

## **PBPOA August 13 2022 Board Meeting Minutes**

Location—191 Ridgefield Circle, Winchester TN 37398 (Home of Treasurer, Mr. Lee Rohrer)

Time—1000

### **CALL TO ORDER/OPENING REMARKS-PRESIDENT**

At 1007, the PBPOA President, Mr. Wayne Acklen called the meeting to order. Board members in attendance included the President, Wayne Acklen, Vice-President, Michael Axon, Treasurer-Lee Rohrer, Secretary-Michael Turok, At-Large Member #1-Steve Sobey, At-Large Member-#2 Darla Gray, and At-Large Member #3-Terry Tackett. 17 Association members were in attendance representing 14 properties. Minutes for the May 2022 PBPOA meeting were not approved due to their non-availability. They will be reviewed for approval at the next Board meeting.

### **TREASURER'S REPORT**

Mr. Rohrer stated that the Association had collected \$11,450 in revenues from dues, stickers, and passes. He reported the Association had \$48,679.41 on hand in certificates of deposit, savings, checking, and holding, and that he was in the process of switching financial institutions to the Ascend Federal Credit Union. He indicated it was a more user-friendly institution which also paid a higher rate of return. He also stated that he would be recommending moving some of the CDs to Edward Jones to obtain a higher rate of return. Expenses year to date were listed as \$968.52. He advised anyone with picnic receipts to provide to him for re-imbursement. Motion was made, seconded, and voted unanimously to accept the Treasurer's report.

### **OLD BUSINESS**

- **Update on Speeding Mitigation**—The Secretary provided an overview of the various physical methods that may be used to slow traffic including speed bumps, speed humps, and speed tables, but acknowledged that there were valid concerns regarding installation of such devices. He also indicated that there were alternate methods of speed control, and described a Pine Bluff's resident's personal installation of a dummy speed camera on the Pine Bluff info sign on Phillips Drive, which seemed to slow traffic. After Board discussion, with Association member input, the Secretary volunteered to develop a neighborhood survey for presentation to the Board and then following approval, transmit to the Association members. Subsequent to survey results, a sub-committee may be formed, involving resident stakeholders from W. Paradise, Phillips Dr., East Road, and Ridgefield Circle, to develop a speed mitigation plan for presentation to and approval from, the appropriate Franklin County government officials.
- **Update on Parking lot/Ramp**—The Treasurer advised that regarding the ramp, he had spoken with a Pine Bluff homeowner who is a contractor, who would oversee a volunteer project at no-cost, in the January 2023 timeframe. Neighborhood volunteers would be required for a weekend project to build forms for a concrete pour to repair the ramp. Costs would be for materials only and could be accomplished for about \$3500. A more accurate cost estimate will be conducted in December during the annual Fall clean-up day. Discussion on the parking lot is deferred until after the fall when it can be more accurately assessed with fewer boats/trailers in the lot. Comments at the end of the old business discussion included the high price of asphalt at this time. The work should be coordinated. Discussion also included potential of just filling the cracks. The last job cost \$10,000.00. Mr. Rohrer, also provided a sample of Parking Lot etiquette. The Board made a motion,

which was seconded, to print and post the sign, and it was unanimously passed. Of note, all vehicles and trailers in the parking lot must have a sticker or a permit.

- **Tree maintenance plan**—Problem areas for trees include the area around the Parking lot, along the ramp, and the dock trail. The recommendation is for problem trees to be marked now and then taken down in the Fall. Some trees may require professional removal. \$4100 has been budgeted for now. Scope needs to be determined soon in order get an accurate estimate. Mrs. Gray volunteered to work with Mr. O’Neal to assess. They provided a recommendation of a tree service specialist whom they will coordinate with. Mr. Acklen suggested they contact Christopher Rental of Tullahoma to see if a tree-cutting bucket might be available for use in the project.
- **Outlot B Quit Claim Status**—Mr. Rohrer reports that all signed quit claim deeds are in a safety deposit box which he is unable to access without Mr. Brewster, former Association President who is a co-signatory on the box. The current safety deposit box costs \$65/year, so Mr. Rohrer proposed purchasing our own, under the control of the Treasurer, to allow immediate access to required documents. There was no objection to his proposal from the Board as this purchase is within his authority. Upon retrieval of the documents from the safety deposit box, they will be reviewed in order to determine which lot owners have not yet signed. Following determination of who has not signed, the President requested the Secretary send a notice out to invite those who have not yet signed to do so. The Secretary acknowledged the tasking and is awaiting word from the Treasurer prior to sending notification. The benefits of signing the deed outweighs keeping it when considering this issue.
- **Tax ID number for PBPOA/I-bond update**—Mr. Rohrer reported that he was able to obtain a Federal Tax ID number. In addition to filing the required annual tax return (postcard only-no financial impact due NFP status), he will now be able to purchase the US Treasury I-bond which pays almost 10% interest for a 1-year period. Motion made to purchase an I-bond which was seconded and was unanimously approved for \$10,000.00. Mr. Rohrer also requested to put in \$10,000.00 to Edward Jones as a six-month CD. There was discussion as to rationale for selection of various funds. Mr. Rohrer stated that multiple venues mean it’s more accessible. After discussion, Board moved to put \$20,000.00 in Edward Jones.
- **Liability Insurance update**—The Association currently has \$4M/\$2M liability limits-including Board member protection, through Travelers Insurance Company. There were no concerns expressed by the Board.
- **Ramp Light**—The controlling circuit will be investigated to see if it’s tripped. If so, it will be reset. If this is not the source of the problem, the original installer will be contacted for repair, if it can be determined. Mr. Rohrer will examine his records to determine installer. (Secretary note --20 AUG 22-The Ramp Light malfunction was inspected by Association member Mr. Revelle, (BSEE, MSEE, MBA, PE), and was determined to be caused by insect infestation in the circuit box and GFCI outlet at the ramp light pole. The malfunctioning GFCI outlet was replaced at minimal cost, and insect remediation was conducted. The ramp light is now operable.)

## NEW BUSINESS

- **PBPOA Survey Results-Legal Counsel update from President**—Mr. Acklen provided a top-level view of the summary findings of the survey and offered to send the detailed findings for Board purview only to assure the respondents of the confidentiality which was promised. During the STR discussion he also advised that he would send the general results to Association members.

The biggest theme was the loss of the quiet, residential character of the neighborhood, the use and abuse of Outlot A accelerating wear and tear, an increase of the number of cars and trailers parking in the neighborhood—some as many as 11 vehicles plus boat trailers, the concern about commercial activity which is proscribed by the Charter, and the number of people in the houses. Positive notes including: NONE, the ability to rent one's house, increased property values (which also are a down-side for some residents due to increased property taxes), and STRs maintain upkeep due to competition and ratings. General thoughts and concerns included increased noise, resolving the community dock, infringement upon property owners, and use of Outlot A by unauthorized people obtaining key, speeding, swimming/diving liability, and need for rule enforcement. One key take-away from the survey is that there the majority of respondents were not in favor of limiting the number of STRs in the neighborhood, however, access to the Outlet A by STR visitors is problematic. There are two separate issues, and they should be reviewed by counsel. There are questions regarding charter, by-laws, and rules and regulations which must be addressed.

- **STR access issue**—Discussion centered around whether we can deny access to Outlot A to short-term, or long-term renters? If short-term, can it be disallowed for them. We have as a Board, the ability to manage Outlot A. Discussions also included whether the Board had the authority to manage anything other than Outlot A, and Outlot B. Following invitation by the President for input from Association members, security concerns were expressed as the STR visitors are unknown entities and there has been disruptive and unpleasant behaviors exhibited. The president requested authority to spend up to \$2500 to consult an attorney. Motion was made and seconded and the motion was passed unanimously. The Vice-president offered to be on the call with the attorney should one be found. Concerns were expressed by Association members during the survey process of possible collusion between Board and non-Board members. Mr. O'Neal requested a Board meeting to address the issue within 6 weeks. Mr. Acklen indicated he would expedite to the best of his ability. Mrs. O'Neal recounted an incident where STR visitors used her dock because they "don't have a dock to use." She requested STR property owners advise their customers not to use any dock that has not been authorized. The Secretary advised current bylaws violate the Amended and Restated Charter, the STR visitors do not sign waivers of liability, the Association may be subject to Americans with Disabilities act provisions with associated expenses, and the Board may be sued by Association members for violating the charter provisions. Mr. Acklen stated that Mr. Saul was right, that the Board can rescind STR access, but we open ourselves up to lawsuit by an STR owner. Mrs. Robinson stated that these matters have been repeatedly resolved during her tenure as a Board member. Mr. Revelle advised that should the Board NOT rescind access, then they open themselves up to lawsuit for failing to enforce the charter. There was also extensive discussion regarding problems associated with certain STR properties. One of the owners of these properties stated she would appreciate a phone call if emails to her regarding problems are not responded to. Mr. Acklen had notified this owner of issues involving some of her renters and their use of Outlot A via email without response from the owner. Because of these issues, the President stated that he had approached the previous President, Mr. Saul, who has "a significant investment in this neighborhood with his STRs in the sense that, I'm trying to do the right thing and I don't want to lose my property rights because of others." Mr. Acklen proposed an informal board to manage STR owners. While discussion occurred on this matter, no motion was made, seconded, or

passed on the aforementioned STR informal group, and was only presented as a possible course of action. Mrs. O'Neal during the course of the discussion stated due to problems associated with STRs she was afraid to walk the circle at night. Discussion without resolution continued. While it was recommended by association members in attendance and a board member for the Board to vote to eliminate access rights for short term rental to Outlot A, Mr. Acklen stated that we should could to follow the process for resolving short term issues that was presented at the Annual Meeting.

- **Electronic Lock for Outlot A**—Discussion occurred on upside and downside of installation of a Bluetooth enabled lock. Key control was a concern in that there are probable unauthorized duplicated keys being used to gain illicit access. Motion was made, seconded, and passed to procure the electronic lot for near-term testing with proposed use in the next year.
- **Fall Work Day**—03 DEC 22, with a rain-date of 10 DEC 22 was proposed and approved.
- **Professional HOA Management discussion**—This matter was held in abeyance until discussion with legal counsel has occurred.
- **PBPOA records update**—The Secretary advised that records from 1989 and 1991 were missing and he is in the process of reviewing. The former President Mr. Saul advised that he had a box of records which he would turn over to Mr. Acklen. The Secretary stated he would query Mr. Saul's predecessor, Mr. Brewster, to ask if he may have any official records. The Secretary also stated he intended to digitize all meeting minutes for posterity.
- **Website Domain Transition/PBPOA official email addresses**—The Secretary thanked Mr. Saul for his informal maintaining of the PBPOA website, but stated it was in the Association's interest to have an official website with official emails. The Association is a legal entity currently receiving charitable contribution from a resident for a website. Mr. Revelle added that such an official website would limit intrusion into Board member's personal email records should any lawsuit be filed. It would also facilitate turnover for rotating Board duties. Mr. Saul stated he would no longer host the informal PBPOA domain. The Secretary was tasked with establishing and maintaining the website (note-all minutes and records have been copied from Mr. Saul's website). Costs are minimal. Motion was made, seconded, and passed to establish an official website which will be maintained by the Secretary.
- **Final Thoughts**—A revised Dock Waiting List was presented to the President by the Secretary. 22 trailers are not properly registered but still in the parking lot. The Secretary will take pictures of those trailers without ownership traceability, and publish to the Association requesting they register or remove them prior to any enforcement action being undertaken by the board per the existing signage. Additional social discussion was conducted prior to meeting close.

## **CLOSE MEETING**

Mr. Acklen stated that as a Board, going forward there are going to be things that the Board will discuss, and that they should remain confidential until ready for public disclosure to the Association. The President also thanked the attendees for participating in what he believes was the largest Board meeting he's ever observed and he appreciated the polite decorum of the meeting. Motion was made, seconded, and unanimously agreed to close the meeting. The meeting was closed at 1242.

Respectfully Submitted:

Michael J. Turok (PBPOA Secretary)