

TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on September 13, 2005 at the Havana Public Library, Havana, Florida.

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

ABSENT: Joe Smyth, job travel

The meeting called to order at 7:14 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:

Add item #f. under Legal, begin discussion of fines for ACC violations. Add item #2 under Old Business, Mike J. to report on current liability insurance. Under ACC add item #b to allow Mr. Lew Roche to address the board and item #c, discussion of lot clearing prior to home construction. Add item #2 under New Business, consideration of donation to Katrina victims.

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

Approval/Corrections of August 2005 Minutes:

A statement was added to Item 2., Gate Committee, under New Business, to include that the gate committee is to be made up from THA directors in accordance with the Gate Policy that was adopted July 2005. Other corrections were grammatical.

MOTION BY MIKE MAPSTONE THAT THE MINUTES BE APPROVED AS CORRECTED. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

Treasurer's Report: Mike Jefferis reported the total deposit for August was \$12,811.72, expenses of \$8,129.99, combined checking account balance is \$39,096.23, and the balance in the sinking fund is \$226,989.41. The combined checking account balance is from our new account at Focus Credit Union and our existing account at Capital City Bank. The account at Capital City Bank will eventual be closed with all our banking done at Focus Credit Union.

The larger expenses in August were for mowing and stop signs. Peavy has completed the culvert replacements on Tallavana Trail at Magnolia Court, on Tallavana Trail at the D-8 Pond, and at 1242 Tallavana Trail. Those invoices will be September expenses with the invoice for 1242 Tallavana Trail being split 50/50 between the Association and the homeowner.

MOTION BY TOM SCOTT THAT THE TREASURER'S REPORT BE APPROVED AS READ. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

Mike Jefferis reported that he and Debbie Robinson met with Attorney Ken Abele regarding our hard-core delinquent accounts to discuss collection possibilities. Ken will begin the collection process with a letter from his office. One of the delinquent accounts has already been collected as the property sold and the total delinquent amount was collected at closing. The subject property is Lot EE-33 and was owned by Janet Forbes. The Association did have liens placed on the property and will file a Satisfaction of Lien.

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Correspondence/Phone Calls:

1. Debbie Robinson received a phone call from Barbara Hill, 220 Hickory, concerning a dog floating in the lake with its head missing. Barbara thought that it might be the victim of an alligator and was wondering if a large alligator has been spotted. No board members or members in attendance have seen or heard of an alligator problem. Board members and attending members said that while it is always possible to have an alligator in our Lake, a dog with just the head removed is not typical of an alligator attack. It was suggested to inform Billy Kemp of this phone call.

2. Jean Wood received e-mail from Deberah Keith regarding the status of the lakeshore restoration permit.

3. Jean Wood received e-mail from Jan Townsend who asked for consideration of a neighborhood garage sale either at the entrance area before the gate or at the pavilion. Several board members had concerns about the amount of traffic such a sale could draw, especially at the entrance area and there was also opposition about having a garage sale at the pavilion.

4. Jean Wood received e-mail from Ed Copes, 800 Hickory, regarding the gate between Mason Court and end of Hickory. Ed expressed concerns about an opening for pedestrians and about the gate being locked and prohibiting residents on Hickory a way out should a tree block Hickory. The Board expressed their desire to uphold the court order that only Mason Drive residents have a key to the gate for access to that end of the lake. However, Jean Wood asked that the issue of having one resident on Hickory have a key to be used only in an emergency situation be put on the agenda for discussion at the October meeting. A pedestrian opening will be considered after access to the easements is resolved.

5. Jean Wood received e-mail from Carolyn White regarding the status of the lakeshore restoration.

6. Jean Wood received a phone call from Tidwell's regarding a dog named Cowboy. Cowboy has been an ongoing problem. Jean told them that the Association does not have a leash law but the county does and that they should contact Scott Ivey. Cowboy's owner has been contacted by Deputy Sheriff, Scott Ivey, but Cowboy remains a problem for anyone walking in the area of his residence.

7. Jean Wood received a call from Alyce Parmer expressing her concerns after reading the report about the Lambert runoff article in the newsletter.

8. Jean Wood received a call from Ron Gray after his shed was rejected by the ACC. Jean told Ron to speak with the ACC.

9. Jean Wood received a call from Sherry Burkes; topic to be covered under ACC.

10. Tom Scott received calls from Frank Ellzey and Christiane Guignard expressing concerns of the lake level when it looked like Hurricane Katrina was going to affect our area. As it turned out, we received very little rainfall. Tom was prepared to drop the lake level 36 hours prior to the storm if it was going to come this way.

BOARD REPORTS

Legal: Don Magruder and Mike Jefferis

A. Magnolia Court – There has been no information from DEP concerning issues with Magnolia Court and the storm water retention areas.

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B. Lincicome case – Draft copies of the summary agreements have been received but nothing will be signed until there are visible survey markers showing the boundaries of all involved easements. Jack Harnett has sent a letter to Attorney Stivers requesting the survey markers be in place before there is a signed agreement.

C. Sheffield Preserve – A Memorandum of Understanding between the Association and Allen Boatright with language protecting the Association's interest in the fence was sent but not yet returned by Mr. Boatright. Mr. Boatright is the adjacent property owner at the Sheffield Preserve. An updated survey of the fence line on the east side of the Sheffield Preserve has been received and shows the fence right on the property line. Mark Cocke has mowed on both sides of the fence for easy access as we work to reinforce the fence and install a gate in the power easement. The Board agreed that the fence and gate need to be done quickly as hunting season is approaching. There has been evidence that hunters and 4-wheelers have been trespassing on the Preserve and on Boatright's property in prior hunting seasons.

D. Acquisition of Deer Pass – Don reminded Jack Harnett to contact Mr. Pennington to ask if the easement for Deer Pass could be turned over to THA.

E. Park Brittle property - At the August board meeting, there was discussion in regards to a possible water easement on the property behind the dam that is owned by Park Brittle. A quitclaim deed was found in the records of the Gadsden County Clerk of Circuit Court's office giving Tallavana Homeowners' Association, as a successor of Tallavana Properties, Inc., an easement over and across the property owned by Mr. Brittle. The easement states that it is for drainage purposes and for any other purpose consistent with the maintenance, preservation or operation of the dam and lake situated on adjoining lands and then lists the specific rights provided for under the easement.

It was decided that a letter be sent to Mr. Brittle and a copy of the quitclaim enclosed.

Don mentioned that at the August meeting it was voted to activate and increase the charge for the pavilion when used by groups other than family parties and that these changes were to be in the newsletter. The article did not get in the Fall Newsletter but Debbie said that she could write something up and include it in the 4th quarter billing coming up in October. The board was in agreement to have the article in the billing and also to have it in the next newsletter.

Don asked if the agreement between Tallavana Homeowners' Association and the Sheriff's department has been signed. The agreement was signed by Jean Wood this evening and will be delivered to the sheriff by Scott Ivey tomorrow.

F. Fines - Mike Jefferis reviewed the governing documents for the right to set fines for ACC violations. While Florida law allows setting fines, it is not a provision in the governing documents for Tallavana Homeowners' Association. If there is a desire for the board to set fines for ACC violations, it will have to be voted on by the general membership at the annual meeting. The membership will have to be given proper notification according to state laws. The board will continue discussion on setting up the fines and what to do if fines are ignored.

Member Relations: Mike Mapstone

The web site received 101 hits for August.

Mike and the board discussed setting dates for a couple of workdays. It was determined that one day was needed to work on the fence along the east side of Sheffield Preserve. The date was set for Saturday, October 8, for the fence work. Volunteer workers are to meet at the power line easement at the end of Hickory. Kimsey & Mike Jefferis will determine the supplies that will need to be purchased prior

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to the 8th.

A second date, Saturday, October 29th was set for a general workday. Volunteers are to meet at 9:00 a.m. at the pavilion. Projects include repair of the bench on the new dock, some repairs to the pavilion and others that the board members may include. Both workdays will be posted on the website and on the bulletin boards.

Lake Management: Reported by Jean Wood & Tom Scott

Jean reported that on August 20th, a meeting with Sean McGlynn, Scott Matteo and the Lake Planning Committee was held at the pavilion. The focus of the meeting was on the D-8 pond. Scott said that in order to engineer the D-8 area, he needed a digitized topography survey of Lots D-8 & 7. The survey will cost under \$2,000.00 and Scott was given the okay to proceed with the survey.

Sean collected samples of the water and sediments from the D-8 retention pond. The retention pond is in need of a sediment removal. Sean recommended that the removed soil not be available to the residents like have we have done in the past. The contents of the runoff from the Lambert property are questionable and we are to act on the side of caution with the soil from the D-8 pond. The lake water was tested around the common area with results of no elevated levels of bacteria.

Jean and Sean have continued communications with DEP concerning the Lambert property in particular the dumping of large trash items such as appliances, tires, etc. Jean was told that Mr. Lambert was in receipt of a 30-day compliance letter from the DEP with an order to remove the trash.

Jean spoke with Lance Laird from the Water Management District who investigated the erosion problems on the Lambert property and told Mr. Lambert that he should clean up the erosion or he could be looking at a lawsuit. Once Jean gets the sediment and water reports from Sean, she will once again contact the DEP to try to get some action concerning the runoff problems from the Lambert property. Sean M cGlynn & Jean suggested that maybe a letter from our attorney would help. In Sean's opinion, the only reason we have to have the D-8 pond cleaned out is because of the runoff from the Lambert property. The cost of cleaning out the pond over several years time should be included in the letter from our attorney.

Shoreline Restoration update: Jean has been keeping in contact with Sean McGlynn. The revised permit application has been turned in to DEP. We are now waiting on DEP to issue the permit providing there are no other required revisions.

Tom Scott reported that after the 8/20 meeting with Jean, Sean and Scott, the four of them went to the area behind the dam, which is the Park Brittle property. There is concern about erosion towards the dam but there is no immediate danger. Tom suggested that some of the trees that are already fallen could be moved and placed to act as baffles to control some of the erosion problems. Work on the backside of the dam should be considered over the next 6-8 months.

Lake Watch – Pat Powell: Pat is scheduling next Lake Watch for Saturday, September 17th, 9:30 a.m. and also for October 15th at 9:30 a.m.

Security:

It was reported that Scott Ivey worked 20 hours for the Association in July as well as 18 hours on duty and performed 11 vehicle stops and 80 house checks. In August Scott worked 20 hours for the Association, 20 hours on duty and performed 16 vehicle stops and 85 house checks. Billy Kemp worked 20 hours in August.

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The ticket for parking/fishing violations will go to the printers this week.

Gate: No problems with the gate to report. Bill Oswald, gate maintenance, has asked that we get a couple of volunteers to be apprentices so that not all gate repairs fall on Bill. Members Dave Taylor and Gary Robinson have expressed interest in learning the operations and maintenance of the gate. It will be passed on to Bill that we have a couple of volunteers.

There were two requests for gate openings for private parties at the pavilion. Requests were in writing and received within the time limits according to the new gate policy.

It was reported that there should be more patrolling at the lake on Saturday mornings. There appears to be several vehicles parked at the ramp that do not have Tallavana auto decals. It will be related to Joe that he should contact security about this.

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

Kimsey reported that the invoices from Peavy Construction have been received. The invoices are for the culvert under Tallavana Trail at Magnolia Court and the repair around the culvert under Tallavana Trail at the D-8 pond. Both invoices came in under the quoted amounts. We also received an invoice from Peavy for the culvert replacement done at 1242 Tallavana Trail. The amount of this invoice will be split between the Association and the homeowner at 1242 Tallavana Trail.

Kimsey asked that if anyone seeing potholes or needed repairs in the asphalt to please inform him, Tom or Mike Jefferis. Kimsey is aware of a place in front of Whately's requiring patch and Andrena Knicely reported asphalt problems at the side of the road near her home.

Member Linda Ritchie reported to the Board that there have been cement trucks dumping the left over cement and cleaning their trucks in the ditch on Tallavana Trail. There are a few sites with concrete work being done and it is hard to tell which site is responsible for the cement trucks that are dumping. The membership has been asked to keep a watch.

A culvert under the driveway at 1990 Tallavana Trail was damaged by the moving van. The culvert is the homeowner's responsibility and they said that they would file a claim with the moving company and have the culvert repaired.

Member Andrena Knicely reported a tallow tree growing in some riprap in a ditch. The tree needs to be removed, roots poisoned, and the berries picked up. Kimsey said he would get with Marc Cocke to clean up the tallow tree from the ditch.

Mike Jefferis reported that there were 9 stop signs purchased and installed. The installers will pick up the old signs. Mike has finished refurbishing the remaining street signs and all the new ones are in place.

Mike Jefferis and a representative from Peavy Construction walked Hickory to examine and discuss the culvert problems on Hickory. There are nine culverts under Hickory and it was determined that all nine culverts are past due being replaced. Mike asked Peavy for a quote. It was also determined that the first 3 tenths of a mile on Hickory has an asphalt base and there are three culverts under that section alone. There was discussion concerning how to finish the first 3 tenths mile of Hickory once the culverts have been replaced. The Board will take into consideration that there could be additional traffic on Hickory with the possible development of the 29 acres that was previously owned by Mrs. Lincicome.

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COMMITTEE REPORTS

ACC: Reported by Diane Sheffield

ACC meeting held for month of September and the following is being reported by the ACC.

a. A submittal from Jason Harrell, Lot BB-1, was refused by the ACC because there was no prior submittal for tree removal and trees were removed from the buffers. Primarily, a circle drive was cut which is in violation of the Restricted Covenants. Diane contacted Jason concerning this violation. Jason has since planted trees in the buffer where the circle drive was cut. The ACC conducted a site visit and all were satisfied. It was noted that the trees needed water.

Diane will re-poll the committee concerning Jason Harrell's submittal now that the buffer has been replanted and submit the ACC report at the next Board meeting.

b. Mr. Walter Roche, 2075 Tallavana Trail, asked to address the Board regarding his submittal for an 8' x 10' shed that was rejected by the ACC. Mr. Roche's submittal was reviewed and rejected at the February 2005 ACC meeting. The ACC's reason for rejection was that the shed was to be located in the front yard. Mr. Roche sent then ACC Chairperson, Mike Mapstone, e-mail on March 6, 2005, stating that he would like to formally withdraw his submittal. He also stated that he had to situate his home closer to the lake in order to build a "monstrous" septic system in his front yard. Due to the shape of his lot, by placing his home closer to the lake, he felt that left no room in his back yard for a shed, hence his desire for the shed in the front yard.

Mr. Roche built his shed, without ACC approval, in the front yard.

Mr. Roche is now asking the Board for exception and approval for his shed in the front yard. He plans to do whatever is necessary to screen the building from view from Tallavana Trail and his neighbor's house. Mr. Pigott, Mr. Roche's neighbor, was in attendance and stated he had no objections to the shed or Mr. Roche's plans for screening.

There was a lengthy discussion about sheds in the front yards. There are others in Lake Tallavana but they are also in violation of ACC regulations and were built and/or placed without ACC approval. Some sheds and their locations were ACC approved but the homeowner placed the shed in a different location after receiving ACC approval.

MOTION BY MIKE JEFFERIS THAT THE SHED BE REMOVED FROM THE FRONT YARD WITHIN 30 DAYS. THERE WAS NO SECOND AND MOTION WAS REMOVED FROM THE FLOOR.

MOTION BY DON MAGRUDER THAT THE ACC CHAIRMAN AND A SELECTED COMMITTEE WORK WITH MR. ROCHE INCLUDING A SITE VISIT TO CHECK THE POSSIBILITY OF OTHER LOCATIONS, SCREENING OPTIONS WITH THE POSSIBILITY THAT THERE MAY HAVE TO BE A ONE TIME COMPROMISE. SITE VISIT IS TO TAKE PLACE WITHIN 30 DAYS. SECONDED BY TOM SCOTT. MOTION CARRIED.

Diane Sheffield will make arrangements between Mr. Roche and the selected committee.

c. Lot clearing – Member Sherry Burkes phoned Jean Wood to report that the lot next door had trees cleared in the buffer adjacent to her property and that the driveway was in the buffer. Also, the owner, Charles Williams, cleared trees that were on the neighbor's property. Mrs. Burkes was wondering

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if the ACC had given approval for tree removal and a driveway in the buffer. Sometimes the plans that are approved are not followed by the homeowner. It was an exception on this site with the driveway in the buffer; however, Mr. Williams did clear additional trees from the rear buffer because the Health Department told him that was the only place he could place the drain field. It has since been found that the drain field could be placed other than the buffer and Mr. Williams is aware that he is to replant the rear buffer

There was discussion on whether tree removal plans were submitted to the ACC with the house plans and if the tree removal plans were forwarded to the board for approval. Then there was discussion regarding the "Understanding Section 200 Lake Tallavana Covenants, Rules & Regulations" document that detailed the ACC guidelines. It was thought that the "Understanding...." was Board approved but could not be documented. It became apparent that there are several issues that need to be addressed.

MOTION BY TOM SCOTT THAT THE ACC MEET TO ADDRESS THE DETAILED GUIDELINES AS WELL AS DISCUSS COMMUNICATIONS BETWEEN THE BOARD AND THE NEIGHBORS, NEW OWNERS; DISCUSS VIOLATIONS AND PAST PRACTICES THE ACC IS TO MEET WITH THE BOARD TO REVIEW THE GUIDELINES PRIOR TO PRESENTATION TO THE BOARD FOR APPROVAL. SECONDED BY MIKE JEFFERIS. MOTION CARRIED

There was further discussion that this will be an open meeting to the membership and will be held at the Havana Library meeting room with the date to be announced but hopefully sometime in November.

Policy Committee: Reported by Joe Smyth (absent)
No Report.

OLD BUSINESS

1. Budget Workshop – Mike Jefferis and Debbie Robinson will be working on the spreadsheet for a new 10-year model. The spreadsheet itself needs some clarification before the budget review committee is called together.
2. Liability Insurance –Mike Jefferis has been in contact with an agent concerning the liability insurance for the Association. Our current carrier, Nationwide, is possibly trying to cancel coverage for homeowner associations so we are asking the agent to look into other carriers. The premium for Nationwide is due and will be paid until other coverage is found.

NEW BUSINESS

1. Quail Court/Linda Ritchie – As the developer for Enchanted Forest, located at the end of Quail Court, Linda is beginning the utility placement and then the road. The original Quail Court was never completed, as it was suppose to. There was supposed to be a cul-de-sac and not just an ending to the road into the driveway of the existing last house. Linda's original plans had her new road starting from the cul-de-sac. Linda will meet with Mike Jefferis to further discuss the development of Quail Court.
2. Hurricane Katrina/Consideration of Donations – There was discussion among the Board concerning a donation from the Association to the Red Cross or Havana Police Department for Katrina victims.

MOTION BY TOM SCOTT TO DONATE IN THE NAME OF THA TO THE HAVANA POLICE DEPARTMENT FOR THE ADOPTED TOWN OF GAUTIER, MS. SECONDED BY MIKE MAPSTONE.

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While the Board felt that something should be done, it was a general consensus that the money should not come from the funds of the membership.

THE MOTION WAS WITHDRAWN.

MOTION BY TOM SCOTT THAT A SIGN BE MADE AND PLACED FOR THE MEMBERSHIP TO SEE. SIGN TO SAY THAT ANY MEMBER WISHING TO DONATE FOR KATRINA RELIEF SHOULD SEND A CHECK TO THE ASSOCIATION INDICATING FOR HURRICANE RELIEF. SECONDED BY MIKE JEFFERIS. MOTION CARRIED.

All checks received by the Association indicated for hurricane relief will be forwarded to the Havana Police Department for their adopted town of Gautier, MS.

With no further business, meeting was adjourned at 10:33 p.m.

Respectfully submitted,

Debra Robinson
Corporate Secretary

APPROVED