

TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on August 10, 2004 in the meeting room of the Havana Library, Havana, Florida.

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

ABSENT:

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:

The order of the Board reports was changed to allow the report for Member Relations & Communications to be first. It was suggested to keep the new order of reports. Also added to New Business, Item 1. Sea Walls

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

Approval/Corrections of July 2004 Minutes:

MOTION BY TOM SCOTT, SECONDED BY TOMMY BAKER, THAT THE MINUTES BE APPROVED AS CORRECTED. MOTION CARRIED. (Corrections consisted of grammatical/spelling errors and clarification concerning Item C in the Legal Report.)

Treasurer's Report: Donna Phillips reported the total deposit for July was \$11,311.00, expenses of \$13,920.72, checking account balance is \$48,681.21, and the balance in the sinking fund is \$198,039.58.

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

Correspondence/Phone Calls:

1. Don Magruder received a call from Larissa O'Connors, a realtor involved with the sale of Lot E-5 (formerly owned by McGill). She stated that in a tax sale, only governmental liens are carried forward. Don contacted Jack Harnett who conferred with Larissa that because of the tax sale, we should release the liens we hold on the property due to delinquent dues when the lot was owned by McGill. THA was supposed to receive a notice from the County Clerk's office informing us of the tax sale. Although the Clerk's office indicated that they sent us a notice, we did not receive it and our liens did not transfer. The present owners are current in their assessments. A Satisfaction of Liens will be drafted and recorded for Lot E-5.

MOTION BY LINDA ORTIZ, SECONDED BY TOMMY BAKER THAT A NOTICE OF OUR CURRENT ADDRESS BE SENT TO THE COUNTY CLERK'S OFFICE. MOTION CARRIED.

2. Jean Wood received a call from member Pat Peters with several questions. Some of Pat's questions Jean will address in the upcoming newsletter while others were answered during the phone call. Pat has offered to decorate the bulletin board at the gate.

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BOARD REPORTS

Member Relations: Reported by Linda Ortiz and Donna Phillips

Deadline for the Fall Edition of the newsletter is August 15th. The Fall Edition of the newsletter will be in black & white since we no longer have our source for color printing.

The Newsletter committee will meet at the pavilion on Saturday, Aug. 14th, at 10:00 a.m. to discuss and finalize the newsletter.

As part of member relations, it was mentioned that the Board should re-investigate the bulletin board and light issues for Mason Drive. Donna Phillips volunteered to talk with Jeff Butler to ask for permission to put a bulletin board at the beginning of Lake Tallavana on Mason Drive, which is Mr. Butler's private property.

Member Donna Johnson stated the need to find a member who would be willing to take over ESO and suggested that the need be mentioned in the upcoming newsletter.

Legal: Don Magruder:

A. Lincicome case – Approximately 3 month ago, our attorney, Jack Harnett, issued a request to the court that since the mediation agreement had failed to go ahead and let the easement case go to court. Mr. Stivers, attorney for Lincicome, also requested we go to court but to adjudicate the 30 foot turnaround easement only. Both attorneys have requested that we go to trial as soon as possible.

B. Connelly case – Attorney Maloney requested discovery describing each of the 200+ violations listed in the Connelly's counter suit. The discovery is to prove evidence to the court of all violations. Communications between Maloney and Stivers, Connelly's attorney, indicated that the answer to the discovery had been mailed to him but he had not yet received it. When Harnett receives the discovery answer, it will be filed and a hearing requested.

C. Heidenreich/Magnolia & Pine Top Courts – There was discussion concerning Pine Top Court and the need for the board to agree on the approach from Tallavana Trail. The original plan was to approach from the bottom of the hill on the gravel portion of Tallavana Trail however, per a court order and the FDEP approval of storm water runoff plans; Pine Top Court is to exit from the top of the hill on the paved portion of Tallavana Trail. The board was in agreement to keep the approach/exit at the top per the court order and FDEP.

Concerning Magnolia Court, Board Member Linda Ortiz asked to go on record that although the sodding that was done in the ditches looks good, she felt it would be better to have the ditches in concrete to prevent erosion. Jean Wood asked if we could get Tracy Smith from Gadsden County to visit on site once more to see the erosion problems. Tracy was on site right after the initial sodding was done and said that it "Looked great", however, now that there have been serious rain events since his visit, we would like to have his opinion once again to see if there is anything the county can help us with. Don Magruder agreed to give Tracy a call. Jean said that we should try to have Magnolia Court resolved before Heidenreich starts on Pine Top Court. There was further discussion concerning the erosion control problems of Magnolia Court and how we might prevent the same problems on Pine Top Court.

MOTION BY TOM SCOTT, SECONDED BY LINDA ORTIZ THAT A LETTER BE DRAFTED TO MR. HEIDENREICH STATING THE BOARD'S POSITION ON THE LOCATION OF THE ENTRANCE TO PINE TOP COURT. THE ENTRANCE TO PINE TOP COURT IS TO JOIN TALLAVANA TRAIL AT THE TOP AND

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NOT AT THE BOTTOM AS STATED IN THE COURT ORDER AND AS APPROVED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION. COPIES OF THIS LETTER SHOULD BE SENT TO FDEP, GADSDEN COUNTY CIRCUIT CLERK AND OUR ATTORNEY, ROBERT MALONEY. THERE IS TO BE NO APPROVAL OF HOMES ON PINE TOP COURT NOR FURTHER APPROVAL OF HOMES ON MAGNOLIA COURT UNTIL ROADS ARE ACCEPTED BY THE TALLAVANA HOMEOWNERS' ASSOCIATION. MOTION CARRIED.

Don Magruder will draft the letter and forward to Debbie for mailing Certified Mail, Return Receipt.

D. An AdHoc Committee on Members' Obligations has been formed with Don Magruder and Linda Ortiz as co-chairpersons. As a result of the passage of FL Law 2004-353 this committee was formed to spearhead the changes needed in our governing documents to comply with the new laws. FL Law 2004-353 states major revisions in how homeowner associations operate. This law has been passed and goes into effect 10/01/04.

In order to protect Lake Tallavana, maintain the lake, pavilion, common grounds and roads, employ security personnel, and function fiscally responsible as a homeowners' association, changes need to be made to the governing documents to bring Tallavana Homeowners' Association in line with the new laws. These changes will be brought before the membership for a vote during a special meeting.

The committee plans to mail a notice of the special meeting, with ballots being sent with the notice. Ballots are to be turned in at the hearing or mailed in by a certain date. The special meeting is to act as the hearing for the changes and allow time for questions and answers. The committee is hoping to have the special meeting by the last Saturday in September.

MOTION BY TOM SCOTT, SECONDED BY LINDA ORTIZ, TO CALL A SPECIAL MEMBERSHIP MEETING ON SATURDAY, SEPTEMBER 25TH, AT THE PAVILION FOR THE PURPOSE OF DISCUSSION ON THE ISSUES FOR THE UPDATING OF THE BY-LAWS IN ACCORDANCE WITH THE RECENT LAWS AND TO ALLOW THE MEMBERSHIP TO VOTE BY BALLOT TO APPROVE THE CHANGES IN THE BY-LAWS CONCERNING LIENS FOR NON-PAYMENT OF DUES AND SUSPENSION AND/OR FINES FOR THE MISUSE OF THE COMMON AREAS. MOTION CARRIED.

Lake Management: Reported by Jean Wood and Tom Scott:

Tom Scott reported that a meeting was held on July 21st with Dr. Sean McGlynn. All lake committees' members, board members and interested membership were invited to discuss with Sean our short and long-term concerns and goals for Lake Tallavana.

Sean has submitted a proposal with two items to act on immediately. The first item is to deal with the D-8 pond to begin the permitting process and the second is to evaluate the sedimentations and nutrient loading by running samples at the stations around the lake. Additional items on the proposal concern the carp and stabilizing the shore lines where the carp are a problem.

MOTION BY TOM SCOTT, SECONDED BY KIMSEY HELMS, THAT THE PROPOSAL BE ACCEPTED AND THAT TALLAVANA HOMEOWNERS' ASSOCIATION HIRE SEAN MCGLYNN AS OUR NEW LAKE TALLAVANA CONSULTANT. MOTION CARRIED.

At the July meeting, Tom Scott agreed to look into THA joining the Florida Lake Management Society for the benefit of keeping informed and up to date on relevant issues of lake management as well as other benefits. Membership is \$35.00 annually for Non-Profit Organizations.

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MOTION BY TOM SCOTT, SECONDED BY LINDA ORTIZ THAT TALLAVANA HOMEOWNERS' ASSOCIATION BECOMES A MEMBER OF THE FLORIDA LAKE MANAGEMENT SOCIETY FOR THE ANNUAL ASSESSMENT OF \$35.00. MOTION CARRIED.

Lake Watch – Pat Powell: Pat reported that since 2000 our lake has been going downhill. She expressed the importance that septic tanks be cleaned. Pat also stated that the use of vegetation along the shoreline is important for the preservation of the shoreline. There was discussion on some netting materials that can be used along the shoreline to prevent erosion but this will be discussed under new business, sea walls.

Security: Tommy Baker

Scott Ivey worked 20 hours for THA and 18 hours in the area on duty with the Sheriff's Department. Scott did 62 house checks, 21 vehicle stops and 15 boat checks. Billy Kemp worked 12 hours.

Gate: Tommy is finishing the distribution of keys for the new locks on the gate control boxes. The master keys have been given to Debbie, Corporate Secretary. Tommy will have a list of who has the keys and the chain of command on who to call when the gate needs to be locked open in an emergency situation or when the power goes out.

Roads, Grounds & Dam: Kimsey Helms & Tom Scott

Tom Scott spoke with John Staron concerning what John found out when he was looking into replacing street signs. There was previous discussion that large limestone rocks with signs might look nice. The problem is that the rocks would turn black from mildew and or mold. New signs made like the current ones could cost \$70-\$80 each. The metal/vinyl sign that was ordered for Magnolia Court is not acceptable even though the cost was under \$40. There was further discussion on which signs the board preferred.

MOTION BY TOM SCOTT, SECONDED BY LINDA ORTIZ, THAT THE ASSOCIATION PROCEEDS WITH THE PURCHASE OF THE WOOD SIGNS TO KEEP THE CHARACTER OF THE NEIGHBORHOOD EVEN THOUGH THERE WOULD BE EXTRA COST. MOTION WITHDRAWN.

There was discussion about a couple of members making the wooden signs. It was suggested that the Association purchase the lumber, reflective paint and routing tools and member Mark Palmquist volunteered to use his router to make the street signs.

MOTION BY TOM SCOTT, SECONDED BY KIMSEY HELMS, THAT THE ASSOCIATION WORK WITH MARK PALMQUIST AND OTHER VOLUNTEERS TO MAKE NEW STREET SIGNS WITH THE ASSOCIATION PROVIDING THE TOOLING TO BE USED WITH MARK'S ROUTER AND ALSO PROVIDING THE REFLECTIVE PAINT AND LUMBER. MOTION CARRIED.

Kimsey reported that there were some repairs on the toilets in the restrooms at the pavilion. The plumber checked for line obstruction but did not find anything. Since the July 4th activity, the drain field seems to be working.

Marc Cocke is keeping up with the mowing. Marc advised that he found Kudzu on the backside of the dam and will check into removing it. Due to the rains there has been maintenance on the dirt roads.

Kimsey also reported that he will be lining up a contractor to clean the D-8 holding pond. And

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Kimsey is still working on the specifications for paving.

COMMITTEE REPORTS

ACC: Reported by Mike Mapstone

ACC meeting held on August 8th, following items were approved by ACC for board approval:

- a-1. Franklin & Marcia Murphy, 668 Hickory Lane, submittal for 360 sq. ft. rear porch, all materials to match existing. No tree remove to obtain access to the rear of the house.
- a-2. John & Kathryn Goodfellow, 600 Mason Drive, submittal for 1583 sq. ft. house. Clearing for driveway is not to exceed 20 feet and not to encroach the 10 foot side buffer. Workshop will be reconsidered at next ACC meeting after receiving more information.

MOTION BY DON MAGRUDER, SECONDED BY TOM SCOTT THAT THE RECOMMENDATIONS BY THE ACC BE APPROVED WITH THE CONTINGENCY OF OWNERSHIP OF GOODFELLOW PROPERTY. MOTION CARRIED.

- b. Mike Mapstone has drafted a memorandum of understanding for the Beckwiths' to sign which states reasons they cannot change the color of their siding to comply with the ACC.
- c. The ACC Building Permit – copies of a sample used at Lake Yvette will be distributed to the board for their consideration, revisions, and possible approval.
- d. The ACC suggested a possible questionnaire to present to the membership to get a direction for drafting pool policies. There was discussion between the board, attending ACC members, and general membership about surveying the membership, about pools that currently exist, and about drafting a policy for pools.

For the record, Board Member Linda Ortiz left the meeting at this point.

MOTION BY DON MAGRUDER, SECONDED BY KIMSEY HELMS, THAT THE BOARD BE PREPARED TO CONSIDER AND VOTE ON A POLICY FOR ABOVE-GROUND POOLS AND THAT THIS ITEM BE ON THE AGENDA. MOTION CARRIED.

Details of approved items on file.

OLD BUSINESS

1. Lake Tallavana roadwork – Covered in Roads, Grounds & Dam by Kimsey Helms.

NEW BUSINESS

1. Sea Walls - There are currently 2 property owners that are having problems with erosion along their shoreline and are considering sea walls. Member Gayle Norris of 310 Hickory and Member Hilton Parrish of 2211 Tallavana Trail have contacted the board with their concerns of shoreline erosion. Mr. John Codgin is a local contractor specializing in sea wall construction. His presentation to the board and attendees covered what he could do for our members with minimal invasive construction. There was discussion and questions on his methods. Mr. Codgin brought a sample of the material he uses in sea wall construction. There also was discussion on the more natural

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methods. Diane Sheffield presented facts about the effects sea walls can have on a lake and mentioned some of the more natural options. Any method to prevent the erosion has to be approved by FDEP and the ACC. Tom Scott suggested that maybe Diane Sheffield could work with Sean McGlynn to see what would be best for the homeowner and the lake. Jean Wood said that she would contact Sean to meet with Gayle Norris & the Parrish's so that a solutions can begin on the erosion problems. A majority of the homeowners have some shoreline erosion so it is important that we do the right thing for the lake and the homeowners and in a timely matter.

With no further business, at 10:12 pm, Tom Scott moved to adjourn, Donna Phillips seconded.

Respectfully submitted,

Debra Robinson,
Secretary to the Board

/dr