

**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**

**December 11, 2007**

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

President Jim Brown called the Board of Directors meeting to order at 6:00 p.m. Secretary Sandy Funk announced that the meeting Notice and Agenda were posted on 12/6/07. Both postings meet the guidelines as set forth in the BSLPOA By-laws. Sandy took roll call of the Board members as follows: Jim Brown, President; Peg Varga, Vice President; Bill Fruit, Treasurer, Steve Steidel, Rob Hancik, and Dave Chilcote, Directors at Large were present. Scott Pitser, Director at Large was absent due to illness.

**Public Input:** None

**DISPOSITION OF MINUTES**

Jim asked if there were any additions or corrections to the minutes of the regularly scheduled Board meeting held on November 13, 2007. There being no corrections or additions, the minutes were accepted by unanimous consent.

**TREASURER'S REPORT – Bill Fruit**

Bill reported that we have received, for discussion purposes only, a draft review of our financial statements for September 30, 2007 and 2006 from Summers, Horner, Daughtrey & Westby (CPA's). He stated that it appears accurate and fairly complimentary. The Association's cash is on deposit with a high quality financial institution. The only criticism in the report is that deposits of \$244,556 and \$212,436, respectively, at one financial institution as of September 30, 2007 and 2006, exceeded the \$100,000 insurance coverage provided by the FDIC. Bill stated this was discussed last year, and since we are banking with a nationwide banking organization, the Board felt this negates the need for concern and not necessitating segregation of funds in more than one financial institution. The Board agreed to continue last year's practice of keeping funds in our current banking organization.

Bill reported that the financial statement was made available to Directors, and showed the second month of the fiscal year ending November 30, 2007 bank statement and general ledger in balance. There is sufficient cash available for operations. Cash at Wachovia Bank as of November 30<sup>th</sup> was \$581,455.25; and collections were \$254,238.50. November disbursements were \$21,411.56 and within budget. Assessment receivables as of November 30<sup>th</sup> are \$151,725.33. Assessments reflect a 67% collection rate as of the Assessment Receivables (AR) Aging Report of December 5, 2007. Bill stated that according to the AR report, there is a substantial amount of

money that is in arrears for more than 24 months. This will continue to grow as we see more foreclosures and bankruptcies. We continue to file liens. Early next year we may have to consider some charge offs; however we would still continue to accrue these accounts off the books. Peg suggested increasing the amount be budgeted next year to cover this. He stated that generally we are in good financial condition. Bill submitted the financials and recommended acceptance for review. Jim asked if there were any objections or comments. There being none and by unanimous consent the Treasurer's Report will be sent forward for audit.

### **OLD BUSINESS:**

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

The owners of Tract 911 (between Rio Togas and Peppercorn along Burnt Store Road), requested re-zoning from residential multi-family to planned development at the Development Review Committee's (DRC) hearing on 11/8. The request was approved with restrictions (none of which apply to our deed restrictions). BSL was present at this hearing to voice the Association's objection to approval of the re-zoning. The property owners and their attorney, Geri Waksler, requested a meeting with the Board of Directors on December 6<sup>th</sup>, to present a concept for development of a convenience store and offices with consideration of "commercial neighborhood" requirements. The Board offered no decision at the conclusion of this meeting. The Zoning Board met on Monday, December 11<sup>th</sup>, and approved (4 to 1) the re-zoning despite Jim's and Bill Fruit's objections. Final approval will go before the County Commissioners sometime in January. After further discussion, Peg Varga made a motion that the Board of Directors formally uphold the Multi-Family Deed Restrictions and that no waiver be granted to the residential multi-family status as set forth in the Multi-Family Deed Restrictions and deny the request for any type of commercial development on Tract 911. Dave Chilcote seconded the motion. ***The motion passed unanimously with Brown, Varga, Fruit, Hancik, Steidel, and Chilcote voting aye.*** A letter will be written to the property owners with copies to Pavese Law Firm and Geri Waksler informing them of the Board's final decision.

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

Rob reported that Tyner Electric is scheduling installation of the lights for the royal palms at both roundabouts and placement of a missing light at Peppercorn. Rob stated the park pavilion project is in County permitting. Approval is expected shortly.

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

In Scott's absence, Jim reported that he spoke with Aquatic Systems regarding the results of the dissolved oxygen testing of the lakes completed in November. Results are being compared to the testing done in May 2007. Jim read the results of the November testing of all 11 lakes that showed an overall improvement with the exception of Heron Lake, which was lower by about 4%. However, Jim pointed out that Heron Lake had a higher oxygen level to begin with...none of the others were in the 2.62 range when tested in May. Aquatic Systems is investigating to determine the problem. Jim stated the highest oxygen level that can be expected is around 5.7. Temperatures

were fairly even throughout and there was no apparent 'layering'. Heron Lake is also heavily infested with phantom midges. In speaking with Scott, we will look into the aeration. Stocking of "brim" (fish) that feed on midge larvae is the next step in midge control.

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

No report.

### **LONG RANGE PLANNING (LRP) – Jim Brown**

Jim reported that LRP did not meet in December. Their next meeting will be held on January 7th. A letter was sent to Tom O'Kane (Public Works) asking if the County would give us a decision on whether or not the County would accommodate us with an alternate road to our park in the event Burnt Store Road is widened and we would lose our existing entryway. No response received to date. It was requested that a member of the Beautification & Enhancement Committee send a representative to the LRP Committee meeting in January since there may be a crossover of projects between the two committees. An email request will be sent to Ron Norsell and Dick Kopsack.

### **COMMUNITY STANDARDS – All**

The Board reviewed the report that Celeste prepared stating that many of the violations have been resolved. The landscape issue at 84516 is not resolved; however, the property owner has been served by the Lee County Sheriff's Dept. Bill stated that a considerable amount of legal fees have been expended thus far and we could recuperate these fees by actually going to court with this case. However, mediation is mandated by Florida State Statute prior to court action, which will incur additional cost.

The Board discussed the deed violation at 94601 in that a horseshoe pit, etc., has been placed in the greenbelt adjacent to the property. After further discussion, the Board agreed to notify the property owner to remove all items from the greenbelt/swale area immediately.

Jim reviewed and discussed the legal options to enforce the maintenance of lawns and landscaping, particularly at the uninhabited homes, many of which are spec homes that are either in bankruptcy or foreclosure. It was agreed to continue with aggressive enforcement and Association mowing if necessary. To reduce any liability which may be involved, Dave Chilcote suggested that a member(s) of the Safety & Preparedness Committee be in attendance at the time maintenance is performed to witness such work and sign a form stating conditions pre and post maintenance. The Board unanimously agreed to this system. Bill also indicated that County Code Enforcement should be contacted for assistance in compliance with County Code and/or Ordinances.

### **COMMUNICATIONS – Steve Steidel**

Steve reported that the Newsletter was mailed to all property owners last month. The next printing will be in May 2008. Steve noted that the very first one page, two-sided Newsletter issued by the Association almost 12 years ago was found in the archives

and distributed to all members of the Board. He stated that a lot has happened since this first publication.

Steve stated that two CIN messages were sent out today—one regarding the upcoming safety and emergency preparedness presentation on 2/1/08 from 6-9 p.m., and the first Community Emergency Response Team (CERT) Training which is scheduled for every Thursday in March 2008 from 6-9 p.m.; and the second regarding home invasion and personal safety workshop slated for 12/14/07 at 11:00 a.m. All of the above will be held at the Burnt Store Presbyterian Church. There were no Alerts or Grapevine messages issued this past month.

The website now has the Agendas posted for the monthly Board meetings. Celeste brought to Steve's attention that a property owner thought our Community Directory might be a source of solicitation since he began receiving unsolicited email messages. He felt that someone may have obtained a copy of the Directory for this purpose. This has not been confirmed and may be an assumption by this property owner. The office staff is very careful in distributing the Directory to property owners only. Steve pointed out that in the next Newsletter, in preparation for the next publication of the Directory, that proper owners will have the opportunity to opt out of the Directory by notifying the office. Further, PCI Communications will be asked to include an appropriate disclaimer against solicitation in the next printing of the Directory (circa June/July 2008).

### **SAFETY & SECURITY – Dave Chilcote**

Dave stated that Steve gave the Board the pertinent information regarding the upcoming workshop, presentation, and training as outlined in the two CIN messages sent out today. Dave will be meeting with Wayne Sallade in January to discuss the overall approach to all the communities/residents along the Burnt Store Corridor as to emergency preparedness, etc.

### **COUNTY RELATED ITEMS**

#### **South Charlotte County Coalition (SCCC) – Jim Brown, Liaison**

Jim stated that at the last meeting of the SCCC they had a guest speaker, Ron Thomas, who runs Enterprise Punta Gorda. This is a private organization that has been pushing to get business into Punta Gorda (i.e., at the airport), higher paying jobs, etc. Jim brought to Ron Thomas' attention the need to improve the Charlotte County Regional Hospital facility, specifically the 2<sup>nd</sup> and 3<sup>rd</sup> floors. Jim also reported that the SCCC has changed officers (Jim Brown is now President of the SCCC). Also of interest a Tax Forum has been scheduled for January 12th, sponsored by PGICA and BSIA. The purpose is to inform people of the new tax changes coming out of Tallahassee are going to affect us. The panel will consist of Dr. David Gayler, Howard Kunik (Punta Gorda Administrator), and Bruce Loucks (Charlotte County Administrator). Each will talk about how the changes impact each of their respective communities. Frank Desquin, Charlotte County Tax Appraiser will be unavailable for the forum.

### **MSBU Advisory Board – Rob Hancik**

Rob has not heard from Dawn Harrison regarding scheduling of a December meeting of the MSBU Advisory Board. Office staff will follow up with Dawn for status of scheduling and sending out copies of proposed budget for 2008-2009 prior to review at a meeting.

### **OTHER ITEMS**

**Record Retention** – Peg Varga previous sent to the Board drafts of two policies concerning record retention and requirements for inspection of same. After a brief discussion of minor changes, Peg Varga made a motion to adopt Policy #18, Records Retention and Policy #18A, Requirements for Inspection and Copying of Records with suggested corrections. Bill Fruit seconded the motion. ***The motion passed unanimously with Brown, Varga, Fruit, Hancik, Steidel, and Chilcote voting aye.*** Jim complimented Peg on her research and efforts to bring these policies to fruition. Peg stated that for the next Board meeting, she will have specific methodology of items that can be done simultaneously to bring the whole process forward.

**Underground Electric – New Construction Policy** – Peg has not developed a policy as yet. She needs to discuss and resolve certain issues and questions with the Board as well as Frank Bishop, Chairperson of the Underground Electric Committee. One of the issues is burden of cost placed on first property owner to build on a cul-de-sac.

**Fire/EMS Reciprocal – Charlotte County/Cape Coral** – Steve asked Jim if there was any progress on the Fire/EMS reciprocal agreement. Jim stated that it was still with the fire chief of Cape Coral. He will continue to contact Diane Gant in Adam Cummings office for an answer. Once finalized, Jim will email everyone appropriately.

### **NEW BUSINESS**

**Office Space** – The BSLPOA was approached by Century 21 stating they have empty office space available for lease. Jim noted that the building which houses our existing office is for sale. We are currently on a month to month lease until January 1, 2008. After discussion, it was decided to further investigate cost negotiation, insurance, communications, common area maintenance, etc., concurrent with a new lease option with our current landlord.

Bill mentioned the number of legal opinions received over the past few weeks and is concerned about the legal costs. Peg stated that many of the opinions were as a result of questions asked at our annual orientation with Attorney Shields in mid-November.

### **ADJOURN**

Bill Fruit moved to adjourn the meeting at 7:05 p.m. seconded by Dave Chilcote. ***The motion passed unanimously with Brown, Varga, Fruit, Hancik, Steidel, and Chilcote voting aye.***

**OPEN FORUM**

David Pears addressed the Board regarding a proposal to relocate the plans for the boat ramp from the canal behind San Edmundo to Bear Branch Creek (off Acapulco), indicating that he could obtain permitting, etc. The Board explained that a study was done of the Bear Branch Creek area and was deemed to have many environmental concerns. Discussion ensued after which Jim stated that the Board will think about his suggestion; however, the Board is still waiting for the outcome from the contractors the Association has engaged for permitting and possible construction of a proposed boat ramp in the San Edmundo area, and the Board is not in a position to comment one way or the other at the present time.

Frank Bishop asked the Board which hospital one would be transported to if Cape Coral Fire/EMS responded to a call in the Lakes. Jim stated that it would probably be a Lee County hospital, i.e., Cape Coral Hospital. Jim also stressed that the most important thing is the shortest response time as possible in order to save a life. Frank also informed Peg that he has a list of all the cul-de-sacs that are currently vacant. He will share with her the list for the purpose of developing an underground electric construction policy.

Open forum ended at 7:30 p.m.

Respectively submitted,

Sandy Funk, Secretary  
To the Board of Directors

December 12, 2007

**Note:** The next regular meeting of the Board of Directors is scheduled for **Tuesday, January 8, 2008** at **6:00 p.m.** at the Burnt Store Presbyterian Church, 11330 Burnt Store Road, Punta Gorda FL.