

**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 10, 2009

CALL TO ORDER, PROOF OF NOTICE and ROLL CALL

Rob Hancik, Vice President called the meeting to order at 6:00 p.m. Secretary, Sandy Funk, announced that the Meeting Notice and Agenda were both posted on Friday, March 6, 2009. Both postings meet the guidelines as set forth in the By-Laws. Sandy took roll call of the Board members as follows: Rob Hancik, Vice President; Jim Thiel, Treasurer; Fred Boland, Bob Lilley and Marion Jinkens, Directors at Large were present. Jim Brown, President and Scott Pitser, Director at Large were absent.

Public Input: No comments.

DISPOSITION OF MINUTES

Rob asked if there were any corrections or additions to the Minutes of the regularly scheduled Board Meeting held on February 10, 2009. There being none, the Board members present accepted the February 10, 2009 Minutes by unanimous consent.

TREASURER'S REPORT – Jim Thiel

Jim Thiel reported that our cash position as of 2/1/09 was \$576,022.60. Cash received for the month ending 2/28/09 was \$21,143.73 (includes \$492.88 interest earned) and total disbursements were \$33,061.44. Assessments receivable were \$116,205.79 (includes prior years not collected). Our cash position ending 2/28/09 is \$564,104.89. Jim stated that at the end of February the Wachovia balance was \$57,151.65, however, in March \$56,000 of this amount was transferred into Regions checking. This leaves the Association with a little over \$1000 to cover outstanding Wachovia check to DEP. As soon as that check clears, the Wachovia account will be closed out. The Dinner Dance account at Wachovia was transferred to Regions in early March—therefore not reflected in this financial report. It was also noted that we have obtained a safe deposit box at Regions at no cost. Contents of the Wachovia box will be transferred to the Regions box and Wachovia closed out.

Rob asked if there were any comments on the financial report. There being none, Bob Lilley motioned that we approve the Financial Statements and send forward for audit. Marion Jinkens seconded the motion. ***The motion unanimously passed with Hancik, Thiel, Boland, Lilley and Jinkens voting aye.***

98709 – Sandy reported that Jim Brown approached the property owner to collect the \$1200 balance that was not realized through the foreclosure process in March 2006. All assessments due since the new owners took possession are current. Based upon Jim's negative feedback, Bob Lilley motioned to write off the \$1200 that is non-collectible. Jim Thiel seconded the motion. ***The motion unanimously passed with Hancik, Thiel, Boland, Lilley and Jinkens voting aye.***

88621 – As agreed last month, an agreement was drawn up for the property owner to sign and notarize an agreement stating that the Association would hold adding any additional interest effective 3/1/09 for a period of one-year, or until the property is sold at which time the entire amount (circa \$7,000) would be paid at closing. The property owner has not signed the agreement. They telephoned and stated that the property is in agreement of sale and should close sometime in April. Since the agreement was not signed, interest will accumulate until closing.

Foreclosures – Sandy reported that she spoke with Jim Brown regarding commencement of foreclosure proceedings on the accounts with large balances due—specifically Charlotte County’s two lots on San Edmundo (unpaid assessments since 2001). Jim was in agreement as long as the rest of the Board approves the action. Legal opinion was received a few years ago citing case law where an Association was able to collect back assessments from a County elsewhere in Florida. After further discussion, Jim Thiel made a motion to have Pavese Law Firm start collection proceedings (foreclosure) on those properties with large balances and specifically Charlotte County’s two lots. Bill Lilley seconded the motion. ***The motion unanimously passed with Hancik, Thiel, Boland, Lilley and Jinkens voting aye.*** Sandy will pull the legal opinion from the file and submit to Chris Shields requesting collection/foreclosure action.

OLD BUSINESS:

DIRECTORS REPORTS:

SAFETY & PREPAREDNESS – Bob Lilley & Fred Boland

Fred Boland reported that the Committee is coordinating efforts with the Community Watch that is now headed by Matt Butcosk. Their first reorganization meeting was held last Monday evening, which was attended by 16 people—including two members of the Charlotte County Sheriff’s Dept. The Community Watch plans to meet the Monday prior to each monthly Board meeting. Fred stated that he and Bob Lilley are in the process of initiating a program to compile a list of those people who are trained in emergency assistance, i.e., nursing, EMT, CPR, generators, etc. We will continue to use the CIN messaging system for Community Watch meeting notifications.

MECHANICAL & MAINTENANCE – Scott Pitser & Bob Lilley

Bear Branch Creek (East) Greenbelt: Bob Lilley reported that contractor (Blue Mule) has done an outstanding job in cleaning the greenbelt areas on both sides of Bear Branch Creek (BBC) from Cape Horn to Stork Lake (near the Park). Bob requested additional funds over last month’s approval (\$7,000) to expand and continue the clean up. After discussion, Marion Jinkens motioned to approve an additional expenditure of \$2,000 for additional work on both sides of the eastern portion of BBC out of the BBC line item of the operating budget. Jim Thiel seconded the motion. ***The motion unanimously passed with Hancik, Thiel, Boland, Lilley and Jinkens voting aye.***

San Edmundo Greenbelt – Johnson Engineering: A copy of a letter from David Pears to the DEP was retrieved from our “Sunline” email account and forwarded to the Board members as well as Johnson Engineering. Johnson Engineering held off submission of

application and RAI to DEP pending wetland delineation, maps, topographical info, etc., from David Pears. Mr. Pears indicated in this letter that he was not going to supply the additional information. Johnson Engineering will proceed to prepare the application and RAI and will send to the Association for review by the end of this week. Discussion ensued on potential legal action. It was decided to wait until the outcome of the DEP's decision prior to taking legal steps.

LONG RANGE PLANNING (LRP) – Jim Thiel

Jim Thiel had nothing to report at this time.

LAKES QUALITY AND MAINTENANCE – Scott Pitser, Bob Lilley & Fred Boland

In Scott's absence, Sandy reported that the funds approved last month for midge treatment of Eagle Lake, was an amount not to exceed \$9,000 pending actual quote from Aquatic Systems. The actual cost will be \$10,000, which exceeds that approved in February. Marion Jinkens motioned to approve the additional \$1,000 for midge treatment of Eagle Lake. There will be a series of three treatments each two weeks apart. Treatments are to begin next week. Bob Lilley seconded the motion. ***The motion unanimously passed with Hancik, Thiel, Boland, Lilley and Jinkens voting aye.***

On Scott's behalf, Sandy presented a proposal to add the ditch between Sugar and Spice to the ditch spraying contract with Aquatic Systems. This drainage swale was recently mowed by Joe Tancer who reported a major blockage of the drainpipe from the ditch going under Spice and eventually into Ibis Lake. The swale was also overgrown with weeds, cattails, brush, etc. Controlling the growth by spraying will prevent future problems. Denny Kunish, Aquatic Systems, visited the area and submitted a price to add this ditch to the contract. A cost estimate was received from Blue Mule for \$800.00 to correct the drainage problem. Bob Lilly made a motion to approve adding the ditch spraying (quarterly) between Sugar and Spice to the Aquatic Systems contract at a cost of \$288/year (\$24/monthly), and the \$800 expenditure to clean out the culvert at Spice Lane. Marion Jinkens seconded the motion. ***The motion unanimously passed with Hancik, Thiel, Boland, Lilley and Jinkens voting aye.***

COMMUNICATIONS – Marion Jinkens

Marion reported there were no Alerts or Grapevine messages during the period February 10th thru early March. There were six CIN messages transmitted covering four topics—April 14th Open House, UE Public Hearing (2), Neighborhood Watch (2), and Trash Removal. At least two messages will be sent out shortly reminding everyone of the April 14th Open House and the Pot Luck Picnic on March 17th (Grapevine).

The website will be updated with new pictures of the Directors. A time to take the pictures will be coordinated through the office. Directory changes are being made daily to keep the database updated for printing by PCI Communications in July.

The next Newsletter is scheduled for publication/distribution in May. Articles for the newsletter should be prepared and submitted no later than March 20th to allow time for compilation and submission to the printer. Sandy mentioned that several inquiries have been received about advertising in the Newsletter. The income could help offset the cost of

printing and mailing; however, the cost of mailing and printing will increase slightly with the addition of advertising. Rates would have to be determined based on cost. It was suggested to initially limit any advertising to business card size in black and white (no color). Discussion ensued on the concept, and it was decided to research costs and place an article in the May Newsletter announcing that the Board is considering advertising beginning with the November Newsletter for those interested. The Board was also not in favor of soliciting ads and felt there is probably enough interest from those approaching the office.

BEAUTIFICATION AND ENHANCEMENT – Rob Hancik & Marion Jinkens

Rob reported that approximately 75% of the design for the lighting portion of the Cape Horn Entrance has been completed. The County has contracted with an electrical design firm for this phase of the project. Office Staff continues to follow up with Dawn Harrison. The status of the landscaping grant phase is specifications are being drawn up prior to going out to bid (through County Purchasing Dept.). Dawn Harrison will email the Association a copy of the plans and specifications prior to the bid process for our review. The MSBU Advisory Board is scheduled to meet on March 18th, at which time further follow up on status will be obtained.

Image Sign submitted a proposed rendering of a new entrance sign for review by the Beautification and Enhancement Committee and Board members. The consensus of opinion on the design was very positive. Rob reviewed the proposed double-faced sign design with lighted lettering. The cost proposal does not include the retaining wall surrounding the sign (for plantings). The cost of the sign is \$45,000 and projected cost of the masonry work is around \$5-7,500). The sign would replace the existing one in the same area. Discussion continued on provisions for electrical and water sleeves, masonry contractor (separate from sign contract), footing, etc. Rob reviewed the Summary Proposal for the cost of the project and effect on the budget. After discussion and the recommendation of the Beautification and Enhancement Committee, Rob Hancik made a motion to approve a total of \$55,000 (\$40,000 in Infrastructure Reserves for the Sign; \$15,000 in Beautification and Enhancement Reserves for Signage) and award the sign construction to Image Sign with the masonry work contractor to be determined once bids are received and reviewed. Bob Lilley seconded the motion.

The motion unanimously passed with Hancik, Thiel, Boland, Lilley and Jinkens voting aye. Image Sign will obtain the necessary permit(s) from Charlotte County. It was also discussed to extend the permit for a second sign at Vincent and Burnt Store Road for consideration in the future. However, an additional right of way permit would need to be obtained. Specifications for the masonry work will be requested from Image Sign to facilitate obtaining bids. It was also decided to reinstall the existing plantings into the new area once completed to save on costs for new landscaping.

Rob reported that Bob Reichert, a member of the Long Range Planning (LRP) Committee, was in attendance at the last Beautification and Enhancement (B&E) Committee meeting. Bob Reichert stated that LRP still wants to pursue a playground in the Park. Rob and Allan Theisen, past President, brought the insurance issue to his attention. Bob seemed to think he could obtain insurance. Rob indicated to him that he could research the issue to see if insurance could be obtained without affecting our present carrier or our premium.

Rob also stated that the B&E Committee would take on the project of establishing a Master Plan. They will research architectural engineering firms that will involve some survey and topographical work, and obtain cost estimates. This will also include bringing utilities into the Park. Discussion ensued on history of prior Boards' work on Park utilities and budgeting. As

a result of the discussion, it was decided to set up a working session with the Board to bring them up to speed on the Association's history of various projects.

Fred and Bob discussed the curve at the entrance to the Park just prior to the gate and possibly straightening this part of the road. Cost to do the work will be obtained.

COMMUNITY STANDARDS – All

Various Deed Restriction issues were discussed. The landscaping issues are becoming more difficult due to the drought. These can be further addressed as we come into the rainy season. Letters will be sent asking for a timeline for compliance once the rains commence. Bob asked what the Board's position is on erecting a perch for nesting ospreys, etc. One concern is placement, i.e., in greenbelt/swale. Bob asked about placement a few feet out into a lake and explained reasons why vs. shoreline placement (droppings, etc). After discussion on the number of perches per lake (may limit to no more than 2-3/lake), possible interference with maintenance of the lake(s), interference with line of sight, any neighbors' objections, etc., Bob was asked to develop a new policy covering all aspects and present it to the Board for approval at the April or May Board meeting.

ARCHITECTURE REVIEW (ARC) – Fred Boland

Fred reviewed the ARC's recommendation for approval of a waiver for the property owner of 93310 on Santa Inez. The property owner originally submitted flatwork plans in March 2007 to enlarge his lanai area. Work was not started. The new plans include a lanai extension with a covered area that will encroach into the allowable 15-foot setback by 2.4 feet. A Charlotte County waiver must also be obtained. The County's position is that since the property is a corner lot, the owner may present hardship based upon the greater side setback requirement of one side of the lot. Since the home does not exceed the maximum of 35% coverage and complies in all other criteria, the County will likely approve the request. After further discussion, Bob Lilley made a motion to accept ARC's recommendation and approve the lanai extension plans as well as the setback (2.4 feet) waiver based upon facts provided by Charlotte County. Fred Boland seconded the motion. ***The motion unanimously passed with Hancik, Thiel, Boland, Lilley and Jinkens voting aye.***

Lengthy discussion ensued on whether or not to impose a fee for a request for a Deed Restriction waiver from any portion of the rear (15 feet) or side setback (7.5 feet) for a permanent structure. Bob Lilley made a motion to impose a fee in the amount of \$500.00 for each request to waive any portion of the Deed Restriction rear or side setbacks for a permanent structure. Fred Boland seconded the motion. ***The motion unanimously FAILED with Hancik, Thiel, Boland, Lilley and Jinkens all voting against.***

COUNTY RELATED ITEMS – Jim Brown & Rob Hancik

SCCC: Rob reported he attended the last SCCC meeting where Tara Musselman from Charlotte County DPW, explained how MSBU's function. Commissioners Starr and Skidmore are scheduled to speak at April's meeting.

Fred Boland reported that Commissioner Cummings stated that the Association could return to the Commissioners with a request to establish an MSBU for the underground electric project. Further discussion took place regarding FPL estimates, State mandates, etc.

MISCELLANEOUS ITEMS

Office Open House – The Board was reminded that the Open House is scheduled for April 14, 2009.

NEW BUSINESS

None

ADJOURN

It was moved and seconded to adjourn the meeting at 8:15 pm. ***The motion unanimously passed with Hancik, Thiel, Boland, Lilley and Jinkens voting aye.***

OPEN FORUM

Rick Mathis (Julian Court) and Sandy Limberger (San Edmundo) were in attendance but had no comments.

Open Forum ended at 8:15 pm.

Respectively submitted,

Sandra Funk, Secretary
To the Board of Directors

March 29, 2009

Note: The next regular meeting of the Board of Directors is scheduled for **Tuesday, April 14, 2009** at **6:00 p.m.**, in the Burnt Store Lakes POA Conference Room, at 100 Madrid Boulevard, Unit #212, Punta Gorda, FL. There will be an Open House from 4-6 pm prior to the April 14th meeting.