

Burnt Store Association, Inc
Board of Directors Meeting Minutes SEPTEMBER 02, 2011
Regions Bank-1401 Tamiami Trail, Punta Gorda, FL 33950

Officers Present:

President- Charles Council
Vice President- Theresa Murtha

Directors Present:

Community Security-Bob Hutt
Legal Liaison-Mike Huston
Special projects-Doug Rhees
Community Standards-Ken Lampkin
Planning-Brian Stirling
Social Chair-Cynthia Council (non-voting)
Communication Director: (non-board; non-voting.)

Absent:

Treasurer-Bill Bareither
Immediate Past President-Joe Sabatino (non voting)
Secretary-Audrey Young
Membership-Genny Ramachandran

President Council called the meeting to order at 9:05 AM, noting the presence of a quorum.

Minutes of the August 05,2011 meeting were approved and sent to the Webmaster for posting on the BSIA website.

REPORTS FROM OFFICERS & DIRECTORS:

President: Noted an earlier call from Charlotte Harbor Environment Center requesting volunteers to participate in water sampling within BSI. Charlie reported that he passed the request on to BSIBC since the testing activity is more appropriate to their mission. Doug Rees mentioned he was one of the members who will participate in the sampling project. Bob Hutt noted that canal waters had been tested in the past and were found to be "OK." He wondered why this was now necessary.

Vice President: Theresa Murtha requested that Board members have articles to her for the fall newsletter by the second week in October. This will allow the notice of elections, included in the newsletter, to be mailed 14 days in advance of the 11/07/11 general meeting as required by association BY-Laws. Theresa reported that the nominating committee has been formed. Members are: Theresa-chair; Mike Huston, Gary Brewster, Sandy Miskell.

Social: Cynthia reported on the following activities.

Dart tourney at the Ice House set for 9/7/11-over 40 members to attend. General meeting is scheduled for 11/07/11 at the Burnt Store Presbyterian Church. Board members are requested to bring a dessert. It was discuss whether to have a guest speaker at the general meeting. The Board consensus was not to have a speaker. This allows sufficient time for elections and coffee & dessert following the meeting. Cynthia reported a suggestion by Claire Phelen that members be requested to bring a canned or boxed food donation to the meeting. Donated food will be distributed through the Homeless Coalition and St. Vincent DePaul food pantry.

Community Standards: Ken Lampkin raised issue of the city not wanting to pick up yard waste from empty lots. He noted also some residents are placing yard waste at curb side well in advance of the pick up day. Some discussion among Board members if this is really a serious issue. Charlie will check with the city code compliance office whether landscapers are allowed to deposit their yard waste at curb side or they obligated to haul away.

A carry over item from the August meeting was the issue of foreclosed and abandoned properties having overgrown laws, shrubs, trees, etc. Mike Huston presented for Board review and approval a policy providing for the intervention by BSIA to clean up such properties and to pursue payment from the owner of record. The policy, after discussion and some minor changes was approved by unanimous vote: (Motion to approve-Huston; Second-Murtha.) The property that prompted the development of the new policy is located at 359 Monaco. A motion to immediately apply the new policy to this property was made by Theresa Murtha and seconded by Doug Rhees; approved unanimously. Ken Lampkin will evaluate the property and recommend a course of action.

A second proposed policy covering signage at spec and model homes during construction, was presented by Mike Huston for Board review and approval. The policy, after minor change was voted and approved unanimously: (Motion to approve-Rhees; second-Lampkin.)

Special Projects: The Board re-visited the discussion from the August meeting regarding additional replacement of palms at the two entryways. Doug noted the existing layout has a uniform canopy whereas palms of varying heights are more pleasing to the eye. Adding Queen Palms to the mix would be desirable. Charlie will review the current budget numbers with Bill Bareither when he returns from vacation to see if there may be available funds to replace some trees this year and set a budget for further planting in 2012.

General Discussion: Charlie reported that he had just received that morning an e-mail from the owner of 3541 Tripoli forwarding a new plan and proposal covering the garage addition to his house. Copies of the new drawing were distributed to the Board. This was for information only since the ARB will review the new proposal and provide a formal recommendation to the Board at the October meeting.

Charlie reported also on recent changes to the city code covering docks within BSI. The new code grandfathers all existing docks to allow in-water moorage but any new docks will require boat lifts. (Code reference: Chap 6, Art 1, Sec 6-6,d.)

Meeting was adjourned at Noon.

(Note: Policies re clean-up of property at foreclosed/abandoned property and signage at construction sites provided under separate cover.)

BSIA POLICY FOR ENSURING PROPER MAINTENANCE OF PROPERTIES IN BSI

Authority for Policy: The following provisions of the BSI Deed Restrictions give BSIA authority to take action to ensure a property in BSI is maintained in a manner such that the appearance of the property is consistent with the appearance of other properties in BSI:

1. Section 20 provides, in relevant part, that “No weeds, underbrush or other unsightly growths shall be permitted to grow or remain upon the premises on the aforescribed land, and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon; and, in addition all of the landscaping including the grass shall be kept as befitting a high-quality lawn and any plants, grass, shrubs, etc. that might die or become other than luxuriant and well formed shall be promptly replaced and should the Grantee [Property Owner] fail to keep premises in the aforescribed condition then the Grantor [BSIA] may enter upon the land and repair, replace, install or maintain the offending portion and such entry shall not be deemed a trespass and a lien shall arise in favor of the Grantor [BSIA] to the extent of the expenses to accomplish the aforesaid.”
2. Section 25 provides that “Violations or breach of any condition, restriction or covenant herein contained by any person or concern claiming under the Grantor [BSIA], or by virtue of any judicial proceeding, shall give the Grantor [BSIA], in addition to all remedies, the right to proceed at law or in equity to compel a compliance with the terms of said conditions, restrictions or covenants and to prevent the violation or breach of any of them. In addition to the foregoing, the Grantor [BSIA] shall have the right, wherever there shall have been built on any lot any structure which is in violation of these restrictions, to enter upon the property where such violation of these restrictions exists and summarily abate or remove the same at the expense of the applicant, purchaser, optionee, lessee or grantee, and such entry and abatement or removal shall not be deemed a trespass.”

Policy: It is the responsibility of the owner of each property in BSI to maintain his property in a manner to insure that such property does not detract from the overall appearance of BSI and decrease the value of other properties in BSI. When the property owner fails to do so, under the provisions of the BSI Deed Restrictions set forth above, BSIA is authorized to take steps to maintain the property. There are three situations where this is likely to occur: (a) where the owner, for whatever reason, does not to maintain the property consistent with the standards required in the BSI Deed Restrictions for properties in BSI; (b) where a foreclosure action has been commenced against the property and the owner of the property, who is either still in possession of the property or has moved out of or abandoned the property, does not maintain the property consistent with the standards required in the BSI Deed Restrictions for properties in BSI; and (c) where a lender has foreclosed upon the property and taken title to the property,

but does not maintain the property consistent with the standards required in the BSI Deed Restrictions for properties in BSI.

In each the three situations described above, it shall be the policy of BSIA to first work with the City of Punta Gorda ("the City") to remedy the condition of the property not being properly maintained. When BSIA first learns that a property in BSI is not being properly maintained, the BSIA Director for Community Standards shall contact the City, describe the situation and see if the City can and will take action through its Code Compliance Section to insure that the property will be brought into compliance with both the City's Code requirements and the standards required in the BSI Deed Restrictions for properties in BSI. If BSIA is satisfied that the City will take appropriate action to insure that the property will be maintained in accordance with the standards required in the BSI Deed Restrictions for properties in BSI, BSIA will take no further action and rely upon the action taken by the City.

If the City cannot or will not take appropriate action to insure that the property will be brought into compliance with the standards required in the BSI Deed Restrictions for properties in BSI, BSIA will use its authority under Sections 20 and 25 of the BSI Deed Restrictions to insure that the property is maintained in a manner consistent with the standards required in the BSI Deed Restrictions for properties in BSI. Before doing so, however, BSIA shall send a letter by certified mail, return receipt requested, to the person(s) or entity shown to be the title holder of the property by the Real Property Records of the Charlotte County Property Appraiser, notifying such person(s) or entity that such property is not being maintained in compliance with the standards required in the BSI Deed Restrictions for properties in BSI. Such letter shall specify all Deed Restrictions governing maintenance requirements which are being violated by the person(s) or entity owning the property. The letter shall also set forth the specific actions that BSIA plans to undertake to maintain the property and provide an estimate of the expenses expected to be incurred by BSIA in performing the maintenance of the property. The letter shall also inform the person(s) or entity owning the property that unless the person(s) or entity owning the property agrees in writing to undertake the maintenance activities deemed necessary by BSIA as specified in the letter within thirty (30) days following receipt of the letter, BSIA will undertake the performance of the required maintenance activities and will thereafter seek reimbursement of any and all expenses incurred by BSIA in performing such maintenance activities, either by filing a lien on the property or by a legal proceeding. A copy of the letter sent to the person(s) or entity owning the property shall also be sent to every entity having a mortgage on the property.

Except in extraordinary circumstances, the maintenance activities undertaken by BSIA under this Policy will be limited to maintaining the grass, trees, shrubs, gardens and other similar items located on the property and cleaning the roof of a residence located on the property. Nothing herein, however, shall preclude BSIA from undertaking additional maintenance activities, including, but not limited to, painting the exterior of a residence or maintenance inside a residence, where deemed necessary by BSIA to insure the appearance and condition of the residence is compatible with other residences in BSI.

To assist in the implementation of this Policy, the BSIA Director for Community Standards shall maintain a list of all homes in BSI which are either in or have been through the foreclosure process. Such list shall include the name and address of the person(s) or entity holding title to

the property, as well as the name and addresses of all entities having a mortgage or lien on the property.

Adopted by the BSIA Board this 2nd day of September, 2011.

BSIA POLICY FOR SIGNS AT CONSTRUCTION SITES

Authority for Policy: Section 4 of the BSI Deed Restrictions provides that “No signs shall be erected or displayed on this property or on any structure, except that the Grantor [BSIA] may allow a sign to be erected at it’s discretion, if the placement and character, form and size of such sign is first approved in writing by the Grantor [BSIA]. This provision shall not apply to “For Sale” or “For Rent” signs which may be displayed. There shall not be, however, more than one “For Sale” sign on any property under contiguous ownership, and no “For Sale” or “For Rent” sign shall be in excess of 6” x 8” in size.”

Policy: In an effort to maintain and preserve the quality and appearance of the properties in the Burnt Store Isles development, BSIA hereby establishes the following requirements which will be applied with respect to the approval of signs to be located on properties where there is construction previously approved by BSIA, including , but not limited to, construction of a new home, structural modifications or additions to an existing home and construction of multi-family homes (such as condominiums or rental units). The requirements for the signs include the following:

1. Only one (1) sign shall be allowed at a construction site, regardless of the size of the construction site.
2. The sign shall not be placed on the construction site until construction actually commences, and the sign shall be removed immediately upon completion of the construction.
3. The mounting post or posts for the sign may not exceed five (5) feet in height.
4. The maximum size of the sign shall be three (3) feet by three (3) feet.
5. The sign may not be lighted either directly or indirectly.
6. The sign must be located on the property on which the construction is taking place, and not in any road right-of way, easement area or common area.
7. Flags and pennants may not be attached to the sign.

No sign may be installed on a construction site until the placement, character, form and size of the sign has been approved in writing by the BSIA Board of Directors or, if authorized by the BSIA Board, in writing by the BSIA Architectural Review Committee acting on behalf of the BSIA Board. To obtain sign approval, a site plan showing the location of the proposed sign and an architectural or other rendering of the proposed sign showing its content, style and size must be provided to the BSIA Board together with any additional materials required by the BSIA Board to evaluate the proposed sign. The BSIA Board will endeavor to render a decision on each sign request within thirty (30) days following its receipt of the request for approval of the proposed sign and the accompanying documentation required as set forth above.

Adopted by the BSIA Board this 2nd day of September, 2011.