

# SPRUCE CREEK PROPERTY OWNERS ASSOCIATION, INC.

212-1 Cessna Blvd, Port Orange, FL 32128

## MINUTES REGULAR BOARD OF DIRECTORS MEETING

December 9, 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. Slayback reported that a letter had been received from Gordon H. Millar, which covered several issues. He complimented the Board for its forward-looking planning as evidenced in the proposed 2009 budget. Of more import, Mr. Millar had several observations concerning "enforcement" of the Covenants and Restrictions of Spruce Creek. Over the years, the concept of enforcing the C&Rs has evolved from "it would make us a police state" to a realization that a society needs to have rules to keep order and that enforcement need not create a police state. In February 2005 Article X of the By-Laws was amended to include enforcement of SCPOA rules via the authority to levy fines of up to \$1,000. Mr. Millar pointed out that the idea that fines are too expensive to collect has no merit. The POA can use the Sheriff to enforce State Statutes; it can obtain a judgment in Small Claims Court with a minimum of cost or it can obtain a judgment in a Lawsuit (a solution more suitable when the sums of money owed the POA are substantial enough to warrant the costs involved). Lastly, Mr. Millar urged the Board to more forcefully implement its enforcement authority, or modify or eliminate Article X of the By-Laws.

4. MINUTES: The minutes of the November 6, 2008 meeting were presented. A **motion** was made by Jerry Probst, seconded by Mike Hay to accept the minutes as presented. The motion was approved unanimously.

5. OPEN FORUM:

1. Miles Gallant questioned why the proposed 2009 budget shows more projected income than may be realized. He also said that there is a hole in the Roscoe Turner Trail roadway. Jerry Probst responded that projected income is just a projection and a shortfall of income in this category can be handled within the overall budget. The question of the hole in the road will be referred to Public Works, which has a roads restoration project under way at this time.

2. Charles Clark questioned the projected costs for communications. Slayback responded that we have several communications system involved in Spruce Creek. The airport has a radio system; the Security Department uses a combination of DSL and Brighthouse at its guard houses and its base at the POA office for implementation of the RFID gate security system. The Guard houses have telephones and the Security Vehicles have radios and telephones for communication (Phones for emergency communication to the Fire Department or Sheriff.) While seemingly redundant each system is necessary.

3. Joe Adams commented that this was a bad time to increase the budget, that the timing is bad and expenditures ought to be cut. Jerry Probst responded that the Budget and Finance Committee had conducted a 4 year analysis of costs and that the proposed budget is justified. He added that the 2008 budget was a disservice to the community in that it understated what ought to be collected for expenses and this means that the budget needs to be increased to generate the funds necessary. He pointed out that 60% of the proposed budget is to meet operating expenses and only 40% is devoted to reserve or capital projects. Mr. Probst thanked the Budget and Finance Committee for hours of hard work and effort. Lastly, he pointed out that 2 of the present board members had chosen not to receive a special briefing on the proposed budget.

4. Peter Holske commented that we are in bad economic times and raises to personnel ought to be held. He also asked about the “bad debt” figure in the budget. Mr. Probst said that the wage increases for 2009 are pegged at 3%, which is far short of what the increased “cost of living” is. He also said that in March 2008 the unpaid debt to the POA was about \$300,000 and that as of now it has been reduced to \$138,000, after a lot of collections effort, filing of liens, letters, etc.

5. David Van Weele asked for an explanation of “depreciation” and was informed that furniture, fixtures and equipment is subject to depreciation and this loss of value is carried as a budget line item. Mr. Van Weele then informed the board that in June, 2005 Volusia County approved a special tax on water and that there may be a way for a credit on this water tax to be available to the POA members. He said he would supply more information to the POA Manager, which he did the following day. This will be looked into.

6. Elizabeth DeMilta said that a neighbor told her that an owner owing dues to the POA was forgiven the money owed. Russ Faller said that this is absolutely not true.

6. REPORTS:

OFFICERS:

Russ Faller-no report  
Mike Hay-no report  
Jerry Probst-no report  
Dr. Kihm-no report

COMMITTEES:

AIRPORT COMMITTEE: Al Brillaud reported a continuing problem with taxiway safety—that kids play on the taxiways, especially Taxiway Lima, and this is very dangerous because of the airplane traffic.

ARC: No Report

BUDGET AND FINANCE: No Report

CHILDREN’S RECREATION: No report.

COMMUNITY RELATIONS: None.

LEGAL & BY-LAWS: Michael McDermott reported the committee is working on revisions to the By-Laws.

PUBLIC WORKS: No Report

SAFETY & SECURITY: No Report

UPDATE: No Report.

MANAGER’S REPORT: Slayback commented that he hears too many erroneous reports of things “supposedly” occurring at Spruce Creek. He reminded everyone to contact the office for confirmation of information. Also, the POA office stands ready to solve problems and everyone is encouraged to report issues to the office so we can work on them.

7. OLD BUSINESS: None

8. NEW BUSINESS:

1. CONSIDER AND APPROVE REVISION OF CONTRACT WITH VOLUSIA COUNTY FOR USE OF SHERIFF'S DEPUTIES IN SPRUCE CREEK. Russ Faller responded to some erroneous information circulating about the scope of enforcement duties to be exercised by the Volusia County Sheriff. He said that the primary purpose of the Sheriff will be to enforce traffic regulations, which will include enforcement of age restrictions for operating a golf cart by asking "young" drivers of golf carts for their identification. A **motion** was made by Jerry Probst, second by Mike Hay to approve the proposed revisions. The motion was approved unanimously.

2. CONSIDER AND APPROVE A FINAL 2009 BUDGET FOR SPRUCE CREEK FLY-IN COMMUNITY. Mr. Faller said that the proposed budget had been discussed in detail at the prior Board meeting, and if there was no further discussion he would accept a motion for approval of the 2009 budget. A motion was made by Jerry Probst, second by Mike Hay, to approve the Proposed 2009 Budget as presented. The 2009 budget was approved by a vote of 3 in favor and 1 opposed. (Dr. Kihm voted against).

9. ADJOURN: With no further business, without dissent, the meeting was adjourned at 8:20 p.m.

Mike Hay, Secretary