

**MINUTES  
ROCK HARBOR PROPERTY OWNERS ASSOCIATION  
ANNUAL MEETING  
Claiborne High School  
November 11, 2023**

The Rock Harbor Property Owners Association met at 1:00 pm on Saturday, November 11, 2023 at Claiborne High School, New Tazewell, Tennessee.

**Directors Attending:** Matt Bishop (President), Welsey Minton (Vice President/Treasurer), Daniel Martin (Secretary), Laura Scott (Director at Large), Steve Kramer (Temporary Director at Large)

**Owners Attending by Lot Number or Street Address:**

LOT NUMBER							
382	261	9	116	544	392	302	427
574	488	291	149	490	131	102	108
222	469	128	182	310	294	570	109
312	136	57	449	516	492	239	162
572	129	202	517	448	497	231	561
94	416	508	518	63	272	260B	38
256	258	180	564	58	320	246	39
298	172	155	348	168	238	295	300
287	237	210	568	50	422	248	467
187	569	379	286	120	8	529	20
51	578	156	288	465	555	292	251
514	27	134	97	262	75	1	204
72	458	254	327	432	489	81	257
126	139	255	224	547	32	82	429
148							
STREET ADDRESS							
251 Flagstone Loop	1122 Smokey Quartz Bvd	424 Mystic Star	133 Mica Court	230 Jade Lane	155 Flagstone Loop	741 Marble Point Way	602 Smokey Quartz Blvd
276 Feldspar Road	719 Marble Point Way	195 Marble Point Way	367 Smokey Quartz Blvd	106 Alum Drive	120 Tranzanite Trail	305 Platinum Drive	180 Silver Trail
679 Mystic Star Drive	283 Feldspar Road	329 Marble Point Way	124 Albaster Circle	300 Smokey Quartz Blvd	887 Smokey Quartz Way	463 Marble Point Way	

**Guests Attending:** Linda Gouge from Cedar Management Group; Kevin Stevens from Kennerly, Montgomery & Finley, P.C.; Jessee Smith from Smith Hydroseeding; Bo Goodin, Powell Valley Electric; Travis Darnell, Scott County Telephone Company; and Frances Hensley, Meeting Minutes.

## **I. Call to Order and Welcome**

President Matt Bishop called the meeting to order. Bishop welcomed the property/homeowners and guests. Bishop reported that a QUORUM was established with approximately 150 represented either in person or by proxy.

Bishop gave a tribute and thank you to all Veterans honoring all who served.

## **II. Introductions of Board of Directors, Property Managers and Special Guests**

Bishop introduced the current board members and special guests to the group.

### **Board of Directors**

Matt Bishop, President

Wesley Minton, Vice President and Treasurer

Daniel Martin, Secretary

Laura Scott, Director at Large

Steve Kramer, Temporary Director at Large

### **Special Guests**

Linda Gouge, Cedar Management Group

Kevin Stevens, Kennerly, Montgomery & Finley, P.C.

Jessee Smith, Smith Hydroseeding

Bo Goodin Powell Valley Electric

Travis Darnell, Scott

Frances Hensley, Minutes

## **III. Special Guest Speaker, Bo Goodin, Assistant General Manager for Powell Valley Electric and Travis Darnell, Scott County Telephone Company**

At this time, Bo Goodin and Travis Darnell addressed the group concerning PVEC Fiber Net for the subdivision and timeline for installation. Goodin indicated that the timeline is uncertain at this time. Goodin indicated that there are 800,000 feet of cable to run with few residents signed up for the service at this time. Goodin did not give a specific timeline for installation but indicated that PVEC is currently running cable in the Woodlake area and there are other subdivisions with more residents signed up earmarked for installation. Goodin indicated that if more residents signed up this would help move the timeline up. Darnell presented the homeowners with a sample of the box and cable that will be ran to each home that takes the service.

## **IV. 2022-2023 Summary** **General Updates**

1. November 2022: Board expanded from 3 Directors to 5 Directors

2. Key 2022-2023 Objectives:

- Focus on communication
  - i. Quarterly Newsletter updates
  - ii. Board Meetings open to all Members

- iii. Update website
- Respond to Short Term Rental lawsuit
- Address Marina issues and boat lifts

### **Short Term Rental Litigation Update**

Kevin Stevens from Kennerly, Montgomery, Finley, PC gave an update of the Litigation. Stevens discussed the court ruling on Panharpande v. FSD Corp. He further indicated that the stay had been lifted now that the law has been more clearly defined. The determination the court made was that short term rentals are considered residential use. This is now the new ruling for the State of Tennessee. This ruling will have significant impact on the outcome of the litigation. The new court date is set for September 2024.

1. August 1, 2022: Compliant (lawsuit) filed against Rock Harbor POA
2. November 2, 2022: Rock Harbor POA issues Answer to Complaint
3. January 24, 2023: Rock Harbor POA filed Motion to Stay Proceedings
  - Due to pending Supreme Court review of Panharipande v. FSD Corp.
4. February 2023: Rock Harbor POA provided Answers to Plaintiff's Interrogatories/Discovery
5. October 17, 2023: Supreme Court ruling on Panharipande v. FSD Corp.
6. Legal fees expended to date:
  - Quist, Fitzpatrick & Jarrard (original attorneys)
    - i. July 2022 – April 2023
      - \$24,272.63
  - Kennerly, Montgomery & Finley (current attorney, Kevin Stevens)
    - ii. June 2023 – Present
      - \$4,063.50
- Total \$28,336.13

### **Common Areas**

1. Speed Bumps removed at entrance
2. Miscellaneous Repairs
  - Fence at park
  - Roadway ditch erosion
  - Replaced irrigation check valve
  - Clearing trees, etc.
3. Additional Maintenance
  - Additional road right-of-way mowing in August

### **Marina**

1. 2023 Marina Usage
  - Total Slips Available: 107
  - Total Slips Occupied: 93 87%
  - Individual Lot Owners: 79 74%
- The Marina was at 87% capacity this year.

- A total of 12 Lot Owners occupied multiple slips this year. If we reach capacity in upcoming years, those Lot Owners will be required to occupy only one (1) slip.
- February 2023 – Completed structural assessment by engineer
  1. Boat lifts should be installed across from each other and not adjacent to one another (complete)
  2. Several boat lifts improperly anchored to the dock (complete)
  3. Reinforce/reposition several existing dock winches (complete)
  4. Additional cross bracing needed for center span of roof trusses (in progress)
- March 2023 – Revised Marina Agreement to better protect POA, address existing boat lifts
- March 2023 – Replaced three (3) anchors that had broken off
- April 2023 – Restriped parking lot
- April & June 2023 – Miscellaneous welding repairs by Sammy Robinette
- July 2023 – Electrical inspection/voltage leakage inspection by electrician
  - Overall in good shape
  - Miscellaneous electrical repairs completed by Jessee Smith
  - Extension cords for temporary use only, wire specifications to meet NEC code
- Marina Expenses since last Annual Meeting

Jessee Smith	\$25,000.00	Estimated
Cedar Additional Fees	2,500.00	Estimated
06/28/2022	4,300.00	Superb Boat Docks
02/28/2023	4,500.00	Corum structural assessment
03/21/2023	2,460.00	Sammy anchor drops
04/04/2023	2,500.00	Restriping parking lots/repairs
04/27/2023	743.46	Sammy welding repairs
06/01/2023	250.00	Sammy welding repairs
07/01/2023	1,000.00	Electrical inspection
07/24/2023	575.00	Jessee install rub rails, review cameras
08/08/2023	321.52	Jessee marina repairs
11/10/2023	500.00	Signage updates
TBD	12,000.00	Sammy roof repairs
<b>Total</b>	<b>56,649.98</b>	

- 2023 Marina Income: \$35,000
- 2023 Deficit: (\$20,000)

**Benchmarking Comparison – Rock Harbor versus Others  
(prices as of March 2023)**

<b>Marina</b>	<b>Deed Cost</b>	<b>Boat Lift Fee</b>	<b>Annual Fee</b>
Rock Harbor	N/A	N/A	\$325
Norris Shores	N/A	\$500	\$800-\$1,000
Sunset Bay	\$2,000+	N/A	\$960
Norris Landing	N/A	N/A	\$2,580-\$3,600
Straight Creek	N/A	N/A	\$1,920 and up
Beach Island	N/A	N/A	\$1,920 and up

- The Board will need to evaluate 2024 Pricing in lieu of this benchmarking exercise and the -\$20,000 deficit from this year.

**ACC Update**

1. Several homes completed this year
2. Four (4) currently under construction
3. One (1) approved, pending construction start
4. Sixty (60) homes built in Rock Harbor

**Contract Services Administration**

1. Cedar Management Group
  - Under contract through August 30, 2024
  - Base fee is \$29,025 per year
  - 2023 YTD charges: \$24,826.35
  - 2023 Forecast total: \$33,101.80
2. Jessee Smith, Smith Hydroseeding
  - Under contract through December 31, 2024
  - Services include mowing, marina maintenance, snow removal, lawn care, shrub trimming, irrigation maintenance, and many more
  - Base fee is \$90,000 per year
  - As always, Jessee is doing a great job

**V. Finance Update/Review**

At this time, Wesley Minton, Vice President & Treasurer reviewed the financial highlights as of September 30, 2023:

- Total Bank Accounts \$230,508.46 (\*It was reported that the checking account is with Alliance Bank and a CD of \$50,000 with Commercial Bank)
- Accounts Receivable \$47,708.58
- Total Fixed Assets \$2,105,943.47
- Total Assets \$2,384,885.51
- Net Income \$45,572.06
- Total Equity \$2,384,885.51

**2023 Budget**

- Total Revenue \$192,145.00

- Total Expenses \$192,145.00

## **VI. 2023-2024 Goals**

- Continue to address Short Term Rental lawsuit
- Concrete repair at entrance
- Marina Agreement and Long-Term Plan
  - 2024 Marina Agreement
    - Reasonable and fair boat slip fees
    - Address boat lifts
  - Long-term Marina planning
    - Setup fund for major repairs?
    - Build-out additional covered slips? Permitted for another 80 slips
    - Deeded slips vs. annual leases?
- Replace/upgrade Marina walkway
  - Wooden walkway at the end of its service life (+15 years)
  - Several sections way too steep
    - Multiple injuries this year
  - Goals:
    - Redesign with the hope to make ADA compliant
    - Consider other upgrades – additional parking? New bulkhead location?
  - Path Forward:
    - Complete survey of ramp area (December 2023)
    - Complete design, TVA permit, solicit contractor bids (Spring/Summer 2024)
    - Construct new walkway (Winter 2024)
    - It was reported that the updated Marina Signage at the entrance to walkway and on the marina dock was dedicated to the “Memory of Mike Sanger”. A plaque was presented to his widow in his honor.

## **VII. Questions, Concerns, Topics of Interest**

### **Topics for member discussion:**

**Each Member present was given the opportunity to express concerns for up to two (2) minutes. A Member of the Board may give a brief response. Speakers must observe proper behavior and rules of decorum.**

1. A property owner inquired about using a collection agency to collect unpaid HOA fees. The Board members indicated that the property management company does send out late notices. Going forward, a lein will be placed on fees due in excessive of \$1,000.00.
2. A property owner inquired about the proposed change to Article XII related to the Marina. The declaration currently states the slips will be used on a first come first servie basis. If the proposed amendment is passed how will that affect the current occupants. President Bishop reported that this would be discussed laster in the meeting. However, it does appear it will go unchanged at this time.

3. A property owner inquired about the meeting date. President Bishop responded that the meeting date going forward will try to be scheduled for the first Saturday of each August.
4. A property owner inquired about the meeting notice not being sent in a timely manner, thus causing a delay in the meeting. Bishop indicated that the mailing is the responsibility of the property management group. Matt further indicated that Cedar will be assigning the POA a new manager shortly.
5. A property owner inquired about a wildlife management program for the properties. It was noted that there are numerous different wildlife on the properties. Bishop responded this has not been considered at this time but will be evaluated.
6. A property owner inquired about the fence repair and noted that he approved of removing the fence. There was general discussion about why the gate remains open at the park. Jessee Smith indicated that the gate kept getting hit by lightning with repair being costly. Bishop indicated that all of this can be considered.
7. A property manager asked if the current short term rental properties could be grandfathered in to end the lawsuit. Stevens responded that he recommended looking at all options for going forward; however, any changes will require and admendment to the by laws. It was asked how does the Supreme Court define a short term rental. Stevens responded on a night to night bases through an Airbnb.
8. A property owner inquired about the need for an additional parking lot at the marina. Bishop indicated that there are issues with parking during holidays. The property owner gave concern in regards to the need for additional parking lot. Bishop made note of the concern and will take it under advisement.
9. A property owner had a question related to the proposed amendment Article XIX – Recovery of legal fees. Bishop responded that this can be discussed at a later time; however, it does not appear that this will be changed during this meeting. The property owner gave an example of if the color of the house does not meet standards and the homeowner is sued will they be responsible for the legal fees. Bishop gave an example of if the Board loses the lawsuit then the property owner will not be held accountable for the fees but if the home is the wrong size and the Board wins the lawsuit then the property owner will be held liable.

At this time, President Bishop indicated that the questions would cease and we would move into the Membership Votes.

## **VIII. Membership Votes**

1. Modification to the Restrictive Covenants
  - a. Article XIX – Recovery of legal fees
    - i. A new Article XIX is inserted in the Declaration as follows:
      1. If the Association initiates a lawsuit or asserts a claim in any lawsuit against any Owner for enforcement of this Declaration, or for the collection of any assessments, fees, or fines imposed by the Association, the

Association shall be entitled to receive from such Owner all fees, costs and expenses (including, without limitation, reasonable attorneys' fees) incurred by the Association in connection therewith, in preparation therefor and on appeal therefrom, which amounts shall be included in any judgment rendered therein.

- b. Article XII – Removal of max 7 consecutive days in a slip
  - i. Article XII of the Declaration is amended by striking references to the Declarant and a cause in the second sentence of the Article as follows:
    1. Rock Harbor Marina is for the sole use of Rock Harbor property owners. This Marina area is intended to remain private and not for public use, this area is to be used by Lot Owners, their family and friends, however, Marina slips may only be occupied by Rock Harbor property owners. The slip will be used on a first come, first, serve basis. Each Lot Owner will be allowed to occupy one (1) slip if a waiting list occurs. The Association reserves the right to implement such scheduling deemed necessary to ensure proper use of the facility.
- c. Article IV – Updated management company contact information
  - i. Article IV of the Declaration is amended by amending the notice address for communications and submittals to the Architectural Control Committee as follows:
    1. Rock Harbor ACC, c/o Cedar Management Group, P.O. Box 26844, Charlotte, NC 28221.

At this time, President Bishop reported that there are 150 members present by mail or in person. Bishop further indicated that there are 503 lot owners and in order to vote on the modifications to the covenant 252 present would be required; therefore, a vote was not possible at this time.

2. President Bishop reported that there is one (1) Board Member (Director) to be elected.

The floor was opened up for candidate nominations. Nominations were made:

- Robyn Fleming
- Steve Kramer
- Jeff Wickersham

A vote was taken and Steve Kramer was voted by majority vote (78 votes) as the Director at Large.

#### **IX. Closing and Adjournment**

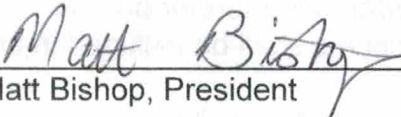
With there being no additional business brought forth, Bishop thanked all for attending and the meeting was adjourned.

#### **X. Minutes Review and Approval**


Minutes reviewed and SIGNED by the Directors below.




**Signatures:**

  
Matt Bishop, President

  
Wesley Minton, Vice President/Treasurer

  
Daniel Martin, Secretary *by Matt Bishop*  
*w/ permission*

  
Laura Scott, Director

  
Steve Kramer, Director