

TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on October 14th, 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 7:06 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 changes.

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

Approval/Corrections of September 2008 Minutes:

Grammatical corrections.

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

Treasurer's Report: Rick Kornmeier reported the total deposit for September was \$24,310.00, routine operating expenses of \$5,915.62, major project expenses of \$4,650.11, checking account balance is \$1,754.96, Money Market balance is \$119,752.06 and the balance in CDs/Savings is \$52,734.53.

Rick reported that major expenses were lake and dirt roads; 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. Rick mentioned that the handout is also available by email and to let him know if anyone wants to receive it.

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

Correspondence/Phone Calls:

1. Neil received a phone call from the homeowner who lives across from the D-8 pond. They inquired of who maintains the sides of the drainage creek that runs from the D-8 across their property to the lake. The response is that the homeowners are responsible for the maintenance of that drainage ditch. Neil will get back with the homeowners.

2. Debbie reported receiving a letter from Mr. & Mrs. Jim Fitzpatrick, homeowners of 520 Hickory Lane, regarding the amount of water their property took on during Fay. They questioned why the lake was not dropped prior to the storm. Note: Fitzpatricks live in Cape Coral and were not at their Hickory address during TS Fay. Debbie responded with a letter informing them that the lake was dropped at least 5 feet and that the Board members did what they could to prepare the lake for the storm.

3. Debbie read the letter she received from member Chris Guignard, homeowner that lives adjacent to the common property. Her letter was in regards to her complaints about the noise she feels is allowed at the pavilion parties. She stated that something needs to be done. In her letter, she stated that Debbie does not tell the people to keep quiet. Chris said that a court case was on the way.

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In defense, Debbie told the Board that when people contact her to reserve the pavilion, she asks that they respect the neighbors and keep the noise level down. Also, a statement asking the same is in the confirmation that she sends to the members. Debbie said that if there is a party that did not go through her to reserve the pavilion, then she does not even have knowledge that there is anything going on at the pavilion. Debbie wanted to go on record that those who contact her for pavilion reservations are reminded to keep a respectable noise level.

The Board was in agreement that the pavilion is a public place for the members and there is a sign posted regarding the noise guidelines. There have been occasions when Chris has called a Board member, Debbie or security and those she called have reported to the scene to find no music.

BOARD REPORTS

Legal: Neil McDonald and Rick Kornmeier

A. Lambert runoff – No update as there has been no response from Lambert’s attorney. Member Diane Sheffield reported that Kimsey and Don Ritchie went up in an airplane to take aerial shots around the lake including the Lambert property. Unfortunately, the unstable area that Diane saw last spring did not get in the shots so it cannot be determined if Lambert has stabilized that area or not. Most likely the unstable area is larger since Fay by the amount of sediment received in the D-8 pond during Fay. Kimsey said he and Don are going to go up again once there is less foliage and will get the pictures needed of the Lambert property.

Member Relations: Tom Scott (Absent) Reported by Debbie Robinson

There were 1345 visits to the website in September.

The deadline for the next newsletter is November 15th.

Lake Management: Bill Oswald & Tom Scott (Absent)

a. Carp report – Bill reported picking up 49 carp last month with the average weight 5-8 lbs. The carp that washed downstream when the lake was high were larger than that.

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. The Association has a 15hp motor to provide the volunteer but we need a boat rated for that horsepower. The Association also provides the shells and noisemakers. If no one steps up to volunteer, the cormorants will be allowed to take over.

c. Aquatic weed spraying – Bill did not call Plantation Creation due to the lake level being too low. Bill said that if we get some rain to raise the level, he would call for a spraying.

Lake Watch – Pat Powell: Pat said that Lake Watch could not go out as long as the lake was lowered but Diane Sheffield and Debbie Robinson were able to take a smaller boat to collect samples. The Dissolved Oxygen meter has been repaired.

Neil reported that the gate valve is currently closed with hopes that we will get some rain to bring the lake up a little.

Debbie reported the receipt of reports from Sean McGlynn. She will forward them to the web master for inclusion on the Lake Tallavana web site.

Security: Rob Combs

Rob reported that Scott Ivey worked 20 hours for the Association and worked 10 hours while on duty with the Gadsden Sheriff’s Department. Scott reported 7 traffic stops and 95 house checks. Mike

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Fish worked 20 hours in September.

Rob received a call regarding trespassers at the dock. When he went down to check out the report he found non-resident people fishing from the dock that were given permission by a member to fish. Rob told them that the member had to be with them in order for them to be legal.

Gate: No report.

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

a. 12-Pipe Emergency Spillway update: Neil reported that we have finally reached an agreement on the wording of the contract that we are to have with the county. The first contract requested the entire \$75,000 up front and payable to the county. That was not acceptable and not how the plan was originally told to us by NRCS. We now have a contract that requires a letter of credit from Focus Credit Union and the contract is to be signed on Thursday the 16th. Once NRCS approves the engineered plans, the county will solicit for bids. NRCS will determine the winning bid at a meeting with Gadsden County representative Robert Presnell and THA representatives. Once we are informed of the total cost on the approved bid, we will then determine our 25% portion and at that time forward our share of the total cost. NRCS is managing the distribution of the grant funds. Robert Presnell will be handling the project for Gadsden County.

Rick Kornmeier asked if we would have any input on the esthetics of the spillway or would we be looking at concrete and pipe. Neil said that Northwest Florida Water Management District would be involved with the beautification.

Neil reminded the membership that should there be a possibility of a storm, the lake would be lowered.

b. Spillway update – Discussion about the spillway was included in the 12-pipe spillway.

c. Emergency exit plans – Kimsey reported that Diane Sheffield and Linda Ritchie met with him to help with this project. They discussed what had been done so far. Upon further research, Diane found that the Bert family owns the easement of interest. She also found that the easement is currently not on the tax roles hence no taxes are being collected by the county. The first course of action is to contact the family to see if they would grant us use but if not, then maybe we could offer to purchase the easement.

Kimsey spoke with Mr. Brinkley of Gadsden County Emergency Management to let him know that we were working on an emergency exit. Kimsey asked him if this was a specific requirement or a suggestion. Mr. Brinkley told Kimsey that it was strongly suggested that Tallavana have an emergency exit but left the logistics up to us.

d. .6 Mi Tallavana Trail cracks sealing – Kimsey reported on the bids from All American for \$7,800 and from Hurst out of Alabama for \$3,890. Mr. Hurst has agreed to seal all the cracks including the smaller ones.

LARRY JONES MOVED TO ACCEPT THE BID FROM MR. HURST FOR \$3,890. RICK KORNMEIER SECONDED THE MOTION. THERE WAS NO OPPOSITION, MOTION CARRIED.

Kimsey will contact Mr. Hurst requesting a certificate of insurance.

COMMITTEE REPORTS

1. **ACC:**

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

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Approved Submittals:

Jim and Pat Powell, 2423 Tallavana Trail, submittal for staining deck and deck over water.

Larry and Peggy Jones, 664 Mason Drive, submittal for metal carport for camper and tree removal.

Larry and Donna Sirmons, 240 Tallavana Trail, submittal for removal of 6 trees.

Robert and Rebecca Schara, 3835 Tallavana Trail, submittal for single car carport.

Mark & Kathryn Voigt, 4131 Tallavana Trail, submittal for new roof.

Shelia Mehle, 525 Tallavana Trail, submittal for color change on trim of house.

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.

Earl reported that there is concern about the amount of run-off created by the lack of a culvert on Donald Guy's lot on Magnolia Court. Currently, dirt fills the ditch for the driveway causing water and dirt to run off the property due to the blocked ditch. Neil said that he and Bill spoke with Mr. Guy several months ago about that issue. Mr. Guy said that he was waiting until the construction was done on his home before he put in a culvert. Now we have been told that the construction is on hold indefinitely. Neil said that he would contact Mr. Guy to see if he would be willing to allow Marc Cocke to clean the ditch and be billed for it.

See full report attached to the minutes.

2. **Lake Management Committee:** Diane Sheffield reported that she and Sean McGlynn were able to complete their hike up Hurricane Creek all the way to Clinton Nursery. Water samples taken along the way and after testing found to be extremely high in nitrogen.

The 319 Grant was turned down for this year. This will be in our favor as we continue to collect data to better prove our need for grant funding. A meeting has been set up with DEP to discuss our future plans.

Diane asked if we could block some time at the November meeting for Sean to report on what has been found so far and to suggest what our next plan should be. Neil instructed Debbie to put Sean on the November agenda.

Diane also reported that there would be no grants issued from the Water Management District in 2008 but should resume in 2009. Again, the delay could be in our favor as we collect more data.

3. **Budget Committee:** There was nothing to report but a meeting needs to be scheduled.

4. **ESO (Neighborhood Emergency Preparedness Planning):** Cheryl Roberts and Debbie Robinson went for training at the county Emergency Management. As a result, the Dept. of Health paid the Association \$1,000. The money is earmarked for ESO only but as yet; no determinations for supplies or equipment have been made. The radios are still at the sheriff's department being checked out by Captain Brown.

OLD BUSINESS

No old business.

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NEW BUSINESS

1. Domestic cat problems – Rob Combs said that we don't allow dogs to run the neighborhood and neighbors should take better care of their cats. Cats are running all over, getting on vehicles and boats. Rob asked that neighbors be more respectful of others by fixing their cats or not allowing the cats to run the neighborhood.

2. Mason Drive demand letter – Neil reported that Brett Sheffield delivered the letter to him, that Frank E. Sheffield was representing the Mason Drive homeowners and that each Board Member received a copy of the letter. Then Neil turned the meeting over to Brett Sheffield, resident of Mason Drive.

Brett Sheffield is the son of Frank E. Sheffield. Brett said that since the vote denied the taking over of Mason Drive the letter from the residents is a request that their dues immediately be lowered to \$150 per year. That would mean that the Association does not have to take over the road and pay for maintenance. The Mason Drive residents would have access to lake and pavilion use and agree to the terms of the ACC. The residents are looking for fairness. They do not want to cut ties with the community.

Brett said that he knows that some of the Mason Drive residents have repaired the ditches in front of their homes at no cost to the Association or the county. Brett said he does not have direct access to the lake and in general, does not see the benefits that those living inside the gate enjoy. Brett said that his answer is yes to those who say he should have known what he was buying but he now he feels he should not have to pay the same amount for less benefits. Brett rationalized that the paying of Mason Drive did not come out of the Association budget but was paid with county taxes since it is a county owned road. Brett says that he sees people at all hours of the night on Mason Drive but cannot count on the security that he pays for through his assessments. When reminded that he should call the Sheriff's Department, Brett complained of their response time. Kimsey said that even when there is a problem inside the gate, members call the Sheriff's Department.

Pat Powell asked Brett how they came up with the \$150 per year. Brett said that they figured it was a fair amount for access to the lake.

Rick Kornmeier said that regardless of the Board being in agreement or not, they cannot do anything about this situation. Rick said that he read all of the governing documents and there is no action the Board can legally take. Rick said there is no way tiered assessments can be allowed without the changing of the governing documents, and even those have requirements that must be met for legal changes. No governing document can be changed without a majority vote from the entire membership.

Diane Sheffield mentioned that this issue had come up in the past and at that time a Board Member calculated every thing that every member participates in. The calculations did provide for a reduction in road maintenance except for the portion that Mason Drive members use to access the lake and pavilion. The results of the calculations showed a net savings to the Mason Drive members a total of 18% of the total assessment of that time. Considering the current expenses, Diane said that using the same formula as before would show that \$150 per member, per year would not cover their portion of the expenses all members are responsible for. Diane said that \$150 could not possibly include expenses for the lake. Brett said that the Mason Drive members are in agreement to be specially assessed for lake expenses.

Larry Jones pointed out that the FL State Statutes provide for different classes of assessments based on the services. Rick explained that yes we can have tiered assessments but that the membership has to vote on it, the Board cannot. Larry said that he has been told by many members to forget "it" and that Mason Drive residents are not entitled to "it". Larry expressed that they don't get the grass cut on the shoulders, that there is no maintenance done at all by the Association. Larry thinks there is some reason that no one in the Association wants them (Mason Drive residents) to have any of the services.

Bill Oswald gave some background about the Agreement that is currently in place between the Association and the original developer of Mason Drive. The original plan for Mason Drive was to have access via Quail Court. Bill thinks that if we can use Quail Court to access Mason Drive then we could block off Mason Drive. He feels that this could be the least expensive solution. Linda Ritchie owns the

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properties at the end of Quail Court but now has developed the lots in preparation for home sites. Diane Sheffield mentioned that Bill's idea would still require the taking over of Mason Drive, which has already been voted down.

Andrena Knicely mentioned that it would be foolish if the Board did not seek legal council on this issue and asked if the Board has done so. Neil responded that when the letter was given to him that it was expressed that it should be brought up to the Board for discussion and discussion only. Andrena said the Association should get legal council.

Dorothy Gillan said that several years ago her daughter submitted to the Board a plan for tiered assessments but was told that it was too much trouble.

Linda Ritchie said that this is already a legal question. Our restrictive covenants specify how the assessments should be paid and cannot be changed until 2012, approved by a majority vote and that there is no way that anything can be done immediately.

Joyce Jones said that when she was looking to buy on Mason Drive that she was told that Lake Tallavana was a gated community and that although currently Mason Drive was not it would be gated in the future. She pointed out that the website does not specify that Mason Drive is not gated. She said that they don't get the services that the gated members receive and that she was tired of the animosity shown towards her by members who don't care.

Michael Washington said that if the covenants dictate how much the assessments are then they should also dictate the services received. Rick said that currently our governing documents state that the assessments are the same across the board. Only if the documents are changed can anything be done about different assessment classes. Rick said that this cannot be resolved at this meeting and the Board does not have the power to make any decisions on this.

RICK KORNMEIER MOVED TO FORWARD THE LETTER FROM FRANK E. SHEFFIELD AND THE MASON DRIVE RESIDENTS TO OUR ATTORNEY FOR A LEGAL RESPONSE TO MR. SHEFFIELD. KIMSEY HELMS SECONDED THE MOTION. IN FAVOR: BILL OSWALD, RICK KORNMEIER, ROB COMBS AND KIMSEY HELMS. OPPOSED: LARRY JONES

Larry Jones opposed because there was not a provision for a time frame for our attorney to respond. He was assured that when our attorney was given the letter from Mr. Sheffield that it would include our request for a quick response. Brett Sheffield expressed concerns about spending money on legal fees. Neil assured that we would ask our attorney to respond quickly. Until we hear from our attorney, there will be no other discussion.

Diane Sheffield asked that we consider a workday to clean up common areas, as they are looking trashy. We should not be using the power line easement to dump things such as the old culvert. Neil noted that we should discuss a volunteer workday at the next meeting.

Mark Palmquist commended those who worked so hard on the grant and expressed his appreciation.

With no further business, meeting was adjourned at 8:37 p.m.

Respectfully submitted,

Debra Robinson
Corporate Secretary

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

October 7, 2008

Minutes/Report

Meeting of the monthly Architectural Control Committee (ACC) was held on October 7th, 2008 at the pavilion of Lake Tallavana.

PRESENT: ACC Members –Earl Mills, Pat Powell, Virginia Everett, Jim Grantham, and Linda Ritchie
THA Members –Larry Jones and Corporate Secretary, Debbie Robinson.

Approvals:

Jim and Pat Powell, 2423 Tallavana Trail, submittal for redwood stain on decking behind house, boardwalk and deck over water. Pat did not participate in the approval of this submittal.

Larry and Peggy Jones, 664 Mason Drive, submittal for 12' x 30' metal carport for camper. Location to be next to garage. Color of roof to be evergreen. Submittal included the removal of three trees that are dying. Trees to be removed are not in the buffer.

Larry and Donna Sirmons, 240 Tallavana Trail, submittal for 6 trees that are dead, only one is in buffer near the driveway.

Robert and Rebecca Schara, 3835 Tallavana Trail, submittal for site built, single car carport located on the side of the garage. The carport will not be visible from the road. Colors to be the same as house.

Mark & Kathryn Voigt, 4131 Tallavana Trail, submittal for new roof as the exiting one is leaking. Shingle color to be close to existing which, is hunter green.

Shelia Mehle, 525 Tallavana Trail, submittal for color change on trim from previously approved submittal. Shelia also informed the ACC that the trees that were approved for removal on the previous submittal would not be taken at this time. If the trees are to be removed within the two-year time frame of the approved submittal, Shelia will not have to re-submit for ACC approval.

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 said that he needs to get with Linda to check on the progress of the form.

The ACC is going to contact Member Donald Guy concerning the run-off created by lack of a culvert at his lot on Magnolia Court. The dirt used for his driveway has blocked the ditch and the ACC is going to ask Mr. Guy to install a culvert under his drive as specified in the ACC policies.

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