

**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**

**JANUARY 10, 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 1/6/17 online and at the kiosk in the Park. In addition, notification signs were placed at four entrances into Burnt Store Lakes on 12/6/17. 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 10 property owners in attendance—Joe Henary, Bill Giandonato, Joyce Punt, Steven Pletz, Edwin Morris, Paula Short, Fred Boland, Bill Lewis, Chris Peabody, 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. No one asked to speak at this time.

**DISPOSITION OF MINUTES**

Rob Hancik stated that the Minutes of the December 13, 2016 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, Karen Bishop motioned to approve the December 13, 2016 Minutes with Bob Reichert seconding. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis and Laxton voting aye.***

**TREASURER'S REPORT**

Bob Reichert presented the financial report ending December 31, 2016, the third month of the fiscal year. He noted the cash position as of December 1, 2016 was \$908,289.85. Cash received was \$108,281.30 and included earned interest in the amount of \$155.78. Disbursements for the month of December were operating expenses in the amount of \$37,796.81, reserve expenses at \$4,500, and Dinner Dance at \$6,623.66. The cash position ending December 31, 2016 was \$967,650.68. Assessment Receivables were \$204,870.50. The balances in the money markets and checking accounts were noted. The operating expenses for December were approximately \$5,700 less than November and typical for the third month of the fiscal year. The Reserve expenditures in December were \$2,500 for used zero turn mower, \$1,000 for used utility trailer, and \$1,000 adjustment to properly record Terra Landscaping at Cape Horn Entrance. The amount of cash received in December was approximately \$184,466 less than November due to decrease in assessment collections. Accounts Receivable ending December 31, 2016 was \$97,686 less than November.

The current collection rate for the end of December 2016 was 81.3%, compared to 82.8% ending December 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 387 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 December 31, 2016 Treasurer's Report and send forward for audit. Bob Lilley seconded the motion. ***The motion was unanimously passed with Hancik, Bishop, Reichert, Lilley, Mathis, and Laxton voting aye.***

After discussion of FDIC insurance coverage on funds in our various accounts, Bob Reichert motioned with Rick Mathis seconding, to (1) Open an ICS (sweep) account with Banks of the Ozarks; (2) Place \$120,000 disaster recovery and insurance deductible funds in a CD with Ozark Bank at 1.15%; and (3) Close the Achieva account and move funds into Bank of the Ozarks ICS account. ***The motion was unanimously passed with Hancik, Bishop, Reichert, Lilley, Mathis, and Laxton voting aye.***

### **DIRECTOR VACANCY APPOINTMENT**

Rob Hancik stated that three property owners have come forward to be considered to fill the vacancy created by the resignation of Bob Beahn at the December 13, 2016 meeting. They are Joyce Punt, Al Miller, and Betty Ingerson. Al Miller gave a brief bio; Joyce Punt was in attendance and had left the Board in October due to term of office ending. Betty Ingerson was not in attendance; however, she did express in her written bio that she would be interested in running for the Board in October. The Board felt there was insufficient time to review the candidates and therefore deferred making a decision until the February Board meeting.

Due to the increased work involved, Bob Lilley suggested increasing the number of Board of Directors. It was noted however that the By-Laws state the Board shall consist of no less than 3 members and no more than 7 members. Discussion centered on areas of responsibility. Karen would like to 'share' the ARC responsibility with another Board member. Gerry Laxton indicated that he would like to be the Mechanical & Maintenance Board liaison, and appoint the incoming Board member as liaison of Long Range Planning.

### **OLD BUSINESS**

Referring to November's Minutes, Rick Mathis asked for update on the pavilion expansion. Sandy reported that revised drawings were obtained from the architect and Vic Kapcsos submitted them to the contractor. He also asked when the new park gate will be operational. Response was when the irrigation (sometime this week), and then electrical installation is completed. Rick then asked status of landscaping Burnt Store Road median. Rob stated that an article will be published in the next newspaper asking for support for the project by writing to the County (there may be County funding available). Rick stated that the electronic speed sign on Vincent will be installed in February. The placement of additional stationery speed signs requested on Vincent Avenue is currently being determined by Public Works.

### **MANAGER'S REPORT – Sandy Funk**

**Tax Sale** – Four properties are slated for tax sale on January 10, 2017. They were 83506, 83720, 89005, and 90504. Lots 83506 and 83720 were redeemed by the current property owners. Lots 89005 and 90504 were sold and we will be submitting a claim to the County for that portion of the surplus that we are entitled to. Lot 83107 was sold at tax sale in November and a claim was submitted to the County for excess funds. A check was received (\$2,666.73) which satisfies the amount of assessments owed on this lot.

**Deed Restriction Amendment Committee Meetings** – Reminder that meeting is scheduled for January 11<sup>th</sup> at 1:00 p.m.

**Workshop Meetings** – Reminder that meeting is scheduled for January 20<sup>th</sup> at 10:00 a.m.

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

Gerry Laxton reported there was no meeting in December. However, update was reviewed earlier (prior to Manager's Report).

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

Rick had no report on Safety & Preparedness. He reported that the tree contractor will be in on January 19<sup>th</sup> to remove of some trees and trimming of others. Funds were approved last month. The January 8<sup>th</sup> Potluck has been rescheduled for Sunday, January 15<sup>th</sup>.

### **MECHANICAL & MAINTENANCE – Gerry Laxton**

No report this month. Gerry Laxton will be the new Mechanical & Maintenance liaison.

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

Bob reported that we are receiving good feedback from the Lakes Committee on various problems, i.e., aeration, etc. The midge fly contract was presented for approval. Bob noted that no monies were expended during the months of October, November and December (approximately \$10,000/month) due in part to credits and no treatments during inclement weather. In addition to the ATV/ULV treatments, applications are being expanded to include lake “fingers” and swales where it is felt many of the midges are breeding. The contract program calls for treatments in January 2017 thru September 2017 (9 months) at \$10,512.00 each month for a total of \$94,608. The balance of the budgeted (\$105,000) funds will be utilized to stock the larger lakes in the spring with shell cracker/blue gill and bass (approximately \$10,492). These are larvae eating fish. After discussion, Rick Mathis motioned with Bob Reichert seconding to approve the midge fly control contract with Clarke Environmental in the amount of \$94,608. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis and Laxton voting aye.***

It was noted that the Balearic aerator was repaired; the wrong compressor replacement for Pelican was sent and is being reordered (week delay).

### **COMMUNICATIONS – Karen Bishop**

Karen had nothing to report; however, she stated we need to communicate more through the CIN system.

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

Karen reported the reorganizational meeting is scheduled for January 19<sup>th</sup> at 4:00 in the community center. There are several new members including Bill Kimber, who is a Florida Master Naturalist. Mary Jane Kamper and Kathy Coliadis have agreed to co-chair the committee. Bill Lewis has agreed to take a leadership role for the holiday decorations.

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

Karen stated a meeting was held January 9<sup>th</sup> to discuss, (1) review of letters sent to members of our community who are cited for violations, (2) the Webster/Thompson easement/fence violations, (3) recommendations for the January 20<sup>th</sup> workshop regarding Policy #2 and Policy #13, (4) Monopoly Builders compliance with our guidelines and completion of irrigation issues, (5) the chain link fence issue and letter from Ken & Karen Smith, (6) enforcement of violations that have been that way for a long period of time, and (7) how do we enforce violations in our policies that are not specific.

Discussion centered on what specific letters are to be reviewed and signatures on the letters. Karen does not want her name on any outgoing letters without her personal review. On the easement/fence violation, Karen approached the County for assistance. An occupation of easement application can be applied for at a cost of \$75.00. This does not solve our issue; however, Karen continues to work on a solution. Bob Reichert suggested forming a ‘city’ consisting of all the communities in our area to control issues such as this, etc. Our problems are only going to continue to get worse over time. This is a long term proposal. Bob also outlined the existing problems with the Cape Horn entranceway (i.e., 12 feet wide ingress lane, which is too narrow). Even though the Committee reviewed Policy #2 and Policy #13, no recommendations were made at this meeting. These will be discussed at the January 20<sup>th</sup> workshop.

Karen expressed major concern about Monopoly Builders compliance with irrigation. Also, the house currently under construction on Peppercorn appears to be outside the 7-1/2 foot side setback. After discussion, Rick Mathis motioned to have Banks Engineering survey Lot 89806 on Peppercorn Road to determine what the actual setback measurements are. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis***

**and Laxton voting aye.** Rick Mathis made a motion that depending on the outcome of the survey of Lot 89806 on Peppercorn Road, i.e., found to not meet the proper setbacks, that our attorney be contacted for possible legal action against the builder and/or County. Gerry Laxton seconded the motion. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis and Laxton voting aye.***

Karen read the letter from Ken & Karen Smith regarding the chain link fence installation. Karen reviewed the history of the situation. Bob Lilley recapped what was determined at a previous Board meeting--the responsibility of the Committee and Board is to demonstrate to the property owner what is acceptable—not what is not acceptable. Karen requested that a meeting be scheduled with Chris Shields to review this and similar deed restriction violation issues.

Rob Hancik noted that the County should recognize Associations' Deed Restrictions and not just their building codes. A request should be made through the County Commissioners for consideration. Rob noted there is a Constitutional Revision Commission every 20 years for the purpose of reviewing and updating the state constitution. This commission will be appointed and in place before the Legislature convenes their March 7, 2017 regular session. He suggested that we look into this process for assistance.

A motion was made by Rick Mathis which was seconded by Bob Lilley to approve a replacement single roof at 17377 Ophir Lane (97206). ***The motion was unanimously passed with Hancik, Bishop, Lilley, Reichert, Mathis, and Laxton voting aye.*** The remaining items on the report were reviewed. Discussion ensued on the landscaping rocks around the pool on Sol Court (in lieu of plantings). Karen will review and submit pictures for review and Board decision in February. The two property owners of fence installations on Watchtower have planned to have the landscaping finished by mid-January and the other in the spring.

### **COMMUNITY STANDARDS – All**

Various non-compliance issues were discussed. Three property owners were properly notified that they are to appear before the Fining Committee on 1/11/17. One property (95610 on Vagabond Circle) called the office to inform us they are in the process of hiring a landscaper to install plantings around the house; the property at 95205 Peppercorn has completed power washing three-quarters of the tile roof; and at 95705 Nile Court the property owner stated the landscaper is to install the landscaping on 1/11/17 (with the exception of the back, which will be landscaped with donated plantings). The Fining Committee will be updated on the status of the properties and make their decision at that time. Karen asked if each Board member is consistently reviewing their assigned areas.

Mr. Pletz (98812 Pomegrante) was in attendance to discuss the letter he received regarding lack of landscaping on one-half of one side of the house and none in the rear. He stated that his house was built in 2001 and all plans were approved at that time including the landscaping. He has made no changes since that time. After discussion, the Board granted approval of his existing landscaping.

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 building plans, deed restriction violations, etc.

### **COUNTY RELATED ITEMS**

**SCCC** –Rick Mathis reported that the SCCC did not meet in December due to the holidays.

**MSBU** – Rob Hancik reported there was no meeting—next meeting scheduled for February 21<sup>st</sup>.

### **MISCELLANEOUS ITEMS**

Bob Lilley noted that the BBQ grills in the Park are in poor condition. After discussion, Karen Bishop motioned to expend an amount not to exceed \$2,500 for purchase of a new grill constructed from a used propane tank. Bob Reichert seconded the motion. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis and Laxton voting aye.***

Since Rob Hancik will be out of town on February 14<sup>th</sup>, the Board decided to move the next Board of Directors meeting to Tuesday, February 7<sup>th</sup>.

**DRAINAGE – Bob Reichert**

Bob presented a group of slides showing various drainage projects that have been completed. The first slides depicted reshaping of the Nutmeg swale (off of Sugar). Some sod will be placed in certain areas to prevent erosion. He then proceeded to show a series of slides of the Sugar and Spice swale where the piping surfaced in several areas. There is final grading and some sod installation needed. There is excess dirt that will be used to fill in low areas in the Park, and eventually in the greenbelt along Burnt Store Road to create a contoured berm. Work will begin on the Muscat swale in a few weeks.

**NEW BUSINESS** – None

**ADJOURNMENT** – It was motioned and seconded to adjourn the meeting at 7:25 p.m. ***The motion was passed with Hancik, Bishop, Reichert, Lilley, Mathis and Laxton 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, February 7, at 5:00 p.m.** in the BSLPOA Conference Room located at 16500 Burnt Store Road, Unit #102, Punta Gorda, FL 33955 (Turtle Crossing)

January 15, 2017