

**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**

May 11, 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, May 7, 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; Bob Lilly, Marion Jinkens, and Gordon Quick, Directors at Large, were present. Bob Reichert was not present.

Public Input: Mike Wiesenthal inquired whether there would be discussion about Bear Branch Creek parking and the response was no.

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 April 13, 2010. There being no corrections or additions, Peg stated that the Minutes are considered approved as written by unanimous consent.

TREASURER'S REPORT

Jim Thiel reported that our cash position as of 4/1/2010 was \$586,825.02. Cash received for month ending 4/30/2010 was \$7,241.61, which includes interest of \$953.22. The total disbursements for the month were \$52,725.19 (Operating expenses: \$41,706.93; Reserve expenses: \$10,118.26; and Vagabond escrow expense: \$900.00). The cash at the end of April was \$541,341.44 which includes the Vagabond escrow account balance of \$18,129.17. Assessments receivable at month ending were \$113,788.30. Jim requested questions or comments from the Board. There being none, the April 2010 Report was accepted as approved and presentation for audit.

OLD BUSINESS:

DIRECTOR REPORTS:

SAFETY & PREPAREDNESS – Fred Boland & Bob Lilley

Peg Varga reported on a personal email received from the Section 22 (Burnt Store Marina) president. The email relayed an incident whereby it was implied that a Lakes resident had impersonated the president of Burnt Store Lakes and requested that the security agent for the Marina, not patrol or use Vincent Ave to access the Marina property while on patrol. The matter created concern as the relationship between the Lakes and the Marina should be preserved. It was cleared when the resident in

question, a former president of the Board, clarified that his statement to the security personnel was to question their speeding down Vincent Ave to access the Marina, as well as his stated position in the community. The incident was settled as a matter of miscommunication and the security patrol will cease speeding down Vincent Ave.

Peg further reported that a letter of “No Trespass” authorizing the Sheriff to enter and apprehend criminals and/or trespassers on the Burnt Store Lakes property is on file with the Sheriff’s Office.

Peg also addressed the need for volunteers to oversee the Community Watch program.

MECHANICAL & MAINTENANCE – Bob Lilley

Bob reported that a review of the two lots at Block 893 Lots 08 & 09 on Thyme Ct determined that drainage is impeded and must be cleared in order for the water that flows from lots 13,12,11,10 to continue moving at lots 9 & 8 and allow drainage into Heron Lake. Bob Lilley made a motion to accept a proposal from Blue Mule, Inc. to correct the grade according to County specifications in the amount of \$600. Marion Jinkens seconded the motion. ***The motion unanimously passed with Fred Boland, Marion Jinkens, Bob Lilley, Gordon Quick, Jim Thiel and Peg Varga voting aye.***

The vegetation in the green belt at Block 988 was discussed. Regarding the question of gopher tortoise burrows, it was stated the burrow would be avoided per County recommendation and the plantings recently installed there must be removed by the property owner. Bob Lilley will look into issues related to relocation of the turtles for future reference. A separate green belt at Thyme Ct was discussed relative to the garden border that extends through the County Right of Way to the street. The Board agreed that the garden border should be removed back to the owner’s property as it potentially interferes with drainage flow, and also because it is located in the right of way.

A property owner’s request to install rip rap was discussed. Fred Boland moved to approve the request to install 305’ of rip rap to prevent further erosion at the shoreline. Marion Jinkens seconded the motion. ***The motion unanimously passed with Fred Boland, Marion Jinkens, Bob Lilley, Gordon Quick, and Peg Varga voting aye. Jim Thiel abstained from voting.***

Further discussion surrounded an unknown study that represented an alteration of water temperature due to heat collection in rip rap stones. The Board considered the varying types of material used for rip rap and future requirement to provide material composition as well as looking further into the unknown study. Unidentified green belt thought to have potential erosion issues were mentioned due to lack of shoreline vegetation. A comment that the lakes hold grass-eating carp was made. These ideas will be further investigated.

Peg provided a statement regarding the Pears vs. BSLPOA & DEP (Department of Environmental Protection) settlement: In March 2006, the standing Board of Directors identified a drainage issue at a San Edmundo Rd green belt and made preparations to correct the problem. Concurrently, the Board began a feasibility study for a boat ramp at Bear Branch Creek. Engineers had advised the Board to look at the waterway at the

green belt behind San Edmundo. A property owner from Pirate Harbor objected. The boat ramp project was abandoned at that location due to obstacles in the permitting process and related costs. The drainage project; however, was mandated by DEP to be corrected. The Pirate Harbor resident, in an effort to stop the project, purchased property in the Lakes, challenged the permit given by DEP and filed a petition to request an Administrative Hearing. Progress was delayed, and after much negotiating and money spent on legal and engineering costs, a settlement was reached that matched the original permit provided by the DEP, with the addition of some landscaping. The Association expended more than \$32,000 resultant from one property owner's objections to correct a drainage issue. The POA may now proceed, as mandated by the DEP, to correct the flow of run-off water into Jean Lafitte canal. The next steps involved are to obtain a modified permit, contractor quotes on the project and schedule a pre-construction meeting with the contractors and the DEP. Mr. Pears may not in any way interfere with the project without incurring substantial penalties as required by law. The Board has agreed to install a vegetative buffer. The buffer cannot be removed unless a new permit is authorized for additional work in the area.

LONG RANGE PLANNING (LRP) – Bob Reichert

Bob Reichert provided a written report in his absence that efforts will begin formally to plan a kayak / canoe launch in the area currently in use by residents. A survey and site plan will be requested by an environmentally aware engineering firm; Army Corps of Engineers and Department of Environmental Protection involvement as necessary. It is expected to be an 8 month process.

LAKES WATER QUALITY – Bob Lilley

Bob reported that the lakes water quality is improving and has remained the same as the last report. He has noticed an increase of algae and believed it to be a resultant from the recent rain. He planned a meeting with Clarke (mosquito control) and Lake Masters for later in the week. Bob stated that as the contract for water quality management is due to be renewed it is important to understand that as a lakes community, we have unique problems and that it may be necessary to find additional money to handle these problems as well as look at new companies to manage them.

Bob stated that when in Orlando he was aware of the numerous lakes around the area he was visiting and also the significant absence of flying insects and bugs. He queried whether or not they provide aerial spraying for insect control / management. Bob intends to look further into their methods and seek what might be applied in our area.

Bob responded to Peg's question about the islands at Ibis lake. He stated that the issues continue to be examined in hopes of finding alternatives to clearing the trees. The peppers should be removed; however, the task of targeting the undesirable birds, such as the cormorants, and not removing the habitat for the desirable birds remains under the scrutiny of Paul Garrett.

COMMUNICATIONS – Marion Jinkens

The report for this month included the three notices that were sent via the CIN system: Identity Theft Seminar; Pot Luck Picnic; No Trespassing, No Fishing by non-residents.

BEAUTIFICATION & ENHANCEMENT – Marion Jinkens, Gordon Quick

Marion reported that park improvement progress involves readiness for the restroom, water and sewer at the Park. Further, the entrance and interior sign locations were identified and marked with County representatives. The County requires higher poles for the signage, and those have been ordered. The interior sign locations are budgeted for next fiscal year.

The lights for the Cape Horn entrance are expected to be delivered and installed during the first week of June. The installed irrigation will be extended to include the north and south side landscape beds.

Sandy added that the Association was found in non-compliance by SWFWMD regarding the existing shell road to the Park. SWFWMD requires a Board response by May 1st outlining a plan to meet compliance. One solution is to remove a foot of shell and sod the existing road at a cost of \$4300. Another option is to permit the entire area for an improved road and continued access at Burnt Store Road, or a future alternate access. Through a motion made by Bob Lilley and seconded by Jim Thiel, the Board decided to contract the services of Banks Engineering, not to exceed \$15,000 for engineering and permitting. ***The motion unanimously passed with Fred Boland, Marion Jinkens, Bob Lilley, Gordon Quick, Jim Thiel and Peg Varga voting aye.***

COMMUNITY STANDARDS - All

Fred Boland commented that he continues to be frustrated over the appearance of the foreclosed properties and he would like to see consistent maintenance. Discussion surrounded the present schedule and conservation of budgeted dollars in order to last throughout the growing season. It will be necessary to budget significant additional monies the next fiscal year as the problem is expected to get worse.

ARCHITECTURAL REVIEW – Fred Boland

As recommended by ARC, home color changes at 95107 and an application for lake irrigation at 92404 were approved by the Board of Directors. A pool construction application with request for a variance at 98802 was also approved: the contractor must be aware of and watch for gopher tortoise burrows; the area must be staked prior to construction to verify lanai location related to the variance line; excavated pool dirt, if deposited on community property must be escorted to the dump site to protect the dump site area; the contractor must participate in the Clean Site Program; a final survey showing dimensions and pool/lanai location must be provided for the property record. Fred Boland moved to approve the requests. Bob Lilley seconded the motion. ***The motion unanimously passed with Fred Boland, Marion Jinkens, Bob Lilley, Gordon Quick, Jim Thiel and Peg Varga voting aye.***

A request for review of a fence, and guardhouse was presented for review. Peg Varga will ask the ARC Chair to meet with the property owner's representative and also receive guidance from legal counsel and provide the gathered information to the Board.

COUNTY RELATED ITEMS – Peg Varga

SCCC – Bob Reichert provided a written report for Director Review in his absence. He further provided a written request for consideration of the Board to donate \$50 to the SCCC to rent meeting space and hold a “Meet & Greet the Candidates for County Commissioners and the County School Board” event. The event will be held in July or August, likely at the Burnt Store Presbyterian Church. After discussion, Marion Jinkens moved to approve a donation not to exceed \$50 to the SCCC. Fred Boland seconded the motion. ***The motion unanimously passed with Fred Boland, Marion Jinkens, Bob Lilley, Gordon Quick, Jim Thiel and Peg Varga voting aye.***

NEW BUSINESS

A reminder was provided to begin budget preparations for Fiscal Year 2010 – 2011. Sandy will prepare a schedule and draft contracts (mowing) for Bob Lilley’s review. Fred Boland requested that budgeting be provided for a new sign at the Vincent Ave. entrance. It was stated that this was an on-going consideration. Bob Lilley mentioned that Lieutenant Grayson and Chief Krieger, Charlotte County Fire Department at Notre Dame Rd have informed the neighboring stations of our Park location. They continue working on a mapping configuration.

Peg Varga suggested that a date be set for the next Annual Meeting. Marion Jinkens made a motion to set the Annual Meeting date for 9:30 a.m. on Saturday October 16, 2010. Jim Thiel seconded the motion. ***The motion unanimously passed with Fred Boland, Marion Jinkens, Bob Lilley, Gordon Quick, Jim Thiel and Peg Varga voting aye.***

Jim Thiel made a motion to close the meeting at 7:40 p.m. Bob Lilley seconded the motion. ***The motion unanimously passed with Fred Boland, Marion Jinkens, Bob Lilley, Gordon Quick, Jim Thiel and Peg Varga voting aye.***

OPEN FORUM

Mike Wiesenthal requested more information about the kayak launch. Peg responded that the project was still with the Committee. He was provided with the name of the Liaison, Bob Reichert. He next asked if the lot next to Mr. Barbitto would be used because Mr. Barbitto would like to see this project, but just not so close to his house. The response was no.

Mike Wiesenthal then expressed concern about the money expended on the San Edmundo drainage project settlement. He was reminded money spent was for projects previously planned and budgeted for expenditure. He was also informed that the monies spent included required engineering. The legal issue was created by a neighbor across the canal (Mr. Pears) who objected to the project. He was reminded that the Association was directed by the DEP to correct the drainage flow and remove the spoil dirt. Mike stated that the property owner was out for retribution and that he had stonewalled the negotiation process.

Mike also objected to proposed budget amounts for water quality management, midge control, and maintenance of foreclosed home properties and/or increased greenbelt mowings. He stated that disaster recovery reserves be reduced or eliminated. President Varga replied to that removal of disaster recovery funding was an irresponsible act given that in 2004 the Association encountered \$100,000 worth of damage resultant from Hurricane Charley. Mike stated that today, six years later, everything is fine and a disaster recovery reserve is unnecessary. Gordon Quick responded with the analogy that health insurance is necessary even if you are fine today. Peg stated an additional example of the wild fires that spread along Burnt Store Road last season. If the fires had 'jumped the road' and entered our community, disaster relief monies would be needed and necessary.

There was additional circular discussion surrounding the David Pears settlement and the ordeal that he had created.

Open Forum concluded at 8:00 p.m

Respectfully Submitted,

Celeste M. Midolo, Administrative Assistant
On Behalf of Sandra J. Funk, Secretary
To the Board of Directors

May 21, 2010

Note: The next regular meeting for the Board of Directors is scheduled for **Tuesday, June 15, 2010** at 6:00 p.m. in the Conference Room of the BSLPOA at 100 Madrid Blvd, Unit #212, Punta Gorda, FL 33950.