

MINUTES
BOARD MEETING
FRUITVILLE PUBLIC LIBRARY
7-14-10

1. The meeting was called to order by President Joe Branconi at 6:15 PM. Dr. Branconi requested that Stacey Johanning chair this meeting and Ms. Johanning took over as chair.
2. Proper meeting notice was provided.
3. In attendance were Joe Branconi, Stacey Johanning, Stuart Edelman, Ken Smith and CAM Jim Unger. Josephine Picone was absent. A quorum was present.
4. **Stuart Edelman made a motion that the reading of the minutes of the Board Meeting of 5-12-10 be waived and they be accepted as written. Seconded by Joe Branconi. Approved unanimously.**

5. SOD

Article V.A.5 of the Architectural Criteria and Regulations of the Architectural Review Board (ARB) which was modified on 1-21-05 and filed with Sarasota County as Instrument # 2005026179, reads as follows:

5. **Sod** - All areas not left in a natural state, and all non shrub and groundcover planting areas, shall be sodded with a St Augustine type sod. Sod shall extend from the back of the street paving to all Lot lines. Seeding and/or sprigging are not permitted. Pebbles, sand, rock, plastic sheeting, and similar materials shall not be considered an acceptable alternative to grass, or ground cover.

The ARB members have done considerable onsite research concerning the feasibility of allowing Zoysia grass to be used, primarily at the Founder's Club, which allows the use of both Zoysia and St Augustine grasses; have performed research on the web; have held a ARB meeting on 4-14-10, notification of which was posted, and at which time the Association members had an opportunity to speak; provided for further discussion of the issue at the Board meeting of 5-12-10; and have spoken to experts in the field of grasses. As a result, the ARB recommends that the Association Board adopt the following resolution subject to the approval of the Association attorney.

Joe Branconi made a motion that Article V.A.5 of the Architectural Criteria be amended as follows; that a copy be sent to all property owners and the amendment be filed with Sarasota County. Seconded by Stuart Edelman. Carried unanimously. The underlined language has been added.

5. **Sod - All areas not left in a natural state, and all non shrub and groundcover planting areas, shall be sodded with St Augustine type sod or either the Empire or Emerald variety of Zoysia grass. Sod shall extend from the back of the street paving to all Lot lines. Seeding and/or sprigging are not permitted. Pebbles, sand, rock, plastic sheeting, and similar materials shall not be considered an acceptable alternative to grass, or ground cover.**

6. LANDSCAPE MAINTENANCE

Article III.E.3 of the Architectural Criteria and Regulations of the Architectural Review Board which was modified on 1-21-05 and filed with Sarasota County as Instrument # 2005026179, reads as follows:

3. Each owner shall be responsible for the maintenance of his Lot, including the landscaping, lawn and sidewalks. Each owner shall be responsible for routine mowing and lawn care of any drainage or swale located upon his Lot and shall maintain such lawn or landscaping as may exist in the portion of the street right-of-way adjacent to his Lot between the front line of the Lot and the edge of the curb or paving of the street and to the rear lot line. Grass clipping shall be removed from the sidewalks and streets immediately after mowing. Each owner shall maintain such lot and improvements at his sole expense, and such maintenance shall extend to and include all structures, fixtures, equipment and appliances each to be maintained in good condition and repair and in an attractive condition and in keeping with the standards of maintenance throughout Palmer Glen. Maintenance by the Owner shall further include painting, repair and building surfaces, screening and caging, walks and other exterior improvements. All such maintenance and repairs shall conform to such maintenance standards as established by the Association and the Architectural Review Board.

Stacey Johanning made a motion that Article III.E.3 of the Architectural Criteria be amended as follows; that a copy be sent to all property owners and the amendment be filed with Sarasota County. Seconded by Stuart Edelman. The underlined language has been added.

Each owner shall be responsible for the maintenance of his Lot, including the landscaping, lawn and sidewalks. Each owner shall be responsible for routine mowing and lawn care of any drainage or swale located upon his Lot and shall maintain such lawn or landscaping as may exist in the portion of the street right-of-way adjacent to his Lot between the front line of the Lot and the edge of the curb or paving of the street and to the rear lot line or normal waterline of any lake abutting a Lot. Landscape maintenance shall include but not be limited to the seeding, sodding, mowing and edging of all lawn areas; the pruning and cutting of all trees and shrubbery; the weed removal from all planting beds; and the fertilizing and watering of all plant materials and lawn. All landscape maintenance shall be executed in a manner and with such frequency as is consistent with good property management.

Each owner shall maintain such Lot and improvements at his sole expense. If any Lot becomes unattractive in appearance due to negligence or plant material has become detrimental to adjoining property Owners, the Community Association shall have the right to remedy the condition in question, at the expense of the Owner. In the event this occurs, the Owner of the Lot involved will receive fifteen (15) days notice of the proposed action to be taken, thus allowing time for rectification. The Community

Association shall further have the right, upon like notice and conditions, to care for vacant or unimproved property that has become undesirable in appearance, all at the expense of the Owner. All expenses must be paid to the Community Association upon demand. If payment is not received within ten (10) days a lien upon the property will become effective.

Maintenance by the Owner shall further include painting, repair and building surfaces, screening and caging, walks and other exterior improvements. All such maintenance and repairs shall conform to such maintenance standards as established by the Association.

7. On July 1, 2010, the State of Florida adopted modifications to Florida Statute 720, one of which specifically deals with the Association's right to demand assessment payments from a tenant if the property owner is in arrears on assessment payments. The change is as follows:

Change to Florida law 720 and 718, effective July 1, 2010

If a parcel is occupied by a tenant and the owner is delinquent in paying any monetary obligation due to the association, the association may demand that the tenant pay to the association "the future monetary obligations related to the parcel. The demand is continuing in nature, and upon demand, the tenant must continue to pay the monetary obligations until the association releases the tenant or the tenant discontinues tenancy in the parcel. A tenant who acts in good faith in response to a written demand from an association is immune from any claim from the parcel owner."

If the tenant prepaid rent to the owner before receiving the association's demand and can provide written evidence of having paid such rent within 14 days after receiving the association's demand, the tenant will receive a credit for the prepaid rent.

The tenant will not be liable for increases in the amount of monetary obligations due to the association unless the tenant was notified in writing of the increase at least 10 days before the date on which the rent is due. The tenant shall be given a credit against rents due to the parcel owner in the amount of assessments paid to the association.

If the tenant fails to pay the monetary obligations demanded by the association, the association may stand in the shoes of the landlord and sue for eviction under Chapter 83 of the Florida Statutes.

The tenant does not have any rights to vote in an association election or to inspect the books and records of the association by virtue of paying the monetary obligations demanded by the association.

Joe Branconi made a motion that the Association enforce the changes to Florida Statute 720 in its entirety and specifically that the provisions regarding collection of assessments from tenants of property owners who are in arrears be implemented in accordance with the provisions of the law as outlined above and that a copy of this resolution be sent to all property owners. Seconded by Ken Smith. Carried unanimously.

8. There was a review of Budget vs. Actual, Collections, and Status of the Bank Account. Ken Smith indicated that we are in a positive condition due to collections. from banks, on foreclosed lots
9. Any other business the Board may wish to discuss.
10. At 7:30 PM Stacey Johanning made a motion to adjourn. Seconded by Stuart Edelman. Carried unanimously.