

**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 12, 2010

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

Peg Varga, President, called the meeting to order at 6:00 p.m. She asked for those in attendance to state their names (as follows). James Langton, Peter Lovering, Kathy Kyle, Sandy Langton, Maalisa Langton, John Aldridge, Juliet Jones, Kathy Hansen, Rick Mathis, Mike Wiesenthal, and Ray Varga. Since Mr. Wiesenthal has taped the meetings in the past she asked if he was taping tonight's meeting—he stated he was not.

Secretary, Sandy Funk, announced the Meeting Notice and Agenda were both posted on the BSLPOA kiosk on Friday, January 8, 2010, in addition to the BSLPOA website. Postings meet the guidelines as set forth in the By-Laws. Sandy took roll call of the Directors as follows: Peg Varga, President; Fred Boland, Vice President; Jim Thiel, Treasurer; Marion Jinkens, Bob Lilly, and Gordon Quick, Directors at Large, were present. Bob Reichert, Director at Large was absent (note later arrival).

**Public Input:** Peg asked if there was any input on agenda items with a 3-minute time limitation. (Note Bob Reichert is now present at the meeting.)

Jimmy Langton (98309) presented a request for Board approval of a 4-foot high black steel fence recognizing the need for a 12 inch height variance over the 3-foot limitation as stated in the Deed Restrictions. He previously made a presentation to the Architectural Review Committee. Mr. Langton provided detailed pictures, specifications and a sample of the proposed fencing as well as reasons for requesting the variance. He feels that the 4-foot height would aesthetically enhance the appearance especially around his 2-story home and mirror the fencing around the pool and the fencing across the street at the Marina. Due to the location of his home and the school bus stop, the added height will afford additional safety. A lengthy discussion ensued re placement within the property line, distance from the pool, adjacent greenbelt access, landscaping, etc., with the Board reviewing the materials submitted and asking questions. Peg asked for the input from those in attendance (mostly neighboring property owners) and all were amenable to the 4-foot fencing as presented by Mr. Langton. Peg thanked Mr. Langton for his thorough research, presentation and the gathered support of his neighbors stating that the Board will make a decision when the ARC items are discussed on the Agenda.

**DISPOSITION OF MINUTES**

Sandy asked if there were any corrections or additions to the Minutes of the regularly scheduled Board of Directors meeting held on December 8, 2009. There being no corrections or additions, Peg stated that the Minutes of December 8, 2009 are considered approved as written by unanimous consent.

## **TREASURER'S REPORT**

Jim Thiel reported that our cash position as of 12/1/09 was \$543,749.48. Cash received in December was \$102,788.21, which includes interest earned in the amount of \$2,114.79. The total disbursements for the month ending 12/31/09 were \$59,009.31 (\$50,114.24 operating; \$4,184.57 reserves; \$3,610.50 dinner dance; and \$1,100 returned checks). Jim stated that the unusually high operating expense this month was due to funds disbursed to Pavese Law Firm to initiate foreclosure proceedings on 17 vacant lots, and insurance premiums due January 1<sup>st</sup>. He explained that the \$1,100 for returned checks (NSF) is accounted for in disbursements since the funds were deposited as income. The cash position at the end of December was \$587,528.38. The total Assessments Receivable at month ending December 31, 2009 was \$196,987.28. Jim reviewed each of the bank accounts balances. Jim asked if there were any comments on the December 2009 financial report. There being no corrections or additions, the December 2009 financial report is considered approved and will be sent forward for audit.

## **OLD BUSINESS:**

## **DIRECTOR REPORTS:**

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

Fred reported there is no additional information as to the apprehension of any suspects in regard to the break-ins in the Marina. He stated that the Neighborhood Watch met briefly on Tuesday evening and most of the discussion was on how to deter unwanted solicitation in the Lakes. One way to curb this problem is to include “No Solicitation” wording on the proposed new signage for the entrances into the community. Proposed sign wording has been developed by the Beautification & Enhancement Committee and submitted to Images Graphic Specialties for a sign rendering to be reviewed by the Committee and ultimate recommendation to the Board for adoption and purchase.

Fred reported that a property owner had a solicitor come to his residence who would not produce identification or permit for soliciting and therefore called 9-1-1. The Sheriff's Office was not initially responsive. Once an officer was dispatched, the solicitors were taken into custody and released since there were no outstanding warrants. It was suggested that a meeting be scheduled with Sheriff Davenport to discuss response time. It was also noted that caller should ask for a supervisor in the event there is no response as well as state, “There is someone trespassing on my property and in my community”. It was emphasized that the wording used is very important. A lengthy discussion ensued which resulted in Peg asking Fred to develop a CIN message that instructs the community on the proper procedures to follow in this situation. A draft CIN message has been prepared and the points discussed above will be incorporated into it. It was also noted that we should have a trespassing letter on file with the Sheriff's Office that encompasses every property in the community.

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

**Bear Branch Creek Mowing:** Bob reported the County utilized the Menzi-Muck machine to mow from Burnt Store Road to Spoonbill Lake in the Park. Our contractor

completed mowing from the Park to Cape Horn. Bob recognized that the work we had done last year was being encroached upon since the vegetation growth was not being kept back. Bob met with contractor to re-establish the areas to be maintained. Blue Mule will have completed within the next 10 days the mowing of the two quadrants on the north and south side of Bear Branch Creek west of Cape Horn. There are also a lot of tree stumps that need to be removed from the two north and south quadrants on the east side. The stumps have hindered the ability of the contractor to mow effectively. Excavation will grind the stumps down at a cost of \$150/hour. Once the stumps are ground, All Lots can maneuver into these areas to mow. Bob will prepare a proposal for the stump grinding. He estimates about 20 hours at \$150/hour (\$3,000) that is funded in the maintenance budget.

**Vagabond Grading:** Sandy reported that the grading has been completed satisfactorily at the incomplete home construction site at 95609 on Vagabond Circle.

**Ibis Lake:** Bob reported that most of the bids for removing the Brazilian pepper trees from the two Ibis Lake islands have been received. They range from \$7,200 to \$10,300. He knows the fourth bid will probably come in much higher. The problem with the lake is high nitrogen content due to the excrement from the heavy bird population, which results in a fish kill. Bob stated that the window of opportunity is short to complete this work prior to nesting season (February 1<sup>st</sup>). Bob proposes to postpone this work until next year (after November 1<sup>st</sup>) since it would be ill advised to rush the removal process within the next two weeks. He also would like to approach the necessary governmental (environmental) agencies to determine what should or should not be removed from the islands since the onus is on the Association—not the contractor(s). It is his intention to leave all natives and cut out the exotics. Bob feels it important to obtain appropriate guidelines. He noted that the large island is approximately 2 acres, half of which is Brazilian peppers. Once these are removed, the island would be denuded. Due to this, Bob would like to replant some native trees to replace some of which will be removed. It was also noted that the lakes contractor could apply herbicide treatments on a regular basis to keep re-growth in check. Peg expressed concern about carrying the project over (funding) into the next fiscal year. It was suggested by Bob Reichert that we could pre-pay prior to the F/Y closeout and possibly lock in cost. Peg would like a written plan prepared outlining the exact steps and timeline that will be taken to complete the project. Bob stated he would give monthly progress reports to the Board. At Bob Reichert's suggestion, updated status of progress should be given to the community as well.

**Pepper Tree Removal Team:** Bob reported that Dale DeKracker and his crew have almost completed their work around Bear Branch Creek and would like to move their operations to the southwest quadrant of the community.

**Mowing Swales:** Bob met with Joe Tancer of All Lots regarding the mowing of the swales with an arm mower in order to avoid damage (tracks/ruts) due to mowing in rainy season—thus maintaining the integrity of the swales. Joe does not own this piece of equipment (very expensive). He informed Bob that if he did have this equipment, the same problem would exist since the 'arms' available are not of sufficient length to reach our swales that are very wide. As an alternative, Bob discussed only mowing the swales during the dry periods or by use of a spray to control growth. He asked Aquatic Systems to look into spraying to kill the weeds but allow the grasses to grow—thus

holding the bottom of the swale to prevent erosion. He is currently obtaining a quote from Aquatic Systems. Sandy suggested supplying an updated map depicting which swales should be sprayed—since not all swales in the subdivision will require this type of treatment. Bob emphasized that this may not be accomplished in one year, but that a plan should be established for continuity with future Boards.

**Eucalyptus/Oak Tree Limbs:** Bob reported that on many vacant lots several eucalyptus and oak tree limbs have grown to the point where they are canoping to the ground, making it dangerous and difficult for the contractor to mow. The mowers are 13 feet tall and can no longer mow under them without damaging their equipment. The result is ‘islands’ of undesirable vegetation (pepper trees, etc.) growing under these canopies. Bob asked the Board to drive around and look at the situation so that it may be discussed at a future Board meeting.

**San Ciprian Out Flow:** Sandy reported the County has agreed to riprap both sides of the San Ciprian out flow (weir) in the right of way. Public Works is in the process of scheduling the work.

**Mangrove Trimming:** The property owner at 83123 had previously asked the Board for approval to trim the mangroves in the back of his property along the drainage ditch. He stated that he has received permission from the DEP providing the Association has no objection. Bob Lilley motioned with Fred Boland seconding to approve the trimming of these mangroves in accordance with DEP guidelines and authorization provided the property owner submits a copy of the DEP letter to the Association which states they have no objection(s). ***The motion unanimously passed with Varga, Boland, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

### **ARCHITECTURAL REVIEW – Fred Boland**

Peg stated that for the benefit of those in attendance in support of Mr. Langton’s fence consideration, she asked if the Board had any objection to moving the Architectural Review (Agenda Item #13) forward. All agreed; however it was decided to dispose of the other ARC approvals first.

As recommended by ARC, Fred Boland made a motion to approve the house and trim color changes for both 90527 Acapulco and 96005 Butternut. Jim Thiel seconded the motion. ***The motion unanimously passed with Varga, Boland, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

As recommended by ARC, Fred Boland made a motion to approve the installation of a well for irrigation at 98309 Vincent. ***The motion unanimously passed with Varga, Boland, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

Peg complimented Mr. Langton on his excellent presentation to the ARC as well as the Board. His fence variation reasons were well thought out and researched and included valid reasons for granting the variance. She also pointed out that each request for a variance will be considered on an individual basis—stating that in accordance with Section 19 of the Deed Restrictions, in that the failure of the Association to enforce any building restrictions, etc., shall in no event be deemed a waiver of the right to enforce them thereafter. She emphasized that every time a waiver is granted, it sets

precedence and creates a risk. Fred continued by stating that at the ARC meeting a compromise was discussed regarding leaving the horizontal bar at the 3 feet and allowing the pickets to be 6" above the bar. Mr. Langton pointed out that with the type of fencing and materials he intends to use, the 4-foot is standard (3.5 feet plus 6" pickets)—anything less than that would have to be custom made (increased cost). Discussion ensued with input from each of the Board members after which Jim Thiel made a motion to approve installation of a black steel fence at 98309 on Vincent Avenue and grant a waiver from the 3-foot deed restriction limitation for fence height to allow a 4-foot maximum height fence. Fence must be placed at least 3-feet inside the property line and properly landscaped. Bob Lilley seconded the motion. ***The motion unanimously passed with Varga, Boland, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

### **LONG RANGE PLANNING (LRP) – Bob Reichert**

Bob reported that the flagpole will be delivered to his house tomorrow and remain there until installation and electric service is scheduled. A LRP meeting is scheduled for tomorrow evening.

### **LAKES WATER QUALITY – Bob Lilley, Jim Thiel, Fred Boland**

It was reported that the primrose plant previously reported by a resident as a protected species is actually considered an invasive non-native plant—this statement is supported by Aquatic Systems. A resident stated that the fish kill (Ibis Lake) was related to the spraying of vegetation (primrose included). It has been determined that the lake was not recently sprayed as indicated. However, it was sprayed the previous month as supported by Aquatic Systems' reporting procedure. The fish kill was definitely related to the high nitrogen run off during a hard rain that washed the bird excrement from the leaves into the lake—causing an algae bloom which then died; the decaying matter caused poor oxygen quality which affected and essentially killed much of the fish population. This property owner also is in error regarding the water flow of Ibis Lake. Ibis Lake receives water flow from the nearby farm and waterways and does not feed to them except to Bear Branch Creek that flows directly to Charlotte Harbor. A dam in the waterway (down from Stork Lake) prevents backflow to the creek and other areas.

Biologists have stated that due to the cold-water temperatures, fish will go to the bottom and remain until the waters warm up. Some, but not all, of the fish will survive the cold temperatures. The side effects will not become visible for another 4-5 days and will be evidenced by dead fish floating on the waters. Aquatic Systems supported this information by stating we will soon see the tilapia floating to the surface, as they are extremely cold water sensitive. It was decided to issue a CIN message to inform the residents of this situation.

Bob reported that Aquatic Systems has completed four (4) of the seven (7) scheduled midge fly treatments in Heron and Pelican Lakes. This series of treatments will be completed by the end of February. There have been a lot less midge casings observed and hopefully this spring we will not see the outbreaks we have in the past. The goal is to control the midges with the treatments. Bob further stated that the aquatic weed and algae treatments are ongoing and that the water quality remains good—noting that the rains have kept the water levels higher this year.

## **COMMUNICATION - Marion Jinkens**

Marion reported there were no CIN messages sent out since the last Board meeting. Two communications are currently planned to be transmitted: January 24<sup>th</sup> Board of Directors sponsored Potluck; and Blood drive scheduled for February 1<sup>st</sup> at Porto Bello's in the Marina. Peg reported that she has drafted the January Administrative Message on the lakes that will go out this week.

## **BEAUTIFICATION & ENHANCEMENT – Marion Jinkens, Gordon Quick**

**Cape Horn Entrance:** Peg reported on the pre-bid meeting held on January 6<sup>th</sup> at the County offices in Murdock, which was attended by several contractors and County representatives from various departments in addition to Sandy and Rob Hancik. Just prior to the conclusion of the meeting, a Charlotte County Utilities (CCU) representative stated that since our project is within 500 feet of reclaimed (“gray”) water; we are required by County ordinance to connect to the system for irrigation vs. the bid package specification calling for a well. The gray water piping was installed a few years ago from the County Treatment Plant on Burnt Store Road to service Tern Bay. Purchasing will issue an online addendum to the bid package with a deadline of January 27<sup>th</sup> for bid submissions. Discussion ensued on costs (pipeline, impact and connection fees). Also, in discussion with Banks Engineering regarding their experience in other communities, we were cautioned that there might not be sufficient water pressure from the reclaimed water lines to raise the heads of an irrigation system, which may require pumping reclaimed water from a retention pond. We do not have enough space at the entrance for such a system. We have requested written verification from CCU that the lines are operational and there will be sufficient pressure to meet the needs of the irrigation system required for the entrance.

**Park Master Plan:** Peg reported that on January 8<sup>th</sup>, she along with Banks Engineering, Rob Hancik and Sandy attended a meeting with David Sua of SWFWMD in Sarasota regarding the Master Plan for the Park. Since portions of the Park (pavilion and shell road) were not permitted at the time of installation, Mr. Sua agreed to break the project down into three phases for permitting. Phase I will include the restroom facility and surrounding area (not exceeding 4,000 sq.ft.). Phase II and will encompass the pavilion(s) and shell roadway and Phase III the proposed parking area. We are in non-compliance for the pavilions and shell road leading into the park. SWFWMD is willing to work with us to remedy the compliance issue over a 2-3 year period—which will help us with budgeting funds to meet their requirements, i.e., swale along sides of the shell road, etc. Banks Engineering is preparing a revised plan to submit to SWFWMD showing only Phase I (restroom facility), for which Mr. Sua stated he would issue a general permit.

**New Signage Wording:** Gordon reported that wording for the new signage was developed by the Committee and will be submitted to Images for a sign rendering.

**Christmas Decorations/Seasonal Plantings:** Marion stated that the Christmas decorations have been taken down and placed in storage for next year.

## **COMMUNITY STANDARDS - All**

The Board reviewed the deed restriction report. Peg asked Sandy to report on the situation at 95610 re the tenant's unregistered vehicles in driveway (3), one disassembled vehicle on blocks and a vehicle parked on the grass in front of the front door, and subsequent unpleasant discussion with the property owner who did not want to lose her tenants due to this issue. There was discussion on some other items on the report—including clean up of yard and removal of bees (non-Africanized) from the eaves of a house on Boca Vista. It has come to our attention that property owners may request more than one trash pickup a week by contacting Waste Management (additional cost billed directly to property owner). The deed restriction review schedule was discussed.

## **COUNTY RELATED ITEMS – Bob Reichert, Peg Varga**

**SCCC:** Jim Brown was in attendance to report on SCCC. He stated that Stephen R. Deutsch was the speaker at the December 10<sup>th</sup> meeting. Mr. Deutsch is a republican candidate for Charlotte County Commissioner, District #4, running against Commissioner Dick Loftus. Dr. Chris Constance will be the speaker at the January 28<sup>th</sup> meeting—he is running for Adam Cummings seat on the Commission. Bill Folchi and Jim Brown have “retired” as President and Vice-President of the SCCC with Jim Stevens (Burnt Store Meadows) and Bob Toth (Seminole Lakes) taking over their respective positions. Dawn Carriere (Burnt Store Village) remains as Secretary. Bob Reichert is the new representative from the Lakes with Jim Brown serving as the alternate. Jim also stated that the SCCC is supporting the Team Punta Gorda Overlay District project that entails enhancement of entranceway landscaping and signage into the County—including Burnt Store Road.

**MSBU Advisory Board:** No report

## **MISCELLANEOUS ITEMS**

**Annual Meeting Minutes** – The Board agreed to post the Minutes of the October 17, 2009 Annual meeting on the website as “Unapproved”, to give those property owners not in attendance the opportunity to read what occurred at the meeting.

**Common Mistakes Boards Make Publication** – Peg asked the Board to again review the publication, as it is very informative.

**Board Sponsored Potluck** – The Safety & Preparedness Committee will host the January 24<sup>th</sup> Potluck at 12:00 noon in the Park, focusing on earlier discussion regarding safety awareness in the community. A brief statement will be offered by Bob Lilley and/or Fred Boland and will have flyers available for handout.

## **NEW BUSINESS**

Sandy reported that a property owner on Rio Togas contacted the office regarding his daughter selling Girl Scout cookies for their annual fundraising campaign. In reading recent CIN messages regarding unwanted solicitations in the Community, he was

concerned about his daughter soliciting the sale of cookies. He asked if it would be appropriate to have Sunny send out an email asking for pre-orders via email or telephone. We encouraged him to do so and understood his concern with door-to-door soliciting and suggested he accompany her while doing so.

Bob Lilley asked the Board if they would support sending out a CIN message in support of the Golf & Activity Club in the Marina. Their membership has dropped and Bob feels that the Club reflects on our community and property values. Jim Brown was asked to supply a flyer for review and subsequent issuance of a CIN message.

It was moved by Marion Jinkens and seconded by Gordy Quick to adjourn the meeting at 8:15 p.m. ***The motion unanimously passed with Varga, Boland, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

### **OPEN FORUM**

Rick Mathis reported a cement truck was traveling at a very high rate of speed on Trading Post Road. He also noted a lengthy crack in the asphalt on Trading Post. Public Works should be notified—they will pursue the violator and bill them for the repair. Rick will supply the office on the name of the cement company. Rick also reported that the sides of Trading Post Road are in need of trimming—very overgrown. Bob Lilley talked to the Board several months ago regarding road trimming, but there is no funding in the current budget.

Open Forum concluded at 8:20 p.m.

Respectfully Submitted,

Sandra J. Funk, Secretary  
To the Board of Directors

January 19, 2010

**Note:** The next regular meeting for the Board of Directors is scheduled for **Tuesday, February 16, 2010** at 6:00 p.m. in the Conference Room of the BSLPOA at 100 Madrid Blvd, Unit #212, Punta Gorda, FL 33950.