

**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**

December 13, 2011

CALL TO ORDER, PROOF OF NOTICE and ROLL CALL

President Rob Hancik called the meeting to order at 6:00 p.m. Sandy Funk reported that the Meeting Agenda was posted at the kiosk on December 9th and the Meeting Notice was posted on the website mid-November and at the entrances of Cape Horn & BSR and Cape Horn & Vincent on December 9th. Postings met the guidelines as set forth in the By-Laws. Sandy took the roll call: Present were Rob Hancik, President; Bob Reichert, Treasurer; Aimee Schneider, Gordon Quick, Bob Lilley and Stan Hochstadt, Directors at Large.

Rob noted that a CIN message was sent out reminding property owners that the Agenda is posted on the website. He also stated the Agenda has been expanded to include more information. In order to maintain some consistency in the Board meetings, Rob asked that anyone who would like to speak to an Agenda item should identify themselves and the Agenda item(s). When that item comes up for Board discussion, they may address the Board who will take comments under consideration. He also stated that property owners may call the office to request that an item be placed on the Agenda. Bob Lilley stated that the Board is trying to be more inclusive of the neighborhood and their different issues.

Public Input:

At the pleasure of the Board, the following property owners, at their request, were allowed to make general comments on matters not specifically related to an Agenda item.

Janet Goin expressed objection to office staff receiving a Christmas bonus last year, noting that she has not given a Christmas bonus to her 11 staff members for 3 years due to the economy. Secondly, she stated that whatever decision is made on fulfilling the vacant Board position, that in her opinion she would like to see Bob Lilley as President and Rob Hancik step down because she feels he has been a detriment to the community and someone else can give better direction.

Carroll DeWeese stated there were three things he wanted to address: (1) Meetings; (2) Financial; (3) Fact or Fiction. He would like the Annual Meeting Minutes (Unapproved) posted on the website. Sandy stated that they were only half transcribed at present. Secondly, he would like all (unapproved) Minutes of Board meetings posted within 10 days of the meeting. He further stated there is \$106,000 allocated in the budget (reserves) and hopes that stays within that perspective. He relayed to the Board various 'rumors' that he had heard, i.e., "Board ram the Park build out through". He stated that it is important that the Association have a long range plan and the Board

should be working now for plans in 2013. He also heard that the Board was going into the building business and going to buy lots; and the settlement on the law suit was going to be \$250,000 and going to use it for build out. The point he made was to avoid these “rumors” by providing more information. Bob Lilly stated that it is impossible to stop rumors—indicating that the Board would have to develop a rumor control committee. Carroll asked if anyone approached the owner of the lot next to where a Park road ‘may’ be built, or if the Board approached the owners of lots adjacent to the proposed canoe/kayak launch. Bob Lilley stated he did approach the neighboring property owners and they had no objection.

DISPOSITION OF MINUTES

Rob asked if there were any corrections or additions to the Minutes of the regularly scheduled Board of Directors meeting held on November 8, 2011. There being no additions or corrections, Stan Hochstadt moved to accept both the November 8th Minutes as written. Gordon Quick seconded the motion. ***The motion unanimously passed with Hancik, Reichert, Lilley, Hochstadt, Schneider and Quick voting Aye.***

TREASURER’S REPORT

In Bob Reichert’s absence, Aimee Schneider reported that the cash position as of November 1, 2011 was \$287,726.74. Cash received was \$265,783.57 and included earned interest in the amount of \$108.73. Disbursements for the month of November were operating expenses in the amount of \$36,674.65. There were no reserve expenses in November. The cash position ending November 30, 2011 was \$516,835.66. Assessment Receivables were \$388,803.71. Aimee reported the balances in the money market and checking accounts.

Aimee also noted that we are currently at a 55.2% collection rate compared to 60% rate ending November 2010. This lesser rate could be partially due to those waiting to remit via credit card.

Stan Hochstadt made a motion to approve the Treasurer’s Report as presented and send forward for audit. Gordon Quick seconded the motion. ***The motion unanimously passed with Hancik, Reichert, Lilley, Hochstadt, Schneider and Quick voting Aye.***

RESULTS OF INSPECTION OF VOTING RECORDS

Due to illness, Mr. Beahn was not in attendance to present his findings as a result of inspecting the voting records. He will probably be at the January 10th meeting of the Board. Rob stated that a group of property owners requested the inspection implying the Board and staff were involved in vote tampering. As a result, the cost to the Association was \$1,433. Rob also stated that it is rumored that he had an inordinate amount of proxy votes that swayed the vote for Board of Directors. Rob made it clear that he only had three (3) proxies to cast for Directors.

BOARD VACANCY APPOINTMENT

Rob stated that in accordance with the By-Laws, the Board may appoint a replacement Director to fulfill the vacancy created by Fred Boland’s resignation (until the next

election in October 2012). At Aimee's suggestion, the vote was taken by secret ballot to select one of the four applicants who asked to be considered for the appointment; namely, Bob Beahn, Janet Goin, Beverly Mezger, and Bob Pietrasanta. Each of the five (5) Board members in attendance cast their ballot. Property owner Jim Brown volunteered to count the ballots and announce the successful applicant. Jim reported that Bob Pietrasanta had the most votes with four (4), and Janet Goin with one (1). Rob asked Bob to take a seat at the table and welcomed him to the Board.

At this time, Board member Stan Hochstadt read the following statement and asked that it be entered into the Minutes:

"We as the Board of Directors have been elected by this community, Burnt Store Lakes POA. As Board members, we also have a fiduciary responsibility to everyone in the community to continue those expenditures that have been approved in our budget for year 2012. The budget is very tight to achieve what we have to do with the money we have at this time. This might force us to cut some expenditures we have planned for the year 2012. The candidates who have not been elected to the Board continue to disrupt our meetings and called for a recount of the votes. We also have additional legal fees from individuals who question our integrity. The Board of Directors is governed by the By Laws and by the rules of the State of Florida. This Board is completely transparent and I think that the rest of this community should know of the individuals who continue to show their mistrust of us. They have caused us to take money out of our budget that we had not planned for. We have accounting and legal fees that added up to thousands of dollars. That was not in our budget and we have to cut items that we have planned for in the year 2012. We now have to find a way to pay for these unnecessary expenses. I just want to let everyone know that these few individuals have seldom come to our park or to any of our fabulous picnics, or even to an event as a Christmas party or golf outing. Most of our community activity is spear headed by many dedicated volunteers who work very hard to create activities for all of us, and not for a select few. The minority who tell us we are spending too much and they have never taken part in any activity to support our community. We have many past Board members who come to our meetings and understand what we have to deal with, and tell us what a great job we are doing. I also want to tell you some of the names of the people who volunteer and work so hard for our community. You might not know who they are. Just to mention a few like Dick Kopsack, Rick Mathis, Dale DeKraker, Jinx & Bob Carlson, Karen & Frank Bishop, Sunny Martinek and many more. These are just a few names of the many people who work so hard behind the scene that make this a wonderful place to live. Mr. Chairman, I would like this to go into the official minutes." Stanley Hochstadt

Stan then made a motion to appoint Bob Lilley as Vice President of the Board (position left vacant due to resignation). Gordy Quick seconded the motion. Bob graciously accepted the Vice Presidency. To address Janet Goin's concern, Bob Lilley stated he could not take the presidency due to his current commitments, and credited Rob Hancik for doing a great job as president, and looks forward to the Board working together. **The motion unanimously passed with Hancik, Reichert, Lilley, Hochstadt, Schneider, Quick and Pietrasanta voting Aye.**

REALIGNMENT OF THE BOARD AREAS OF RESPONSIBILITY

At this time the Board realigned the Areas of Responsibility. Rob clarified that the Board members are liaisons and not chairperson(s) of the Committees. The assignments are as follows:

Safety & Preparedness – Bob Pietrasanta
 Mechanical & Maintenance – Bob Lilley
 Lakes Water Quality – Bob Lilley
 Long Range Planning – Bob Reichert
 Communications – Aimee Schneider
 Beautification & Enhancement – Stan Hochstadt
 Community Standards – Gordon Quick
 Architectural Review – Bob Pietrasanta
 County Related: MSBU – Rob Hancik
 SCCC – Bob Reichert & Rob Hancik

MANAGER’S REPORT

Front Entrance: A & L Landscaping is taking care of the swale in the County right of way at the Cape Horn entrance. The County was notified of this action.

Mechanical & Maintenance: We met with King Construction for additional bid to meet SWFWMD permit requirements in Park between playground and gate. Copies of the three (3) bids were provided to the Board. Bob Lilley stated additional review is required before he can make a recommendation to the Board for approval. Bob Lilley looked at the drainage swale from Cabana to Kingfisher Lake on the east side of Isaac Lane (not draining properly). Bob Lilley will solicit a list of potential contractors for this work as well as additional swale work that will be needed in the future. Bob also stated that contractor used in the past is out of business. He mentioned that the mowers have been careful to keep out of the swales—especially when wet—since this type activity causes the sides to cave or slide into the swale.

Kayak/Canoe Launch: The Committee is researching a fabric source (Astro-Turf type material) for the launch surface. Samples have been received of various types that the Committee is reviewing. Once the source and material is decided, construction may proceed.

County-owned lots on San Edmundo: Request for bids were posted on the County website on November 15th with a deadline for submission set at 2:00 p.m. on November 30th. Bids are in the process of being reviewed by County Real Estate Department prior to going before the BCC in January for approval of sale.

Credit Card Update: There has been a delay in setting up the system due to problems with the provider, Bank POS. Issues have been resolved and we are waiting for our webmaster to finish developing the webpage form to comply with security regulations.

Insurance Review: Met with our insurance agent and reviewed our liability and umbrella policies as well as D & O and Workman’s Comp. Slight adjustments were

made for inclusion of restroom, new entrance signage and park pavilion. Final proposal will be sent to Board for review. Cost should remain within budgeted figures.

Repaired Signage: Ric Roberts of Gulf Coast Signs (supplier of the 9 entranceway signs), came onsite to repair/replace brackets and hardware to better secure the signs to the poles. The spare brackets and hardware were given to Rob Hancik.

OLD BUSINESS:

DIRECTOR REPORTS:

SAFETY & PREPAREDNESS

Rob stated that Charlie Burgese has volunteered to head up the Community Watch with the assistance of Rick Mathis. Charlie stated that he attended a Community Watch Workshop led by Dale Philips of the Charlotte County Sheriff's Department. Many Association Community Watch representatives from other communities were present. Several of our surrounding communities have an extensive program in place. In order to make it work in BSL we need a group of people. Even though we do not have a crime problem in the community, there are a lot of other things the Watch can provide. A meeting with the Sheriff's Office representative will be held at Charlie's house at 6:00 p.m. Thursday, January 19th. The office will send out a CIN message. Bob Pietrasanta will work with Charlie as a Board liaison. Due to legal issues, the Board cannot be actively involved and the Watch should stand alone as a separate entity. Aimee mentioned that a deputy came to her house and asked if she had observed anyone around abandoned homes since appliances, etc., have been reported as being stolen. Gordy mentioned illegal fishing in the southwest portion of the Lakes (Boca Vista and Vincent) and asked if we have towing rights. Once the violator has been confirmed/documented as a non-resident (or guest), the Association has the authority to contact a towing company and have the vehicle removed.

MECHANICAL & MAINTENANCE – Bob Lilley

Items were previously covered in Manager's Report.

LAKES WATER QUALITY – Bob Lilley

Bob Lilley addressed the Phase II portion of the Ibis Island clean up. This year will not only include clearing the remaining portion of the large island of Brazilian pepper and Carrotwood trees, bushes, brush and other debris, but the same clearing on the smaller Ibis Lake island will be done. The work must be completed by January 31, 2012, which signifies the beginning of the avian nesting period. The project calls for spraying any remaining roots with "Relegate" herbicide and re-planting desirable vegetation. Bob must "fine tune" the Contract with the supplier before signatures. In the interim, he asked for approval of the expenditure in order to not delay the start of the project. Stan Hochstadt made a motion to approve \$8,500 expenditure for clearing, etc. as outlined in the Contract, and an additional \$1,500 to purchase plantings for a total of \$10,000, utilizing the services of Joe Schiro. Gordon Quick seconded the motion. ***The motion unanimously passed with Hancik, Reichert, Lilley, Hochstadt, Schneider, Quick and Pietrasanta voting Aye.***

Bob reported that we have received the dissolved oxygen level report for the lakes in November. He has asked Aquatic Systems to repeat the testing since the five (5) new aerators were installed about two weeks ago in Heron and Eagle lakes. Two compressors and two cooling fans were also replaced on Heron Lake. The midges are not a problem at the present time; however, the treatment program is slated to commence again in the spring.

Bob also noted that two alligators were removed from the Stork Lake area that were in excess of 10 feet in length and posed a threat to surrounding homeowners.

LONG RANGE PLANNING – Bob Reichert

No report.

COMMUNICATIONS – Aimee Schneider

Aimee reported five (5) CIN messages were sent since the last Board meeting in November—Announcement of open Board of Director position, November 20th small business owner potluck, Charlotte County notice of lane shifts along BSR, CCU request for assistance from property owners with copper pipe study, and reminder for the next Board meeting on 12/13 and update regarding credit card services.

BEAUTIFICATION & ENHANCEMENT – Stan Hochstadt

Stan reported that there was no meeting in December. The holiday decorations were put up in November. Take down is scheduled for after the New Year on January 4th.

COMMUNITY STANDARDS – Stan Hochstadt & Gordon Quick

Stan reviewed the Community Standards report by stating there was one parking violation this month, one waiver for RV and/or boat was provided, no sign violations, one lawn violation (not resolved, two trash can violations, two home maintenance violations and one nuisance violation (multiple automobile repairs at a home).

Gordy asked if fine structure and procedures were posted on the website. Celeste will verify date. Gordy requested that office staff schedule two Board members per month to perform monthly inspections. Sandy mentioned the need to establish the Arbitration Hearing Committee members. Charlie asked if a quorum must be present and suggested a three member committee with alternate. Stan Hochstadt motioned to appoint Charlie Burgese, Katie Mazzi, Beverly Mezger, and Rick Mathis (as the alternate) as members to the Arbitration Hearing Committee. Bob Lilley seconded the motion. ***The motion unanimously passed with Hancik, Reichert, Lilley, Hochstadt, Schneider, Quick and Pietrasanta voting Aye.***

ARCHITECTURAL REVIEW

Bob Pietrasanta requested approval of home color change as recommended by the ARC. Stan Hochstadt motioned with Gordon Quick seconding that the Board approve the new home color change for 89505 at 17035 Cape Horn Blvd. ***The motion***

unanimously passed with Hancik, Reichert, Lilley, Hochstadt, Schneider, Quick and Pietrasanta voting Aye.

COUNTY RELATED ITEMS

SCCC – In Bob Reichert’s absence, Rob Hancik read an excerpt from Bob’s minutes of the meeting held on October 27th as follows: Commissioner Chris Constance was in attendance and confirmed what was reported in the Charlotte Sun regarding the Placida Road widening program. Commissioners voted not to move forward on widening Placida Road but did commit up to \$5 million for purchase of right of way properties. Of the monies dedicated for the widening project, \$26 million will be transferred to the widening of Route 771 (Gasparilla Road), and the remainder \$20 million is slated to go to Phase II widening of Burnt Store Road. This is good news and may mean that it is possible that the entire length of BSR to the Lee County line will be widened sooner than later. Contracts were awarded last week for engineering and surveying for Phase III (Lee County Line to Zemel Road). Jim Brown added that he attended the MPO meeting this week and encouraged more people to attend since “numbers” count when trying to allocate funding for the BSR widening. He also stated that Phase II is not finalized yet and that the Placida Road is not a “done deal” as yet. He also explained about the additional 1% Charlotte County sales tax funding the BSR widening. He also reported that the scheduled completion date for the widening from Route 41 to Notre Dame is April 2012.

MSBU – Rob Hancik reported the County has started the engineering work on the lighting expansion project at five (5) entrances. He met with the County and the engineering firm and was informed that the design timeframe is 10 months for completion (engineering alone).

NEW BUSINESS

None

MISCELLANEOUS

ADJOURNMENT

Bob Lilley made a motion to adjourn the meeting at 7:25 p.m. Stan Hochstadt seconded the motion. ***The motion unanimously passed with Hancik, Reichert, Lilley, Hochstadt, Schneider, Quick and Pietrasanta voting Aye.***

OPEN FORUM

Jim Brown was concerned about the \$1433 spent on the recount/inspection and stated this was not the first time funds have been spent due to certain individuals/groups. He praised the ability of Webb Lorah to conduct a proper election as they would not want to jeopardize their business reputation to conduct it otherwise. As stated by Mr. Beahn at the November Board meeting, he wants to expose any fraud that may have occurred. He further noted that we have a very generous and benevolent Board. He also stated that Janet Goin was totally out of order in her statement about changing officers. Loyalty was shown after the vote was taken when she departed the meeting. Jim also

pointed out that in accordance with Roberts Rules of Order, you cannot make a motion to override the By-Laws. You can only amend the By-Laws with a 2/3's vote of the entire membership. Jim referred to the section in the By-Laws that states the Board has the prerogative to appoint a vacated seat on the Board. Jim applauded the Board for doing a great job noting the details and time involved with this volunteerism to the community. He also felt that mentioning a bonus after costing the Association \$1433 was hypocritical.

Mr. DeWeese commented that he would not have been in favor of a recount/inspection, and asked what can be done from preventing this from happening again. It was pointed out that in accordance with Florida State Statute; any property owner has the right to inspect the official records of the Association—including inspection of the election records at the Association's expense.

Rob Hancik also addressed the lawsuit 'rumor' by stating that legal issues are not discussed at open Board meetings since any information presented could jeopardize the case. Nothing has been decided and will not be decided until mediation which is scheduled for January 2012.

Rob also addressed the question regarding the Master Plan by stating the proxy mailed out to the property owners contained a question as to whether they approve or disapprove going forward with the concept. Even though the vote was positive, it was made clear on the proxy that no monies were included in the 2011-2012 budget to fund any portion of the Master Plan. The decision to not fund the Master Plan is recorded in other Minutes.

Beverly Mezger stated that it is impossible to stop rumors. There are certain individuals/groups in the community who are against the Board and will spread rumors. Beverly also asked that the minutes reflect her feelings that Mrs. Goin was totally out of line regarding her comments about the President. She stated that this Board has devoted an incredible amount of time to the community.

Warren Mezger reported there may be a problem with the opening of the Alligator Bridge due to an inspector noting the bridge was 4" higher than specifications. This has not been verified.

Rick Mathis asked if the arbitration hearing committee members were protected from law suits. Sandy will check with our insurance company and get back with Rob and Rick on their response.

Ginny Story emphasized how important the Community Directory is to her (as well as others), and asked if there was a way to get more property owner participation to be included in the directory. Carroll DeWeese stated the system used in Burnt Store Isles works well. The information is included on their annual assessment invoice and returned with their assessment payment. This will be looked into by office staff.

Open Forum ended at approximately 7:40 p.m.

Respectfully submitted,

Sandra J. Funk, Secretary
To the Board of Directors

The next meeting of the Board of Directors is scheduled for 6:00 p.m. on Tuesday, January 10, 2012 in the BSLPOA Conference Room located at 100 Madrid Blvd., Unit #212, Punta Gorda, FL 33950

December 16, 2011