

DEEP CREEK GAZETTE

SECTION 23 PROPERTY OWNER'S ASSOCIATION, INC.

PUNTA GORDA, FLORIDA

August 2014

PRESIDENTS MESSAGE

It has been a busy year here in Deep Creek. As I write this, the big pipe project on Rampart Blvd. is almost complete. We had four bidders for this project and selected the second lowest bidder. Due to this, and the fact that Jay Carlson, our Association Manager, was able to oversee the construction because he is a licensed contractor, we were able to come in under budget. The funds we have saved will be placed in an account to offset any similar problems that may occur in the future.

Another issue that many residents may be unaware of is the impending expansion of I-75 to six lanes through the Deep Creek area. We discovered that the State is planning on building a 30 foot high sound mitigation wall on the west side of I-75 adjacent to the Kings Gate development, and the Port Charlotte Village mobile home park. However they are not planning a sound wall on our side of the interstate. Since, this concerns us, we met with Ken Roberson, our State Representative, and officials from the State Dept of Transportation to articulate our concerns. At this time the State is still refusing to build a wall to protect Deep Creek. We are having one of our Board members (Joe Harris) who is a physicist, prepare a scientific study refuting the State claim that Deep Creek does not need a sound protection wall. This study will be sent to DOT officials, the governor, and Congressman Tom Rooney since Federal funds are being used for the I-75 expansion. I urge our residents to express their concerns to the Governor and Congressman Rooney.

There has been much misrepresentation in the press over the proposed extension of the sales tax surcharge for another six years. It is touted as a (one cent tax) but in reality it is a 16.66% increase from 6% to 7%. In reviewing how the County plans on spending this money

if the tax is approved, we have found that not one cent is scheduled to be spent in Deep Creek for the entire six years!! I hope residents will think long and hard before voting a tax increase that will not benefit Deep Creek. I have yet to speak to anyone in Deep Creek who is in favor of this tax.

I would like to thank all of our residents who have supported the efforts of the Board to make Deep Creek a great community. I would especially like to thank the many volunteers who have assisted the Board in many ways, by serving on important committees, and by being the eyes and ears of Deep Creek.

Harvey Goldstein, President

VACANT LOT PROGRAM

Last year the Board put into action a new Vacant Lot Mowing Program.

While we are currently in the middle of the mowing season (and the rainy season) - the program is working well. Although we have realized a few glitches in the program, the Board will make the necessary changes in order to improve this program for the next mowing season.

We appreciate all vacant lot owners who have taken advantage of this program and the lot owners who have made arrangements to have their vacant lot mowed.

It really does make a difference!

REMEMBER...

It's nice to be important but more important to be nice!

CUL-DE-SAC BEAUTIFICATION

The following cul-de-sacs are scheduled to be completed this year.

Yeoman Court	Luzon Court
Odessa Lane	Sofia Lane (x2)
Quirt Lane	Yachtsman Lane (x2)

DEED RESTRICTIONS

The job of policing the Deed Restrictions for the 2013/14 year has been like any other year, with a few exceptions. As of July 31, 2014 the Board of Directors, under the direction of our Community Association Manager, Jay Carlson, have handled 827 reported violations. Of those, 649 were corrected and 178 remain open. 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.

The first exception is the new plan that has been put into effect for the mowing of vacant lots. Over the years we have received many complaints about our overgrown lots. Homeowners who have received letters of violations have said, with all earnest: "Okay, I will cleanup my act, but what about the lot next door or the lot down the street?" Those complaints are real and they are correct. Well, we hope we have improved this issue.

This year we started a new program for mowing vacant lots. Now the POA is mowing the lots for those that want that service. If you want to mow your own vacant lot, you may continue to do so and if you want your own contractor to cut your lot, we will honor your choice. But if you want to sign up for the POA to cut your vacant lot, we will get it cut for you. The reason for this change is we now hire the contractors and they are responsible to us. We have a separate Director to inspect all the lots and to hold the contractor responsible. If the lots are not cut regularly, the contractor will be replaced. As this is the first year of the program we hope to see positive results. Over 400 lot owners have signed up for the program and more are signing up each month.

The other exception is that we have an owner who has abandoned her home and left it a total mess. Her son who still lives on the property has refused to follow the Deed Restrictions to bring the property into compliance. He has accused the POA of everything under the sun in both State and Federal court. He was cited for parking a large truck with a trailer on the grass, not mowing the grass, not trimming bushes, not removing weeds, not removing debris from the property and much more. We have been in and out of court for two (2) years defending our Deed Restrictions. It has taken much of our time and resources as this individual has brought action against the Board of Directors, our manager, our attorney, the County Sheriff's office, the County Board of Commissioners, the County Code Enforcement Board and four (4) County Judges. We will see this through for the protection of our community.

Sometimes it is necessary to remind ourselves that we live in a Deed Restricted Community because we want deed restrictions. Recently, some have complained that the POA is too strict or too petty. Even some have said they want **NO** deed restrictions. I would ask, why do they want to live here? and why do they live here?

Once again, I would like to say thank you to all the owners and renters who take pride in the appearance of their homes. They lead, we all should follow.

Ron Woods, Vice President

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 others 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.

MEMBERSHIP IN THE POA...

Membership in the POA begins when you purchase land or a home in Section 23. The POA Board of Directors is made up of volunteer, full time residents who are elected by the membership of Section 23. A management company is retained to handle the daily business of the Association.

The Articles of Incorporation state that the purpose of the POA is to *promote the general welfare, health, and safety of the property owners*. The Board tries very hard to fulfill that purpose by assuring that the common areas (greenbelts and lakes) are maintained; by reviewing plans and specifications for new construction, pools, enclosures/fences and additions; and by compelling observance of the deed restrictions.

The Board holds monthly meetings to raise issues for discussion, pitch ideas for future projects and discuss plans already in the works. Reports of deed restriction violations and remedies are discussed at the meetings. The Architectural Review Committee reports on plans received and permits granted during the month. Delinquent accounts are reported on and a monthly Financial report is reviewed. Section 23 property owners are welcome to observe board meetings. To discuss an issue or concern at a meeting, a property owner, is required to complete and submit a request to be on the agenda one week prior to the meeting they wish to speak.

In short, the POA is here to assist property owners with a wide variety of matters. Communication is the key! A problem or concern can not be addressed unless the POA is aware of it.

PAYMENTS

You can make payment of the annual assessment safely and securely on-line. Visit the website www.section23poa.com and follow the link that will take you to our Payment Page.

There is a processing fee for this service, if you pay on-line you will be charged the processing fee.

COLLECTIONS

The Board receives questions from property owners on the issue of the Association "being in the real estate business." Nothing could be further from the truth!

The Association mails out the **first notice** billing statement with the annual package. The assessment is due no later than October 31.

The **second notice** is mailed November 15. If the assessment is not paid as a result of this notice, by December 31, a collection cost of \$25.00 is added to the account.

The **third notice** is mailed January 15. The \$25.00 collection cost has been added with payment due by February 15.

A **final notice** is sent by regular mail and certified mail. The cost of the certified mail is charged to the account. The property owner is given 45 days to pay the assessment. If not paid within the 45 days, a lien is filed against the property adding \$45.00 to the account.

The account is then forwarded to the Association attorney who initiates the **foreclosure** procedure. All attorney fees and costs are added to the property owner's account.

More than eight (8) months later, if the account is still unpaid, the property goes to auction through the County Clerk's office. Should a third party bid and receive the property, the Association recovers all fees & costs. In the event no one bids on the property, the Association receives the property "as payment" for the fees and costs.

Should the Association become the owner of property, there are no additional funds expended to pay taxes, liens etc. Most properties are listed for sale in order to recoup all fees and costs, occasionally there are exceptions to this rule.

The matter of the Association owning property is not by choice. The Association's annual budget is based on receiving the assessment from all property owners and the Board must enforce this collection procedure to ensure all property owners pay the yearly assessment.

DRAINAGE

The greenbelts and lakes in our beautiful community provide great open spaces and vistas. They are also our storm water management system. The storm water flows from the county right-of-way through our greenbelt swales into the lake system and finally into the Peace River via the Desoto Canal. The association is charged with the duty to maintain the system.

The special assessment project approved by the members last year is now complete. We have posted some pictures and other information on the association website for your information. The project was completed on time and under budget. CH Construction Services, Inc. did a great job with quality work and resident relations minimizing the inevitable inconveniences that occur on a project this size.

We are continuing with our normal surface drainage maintenance projects. These are prioritized and funded under the expense side of the annual budget.

ASSOCIATION OPERATIONS

Section 23 POA, Inc. operates under Articles of Incorporation, Bylaws, Deed Restrictions with amendments and Florida Statutes and Codes.

Recently, a group of residents created a website and circulated fliers containing a wide variety of misinformation. The central theme appears to be a dislike for our deed restrictions. Social media users are repeating and embellishing the spin.

Space here does not allow us to address all of the inaccuracies stated in their communications so we ask that you access our website (section23poa.com) for clarification.

FINANCIAL STATEMENTS

The Financial Statements for fiscal year 2013-2014 will be available at the Association office for your review by December 30, 2014.

ARCHITECTURAL REVIEW

*Permits issued
October 2013 thru July 2014:*

Single Family Homes -----	5
Multi Family Dwellings-----	0
Pools -----	6
Fences/Enclosures -----	31
Additions-----	2

HOW TO REACH US

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BOARD OF DIRECTORS

President	Harvey Goldstein
Vice President	Ronald Woods
Treasurer	Karen Perry
Secretary	Victoria Craig
Director	Kathleen Gill
Director	Joseph Harris
Director	Andrew Kontos

COMMITTEES

Architectural Review	Ronald Woods
Lakes & Greenbelts	Joseph Harris
County Liaison	Harvey Goldstein
Deed Restrictions	Harvey Goldstein
	Ronald Woods
	Andrew Kontos
	Kathleen Gill
	Karen Perry
	Victoria Craig

ASSOCIATION OFFICE STAFF

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