

DEEP CREEK GAZETTE

SECTION 23 PROPERTY OWNER'S ASSOCIATION, INC.

PUNTA GORDA, FLORIDA

August 2011

PRESIDENTS MESSAGE

We all are engulfed in a very bad economy which is affecting all of us. Many in our community have lost their homes and others have various difficulties resulting in financial problems. Your Board has been working hard to make sure our monies are being spent only on projects which are necessary.

We have not raised our annual assessment for many years now, except for the payment of the loan taken to pay for damages created by hurricane Charley. Our assessment has to be one of the lowest in the Nation. Your Board will manage, to the best of its ability, to keep expenses low.

Joseph Harris, President

ELECTION

It is that time of year again when we vote for new members to serve on the Board of Directors. There are four (4) openings for the next two year term.

Remember, these property owners represent you. Read each resume of the six candidates carefully before making your decision.

Please cast your vote for four (4) candidates on the enclosed ballot, as well as your decision for the proposed budget for the 2011/2012 fiscal year. This can either be mailed back to the POA office or dropped off at the POA office at your convenience before the annual meeting scheduled for Wednesday October 12, 2011.

Support your community - vote!

HOW TO REACH US

Section 23 POA, Inc.
26217 Rampart Boulevard
Punta Gorda, Florida 33983

Phone: 941-764-6674

Fax: 941-764-7914

Email: sec23poa@sunline.net

Website: www.section23poa.com

BOARD OF DIRECTORS

President	Joseph Harris
Vice President	Ronald Woods
Treasurer	Harvey Goldstein
Secretary	Victoria Craig
Director	Leonard Alsene
Director	Guy Neroni
Director	Andrew Kontos

COMMITTEES

Architectural Review	Joseph Harris
Lakes & Greenbelts	Joseph Harris
County Liaison	Harvey Goldstein
Deed Restrictions	Ronald Woods
	Victoria Craig
	Leonard Alsene
	Guy Neroni
	Andrew Kontos

ASSOCIATION OFFICE STAFF

Assoc. Manager	Jay Carlson
Office Manager	Teresa Boucher
Office Secretary	Dorothy Cabott

DEED RESTRICTIONS

The Section 23 Board of Directors has continued over the last year to police our Deed Restrictions. We have nearly a thousand violations reported and corrected. A total of 951 were reported, with 713 corrected and 238 still not in compliance. As you can see most owners correct the problem as soon as it is brought to their attention. These are sliding numbers and will vary from month to month even though the percentages stay approximately the same.

During the last year we were able to put up our lake signs that explain the Fishing and Boating rules. The Section 23 lakes are spread out throughout our community to permit all of our residents access. As such we do not allow parking on the grass on any lake at any time. As the signs say, "Parking violators will be towed at the owner's expense." We all have a lake near us that we can walk to fish and they all are well stocked.

We have five (5) beautiful lakes and they are a large part of our budget. We spend a lot of money on the lakes. The lake edges are sprayed to keep the weeds down and we stock the lakes with grass eating carp to eat the grass and weeds in the lake. We fight hydrilla when the lakes are low. We cut the grass on the Greenbelt around all of the lakes.

Parking on the grass continues to be a big problem. The Restrictions are clear that parking on the grass is not allowed at all. Vehicles must be parked on the driveway or in the garage. People that use their garage for storage limit their parking to four (4) spaces instead of six (6). At no time will we allow parking on the grass.

At this time of year the grass quickly becomes over grown. We have a big job keeping up with the vacant lots and empty homes. Owners of these properties are responsible for keeping them cut. Vacant lots are to be cut eight (8) times a year and homes are to be cut when needed. We actively pursue these properties even if they are in foreclosure. When all of our efforts are exhausted, we have to cut and bill the property owner.

Also, we must constantly remind owners and renters that the large green garbage cans must be kept out of sight. They cannot be visible from the street or by the neighbor. They must be stored behind an enclosure or in the garage and they should not be put out to the street before 6:00 PM on the day before the pickup.

A number of owners have been upset about the "Minimum Landscaping Rules". We have been continually asking that properties be brought into compliance and we can report that by far the owners and renters are complying. With the economy down and heavy frost during the last couple of winters, we are working with the owners who want to comply. We feel it is difficult for some and we want to help. This is a beautification issue and as you drive through the community you can see the difference. This will go a long way to keep our community beautiful and keep our property values up high.

I want to thank all of our owners and renters who keep their property in mint condition and set the example for us all.

Ron Woods, Vice President

FINANCIAL STATEMENTS

The Financial Statements for fiscal year 2010-2011 will be available at the Association office for your review by October 31, 2011.

JUDGE YOURSELF.....

Informed: Attends meetings. Offers to help when needed. Serves on boards and committees. Cares about others and follows rules.

Uninformed: Rarely attends meetings. Avoids serving on boards and committees. Lets other do it. Doesn't care until its too late.

Misinformed: Listens to rumors and enjoys telling the negative side. Gripes a lot. Criticizes those who work for the community. Finds fault with everything. Ignores the rules.

COUNTY POLITICS

It has been a very interesting year. We were able to discover that for the past 20 years Deep Creek residents have been paying into the Mid-County Storm Water MSBU, but have never received any benefits! That is over \$2,000,000 in taxes that were taken from Deep Creek and spent in other parts of the County. Your Board met with all County Commissioners on this issue. With help of the Harbor Heights member of that MSBU, we have a commitment from the County to clean out the Desoto Canal. This is a project we have requested for many years, but the excuse always was either no funds or that the project was not needed. Of course we know that in the case of a 100 year rain event, that canal is so overgrown and loaded with debris, that it would back up into our lakes, greenbelts and homes. The canal project should be done next winter.

A few years ago, a Dept of Public Works (DPW) map showed a sidewalk on Capricorn Blvd as completed and paid for with tax dollars - but it was not and we caught them red handed! This sidewalk will actually be done this fall.

Over the years we have had many problems with residents of the Hampton Point Apartments cutting the fence and coming into Deep Creek and causing problems for residents. We have tried many ways to solve this problem, and now we think we have a solution. We have had a moat dug along the fence line that is nearly 10 feet deep and over 60 feet long. Although it has not yet been filled with water, it seems to have prevented most of the incursions into Deep Creek. Once it does fill perhaps a few alligators will move in!

Bob Melendez, our Community Policing Officer, has retired from the Charlotte County Sheriff's Dept. Bob was a great help to the Association and will be missed, unfortunately due to budget constraints he will not be replaced. Members of Section 20 and Section 23 had a productive meeting with the Sheriff's Dept to make sure that we have adequate police coverage in the community and at POA meetings.

We expect that the interconnect between the water treatment plant on Kings Highway and the Punta Gorda plant on Shell Creek will affect Capricorn Blvd this fall. Some work has already been done both here and in Harbor Heights. Residents along Capricorn Blvd have been notified by the water authority, and we will try to give everyone a heads up as to when traffic problems may occur.

On a final note, I wish to say that it has been an honor to serve on the POA Board since 2002. Due to term limits, I cannot run for re-election this year. I hope to continue to work for the betterment of Deep Creek, as an advisor or as an interim appointee. As I write this (July 28) we have yet to get any candidates to run for the openings on our Board. I encourage residents to come to our meetings and become active so we can keep Deep Creek Section 23 one of the premier communities in Florida.

Harvey Goldstein, Treasurer

It is important that we keep our property owner information current. Please notify Section 23 of an address change as soon as possible!

DEEP CREEK CIVIC ASSOCIATION

Section 23's Board has been working closely with the DCCA Board in order to enhance the "community" of Deep Creek. We believe communication is the key to success. The DCCA provides many services to the community, such as, publishing a monthly newsletter to keep us informed, a Garden Club to keep us beautiful, a Neighborhood Watch to keep us safe, recognition to the youth for a job well done and other planned events. Won't you join this great organization?

Enclosed is a Membership Application (on yellow sheet of paper). The yearly fee is \$14.00, please make check payable to the DCCA and mail in the supplied envelope.

Connect with the community - join today!

2012 LEGISLATIVE SESSION LOOMS LARGE FOR OUR POA

Florida Statute Chapter 720 governs Property Owner Associations (POAs) and Home Owner Associations (HOAs). Section 23 POA, Inc. is governed by Chapter 720. For the purposes of this article it is helpful to know that Chapter 718 governs Condominium Associations and Chapter 719 governs Cooperatives. Each of these types of associations originally were setup under separate chapters with different laws for a reason - they are different! Further, all HOA's are not the same. Each HOA is unique in document and physical makeup. Attempts to "fix" one problem, through legislation, for an HOA in one part of the state may create problems for your association here.

For several years now, the Florida Legislature has entertained a myriad of changes to Chapter 720 in an attempt to "mirror" Chapter 718. Some of that legislation passed and is now law. Most of the legislation (thankfully) has failed to become law. While these proposals for new laws may be well intentioned - the unintended consequences could cost you as a member of your POA.

One example is the recommendation to create a regulatory agency for HOA's. The recommendation comes with a mandatory "fee" of \$4 per parcel per year. That represents a 4% increase in your annual assessment for Section 23 (and this is just one example!). Currently, condo association statutes have a similar law where each condo unit owner pays \$4 per year to fund the Division of Florida Condominiums, Time Shares and Mobile Homes for the enforcement of compliance with Chapter 718. This provision has been in effect for many years while producing questionable results.

Even the so called advocacy group that pushes this agency oversight concept constantly assails the Division for doing a poor job, calling it "dysfunctional" and "the most useless Florida government agency". This begs the question - why would they support the creation of another agency like this one?

As if this incremental approach to transforming HOA law into Condo law isn't bad

enough, now here comes the big daddy of new HOA legislation. It is called Common Interest Communities (CIC). This concept deletes Chapter 719 and 720 and inserts HOAs and Cooperatives into a Condo type law, Chapter 718 (CIC). This has unintended consequences written all over it.

Space for this article limits a comprehensive commentary of all the effects this 145 page legislation would have on you or your association. Suffice it to say that a radical change to the HOA law is not what is needed. What is needed is quite simple - bank foreclosure reform. Currently, once a bank forecloses on a property and obtains title, the bank's liability is limited to the lesser of 12 months of unpaid assessments or 1% of the mortgage. Preferred legislation would be to set the bank's liability back to the date of default or the date of foreclosure filing. This would help your association collect on severely past due accounts.

Contact your State Representatives - Ken Roberson (district 71 - 941-613-0914 / ken.roberson@myfloridahouse.gov) and Paige Kreegel (district 72 - 941-575-5820 / paigekreegel@myfloridahouse.gov) and tell them when it comes to HOA legislation - **NO on CIC** and **YES on bank liability reform**.

Jay Carlson, CAM

ARCHITECTURAL REVIEW

Permits issued

October 2010 thru July 2011:

Single Family Homes-----	1
Pools-----	6
Fences/Enclosures -----	12
Additions-----	4
Multi Family Dwellings-----	0

A permit is required prior to construction of homes, additions, pools, fences, and enclosures. Also approval is required when changing the color of your home, and any concrete work.