

**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**

March 9, 2010

CALL TO ORDER, PROOF OF NOTICE and ROLL CALL

Peg Varga, President, called the meeting to order at 6:00 p.m. Secretary, Sandy Funk, announced the Meeting Notice and Agenda were both posted on Friday, March 5, 2010. 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, Bob Reichert, and Gordon Quick, Directors at Large, were present.

Public Input: 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 February 16, 2010. There being no corrections or additions, Peg stated that the Minutes of February 16, 2010 are considered approved as written by unanimous consent.

TREASURER'S REPORT

Jim Thiel reported that our cash position as of 2/1/10 was \$591,491.73. Cash received in February was \$35,804.84, which includes interest earned in the amount of \$371.51. The total disbursements for the month ending 2/28/10 were \$49,281.33 (\$46,074.56 operating; \$3,206.77 reserves). The cash position at the end of February was \$577,746.04, which includes the Vagabond escrow account of \$19,029.17. The total Assessments Receivable at month ending February 28, 2010 was \$150,723.83. Jim reviewed each of the bank account balances. Jim asked if there were any comments on the February 2010 financial report. There being no corrections or additions, the February 2010 financial report is considered approved and will be sent forward for audit.

Sandy reported that two of the seven property owners we are currently foreclosing upon have agreed to bring their accounts current. One has paid \$1,500, the other has agreed to a time payment option with a court stipulated agreement that if they renege on payment the foreclosure process continues without having to start anew. Also reported was receipt of notice from the County that three properties realized excess funds due to tax sale. Paperwork has been submitted to the County Tax office requesting release of these funds to the Association towards payment of past due assessments. Bob Reichert asked how our collection rate this year compares to that of last year. Jim Thiel stated he would report on this at April's Board Meeting. Fred asked if we would recoup the legal fees expended to foreclose. The fees are included in the total amount due and in time payment schedules. If completing the foreclosure is necessary, the Association will recoup the legal fees at the time the lot is sold.

OLD BUSINESS:**DIRECTOR REPORTS:**

Note Gordon Quick is now present at the meeting.

SAFETY & PREPAREDNESS – Fred Boland

In Fred reported that he did not attend the last Neighborhood Watch Meeting. Rick Mathis attended and stated no one else came to the meeting. Fred will head up the Watch until a replacement for Matt Butcosk is found. Fred reported that Matt, a former renter, has purchased a house in another community. A CIN message will be issued asking for a volunteer. Sandy asked Fred to follow up with the Charlotte County Fire Department/EMS on ability to locate our Park in the event of a fire or emergency. This request is precipitated by an actual emergency at one of the recent potlucks where the response time could have been significantly improved if our location was further defined, i.e., on the County's grid system. Bob Lilley, who is experienced in EMS response, agreed to assist Fred by making a few telephone calls to those who can help accomplish a better system.

MECHANICAL & MAINTENANCE – Bob Lilley

Bear Branch Creek Stump Grinding: Bob stated that he will meet with Excavation Etc. for Monday, 3/15 to go review the scope of the work and schedule a start date.

Status – San Ciprian Rip Rap: Sandy reported that she has not received a response from the County as yet regarding when the work is scheduled to start. Follow will continue with Dawn Harrison (County).

LONG RANGE PLANNING (LRP) – Bob Reichert

Flagpole: Bob reported that the flagpole was erected. However, he is not comfortable with its stability. He and a group of volunteers will work on providing additional bracing to secure it.

Bike Racks: Bob has made email contact with Dan Quick in Public Works regarding the placement of the racks in designated areas of County right of way.

Playground Equipment: Bob reported that the playground equipment has been ordered and should be delivered in about 2-3 weeks. Fred and others volunteered to assist in taking it off the truck and storing in the Association's shed until it can be installed after the water/sewer utilities and restroom facility is completed in the Park. He stated that there is currently a 50-gallon tank sprayer in the shed that should be moved to make room for the equipment. He suggested that the sprayer be sold. Lumber will also need to be procured to erect the equipment. Rick Mathis researched costs and will discuss at the next LRP meeting scheduled for 3/11.

LAKES WATER QUALITY – Bob Lilley

Midge Fly Treatment Status: Bob Lilley reported that the midge fly continues to be a problem on Pelican, Heron and now Eagle Lake (phantom midge). He has been in contact with Denny Kunish at Aquatic Systems and presented an addendum to the current midge fly treatment program. This addendum includes Eagle Lake in addition to Pelican and Heron and decreases the seven treatments to three treatments with the chemical Abate™. One treatment will be done in March and two in April at no additional charge.

Ibis Lake Aeration Compressor Replacement: The compressor in Ibis Lake has been replaced and is operating satisfactorily.

Ibis Lake: Bob reported on the status of possible removal of Brazilian pepper trees and non-native vegetative species from the two islands in Ibis Lake. He has been in contact with the Audubon Society via email regarding the roosting and now nesting birds on the island. Most of the information obtained refers to designated rookeries and may not be applicable in our situation since there are homes surrounding the Ibis Lake. It was noted that the migratory birds are protected by the State and Federal regulations. On March 25th, Bob is scheduled to meet with Paul Garrett, a resident in the Lakes who is very knowledgeable of the roosting/nesting habits of the wildlife, waterways, vegetation, etc. Paul was concerned that the Ibis birds have not returned to the islands, which may be due to the cold weather. Paul can give us some guidance on who to contact at the Audubon Society to obtain the information we need to appropriately address the Ibis island issues. Peg stated that she will address the problems with Ibis Lake in next month's Administrative CIN message. Bob will provide an outline to Peg as well as obtain a written midge fly statement from Denny Kunish of Aquatic Systems.

Sandy asked Bob to contact Diana Millheiser on Mint Lane regarding an email received on 3/8 about the littorals in the drainage area behind her house. Bob will visit her and discuss this ongoing issue and explained to the Board that the littorals in this area are acting as a 'filter' and doing the job they are intended to do.

COMMUNICATIONS – Marion Jinkens

Marion reported three notifications were sent out in February. A notification will be sent out this week regarding the Blood Mobile scheduled to be in the Marina on Monday, March 29th. She asked that all directors prepare their articles for incorporation into the Newsletter (scheduled for publication and distribution in May). Articles should be submitted no later than 3/16/10. Fred asked if we intend to have advertising. Celeste will contact those who were previously interested in placing an ad for insertion into this Newsletter. Fred also asked if tenants received a copy of the Newsletter. The office usually does this separately after the mass mailing to the property owners.

BEAUTIFICATION & ENHANCEMENT – Marion Jinkens, Gordon Quick

Cape Horn Entrance: Sandy reported that the County contractor (Holland Landscaping) is supposed to start construction on March 23rd. Barry Cohen, County Project Engineer, requested a joint meeting with the Holland, IDA (irrigation contractor),

and Burnt Store Lakes to discuss the irrigation/reclaimed water installation. Coordination efforts failed. Office staff will follow up with the County again tomorrow. We were told by Holland that once they start, completion would be within 10 days with the exception of the street lighting. The lights have been ordered, but there is a 6-8 week delivery time. Bob Reichert suggested a CIN message be issued giving the community an update on the project. Marion reported that 8 yellow Crown of Thorns have been planted at the main entrance sign, and that the white lantana is still on backorder.

Park Master Plan: Sandy reported that we have received a rendering of a restroom facility from West Coast Builders, which is currently being costed out. Another source was solicited due to the high cost (\$50-60,000) for a pre-fabricated facility. DM Construction is one contractor asked to submit a bid for the water/sewer utility installation. Other contractors, including J.P. Murphy (who installed Tern Bay infrastructure) will also be asked to bid in accordance with Banks Engineering specifications.

New Signage Wording: Sandy reported that some wording changes needed to be incorporated into a new rendering by Images prior to submitting to the County for a right of way permit. Since the new signs will not meet the County's sign ordinance, Public Works will have to review and approve a waiver. Marion verified there would be nine signs with bases and one spare sign without a base. Entrance locations also need to be clarified prior to submission to the County. They prefer GIS mapping sites.

Marion stated that the Committee met in the Park on 3/3. She reported that the tapes placed on various trees in the Park were removed. These were placed there by Banks Engineering as part of the master plan for the park. Banks Engineering will be notified. The Committee also inquired about access to the Park area when the playground equipment has been installed. Decision on this may have to coincide with the completion of the various phases of the Park project including compliance with SWFWMD. Discussion ensued on the possibility of instituting a keypad or magnetic gate card system. Peg stated this can be very expensive and cost(s) should be researched for inclusion in the budget if it is decided to pursue either of these methods. Marion announced that two new residents, Don & Karen Atter, have joined the Committee.

COMMUNITY STANDARDS - All

The Board reviewed the deed restriction report, noting that trashcans appear to still be an ongoing problem. The receptacles at the condo on Contra Costa are of concern. There is no management company of this condo—the owner continues to manage the property and is trying to work out an amicable solution. The Acapulco condos are going into foreclosure; however, the developer is trying to negotiate a resolution with the bank. In the interim, he has been paying out of pocket for maintenance, etc. It was noted that the condo garages are very small to accommodate the cans along with vehicles, etc., and it was suggested that temporarily the trashcans be placed in an unoccupied garage. It was also discussed with the developer that a dumpster be provided with an enclosure shield in lieu of trashcans. There is no money for this project at the present time. Bob Reichert suggested a temporary enclosure shield and will research the cost at Home Depot. The developer has agreed to pay the condo assessment (Contra Costa) in three

installments with request to waive interest. The Board agreed provided he complies with the three payments in accordance with established schedule. If he defaults, the interest is added back onto the account.

Gordon Quick provided pictures of Arecas that have been planted on various properties. He considers the height to exceed that allowed in the Deed Restrictions, i.e., 3 feet. He feels property owners intend the Arecas to be a 'wall' type of hedge and should be maintained at the allowable height or maintained in a "thinned and trimmed" condition. Peg stated the problem is how does the Board set recommendations and standards for the whole community. A very lengthy discussion ensued with emphasis on what determines an acceptable standard for height, thinning and/or trimming. There are several differences in opinion on what constitutes an acceptable standard. Bob Lilley suggested that since a solution agreeable to everyone is not going to be reached tonight, that a separate meeting be held to afford each Director the opportunity to present his or her position and formulate a recommended policy for action at a future Board meeting that will benefit the entire community. Marion noted that at the present time all properties are in need of clean up and/or trimming due to the unusually cold winter, and suggested a CIN message be issued address this. It was discussed that it is recommended by landscapers that trimming not be done before the middle or end of March and the CIN message should be sent in conjunction with the proper time to do trimming/pruning.

ARCHITECTURAL REVIEW – Fred Boland

92604 at 24224 San Lucas: Gordon Quick motioned with Fred Boland seconding to approve pool and cage construction plans including a 1-foot variance in the rear set back along with a \$500 clean site deposit, as recommended by ARC. ***The motion unanimously passed with Varga, Boland, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

Revised New Home Construction Policy #2: ARC considered revising the existing new home construction policy to include the clean site program and escrow requirements. The pool construction application was revised to include lanai/cage information as well as \$500 clean site deposit requirement. Also discussed were changes to the landscaping portion—including change from 3 gallon to 2.2 gallon minimum plant size in addition to other requirement changes. After discussion, it was decided to have ARC look at the revisions again at their next meeting prior to the Board approving the changes. Gordon will supply ARC with photographs of the various size plants for discussion purposes.

Sandy brought to the Board's attention the procedure followed by office staff once an estoppel is received in preparation for a property transfer. Usually the office staff looks at the property to see if there is a need to repair/replace/add landscaping, repair lawn damage, provide proper watering day information, etc. There is no established follow up system to see if the items needing attention have in fact been accomplished after closing. The same situation applies after a new home is built, an addition to the home, or pool/cage installation since landscaping is a requirement. After discussion, the properties that need to be looked at after the specified time to comply will be added to the Deed Restriction list for directors to check during their routine drive through the community. For new home, additions, pools/cages, a list will be provided to ARC for

follow up. Also, request for return of the \$500 clean site deposit can trigger a drive by inspection to determine compliance.

COUNTY RELATED ITEMS – Bob Reichert, Peg Varga

SCCC: Sandy attended the February 25th meeting in place of Bob Reichert and Jim Brown. Punta Gorda Fire Chief Robert Hancock was the guest speaker. He provided a power point presentation on the services they provide. It was noted that the City of Punta Gorda does not have an ambulance. Ambulances are dispatched by Charlotte County with the paramedics. The City responds with a fire truck with EMS personnel who administer assistance until the ambulance/paramedics arrive. It was also interesting to note that there is no place in Charlotte County where people can go to properly dispose of old medications, used syringes/lancets. Disposing via flushing is not appropriate since by doing so may contaminate the water supply. The City has now put in place a “locked box” with video surveillance at the Punta Gorda Police Dept. on Rt. 41 where these items can be taken. They are then transported to a facility in Fort Myers for proper disposal. The next SCCC meeting is scheduled for Thursday, March 25th. The guest speaker will be Don Root, Director of Charlotte County Economic Development.

MSBU Advisory Board: On February 23rd, the Commissioners approved the separation of the South Burnt Store MSBU. Burnt Store Lakes now stands alone in their MSBU, as does Pirate Harbor. Woodland Estates was absorbed into Burnt Store Village’s MSBU. The change is effective 10/1/10. The next meeting of the MSBU Advisory Board is scheduled for March 17th.

MISCELLANEOUS ITEMS

It was previously resolved that the benches Mike Wiesenthal provided be placed in the Park. However, Mike had informed us that the benches were earmarked for other residents in the community.

NEW BUSINESS

Office – Water Heater: It was reported that the landlord is looking into either replacing or repairing the water heater in the adjoining unit which is connected to our facility. It will probably be more cost effective to go this route vs. purchasing an under the sink unit.

It was moved by Marion Jinkens and seconded by Bob Lilley to adjourn the meeting at 7:40 p.m. ***The motion unanimously passed with Varga, Boland, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

OPEN FORUM

Mike Wiesenthal noted that at the Annual Meeting it was reported there were 81 properties in bank foreclosure. He asked for a current status. There are currently 60 bank foreclosures in the Lakes. He is concerned that people are being advised to walk away from their mortgage. It was explained that about 20 of the 81 reported in October

have sold and we have recouped back owed assessments. Some of the 20 were vacant lots; some improved lots).

Referring to the discussion on Areca plantings, Mike Wiesenthal reiterated his prior reporting that a law has been passed by the Florida State Senate regarding installation of drought-resistant plantings in communities such ours in an effort to save water. He offered to provide another copy if needed.

Mike Wiesenthal inquired about the status of the boat ramp since he had not heard anything since the Annual Meeting and could not find information in the Minutes for the last 1-1/2 years. It is Mr. Wiesenthal's impression that "we are going back to court on the boat ramp". He had printed documents to give to the committee handling the boat ramp that includes court hearing information regarding David Pears vs. Burnt Store Lakes Property Owners Association and the Department of Environmental Protection. He is concerned about the legal costs and would like to see the situation resolved. He requested this inquiry be placed in the Minutes. Peg Varga, President, responded that the situation is a legal matter, as he had documentation to show, and that it is not appropriate for open legal matters to be discussed and placed in the Minutes. Until a decision has been made by the Administrative Law Judge, it is recommended by our attorney that we do not discuss at an open Board meeting. Peg further explained the terminology regarding the boat ramp—there is no boat ramp at the site that Mr. Pears is concerned about (San Edmundo). The boat ramp permit application was withdrawn over 12 months ago; therefore there is no boat ramp permit. The Department of Environmental Protection, on 7/14/09, issued BSLPOA a permit to address the drainage problem at San Edmundo. This permit is now requiring the Association to fix the drainage issue. The legal issues will have to be handled in the appropriate way then the result of that will be reported to the property owners. Mr. Wiesenthal thanked Peg for her response. (It is noted for the record that the BSLPOA has never been to court on the boat ramp.)

Rick Mathis asked if the boat ramp project had been dropped. Peg responded that there is still interest in providing a ramp, but not in the San Edmundo area. Bear Branch Creek has been looked at as a possible location; however work on the project has not resumed as of yet.

Rick Mathis also mentioned that we could probably obtain the lumber required to erect the playground equipment through a contractor who may live in the Lakes at a discounted price. Bob Reichert stated that lumber prices were being researched and appreciated his input.

Regarding the midge fly problem, Rick stated that bats are known to eat insects and it may be worthwhile to look into "bat boxes". Rick also suggested putting catfish in the lakes to eat the midge fly larvae. Bob Lilley stated that the fish "of choice" is shell crackers or bluegill. He stated the survival rate of these species was poor due to the littorals not doing well. Now that the plants are doing better, he may consider stocking additional fish.

Rick also suggested utilization of a "white board" in the office to follow up on construction and installation of landscaping (as discussed earlier in the meeting). He also suggested the maintenance of hedges, etc., also be applied to greenbelt areas as

was done recently in Burnt Store Village. It was explained that this was done on private property and not on greenbelt. Bob Lilley discussed the need for the Lakes to develop a plan for long term maintenance of overgrowth on vacant lots and decide how to cover the cost.

Open Forum concluded at 7:50 p.m.

Respectfully Submitted,

Sandra J. Funk, Secretary
To the Board of Directors

April 5, 2010

Note: The next regular meeting for the Board of Directors is scheduled for **Tuesday, April 13, 2010** at 6:00 p.m. in the Conference Room of the BSLPOA at 100 Madrid Blvd, Unit #212, Punta Gorda, FL 33950.