

1 **The Landings Management Association, Inc.**
2 **Minutes of the Board of Directors Meeting**
3 **September 4, 2008**

4
5 **Call to Order**

6 Bob Capo called the meeting to order at 7:04 pm at the Landings Racquet Club, 5350 Landings Boulevard,
7 Sarasota, Florida.

8 **Determination of Quorum**

9 Present were Bob Capo, Dolores (Dee) Ricapito, Katherine (Katy) Leidel, William Whitman, Richard
10 Bayles, Henry Rhodes and Jerry McFadden constituting a quorum. Also present were George Niel of Argus
11 Property Management, Inc., Irwin Starr of *The Landings Eagle* and nine property owners.

12 **Confirmation of Proper Meeting Notice**

13 The notice was posted in accordance with the By-Laws of the Association and requirements of Florida
14 Statutes.

15 **Appointment of Acting Secretary**

16 A motion was made and seconded to appoint George Niel as Acting Secretary for the meeting. The motion
17 passed unanimously.

18 **Approval of Minutes of August 7, 2008 Board Meeting**

19 There being no objection, on a motion by Dolores (Dee) Ricapito seconded by William Whitman, the
20 minutes of the August 7, 2008, meeting were unanimously approved.

21 **President's Report:**

22 The President reported that the owners of the fence in question were sent a certified letter, which they
23 signed for, informing them the fence must be removed from LMA's property. He also stated that he does
24 not think any further action will be necessary.

25 The President also reported that the windscreens that were discussed at the last Board meeting have been
26 removed.

27 **Treasurer's Report:**

28 The Treasurer's Report is attached as Exhibit "A".

29 The Treasurer stated that a preliminary 2009 Budget was also attached to his report, which reflects a
30 \$125.00 decrease from the 2008 Budget, which will balance out the \$125.00 Special Assessment, and will
31 hopefully be approved later in this meeting.

32 **Safety and Security Committee:**

33 William Whitman stated that in the last month there were no incidents of any burglaries or break-ins. He
34 further stated that this might be because of owners being more pro-active and locking their homes and cars.
35 He also reported that the roving patrol hours have been changed.

36 William Whitman also reported that the owner who contested his traffic violation was summoned and
37 appeared in front of the traffic violation committee. The violation issue was resolved in an amicable
38 manner.

39 William Whitman asked that anyone looking for hurricane information should not call the gatehouse for
40 this type of information. Hurricane information should be obtained from local government agencies.

41 **Landscape Committee:**

42 There was no landscape committee report.

43 **Roads and Drainage Committee:**

44 In the absence of Larry Spelman the President reported that the roadwork for 2008 has been completed.

45 The condition of Starling Drive was discussed and the President agreed that it needed work but he hesitated
46 to bring it up because it is the street that he lives on. It was decided to have the Chairman of the Road and

47 Drainage Committee, Larry Spelman, look at the road before making any decisions on the 2009 road-
48 paving project.

49 **Lakes Committee:**

50 Jerry McFadden reported that there was a recurring problem with debris in Lake #1 and that he has
51 contacted an engineering company to draw up a plan that would eliminate this problem.

52 **Public Relations Committee:**

53 Katherine "Katy" Leidel gave the following public relations report:

54 She reported that there was general discussion about the Eagles Nest Area. She stated that she
55 conveyed to those residents that not all the facts were in and decisions have yet to be made.

56 **Old Business:**

57 Richard Bayles stated that next week flyers would be handed out explaining the new traffic patterns that
58 will be in effect while the new gatehouse is being constructed. The actual closing of the main gate will be
59 on September 15, 2008. All emergency services have been alerted already about the new traffic patterns.

60 The President then moved:

61 That The Landings Management Association, Inc. impose a Special Assessment in the amount of
62 \$125.00 per unit designated for Reconstruction of the Main Gatehouse. Such assessment shall be
63 effected as quickly as possible and payment will be due as set forth in the Association's
64 Declaration of Maintenance Covenants.

65 Katherine "Katy" Leidel seconded the motion. On the question there was no objection and the motion
66 passed unanimously.

67 A rather lively discussion then took place concerning the ENA. The President paraphrased a legal opinion
68 from the Association's attorney concerning paragraph "29" which was answered by an owner who said that
69 he had three other attorneys with different opinions. After further discussion it was decided that only Bob
70 Capo, President of the LMA, would communicate all future actions or decisions concerning the ENA. This
71 will hopefully dispel any false or misleading information being disseminated around the community.

72 NOTE:

73 PLEASE REFER TO EXHIBIT "B"

74

75 Henry Rhodes then moved that:

76 The LMA Board endorses the decision of the Board President Bob Capo to move forward
77 with the 2008 previously approved work in the ENA.

78 William Whitman seconded the motion. Motion passed unanimously.

79 **New Business:**

80 None

81 **Adjournment**

82 There being no further business on a motion by Henry Rhodes and seconded by Dolores "Dee" Ricapito the
83 meeting was adjourned at 8:14 pm. The next meeting is scheduled for October 2, 2008.

84 Respectfully submitted,

85

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87 George Niel, Acting Secretary

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Exhibit B

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91 ----- Original Message -----

92 From: Robert Capo

93 To: Ziemann, Dennis ; Bill Whitman ; Katy Leiiidell ; Richard U Bayles ; Larry Spelman ;
94 Henry Rhodes ; Jerry P. McFadden ; Dee Recapito

95 Cc: George Niel

96 Sent: Monday, September 08, 2008 12:25 PM

97 Subject: Eagles Nest Area

98

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100 The following is a restatement of what I presented at the Sept 4 board meeting and should
101 be included in the minutes of the meeting:

102

103 The board has received a legal opinion from our attorney, Chad McClenathen, with
104 regard to restrictions imposed on the Eagles Nest Area. When the Declaration of
105 Maintenance Covenants and Restrictions on the Commons for the Landings was executed
106 on May 16, 1980, Paragraph 29 of the document stated that Landings Unit 1, Tract F (the
107 Eagles Nest Area) was not subject to the provision of the Declaration and ownership was
108 retained by C&M Associates, the developer. This paragraph also placed restrictions on
109 the use of the area.

110

111 On March 17, 1987 C&M Associates deeded Tract F to the Landings Management
112 Association and made it subject to and bound by the Declaration. The deed placed no
113 additional restrictions on the property other than those contained in the Declaration. It is
114 the opinion of our attorney that with the transfer of the property to the Association the
115 restrictions in Paragraph 29 are no longer of consideration and do not apply. Had the
116 developer intended to restrict the use of the property he could have done so when the it
117 was deeded to the Association. He did not. Tract F is now a part of the commons and can
118 be treated the same as the rest of the commons

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