

## TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on April 13, 2004 in the meeting room of the Havana Library, Havana, Florida.

PRESENT: Jean Wood, Tommy Baker, Linda Ortiz, Don Magruder, Kimsey Helms and Tom Scott, Board members, Debbie Robinson, Secretary to the Association. See attached list of others in attendance.

ABSENT: Donna Phillips

The meeting called to order at 7:10 pm by President Jean Wood

Meeting being recorded by Association Secretary for the purpose of accurate minutes.

### Approval of Agenda:

Don Magruder asked to amend the agenda to have the Legal Report follow New Business.

MOTION BY DON MAGRUDER, SECONDED BY TOM SCOTT, TO APPROVE THE AMENDMENT TO THE AGENDA. MOTION CARRIED.

### Approval/Corrections of March 2004 Minutes:

MOTION BY KIMSEY HELMS, SECONDED BY TOM SCOTT, THAT THE MINUTES BE APPROVED AS CORRECTED. MOTION CARRIED. (Corrections consisted of grammatical/spelling errors)

**Treasurer's Report:** Debbie Robinson reported in absence of Donna Phillips that income for March was \$30,341.00, expenses of \$5,097.58, checking account balance is \$42,797.51, and the balance in the sinking fund is \$197,797.60.

MOTION BY TOM SCOTT, SECONDED BY TOMMY BAKER, THAT THE TREASURER'S REPORT BE APPROVED AS READ. MOTION CARRIED.

### Correspondence/Phone Calls:

1. Kimsey Helms reported that he has received some phone calls from realtors and title insurance companies and has been referring them to Debbie Robinson. Debbie has been receiving the phone calls and providing the information requested concerning the collection of dues at property transfer closings.

## BOARD REPORTS

**Lake Management:** Reported by Jean Wood & Tom Scott:

Helge's most recent status report via email (4/12/04) noted that all engineering work has been completed on the D-9 nutrient pond and the redrafted plans are to be returned from the draftsman. He has been staying in touch with Craig McCammon with FDEP to make sure we don't have a resubmittal delay issue. The goal is to resubmit by Friday. Helge made special mention to remember this pond (D-9) is designed to remove nutrients and not to trap sediments. Even after completing the nutrient pond, the existing D-8 pond will continue to load up more or less as it has been. The new pond is very shallow and is designed to collect base flow water and grow plants. Anything over ½ inch rain (more or less) will pass through the pond and deposit its sediment load there.

Helge also wrote, "...having reevaluated my status and availability, I will not be able to continue as the Lake Tallavana HOA Lake Management Consultant beyond the D-8 Nutrient pond permitting and

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construction. I am simply not able to work up to my own (or in some unfortunate circumstances, my client's) expectations. None-the-less and with your continued patience, I will see this next phase through to avoid leaving you all in limbo and to conclude with the HOA on the positive and ecologically beneficial note that our relationship of the past several years deserves."

There was discussion concerning the terminology that Helge referred to as the "nutrient pond". It was previously planned and discussed as a second holding pond upstream from the existing D-8 pond. It is not known what he meant by nutrient pond. Kimsey suggested a phone call to Helge for better understanding of the new pond being a sediment pond verses and "nutrient" pond.

Member Pat Powell suggested that we contact Candy Trimble to see what other names were on the previous list of consultants to keep the project moving.

There was concern expressed on the dead speckled perch but it was determined that there did not seem enough to be overly alarmed about. Jean Wood contacted our biologist Bob Rousseau. They discussed doing the annual fish count. During the fish count, there were a few German Carp removed. Although the written report is not yet available, Bob did mention that the lake seems pretty normal. A carp removal was suggested which will take place this Saturday, 4/17/04. Jean asked for help from other board members and the membership. Shocking and removal will start at 9:30 am.

The THA boat motors are still being kept at Billy Cabanas' home but a different place is needed. Billy does not want to keep the boat motors or the cormorant control paraphernalia.

Lake Watch – Pat Powell: No report. There is a Lake Watch Volunteer Appreciation dinner on Monday, the 19<sup>th</sup>, at Leon County Extension office. RSVP by the 16<sup>th</sup>.

**Security:** Tommy Baker

Scott Ivey worked 20 hours on THA payroll and 20 hours in the area on duty with the Sheriff's Department. Scott did 55-house checks and 23 vehicle stops.

**Gate:** Tommy Baker No gate report but it does seem to be properly working.

**Roads, Grounds & Dam:** Kimsey Helms & Tom Scott

Kimsey reported that we received the results from the consultant on the culverts. A copy of the report was made available to each board member. There are 58 culverts; 17 culverts need replacing as soon as possible, 28 culverts should be replaced within the next 10 years. A copy of the culvert report will be given to Don McEwen for budget planning. Of the 17 culverts that need immediate attention, those under the road section to be repaved will be the first to be replaced.

MOTION BY DON MAGRUDER, SECONDED BY TOM SCOTT THAT THE INVOICE FOR THE ENGINEERING CONSULTANT BE PAID. MOTION CARRIED.

Kimsey reported that the mowing is starting up again and there has been some road maintenance and tree trimming.

Tom reported that the playground equipment has been ordered. Delivery should be in 5-7 weeks. The truck line will call John Staron to set up delivery at the playground site.

**Member Relations:** Reported by Linda Ortiz & Donna Phillips (absent)

The Website had 94 visits since our last meeting. The Board Approved Minutes as far back as 2001 are available for viewing on the website. Minutes are read only but can be searched, printed.

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We did have a good workday on Saturday, March 27<sup>th</sup>. Given more notice, more members could have shown. The sign that Linda made to notify of the workday was stolen within the first 24 hours of putting up the sign. Linda asked for plenty of notice for the next workday so that she can give the community ample notification including posting it in the newsletter.

Kimsey said that given the timeframe for the delivery of the playground equipment, we need to schedule the next workday within the next four to five weeks. The workday was scheduled for Saturday, May 22, for removal of the old playground equipment. Time to be 9 am to 2 pm. There will have to be another workday scheduled to setup the new playground equipment once. Although there many other projects that need to be done, once we start on the playground, we need to work on it until it is finished.

On March 27<sup>th</sup>, there was a chili cook-off at the pavilion. Ashley Campbell from Mason Drive won the chili cook-off.

## COMMITTEE REPORTS

**ACC:** Reported by Mike Mapstone

April meeting held, following items were approved by ACC for board approval:

1. Lot AAA-28, Mason Drive, owned by Larry and Marilyn Johnson, a 2,289 sq. ft. brick all around house. All colors and buffer zones ACC approved.
2. Lot EE-16, Hickory Lane owned by Brewster Banks, a 1,500 sq. ft. house. Site location required some revision; colors and buffer zones are ACC approved.
3. John Stansberry at 1432 Tallavana Trail submitted a color for repainting house. New color is close to existing color.
4. Lewis Lancaster at 1515 Tallavana Trail submitted a color for repainting house. New color is Heather Gray.
5. Joseph & Annette Shields at 140 Deer Pass, submittal for garage and colors has been approved.

MOTION BY TOMMY BAKER, SECONDED BY TOM SCOTT THAT THE RECOMMENDATIONS BY THE ACC BE APPROVED. MOTION CARRIED.

- a. The Beckwith's contacted Mike stating that it would be a hardship to change the color at this time. Mike asked for their statement in a letter, which he will forward to the board. The Harrell's stated that they are meeting with a landscape architect and will begin replanting. Again, Mike asked for their statement in a letter. The Shield's submittal for garage & colors has been approved.
- b. Concerning Wilisch – The unapproved structure has been removed and was a hot house during the winter.
- c. ACC Building Permit – There is a permit that the ACC is issuing yet they are still working on one for board approval.

To follow up on an item mentioned at the February meeting, the Board was given a copy of "Understanding Section 200 Lake Tallavana Covenants, Rules & Regulations" which was found in the 2003 correspondence. This document is to clarify the regulations used by the ACC when determining the approval of submitted plans. There was discussion as to whether or not this document was approved as policy. Research through 2002 and 2003 minutes determined that the Board had not voted on it. The Board will consider this at the May meeting and will vote on it in June.

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Details of approved items on file.

## OLD BUSINESS

1. Update on Enchanted Forest – Don Magruder for Linda Ritchie reported that the details for the road, the Revell easements, easements for THA, and the utilities placement are being worked out.
2. Update on Eagles' Nest – Jean received an copy of an email sent by Doug Croley to Susan Poplin to remind her that the property that was approved by the Gadsden County Commision was not approved by the Planning & Zoning Commission.
3. Magnolia Court – The erosion along Magnolia Court is still a big concern and even more so with even another home to be built. Since the meeting with Mr. Heidenrich not much has been done in the last six week to stop the erosion and repair the existing erosion damage. Pictures of the erosion problems were taken and sent to Mr. Heidenrich as well as Bruce Ballister who is with Gadsden County. The siltation barriers that were set in place were useless. A meeting with some board members and Tracy Smith from Gadsden County to address this issue resulted in work beginning to take place to correct the erosion problems. The county stated there would be a fine for every day the roadsides are not fixed.

## NEW BUSINESS – No new business

### **Legal:** Don Magruder:

There are some Bills concerning homeowners' associations that are currently being considered in Legislation. Senate Bill 408 states that a resident of associations may not be denied the right to vote even if they do not pay their assessments. Senate Bill 1184 states that if the association is to change the use of common property, there has to be a 14-day notice to the membership stating the plan. Senate Bill 1402, not yet on the agenda, states that all sellers are to provide the buyer a copy of the covenants, dues statements and all pertinent information concerning the association. Failure to do so will allow the buyer to back out of the deal within a certain time frame. Since this bill is not on the agenda, it most likely will not be passed.

Don has asked our attorney Jack Harnett to carefully monitor the Ritchie development for road and easement agreements.

Connelly case – There has been no contact between our attorney and the Connelly's attorney. There is nothing to report.

Lincicome case – There was a meeting in Small Claims Court for failure to provide bids for the fence work. At the hearing, the judge refused to dismiss our motion to dismiss. Due to the unfortunate circumstance of the passing of Mr. Lincicome, our attorney had to file a petition for dismissal of law suit based on the fact that Mr. Lincicome was deceased and that Mrs. Lincicome was not sanctioned on the suit for Small Claims Court. At this time, Don read a statement written by our attorney Jack Harnett. Complete statement to be attached to the minutes. The statement was a response as to why Mrs. Mary C. Lincicome was recently sent a copy of the court motion for dismissal. The court has not responded to this request.

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Concerning the lawsuit over the easement, Mr. Harnett sent a motion to Lincicome's attorney, Mr. Stivers, stating that because of the passing of Mr. Lincicome, and with the 60 days that was extended for the mediation agreement (which expired approximately 14 days ago), we would like the court to force the mediation agreement and if Mrs. Lincicome needed more time, we would not object.

Mrs. Cindy Lincicome was allowed to make a presentation to the board showing her property, the easements, and the surrounding properties. She suggested an alternative to what was ruled in the mediation. The board asked for copies of her drawing and that they might meet on the site to get a better understanding of Cindy's offer. It was also discussed that Cindy was to get the Washington's permission before the board meet at the site.

With no further business, at 8:56 pm, Kimsey Helms moved to adjourn, Tom Scott seconded.

Respectfully submitted,

Debra Robinson,  
Secretary to the Board

/dr