

TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

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

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

ABSENT: none

The meeting called to order at 7:09 pm by President Jean Wood

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

The new 2004 Officers and Board were introduced. Officers are: President, Jean Wood; Vice-President, Tommy Baker; Secretary, Linda Ortiz; Treasurer, Donna Phillips; Directors, Kimsey Helms, Don Magruder, and Tom Scott.

Approval of Agenda:

Mike Mapstone, ACC Chairperson asked to be moved up on the Agenda, as he had to leave the meeting early. Also, President Jean Wood suggested two additional items for New Business.

MOTION BY TOMMY BAKER, SECONDED BY TOM SCOTT, TO APPROVE THE SUGGESTED CHANGE IN THE ORDER OF AND THE ADDITIONS TO THE AGENDA. MOTION CARRIED.

Approval/Corrections of January 2004 Minutes:

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

Treasurer's Report: Donna Phillips reported that income for January was \$1,865.00, expenses of \$4509.27, checking account balance is \$2926.88, and the balance in the sinking fund is \$197,797.60.

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

COMMITTEE REPORTS

ACC: Reported by Mike Mapstone

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

1. Richard & Nancy Turner, 180 Magnolia Ct. – screened-in swimming pool, 12' x 14' with a 42' X 62' screen enclosure. Pool was prior to ACC approval.
2. Bradley A. Cox, Lot 1-AA. House was approved last month but more details were needed on carport. Approval for carport and dog pen. All buffer zones observed.
3. Lynda Owen, 2557 Tallavana Trail. Color change to shutters and front porch. There is a Summer Island Gazebo is a temporary structure only for the summer and needs no approval. The ACC was split on approval of cedar lattice being attached to existing fence posts for a kitchen garden. ACC needs consideration from the Board for approval or denial.

MOTION BY TOMMY BAKER, SECONDED BY TOM SCOTT, TO APPROVE THE CEDAR LATTICE TO BE ATTACHED TO EXISTING FENCE POSTS. MOTION CARRIED. NOTE: LINDA ORTIZ ABSTAINED FROM VOTING SINCE LYNDA OWEN IS NEXT-DOOR NEIGHBOR. HOWEVER, AS A NEIGHBOR, LINDA ORTIZ HAD NO OBJECTIONS.

Minutes, Board of Directors Meeting, February 10, 2004

MOTION BY LINDA ORTIZ, SECONDED BY TOMMY BAKER, THAT THE RECOMMENDATIONS BY THE ACC BE APPROVED. MOTION CARRIED.

- a. There still has been no response from the Beckwiths or Harrells. Linda Ortiz recommended that another letter be sent, Certified Mail, asking for a reason why there has not been a response to our previous letters concerning their ACC violations. Mrs. Shield was to contact Mike with information on their unapproved structure but has not done so as of today. Mike will call Mrs. Shield to follow up.
- b. Mike sent a letter to the Willisch's in regards to the unapproved structure on their property. It is possible that it is a temporary hot house but there has been no response to Mike's letter. He will send another one.
- c. ACC Building Permit – Diane is still looking into a sign that is used by another association but has had some personal matters that have been taking her time.

Details on approved items on file.

Correspondence/Phone Calls:

1. Debbie read a thank you card from Donna Johnson. Donna thanked the board for the crystal desk clock and the Nicholson's gift certificate.
2. Debbie received two phone messages from one of the parties that THA is currently in litigation with. Phone calls have not been returned but at the advice of our legal director, Don Magruder, the party should have their calls returned because as members, they deserve to be heard.
3. Jean, Kimsey, and Tom all received phone calls reporting the red plumes from Magnolia Court after a heavy rain. Pictures were passed around showing the red "river" in front of some of the docks across from Magnolia Court. Kimsey and Tom will look into it.
4. Linda Ortiz received a call from Mrs. Gillan with comments about the canon blasts occurring at Nicholson's Farm House. Linda referred the call to Don Magruder. Jean Wood suggested that Sterling Watson, our county commissioner, be made aware of the disturbance.
5. Jean Wood received a call from Douglas Croley, details to be discussed in New Business.
6. Don Magruder received a letter from Progress Energy regarding the dirt piles within the right-of-ways. Don reported that some of the mounds of dirt have been there for over 10 years and were never a problem for Florida Power but the new power company seems to be having problems. Don will see if something can be worked out including the possibility of leveling the dirt mounds.

BOARD REPORTS

Legal: Don Magruder:

Lincicome case – On January 27, Don attended a court hearing for a complaint about not carrying out the mediation agreement. In chambers, Judge Caruso said that since Lincicome could not turn over his agreed products, then he has failed to perform. The judge wanted to consider the mediation agreement null and void, however, the attorneys for both parties asked for more time and were given 60

Minutes, Board of Directors Meeting, February 10, 2004

days to work out the mediation agreements, otherwise the case will go to court.

In a letter from Attorney Stivers to Jack Harnett, the Washington's will not agree to grant an easement or consider selling a portion of their property for the easement. The other option is that Lincicome moves the fence off the current easement.

Also concerning Lincicome, on February 9th, Don spent 3 hours in small claims court where Lincicome filed a suit against THA for failure to provide copies of the bids for the fence along the 30' easement. Jack Harnett answered the suit with several points the first one being that Lincicome named the wrong attorney in the case. Lincicome named Maloney and not Harnett. Harnett is the attorney on the Lincicome case. The next point was that Harnett claims THA is not under Chapter 720 and the lawsuit was brought under 720. The third point is that this falls under the bigger lawsuit and does not take precedence in the lower court. First off, Judge Parsons was unhappy about our claiming that we are not under 720 but Chapter 617. However, Judge Parsons did dismiss the lawsuit as the wrong person was served. Lincicome does have the right to re-file naming the correct person(s). The other pleadings that Harnett listed in his answer were not addressed. Jack also asked for attorney's fees should the suit goes against Lincicome.

Sheffield Nature Preserve and Oswald Point – a 30-acre tract of land located east of the end of Hickory Lane. The 30 acres is outside the legally defined boundaries of the Lake Tallavana community and is not considered a “common” area. The property was purchased approximately 10 years ago for the purpose of providing a natural game and wildlife preserve and to serve as a buffer zone between the Tallavana community and privately owned neighboring parcels. On the advice of Attorney Jack Harnett, the Board of Directors should develop a policy for the administration of the preserve. Don handed each board member a draft copy of the proposed policy for review and for consideration to be adopted at the March board meeting.

Don is researching the possibility of membership to a council of neighborhood organization or association for local homeowners associations. Membership to such an organization keeps us more informed of what is going on in legislation regarding homeowners associations and also lobbies. Don hopes to bring recommendations to the next meeting.

Lake Management: Reported by Jean Wood:

Helge Swanson has met with the Florida Department of Environmental Protection and is moving ahead on planning the new D-8 ponds. It is hopeful that the re-designed plans will get permitted so the work can begin.

Jean thanked all of the people involved in helping with the cormorant control. Their efforts are appreciated and hopefully we were able to scare enough cormorants to make a difference.

Lake Watch – Pat Powell: No report but the committee will be going out this Saturday morning, as long as it's not raining.

Security: Tommy Baker

Things were rather quiet in January with only one incident in particular. A boat with a gas motor was on the lake just this past Sunday, Feb. 8th. The gas motor was not in use but security is working on finding out who that was.

Gate: The new phone number to the gate went into effect Jan. 26th. Both Tommy Baker and Debbie Robinson have been receiving phone calls as to the new number.

Minutes, Board of Directors Meeting, February 10, 2004

Roads, Grounds & Dam: Kimsey Helms & Tom Scott

Several Board members met on Sunday, Feb. 1, 2004 to discuss the Magnolia Court development by Jim Heidenrich. Mr. Heidenrich and his road contractor, Jackie Love were also in attendance. Mr. Heidenrich agreed that the drainage system for Magnolia Court did need repairs and Mr. Love recommended how such repairs be handled. Kimsey placed calls to both Jim & Jackie to see what plans they may have but neither returned his call.

Mr. Heidenrich suggested that the Board consider accepting the maintenance of the road ditches and other drainage structures that are included in the "Restrictive Covenants For Storm Water Management System in Lake Tallavana" after satisfactory repairs/maintenance has been completed. Kimsey ask the board members to review the storm water covenants, a copy was provided to each board member.

Kimsey reported the road maintenance included grading and gravel on the dirt roads and tree pruning as needed.

Kimsey has not spoken with John Staron regarding the sign for Magnolia Court but the sign has been ordered. Kimsey hopes to show the Board the Magnolia Court sign to see if we want to begin replacing the others with the same type of material.

Tom Scott will contact John Staron to get an update on the playground equipment to see where he left off.

Member Relations: Reported by Linda Ortiz & Donna Phillips

It was mentioned at the annual meeting that perhaps Tallavana could get group rates for septic tank cleaning. Linda reported that after making several calls to septic services and/or plumbers, that it was found that there are no "group" rates. A vac truck can hold about 2 septic systems and would still have to make numerous trips in and out of the neighborhood. Linda found rates between \$150.00 and \$175.00.

As Webmaster, Linda reported that all of the 2003 minutes are now on the website but still has lots of updating to do.

On March 27th, there will be a chili cook-off at the pavilion. Cooks will need to register. Chili is to be cooked at home then brought to the pavilion for all attending members to taste and vote on their favorite.

On February 21st, at 10:00 a.m., there will be a volunteer workshop held at the pavilion. Coffee & hot drinks will be served. All members are invited as our volunteer groups organize for 2004.

Donna reported that the THA website had 317 visits during January with a typical visit lasting 2.44 minutes.

The Newsletter deadline is Feb. 15th.

OLD BUSINESS

1. Linda Ritchie was able to meet with Mr. Pennington (Tallavana Properties, Inc.) and received title of Quail Court in her name. Linda will then turn Quail Court over to THA but only after Quail Court has been developed per county specifications.

NEW BUSINESS

1. Compensation for use of gymnasium at Tallavana Christian School.

MOTION BY DON MAGRUDER, SECONDED BY LINDA ORTIZ, THAT COMPENSATION OF \$100.00 BE SENT TO TALLAVANA CHRISTIAN SCHOOL FOR USE OF THE GYMNASIUM FOR OUR ANNUAL MEETING. MOTION CARRIED.

2. The introduction of the proposed policy on the use of The Sheffield Nature Preserve and Oswald Point was covered in the legal report.
3. Jean Wood received a call from Doug Croley, a resident on Rt. 12 whose property runs next to some of Tallavana's. There is an eagles' nest in the vicinity of a 20-acre plot that went before the Gadsden County Planning & Zoning Committee for development. The P&Z rejected the higher density spot zoning however, the County Commissioners did pass the higher density spot zoning with a request to amend their Comprehensive Plan. Although the eagles' nest is not adjacent to the 20-acre plot, it is close enough for the US Fish & Wildlife to be concerned, especially during nesting. This pair of eagles is known as the Tallavana Eagles. We see them feeding on our lake. Jean posed the question if we, THA, wanted to take any action for continued protection of the eagles.

MOTION BY TOM SCOTT, SECONDED BY LINDA ORTIZ, THAT A LETTER BE SENT TO THE US FISH & WILDLIFE SERVICE, THE FLORIDA FISH & WILDLIFE COMMISSION, THE GADSDEN COUNTY P&Z DIRECTOR, AND THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO STATE OUR CONCERNS FOR THE FUTURE OF THE TALLAVANA EAGLES AND EXPRESS OPPOSITION TO HIGHER DENSITY SPOT ZONING IN GADSDEN COUNTY.

4. According to Policy, President Jean Wood made her recommendations for the ACC:
Terms will be rotating and will begin with the following:
3 Year Term: Virginia Everett, Alice Parmer, Pat Powell
2 Year Term: Mike Mapstone Diane Sheffield
1 Year Term: Kimsey Helms, James Lamm
Mike Mapstone will be the chairperson again this year.

Jean expressed concerns and the need to have the ACC records on a database. These records are too important to rely on human memories for the history. Also, she expressed the need to keep at least one person on the committee who has construction knowledge.

MOTION BY TOM SCOTT, SECONDED BY TOMMY BAKER TO ACCEPT THE RECOMMENDATIONS FOR THE ACC MEMBERS. MOTION CARRIED.

Further discussion included a comment from Pat Powell, ACC member, that there needs to be in place the ability to fine when a homeowner goes against the recommendations of the ACC and completes their non-approved project. Don Magruder stated that we are working on having that ability. Linda Ortiz commented that she would like to see the ACC guidelines written in a more clear language than what is written in the covenants. She suggested guidelines that both the board and the membership could understand.

MOTION BY LINDA ORTIZ, SECONDED BY KIMSEY HELMS FOR THE ACC TO REVIEW THE POLICY AND TO MAKE MODIFICATIONS AND CHANGES IN WRITING TO MAKE THE POLICY MORE CLEAR AS TO WHAT IS ACCEPTABLE. MOTION CARRIED.

Minutes, Board of Directors Meeting, February 10, 2004

Additional new business – Kimsey and Diane Sheffield have been discussing the feasibility of the Board buying a Martin House for the pavilion area. Diane gathered some facts and figures. Kimsey presented them at this time. Kimsey asked that the Board make a decision tonight due to the limited amount of time we have before the Martins begin to nest.

MOTION BY TOMMY BAKER, SECONDED BY TOM SCOTT, THAT THE BOARD PURCHASES 1 STAND WITH GOARDS FOR THE MARTINS, TOTAL NOT TO EXCEED \$250.00. MOTION CARRIED.

Jean Wood took a moment to thank Kimsey Helms for the good job as president and hoped that she could do as well.

Debbie Robinson mentioned that all committees except for the ACC will not be on the agenda unless the committee chairperson informs the secretary their desire to be placed on the agenda. Committee chairs can call Debbie or Linda or email us from the web site.

Also, Jean Wood mentioned that she is leaving all the committees and their chairpersons as is until the Volunteer meeting. Committees can select their chairperson at that time.

With no further business, at 9:16 pm, Kimsey Helms moved to adjourn, Donna Phillips seconded.

Respectfully submitted,

Debra Robinson,
Secretary to the Board

/dr