

**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**

February 16, 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): Rick Mathis, Mike Wiesenthal, Marcy Krol, Gary & Gayle Druker, and Ray Varga.

Secretary, Sandy Funk, announced the Meeting Notice and Agenda were both posted on the BSLPOA kiosk on Friday, February 12, 2010. Problems were encountered with our Webmaster which resulted in an error in posting the meeting agenda on our website. Postings meet the guidelines as set forth in the By-Laws. Sandy took roll call of the Directors as follows: Peg Varga, President; Jim Thiel, Treasurer; Marion Jinkens, Bob Lilly, and Bob Reichert, Directors at Large, were present. Fred Boland, Vice President; and Gordon Quick, Director at Large was absent. A quorum was present.

Public Input: Peg asked if there was any input on agenda items with a 3-minute time limitation. No comments offered.

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 January 12, 2010. There being no corrections or additions, Peg stated that the Minutes of January 12, 2010 are considered approved as written by unanimous consent.

TREASURER'S REPORT

Jim Thiel reported that our cash position as of 1/1/10 was \$587,528.38. Cash received in January was \$20,098.06, which includes interest earned in the amount of \$330.11. The total disbursements for the month ending 1/31/10 were \$35,433.08 (\$34,980.13 operating; \$452.95 reserves). The cash position at the end of December was \$591,491.73, which includes the Vagabond escrow account of \$19,298.37. The total Assessments Receivable at month ending January 31, 2010 was \$183,804.12. Jim reviewed each of the bank accounts balances. Jim asked if there were any comments on the January 2010 financial report. Bob Reichert asked for explanation of the Vagabond escrow account. Peg stated these are funds were required at the onset of the building process for 95609 on Vagabond Circle to give us the ability to maintain or demolish the property in the event the builder and/or owner did not complete the building process (through to certificate of occupancy). Since the owner and builder failed to complete construction, the funds were released to the Association and we are now maintaining (grading, etc.) the property until it is sold. There being no corrections or additions, the January 2010 financial report is considered approved and will be sent forward for audit.

OLD BUSINESS:**DIRECTOR REPORTS:**

Note Gordon Quick is now present at the meeting.

SAFETY & PREPAREDNESS – Fred Boland

In Fred's absence, Bob Lilley stated that there was nothing to report at this time other than flyers were handed out at the Board sponsored Potluck on January 24th regarding procedures to follow in the event someone is trespassing or soliciting on residents' property in the Lakes.

MECHANICAL & MAINTENANCE – Bob Lilley

Bear Branch Creek Stump Grinding: Bob presented a Summary Proposal to grind stumps remaining from trees felled last fiscal year on the north and south side of Bear Branch Creek between Cape Horn and the park. Grinding and removal of the stumps will allow mowers better access for overall maintenance of the greenbelt areas. After discussion, Bob Lilley motioned to approve \$3,000 to be expended from the maintenance funds for Bear Branch Creek mowing (\$150/hour x 20 hours) with work being performed by Excavation, Etc. Bob Reichert seconded the motion. ***The motion unanimously passed with Varga, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

Roundabout Lighting: Sandy reported that the photocells that control the roundabout lighting were not working properly and use of the timers was reactivated. Dick Kopsack replaced the photocells with a different type and they are now functioning.

Ibis Lake: Bob reported that he met with the environmental group of Charlotte County and Denny Kunish (Aquatic Systems) at the site. They felt that the islands are a very important bird nesting area. Due to the migratory bird laws of State and Federal Government and associated fines for non-compliance, Charlotte County was reluctant to act and suggested we contact 2-3 other agencies. Bob is requesting a plan for what vegetation (including Brazilian pepper trees) can or cannot be removed and/or trimmed from the islands. Bob has contacted State and Federal agencies and is in the process of setting up onsite meetings. Bob stated that the Association's intentions are good in that we need to reduce the nesting yet protect the birds, the fish and the community as well as rid the area of invasive vegetative species and re-plant with native species. Charlotte County is in agreement with our intentions. If the State/Federal government will give us something in writing, stating what we are permitted to do, Bob suggests going forward with the plan at the appropriate time (non-nesting season). However, if we cannot obtain a written approval on what can be done, and we do nothing and experience another fish kill, Bob suggests a formal complaint be made to the County/State/Federal agencies. Bob also noted that the government has never officially designated the area as a "rookery". If it is declared as such, then we need to know how to maintain it and keep the water quality high to prevent fish kills.

Bob requested that we discuss the Lakes Water Quality agenda item now since he has to leave the meeting early.

LAKES WATER QUALITY – Bob Lilley

Bob presented a Summary Proposal for continued midge fly treatments on Pelican and Heron Lakes commencing in March. Bob expressed his concern about the phantom midge that has re-appeared on Eagle Lake. We have been consistent in treating Pelican and Heron Lakes for the red midge fly and the treatments have been effective. If approval were granted for this summary proposal in Heron and Pelican, he would like to reallocate some treatments to Eagle Lake if necessary. He would also like the Board to approve remaining budgeted funds to allocate for a broad treatment of the lakes after an assessment of which lakes have the greatest need. Bob feels that Aquatic Systems is doing a great job, but would like their biologist to come out to the site again to evaluate the problem. He would also like to get another opinion by bringing Clark out to the site for an evaluation, as well as a biologist from one of the universities. Sandy reported on the budget balances in the operating budget and reserves stating there would be approximately \$9,000 remaining in the reserves for additional treatments. For expediency, the Board could give conditional approval of the additional funds and present more specific information when available and request approval via conference call or email communications with recorded minute approval at the March 9th Board meeting. Bob will provide the information in approximately 10 days. Jim Thiel expressed concern about depleting all the funds now when they may be needed if we experience additional outbreaks in the warmer weather. Bob responded by saying we should continue the program now since it is important to interrupt the breeding cycle. It was also noted that the phantom midge might have come from the salt marshes. Lengthy discussion ensued after which Bob Lilley made a motion to continue with seven additional midge fly treatments commencing on or about March 1, 2009, on Pelican and Heron Lakes in accordance with the proposed contract from Aquatic Systems in the amount of \$24,718 (\$19,814 Heron; \$4,904 Pelican) with Bob Reichert seconding. ***The motion unanimously passed with Varga, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

Bob Lilley made a motion to release funding that is available, i.e., the \$9,000 discussed earlier, for midge fly abatement on Eagle Lake or problem lakes as detailed in a future email to the Board of Directors. Bob Reichert seconded the motion. ***The motion unanimously passed with Varga, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

Ibis Lake Aeration Compressor Replacement: Since the existing equipment is non-operational and cannot be repaired, Bob Lilley motioned to replace the aeration compressor with an Air-4 system (without air stations) from Vertex, a Division of Aquatic Systems. Installation includes plastic mounting pad, 10" high leg for cabinet, shipping, handling and tax at a total cost of \$3,206.77. Bob Reichert seconded the motion. ***The motion unanimously passed with Varga, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

Aeration Power Problem at Monza: It appears as if FPL turned the power off at the meter possibly due to access problem (vegetation). Office staff made two requests to FPL to visit the site to restore power. As of Saturday morning (2/13) power was restored and the aeration unit is working.

At the same time the aeration power problem was reported to FPL, the sagging line between Torreon and Monza as a result of a pole felled by Hurricane Charley was reported. It was discussed that this was probably not a power line, but a line belonging to Comcast. FPL is sending someone out to look at this and possible pole replacement. If they will not replace, Comcast will have to be notified. The sagging line is a potential safety hazard—specifically if tall equipment needs to access the greenbelt area behind these lots.

Before Bob Lilley left the meeting, Bob Reichert commended Bob Lilley for the numerous hours spent on research and recommended resolution(s) to the issues surrounding our lakes.

LONG RANGE PLANNING (LRP) – Bob Reichert

Flagpole: Bob reported that the flagpole was delivered to his house. After measuring the diameter of the pole and the existing in-ground sleeve, it was determined that the measurements differ significantly according to weather conditions (expansion and contraction). Bob will wait for 70+ degree weather before trying to erect the pole and possibly use dry ice or regular ice to facilitate the installation.

Bike Racks: Bob called the school district to determine where the bus stops are located in the community as a pre-requisite to submitting a permit application for right of way occupancy for bike racks. The school district asked that the request be put in writing. This was done a week ago and we have not received a response from them as yet. We believe there are five (5) stops, and as soon as number and locations are verified, the application will be sent to the County. Since school bus stops change from year to year, the application will be worded accordingly.

Playground Equipment: Bob reviewed the history of research done in order to procure playground equipment for the Park. The Committee decided and recommends to the Board to approve purchase of commercial quality “Tuff Kid Playground” equipment from Swing-N-Slide. The equipment is on sale and Bob felt we should take advantage of the sale by ordering and storing it until the area is ready for installation. Sandy contacted the company to see if the equipment could be held for us—we were informed that the equipment was going to be further reduced. After additional discussion, Bob Reichert made a motion to purchase the TK2101 Tuff Kid Playground equipment from Swing-N-Slide at not to exceed \$3,600 (includes tax and free shipping) with the understanding that approval of the required lumber and installation cost will be requested at a later date. Jim Thiel seconded the motion. ***The motion unanimously passed with Varga, Thiel, Reichert, Quick and Jinkens voting aye.***

A joint LRP and Beautification/Enhancement Committee meeting is scheduled for Thursday evening (2/18) at 6:00 p.m. to discuss potential locations for the playground equipment. Marion reported that the Beautification/Enhancement Committee had met on Saturday, 2/13, and discussed three potential locations.

COMMUNICATIONS – Marion Jinkens

Marion reported the following CIN messages were sent during January: Board sponsored Potluck Picnic (1/11) with follow up notification sent on 1/18; Florida Blood

Centers Blood Drive (1/14); Administrative “Jewels in Our Crown” on 1/15; Cold Water Fish Kills (1/15); and Board of Directors meeting date change (1/26). On 1/18 a Grapevine message was sent regarding Burnt Store Golf & Activity Club membership information.

BEAUTIFICATION & ENHANCEMENT – Marion Jinkens, Gordon Quick

Cape Horn Entrance: Sandy reported that the County has awarded the contract to Holland Landscaping & Tree Service, Osprey, FL (\$94,588.76) to provide landscaping in the center oval, electrical service, street lighting in center oval and on north and south sides of Cape Horn from Burnt Store Road towards Trading Post Road, required borings under Cape Horn, and reclaimed water connections and irrigation system. There were only three contractors who submitted bids. The County had estimated the project to cost around \$200,000. The pre-construction meeting with the County and contractor is scheduled for Tuesday, February 23rd. Holland should mobilize within 10 days from the 23rd. Peg asked if the reclaimed water issue was resolved. Sandy noted that Public Works (Barry Cohen, Project Coordinator) was in the process of scheduling a meeting to determine if there was enough water pressure from the reclaimed lines to lift the sprinkler heads that will be located in the sod area. Since this has not occurred, it will be discussed at the pre-construction meeting. It was also noted that the County would absorb the cost of electric, water for irrigation, and maintenance of the area for at least the first year.

Park Master Plan: Sandy reported that we have received a SWFWMD permit to proceed with construction of restroom facilities within a designated 4,000 square foot area in the Park. This is considered Phase I. Phase II (pavilion and shell road) permit application to correct a non-compliance issue will be requested at a later date, followed by Phase III permit application for a designated parking area. SWFWMD has agreed to these various project phases with Phase II and III to be completed over a 2-3 year period. Even though not a requirement of the permit, it is the Association’s intent to publish the intent to construct in a local newspaper giving anyone an opportunity to object to the issuance of the permit by SWFWMD within a 21-day period. Bob Reichert inquired why SWFWMD permitting was required. Peg responded that the pavilion and shell road were installed post 1984 SWFWMD existence. Other lake areas and drainage are pre-1984 and unless a lake and/or drainage area was drastically altered or affected, SWFWMD involvement would not be required. It was also decided to obtain design and construction cost estimate from an alternative source for restroom facilities due to the higher than anticipated cost of pre-cast facility.

New Signage Wording: Sandy reported that wording for new signage developed by the Committee was submitted to Images for a sign rendering and has not been received as of today.

Entrance Sign Plantings: Marion requested approval of various types of perennial plantings for the Cape Horn entrance sign (yellow crown of thorns, white lantana, etc.). Marion made a motion to approve \$71.25 for the plantings with Jim Thiel seconding the motion. ***The motion unanimously passed with Varga, Thiel, Reichert, Quick and Jinkens voting aye.***

COMMUNITY STANDARDS - All

The Board reviewed the deed restriction report. Discussion centered on costs to cut and trim landscaping on a few foreclosure properties that have become extremely overgrown and will only intensify once the growing season commences. Office staff is currently obtaining cost figures on a list of those that should be done. If bank owned, contact will be made with them to do this work in addition to mowing grass. The Association has been successful in recouping costs at the time the property is sold. An enclosure shield drawing showing dimensions to accompany the established revised policy was discussed by Gordy Quick and will be forthcoming. Bob Reichert suggested a fine structure for violations and Peg explained that a bylaw change is mandated in order to institute fines. The condominiums located at Acapulco and Contra Costa deed restriction violations were also discussed. Office staff will again put pressure on Star Management to bring violators into compliance, i.e., trash container storage and commercial vehicle parking, or face legal involvement.

ARCHITECTURAL REVIEW – Fred Boland

92008 at 24289 Nicobar Lane – Fence – In Fred's absence, Peg reported that the property owner provided information and requested a waiver to install a 4-foot black steel fence. ARC felt that the quality and aesthetics of this particular fencing was an improvement over typical white or green plastic/vinyl, and recommended approval. A lengthy discussion ensued on why the entire yard needed to be enclosed taking into account that the property is 154 feet in length (longer than most properties in the Lakes). Drainage work and maintenance of the swales on the right side and rear of the property has been recently done and needs to be protected and adequate access allowed to prevent recurring water retention and provide proper water flow to the piping under Cape Horn and into Osprey Lake. The site plan shows the fencing 5-feet into the 10-foot easement in the rear as well as to the 6-foot side easement. Adequate space for installation and maintenance of landscaping should be taken into account. The owner was present and felt that the 4-foot fence would afford her added security. She was willing to revise the location of the fencing to accommodate the Association's concerns and assured the Board that the fence contractor will provide placement details, etc. It was suggested that the fence be installed closer to the pool cage. After further discussion, Jim Thiel made a motion to approve the 4-foot fence and waiver from the 3-foot deed restriction requirement in accordance with the modifications discussed by the Board in that the fence will be no closer than 2 feet from the 6-foot easement on the sides—specifically the right side and allow for adequate gate opening on the left side keeping within the side easements. In addition, the fence shall not extend into the rear 10-foot easement and possibly placed closer to the pool cage, and requested a site plan be submitted by the property owner or fencing contractor showing placement of the fence prior to installation. Fence will be black steel (Montage Classic). Marion Jinkens seconded the motion. ***The motion unanimously passed with Varga, Thiel, Reichert, Quick and Jinkens voting aye.***

87510 at 24490 Julian Court – Pool and Cage: ARC recommends approval of the pool construction plan as reviewed including a 5-foot rear variance. Bob Reichert made a motion to approve the pool and cage construction and 5-foot rear variance from 15 feet to 10 feet and not extend into this 10-foot County easement. Marion Jinkens

seconded the motion. ***The motion unanimously passed with Varga, Thiel, Reichert, Quick and Jinkens voting aye.*** Bob Reichert asked that the property owner insure that the contractor restores/repairs and damages to the swales in the front, side and rear of the property when construction is completed.

Escrow Agreement – Potential New Home Building: A lot owner is contemplating building a home and has asked several questions regarding the building process. The requirement of entering into an escrow agreement in lieu of posting a performance and completion bond was discussed with the property owner. Peg stated that she has not thoroughly discussed this with ARC; however, she is inclined to not waive the requirement even though the contractor has previously built in the lakes. Due to the economic times, it is risky to leave the Association vulnerable in the event the house is not completed. It may be possible to reduce the amount of escrow, which is now set at 10% of the permitted price, or \$20,000—whichever is greater. Peg polled those Board members present, and all were in agreement to require escrow monies until such time as a final certificate of occupancy has been issued by Charlotte County.

COUNTY RELATED ITEMS – Bob Reichert, Peg Varga

SCCC: Jim Brown was in attendance to report on SCCC. He stated that Dr. Chris Constance was present at the January 28th meeting. He is running for Adam Cummings seat on the Commission. Another guest speaker focused on identity theft. Bob Reichert attended the community information meeting held on 2/11 at the Presbyterian Church that was sponsored by Charlotte County, the City of Punta Gorda, and Team Punta Gorda who were in attendance. Discussion centered on the South County Gateway Project and representatives of some of these communities that make up the SCCC were also in attendance to provide their input. Attendees were divided into tables of 8 or more and tasked with developing ideas that will enhance the South County entrances leading into Charlotte County. There was strong emphasis on the need to widen Burnt Store Road. Sandy shared a proposed re-design of the Zemel-Burnt Store Road intersection that was obtained from Public Works, and discussion ensued regarding the funding issues for this area as well as the rest of Burnt Store Road widening.

MSBU Advisory Board: No meeting has been scheduled.

MISCELLANEOUS ITEMS

Peg asked Mr. Wiesenthal if he has obtained a permit for placing benches in the cul-de-sacs and other County right of ways, and if so, would like a copy for the Association records. Mr. Wiesenthal stated that the benches have been removed and will not be placed in the right of ways. He also explained that he had planned to landscape and secure the benches. He stated that he constructed them from wood discarded by Tern Bay. When he received the letter from the Association, he called the County and received conflicting information from that given to the Association regarding the type of structures allowed in County right of ways. The Association was told that benches were considered non-permittable structures. Sandy will contact the County for further clarification and provide Mr. Wiesenthal with the findings. He also constructed a bike rack not realizing that the Association plans to provide five racks pending approval of a County permit application.

NEW BUSINESS

Office – Water Heater: Sandy requested the Board consider approval of funds to install a small 2-1/2 gallon hot water heater for the two sinks in the office. Home Depot has a heater for \$160. Electrical and plumbing would be an additional cost. Bob Reichert has done considerable research on hot water systems and will look into possibly utilizing a “point of use” system and report back to the Board next month.

It was moved by Jim Thiel and seconded by Gordy Quick to adjourn the meeting at 8:10 p.m. ***The motion unanimously passed with Varga, Thiel, Reichert, Quick and Jinkens voting aye.***

OPEN FORUM

Jim Brown asked if a permit was required for reclaimed water at the front entrance. A permit is not required. He also stated that our project was initiated prior to installation of the reclaimed water lines to Tern Bay—therefore, possibly waiving requirement to connect for our entryway feature. Referring to the problems with the condominium compliance with deed restrictions, he asked if Star Management personnel were required to be CAM licensed, and if so, possibly reporting them to the DBPR. He also suggested placing bright orange or pink “violation” stickers on trash receptacles not put away after refuse pick up. Lastly, he registered a complaint about the vehicles parked at 95610 on Vagabond Circle. The Association is addressing this issue.

Open Forum concluded at 8:15 p.m.

Respectfully Submitted,

Sandra J. Funk, Secretary
To the Board of Directors

February 20, 2010

Note: The next regular meeting for the Board of Directors is scheduled for **Tuesday, March 9, 2010** at 6:00 p.m. in the Conference Room of the BSLPOA at 100 Madrid Blvd, Unit #212, Punta Gorda, FL 33950.