

**TALLAVANA HOMEOWNERS' ASSOCIATION, INC.**

Minutes of the monthly Board of Directors meeting held on October 11, 2005 at the Havana Public Library, Havana, Florida.

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

ABSENT: Mike Mapstone

The meeting called to order at 7:10 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:**

No additions, corrections or revisions to the agenda.

MOTION BY KIMSEY HELMS TO APPROVE THE AGENDA AS WRITTEN. SECONDED BY TOM SCOTT. MOTION CARRIED.

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

There were some clarifications of person(s) involved in the Lake Management Report. There was further distinction of who did what concerning activities under Lake Management.

MOTION BY TOM SCOTT THAT THE MINUTES BE APPROVED AS CORRECTED. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

Days after the September 13<sup>th</sup> Board Meeting, an error was found in the August 9<sup>th</sup> Board Approved Minutes. The correction is hereby being stated: The correction is in the ACC report regarding the submittal by Chuck and Darlene Williams. It was reported by ACC that the buffers were not encroached when in fact the buffers have been encroached particularly the side buffer for a driveway. Also, there has been clearing of the side and back buffers even to the point of tree removal beyond the Williams property boundaries.

It was the consensus of the Board to correct the August minutes by adding a note to the August minutes as well as having the correction on record in the October minutes.

**Treasurer's Report:** Mike Jefferis reported the total deposit for September was \$20,334.31, expenses of \$24,879.19, combined checking account balance is \$25,551.35, and the balance in the sinking fund is \$235,991.38. The combined checking account balance is from our new account at Focus Credit Union and our existing account at Capital City Bank. There was \$9,000.00 transferred from checking to savings and there will be a transfer from Capital City Bank to Focus Credit Union in preparation to close the account at Capital City Bank. A couple of checks remain outstanding and once those checks have cleared, the account at Capital City Bank will be closed.

The larger expenditures for September were the culvert work under the roads and at the holding pond area.

THA documents that were in the Capital City Bank lock box have been transferred to a lock box at Focus Credit Union. Items in the lock box were previously inventoried and defined and Mike and Debbie checked the inventory list to find all items present. The inventory list of the lock box contents has been updated with greater detail.

MOTION BY JOE SMYTH THAT THE TREASURER'S REPORT BE ACCEPTED AS READ. SECONDED BY TOM SCOTT. MOTION CARRIED.

Minutes, Board of Directors Meeting, October 11, 2005

***Correspondence/Phone Calls:***

1. Jean Wood received a phone call from Belinda Ventry who had previously requested that she be placed on the agenda for an ACC appeal. Belinda called to inform Jean that she would not be attending the meeting and that they would seek other avenues regarding their ACC submittal.

2. Jean Wood received e-mail from Pat Peters regarding the placement of a crime report in the Lake Tallavana newsletter. At the time Pat e-mailed Jean, there was no crime report in the Havana Herald. By the time of the meeting, the Havana Herald had a crime report in its weekly paper. The board did not express feelings one way or another concerning a crime report in the THA newsletter. When asked, the attending members did not have anything to report on recent crimes in Lake Tallavana. Pat also asked about the shoreline restoration permit.

3. Jean Wood received e-mail from a possible future resident, Penelope Evanoff. Ms. Evanoff was concerned about parking a commercial van on her property. The van is a work vehicle. Jean responded by saying that there would not be a problem.

4. Joe Smyth received a phone call from Richard Healy on Hickory Lane. Mr. Healy reported a 6-7 foot alligator in the lake. The alligator has shown no threatening behavior and is actually a natural predator of the German Carp, the problem fish that have been causing shoreline erosion. Joe did leave a message with Billy Kemp. The Conservation Department will not permit the removal unless the alligator becomes a problem. There was no suggestion of an action to be taken.

5. Don Magruder received a phone call from Michael Johnson, Progress Energy, regarding the piles of dirt in the power line easement. Don assured Mr. Johnson that the dirt piles were just dumped there and would be leveled out immediately. Don did mention to Mr. Johnson that THA would be putting a gate across the easement on the east side of the Sheffield preserve. Don will contact him again to allow Progress Energy to put their lock on our gate.

**BOARD REPORTS**

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

A. Magnolia Court – Our attorney, Ken Abele, has received from Heidenreich’s attorney, an offer that we accept the deed to Magnolia Court and \$5000. Since Heidenreich has made no corrections or improvements to Magnolia Court, and we have yet to hear from DEP regarding the storm water retention areas, it was general consensus of the Board to discuss this with Ken during his visit at the November Board meeting.

MOTION BY JOE SMYTH THAT OUR RESPONSE TO MR. HEIDENREICH’S OFFER THROUGH OUR ATTORNEY, KEN ABELE, BE THAT WITH THE FACTS AT HAND, WE CANNOT ACCEPT HIS OFFER; MORE RESEARCH IS NEEDED. SECONDED BY TOM SCOTT. MOTION CARRIED.

There was discussion on some of the issues we wish to discuss with Ken Abele such as the Lambert runoff, enforcement of covenants and Magnolia Court.

B. Lincicome case –There still is no answer regarding the letter sent to Attorney Stivers from Jack Harnett that requested the survey markers be in place before there is a signed agreement. Mrs. Lincicome has sold the 29 acres that are adjacent to the Sheffield Preserve.

B. Sheffield Preserve – The Memorandum of Understanding between the Association and Allen

Minutes, Board of Directors Meeting, October 11, 2005

Boatright with language protecting the Association's interest in the fence has been received with the item concerning if Mr. Boatright sells or transfers his lots, adjacent to THA property, he agrees to transfer ownership of the fence to THA being crossed out. Copies of the signed MOU should be distributed to the Board members at the next meeting so that they can see the changes made by Boatright and that Jean may initial those changes. The fence is almost complete. There will be "No Trespassing" signs posted on both sides of the fence.

D. Acquisition of Deer Pass – Nothing to report.

E. Park Brittle property – Don Magruder will draft a letter to Park Brittle with a copy of the Quitclaim Deed attached. The Quitclaim Deed gives Lake Tallavana an easement on the Park Brittle property to maintain the integrity of the dam as needed.

**Member Relations:**

The web site received 143 hits in September.

A general workday is still scheduled for October 29<sup>th</sup>. Volunteers are to meet at the pavilion at 9:00 a.m. The Board agreed to send their lists of projects to Mike so that the project list can be compiled and a sign made for the bulletin board.

**Lake Management:** Reported by Jean Wood & Tom Scott

The water samples from the D-8 pond tested for high levels of bacteria and arsenic as a result of the runoff from the Lambert property. Jean has attempted to discuss the Lambert issues with Gerry Newbauer, DEP, and sent e-mail to Michael Hogan, DEP. Michael Hogan's e-mail stated that Lambert is exempt from his (Michael) requirements and that he could not answer for NFWFMD or Dept. of Agriculture. Jean has been told by DEP that the Dept. of Agriculture has jurisdiction and the Ag Dept said it was DEP.

Mike Jefferis suggested that all the information that we have so far on this Lambert issue should be forwarded to our attorney, Ken Abele. Ken told Mike that there is an attorney in his office that specializes in environmental issues and suggested that we have him take a look at this Lambert situation. The sediments at the D-8 pond and at that end of the lake have been a long-term problem. Mike continued with the Association needed to somehow stop Lambert and it may take a lawsuit to do it.

Jean called the DEP to check on the results of the 30-day compliance letter that was sent to Lambert. Lambert's reply was that he is not going to comply. Jean will continue communications with DEP and whom ever else to force compliance on the Lambert property.

Shoreline Restoration update – It was first believed that the permit was going to cost \$3000 instead of the \$500 we were told originally. If the Association wanted a 10-year permit then the cost is \$3000. A 5-year permit is \$500. In light of the cost, it was decided that we could accomplish what we needed to in 5 years. The permit application was beginning its 30-day review on 10/7/05. If there are no other requirements from the regulator, then the permit should be issued within 90 days. It is hoped that the permit will be issued so that we do not miss the opportunity to drop the lake at the right time if the lake level needs lowered.

D-8 Pond restoration – Jean spoke with Sean regarding the engineer's requirements to begin the drawings for the D-8 pond area. Sean will contact Scott Matteo regarding the instructions from the Association. The engineer is calling for a digitized topographical survey of the D-8 area. Jean was given an estimate of \$2000 for the survey. Jean was given an estimate of \$5000 for all engineering costs but was unsure if that included the survey.

Minutes, Board of Directors Meeting, October 11, 2005

MOTION BY TOM SCOTT TO PROCEED WITH THE \$5000 COST UP TO \$7000 FOR THE DIGITIZED TOPO SURVEY, ENGINEERED DRAWINGS AND ANYTHING ELSE NEEDED TO BEGIN THE D-8 EXPANSION. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

Jean will check with Sean McGlynn to see if the survey was included in the estimate of \$5000 or not.

There was a meeting in Gainesville about FDEP and Lakewatch data. It seems that the DEP will allow the Lakewatch data to qualify a troubled lake for the TMDL but will throw out the data that monitors the lake after that. The issue is still in discussion and we will continue to collect for Lakewatch.

**Lake Watch** – Pat Powell: Pat is scheduling a crew for October 15<sup>th</sup> at 9:30 a.m.

**Security:** Joe Smyth

It was reported that Scott Ivey worked 20 hours for the Association in September as well as 22 hours on duty and performed 11 vehicle stops and 80 house checks. Billy Kemp worked 20 hours in August and 11 hours in September. Both Scott and Billy have been contacted regarding patrolling Sheffield Preserve. Now that the fence is in place, patrolling needs to be done to make sure the fence stays in place and discourage trespassers hunting on Tallavana property.

Joe mentioned that it would be beneficial to our security team and the neighborhood to have their vehicles identified while they are patrolling in Tallavana. Joe will check out the cost of magnetic signs for our security people.

The ticket for parking/fishing violations is available for any members who wish to help patrol the boat ramp area for non-resident fishing. The form has a section to be completed and turned in to the Association secretary. If the offenders are residents, they should call Debbie to rectify the violations that were sited on their ticket. If the offenders do not call, Debbie will forward the tickets to Joe, Security.

**Gate:** No problems with the gate to report. Joe reported that there are two written requests for the gate to be open, one on Friday evening and the other on Saturday evening.

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

Kimsey Helms reported that the culvert at the intersection of Quail Court and Tallavana Trail had to be replaced to accommodate the upgrade of Quail Court due to the additional lots being developed at the end of Quail Court. The developer, Linda Ritchie, is responsible for the upgrading of Quail Court but the Association agreed to pay for the culvert replacement.

The D-8 pond was cleaned out. The costs were higher than expected due to the higher fuel prices. The material cleaned out of the pond was dumped under the power lines and will be leveled off by Marc Cocke. There was a misunderstanding concerning where the dirt should be dumped and a couple of trucks dumped the cleaned out material in areas where they have done before.

Kimsey reported that Marc would continue with the mowing. Jean asked if Marc could maintain the ground around the Tallavana sign on Mason Drive. She also mentioned that the sign needed to be painted and should be added to the workday project list. Kimsey will mention to Marc concerning Mason Drive and removing the tallow tree that was reported at the last meeting.

Minutes, Board of Directors Meeting, October 11, 2005

The bench on the newer dock was damaged when a tree fell on it. The bench was damaged beyond repair. Member Bobby Boatright offered to obtain the materials and build a new bench. Many thanks to Bobby for the great job; we again have a bench on the dock at the ramp.

Member volunteers who worked on the fence at the Sheffield Preserve on October 8th were Bobby Boatright, Joe Smyth, Dave Taylor, Tom Scott and Kimsey Helms. The work was not completed with 200' of fencing and a gate left to complete. Kimsey thought that with the same amount of help on the 29<sup>th</sup> workday, the fencing of the east side of Sheffield Preserve could be completed.

Mike Jefferis reported that the contractor who installed the stop signs still has not picked up the old signs. Mike thought that his son would be able to pick up the old stop signs.

Mike has been working with Don Cantrell regarding culvert work and head wall replacements. Headwalls were replaced at the end of Deer Pass East. After a walk down Hickory Lane, it was found that a majority of the culverts needed replaced. Instead of a definite price for each culvert replacement, Don Cantrell gave a not to exceed price of \$4,500 per culvert including headwalls. On some of the culverts, there will be utilities involved. Joe suggested that we contact other contractors to be certain that we are getting the best prices from Peavy/Cantrell. In the past, other contractors have not wanted to bid due to the insufficient size of the job but Don Cantrell uses Tallavana projects as fillers and offers competitive pricing.

Tom Scott suggested that the winter months be used to develop hiking trails in the Sheffield Preserve and Magnolia Hammock (D-8 ravine). Both areas are very beautiful and deserve to be enjoyed by the membership. Hiking trails would allow easy access to these areas.

## **COMMITTEE REPORTS**

**ACC:** Reported by Diane Sheffield

ACC meeting held for month of October and the following is being recommended for approval.

a-1. A submittal from Lana & Ron Gray, 3982 Tallavana Trail, a 20' x 25' detached garage with hardiboard siding and roof to match existing house. The garage is to be located 20'-25' from west side line, approx. 40' from house. Also a 12'x20' patio addition to the back of the house.

a-2. A submittal from James & Lynn Lovallo, 3761 Tallavana Trail, a 24" x 28" detached garage with cedar siding and roof to match existing house. Garage to be located 48' from side lot line approx. 9' from house.

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

The ACC did not recommend approval for a submittal from Bill & Belinda Ventry for a detached storage shed. The ACC disapproved the submittal because a detached carport already exists on the property.

b. Mr. Walter Roche, 2075 Tallavana Trail – Update: On 10/01/05, ACC members Knicely, Powell, Porter and Everett with Board members Helms and Scott visited Roche lot to determine whether there was another available location for his shed other than the current front yard location (previously rejected by the ACC). There was a general consensus of the ACC that there were 2 viable and acceptable locations for the shed in the backyard. As Mr. Roche stated, he chose the front location

Minutes, Board of Directors Meeting, October 11, 2005

because it was not visible to him from his house.

Don Magruder read a letter from Mr. Roche in response to the ACC site visit. Mr. Roche stated that the solutions presented by the ACC were unreasonable and “they were determined to find any spot that the building would physically fit no matter whether it violated the rules, offended my neighbor, or obstructed my view of the lake.” Mr. Roche felt that the visiting committee had no intentions of working with him to resolve the placement of his shed in a location agreeable to all parties.

There was a lot of discussion regarding the policies and the need to have the “Understanding Section 200 Lake Tallavana Covenants, Rules & Regulations” revised and Board approved. Section 200 lists the ACC policies. The Understanding Section 200 states details and guidelines that the ACC uses when reviewing submittals. The ACC has been instructed by the Board to present a draft to the Board and membership at a special ACC meeting. The Board has decided that no actions be taken regarding enforcing ACC regulation until Understanding Section.... is in place.

It was decided that a letter be sent to Mr. Roche stating the Board’s decision to defer any decisions until ACC regulations were clearly stated and Board approved.

MOTION BY JOE SMYTH THAT THERE BE NO APPROVALS OF ACC SUBMITTALS THAT DEVIATE UNTIL DEFINITE POLICIES HAVE BEEN DRAFTED AND APPROVED. POLICIES ARE TO BE REVISED BY THE ACC AND BOARD AND PRESENTED TO THE MEMBERSHIP PRIOR TO BOARD APPROVAL. SECONDED BY TOM SCOTT. MOTION CARRIED.

c. Belinda Ventry – per phone call to Jean Wood, withdraw request to address Board concerning ACC rejection.

d. Fines for ACC violations – The Board has asked Attorney Ken Abele to attend the November board meeting to discuss our legal options to enforce ACC violations. Also, the “Understanding 200... needs to be addressed and approved.

Policy Committee: Reported by Joe Smyth  
No Report.

## OLD BUSINESS

1. Budget Workshop – Mike Jefferis sent e-mails to Board members for estimated costs for future projects and preliminary budget preparations have been done.
2. Liability Insurance – There is still no estimate available as the new agent will not be able to acquire ownership of our policy until January 01, 2006.
3. Quail Court update – The results of a site meeting: Linda Ritchie, the developer, will increase the width of Quail Court with the Association accepting the cost to replace the existing culvert with a wider one. As previously reported, the culvert has been replaced.

## NEW BUSINESS

1. Gate Key to Mason Drive held by Hickory residents. There have been requests from Hickory Lane residents to have possession of a key to the gate at Mason Court that they might have an emergency exit should a tree block Hickory. While the Board understands the reason for their request, the Board desires to honor the court order that states only property owners on Mason Drive will have keys to access the boat ramp at the end of Hickory. While there still are easement and access issues to be worked out, Mason Drive residents will not have keys. Once there is legal access to the boat ramp, all Mason Drive

Minutes, Board of Directors Meeting, October 11, 2005

residents will have keys to the locked gate at Mason Court and Hickory. There will be no keys distributed to non –Mason Drive residents.

A Work for Hire Agreement for Marc Cocke will be discussed at the November meeting.

With no further business, meeting was adjourned at 9:53 p.m.

Respectfully submitted,

Debra Robinson  
Corporate Secretary

APPROVED