

**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 8, 2009

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

Peg Varga, President, called the meeting to order at 6:00 p.m. Peg noted that Mike Wiesenthal indicated he was going to tape the meeting and she asked if there were any objections. It is so noted that Jim Brown and Rick Mathis both stated their objection to the taping.

Secretary, Sandy Funk, announced the Meeting Notice and Agenda were both posted on the BSLPOA kiosk on Friday, December 4, 2009, 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, Gordon Quick, and Bob Reichert, Directors at Large, were present.

**Public Input:** Peg asked if there was any input on agenda items with a 3-minute time limitation. Those in attendance were Ray Varga, Jim Brown, Rick Mathis and Mike Wiesenthal—none of which offered any comments.

**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 November 3, 2009. Sandy noted a typographical correction. There being no other corrections or additions, Peg stated that the Minutes of November 3, 2009 are considered approved as written by unanimous consent.

**TREASURER'S REPORT**

Jim Thiel reported there are two reports today—month ending 10/31/09 and month ending 11/30/09. Jim reported our cash position as of 10/1/09 was \$301,797.75. Cash received in October was \$66,684.79, which included interest earned in the amount of \$14.97. The total disbursements for the month ending 10/31/09 were \$40,657.56 (\$38,659.17 operating; \$1,587.50 annual meeting picnic; \$125.80 dinner dance; and \$285.09 reserves). The cash position at the end of October was \$327,824.98. The total Assessments Receivable at month ending October 31, 2009 was \$566,955.48. Jim reviewed each of the bank accounts balances. Jim asked if there were any comments on the October financial report. There were none.

Jim reported that our cash position as of 11/1/09 was \$327,824.98. Cash received in November was \$282,503.82, which included interest earned in the amount of \$75.76.

The total disbursements for the month ending 11/30/09 were \$66,579.32 (\$63,579.32 operating; \$3,000.00 reserves). Jim noted the increase in expenses this month was due to aquatics and mowing. The cash position at the end of November was \$543,749.48. The total Assessments Receivable at month ending November 30, 2009 was \$291,297.41. Jim reviewed each of the bank accounts balances, noting that he made two transfers out of the checking account into the money market account to realize some interest. Jim asked if there were any comments on the November financial report. There were none.

There being no corrections or additions to either the October 2009 or November 2009 financial reports, Bob Lilley motioned with Fred Boland seconding to consider the financial reports ending October 2009 and November 2009 approved and send forward for audit.

Jim reported that Webb Lorah has prepared our 2009 tax returns where we are due a return of slightly more than \$200.00.

Sandy asked the Board for approval to proceed with foreclosing on 17 lots that are in arrears (\$18,000). All notifications and lien filings have been completed. Bob Reichert made a motion to proceed with foreclosing on the 17 lots with Fred Boland seconding. ***The motion unanimously passed with Varga, Boland, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

#### **OLD BUSINESS:**

#### **DIRECTOR REPORTS:**

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

Fred reported there have been several “gypsies” soliciting funds for books in the subdivision (as well as the Marina). Fred has forwarded the emails regarding this situation to Matt Butcosk of the Neighborhood Watch for distribution to the Watch members to be on the lookout for. He also reported there have been several break-ins in the Marina. Frank Trestka (resident and Lee County Deputy) attended the last Watch meeting as well as Officer Melendez of Charlotte County Sheriff’s Office. Frank stated they are working on leads as to who might be committing these break-ins. Fred noted that the Watch meeting was very well attended.

Bob Lilley discussed the possibility of engaging the services of private security to patrol (off-duty Charlotte County Deputies). He stated that \$3,000 was budgeted for this purpose (cut from requested \$15,000). Twice a week patrol at 4 hours each (\$27/hour) would cost approximately \$1,000/month and would be managed by the Board of Directors. Bob asked for input. Peg stated that since we have limited funding available and noted that we have not seen a surge of incidents in the Lakes as in the Marina; she suggested that we do not initiate a program unless we start experiencing problems. If what little money we have budgeted were expended now, there would not be any funds available in the event break-ins occur. Bob Lilley agreed with this thought process and further stated that if a program were instituted, he would like Bob Reichert to oversee it. Bob Reichert is of the same opinion as Peg in that we should not react until there is a problem, and if there were, Bob would then be willing to step in and organize a program.

He also contacted the Sheriff's Office for additional patrols during the night hours. Day patrol has been increased. The remaining Board members felt the same and emphasized that we need more community awareness, i.e., do not put storm shutters up when leaving on vacation, call 911 if you see suspicious activity. Fred suggested a CIN message be issued pointing out things to do and not to do to protect their homes, i.e., stop mail and newspapers when going away, leave a light and/or timer on, leave a car in the driveway. Bob Lilley suggested that we put together a brief statement (or flyer) at the Board sponsored Potluck in January.

**Influenza Clinic:** The service provider for the influenza vaccine has notified the office that they now have vaccine available and would like to reschedule another clinic. Marion stated that it is too late in the year and that we should consider it again next September. All agreed.

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

**San Rafael Drainage:** Bob Lilley stated that BTR finished grading the drainage swale from Trading Post to an outflow pipe behind lots on Rabat Way. The water is now flowing west.

**Bear Branch Creek Mowing – Cape Horn to Park:** Bob reported that he has a two-part mowing quote to continue the maintenance mowing as done last year. One is to heavy mow the greenbelt on the north and south side of the creek on the west side of Cape Horn (\$4,775). The other quote is to mow the north side of the creek from Cape Horn to the Park (\$850). Bob feels the quote was high since it was close to last year's that entailed more work, i.e., cutting and trimming trees. He will seek other quotes, but asked the Board for approval of a NTE amount to enable proceeding once additional bids are received. Bob's goal is to have this area cleared so that the regular mowers (All Lots) can routinely get back into this area. He will meet with All Lots this week to discuss. He will also discuss with All Lots the ruts created by his tractors due to mowing right after a rainfall. In addition, Bob will meet with Excavation Etc. to go over contractual mowing of the Park and surrounding area(s). After discussion, Jim Thiel motioned to approve funds not to exceed \$5,625 for heavy mowing of greenbelt on both sides of Bear Branch Creek west of Cape Horn, and greenbelt on east side of Cape Horn to the Park. Bob Reichert seconded the motion. ***The motion unanimously passed with Varga, Boland, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

**San Ciprian Out Flow:** Bob explained a problem with mangrove growth on the south side of the weir that is the out flow of Eagle Lake to Bear Branch Creek. They have severely grown since the hurricane (pictures provided by a property owner), and eventually the drainage will be impaired. Bob requested input from the Board on the steps necessary to take, i.e., DEP permitting to cut/trim the mangroves. He does not want to remove them completely since it will create an erosion problem. Office Staff will contact the DEP in Fort Myers and request assistance in determining what course of action to take. Bob also noted a problem on the north side at the weir itself in that the lake at that point has almost circumvented around the road wall (approximately 40 feet long). It is possible that the road wall will give way during a heavy rain event. There has been a significant amount of erosion on the banks. Bob is currently obtaining bids on placing riprap in this area. Sandy pointed out that since this is in County right of way, she would call Dawn Harrison (Public Works) and request assistance.

**Ibis Lake Islands:** Bob reported that he is also obtaining bids on clearing out Brazilian pepper trees from both of the Ibis Lake islands. The last time this was addressed was 12-15 years ago by cutting and ferrying the debris off the islands. Bob suggests floating a small barge into the lake with a chipper. This would be more cost effective compared to what was done prior. The palms and oaks would remain. A regular maintenance schedule could be set up to periodically treat the islands with Clear Pasture™ (chemical that kills pepper tree roots). The Board suggested asking for Dale DeKraker's involvement in the project—specifically for the maintenance phase.

**95609 Vagabond Grading:** Sandy requested approval of funds to grade the property around the house utilizing the escrow money received. The grading of the swales is imperative in order to maintain proper water flow from the house to the surrounding drainage swales. The house is mostly completed and is now in foreclosure. After discussion, Bob Lilley made a motion to expend NTE \$1,500 from the escrow monies to grade the 95609 Vagabond property with Gordon Quick seconding. ***The motion unanimously passed with Varga, Boland, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

#### **LONG RANGE PLANNING – Bob Reichert**

Bob Reichert submitted a Proposal Summary to the Board for consideration of purchasing a replacement flagpole for the Cape Horn/Burnt Store Road entrance. Bob is still working on resolving the lighting issue. Power/lighting will be coordinated with the Cape Horn Entrance project now being finalized by the County. Bob Reichert made a motion to purchase a 25-foot flagpole from The Flagpole Company in an amount of \$452.95 that was seconded by Bob Lilley. Before a vote was taken and further discussion, Bob Reichert and Bob Lilly withdrew the motion and second for the purpose of including additional monies for installation, etc. Marion Jinkens made a new motion to purchase a 25-foot flagpole from The Flagpole Company in an amount NTE \$600 that was seconded by Fred Boland. ***The motion unanimously passed with Varga, Boland, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

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

Bob Lilley reported that he has met with Denny Kunish of Aquatic Systems regarding improving the method and pattern of application of the larvacide. They have started spraying in accordance with a new contract utilizing a pass system with a boom. It seems to be effective in that they have not seen a lot of egg casings. Bob also had the water quality reports testing at 1-2 feet levels. An investigation was conducted as a result of a concern of a property owner who felt Aquatic Systems was over spraying the banks and he feels this has resulted in erosion of the banks. It was ascertained that this was not the case, but that a lot of the problem is as a result of the mowing. It was also discussed that Ibis Lake will not be addressed during the bird nesting season. Bob also emphasized the importance of lake quality due to the overgrowth of vegetation and pepper trees, which will result in high nitrogen levels when rainwater washes the bird droppings from the vegetation into the lake (fish kill). He asked Aquatic Systems if installing additional aerators would solve the problem, and was told that the number of aerators will not have an effect on controlling this problem.

## **COMMUNICATION - Marion Jinkens**

Marion reported there were no alerts issued in November. Three CIN messages were sent out (1) Administrative regarding the New Fiscal Year, (2) Safety & Preparedness re the Blood Drive, and (3) Administrative re the Holiday Schedule Changes for Trash Removal. There were two Grapevines issued—both reminders about the Holiday Dinner Dance. Peg reported that another recently sent out Administrative CIN regarding Deed Restrictions (in December) has received several favorable responses from the property owners with only one negative comment from a renter.

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

**Cape Horn Entrance:** Sandy reported that she spoke with the County today and was told that they are putting the finishing touches on the bid package. Purchasing should post it to their website tomorrow and hopefully have a pre-bid meeting next week. The process should take about 4 weeks to review bids and award contract. Gordon previously asked what landscaping was going to be installed at the entrance. An overview was given to him. However, Gordon stated that he was referring to the queen palms already planted. A property owner approached him and stated that royal palms would look a lot nicer. This should be a Beautification and Enhancement budget item for consideration next year.

**Park Master Plan:** Sandy reported that Banks Engineering continues to work on the Master Plan. SWFWMD has concerns about the parking lot impact on the environment as well as permitting of the original pavilion. Banks has coordinated a meeting with SWFWMD for early January at their facility in Sarasota to resolve their questions and hopefully not require a permit from them. In order to move the project along, it could be broken down into two phases—the most important being provision for a rest room facility. The parking issue could be resolved later.

**New Signage Wording:** Marion reported that the new signage project would be broken down into two parts: (1) perimeter signage and (2) interior signage. The perimeter signage consists of nine (9) signs at various entrances into the community. Legal opinion requires icons in addition to wording. The Committee is now working on this and will submit to Images for a sign rendering for Board perusal next month. Sandy suggested that our website address be placed on the sign as well.

**Christmas Decorations/Seasonal Plantings:** Sandy asked the Board to rescind last month's motion for approval of funds to plant artificial poinsettias. At November's meeting, discussion centered on the cost of providing live plantings (\$1,000), their anticipated growth, and inability to bloom again due to the night lighting, etc. Therefore, the approval to proceed with artificial plants was granted. However, since the meeting, further research was conducted resulting in reduced cost for live poinsettias. Through email, Board approval to change to live plants was granted. The cost of the live poinsettias was \$225 plus \$100 for Excavation Etc to install them (including the banners). The total of \$325 expended realized a cost savings in the amount of \$675. Bob Lilley motioned to rescind the word artificial poinsettias and insert the word live poinsettias in November's motion for approval of \$2,500 for decorations and poinsettias. Gordon Quick seconded the motion. ***The motion unanimously passed with Varga, Boland, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

## **COMMUNITY STANDARDS - All**

The Board reviewed the deed restriction report. Gordon reported a problem with the vacated Morris property on Boca Vista and took several pictures. The landscaping trimmings have been thrown in the adjacent lot. The landscaping has still been neglected and needs to be cleaned up. Gordon also discovered a nest of bees in the eaves that could potentially be dangerous. A lengthy discussion ensued which resulted in compliance procedures being initiated again, i.e., certified correspondence notifications and legal if necessary. The bee infestation will also be reported to the property owner for him to address. Celeste asked the Board to review the Deed Restriction Review Schedule and let her know if there needs to be any adjustments. Bob Lilley switched months with Peg Varga. Bob will review in December and Peg will take January. Fred asked if there were any major compliance issues noted on the report. Properties 83812 and 91315 have continued landscaping issues. Celeste reviewed the statistics regarding percentage of property owner resolution vs. non-property owner resolution at a 57% compliance rate that is better than in the past.

## **ARCHITECTURAL REVIEW – Peg Varga, Fred Boland**

Peg reported and motioned to approve the recommendations made by ARC for a trim color change at 96512 on Cape Horn, and pool construction plans for 98309 on Vincent Avenue. Bob Lilley seconded the motion. ***The motion unanimously passed with Varga, Boland, Thiel, Reichert, Lilley, Quick and Jinkens voting aye.***

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

**SCCC:** Jim Brown was in attendance to report on SCCC. He stated there was no meeting in November; however one is scheduled for this Thursday (12/10). Stephen R. Deutsch is the scheduled speaker. Mr. Deutsch is a republican candidate for Charlotte County Commissioner, District #4, running against Commissioner Dick Loftus. Jim stated that Dr. Chris Constance is running for Adam Cummings seat on the Commission. He also stated that the SCCC is supporting the Team Punta Gorda Overlay District project that entails enhancement of entranceway signage into the County—including Burnt Store Road.

**MSBU Advisory Board:** Sandy reported that she and Rob Hancik went to a meeting last Wednesday evening (12/2), which Bob Halfhill, Director of Public Works, asked the Chairs of the MSBU Advisory Boards within the County to attend. There are 52 active MSBU's in Charlotte County; however, there are not 52 Advisory Boards. Mr. Halfhill asked Dan Quick (Public Works) to report on how much the County spent on a study to eliminate the MSBU's in the County. Dan's response was "hundreds of thousands of tax dollars". The study did not result in elimination of MSBU's. Another study was conducted to reduce the number of MSBU's down to three—this also was not accomplished. Mr. Halfhill warned the group that after January 1<sup>st</sup> we would see some major changes within the MSBU's on how they will function. The plan was not revealed. However, he indicated that the County wants to initiate some standardization within the MSBU's in that each MSBU's contribution would be more uniform. Dan Quick was asked to report on the allocation and projects supported by the 1% sales tax, i.e., Burnt Store Road widening. He stated that they are ready to go into the design phase for

Burnt Store Road from Zemel Road to Vincent Avenue (Charlotte/Lee County line). He reported that Route 41 to Notre Dame is funded, but the hold up is the final acquisition of land. The remaining segment (Notre Dame to Zemel) is still in question since the plan is for developers to fund this portion of the widening. One attendee questioned a money issue, i.e., funding of Winchester. This road was earmarked for work when the 1% sales tax was approved six years ago. Since the project was not done, this gentleman asked where the money went—absorbed into the general fund. It is emphasized how important it is to keep on top of the Burnt Store Road project so the same thing does not happen to the funding for the widening of Burnt Store Road. The County attorney discussed the Sunshine Law for 45 minutes and how it relates to MSBU open meetings, public records, as well as discussions, emails, phone calls, and letters between fellow advisory board members. Mr. Halfhill stated that there will be another meeting scheduled in approximately six months to update the MSBU Advisory Board chairs of the revamping progress. On a final note, the County is now working with a new computer program for generating easier to read/follow financial reports, i.e., grouping like items into specific categories instead of listing them individually.

### **MISCELLANEOUS ITEMS**

**Legal Meeting** – Peg reminded the Board that an orientation meeting would be scheduled with Pavese Law firm for December 10<sup>th</sup> at 3:00 p.m.

**Insurance Meeting** – Peg stated that a meeting has been scheduled for 12/11 @ 11:00 a.m. with David Kennedy from Olin Insurance Agency to begin the process of transferring our coverage to their firm.

**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**

Bob Reichert suggested the Board send a letter of appreciation to the Holiday Dinner Dance Committee for the excellent job they did in arranging the affair enjoyed by all. The Board agreed it was appropriate.

Peg asked the Board to review the Annual Meeting Minutes (10/17/09) that were recently prepared and distributed to the Board and notify the office of any inaccuracies. Last year's minutes were posted on the website as "Unapproved" to give people who could not attend an opportunity to read what transpired at the meeting. We would like to do the same this year.

Peg also asked the Board to review for general discussion at the January Board meeting, the two articles provided to each member by Sandy on "25 Common Mistakes Boards Make (published in the Community Associations Institute Newsletter), and "Avoiding Negative Media Attention" (published in the Association Times). She asked that everyone take a self-review to see what we can do to improve ourselves so we do not make the 'common' mistakes. She stated that the Board is made up of volunteers and we should take this opportunity to review our methodology and approach from the

view of professional community association management. Although BSLPOA has not had any media involvement, Peg stated she would like the Board to read this article since preparation and information is always good to have.

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

### **OPEN FORUM**

Jim Brown noted that when he attended, as a Board member, a meeting with the attorney that we were cautioned to have an “arms length” relationship with the Neighborhood Watch due to the liability issues involved. He also provided some details regarding method of entry, etc., on the robberies being committed in the Marina. He also mentioned that there are several sheriff deputies that live in the Lakes who park their sheriff vehicles conspicuously which act as a deterrent to thieves.

Rick Mathis stated that the Neighborhood Watch is also a deterrent. He also reported to the Board that there are two 10-foot ruts in his backyard that were created by the mowers when turning the equipment after mowing the swale. Bob Lilley will meet with All Lots and discuss this along with the other areas of concern. Rick also suggested that we contact a beekeeper to remove honeybee nests (usually done at no cost). He is also planning on installing a pool at his residence and inquired as to the procedure to follow in submitting an application. The BSLPOA and County process was explained to Mr. Mathis.

Open Forum concluded at 8:15 p.m.

Respectfully Submitted,

Sandra J. Funk, Secretary  
To the Board of Directors

December 27, 2009

**Note:** The next regular meeting for the Board of Directors is scheduled for **Tuesday, January 12, 2010** at 6:00 p.m. in the Conference Room of the BSLPOA at 100 Madrid Blvd, Unit #212, Punta Gorda, FL 33950.