

## TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

A Special Membership meeting of the Tallavana Homeowners' Association, Inc. was held on Saturday, September 27, 2008 at the Tallavana Christian School gymnasium.

President, Neil McDonald, called the Special Membership meeting to order at 10:01 a.m. Neil thanked Tallavana Christian School for the use of the gymnasium. The corporate secretary was recording for accuracy of the minutes, there was no one else recording.

**A. Election of Chairperson:** President Neil McDonald stated the first order of business was to elect a Chairperson for the meeting.

RICHARD HEALY NOMINATED NEIL MCDONALD AS CHAIRPERSON FOR THE SPECIAL MEMBERSHIP MEETING. RICK KORNMEIER SECONDED THE NOMINATION. LEONARD WHATLEY MOVED TO CLOSE NOMINATIONS. TOM SCOTT SECONDED THE MOTION. MOTION CARRIED.

**B. Approval of the Agenda:** Neil McDonald stated that there are only two items on the Agenda and that was all that was to be discussed at this Special Meeting.

BILL WOOLERY MOVED TO ACCEPT THE AGENDA AS WRITTEN. JAN TOWNSEND SECONDED THE MOTION. MOTION CARRIED.

**C. Roll Call and Certifying of Proxies:** All the names of the members represented were called from the rolls of the membership to be sure that everyone present was registered. There were 54 member households represented and 83 proxies, total of 137 qualified for a quorum. Of the 83 proxies, 1 was assigned to another member, 5 were assigned to the President and all others used the Limited Proxy option. The President voted his proxies. For those members who could not attend the meeting, the Limited Proxy option allowed the members to indicate how they wanted their proxy voted.

**D. Proof of Notice of Meeting:** Debbie Robinson, Corporate Secretary, stated the notice of the Special Membership Meeting was mailed to 306 members of record on September 12, 2008. Debbie thanked Marla Griffin for her help in getting the notices ready for mailing.

**E. Item #1: \$75,000 Diversion from 2008 Budget** - Presented by Neil McDonald

Neil gave a brief history of the 12-pipe spillway. During the heavy rains of last Spring, an erosion problem exasperated by the rains, became very apparent. The creek bed that runs beyond the 12-pipe spillway began to erode towards Tallavana Trail and the 12-pipes. It was apparent that without immediate repairs, we were in danger of losing the road, pipes and even the lake. Consultation from an engineer indicated that the costs could be at least \$250,000.

Neil and Bill Oswald went to the Northwest Florida Water Management District to see what could be done. After discussing the problem and that we did not have the funds for a permanent repair, NFWFMD suggested that we contact Natural Resources Conservation Services (NRCS). NRCS representative came out, looked at the situation and determined that we should be able to receive grant money for the needed repairs. NRCS completed the grant application and submitted it. The grant was approved by the Department of Agriculture for a total of \$300,000 of that, the portion the Association would be responsible for is 25% or \$75,000.

Besides the engineering drawings required for the grant application, NRCS drew plans and will be repairing a drainage problem on the back side of the dam on the Bloomquist property and they will provide plans and blueprints for the standpipe spillway, which is to be worked on in the future.

Neil explained that NRCS is the agency in charge of the grant funds and the project. A requirement of receiving grant funds was the need for a sponsor. Gadsden County agreed to be our sponsor for this project. The county will be charged to do the work as approved by NRCS. The Association will provide the county with a Letter of Credit releasing our portion of the project only after we know the exact amount. The project will go out for bids with NRCS approving the bid package and the acceptance of the contractor. Once the contractor is

approved, we will know exactly our 25% portion of the cost.

Question: Richard Healy asked if there are any strings attached.

Answer: Neil said that the only strings attached appear to be favorable in that the project is guaranteed for 10 years. If anything goes wrong, it will be fixed at no cost to us.

Question: Ronnie Epperson asked about the plans for ingress and egress while the work is being done.

Answer: Neil said that the roads would not be touched. All work is behind the 12-pipes. There may be momentary delays for equipment to cross the roads but Tallavana Trail will remain open.

Question: Richard Healy asked specifically that since we are in receipt of federal funds, do we have to open access to the public?

Answer: Neil said that we still remain private, that Gadsden County is sponsoring us for this project.

Question: Richard Healy asked if the lake level is going to remain as is or if it will be returned to the normal level?

Answer: Neil said that once this project is completed that the lake level would be returned to the permitted level of 145.2'. Tom reiterated that the lake would be returned as we are permitted by NFWFMD. Currently the lake is being held 6" lower by the removal of 6" of the standpipe. This was done to avoid constant monitoring to insure that no water goes through the 12-pipes until the spillway repairs are completed. The 6" collar will be added back to the standpipe after repairs.

Question: Darlene Rex asked if the erosion problem started from the nature trails that were put in behind the dam.

Answer: Neil said that the engineers said there was no specific cause for the erosion to begin. The 12-pipes were engineered and installed correctly. The area beyond the 12-pipes caused a funnel effect, which in turn caused the run-off to concentrate in the creek bed. The creek bed then began to erode forward approaching the pipes and road. Tom explained that there were no trails cut behind the dam and what Darlene thought was a trail is the access road for the backside of the dam.

Question: Dorothy Ross asked who are the parties of the contracts.

Answer: Neil said that there would be a contract between NRCS and Gadsden County and one between Gadsden County and the Association.

Question: Leonard Whatley asked when the project would be done.

Answer: Neil said that by March of 2009 the project must be done according to the grant. We are not sure of a start date but we are working on it.

Question: Marie Epperson asked if the county was getting anything out of this.

Answer: Neil said that the county is our sponsor and may get a small amount for their in-kind work.

Question: Paul Keith asked what impact the \$75,000 had on our Budget.

Answer: Rick Kornmeier said that there would be a shift of expenses from those that have a lower actual expense than what was approved in the Budget. For example, the actual expenses for the attorney are anticipated to come in way under budget for 2008. Rick explained that there are several expenses that are coming in under budget giving us the opportunity to shift the \$75,000 without a drastic effect on the budget as a whole. Debbie explained that there are some projects that have come in under budget and some being delayed hoping the time we are buying on these projects does not come back and create greater problems in the future.

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Question: Linda Ritchie asked what would happen if they did not get the project done by March.

Answer: Neil said that NRCS would finish the project by March 2009.

Question: Ron Crawford asked what specifically is going to be done.

Answer: Neil said that NRCS has designed a concrete spillway out from the 12-pipe that will disperse the water and create more of a sheet flow before it gets to the creek.

In January of 2008, the Board approved the 2008 Budget. Of course, it did not include a \$75,000 expenditure. The Board is asking the membership to give the Board their approval to divert from the Approved Budget to accommodate the \$75,000 needed to match the grant fund for repairs to the 12-pipe spillway.

**F. Item #2: Taking possession of Mason Drive and Installation of Gate** – Presented by Larry Jones

Larry Jones said after he moved in and was elected to the Board that discussion amongst his neighbors lead to the topic of the Mason Drive residents wanting what everybody else has in Lake Tallavana. They would like to see Tallavana Homeowners' Association take over Mason Drive and install a security gate like that already installed at the entrance of Lake Tallavana.

Larry reported that the approximate cost for gate, installation work, roadwork and the turnaround (providing the right-of-way is obtainable) is \$45,000. The Mason Drive gate would be expected to be like the one at the main entrance. Larry said a second gate would allow the gate at Mason Way and Hickory to be removed allowing a second entrance to Hickory. He also said that a gate at Mason Drive would enhance the security for the rest of Hickory Drive residents. The Mason Drive residents have had problems with county traffic and the trash they leave behind.

Question: Richard Healy asked how many people lived on Mason Drive.

Answer: Debbie Robinson reported that there are a total of 27 members, some own only a lot, and 23 members who actually live on Mason Drive, Mason Way or Mason Court.

Question: Dona O'Neal asked if there would be additional maintenance and what that would cost.

Answer: Larry said he does not have the exact numbers but that Mason Drive was in pretty good shape and as road maintenance goes throughout the neighborhood, the Board was looking into the issues. Larry said as far as Mason Drive, "it was paved recently and should not need maintenance or repairs for quite some time." He also said that the grass on the shoulders should already have been maintained by the Association but has not. He said there are lots of things to consider but no more than what needs to be considered inside the gated area.

Don McEwen and Kimsey Helms were able to come up with some estimates of annual maintenance that would include among other things mowing the shoulders and repairs to the shoulders. Including the repaving that would be required within the next 10 years; Don said the maintenance would add \$13,000 - \$18,000 per year to the budget. That would equal to \$45 - \$60 per member.

Larry said without going in another direction about all the roads in Tallavana, the Board and the Budget committee would have to work out the details on the maintenance costs of Mason Drive. Larry said he does not want his assessments to increase nor does he plan for them to with the additional costs of Mason Drive.

Comment: Margaret Washington said that all they are asking is for the same benefits for the same dues.

Question: Darlene Rex asked how was this going to affect our dues?

Answer: Larry said that as long as you have a Board that will scrimp in some areas and save in others that our dues should remain the same. Larry said as long as he is on the Board, "he would like to see the dues remain the same or lowered."

Comment: Ronnie Epperson said with the budget currently being stretched and the possibility of taking on more responsibility with Mason Drive, he could not see the assessments ever being lowered.

Comment: Darlene Rex said that without making people mad she wanted to say that the people on Mason Drive bought knowing they were on a county road with no gate.

Answer: Larry said that no, "he did not know what he was getting into when he bought last year. He was told that he was part of Lake Tallavana and that "they" did not explain what he would not have by living on Mason Drive." He said "for years and years, systematically, the people on Mason Drive have been deprived, it's not his fault and the members' fault but somebody has done it and they only want what is equal."

Question: Ron Epperson asked if Mason Drive was part of the original subdivision of Lake Tallavana and if not, how did Mason Drive become part of Lake Tallavana. Also, Ron asked what the costs would be to take over Mason Drive from the County since it is a public road.

Answer: Larry said that there would be no cost for the Association to take over Mason Drive from the county as long as there is an unanimous decision from the community to take the road over. If the decision is not unanimous, then the county would have to hold a special meeting and would charge the Association \$975.

Debbie answered Ron's first question. Portions of Lake Tallavana were owned by different developers and developed at different times. A developer, Dr. Gerald Harris, owned the area of Mason Drive. When he developed that area, he wanted the road to be public but wanted access to Lake Tallavana. An agreement was drawn up between Dr. Harris and the Association that the Mason Drive area would fall under the restrictive covenants of Lake Tallavana, that owners would be responsible for paying the same assessments. This agreement is recorded against the properties on Mason Drive. There is also a recorded court order that reinforces the agreement.

Don McEwen explained that at one time, the Association attempted to persuade Dr. Harris to make Mason Drive part of the private road system and gated area of Lake Tallavana but Dr. Harris prevailed and Mason Drive remained a county owned road yet part of the Tallavana Homeowners' Association.

Comment: Ashley Campbell said that this is a security issue and proceeded to relate an incident about a confrontation with trespassers in his driveway that were in possession of firearms. He said that because there is no gate at Mason Drive, it is impossible to keep undesirable visitors from stalking their neighborhood.

Question: Rick Kornmeier asked Larry that if this is going to cost \$45,000, what is the time frame we are looking at. In other words, Rick wanted to know when the \$45,000 would go in the budget.

Answer: Larry said that he did not know for sure. Maybe the project could be done in the latter part of 2009 so that some of the expense would be in 2009 and remainder in 2010. Larry said the details have yet to be worked out. The current 2009 budget does not reflect any expenses for the project but Larry said that after today, he expects it to. Larry said that if this issue does not pass today, then there is no point in putting it in the budget. Larry said that today it is an issue of fairness.

Question: Dorothy Ross asked where would the gate be installed on Mason Drive. She questioned if the location would be near the trailer or closer to Rt. 12.

Answer: It was explained that the gate would be at the Lake Tallavana sign and from the gate to the stop sign, Mason Drive would remain a public road. In other words, the trailer would not be enclosed behind the gate. Mr. Whitfield (owns lot on Mason Drive) said that he owns some of the property on the other side of the road from the sign and is willing to work out an easement for the gate. Mr. Whitfield said that an easement could be determined as soon as he has clear title to that property.

Question: Linda Ritchie asked if the homeowners on Mason Drive would be willing to pay a special

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assessment for the cost of the gate.

Answer: Larry said "we have been paying all these years for nothing, why should we pay more?"

Comment: Linda Ritchie said that the current assessments could hardly keep up with the infrastructure repairs now, and asked how could we possibly take on more without an increase of dues. Linda said that the Association is responsible to maintain the infrastructures and roads and failure to do so would cause a decrease in our property values.

Comment: Larry Jones said that their dues on Mason Drive "should be next to nothing because they do not receive any benefits from their dues including the mowing of the shoulders and repair work for the ditches." Larry said "they get nothing for their dues except the lake and when homeowners inside the gate get \$100,000 worth of pavement, he is paying that." Larry said that there should be no special assessments for wanting what the rest of Tallavana has and is entitled to it.

Comment: Roxann Campbell said that the question is not who is to pay what or how much but today the question is will a majority of the members agree to take over Mason Drive.

Question: Jan Townsend asked if anyone considered blocking off Mason Drive and using Hickory Road.

Answer: Larry asked the members who currently live on Hickory if they want all the Mason Drive traffic and all said no. Kimsey mentioned that Hickory does not have the infrastructure to handle that kind of traffic.

Comment: Sara Mercer, resident on Hickory, said that she felt to gate Mason Drive would improve security on Hickory.

Comment: Larry said that there have been kids gathering at the end of Mason Way leaving trash, beer bottles and all sorts of paraphernalia. Kimsey reported that the same happens at the pavilion inside the gate and Larry said that he too has seen that at the pavilion.

Question: John Stansberry if it would make more sense that we do more research to determine a more exact cost for the installation and routine maintenance so that the membership could make a more informed decision.

Answer: Larry said that we already had the numbers: \$45,000 to install the gate and \$13,000-\$18,000 for annual routine maintenance.

Debbie read the state guidelines concerning taking over a public road: "If the roadways in a community are dedicated to the county and the homeowners desire to convert the roadways to private ownership, they may request the county to convey the roadways to the association. To make this change, the association must request the conveyance in writing and at least four-fifths of the owners must consent in writing."

That means that 245 people have to say that they will take possession of Mason Drive knowing that there will be additional costs incurred to do so.

Rick Kornmeier asked Debbie if it was out of order to count the proxies that have been turned in and if there are at least 70 that voted against the possession of Mason Drive then the decision has already been made and there would be no need for further discussion and no need for a vote. Debbie said that the proxies were currently being verified and even if there were 70 or more proxies indicating no to Mason Drive, she felt the people attending the meeting had a right to have their say.

Comment: Michael Washington said that they see cars going through Mason Drive, people stopping and walking around all hours of the night. He feels that the Mason Drive residents have paid the cost and need security. He feels that they are not getting a full value for their dues.

Comment: Dona O'Neal said that while she feels empathy about the lack of security on Mason Drive, that the security gate gives a false sense of security. She said that people follow cars through the gate into Tallavana all the time. Other members were in agreement.

There were no other questions but there were a couple more comments that reiterated what had already been said.

Neil announced that it was time to vote. Debbie explained the ballots and the required amount for passage for each item.

**G. Item #1 called to vote by ballot.**

Members received ballot for Item #1 at the time of registration. Time was given for ballots to be marked and collected. Ballots tallied by Joyce Jones, Pat Powell and Gary Robinson.

**H. Item #2 called to vote by ballot.**

Members received ballot for Item #2 at the time of registration. Time was given for ballots to be marked and collected. Ballots tallied by Joyce Jones, Pat Powell and Gary Robinson.

**I. Announcement of vote results**

Item #1 – Should the Board of Directors be allowed to divert \$75,000 from the 2008 Approved Budget to a separate account for the grant match for repairs to the spillway beyond the 12 pipes?

YES 133 NO 3 Item #1 passed.

NOTE: A majority of a quorum is required for this issue to pass. The quorum was met at 61 members.

Item #2 – Should Tallavana Homeowners' Association take possession of Mason Drive from Gadsden County and assume all responsibilities for the costs incurred by taking possession, which includes the purchase and installation of a security gate?

YES 53 NO 84 Item #2 did not pass.

NOTE: By State law, it takes four-fifths of the owners or 245 members to vote in the affirmative to give the Association permission to assume a public road.

**J. Adjournment of Meeting:** With no further business, meeting was adjourned at 11:45 p.m.

Respectfully submitted,

Debbie Robinson,  
Corporate Secretary/Bookkeeper,  
Tallavana Homeowners' Association, Inc.