

# SPRUCE CREEK PROPERTY OWNERS ASSOCIATION, INC.

212-1 Cessna Blvd, Port Orange, FL 32128

## MINUTES REGULAR BOARD OF DIRECTORS MEETING

October 14, 2008

1. CALL TO ORDER. President Russ Faller called the meeting to order at 7:00 p.m. Other directors present were Mike Hay, Jerry Probst and Jack Kihm Bert Love was absent. A quorum was declared.

2. PROOF OF NOTICE. David Slayback, SCPOA Manager, affirmed that proper notice of the meeting had been posted.

3. COMMUNICATIONS:

1. A communication was received from the American Cancer Society seeking permission to hold their "Relay for Life" fund raising event in April of 2009. The matter was deferred until later in this meeting for discussion.

4. MINUTES: The minutes of the September 9, 2008 meeting were presented. A **motion** was made by Jerry Probst, seconded by Jack Kihm, to accept the minutes as presented. The motion was approved unanimously.

5. OPEN FORUM:

1. Curt Simpson, of 1915 Canadair Court, thanked the Board for all the projects they have approved and for all the improvement to the Spruce Creek Fly-In.

6. REPORTS:

OFFICERS:

President Russ Faller spoke about the need for an active CERT team in Spruce Creek. He said that the group was active in the past but gradually membership diminished but he feels that there is a need for an organized group of volunteers to respond to emergencies by helping with crowd control and to help man the gates to control access to our community.

He also reported that the Budget & Finance Committee has been working on the 2009 budget and that the committee will make a presentation of their proposed 2009 budget to the Board at the November Board Meeting. He said that the annual assessments must necessarily be increased due to Increases in costs and services used by the SCPOA.

Treasurer Jerry Probst reported that as of September 30 48 owners have unpaid annual assessments of \$148,354. This figure includes accrued interest and legal expenses for the collection process. All 48 properties have had liens placed on them and 27 of the 48 are in the process of having Lien Foreclosure actions filed against them.

Lastly, the Budget & Finance Committee has finished work on the Operating Budget and is addressing the Reserve Budget.

Jack Kihm questioned the foreclosure process and it was explained that a letter is first sent to each delinquent owner advising them that an actual Lien Foreclosure action will be filed against their property in 45 days if they do not pay up their account. If a positive response is not received from the delinquent owner the Lien Foreclosure legal action can be filed. This puts the matter into the courts and could lead to an actual foreclosure of the property. Slayback explained that a number of mortgages have language to the effect that the lender may/will step into the foreclosure process and pay the amount owed and charge it to the homeowner. The purpose of filing a lien foreclosure is to use every legal means available to make the owner pay what is owed. The purpose is not for the POA to become the owner of any homes but the SCPOA must collect the assessments in order to have the funds it needs to operate.

Jerry Probst pointed out that the amounts of unpaid assessments has grown each year.

At 12/31/2004 it was \$ 39,134,

At 12/31/2005 it was \$ 57,335,

At 12/31/2006 it was \$ 84,845,

At 12/31/2007 it was \$159,900

As of 9/30/2008 it is \$160,000.

Director Jack Kihm raised the topic of unauthorized vehicles parked outside of the commercial hangars, in particular at the Commercial Hangars on Piper Blvd. Michael Hay talked about the C&Rs of the Commercial Hangars, referencing paragraph 10.9 which deals with parking, and the 1995 PUD Agreement with Volusia County. He commented that enforcement of the Commercial Hangars C&Rs begins with their association, can escalate up to the SCPOA and then to Volusia County.

The Board directed Slayback to send a letter to all of the associations in the commercial area of Spruce Creek reminding them of the parking restrictions in each of their C&Rs and requiring them to enforce their own regulations.

Lastly, it was pointed out that if people do not like rules they should seek to change them rather than disobey them.

#### COMMITTEES:

**AIRPORT COMMITTEE:** Sal DeVincenzo reported that the Airport Authority is beginning planning for future runway repairs and improvements. The VASI system is due to be delivered the week of October 20. He also reported he had heard there might be another balloon event in late October but he did not know anything about it and could not confirm it. Slayback added that balloon events must be approved in advance by the SCPOA Manager; this gives the SCPOA a chance to confirm insurance coverage to protect the SCPOA. Without this confirmation there would likely be no insurance coverage.

**ARC:** No Report

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

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

**COMMUNITY RELATIONS:** No Report.

**LEGAL & BY-LAWS:** No report

**PUBLIC WORKS:** Ray Gage is away. Art Horton, Public Works Superintendent reported on the status of a number of current projects:

1. The contract for work on the Bridge is about finalized and work will begin shortly.

2. The Road Reconstruction and Maintenance report is about completed. Following review it is planned to get bids for the work to be done in 2008/2009, let contracts and proceed with work.

3. Our engineers have accumulated just about all plans for the infrastructure of Spruce Creek and are putting them into a computerized management system so all information is available in one place with easy access.

4. The engineers are currently working on plans for remediation of water management problems behind the houses on Country Club Drive which line the 15<sup>th</sup> golf hole., and the conveyance system to move water from the area of the cemetery to the retention area at the end of runway 23.

5. The Windsor Court Wall is being cleaned, repaired as needed and painted.

6. The new awning for the North Gatehouse entryway has been ordered.

SAFETY & SECURITY: No report.

UPDATE: Barbara Roush introduced herself to the Board and reported that she has joined the senior staff at the Update, and is responsible for publishing articles by the Board President, Board Meeting Minutes, Public Works and Security.

MANAGER'S REPORT: Slayback proposed that the Annual Meeting and Election Meeting be scheduled for Saturday, February 7, 2009. The By-Laws require the meeting to be held each year either during the last week of January or the first week of February. The proposed date meets the requirements. He requested approval of that date. A **motion** was made by Jerry Probst, second by Mike Hay to hold the Annual Business Meeting and Annual Election Meeting of the SCPOA on February 7, 2009. Slayback will make arrangements with the Country Club for use of the Palm Room as the site of the meeting. Slayback then explained that a First Notice of the Election Meeting will be sent to association members, inviting interested parties to submit their names as candidates for election to the Board. A Second Notice will then be sent which will include information about the candidates, ballots, envelopes for the mail-in voting system, etc.

7. OLD BUSINESS:

1. VARIANCE REQUESTED BY RICHARD WEISS TO INSTALL CONCRETE PAD BEHIND HIS HANGAR. This request was "tabled" at the September Board meeting. Following a brief discussion a **motion** was made by Jerry Probst, second by Jack Kihm to continue the matter on the table. The motion was approved unanimously.

8. NEW BUSINESS:

1. CONSIDER AND APPROVE FUNDING REQUEST FOR AIRPORT CAMERA SECURITY SYSTEM. Part of the camera surveillance system was ordered and received, however, no design or installation schematics were received and the POA has been unable to secure the necessary schematics from any source. Consequently, the project was let out to bids on a design-build format. Three proposals were received, two of which included using our already purchased equipment. Two of the bidders provided very similar design specifications and design proposals. A **motion** was made by Mike Hay, second by Jerry Probst, to authorize the expenditure of not more than \$32,000 for the installation of the system. The motion was approved unanimously.

2. CONSIDER AND APPROVE APPOINTMENT OF EMERY DICEY TO BE ASSISTANT AIRPORT MANAGER, AS A VOLUNTEER. Mr. Dicey has extensive experience as an Airport Operations Supervisor and as an Airport Construction Supervisor. The Airport Authority requested approval of Mr. Dicey. A **motion** was made by Jerry Probst, second by Mike Hay to

approve the appointment of Emery Dicey to the volunteer position of Assistant Airport Manager. The motion was approved unanimously.

3. CONSIDER REQUEST BY AMERICAN CANCER SOCIETY TO HOLD ANNUAL "RELAY FOR LIFE" EVENT IN SPRUCE CREEK. Slayback reported that he had received the initial request and had contacted the society representative for clarification of the proposal, and had received an e-mail detailing date-time-number of people-facilities needed, etc. A Spruce Creek resident who is active in the society said that some of the e-mailed information is inaccurate. The board said it needed additional information and the owner said she would secure it. The event is scheduled for April, 2009. The matter was tabled pending receipt of additional information regarding the event and its impact on Spruce Creek.

9. ADJOURN: With no further business, without dissent, the meeting was adjourned at 8:10 p.m.

Mike Hay, Secretary