

**TALLAVANA HOMEOWNERS' ASSOCIATION, INC.**

Minutes of the monthly Board of Directors meeting held on Wednesday, November 12, 2008, at the meeting room of the Havana Library, Havana, FL.

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

ABSENT: Tom Scott

The meeting was called to order at 7:02 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:**

Remove Lake Consultant, Sean McGlynn was not able to attend.

Add Item 2. under New Business – Memorial for Sandi Strickland

Add Item 3. under New Business – Contribution for Library

LARRY JONES MOVED TO APPROVE THE AGENDA AS REVISED. KIMSEY HELMS SECONDED THE MOTION. THERE WAS NO OPPOSITION, MOTION CARRIED.

**Approval/Corrections of October 2008 Minutes:**

No corrections.

KIMSEY HELMS MOVED TO APPROVE THE MINUTES AS WRITTEN. ROB COMBS SECONDED THE MOTION. THERE WAS NO OPPOSITION, MOTION CARRIED.

Upon her arrival, Neil McDonald asked Diane Sheffield if Sean would be attending the next meeting. Diane said that she and Sean were not able to complete what they had hoped by this meeting and should have something for December.

**Treasurer's Report:** Rick Kornmeier reported the total deposit for October was \$7,195.00, routine operating expenses of \$11,755.72, no major project expenses, checking account balance is \$999.95, Money Market balance is \$41,102.55 and the balance in CDs/Savings is \$52,864.39. A separate account for the 12-pipe spillway repair has been established and that balance is \$75,008.75.

Rick reported a major expense for the crack sealing; all other expenses were standard routine operating expenses. A handout that tracks the cash balances, account transfers and expenses was available to the attending members.

KIMSEY HELMS MOVED THAT THE TREASURER'S REPORT BE ACCEPTED AS GIVEN. LARRY JONES SECONDED. THERE WAS NO OPPOSITION, MOTION CARRIED.

**Correspondence/Phone Calls:**

No correspondence or phone calls to report.

**BOARD REPORTS**

**Legal:** Neil McDonald and Rick Kornmeier

A. Lambert runoff – Update will be given under 5.d D-8 Sediment Pond repairs

B. Mason Drive – Attorney Response: Neil reported that he, Bill Oswald and Debbie Robinson met with Attorney Ken Abele in regards to the Mason Drive demand letter that was discussed at the

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October Board meeting. Bill was able to provide some history and Debbie provided copies of the documents pertaining to Mason Drive. Ken Abele was quick to respond to Attorney Frank Sheffield, representative for the Mason Drive residents. Neil read the letter that was sent to Mr. Sheffield and copied to the Association. Letter read as follows:

“I represent the Tallavana Homeowner’s Association. I am in receipt of your letter dated October 1, 2008. Additionally, I have provided (and enclosed for your consideration) the following items:

- a) Restrictive Covenants dated November 30, 1972, by and between Tallavana Property, Inc, and Estate of Conrad Harrell (hereinafter referred to as the “Restrictive Covenants”);
- b) Agreement dated September 10, 1983, by and between Tallavana Homeowner’s Association, Inc. and W. Gerald Harris and Mason K. Harris (hereinafter referred to as the “Agreement”);
- c) Order dated October 29, 1986, in the case of Harris v. Tallavana Homeowner’s Association, Inc., Case No. 85-590-CA, Gadsden County Circuit Court (hereinafter referred to as the “Order”).

It is my understanding that these three (3) items specifically deal with the Mason Drive properties, and that they are all matters of public record. Consequently, it is my understanding that all of the Mason Drive Property owners would have taken title to their respective properties subject to these three (3) items.

Based upon my review, I see no legal basis for the Mason Drive Property Owners to be treated any different than the other members of the Association. The maintenance of the roads and the amount of the assessments are specifically addressed in the above referenced documents. If you contend that my analysis is incorrect, or that I have somehow missed something, I respectfully request that you let me know so that I may advise the Association’s board appropriately.

I look forward to hearing from you. I can be reached at 425-5492.

Sincerely,  
Ken Abele” (end of letter)

Neil said that at this point, we are to wait to hear from the attorney of the Mason Drive residents and/or Ken Abele. Neil went on to say that the Board couldn’t do anything about this, that this issue is in the hands of the attorneys. When Mr. Sheffield wrote the letter to the Association it was prior to his winning the election for a judgeship. The Mason Drive residents will now have to seek a new attorney, which may delay their response.

Larry Jones said that the action of obtaining a new attorney would happen very soon. Larry said that he wants to put the tiered system up for a vote at the Annual Meeting in January.

Rick Kornmeier stated that the tiered system would first have to be considered by the Budget Committee to see if and how the tiered system could work. He went on to say that once the Budget Committee makes their recommendations to the Board, and then the Board has to make the decision to go to the membership for a vote.

Larry spoke on his personal feelings about the Budget Committee with the main idea that he feels the Budget Committee is not run right.

Neil said that Mason Drive residents should come up with a plan that could be properly presented to the Budget Committee. If it is then turned down, then the Mason Drive residents have solid reasons for seeking other avenues. Neil said that although Mason Drive residents may not want to follow the proper procedures, the results could be more favorable if they did. Neil added that even if we could come up with a tiered system, we would have to take it to our attorney to make sure everything proposed is legal. If presented right and done correctly, Neil feels that Mason Drive residents could have a shot.

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Debbie reminded the Board that there is a recorded agreement and a court order enforcing the agreement that dictates the situation that currently exists on Mason Drive. She commented that in the documents themselves it states that any future dispute between the parties concerning the terms of their settlement should be resolved by the Circuit Court. Her question to the Board was should we not take care of the agreement and court order before we even consider tiered dues or any thing else. Bill said that was absolutely right.

Debbie went on to say that should that really be the case then all concerned parties should sit down and work out the details of the agreement, suggesting the needed changes and take this entire process a step at a time. Debbie said that the first order of business was to work on the agreement and court order, then the restrictive covenants and bylaws or articles of incorporation giving the Association the legal right to have a tiered assessment system before we can even come close to working it in the Budget.

Neil suggested that this is an issue for the attorneys and that we will wait to hear from them.

**Member Relations:** Tom Scott (Absent) Reported by Debbie Robinson  
There were 1233 visits to the website in October.

a. Volunteer workday – Debbie said that at the October meeting it was mentioned that the conditions of the common areas appeared trashy especially in the vicinity where the fireworks are shot. The Board at that time asked that this item appear on the agenda for the next meeting.

Neil asked if we could put off the volunteer workday until after March once the 12-pipe spillway is done. Diane Sheffield asked about the blue barrels and pallets that are at the boat ramp. She said that in itself would be a workday. Neil said the barrels and pallets are for fish habitats and asked if anyone was interested in volunteering to help. Dates were discussed but it was decided to put on the December agenda for further discussion.

**Lake Management:** Bill Oswald & Tom Scott (Absent)

- a. Carp report – Bill reported that they did not shock this past month.
- b. Cormorant report - Neil reported that Leonard Whatley would not be able to do the cormorant control this winter. We are looking for a volunteer with a boat and motor. The 15hp motor owned by the Association does not work. The Association will provide the gas, shells and noisemakers. If no one steps up to volunteer, the cormorants will be allowed to take over. Mark Palmquist expressed interest and will get with Neil.
- c. Aquatic weed spraying – Bill called Plantation Creation and left messages but has not heard from him. Bill will try to get another spraying in before the end of the year.

**Lake Watch** – Pat Powell: Pat said that Lake Watch was going to try to go out the 22<sup>nd</sup> if they can get the boat out. Pat said that Lake Watch has also asked we conduct a bird count while on the lake.

**Security:** Rob Combs

Rob reported that Scott Ivey worked 20 hours for the Association in October. Scott reported 9 traffic stops and 84 house checks. Mike Fish worked 20 hours in October.

Rob said he has not received any other calls about trespassers or loud music.

**Gate:** No report.

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

a. 12-Pipe Emergency Spillway update: Neil reported his conversation with Robert Presnell and that the plans and bid package should be ready for our review in about 3-4 weeks. Currently the plans are being finalized. Bill, Neil and Debbie met with Mr. Presnell to sign the contract and give the county our letter of credit.

b. Emergency Exit Plans update: Diane Sheffield reported for Linda. Linda Ritchie spoke with the family representative, Mr. Butler, who was open for us to use the easement but the final approval would have to come from his mother. Linda has made attempts to contact Mr. Butler again without success.

Diane Sheffield said that she drove over to the easement and found it well maintained and appears to be used by the adjoining property owners. Diane said that we are holding off on a survey until we know if we will get access to the 60-foot easement.

c. .6 Mile Tallavana Trail crack sealing: The crack sealing was done on the 27<sup>th</sup> and 28<sup>th</sup>. The project was done satisfactorily.

d. D-8 Sediment pond repairs: Kimsey spoke with an engineer regarding the growing size of the D-8 pond and the possible solution of placing sheet piling to bring the sediment pond back to its original size. The engineer declined submitting a proposal at this time.

Neil reported that he spoke with Don Cantrell and another party familiar with sheet piling. Don is to come back with some suggestions. Neil said that another idea is to discuss the problem with NRCS when they are on site with the 12-pipe repairs. Neil said that since NRCS has helped Lambert with his problems and it appears that the problem still exists by the amount of runoff from Lambert's property, then NRCS should be willing to help us as well.

Neil said the problem with the D-8 sediment pond is that it has grown in size to the point where heavy equipment cannot reach the middle for a thorough cleaning. He feels that installing sheet piling on the original boundaries of the D-8 pond is the answer. He has received pricing of \$140,000 and that is why he hopes NRCS would be willing to help.

Diane said that Lambert has completed most of what he was supposed to do with his grant money but does need to stabilize the one area that is exposed.

e. Power line easement clean-up: Neil said that he asked Marc to put a bid in and he met at separate times with Don Cantrell and 3North3West to obtain bids for the leveling of the dirt piles and hauling off the scrapped culvert. Don quoted \$1,300 for flattening the piles of dirt and removing the scrap metal. 3North3West quoted \$1,450 for bulldozing the area but leaving the scrap metal.

Kimsey said that he spoke with Marc Cocke and Marc said that he was confused about exactly what to bid on. Marc said that it was not made clear just how much of the area was to be leveled.

Larry said that he knows someone who should be allowed to bid and will have this person contact Neil. Debbie reminded that all bidders must have proof of insurance; Larry said that this person did and that he lives on Mason Drive.

It was decided by the Board that once the other bids from Marc and the guy from Mason Drive were received, all four bids would be put on a spreadsheet for comparison and sent to the Board via email for their approval of the winning bid.

Upon his arrival at the meeting, Marc Cocke submitted his proposal to the Board. The Board will wait until all four bids are received, documented on a comparison spreadsheet and received via email from Debbie. The Board will make their recommendations via email and get the power line easement cleaned up.

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## COMMITTEE REPORTS

### 1. **ACC:**

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

#### Approved Submittals:

Mark & Carolyn Palmquist, 3211 Tallavana Trail, submittal for removal of trees.

Mark & Susan Studley, 3375 Tallavana Trail, submittal for removal of tree that is endangering the house and addition of a turnaround pad and concrete driveway.

Ronald & Marie Epperson, 3694 Tallavana Trail, submittal for removal of trees.

Other ACC Issues: Linda Ortiz volunteered to draft a submittal form for the members to use and have it available on the web site. Earl is to check with Linda on the progress of the form. After the form is approved by the ACC, the form will be available on the web site.

Linda & Donald Ritchie withdrew their submittal for tree removal and carport that was approved in July.

The ACC is in need of additional signs but for roof replacement or tree removal only.

**See full report attached to the minutes.**

2. **Lake Management Committee:** Diane Sheffield reported that she and Sean McGlynn are going to meet with DEP concerning their wanting more data before granting funds.

3. **Budget Committee:** Next meeting is Tuesday the 18<sup>th</sup>, at the library. The focus will be on completing the 2009 Budget for Board approval by the January Board meeting.

4. **ESO (Neighborhood Emergency Preparedness Planning):** Cheryl Roberts is attempting to meet with Mark Stamps with Talquin Electric to discuss the addition of fire hydrants in Lake Tallavana.

## **OLD BUSINESS**

No old business.

## **NEW BUSINESS**

1. Nominating Committee appointments – Following is a list of Board members and their appointments for the Nominating Committee:

Larry Jones - Bill Findley

Rob Combs - Jim Poss

Bill Oswald - Mark Palmquist

Rick Kornmeier - Cheryl Roberts

Kimsey Helms - Pat Powell

Neil McDonald - Leonard Whatley (alternate)

Jim Poss volunteered to be the chairperson and will schedule a meeting for the committee.

2. Memorial – Sandi Strickland: Member Sandi Strickland from Honeysuckle Drive passed away leaving an 8-year-old son and husband, Justin. Memorials are to go to Big Bend Hospice.

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Debbie pointed out to the Board that there is a budget item for member relations and asked if the Board would consider a contribution in memory of Sandi.

RICK KORNMEIER MOVED THAT THE ASSOCIATION CONTRIBUTE \$50 TO BIG BEND HOSPICE IN MEMORY OF SANDI STRICKLAND. KIMSEY HELMS SECONDED THE MOTION. THERE WAS NO OPPOSITION, MOTION CARRIED.

3. Contribution to Havana Library – The Association gives the library an annual contribution for the use of the meeting room, which we use at no charge. The past amount has been \$100.00. This is a normal budget item.

KIMSEY HELMS MOVED THAT THE ASSOCIATION CONTRIBUTE \$100 TO THE HAVANA LIBRARY. ROB COMBS SECONDED THE MOTION. THERE WAS NO OPPOSITION, MOTION CARRIED.

With no further business, meeting was adjourned at 8:13 p.m.

Respectfully submitted,

Debra Robinson  
Corporate Secretary

**TALLAVANA HOMEOWNERS' ASSOCIATION, INC.  
ARCHITECTURAL CONTROL COMMITTEE**

**November 4, 2008**

**Minutes/Report**

Meeting of the monthly Architectural Control Committee (ACC) was held on November 4<sup>th</sup>, 2008 at the pavilion of Lake Tallavana.

PRESENT: ACC Members –Earl Mills, Pat Powell, Virginia Everett, Jim Grantham, and Linda Ritchie  
THA Members –Rod Pigott, Mark Studley and Corporate Secretary, Debbie Robinson.

**Approvals:**

Mark & Carolyn Palmquist, 3211 Tallavana Trail, submittal for removal of approximately 14 trees, which were determined to be dead or diseased by certified forester. No more than two of the trees are in the front buffer and several are over the house.

Mark & Susan Studley, 3375 Tallavana Trail, submittal for removal of large tree at back of house that is dying and will most likely fall on the house.

Mark & Susan Studley, 3375 Tallavana Trail, submittal to pave existing gravel driveway with asphalt. A 20-foot turn around pad will be added.

Ronald & Marie Epperson, 3694 Tallavana Trail, submittal for removal of longleaf pine that is dead from a lightning strike and has pine beetles. Pine is in the buffer. Also, removal of a small live oak that has root and heart rot located behind the house leaning over the house.

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**Pending:**

**Other ACC Issues:** Linda Ortiz volunteered to draft a form for the members to use to submit their projects to the ACC. After the ACC approves the form, the form will be available on the website. Earl is to get with Linda to check on the progress of the form.

Linda & Donald Ritchie withdrew their submittal for tree removal and carport that was approved in July.

Earl Mills showed a sample of a sign that would work for tree removal and/or new roof. Earl stated the need for extra signs but only for tree removal and new roof. The cost would be approximately \$22 each versus the existing signs in use currently \$100 per sign. ACC has \$100 in the Budget. The committee was in favor of the extra signs.

Respectfully submitted,  
Debbie Robinson,  
Corporate Secretary for Tallavana Homeowners' Association

APPROVED