

TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on January 11, 2005 in the meeting room of the Havana Library, Havana, Florida.

PRESENT: Jean Wood, Don Magruder, Tom Scott, Joe Smyth and Kimsey Helms, Board members, Debbie Robinson, Corporate Secretary. See attached list of others in attendance.

ABSENT: Tommy Baker and Linda Ortiz

The meeting called to order at 7:07 pm by President Jean Wood.

Corporate Secretary is recording the meeting for the purpose of accurate minutes.

Approval of Agenda:

Kimsey Helms added item #1 to New Business: Beginning discussion on gate opening policy.

MOTION BY DON MAGRUDER, SECONDED BY KIMSEY HELMS, TO APPROVE THE AGENDA AS AMENDED. MOTION CARRIED.

Approval/Corrections of December 2004 Minutes:

MOTION BY TOM SCOTT, SECONDED BY DON MAGRUDER, THAT THE MINUTES BE APPROVED AS CORRECTED. MOTION CARRIED. (Corrections consisted of grammatical errors & clarification.)

Treasurer's Report: Corporate Secretary Debbie Robinson reported the total deposit for December was \$26,794.40, expenses of \$83,257.94, checking account balance is \$28,740.60, and the balance in the sinking fund is \$193,563.79. The largest expenditure was for the asphalt work and culvert replacement.

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

Correspondence/Phone Calls:

1. Kimsey Helms received a phone call from a neighbor who expressed concern about something he had heard. The neighbor had heard from a realtor showing a home on Tallavana Trail that the dues were increasing to \$800.00. Kimsey reassured the neighbor that the realtor's statement was not true and dues are remaining at \$600.00.
2. Jean Wood received a phone call from Willis & Linda Rabon. Since the Rabons' were present and on the agenda, Jean said the issue would be discussed later in the meeting.
3. Jean Wood received a phone call concerning the gate, which will be discussed under New Business. Kimsey Helms and Joe Smyth also received calls concerning the gate being opened for various events.
4. Jean Wood received a phone call concerning dogs running loose and chasing deer. Jean told the caller that there are county codes regarding dogs and that the member should first talk with the dog owner then call the county if necessary. Jean mentioned that the county codes concerning dogs should be posted on our website.

BOARD REPORTS

Member Relations: Reported by Debbie Robinson for Linda Ortiz
Newsletter articles for the Spring Edition are due February 15th.

The web site received 109 visits in November with a typical visit lasting for 2.86 minutes and the longest visit lasting for 62 minutes. In December, the web site received 379 visits with a typical visit lasting for 2 minutes and the longest visit lasting for 46 minutes.

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Legal: Don Magruder:

A. Lincicome case – There has been communication between our attorney, Jack Harnett, and Attorney Stivers and are in agreement to meet one more time prior to going to trial to see if they could reach an agreement out of court. There is no date set yet for this meeting, as it will have to go before a judge.

Some of the issues to be discussed are the access to the 29 acres Mrs. Lincicome owns but has up for sale, the fence along the boat ramp, moving of a section of the existing fence owned by Mrs. Lincicome, the removal of a gate to the boat ramp, and gate repairs among other items. The courts decided at the time when Dr. Harris owned the 29 acres that the only ingress/egress to that property was to be through Hickory Lane. The settlement would also bear language that would not open up the association for future lawsuits.

A letter was drafted and sent to the listing realtor of the 29 acres informing him of the access situation and that the property was under covenants of the Association.

B. Connelly case –With no success in contacting our attorney Robert Maloney, the Association has no other recourse than to dismiss Mr. Maloney and begin the search to hire a new lawyer. It has been discovered that Rob Maloney has moved to Atlanta, GA, and had not responded to numerous phone calls or letters. Don has begun the search for a new attorney, will check out some referrals and set up some interviews. Once Don gets the interviews set up, Jean Wood volunteered to go with Don.

With the Connelly's house on the market, the question has come up if we should take them to small claims court for failure to pay dues for the last 1-½ years. Don drafted a demand notice letter for payment of total past due with thirty days of receipt of the letter.

MOTION BY TOM SCOTT, SECONDED BY KIMSEY HELMS THAT THE BOARD SEND THE DEMAND NOTICE LETTER TO THE CONNELLYS FOR PAYMENT OF PAST DUE ASSESSMENTS TO BE PAID IN 30 DAYS. MOTION CARRIED. (Letter is to be sent certified mail/return receipt)

C. Progress Energy – Approximately one year ago, we were contacted by Progress Energy concerning the dirt piles under the power lines. Due to safety hazards, we were asked to remove the dirt piles or level them out to no more than two feet deep. Access to the power line easement was prohibited to the Association and we were not able to take care of the dirt piles. Progress Energy made Peavy & Son an agent of Progress Energy, which then allowed access over the properties to reach the power line easement. The dirt piles have been leveled and a letter has been sent to the enforcement agent of Progress Energy stating so.

Lake Management: Reported by Jean Wood & Tom Scott

Tom reported that Sean McGlynn with McGlynn Laboratories has been retained as our consultant for the lake. After a meeting with Sean on site, it was determined that the priority for Lake Tallavana should be shoreline restoration. Sean will assist the association in applying for a lake-wide permit, which includes the association common grounds such as the dam as well as individual homeowners with property along the lake. The short form permit will cost \$500 but will include everyone. The permit will be very specific on what kind of work can be done. The DEP will allow riprap with a matting underneath to prevent the rocks from sinking. If a homeowner desires to do more than laying a mat for vegetation along their shoreline, such as adding riprap or fill, the DEP requires a specific site plan, drawn by an engineer with a survey if needed. Shoreline work of this nature would be covered under the association permit only for the homeowner provides the engineered drawing and plans. The homeowner would be responsible for the cost of the drawings and plans. Homeowners desiring to do shoreline restoration that

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falls under the association permit will be required to sign a disclaimer that any additional work done by the property owner that could result in a fine by the DEP, the homeowner will be responsible for the fine not the association.

The association would like to work with the homeowners by purchasing the riprap in volume then the individual homeowners can reimburse the association for the amount they use. There are different types of matting depending if riprap is used or if the owner wants a grassy slope to the waters edge. Scheduling will be carefully planned to minimize the lowering of the lake and to make sure the optimum level is reached before our drier months.

Concerning the landowner upstream of the D-8 retention area, Dallas Lambert has already received funds to fence his cattle out of the creek. Also he has applied for and will get additional funding for erosion control. Though he still has not done any of the work he will be fined 20% of the grant amount if he does not accomplish these projects. In light of this information, THA will not be financially assisting Mr. Lambert as previously determined by a motion made at the December 2004 Board Meeting.

Sean suggested that the ravine in the D-8 area should be considered as a recreational area with low impact nature trails. There is a high quality of Beach/Magnolia hardwoods and a scenic creek, which makes this area prime for a nature trail. Care will be taken that the nature trail does not create additional water runoff problems. It was suggested that the association may want to rename the area other than "D-8 Pond" and could use the web site and newsletter for suggestions. Sean has asked Scott Matteo, Kreel Engineering, to investigate and propose improvements to the existing D-8 storm water facility.

Sean will be coordinating with the Lakewatch samplers to get ambient water quality sampling started. This will include bacterial analysis, inorganic and dissolved oxygen profiles quarterly. The results add necessary TMDL parameters.

Another analysis that Sean will have done is for toxic algae. This will be performed in late summer or under bloom. Some algae can be very toxic. Also, during the carp removal, 6 largemouth bass were taken for mercury analysis and aging.

The last item reported by Sean was to inform THA that he has recovered the historic database from Helges' files and has new data from the Tallavana Lakewatch samples and is ready to begin data analysis.

Jean reported on the carp removal on January 8th. Jean thanked volunteers Leonard Whatley, Bobby Boatright, Tom Scott and Milton Wood. There were not as many carp collected as in the past with approximately 600-700 harvested. There was a mix-up in that the people who normally pick up the carp were not there as the carp were being removed. Jean Wood and Cathy Goodman contacted the gentleman who normally takes the fish and delivered a truckload to his home. The remaining harvested carp were buried under the power lines. It was noted that most of the carp taken were 1-year-old fish. Next shocking may take place in Spring when the water is slightly warmer but cool enough to be effective.

Cormorant Control: Leonard Whatley has resigned as a volunteer with the cormorant control. Bobby Boatright volunteered at the meeting and Buddy White previously mentioned to Jean that he would be willing to help. At the December board meeting, there was discussion and a conclusion that there would be no shooting or pyrotechnics on the weekends due to complaints by a couple of members. Don Magruder asked that we continue the discussion at this meeting. It was decided during the discussion that the board act in the best interest of all the membership and the lake in the form of a motion.

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MOTION BY DON MAGRUDER, SECONDED BY JOE SMYTH THAT THE CORMORANT CONTROL BE AUTHORIZED TO PATROL AND PROTECT THE LAKE THROUGH THE ENTIRE WEEK AND NOT EXEMPT THE WEEKENDS.

Joe Smyth asked for further discussion. Joe asked how many objections the board has received concerning the cormorant control. There are two individuals that have objected numerous times. Their objects to the shooting and noise are because of the eagles in near by trees. Jean Wood spoke with Billy Kemp, a Wildlife Conservation office, who said that the type of tactics we are using to disrupt the eating and roosting of the cormorants in general do not bother eagles. It has been found that shotguns used for hunting around Talquin do not bother the eagles there.

Tom Scott asked if Jean has any discussion with our lake biologist, Bob Rousseau, concerning if there is really that much damage done by the cormorants. Jean has talked with Mr. Rousseau who said that the number of cormorants we see on Lake Tallavana really hurt the water quality, surrounding vegetation and the fish population. On areas of the lake where there have been approximately 300-400 birds roosting, there is so much bird waste that the trees look like they are covered with snow. Since the cormorants have become a problem on our lake, Lake Watch has seen a drop in the water quality. Leonard Whatley said that the best time to patrol is at dusk when the cormorants are getting ready to roost. If they are not allowed to roost, they will quickly move on. Also, if two boats are working the lake at the same time, both ends of the lake can be protected instead of the birds leaving one end only to go to the other.

AFTER NO FURTHER DISCUSSION, VOTE WAS CALLED. MOTION CARRIED.

It was suggested that information concerning the cormorant control be posted on the website and an article be printed in the newsletter.

Joe Smyth informed the board and membership of a "Shoreline Restoration" workshop help by the Alachua County EP on Feb. 3, 17 & 26. The workshop on the 26th will focus on the waterfront property owner. It was suggested that Sean McGlynn be notified concerning the workshop and that the association offer to pay any travel expenses and fees. Jean Wood will contact Sean about the workshop.

POINT OF ORDER: At this point in the meeting, Don Magruder suggested that the board allow Don McEwen to present the proposed 2005 Budget to the board.

Budget Review Committee: Don McEwen

Don reported that most of the details were given at the December 2004 Board Meeting when the board was presented with a tentative proposed 2005 budget.

Don quickly listed some of the changes that would have an impact on the 2005 budget:

1. After an engineering study on the culverts in the community, there are 6 culverts to be replaced in 2005.
2. Plans for lake restoration have been modified and include a needed shoreline restoration project.
3. Due to the size of the association and the amount of time required, Debbie Robinson will be a part time contract employee as the Corporate Secretary/Bookkeeper.
4. Replacement of the drain field at the pavilion restrooms.

Don reported that the budget model for the next 10 years is balanced and recommended the 2005 budget be adopted with the assessments continuing at \$600 annual and expenditures of \$248,593.17.

MOTION BY TOM SCOTT, SECONDED BY KIMSEY HELMS THAT THE 2005 BUDGET BE ACCEPTED

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AS PROPOSED WITH THE DUES REMAINING AT \$600 AND THE EXPENSES OF \$248,593.17. MOTION CARRIED.

Lake Watch – Pat Powell: Lake Watch went out Saturday, January 8th. The visibility is at 2 feet but it was too soon to have any of the lab results.

Security: Report given by Debbie Robinson for Tommy Baker

It was reported that Scott Ivey worked 20 hours for the Association and 24 hours on duty in the month of December. Scott performed 85 house checks and 14 vehicle stops. Billy Kemp worked 20 hours in December.

Gate: The gate had a timer replaced.

Roads, Grounds & Dam: Kimsey Helms and Tom Scott

Kimsey reported that we have received the bill from Peavy & Son for the leveling of the dirt piles in the power line easement. The amount was \$800, which was considerably lower than what was first anticipated.

Also concerning Peavy & Son, the roadwork has been completed with striping and centerline reflectors and the final payment is to be made.

There have been problems with the existing drain field at the pavilion restrooms, problems caused by age, clay and the parking of vehicles. Three bid requests were sent for replacement of the drain field. Kimsey presented a compilation spreadsheet to the board for consideration. There was discussion concerning the differences between the bids on the work to be done. Also, Big Bend Septic Tank has worked in our behalf with the Gadsden County Health Department to reduce the scope of the overall project. The Health Department was originally requiring a much larger system than what is really needed. It was determined that further clarification was needed from both the bidders and the Health Department before a final decision could be made. However, due to the nature of the problem, it was determined that the drain field needed replacing as soon as possible. Once the new drain field is installed it was discussed the need to protect it with some type of barrier either plants and or fence. The drain field needs to be protected from any type of traffic or parking.

MOTION BY DON MAGRUDER, SECONDED BY TOM SCOTT, THAT THE BOARD ALLOW KIMSEY HELMS TO CONTRACT WORK UP TO THE BUDGETED AMOUNT OF \$7,000 IN ORDER TO REPAIR AND/OR INSTALL A DRAIN FIELD AND/OR ANY OTHER RELATED WORK AND THAT THIS WORK BEGIN AS SOON AS POSSIBLE. MOTION CARRIED.

COMMITTEE REPORTS

ACC: Reported by Mike Mapstone

There were no submittals for January so the ACC did not meet and does not have a report.

- b. The ACC Building Permit signs have not been ordered. Diane Sheffield will take care of this.

No details of ACC recommendations on file as there were no submittals.

It was discussed that since there has been no work done on Magnolia Court by Mr. Heidenreich to correct the drainage problems, that it was time to erect a sign that says that Magnolia Court is not maintained by Tallavana Homeowners' Association.

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Nominating Committee: Milton Wood, the Nominating Committee chairperson, confirmed the following members to be considered for election to the board:

Mike Mapstone for a 3-year term, Mike Jefferis for a 3-year term and Joe Smyth for a 2-year term to finish the term of a board position that was filled at the 2004 Annual Meeting and was vacated in 2004. Joe is currently serving in the vacant position as interim until the 2005 Annual Meeting.

OLD BUSINESS

1. Hanney/Rabon – Lot CC-18: Mr. & Mrs. Willis Rabon, Lot CC-17, received notice that the next door lot, CC-18, will be up for auction due to unpaid taxes and a tax deed. Mr. & Mrs. Rabon contacted Mr. Hanney who at first discussed the possibility of selling Lot CC-18 to the Rabons'. The Rabons' were willing to satisfy some of the past due assessments and had approached the Board to come to an agreement on a fair amount to pay. Between their first contact with Mr. Hanney and this Board meeting, the Rabons' learned that Mr. Hanney plans to pay the taxes and will keep Lot CC-18. The tax auction is Jan. 19th. Should Mr. Hanney pay the taxes prior to the auction, the property will be taken off the auction block. If the taxes are not paid, Rabons' are planning to bid on Lot CC-18. If Lot CC-18 is auctioned for the tax certificate, there will be no proceeds to THA for the past due assessments. The Rabons' will contact Mr. Hanney again, prior to the auction, to see if he would be willing to sell the lot.

MOTION BY TOM SCOTT, SECONDED BY KIMSEY HELMS, THAT IF RABONS' ARE ABLE TO PURCHASE LOT CC-18 FROM MR. HANNEY PRIOR TO THE AUCTION, THAT A PAYMENT SCHEDULE BE SET UP FOR THE PAST DUE ASSESSMENTS EXCLUDING INTEREST AND LATE FEES. MOTION CARRIED.

2. Policy Committee – Due to conflicting schedules, the committee has not had a chance to meet.

NEW BUSINESS

1. Gate Opening Policy – The board members are receiving numerous calls for the gate to be opened to the public, sometimes only 20 to 30 minutes prior to the requested time. Most of the notices are from realtors calling for the gates to be opened for their Open House. There are also members requesting the gate be opened to the public for a private party in their home where only a few cars will be entering the community. In order to maintain the security of Lake Tallavana, there was discussion regarding the proposal of a policy on when the security gate should be opened and how long there should be prior notice.

Kimsey Helms will begin to draft a proposed policy for the board to consider.

With no further business, at 9:50 pm, Joe Smyth moved to adjourn, Kimsey Helms seconded.

Respectfully submitted,

Debra Robinson,
Secretary to the Board

/dr