

TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on April 11, 2006 at the Havana Library, Havana, Florida.

PRESENT: Mike Mapstone, Mike Jefferis, Kimsey Helms and Bill Oswald, Board members, Debbie Robinson, Corporate Secretary. See attached list of others in attendance.

ABSENT: Tom Scott, Carolyn Tanner and Joe Smyth

The meeting called to order at 7:07 pm by Vice President, Mike Mapstone

Corporate Secretary is recording the meeting for the purpose of accurate minutes. No one else is recording.

Approval of Agenda:

Revision to agenda – Table item f. under Legal until a full Board is available for discussion. Item a. under ACC should be for discussion only until a full Board is available to vote.

MOTION BY MIKE JEFFERIS TO APPROVE THE AGENDA AS REVISED. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

Approval/Corrections of March 2006 Minutes:

No corrections.

MOTION BY MIKE JEFFERIS THAT THE MINUTES BE APPROVED AS WRITTEN. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

Treasurer's Report: Mike Jefferis reported the total deposit for March was \$23,412.53, operating expenses of \$7,082.21, major project expenses of \$5,091.56, checking account balance is \$2,444.60, Money Market balance is \$57,300.77 and the balance in CDs/Savings is \$232,971.05. The expenditures for March were routine except for the payment to the IRS for taxes. The Major Project expenditure was for a new gate controller box.

MOTION BY KIMSEY HELMS THAT THE TREASURER'S REPORT BE ACCEPTED. SECONDED BY BILL OSWALD. MOTION CARRIED.

1. Beckwith – Consideration to waive interest/fees. Derrick & Shandra Beckwith have contacted the Board to explain why they are behind in their assessments. They also explained that they have filed Chapter 13 Bankruptcy and gave the name of their attorney for additional information. Debbie spoke with their attorney and asked that the Tallavana Homeowners' Association be added to the list of creditors and that a notice of the bankruptcy be faxed to THA for the records. The Beckwiths have asked for consideration from the Board to waive the interest and possible late fees. The Board was given a spreadsheet showing the breakdown of dues, late fees and interest. A lien has not been placed on the property as the Beckwiths have previously promised to pay on their account however, payments have been few and of very small amounts.

After discussion concerning the past practices of waiving interest and late fees and more specifically the Beckwith account, it was determined to turn this issue over to Ken Abele. It was the consensus of the Board to see what type of payment plan the Beckwith's attorney would propose before making a final decision on the excusing of interest and/or late fees.

MOTION BY MIKE JEFFERIS TO TABLE THE DECISION TO WAIVE INTEREST AND/OR LATE FEES UNTIL WE RECEIVE A PAYMENT PLAN FROM THE ATTORNEY OF DERRICK & SHANDRA BECKWITH. ALSO, THIS ISSUE WILL BE TURNED OVER TO THA ATTORNEY KEN ABELE TO HANDLE. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

Correspondence/Phone Calls:

1. Kimsey Helms received a phone call from a member who expressed concerns about the dry roads and the loose rock. Kimsey mentioned that without rain, it is impossible for the loose rock to get packed into the road.

2. Debbie Robinson received a phone call from Christiane Guignard complaining about loud music at the pavilion. Ms. Guignard said that she went to the pavilion to ask them to turn down the music. When the loud music continued, she called Debbie. Debbie went to the pavilion within a half hour after the call and the party was breaking up. There were no other complaints of loud music.

Regarding the party at the pavilion: The members who reserved the pavilion for the wedding on April 8th printed the gate number on the wedding invitation and posted the number at the gate. The members were given a copy of the gate policy at the time their reservation was confirmed and should have been aware of the procedures in place to have the gate open for their event. A letter is already drafted and will be sent tomorrow to Mr. Ragans informing him again of the gate policy and asking that he not publish the gate number in the future.

After additional discussion about the gate number, when it was last changed, who changes the number and how are the members notified, it was decided to change the gate number.

MOTION BY MIKE JEFFERIS TO CHANGE THE GATE PHONE NUMBER. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

The membership will be informed of the change in the next newsletter and the actual number will be sent to the membership with their July invoices. A notice that the number will change can be posted on the website but not the actual number.

BOARD REPORTS**Legal:** Mike Jefferis

A. Magnolia Court – There has been no response from DEP or Mr. Heidenreich concerning the storm water retention ponds or the problems with Magnolia Court. It was suggested that the DEP be contacted to possibly get some progress on the storm water retention pond issues. It has been determined that the drainage system that was approved for Pine Top Court shows the entrance of Pine Top Court from the top section of Tallavana Trail and not the bottom as originally planned. Mike explained Magnolia Court and the issues of the storm water retention ponds. The Association's name is not on any of the storm water pond DEP permits. We have been waiting for DEP to define who is responsible for the maintenance of the storm water ponds that are on Magnolia Court, Pine Top Court and the upper part of Tallavana Trail.

B. Lincicome case – Kimsey Helms, Mike Jefferis, Bill Oswald, Diane Sheffield and Debbie Robinson met with surveyor Skipper on the Lincicome property to review the recorded survey with the survey markers that are in place. The easements that are described in the Agreement between Mrs. Lincicome and THA are acceptable and the agreement is ready to be signed by the President, Tom Scott. It is now the Association's responsibility to proceed with fencing along the 30-foot easement to the boat ramp and replacing the gate at the end of Mason Way.

C. Lambert runoff – Update: We will instruct Ken Abele to draft a letter informing Mr. Lambert that we will be filing a lawsuit.

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D. Roche shed – Update: We will instruct Ken Abele to draft a letter informing Mr. Roche that we are going to proceed with mediation.

E. Delinquent accounts/demand letters – Update: Ken Abele sent a letter to Mr. Hanney that included a detail spreadsheet of what he owes. Interest was recalculated and reduced the total amount he owed. As of this meeting, there has been no response from Mr. Hanney. It was the consensus of the Board to have Ken Abele prepare a demand letter to include foreclosure language.

F. Re-election of ACC members: Table until there is a full Board to discuss and vote.

G. Burrows easement issue off Deer Pass: Member Tammy Burrows sent an e-mail concerning a request for a right of way easement that she received from an adjoining property owner. Ms. Burrows lives on a subdivided lot that does not have direct access to/from Deer Pass. There are a couple of lots beyond her property that also do not have direct access to/from Deer Pass. The realtor, Betty Kellum has been notified that the Board cannot make a legal decision on this matter as the only property involved is privately owned. It was suggested that Ms. Burrows might want to obtain an attorney.

Old Business, Item 2.

While on the subject of Deer Pass, Mike reported on the estimates to survey Deer Pass. Mike has one proposal and is to receive two more however; it appears that the cost to survey Deer Pass is going to be \$2,500 - \$3,000. This will be a survey to define the legal description in the Quit Claim Deed that was recently recorded granting Deer Pass Road to the Association.

MOTION BY KIMSEY HELMS TO HAVE DEER PASS SURVEYED FOR THE PROPOSED AMOUNTS RANGING BETWEEN \$2,500 AND \$3,000. SECONDED BY BILL OSWALD. MOTION CARRIED.

Member Relations: Mike Mapstone (Carolyn Tanner, absent)

No website report for March or April. Report was not accessed.

Deadline for the Summer Issue of the newsletter is May 15th.

Lake Management: Bill Oswald (Tom Scott, absent)

Bill Oswald displayed the original map of Lake Tallavana with the legal boundaries of the lots. The map was recorded with the county in 1977. While the map shows the legal boundaries and the property markers, it does not show the actual elevations of the lake or the properties. Bill's point is that the map shows the property markers outside of the lake boundaries and states that the current lake level is too high since there are now property markers in the water. There was discussion regarding why some of the property markers are in the water including that the lake is 30 years old and there have been many changes. As each property is developed the dynamics of the lake are affected. Some homeowners have cleared along the shoreline, which has contributed to erosion. Some homeowners have placed sea walls, which displaces the water to neighboring lots. The original developers may have had the map drawn up then made changes that affected the way the lake is today.

When the new pipes were put in at the dam, the engineer surveyed the lake and noted the proper elevation of the lake. Last time the lake was surveyed, the water level elevation was within a few inches of the elevation the lake is to be maintained.

Shoreline Restoration update – Debbie read an email from Tom in his absence. There is no news on the permit for the lake. Sean has talked to DEP who wanted more information from him.

D-8 Pond Restoration update – No report

Lake Watch – Pat Powell: Pat would like to schedule Saturday the 15th for Lake Watch. Pat reported that the last report from Lake Watch showed the quality at the end of the lake where we receive runoff from Lambert is quickly deteriorating.

There was discussion about the importance of maintaining septic tanks and drain fields especially on lots along the lake. The community on a whole needs to have their septic tanks cleaned on a regular basis of 3-5 years. The lakefront properties are more critical to the health of the lake and owners should have their drain fields tested to see if they are working properly.

Security: Reported by Debbie Robinson in the absence of Joe Smyth

It was reported that Scott Ivey worked 20 hours for the Association in March and another 16 hours on duty with the Gadsden Sheriff's Department. Scott performed 14 vehicle stops and 52 house checks. Billy Kemp worked 20.5 hours in March checking several fishermen but found no violations.

Mike Jefferis has requested a letter from Billy stating his authority with the Fish & Wildlife Commission to enforce the regulations of Lake Tallavana. Our insurance company has requested this.

Gate: Bill Oswald reported that he had to repair the wheels on the gate. Bill also reported that the timer for the exit gate was not working properly and would be replaced. The exit gate has been found open at odd times during a 24-hour period.

Roads, Grounds & Dam: Kimsey Helms and Mike Jefferis

Kimsey reported that Marc Cocke will begin mowing and will continue with maintenance on the dirt roads. There will be no need to clean out the D-8 pond since there has been little rain. Kimsey will begin the process to solicit for paving bids. Road contractors are extremely busy right now and it may be hard to get proposals returned.

Mike Jefferis reported that he would solicit for the fencing along the Lincicome easement. The proposals that were submitted need to be updated, as they are at least two years old.

Mike also reported that the culvert on Tallavana Trail in the 3000 area would be replaced as soon as a contractor can be found.

a. Speed signs for dirt roads – There seems to be some excessive speeding on some of the dirt roads, particularly on Honeysuckle. Since there is no speed limit posted, Scott Ivey cannot patrol and enforce on the dirt roads. There was discussion regarding who receives tickets when Scott is patrolling. He will give tickets to “outsiders” when speeding and to THA homeowners when they are grossly over the limit. Most homeowners stopped by Scott are given verbal warnings. The question came up if Billy Kemp was able to enforce the speed limits in Tallavana while patrolling for the Association.

It was the consensus of the Board that there be a study to see how often signs are needed and if posted at the gate that all roads in Tallavana are 25 mph, would that be sufficient to allow Scott to enforce the speed limit on the dirt roads.

Kimsey received an email from a homeowner expressing concerns of close calls with traffic when walking uphill from the dam in front of Sheffield's. The homeowner asked if when repaving that portion of Tallavana Trail, if the road could be made wider along that curve. The Board discussed the issues with the ditches and the curve being a blind spot. It was suggested that while widening the road in that area might not be possible, perhaps a wider shoulder is possible. It will be reviewed further in the planning stages of repaving that section of Tallavana Trail.

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COMMITTEE REPORTS

ACC: Reported by Andrena Knicely, Chairperson

- a. Board/ACC approval/appeal authority and Section 200 ACC Guidelines review
The Board and ACC continued discussion on revisions of the adopted Jan 10, 2006, Section 200 Policies of the Architectural Control Committee (ACC). Since the guidelines define who has the authority to approval and appeal, the authority for the ACC to approve submittals from the membership cannot be finalized until the entire policy is revised and adopted. The ACC will continue with the revisions and present a draft to the Board for adoption. For the record, some of the revisions to the adopted Jan. 10, 2006 policy are suggested changes by our attorney, Ken Abele.
- b. Submittals for approval:
 - b.1 Bill & Nancy Johnson, 1371 Tallavana Trail, submittal for an additional bedroom with porch. This is a re-submittal moving the addition to the other side of the house, keeping the addition out of the buffers. The colors and windows will be the same as the existing house. Materials and colors are ACC accepted.
 - b.2 Don & Gladys Jones, Lot 21,22,23, submittal to revise colors for previously approved new home. Colors are ACC accepted.
 - b.3 Andrena & Joe Knicely, 3407 Tallavana Trail, submittal for a plant arbor to be placed against the house and will be concealed from the front road. Andrena Knicely did not participate in any discussion or decisions regarding this submittal.
 - b.4 Dorothy Ross, 200 Audubon Drive, request for approval to remove dead trees and smaller underbrush in the buffer

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

Details of the ACC report are attached to the minutes for the record.

c. Fines for ACC violations update – The Florida statutes for homeowners’ associations allow for fines to be levied for homeowners violating the rules governing architectural control. Homeowners’ association have the right to fine providing the authority is in their governing documents. There has been discussion at past Board meetings regarding ACC violators and how to bring them into compliance. While fining is an option, it was discussed at this meeting that fining couldn’t be enforced. Fines that are ignored cannot result in a lien on the property. If the homeowner does not want to pay the fine, there is no way the association can collect without going through the courts. Even then, it would be doubtful that the fines would be collected.

There was discussion between Board members and attending membership regarding the problems of fining and other methods of bringing ACC violators into compliance. Discussion concluded with the idea of developing legal tactics that would be followed once an ACC violation has been discovered. It was advised that our attorney draw up the legal tactics and that there would be a cost involved.

MOTION BY KIMSEY HELMS TO APPROVE EXPENDITURES UP TO \$1,500 IN LEGAL FEES TO DRAFT SHORT-TERM LEGAL TACTICS FOR ACC VIOLATORS. SECONDED BY BILL OSWALD. MOTION CARRIED.

Policy Committee: No report.

Research Property Management Committee: No report.

OLD BUSINESS

1. Liability Insurance – Mike Jefferis is continuing to gather the needed information for the insurance company to adequately cover Lake Tallavana and the Association. The insurance agent made a request for a dam inspection. Mike is in the process of obtaining bids.
2. Deer Pass Survey –Covered under Legal.

NEW BUSINESS

1. Memorial donation for Pete Everett – Long time member and past Board Member Pete Everett passed away on March 22, 2006. Pete was a tireless volunteer for the Tallavana Community including serving as President until his health deteriorated. In memory of Pete Everett for all he had done for Tallavana, it was suggested to the Board that a contribution be made to the Big Bend Hospice.

MOTION BY BILL OSWALD THAT THE ASSOCIATION CONTRIBUTES \$500.00 TO THE BIG BEND HOSPICE IN MEMORY OF PETE EVERETT. SECONDED BY MIKE JEFFERIS. MOTION CARRIED.

2. Major Project target dates – Mike Jefferis asked the Board members to get started on their Major Projects and not wait until the last few months of the year. The funds have been budgeted for some major projects. There are two major projects that can get started and they are the fencing along the easement on the Lincicome property and the paving of 1 mile of Tallavana Trail. Mike J. and Kimsey will work on acquiring bids for both projects.

3. Burning Ban – Tom Scott received a call from Joan-Marie Kaye about her neighbor burning in his yard and left the burning piles to go in the house. It was very dry at the time Tom received this call. Ms. Kaye to contact the Forestry Service. Tom met with the person from Forestry Service on the site who warned the neighbor of burning when conditions are so dry. The Forestry Service also told Tom that the neighborhood association could ban burning in the community.

There was discussion regarding banning burning in Tallavana during the driest times. While it is hoped that all neighbors consider the dry conditions before burning, the Association will consider posting a burn ban as needed. It was mentioned that a local TV station gives the burning condition every morning. It was concluded that an article in the newsletter to educate neighbors on burning would be the first place to start before going any further with signs or posting.

At this point in the meeting, Andrena Knicely verbally resigned as a member of the Architectural Control Committee. Marlene Porter also verbally resigned from the ACC. Andrena & Marlene were asked to submit a written resignation to the President.

With no further business, meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Debra Robinson
Corporate Secretary

THA ACC REPORT
APRIL 11, 2006

The ACC recommends the THA Board Approve the following ACC submittals.

1. Johnson, Bill and Nancy, 1371 Tallavana Trail, submitted plans to add a bedroom with an attached porch. The initial proposal was submitted last month but was rejected because it would have been within the back buffer. The re-submittal moves the addition to the other side (right) of the house and two feet from the back buffer. The addition is a 14.6 x 13 bedroom and 14.6 x 6 porch attached to the bedroom. The roof of the new structure will be complimentary, if not the same, to the existing house. The colors and windows of the new structure will be the same as the existing house. THA obligations are met.
Inspection_____
2. Jones, Don and Gladys, Lot 21, 22, 23, submitted revised colors for their previously approved new house. Colors to be: Base house – dark blue gray “skipper”; trim – cream “divine pleasure”; highlight – burgundy “burnished mahogany”. THA obligations are met.
Inspection was not warranted.
3. Knicely, Andrena and Joe, 3407 Tallavana Trail, submitted a plant arbor 14 feet long x 4 feet wide on post, to be placed against the house, at the left end of the house. The proposed arbor would be concealed from the front road by an extension on the front side of the house. The purpose of the wisteria arbor is to shade the 4 bedroom windows from the summer afternoon sun, but allow the warmth of the winter sun to come through. Andrena Knicely did not participate in any discussion or decision regarding this submittal (in fact, did leave the room). THA obligations are met.
4. Ross, Dorothy, 200 Audubon Drive, requested approval to remove the following dead trees in the buffer: 2 dogwoods, one small oak and an unspecified number of underbrush. The approval is for these trees and underbrush under one inch in diameter. THA obligations are met. Inspection was performed by Knicely and Powell 4/5/06.

Andrena Knicely, Chairperson
THA ACC

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