

## TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on January 10, 2006 at the Havana Library, Havana, Florida.

PRESENT: Jean Wood, Mike Mapstone, Mike Jefferis, Don Magruder and Kimsey Helms, Board members, Debbie Robinson, Corporate Secretary. See attached list of others in attendance.

ABSENT: Tom Scott, Joe Smyth (both absent due to work related travel)

The meeting called to order at 7:01 pm by President, Jean Wood.

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

### **Approval of Agenda:**

Revision to agenda – ACC proposed policy approval and report to be moved up the agenda and given after Sean McGlynn and Scott Matteo.

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

### **Lake Report – Shoreline Restoration & D-8 Pond Area – Sean McGlynn & Scott Matteo**

Sean reported that Scott has the plans drawn for the D-8 pond. The situation at the D-8 pond has gotten worse. Mr. Lambert has been filling his ravine with loose fill, which runs down into Lake Tallavana. Improvements made to the D-8 holding pond will help the lake. A bathometric mapping, which measures the water & mud levels, found lots of hard bottom in Lake Tallavana. The north end of the lake is shallow but is not filled with “muck”. The south end is filling with muck and will need dredging again. Sean will continue to work on the Lambert situation to reduce the amount of fill washing from Lambert’s property into Lake Tallavana.

Sean and Scott showed the engineered drawings for the improvement of the D-8 pond area. The pond size will be greatly increased, which should mean less clean outs. A gabion wall will be installed at the edge of the pond where it meets Tallavana Trail. The gabion wall will consist of wire baskets filled with various sized rocks. The wall is to act as a filter and as a barrier to pond water behind the wall to allow sediments to drop. A small gravel parking lot and turnaround will allow access for equipment needed when the pond requires cleaning. The parking lot will also serve members who want to hike the Magnolia Hammock Creek ravine.

The permit application for the D-8 design improvements is ready for submittal to the DEP.

MOTION BY MIKE JEFFERIS THAT THE BOARD HAS SCOTT MATTEO PROCEED WITH THE MAGNOLIA HAMMOCK CREEK (D-8) IMPROVEMENTS BY SUBMITTING THE PERMIT APPLICATION TO DEP. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

Regarding the Shoreline Restoration project, Sean reported that the DEP has again asked for more information and is requesting a change on the slope. Sean has an appointment with the DEP regulator Chris Stahl to discuss the latest requirements.

Sean attended a meeting of the Gadsden Soil and Water Conservation District to address the issues between Lake Tallavana and Dallas Lambert. The District said that there was nothing they could do as far as regulating Lambert’s actions and that DEP is the regulatory agency regarding the type of problems we are having. The District did say that they would help Mr. Lambert by processing any grants that he applies for to fund the necessary clean up of his property.

Jean mentioned that a carp removal is scheduled for next week.

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**ACC:**

- a. Proposed ACC guidelines policy approval

There was discussion about how to proceed with the approval of the ACC policy and how to handle the revisions if any. It was decided that a motion to adopt the policy be made then open for discussion and vote on each revision.

MOTION BY MIKE JEFFERIS TO ADOPT THE PROPOSED ACC POLICY. SECONDED BY MIKE MAPSTONE.

Discussion: Don Magruder proposed a change in the first paragraph, next to the last sentence on page 1. The sentence reads, "Subsequently the ACC makes recommendations to the board that ensures all Covenants, Rules and Regulations are met regarding structures." Because the policy covers more than structures including tree removal, Don suggested that "regarding structures" be stricken.

MOTION BY DON MAGRUDER THAT "REGARDING STRUCTURES" BE STRICKEN FROM THE FIRST PARAGRAPH, NEXT TO THE LAST SENTENCE ON PAGE 1. SECONDED BY MIKE MAPSTONE.

Discussion: Mike Jefferis commented that when "regarding structures" is removed from the sentence, it reads as though the ACC makes recommendations on all the governing documents.

QUESTION CALLED: ALL IN FAVOR OF STRIKING "REGARDING STRUCTURES". IN FAVOR: DON MAGRUDER, KIMSEY HELMS. OPPOSED: MIKE JEFFERIS, MIKE MAPSTONE AND JEAN WOOD. MOTION FAILED, "REGARDING STRUCTURES" REMAINS.

There were some grammatical and punctuation changes. Member Linda Ortiz asked that if this document is to cover all ACC issues then should there be some mention regarding mobile homes? Linda asked more questions regarding to structures that were built prior to the ACC and are all structures being grandfathered in? Discussion continued that approved structures such as sheds would be grandfathered if they did not meet the new ACC policy, however, unapproved sheds may require removal. Determining which sheds would be approved or removed would be determined on a case by case. Linda asked how the value of a shed would be determined if it were to be removed? Again, it would be a case by case. The Board will have to look at each situation.

Don Magruder proposed that item e.2 regarding clear cutting should be stricken from the policy as its contents is in clear violation of the covenants. The covenants state that the buffer zones may not be clear cut but the ACC policy states, "...property owners are prohibited from clear cutting trees on the lot prior to or after construction..." The ACC policy is direct conflict with the covenants.

MOTION BY DON MAGRUDER THAT ITEM E.2 BE REMOVED FROM THE ACC POLICY. SECONDED BY MIKE MAPSTONE.

Discussion: The ACC responded by stating that this is an item that our attorney should determine. If the attorney sees this item as a conflict with the covenants, the ACC will strike the item from the policy. Other members stated their concerns in having a policy that is attempting to prohibit something that is allowed in the covenants.

QUESTION CALLED: ALL IN FAVOR: DON MAGRUDER, KIMSEY HELMS. OPPOSED: MIKE JEFFERIS, MIKE MAPSTONE AND JEAN WOOD. MOTION FAILED. ITEM E.2 REMAINS.

Another revision that did not require a motion was on page 9, item h.2. The total square footage of a swimming pool was changed from 264 to 650. Calculations should have been based on 18'X36'.

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There was a question if the policy should be reviewed by an attorney prior to board approval. The comment was that the ACC needs a working document now and that there were submittals being held up until the ACC could refer to this policy. An attorney will review the ACC policy after adoption and if there need to be changes, the policy can be revised at the next meeting.

The revisions to the ACC policy were punctuation and grammatical. All other motions for revisions were turned down.

QUESTION CALLED ON THE ORIGINAL MOTION WITH REVISIONS: ALL BOARD IN FAVOR.  
MOTION CARRIED.

Adopted policy is to be reviewed by an attorney. Should the attorney recommend any changes, revisions will be made and brought before the board.

b. Submittals for approval – The ACC met on Jan. 9<sup>th</sup> and recommends the following submittals:

b.1 Larry & Earline Boyington, 1800 Tallavana Trail, submittal for a detached, 18' x 28' open deck in the woods located approx. 18' from the house.

b.2 Lance & Jennifer Swedmark, 1311 Tallavana Trail, submittal for 4" hog wire fence with 3 gates to be located at the back of the house approx. 65' from rear line (lake). ACC has asked that fence be offset 5'-10' from the side of lot line to allow wildlife to move freely and that a wood decorative fence be added to the side that faces the road.

b.3 The ACC rejected a submittal from Andrew & Donna Phillips, 550 Mason Drive. Phillips submittal was for a 1350 sq ft (45'X30') RV garage. The ACC noted that 600 sq ft would adequately store an RV and an average 2-car garage is approx 450 sq ft. The committee stated that 1350 sq ft is too large for an out building.

MOTION BY MIKE MAPSTONE THAT THE SUBMITTALS BE APPROVED AS RECOMMENDED BY THE ACC. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

Regarding the Refenes submittal for their shed. The Refenes submitted a 10'X 16' shed to be placed directly behind their house. The shed is not to be seen from the road. The ACC has visited the site and recommends approval.

MOTION BY DON MAGRUDER THAT THE BOARD APPROVE THE REFENES SUBMITTAL FOR THE SHED TO BE LOCATED BEHIND THE HOUSE. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

Regarding the pending Keith's submittal for their garden shed; the ACC will schedule a site visit.

c. Fines for ACC violations update-Now that the ACC policy is adopted, our attorney will be contacted to see what actions can be taken regarding ACC violations.

d. Roche ACC violation – Jean read the 12/15/05 letter that was sent to Mr. Roche stating that the Board would not make a decision on his shed until the ACC guidelines policy was adopted. There was discussion that a follow up letter should be sent now that the ACC policy was adopted. The Board was in agreement that the letter should cover that the shed is in violation and should be moved according to a location suggested by the ACC or that the shed be removed completely. The letter should also state that the shed would not be allowed in the buffer. Mike Jefferis offered to draft the letter.

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**Approval/Corrections of December 2005 Minutes:**

Corrections consisted of spelling and grammar.

MOTION BY KIMSEY HELMS THAT THE MINUTES BE APPROVED AS CORRECTED. SECONDED BY MIKE JEFFERIS. MOTION CARRIED.

**Treasurer's Report:** Mike Jefferis reported the total deposit for December was \$29,546.39, expenses of \$25,281.62, checking account balance is \$7,300.19, and the balance in the sinking fund is \$259,993.21. The larger expenditures for December were for the lake projects and materials for the dirt roads.

Mike also reviewed the totals for the year 2005 with \$193,146.88 total collected and \$149,015.24 total expenses. Efforts to collect delinquent assessments resulted in 103% of the budgeted income received. Expenses by groups: Administrative, \$23,475; Lake Management, \$26,014; Legal, \$9,256; General Maintenance (mowing, roads, clean up, gate repairs), \$70,071; Security, \$9,879; Social Activities, \$3,687; and Taxes, \$3,083.

When the notice to the Annual Meeting and proxy were sent to the membership, those members who were delinquent for the last 4 quarters were sent a letter in place of the proxy stating that according to the Articles of Incorporation, voting privileges will be suspended until assessments are current. The voting privileges would be reinstated immediately upon receipt of delinquent assessments. It was reported that the letter did net some results and a couple of delinquent accounts were paid up.

MOTION BY KIMSEY HELMS THAT THE TREASURER'S REPORT BE ACCEPTED AS READ. SECONDED BY MIKE MAPSTONE. MOTION CARRIED.

**Correspondence/Phone Calls:**

1. Debbie Robinson sent letters to two members who repeatedly post business fliers on the bulletin board. The letters informed the members that the regulations for the bulletin board states "no business notices". The letters also informed the recipients that their business notices would be kept on file with the corporate secretary as a resource. Debbie said she receives calls from members inquiring of different types of services in Lake Tallavana and will use the business notice resources as reference. Also, business notices can be posted on the website on the "Message Board".

2. A letter from Howard Garrison was received and distributed to the Board. The Board discussion concerning Mr. Garrison's letter will be done under the Lake Report.

3. Jean Wood received a phone call from Jill Westendick regarding the cormorant control and the shooting.

4. Jean Wood received a phone call from John Staron regarding his need to park a car down at the pavilion area for a couple of days. The car was involved in an accident and John needed to have the car available.

5. Several Board members received a call from Richard Healy regarding night fishing and lights on the dock. Mr. Healy was at the meeting and proceeded to discuss the issue. People have been fishing off the dock at night and are using a bright light that shines into his house. Mr. Healy spoke to the people about it from across the cove. Billy Kemp was contacted and asked to investigate. The people are members from Mason Drive, their assessments are current and they are observing the bag and size limits of the lake. Billy reported to Debbie that he would continue to monitor the situation and would handle any problems that came up.

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6. Jean Wood received a phone call from Billy Trammel who reported a boat with a motor was on the lake. Mr. Trammel is a renter, does not receive the newsletters and is not aware that the boat with the motor is for cormorant control. Jean enlightened him about the cormorant control. In the future, a newsletter will be sent to the address where Billy rents.

7. Jean Wood received an email from Pat Peters regarding the status of the shoreline restoration DEP permit. Jean forwarded the email to Tom Scott to answer Pat's email. Jean mentioned that there have been several members calling the DEP to check on the status of the THA permit and asked that members not to do so. Constant communications from the homeowners may be hurting instead of helping the permitting process.

8. A letter was sent to Mr. Roche stating that the Board would not make a decision on his shed until the ACC guidelines policy was adopted.

## **BOARD REPORTS**

***Legal:*** Don Magruder and Mike Jefferis

A. Magnolia Court – Ken Abele has set up a meeting with Sean McGlynn to determine what our actions should be regarding the storm water retention ponds. While meeting with Sean, Ken will also bring up the Lambert issue to discuss the possibilities of litigation.

Mike Jefferis reported that the engineer that has been contacted regarding the storm water retention ponds that the DEP found in violation would be meeting with a contractor next week.

B. Lincicome case –Don received a call from Ken Abele who has a meeting with Attorney Stivers to discuss the survey flags required to mark the easements. It is important that the survey flags be in place so that the easement being agreed upon can be seen. Once the easement has been defined and the agreements signed, the gate to the boat ramp will be removed, THA will install a fence along the boat ramp easement and the gate at Mason Drive will be replaced as well as some fencing added on both sides of the gate. Mason Drive residents will then be able to access the lake from Mason Court.

C. Acquisition of Deer Pass – Linda Ritchie has been in contact with Mr. Pennington regarding the transfer of Deer Pass to the Association. There are some sections of Deer Pass where the road is an easement on the property owners land. Other sections of the Deer Pass road are owned by Tallavana Properties. Mr. Pennington is willing to sign a Quitclaim Deed to transfer the sections of Deer Pass owned by Tallavana Properties. Linda should have a signed Quitclaim Deed by the end of this week.

Mike asked Linda to report on Quail Court at this time. Linda reported that the new water lines were in the ditches and to the homes by they have not yet been connected. Until the 30 days is over for water approval, no work can be done on the road. After Linda receives approval on the water from the new water lines, the old water lines will be abandoned and roadwork will continue. The stop sign has been moved to accommodate the wider road.

### ***Member Relations:***

At the December Board meeting, it was moved that a larger outdoor bulletin board be purchased for Mason Drive. A 48" X 36" outdoor bulletin board has been ordered and will be delivered in approximately 2 weeks. The existing bulletin board at Mason Drive can now be moved to the boat ramp so that fishing regulations can be posted.

The newsletter deadline is February 15th.

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There is no web site report.

**Lake Management:** Reported by Jean Wood & Tom Scott (absent)

Shoreline Restoration update – See Sean’s report at the beginning of the meeting.

Cormorant control has just recently spotted 200-300 birds attempting to come into Lake Tallavana. Leonard Whatley has been on the lake in attempts to keep the cormorants from roosting.

Member Howard Garrison, 3429 Tallavana Trail, sent a letter to President Jean Wood expressing his concerns about the methods used for Cormorant Control. Mr. Garrison’s concerns are the shooting and the disruption of the other wildlife. Mr. Garrison requested a written response from the Board.

At the January 2005 meeting, the board moved that the cormorant control would occur on a daily basis and that running the boat and noise tactics would be used to protect Lake Tallavana and keep the cormorants from roosting. The Board continues to support the cormorant control by the same means. It was the Board’s consensus to respond to Mr. Garrison with general comments about why THA has cormorant control, that our methods are documented to be acceptable, that the Federal government allows the methods used and to suggest web site links that cover additional cormorant issues. Also to be mentioned is that some of the shooting that Mr. Garrison is complaining about occurs at times when Leonard is not on the lake. A landowner adjacent to Lake Tallavana frequently shoots on his private property. Shots have been heard at the North end of the lake but it is not the cormorant control.

There have also been complaints from the Westendicks and the Knicelys.

Jean reminded that a carp removal is scheduled for next week, possibly on Wednesday. If our usual source to take the removed carp is not available, Sean knows of a party that would take the carp.

**Lake Watch** – Pat Powell: Pat would like to schedule an outing for next weekend but needs to check with Ron Crawford to see if the boat is running.

**Security:** Joe Smyth (absent)

It was reported that Scott Ivey worked 20 hours for the Association in December and Billy Kemp worked 13.5. There was nothing else to report in Joe’s absence.

**Gate:** No problems with the gate to report.

**Roads, Grounds & Dam:** Kimsey Helms, Mike Jefferis and Tom Scott (absent)

Kimsey visited the gate at the far end of the Sheffield Preserve and found the gate in tack and no signs of trespassing. Progress Energy has been through during the clearing of the power line easement but there are no indications that they placed their own lock on our gate. Don Magruder will contact Progress Energy regarding putting their lock on our gate for their access.

Kimsey reported that the dirt roads have required grading and that 7 loads of gravel have been spread. There has been no mowing.

## **COMMITTEE REPORTS**

**ACC:** Reported by Diane Sheffield

All ACC business was conducted earlier in the Board meeting.

**Policy Committee:** Reported by Joe Smyth (absent)      No Report.

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## **OLD BUSINESS**

1. Liability Insurance – The agent was able to take ownership of the policy on January 1<sup>st</sup>, but it is too early to have a report.
2. Quail Court update – Linda gave the update under Legal.
3. Nominating Committee report – Pat Powell reported that committee members, Leonard Whatley, Bobby Boatright, CeCe Smyth, Pat Powell and alternate Jim Poss met and the following people have been nominated for the three open positions on Board of Directors: Kimsey Helms, Carolyn Tanner and Bill Oswald.
4. Committee to research property management idea update – Committee was not able to meet and there is no report.

## **NEW BUSINESS**

1. Schedule Work Day - Saturday, February 25<sup>th</sup> is the first scheduled workday. Saturday, March 18<sup>th</sup> is the alternate if the weather prohibits work on Feb. 25<sup>th</sup> or if work is not completed on the 25<sup>th</sup>, March 18<sup>th</sup> can be used to finish. The Social committee will provide lunch.

With no further business, meeting was adjourned at 10:07 p.m.

Respectfully submitted,

Debra Robinson  
Corporate Secretary