

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

DRAFT

MINUTES
SPECIAL BOARD OF DIRECTORS MEETING

October 31, 2007

1. **CALL TO ORDER.** President Dawn Sautter called the meeting to order at 7:00 p.m. Other directors present were Alan Baltz, Jack Kihm and Bert Love. With four board members present a quorum was declared.
2. **PROOF OF NOTICE.** David Slayback reported that the original notice for the meeting had identified the location as the Palm Room at the Spruce Creek Country Club. The room was not available and the location had to be changed. This change was announced with less than 48 hours notice prior to the actual meeting. Therefore, Slayback suggested that the Board Members attending sign a "Waiver of Notice" form to confirm that even though notice was less than 48 hours they agreed that they knew of the meeting and it could commence. The Waiver of Notice was signed and is part of the records of this meeting.
3. **CONSIDERATION OF VARIANCE REQUEST FOR PLACEMENT OF POOL AND POOL SCREEN.** Mr. and Mrs. James Cianci, 2894 Grumman Court, Port Orange, FL wrote a letter to the Board requesting a renewal of a previously issued variance which approved an encroachment by the previous owner of the property of the pool and pool enclosure to be within 7 feet and 3 feet respectively of the property line. The need for a new variance is due to the Ciancis request for a permit from Volusia County to replace the pool enclosure. The ARC reviewed the request and submitted a written recommendation that the variance be approved. **Motion** by Jack Kihm, second by Bert Love, to approve the requested variance. The motion was approved unanimously.
4. **CONSIDER REPLACEMENT OF FOUR SEASONS WELL AND PUMP.** Dawn Sautter explained that the well used for irrigation at the entrance to Four Seasons is a "shallow" well, and it no longer functions properly due to age, and that the water supply it draws from is full of iron, and the use of the water for irrigation leaves severe iron (rust) staining on the road, sidewalks and entry signs. We have a proposal this past Spring from our irrigation maintenance company (Tuf Turf) to drill a new, deep, well and install a new pump for a cost of \$5,800. Adding an allowance for taxes and possible electrical work the cost is expected to be less than \$6,500.00. **Motion** by Bert Love, second by Alan Baltz, to approve the replacement of the well and pump, with the funds to come from the Reserve Accounts. The motion was approved unanimously.
5. **DISCUSSION OF THE DRAINAGE PROBLEM WITH THE LAKE TO THE WEST OF THE 11TH GREEN ON THE SPRUCE CREEK GOLF COURSE.** This drainage problem was discussed in detail at a Special Board of Directors Meeting held September 21, 2007. Following that Board meeting a meeting was held with the Country Club to discuss repairs of the problem

area. Subsequently, the Country Club submitted documentation to the SCPOA which they believe identifies the problem as the responsibility of the SCPOA. The SCPOA was unconvinced and submitted the entire matter to its attorney, Becker – Poliakoff, for review. Copies of all available surveys of the affected area, including a survey furnished by the SCCC, were given to the attorney. The surveys indicate that the problems are on land actually owned by the SCCC.

A letter dated October 22, 2007 was received from Becker-Poliakoff which discussed their findings.

The document presented by the SCCC was also reviewed by Becker-Poliakoff and they consider it to be unclear as to responsibility for maintenance of the damaged drainage system. Becker-Poliakoff offered no case law to support its position.

Jack Kihm acknowledged that the Country Club enhances the values of the property owners and that the POA should consider paying for the repairs.

Bert Love said he felt there is a lot of ambiguity in the Becker-Poliakoff letter and he suggested that it would be well for the POA to make the repairs subject to a disclaimer that the SCPOA is acknowledging it is their problem and this repair is a one-time repair and is not to be viewed as a precedent for any future repairs which might be necessary.

Jim Dyer, President of the SCCC, acknowledged that they would accept and agree with such a disclaimer.

A **motion** was made by Bert Love, second by Alan Baltz, that the POA would make the necessary repairs to the water management system draining problem at the two lakes along the east side of the 11th hole of the Spruce Creek Country Club, subject to a disclaimer that the POA does not believe it is their problem to correct and that with the consent and agreement of the Spruce Creek Country Club the POA will enter the easement area and make the necessary repairs. The motion was approved unanimously.

6. ADJOURN. With no additional business to come before the Board the meeting was adjourned at 7:50 p.m..

Jack Kihm, Secretary