

**TALLAVANA HOMEOWNERS' ASSOCIATION, INC.**

Minutes of the monthly Board of Directors meeting held on August 8, 2006 at the Havana Library, Havana, Florida.

PRESENT: Tom Scott, Mike Mapstone, Mike Jefferis, Linda Ritchie, Kimsey Helms, and Bill Oswald, Board members, Debbie Robinson, Corporate Secretary. See attached list of others in attendance.

ABSENT:

The meeting called to order at 7:03 pm by President, Tom Scott.

Corporate Secretary is recording the meeting for the purpose of accurate minutes. No one else is recording.

**Approval of Agenda:**

No changes

KIMSEY HELMS MOVED TO APPROVE THE AGENDA AS WRITTEN. MIKE JEFFERIS SECONDED THE MOTION. MOTION CARRIED.

**Board Member Vacancy:**

Board Member Joe Smyth submitted his resignation at the July Board Meeting. Joe is transferring employment locations and will no longer be able to serve. Tom Scott had asked Pat Powell to present names to the Board at the August meeting to fill the vacancy. Pat presented the following names to the Board to fill the vacancy left by Joe Smyth: Lance Swedmark, Rob Combs, and Scott Ivey. Rob and Lance were in attendance and introduced themselves. Scott Ivey was unable to attend the meeting.

Member Jean Wood made a nomination from the floor to nominate Andrena Knicely. Pat Powell seconded the nomination. Andrena Knicely accepted and her name was added to the ballot.

The first round of voting was split three ways: two votes for Lance, two for Andrena, and two votes for Rob. There were no votes for Scott Ivey. Lance withdrew his position on the ballot.

The second round of voting was split two ways: three votes for Andrena and three votes for Rob.

The third round of voting was also split two ways with three votes each for Andrena and Rob. Andrena withdrew her position on the ballot, which left Rob Combs as the nominee to fill the vacancy on the Board of Directors.

KIMSEY HELMS MOVED TO ACCEPT ROB COMBS AS THE BOARD MEMBER TO FILL THE VACANCY LEFT BY JOE SMYTH UNTIL THE ANNUAL MEMBERSHIP MEETING IN JANUARY 2007. LINDA RITCHIE SECONDED THE MOTION. MOTION CARRIED.

Rob Combs took his place on the Board.

**ACC: Policy Revision/Approval**

The revisions of the ACC policy were reviewed and discussed. There were minor changes with the exception of section 225.9 regarding the time frame of when submittals are accepted and the 30-day clock begins on the approval process.

MIKE JEFFERIS MOVED TO ACCEPT THE REVISED ACC POLICY PENDING THE LANGUAGE IN SECTION 225.9 FOR KEN ABELE'S REVIEW. MIKE MAPSTONE SECONDED THE MOTION. MOTION CARRIED.

The language in section 225.9 will be sent to Ken for his review. Also, the scientific name of trees will be added to the final copy.

The format of the ACC policy will be polished and the final version will be added to the governing documents, which are being reformatted, and being prepared to distribute to the entire membership. When all of the governing documents have been updated, reviewed and reformatted, they will be distributed to the membership and made available on the web site.

**Approval/Corrections of July 2006 Minutes:**

No corrections or revisions.

KIMSEY HELMS MOVED THAT THE MINUTES BE APPROVED AS WRITTEN. LINDA RITCHIE SECONDED THE MOTION. MOTION CARRIED.

**Treasurer's Report:** Mike Jefferis reported the total deposit for July was \$19,941.03, routine operating expenses of \$17,454.51, \$12,700.00 in major project expenses, checking account balance is \$1,787.14, Money Market balance is \$39,323.44 and the balance in CDs/Savings is \$271,878.84. The expenditures for July were routine with additional expenditures for insurance, attorney fees and fireworks. The Major project expense was for culvert replacements on Tallavana Trail and Hickory.

Delinquent accounts update:

1. Gaines: Mike Jefferis and Debbie Robinson met with Ken Abele at the hearing. The Gaines did not show up for the hearing. Ken Abele will file for judgment.

2. Beckwith: Ongoing bankruptcy.

**Correspondence/Phone Calls:**

1. Tom Scott has received several phone calls relating to the shoreline restoration. Tom will discuss the shoreline restoration under Lake Report.

2. Tom received an email from Tom Wade on Hickory who reported a water problem at the next-door residence. Mr. Wade wanted to know how to report the situation to the absent homeowners. The corporate secretary was contacted and the homeowners were informed of the problem.

3. Pat Powell reported that there has been a man using the lake that is not a resident but has a boat decal and auto decal. He received the decals from a lady on Mason who is no longer a property owner. Pat will pass this information to Rob Combs who will be taking over the responsibilities of security.

4. Kimsey Helms reported that there have been sightings of a 4-5 foot alligator in Lake Tallavana. The alligator has not been aggressive. It was decided to leave the alligator in the lake for now but post his presence in the newsletter, website, and bulletin board.

**BOARD REPORTS**

**Legal:** Mike Jefferis

A. Magnolia Court – There is no change on this issue. Marc Cocke is mowing the shoulders but THA will do no maintenance to the road or storm water retention pond.

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B. Lambert runoff – Update: Ken Abele filed the complaint against the Lambert property owners on July 12th. The complaint covers the runoff from Lambert property on the counts of Private Nuisance, Trespass, Negligence and Injunction. THA representatives and Ken Abele will attend the hearing once we are informed of the schedule.

C. Lincicome easement agreement – The original agreement has been received from Stivers and reviewed by Mike Jefferis and Don Magruder. Don was the Legal Liaison Board Member when the agreement was first drafted. Mrs. Lincicome no longer owns the land to Oswald Point and therefore cannot grant the easement across that land. THA can sign the agreement and strike out the portion covering the easement to Oswald Point.

It was the consensus of the Board to strike the paragraph pertaining to the easement to Oswald Point and the agreement to be signed by President, Tom Scott. Once the agreement has been signed, THA will be responsible to build the fence along the easement to the boat ramp.

D. Soprano ACC violation – As a result of clearing trees from the buffer zones and THA road right-of-way, Attorney Ken Abele sent a letter to Mike Soprano with a request to respond in 14 days. THA received Mr. Soprano's response from Smith, Thompson, Shaw, Manausa. In summarization, the response stated that the trees that were removed were a danger to the house and the some infestation was involved. A report from the tree service indicating the danger and infested trees was attached. The response also disputes that the trees that were removed were in the buffer and disputed the process in which the homeowner was informed of alleged ACC violations. Response also stated that Mr. Soprano has replanted at least 50 new trees.

When viewing the site, ACC and Board members did not see new trees but some cactus. There may be some trees planted but of a small size and not something that will grow quickly to restore the buffers. The response indicates to the Board that Mr. Soprano is in denial of wrongdoing in spite of the clearing of three of the four buffers. Mr. Soprano is also in denial of the property lines and the road right-of-way. In the case of Tallavana Trail, the front 30 foot buffer begins at the property line and not the center or edge of the road.

There was discussion on how to proceed that the property may be restored and continue to work with Mr. Soprano. The Board determined that a letter should be sent to Mr. Soprano's attorney asking that the buffers be restored and specifically stating THA expectations of the size, quantity and type of trees to plant. The letter should also remind the attorney that there is a covenant violation by clearing the buffers and it is not unreasonable that the Association request the buffers be restored.

E. Roche shed – The ACC was instructed to discuss the issue on the Roche shed at their next meeting and bring their recommendations to the September Board Meeting.

**Member Relations:** Mike Mapstone

Mike reported that the website received 88 visits in July.

**Lake Management:** Tom Scott and Bill Oswald

Shoreline Restoration update –The Army Corps. of Engineers permit has been issued and we have already received the DEP permit. Tom spoke with Bob Rousseau concerning lowering the lake for the restoration and the effect it would have on the fish. Bob expressed some concern. Tom spoke with Michael Hill who works with FWCC and expressed that there would not be a problem. Since the draw down would be for 7-10 days, it would not affect the fish. The lake is lowered from the bottom where the dissolved oxygen level is low, hence, not really affecting the amount of oxygen in the lake. Also, any rainfall received during the draw down would add oxygen.

Sean McGlynn has submitted the estimate from Lawn & Order for restoring the shoreline in the common area. The amount is approximately \$21,000. Tom asked Kimsey for the bid form so that he can draft a bid for the work to be done at the dam.

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Board Member Bill Oswald commented that he did not see the need to spend \$21,000 to restore the shoreline along the common area. He thinks that the rock placed along the shoreline will sink into the mud and the shoreline will be no different than what currently exists. Tom explained that the mesh-netting placed under the rocks is to prevent the rocks from sinking into the mud.

Since Bill brought up the issue, Tom asked the Board if we are going to continue with the shoreline restoration of the common area and the bidding process for the dam restoration or are we going to stop even though we now have the permits. Homeowners that have property along the lake expressed that they are holding off doing their property until they see the work done along the common area. Members stated the Association needs to get the common area done so that they can begin work on their private shoreline.

Again, Tom asked if the Board wants to continue with the shoreline restoration and start the bidding process for the dam.

MIKE JEFFERIS MOVED THAT THE BOARD PROCEED WITH SHORELINE RESTORATION. KIMSEY HELMS SECONDED THE MOTION. BOARD MEMBERS IN FAVOR: MIKE MAPSTONE, LINDA RITCHIE, MIKE JEFFERIS, ROB COMBS AND TOM SCOTT. OPPOSED: BILL OSWALD. MOTION CARRIED.

It was suggested that additional bids for the common area be sought but done in a timely manner.

D-8 Pond Restoration update – The DEP has requested additional information which Sean has already provided. It is not certain when the 90-day clock will begin for DEP to rule on the permit. THA has received the permit from the Army Corps. of Engineers. The bidding process will not begin until the permit has been issued.

**Lake Watch** – Pat Powell: Pat would like to schedule Lake Watch for Sat, Aug. 26<sup>th</sup>.

**Security:**

It was reported that Scott Ivey worked 20 hours for the Association in July and another 16 hours on duty with the Gadsden Sheriff's Department. Scott performed 27 vehicle stops and 66 house checks. Billy Kemp worked 19 hours in July. There were no warnings issued.

**Gate:** No problems.

**Roads, Grounds & Dam:** Kimsey Helms and Mike Jefferis

a. Safety/Speed signs – No update. Mike Jefferis is to work up a cost and make recommendations at the next meeting.

b. Paving proposals – Two of the nine bids sent were returned. North Florida Asphalt and Peavy & Son Construction returned bids. A spreadsheet showing the bid results was given to the Board members. The bid from North Florida Asphalt with the 1.5 inch overlayment, centerline & raised markers totaled \$145,908. The bid from Peavy for the same options totaled \$159,245. There was discussion regarding both companies, past experiences and pricing. Since Tallavana has had favorable past experiences with Peavy, it was determined to consider their bid but to also see if they would match North Florida Asphalt.

MIKE JEFFERIS MOVED TO ACCEPT THE BID FROM PEAVY FOR A 1.5 OVERLAYMENT ON TALLAVANA TRAIL FROM THE DAM TO THE INTERSECTION OF TALLAVANA TRAIL AND TALLAVANA TRAIL, THEN CONTINUE RIGHT ON TALLAVANA TRAIL UP THE HILL AND STOP AT TALLAVANA COURT. THE MOTION INCLUDED THAT THA NEGOTIATE WITH PEAVY TO MATCH THE LOWER BID. BILL OSWALD SECONDED THE MOTION. MOTION CARRIED.

c. Culvert replacements – There are 4 more culverts on Hickory to be replaced. The work should begin next week.

Kimsey mentioned that while Peavy is working on Tallavana Trail, that the section not being resurfaced should have the cracks sealed.

## **COMMITTEE REPORTS**

### **ACC:**

a. ACC Approved Submittals:

a.1. Jim & Eileen McMichaels, 2549 Tallavana Trail, submittal to replace half of screen porch with glass.

a.2. John & Dorothy Gillan, 409 Hickory, submittal to remove two trees in back yard, approximately 8 feet from the home and are not in the buffers.

The ACC was under time constraints at their regular meeting due to joint meeting with Board and membership regarding the ACC policy. The following issues will be discussed at a special meeting to be announced:

1. Bravo shed – Mr. Bravo agreed to move shed 6 feet further than where it was but the neighbors need to be considered. Mr. Bravo is to submit a formal request for a new location.
2. Megargees – Tree removal issue. Several large trees were removed from the property at 364 Hickory prior to ACC approval. The Megargees are cooperating and will work with the ACC. The ACC will report to the Board what actions will be taken.
3. Costa – New construction on Mason Drive, submittal incomplete

**Details of the ACC report are attached to the minutes for the record.**

**Policy Committee:** No report.

### **OLD BUSINESS**

1. Deer Pass Survey – survey and mapping is still in process.

### **NEW BUSINESS**

1. New Section 400 in governing documents – While reformatting the governing documents, it is being suggested that a new section be added to include several new policies that have been adopted since the last printing of the compiled document. While some of the new policies may fall under the existing sections and section 200, ACC, is being replaced with the newly adopted policy, other policies stand alone and should be in their own section. It was the consensus of the Board that Section 400 could be introduced to the Rules, Regulations and Policies section of the governing documents.

2. New Board Members responsibilities – It was determined that Linda Ritchie will assist Mike Jefferis in Legal and Rob Combs will be responsible for security and gate.

3. Review of THA Committees & chairpersons - Some of the THA committees are not functioning as needed in the best interest of all Lake Tallavana members. Tom Scott asked Debbie to email the particular issues for his review. The various committees fall under the responsibility of the

President.

With no further business, meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Debra Robinson  
Corporate Secretary

## **ACC REPORT TO THE BOARD**

**August 8, 2006**

The following ACC submittals were approved.

The McMichael, of 2459 Tallavana have submitted a request to replace half of their screen porch with glass. The southern Exposure screen will be replaced with two single hung 3' operating windows. The western exposure screen will be replaced with double paned fixed glass. Dues current.

The Gillans of 409 Hickory have submitted a request to remove two trees in their back yard. Both trees are approximately eight feet from the home and are not within the buffer areas. Dues current.

Two post inspections were done.

Due to the joint meeting of the THA Board and ACC occurring the day of the regularly scheduled ACC meeting, we have been under time constraints for the following three issues and hope to address them at a special meeting next week:

The Bravos (absentee owners residing in Miami), of 2405 Tallavana Trail...shed issue

The Megargees, of 364 Hickory...buffer/tree removal issue.

The Costas, new construction on the corner of Mason Drive and Mason Ct...refer to new policies