

TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on March 11th, 2008, at the meeting room of the Havana Library, Havana, FL.

PRESENT: Neil McDonald, Bill Oswald, Larry Jones, Rick Kornmeier, Kimsey Helms, Rob Combs and Tom Scott Board members, Debbie Robinson, Corporate Secretary. See attached list of others in attendance.

ABSENT:

The meeting was called to order at 7:04 pm by President, Neil McDonald.

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

Approval of Agenda:

Added item 1. under New Business: Discussion on Bids

TOM SCOTT MOVED TO APPROVE THE AGENDA AS REVISED. KIMSEY HELMS SECONDED THE MOTION. MOTION CARRIED.

Lake Consultant – Sean McGlynn: Discussion on Grants for lake.

Sean McGlynn addressed the Board and the membership concerning THA applying for grants that we might receive funds for needed work to be done on the lake. The Florida Department of Environmental Protection has placed Lake Tallavana on a list of impaired waters. This means that our lake is on a list of lakes that exceed the pollution limits set by the state. DEP has mandated that lakes on this list be cleaned up. Sean said that by being on this list, our chances to receive grant money are greatly increased.

All possible areas of pollution must be addressed. A Basin Management Action Plan was drawn up in 2002. This plan, which includes the entire Tallavana watershed, should be updated. Once we have this plan and submit it with our applications for grants, Sean felt that we should be eligible for grant funds. There are several grants available and Lake Tallavana should be able to land some grant money.

One of the main tools to determine where the pollution problems are coming from is a Watershed Assessment and Management Model. This model will give us the information needed in order to make the best plans to clean our lake. This model also has the capability to show the condition of our lake five years from now if we do nothing.

Sean prepared and presented a letter of engagement outlining the work he would be doing towards our applying for the grants. His list of services includes a Watershed Assessment and Management Model, update the Lake Tallavana Management Plan, submit application 319 Grant to FDEP, submit application for Florida Forever Grant to the FFWMD and meet with representatives of the Lake Tallavana HOA to develop lake management plan and grants. The listed services included targeted due dates and costs.

TOM SCOTT MOVED TO APPROVE THE SERVICES LISTED IN THE LETTER OF ENGAGEMENT FROM SEAN MCGLYNN FOR THE WRITING OF THE GRANTS AND THE WATERSHED ASSESSMENT MODEL FOR A TOTAL COST NOT TO EXCEED \$10,000. RICK KORNMEIER SECONDED THE MOTION. DISCUSSION.

There was further discussion about the matching funds that would be required, the need to work through the county and what type of projects we might take on with the grant money. Grant money is more likely to be disbursed when public agencies are involved. Neil McDonald mentioned that he spoke with our commissioner Doug Croley, who said he would be behind us concerning grant funds.

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AMENDMENT TO ABOVE MOTION: TOM SCOTT AMENDED HIS PREVIOUS MOTION TO INCLUDE THAT SEAN WORK CLOSELY WITH GADSDEN COUNTY AND OUR COMMISSIONER DOUG CROLEY, AS WE PURSUE GRANT MONEY. RICK KORNMEIER SECONDED THE AMENDMENT TO THE ABOVE MOTION. THOSE VOTED IN FAVOR: TOM SCOTT, KIMSEY HELMS, BILL OSWALD, ROB COMBS, RICK KORNMEIER, AND NEIL MCDONALD. ABSTAINED: LARRY JONES.

Neil McDonald mentioned that he would contact Doug Croley to see if he would be available to speak to the Board regarding grants at their next meeting.

Approval/Corrections of February 2008 Minutes:

Clarification revision.

TOM SCOTT MOVED TO APPROVE THE MINUTES AS REVISED. KIMSEY HELMS SECONDED THE MOTION. MOTION CARRIED.

Treasurer's Report: Rick Kornmeier reported that on Feb. 15th, he met with Debbie in her office to go over her procedures, how things are done, how the files are kept and found all in order. Rick complimented Debbie on the amount of detail he found and said it was more than he expected or that he himself would keep. Rick said he would like to see in the near future a database of the historical records. He suggested with the help of Lance Ortiz, the required computer hardware and software be purchased and installed to allow the scanning of all old documents and saved electronically.

Rick reported the total deposit for February was \$12,910.00, routine operating expenses of \$6,809.48, \$1,530.00 in major project expenses, checking account balance is \$1,410.28, Money Market balance is \$38,011.85 and the balance in CDs/Savings is \$117,560.26.

Rick reported the majority of the routine expenses included common area maintenance, secretarial/bookkeeping, landscape cleanup/road maintenance and security. A handout that tracks the cash balances, account transfers and expenses was available to the attending members.

Correspondence/Phone Calls:

1. Tom Scott received several phone calls regarding the Lake Management meeting.
2. Debbie Robinson received a letter from David Trimble that was addressed to the Board. The letter was read at the meeting for the record:

"Dear Board of Directors:

I am writing because I am concerned about a recent Board decision regarding the arbitration case with James Poss. The Board's action to accept roughly half of the legal fees incurred by the Board in defending itself from Mr. Poss appears fiscally irresponsible.

The Board has a fiduciary responsibility to the members of the Tallavana Homeowners Association. That legal responsibility must over-ride any personal desire by any members of the Board to come to some amicable agreement with Mr. Poss relative to the recovery of Association funds expended to defend the Association from Mr. Poss' legal action. Mr. Poss chose to engage the Board (and all the members of the Association) in a legal battle over the Board's appointment of Diane Sheffield to fill the vacancy created by the resignation of Board member Mike Jefferis. Mr. Poss lost the case.

Pursuant to state law, the prevailing party is entitled to recover reasonable legal fees as determined by the arbitrator. The Board properly filed a motion to recover its legal fees in the amount of \$4,102.50. Mr. Poss had the option to file a counter offer with the Department of Business and Professional Regulation and chose not to. Given that the arbitrator has a request from the Board to recover all legal fees, and Mr. Poss made no counter offer, it seems reasonable that the arbitrator would grant the Board's request. What seems unreasonable is that the Board would vote to settle for \$2,000 (less than half) without waiting to see what the arbitrator's ruling is. Perhaps some Board members are sympathetic to Mr. Poss, but this cannot be allowed to trump their responsibility to the larger membership.

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Even if the Board's actions are legal, a reasonable person would be justified in questioning why one of the very first actions of the new Board is to over-ride a previous Board action by voting to reduce Mr. Poss' liability for legal fees incurred by the Board in defending itself and every member of the community from a legal action Mr. Poss himself initiated and lost.

I would urge the Board to reconsider its actions in this regard to avoid any appearance of impropriety in the management of Association funds.

Sincerely,
David Trimble"

In response to David's letter, Neil asked Debbie to draft a reply explaining the Board's actions based on their attorney's comments about the offer of \$2,000 and the unknown outcome if left to the arbitrator.

3. Dawn Killelte sent a "Thank you" to members who helped during the flood.

BOARD REPORTS

Legal: Neil McDonald and Rick Kornmeier

A. Lambert runoff – No update.

B. Heidenreich/Magnolia Ct. & Pine Top Ct. – Neil, Rick and Debbie met with Ken Abele on Feb. 27th to give Ken years of background information on Magnolia Court and Pine Top Court and to discuss possible options in approaching Mr. Heidenreich for the repairs needed on Magnolia Court and the access to Pine Top Court. Ken will review the information and set a follow-up meeting.

Member Relations: Tom Scott

There were 748 visits to the website in February.

The suggestion form in the Winter newsletter resulted in 4 being returned. The comments and suggestions mostly corresponded to the list of changes presented by the article submitted by Rick Kornmeier. Tom mentioned some of the responses were for a jogging/walking track, a Spring plant exchange and a community garage sale at the pavilion. Other suggestions from respondents included a group rate for residents to take a cruise, garden benches along the walking trails and a community pool. A complete tally of suggestions and comments is forthcoming.

Lake Management: Tom Scott & Bill Oswald

In following up on the report from February that there is an unknown weed taking over the North end of the lake. Tom reported that the weed could also be found on the South end and around the THA docks. It has been determined that the unknown weed is called Alligator weed. It will take over to the point of causing a mat over the entire lake, from shore to shore. When Alligator weed dies, it will sink to the bottom causing additional muck. There is a specific chemical that will kill the Alligator weed. Currently the Salvinia and Duckweed are minimal. Bill is to call Bob Rousseau to discuss pricing for spraying for the Alligator weed.

Tom mentioned a recent situation involving sediment in the D-8 sediment pond. Kimsey sent an email to the Board regarding the need to clean out the D-8 sediment pond asking the Board members to reply to give Kimsey the go ahead to get the job done before the next big rain and more sediment gets into the lake. Only two Board members replied to Kimsey in favor of the more expensive method needed to completely clean the D-8 pond. Two other Board members replied that they needed more information before they could give their okay and did not understand the urgency. The opportunity passed to have the proper equipment in place to completely clean D-8 pond and additional sediment collected at the culvert

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leading to the lake. Member Ann Whatley said as she stood on her dock after additional rainfall and could see sediment coming from the D-8 into the lake.

TOM SCOTT MOVED THAT THE BOARD GIVE KIMSEY THE AUTHORITY TO CLEAN THE D-8 SEDIMENT POND AS NEEDED AND TO DEAL WITH SUITABLE CONTRACTORS IN A TIMELY MANNER WITHIN REASONABLE COSTS IN AN EMERGENCY SITUATION. LARRY JONES SECONDED THE MOTION PROVIDING THAT WHEN NOT IN AN EMERGENCY, THE BID PROCESS IS ACTIVATED. THOSE IN FAVOR: TOM SCOTT, LARRY JONES, KIMSEY HELMS, ROB COMBS, BILL OSWALD AND NEIL MCDONALD. OPPOSED: RICK KORNMEIER.

Rick Kornmeier said that he would like to get a contract with the contractor that includes the specifications of cleaning out the D-8 pond before any work is done.

Neil and Bill spoke with Don Cantrell, the contractor who Kimsey hires to clean the D-8 sediment pond. Don was able to explain the situation and the need for the occasional use of a long-arm excavator to reach to the center of D-8.

a. Carp/Cormorant reports – Bill reported the harvest of 258 carp in February. The containment netting that was approved for purchase at the February meeting should be delivered by the end of this week. Bill asked for a sign on the Bulletin Board for the collection of gallon jugs and 2 liter bottles to use to float the top of the net. The area to be contained by the netting will be along the common area shoreline from where the fireworks are set off to the end of the old dock. Bill stated that the carp would be removed and any bluegills that were shocked outside of the containment area would be placed inside. The containment area is for protective spawning. The fish in the containment will be fed.

Lake Watch – Pat Powell: Pat reported on the results received from the U. of FL regarding the nutrient and chlorophyll levels as of October 2007. The levels of phosphorus, nitrogen and chlorophyll are all elevated causing the lake to be in a hypereutrophic state. These high levels cause our lake to have lots of aquatic plants and algae. Lake Watch committee went out for sampling on Saturday, March 1st.

Security: Rob Combs

Rob reported that Scott Ivey worked 20 hours for the Association and 12 hours on duty in February. Scott reported 13 traffic stops and 90 house checks. Scott was called about a large, blonde dog that was running loose. Mike Fish worked 20 hours in February.

Gate: No report.

Roads, Grounds & Dam: Kimsey Helms & Larry Jones

Road signs: Kimsey reported that he was not able to meet with the company who will be making additional road signs but will do so within the next few days. Kimsey determined that we need at least 8-9 signs, some to be spares. Based on the prices of the last time we purchased signs, Kimsey asked for approval of purchasing the wooden street signs.

LARRY JONES MOTIONED TO GIVE KIMSEY THE APPROVAL TO PURCHASE ROAD SIGNS WITH A TOTAL NOT TO EXCEED \$500.00. TOM SCOTT SECONDED. MOTION CARRIED.

Kimsey reported that so far, Don Cantrell has cleared 20 truckloads of sand from the D-8 pond. Most of the sand is being dumped on the THA power line easement but some has been dumped at the end of the dam to be available for any member who wants it.

Kimsey met with engineer Ray Walke to discuss the spillway repairs and the erosion caused by

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the runoff on the downstream side of the 12 overflow pipes. After several inches of rain, the lake reached the overflow pipes. The amount of water and the speed at which it drained caused serious erosion in the creek on the downstream side. The creek bed is eroding towards the 12 pipes and the road that is over the pipes. Ray suggested that we find an inexpensive way to flare the concentrated load so that the water coming from the 12 pipes does not funnel into the narrower creek bed. It was not determined what should be done specifically. Kimsey relayed a warning from Marc Cocke of the amount of erosion and suggested that the lake be lowered until the problem can be fixed. It was the consensus of a majority of the Board that the lake not be lowered at this time.

Spillway update – During his meeting with Ray Walke, Kimsey received a package from Ray that was his response to the questions from the Water Management District. Kimsey prepared a copy of the response for each Board member. Board members were to review the response package and let Kimsey know if they felt the response was ready for submittal to the WMD. Since the initial letter of intent was submitted to the WMD prior to the new Board members, Debbie will scan and email all history to the new members for their review. Board members are to let Kimsey know if the response should be sent or revised as soon as possible.

Kimsey reported a phone call and an email regarding the paving of Hickory Lane. The response to both was that Hickory would be extremely expensive to pave; last estimate was over \$500,000 and that was two years ago. Hickory has a very poor roadbed, which would have to be rebuilt before any asphalt could be laid. Hickory goes through a section of wetland which means DEP would have to get involved. Some Hickory residents do not want their road paved due to the increase of speed by some of the residents.

COMMITTEE REPORTS

1. ACC:

a. ACC Report – Since the full report is attached to minutes, a brief summary follows:

Approved Submittals:

David & Candice Trimble, 1390 Tallavana Trail, removal of 14 pine trees & 1 cherry.

Julian & Ruby Dickey, 4275 Tallavana Trail, removal of 4 trees.

James Whitmire, 4286 Tallavana Trail, removal of 6 trees.

Jim & Eileen McMichael, 2549 Tallavana Trail, roof replacement.

Warren & Faith Jones, 2539 Tallavana Trail, installation of picture window.

James & Demmie Tidwell, 2343 Tallavana Trail, roof replacement.

Other ACC Issues:

Pat Powell received a phone call from Karen Scott regarding septic problems. Mrs. Scott was referred to the county health department. Pat also received a call from Julia Gill regarding water problems at the foundation and tree issues.

b. Other ACC business – Bravo shed

There was discussion concerning the Bravo shed location at the February meeting. At that meeting, some of the Board members wanted the issue dropped and others did not have enough background information to make a decision. The issue was tabled until the March meeting to allow the new Board members to become more familiar with the history of the Bravo shed.

LARRY JONES MOVED TO DROP THE BRAVO SHED ISSUE STATING THAT THERE WERE OTHER

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SHEDS IN THE FRONT YARD AND HE FELT IT UNFAIR TO TARGET THIS ONE. BILL OSWALD SECONDED THE MOTION. DISCUSSION.

Larry said that he drove around the neighborhood and saw several sheds in the front yard. He felt that we should not target just the Bravo shed. It was explained to him that the shed was in the approved location behind the house but Mr. Bravo, upon purchasing the home, moved the shed to the front yard. Larry said the shed was at least in good repair and the same color as the house. There was further discussion about all the sheds in the front yards, fairness to all members, ACC guidelines and the Roche shed, which was taken to mediation but then dropped by the Board in April 2007.

THE VOTE WAS TAKEN: THOSE IN FAVOR TO DROP THE BRAVO SHED ISSUE: LARRY JONES, BILL OSWALD, AND ROB COMBS. THOSE OPPOSED: TOM SCOTT, RICK KORNMEIER, AND KIMSEY HELMS. PRESIDENT NEIL MCDONALD VOTED IN FAVOR TO BREAK THE TIE. MOTION CARRIED.

2. Lake Management Committee: Debbie highlighted points from the minutes of the Lake Management Committee on March 2nd.

The Committee met on Sunday, March 2nd, at 4:30 p.m. at the pavilion. The first order of business was to nominate and vote for the chairperson. It was decided that Lance Swedmark would be the chairperson. Tom Scott explained why it is a good time to be applying for a grant. Tom stated that Sean McGlynn had previously obtained grant money for Lake Blue Heron in Killearn Lakes and our grant would be very similar. Sean will need the committee's help gathering specific information for our grant proposal. Gordon Patton had copies of the previous 2002 Lake Management Plan available for new committee members. Committee members volunteering to help gather information are Julia Gill who works with the State Department of Health and Candace Trimble who will contact the USDA for updated digital soil survey and land use data are available.

The Committee decided to meet every two weeks until the grant applications are completed. The next meeting was set for Sunday, March 16th at 4:00 p.m. at the pavilion.

See full report attached to the minutes.

3. Budget Committee: The Budget Committee has scheduled a meeting for Saturday, March 15th, at 10:30 a.m. at the pavilion. Chairman Don McEwen developed an outline of concepts to aid in evaluating and prioritizing special projects. The outline will be discussed at the meeting as well as dates for future meetings.

OLD BUSINESS

No Old Business

NEW BUSINESS

1. Discussion on Bids – Larry Jones stated that he would like to see the Board use more of a bid process when dealing with contractors for work in the Association. Larry felt that in order for the Board to be good stewards of the funds of the membership, that more bids should be sought. He indicated that bids should be received from 2-3 people with a time stipulation as to when the project will be done. There should be preferences given to people who live in Tallavana as long as the costs are not 2-3 times higher. He understands that not all small projects can be bid but he has heard from various members of their concerns about the lack of getting bids as a past practice and would like to see that change. In conclusion, Larry will draft an outline of his proposal for obtaining bids.

With no further business, meeting was adjourned at 9:55 p.m.

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Respectfully submitted,
Debra Robinson
Corporate Secretary

**TALLAVANA HOMEOWNERS' ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE**

March 4, 2008

Minutes/Report

Meeting of the monthly Architectural Control Committee (ACC) was held on March 4, 2008 at the pavilion of Lake Tallavana.

PRESENT: ACC Members –Pat Powell, Earl Mills, Virginia Everett and Jim Grantham.
THA Members –Gary Robinson, Larry Jones, Rod Pigott and Corporate Secretary, Debbie Robinson.

Approvals:

David & Candice Trimble, 1390 Tallavana Trail, submittal for the removal of 14 pine trees and 1 cherry. Trees are diseased and/or dead and some are too close to the house. No trees to be removed are in the buffers.

Julian & Ruby Dickey, 4274 Tallavana Trail, submittal for the removal of 2 sweet gum trees which are dead and 2 “trash” trees that are leaning toward the house. No trees to be removed are in the buffers.

James Whitmire, 4286 Tallavana Trail, submittal for the removal of 6 various trees none of which are in the buffers.

Jim & Eileen McMichael, 2549 Tallavana Trail, submittal for immediate roof replacement. Existing roof is leaking and causing damage to the interior. Shingles to be the same color and style as the existing.

Warren & Faith Jones, 2539 Tallavana Trail, submittal for picture window addition on the back of the house.

James & Demmie Tidwell, 2343 Tallavana Trail, submittal for new roof. Shingle color is gray with white fleck.

Pending: Nothing to report.

Other ACC Issues: Pat Powell reported a phone call from Karen Scott regarding septic problems. Pat referred Mrs. Scott to the county health department since septic problems are the jurisdiction of that department.

Member Larry Jones mentioned that he had two dead trees fall and wanted the ACC to know that in case anyone reported the noise of his chain saw.

Respectfully submitted, Debbie Robinson, Corporate Secretary for Tallavana Homeowners' Association

Lake Management Committee Meeting Tallavana Pavilion 4:30 p.m., Sunday, March 2, 2008

Attendees: Julia Gill, Larry Jones, Paul Keith, Mike Mapstone, Don McEwen, Bill Oswald, Mark Palmquist, Gordon Patton, Pat Powell, Lance Swedmark, Tom Scott, David Trimble, Candace Trimble.

Pat started the meeting and asked for volunteer to take notes. Candace volunteered. Pat Powell nominated Lance Swedmark to chair committee, Tom Scott seconded. Julia Gill asked about Lance's qualifications to chair the committee. Lance asked about the mission of the committee.

Candace Trimble, Don McEwen and Tom Scott provided brief summaries of the development and past activities of the committee. Addressing the decline in water quality, the lake survey, and the listing of the lake as impaired water on the TMDL list, (qualifying the association to receive grant funds, the development of the Lake Management Plan (with assistance from Helge Swanson and Sean McGlynn) and the initial work including dredging and draw down.

Following this overview, Lance stated that although he isn't a scientist. His background is in management and administration, currently runs a nationwide contact center, and he is confident in his ability to lead the group by calling upon the expertise available in the committee. There being no other nominations or volunteers; Lance was confirmed to lead the group.

Candace initiated discussion of the budget for lake restoration projects. Bill Oswald noted that monies set aside for lake work had been spent on road improvements, culverts, and shoreline restoration.

Tom indicated that the timing to apply for the grant is good. The Northwest Florida Water management District Director, Doug Barr is very interested in directing funds to rural counties, Gadsden, in particular since most of the previous grants have gone to just a few counties. Since it is still fairly early in the year we are better poised to apply for the grant monies than any time in the past! The deadline for the 319 Grant is the end of May, and Florida Forever is end of June.

Tom stated that Sean McGlynn had obtained grant money for Lake Blue Heron in Killearn Lakes and that the grant for our neighborhood would be very similar. The price would be \$5000 for watershed modeling and \$5000 for lake Consultation. To get started we need a letter of engagement approved by the Lake Tallavana Board of Directors at the March meeting.

Sean will need the Lake Management Committee's help gathering specific information for our grant proposal. Gordon Patton mentioned the previous, 2002, Lake Management Plan and had copies for new members. Much of the background information in that plan can be incorporated into the grant applications.

Various committee members volunteered to help gather information to update the 2002 plan:

Julie Gill works with the state department of Health and with gather information from that end. Candace Trimble will contact the USDA-Natural Resource Conservation Service, Area Soil Scientist, and find out if updated digital soil survey and land use data are available. Sean should be able to access Florida Dept. of Env. Protection and Lake watch water quality data.

The committee decided to meet every two weeks until the grant applications are completed. The next meeting was set for Sunday, March 16th at 4:00 p.m. at the Tallavana Pavilion. Meeting adjourned.