

**TALLAVANA HOMEOWNERS' ASSOCIATION, INC.**

Minutes of the monthly Board of Directors meeting held on December 12, 2006 at the Hazel Baker Community Center, behind the Havana fire station in Havana, Florida.

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

ABSENT:

The meeting called to order at 7:01 pm by President, Tom Scott

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

**Approval of Agenda:**

Add item "d" under ACC Committee Reports: Discussion of Megargee letter.

LINDA RITCHIE MOVED TO APPROVE THE AGENDA AS REVISED. KIMSEY HELMS SECONDED THE MOTION. MOTION CARRIED.

**Approval/Corrections of November 2006 Minutes:**

Corrections made for clarifications. There were questions at the November Board meeting regarding the legal use of golf carts in Lake Tallavana. The current Board wanted to clarify that past Boards had voted not to allow golf carts in Lake Tallavana because of the liability and safety. The current Board upholds that decision.

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

**Treasurer's Report:** Mike Jefferis reported the total deposit for November was \$5,528.66, routine operating expenses of \$18,275.96, \$85,488.40 in major project expenses, checking account balance is \$3,273.39, Money Market balance is \$27,843.67 and the balance in CDs/Savings is \$214,154.67. Routine expenses included property taxes, gate repairs and equipment for the shocking boat. Major project expenses included work along both sides of the dam, culvert replacements on Tallavana Trail and paving a portion of Tallavana Trail.

Delinquent accounts update:

1. Gaines: The requested financial information has not been received from the Gaines. Ken Abele will proceed with the courts.
2. Beckwith: Ongoing bankruptcy.
3. Other delinquencies: There are two delinquent accounts that have exceeded the threshold of \$2000 and it was the consensus of the Board to proceed with collection through small claims court on one of the accounts. The other account is currently in a legal dispute with THA and it is hoped that the delinquency will be resolved once an agreement is made on the other legal issue. There are 3-4 accounts that will be receiving notices that they will have liens filed against their property if their account is not paid up.

**Correspondence/Phone Calls:**

1. Mike Jefferis received a phone call from Member Rod Pigott regarding a letter he received from the ACC in reference to the removal of the "trash" in his front yard. Mr. Pigott's complaint was that no one spoke to him initially prior to receiving the letter. He felt that the first contact should have been in person, neighbor to neighbor. It was the consensus of the Board that a personal contact would have been better and an apology was extended to Mr. & Mrs. Pigott.

President Tom Scott said that he would contact the ACC asking them to make personal contact and then if there is no action from the homeowner a letter should be sent. ACC member Mark Palmquist mentioned that it should be a majority decision from the ACC to make the contact and/or write the letter and that no ACC member should be acting alone.

2. Debbie Robinson reported that the letter was sent to the Mason Drive resident who received at least 3 citations for violating the fishing regulations. The letter stated that if the member was cited one more time by THA Security that the member would lose lake privileges and would be fined. The letter was sent certified mail/return signature.

3. Debbie Robinson sent a letter to a member homeowner that was posting business notices on the bulletin board. Per the regulations for the bulletin board, business notices are not allowed. The letter informed the member that their notice would be kept on file with the Corporate Secretary as a Lake Tallavana resource for their type of service.

4. Tom Scott reported on the email that was sent by the Whites on Hickory asking when Hickory will be paved. There are several factors that prohibit the paving of Hickory including the lack of infrastructure, too many trees would have to be removed, some of the road traverses through wetlands that would require DEP approval and the cost would be over \$700,000. Tom will send an answer to the Whites.

**BOARD REPORTS****Legal:** Mike Jefferis

Magnolia Court – There has been no action by the DEP. Mike suggested that we hold off until January then contact the DEP to see what they are going to do.

B. Lambert runoff – Update: The attorney for Mr. Lambert has requested more detail information in discovery. Letters and emails covering all the information so far have been provided. The invoices covering all the work that has been done on the lake due to the amount of runoff from the Lambert property will be forwarded.

C. Lincicome easement agreement – There has been no response from Mr. Stivers, attorney for Ms. Lincicome. Ken Abele sent a letter to Mr. Stivers to inquire reason for the delay in getting the agreement signed. The Board does not wish to proceed with the fencing without a signed agreement in place.

D. Roche shed – The mediation has been filed. We are waiting for a list of names of mediators so that we may choose the mediator. It will most likely be January or February before we meet.

E. "Signs" policy draft – Mike Jefferis continues to work on the policy. There was discussion about the members who have services they would like to advertise but are not allowed to post their notice on the bulletin board. Discussion included ideas to allow members to post notices on the web site and in

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the newsletter. Business notices in the newsletter would be free and only for THA members.

MIKE JEFFERIS MOVED TO ALLOW FREE ADS ON THE THA WEBSITE AND IN THE NEWSLETTER; ADS BEING NO LARGER THAN THE SIZE OF A BUSINESS CARD IN THE NEWSLETTER; ADS FOR LAKE TALLAVANA MEMBERS ONLY. KIMSEY HELMS SECONDED THE MOTION. MOTION CARRIED.

There was discussion regarding the realtor signs at the entrance of Lake Tallavana. The signs that are on the state right-of-way can at any time be removed by the state. Realtor signs on THA property will be dealt with when the new sign policy is adopted. The first draft should be ready for the Board's review by the January board meeting.

**Member Relations:** Mike Mapstone

Mike reported that the web site had 391 visits in November.

The Christmas Social was Sunday, December 3<sup>rd</sup> at 5:00 p.m. The meat was furnished and members brought a covered dish. It was a nice social for those attending.

The workday that was scheduled for Saturday, December 2<sup>nd</sup> did not occur. The shed on THA property across from the D-8 holding pond was removed by Joe Knicely and Ron Crawford and properly disposed of. It was the consensus of the board to schedule a workday in March 2007 when the time gets closer.

**Lake Management:** Tom Scott and Bill Oswald

Shoreline Restoration update – Meeting with Sean McGlynn and the Lake Management Committee resulted in the concurrence of the shoreline work to be done on the dam only. Sean is checking with DEP and continuing to get DEP to agree to revise the permit for the homeowners to use rock when restoring their individual shorelines. The Association common area other than the dam will not be done at this time.

There were two bids for work on the dam and a third contractor reviewed what was to be done on the dam and agreed that the plans for the dam-shoreline are in line with what he would recommend.

Ben Whithers Co. in Panacea and Peavy Construction in Havana were the two bidders. The bids had a difference of \$75.00.

KIMSEY HELMS MOVED TO ACCEPT THE BID FROM PEAVY CONSTRUCTION FOR THE RESTORATION OF THE SHORELINE ALONG THE DAM. MIKE JEFFERIS SECONDED THE MOTION. MOTION CARRIED.

D-8 Pond Restoration update – The DEP accepted the permit application two weeks ago and the 90 day clock is ticking for issuance of the permit.

Bill Oswald reported that the shocking equipment has arrived and other supplies have been acquired to proceed with the completion of the shocker boat. Bill mentioned that the only item needed is a generator. A couple of members offered the use of their generators, Bill will get with these people to see if their generator will work.

President Tom Scott asked if a permit was needed for shocking carp. Bill did not think so because the shocking was being done on a private lake. After some discussion, it was decided that we would contact Billy Kemp to see if a permit was needed.

**Lake Watch** – Pat Powell: Lake Watch is planned for Saturday the 6<sup>th</sup> weather permitting and if there is a boat available.

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At the Lake Management meeting, Sean mentioned the importance of keeping septic systems in working order, especially the drain fields. It was discussed that when the lake is down for the dam shoreline restoration, it would be a good time to walk around the lake and check for seepage from drain fields.

**Security:** Rob Combs

Rob reported that Scott Ivey worked 20 hours for the Association in November and another 16 hours on duty with the Gadsden Sheriff's Department. Scott performed 13 vehicle stops and 55 house checks. Billy Kemp worked 16 hours in November. While Billy did not issue any citations, he personally called on the person that was trespassing. The offender has not been spotted on the lake since.

Rob reported property damage to the restrooms at the pavilion. The damage was done to the uprights that support the roof by a vehicle that was driven into the posts. The damage appeared intentional and occurred sometime between 5:00 p.m. on Saturday, Dec. 9<sup>th</sup> and Sunday afternoon. Rob was able to do some temporary repairs until new posts could be purchased and installed. Member Neil McDonald offered to look over the damages, purchase the supplies and repair the damage.

**Gate:** No problems, no report.

There have been several requests for the gate to be opened with only one person on the gate committee available (sometimes) to open and close the gate. The Gate Committee is to be made up from Board members and needs to be reorganized. Until that time, Bill Oswald said that he would help with gate requests.

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

a. Safety/Speed signs – Safety signs will be installed by Peavy. Tallavana Trail has been stripped but reflective markers and safety signs need to be installed. Peavy's project manager for Lake Tallavana was involved in a serious vehicle accident; hence the slow down of finishing Tallavana Trail. The water diverters on Deer Pass also need to be reinstalled.

Kimsey reported that the mowing has ceased for a while but Marc will be working on the dirt roads. Some of the roads need material added. Member Neil McDonald told Kimsey of a person who might be able to compact the dirt roads prior to the laying of gravel. Kimsey said it would be something to consider.

**COMMITTEE REPORTS**

**ACC:**

a. ACC Submittal report:  
a1. Approved: Wayne Tate, Lot 8 Block BB, submittal for a spec home. Site inspected by ACC quorum for house and driveway locations as well as tree removal. See ACC report for details.

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

b. There was no report to update the ACC violations

c. Proposed amendment – garage requirement – The ACC proposed an amendment to Section 200.220.B.2 to included a required attached or detached enclosed garage, with garage door, at least 264 sq. ft. intended for one mid-size vehicle, with entrance platform according to building code. Andrena stated the benefit of this amendment is to provide storage and prevent shed.

At the November Board Meeting, there was a motion to have our attorney, Ken Abele, review the proposed amendment and advise the Board on the legality of requiring garages. After receiving Ken's

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advice, it was the consensus of the Board that the amendment to Section 200 requiring new homes to be built with garages not be adopted. The Board felt that the requirement was too restrictive and that the ACC does not have the authority to require such a structure. The ACC may ask the builder to consider a garage but cannot require it.

d. Megargee letter – The previous ACC Chairperson, Charles Norvell, met with the Megargees regarding the removal of trees from the buffer as well as other areas of their property. An agreement was reached on the number of trees to be replaced. The current ACC Chairperson, Andrena Knickely, sent a letter to the Megargees to follow up with additional conditions and restrictions to the agreement.

The Megargees sent a letter to the Board explaining that they had been out of the country for an extended period of time and so were not home to plant and care for new trees. In August, the Megargees approached the Board presenting a map of the diseased and rotten trees that were removed. It was after the Board Meeting that Charles met with the Megargees and presented the agreement for the Megargees to plant 8 native Florida trees. The original agreement did not stipulate species, sizes, or growth rates of trees. After being gone for 12 weeks, the Megargees found the letter from Andrena taking them to task because they had not yet replanted the eight trees and adding several conditions and stipulations not previously agreed to. The Megargees felt that it was wrong for the new chairperson to rescind the agreement signed by the previous chair and also objected to the micro-managing of their landscape plans. They sent a letter to the Board asking if the Board of Directors would honor the Aug. 23<sup>rd</sup> agreement.

MIKE JEFFERIS MADE A MOTION TO ACCEPT THE ORIGINAL AGREEMENT MADE WITH ACC CHAIRPERSON CHARLES NORVELL HOWEVER; THE BOARD SHOULD BE ABLE TO ASK ABOUT THE TIME FRAME FOR THE PLANTING. MIKE MAPSTONE SECONDED THE MOTION. MOTION CARRIED.

Mike Jefferis stated that he would write the Megargees with the Board's response.

President Tom Scott asked the Board to consider the ACC meeting to be held in a public forum instead of a home. Although the meeting is open to the public and proper notice is given, some members have expressed concerns about the meeting being held in individuals' homes. Tom stated that the ACC should meet in a neutral place and could even be the pavilion, weather permitting. There was discussion on possible meeting places. It was the consensus of the Board that the ACC meet in a public location. Tom asked Debbie to set up a meeting place for the ACC for the 1<sup>st</sup> Tuesday of the month. Possible locations would be the Havana Library or the meeting room behind the fire station.

***Budget Review Committee:*** Mike Jefferis and Debbie Robinson

Mike explained the 10-year Budget spreadsheet and the 2007 Detail Budget. Board members are to review both and be prepared to adopt the 2007 Budget at the January Board meeting. Mike and Debbie answered questions from the Board but there were no changes proposed at that time.

***Nominating Committee:*** The Nominating Committee had not met yet and so there was no report.

**OLD BUSINESS**

1. THA Committees & chairpersons – no report but needs to be a priority of the President, especially the Welcome Committee.

**NEW BUSINESS**

1. Annual Meeting date – The date for the Annual Meeting has been set for Saturday, January 27, 2007. The location is yet to be determined.

2. Gadsden Library – contribution – The Tallavana Homeowners' Association supports the Gadsden County Library through an annual contribution. We are able to use the meeting room at the Havana Library without charge.

KIMSEY HELMS MOVE TO CONTRIBUTE \$100.00 TO THE GADSDEN COUNTY PUBLIC LIBRARY.  
LINDA RITCHIE SECONDED THE MOTION. MOTION CARRIED.

With no further business, meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Debra Robinson  
Corporate Secretary

See next page for the complete ACC report

## ACC REPORT TO THE BOARD

December 12, 2006

Members Present: Knicely (Chair), Jean Wood, Pat Powell, Jim Grantham, Ron Crawford

Submittal is current on their dues.

The following ACC submittals were rejected.

\* None

\* The following ACC submittals were approved.

Tate, Wayne, Lot 8 Block BB. New spec house to be built by Mr. Tate. Inspection 12/4 by Knicely, Wood, Crawford, Palmquist. Driveway was changed from the original plan to accommodate saving a large water oak. Trees to be removed will be limited to the driveway, septic and septic drain lines (lines to be laid between large trees) and 25 feet from the house footprint. No buffers will be altered except the front buffer driveway entrance and one small tree removed. Mr. Tate will resubmit the driveway plan if Talquin doesn't move the problem utility pole, as they have said they will. One wax myrtle on the front edge of the front buffer was approved to be removed because Talquin obviously pushed it over when installing the utility pole. The tree is mostly on the ground and full of vines and half dead. Mr. Tate agreed to replant another wax myrtle or native tree from the THA tree list. Mr. Tate will submit the following later: roof material and color, house colors, house exterior material, septic permit when received.

To Be Resubmitted

\* None

Insufficient Information or not valid

\* None

Correspondence

\* None

Andrena Knicely, Chairperson, ACC