

**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**

**October 9, 2007**

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

President Peg Varga called the Board of Directors meeting to order at 6:00 p.m. Sandy Funk, Secretary, announced that the meeting Notice and Agenda were posted on 10/05/07. Both postings meet the guidelines as set forth in the BSLPOA By-Laws. Sandy took roll call of the Board members as follows: Peg Varga, President; Scott Pitser, Vice President; Bill Fruit, Treasurer; Steve Steidel, Rob Hancik, Dave Chilcote and Dick Kopsack, Directors at Large were present. .

**Public Input:** Ralph Spolzino remarked on the beautiful landscaping at the two roundabouts.

**DISPOSITION OF MINUTES**

Sandy asked if there were any additions or corrections to the minutes of the regularly scheduled Board meeting held on September 11, 2007. There being no corrections or additions, Bill Fruit moved to approve the September 11, 2007 minutes with Steve Steidel seconding. ***The motion passed unanimously with Varga, Pitser, Fruit, Hancik, Steidel, Chilcote, and Kopsack voting aye.***

**TREASURER'S REPORT – Bill Fruit**

Bill reported that the financial statement was made available to Directors and showed the fiscal year end September 30, 2007 statement and general ledger in balance. On a cash basis as of September 30, 2007 we have \$244,556.06 on hand. Designated Reserves total \$164,854.51 with Cash Available for Operations at \$80,201.55. Bill stated that this represents about 20% of our anticipated operating budget, and approximately 2-1/2 months of operating expenses to carry us over until receipt of assessments for the new fiscal year. Assessments receivable are at \$27,157.75, which represents a 96% collection rate. There being no corrections or questions, Scott Pitser moved to accept the Treasurer's Report as provided and Dave Chilcote seconded. ***The motion passed unanimously with Varga, Pitser, Fruit, Hancik, Steidel, Chilcote, and Kopsack voting aye.***

**OLD BUSINESS:**

**SAFETY & SECURITY – Dave Chilcote**

Dave Chilcote reported that the Community Watch continues to meet the third Wednesday of each month with about 10-12 in attendance. Steve asked Dave about

the attempted break-in on Acapulco with Scott reporting that outsiders are accessing Bear Branch Creek behind this same location. Dave just received notice of this and will look into this as well as meet with Officer Melendez (to be coordinated through the office) for input on this situation and to set up regular meetings. Dave also reported that plans for a master Disaster Recovery Plan for BSL are making progress and a presentation is being prepared. He distributed various publications for the Board to review.

Dave also stated that Jim Brown has contacted the Commissioners' office for the status of a reciprocal agreement between Charlotte County and the City of Cape Coral for EMS services. Jim has not received any information as yet other than Cape Coral attorneys are reviewing it.

### **MECHANICAL & MAINTENANCE – Dick Kopsack**

Dick Kopsack is in receipt of an estimate to maintain the four quadrants of greenbelt along Bear Branch Creek in the amount of \$12,500. The contractor suggested cutting be done twice a year, i.e., November (end of rainy season) and again in May (prior to onset of the rainy season). The Board opted to postpone maintenance in November and re-evaluate area at a later date (since areas were just completed last month). Meanwhile, Dale DeKraker has been keeping the re-growth of pepper trees somewhat under control by spraying with a special herbicide. Office staff will research other contractors to bid on the maintenance of these four greenbelt areas. Now that the County has begun their new fiscal year, monies are available for maintenance of the Bear Branch Creek area at Burnt Store Road. A request will be made to the County for the Menzi-Muck operator to begin this work.

### **LONG RANGE PLANNING (LRP) – Dick Kopsack**

Dick Kopsack provided the Minutes of the LRP meeting held on October 4<sup>th</sup>. The Committee is pleased with the Board's interest to pursue an alternate access to the Park. They will research what costs would be incurred in the event purchase is made, i.e., taxes, maintenance, subdivide for a "right of way", possibility of conversion to greenbelt or easement. Currently, real estate appraisals are being sought to determine the fair market value of the lot. Dick reported that several other projects are "on hold", i.e., relocation of office facilities, park improvements (water/sewer/restroom), extension of sidewalks, street lighting.

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

Scott Pitser reported the he met with Les Stevens of Aquatic Systems and visited all the littoral planted sites. Aquatic Systems has also met with the supplier of the plants. It was agreed to withdraw any further planting of the yellow cannas because it is not conducive to our shorelines that fluctuate on a regular basis. However, at no cost to the residents, Aquatic Systems is returning to 100% replant with pickerelweed and spike rush to replace any plantings that have perished.

### **COMMUNICATIONS – Steve Steidel**

Steve Steidel reported there has been a request to utilize the email network (CIN) for Special Events Notifications. Steve suggested preserving the network for Security

Alerts and Community Information Notices, and asked for input from the Board regarding social type notices. Office Staff clarified the proposed usage as a separate “Grapevine” notice—segregating it from the official POA communications, yet allowing utilization of the now extensive database within the office computers. It is uncertain as to the continuation of Sunny Martinek’s communications since she has a full-time job and has already turned over the Potluck portion to others. It was noted that Sunny has contributed a valuable service to the community over the years and the proposed Grapevine system would augment this effort. Based on this information, Steve suggested that the office forward a sample copy for review (including a different logo). Peg agreed, stating that she too would like to maintain segregation of one (CIN and Alerts) from the other (Grapevine).

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

Rob reported the roundabouts have been landscaped with the exception of a few plantings at Saragossa. Electrical work will be finished next week. The “drip” irrigation system is working and the plantings are receiving an adequate water supply. We will continue monitoring the irrigation system. Rob stated that those Washingtonian palms planted along various streets have either perished or are missing and/or “bent”, have been “tagged” by the Committee. We have received one quote for replacements. Additional quotes will be obtained before Board approval is sought. Rob then reported that the park pavilion expansion project is progressing. Action Engineering has not completed the detailed engineering drawing as of this date. We will follow up on status. Rob will display the pavilion expansion drawing received from Pappas at the Annual meeting.

### **COMMUNITY STANDARDS – All**

**Update on Foreclosure Properties** – Peg reported that we have received a legal opinion on action the Board may take on the two properties in foreclosure (84808 and 85305), and the two in bankruptcy (87602 and 96303) to bring them into compliance with the Deed Restrictions with regard to maintenance of the lawns and landscaping. The attorney advises sending demand letters to the owners of all four properties to the extent that such demand letters have not been issued, even though the POA has taken certain steps to address these issues, but no formal contact has occurred. He further advises that with regard to the two in bankruptcy, that after the property owners have been contacted, that the Trustee in charge of the properties be contacted so better address the Association’s rights as to the properties and whether the Association may proceed with placing a lien on the properties for unpaid assessments and then attempt to foreclose that lien. He also advises the Association to immediately lien the properties in foreclosure should a failure to pay the assessment occurs. He advised that the banks that hold the mortgages on these properties should be contacted to encourage foreclosure proceedings. He also suggests that the Association not enter upon the properties at this time to alleviate the deed restriction violations. After discussion, the Board agreed to ask the attorney to follow through with the courses of action outlined in his opinion letter. Scott inquired if we could contact Charlotte County for assistance in the maintenance. This option will be investigated.

**Request for Vegetable Stand** – Celeste received a request from the gentleman who used to sell vegetables in an area in front of the building where the POA offices are

located. He was told by Charlotte County that he could not sell vegetables there since he was not 300 feet from the road as required by County Regulations. He has obtained a license to sell. He is seeking Association permission to sell vegetables from POA greenbelt in the vicinity of the shell road leading into the park. Burnt Store Marina is allowing him to utilize space within their complex to see vegetables. After discussion, the Board denied his request.

**Deed Restriction Monthly Report** – Peg reported on various items listed in the report. There remain 15 unresolved violations of which 11 are landscaping issues. Many of the violations have been referred to the attorney for resolution, some of which are ready for court action or mediation.

There has also been a request from a property owner to place two flags (3'x5') on weekends at the house to assist in exposure for selling purposes. After discussion, the Board denied the request.

### **ARCHITECTURAL (ARC) – Peg Varga**

Peg reviewed the ARC report and motioned to approve construction of a pool at 96512 on Cape Horn Blvd., and conditional approval pending receipt of pool design, landscape design (90-day waiver granted), and/or performance and completion bond or escrow agreement at 93305 on Santa Inez. Scott Pitser seconded the motion. ***The motion passed unanimously with Varga, Pitser, Fruit, Hancik, Steidel, Chilcote, and Kopsack voting aye.***

### **BOAT RAMP – Bill Fruit**

Bill reviewed his proposed comments at the Annual Meeting, and plans for the boat ramp display table. He will post the committee members and recognize Bill Welsch as the chairperson. A map will be posted to show the approximately location of the boat ramp. He will also give a chronology of events from October 2005 leading up to the present status as prepared by Bill Welsch. Bill also reviewed this chronology with the Board. Fifty percent (50%) of the cost to construct the ramp has been budgeted (\$45,000) for the fiscal year 2007-2008. Honc Marine has hired two separate contractors to conduct legal work and depth studies in preparation for filing an application with the DEP. This should be completed by the end of the week.

### **COUNTY RELATED ITEMS**

#### **SOUTH CHARLOTTE COUNTY COALITION (SCCC): Jim Brown, Liaison**

Jim Brown reported that Gary Quill and others from the airport attended the meeting on October 25<sup>th</sup>.

They talked about expanding the runway as well as Skybus coming on board to provide flights out of Charlotte County. Jim reported that they plan on landing from the north, however, in the case of wind changes, they would be using their southern route that would bring the planes along the shoreline of BSL and Pirate harbor then taking them

directly over Burnt Store Meadows. Skybus has plans for two flights a day, and utilize planes that have a low level of noise. Jim also reported that Publix (warehouse) and FedEx plan on going into the Charlotte County Airport complex, as well as other minor industry. Jim raised a concern with Gary Quill that this would probably have an impact on traffic along Burnt Store Road en route to Cape Coral, etc.

Due to the concerns of BSLPOA residents and the SCCC on the proposed two new developments along the Burnt Store Road (BSR) corridor as they relate to increased traffic, Jim stated that there should not be any further development without infrastructure. A meeting was held with Dan DeLisi and Amy Gravina (Burnt Store Area Plan) with the SCCC on September 10<sup>th</sup>, at which Gerry Waxler was also in attendance, to discuss the widening of BSR. The meeting resulted in forming a sub-committee of the SCCC to try and find alternative funding for the widening of the road. Amy Gravina set up another meeting with FDOT, which Jim attended on October 1<sup>st</sup>. Jim read an excerpt of the minutes of the meeting...The MPO (Metropolitan Planning Organization) sets the priorities on Federal funds so you have to go that route, you must appeal to the MPO. BSR has not been placed on the priority list, but opted for Aqui Esta in the south county area instead of BSR. It was pointed out that Aqui Esta is a road into a subdivision, whereas BSR is a main corridor. An effort must be made to bring attention to BSR widening via letters, etc. According to FDOT, all the funds are tied up until 2012. However, there is a County Incentive Grant Program that is going to be looked into as well as a Transportation Regional Incentive Program (TRIP)—and asking the County about the possibility of identifying TRIP funds to the widening of BSR. A meeting is scheduled for November 6th with Shelly Shoemaker, who is an assistant to Bruce Loucks (County Administrator) and handles the contract with a Washington Lobbyist. Jim stated that the sub-committee plans on meeting again with Amy Gravina, Dan DeLisi, and Gerry Waxler. Jim again reiterated the fact that a letter writing campaign for support is greatly needed.

### **MISCELLANEOUS ITEMS – Peg Varga**

Peg explained that Seeview (Sunset Palms) has begun landscaping, installing a swale and berming along the perimeter of their tract of land (A & B). It has been discovered that two sections of landscaping at our front entrance are outside of our leased area. Five (5) Chinese Fan Palms must be removed along with a large (tall) cabbage palm tree. Peg and Rob visited the site with Sunset Palms' construction superintendent and decided it would be best to try and save the five palms by transplanting them closer to Cape Horn directly across from the landscaping on the north side of Cape Horn. Steve Steidel made a motion to expend the \$200.00 necessary to relocate the palms (\$40 each), with Dick Kopsack seconding the motion. ***The motion passed unanimously with Varga, Pitser, Fruit, Hancik, Steidel, Chilcote, and Kopsack voting aye.***

Peg noted that preparations for the Annual Meeting were held just prior to the Board meeting which included a run through of speeches and a Power Point presentation prepared by Steve Steidel.

### **NEW BUSINESS**

There were no new business items for this meeting.

**ADJOURN**

Scott Pitser moved to adjourn the meeting at 7:00 p.m. seconded by Dick Kopsack.  
***The motion passed unanimously with Varga, Pitser, Fruit, Hancik, Steidel, Chilcote, and Kopsack voting aye.***

**OPEN FORUM**

No comments were offered.

Respectively submitted,

Sandy Funk, Secretary  
To the Board of Directors

October 15, 2007

**Note:** The next regular meeting of the Board of Directors is scheduled for **Tuesday, November 13, 2007** at **6:00 p.m.** at the Burnt Store Presbyterian Church, 11330 Burnt Store Road, Punta Gorda, FL.