

**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**

November 11, 2008

CALL TO ORDER, PROOF OF NOTICE and ROLL CALL

Jim Brown, President called the meeting to order at 6:00 p.m. Secretary, Sandy Funk, announced that the Meeting Notice and Agenda were both posted on Friday, November 7, 2008. Both postings meet the guidelines as set forth in the By-Laws. Sandy took roll call of the Board members as follows: Jim Brown, President; Rob Hancik, Vice President; Scott Pitser, Fred Boland, and Bob Lilley, Directors at Large were present. Marion Jinkens, Director at Large, and Jim Thiel, Treasurer were absent. (Note: Jim has been delayed.)

Public Input: Rick Mathis inquired if larger "For Sale" signs would be allowed for a limited time after properties have sold at auction. The Board responded that the deed restriction sign size limitation of 6" x 8" would not be waived.

DISPOSITION OF MINUTES

Jim asked if there were any corrections or additions to the Minutes of the regularly scheduled Board Meeting held on October 14, 2008, or the Minutes of the Re-organization Meeting held immediately after the October 18th Annual Meeting. There being none, the Board members present accepted both Minutes by unanimous consent.

TREASURER'S REPORT – Jim Thiel – Deferred until Jim's arrival at the meeting.

OLD BUSINESS:

DIRECTORS REPORTS:

SAFETY & PREPAREDNESS – Bob Lilley & Fred Boland

Bob Lilley reported that he has been out of town, but he and Fred will be working on this over the upcoming months.

MECHANICAL & MAINTENANCE – Scott Pitser & Bob Lilley

Scott reported that the greenbelt area above San Edmundo has been reviewed by the Army Corps of Engineers and a letter issued stating this area is out of their jurisdiction. Johnson Engineering will be submitting a response to DEP inquiries shortly. There is a need to correct the drainage and mosquito problems in this area and take down the piles of dirt.

Rob Hancik presented a Proposal Summary for approval to expend funds to repair the electrical service at the Cape Horn Entrance sign. Scott Pitser motioned to approve the

expenditure in the amount of \$958.04 for all parts and labor under a one-year warranty to Bruce D. Ladd Co. Rob seconded the motion. ***The motion unanimously passed with Brown, Hancik, Pitser, Boland, and Lilley voting aye.*** (Note: For the benefit of the new Board members, Jim Brown outlined the purpose and requirement of submitting a Proposal Summary for approval of funds even though they have been budgeted.)

Sandy reported that Frank Harris has completed the cutting/mulching of the last (southeast) quadrant of greenbelt around Bear Branch Creek with the exception of behind three lots on Acapulco where approximately 25 dead pine trees that have been felled due to pine beetle damage. There are also about 50 other pine trees that are dead that should be removed. Frank quoted removal price of \$50/tree if burned; \$75/tree if hauled (\$3,750 vs. \$5,625). There was a concern about having sufficient space to allow burning. After discussion, it was decided to obtain other quotes.

Note: Jim Thiel, Treasurer, arrived at 6:20 p.m.

LONG RANGE PLANNING – Jim Thiel

Jim Brown reported that Chairman, Dick Kopsack has resigned from the Committee to enable him to put his efforts into the Underground Electric project. A new chairperson will be sought. Jim Thiel will head up this effort as LRP Board liaison.

LAKES QUALITY AND MAINTENANCE – Scott Pitser, Bob Lilley & Fred Boland

Scott stated that on October 30th they sprayed Eagle Lake for grasses. On Egret Lake, Aquatic Systems cleaned out the demised grasses that were unsightly with potential of clogging the overflow. On October 20th they sprayed five lakes for grasses, and on October 22nd treated Heron and Egret for algae. Scott also asked the Board if we should ask for property owners to once again participate in a volunteer program to plant littorals (at their expense)—specifically for those who did not participate previously or those who would like additional plants. The plants suggested are duck potato and pickerel weed. It was decided to obtain a cost figure from Aquatic Systems and place an article in the upcoming Newsletter and possibly a CIN or Grapevine message.

Jim Brown read a letter to the Board that he wrote to Richard Loftus, County Commissioner. The letter outlines the ongoing problems we have been experiencing with the blind mosquito (midge fly) and the funds the Association has expended so far in an attempt to abate them without success. He stated that Burnt Store Marina that is adjacent to Burnt Store Lakes does not have a problem with the midges since Lee County sprays regularly via helicopter. He is requesting the Charlotte County Commissioners allow Charlotte County Environmental to spray this area by aircraft at least to determine if it can be effective.

Sandy noted that the landscape lighting in the roundabouts are covered with dead midges and asked if we could have Excavation, Etc. (landscaping contractor) clean the lights.

COMMUNICATIONS – Marion Jinkens

Celeste Midolo reported in Marion's absence. There were two Alerts sent out (one boil water; one boil water rescission), three CIN messages (one regarding alternative route to enable

easier traffic flow during construction of front entrance, one announcing the launch of our new Website, and one announcing the relocation of the office). We have received a lot of positive feedback on the new Website design. One suggestion that was incorporated into the site was a link to a community map of the Lakes. One Grapevine message was sent regarding the upcoming Annual Holiday Dinner/Dance. The Newsletter is nearing completion with expected distribution to the membership by December 1st.

Evaluation of Telephone/Internet Service – Office Relocate: A cost comparison was submitted to the Board for review and approval. The three companies evaluated were Comcast, Embarq, and Executel. After discussion of each cost proposal, Rob Hancik made a motion to enter into a contract with Comcast for 5-years for telephone service (2 roll-over lines and 1 fax line) including unlimited long distance and Internet service with the installation charges are waived. Scott Pitser seconded the motion. ***The motion unanimously passed with Brown, Hancik, Pitser, Boland, Lilley and Thiel voting aye.***

BEAUTIFICATION AND ENHANCEMENT – Rob Hancik

Rob reported that the entrance construction is completed. There will be a follow up meeting with the County and the contractor to go over the punch list. The contractor removed the kiosk and discussion ensued on where to relocate it. The County will not allow the sign to be reset in this location or anywhere else in County right of way. Replacement remains to be determined. Rob outlined the preliminary landscape plan for the island using native plantings that also includes installation of a well and irrigation system and can lighting for submission to the County as a requirement to utilize the \$50,000 in grant money for this purpose. The landscaping estimate is around \$6,700 and the well/irrigation \$4,000. The grant money must be used by 9/30/09. Also discussed was the borings required for water and electric. The County is working on obtaining street lighting from Burnt Store Road to Trading Post. Rob also stated that the grant could be used to landscape around other right of way areas, i.e., the (7) lift stations.

It was suggested by a property owner that the Board might want to consider installing a pump to draw water from Spoonbill Lake (at the Park) for use when power washing the pavilion is needed. It was determined that the cost of the pump, electrical, silt, etc. would exceed the cost of contracting with a power washing company.

Rob stated the Committee has requested funds (\$500) for a program to have a contractor plant poinsettia in the roundabouts and at the entrances. Due to budget constraints this year, the request was denied and suggested that funds be budgeted next year for this purpose.

Rob suggested that the Board engage the services of an engineering firm to design a water and sewer system for the Park. There is about \$10,000 in the budget for engineering services. The project entails tapping into the water/sewer lines that were placed along Burnt Store Road for the Tern Bay project, possible need for a lift station, and lines into and out of the Park. Rob mentioned that consideration could be given to purchase of pre-fabricated bathroom facilities with the capability of being hosed down (designed for outside use)

Underground Electric – Mailing: Rob reported that there is some urgency to mail the Opinion Poll out to the property owners as soon as possible (December). In order for the

County to set up a separate MSBU for funding the project, the County attorneys want to determine interest—therefore the opinion poll mailing. A letter along with a postcard has been drafted and sent to the County for review since it will be put on County letterhead. The postcard will have the County's return address (Public Works) and they will tally the results. There is some question as to whether the County will fund the mailing. Sandy researched and presented cost estimates for the mailing, which includes duplicating the letter (one-side), two-sided postcard with affixed postage, addressing envelopes (provided by the County) and printing name/block/lot on postcard, and bulk mailing the letters. After further discussion, Rob Hancik made a motion to approve an amount not to exceed \$2,500 for the mailing of the underground electric opinion poll with funds to be charged against the Beautification and Enhancement budget. Scott Pitser seconded the motion. ***The motion unanimously passed with Brown, Hancik, Pitser, Boland, Lilley and Thiel voting aye.***

TREASURER'S REPORT – Jim Thiel

Jim Thiel reported that in order to get a better understanding of the finances and reporting techniques, he sought the assistance of previous Treasurer, Bill Fruit, and that of Sharon at Webb-Lorah. Jim stated that our cash position as of 10/1/08 was \$272,040.57. Cash received for the month ending 10/31/08 was \$83,168.78 and total disbursements were \$39,723.53 (\$36,514.88 operating expenses; \$1,178.20 annual meeting picnic; and \$2,030.45 reserves). The General Ledger cash position on 10/31/08 was \$315,485.82. Assessments received for the month ending 10/31/08 were \$81,766.84 and assessments receivable were \$492,480.18. Jim reviewed the Wachovia bank statement (deposits, checks/debits, deposits in-transit, interest, etc.), and gave a rundown of October's expenditures. Jim Brown asked if there were any comments on the financial report. There being none and by unanimous consent, the Treasurer's Report will be sent forward for audit.

Bank Affiliation: Jim Brown noted that the interest earned on our money in October was only \$201.94. He further explained that prior to the new Board just elected, some Board members met with representatives from Colonial Bank to pursue the possibility of switching Association funds from Wachovia to Colonial in an effort to increase the return on our funds. Colonial offers a program designed for associations such as ours called CDAR's. They are currently offering around 4% interest. The program will keep us within the FDIC insurance coverage by utilizing CD's with various other banks. Jim asked Colonial Bank if they had a system whereby our accounting firm could set up online payments so they are on time with a second party going into the account a hitting an approval button. Jim would consider this an audit trail by having a second party approving the transaction. Colonial expressed interest in developing this type of system. Jim would like the bank affiliation change made in conjunction with moving the office. However, it was suggested that a meeting be set up between Jim Thiel, Jim Brown, Rob Hancik (Executive Committee) and Colonial Bank to answer any outstanding questions and finalize the change. Jim Thiel asked if any comparison had been made with other banks in the area. Jim Brown responded that we were with Charlotte State Bank prior to Wachovia, and looked at Bank of America (numerous fees), and SunTrust. Jim Thiel asked if we had looked at Regions Bank (formerly AmSouth Bank). We had not. In Jim's discussion with Bill Fruit, Bill indicated that since we were established with Wachovia, it might be advantageous to stay with them in the event the Association would desire to obtain a loan at any time in the future. Jim Brown felt this was not an issue since most banks would look at our annual assessments as sufficient security for loan purposes. Jim Thiel will look into Regions bank and compare to the information

currently available on Colonial Bank and make a recommendation to the Board at the December 9th meeting.

COMMUNITY STANDARDS – All

The Deed Restriction Report was discussed in general noting improved resolution to most issues. Celeste noted that the ongoing parking issue on Megra Court has been resolved by the property owner finding an alternative site for storage of vehicles/equipment. Celeste will develop a Deed Restriction inspection schedule for the Board of Directors.

ARCHITECTURE REVIEW – Fred Boland

Fred reported that the Committee recommends approval of two home color submissions and one construction of a lanai/roofline extension. Based on the recommendations, Fred made a motion with Jim Thiel seconding to approve 90312 and 94501 exterior paint colors due to the reliability of the color choices remaining neutral and matching as presented; and grant conditional approval of 87503 for construction of a lanai and roofline extension pending receipt of the certified, stamped copy of plans from Charlotte County and initiation of the Escrow Agreement (10% of the permitted price held in escrow until final certificate of occupancy is presented). ***The motion unanimously passed with Brown, Hancik, Pitser, Boland, Lilley and Thiel voting aye.***

A lengthy discussion ensued on the previously approved house color for 94903. ARC recommends rescission of the 10/14/08 Board approval based upon the fact that the color choice was misrepresented and does not match the original color selection. After further discussion, it was decided to not accept the recommendation of the ARC. Bob Lilley and Jim Brown agreed to meet with the property owner and discuss the possibility of softening the house color by changing the trim color. In the future, property owners will be asked to submit swatches of paint colors in accordance with new policy to be discussed/approved below.

Policy #7- Schedule B, Exterior Painting Requirements: ARC recommends approval and adoption of this policy. Based upon this recommendation, Rob Hancik motioned with Scott Pitser seconding to adopt Policy 7-Schedule B, Exterior Painting Requirements as fair and uniform and for the purpose of clarifying exterior painting requirements and procedures. ***The motion unanimously passed with Brown, Hancik, Pitser, Boland, Lilley and Thiel voting aye.***

COUNTY RELATED ITEMS – Jim Brown

SCCC: Jim reported that Bob Skidmore was the last candidate to appear before the SCCC. He defeated Percy Angelo in the election for County Commissioner. The next meeting is scheduled for December 11th. Jim received a call from Steve Reilly (Charlotte Sun) regarding a “cut through” on Alligator Creek that PGI wants the City of Punta Gorda to fund. Jim had no comment for the newspaper at that time.

MSBU: Rob reported that a meeting was held on November 6th, which was fairly routine in that the budget and expense report was reviewed.

OTHER ITEMS

Office Relocation Status: Rob reported that in anticipation of the office being relocated, funds were budgeted for the purpose of painting; clean up, furniture, office equipment, etc. Rob made a motion that the office staff proceed with expending the funds necessary for the office relocation in an amount not to exceed \$7,500, with approval (verbal or via email) by Rob Hancik or Jim Brown. Scott Pitser seconded the motion. ***The motion unanimously passed with Brown, Hancik, Pitser, Boland, Lilley and Thiel voting aye.***

Boat Ramp Update: Jim noted that Bill Fruit has done a considerable amount of work on the boat ramp project. Jim recommends and motioned that the Board reactivate the Boat Ramp Committee and appoint Bill Fruit as chairperson. Scott Pitser seconded the motion. ***The motion unanimously passed with Brown, Hancik, Pitser, Boland, Lilley and Thiel voting aye.***

NEW BUSINESS

Revised Park Policy (#4) & Garage Sale Policy (#19): Due to changes in the Park with a new pavilion, and since the Policy has not been updated since 2000, the revision was presented for Board approval. Also, with the increased number of garage sales in the community, it was advisable to develop a policy establishing guidelines for garage sales. Bob Lilley made a motion to adopt the revision to the Park Policy (#4) and new Garage Sale Policy (#19), with Fred Boland seconding the motion. During discussion, Bob Lilley questioned the decision of the BBQ grill purchase and installation in the Park. They are beginning to rust and the placement is not in the most desirable position. Rob explained the decision of the Beautification & Enhancement Committee. Discussion ensued lead by Scott re the placement of garage sale signs in the County right of way. ***The motion unanimously passed with Brown, Hancik, Pitser, Boland, Lilley and Thiel voting aye.***

Condominium Assessments: Sandy stated that a telephone call was received from the developer of the six-plex condominium unit at San Edmundo and Contra Costa. He asked for forgiveness of the assessment on 3 of the 6 units that have not sold. Payment would be prorated upon sale of the units. He is willing to pay for the 3 units he owns. He also indicated that the same situation exists on some of the other 60 units (total) on Acapulco Road, whereas a few of the units have not sold. It was explained to the developer that the budget was funded based on the specific number of properties the Association was entitled to invoice and collect. By forgiving certain assessments because they have not transferred as yet would leave a deficit and our inability to properly fund this fiscal year's budget. He asked that I present this to the Board for consideration. After discussion, the Board denied the developer's request to forgive any assessments on his condominium units. Office Staff has offered a monthly payment plan to the developer.

Monthly Calendars: Jim would like to implement a monthly calendar system issued by the office via email to keep the Board informed on meeting dates/times, vacation schedules, etc.

ADJOURN

Jim Thiel moved to adjourn the meeting at 8:15 pm, which was seconded by Fred Boland. ***The motion unanimously passed with Brown, Hancik, Pitser, Boland, Lilley and Thiel voting aye.***

OPEN FORUM

Frank Bishop asked if the newly constructed Cape Horn entryway was placed far enough back from Burnt Store Road to allow for eventual widening of the road. The response was affirmative. Frank also asked if Board meeting information could be made available to property owners in advance. Jim responded that the Agenda is posted in advance of the meeting and there is an opportunity at the beginning of the meeting during Open Forum to address the Board with questions on any Agenda items.

Open Forum ended at 8:25 p.m.

Respectively submitted,

Sandra Funk, Secretary
To the Board of Directors

November 18, 2008

Note: The next regular meeting of the Board of Directors is scheduled for **Tuesday December 9, 2008** at **6:00 p.m.**, at the Burnt Store Presbyterian Church, 11330 Burnt Store Road, Punta Gorda FL