

TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on Tuesday, December 9th 2008, at the meeting room of the Havana Library, Havana, FL.

PRESENT: Neil McDonald, Larry Jones, Tom Scott and Kimsey Helms Board members, Debbie Robinson, Corporate Secretary. See attached list of others in attendance.

ABSENT: Bill Oswald, Rick Kornmeier and Rob Combs

The meeting was called to order at 7:03 pm by President, Neil McDonald.

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

Approval of Agenda:

Add Item 5. under New Business – Schedule Annual Meeting

TOM SCOTT MOVED TO APPROVE THE AGENDA AS REVISED. KIMSEY HELMS SECONDED THE MOTION. THERE WAS NO OPPOSITION, MOTION CARRIED.

Approval/Corrections of November 2008 Minutes:

No corrections.

KIMSEY HELMS MOVED TO APPROVE THE MINUTES AS WRITTEN. TOM SCOTT SECONDED THE MOTION. THERE WAS NO OPPOSITION, MOTION CARRIED.

Treasurer's Report: In the absence of Rick Kornmeier, Debbie Robinson reported the total deposit for November was \$7,705.00, routine operating expenses of \$7,817.27, no major project expenses, checking account balance is \$1,183.37, Money Market balance is \$40,891.01 and the balance in CDs/Savings is \$52,990.36. The separate account for the 12-pipe spillway repair has a balance of \$75,024.14.

Debbie reported that there were no unusual routine expenses and the largest expense was for the property taxes, \$2,495.31

KIMSEY HELMS MOVED THAT THE TREASURER'S REPORT BE ACCEPTED AS GIVEN. TOM SCOTT SECONDED. THERE WAS NO OPPOSITION, MOTION CARRIED.

Correspondence/Phone Calls:

1. Debbie reported receiving a phone call from a property appraiser who asked if there was a road maintenance agreement between the Association and the homeowners. He stated that it was important to the lending banks that the road in front of the house is maintained to keep the same condition of that road as when the house was originally appraised. Debbie said that this is not the first time a request such as this has been made. Debbie offered to provide budget information that would prove past maintenance as well as future maintenance.

Neil asked if it was specific to paved or rocked roads. It does not matter, whatever the condition of the road when the property is appraised is what the bank expects to be maintained or improved. Larry said the banks might have to concede as he feels that the Association cannot guarantee anything. Kimsey explained that while we are not guaranteeing anything, we could at least show past performance through our expenses and projections of routine maintenance.

2. Debbie reported receiving several phone calls regarding the missed garbage pick up. Some members were under the assumption that the Association contracts with Emerald Waste and that the Association or the Board should be the ones to contact Emerald Waste. Debbie explained that the county contracts with the garbage company and any problems should be directed to Emerald Waste.

3. Debbie reported receiving a call from member Linda Ritchie who expressed concerns about the past bidding practices. Linda would like to see procedures put into place that would insure equality to all vendors.
4. The Association received a "Thank You" from Big Bend Hospice for our contribution in memory of member Sandi Strickland.
5. Neil reported receiving phone calls regarding the cormorant shooting. Neil was explicit that the shooting is not coming from a THA volunteer. If there are shots being fired to scare off the cormorants, it is being done by individuals who are doing this on their own. Neil said that member Leonard Whatley is no longer able to do the cormorant control but that member Mark Palmquist has stepped up to volunteer. Mark is in the process of getting his boat ready, and then the cormorant control will be official. Debbie mentioned that the Association is issued the permit to shoot up to 50 cormorants and that the actions to control the cormorants should be Board sanctioned as we are required to report our actions in order to obtain the next year's permit. The US Dept. of the Interior issues the permit.
6. Neil reported a phone call from member Mr. Chambers who reported a dead deer in their yard. Neil said that he went over to the Chambers and removed the deer. It appeared that the deer broke its neck.
7. Neil reported a phone call from member Mike Soprano who reported deer hunting in Tallavana. Mike said that hunting dogs are running through Tallavana and being followed by hunters. Mike said that some deer were chased into Reston where he later heard shots. Neil asked Mike to substantiate his claim but there is no proof yet. Member Linda Ritchie also reported hunting dogs running through the back of her property and hearing shots. Neil contacted Scott Ivey regarding Mike's concern. Neil said hunting dogs, hunters and shots fired within Tallavana should be reported to Scott Ivey or Rob Combs. There is hunt club property that adjoins Tallavana properties and it is very difficult to determine the direction of the shots. Shot heard may not be in Tallavana but surrounding properties.

BOARD REPORTS

Legal: Neil McDonald and Rick Kornmeier (absent)

A. Lambert runoff – Neil reported that we have not been in contact with the lawyer. The D-8 pond is full and in need of a clean out. Kimsey said that he spoke with Don Cantrell who said that he could get out as much as possible maybe even before the forecasted rain comes through. Neil said that he would like NRCS to see the pond in its present state so they can see what we are dealing with from the Lambert property.

On a side note, Tom Scott mentioned that he has dropped the lake level to allow an 18" freeboard in anticipation of the forecasted rainfall.

It was the consensus of the Board to leave the D-8 Sediment pond as is until the engineers from NRCS can see its present state.

B. Mason Drive – Neil reported that there has been no response to our attorney's letter from the attorney representing Mason Drive residents. Neil said that we are currently waiting for the new attorney for Mason Drive to contact our attorney before we will discuss this issue further. According to Mason Drive resident, Brett Sheffield, they are working on obtaining an attorney. Larry indicated that the new attorney would respond to the issues addressed by THA attorney Ken Abele as well as include additional requests.

The Association received a request from member Brett Sheffield but the Board could not legally act on his request and will wait for a response from the attorney representing Mason Drive residents.

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Member Relations: Tom Scott

There were 1042 visits to the website in November.

Tom reported that the Christmas Social held on December 6th was great yet small. Tom thanked members Laura Helms, Pat Powell and Jill Taylor for their participation in the success of the social. Tom also thanked member Leonard Whatley for his help in decorating the pavilion.

Lake Management: Tom Scott & Bill Oswald (Absent)

- a. Carp report – Neil reported that they did not shock this past month.
- b. Cormorant report - Neil reported that without an active volunteer, there is nothing to report.
- c. Aquatic weed spraying – Neil reported that there will be no weed spraying until Spring.

Tom again reported that he dropped the lake level due to the pending rainfall expected the next few days. The current level should allow a 3” rainfall without jeopardizing the 12-pipe spillway area.

Lake Watch – Pat Powell: Pat said that Lake Watch did not go out Nov. 22nd as planned but will try to go the upcoming weekend if the lake level rises enough to get a boat to Pat’s dock.

Security: Rob Combs (Absent)

In Rob’s absence, Debbie reported that Scott Ivey worked 20 hours for the Association and 12 hours while on duty in November. Scott reported 11 traffic stops and 92 house checks. Mike Fish worked 20 hours in November.

Neil reported that Scott Ivey received two calls, one concerning a dog chasing a walker. Scott spoke with the dog owner and was told the dog had to remain on a leash or the owner would be ticketed. The other call was from Mike Soprano concerning the deer being hunted in Tallavana.

Gate: No report.

Roads, Grounds & Dam: Kimsey Helms (or Project Chairperson)

Kimsey reported that while Marc was trimming overhanging limbs, he discovered a huge wash out at the culvert across from the property of member Don Jones, 1715 Tallavana Trail. The wash out of the shoulder has created a hazard. Kimsey said that he would contact Don Cantrell to discuss repairs.

a. 12-Pipe Emergency Spillway update: Neil reported that the plans are done and in the Quincy office. The bid packages are being prepared and will go out this next week. Neil will call Sandy and Jason with NRCS for a site visit. While they are in Tallavana, Neil would like to have them see the D-8 Sediment pond in its present state so they can see what kind of runoff we are getting from the Lambert property. Neil is hopeful that since Lambert has received grant funds for work on his property that Tallavana should be entitled to grant funds to repair damage to the D-8 pond caused by Lambert runoff. The D-8 pond has grown in size and can no longer be cleaned out properly.

Tom reminded that when we tried to work on the D-8 pond in the past, that DEP got involved and the plans became very expensive. Neil thought that with NRCS involved, we would not have to deal with DEP.

Kimsey asked if Neil knew when the Association would receive their copy of the bid package. Neil did not know.

Webmaster Linda Ortiz asked if Neil would write an update on the 12-pipe spillway for the

website. Neil said that no one reads the web site and didn't see the need.

Kimsey directed the discussion back to the needed cleanout of the D-8 pond. It was the consensus of the Board that they would like NRCS to see the D-8 pond before it is cleaned out. Neil said that he would call Sandy and Jason tomorrow to set up a time when they could see the D-8 and document the problem from the Lambert property. Once that date is set, Kimsey will contact Don Cantrell to have the D-8 cleaned but it will not be before we have more rainfall and runoff.

b. Emergency Exit Plans update: Linda Ritchie reported that she has been in contact with the Bert Family representative, Mr. Butler. Upon checking with the family, Mr. Butler said that they would offer to sell the easement to Tallavana for \$8,500. It is also expected that the Tallavana attorney would draw up all the documents and handle the closing with Tallavana bearing all the expenses. The bottom line is the Bert Family wants to clear \$8,500.

Kimsey has spoken with Tom Skipper to proceed with the survey who said he would do it for \$1,000. Neil asked if we needed a Board vote to approve the purchase of the easement. Kimsey said the very first thing to do is survey the easement, the access to the easement from Tallavana and from Reston. It is particularly important to check for any complications we may run into and what exactly we are buying prior to making an offer to purchase.

TOM SCOTT MADE A MOTION TO PROCEED WITH THE SURVEY BEGINNING IN TALLAVANA AND WORKING TOWARDS THE ACCESS THAT WILL END IN RESTON. LARRY JONES SECONDED THE MOTION. THERE WAS NO OPPOSITION, MOTION CARRIED.

Linda Ritchie said that the restrictions of use are to be stipulated in the deed, which is to be recorded in Gadsden County. Once the deed is recorded, a copy will be sent to Reston as this easement goes both ways.

d. D-8 Sediment pond repairs: Discussed under 12-pipe spillway.

COMMITTEE REPORTS

1. ACC:

a. ACC Report – Since the full report is attached to minutes, a brief summary follows:

Approved Submittals:

Dennis and Beth Bloomquist, 1242 Tallavana Trail, submittal for a 12' x 4' shed.

Other ACC Issues: Linda Ortiz presented a form that will be provided on the THA web site for ACC submittals. The form was approved by the ACC with the suggestion that a survey or site drawing accompany all submittals if the submittal involves an additional building such as a shed, carport or garage.

Linda & Donald Ritchie had to have their property surveyed as a shed was being built near their buffer. It was found to be okay.

See full report attached to the minutes.

The Board was given a copy of the ACC form for their review. Member Brett Sheffield asked how soon the form would be available on the website. Larry Jones said that he wanted the Board to first vote on the form and commented that he had some problems with the form.

Larry's first concern was the statement "The committee shall have thirty (30) days to review the submittal." He said that members should not have to wait more than 30 days for their submittal to be

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reviewed. Pat Powell said that the ACC reviews the submittals upon receipt, considers for approval at the next monthly meeting and that the statement on the form is in compliance with the Restrictive Covenants. (See Restrictive Covenant #3)

Larry also expressed his concerns for the "Landscape" category. He said that members should not be expected to get ACC approve for every tree or flower planted in their yard. Member Brett Sheffield agreed that there were problems with the form especially in the area of "landscaping." His concern was for the difference in landscaping and planting a flower garden. There was discussion about the difference between major landscaping that may affect the aesthetic value of the property verses the planting of a tree or flower garden. Items such as monuments or large fountains should be brought to the ACC for approval. The membership asked that "Landscaping" be clarified. Larry said that he just wants the form to be in compliance with the Restrictive Covenants.

Tom Scott suggested that Larry make the changes he feels necessary and pass those changes on to the ACC for their consideration. Larry said that he would do that. The revised form is to be considered at the next Board meeting.

Member Dorothy Gillan asked about the tree trimmings that were dumped on her property in the power line easement. She questioned why the Association was paying someone to clean up the power line easement when the tree trimming company should have be responsible for the removal of the trimmings. It was explained that the only clean up the Association paid for was the dirt from D-8 pond that was dumped in the power line easement on Association property in the Sheffield Preserve. Neil said that if there are tree trimmings on private property, he is not aware of it but will investigate.

2. Lake Management Committee: Diane Sheffield reported Sean McGlynn has spoken with DEP concerning our grant application and what we have to do meet their requirements to receive grant money. Diane explained that the process is similar to a ladder and currently Tallavana is at the bottom. Tallavana is on the TMDL list, which is a list of lakes in trouble. Tallavana did not have all the information in place to receive grant money in 2008 but we will work on gathering the required information in 2009 to better position ourselves on the "ladder" for future funds. The 2008 funds went to projects that had already met the required qualifications.

Neil asked if there would be additional costs in 2009 for Sean's services. One of the things for the grant is required TMDL water quality testing. Trained personnel take water samples on a regular basis. The water samples are run through tests at a state approved lab. This testing is far more complicated and informative than what is currently being done with Lake Watch. Lake Watch data is vital but the TMDL water quality testing meets the DEP protocols. Sean is so trained and should be included in the Budget for this important testing.

Diane explained that the application for the DEP 319 grant was for funds to pay for the testing and the Best Management Action Plan. The information is still required that Tallavana may be considered for the receiving of grant funds in the future.

Neil expressed concerns that Tallavana may not receive any funds since it is a private lake. It was explained that Tallavana owned the lake bottom but the water flowed into and out of the lake making the water "waters of the state" therefore making Lake Tallavana eligible to receive grant funds.

3. Budget Committee: Don McEwen reported that the committee met about 8 times this past year. The committee came up with a format for all future projects that was helpful in determining the priority the project should be given and a more accurate cost. The format for each project was to outline the following: Project name, problem statement, project description, benefit to the community, impact of not doing the project, one-time cost breakdown, operating & maintenance costs, time frame estimate and conditional issues. When a project was written according to the format, it was easier to determine the priority of the project and work it in the 10-year model. While the format was very useful, it was a challenge for some committee members to do the required research for an in-depth, informative project statement. Nonetheless, Don remarked that we have the best information possible in planning the next

few years. Currently we have 15 potential projects that could be worked into the budget over the next 5-6 years.

Don listed some of the notable items in the 2009 Budget:

- a. It is hoped that Tallavana will be receiving grant money for the D-8 pond repairs. The Budget Committee allowed a \$35,000 matching fund for that project.
- b. 12-pipe spillway repair is clearly going into 2009 so the \$75,000 grant match will be moved forward from the 2008 budget.
- c. Tree removal behind the dam – Don said the committee is using \$35,000 for an estimated amount, as there was too great a difference in the two bids previously obtained. When comparing the two bids, there were many differences in the amount of work to be done and materials used, therefore, the Budget committee recommended that the project be written up indicating the exact work to be done and materials required and then sent out for bid. Currently the two bids do not compare in work and materials. Neil said the difference is that the higher bid included the rental of heavy equipment. Don said at a closer look, the lower bid did not include the material and labor required to finish the project. Don remarked that proper procedures were required in filling the holes, compacting the dirt and re-sodding to maintain the integrity of the dam. The project is to be properly written up and the same form will be sent out for bids to several contractors. Don said that this is a more standard way of bidding to protect us. Larry was in agreement that our bids should have language that protects us. Don suggested that a fixed rate for the project would be best verses time and materials. Don drafted a sample bid form for the project and the Board was given a copy.
- d. The Association will be purchasing a computer, printer, and updated software for administrative purposes. The Association is currently using Debbie's equipment, which is showing signs of age and working with obsolete software. With Association owned equipment, a more sophisticated backup system will be put in place. Electronic backups would be kept off-site such as the Association safe deposit box.
- e. The committee reduced the amount budgeted for the legal fees.
- f. Debbie has proposed a three-year contract with the Association that would hold her 2009 rate for the extent of the contract and any hours worked over contract would be donated.

Don said the 2009 Budget includes maintaining the annual assessment at \$600.00. The Budget Committee hopes to have everything final in the next few weeks for the 2009 Budget in preparation for Board approval at the January Board meeting. Then once adopted by the Board, the 2008 Income Statement/2009 Budget will be prepared for the membership.

4. **ESO (Neighborhood Emergency Preparedness Planning):** No report.

5. **Nominating Committee:** Committee chairperson Jim Poss reported that the Nominating Committee met on Dec. 4th, those present: Bill Findley, Mark Palmquist, Pat Powell, Jim Poss and Leonard Whatley as the alternate. Debbie Robinson was asked to attend as advisor. Cheryl Roberts was not able to attend so the alternate, Leonard Whatley attended. There was a motion to make Leonard a regular member and the vote passed. Jim reported that the following nominees would be presented for consideration at the Annual Meeting:

Neil McDonald Linda Ritchie Earl Mills

Having satisfied their responsibility, there will be no other meeting prior to the Annual Meeting.

OLD BUSINESS

1. Volunteers for fish habitat placement – At the November Board meeting, discussion for a volunteer workday was tabled until December. It was also discussed in November that there are pallets

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and drums at the boat ramp to be used for fish habitats. Neil said that while there are areas to be cleaned up, he wanted to wait until construction around the 12-pipe spillway was completed. Debbie explained that one area to clean up, mainly the boat ramp area, would not affect the spillway area. She asked the Board to set a volunteer workday to clean up the boat ramp area then the spillway area could be done at a later date. Larry suggested that we not put anything into the lake while other people can watch us. The workday was again tabled.

NEW BUSINESS

1. Memorial – James Nettles: Member James Nettles from Honeysuckle Drive passed away on December 1st. Memorials are to go to Big Bend Hospice.

As pointed out to the Board at the November meeting, there is a budget item for member relations and asked if the Board would consider a contribution in memory of Mr. Nettles.

TOM SCOTT MOVED THAT THE ASSOCIATION CONTRIBUTE \$50 TO BIG BEND HOSPICE IN MEMORY OF JAMES NETTLES. LARRY JONES SECONDED THE MOTION. THERE WAS NO OPPOSITION, MOTION CARRIED.

2. Draft of Mowing/Maintenance Bid – Kimsey drafted a bid form for the mowing/maintenance in Tallavana for the next five years. Copies were provided to each board member. Kimsey proposed that the bid form be sent out soon so that we may receive a response by December 30th. The new contract is to be included in the 2009 Budget. A list of suggested vendors was included with the bid form for the Board's review. It was explained that each vendor would receive the exact same form.

Larry asked if we could advertise the bid in the local newspaper as he thought that would give us more possibilities for returned bids. Debbie said that after reviewing 5 pages in the phone book, local newspaper classifieds and known THA members with mowing business, she was able to come up with the suggested 5 vendors on the list. She said that most mowing business do not include road grading and some of the other work required in Tallavana.

Tom said that the form looked great and thought that it should be approved and sent out. Debbie mentioned that the form needed a statement that proof of insurance should accompany the returned bid and also a question regarding the ownership/rental of equipment to be used to complete the work.

Larry asked if every item on the bid had to be completed in order to get the contract. Kimsey explained that one contractor does it all; having more than one vendor to do the mowing/maintenance would be an administrative problem as well as confusing as to who does what.

Member Don McEwen asked if the bid allowed for the extra mowing that would be required after the trees were removed from the back of the dam. Kimsey said that he talked to Marc about that but without knowing exactly how many trees were to be removed it was hard to determine how much more mowing would be involved. Marc did say that the degree of slope at the toe of the backside of the dam may pose a problem and might have to be mowed by hand. Larry said that there needs to be provision in the bid that there may be extra mowing on the backside of the dam after the trees are removed and allow that bid item to be re-priced. Debbie said that she could cover that item in the cover letter that is sent with the bid.

Discussion continued on the removal of trees from the backside of the dam. The discussion included the type of sod to use as well as if the sod should be installed by THA volunteers or by the contractor. Don McEwen mentioned that at another time volunteers were used to work on the backside of the dam and it was very hard work. Tom mentioned that like all other volunteer workdays, there would be very few volunteers and that we should have the contractor complete the sod laying. Debbie mentioned that if the volunteers did not get all the sod laid before a big rain, then the sod would have to be retrieved or replaced; if we have a contractor do the work, then he is responsible to complete the job regardless of weather.

The discussion was brought back to the bid form.

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TOM SCOTT MOVED TO ACCEPT THE MOWING/MAINTENANCE BID FORM WITH THE REQUIREMENT FOR PROOF OF INSURANCE AND QUESTION OF EQUIPMENT OWNERSHIP/RENTAL. THE COVER LETTER IS TO EXPLAIN THE EXTRA MOWING THAT WILL BE CREATED AFTER THE REMOVAL OF TREES ON THE BACK OF THE DAM. KIMSEY SECONDED THE MOTION. IN FAVOR: TOM SCOTT AND KIMSEY HELMS. OPPOSED: LARRY JONES. AS THERE WAS NOT A TIE, THE PRESIDENT, NEIL MCDONALD, WAS NOT REQUIRED TO VOTE. MOTION CARRIED.

3. Corporate Secretary contract renewal – Current Corporate Secretary, Debbie Robinson, presented the Board with a proposal for a three-year contract with a rate increase in 2009 and holding that rate for the years 2010 and 2011. There would be no expectation of payment for hours worked over the contract, which usually exceeds 60 hours by the end of the contract year according to the past three years. If the Board were to continue with a one-year contract, the yearly increases would most likely exceed the amount that is being proposed for the next three years.

Debbie said that she has every hope and intention of continuing to work for the Association and so would like to enter into a three-year contract with Tallavana Homeowners' Association. She is proposing a three-year contract as a cost savings to the Association and for the security in the continuity that is important for an Association of this size.

Neil asked the attending members if anyone besides Debbie was interested in the Corporate Secretary position. There was no response.

Linda Ortiz expressed her appreciation for all that Debbie does for the Association. The attending members expressed their gratitude with applause.

KIMSEY HELMS MOVED TO ACCEPT THE THREE-YEAR CONTRACT WITH DEBBIE ROBINSON AS CORPORATE SECRETARY/BOOKKEEPER. TOM SCOTT SECONDED THE MOTION. THERE WAS NO OPPOSITION, MOTION CARRIED.

4. Trees on Lincicome/powerline easement – Neil reported that there are approximately 14 Leland Cypress trees on the Association's legal easement on the property that was previously the Lincicome property. The trees should be removed prior to the sale of the property to avoid confusion with the new owners. It was suggested that the trees could be chopped and offered free to members to use as Christmas trees. The trees are too big to dig up and move. Neil said that he would cut the trees and move them to the pavilion area by Sunday, December 14th. A notice will be posted on the bulletin boards and web site informing members of the available trees.

5. Schedule Annual Meeting – The date for the Annual Membership Meeting was set for Saturday, January 31, 2009. Debbie will contact Tallavana Christian School to schedule the gym for the meeting location.

With no further business, meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Debra Robinson
Corporate Secretary

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**TALLAVANA HOMEOWNERS' ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE**

December 2, 2008

Minutes/Report

Meeting of the monthly Architectural Control Committee (ACC) was held on December 2nd, 2008 at the pavilion of Lake Tallavana.

PRESENT: ACC Members –Pat Powell, Virginia Everett, Jim Grantham, Linda Ritchie and Alternate,
Linda Ortiz
THA Members –Dennis Bloomquist

Approvals:

Dennis and Beth Bloomquist, 1242 Tallavana Trail, submittal for 12' X 4' shed, gray to match house, location on deck that is behind house.

Pending:

Other ACC Issues: Linda Ortiz presented a form that will be provided on the THA web site for ACC submittals. The form was approved by the ACC with the suggestion that a survey or site drawing accompany all submittals if the submittal involves an additional building such as a shed, carport or garage.

Linda & Donald Ritchie had to have their property surveyed as a shed was being built near their buffer. It was found to be okay.

Respectfully submitted,
Pat Powell, ACC Co-Chairman

Typed by:
Debbie Robinson,
Corporate Secretary for Tallavana Homeowners' Association