

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

**MINUTES**  
**REGULAR BOARD OF DIRECTORS MEETING**

August 12, 2008

1. CALL TO ORDER. President Russ Faller called the meeting to order at 7:03 p.m. Other directors present were Bert Love, Mike Hay, Jerry Probst and Jack Kihm. With all five board members present a quorum was declared.
2. PROOF OF NOTICE. David Slayback, POA Manager, confirmed that proper notice had been posted.
3. COMMUNICATIONS:
  1. Belinda Wood, owner at 2120 Springwater Lane, sent a letter dated July 28, 2008 thanking the board on behalf of residents of The Reserve, The Islands of the Reserve and Turtle Point for the installation of lighting and irrigation at the intersection.
4. MINUTES: The minutes of the June 10, 2008 meeting were presented. A **motion** was made by Mike Hay, second by Jerry Probst, to approve the minutes. The motion was approved 5-0.
5. OPEN FORUM:
  1. Bob Colgan noted the unneeded sign identifying Glen Eagles located on the north side of Spruce Creek Boulevard where the South gate entry road meets SCB. He suggested that the sign is not used or needed and ought to be removed. Public Works said this work was on the list of things to do.
  2. Vern Hendershot informed the Board that lawn service vehicles park along the side of our roads and block the driving lanes. He asked if these trucks should not be required to park on the property of the homeowners who hire them. It was pointed out that such heavy vehicles cannot park in the yards because of damage to the ground but Security Department will look into this and report back to the Manager.
6. REPORTS:  
OFFICERS:  
President Russ Faller commented that
  1. Vandals have done more damage to the fence at the east end of Roscoe Turner Trail. He requested that anyone who observes vandalism, at the fence or anywhere on the property, PLEASE immediately contact Security, 756-6125, to have an officer get involved,
  2. We have had contractors look at the William P. Lear Bridge in connection with maintenance work needing to be done. Two contractors, who used to work for the company which did the bridge repairs some years ago, participated in the meeting and informed us that the bridge was originally constructed with beams used in parking garages which are not really suitable for bridge construction in that the beams are not permanently connected to each other to create a single bridge structure but instead are independent and move independently when traffic crosses the bridge. The correction of this problem is being studied by Public Works and MBV Engineering.

3. The question of who is responsible for the repair and maintenance of the wall at Windsor Court has been studied and it has been determined that the SCPOA is responsible. Accordingly, a project by Public Works Department has been initiated to get bids for the work on the wall. Prior to the work being done, all plantings along the side of the wall fronting on Spruce Creek Boulevard will be removed. When the wall work is completed new plantings will be installed. Property owners are responsible for plantings on their property on the interior side of the wall. The Windsor Court residents will be apprised of this project as it progresses.

4. It has been determined that responsibility for payment of costs associated with the street and entry lighting at Four Seasons rests with the Four Season's residents. A meeting will be arranged with interested Four Season residents to explain the matter.

Vice President-No Report

Secretary-No Report

Treasurer-Jerry Probst reported that there is approximately \$167,000 in annual assessments which remain unpaid. Some are just the 2008 assessments but a substantial number of assessments from prior years remain unpaid. 37 more liens have been filed against owners who have not paid and who have not responded to reminders and notices of their indebtedness. There are about 60 owners who owe money to the POA. Aggressive collection efforts, including foreclosures, are being instituted to secure payments. One owner owes about \$13,000 and work is underway to determine the feasibility of filing a foreclosure action against this owner.

#### COMMITTEES:

**AIRPORT COMMITTEE:** The committee has been looking into securing a VASI System and an AWOS System. Sal DeVincenzo, Airport Manager, has developed some very reasonable costs for these systems and final bids will be secured and submitted to the Board for approval. These systems are deemed necessary for airport safety. In addition, the committee is looking into needed safety upgrades in Windsock Park along the Runway.

**ARC:** No Report

**BUDGET AND FINANCE:** reported by Mr. Probst previously above.

**CHILDREN'S RECREATION:** No Report.

**COMMUNITY RELATIONS:** No Report.

**LEGAL & BY-LAWS:** Russ Faller asked that the question of the contract with the Volusia County Sheriff be tabled at this meeting. This was approved by the Board. Michael McDermott reported that the County Council needs to review and take final action on the proposed contract submitted by the POA. He recommended that the Council Chairperson Frank Bruno be reminded that Council Action is requested. Jack Kihm stated that he was in favor of a contract with the sheriff, but had previously voted against it because he understood that this revised contract was not reviewed by our Attorney.

**PUBLIC WORKS:** Ray Gage reported that a number of projects are on the agenda for this meeting. He then introduced Aaron Bowles, a Vice President of MBV Engineering and Tom Keefer, Road Engineer for MBV Engineering. They have come to the meeting to meet the Board, to discuss the submitted projects and to otherwise answer any questions the Board may have about their activities on behalf of Spruce Creek. The projects were discussed later in this meeting.

**SAFETY AND SECURITY:** Joan Dufton referred to the continuing vandalism of the Roscoe Turner fence and reminded everyone that the repair costs are borne by all residents. She also talked about Golf Cart Regulations, pointing out that the regulations are printed in the SCPOA Directory as well as the Welcome Booklet and that they require the owner of a golf cart to have 3<sup>rd</sup> party liability insurance on the cart. Joan commented that many residents walk on the side of the road with the traffic flow rather than the safer way of walking against the traffic flow. Also, that

traffic regulations require bicycles to move with the flow of traffic. Lastly, she reported that a survey was informally conducted at the Stop Sign at the intersection of Spruce Creek Boulevard and the North Gate Entry Road. Approximately 50% of the drivers went thru the stop sign.

UPDATE: No Report.

MANAGER: David Slayback reported much of his work since the last meeting has involved legal questions which are now in the resolution stages, and Public Works projects which will be discussed later in the meeting.

7. OLD BUSINESS: None

8. NEW BUSINESS:

1. CONSIDER AND APPROVE HIRING OF ATTORNEY GLENN STORCH TO REPRESENT THE POA IN CURRENT "LAND USE" ISSUES. Dr. Kihm asked whether or not the POA used the services of Becker & Poliakoff and Russ Faller responded that this firm has not been used this year. A **motion** was made by Mike Hay, second by Jack Kihm, to hire Attorney Storch to represent the SCPOA in land use matters. The motion was approved unanimously.

2. APPOINT NEW MEMBERS TO THE SAFETY AND SECURITY COMMITTEE, THE ARC COMMITTEE, THE BUDGET AND FINANCE COMMITTEE AND THE UPDATE COMMITTEE. The respective Committee Chairpersons have asked that the following people be appointed to the indicated committees:

Safety and Security Committee: Barbara Roush and Gene Ledda.

ARC Committee: Kevin Tague

Budget and Finance Committee: Jan Burnside and Jack Hirn

Update Committee: Tessa Goetsch, Barbara Roush, Donna Spillman.

A **motion** was made by Jerry Probst, second by Mike Hay to approve the above appointments. The motion was approved unanimously.

3. CONSIDER AND APPROVE PROPOSAL BY AIRPORT AUTHORITY TO PURCHASE A VASI SYSTEM AND AN AWOS SYSTEM FOR THE AIRPORT. The Authority reported that the VASI system with a box at each end of the runway, has a bid cost of \$5,900 for both and that required new electrical connections, et al, are projected to cost \$5,000. The Authority has investigated securing an AWOS system 1. The new AWOS system is an AWOS 2 and there are System 1's becoming available from airport which upgrade. A **motion** was made by Jerry Probst, second by Bert Love, to approve the proposal by the Airport Authority.

4. CONSIDER AND APPROVE SHERIFF'S CONTRACT REVISION. This item was tabled earlier in this meeting.

5. CONSIDER AND APPROVE PHASE 2 OF THE MASTER PLAN. This project involves putting all of the plans and records we have secured from Volusia County records, St. John's Water Management District records and from our own internal records, onto a CAD system, whereby all records are on a computer disc and can be called up immediately for use, and which can be e-mailed to other people for their use. This CAD system is the current technology used by engineers. The cost of this project is \$39,400. A **motion** was made by Bert Love, second by Jerry Probst to approve implementing Phase 2 of the Master Plan. The motion was approved unanimously.

6. CONSIDER AND APPROVE ROADWAY EVALUATION AND RESURFACING PROGRAM PHASE 2 AND PHASE 3. Phase 1 started with a visual inspection of all our roads and taxiways, and included the securing of a large number of core samples of the surface and subsurface construction of the roads and taxiways. Phase 2 is to review all the inspections and reports and to

prepare the paperwork necessary to secure bids from contractors for the needed work on the roads and taxiways. Phase 3 includes all of Phase 2 plus on site Construction Management from the actual project start to the acceptance of final “as built” drawings from the contractor. The cost of Phase 2 is \$39,900. There would be an additional cost for the on-site Construction Management work as the project was implemented. The national average cost for such work is between 5 and 6% percent of the project cost. MBV Engineering has offered a flat rate cost of just under 4%. A **motion** was made by Bert Love, second by Jerry Probst to approve the MBV proposal for both Phases 2 and 3 at a contract cost of \$89,900. The motion was approved 4-1 (Dr Kihm voted against stating he did not have adequate discussion of the question.)

7. CONSIDER AND APPROVE TAXIWAY IMPROVEMENTS TO TANGO EAST, ZULU AND MIKE. At this intersection, a concrete extension had been added to the inside of the turn from Tango East onto Zulu and it has failed. In addition, this intersection contains turns which are difficult for airplanes to maneuver. A project was developed to fix the concrete extension and to increase the radius of the turns to facilitate aircraft movement and to repair a storm drain in the area. Three bids were received with a low bid of \$18,385.10 from J. Weber Construction. A **motion** was made by Jack Kihm, second by Mike Hay to approve the Weber bid. The motion was approved 3-2 (Bert Love and Jack Kihm abstained.)

8. CONSIDER AND APPROVE DRAINAGE IMPROVEMENTS AT SPRUCE CREEK WAY AND AT CANADAIR COURT. These projects are to remove and correct water management problems at both locations. Three bids were received, low bid from Hardy Construction in the amount of \$14,000. A **motion** was made by Bert Love, second by Mike Hay to accept the bid from Hardy Construction. The motion was approved 5-0.

9. CONSIDER AND APPROVE DRAINAGE IMPROVEMENT BY INTERSECTION OF TAXIWAYS CESSNA AND SIERRA. This area, including nearby hangars, floods during heavy rains because the water drainage system is either inadequate or non-existent. A large water conveyance system which can handle increased water flow, is located close by. This project will locate catch basins and underground piping in order to capture water and move it to the larger system. Three bids were received. A **motion** was made by Mike Hay, second by Jerry Probst to accept the low bid of \$26,653 from Weber Construction to complete this project. The motion was approved unanimously.

10. CONSIDER EXPENDITURE FOR ENGINEERING AND SURVEY WORK FOR PLAN TO ALLEVIATE FOODING ALONG EAST SIDE OF 15<sup>TH</sup> GOLF HOLE OF SPRUCE CREEK COUNTRY CLUB. The water from the Cessna/Seclusion area now flows to an outlet near the 15<sup>th</sup> hole of the golf course. It is supposed to run south along the west side of Country Club Drive for ultimate removal from Spruce Creek. The conveyance system for the water is an open swale which has filled in over the years and no longer works. The engineering work and survey is to develop the plan to move the water from the 15<sup>th</sup> hole to the large swale running alongside Spruce Creek Boulevard at the intersection of the east end of Country Club Blvd. The cost by MBV Engineering for this project is \$6,900. A **motion** was made by Jerry Probst, second by Mike Hay to approve this project. The motion was approved unanimously.

9. ADJOURN: With no further business to come before the board, on motion made and seconded, with no dissent, the meeting was adjourned at 8:51 p.m.

Mike Hay, Secretary