

**BURNT STORE LAKES PROPERTY OWNER'S ASSOCIATION  
MINUTES OF BOARD OF DIRECTORS MEETING  
HELD IN THE BURNT STORE LAKES POA CONFERENCE ROOM  
16500 BURNT STORE ROAD, UNIT #102, PUNTA GORDA, FL 33955**

**DECEMBER 13, 2016**

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

President Rob Hancik called the meeting to order at 5:00 p.m. and opened with the Pledge of Allegiance. It was noted that the meeting Agenda was posted 12/9/16 online and at the kiosk in the Park. In addition, notification signs were placed at four entrances into Burnt Store Lakes on 12/9/16. Postings met the guidelines as set forth in the By-Laws. Sandy Funk, Secretary, took the roll call: Present were Rob Hancik, President; Karen Bishop, Vice President; Bob Reichert, Treasurer; Bob Beahn, Rick Mathis, and Gerry Laxton, Directors at Large. Bob Lilly, Director at Large was absent. A quorum was present.

**Presentation: Bank of the Ozarks**

Rob Hancik introduced Patti Dubuque, Vice President of Association Management for The Bank of the Ozarks who recently acquired C1 Bank. Ms. Dubuque was asked to speak before the Board to outline a program the bank has to insure that funds over \$250,000 remain FDIC insured. Briefly, she explained about a 'sweep account' where Ozarks Bank utilizes several other banks throughout Florida for depositing funds whereby they are covered by the FDIC insurance. A monthly statement is issued showing the banks used and amounts including interest. Management of the funds is maintained by a special department of Bank of the Ozarks headquartered in St. Petersburg, FL. Rob thanked Ms. Dubuque for her presentation and stated the Board would take it under advisement.

**Public Input:**

There were 11 property owners in attendance. Rob Hancik asked if anyone would like to speak on a specific Agenda item and when that item is discussed they can address their question at that time. Vic Kapcsos asked to speak on Long Range Planning, Bill Giandonato on Community Standards, and Eric Sauer on Architectural and Community Standards.

**DISPOSITION OF MINUTES**

Rob Hancik stated that the Minutes of the November 15, 2016 Board Meeting was sent to all Board members electronically. Rob asked if there were any additions or corrections to the Minutes. Karen Bishop noted that on page 3 under Beautification that the word "bank" should be changed to "south" (entrance). There being no other corrections or additions, Rick Mathis motioned to approve the November 15, 2016 Minutes as corrected with Karen Bishop seconding. ***The motion was passed with Hancik, Bishop, Reichert, Beahn, Mathis and Laxton voting aye.***

**TREASURER'S REPORT**

Bob Reichert presented the financial report ending November 30, 2016, the second month of the fiscal year. He noted the cash position as of November 1, 2016 was \$668,539.46. Cash received was \$292,747.28 and included earned interest in the amount of \$113.86. Disbursements for the month of November were operating expenses in the amount of \$43,497.89, reserve expenses at \$8,721.00, Dinner Dance at \$96.00, and returned checks totaling \$682.00. The cash position ending November 30, 2016 was \$908,289.85. Assessment Receivables were \$302,556.75. The balances in the money markets and checking accounts were noted. The operating expenses for November were approximately the same as October and typical for the second month of the fiscal year. The Reserve expenditures in November were \$3,275 to Bennett Electric for services at Rio

Togas driveway, \$2,496 to Action Door for driveway gate, \$900 to Superior Waterways for aeration compressor, \$2,000 to C&J Excavating for Vagabond drainage project, and \$50 to Community Development Zoning for landscaping revision permit. The amount of cash received in November was approximately \$87,326 more than October. Accounts receivable ending November 30, 2016 was \$366,000 less than October.

The current collection rate for the end of November 2016 was 69.9%, compared to 66.2% ending November 2015. *(The collection rate is based on actual assessment and not 2 or more years in arrears plus interest and filing fees, or those on payment plans.)* There were a total of 622 property owners out of 2066 billed that have not paid their assessment for 2016-2017.

There being no questions on the financial report Bob Reichert motioned to approve the November 30, 2016 Treasurer's Report and send forward for audit. Rick Mathis seconded the motion. ***The motion was unanimously passed with Hancik, Bishop, Reichert, Beahn, Mathis, and Laxton voting aye.***

### **MANAGER'S REPORT – Sandy Funk**

**Tax Sale** – Four properties are slated for tax sale on January 10, 2017. They are 83506, 83720, 89005, and 90504. Discussion ensued on the status of these properties with the Association. It was decided not to bid on any of the properties. When they are sold, and there is any surplus after the taxes are satisfied, the Association can submit a claim for that portion of the surplus that it is entitled to.

**Foreclosure Status** – Foreclosure proceedings were initiated on two lots owned by Mr. Gesnot from Belgium. Both properties were in arrears for a total of \$6,000. Funds have been received from Mr. Gesnot through our attorney for approximately \$11,000. This covers the past due assessments, interest, and attorney's fees. The foreclosure sale has been cancelled.

**Deed Restriction Amendment Committee Meetings** – These meetings will be scheduled for the first Wednesday of every week starting January 11<sup>th</sup> at 1:00 p.m. for the purpose of starting the process of amending our Deed Restrictions. The Committee members to date are: Chair, Rob Hancik, Joyce Punt, Bob Pietrasanta, Gerry Laxton, Fred Boland, Rick Mathis, and Bob Reichert.

**Workshop Meetings** – The first Workshop to discuss policy revisions, etc., will be held on Friday, January 20<sup>th</sup> at 10:00 a.m.

**Xerox Machine** – The 4-year lease expired in November (at a \$152 monthly rental plus copies). A new Xerox machine was installed last week with a 5-year lease at \$99/month plus copies.

### **LONG RANGE PLANNING (LRP) – Gerry Laxton**

Gerry Laxton reported there was no meeting in November. The following is an update:

- **Park Pavilion** – The proposed pavilion expansion area was staked out. A field trip was made on November 19<sup>th</sup> to discuss placement and removal of some trees. It was determined that the expansion should be shifted 8 feet south which would require the plans to be revised. Amy Nowacki (architect) was contacted and is making the revisions.
- **Rio Togas Park Entrance** – Bennett Electric completed the meter installation and ran the wire for the irrigation pump and gate for the driveway. The County inspector stated the wire under the driveway was not 24" underground. It will be relocated. Once it passes inspection, the irrigation system can be installed for watering the planting areas. A change to the landscaping plan to eliminate some of the trees at the entrance (not required), necessitated a resubmission to the County (\$50 cost).
- **Electric Gate on Park Driveway** – With the Board's approval, Vic Kapcsos requested we move forward to notify the BSLPOA membership of the recommended code for the security gate to the Park. The Board agreed to proceed as recommended.

Karen asked for an estimated completion date for the landscaping. Vic outlined the various items that needed to be completed (i.e., finish electric, install irrigation, etc.). Estimated completion is the end of March 2017.

- Cape Horn Entrance – Vic discussed some issues where the irrigation and electrical controls are located on the north side of Cape Horn. Beautification would like to work on obtaining plantings to enhance the appearance of this area. It was suggested to temporarily put this on hold. In addition, there remains a problem with ingress onto Cape Horn by school buses and large trucks. The County has been contacted for remedial action but no response to date.

### **SAFETY & PREPAREDNESS and PARK STATUS – Rick Mathis**

Rick had no report on Safety & Preparedness. Regarding Park Status, he presented three (3) proposals to remove four (4) trees in the Park as previously discussed at the November field trip. The proposals were Florida Tree & Ground Maintenance, Inc. at \$2,925; Affordable Tree Service, Inc. at \$3,000; and Wild Wes Landscaping at \$7,500. After lengthy discussion Rick Mathis motioned to award the contract to Florida Tree & Ground Maintenance in the amount of \$2,925, with Gerry Laxton seconding the motion. ***The motion was passed with Hancik, Bishop, Reichert, Beahn, Mathis and Laxton voting aye.***

### **MECHANICAL & MAINTENANCE – Bob Beahn**

Bob reported that the royal palms were fertilized as of the last Board meeting but not treated with insecticide. This will be done this weekend. He then offered the zero turn mower to the Association at a cost of \$2,500. The Association has been using this equipment for several months. Bob stated the oil has been changed, the blades sharpened and should be in excellent condition. Bob Reichert asked if the trailer would also be available. It is not. Rick can make room for its storage in the shed. Bob Reichert made a motion to approve purchase of the zero turn mower at a cost of \$2,500 pending review of the budget for funding. Rick Mathis seconded the motion. ***The motion was passed with Hancik, Bishop, Reichert, Beahn, Mathis and Laxton voting aye.***

Bob Beahn then tendered his resignation as a Board member effectively immediately, stating that he will be selling his house in January and leaving the area. Karen asked about the status of maintenance issues with our current contractor. Bob gave his input on discussions with them. Rob Hancik thanked Bob for his service to the community as a Board member and all his Association volunteer activities. Bob left the meeting at 6:20 p.m.

### **DRAINAGE – Bob Reichert**

Bob reported that the Sugar & Spice swale is partially completed. The Balearic swale has been completed. In January work will begin on the Muscat swale.

### **LAKES WATER QUALITY – Bob Lilley**

No report in Bob Lilley's absence.

### **COMMUNICATIONS – Karen Bishop**

Karen reported that discussions were held regarding articles that are or imply being an advertisement. Since our newspaper relies on advertising which offsets our cost, articles that might be a conflict are rejected. The Burnt Store Marina's "Beacon" will not print any outside articles since they have a significant number of submissions within the Marina and have to reject outside articles. Burnt Store Lakes does print articles from the Burnt Store Golf and Activity Club and the Platinum Yacht Club as long as the event(s) is "open" to the public.

### **BEAUTIFICATION & ENHANCEMENT – Karen Bishop**

Karen noted that the Holiday decorations were put up on the Saturday after Thanksgiving and will be taken down January 7<sup>th</sup>, and the poinsettias also removed from the entrances and roundabouts. Bill Lewis and Karen

attended the set-up. There were several wreaths that need to be replaced. The Carlson's have resigned from the Committee after 12 years. A letter from the Board thanking them for their years of service will be sent. Bill and Karen will continue to work together to establish a plan and some ideas for next year. Carlson's provided information on where to obtain commercial grade products and suggested February as the best sales month for purchasing.

### **ARCHITECTURAL REVIEW COMMITTEE (ARC) – Karen Bishop**

During the past month, new ARC members have worked to understand the ARC process with each new person taking a task(s). The ARC will meet before the Board workshop in January to recommend changes to Policy #2 (Requirement for New Home Construction & Additions), and Policy #13 (Fence and Enclosure Shield). She noted that all the policies need to be reviewed with the exception of Policy #23 which was recently instituted. Karen also asked that the Board review a letter from Kenton & Karen Smith regarding installation of a chain link fence. She asked that this review be discussed at January's Board meeting.

A motion was made by Rob Hancik which was seconded by Bob Reichert to approve the following projects as recommended by ARC: 85507 at 16430 Pyrenees for house color change; and 90905 at 17146 Dill Court for new home building by Pinnacle Building Solutions. Eric Sauer asked if these projects are all in compliance with Association documents and policies. The response was 'yes'. ***The motion was unanimously passed with Hancik, Bishop, Reichert, Mathis, and Laxton voting aye.*** A lengthy discussion ensued on the approval process by the Board from a recommendation made by the Committee. In some cases, more detailed information should be made available to the Board in order to make a responsible decision for approval/disapproval.

Rob Hancik stated that Deed Restrictions and Policies must be enforced. He stated that letters will be sent to the two property owners who erected fencing and request them to remove the fencing (one who was denied approval; the other was not resubmitted for approval after initial denial). Eric Sauer commented that once the Board has disapproved something, it should be enforced. Rob noted there is a section in the Deed Restrictions which states that even though a deed restriction, etc., was not enforced before, a violation can be enforced thereafter.

**Request for Lot Fill** – A request to place fill Lot 90402 on Peppercorn in order for it to settle and compact was received by a builder on behalf of a property owner who intends to build a house next year. The Board discussed not only the aesthetics, but maintaining for proper drainage as well as the potential for required silt fencing deteriorating as the year progresses. There was no plan submitted for erosion control. Our mowing contractor would be unable to mow therefore impossible to control weed growth. After discussion Bob Reichert motioned to deny the request to fill these two lots on Peppercorn with Karen Bishop seconding. ***The motion was unanimously passed with Hancik, Bishop, Reichert, Mathis, and Laxton voting aye.***

**Performance/Completion Bond Alternative** – An explanation was given regarding builders placing \$10,000 in escrow in lieu of posting a performance/completion bond which is difficult to obtain. However, a new builder has a source for providing a performance/completion bond for the required \$10,000 at a reasonable cost. He is requesting this alternative vs placing \$10,000 in an escrow account. Bob Reichert motioned that we accept the performance/completion bond in the amount of \$10,000 as an alternative to placing \$10,000 in escrow. Gerry Laxton seconded the motion. ***The motion was unanimously passed with Hancik, Bishop, Reichert, Mathis, and Laxton voting aye.*** *Gerry Laxton was excused from the meeting due to a prior commitment.*

### **COMMUNITY STANDARDS – All**

Various non-compliance issues were discussed. The owner at 24464 Peppercorn contacted the office stating he would comply with the landscaping request on the sides of the house, but asked for a postponement on landscaping the back since he intends to have a pool installed by this summer. Bill Giandonato asked why the previous owners were not given notice of the landscaping non-compliance. It was noted that the prior owners were notified on several occasions and it was reported to the title company when we receive their estoppel request. Bill also noted that the roof at 24472 Rio Togas needs to be cleaned. The landscaping at 17110

Watchtower will be completed upon owner's return in mid-January. There were four on the report that have received at least three violation letters. These will be taken to the Fining Committee on January 11<sup>th</sup>.

### **COUNTY RELATED ITEMS**

**SCCC** –Rick Mathis reported that the SCCC has a new President, Dick Brown. They will not be holding meetings in July and August. They also plan on changing the time of the meetings from 9:00 a.m. to 5 or 6 pm so more of the public can attend (meetings are held the 4<sup>th</sup> Thursday of each month). The next meeting will be held on January 26<sup>th</sup> and Sheriff Prummell who will be speaking about the speeding on Burnt Store Road between Pirate Harbor and Notre Dame. City Councilwoman Nancy Prafke was in attendance and spoke about the proposed rest stops off 75. Attempts are being made to expand the Sun Pass to other states. They also discussed the increased dump truck traffic on Burnt Store Road going to the Lee County road widening project. It was reported that the Wyvern Hotel has been sold and is being remodeled. The population of Charlotte County is 18,000.

**MSBU** – Rob Hancik reported that the County has been approached about starting to save funds for our future road paving in 2022. We currently pay \$53/year through our non ad valorem taxes. It was proposed to raise this amount to offset future paving costs. We were informed by the County that we cannot bank the money to pay for the roads in advance. As a result of input from residents on Peppercorn, the Advisory Board requested cost figures to install a sidewalk on the north side of Peppercorn from Burnt Store Road west to the roundabout (\$207,000). No discussion/decision has been made on this project.

Rob stated that he has received a letter from Burnt Store Village regarding landscaping the center median of Burnt Store Road (from just north of Zemel Road to the County line at Vincent Avenue). The general opinion was this would help create a sense of community for the residents and businesses as the south end of Burnt Store Road. There may be funding available for this purpose. It was suggested by the County that residents of the surrounding communities support the idea of landscaping the median by writing to Dawn Harrison in Public Works. Rob suggested reaching property owners through our newspaper as well.

Placement of the speed sign and additional speed limit signs along Vincent Avenue was discussed. The information will be provided to Public Works who will place the signs in the designated areas.

### **MISCELLANEOUS ITEMS**

Vic Kapcsos asked how soon can money be put aside for Peppercorn sidewalk. We would have to use existing funds; however, we must leave 40% in the 'account'.

**NEW BUSINESS** – None

**ADJOURNMENT** – Rick Mathis motioned to adjourn the meeting at 7:35 p.m. with Bob Reichert seconding. ***The motion was unanimously passed with Hancik, Bishop, Reichert, and Mathis, and voting aye.***

**OPEN FORUM** – No Comments

Respectfully submitted,

Sandra J. Funk, Secretary  
To the Board of Directors  
Community Association Manager

This next meeting of the Board of Directors will be held on **Tuesday, January 10, at 5:00 p.m.** in the BSLPOA Conference Room located at 16500 Burnt Store Road, Unit #102, Punta Gorda, FL 33955 (Turtle Crossing)

December 27, 2016