

DEEP CREEK GAZETTE

SECTION 23 PROPERTY OWNER'S ASSOCIATION, INC.

PUNTA GORDA, FLORIDA

AUGUST 2007

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ARCHITECTURAL REVIEW

Permits issued

October 2006 thru July 2007:

Single Family Homes	7
Pools	9
Fences	9
Additions	3
Multi Family Dwellings	1

The building boom we experienced prior to the fall of 2004 has come to a halt. Most of the reconstruction, as a result of the 2004 hurricane season, has been completed. We still have a handful of owners who have not yet replaced their pool cage and completed repairs to their homes, we are working on remedying these situations.

Remember, when planning to construct a home, pool, fence, addition or multi family dwelling, the Architectural Review Committee must review construction plans, specifications, location of structure and landscaping plans prior to construction. Building permit applications are available on the Association website.

The property owner will be held responsible for any construction on their property without receiving the proper permits - not the contractor.

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**EXERCISE YOUR RIGHT TO VOTE!
RETURN YOUR BALLOT TODAY!**

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PRESIDENTS MESSAGE

Section 23, Property Owners Association (POA) has had a busy year with the enforcement of the Deed Restrictions, the vacant lot program and MSBU issues. The Board of Directors has been moving in many directions to keep up with our rapidly-changing community.

The Deed Restriction Committee is working to keep up with ongoing violations to the rules. Most people remedy their violations with a friendly reminder. Only ten (10) percent of the violations go beyond the first reminder, and need further corrective action. It is unfortunate that we are forced to go to state mandated mediation or the courts for relief, but we will if necessary. We really need and appreciate the help from the neighborhood in identifying restriction violations. We must enforce our deed restrictions in order to maintain our community's beauty and property values.

In January all vacant lot owners were notified that the Board has initiated a program that requires vacant lots to be cleaned up. Owners have been asked to remove debris, dead trees, stumps and the dreaded Brazilian pepper trees. The lots must be cleaned so that they can be cut eight (8) times a year. Even with all the building that has gone on, approx. one third (1/3) of Section 23 or one thousand lots remain vacant. This is a long term program and we are aiding the owners by providing a list of licensed contractors for them to hire to do the work. The owners can use the list or anyone else they choose to clean up their lot(s). The scrub jay issue is still a problem on some vacant lots and special consideration must be taken when those lots are cleared. It is the Board's hope that vacant lots can be brought to the same level as the occupied properties. Remember, this is a long term program.

As we all know, last year was a complete fiasco when the Public Works

Dept (DPW) tried to increase the Deep Creek Municipal Service Benefit Unit (MSBU) taxes. It was an increase of 600%. The tax was to rise from \$63.94 to \$447.91 for an occupied lot and more for a vacant lot. It was the voice of the Deep Creek people who turned the tide. The Commissioners got the message and turned the tax increase down.

Since that time, the Board feels strongly that we must be involved to ensure that we do not get caught again. We have met with each of the Commissioners and attended every MSBU Committee meeting. We also formed a joint committee with Section 20 and are working together for our common interest in Deep Creek. Together Section 20 & Section 23 have a working relationship with the MSBU Committee and are trying to come up with a plan to make the necessary repairs to our infrastructure. At the same time, we feel those repairs should be affordable and designed to impact our taxes as little as possible. This seems to be the best way to deal with DPW, who had a very narrow view of how to do things with our tax money. The County would contribute nothing, now, they seem to be more cooperative. Our collective efforts have put off any MSBU tax increase for another year.

The Board would like to thank all of the owners of Deep Creek who have voiced their support for our efforts. We cannot operate without such support. We shall keep up our vigilance and do our best to serve the people of Deep Creek.

FINANCIAL STATEMENTS

Financial Statements for fiscal year 2006-2007 will be available at the Association office for your review by October 31, 2007.

GREENBELTS

It has now been three (3) years since hurricane "Charley" and for the most part our "common areas" are back to normal. There still are some areas with dead trees standing and we will get to them. There have been some property owners who have been planting vegetation in the common areas. Please do not. Our deed restrictions clearly state that no trees are to be cut down, nor is anyone permitted to plant foliage (of any kind) or erect any structures in the greenbelt area. If you are uncertain as to where your property line ends and the greenbelt begins, please call us. Please remember you agreed to the restrictions when you closed on the property.

There continues to be cases of ATV riders on the "greenbelts". This is illegal and against the county and state laws. ATV's are not registered and as such can only be operated on private land and designated ATV tracks or parks. Any ATV riding on our greenbelts will be reported to the law enforcement agencies.

Some property owners are dumping grass clippings on the greenbelt. Please do not do this. Yard trash is scheduled for pick up on Tuesday. Place your grass and other clippings in yard trash containers or bio bags for pick up.

ASSESSMENT COLLECTIONS

We would like to thank all members who pay their assessments promptly.

The Board of Directors will continue to be aggressive in collecting delinquent assessments.

Although foreclosure for non-payment of assessments may seem to be a drastic measure, it is the only way to ensure that all property owners are paying their fair share.

LAKES

Section 23 has five (5) lakes and they are the private property of all of us and as such are the only persons that may use the lakes. The lakes are stocked and the aquatic weed control is maintained with our fees. Only electric motors or oars are permissible for propulsion of any water craft. Do not swim or wade in the lakes, it is dangerous because of wildlife (i.e. gators). Do not feed the wildlife in or near the lakes; it is against the law and you can be fined along with jail time. The feeding to any form of wildlife can result in a "gator" losing their fear of humans; humans are then looked upon as a food source. There is no such thing as a friendly gator.

In the dry season we are sometimes confronted with "water thieves" including Charlotte County water tankers. If you ever see any tankers taking water out of our lakes please call the office at once.

Very often property owners living along the lakes will encounter fishermen on the greenbelt. Many will be residents of Section 23 and as such have every right to fish there. If you feel the person(s) fishing is not a property owner you may either ask if they live in Section 23 or call the office (764-6674). Residents of Section 20 in Deep Creek (across Sandhill) are not permitted to fish in our lakes.

Those of you living near the new apartment complex on Luther Road are still having ongoing problems with tenants. We are trying everything in our power to curb the various nuisances, including the disappearance of our "no fishing" signs.

The debris in the lakes as a result of hurricane Charley will remain. The costs for clearing the lakes are too dear and our plans are to let the debris provide breeding areas for the fish.

SHOULD WE INCORPORATE

Deep Creek is now at the cross roads where-in we need to plan and implement actions to plan our own destiny regarding growth and the management of our tax monies. The county MSBU and Commissioners do not have our best interest in mind. A possible solution is to incorporate.

A case in point is the MSBU financials for the Charlotte County Public Works covering Deep Creek (Sections 20 and 23). The 9 month actual for fiscal year 06-07 is \$1,641,000. This is the total revenues and balances received, however the ending fund balance is only \$872,574. You may ask where almost 50% of the money went. Twenty-two percent or \$174,400 was spent on admin and personal in Public Works. Most of our money is being used for projects in the county and not in Deep Creek. Keep in mind that the Commissioners are elected at large and not by local. This hurts us.

To incorporate is to take prudent risk since there are many hurdles to overcome. It will cost money and time. If we incorporate it would be a town of approximately 15,000. There are many towns all over Florida which are far smaller that have incorporated. Like all ideas there are pros and cons. I have listed some of each. We would be eligible for revenue sharing from state and federal agencies. It is a complicated subject that cannot be addressed in a few paragraphs. Please keep an open mind and plan for the future. We are being squeezed and have no control.

The Pros Incorporation establishes a city government, through which a community can express itself, address its problems and supply necessary services to the area. The community can exercise self-determination with regard to the nature and level of local services.

A city government is more responsive to the people living within the

community. The members of the city and town council are closer to the people and as a result react more quickly to the community's requests.

A city or town government will receive substantial amounts of state revenues which do not flow to an unincorporated community.

An incorporated city or town has additional powers not found in an unincorporated community. An unincorporated community is under the jurisdiction of the county and, as a result, does not receive the level of services desired by the residents, because services must be applied on a uniform basis throughout the unincorporated areas of the county. A city or town council, on the other hand, has the authority to intensify services within the community.

An incorporated city or town is able to plan for the future growth of the community by adopting planning and zoning regulations which will provide for controlled land use. This regulation protects the community against undesirable land use patterns. In addition, incorporated cities and towns may adopt building, plumbing, mechanical and electrical codes in the interest of public health, safety and welfare.

A separate city or town preserves the unity and pride of a particular community and maintains local individuality.

As a governmental unit, the town can better represent its citizens in transactions with the County, State and Federal governments. In addition, local government may be used as a vehicle for positive growth in the community.

The Cons Incorporation is unnecessary because the particular needs of the community are limited in scope. The residents of the community may prefer to organize a special district to meet these limited needs.

continued

As a result, the special district approach may be more appropriate if the residents of an area want to incorporate only to provide one specific service.

The separate incorporation of an area, which is economically and physically part of a larger community, will produce what is known as "rump" incorporation. The situation can produce an incorporated city or town with inadequate resources or physical facilities necessary to meet its needs. This is particularly true if the character of the community is predominantly residential. A "residential community" may discover after incorporation that its tax base can only maintain a minimal level of public service. Keep in mind that the services such as trash collection, police and fire protection, public works, etc will have to be purchased. It may be difficult, if not impossible, to provide for an adequate level of services. It may be more advantageous for an area of this nature to receive services from the county.

The incorporation of a small area which is an integral part of a larger metropolitan area will create a costly duplication of local services. This situation can lead to a lack of coordinated and orderly urban growth as well as lower level of such vital services as police, fire, water and sanitation.

The most common argument against incorporation is that it will increase taxes. The increase in taxes is due to an increase in services, but there may be services some residents do not want. If services such as trash collection are available, there is rarely an "opt out" option for residents. With authority comes responsibility. Many decisions formerly made at the county level must now be made locally. Town residents must run for office and serve. They must be accountable for their decisions, likely for very little compensation. In addition, a town can be sued, so local residents also assume a degree of liability upon

incorporation. Cities and towns must respond to state and federal mandates. State and federal agencies can place certain mandates upon cities and towns that they cannot place upon unincorporated areas.

In summary, the question of incorporation requires a thorough study by the property owners. It is to the advantage of all involved that pro and con arguments are fully explained and weighed against each other before the final decision is made. Of course the incorporation will be determined by the outcome of a referendum.

GARAGE SALES

Please remember you must have a permit from the Association office to have a garage sale.

You may have two garage sales in a twelve month period. The number of signs advertising the sale is limited to four (4) signs and are not to exceed 9" x 12". The signs must be of commercial quality and removed at the end of each day of the sale. Homemade signs or signs of poor quality are not permitted. No garage sale sign is to be attached to a street or stop sign, telephone pole or tree.

Vehicles, household items, etc may not have "For Sale" signs displayed on them. This is a direct violation of the Deed Restrictions.

PROPERTY OWNER INFORMATION

Please review the owner information on the blue colored assessment billing statement included with this newsletter. Should there be any discrepancies please make the necessary changes on the payment slip and return to Section 23 along with your payment. By doing so, you will be assisting the Property Owners Association to reduce costs by eliminating duplicate mailing, title searches and deed searches.

DEED RESTRICTION COMMITTEE

Overall the deed restriction violations are considerably down from last year. We are proud of the fact that most owners are working very hard to stay within the bounds of the restrictions. We all realize that the rules are what keep our community beautiful and our property values up.

While it is true our inspectors are not infallible, they do a fine job of reminding us when we are not in compliance with the restrictions. The Deed Restriction Committee is comprised of volunteers. The committee does the inspections and the Board makes the final decision on any court matters. The Deed Restrictions are enforced in accordance with Florida law as it pertains to Community Associations.

The violations basically are the same from year to year, however, some are more prevalent than others. Currently with the down turn in the real estate market, we have more renters. For the most part, renters are not aware of the deed restrictions while other renters are aware but do not care. Under Florida law the Deed Restriction Committee can only deal with the owners, so the process takes much longer and it seems like nothing is being done. The good news is that the owners eventually correct the violation.

The current number of deed restriction violations is 870. Usually we have over 1000, so the Deed Restriction Committee would like to thank all of the Deep Creek residents for your help.

If you have misplaced your copy of the Deed Restrictions you can pick up a copy from the Association office, call the office and a copy will be mailed to you or you can obtain a copy from the website.

WATCH YOUR STEP!***

Article XVIII of the Declaration of Restrictions states in part: "Pets are not permitted to roam free and shall be closely attended and leashed when taken beyond the property lines of the owner. Pet owners must clear and remove any fecal deposits made by their pet from any and all areas of the properties."

The POA office receives numerous complaints reporting dog owners who walk their pets on vacant lots, swales and greenbelts and do not pick up after them. Please be courteous to your neighbors. Bring a plastic bag when taking a walk with your dog so that you can clean up after your pet and dispose of "the droppings" at home. If you are taking your dog out to "do his/her business" don't do it on someone else's property!

GARBAGE PICK-UP

Garbage containers, recycle bins, yard trash, etc. are permitted to be placed at roadside the day before pick up and are to be put away directly after pick up.

TUESDAY - yard waste and household garbage

FRIDAY - recycle items and household garbage

For details on proper sorting and bundling requirements please contact Waste Management at 941-629-1106.

**SUPPORT YOUR ASSOCIATION
VOLUNTEER!!**
