

**BURNT STORE LAKES PROPERTY OWNER'S ASSOCIATION  
MINUTES OF BOARD OF DIRECTORS MEETING  
HELD IN THE BURNT STORE LAKES POA CONFERENCE ROOM  
100 MADRID BLVD., UNIT #212  
PUNTA GORDA, FL 33950**

**January 13, 2009**

**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, January 9, 2009. 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; Jim Thiel, Treasurer; Scott Pitser, Fred Boland, Bob Lilley, and Marion Jinkens, Directors at Large were present.

**Public Input:** Rom and Frinee Mattesich are the contractors for the construction of a lanai addition to the Rouke residence on Muscat Lane. Frinee outlined, in detail, the status of the project to date. Rom expressed his objection to the BSLPOA requirement that 10% of the permitted price be placed into an escrow account until a final certificate of occupancy is obtained (i.e., \$2,000). Peg Varga (present Chair of the Architectural Review Committee, and past Board member) was in attendance and presented a detailed explanation of the reasons behind the escrow requirement as well as the history of the property owners' unapproved construction at this residence. Rom asked the Board to review the escrow policy for possible amendment due to the economic circumstances existing today. Bob Lilley asked the Board if they could waive such requirement on a case-by-case basis, i.e., if builder shows financial stability (as mentioned by Peg), and whether or not there could be an impact fee. After extensive discussion, Bob Lilley agreed to research an amendment and present findings and/or recommendations to the Board at a future date. Of major concern is setting any precedence.

**DISPOSITION OF MINUTES**

Jim asked if there were any corrections or additions to the Minutes of the regularly scheduled Board Meeting held on December 9, 2008. There being none, the Board members present accepted the December 9, 2008 Minutes by unanimous consent. Sandy reported that a copy of the Annual Meeting Minutes were sent to the Board members for review for possible posting on the website as "Unapproved Minutes" to afford those members not present at the Annual Meeting to become informed as to what transpired. After discussion, Rob Hancik made a motion to post the Annual Meeting Minutes of October 18, 2008 on the website marked as "Unapproved". Scott Pitser seconded the motion. ***The motion passed with Hancik, Thiel, Pitser, Boland, Lilley and Jinkens voting aye. Jim Brown voted against.***

**TREASURER'S REPORT – Jim Thiel**

Jim Thiel reported that our cash position as of 12/1/08 was \$577,984.70. Cash received for the month ending 12/31/08 was \$54,031.91 and total disbursements were \$44,915.56.

Assessments receivable were \$161,620.44 (includes prior years not collected). Our cash position ending 12/31/08 is \$587,101.05.

Jim stated that the balance as of 12/31/08 in the Wachovia account was \$57,699.10. Most of our funds have been transferred over into various accounts with Regions Bank as per motion of the Board last month. The breakdown of these accounts is as follows:

Checking	\$204,859.89
Money Market	20,046.40
8-Month CD	100,000.00
16-Month CD	200,000.00

Jim Brown asked if there were any comments on the financial report. There being no other comments, the Treasurer's Report will be sent forward for audit by unanimous consent.

**Lien Filing** – Sandy reported that in order to comply with Florida State Statute adopted in July 2008, we must mail via certified/return receipt a notice of lien filing on those properties with outstanding balances. The notice must state that the property owner has 45 days in which to pay the balance after which a lien may be filed. The POA normally sends out a second notice to those with outstanding balances sometime in January and in addition file liens in the Court House. However, due to the additional cost to be incurred (\$5.32/ mailing), it is preferable to combine the second notice with the 45-day lien notice into one mailing. The mailing will show the outstanding balance plus interest and the certified/return receipt mailing cost. Once a lien is filed on those unpaid balances, the \$25.00 lien-filing fee will be added to the accounts. Currently there are approximately 375 unpaid assessments. Webb-Lorah will prepare the statements/envelopes. The office staff will affix postage and mail. Discussion ensued on mailing costs (approx. \$1900) and effect on budget (overrun); however, most of the costs should be recouped.

### **OLD BUSINESS:**

### **DIRECTORS REPORTS:**

#### **SAFETY & PREPAREDNESS – Bob Lilley & Fred Boland**

Bob Lilley reported that he and Fred have been working on an outline to be reviewed at a meeting of the Committee that has been scheduled for January 29<sup>th</sup>. Jim Brown asked if Dave Prins had turned over his files to Bob or Fred regarding the Neighborhood Watch. Jim stated that Matt Butcosk on Cape Horn was interested in heading up the Neighborhood Watch. Fred asked office staff to email him the contact information for Matt. Bob Lilley will contact Dave Prins and invited him to attend the meeting.

#### **MECHANICAL & MAINTENANCE – Scott Pitser & Bob Lilley**

**San Edmundo Greenbelt:** In order to respond to the DEP's RAI (Request for Additional Information), another contract must be signed with Johnson Engineering. After lengthy discussion, Scott Pitser and Jim Brown requested that the office coordinate a meeting with Johnson Engineering, the Board of Directors and DEP (at the offices of the DEP) to discuss the RAI and any foreseeable obstacles we may encounter. Scott Pitser made a motion to approve the additional expenditure in the amount of \$660.00 to Johnson Engineering to

prepare the RAI response to the DEP. The RAI response is to be submitted along with a \$600.00 application fee (approved at December's Board meeting). Bob Lilley seconded the motion. ***The motion unanimously passed with Brown, Hancik, Thiel, Pitser, Boland, Lilley and Jinkens voting aye.***

**Acapulco Greenbelt:** Bob Lilley, Fred Boland, and Scott Pitser walked the area and evaluated the scope of the work to be accomplished in preparation of a bid specification package. Excluding any private lots, it was decided to clean up approximately 75 feet along each side of Bear Branch Creek from Cape Horn to the Park. Some dead trees that are already down are to be piled on greenbelt (not private lots) to decompose. Project would also include felling additional dead trees and piling in greenbelt to deteriorate naturally. Bob Lilley was given a list of potential contractors to solicit for bids.

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

Jim reported that the LRP Committee has a meeting scheduled for Wednesday, January 21<sup>st</sup>.

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

Fred, Bob and Scott met with Aquatic Systems regarding additional midge fly treatments (larvacide) on Pelican and Heron Lakes. Once details have been finalized, the Board will be asked to approve funding that has been allocated in our Reserves. Scott also reported that the oxygen levels in the lakes have significantly improved with the installation of the new diffusers. Good wind flow and rains have also contributed to the good oxygen levels (even in those lakes without aeration). Scott shared the oxygen level testing results with the Board.

Jim Brown asked office staff to contact Commissioner Loftus' office regarding lack of response to Jim's letter about the ongoing midge fly problem in the Lakes.

### **COMMUNICATIONS – Marion Jinkens**

Marion reported that the CIN network continues to be a useful tool for transmitting important messages to the community. There were no CIN messages transmitted in December. In January two messages are planned (one to remind residents and property owners of the Association's office move and requesting updated addresses and/or email; one announcing potential Open House at the new office facility—possibly on the date of the February Board meeting (2/10). Marion stated that the website will be updated to reflect the new directors, and forms updated to note the new office location among other changes. The Directory information page, i.e., important emergency and telephone contact information is in the process of being updated for the next printing scheduled for June/July. The next Newsletter is scheduled for publication during May 2009. Articles for the Newsletter should be prepared for March to allow time for compilation and submission to the printer.

### **BEAUTIFICATION AND ENHANCEMENT – Rob Hancik & Marion Jinkens**

Rob reported that the Committee met on January 7, 2009, and provided a copy of the Minutes to the Board for their perusal. He noted that the committee would limit their projects to no more than three, which may overlap with Long Range Planning. These projects include planning and budget for the entryway and seasonal plantings to include the roundabouts; preparation of a Master Plan for the Park; and installation of utilities to the Park to include

restrooms. It was agreed that the services of a professional architect should be engaged to work on a Master Plan for the Park in conjunction with Long Range Planning. The next meeting is scheduled for February 10<sup>th</sup>.

### **COMMUNITY STANDARDS – All**

Various Deed Restriction issues were discussed. It was noted there is a significant decline in the number of properties in non-compliance. A few violations were brought to office staffs' attention and will be addressed. Celeste reported that there are now a total of 55 properties in some phase of the foreclosure process—25 homes/residences and 30 vacant lots. Assessments owed on these 55 properties totals about \$27,000.

Fred Boland reported that the vegetation growing over the west end of Vincent was not mangroves (as he reported last month), but Brazilian pepper trees. Jim Brown and Bob Lilley stated that they are growing and Jim agreed to contact someone in the Marina to see if they can be addressed. The problem is on the south side of Vincent (Marina side).

### **ARCHITECTURE REVIEW (ARC) – Fred Boland**

Fred reported that ARC reviewed the Charlotte County certified plans for the 87503 addition at 17408 Muscat Lane—noting that the pool construction was previously approved and permitted separately from the addition. ARC recommends against waiving the \$2,000 escrow requirement. Fred Boland made a motion to NOT waive the \$2,000 escrow requirement with Bob Lilley seconding the motion. ***The motion unanimously passed with Brown, Hancik, Thiel, Pitser, Boland, Lilley and Jinkens voting aye.*** Scott again commented that the Board should review the existing escrow policy for possible amendment. Bob Lilley requested a copy of the policy and agreed to look into various options.

An update was requested on the status of completion of the Ideal Development house on Vagabond. Celeste reported that they are waiting for a final grade and landscaping. There is also some work required on the inside. Completion should occur within 3-4 weeks. We are holding escrow from Ideal Development for this property construction.

Fred Boland made a motion to approve applications for well drilling for irrigation at 87106 on Belo and 82205 on Saragossa. Jim Thiel seconded the motion. ***The motion unanimously passed with Brown, Hancik, Thiel, Pitser, Boland, Lilley and Jinkens voting aye.***

Fred reported that John Kingston attended the ARC meeting and presented a concept to construct a congregate/assisted living facility at each of the six multi-family lots on Acapulco (that he does not currently own). ARC pointed out to Mr. Kingston that he plans to form a commercial venture in a residential community with an impact on the community by increased vehicular traffic, parking issues, supply deliveries, etc. ARC reviewed the precedence set with a previous request, and recommended against a tract owner to change his zoning from residential to commercial. After lengthy discussion, Rob Hancik made a motion to send a letter to Mr. Kingston stating his request for consideration is denied because he cannot provide proof of ownership, back assessments including interest and fees are not paid in full, and the provision within the Deed Restrictions limiting the use of these lots to multi-family residences, i.e., condominiums, etc., and not for commercial purposes. Scott Pitser seconded the motion. ***The motion unanimously passed with Brown, Hancik, Thiel, Pitser, Boland, Lilley and Jinkens voting aye.***

## **COUNTY RELATED ITEMS – Jim Brown & Rob Hancik**

**Cape Horn Entrance:** Jim Brown stated that he has received several complaints regarding the appearance of the front entrance in that is “unfinished”. Jim shared a copy of a drawing (walled signage) prepared by West Coast on 7/10/2003, which is indicative of the length of time this project has been ongoing. Discussion ensued on contacting the County to move forward with the landscaping grant, irrigation/power borings, the lighting phase of the project as well as signage to comply with the County right of way ordinance. The landscaping grant application was submitted last week to the County for consideration and ultimate implementation. Follow up will be made with John Elias (Dept. of Public Works) regarding the status of lighting and signage. Also discussed was the concept of eventually installing an additional sign at Burnt Store Road and Vincent Avenue, and possibly at Peppercorn and Burnt Store Road. The Board then discussed moving the existing kiosk over to the Park area. Scott Pitser motioned to approve expenditure in the amount of \$150.00 to American Neighbors to move and re-install the existing kiosk to the Park area next to the Lowell Thompson Memorial Park signage. Bob Lilley seconded the motion. ***The motion unanimously passed with Brown, Hancik, Thiel, Pitser, Boland, Lilley and Jinkens voting aye.***

**SCCC:** Jim reported that he met with Bob Starr, County Commissioner, who is dead set against the MSBU system in Charlotte County. However, he did indicate that not all MSBU’s are bad. This could effect the formation of an MSBU for the underground electric project. Bob Lilley brought up the subject of edging the roads as an MSBU funding item. The next scheduled meeting of the MSBU Advisory Board is Thursday, January 15<sup>th</sup>. This item will be brought up at this meeting. The next meeting of the SCCC is scheduled for Thursday, January 22<sup>nd</sup>. Commissioner Skidmore is scheduled to be in attendance. Rob asked Jim for an update on the engineering portion of the Burnt Store Road widening project (apparently 6 years out).

## **MISCELLANEOUS ITEMS**

**Underground Electric** – The UE letters and self-addressed stamped postcards have been mailed to all property owners. All postcards are to be returned to the County for compilation of the opinion poll.

## **NEW BUSINESS**

**Office Open House** – It was agreed to hold an Open House at the new office facility on February 10<sup>th</sup> from 4-6 pm.

**Office Security System** – The Board reviewed the spreadsheet analysis of the various security companies contacted—Brinks (existing system from previous unit tenant), ADT, Lifeguard, and Safe & Sound. Jim Brown asked about our present insurance coverage and whether a premium discount would be offered with installed security system. Office staff will check with Oswald Tripp, our insurance agency. After discussion on the costs based on equal monitoring capabilities, it was decided to contact Ultimate Security for a quote. Jim Brown also inquired about cost of false alarms. Discussion centered on process followed when alarm is set off, i.e., back up phone calls, registering with Charlotte County, etc.

**Office Renovations Volunteer Recognition** – The Board discussed increasing the amount of recognition for the efforts of Ed Wrzesinski in renovating the office facility. Jim Thiel motioned with Bob Lilley seconding to approve an increase to a total of \$500.00. ***The motion unanimously passed with Brown, Hancik, Thiel, Pitser, Boland, Lilley and Jinkens voting aye.*** All costs of the project are well within budget.

**Assessments – Credit Card Payments** – As a result of several inquiries from property owners to pay their assessment via credit card, two companies were asked for information regarding process and fees involved with utilizing this method of payment. Regions Bank was also approached. Prior to instituting this service, it was agreed to look into charging a fee to recover the costs incurred by the Association. Discussion ensued on the various methods, i.e., Internet, terminal, etc., as well as financial record accountability. Jim Thiel agreed to meet with Geoff Lorah to discuss the options and bring results back to the Board in February for action.

## **ADJOURN**

Bob Lilley moved to adjourn the meeting at 8:40 pm, which was seconded by Marion Jinkens. ***The motion unanimously passed with Brown, Hancik, Thiel, Pitser, Boland, Lilley and Jinkens voting aye.***

## **OPEN FORUM**

No comments.

Respectively submitted,

Sandra Funk, Secretary  
To the Board of Directors

January 29, 2009

**Note:** The next regular meeting of the Board of Directors is scheduled for **Tuesday, February 10, 2009** at **6:00 p.m.**, in the Burnt Store Lakes POA Conference Room, at 100 Madrid Boulevard, Unit #212, Punta Gorda, FL