

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

**MINUTES**  
**REGULAR BOARD OF DIRECTORS MEETING**  
March 11, 2008

1. **CALL TO ORDER.** President Russ Faller called the meeting to order at 7:05 p.m. Other directors present were Bert Love, Mike Hay and Jerry Probst. Jack Kihm was absent. With four board members present a quorum was declared.
2. **PROOF OF NOTICE.** David Slayback, POA Manager, confirmed that proper notice had been posted.
3. **COMMUNICATIONS:** Slayback reported receipt of a letter from Owner Jim Poel relating to inspection of records relating to the election of directors conducted 2/2/08 and said that the letter had been answered with advices from the Association Attorney.
4. **MINUTES:** The minutes of the February 12, 2008 board meeting were presented for approval. Two typographical errors were noted on page 2 and Mr. Love requested that mention be made of Dr. Hay's motion in paragraph 3 under OLD BUSINESS. The minutes were accepted with the corrections.
5. **OPEN FORUM:** Mr. Faller informed the members attending this meeting that the Board had agreed to provide an Open Forum session at this meeting, to last about 30 minutes and to allow any members wishing to present any information to the board to have 3 minutes in which to speak. He said that the board may choose not to respond to a speaker and may elect to respond at a later date.

John McCollister thanked Mike and Diane Kelly and their committee for all their hard work which made this year's "Wings and Wheels" such a huge success.

Dr. McCollister also made a presentation on behalf of naming the bridge by the main gate after William P. Lear, Jr. who made so many contributions to communications and aircraft design and flying safety. Dr. McCollister proposed that the bridge be named the William P. Lear, Jr. Bridge.

John Champlain pointed out that the swales along Spruce Creek Boulevard by Wedgewood are prone to flooding and suggested that the POA engineer look into this problem.

6. **REPORTS:**  
Officers:

Mr. Probst reported that the Budget and Finance Committee will meet on 3/18/08 at 2:00 p.m. at the POA Hangar. Further, he expects to have the 2007 audit by 3/14 so that the B&F Committee can review it on 3/18, along with a Balance Sheet and Profit and Loss Report for January and February of this year.

Committees:

Airport – No Report

Architectural Review Committee – No Report

Budget & Finance – Reported above

Children’s Recreation Committee – No report

Community Relations – The Newcomers Party is scheduled for March 26, 2008.

Legal & Bylaws – Mary Ann Hoffner reported that the committee is studying proposals for updating and modifying the By-Laws of the Association and will welcome comments and ideas from owners, who are invited to submit their comments thru the SCPOA Office.

Mr. Faller requested a motion to appoint Mike Hay as Board Liaison to the Legal & Bylaws Committee. Jerry Probst made the motion, seconded by Russ Faller and approved 3 to 1 (Love voted no).

Public Works Committee – Ray Gage reported that the committee is very active, and meets every Monday morning at the POA Hangar. The committee is presently gathering all POA records dealing with its infrastructure and will codify them and put them on computer disks for permanent storage. The project to rebuild Seclusion Drive between Country Club Drive and Cessna Boulevard is scheduled to start April 7, 2008. The purpose is to alleviate the collection of water at the Cessna Blvd end and to redo the road which is failing due to heavy traffic. The bridge was inspected and the report is good. There are some relatively minor repairs to be made which will increase the life expectancy of the bridge. The committee is having the inspection company prepare a repair plan so that bids for the work can be secured.

Safety & Security – No report

Update Committee – No report

Manager – Dave Slayback reported that the matter of “collection” of unpaid assessments is being studied. A number of properties are under foreclosure by the mortgage holders. In some cases we already have our own lien on the property. The matter of enforcing a lien to collect is legally complicated but we are working on it.

An owner donated a computer to the POA which we have assigned to the Public Works Department. We have established a work area in the small conference room at the POA Hangar and we have accumulated all our records from our former Public Works Manager’s home office and from our maintenance shop and have organized them at the POA Office.

Lastly, we have installed a fire and burglar alarm system in the POA Hangar. The fire alarm was considered necessary because the Hangar is relatively isolated after work hours, and the records kept in the Hangar are either difficult or impossible to replace. The burglar alarm was modest in cost when added to the fire alarm system. The fire alarm is monitored at no cost because we already pay for monitoring of the alarm at the south gate house and the Hangar will be included in that charge. The burglar alarm is wired to notify the north gate security officer if it is activated.

## 7. OLD BUSINESS:

1. USE OF SHERIFF’S DEPUTIES IN SPRUCE CREEK. Russ Faller reported that a proposed contract with Volusia County has been received but it contains legal language relating to our “indemnification” of the Sheriff’s Department under broadly stated circumstances. Our attorney is contacting the Volusia County attorney to work out better language regarding our responsibilities and liabilities.

2. EAGLES CREST. This matter continues to be worked on but there is no report at this time.

2. REVIEW AND APPOINT BOARD LIAISON TO COMMITTEES. Mike Hay was appointed as Board Liaison to the Legal and Bylaws Committee in the Reports portion of this meeting, reported above.

3. CONSIDER AND APPROVED FINAL CANCELLATION TERMS OF THE JONES CONTRACT. Mr. Faller reported that the Jones Contract called for a notice period of 90 days if the Spruce Creek POA canceled his contract. With the cancellation of the contract, the POA is obligated to make a termination of contract payment of \$15,000 (equivalent of 90 days salary). Mr. Jones has asked for additional money as part of a final settlement agreement. The association attorney negotiated with Mr. Jones and agreement was reached to pay an additional \$3,000. With the payment of a total of \$18,000 Mr. Jones will agree to a full and final settlement of this matter and will signed the termination agreement prepared by the SCPOA attorney. A **motion** was made by Jerry Probst and seconded by Bert Love to add the \$3,000 to the final settlement and have the attorney prepare the final settlement agreement for signature by Mr. Jones. The motion was approved unanimously.

#### 8. NEW BUSINESS

1. CONSIDER PROPOSAL FOR A SIDEWALK EASEMENT IN FAVOR OF VOLUSIA COUNTY ALONG AIRPORT ROAD. Mr. Slayback reported that Volusia County had requested an easement from the SCPOA in order for them to install a sidewalk from the south side of the entrance to Sabal Creek southwestward along Airport Road to the easterly end of Windsor Court's perimeter wall. In conversation with Sean Maroney, a Right of Way Specialist for Volusia County, Slayback was told that the State funding for the widening project of Williamson had some extra money which Volusia County could use for this sidewalk project. Slayback questioned whether this was not a matter of "eminent domain" and Maroney said it was not; that the County is seeking only an easement and if the SCPOA does not grant it the County will not do the project at this time. A motion was made by Jerry Probst, second by Mike Hay, to approve the easement request from Volusia County for the sidewalk. The motion was approved unanimously.

2. CONSIDER PROPOSAL FOR REPLACEMENT OF NORTH GATE "NOTICE" SIGN. Ray Gage, Chair of the Public Works Committee has furnished the Board with copies of a proposed new sign. It would replace the existing sign, which would be moved to the South Gate so notices can be posted for owners using that gate. The new sign is bigger than the existing sign but this will allow for more than one notice to be posted at one time, or will allow for more explanatory messages to be posted. The cost of the new sign will be \$5,500. \$3,500 is in the 2008 budget for the sign and the remainder will have to be found in regular operating funds. A **motion** was made by Bert Love, second by Mike Hay, to approve the purchase of the sign for \$5,500 and move the old sign to the back gate. The motion was approved unanimously.

Mr. Love requested approval to add another item of new business to the agenda, to wit, to make a motion to name the bridge at the main gate the WILLIAM P. LEAR, JR. Bridge. During discussion it was noted that any signage for the bridge must be approved by the board. Dr. McCollister said that funds had been collected to pay for the signs and they would be presented to the POA for approval. The motion was approved unanimously.

David Slayback, POA Manager, was granted permission to address the board. He pointed out to the board (and Association members present) that the community has gone through a rough time in the past few months, but we are now to the point where there has to be a healing process. We have to look into the future. A lot of people involved in POA planning are doing that, as am I, but I could use some help. My job is to serve you and I do it as well as I can but I am always open to ideas and suggestions on how I can do it even better. I invite everybody here and all of your friends, if you will tell them, that I and the entire POA staff are open to any suggestions anyone wishes to make to help us serve you better.

3. By Direction of the Board President the following is a REVISED LIST (FROM 2/6/08 BOARD meeting) of the persons authorized as signatories on the Operating Accounts held at Sunshine State Bank: (Directors) Russell Faller, Michael Hay, Gerard Probst, and (Manager) David B. Slayback.

9. ADJOURN: With no further business to come before the board, on motion made and seconded, with no dissent, the meeting was adjourned at 7:58 p.m.

Mike Hay, Secretary