

Bob Kern <bob.kern@cooksvalleyhoa.com>

7/20/2020 4:53 PM

2566 Chestea DR NE

To David Breaden <david.breaden@cobbcounty.org> Copy Eli Sbaity <eli.sbaity@cooksvalleyhoa.com> •
Bob Adamec <bob.adamec@cooksvalleyhoa.com>

David,

Bob Adamec (Eli had a conflict) and I finished meeting earlier this afternoon with a representative of F & D Landscaping Services regarding resolving the drainage problem that has plagued us for the last couple of months. I have attached a scanned-in copy of the drawing provided by F & D at that time. He is to email the landscape drawing later.

From what we can draw from this drawing is that the rear of the lot will feed through river rock from both points indicated on the drawing into an 8" line which will follow around the house and feed into the street. The 4" gutters at the rear of the house will feed into a 6" line running along side the west side of the house. The 4" gutters on the west side of the house will also feed into this 6" line and from there into the street. At no point will they tap into the county easement storm drain on the Price property.

My question is whether the 6" pipe is adequate to handle the volume of water collected by the 4" gutter system? Do you feel this configuration along with the accompanying 8" configuration, will perform to abate or substantially reduce this problem? Any recommendation you can suggest will be most appreciated. Our goal is to have them get the desired results from the funds they will be allocating to this project.

Thanks for your efforts on this project.

Regards,

Bob Kern

Chairman, ACC Cook's Valley HOA Inc

770-331-1314 Cell.

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- Drawing 2566 Chestea.pdf (249 KB)

NOVEMBER 7, 2020 COOK'S VALLEY HOA SPECIAL BOARD/ACC MEETING

agenda

1. Review unintended consequences potential from enacting last Saturday's approval.
2. If the board agrees, rescind the approval
3. Discuss future action regarding the drainage situation at 2566 Chestea LN
 - a. We have Kim Gaddis' letter do we discuss it with her, edit, and have her send it
 - b. If so, do we have her reaffirm that if the order is not complied with, the board can
 - i. vote to fine, or not
 - ii. make the corrections, assess the cost to the HOA membership and file a lien against the property.
 - iii. Do nothing and leave Andy to pursue it as a civil matter

Bob Kern <bob.kern@cooksvalleyhoa.com>

11/4/2020 9:53 AM

Re: 2566 Chestea LN please review and respond

To Michael Krug <flyer2432@gmail.com> Copy Barbara Smith <barbsm56@hotmail.com> •
Bob Adamec <bob.adamec@cooksvalleyhoa.com> • Paul Hammel <paul.hammel@cooksvalleyhoa.com> •
bob.kern@cooksvalleyhoa.com <bob.kern@cooksvalleyhoa.com> •
Michael Krug <mike.krug@cooksvalleyhoa.com> • Tapasya Patel <tap.patel@cooksvalleyhoa.com> •
John Saari <john.saari@cooksvalleyhoa.com> • Eli Sbaity <eli.sbaity@cooksvalleyhoa.com>

Mike,

In answering your question, yes Eli and I have jointly spoken with Kim Gaddis on at least two, if not three occasions. The first time we also had Andy on the line with us. After Andy had his say, Kim said that we needed to talk without Andy on the line. The last conversation we had with Kim, after we had received her letter for Penny & Eric, we (Eli & I) asked her to hold it as they were making another (which turned out to be futile) attempt to rectify things. In our initial conversation, Kim said we have the option to correct the problem and file a lien against their property if they do not correct it in the allotted period of time. Of course, in the meantime, this would mean a special assessment to our members to cover the cost of the remediation of Penny & Eric's property. Would we ever be repaid? This is a path Kim said we do not have to follow as Andy can pursue it as a civil matter. Which we believe is the better way to address this.

Responding to the second part of your question. I have been involved with the board since the end of 2005 into the first quarter of 2010 as president with a year+/-off returning as secretary and now as ACC chair - a total involvement of 14-15 years.

We did have a similar situation during my term as president. At that time 4916 Climbing Vine PL (now with the highest recent CV selling price and a showplace) was in poor repair, and seriously behind in dues payment. While we could have repaired the property at the HOA expense, we chose to contact the county (which we have done rewarding the current issue) and the county said that after a period of time, they would tear the structure down and clear the lot. About 60 days prior to that, the bank foreclosed on the property and the property was sold on the courthouse steps for, I believe \$175K to an architect, who submitted very detailed plans of the rehab he wanted to perform on the property. They were approved, rehab completed and we have what we have today - the most expensive parcel in our community. This was at no cost to the HOA other than time.

This, I believe is a similar situation - this time, we have a pandemic to deal with that makes meeting together more difficult. I have copied the board and ACC on this to keep everyone in the loop, as Eli and I both have spent well over 100 hours each on this, updating the board and ACC from time to time to keep them up to speed and to secure approval where/when needed. Also spending a fair amount of time on this project was Bob Adamec. In the meantime there were other requests submitted to the ACC that needed to be, and were addressed in a timely fashion so that these members of our community could move forward with their projects. From here we move to the email I sent yesterday.

Regards,

Bob

On 11/03/2020 4:40 PM Michael Krug <flyer2432@gmail.com> wrote:

Hi Bob

I read you email but have a few questions. Did you get a chance to speak to Kim Gaddis? Have you ever been part of or heard of a situation like this in the past? I will make a decision once I have heard what our attorney thinks.

Thanks

Michael Krug

On Tue, Nov 3, 2020 at 3:28 PM Bob Kern <bob.kern@cooksvalleyhoa.com> wrote:

I have given a great deal of thought to the motion we made, seconded, and approved at the end of our board meeting last Saturday. I believe we should rescind that motion. We were in a hurry and did not take the time to consider the unintended consequences of our action. The attached bookmarked file that provides my thoughts along with the letter we have had on file from Kim Gaddis. I believe we should have her send it - with the dates updated of course - and rescind the earlier motion.

Your response is requested.

Regards,

Bob

Bob Kern

Chairman, Architectural Control Committee

Cook's Valley HOA

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Bob Kern

Chairman, Architectural Control Committee

Cook's Valley HOA

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COOKS VALLEY HOME OWNERS ASSOCIATION INC
SPECIAL CALLED BOARD MEETING MINUTES 2020

DATE: November 7, 2020

MEMBERS IN ATTENDANCE (via tele conference call): Eli Sbaity, John Saari, Barbara Smith, Bob Kern, Bob Adamac, Mike Krug, Tapasya Patel, Paul Hammel

CALLED TO ORDER: Meeting was called to order at 10:11am by Bob Kern. Quorum of board members present.

SPECIAL BUSINESS - The purpose of this meeting is to discuss recent motion made at CVHOA board meeting on Oct 31st proposing the HOA move forward with getting an engineering survey of areas involved in 2566 Chestea Drive drainage issue. Bob Kern is concerned that we acted in haste and that doing this could have repercussions that have not even been discussed. Eli Sbaity asked us to address and name the problem the HOA is trying to resolve and what are the options. Bob Kern presented a brief recap of the problem – since trees were taken down at 2566 Chestea (w/o HOA approval) the water drainage problem for Andy Price has been an issue. Numerous meetings and communications involving all involved homeowners, HOA/ACC board member and Cobb County officials have taken place. Andy Price had a specific way he thought the issue needed to be resolved and has become quite upset that his ideas were not followed. The Cobb County comments sent to Bob Kern after numerous discussions concluded that the plan the Yangs submitted may not convey runoff from a 100 year event like a county dedicated system would be required to do so, but should adequate for smaller, more frequent events.

Bob Kern made a motion that the motion made in the Oct 31st meeting be rescinded. Eli Sbaity seconded the motion and all board members approved.

Discussion followed that outlined 3 options for what the HOA can do next.

1. Send the letter to the Yangs from the HOA attorney stating they need to comply with the 18" pipe plan or be fined \$25 per day.
2. Assess the homeowners and try to remedy issue and place lien on Yang's property
3. Let Andy pursue on his own.

More discussion was brought forth by numerous board members on their own flood/water issues and how they had resolved them and questioning why Andy Price had not taken some issued on his own to resolve the water he has as a result of being lowest point on that side of the street. The water issue at Andy's house has always been there, this is not anything new. Also discussed was the original attorney letter to the Yangs that had not been sent. The board had agreed at another meeting to wait and see if the newly installed sod would make a difference in the water runoff. That was 5-6 weeks ago and the grass has filled in nicely and it appears that the water runoff is not as bad as the June 1st incident.

Barbara Smith noted that some communication does need to be made to Andy whatever the decision by the board is. Everyone agreed so discussion started on what the communication should include as well as possible ramifications if Andy decides to pursue legal action that may or may not include CVHOA/ACC. Bob Kern made a motion to have attorney address letter to Andy Price that the HOA has closed the issue and he is free to pursue his own course of resolution. Mike Krug seconded, all board members approved.

Eli will set up call with attorney to discuss language and feedback on this option. He opened call to any board member, but he will also get back to board on results of the call.

Respectfully submitted,
Barbara Smith/Secretary

SPECIAL CALLED BOARD MEETING MINUTES 2020

DATE: November 7, 2020

MEMBERS IN ATTENDANCE (via tele conference call): Eli Gidaly, John Szah, Barbara Smith, Bob Kern, Bob Adamac, Mike Krug, Tapsya Patel, Paul Hammett

CALL TO ORDER: Meeting was called to order at 10:11am by Bob Kern. Quorum of board members present.

SPECIAL BUSINESS - The purpose of this meeting is to discuss recent motion made at CVHOA board meeting on Oct 31st proposing the HOA move forward with getting an engineering survey of trees located in 2566 Chestnut Drive drainage issue. Bob Kern is concerned that we acted in haste and that doing this could have repercussions that have not even been discussed. Eli Gidaly asked us to address and name the problem the HOA is trying to resolve and what are the options. Bob Kern presented a brief recap of the problem - since trees were taken down at 2566 Chestnut (with HOA approval) the water drainage problem for Andy Price has been an issue. Numerous meetings and communications involving all involved homeowners, CVHOA board member and Cobb County officials have taken place. Andy Price had a specific way he thought the issue needed to be resolved, and has become quite upset that his ideas were not followed. The Cobb County comments sent to Bob Kern after numerous discussions concluded that the plan the Yanga submitted may not convey runoff from a 100 year event like a county dedicated system would be required to do so, but should adequate for smaller, more frequent events.

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2. Assess the homeowners and try to remedy issue and place lien on Yanga property.
3. Let Andy pursue on his own.

More discussion was brought forth by numerous board members on their own floodwater issues and how they had received them and questioning why Andy Price had not taken some issued on his own to resolve the water run as a result of being lowest point on that side of the street. The water issue at Andy's house has always been there, this is not anything new. Also discussed was the original attorney letter to the Yanga that had not been sent. The board had agreed at another meeting to wait and see if the newly installed sod would make a difference in the water runoff. That was 6 weeks ago and the grass has filled in nicely and it appears that the water runoff is not as bad as the June 17 incident.

Barbara Smith noted that some communication does need to be made to Andy whatever the decision by the board is. Everyone agreed so discussion started on what the communication should include as well as possible ramifications if Andy decides to pursue legal action that may or may not include CVHOA. Bob Kern made a motion to have attorney advise letter to Andy Price that the HOA has closed the issue and he is free to pursue his own course of resolution. Mike Krug seconded, all board members approved.

Eli will set up call with attorney to discuss language and feedback on this option. He opened call to any board member, but he will also get back to board on results of the call.

Respectfully submitted,

Eli Gidaly

Kim Gaddis <kgaddis@gaddislanier.com>

11/12/2020 5:06 PM

RE: Cook's Valley HOA - ACC issue with Lei and Guo

To Eli A. Sbaity <eli@ebyteware.com> Copy Bob Kern <bob.kern@cooksvalleyhoa.com>

Eli:

Will do. Sorry, I just saw your other email a few minutes ago. Please use the below Call-In Number tomorrow at 3:00 p.m.:

Conference Dial-in Number: (515) 603-3103

Host Access Code: 178260*

Participant Access Code: 178260#

Kimberly C. Gaddis, Esq.

GADDIS & LANIER, LLC

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Atlanta, Georgia 30339

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From: Eli A. Sbaity [<mailto:eli@ebyteware.com>]

Sent: Thursday, November 12, 2020 5:05 PM

Bob,

As we discussed over the phone yesterday, I cannot design a private drainage system for a homeowner. However, it is my professional opinion that the 6-inch system proposed by the homeowner at 2566 Chestea Drive is not adequate for the contribution drainage basin. The drainage area to this point is approximately 2.3 acres and drains portions of 10 adjacent lots. I would recommend an 18-inch pipe to provide adequate runoff conveyance. Also, if any of this system extends into the County-owned right-of-way or proposes tying into the existing pipe network a land disturbance permit would be required as well as Cobb DOT and Water System approval. Depending on the total area of land disturbance Community Development may require an LDP anyway.

David Breaden <david.breaden@cobbcounty.org>

7/22/2020 2:18 PM

RE: 2566 Chestea DR NE

To Bob Kern <bob.kern@cooksvalleyhoa.com>

Bob,

This is definitely a better design than the previous plan. As we discussed on the phone, this will obviously not convey runoff from a 100-year event like a County-dedicated system would be required to do, but should be adequate for smaller, more frequent events. **Particularly if a grassed swale is created** roughly along the new pipe alignment to direct additional surface water runoff to the street right-of-way along the same path.

David W. Breaden, PE

Division Manager
Stormwater Management Division
Cobb County Water System
770-419-6454

COVID-19 Notice:

Water System Divisions are encouraging all customers to conduct business with our office virtually or by phone. For assistance related to stormwater, you may contact the Stormwater Management Division at 770-419-6435 or by email at stormwater@cobbcounty.org.

If required, plans or permits may be dropped off in the Water System Field Operations Center lobby. However, access into the building to meet with staff will be limited and by appointment only.

From: Bob Kern <bob.kern@cooksvalleyhoa.com>

Sent: Monday, July 20, 2020 4:53 PM

To: Breaden, David <David.Breaden@cobbcounty.org>

Cc: Eli Sbaity <eli.sbaity@cooksvalleyhoa.com>; Bob Adamec <bob.adamec@cooksvalleyhoa.com>

Subject: 2566 Chestea DR NE

David,

Bob Adamec (Eli had a conflict) and I finished meeting earlier this afternoon with a representative of F & D Landscaping Services regarding resolving the drainage problem that has plagued us for the last couple of months. I have attached a scanned-in copy of the drawing provided by F & D at that time. He is to email the landscape drawing later.

From what we can draw from this drawing is that the rear of the lot will feed through river rock from both points indicated on the drawing into an 8" line which will follow around the house and feed into the street. The 4" gutters at the rear of the house will feed into a 6" line running along side the west side of the house. The 4" gutters on the west side of the house will also feed into this 6" line and from there into the street. At no point will they tap into the county easement storm drain on the Price property.

My question is whether the 6" pipe is adequate to handle the volume of water collected by the 4" gutter system? Do you feel this configuration along with the accompanying 8" configuration, will perform to abate or substantially reduce this problem? Any recommendation you can suggest will be most appreciated. Our goal is to have them get the desired results from the funds they will be allocating to this project.