

TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on February 13, 2007, at the Havana Public Library in Havana, Florida.

PRESENT: Tom Scott, Mike Mapstone, Mike Jefferis, Linda Ritchie, Kimsey Helms, Bill Oswald and Rob Combs 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:

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

Approval/Corrections of January 2007 Minutes:

No corrections.

KIMSEY HELMS MOVED TO APPROVE THE MINUTES AS WRITTEN. LINDA RITCHIE SECONDED THE MOTION. MOTION CARRIED.

Treasurer's Report: Mike Jefferis reported the total deposit for January was \$13,760.87, routine operating expenses of \$4612.72, \$5,415.05 major project expenses, checking account balance is \$2,720.61, Money Market balance is \$32,001.23 and the balance in CDs/Savings is \$157,864.15. Routine expenses include administration expenses. Major project expenses included work along both sides of the dam and the balance of the paving.

Delinquent accounts update:

Mike reported that there are 6-7 accounts that are a problem. One of the accounts is in the process of Small Claims Court, one outstanding account will be acted upon as soon as there is resolution to an ongoing easement agreement and there are 2-3 other accounts that will be turned over to our attorney for help in collecting. Overall, the delinquent accounts are being kept to a minimum.

Correspondence/Phone Calls:

1. Mike Jefferis received a phone call from a member who owns a lot on Magnolia Court. The member wanted to know if was okay to burn the trees as they were cleared for the building of his home. Mike told him the trees had to be hauled off.

2. Mike Mapstone received a phone call from Buddy Chester, owner of Lot E-12 on Magnolia Court. Mr. Chester reported that a propane tank was installed on the lot behind his (Williams, Lot F-37) within the 30-foot buffer of that lot and within 10 feet from his lot line. Mike passed the information on to the ACC.

3. Tom Scott received an email from Mark Palmquist mentioning the damage along his shoreline and the work he would be doing to the dock and boardwalk. Tom's response was that Mark needed to get with the ACC for any changes that would be done on the boardwalk.

4. Tom Scott spoke with Sean McGlynn who has received several calls about shoreline work being done without permits. Sean checked and found no other DEP permits or Army Corps of Engineer permits in place on some of the properties where shoreline work is occurring. Tom said that there needs to be some discussion with those property owners to see if something can be put into place before DEP is in the neighborhood for inspections.

5. Tom received an email from Wayne Chandler who wants a permit for the shoreline work. Tom suggested that he contact Sean McGlynn. Sean should be able to help him get in touch with proper DEP person for an individual permit.

6. Tom Scott received an email from Terry Abell about getting the Red Cross to lecture on being prepared.

7. Tom received a call from Gene Bryan on Hickory concerning the carp pit and the vultures that have been descending on it. The pit has since been covered.

8. Tom received a call from a member selling their home who complained that the lower lake level was diminishing the value of his property.

9. Mike Mapstone had conversation with Mr. McClurg on Audubon who complained about the builder next-door starting work at 6:30 a.m.

BOARD REPORTS

Legal: Mike Jefferis

A. Magnolia Court – There is no change to report.

B. Lambert runoff – Update: We have presented our documentation to the opposing party. Debbie will be gathering the backup paperwork to substantiate the expenses the excessive runoff has cost the Association that we are hoping to recuperate from Mr. Lambert. We are waiting for a date to be set for the hearing.

C. Lincicome easement agreement – The Association signed the easement agreement several months ago. Mr. Stivers, attorney for C. Lincicome, said that she would sign the agreement by next week.

D. Roche shed – We are still waiting for a mediator to be assigned and a date set.

Board Member Bill Oswald stated his objection to the mediation and felt that we should not be spending money on this shed issue. Mike reminded Bill that this is mediation and not legal action.

BILL OSWALD MOVED TO FOR THE BOARD TO DROP THE ROCHE SHED ISSUE. ROB COMBS SECONDED THE MOTION. THERE WAS DISCUSSION BEFORE THE VOTE.

Linda Ritchie wanted to clarify that she went to Mr. Pennington to get the history on Lake Tallavana and the restrictive covenants but not to re-write the covenants. Mr. Pennington did not give a legal opinion. Linda stated that she was misquoted in Mr. Roche's letter to our attorney.

Linda continued that since sheds have been allowed in the past and that the ACC has regulated them that the ACC should still have the authority to regulate sheds.

Mike Jefferis reminded the Board that the Roche issue is not about the shed. Mike agreed that the

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ACC has the right to review the structures. This issue is about Mr. Roche choosing to ignore the ACC recommendations and placing the shed in a location that was not approved by the ACC. Mr. Roche submitted his plans for the shed to the ACC, he did not like the answer he got and put his shed in the unapproved location anyhow. This issue is about people not getting ACC approval for projects that affect the neighborhood and doing what they want.

THE MOTION WAS BROUGHT TO A VOTE: THOSE IN FAVOR TO DROP THE ROCHE SHED ISSUE – BILL OSWALD, ROB COMBS AND LINDA RITCHIE. THOSE OPPOSED TO DROPPING THE ROCHE SHED ISSUE – MIKE JEFFERIS, MIKE MAPSTONE, KIMSEY HELMS AND TOM SCOTT. MOTION WAS DENIED 4 TO 3.

E. “Signs” policy draft – Since the January 9th draft, Mike Jefferis revised and proposed a revision. After reviewing, the Board had no other revisions. The proposed policy is to go on the web site and be published in the newsletter prior to the Board’s voting to adopt. Depending on when the members receive the newsletter, the policy could come up for adoption at the April meeting.

Member Relations: Mike Mapstone

Mike reported that the web site had 358 visits for January.

Workdays are scheduled for Saturdays, March 17th and March 31st both at 9:00 a.m., meet at the pavilion. Lunch will be provided for the 17th and a special lunch for all volunteers will be on the 31st. Mike will work on the details and have them in the upcoming newsletter.

The Spring Edition of the newsletter is February 15th.

Lake Management: Tom Scott and Bill Oswald

Shoreline Restoration update – The dam shoreline has been completed. Sean, Peavy representative and Mike Jefferis walked the dam and developed a punch list in order for the project to be considered complete. Mike reported that on the first 300 feet near the pipes, there is a cavity behind the rock. The work plans called for fill under the rock. The cavity needs to be filled, grass needs to be replaced and the guardrail put back in place. The cable that was along the road should be upgraded for safety and liability however; a regulation guardrail is very expensive at about \$12.50/ft for approximately \$12,000 total. Mike will check pricing with other vendors to see if Peavy’s pricing is in line. He will have that information for the next meeting.

D-8 Pond Restoration update – We are still in the 90 day window for the DEP to review and accept the D-8 permit application. We should hear from them soon.

Bill Oswald reported on the carp shocking. There have been over 300 carp harvested from the lake; all in the 3-5 pound range. The females have been full of roe (eggs). Bill said that smaller carp, between 8”-10” have not been seen. Also there have very few brim and shell crackers found. Bill’s thoughts are to push sand up from the lake to the shoreline then seed with aquatic plants to hold the dirt. Bill also thinks that there needs to be an aerator in the lake.

Tom agreed that an aerator system would be beneficial. However, taking sand from the bottom of the lake and putting it along the shoreline would require another DEP permit and cannot be done with the existing permit. Tom went on to report that the lake biologist, Bob Rousseau, was shocking for a pre-fish count that is normally done in April. Bob shocked in areas much deeper than where Bill shocks and found lots of specs, brim, and bass.

Tom asked Bob if he would come out to see what we could do to improve the results on the carp harvest. Bob got 50-80 carp in approximately 15 minutes from deeper areas of the lake. Bill shocks only in the shallows. Tom wants THA shocking to be more effective. It was the consensus of the Board to

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arrange with Bob Rousseau to help the THA shocker boat get the same results that he gets when shocking Lake Tallavana.

Tom will discuss with Bob and Sean the possibilities of aquatic vegetation; what kind, when can we plant and where do we get the plants from.

Tom reminded all those attending of the importance of pumping your septic tank every three years, make sure your drain field is working properly and limit the amount of fertilizer used on the yards. Observing these issues will help hold down the nitrogen levels entering the lake.

Lake Watch – Pat Powell: Lake Watch is suspended until the lake level returns.

Security: Rob Combs

Rob reported that Scott Ivey worked 20 hours for the Association in January and another 15 hours on duty with the Gadsden Sheriff's Department. Scott performed 12 vehicle stops and 85 house checks. Billy Kemp worked 13 hours in January.

On January 31st, Rob spoke with the rider on a dirt bike to inform him that dirt bikes were not allowed on the roads or off road in Lake Tallavana. Rob contacted Scott who will also talk with the bike owner. Tom mentioned that he too has informed the dirt bike owner that the bike is not allowed in Lake Tallavana.

The question came up if the person alleging selling the fish caught out of Lake Tallavana has been prosecuted. Billy Kemp was looking into the allegation but we have not heard anything.

Rob checked on the gate at the end of Hickory to Mason Ct. and reported that it is still locked for now. He said that although the cable looks hard to cut through, he would be willing to pick up a lock that could not be cut. There are additional issues surrounding the gate at Mason Drive and will be addressed once the Lincicome agreement is in place.

Gate: No problems, no report.

Roads, Grounds & Dam: Kimsey Helms and Mike Jefferis

Mike previously gave his report on the dam and shoreline.

Kimsey reported that there would be regular maintenance on the dirt roads.

Mike reported that the remaining culverts, 5, on Hickory are finished. Some of the culverts had to be dug by hand due to the water line and utilities running in the middle of the road with the culvert being split to accommodate the utilities. Weather permitting, the drainage ditches coming down Tallavana Trail to the dam will be done next. The question came up if the old culverts could be thrown in the lake for fish habitat. It was decided to keep the metal culverts out of the lake.

COMMITTEE REPORTS

ACC:

- a. ACC Submittal report: (Read by Tom Scott)
 - a1. Approved: Mark & Susan Isaac, 2357 Tallavana Trail, submittal for renovation to the home, fence, septic tank and drain field, front porch, and a deck over water. No trees are to be removed.
 - a2. Approved: Wayne Tate, Lot BB-8 on Audubon Drive, submittal for house colors.
 - a3. Approved: Greg & Melanie Shields, Lot A-33 on Tallavana Trail, submittal for color of front door.
 - a4. Approved: Ronnie Epperson, 3694 Tallavana Trail, submittal for shed location.

Submittals that were placed in abeyance due to insufficient information:

Robert Combs, 1260 Tallavana Trail, submittal for removal of trees. A letter was sent Feb. 10th

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specifying what was needed. Note: Board members questioned Rob during the Board meeting if any of the trees he wanted to remove were endangering his house. Rob stated that one of the trees was diseased and a danger to his home. It was the consensus of the Board (Rob abstaining) that Rob be allowed to remove the danger tree at once if he so desired.

Also placed in abeyance was a submittal from Christine Davis, 2902 Tallavana Trail, for a fence. A letter was sent Feb. 10th specifying the additional information needed.

b. Regarding ACC violations:

Written notice was sent to Brad Cox, 65 Tallavana Trail, for not submitting plans for a fence he started.

A letter will be written to Bravo Domingo giving him 90 days to move the building in the front yard and to act toward the construction project he intended several months ago.

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

OLD BUSINESS

1. THA Committees & chairpersons – Tom Scott reported that there would be some revamping of the committees in an attempt to reactivate those committees that are now less than active.

NEW BUSINESS

1. Lake Level Discussion – Back in November 2006, Tom spoke with Bob Rousseau about lowering the lake for shoreline restoration. Bob replied with the lake could be lowered but only for about 4-5 weeks. Tom now feels there was a misunderstanding because just before the Annual Meeting in January 2007, Diane Sheffield spoke with Bob about the length of time the lower lake level could be held and his reply was the lake could stay down 2-3 feet until the water temp begins to warm up which could be by the end of May. The membership at the Annual Meeting voted to keep the lake lowered 2-3 feet for an extended period of time to allow property owners to work on their shoreline restoration.

Tom has been contacted by a few homeowners asking if the lake could be lowered further to allow for heavy equipment to be used in the shoreline repairs. Tom spoke with Bob again to confirm his previous conversation with Diane. Bob visited the lake and told Tom that the oxygen level remains favorable in the lake and that an additional 2-3 feet drop would not be a problem however; the lake level should be allowed to rise by the beginning of April.

Tom opened the floor for comments from the members. Member Alan Scott at 1789 Tallavana Trail felt that it was unreasonable to keep the lake down until May and asked that the lake level be returned to normal. Mr. Scott is not restoring his shoreline and thought that the homeowners that are restoring their shoreline should have been prepared and has the work done already or in the near future. Member John O'Neal also felt that all the other members should be done. He did the work himself and is retired. Also, he had easy access to his property. Some members have more work along their shoreline, no easy access to their shoreline and require more time.

Tom mentioned that a majority of the property owners have asked for an extension for the lower lake level. Mike Jefferis reminded that this was voted on by the attending members at the Annual Meeting and not a sole decision by the Board.

Member Richard Healy, 128 Hickory, wanted to discuss the level that the lake should be returned to once the gate valve is closed. Tom confirmed that the Water Management District and a surveyor confirmed that at regular lake level, the level is not too high. Mr. Healy requested that when the level is brought back that the lake be brought back to the "Mean High Water Mark". Mr. Healy feels that his property monuments have not moved but the water level is higher than in the past. There was additional

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discussion about the normal lake level. This topic has been discussed at several meetings. There have been discussions with the original surveyor, Lee Dowling, recent surveys that matched the level required by Water Management District and inspection from Water Management District all indicating that the normal lake level is where it is suppose to be. Due to time restraints, Tom asked that the normal lake level discussion be continued at another meeting and that discussion return to the lower lake level and how long we should continue with the lower level.

Concerns were expressed for the carp continuing to work the shoreline even under the rock. Tom stated that we are trying to control the amount of carp in the lake by frequent shocking and that the design, matting and rock size recommended by DEP should deter the carp and erosion.

Bringing discussion back to the amount of time to leave the lake in a lowered state, Tom stated that with in recent information from Bob Rousseau, we can lower the lake an additional 2 feet, close the gate valve on April 1st and allow the lake to return to normal pool. The other option is to leave the lake at the current level (2-3 feet down) and close the gate valve by June 1st. The first option would allow homeowners better access to their shoreline.

LINDA RITCHIE MOVED THAT THE LAKE BE DRAWN DOWN ANOTHER 2 FEET, THAT THE LOT OWNERS ON THE PERMIT BE CONTACTED AND THAT THE GATE VALVE BE CLOSED BY APRIL 1ST TO ALLOW THE LAKE TO RISE TO NORMAL POOL. MIKE JEFFERIS SECONDED THE MOTION. MOTION CARRIED.

The gate valve will be closed on April 1st to allow the lake to begin to fill to normal pool. The valve will not be opened to maintain a lower lake level after April 1st. There will be another draw down next winter for those not able to work on their shoreline at this time.

2. Gift Certificates for 3 volunteers – At the Annual Meeting the attending membership voted to award gift certificates for three particular volunteers. It was determined to discuss the amounts of the gift certificates at the February Board meeting. The three volunteers that were to be recipients of the gift certificates declined the awards and asked that the Association honor all volunteers with a luncheon.

MIKE JEFFERIS MOVED THAT THE ASSOCIATION HOLD A VOLUNTEER DINNER IN LIEU OF THE GIFT CERTIFICATES FOR JUST THREE VOLUNTEERS. KIMSEY HELMS SECONDED THE MOTION. MOTION CARRIED.

It was decided to hold a volunteer luncheon on March 31st after the workday.

3. Donation to Tallavana School – It has been the practice to donate \$100 to Tallavana Christian School for the use of their gymnasium for our Annual Meeting.

KIMSEY HELMS MOVED TO DONATE THE USUAL \$100 TO TALLAVANA CHRISTIAN SCHOOL. LINDA RITCHIE SECONDED THE MOTION. MOTION CARRIED.

4. ACC Discussion – Some issues have risen from the ACC Policy that was adopted in August 2006 that needs to be addressed. As a result of some of the actions stemming from the adoption of the ACC policy, Tom asked Mike Jefferis and Linda Ritchie, with a committee, look at the covenants and rules. There has been discussion among the Board members to disband the existing ACC and create a new committee. It was then discussed to keep the ACC in place but that the rules need to be brought in order. All of the Board members are in agreement that the ACC is to be more user friendly.

Kimsey reminded the Board that it was agreed that all ACC correspondence is to go past the Board prior to sending to the members. Also, the correspondence should have the consensus of the ACC prior to Board approval. In other words, the ACC will be in agreement on the correspondence before seeking Board approval prior to the mailing of the correspondence to the members.

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Bill Oswald stated that most of the problems with ACC began after the Board adopted the policy in August of 2006. Bill thought that the adoption needed to be reversed. The question has been brought up if the Board has the authority to adopt rules and policies. Mike Jefferis stated that under the state statutes, the Board not only has the authority but the obligation to set rules and policies to control where the restrictive covenants lack. Where previous boards have allowed sheds and docks, we can control these structures to be in harmony with the neighborhood through rules, regulations and policies. The ACC policy cannot be enforced like the county ordinances. The ACC policy is to be a guideline and it's the current type of enforcement that needs to change.

The committee that Tom asked Linda and Mike to head up is to look at the ACC policy, look at the history, check on the legalities and try to come up with a policy that can we can live with. When the Board adopted the ACC policy, it was their understanding that the policy was more a guideline. They were not prepared for the type of enforcement that has been occurring. The Board does not want to throw out all that has been done with the ACC policy but they do want the policy to clarify the covenants concerning ACC and not go beyond the covenants. There are many things that need to be straightened out and it is hoped that this new committee can do just that.

Tom has sent a letter (email) to the ACC members outlining expectations and guidelines. While there has not been a response from any of the ACC members, Tom's hope is to have a friendly ACC yet functional.

The normal lake level will be discussed at the next meeting. There are some members that say the lake is too high and others say that the lake is where it has always been. Tom asked for all attending members to bring forth any documentation that shows where the lake should be other than what the Association has. The Association has a permit from the Northwest Florida Water Management District specifying the required level to be maintained. When the lake level was surveyed in 2006, the level is where it is suppose to be.

With no further business, meeting was adjourned at 9:39 p.m.

Respectfully submitted,

Debra Robinson
Corporate Secretary

**ACC REPORT TO THE BOARD
February 6, 2007**

Members Present: Knicely (Chair), Jean Wood, Pat Powell, Jim Grantham, Ron Crawford, Virginia Everett

All owners submitting are current on their dues payments.

The following ACC submittals were rejected.

* None

* **The following ACC submittals were approved.**

* Isaac, Mark and Susan, 2357 Tallavana Trail, Renovation, Fence, Septic & Field, Front porch, deck over water, no trees to be removed.

* Tate, Wayne, Lot BB8, Audubon, New House colors: Fascia & soffit white; Stone – earth tones, Roof – Natural Timber, Primary - Manatee Grey, Trim – Quiet Light

* Greg & Melanie Shields, Lot 33A, Front Door Paint: Royal Garnet

* Ronnie Epperson, 3694 Tallavana Tr., Location of Shed

To Be Resubmitted, Insufficient Information, Placed in Abeyance

* Robert Combs, 1260 Tallavana Tr, Removal of trees and clearing an area of property. Submittal was received at meeting, not allowing for a pre-inspection, submittal lacked numerous requirements to allow review. Letter sent 2/10 specifying what is needed and pertinent policies copied and included.

* Christine Davis, 2902 Tallavana Trail, Fence. Submittal lacked numerous requirements to allow review. Letter sent 2/10 specifying what is needed and pertinent policies copied and included.

Insufficient Information or not valid

* None

Correspondence

* Brad Cox, 65 Tallavana Trail, contacted by written note (unable to contact by phone) that he needed to submit his fence that he had started.

* Bravo Domingo will be written to give a 90-day deadline to move the shed in the front yard. He has not acted toward the construction project he said he intended several months ago. AK's personally contacted him 1/27/07. He said he could not find a contractor. A few days later his contractor working on the interior told AK that he does build carports. Therefore, the ACC considers it is time to notify him that it is necessary to provide his commitment to move the shed within 30 days and within 90 days have the completion of the shed moved back to the original location or attached to the left end of the house. Tom Scott and/or Mike Jefferis will agree with the letter before it is sent.

Andrena Knicely, Chairperson, ACC