

TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on May 11, 2004 in the meeting room of the Havana Library, Havana, Florida.

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

ABSENT: Jean Wood

The meeting called to order at 7:10 pm by Vice President Tommy Baker, presiding in the absence of President Jean Wood.

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

Approval of Agenda:

Association Secretary, Debbie Robinson, asked to add an item to new business. Item #1, Abandoned cars was added to New Business.

MOTION BY KIMSEY HELMS, SECONDED BY TOM SCOTT, TO APPROVE THE ADDITION TO THE AGENDA. MOTION CARRIED.

Approval/Corrections of April 2004 Minutes:

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

Treasurer's Report: Donna Phillips reported that income for April was \$11,040.25, expenses of \$19,510.60, checking account balance is \$34,619.66, and the balance in the sinking fund is \$197,797.60. The larger expenditures were \$1,700.00 for the biologist for the annual lake report and carp removal, \$3,530 for attorney fees, \$2,191.70 for deposit on playground equipment and \$8,200.00 for the engineer's report on the culverts.

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

Correspondence/Phone Calls:

1. Kimsey Helms reported a phone call from Barbara Bennett on Hickory to report an alligator sighting and her neighbor confirmed it. The gator is approximately 3 feet long and cannot be removed until at least 4 feet.
2. Kimsey Helms also had a phone call from Nancy Turner on Magnolia Court. Mrs. Turner expressed concerns and had some questions regarding the ditch repairs along Magnolia Court.

BOARD REPORTS

Legal: Don Magruder:

Connelly case – The Connelly's and their counsel have decided to part. The Connelly's have 30 days to hire a new attorney and until then, everything is on hold for the 30 days or until the Connelly's have a new attorney. Our attorney, Mr. Maloney received a letter that the Connelly's attorney requested to be removed from the case and the Connellys agreed.

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Lincicome case – Concerning the easement suit, our attorney, Jack Harnett sent a letter to Attorney Stivers stating that any changes beyond the mediation agreement should be presented to Mr. Stivers and then to Mr. Harnett. The above-mentioned letter was a result of a proposal of changes to the easement situation presented to the board at the April meeting by Mrs. Lincicome. Since there is a mediation agreement in place, all changes must go through the court.

Concerning the small claims suit – Mr. Harnett requested a motion before the court for a judgment on pleading, and/or a motion to dismiss. The hearing is set June 9th at 10:15 am. Mrs. Lincicome is not a party to the small claims suit at this time hence the motion to dismiss.

Concerning the Heindenrich/Magnolia Court development – Gadsden County is now involved and gave Mr. Heindenrich 30 days to repair and correct the drainage problems. For every day after the 30 days, there is a \$500 fine until the repairs are complete. County personnel met with Jackie Love, hired by Heindenrich, to discuss what needed to be done to satisfy the county. There have been many loads of topsoil brought in, the holding pond has been cleaned out twice and sod laid. Don arranged a meeting with Heindenrich, Love, and County personnel to meet on site. The county has approved the drainage and holding pond. Water trucks have been hired to water the sod for at least 1 month. Don will determine when the trucks should be called and make the arrangements. Robert Presnell and Tracy Smith, county personnel were very pleased with the work.

Before the drainage ditches were repaired, the first resident on Magnolia Court, Mrs. Nancy Turner, was cleaning debris from the ditch when it gave way. Nancy fell a severely broke her ankle. The injury was a compound fracture and has caused Nancy to have to use a wheel chair. Nancy has spoken with Mr. Heindenrich and with Don concerning any claims she may have. Don drafted a letter to Maloney stating that as he, Maloney, draws up the deed for the road and road side, that it be made very clear that Mr. Heindenrich remains responsible for any liability claims that may have resulted in the condition of the roadsides prior to the repairs and the take over by Tallavana Homeowners' Association.

In the matter of Linda Ritchie (Enchanted Forest) and THA, both attorneys Jack Harnett and Susan Thompson have met and settled everything. The protection of the boundaries, one of the bigger concerns of THA has been determined and settled and Quail Court has been deeded to THA. Linda then presented all of the documentation to Don. For the record, the following was turned over to THA:

1. Original recorded Quit-Claim Deed, Quail Court.
2. Original recorded buffer zone deed.
3. Copy of road maintenance agreement.
4. Copy of restrictive covenants for Enchanted Forest
5. Original survey for Quit-Claim property Quail Court.

Finally, a comprehensive bill affecting the operations of condominiums, cooperatives and homeowner associates was adopted by the Florida Legislature during the 2004 session. Senate Bill 1184 is a massive conglomerate of smaller bills. This new law substantially affects many of the ways in which our association conducts business, especially in the area of legal disposition. Don reviewed this legislation and found that although it was aimed primarily at condos, there are substantial changes in the Chapter 720 that will affect our association. Don's analysis is attached.

Lake Management: Reported by Tom Scott:

We have a need for a new lake consultant. Helge is no longer able to commit the time needed to finish the D8 project or the continued restoration of the lake. David Trimble, Tom and others are working on getting a new consultant.

Helge did take the plans to the DEP. We received a letter from the DEP on 5/11/04, asking for

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more information. A copy was sent to Helge. The question came up if Jean has a copy of the information that Helge has been submitting to the DEP.

The carp removal resulted in 1,000 German Carp taken from the lake. All volunteers were thanked and a special thank you to Tommy Baker for supplying a way to get rid of them.

Lake Watch – Pat Powell: The last report showed that there has been an increase in the nitrates and nutrients most likely due to the cormorants. If a boat is available, the Lake Watch committee will be sampling next Saturday.

Security: Tommy Baker

Scott Ivey worked 20 hours on THA payroll and 20 hours in the area on duty with the Sheriff's Department. Scott did 51-house checks and 20 vehicle stops. Billy Kemp did work but we did not have the hours by the meeting date.

Also concerning security, Richard Healy called the Sheriff's Department on a man that was walking around the lake at the shoreline. The man was not a member and was dealt with by the Sheriff's Department. It is thought that he was visiting a resident on Hickory.

During construction of the driveway of the house just outside the gate, the wire that feeds to the gatehouse supplying power to the irrigation system and the light on the sign was cut. The wire was fixed within an hour.

Gate: Tommy Baker No gate report but it does seem to be properly working.

Roads, Grounds & Dam: Kimsey Helms & Tom Scott

Kimsey reported that Magnolia Court looks great. The work done along Magnolia should slow down the flow. The ditch can now be maintained and mowed.

There has been some mowing but with the dry weather, the mowing is not as much as it could be.

The D-8 pond is half full and will most likely need cleaning should we get some heavy rain falls.

The playground equipment is scheduled for delivery this week. There was discussion on workdays to prepare the sand box and set up the playground. Since there are some activities scheduled at the pavilion, workdays had to be planned around them.

MOTION BY TOM SCOTT, SECONDED BY KIMSEY HELMS, THAT SATURDAY, MAY 22nd, BE THE FIRST WORKDAY TO ENLARGE THE SAND BOX, SATURDAY, JUNE 5th, BE THE DEMOLITION OF THE OLD PLAYGROUND EQUIPMENT AND SATURDAY, JUNE 12th, IS THE ASSEMBLING OF THE NEW EQUIPMENT. MOTION CARRIED.

Member Relations: Reported by Linda Ortiz & Donna Phillips

Articles for the next newsletter need to be turned in by Saturday, May 15th.

The Website had 306 visits since our last meeting. A typical visitor examined 11.05 documents before leaving the site. A typical visit lasted for 2.52 minutes with the longest visit lasted for 56 minutes.

Carolyn Palmquest, Newcomer Committee Chairperson, reminded the board of the upcoming Newcomer Party on May 22nd at 5:00 pm. Carolyn encouraged the board members to attend to meet the newest neighbors.

COMMITTEE REPORTS

ACC: Reported by Mike Mapstone

ACC meeting held on May 5th, following items were approved by ACC for board approval:

1. ACC recommended the approval of a 24" X 20" pole barn style carport at 2943 Tallavana Trail, residence of Ron Ernst. Structure was found to be in violation of the restrictive covenants because it will be the third separate structure not attached to the house. However, the committee is recommending approval because if this structure were brought into compliance, it would be detrimental to the health of the lake. To be compliant, there would have to be excavating, removal of trees, and fill brought in which would be close to a ravine that feeds directly into the lake. Also, as submitted, the structure would look aesthetically better.

MOTION BY TOM SCOTT, SECONDED BY KIMSEY HELMS, THAT THE SUBMITTAL FOR THE THIRD SEPARATE STRUCTURE BE APPROVED FOLLOWING THE RECOMMENDATIONS OF THE ACC COMMITTEE. MOTION CARRIED.

2. Archie and Shirley Allbritton, 361 Tallavana Trail, submittal for converting an existing screened-in porch into a sunroom, add a 20' x 30' deck, restain the house same color and pour concrete on existing driveway.
3. Steven Kinary, 3658 Tallavana Trail, submittal for Carolina carport on existing driveway pad. No trees to be removed.
4. Frank and Donna Johnson, 1341 Tallavana Trail, submittal for tree removal. Trees are endangering the home and are not in any buffers.

MOTION BY DON MAGRUDER, SECONDED BY TOM SCOTT THAT THE RECOMMENDATIONS BY THE ACC BE APPROVED. MOTION CARRIED.

- b. There has been no response from the Harrells concerning the replanting of trees in the buffer along the front.
- c. The ACC Building Permit that Linda Ortiz designed is currently in use but other options are still being considered.
- d. A few revisions were made to the "Understanding Section 200 Lake Tallavana Covenants, Rules & Regulations". The revisions will be made by the June meeting and the board will vote to accept.

Details of approved items on file.

OLD BUSINESS

1. Update on Enchanted Forest – Covered in Legal Report.
2. Concerning Magnolia Court – Covered in Legal Report.
3. Concerning the Playground Equipment and Set-up – Covered in Roads, Grounds, Dam Report.

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NEW BUSINESS

1. Abandoned Cars. Members Bobby Boatright and Cathy Goodman expressed concern for an abandoned car that belongs to their neighbor but is partially on their property. There is what appears to be at least 6 vehicles that seem abandoned. Tommy Baker suggested that we see what Gadsden County policy is on abandoned vehicles before the board takes a stand to adopt a policy. Copies of the Gadsden County codes will be distributed to the board members prior to next meeting for further discussion on what actions we should take.

With no further business, at 8:53 pm, Tom Scott moved to adjourn, Don Magruder seconded.

Respectfully submitted,

Debra Robinson,
Secretary to the Board

/dr

APPROVED