

## Special Meeting Request

Date: December 1, 2025

Virtual Meeting on Google Meet

This meeting was to discuss a complaint submitted by a neighbor requesting the removal of Jennifer as President of the HOA and requesting the Board take action. Leading up to the request were disputes between two neighbors who will be referred to as Neighbor B and Neighbor C. The request for removal was received November 24, 2025 which was after the election of the new board members (elected 11/9/25) and before the end of the term of the board members stepping down (occurs 12/31/25). Therefore, both sets of board members attended this meeting and participated in voting.

When it comes to having a special meeting (specified in the bylaws Article 2, Paragraph 2), a board member can call for one anytime. However, if a neighbor wants the board to have a meeting outside of the already established meeting schedule, which is currently once a month, that neighbor would need to have at least 25% of the neighborhood petition the board to hold a special session. Therefore, Jennifer requesting the board to meet before the scheduled 12/12/25 meeting was an attempt to address the complaint that Neighbor B submitted to the board in a timely manner.

### **Meeting Minutes**

Jennifer opened the meeting by informing the other board members of several complaints submitted by Neighbor C dating back to February 2025. Neighbor C submitted complaints about Neighbor B operating a car rental business, blowing leaves into Neighbor C's yard, and a portable standing light directed at Neighbor C's property. Jennifer went into detail about the violations and fine she issued to Neighbor B. Jennifer contacted the Gwinnett County Police non-emergency line to request assistance to mitigate the lighting issue. Gwinnett County stated that this was a civil matter, not criminal, and that Code Enforcement should be contacted.

On November 22, 2025 Neighbor C requested assistance to provide temporary relief from the lights. Jennifer installed the volleyball poles from the neighborhood's pool house and tarp on Neighbor C's property to block the light. The structure was removed within 24 hours since Neighbor B moved the free-standing light so it would shine around the temporary tarp structure. Jennifer explained she issued Neighbor B several violations throughout 2025 and that the tarp structure was an attempt to invoke the Self-Help clause of the HOA bylaws and avoid issuing Neighbor B the additional noncompliance charges which accrue daily. Jennifer stated she did not get a response from Neighbor B until his official complaint submitted to the board on November 24, 2025.

The complaint Neighbor B submitted asked for Jennifer's removal as President of the HOA board. In the complaint, Neighbor B states that he set up the lights on his property to block Neighbor C's camera from filming him, his family, and property. He also stated that when Neighbor C took his camera down that Neighbor B took his lights down and only brought back the lights when Neighbor C reinstalled his cameras. The complaint goes into detail about how Neighbor B feels that Jennifer favored Neighbor C by

installing the temporary tarp structure and requested action by the board to address Jennifer's approach to the disputes.

According to the HOA bylaws, removal of the President requires a 51% of neighborhood votes, however, all other members of the board can be voted off by a majority vote of the other board members.

The board members raised their concerns to Jennifer about not being informed of this ongoing dispute between the neighbors since the first complaint was submitted in February. They also raised concerns of not being informed of the actions Jennifer took until Neighbor B included them in his complaint. Emily (Treasurer) stated that as a newly elected board member, she reread the Board's meeting minutes on the neighborhood's website (dating back to 2023) and did not find any mention of the lighting complaint. Katie (Secretary) specified that she also reread the meeting minutes but only found mention of Neighbor B's rental car business complaint in the 3/12/25 meeting minutes.

Katie also brought up that a checks and balances system should be implemented. She suggested that duties should be overseen by each member so that all members are knowledgeable of each aspect of Board responsibilities. Kyle (Vice President) then mentioned that the bylaws specifically state in Article 3 and Article 4 what each member should be responsible for. Katie suggested that on top of the normal duties associated with a person's position that at least one other person should be involved so that no one person could act independently. The board decided to iron out the details<sup>50</sup> of each board member's responsibilities and who will oversee who at the next scheduled meeting (12/12/25).

In the complaint letter from Neighbor B, it was stated that the board had 14 days to take action. Prior to the meeting, Jennifer contacted the HOA's lawyer. They stated that the 14-day deadline is arbitrary; any civil litigation would be handled by the HOA insurance policy and that the Board is not required to respond to Neighbor B. The bylaws do not specifically state the timeline for when a response or action should be taken. The Georgia Property Owners Association Act and the Nonprofit Corporation Code also do not impose any response deadline.

Kyle suggested that the board needs to establish a standard on the timeline for the board to respond to a neighbor which includes emailed complaints, issuing violations, issuing fines, and other general communication to the neighborhood. The board attempted to navigate what the acceptable timeline should be, but it was ultimately decided to revisit this topic in a future meeting.

### **Conclusion**

The Board found that Jennifer acted without board approval (majority vote needed) for issuing violations, fines, and installing a temporary tarp structure on Neighbor C's property. The bylaws state only the Board as a whole (majority vote at a properly noticed meeting) can take official action. No single officer can act alone. Article III §12 (page 13): "A Majority of directors shall constitute a quorum for the transaction of business." Kyle proposed that the board should issue a covenant violation to Jennifer for the temporary tarp structure installed on Neighbor C's property as it violated the "no temporary structures" rule that applies to every lot (Covenants Paragraph 6 and By-Laws Article VII, Paragraph 2). The board had a majority vote to issue Jennifer a covenants violation.

The board also reviewed and approved the response to Neighbor B before it was issued. The board will be removing themselves from the lighting dispute between Neighbor B and Neighbor C and determined that this is a private nuisance and not a public nuisance. According to the HOA's lawyer, the HOA is only responsible for responding to public nuisances.

The board had a majority vote to revoke the violations and fine issued to Neighbor B as it was found that the board did not vote on Jennifer's actions before they were taken.

The board had a majority vote to not pursue a neighborhood vote on removing Jennifer from her President position; she will remain President through 2028. According to the HOA bylaws, removal of the President requires a 51% of neighborhood votes. In Article 2, Section 2 & 3, neighbors must be notified at least 10 days in advance.

Going forward, all violation notices and fines will be approved by a majority vote of the full Board at a properly noticed meeting, exactly as the bylaws require. The Board's goal is fair and equal enforcement of the rules for every resident, including Board members.

**Next official meeting is scheduled for 12/12/25 at 6:30 PM.**