



RBHOO
GENERAL MEETING

October 12, 2022

Agenda – Call to Order

- Meeting will begin promptly at 7pm



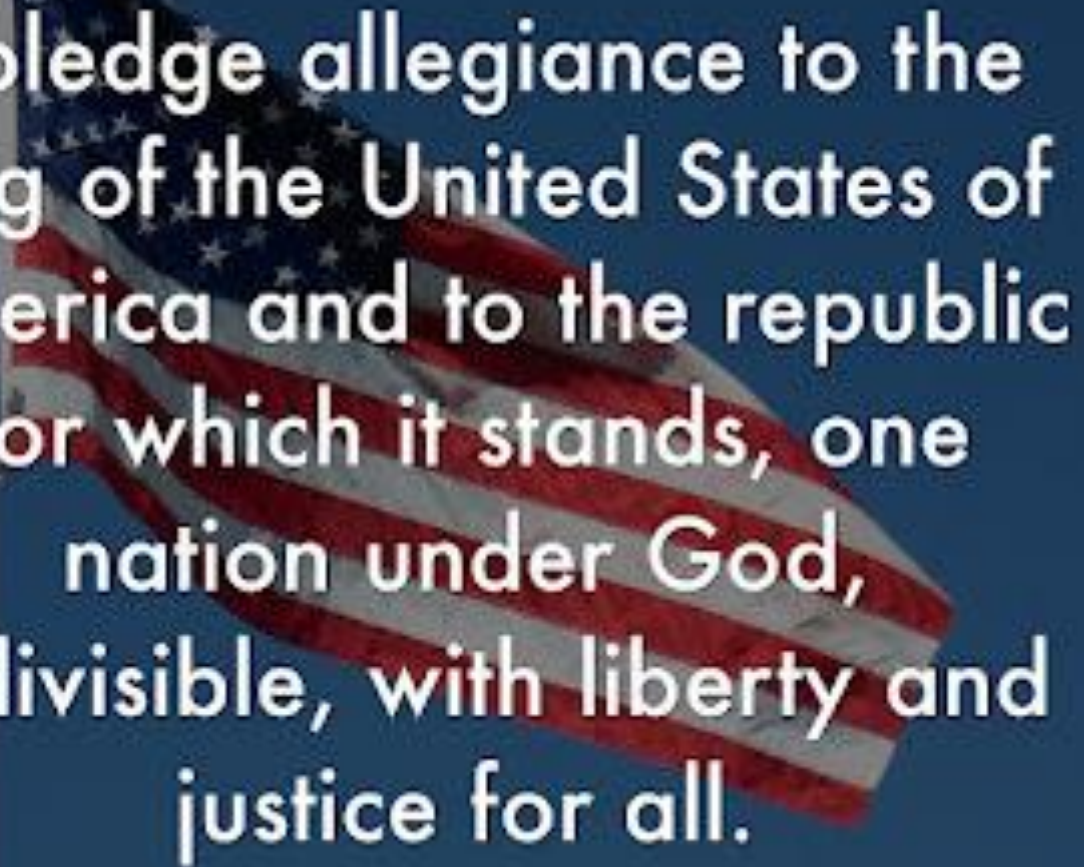
All Zoom Participants are muted!

Enter questions into the chat

or

Text questions to 859-743-0451

Pledge of Allegiance

An American flag waving against a dark blue background.

I pledge allegiance to the
flag of the United States of
America and to the republic
for which it stands, one
nation under God,
indivisible, with liberty and
justice for all.



Agenda

- **Old Business**
- **Community/Education Presentations**
- **New Business**
- **Upcoming Events**

Agenda

- **Old Business**
 - Shout Out to Regina Elgin
 - Coordinates the Document Shredding - October 11



Agenda

- **Old Business**

- Secretary Report

- September 2022 minutes are on the RBHOO website

- Treasurer Report

- Beginning Balance 5/1 \$4297
 - 2022 Dues \$0
 - Other Income: \$0
 - Expenses \$(54)
 - **Current Balance – 7/31** **\$4243**
 - Liabilities \$697

- Membership Report

- **2022 Membership** **270**
 - New Members 68

Community/Outreach Presentation

- **Smoky Mountain Service Dogs**

- Mike Kitchens – Volunteer Chair
- Laurie Birt – Board Member and Community Events Leader
- Steve Bartolone – Board Member
- Hooligan - Ambassador
- <https://www.smokymountainservicedogs.org>

*Facilitating a Better Life For Veterans Through Canine
Companionship and Service*



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New Business

- **New RBHOO Members**
- **Rarity Bay Club Spotlight – Pickleball**
- **RBHOO 2023 Election Update**
- **RBHOO Activity – Cartridge for Kids**
- **RBHOO Goals**
- **RBHOO Social Event Update**

New RBHOO Members

- Standup and introduce yourself
- Where did you come from?
- Where in Rarity Bay do you live?
- Club, hobbies, etc.



Rarity Bay Club Spotlight

- **Pickleball**

- Harry McDavid - President
- Mary Clor – Training Director
- Penny Tyler - Secretary



RBHOO Election Update

- **No Election**
 - 3 Openings (Rick's, Judy's, open slot (Curtis'))
 - 3 Nominations
 - Rick Hoban
 - Cathy Garrett
 - Martin Calloway
- **Elect Officers at the December Executive Board Meeting**

RBHOO Activity

- **Cartridge for Kids**
 - Contact – Rick Hoban
 - Drop box in CAC Library
 - Right side – blue plastic box (labelled)
 - Printer cartridges (laser/ink)
 - Given to Vonore Middle School
 - Take to office supply store to be recycled
 - Use funds for educational items



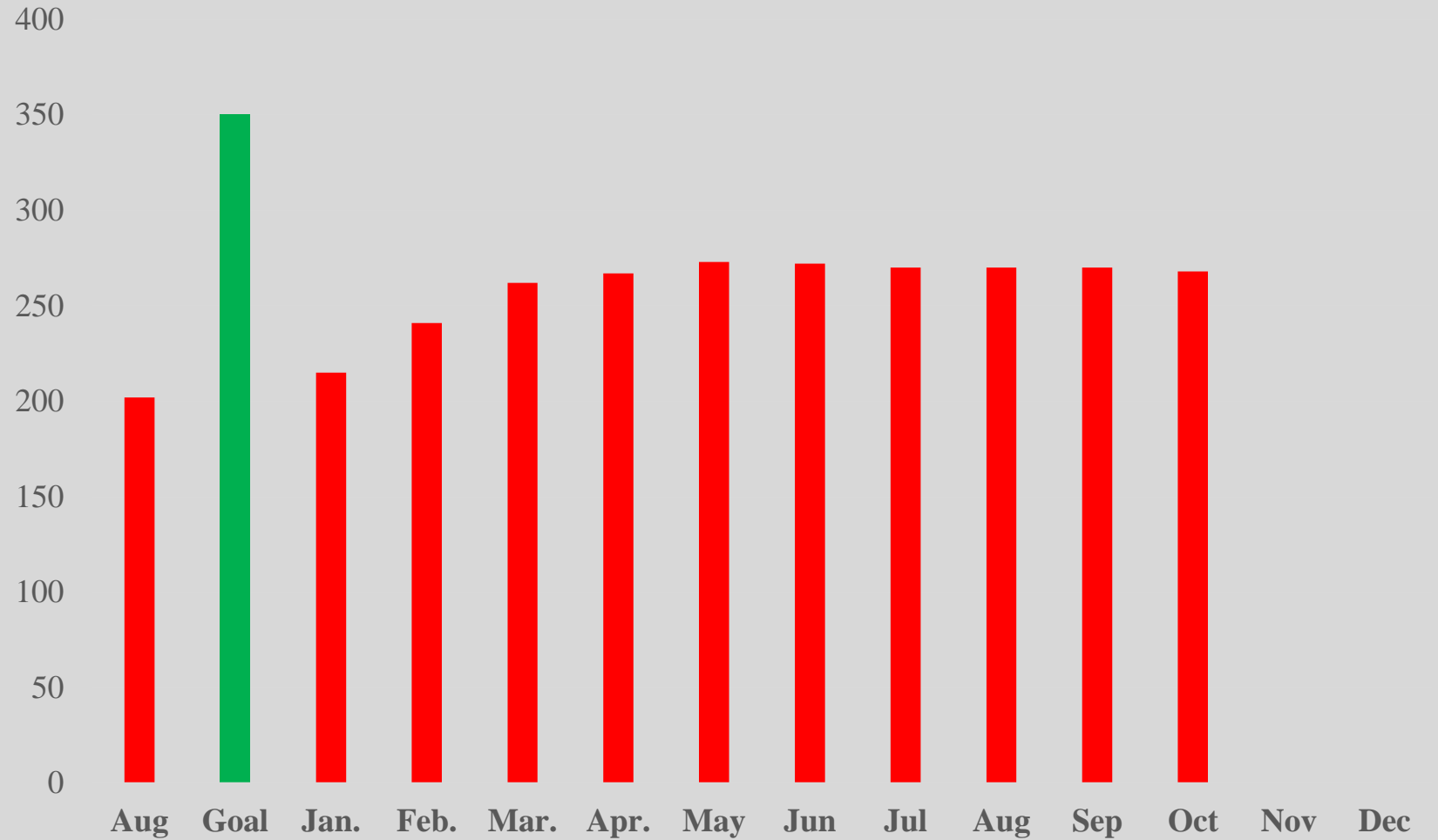
2022 RBHOO Goals - Increase Membership

- Membership

- 2021 - 202
- Start of Year – 215
- Current - 268
- 2022 Goal – 350

- Campaign

- Mail started



Benefits of RBHOO Membership

RBHOO represents ALL of Rarity Bay

- **Some member** activities are restricted to just RBHOO members
 - RBHOO General Meetings,
 - RBHOO Special Presentations
 - Wills, Trusts, Estates
 - Member Picnic
- **All RBHOO sponsored** activities open to entire Rarity Bay Community

House Buddies

Radon Monitoring

Knife Sharpening

Road Rally

Tents, Tables & Chairs

Roadside Cleanup

Cartridges for Kids

Services List

911 Switches

Yellow Dot

Resident Borrowing Program

Blood Drive

Document Shredding

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Upcoming Events

- Golf Cart Movie Night – October 19 (rain or shine)
 - Movie shown in parking lot.....CAC if rain
 - **Social Hour – 6:30 – 7:30; movie starts around 7:30**
 - CAC Parking Lot reserved for Golf Carts and Chairs
 - Cars can park in real estate parking lot (Karen Millikan)
 - Bring your blanket and your drink
 - Snacks provided by RBHOO
 - CAC Restrooms



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Upcoming Events

- Chili Cook Off – November 12 (tentative)



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Upcoming Events

- Christmas Party – December General Meeting



Upcoming Events

RBHOO Regular Meeting

- **November 9**
 - Outreach Presentation – Trout fishing in East Tennessee
 - Education Presentation –
 - Rarity Bay Club – Hiking, Bowling
 - Activity Spotlight – TBD
- **December 14**
 - Christmas Party

Upcoming Events

- **November**
 - 2 – Blood Drive
 - 6 – Daylight Savings Time Ends (1st Sunday)
 - 8 – State & Federal General election

Questions

Was the Benak Lawsuit Settled?

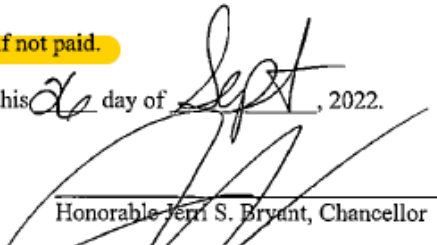
- Yes!
 - With Prejudice
 - Cost of the cause to be paid by SPC
 - Lawsuit on RBHOO website

AGREED ORDER OF COMPROMISE AND DISMISSAL WITH PREJUDICE

Comes the Plaintiffs and Defendant, by and through their respective counsel, and hereby jointly announce and represent to the Court that all issues in this cause have been compromised and settled pursuant to that certain Settlement and Mutual Release Agreement between the parties, and this Court being sufficiently advised; it is accordingly

ORDERED, ADJUGED, AND DECREED that the Complaint filed in this cause, together with any and all claims and causes of action of any nature whatsoever by and between the Parties, be and the same is hereby dismissed with prejudice to the re-filing of the same. **The costs of this cause are hereby taxed to the Defendant, for which a bill of costs shall issue to counsel of record, for which execution may issue if not paid.**

ENTER this 26 day of Sept, 2022.



Honorable Jerri S. Bryant, Chancellor

Questions

RBCAI Lawsuits

- New Filing - Summary Motion
- October 4 meeting postponed
 - Lawyer had COVID

LLC's attempt to make Salem Pointe Capital Partners an Exempt Person under the Sixth Amendment violates the Governing Documents, as it attempts to enlarge the Declarant's rights and to reduce an obligation for a regular member. (See Charter and Master Declaration Article 11, Section 11.1)(Ex. 4). In other words, the Declarant had no right to create an assessment exemption for a Class A member of the Association on property the Declarant does not own. ((See Charter, Article 8 (Ex. 8); Master Declaration Article 1, Article 7; Article 11)(Ex. 4). Such an exemption would take away power from the Association granted by the Charter to the Association's financial detriment and thereby harm a nonprofit corporation. Further, Members cannot use the Association for monetary gain or profit, as same would violate the Governing Documents. (See Charter, Article 7(c) (Ex. 8).

Questions

A lot of confusion around Amendment 6 and the By-Laws.

- 3 Changes to the By-Laws
 - Section 4.1(b)
 - Section 4.1 – Old

(b) Class “B”. The Declarant shall be the sole Class “B” Member and shall be entitled to one (1) such membership for each Unit it owns.

- Section 4.1 - New

(a) Section 4.1(b) shall be amended as follows:

(b) “Class B”. The Declarant shall be the sole Class “B” Member and shall be entitled to one (1) such membership for each Unit owned by the Declarant, a Declarant-Related Entity, a Builder, or any Exempt Person, as such terms are defined in the Master Declaration.

Questions

A lot of confusion around Amendment 6 and the By-Laws.

- Section 8.5 – Old

8.5. Removal of Directors and Vacancies. Any director may be removed, with or without cause, by Members holding a Majority of the total votes in the Association. Any director whose removal is sought shall be given notice prior to any meeting called for that purpose. Upon removal of a director, a successor shall be elected by the Members to fill the vacancy for the remainder of the term of such director.

Any director who has three (3) or more consecutive unexcused absences from Board meetings, or

- Section 8.5 - New

(b) The first paragraph of Section 8.5 is hereby deleted and the following text is inserted in lieu thereof:

Removal of Directors and Vacancies. Any director may be removed, with or without cause, by Members holding a Majority of the total votes in the Association, or by the Declarant. Any director whose removal is sought shall be given notice prior to any meeting called for that purpose. Upon removal of a director, a successor shall be elected by the Members to fill the vacancy for the remainder of the term of such director, which successor must also be approved by the Declarant.

Questions

A lot of confusion around Amendment 6 and the By-Laws.

- Section 12.8 - Old

12.8. Date of Commencement of Assessments. The obligation to pay assessments shall commence as to each Unit on the date which the Unit is conveyed to a Person other than the Declarant. The first annual General Assessment and Neighborhood Assessment, if any, levied on each Unit shall be adjusted according to the number of months remaining in the fiscal year at the time assessments commence on the Unit. During the Development Period, this provision may not be changed without the consent of the Declarant.

- Section 12.8 – New

(c) Section 12.8 is hereby deleted and the following text is inserted in lieu thereof:

12.8 Date of Commencement of Assessments. The obligation to pay assessments shall commence as to each Unit on the date specified in Section 7.8 of the Master Declaration. During the Development Period, this provision may not be changed without the consent of the Declarant. Notwithstanding Section 13.10 of these By-Laws or any other provision of these By-Laws, neither the Declarant nor any other party shall be permitted to amend these By-Laws as it pertains to rights of an Exempt Person (as such term is defined in the Master Declaration) without the joinder of each Exempt Person whose rights would be affected by such amendment.

Questions

Have the Design Review Guidelines remained consistent for all residents in the building of their homes? If the Guidelines have changed what was the approval process that made this possible. Was the RB Community made aware of any changes that might result in smaller less expensive homes being allowed to be built?

Design Guidelines were changed in July 2021 and August 2022. RBCAI Board was not aware or consulted with the changes. Appears to be in direct conflict with 5.1 of the By-Laws.

ARTICLE 5: RIGHTS AND OBLIGATIONS OF THE ASSOCIATION

5.1. Function of Association. The Association shall be the entity responsible for management, maintenance, operation and control of the Area of Common Responsibility and all improvements thereon. The Association shall be the primary entity responsible for enforcement of the Declarations, and such reasonable rules regulating use of the Development as the Board may adopt. **The Association shall also be responsible for administering and enforcing the architectural standards and controls set forth in the Declarations and in the Design Guidelines.** The Association shall perform its functions in accordance with the Governing Documents and the laws of the State of Tennessee.

Questions

What Changed! Not sure, but 2 new lot classifications were added between 2017 and 2022.

2017

2022

Exhibit: Summary of Lot Classifications & Standards								Section Page	5.2
								Date	5/6/2013
Lot Type	Lot Classification	Min Front Yard (1)		Min Interior Side Yard		Min Exterior Side Yard (2)	Min Rear Yard	Max Buildable Area (3)(4)	1st Floor Min Finished Sq Ft (5)
		Garage	Other	Min	Total				
A	Custom Waterfront	30'	40'	15'	35'	25'	35'	85' x 75'	2250
A	Custom View	30'	40'	15'	30'	25'	20'	70' x 70'	2000
A	Custom Golf Front	30'	40'	15'	30'	25'	20'	70' x 70'	2000
B	Production Luxury	25'	30'	10'	20'	20'	20'	70' x 65'	1600

NOTE: All setbacks are subject to easements for utilities, drainage, conservation areas, wildlife corridors and shoreline restrictions.

- (1) The front yard setback for "garage" and "other" are interchangeable.
- (2) Applies to street frontage side yards for Corner Lots.
- (3) All Structures shall be set back from the periphery of Rarity Bay not less than 35'.
- (4) Maximum area of a Lot that may be covered by Structures shall be 50 percent of the base acreage of the site.
- (5) 1st floor minimum finished Sq. Ft is defined as the main-level heated living area of the primary structure.
- (6) Subject to change by the DRB

Lot Type	Lot Classification	Min Front Yard		Min Interior Side Yard		Min Exterior Side Yard	Min Rear Yard	Max Buildable Area	1 st Floor Min Finished Sq Ft
		Garage	Other	Min	Total				
		A	Waterfront	30'	40'	15'	35'	25'	35'
B	Interior	30'	40'	15'	30'	25'	20'	70' X 70'	2000
C	Golf Front	30'	40'	15'	30'	25'	20'	70' X 70'	2000
D	Villa	25'	30'	10'	20'	20'	20'	70' X 65'	1600
E	Multi-Unit	25'	30'	10'	20'	20'	20'	Varies*	1400
F	Condo	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1000

- *Max buildable area for multi-units varies depending on lot size and units per lot.
 Note: All setbacks are subject to easements for utilities, drainage, conservation areas, wildlife corridors, and shoreline restrictions.
1. All structures shall be set back from the periphery of Rarity Bay not less than 35'.
 2. 1st floor minimum finished sq. ft. is defined as the main-level heated living area of the primary structure.
 3. Maximum Area of a lot that may be covered by structures shall be 50% of the base acreage of the site.
 4. Subject to change by the DRB.
 5. Condos may only be built on land designated for condo development.

Questions



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