

**BURNT STORE LAKES PROPERTY OWNER'S ASSOCIATION  
MINUTES OF MEETING  
HELD AT THE BURNT STORE PRESBYTERIAN CHURCH  
11330 BURNT STORE ROAD  
PUNTA GORDA, FL 33955**

**September 16, 2008**

Prior to calling the meeting to order, President Jim Brown called upon Frank Bishop to give the Board a status report on the findings of the Ad Hoc Underground Electric Committee in preparation for a general membership meeting to be held on Thursday, September 25, 2008.

**CALL TO ORDER, PROOF OF NOTICE and ROLL CALL**

Jim Brown, President called the meeting to order at 6:10 p.m. Secretary, Sandy Funk, announced that the Meeting Notice and Agenda were both posted on Thursday, September 11, 2008. Both postings meet the guidelines as set forth in the By-Laws. Roll call showed all Board members present as follows: Jim Brown, President; Peg Varga, Vice-President; Bill Fruit, Treasurer; Dave Chilcote, Rob Hancik, Scott Pitser and Steve Steidel, Directors at Large.

**Public Input:** None

**DISPOSITION OF MINUTES**

Jim asked if there were any corrections or additions to the Minutes from the August 12, 2008 Board of Directors meeting as provided for review. There being none, the Board accepted the August 12, 2008 Minutes by unanimous consent.

**TREASURER'S REPORT – Bill Fruit**

Bill referred to a copy of the August 31, 2008 Financial Report provided to each Director, stating that Association is in a good cash position with \$346,976.09 on hand. August collections were \$1,521.61 and disbursements \$44,384.96. Assessments receivable as of August 31, 2008 are \$59,623.55 (92% collection rate using current budget). He stated that after review of the financial statements prepared by Webb-Lorah, the general ledger was found in balance as of August 31, 2008. Peg stated that according to the report, \$27,124.01 is the amount of cash available for Operations. This amount should cover Operating Expenses through September 30<sup>th</sup> (end of fiscal year). Jim asked if there were any other comments on the financial report. There being none and by unanimous consent, the Treasurer's Report will be sent forward for audit.

**OLD BUSINESS:**

**DIRECTORS REPORTS:**

### **SAFETY & PREPAREDNESS – Dave Chilcote**

Dave Chilcote reported that David Prins is in the process of seeking a replacement as Chair for the Neighborhood Watch. There was nothing new to report on the development of a Disaster Recovery Program for the Lakes. Dave reported that last week there was a break-in on Huancaiy to which the Sheriff's Dept. responded.

### **MECHANICAL & MAINTENANCE – Bill Fruit & Scott Pitser**

Bill and Scott had nothing new to report this month. Scott asked if the County had been out to look at the poor drainage situation on Acapulco (near Chive). Office staff continues to follow up with Public Works. Scott asked the Board if they knew of any drainage problems as a result of the recent rains. There being none reported, Peg noted for the record that the efforts put forth on correcting various drainage areas over the past three years has shown significant water flow improvement throughout the subdivision

### **LONG RANGE PLANNING – Jim Brown**

Jim reported that a meeting with Laura Kleiss Hoefft of the Charlotte County Parks and Recreation Advisory Committee is scheduled for this Thursday, September 18<sup>th</sup>, for the purpose of seeking information on what the County may or may not be able to provide us, including assistance in developing a Master Plan for Burnt Store Lakes. He and Dick Kopsack will be attending. Dick expressed some of the Committee's frustration in not having some of their suggested projects accomplished. Jim explained to Dick that the LRP Committee is a 'think tank', which means that everything that is suggested may not become a reality. Jim also explained to Dick the insurance issues regarding playground equipment and asked him to relay this information to the Committee members. Jim suggested that the Board develop a "mission statement" for the LRP Committee. Also discussed was replacement of the flagpole at the Cape Horn entranceway. After Hurricane Charley destroyed the one we had, it was decided to postpone replacement until the entranceway was redesigned. Rob stated that the Beautification & Enhancement Committee has not considered the replacement at this time.

### **LAKES QUALITY AND MAINTENANCE – Scott Pitser**

Scott Pitser reported that the stocking of fish was completed last Wednesday with approximately 24-25,000 shell crackers. This amount is over the original contract that called for the provision of 22,000 fish. The overage was distributed between Pelican, Osprey, Egret, Heron, and Eagle Lakes. Scott noted that they expected the size of the fish to be between 1 and 2-1/2 inches; however, even though we received several thousand in this size range, they stocked many thousand around 9-12 inches in size. Scott also pointed out that we are still experiencing midge fly outbreaks on Heron and Pelican Lakes. There is no significant midge fly problem on Eagle Lake. Jim asked if Scott would check with the governmental agencies again to see if we can get any assistance with this problem.

### **COMMUNICATIONS – Steve Steidel**

Steve commented that the next Newsletter is scheduled for distribution in November 2008, and that the deadline for articles is 11/12. Since there are four outgoing Board members in

October, it has been requested that each one prepare their remarks/reports prior to leaving the Board. It is also requested that each of these four members put together an outline on what should be included in their respective Newsletter reports as well as meet with the new Board member after the areas of responsibility are assigned to review these outlines. Celeste requested that the deadline be moved up to mid-October in order to better facilitate the timing for preparation and printing of the Newsletter.

Steve reported that two CIN messages were transmitted since the last Board meeting. Both were status reports regarding the Underground Electric ad hoc Committee's progress thus far. A third UE status report is currently being prepared for submission through the information network.

Steve also reported that the website development contractor has completed the bulk of the transformation with some fine-tuning in process with input from Celeste and himself. It is anticipated that we will be able to launch the new website on October 18, 2008 (Annual Meeting).

### **BEAUTIFICATION AND ENHANCEMENT – Rob Hancik**

Rob reported that the pavilion is nearing completion with the roof being finished this week. Painting and electrical will be done next week. The four (4) new grills will be installed this week. Office staff continues to follow up on obtaining a power-washing contractor prior to painting. West Coast was contacted to submit invoices for the work done. A cost sheet was faxed to the office and will be reviewed this week. Rob reported that Frank Harris cleared out the scrub vegetation and trimmed trees, etc. It was discussed to ask Frank Harris to give us a price on adding crushed stone to the park roadway.

Rob noted that the County contractors have begun the re-design of the Cape Horn entranceway. A progress meeting with the County, contractor, and BSL scheduled for tomorrow has been postponed until October 1<sup>st</sup>. Rob would like to discuss with the contractor and County the length of piping to be installed along Burnt Store Road on each side of Cape Horn. He also asked for a copy of the project drawings. David Lang, Charlotte County Inspector, will be contacted for drawings. David Lang contacted the office today and informed us that the irrigation piping has been capped off on the north side of Cape Horn due to new construction and re-design.

### **COMMUNITY STANDARDS – All**

Jim stated he contacted Diane Gant (Adam Cummings office) regarding the notebook of chronological events of construction of the Sosa house on Peppercorn. All work has ceased with the last failed inspection was 18 months ago. The permit has now expired. She forwarded the book onto Code Compliance. Jim told her that the reason for supplying Commissioner Cummings with this information is because Code Compliance has not responded to our previous requests for action. Ms. Gant will follow up and get back with Jim with a response.

The Deed Restriction Report was discussed in general noting improved resolution to most issues. Scott and Bill reported few problems this month with the exception of cars parked on Megra Ct.

Jim read a letter from Pavese Law Firm regarding the lack of landscaping at 88704. The property owner did not respond to the demand for mediation in this matter, therefore, the Board may proceed to litigation. After discussion, Peg Varga motioned to proceed with litigation against the property owner at 88704, with Steve Steidel seconding. It was noted that legal fees incurred at the litigation stage might be recouped. ***The motion unanimously passed with Brown, Varga, Fruit, Hancik, Pitser, Chilcote, and Steidel voting aye.*** The Board requested office staff to research how much has been spent to date on legal fees in this case.

### **ARCHITECTURE REVIEW – Peg Varga**

Peg reported that the addition on 97503, that does not currently meet the criteria set forth in the Deed Restrictions, is with the architect for redesign of roof trusses. Discussion ensued on the series of events leading up to today, and some of the Board members stated that none of the existing structure is salvageable and must come down. Since the architectural drawings will be available for ARC review by the end of the week, it was decided to wait until that time to make a decision.

Peg Varga motioned to approval of a 3-foot aluminum, bronze cast fence at 86707 Rabat Way, with appropriate setback and landscaping requirements. Scott Pitser seconded the motion. ***The motion unanimously passed with Brown, Varga, Fruit, Hancik, Pitser, Chilcote, and Steidel voting aye.***

**Charlotte Development Corp. (CDC):** Peg had asked the Board to review the revised CDC (Burnt Store Commons) Reciprocal Agreement between CDC (Burnt Store Commons) and BSLPOA prior to forwarded it to CDC. Pavese Law Firm, at the Board's request, reviewed and made recommended changes/additions to the Agreement. In order to ensure adequate surface water management on Tracts D & E as required by SWFWMD (and any other governmental agencies having jurisdiction over same), SWFWMD requires "mutual promises" as outlined in the Reciprocal Management Agreement be agreed upon between BSLPOA (owner of the common areas—including greenbelts, drainage systems, and retention areas abutting the Burnt Store Commons property) and Burnt Store Commons (CDC). A lengthy discussion ensued with several questions being asked. Since additional time is required to fully address all concerns, it was agreed to postpone further review of the Agreement until Friday, September 26<sup>th</sup> at 2:00 p.m.

### **COUNTY RELATED ITEMS – Jim Brown**

**SCCC:** Neither Jim nor Rob could attend August's SCCC meeting which limits the report this month. Jim stated they did bring some political candidates before the Coalition to speak, i.e., Tom Rooney, and plan to ask other candidates to speak before the coalition (Bob Starr, running for District 3 County Commissioners as well as his opponent).

**MSBU:** Rob reported that the next meeting would be held sometime in November. By that time, enough information may be available to possibly form another MSBU for the underground electric project.

## **OTHER ITEMS**

**Annual Meeting:** The Annual Meeting documents were mailed to all property owners on September 9, 2008. Since we are having the same presentation format as last year, Steve has been meeting with various Board members for input. He is available this week to meet with those members who need to provide additional materials for incorporation into the Power Point program.

**Foreclosure Properties – Maintenance & Update:** Jim reviewed the problems with maintenance of foreclosure and abandoned properties. He reviewed in detail the situation with property 91314 of which maintenance (mowing) has been an ongoing problem with the owner of 91313 complaining to the office since he has been trying to sell his house. Jim stated that the POA has mowed other foreclosure properties and suggests adopting a policy where the POA addresses all the neglected properties (mowing) and pass the cost onto the property owner, bank or other entity responsible for the property. Costs have been added to those accounts where mowing was performed. These costs are usually collected at the time the property is sold/transferred by notifying the title company of outstanding balances and liens. Liens will not be released until the account had been paid in full. A lengthy discussion ensued regarding timing of lien filings. It was determined that since current conditions have changed, the POA should file liens quarterly. Scott Pitser made a motion to empower the office staff to expend the filing fees to lien properties on a quarterly basis for outstanding balances, which include fees for POA maintenance of foreclosed/abandoned houses to maintain the appearance of the community. Peg Varga seconded the motion. ***The motion unanimously passed with Brown, Varga, Fruit, Hancik, Pitser, Chilcote, and Steidel voting aye.***

Jim reported that to date there are 51 foreclosure/bankruptcy property in the Lakes (28 vacant lots; 23 houses).

**FPL – Tree Removal:** It has come to the POA's attention that FPL is preparing to "harden" the electrical service delivery along Cape Horn Blvd in 2009, which will involve removal of several trees (cabbage palms, etc.). On September 11<sup>th</sup>, a letter was written to Steve Norton, Services Planning Supervisor Power Systems at FPL with a copy to Matthew Yeager, FPL Vegetation Management, requesting that FPL hold in abeyance any such plans until the outcome of the process to place all electric services underground has been determined. Jim pointed out that any budgeted money by FPL for "hardening" should be credited against the cost of installing electrical services underground. FPL will flag the trees to be removed for visual effect, and will contact each individual property owner along Cape Horn who will be affected. Since FPL still intends to go forward with the "hardening", it was decided to contact higher management. Discussion ensued on utility easements rights.

**Office Space:** It was decided that Jim would contact Lisa Levendofsky and offer a base rate of \$10.00 per square foot (subject to review and approval of the actual lease).

**Boat Ramp Update:** Bill asked the Board to appoint him as Chairperson of a Boat Ramp Committee next fiscal year. Bill spoke with Honc Marine who visited the proposed site with him (Bear Branch Creek). Bill pointed out that the original planned budget amount of \$90,000 (\$45,000 over two years) for installation has been reduced to \$65,000 total budgeted in the

new fiscal year 2008-2009. Bill shared a preliminary sketch of a ramp and stated that one can be installed well within this budget, but did not discuss costs because the project will go out for additional bids (two other companies interested). This would be done once a final design has been adopted. He indicated that permitting could take several months and outlined three different ways it could be handled. He suggested that we meet with the DEP prior to any application process for their input. Bill also said that the price he has does not include putting in a rock road or turn around space. At this point, it is not planned to provide parking, lighting, etc. Peg asked if thought has been given to control of use by non-residents. The consensus was it should be easier to control since parking will not be provided and use will be limited to small craft, i.e., kayak's, canoes, etc. Further discussion ensued.

## **NEW BUSINESS**

### **ADJOURN**

Steve Steidel moved to adjourn the meeting at 7:55 pm, which was seconded by Dave Chilcote. ***The motion unanimously passed with Brown, Varga, Fruit, Hancik, Pitser, Chilcote, and Steidel voting aye.***

### **OPEN FORUM**

Rick Mathis asked where the commercial area was for proposed shopping center. He was informed that it was on Tracts D & E.

Open Forum concluded at 8:00 p.m.

Respectively submitted,

Sandra Funk, Secretary  
To the Board of Directors

September 22, 2008

**Note:** The next regular meeting of the Board of Directors is re-scheduled for **Tuesday October 14, 2008 at 6:00 p.m.**, at the Burnt Store Presbyterian Church, 11330 Burnt Store Road, Punta Gorda FL