

## TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on June 8, 2004 in the meeting room of the Havana Library, Havana, Florida.

PRESENT: Jean Wood, Tommy Baker, Linda Ortiz, Don Magruder, Kimsey Helms and Tom Scott, Board members, Debbie Robinson, Secretary to the Association. See attached list of others in attendance.

ABSENT: Donna Phillips

The meeting called to order at 7:10 pm by President Jean Wood.

Meeting being recorded by Association Secretary for the purpose of accurate minutes and by Board Secretary, Linda Ortiz.

### **Approval of Agenda:**

Items #3, Entrance Gate and #4, Use of Pavilion for political purposes were added to the agenda under New Business.

MOTION BY DON MAGRUDER, SECONDED BY TOM SCOTT, TO APPROVE THE AGENDA AS AMENDED. MOTION CARRIED.

### **Approval/Corrections of May 2004 Minutes:**

MOTION BY TOMMY BAKER, SECONDED BY KIMSEY HELMS, THAT THE MINUTES BE APPROVED AS CORRECTED. MOTION CARRIED. (Corrections consisted of grammatical/spelling errors and further information concerning an item in Security.)

**Treasurer's Report:** In the absence of Donna Phillips, Debbie Robinson reported the total deposit for May was \$9,581.05, expenses of \$5,973.50, checking account balance is \$38,227.21, and the balance in the sinking fund is \$198,039.58. The largest expenditure was \$2,191.70 for the balance owed on the playground equipment.

MOTION TOMMY BAKER, SECONDED BY KIMSEY HELMS, THAT THE TREASURER'S REPORT BE APPROVED AS READ. MOTION CARRIED.

### **Correspondence/Phone Calls:**

1. Jean Wood received a call from Member Dorothy Ross, Audubon Drive, concerning a barrier that was removed from a property during the hauling of dirt when the lake was dredged. The barrier was not on Mrs. Ross' property and was told that the property owner needed to report and let the board know if the barriers were to be put back in place. There was further discussion that the barrier may belong to the school.
2. Dorothy Ross also called to complain about the power company working through the night. Don Magruder called Mrs. Ross and explained that Progress Energy had an emergency and needed to work the night shift.
3. Tom Scott received a faxed letter from the Connelly's, which will be discussed later.
4. Tommy Baker received calls on the security gate, which will be discussed later.

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## BOARD REPORTS

### ***Legal:*** Don Magruder:

A. Heidenrich/Magnolia Court – The whole area on both sides of Magnolia Court have been sodded and seeded. Mr. Heidenrich provided water trucks during the dry spell before the rains. There is presently a deed being drafted to deed the road and drainage ditch to the Homeowners' Association. Once the deed is prepared, it will be presented to the board, which the board needs to accept. The additional taxes for Magnolia Court are minimal.

Mr. Heidenrich is ready to start the second development, Pine Top Court. His intention is to cut the start of the road from the bottom of the hill, starting on the dirt section of Tallavana Trail. Don will check the legality of the road since there was a court order concerning this development at the time Pepper Ghazvini owned the property. We also need to check with the Florida Department of Environmental Protection to see if there are limitations due to storm water runoff.

B. Lincicome case – We have a court hearing tomorrow, June 9<sup>th</sup>, at 10:15 in Gadsden County on the Small Claims case. The small claims case focuses on THA not providing the bids on the fence that was agreed upon in the mediation agreement in the larger lawsuit. THA was advised by their attorney not to provide the bids. Don will e-mail the board to inform them of the outcome of the hearing.

On the easement lawsuit, there is an undetermined date for the next meeting.

C. Connelly case – The Connelly's sent an e-mail to the board members asking for certain information regarding the authority the Board has to place liens on the members' properties for past assessments and regarding the 18% interest to the balance owed. They also feel that the contract (Covenants, By-laws & Article of Incorporation) was violated and broken by the board not enforcing the covenants and not following Florida Statutes and approving ACC requests that were clearly in violation of the covenants. The Connelly's expressed that they do not wish to be members of Lake Tallavana Homeowners' Association or any other Association that does not fulfill their duty and obligation to their members and Covenants. The Connelly's closed by asking for a response in writing. Since we are in litigation with the Connelly's, Don checked with Attorney Rob Maloney. His advice is that the board should provide any information that any member wants as quickly and efficiently as possible. In this particular response however, legal research is involved when Connelly's asked under what authority does the Board function to lien properties for non-payment of assessments. Also, the comments made about the Association not enforcing the covenants is tied to the lawsuit between THA and the Connelly's and should not be responded to other than court. Mr. Maloney advised that we send a letter to the Connelly's informing them by letter that we would like to provide the information they requested but unable to do so at the advice of our attorney and that they need to use the proper channels of contacting their attorney to contact our attorney.

The Connelly's now have a new attorney, Mr. H.B. Stivers who is also the attorney for the Lincicome's.

### ***Lake Management:*** Reported by Jean Wood and Tom Scott:

Jean reported that the Lake Management committee and Lake Watch committee met to discuss getting a replacement for Helge Swanson who has indicated that he can no longer devote the time to Lake Tallavana that it needs. From that meeting there were two letters drafted by David Trimble. One letter to Helge Swanson requesting all documents pertaining to Lake Tallavana be provided to the board, the second letter to Craig McCammon, FDEP, concerning the deadline of our permit application, the deficiencies in our application and the possible event of changing consultants. The board members were

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previously e-mailed copies of the drafts.

Tom Scott reported that the consultant the committee was most interested in is Shawn McGlenn. Shawn has previously worked with Helge on Lake Tallavana and in fact did the initial report. Shawn is the president of the North Florida Lakes Management Society, a grants manager and administrator of 319 grants. He also has a long working relationship with engineers and hydrogeologists. Tom has asked Shawn for a proposal to help keep Lake Tallavana on the TDL List and to discuss a 319 grant to restore our lake. Tom hopes by the next board meeting to have a proposal that the board can vote on. Shawn has expressed a sincere interest in Lake Tallavana.

There was no discussion concerning the draft to Craig McCammon, FDEP. The board did discuss the draft letter to Helge Swanson. There was discussion concerning the time frame in which to express to Helge for getting all the documents, field notes, maps, data analyses, surveys, engineering drawings and all other information to the board. Linda Ortiz asked to go on record that we give a specific deadline. The consensus was to give two weeks for the requested information.

MOTION BY TOM SCOTT, SECONDED BY TOMMY BAKER, THAT THE DRAFTED LETTER WITH THE DISCUSSED REVISIONS BE SENT TO HELGE SWANSON. MOTION CARRIED.

MOTION BY LINDA ORTIZ, SECONDED BY KIMSEY HELMS THAT THE LETTER TO HELGE SWANSON BE SENT CERTIFIED MAIL, RETURN RECEIPT. MOTION CARRIED.

Lake Watch – Pat Powell: Pat showed graphs that covered from 1991 to current. Beginning the winter of 2000, the phosphorus, nitrogen and chlorophylls peaked when the cormorants were on the lake. The winter since 2000 also peaked indicating that the cormorants have a definite effect on the water quality of the lake. There are also peaks at Station 5 at the south end of the lake where water comes into the lake from the cattle farm. In 1991 the vanishing point was 4 ½ feet and is now 1 ½ - 2 feet. There are more people, more septic tanks and more fertilizers used on the yards. It was suggested that information from the Department of Health concerning septic systems be included in the dues assessment mailing in July.

**Security:** Tommy Baker

Scott Ivey worked 20 hours on THA payroll and 16 hours in the area on duty with the Sheriff's Department. Scott did 46-house checks, 18 vehicle stops and 20 boat checks. Billy Kemp worked 20 hours in April and 20 hours in May.

**Gate:** Tommy Baker There were several calls and correspondence concerning the gate being open and left open over Memorial weekend. There was discussion about how many sets of keys for the gate control boxes are out and it is unknown who all has keys. Don suggested that the locks be replaced and a list made of who has the keys. When a key holder no longer is to be responsible for the gate, the keys are to be returned. Members (board or otherwise) will be asked to sign a statement that they have a set of keys and will receive a receipt when they have returned them.

MOTION BY TOM SCOTT, SECONDED BY TOMMY BAKER THAT THE LOCKS ON THE GATE CONTROL BOXES BE CHANGED AND THAT THERE BE A LIST OR SYSTEM OF KEYS FOR BETTER CONTROL. MOTION CARRIED.

**Roads, Grounds & Dam:** Kimsey Helms & Tom Scott

Kimsey reported that due to the rains that there will be some maintenance to the dirt roads. Also due to the rains, the mowing will continue.

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The D-8 pond is about half full. Depending on the rain we may get by a couple of months before it has to be cleaned out however, a 2-4 inch rain will fill it. It was hoped that we could hold off getting the pond cleaned out until work began on the retrofit. Since there has been such a delay on that, it was agreed to go ahead and get the D-8 pond cleaned out now.

Kimsey and Tom also reported that the workday for the playground was very successful. There were 17 volunteers that got more work done than expected and just a few more people needed to finish the job.

There was discussion about a fence to enclose the playground area. Concerns for the fence are 1.) Keeping the dogs away from the children, 2.) Keeping the children from straying into the road or down to the lake. Concerns for not fencing the area are 1.) Maintaining the manufacture's recommended safety zones for the equipment beyond the actual sand area, 2.) Keeping the pavilion area esthetically pleasing, 3.) If the area were fenced, there would have to be consideration for the side that slopes down to the lake and creating a higher fence on that side could prove to be more difficult.

After further discussion concerning the fence, Tom Scott recommended that the work on the equipment be finished but to revisit the issue of a fence if problems arise. Kimsey Helms that we should at the very least construct a single rail fence between the playground and the road. The board was in agreement for the single rail fence.

After discussion concerning the possible hot temperatures of the metal sliding board, it was decided that a sign be made and posted as a caution to parents and children. Debbie Robinson is to order the sign.

Kimsey brought the suggestion to the board that benches be constructed along the side of the playground for the parents while the kids are playing. The benches would be constructed from treated lumber and set in concrete.

MOTION MADE BY TOM SCOTT, SECONDED BY LINDA ORTIZ THAT THE BOARD APPROVE NO MORE THAN \$300.00 BE SPENT ON BENCHES SET IN CONCRETE TO BE CONSTRUCTED ALONG THE SIDE OF THE PLAYGROUND ON THE PAVILION SIDE. MOTION CARRIED.

**Member Relations:** Reported by Linda Ortiz

The Website had 555 visits during May. A typical visitor examined 8.53 documents before leaving the site. A typical visit lasted for 1.65 minutes and the longest visit lasted for 57 minutes. Linda also reported that the Board Minutes through 1988 are available on the web site for viewing and printing.

The summer edition of the newsletter has been mail. Tom Scott commented that it looks great. Linda reported that this would be the last edition in color as her source for color printing is no longer available.

## **COMMITTEE REPORTS**

**ACC:** Reported by Mike Mapstone

ACC meeting held on June 7th, following items were approved by ACC for board approval:

1. Richard & Colleen Chase, 1586 Tallavana Trail, submittal for a 32' X 32' white vinyl picket fence. The approval is contingent upon maintaining existing buffer fronting Tallavana Trail.

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2. Larry and Pat Runnels, 4203 Tallavana Trail, submittal for after-the-fact of a retaining wall for the purpose of redirecting runoff from their property impacting a neighbor's garage.
3. Ashley Campbell, 180 Mason Drive, submittal for a 24' X 36' addition of a garage onto existing house, colors to match existing. Buffers are not encroached.
4. Lois and Cecil Jackson, Magnolia Court, submittal for 2984 sq. ft. brick house. All colors ACC approved. The ACC is in receipt of the engineering certification and driveway configuration is in keeping with the covenants and restrictions.

MOTION BY TOM SCOT, SECONDED BY TOMMY BAKER THAT THE RECOMMENDATIONS BY THE ACC BE APPROVED. MOTION CARRIED.

Reported concerns that were not addressed by the ACC:

Jimmy & Caryl Williamson, 1767 Tallavana Trail, aboveground pool. There are other aboveground pools in the subdivision. The board directed the ACC to develop a policy concerning aboveground pools including location and if decking or fencing is involved, then ACC approval is required. Then the ACC is to present their aboveground pool policy to the board.

The second concern that the ACC did not address was a report of an electric fence, 6-12" high, on the property next to 2943 Tallavana Trail. The purpose for the fence is unknown however, before any action is taken, the board would like to know why the electric fence is there.

- b. There has been no response from the Harrel's concerning the replanting of trees in the buffer along the front. In fact, their house is now up for sale. Don Magruder is to check on our legal recourse for the selling of property that has an ongoing ACC violation.
- c. The ACC Building Permit - tabled
- d. "Understanding Section 200 Lake Tallavana Covenants, Rules & Regulations" needs addition revisions. The Board is to wait to approve.

Details of approved items on file.

Linda Ortiz asked for the ACC to begin rounding up their records to be turned over to the Board for scanning and filing.

### **OLD BUSINESS**

1. Playground Equipment & Set-up – Covered in Roads, Grounds, Dam Report.
2. Abandoned cars – It was brought up in the May meeting about the abandoned cars in our subdivision. Gadsden County does have a code against the retention of abandoned vehicles and when notified, the county will proceed to enforce. The county also has codes concerning barking dogs and dogs that bite. Jean Wood asked Linda to scan the county codes, Chapter 10 (Animals) and Chapter 34 (Environment), that they might be available to the membership on our web site. It can also be downloaded from the Municipal Code website.

### **NEW BUSINESS**

1. Deer Pass East – Road Condition – The residents of Deer Pass East submitted a letter to the Board expressing their desire for consideration on the design of the raised-humps of asphalt that were

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installed to control rainwater runoff and the continual erosion of the dirt road segment immediately above the humps. There was discussion on what action the board needed to take to correct this problem.

MOTION BY TOM SCOTT, SECONDED BY TOMMY BAKER THAT KIMSEY BEGIN WORKING ON THE COSTS FOR WORKING ON DEER PASS EAST WITH CONSIDERATION AS TO HOW IT MIGHT FIT IN WITH OUR CURRENT PAVING PROJECT AND RETURN TO THE NEXT MEETING WITH AN ENGINEERING DESIGN. MOTION CARRIED.

2. Dedication of Playground Equipment – Tabled indefinitely.
3. Entrance Gate – Previously covered in Security & Gate report.
4. Use of pavilion for political purposes – The law states that we cannot prohibit political campaigning in our subdivision nor can we prohibit a “rally” if organized by a homeowner.

With no further business, at 9:55 pm, Tom Scott moved to adjourn, Kimsey Helms seconded.

Respectfully submitted,

Debra Robinson,  
Secretary to the Board

/dr