

**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**

FEBRUARY 7, 2017

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 2/3/17 online and at the kiosk in the Park. In addition, notification signs were placed at four entrances into Burnt Store Lakes on 2/3/17. 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 Lilley, Rick Mathis, and Gerry Laxton, Directors at Large. A quorum was present.

Public Input:

There were 15 property owners in attendance—Vic Kapcsos, Joyce Punt, Kate Ihrig, Edwin Morris, Paula Short, Gene Wilson, Bill Lewis, Chris Peabody, Jay Day, Don Cavallini, Eric Sauer, Sherry Waldron (and daughter), Rich Elders and Vickey Clawson. 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. Eric Sauer asked to speak on #13, Lakes Water Quality and #16, Architectural.

DISPOSITION OF MINUTES

Rob Hancik stated that the Minutes of the January 10, 2017 Board Meeting was sent to all Board members electronically. Rob asked if there were any additions or corrections to the Minutes. There being no corrections or additions, Bob Reichert motioned to approve the January 10, 2017 Minutes with Rick Mathis seconding. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis and Laxton voting aye.***

TREASURER'S REPORT

Bob Reichert stated that the January Financial Report is not available and will be presented for approval at the March 14, 2017 Board meeting. The February meeting was moved up from the 14th to the 7th, which did not allow our accounting firm enough time for preparation. Bob noted that the second billing is being prepared and will be mailed certified to all property owners whose assessments remain outstanding. He also reported that we have received a copy of the "Review" completed by an independent auditor for our 10/1/15 to 9/30/16 financial statements. The firm is not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with accounting principles generally accepted in the U.S.

DIRECTOR VACANCY APPOINTMENT

Rob Hancik stated that the Board reviewed those property owners interested in fulfilling the vacancy created by the resignation of Bob Beahn at the December 13, 2016 meeting. As a result, Rick Mathis motioned with Karen Bishop seconding to appoint Joyce Punt to serve until the next election in October 2017. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis and Laxton voting aye.*** Joyce was welcomed and seated. Some of the areas of responsibility were reassigned as follows:

- Karen Bishop – Long Range Planning, Architectural, and Communications
- Gerry Laxton – Mechanical & Maintenance
- Joyce Punt – Beautification & Enhancement

Fencing Issue – Appeal: A property owner, Sherry Waldron (98630) requested to appear before the Board to appeal the decision asking her to remove her chain link fence. The decision was made at the November 15, 2016 Board meeting to deny installation of a chain link fence. A denial letter was sent, but the property owner chose to install the fence without approval. Ms. Waldron stated she spoke with office staff and was shown other fencing that could be approved other than chain link. She desired to replace a wrought iron fence that was deteriorating. She looked into the suggested fencing but stated the spokes were too far apart and her dogs would not be contained; and in addition, her well water would deteriorate steel. She appeared before the ARC to present her case and was told the final decision was with the Board of Directors. Ms. Waldron continued stating there are other chain link fences in the Lakes and some not landscaped and provided pictures (some of which may or may not be in the Lakes). She stated that this type of fencing is the only fencing that will accommodate her needs. Rob Hancik intervened by stating there has been a lot of discussion regarding the fence, however, he asked Ms. Waldron one question: “Do you have approval to put up a fence (in writing)”. The response was “No”. Rob Hancik again reiterated that she does not have written approval from the Board of Directors to erect a fence regardless of the type. After further discussion, and since Ms. Waldron stated she was going to contact an attorney, Rob Hancik ceased further conversation until closed session following the meeting.

OLD BUSINESS

MANAGER’S REPORT – Sandy Funk

92102 Riprap Approval – Mr. Wilson requested approval to install 80 feet of fabric anchored riprap into the shoreline to prevent erosion. The work has been completed to the satisfaction of the Board of Directors. Mr. Wilson will provide pictures for the file. After a brief discussion, Karen Bishop motioned to approve the riprap project at property 92101 with Joyce Punt seconding. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis, Laxton and Punt voting aye.***

Approval of Revised Policy #2 – The policy was revised at a Workshop held on 1/30/17. However, approval was deferred since Karen Bishop had additional questions.

Foreclosure Sale – 87901 Dematos property at 16288 Cape Horn is scheduled for foreclosure sale on 2/8/17. The Association initiated the foreclosure. Pavese Law Firm will be monitoring the sale. We should be able to collect past due assessments and recoup legal fees (approximately \$6,727).

Dr. Serge Thomas (FGCU) – Dr. Thomas will be making a presentation at Charlotte Harbor Watershed Summit on Wednesday, March 29th, on “Limnological assessment of the ponds of Burnt Store Lakes POA. A notice will be sent out so that we may have representation at the Watershed Summit.

Deed Restriction Amendment Committee Meetings – Meeting was held Monday, 2/6. Rob Hancik stated the Committee is in the process of making suggested updates to the 40+ year old Deed Restrictions. He noted that a little over a year ago the property owners voted to amend the voting requirements to pass any amendments (i.e., two-thirds of those voting either in person or by proxy). He stated the Committee consists of three Board members and several non-Board members. The changes will be submitted to Pavese Law Firm to be incorporated into a revision that will be sent to all property owners to be voted upon—hopefully in time for the Annual Meeting in October.

Workshop Meetings – Reminder that meeting is scheduled for February 20th from 9-11 a.m. The subject will be Policy #13 – Fence and Enclosure. Rob explained the order of our documents: Articles of Incorporation, Deed Restrictions (Covenants), By-Laws, and then Policies.

Capital Improvement Fee – Rob Hancik explained that there is interest in implementing a Capital Improvement Fee which would affect only new property owners and not existing owners. At the time of closing, a “to be determined” amount would be collected and placed into a fund for future improvements to the community. After further discussion, Rick Mathis motioned that the Board of Directors pursue implementing a Capital Improvement fee, with Bob Reichert seconding. Rob asked Vic Kapcsos to handle the project and

come back to the Board with an updated outline of the program. It was noted that the program would have to be approved by the membership. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis, Laxton and Punt voting aye.***

LONG RANGE PLANNING (LRP) – Gerry Laxton

Gerry Laxton reported there were two meetings held (January 20th and February 3rd). The electric has been installed at Rio Togas driveway to operate the irrigation system and gate. The driveway has been patched (trench made to lower electrical conduit). The contract for the pavilion addition was signed on Monday, 2/6 (\$45,950). Preliminary work has begun on providing a storage building for potential installation in 2018. Vic Kapcsos brought in a representative from a manufacturer. Discussions included potential size of the building (i.e., 30 x 40, 30 x 50). Purchase of swing sets are being researched by Jack Vogel (estimated at \$3,000 cost). Installation of pavers where picnic tables are now on grass is also being researched. An article on the Park gate operation/code was printed in the February issue of the Newspaper. Gerry noted that we should have wording for a sign on the gate keypad. The gate will be left in the “up” position during events such as the Potlucks. The driveway project can be closed out once the irrigation and plantings are installed. The landscaping permit has been issued.

SAFETY & PREPAREDNESS and PARK STATUS – Rick Mathis

Rick stated he attend a CERT training class over the past three (3) weekends. Sunny Martinek also attend and is now a member of the Team. After the class, materials were handed out on the Red Dot Program which includes a medical form to be completed and submitted to the County for use by medical emergency personnel if needed. Rick stated that the Park is slated to be used twice this coming month. Approximately 140 people attended the January Potluck. Rick stated the three grills in the Park in in poor shape. Bob Lilley has been researching a replacement grill at approximately 6 feet in size. Bob explained in detail some of the specifications and will re-design in order to stay within the \$2,500 budget figure.

MECHANICAL & MAINTENANCE – Gerry Laxton

Gerry is reorganizing this area so one person can be responsible for all and everyone knows who to come to for a particular item. He has purchased “pure gas” to run in all of our gas engines in order to prevent costly repairs. Running pure gas eliminates varnish and sludge build up in carburetors and deposits on valves and pistons. He will be responsible for replacing/purchasing the pure gas. When the mix for 2 cycles runs out the pure gas and proper mixture will be used for these engines. Gerry has developed an equipment use form to keep tract of usage of all equipment in order to do proper maintenance when needed. He will also draw up a complete inventory of equipment currently used. Gerry also addressed the berm located on the north side of Rio Togas. He proposes renting a box blade tractor at approximately \$295.00/day to contour the berm and move the dirt off Lot 14. He will also remove debris and place it in a pile for removal to the landfill. After discussion, Bob Lilley motioned to expend an amount not to exceed \$600.00 for rental of a box blade tractor. Rick Mathis seconded the motion. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis, Laxton and Punt voting aye.*** Gerry is making contact with A & L Landscaping to point out items that need to be addressed in accordance with out contract.

DRAINAGE – Bob Reichert

The swale at Nutmeg and Sugar except 100 feet at the base on the west end is holding water. C & J Excavating will be in next week to build up the base with dirt to eliminate the ponding and force the water into the pipeline. Next week the dirt piles at Huancay will be moved to the Park to fill in the dry creek bed.

LAKES WATER QUALITY – Bob Lilley

Rob Hancik recognized Eric Sauer. Eric noted increased activity of illegal fishermen at the lakes and unauthorized usage of the kayak/canoe launch. He volunteered to chair a committee to address solution(s) to the ongoing problem. Discussion ensued on changing the current “sticker” system to one that will be more

visible and possibly numbered. Another concern is condominium owners. The office does not receive a copy of the deed when ownership changes hands. Condominium owners do come into the office to obtain stickers, but ownership must be verified.

Bob Lilley noted that he is prepared to start Phase II of providing additional aeration on Heron Lake which includes relocation of diffusers and tubing as necessary, addition of 7 new stations, tubing and labor. Bob will have some changes to the contract before implementation. The current amount is \$14,843.75 which was previously approved.

COMMUNICATIONS – Karen Bishop

Karen thanked all involved with our Heron Herald publication. Beginning in April, Rob Hancik will write a monthly message from the president. We will be utilizing the newspaper more each month to bring attention to deed restrictions and policies plus common violations. She also gave kudos to members of our community who volunteer their time and efforts to make the Lakes a better place to live. She encouraged members of the Board to write articles relative to their responsibilities that may be of interest to the community.

BEAUTIFICATION & ENHANCEMENT – Karen Bishop

Karen reported the new group met January 20th. The landscaping project for the north side of the Cape Horn entrance will be completed by Vic Kapcsos and other volunteers. Funds from the Beautification budget have been allocated for this project (\$500). The two roundabouts are slated to be overhauled this year. Bill Kimber and Mary Jane Kamper worked together to determine soil depths of the area to understand our limitations. Vic Kapcsos proposed a possible design along with estimates on the installation costs (approximately \$750 for each roundabout). The Committee will decide what plants will be installed and will be implemented this spring by a licensed landscaper. After completion, their next project is to develop a plan for renovating the Vincent/Cape Horn entrance.

Bill Lewis is taking responsibility for the holiday decorations next year. Funds will be expended on new lighting for the palm trees and poles at the various entrances. He purchased 4 bins of lights from Bob Beahn (\$125), and reported that most of the lights are in working order. The committee will determine what new purchases must be made. There will not be any poinsettias planted next season.

Karen recommends that the Beautification & Enhancement Committee and the Holiday Decorating Committee be kept separate. Holiday decorating is done once a year with ordering done in February—with the rest of the year dormant.

ARCHITECTURAL REVIEW COMMITTEE (ARC) – Karen Bishop

Karen reported on the Webster/Thompson fence issue. The Thompson house was built a while ago, whereas the Webster house was just completed. The houses are 15 feet apart, which complies with the deed restrictions and County building code. However, the Webster's A/C unit is right at the Thompson's bedroom window creating noise. The Thompson's erected a solid white vinyl fence directly on the property line without submitting application to the Board of Directors for approval. Karen spoke with the Webster's and asked if they would put up an enclosure shield around the A/C equipment. They would not. Thompsons were notified that they did not apply for the fencing and submitted an application after the fact. Since the fence is on the property line (within the 6-foot PUE), the County was approached for assistance. They stated the Thompson could apply for a \$75 easement occupation. This does not solve the issue. There could be drainage issues in the future. Our policy requires fencing to be 3-feet within the property line and landscaped in the outside of the fencing. There is insufficient room for this. Karen stated we can either have our attorney contact the Thompson's to remove the fence, or the Board can consider waiving the non-compliance as "Special Circumstances". Rob Hancik stated, "The Thompson's do not have written approval to erect the fence and should remove it." Rob requested the letter be sent under his signature.

Rob then noted that one way to resolve this issue (and others), is to ask the County Commissioners to establish an ordinance stating that the building department (or other appropriate departments) has to recognize our deed restrictions. Office staff will set up a meeting between the Board of Directors and County Administrator Ray Sandrock.

Karen asked for further definition of what landscaping entails. A property owner recently installed a pool and put "landscaping rocks" around the perimeter rather than the traditional plantings. Is this considered adequate or is landscaping referring to trees, bushes, etc., or landscape architect to produce the most attractive or desirable effect. Rob asked ARC to make a recommendation to the Board of Directors.

A property owner on Watchtower and Anthem approached the Association asking if the Board would approve a "Deltec Package" that is defined as panelized "open panel" construction. It is pre-engineered and considered the "shell" of the house (about 25%). It is a "round" house. They were asked to check with the County Building Department since office staff informed them their lot was in an AE10 flood zone and that due to the low elevation of the land would require stem wall construction. There are no existing homes in the Lakes of this type (or manufactured, modular or pre-fabricated houses). Karen informed them that this type of home does not fit in with the style of homes in the Lakes. A lengthy discussion ensued after which Bob Reichert motioned that the Board will not approve any pre-engineered, pre-fabricated, factory built units in the community due to aesthetic and climatic reasons. Joyce Punt seconded the motion. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis, Laxton and Punt voting aye.*** Karen will ask ARC to develop a written policy, or include in an existing policy (i.e., Policy #2) to include the motion approved by the Board of Directors.

Karen noted that several property owners have been notified of non-compliance in that they lack landscaping on all four sides of the house. Prior to 2004, there was no policy about the four side requirement. Karen suggested a series of articles in the Newspaper educating the property owners that 'all houses' in the Lakes need four sides landscaped even if built prior to 2004. In order to correct the landscaping issue with the pre-2004 houses that are currently on the market for sale, a notation will be made on the estoppel that the landscaping (or other violations) must be remedied within a certain timeframe from closing.

In reviewing the ARC report, Bob Reichert motioned to approve six (6) projects: Three (3) exterior paint and trim (87101, 91314, and 98901), one block patio addition (90811), one single roof replacement (97206), and one new home plans (89806 Mogy LLC on Peppercorn). It was noted that Banks conducted a survey of the Mogy property and the house is 7.8 feet from the property line. Bob Lilley seconded the motion. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis, Laxton and Punt voting aye.*** The remaining items on the report were reviewed.

COMMUNITY STANDARDS – All

Rob Hancik brought to the Board's attention that sometime in the near future as the community continues to develop, it will become necessary to hire a person to inspect the community for deed restriction non-compliance. It was discussed if this person should be a member of the community, or someone independent.

Rob also stated that it is also desirable to have an independent person look at the new home building plans for deed restriction compliance, etc., after ARC has finished their review and need additional questions answered. Banks Engineering was contacted and is willing to do this. A contract with Banks will have to be negotiated (possibly at a flat rate). It was noted that the building application fee should be increased to offset this additional cost.

Eric Sauer asked if consideration will be given while reviewing deed restriction amendments to bank 2-story house on lake front properties. His reasoning is that it would give a uniform appearance, lower profile, and obstruction of views. This request will be further reviewed at a deed restriction review committee or a scheduled workshop.

Various non-compliance issues on the report were discussed. It was agreed that those that require Board action be placed on a separate sheet.

COUNTY RELATED ITEMS

SCCC –Rick Mathis reported that the SCCC met on January 26th. He stated that Dawn Carriere has retired as SCCC secretary and a new person was appointed. The SCCC is starting up a Facebook page. He also reported that the City of Punta Gorda no longer has what was previous know as deed restrictions. It is now referred to as ‘land development restrictions’.

MSBU – Rob Hancik reported there was no meeting—next meeting scheduled for February 21st.

MISCELLANEOUS ITEMS

Joyce noted that a new property owner has started a Facebook page called Burnt Store Community.

NEW BUSINESS – None

ADJOURNMENT – It was motioned and seconded to adjourn the meeting at 8:47 p.m. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis Laxton, and Punt voting aye***

OPEN FORUM

Rich Elders inquired about the status of raising our entrance sign. No response to our letter has been received from the new owners. He also asked for information on cleared land off Burnt Store Road near the Environmental Center. Bob Reichert stated it will be a 350 new home community. Clawson report numerous vultures on a spec home on Taggart Lane. The owners were notified and corrective action is being taken.

Open Forum closed at 8:55 p.m.

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, March 14, at 5:00 p.m.** in the BSLPOA Conference Room located at 16500 Burnt Store Road, Unit #102, Punta Gorda, FL 33955 (Turtle Crossing)

February 18, 2017