

SPRUCE CREEK PROPERTY OWNERS ASSOCIATION, INC.
212-1 Cessna Blvd, Port Orange, FL 32128

MINUTES
REGULAR BOARD OF DIRECTORS MEETING
September 5, 2007

1. **CALL TO ORDER.** President Dawn Sautter called the meeting to order at 7:00 p.m. Other directors present were Alan Baltz, Bert Love and Tim Plunkett. Jack Kihm was not available for this meeting. With four(4) board members present a quorum was declared.

2. **PROOF OF NOTICE.** David Slayback affirmed that this meeting had been properly noticed.

NOTE: The agenda was changed for this meeting to accommodate a presentation by James Halleran, CPA with the firm of James Moore & Co., P.A., which firm performed the audit of the SCPOA's 2006 financial records.

3. **SPECIAL REPORT ON RESULTS OF 2006 AUDIT.** James Halleran gave an explanation of how the audit was performed and reported that in their opinion, "the financial statements referred to above present fairly, in all material respects, the financial position of the spruce Creek Property Owners' Association, Inc, as of December 31, 2006, and the results of its operations and its cash flows for the year then ended in conformity with accounting principals generally accepted in the United States of America."

At the end of the presentation a **motion** was made by Alan Baltz, second by Bert Love, to accept the 2006 Audit report. The motion was approved unanimously.

COPIES OF THE 2006 AUDIT ARE AVAILABLE ON REQUEST FROM THE POA OFFICE.

4. **COMMUNICATION.** Dawn Sautter reported that she had received an unsigned complaint from an owner but that it not her policy to recognize unsigned documents.

5. **MINUTES.** The minutes of the August 14, 2007 Board Meeting were presented. A **motion** was made by Tim Plunkett, second by Bert Love, to accept the minutes are presented. The motion was approved unanimously.

6. **REPORTS -OFFICERS**

Alan Baltz – reported that he had worked closely with the auditors performing the 2006 audit and that he was very impressed by the professionalism and thoroughness exhibited by those involved.

Tim Plunkett – spoke about the following items:

- 1) Dick Colwell, a SC Owner, reviewed the Airport Liability Insurance Policy and noted that the policy seems to exclude coverage for problems with the airport GPS system. The broker for the insurance has been contacted and confirms that coverage is provided.
- 2) Dick Colwell also reviewed the Directors and Officers Insurance Policy and noted

that it has a requirement that a notice of claim must be filed within 90 from the date of occurrence of an event. If the claim is filed after more than 90 days have passed the company can deny coverage. The manager was directed to speak with the insurance agent about this matter and report back to the board.

- 3) A substantial amount of fill dirt around the pilings at the SE end of the north gate has been eroded by the movement of water beneath the bridge. The hole needs to be filled and protected to prevent further erosion in the event of heavy rains. Tim introduced Kevin Tague, a new owner in Spruce Creek, who has extensive experience in excavating. He is to also review the problem and report back to Mr. Plunkett. Mr. Plunkett and his committee are to develop a Long Range Plan for the bridge.

Dawn Sautter – No Report

Bert Love – Reported that he is to be away from Spruce Creek from 9/10 to 10/19/07, and that Dawn Sautter will be Acting Treasurer and Acting Chairperson of the Budget and Finance Committee during his absence. He also reported that the 2007 Florida Legislature enacted some legislation which may mean some significant changes to the operations of a Homeowners Association. He is presenting two questions to the attorney on this matter: (1) Does the POA need a membership vote in order to establish Reserve Accounts and (2) can the Board change the allocation of funds in the Capital and Reserve Accounts?

COMMITTEES

ARC – No Report.

Airport – Sal DeVincenzo reported that Mr. Pat Perrott, owner of the FBO on Beech Beech Boulevard, has offered to donate the land he owns in front of his FBO property which extends across Beech Boulevard to include some space used for tie-down spots, to the POA. The board has agreed to accept the donation with Mr. Perrott to provide a legal description of the property to be donated and any other documents necessary for the POA to record the deed.

Tim Plunkett made a motion, seconded by Bert Love, that the designated helicopter storage area at the west side of the north end of Beech Boulevard be designated in perpetuity for use by helicopters. The motion was approved unanimously.

The Airport Committee has approved the installation of Security Cameras in and around the airport facility. The Board responded that they need a set of schematics, plans and costs to review this plan. Bert Love requested that Bruce Williams and Mike Hay meet with Art Faria and George Holmes from the Budget and Finance Committee to review the plan.

Budget & Finance – No Report

Children's Recreation – Krista Ghaffarian submitted a written report, and has informed the Board that her committee is going to do a fundraiser and requested that the POA donate a set of mailing labels and envelopes for the committee. During discussion it was suggested that it would be less expensive for the committee to put an insert in the UPDATE MAGAZINE, which would cost \$350.00. Bert Love said that the POA will pay for this insert.

Community Relations – No Report

Public Works – Ray Gage reported:

- 1) that the test project of culvert cleaning was conducted this past week, and that a substantial number of culverts and catch basins were cleaned, including most of the north side of Slow flight Drive up most of the way to Wright Drive. The test demonstrated how much could be accomplished in a day and it pointed out a major problem with the movement of water: the culverts drain the water BELOW the level of the adjacent ground which means that the water cannot flow. The next step thus is to dig out the swales in the yards to lower their level to that of the culverts so that the water can flow off the property and into the retention lakes.
- 2) that there is a washout of dirt beneath the south portion of the north gate bridge, and that a portion of the rip-rap has been damaged. Engineers are studying the problem to find a simple and inexpensive repair to stop further damage until a more extensive repair can be made.
- 3) the installation of the new pavement markers has begun. The plan is to use the markers to show the location of side roads off of our main roads and to warn drivers of upcoming stop signs. This project is being handled by Art Horton of the Public Works Department.

Update – No Report

7. OLD BUSINESS

1. Wallace Ritchie: Dawn Sautter explained that a number of requests have been made to Mr. Ritchie to have him return any original SCPOA documents he may have in his possession or confirm in writing that he has no such documents. Mr. Ritchie has not responded to these requests. The SCPOA attorney sent Mr. Ritchie a formal letter requesting return of documents or filing of an affidavit with the association that he has no documents. Dawn stated that in a conversation with Mr. Ritchie he told her he would check his records and return any that he has which belong to the SCPOA or submit a letter that he has no documents, by August 17, 2007. Neither the records nor the letter have been received.

Discussion followed on the advisability of instructing the SCPOA attorney to file a legal action against Mr. Ritchie to force compliance with the requests. A question was raised as to just what documents might be missing and how important might they be to justify the expenditure of at least a few thousand dollars in legal fees. Mr. Love responded that the Florida Homeowners Association Law, Chapter 720 of Florida Statutes, contains a list of documents which an association is required to maintain. Now that the inventory of the POA records has been completed the Manager has been tasked to compare the list of on hand documents against the State required list to see which documents are missing, and to report to the Board as soon as possible.

Without objection the board decided to table the question on whether or not to bring a legal action against Mr. Ritchie.

2. Missing Documents: This matter was discussed as part of item 7.1 above.

3. Eagles Crest: Eagles Crest has requested that the SCPOA reduce the maintenance fee Assessments from the present 20 to 12, to reflect the actual number of living units in Eagles Crest. The board has sought legal opinion on how such a change might be made since the reduction of the assessments paid by Eagles Crest would mean a slight increase in the assessments paid by all other owners in Spruce Creek. Mr. Love used the example that if Eagles Crest paid 12 of the 2007 assessments this would mean that all other lots in spruce Creek would pay an additional \$6.00 to

make up the difference. A legal procedure to make such a change is necessarily complicated since it involves a change in the documents of both Eagles Crest and the SCPOA.

Without objection the matter was tabled pending further advices from the attorney.

4. Heavy Vehicles on Taxiways: Sal DeVincenzo submitted a request that a modification to the Spruce Creek Fly-In Ground Safety Rules (as published in the Directory) be adopted.

Requested Change. TAXIWAYS, Paragraph 2 “Any resident’s vehicles not included in the above require a temporary permit issued by the Association, in writing, before entering or using a taxiway. A reasonable need as determined by the property manager of the Association must be demonstrated before a temporary permit will be issued. Non-resident’s (e.g. vendors), must be escorted by Security or Airport Operations Vehicle. Maximum Vehicle Gross Weight 12,500 lbs on all taxiways. Maximum speed on ALL taxiways shall be as follows: aircraft – at a safe speed not to exceed 15 mph, Ground vehicles – 15 mph.” (New/revised language underlined.)

A **motion** was made by Tim Plunkett, second by Alan Baltz, to accept the revised language. The motion was approved unanimously.

8. NEW BUSINESS.

1. Bridge Repairs: This item was handled previously in the meeting.
2. Ground Safety Rules: This item was handled previously in the meeting.
3. 2008 Budget: Bert Love reported that the Budget and Finance Committee has begun the process of developing the 2008 budget.
4. Security Cameras: The Safety and Security Committee and the Airport Authority Committee presented their plan for the placement of security camera at each end of the runway and at the intersections of Beech, Piper and Cessna Boulevards. These locations provide coverage of the runway and the airport facility. Types of cameras, installation requirements, etc., have been worked out. The board referred the request to the Budget and Finance Committee and, without objection, tabled the matter pending input from the Budget and Finance Committee.

8. OPEN FORUM –

1) Bruce Alter, a long time resident, requested that the RV Parking area be cleaned up and weeded, that some sort of shall or stone be spread to create a reasonable surface, that the POA enforce the 30’ length requirement of vehicles kept in the lot and that the fence around the lot be repaired.

The board directed that Public Works look into cleaning up and repairing the facility, and that the POA office review the requirements to use the facility and review the rental agreement.

9. ADJOURNMENT – with no further business to come before the board the meeting was adjourned at 9:00 p.m.

Dawn Sautter, President