

ROCK HARBOR PROPERTY OWNERS ASSOCIATION
TURN OVER MEETING
AUGUST 7, 2010

INTRODUCTION

- Will Adkins welcomed the attendees and introduced himself as owner of Waterfront Group and told brief history of Waterfront Group.
- Mr. Adkins passed around the sign-in sheet and copies of the meeting agenda.
- Will Adkins discussed the outline and agenda for the meeting.
- Will introduced Ken Arledge, Rick Hunt, Jesse Smith, Brett Smithley and Hugh Franklin

IN ATTENDANCE:

- Will Adkins (Waterfront Group)
- Hugh Franklin (Waterfront Group)
- Brett Smithley (Waterfront Group)
- Ken Arledge
- Jessie Smith (Smith Hydro-Seeding)
- Rick Hunt (Marina Services & Maintenance)
- Jim & Laurie Erdman – 308,309
- Craig Utsman – 266
- John & Susan Combs – 407
- Hap Todd – 460
- Gary & Janet Wagoner – 516
- Brent & Missy Moore – 231
- Henry Burwinkel – 392
- Ali Golji & Helen Kelley – 150, 504
- Lee Hempel – 552
- Sally Stockstill – 480
- Alan Hiney – 103
- Allen Henegar – 491
- John & Susan Combs – 407
- Dave & Mary Howard – 115
- Barb & Jim Gibson – 560
- Dennis Watson – 149
- Doug & Teresa Kiser – 462
- Tory Fatjo – 95
- Jerry Johnson – 368
- Susan Cade – 466
- Barbara Homer – 454
- Chris & Vicki Rotting – 68
- Rob & Sandra Martin – 31
- Sriri & Latha Gowda – 3, 304, 302, 174
- Rita Whitt – 224
- John Wilson – 246
- Billy & Elaine Grindle – 239
- Eusebio Garcia – 34
- Ron Zmuda – 50
- Stuart & Mary Herrick – 2
- Luis & Carmen Pavon – 105
- Bruce & Cara Dalby – 245
- Jean & Robert Augente – 90

- Dave Jwina – 519
- Gaby & Robert Pozo – 330, 453
- Stephen & Mary Kramer – 557
- Rikki Ballengee – 42
- Scott Fitch – 280
- Kenny Cox – 380
- Melvyn Frieman – 383
- Joe Acquavia – 29
- John & Vicki Kasper – 421
- Lydia Stewart – 476
- Steve Meyer 260A
- Dick & Robyn Wood – 139
- Seaborn & Debbie Chavers - 551
- Larry & Joyce Lamb – 573
- Paul & Kathleen Berryman – 254,255,257,261,348,568
- Ben Parson – 23
- Bill & Sara Peterson – 98
- Joey Ledford – 322
- Gary & Susan Johnson – 489
- Mark & Susan Cade – 466
- Rick & Robin Elliott – 170
- Stan & Robin Leib – 320
- Beverly & Rob Slayton – 221
- Don & Diane Hallingse – 449
- John & Lorna Nash – 325
- Mike & Barb Hogan – 43
- Rita Whitt – 224
- Ray & Kim Bergerous – 258
- Charlene Lehr & Charles Cook - 581
- Stan & Cindy DeNeale – 422
- Mike & Donna Saner – 277

RESPONSIBILITIES OF PROPERTY OWNERS

- Observance of the protective covenants – protective covenants are put in place to protect all property owners and the overall value of the community. If you see a violation of the covenants please report it to the POA President immediately.
- Payment of Dues – owners are expected to pay their dues on time. 2010 dues were due on April 30, 2010. Late notices were mailed out on July 1, 2010. There are currently 39 liens filed and 46 others who are delinquent property owners.
- Liability of Contractors – each property owner is responsible for damages done by contractors, agents, employees, etc. Please make sure you are communicating with your contractors and making sure they are not doing damage to the subdivision.
- Will Adkins stated that he had driven through the project on August 6, 2010 and noticed that a few homes were not in compliance with CCRs.
- Architectural Control Committee is in place and files will be turned over to the Board of Directors during the turn-over of control of the POA.
- Will Adkins stated that we have been a little lax in the compliance of the CCRs due to the current state of the economy, but mentioned that it would change with the Board of Directors in place.
- Mr. Adkins discussed payment of dues and that we had raised the 2010 dues \$15 per lot to cover a percentage of the property owners delinquent in paying dues. 14% of property owners have not paid dues in 2010.

PROPERTY ISSUES

- Road maintenance/mowing – all road work is complete and the roads have been taken over and added to the Claiborne County Road list. Claiborne County Road Department is responsible for all road maintenance within the Rock Harbor sub-division. Mr. Adkins announced that the landscape and road maintenance contract was with Jesse Smith (Smith Hydroseeding). The open fields and right of ways are mowed in April, June, August and October.
- Jesse Smith spoke to the property owners about his current contract, which was given to the Board of Directors after the meeting. He said that he would be available to discuss in more detail with the Board and was willing to share his knowledge of the area and information that he had with local contractors to all the members.

(Q) Who is responsible for the maintenance of the roads within RH?

(A) Claiborne County is responsible for the maintenance of the roads and ROWs, but members would be lucky to get the county to mow the ROWs once a year. This is the reason that we have included ROW maintenance within the landscape maintenance contract with Jesse Smith.

- Jesse Smith gave his contact number out to the members. (865) 274-7841

(Q) What is the frequency of mowing at RH?

(A) The open fields and ROWs are mowed 4 times a year in the current contract (April, June, August and October)

(Q) Who is responsible for the removal of fallen trees?

(A) Jesse Smith is responsible for the removal of trees from the roadway and will cut up and place back on the lot that the tree fell. Trees that fall on individual lots and do not block the roadway are the responsibility of the property owner.

(Q) Are the trees in the marina area the responsibility Smith Hydroseeding under the maintenance contract?

(A) Trees in the marina area are not covered in the maintenance contract with Smith Hydroseeding. If the POA wishes to have Jesse Smith remove these trees it will be billed separate from the contract.

(Q) Is the maintenance of the fountain the responsibility of Smith Hydroseeding under the maintenance contract?

(A) The maintenance of the fountains is not included in the maintenance contract.

- Jesse Smith discusses with the members his meeting with a pool contractor from Maynardville concerning the status of the pumps within the fountains at the main entrance. In order to fix the pumps for the fountains at the main entrance would cost several thousand dollars.

(Q) Property Owner asked if there was common acreage within the development that would support a pool.

(A) There is acreage that will support a pool, but this would be a decision for the POA to vote on at a later date.

- Mr. Adkins addressed the mowing of the open fields and that the POA should continue to mow, because if they stopped the development would look unappealing and it would be more difficult and costly to get back to an acceptable state.

(Q) Are there plans for the installation of street lights?

(A) Street lights were not installed within the development for aesthetic reasons.

(Q) Who do we contact to update change of address?

(A) Property owners can always contact Waterfront Group and we will ensure to pass any address changes to the Board of Directors.

(Q) What is the length of contract for maintenance agreement and the POA ability to cancel this contract?

(A) The contract will self-renew for two additional years if not terminated or adjusted by the Board of Directors NLT January 1, 2011.

- Mr. Adkins recommended turning the fountain areas at the main entrance into flower beds and installing landscape lighting. Jesse Smith elaborated on what would need to be done in order to maintain the fountains in their current state. The members voiced their opinions to turn the

fountain pools into flower beds. This option seemed to be unanimous with the property owners present.

- Utilities – all utilities are completed and turned over to the respective utility company. Below are the vitals on these utility companies as requested by members at the turn-over meeting.
- **Electricity:** The power company is Powell Valley Electric in New Tazewell, TN 37825 (423) 626-5204. Powell Valley Electric Cooperative will provide power into the subdivision to service each lot in Rock Harbor. All new electrical lines have been installed underground. Any cost for running power from the lot to the home site is the responsibility of the lot owner and depends on usage, lot slope, and other factors. All power run to home site must be installed underground.

The following charges apply for basic service:

Temporary Service Deposit	\$27.00 State Inspection
Fee	
	\$ 5.00 Membership Fee
	\$27.00 Rough-In Inspection Fee
	\$27.00 Final Inspection Fee
	\$86.00 Total
Underground Lines	
	\$1.75 a foot for 200 amp
	\$2.63 a foot for 400 amp

- **Telephone:** The telephone company that services Rock Harbor is Century Telephone located on Main Street, New Tazewell, TN 37825. For residential service contact Century Telephone at (423) 626-4242. The following charges apply for basic service.

Basic Service	\$22.51 per line
*Price varies according to package chosen.	
High-speed Internet	\$24.99

- **Water:** The water will be supplied by Claiborne County Utility District located at 630 Davis Drive New Tazewell, TN 37825 (423) 626-4282.

Meter fee	\$90.00
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- **Sewage Disposal:** Purchaser understands that each lot requires a septic tank and purchase is responsible for all cost associated with the installation of a septic system. Septic permits are available at the Claiborne County Health Department located at 620 Davis Drive Tazewell, TN 37879 (423) 626-5929. The following charges apply for a Septic Permit.

Septic Permit	\$250.00
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- A member voiced their concern about security within the development and several members agreed that it was a problem that needed to be addressed.
- Mr. Adkins recommended raising POA dues to cover the cost of implementing a security plan for the development.
- Mr. Adkins stated that Waterfront Group would work with the Board of Directors to help find a solution with Claiborne County in placing a gate at the intersection of Topaz Lane and Owsley Hollow Road. This would require permission from Claiborne County and the cost of the gate will not be the responsibility of Waterfront Group.
- Mr. Cade, property owner, discussed his experience in dealing with the Claiborne County Sherriff's Department concerning his house being broken into. Mr. Cade explained that the Sherriff's Department made no efforts in trying to identify the parties involved in the theft and vandalism.
- Several property owners voiced their concern for individuals hunting within the development. Jesse Smith stated that his friend is a game warden and was given a copy of the CCR's stating that hunting is not allowed within the development and has arrested several individuals in the past that have been trespassing and hunting within Rock Harbor.

- Comment was made by a property owner that other property owners need to continue reporting nuisances and violations to the Sheriff's Department, because generally patrol schedules within police organizations are planned in accordance to trends and statistics from reported instances.
- Observation was made that a telephone line was exposed near Feldspar Road. Waterfront Group responded that she would need to contact the Telephone Company to remediate the problem, because they own the entire telephone infrastructure within the development and it is their responsibility to bury the line.
- Mr. Adkins stops discussion of property issues in order to commence with the election of the Board of Directors.

ELECTION OF BOARD OF DIRECTORS

- Will Adkins resigned as the President of the Rock Harbor POA.
- Corporate by-laws state that the Rock Harbor POA shall hold at least one property owners meeting per year with minutes taken and filed with an annual report to the State Corporation Commission.
- Hugh Franklin outlined the election procedure and explained the duties, responsibilities and term of the newly elected Board of Directors for the Rock Harbor POA.
- Mr. Franklin stated that the Rock Harbor By-Laws calls for 3 Directors and that Waterfront Group has amended the By-Laws to elect 5 Directors and once the directors are elected that they will determine the officers elected.
- Mr. Franklin stated that the Board of Directors takes over authority when Waterfront Group deeds over common property and declarant rights.
- Mr. Franklin announces nominees that volunteered to be part of the Board of Directors.
- Each nominee speaks to the members and gives background information about themselves and why they want to be elected to the Board of Directors.
- A motion from a member to suspend By-Laws rule and allow for a 9 member board.
- Motion was 2nd.
- Member objected to keep 5 board members and allow for 4 committee members.
- Mr. Franklin conducted a voice vote to suspend By-Laws rule and allow for a 9 member board. Motion Denied; the Board of Directors will stay at 5 members.
- Mr. Franklin requests for Board nominations from the floor.
- Helen Kellop (Lot 150, 504) nominated herself. Helen speaks to the members.
- Additional Proxy Votes were collected from the members.
- Mr. Franklin and Mr. Smith tallied votes for each nominee.
- Votes tallied for each nominee were as follows:
 - Paul Berryman – 57 votes
 - Helen Kelley – 28 votes
 - John Nash – 32 votes
 - Gaby Pozo – 59 votes
 - Robert Pozo – 36 votes
 - Mark Cade – 70 votes
 - Larry Lamb – 63 votes
 - Seaborn Chavers – 107 votes
 - Stephen Kramer – 65 votes
 - Charlene Lehr – 8 votes
- The following Board of Directors were elected by the members of Rock Harbor POA: Seaborn Chavers, Mark Cade, Stephen Kramer, Larry Lamb, and Gaby Pozo.
 - President – Seaborn Chavers
 - Vice President – Gaby Pozo
 - Treasurer – Larry Lamb
 - Secretary – Steve Kramer
 - Member at Large – Mark Cade

- Mr. Adkins congratulates the newly elected Board of Directors of the RH POA.

DUTIES AND RESPONSIBILITIES OF THE BOARD

- Act in the best interest of all the property owners.
- Act in the best interest of the development.
- Act in a timely fashion.
- Have regular meetings (quarterly or as needed).
- Communicate with other Board Members and property owners.
- Help resolve property owner disputes/problems.
- Monitor and maintain compliance to the protective covenants.
- Notify property owners of non-compliance to covenants, dues, damage by contractors (roads, etc.).
- Monitor, maintain and collect POA dues for the association.
- Oversee maintenance of the entire project (i.e. roads, common areas, mowing etc.).

The duties of the officers are as follows:

- **President:** The president shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out. The President shall have the general powers and duties of management usually vested in the office of the President of a Tennessee Nonprofit Corporation. The President will be the initial point of contact for property owners and he/she shall oversee the overall maintenance of the community.
- **Vice-President:** The vice-president shall act in the place of the President in the event of his or her absence, inability, or refusal to act, and shall exercise and discharge such other duties as may be required by the Board. The vice-president will also handle the approval of house plans to ensure that the Architectural Control Guidelines are being followed.
- **Secretary:** The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the Members. The Secretary shall also mail or e-mail notices of all meetings to property owners, send out notices to collect POA dues and maintain the Property Owners Directory.
- **Treasurer:** The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by the Board of Directors, keep proper books of the account and prepare and shall distribute budgets and statements as requested.

BANK ACCOUNT

- Mr. Adkins stated that the Rock Harbor Property Owners Association is incorporated in the state of Tennessee as a non-profit C-corporation and has been issued a federal tax ID number; the current balance in the account is **\$62,369.36**.

PROPERTY ISSUES CONTINUED

- Mr. Adkins discusses the steepness of the walkways leading down to the marina. He explained to the members that there are ways that they can improve the accessibility of the marina by putting a different surface on the walkway, handrails, steps, etc.

(Q) Property owner questioned the construction method used (anchor system) compared to using a pile system that is used on docks in Alaska.

(A) Rick Hunt (Marina Services & Maintenance) addressed that due to the drastic fluctuation of the lake level on Norris Lake (1025' to 985') between summer and winter pools that the anchor system is the recommended construction method on Norris Lake.

(Q) Will there be lights on the end of the dock?

(A) Once the electric and water improvements are complete there will be dusk till dawn lights on the end of each dock section as well as on the wave attenuator used for boat safety and security.

(Q) How long is the marina permit good for, is there an expiration date?

(A) Once we started construction of the marina the permit stays valid indefinitely, because we were approved for a certain plan in the identified harbor area annotated in the marina permit. Rick Hunt verified this information with David Harrell of TVA.

(Q) When will Waterfront Group finish the additional 72 slips permitted by TVA and USACE?

(A) Since the current slips aren't occupied at 100%, then the TVA does not want additional empty slips constructed at this time. Mr. Adkins stated that he would work with the Board of Directors on the completion of the marina.

(Q) Do House Boats put stress on the marina?

(A) If the house boats are not moored in the correct areas then they will put stress on the marina. Rick Hunt said that he would work with the Board of Directors in order to accommodate these house boats in the best way to protect the marina.

(Q) What does the marina contract consist of?

(A) Daily tightening / loosening of the anchor/winch system as determined by the fluctuation of the lake levels. Marina Service & Maintenance will change the bulkhead access from summer and winter pool access as needed.

(Q) Why does POA pay for maintenance of the marina if the CCRs say that POA shall maintain after the POA is turned over to the POA?

(A) Mr. Franklin addressed the property owner's statement. There is another section within the CCRs that states that the POA will maintain common areas prior to turn-over. The two statements conflict each other.

(Q) Can the POA change the slip width of the marina?

(A) Rick Hunt stated that the permit for the marina identifies harbor space and adjustments can be made if approved by TVA and USACE.

(Q) Will there be a security gate installed at the marina?

(A) There were no plans for installing a gate at the marina. The POA can add a gate if they so wish in the future.

- Mr. Adkins makes closing statement, gave out his contact information and called the Rock Harbor POA turn-over meeting to a close.

ROCK HARBOR POA INFORMATION SHEET

President

Seaborn Chavers
463 Marble Point Way
New Tazewell, TN 37825
Email: seaborn@flightline.com

Vice President

Gaby Pozo
16935 SW 84 Court
Miami, FL 33157
Email: gpozo@usruns.com

Treasurer

Larry Lamb
1150 Carroll Road
Morristown, TN 37813
Email: llamb@lcs.net

Secretary

Steve Kramer
2058 Danville Drive
Cincinnati, OH 45233
Email: skramer@kramerroofing.com

Member at Large

Mark Cade
887 Smoky Quartz Blvd.
New Tazewell, TN 37825
Email: markscadepe@yahoo.com

ROCK HARBOR POA ADDRESS

463 Marble Point Way
New Tazewell, TN 37825

Note: please send all future correspondence to the POA address; this includes checks for payment of dues, letters, requests, house plans, etc.

ROCK HARBOR COMMITTEES

Architectural Control

Mark Cade – 466 – markscadepe@yahoo.com
Steve Kramer – 557 – skramer@kramerroofing.com
Larry Lamb – 573- llamb@lcs.net

Marina

Larry Lamb – 573 – llamb@lcs.net
Sea Chavers – 551 – seaborn@flightline.com
Dick Wood – 139 – robynw0709@aol.com

Common Areas

Debbie Chavers – 551 – deechavers@flightline.com
Joyce Lamb – 573 – jpl_rph@hotmail.com
Susan Cade – 466 – cadekidsmom@yahoo.com
Patti Crandall – 23 – pcrandall501@yahoo.com

Communications

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Robert Pozo – 330 – rpozo@usruns.com

Social

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