

**TALLAVANA HOMEOWNERS' ASSOCIATION, INC.**

Minutes of the monthly Board of Directors meeting held on November 14, 2006 at the Havana Library, Havana, Florida.

PRESENT: Mike Mapstone, Mike Jefferis, Linda Ritchie, Bill Oswald and Rob Combs Board members, Debbie Robinson, Corporate Secretary. See attached list of others in attendance.

ABSENT: Tom Scott and Kimsey Helms.

The meeting called to order at 7:02 pm by Vice President, Mike Mapstone.

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

**Approval of Agenda:**

Add item "d" under ACC Committee Reports: Proposed amendment-garage requirement

MIKE JEFFERIS MOVED TO APPROVE THE AGENDA AS REVISED. LINDA RITCHIE SECONDED THE MOTION. MOTION CARRIED.

**Approval/Corrections of October 2006 Minutes:**

Correction made to clarify.

LINDA RITCHIE MOVED THAT THE MINUTES BE APPROVED AS CORRECTED. BILL OSWALD SECONDED THE MOTION. MOTION CARRIED.

**Treasurer's Report:** Mike Jefferis reported the total deposit for October was \$24,898.94, routine operating expenses of \$8,256.56, \$0.00 in major project expenses, checking account balance is \$2,035.53, Money Market balance is \$91,367.32 and the balance in CDs/Savings is \$249,120.51. Funds were moved from a CD to the Money Market in preparations for the paving invoices. While the paving has occurred, the invoices have not yet been received.

BILL OSWALD MOVED TO ACCEPT THE TREASURER'S REPORT AS GIVEN. ROB COMBS SECONDED THE MOTION. MOTION CARRIED.

Delinquent accounts update:

1. Gaines: It is not know if the requested financial information has been received from the Gaines. Mike will contact Ken Abele to check the status.

2. Beckwith: Ongoing bankruptcy.

**Correspondence/Phone Calls:**

1. Rob Combs received a phone call from Mr. Langston asking about the use of golf carts. This topic has been discussed at past Board meetings. Rules and Regulations #150 prohibits the use of off-highway vehicles in Lake Tallavana, which includes any motorized vehicle, which is not allowed to be operated on the public streets and highway of the State of Florida.

2. Debbie Robinson received a phone call from Christiane Guignard who reported hearing shooting around 3:00 a.m. at the pavilion. Some of the members attending the meeting also heard shots or firecrackers but said they could not determine which direction the shots were coming from.

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## **BOARD REPORTS**

### ***Legal:*** Mike Jefferis

A. Magnolia Court – There has been no action by the DEP. Ken Abele has not received correspondence from Mr. Heidenreich or his attorney. Mike suggested that we hold off until January then contact the DEP to see what they are going to do.

B. Lambert runoff – Update: Ken Abele is currently answering the request for response from Lambert's attorney. We are also waiting to hear of the date for the court hearing.

C. Lincicome easement agreement – There has been no response from Mr. Stivers, attorney for Ms. Lincicome. Ken Abele is to send a letter to Mr. Stivers to inquire reason for the delay in getting the agreement signed. The Board does not wish to proceed with the fencing without a signed agreement in place.

D. Soprano ACC violation – The issue with Mr. Soprano has been turned back over to the ACC. Mr. Soprano did replant dozens of hollies and wax myrtles and according to a letter from his attorney, will plant an additional fourteen trees by mid November. The ACC is to inform the Board if this is acceptable.

E. Roche shed – Ken Abele has been given permission to schedule mediation for a hopeful resolution.

F. "Signs" policy draft – Due to the clutter of signs at the entrance on Rt. 12 and the various signs other than realtor signs that are remaining in members' yards, the Board asked Mike Jefferis to draft a policy regarding signs in Lake Tallavana. When researching the state statutes and county ordinances, Mike found the issue to be more involved than first thought and was not prepared to present a draft at the meeting. He hopes to have a draft for the December meeting.

### ***Member Relations:*** Mike Mapstone

The Christmas Social is scheduled for Sunday, December 3<sup>rd</sup> at 5:00 p.m. The Social will be held at the pavilion. The Association will furnish the meat with members bringing a covered dish. The Social Committee will be decorating on Sunday prior to the Social and asked for the help of volunteers.

Mike reported that the web site had 494 visits in October.

The Board and attending members were reminded of November 15<sup>th</sup> for the newsletter deadline.

It was decided to schedule a workday for Saturday, December 2. While there are many projects and most will require more than one day, it was also decided that a newsletter article should be written to inform members of those projects and anyone interested in volunteering their time during a week day instead of a Saturday would be welcome to do so. Some of the projects are: paint sign on Mason Dr., refurbish the picnic tables at the pavilion, paint the gate, remove the shed on THA Lot A-32, replace the lighting and fans at the pavilion. Interested volunteers should contact Member Relations Chairperson, Mike Mapstone for more details since most of these projects will require materials to be purchased by the Association.

Member Joe Knicely has volunteered to remove the shed on THA Lot A-32. The Board was in agreement that the shed could be removed. Member Jim Di Giulio submitted a pricing schedule for materials to repair the picnic tables. The tables require new lumber, hardware and paint.

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**Lake Management:** Bill Oswald (Tom Scott, absent)

**Shoreline Restoration update** – The bids for the shoreline restoration work have been received. The bids that have been received so far are completely off the scale and it was the consensus of the Board that all the bids were too high for the entire shoreline along the THA common area and dam. The Board discussed that it would be best if the focus was on the dam and let the common area shoreline remain in its natural state. After discussing the bids with Sean, it was indicated that the project numbers were inflated and that the total project cost could be reduced. Upon receipt of the high priced bids, Sean submitted bids to two other interested parties asking for pricing on the dam only. Sean also suggested that if we use smaller limestone, the price would be reduced.

Bill Oswald felt that lowering the lake and re-packing the dam with clay would be the best solution. That was the original design of the dam and should work for many years to come for a fraction of the cost. Bill said that with the packed clay, there would be no need for rock at the shoreline. Bill suggested that we let the other two companies look at the bid and see where their prices come in.

It was decided by the Board to not even consider the bids that have been received due to the high amounts for the project.

**D-8 Pond Restoration update** – The DEP sent a letter requiring more answers for the permit however the letter was previously answered. There has been some confusion on our D-8 project as our application has been transferred from the DEP Pensacola office to the Tallahassee office.

c. Interview fisheries biologist – Bill Oswald reported that Herb Wyatt, the biologist that has expressed interest in working for Lake Tallavana, would not be able to take on our shocking project due to health issues. Herb would like to be considered as a consultant to THA.

Herb suggested to Bill that THA could build their own shocking boat for approximately \$15,000 and then be able to shock as needed for better carp management. Shocking is still needed as big carp have been seen. Bill researched what type of equipment would be needed and how much it would cost. Instead of shocking for carp three to four times a year (as has been done in the past), it has been suggested that weekly shocking should be occurring for best results. The current biologist charges \$900 per shocking. There was discussion of the cost of the equipment verses the cost of the biologist.

BILL OSWALD MADE A MOTION FOR THA TO PURCHASE THE SHOCKING EQUIPMENT TO BE USED FOR A SHOCKING BOAT. MIKE JEFFERIS AMENDED THE MOTION THAT THE COST IS NOT TO EXCEED \$12,000. ROB COMBS SECONDED THE MOTION. MOTION CARRIED.

There was discussion on the need to revive the Lake Management Committee. The Board and members have the desire to take ownership of the lake and would like to get more volunteers involved.

Andrena Knicely suggested that THA seek a grant for the installation of sewage lines and waste plant and have Talquin take over the maintenance and management once it is all in place.

**Lake Watch** – Pat Powell: Lake Watch is planned for Saturday the 18<sup>th</sup> weather permitting and if there is a boat available.

**Security:** Rob Combs

Rob reported that Scott Ivey worked 20 hours for the Association in October and another 16 hours on duty with the Gadsden Sheriff's Department. Scott performed 18 vehicle stops and 60 house checks. Billy Kemp worked 15 hours in October. Billy issued 3 warnings; two warnings for the possession of crappie below regulation length and one warning for no flotation devices.

Fishing problems - Rob spoke Billy & Scott regarding Freddy Robinson who is trespassing and illegally fishing Lake Tallavana. Scott contacted Mr. Robinson. Mr. Robinson said that he is with a Lake Tallavana homeowner while he is on the lake. Scott told Mr. Robinson that if he is confronted while on

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the lake, leaving the lake or the subdivision and he is not with a homeowner, he would be arrested for trespassing. The gate card that Mr. Robinson was using has been decoded and no longer works.

Another fishing problem has been occurring involving a THA member from Mason Drive. The member has been caught more than once with undersized Crappie and over the bag limit. Billy has given this member more than one citation for being over the bag limit but the infractions still occurred.

It was suggested to the Board that a letter be sent to this member stating that if he will not obey the rules and laws and continues to break the laws then his lake access would be denied.

ROB COMBS MADE A MOTION FOR THE LETTER TO BE SENT. LINDA RITCHIE SECONDED.

There was further discussion and the motion was not brought to a vote. Members reported to the Board that the infractions have been occurring for a long time. Billy has to borrow members' boats to approach this member since he is familiar with Billy's vehicle.

LINDA RITCHIE MOVED TO DENY THIS MEMBER ACCESS TO THE LAKE FOR 1 YEAR AND FINE \$100 FOR EVERY TIME HE IS CAUGHT ON THE LAKE IN THAT YEAR. THERE WAS NO SECOND.

Member Don Magruder suggested that THA send a warning first to get a warning on record. The letter should state that on a certain number of occasions, this member was observed, caught and issued citations. The letter should continue to inform the member that the next time he is caught and cited that his access to the lake will be automatically denied and he will be fined. If the infractions continue, a fine of \$100 will apply each time.

MIKE JEFFERIS MADE A MOTION TO SEND THE WARNING LETTER TO INCLUDE THAT THE NEXT VIOLATION WILL AUTOMATICALLY REVOKE FISHING PRIVILEGES AND WILL BE FINED \$100. SECONDED BY ROB COMBS. MOTION CARRIED.

It was suggested that THA tickets for decal violations be given to Billy and Scott to issue when they see violations at the lake.

**Gate:** No problems, no report.

**Roads, Grounds & Dam:** Kimsey Helms and Mike Jefferis

a. Safety/Speed signs – Safety signs will be installed by Peavy. Tallavana Trail needs to be stripped, reflective markers installed and safety signs put in place.

b. Paving update – The paving of Tallavana Trail is complete. There will be repairs made on the remaining part of Tallavana Trail that did not get repaved to extend the existing pavement. The water diverters just off of Tallavana Trail on Deer Pass and Deer Pass East will be installed.

## COMMITTEE REPORTS

### **ACC:**

- a. ACC Submittal report:
  - a1. Approved: R. Epperson and M. Smit, 3694 Tallavana Trail, submittal for fencing for a dog, a 160 sq. ft. shed (color to match the trim on the house), and painting of a deck.
  - a2. Approved: Tom Norman, 145 Hickory Lane, submittal for house color and trim.
  - a3. Approved: Mitch and Rosanne Reanier, 3187 Tallavana Trail, submittal for an addition of a

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front porch connecting to a current carport/workshop. One tree within the construction site to be removed. Colors are ACC approved.

a4. Approved: Jim Yarborough, 20 Audubon Drive, submittal for a privacy fence to join the newly constructed fence along subdivision entrance. There is also a chain link fence to be installed. No trees will be removed.

b Bravo shed update – Mr. Bravo has written his intentions to remove the shed after construction begins on a carport/storage and covered connection to the house; proposal to be submitted.

The attached ACC report includes correspondence to the members from the ACC chairperson. Member Mr. Sirmons was contacted and asked to consider moving the shed that is considered in the front yard. Mr. Sirmons' response was to leave the shed where it is and use the \$200 (offered to help move the shed) to plant trees to cover the shed. The Board unanimously declined the \$200 to be used for anything other than the moving of the shed.

Also reported in the attached ACC report are updates regarding previous issues and sheds in the front yard.

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

c. Member Neil McDonald – address the Board – Mr. McDonald began by thanking the Board for reversing the decision of the ACC to reject his submittal for a second opening to his property that he was requesting based on his rights under ADA for his handicap. Mr. McDonald stated that he could furnish documented proof of his handicap should anyone wish to view it. Mr. McDonald informed the Board that when the rights of the handicap are violated, HUD would get involved at no expense to the person filing the complaint.

Mr. McDonald investigated the cost of arbitration and brought blank forms for anyone interested.

Mr. McDonald mentioned the conflicts regarding danger trees. The Board cut a tree on Tallavana Trail that was leaning towards the road and posing a danger. An existing tree that is leaning just as much and posing a safety issue on an individual's property was denied for removal by the ACC. Mr. McDonald spoke of insurance issues that could arise should a danger tree fall on a homeowner's property after the fact of the knowledge of the hazard; the worst case causing damage to person, home or car.

Mr. McDonald urged the Board to consider what the ACC has been ruling on and asked that there be a recall of the ACC decisions to determine if they are legal.

In response, Board Member Linda Ritchie stated that more than one attorney reviewed the ACC policy, that the input to make the policy came from many directions. Linda stated that if the homeowners had issues that they should first seek resolution from the Board instead of instantly seeking to file a lawsuit.

There was further discussion between the Board and the members regarding the ACC policies, their legality and the ACC meetings. Members expressed concerns about the ACC meeting being held in a home instead of a public place. While the ACC posts the meeting date, time and place according to the laws, members feel uncomfortable attending a meeting in a private home.

d. Proposed amendment – garage requirement – The ACC proposed an amendment to Section 200.220.B.2 to included a required attached or detached enclosed garage, with garage door, at least 264 sq. ft. intended for one mid-size vehicle, with entrance platform according to building code. Andrena stated the benefit of this amendment is to provide storage and prevent shed.

Board Member Mike Jefferis stated that this could be a violation of the covenants by requiring more than the restrictive covenants require regarding structures.

LINDA RITCHIE MADE A MOTION TO HAVE THA ATTORNEY, KEN ABELE, REVIEW THE

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AMENDMENT TO DETERMINE IF IT DOES INDEED VIOLATE THE RESTRICTIVE COVENANTS. MIKE JEFFERIS SECONDED THE MOTION. MOTION CARRIED.

***Budget Review Committee:*** Mike Jefferis and Debbie Robinson

Mike and Debbie met to begin the process of developing the budget for 2007 and the next ten years. Mike met with some Board Members to gather their project requests so that the projects are considered for budgeting. The Board was given the first draft of the proposed 2007 Budget (the 10-year spreadsheet and the 2007 detail budget). Mike will schedule and announce Budget workshops to be held at the pavilion, dates to be determined and posted.

The member assessments will continue at \$600.00 annually for 2007.

**OLD BUSINESS**

1. Deer Pass Survey – The survey is done and mapped. Copies of the survey are in possession of THA. The survey shows that Deer Pass roadway is where it should be.

2. THA Committees & chairpersons – no report but needs to be a priority of the President.

**NEW BUSINESS**

1. Nominating Committee appointments – Board members appointed a member to serve on the Nominating Committee and the following list indicates the Board member and the person appointed to the Committee:

- Bd. Mbr. Rob Combs appointed Neil McDonald
- Bd. Mbr. Mike Mapstone appointed Pat Powell
- Bd. Mbr. Bill Oswald appointed Leonard Whatley
- Bd. Mbr. Mike Jefferis appointed Don Magruder
- Bd. Mbr. Linda Ritchie appointed Jim Poss.

There was no alternate appointed. All members accepted their appointment. The Nominating Committee will arrange to meet and will report to the Board a list of interested persons desiring to be considered by the membership at the Annual Meeting to serve on the Board of Directors. There are two three-year positions whose terms are ending as of the Annual Meeting 2007 and one position to fill for the remaining term of 2 years due to a resignation between Annual Meetings.

2. THA members' mailing list – A member of the Association contacted the Corporate Secretary asking if it would be possible to purchase the mailing list or pre-printed labels of all Association members. It was the consensus of the Board to deny the selling of the mailing list of the members to anyone.

With no further business, meeting was adjourned at 9:36 p.m.

Respectfully submitted,

Debra Robinson  
Corporate Secretary

ACC Report on following page

**ACC REPORT TO THE BOARD**

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

Board Member present: Mike Jeffris

All submittals are current on their dues, per D.R. 11-6-06 date.

The following ACC submittals were rejected. \* None

\* The following ACC submittals were approved.

\* Epperson, Ronald and Smit, Marie, 3694 Tallavana Tr.

Approval of 4-foot high chain link fence installed from the back corners of the house north 80 feet deep and 64 feet wide (width of house). Plants will be installed on the right of house to prevent view of the fence from the street within 3 years of this date. A planned RV garage will prevent any view of the fence on the left side of the house. Note, slope of the land prevented the installation of the planned panel picket fence due to the space left at the bottom from which the dogs could easily escape the enclosure. Also, 160 square foot shed to be constructed behind the fence. The shed to be constructed of plywood and painted to match the trim on the brick house. Current deck will also be painted this same trim color.

\* Norman, Tom, 145 Hickory Lane

House color Superior Bronze (dark green), trim- Relaxed Khaki.

\* Reanier, Mitch and Rosanne, 3187 Tallavana Trail

Addition of a front porch connecting to current carport/workshop. Columns to be rock, sample to be submitted later. Paint: Primary - Stone gray, Trim - Colonial white, Roof - Drift wood. Hardi plank siding. One tree within the construction site OK to be removed. ACC ask owner to add a garage door to the open carport intended to be a garage.

\* Yarborough, Jim, 20 Audubon

Picket or privacy fence 4 foot high, natural color, from back corners of house to the newly constructed privacy fence on neighborhood entrance road and 60 feet from the left corner into the woods (leaved 30' buffer open). Four foot chain link fence from the picket or privacy 90' deep to back of lot meeting the same fencing running 160' wide to the entrance road privacy fence. This will run through the buffer but no trees will be removed. Four gates - one per fence run. The lot is 260 feet deep. Ample unfenced area remains.

To Be Resubmitted \* None

Insufficient Information or not valid \* None

#### Correspondence

Letters sent to: (\*response)

- Foster for natural beauty conflicts \*Monitor removed, garbage containers removed from side of road, yard debris trash pile not moved from front yard.

- Pigott for natural beauty conflicts \*many improvements have been made

- Adkinson complaints rec'd for camping in Gazebo \*had not used gazebo for camping

- Kresbach - repair or remove collapsing deck over water \*no response

- Sirmons - moving front yard shed \*like to leave where it is and use \$200 to plant trees to cover

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it. AK discovered it is approximately 18 feet behind the front corner of the house.

- Rex – moving front yard shed \*Move is planned sometime soon
- Phillips, Roberts, Costa, Notice that previous approvals are valid for 2 years

**Issues Previously Reported**

- \* Front yard shed: Mr. Bravo has written that he intends to remove the shed completely after construction begins on a proposed plan to build a carport/storage and covered connection to the house. AK intends to write him soon to get his intended time schedule.
- \* Roche Shed: As reported by M. Jeffris at the October Board meeting, Legal counsel sent letter to Roche allowing 10 days to move the shed to an ACC approved location. Failing this, mediation has been scheduled? When? AK intends to provide responses to Roche's response to attorney.
- \* Soprano, Michael: Extensive large tree removal. Response to our attorney's 11/2/06 letter – has planted several dozen (AK stopped counting at 45) yopon holly (2') and wax myrtles (3'), 2-3 feet high, in the front property.

**Sheds in Front Yard**

On ACC list previously reported – Kowalski, 62 Audubon, As previously suspected, this “shed” is cover for the home's only water well. It was installed by Kowalski in 1983 before Talquin water was available. Kowalski doesn't intend to hook up to Talquin water. Recommend the Board write a variance to allow the shed, but get opinion for this of attorney first. Haven't found ACC approval of shed – haven't found 1983 file yet.

Front yard shed at 220 Hickory has been removed per the ACC's request.

Newly discovered front yard shed – West, Edith, 60 Quail Ct. Large shed installed 4 years ago is several feet in front yard. Was not submitted to ACC, nor approved at any time. AK's conversation with Ms. West resulted in a positive response to having the ACC pay to move it back behind the front wall of the house.

Knicely reviewed all ACC meeting reports in the Committee file – 2/94-10/06 - looking for sheds approved.

Andrena Knicely, Chairperson, ACC