

TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on Wednesday, January 14th, 2009 at the meeting room of the Havana Library, Havana, FL.

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

ABSENT:

The meeting was called to order at 7:05 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:

No additions or revisions.

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

Before proceeding with the meeting, Larry Jones asked if there was a legal quorum of Board Members at the December meeting. Debbie responded that there were 4 out of 7 Board Members present and that there was a quorum at the December meeting. Neil listed those present at the December meeting: Larry Jones, Tom Scott, Kimsey Helms and Neil McDonald.

Approval/Corrections of December 2008 Minutes:

No corrections.

RICK KORNMEIER MOVED TO APPROVE THE MINUTES AS WRITTEN. LARRY JONES SECONDED THE MOTION. THERE WAS NO OPPOSITION, MOTION CARRIED.

Treasurer's Report: Rick Kornmeier reported the total deposit for December was \$23,167.48, routine operating expenses of \$6,445.20, no major project expenses, checking account balance is \$738.69, Money Market balance is \$58,149.78 and the balance in CDs/Savings is \$53,120.41. The separate account for the 12-pipe spillway repair has a balance of \$75,040.07.

Rick reported that other than the routine operating expenses there were no notable expenses.

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. The Association received a "Thank You" from Big Bend Hospice for our contribution in memory of member James Nettles.
2. The Association was in receipt of notice of another foreclosure in Tallavana.
3. Tom received a phone call from a neighbor who was followed in the gate by a pick up truck that was waiting aside from the gate prior to it's opening. The neighbor pulled into his driveway then back out to follow the truck that came in the gate behind him. The pick up truck pulled into a driveway, which it turns out was a resident at that address. The owner of the pick up truck called was upset that he was followed. Tom has not heard anything else of this incident. The neighbor did call Scott Ivey the next day and explained the incident.

BOARD REPORTS

Legal: Neil McDonald and Rick Kornmeier

A. Lambert runoff – Neil reported that there is nothing to update but that we should try to pursue since the D-8 pond has had to be cleaned out again. Neil said that he would give more information on the D-8 when we get to that point in the meeting.

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 until we hear something it would be a mute issue.

Member Relations: Tom Scott

There were 1,215 visits to the website in December.

Tom said that we do need to schedule a workday most likely for March. Tom asked for people to start thinking about what needs to be done and at the February meeting, we'll schedule the workday for March.

Lake Management: Tom Scott & Bill Oswald

a. Carp report – Bill reported the harvesting of 32 carp in December. Bill also mentioned that the permit has expired and needs to be renewed. Tom said that he needs a report from Bill on the month to month totals of harvested carp so that Tom can send those numbers in with the application for the permit renewal.

b. Cormorant report – Tom asked Leonard to provide numbers of cormorants shot during Jan., Feb., and March of 2008 for the report that has to be provided with the permit for the following season.

Tom said that the annual fish report was skipped in 2008 and that it really needs to be done. After the Board agreed to have Bob Rousseau conduct the fish survey in late summer of 2008, the water temperature was too warm and Bob advised that the best time of year is April. Tom said that in order to determine the health of our fish and if the carp population is still an issue, we should have Bob do the fish survey/report this April.

Neil said that with the amount of fish that went over the road and through the pipes during the flood from Fay and the abundant population of cormorants eating from our lake, it is time to see just what is our fish population.

Tom said that if the Board were in agreement, he would contact Bob Rousseau and set up a survey for April. Larry asked that we stay with the minimum of two bids policy and asked that we bid the fish survey. Tom said there are very few who are qualified to do this and Bob Rousseau is very respected in his field. Neil said that he saw an advertisement on the bulletin board at Stones and would contact that person. Debbie asked that a bid form listing the specific requirements be drafted prior to the contacting of anyone so that the fish survey/report could be properly bid. Tom said that he would draft a bid form. Rick Kornmeier reminded the Board of the importance in consistency of techniques and reports of prior years to compare to the new reports.

There was discussion about the cormorant issue, the lack of volunteers and a boat and motor to chase them. Member Bobby Boatright is currently using a noisemaker as a scare tactic but more is needed. There has been no actual shooting of the cormorants that anyone knows of. Bill said that the birds get immune to the noise and that it is better to shoot the birds. Tom reminded them that the permit allows up to 50 birds per year. In the past, Leonard used both pyrotechs and shooting to control the birds.

Lake Watch – Pat Powell: Pat reported received a complete report from Lake Watch with all indications that the health of the lake is in a steady decline. Lake Watch committee was planning to go

Minutes, Board of Directors Meeting, January 14, 2009

out the 17th but the cold weather postponed the Lake Watch until the 24th, again, weather permitting.

Security: Rob Combs

Rob reported that Scott Ivey worked 20 hours for the Association and 16 hours while on duty in December. Scott reported 9 traffic stops and 85 house checks. Mike Fish worked 16 hours in December.

Mike has been working on a deer carcass dumping issue that continues to be a problem. Someone has been dumping deer carcasses just over the fence onto Tallavana property at the far end of Sheffield Preserve. Mike has been in contact with a witness and will pursue the issue.

Tom Scott asked if Scott mentioned to Rob about someone dumping carpet next to the phone booth at the gate. Scott did get up with the person and the carpet was removed.

Rob reported a call from Gene Bryan concerning a 4-wheeler that has torn up the shoulders at the end of Hickory and the yard of the last home. Larry said that although it will be addressed further in the meeting, there is a gap aside from the gate across Mason Way that allows 4-wheeler type vehicles to trespass onto the power line easement. Larry said the other problem at the Mason Way gate is that there is a lock that does not belong to the Association that is keeping the Association lock from functioning with the cable, as it should. Neil said that he would go and cut the lock off so that Mason Drive residents who have keys could use the Association lock.

Neil wanted to address the fencing/gate issue at this time; he said he and Bill had some ideas to take care of the problems on the power line easement and at Mason Way. Neil said he has access to free gates that could be used to block the gap in the fence to keep 4-wheelers from entering the easement from Mason Way. Neil said that they also want to prevent people from being able to drive up to the Sheffield Preserve and dump trash. Neil said that he could get a gate to install across the entrance to Sheffield Preserve and lock it. With the entrance to the Sheffield Preserve locked, members would have to call Debbie or someone to get into the area. Debbie said that the carcass dumping has been coming from the end of Doe Run Road and not from access through the Preserve. Kimsey said that whoever is dumping the carcass is doing it over the fence and not from within. Neil said it would also prevent the 4-wheelers and ATV's from access. Neil wants to install the gate in the same location where a gate was previously. Kimsey said that gate was removed to give members access to Sheffield Preserve and moved to the far end of the Preserve to protect the Tallavana boundary.

Debbie said when a previous Board moved the gate from the entrance to the Sheffield Preserve, it was done with the idea to allow members access to Tallavana common property where they could hike and enjoy that end of the lake. Neil said that the gates are free and would prevent ATV's from entering Tallavana property.

TOM SCOTT MOVED TO GIVE NEIL PERMISSION TO OBTAIN THE FREE GATES AND POLES TO BE INSTALLED AT THE ACCESS OF SHEFFIELD PRESERVE AND TO FURTHER SECURE THE GATED AREA AT MASON WAY. ROB COMBS SECONDED THE MOTION.

DISCUSSION: For clarification, Debbie asked if the Board was intending to block the Preserve keeping members from being able to drive up to the area. Neil said that people could walk up to that area but at least it would keep vehicles out so there would be no dumping or tearing up the ground. Diane asked what would be expected once the trails are developed in that area. Neil said then they would have to call to have a key so they could go park in that area.

VOTE IN FAVOR: BILL OSWALD, RICK KORNMEIER, TOM SCOTT, KIMSEY HELMS AND ROB COMBS. OPPOSED: LARRY JONES. MOTION CARRIED.

Larry said that he was opposed because it was not right to have members walk quite a distance from the gate to the Preserve before they even get to the area where the trails are going to be.

Gate: No report.

Minutes, Board of Directors Meeting, January 14, 2009

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

Kimsey reported that the D-8 pond was cleaned out. Some of the dirt from the clean out was used to fill the hole around the culvert across from Don Jones' house where erosion has become a threat to the culvert. The remaining dirt from the D-8 was dumped and spread under the power lines.

Neil said at breakfast with Don Cantrell, they discussed using interlocking concrete barriers to line the D-8 pond at its original permitted size then backfill. Neil said that we could do repairs to the D-8 pond without obtaining permits from DEP. Kimsey questioned if there would have to be footings for the concrete barriers. Neil said he would find out from Don. Neil said that Sandy from NRCS would draw up some plans. At first it was thought that sheet piling could be used to line the D-8 pond but Neil found the cost to be prohibitive and this project would not fall under the jurisdiction of NRCS, therefore, no help from grant funds.

Tom suggested that until we get past the expenses of the 12-pipe spillway and dam repairs that we should maintain the D-8 and keep the expenses for D-8 at a minimum. Only after we have recovered from those expenses should we even consider work on the D-8 as planned a couple of years ago.

a. 12-Pipe Emergency Spillway update: At the meeting of the County Commissioners on Tuesday, January 13th, our contract was approved. The project should start Monday or Tuesday. The bid for the contract work came in between \$230,000 - \$235,000. Robert Presnell was to give us a set of plans after the Commissioners meeting but did not have them because Sandy with NRCS took the plans back with her. The engineering firm is Pribble-Rish and will be getting a fresh set of plans for us. Allen Excavating is the contractor. Plans are being updated as the original plans called for granite, which is very expensive and difficult to transport. The plans were altered from granite to lime rock and Neil said that the alterations in the plans had to get approval from Water Management District and NRCS. Neil said that all bidders were notified of the change. Neil said the contractor bids ran from \$230,000 to \$320,000. Neil said that they have 30 days to complete the project.

Neil said that he went to Northwest Florida Water Management District today to make an appointment for Lance Laird to come out to the dam tomorrow or the next day. Neil wants Lance to review the bid form for the tree removal and if, according to Neil, the slope on the dam is not a 3:1 slope, then the bid will have to be revised but in no way does Lance want the slope of the dam to change to a 3:1 slope if that is not what currently exists. Neil said that Lance is going to make all the decisions if there are to be any changes on the dam, not the Association.

Kimsey asked if a pre-construction meeting has been scheduled. Neil said that Robert Presnell would let him know then he would let everyone else know. Kimsey asked if we had a guarantee that our roads would be repaired if the contractor damaged them. Neil said that we have a 10-year guarantee on the work.

Neil asked where we should have the contractor set up. It was discussed that the common property across from the 12-pipe spillway should be used. Neil said that he spoke with the neighbor a couple of months ago that the area across from his home would be used during the project.

b. Emergency Exit Plans update: Kimsey has scheduled a meeting with surveyor Tom Skipper for Saturday morning at 11:00. Anyone wishing to attend should meet Kimsey and Skipper at the pavilion.

c. D-8 Sediment pond repairs: Discussed previously.

d. Culvert at 1730's Tallavana Trail: As previously discussed, fill from the D-8 pond was used to stabilize the end of the culvert but ultimately; the culvert will have to be replaced. After discussing the culvert with Don Cantrell, Kimsey sent an email to the Board explaining that the culvert is in an area where the whole road would have to be closed during replacement. Kimsey and Don discussed two options one costing more because it would include construction of a bypass prior to the culvert work or the second option would utilize the emergency exit, which we have yet to finalize. The cost to replace

Minutes, Board of Directors Meeting, January 14, 2009

this large culvert has been put into the 2009 Budget.

COMMITTEE REPORTS

1. **ACC:**

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

Approved Submittals:

Bill and Shirley Chambers, 3135 Tallavana Trail, submittal for tree removal.

Pending: A submittal from Mark Studley was received on 1/6/09. The ACC members plan to visit the site on Thursday, 1/8/09, and will be prepared to approve the submittal on site.

Also on Thursday, the ACC will visit the site at Larry Jones' home to view a tree that appears to be dieing and leaning over the house. Again, the committee will approve on site so that Larry can schedule the work immediately.

Other ACC Issues: The ACC form that was presented to the Board at the December meeting was revised as suggested and distributed to the Board prior to this Board meeting for their review. With no other changes, the form was approved.

LARRY JONES MOVED TO RECOMMEND APPROVAL OF THE ACC FORM TO BE POSTED ON THE WEBSITE. TOM SCOTT SECONDED THE MOTION. THERE WAS NO OPPOSITION. MOTION CARRIED.

See full report attached to the minutes.

Submittals approved between January and February ACC meetings to accommodate members:
Larry & Peggy Jones, 664 Mason Drive, submittal for removal of partially dead hanging over house; tree is not in buffer.

Mark Studley, 3375 Tallavana Trail, submittal for 10' X 13' metal shed in backyard. Site plan submitted showing placement of shed. No encroachment of buffers. Site pre-inspected by ACC members.

2. **Lake Management Committee:** Diane Sheffield remarked that the Lake Watch data was very sad as it shows just how much the water quality of the lake has deteriorated. She reported algae currently growing that is blue/green in color. Her concern was if the algae is this bad in winter, what will happen when the water temperature warms up. The Association needs the help of Sean McGlynn to conduct the additional water quality testing required by DEP in their prescribed format. The testing and plan writing is the reason we wanted the 319 grant last year but without the required data, DEP was not able to approve our request. Diane said that now the Association has to fund the testing so that the results can be submitted to DEP to increase the possibility of receiving grant funds. This data is a must if we are to prove where the pollutants are coming from.

In agreement with Diane's statements, Tom said that the data collected by Sean is needed in order for Lake Tallavana to move up the Impaired Water list. The higher up the list, the more likely we will be eligible for grant funds. Tom stated that DEP has certain protocols for accepted data. Although the Lake Watch information is helpful it does not fall under the more strenuous guidelines required by DEP. DEP protocols require TMDL test samples to be analyzed within hours of collection.

3. **Budget Committee:** Debbie reported the minor changes from the 1st Draft of the 2009 Detail Budget that was given to the Board in December. Changes were made to the Major Project areas for lake projects and culvert. The lake projects will be discussed with the letter of intent from McGlynn Laboratories. The only adjustment to the Routine Maintenance was for the additional mowing on the back

Minutes, Board of Directors Meeting, January 14, 2009

of the dam created by tree removal. The \$35,000 that was previous in the Major Project Budget for the D-8 pond construction was removed as we have since found out that there would be no grant funds available nor do we have any current, specific plans for repairs. The 2nd Draft of the 2009 Detail Budget was distributed to the Board prior to the meeting.

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

5. **Nominating Committee:** The Nominating Committee reported at the December meeting. Rick asked the Nominating Committee about how the committee came up with the three names that they did when an existing Board member whose desire is to serve another three years was not nominated. Jim Poss explained that the three Board members whose terms were expiring were asked if they wanted to serve another 3 years. Two of the Board members said that they would, one declined. The two names were brought up at the Nominating Committee meeting as well as two or three others. The Nominating Committee, by ballot, voted that Earl Mills, Neil McDonald and Linda Ritchie be placed on the ballot. Rick asked if the Board has the power to add another name and does the Nominating Committee supersede the Board. Jim explained that although appointed by the Board, the Nominating Committee reports to the membership and it is the membership that makes the determination of who is elected to the Board. He said there could be nominations from the floor, which would give the omitted Board member a chance to be placed on the ballot.

OLD BUSINESS

1. Mow/Maintenance Bid – Bids were sent out to five possible vendors and one was returned. Tom said that Marc does an excellent job and there were no other bids. Neil said that Marc's proposed contract runs from January 2009 through December 2014.

TOM SCOTT MOVED TO ACCEPT THE MOW/MAINTENANCE CONTRACT FROM MARC COCKE FOR THE TIME STATED. KIMSEY HELMS SECONDED THE MOTION. IN FAVOR: ROB COMBS, BILL OSWALD, RICK KORNMEIER, KIMSEY HELMS, AND TOM SCOTT. OPPOSED: LARRY JONES. MOTION CARRIED.

Larry stated his opposition was because he felt the bid form was designed specifically for one vendor and intentionally excluded others.

2. Letter of intent from McGlynn Laboratories – Having discussed most of the details proposed by McGlynn Laboratories, the Board accepted the proposal. There was discussion if the Board should request seeking at least one more bid. Tom Scott said that there is very few trained to do the type of testing that Sean is proposing. Also, that Sean has his own laboratory is a cost savings as other testers would have that additional cost of taking the water samples to a third party lab for testing.

As the discussion continued about the bidding process, Debbie reminded the Board that in their discussion to adopt their bidding process at the August Board meeting, they said that "if it is something that is already in place and we are going to continue with that, then that stands." The Association has been working with Sean for several years and so, should fall into this category. Sean has been working on a long-range plan for Lake Tallavana.

RICK KORNMEIER MOVED TO ACCEPT THE LETTER OF INTENT FROM MCGLYNN LABORATORIES, INC. NOTING THAT WE WAIVE THE 2-BID REQUIREMENT AS WE HAVE HAD CONTINUAL INVOLVEMENT WITH SEAN MCGLYNN. KIMSEY HELMS SECONDED THE MOTION. THERE WAS NO OPPOSITION. MOTION CARRIED.

3. 2009 Proposed Budget – Debbie stated that the changes were previously discussed. Tom said that the Budget Committee did an excellent job.

Minutes, Board of Directors Meeting, January 14, 2009

TOM SCOTT MADE A MOTION TO ACCEPT THE 2009 BUDGET AS PRESENTED TO THE BOARD. LARRY JONES SECONDED THE MOTION. THERE WAS NO OPPOSITION. MOTION CARRIED.

4. Review Bid form for tree removal behind dam – Neil asked that we hold off drafting the bid and sending it out until he talks with Lance Laird and gets his opinion on the slope of the dam. Neil said once the form states the slope according to Mr. Laird, then the form should be sent to the two contractors we previously contacted. Diane asked if the bid could be sent to other interested parties. Neil said that we had two bids. Debbie explained that the two bids received were obtained without a written invitation to bid and the returned bids had a range of one bid at \$16,000 and the other at \$60,000. Debbie said that is why the Budget Committee recommended the project be re-bid. Rick Kornmeier was in full agreement that the bid should be written and sent to several contractors. Debbie explained that this draft includes language to protect the Association that was omitted from the first draft. Tom said before any other changes are made that we should wait to see what Lance Laird recommends.

Kimsey asked why we were only going after two proposals. Neil said that they were the only two contractors that he knew of that work on dams and that had gone through Lance Laird. Neil said that we should use a contractor that Northwest Florida Water Management recommends. Kimsey asked if there was a contractor list. Neil said that yes and the two people we have current bids from are on the list that he received from Lance.

NEW BUSINESS

1. Gate between Mason Way and Hickory – As previously discussed, Neil will use a gate to fill the gap and keep 4-wheelers from being able to go around the gate and trespass onto the power line easement.

2. Light pole at pavilion restrooms – Neil asked Debbie to check into the possibility of having a pole light installed near the restrooms at the pavilion. Debbie called Talquin and was told the following:
To set a pole and add a light the cost would be \$125.00
There is a monthly cost of \$9.00.
We should allow 10 working days for installation
Talquin takes care of repairs and burned out bulbs.

There was discussion that maybe we could have the pole situated that the light would shine through the skylights of the restrooms and provide additional light. Hilton Parrish suggested that we could ask Talquin to use a long arm attachment that would place the lights directly above the restrooms. Although it was not planned for in the 2009 Budget, the Board decided that the added light would bring additional security to the restroom area.

TOM SCOTT MOVED TO GIVE DEBBIE THE AUTHORITY TO CALL TALQUIN AND HAVE THE POLE SET AND LIGHT INSTALLED AT THE PAVILION RESTROOMS. LARRY JONES SECONDED THE MOTION. THERE WAS NO OPPOSITION. MOTION CARRIED.

Julia Gill asked about the light on the sign at the entrance. Kimsey said he would be looking into the problem this weekend.

With no further business, meeting was adjourned at 8:48 p.m.

Respectfully submitted,
Debra Robinson, Corporate Secretary

**TALLAVANA HOMEOWNERS' ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE****January 6, 2009****Minutes/Report**

Meeting of the monthly Architectural Control Committee (ACC) was held on January 6th, 2009 at the pavilion of Lake Tallavana.

PRESENT: ACC Members –Pat Powell, Earl Mills, Jim Grantham, Linda Ritchie and Alternate,
Linda Ortiz
THA Members –Jim Poss, Larry Jones and Debbie Robinson, Corporate Secretary

Approvals:

Bill and Shirley Chambers, 3135 Tallavana Trail, submittal for tree removal. A tree previously fell on the porch and there is another tree threatening the house. The tree to be removed is not in the buffer.

Pending:

A submittal from Mark Studley, 3375 Tallavana Trail, was received just today, 1/6/09. The submittal is for a shed in the back yard. Since the ACC did not have time to review the submittal and visit the site, approval was postponed until a site visit could be scheduled. ACC members plan to visit the site on Thursday, 1/8/09. ACC will be prepared to approve the submittal on site.

Other ACC Issues: The ACC form for the web site was reviewed at the December 2008 Board meeting. Board Member Larry Jones suggested some revisions. Linda Ortiz made the revisions and the ACC members reviewed the form. Some minor changes were suggested, which Linda will again revise the form. Linda is to email the form to Debbie so that the form can be included in the Board packets for their consideration at the January 2009 Board meeting.

Larry Jones mentioned that he had a tree in the front yard that appears could fall on the house. He would like to keep the tree if possible and will have a tree professional take a look at it. ACC members decided to schedule a site visit so that if the tree has to be removed, they have already made the visit and Larry can schedule the tree work as needed.

Respectfully submitted,

Debbie Robinson,
Corporate Secretary for Tallavana Homeowners' Association