

SPRUCE CREEK PROPERTY OWNERS ASSOCIATION, INC.

212-1 Cessna Blvd., Port Orange, FL 32128

APPROVED

MINUTES

REGULAR BOARD OF DIRECTORS MEETING

August 4, 2009

1. **CALL TO ORDER:** President Russ Faller called the meeting to order at 7:02 pm. Other Directors present: Jerry Probst, Joan DeVincenzo, Mike Hay and Jack Hirn. A quorum was declared.
2. **PROOF OF NOTICE:** Richard Kjellstrom, General Manager, affirmed that proper notice of the meeting had been posted.
3. **COMMUNICATIONS:**

Russ Faller, President, read a letter from Bonnie Roberts, President of Pro Med Services Inc., (resident). She is asking to be able to bid on the cleaning contract for the POA office and guard houses. We have not previously had bids submitted but we are happy with the current service provider at an extremely reasonable price. Ms. Roberts may present a proposal to the POA, and they would review it.

4. **MINUTES:**

The minutes of the 7/07/2009 Board Meeting were presented. Jerry Probst made a change in the amount of the outstanding account receivables which should be \$130,000 at the end of 2008. Jerry moved for approval, Mike Hay seconded and the minutes were approved unanimously.
5. **OPEN FORUM:** The following owners rose to address the Board.

Petra Van Zandt of Lindbergh Lane brought up the signage at the intersection of Spruce Creek Blvd East and Spruce Creek Blvd West, which blocks a view of the beautiful golf course at the third hole. Russ Faller responded saying we are having an extreme problem of reckless driving, going through stop signs, and speeding. For the last year and half we have been negotiating with the Volusia County Sheriff Department to provide patrols in the community. For that to take place, we must meet the Florida Department of Transportation minimum standards for signage. Failure to meet the signage requirements will result in not having the Sheriff's patrols.

Bob Colgan, Springwater Lane discussed the collection of bad debts (customer balance summary). He stated that none of the

money from the first 25 residents in arrears has been collected other than one. He does not believe that we have staff to do the collections and asked whether the board has thought about selling our rights to a collection agency. Russ Faller asked Jerry Probst, who has been working diligently to collect on the list, to respond. Jerry Probst commented, we have enough staff to follow-up. The top 14 have had sent letters from our attorney to start the foreclosure process. Six of the top list are already in foreclosure from their mortgage companies. We are aggressively pursuing the others. Once we send a letter, the owner has 45 days to settle the bill or we proceed to judgment. One of the top 4 is making a \$1,000 a month payment, and another is making \$300 a month payments. We have not pursued through a collection agency because of the cost involved and will continue the current process. As of today, we have a balance of \$157,000 in account receivables. Jerry explained the process of liening and foreclosing a property.

Joan Dufton, Waterway Place, asked what is the next step in the foreclosure process, because she does not see anything happening at a property that was listed in the newspaper to be sold. We went the whole foreclosure route on one homeowner, and received judgment but before the deadline for sale, they came in and paid the entire amount to include legal fees.

6. REPORTS:

- A. Mike Hay, VP, reported that the Legal and By Laws Committee has done extensive work on the recommended changes for the entire Bylaws and Articles. These can be worked on next year. The committee is not opposed to voting on the amendments which the board is recommending at this time.
- B. Jerry Probst, Treasurer, has covered most of the AR issues. However there are 58 open accounts, 11 in foreclosure, 1 in bankruptcy. He will keep you informed each month.
- C. Jack Hirn discussed that under Article 10, the POA has the right to fine residents for infractions under the covenants up to \$100 for each infraction. He is looking for volunteers to serve on the Grievance Committee. Keith Brown volunteered for the committee.
- D. Joan DeVincenzo- no report.
- E. Russ Faller, President stated that he and John Sluus went to a community Cert meeting along with Keith Sprague and they are hoping to get CERT operational again. Russ Faller discussed that this

fall the Resident Directory will be updated and it is important that we have current information. All changes should be submitted to the POA office.

F. Committee Reports.

1. Airport Committee- Sal DeVincenzo, everything is ok except for some lighting on runway 23, which has been repaired.
2. Architecture Review Committee-No report.
3. Budget and Finance Committee- Ellie Murray, Chair. She thanked Allen Baltz for the minutes of July meeting and also Jerry Probst for bringing a wonderful air of professionalism and preparing a cash flow. Expenses are over due to bad debt and legal expenses. Public works is over for the first six months. Update is continuing to be a concern, which the board needs to address.
4. Children's Recreation Committee- no report
5. Legal and By-Laws Committee- no report, other than Mike Hay's previous comments.
6. Public Works Committee-Art Horton, Superintendent, briefly gave an update. Road program for 2008/9 is complete for this year. Corner of Roscoe Turner and Spruce Creek Blvd was a nightmare, but it is complete. All sinkholes will be paved as will the new entrance into Windssock Park. Drainage maintenance is in process. Camera system is continuing. The Public Works committee is doing a very good job in getting all this extensive work completed.
7. Safety and Security-Barbara Roush-Discussed Article 10 and that R. Kjellstrom is developing a recommended program on how to handle infractions of the Covenants. She reviewed the various issues facing the community. Barbara discussed that we should include all the rules and procedures in the new directory. She discussed the continuing problem at the fence at Roscoe Turner. Public Works has applied grease on the fence and will plant some bougainvillea plants that are thorny, to discourage the violators.
8. Update Committee- Russ Faller, had a resignation letter from Lorraine Wahl which gives the reins to Barbara. The board wants to thank Lorraine for all her time and efforts.

9. Community Relations-no report
10. General Manager- Will work on parking issues in those properties that have multiple renters.

There was a motorcycle accident with injuries, but the juvenile has been released from the hospital. FHP gave him multiple tickets. New policy is if you are not a resident of the community, you may not bring in a non registered vehicle. Richard is looking forward to meeting more of you.

7. OLD BUSINESS: None
8. NEW BUSINESS:
 - A. Review and approve variances:
 1. Gomes, 26 Lindy Loop, Joan DeVincenzo motioned for approval, Jack Hirn seconded, passed unanimously.
 2. LaBosco 1788 Earhart court, Jack Hirn motioned for approval, Mike Hay seconded, passed unanimously.
 - B. Approval of wording for proposed amendments to Amended and Restated Articles and Bylaws:
 1. Russ Faller gave a summary of the proposed amendments:
 - i. Quorum percentage
 - ii. Composition of Board of Directors
 - C. Jerry Probst motioned that the amendments Article 3, Article 5 and Article 7 be accepted to be voted by the membership. Mike Hay seconded, passed unanimously.
 - D. Regretfully accept the resignation of Lorraine Wahl as editor of the Update, Mike Hay made a motion to accept, Jerry Probst seconded and accepted unanimously.
 - E. Agreement for Whispering Woods boundary Wall Maintenance review and approval. Motion was made to approve based on review by our attorney. Jerry Probst made the motion, Joan DeVincenzo seconded, passed unanimously.
 - F. Next Board Meeting will be September 1, 2009 at 7:00 PM

ADJOURMENT: With no further business, the meeting was adjourned at 7:53 pm.

Jack Hirn, Secretary

