 – 3:30 (Details will be on the Evite)

Rib/Chili Cook-off – Saturday November 19th

Decorating the clubhouse for Christmas – TBD

Breakfast with Santa – Saturday December 3rd (I believe we are starting at 9am)

If anyone is interested in helping out for any of the events, please contact me:

Deborahm@ladinlaw.com or 678-361-9682 - call or text

Tennis:

Time for fall. August was a slow month in terms of tennis with the kids returning back to school and temperatures being very high. The courts still look amazing and a positive reflection on the neighborhood. The courts are ready to welcome back the Fall Alta tennis season. The season tips off September 10th and the neighborhood will feature a men's and women's league. Fall is arguably the best time to play tennis so I hope everyone can get out and enjoy the wonderful sport of tennis.

See you at the courts,
Jamey Linard....

Welcome

Whitney reported that there are two homes for sale: 3550 West Hampton and 3375 Bridle Run Trl; and 1 home recently purchased: 224 Westwood.

Resolution Adopting The Fine Notice Procedure & Fine Amounts
For West Hampton Homeowners Association, Inc.

WHEREBY, Section 4.11 of the covenants for West Hampton subdivision, as amended, allows the Association to assess fines in a reasonable amount for violations of the governing documents;

WHEREBY, the Board of Directors (“Board”) has a duty to enforce the governing documents, and the primary means used by associations for enforcement is the authority to levy fines;

WHEREBY, the Board wishes to establish the fine amounts, and a procedure for violations notices. including an owner’s right of appeal;

WHEREBY, the Board also wishes to establish a procedure for suspension of the “Grandfathered Owner” provision upon failure to remain current (within 30 days) on any authorized assessments or other charges to the Association;

WHEREBY, Section 3.04 of the covenants provides in part that, *The affairs of the Association shall be managed by a Board of Directors*; and

WHEREBY, the Board has voted to adopt regulations regarding fine amounts, and the notice procedure for the levy of fines.

NOW WHEREFORE, the following is hereby adopted as the official Fine Notice Procedure and Fine Amounts for West Hampton Homeowners Association, Inc.

I. VIOLATION AND NOTICE PROCEDURES FOR FINES OR SUSPENSION.

The Board may levy fines (a late charge shall not be considered a fine), or suspend voting rights and privileges to use the common areas, for violations of the Declaration, Bylaws, Rules, Regulations, or Design Standards. Additionally, the board may suspend the right to rent or lease a property under the “Grandfathered Owner” provision for delinquency in the payment of any approved assessment or other charges to the Association, until such time as the Grandfathered Owner becomes current. The Board shall not impose a fine or suspension (except that non-payment of assessments for more than thirty (30) days shall constitute automatic suspension) unless and until the below procedure is followed:

(a) Notice.

Written demand sent via Certified, Return Receipt mail, and a copy via regular first-class mail, to cease and desist from an alleged violation shall be sent to the alleged violator specifying:

- (i) the alleged violation;
- (ii) the action required to abate the violation;
- (iii) the amount of the fine, and/or type of suspension, or other board action being imposed as of the date of the notice;
- (iv) that the alleged violator may, within ten (10) days from the date of the notice, request in writing, a hearing regarding the fine, and/or suspension, or other board action;
- (v) the address to send the request for a hearing;
- (vi) that any statements, evidence, and witnesses may be introduced by the alleged violator at the hearing; and

(vii) that all rights to have the fine, suspension, and/or board action reconsidered are waived if a hearing is not requested (postmarked) within ten (10) days of the date of the notice.

(b) Appeal Hearing.

If a hearing is requested, it shall be held before the Board in executive session, and the alleged violator shall be given a reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the results of the hearing and a copy of said results shall be mailed to the alleged violator.

(c) Management Company.

If the Association is utilizing the services of a management company, the management company must seek written Board approval, prior to sending the official fine notice.

(d) Courtesy Notices.

The Board in its discretion, may send courtesy notices regarding violations, prior to the Association sending an official fine notice, as outlined above. The use of courtesy notices shall not waive the Association's right to send an immediate official fine notice, without the use of a courtesy notice.

II. FINE AMOUNTS FOR VIOLATION OF THE GOVERNING DOCUMENTS

(a) Daily Fines For Ongoing Violations.

Daily Fine for Most Violations: \$25 The fine amount for all types of violations under the Governing Documents (other than those listed below as specific amounts per incident) will be \$25 per day, per violation, until such time as the violation is corrected.

(b) Fines Per Incident For Specific Types Of Violations.

Amenity Rule Violations Per Incident: \$150

There shall be a set fine in the amount of \$150 per incident for violations of a posted rule at the Tennis Courts, Pool, Playground, or any other Association property.

Daily Fine for Leasing Violations: \$50

Due to the high rental value of homes located in West Hampton Subdivision, the fine amount for violation of any leasing restrictions shall be fifty dollars (\$50) per day, until such time as the violation is corrected.

(c) Other Per Incident Fines for Specific Violations.

The following violations will incur the listed fine amounts, per incident, instead of the daily fine:

1. Parking Overnight in the Clubhouse parking lot without prior board consent- \$75 plus towing and impound fees
2. Animals off leash in violation of county code or not cleaning up after your pet - \$75

III. FLAT FINES IN ADDITION TO ANY APPLICABLE DAILY FINES

1. Architectural Approval Violation: \$150

There shall be a set fine in the amount of \$150 for making a modification to a Lot (including the exterior of the dwelling) without first obtaining written pre-approval pursuant to the Covenants. This set amount is in addition to any daily fines incurred because the unapproved modification is otherwise in violation of the governing documents.

2. Violation of Leasing Procedures & Regulations: \$150

There shall be a set fine in the amount of \$150 for a violation of a required leasing procedure or leasing regulation. This set amount is in addition to any daily fines incurred due to an ongoing, unapproved lease.

3. Unapproved Removal of Tree: \$150

There shall be a set fine in the amount of \$150 for each tree removed without the required, written pre-approval. This set amount is in addition to any daily fines incurred until such time as there has been replanting as approved by the Association.

IV SUSPENSION OF “GRANDFATHERED OWNER” PROVISION

Per Article VI section 6.21(a) “Grandfathered Owner” means any person(s), or other legal entity, who is the owner of a lot on the Effective Date. In order to maintain grandfathered status, an owner must stay current in payment of assessments or other charges to the Association.

Failure to pay assessments or other charges to the Association (payment within 30 days of the original due date) shall result in a Board review to consider suspension of “Grandfathered Owner” status until such time as the Owner becomes current, except in cases of hardship as determined through the hearing process. Corporate entities, trusts, partnerships or other commercial or entity owners are ineligible to claim financial hardship for any reason.

Notification of suspension of “Grandfathered Owner” rights shall be sent Certified, Return Receipt mail, and a copy via regular first-class mail, and shall be effective as of the date of mailing.

The foregoing Fine Notice Procedure & Fine Amounts were adopted by resolution of the Board of Directors for the West Hampton Homeowners Association, Inc. on this __ day of _____, 20__, as indicated by the below signatures. These regulations shall become effective upon mailing a copy to all Owners.

Director

Director

Director

Director

Director