

MINUTES  
MEETING OF THE BOARD OF DIRECTORS  
OF  
GULF & BAY CLUB BAYSIDE CONDOMINIUM ASSOCIATION, INC.  
A Corporation not-for-profit

Tuesday, May 16, 2006

In accordance with the Bylaws of the Association, the meeting was held on Tuesday, May 16, 2006, at 1200 Siesta Bayside Drive. Directors Nancy Sneed and Richard McCullen were present in person. Directors Jack Jenny, Mike Cooney and Robert McCullen were present by conference telephone. Managing agent Walter Hammerling was also present, as were several Bayside owners.

The meeting was called to order by President Jack Jenney, who confirmed that notice had been duly given and that a quorum was present.

Mr. Jenney stated the purpose of the meeting, as announced in the notice mailed to all owners, was to decide on a modification of the Association's existing policy regarding hurricane shutters, specifically with respect to temporary shutters. A copy of the existing Board resolution, with sample language permitting the installation of temporary shutters under certain conditions, was mailed with the notice of the meeting. The existing resolution, adopted in 1991, permits only permanent shutters of the roll-down type.

There followed extended discussion regarding products currently available for hurricane protection, actions taken by other condominium and homeowners associations, and the appropriate time frame for installation and removal of shutters when a severe storm is threatened. Based on comments from the Board and from owners present, it was decided that the suggested time frame of 72 hours before and after a hurricane watch is probably insufficient, given the difficulty of scheduling workers and the likely volume of activity on the Key in the event of a serious storm threat. It was therefore moved by Richard McCullen and seconded by Mr. Cooney that the resolution be adopted as proposed, but with a longer removal period and with other modifications to the original resolution as were necessary to bring it into consistency with the new provisions. Accordingly, the following motion was unanimously approved by voice vote:

**WHEREAS**, The Board of Directors of Gulf & Bay Club Bayside Condominium Association, Inc. (hereinafter "Association") is responsible for the operation and the administration of Gulf & Bay Club Bayside, (hereinafter "Condominium"); and

**WHEREAS**, 718.113(5), F.S., stipulates that the Board of Administration shall adopt hurricane shutter specifications for each building within each condominium operated by the Association which shall include color, style, and other factors deemed relevant by the Board.

**WHEREAS**, 718.113(5), F.S. stipulates that the Board shall not refuse to approve the installation or replacement of hurricane shutters conforming to the specifications adopted by the Board; and

**WHEREAS**, installation of hurricane shutters by a Unit Owner could adversely affect the exterior appearance of the building; and

**WHEREAS**, the method of attachment of the hurricane shutters could adversely affect the structural integrity and exterior appearance of the building.

**NOW, THEREFORE, BE IT HEREBY RESOLVED:**

**SECTION 1.** THAT the Board of Directors adopts the specifications for hurricane shutters as outlined below and may amend this resolution from time to time to comply with local and state building codes.

**SECTION 2.** THAT effective January 1, 1992, the owners of units in Gulf & Bay Club Bayside Condominium Association, Inc. will be allowed to have permanent hurricane shutters installed over their sliding doors and windows.

**SECTION 3.** THAT permanent shutters must be the Roll Type with slats made of aluminum or PVC and white in color along with a roll hood painted the same color as the surface on which it is mounted.

**SECTION 4.** THAT the installations of shutters over sliding glass doors and windows that open to porches, lanais, decks, patios, sidewalks, etc. should be on the outside of the glass.

**SECTION 5.** THAT any Unit Owner making a written request to the Association to install hurricane shutters or asking for a copy of the Association's hurricane shutters specifications, will be given a copy of this resolution within ten (10) days of the date of receiving the request.

**SECTION 6.** THAT no Unit owner will be permitted to install hurricane shutters unless the process set forth herein is adhered to.

**SECTION 7.** THAT a Unit Owner wishing to install permanent hurricane shutters shall submit to the Association a written request. The written request must include shop drawings, specifying the color, the style, the manufacturer and the method of attachment, all of which must be consistent with the Association's adopted hurricane shutter specifications.

**SECTION 8.** THAT the Association through the Board will have ten (10) days from the date the request is submitted to act upon the request.

**SECTION 9.** THAT the Association's approval or disapproval shall be in writing to the Unit Owner.

**SECTION 10.** THAT a Unit Owner may install temporary hurricane shutters under the following conditions:

- 1) Any such temporary shutter shall be of a type and appearance, including fastening materials, as approved by the Association through the Board of Directors or its delegate. A Unit Owner wishing to install temporary shutters shall present a written request to the Association which shall include samples of the materials to be used. The Association shall act to approve or disapprove in writing within ten (10) days of receipt of the written request and sample;
- 2) Temporary shutters may not be installed unless a Hurricane Watch, as defined by the National Weather Service/NOAA, has been issued for the area including Siesta Key, and must be removed not later than seven (7) calendar days after such Watch has been lifted by the National Weather Service/NOAA;
- 3) If any Unit Owner shall fail to remove temporary shutters within the time period specified in this resolution, the Association shall have the right, without further notice, to remove and store such temporary shutters and to assess the cost for such removal and storage, plus an administrative fee of 15%, to the Unit Owner. Any such assessment shall be enforceable in the same manner as any other assessment duly imposed by the Association;
- 4) These restrictions shall not apply to hurricane shutters installed on the interior of any Unit and not clearly visible from the exterior;
- 5) All other conditions precedent as set forth in Section 11 below shall be applicable to the installation of temporary hurricane shutters.

**SECTION 11.** THAT as a condition precedent to the granting of said permission and in consideration of the approval by the Association to allow the Unit Owner to install hurricane shutters, the Unit Owner does hereby covenant and agree as follows:

- (1) The Unit Owner agrees to be responsible for all costs and expenses incurred in the construction and installation and continued maintenance and existence of the hurricane shutters on the common elements of the Condominium.
- (2) The Unit Owner assumes all responsibility for procuring, buying and/or obtaining all necessary building or zoning permits, variances and adherence to any and all other procedures as outlined for the construction and maintenance of the hurricane shutters by all city, county, state or other government entities including compliance, if required, with the Standard (Southern) Building Code, latest edition.
- (3) The Unit Owner agrees to construct and maintain the hurricane shutters in a first class manner. If the Unit Owner fails to maintain the hurricane

shutters as required herein, after written notice from the Association, the Association shall have the right to perform or have performed the required maintenance or repair or have the improvement removed and the property restored to its condition prior to the installation of the hurricane shutters, the Unit Owner will be responsible for all costs thus incurred, plus an administrative fee of 15%.

(4) The Unit Owner agrees to indemnify, defend and hold harmless the Association from any claims, actions, cost or expense of any nature whatsoever, including but not limited to attorney's fees, arising out of or because of the construction and maintenance of the hurricane shutters, to the extent that such claims, actions, cost or expenses are not covered by the Association's general comprehensive liability insurance policy, and to the extent of any deductible applicable under such policy.

(5) The Unit Owner agrees that as a security for the payment to the Association of any cost or expense by the Owner to the Association pursuant to applicable law, the Association shall have a lien on the Owner's unit for said costs or expenses which are to be considered an assessment against the Owner's unit.

(6) The Unit Owner agrees to be responsible for any expense for the removal and replacement of the hurricane shutters if such removal is required by the Association for the repair, upkeep, and maintenance of the common area.

(7) The Unit Owner agrees to be responsible for any damage to the Condominium property, which is caused by the installation or maintenance of the hurricane shutters.

(8) It is expressly understood and agreed that these conditions shall be binding upon the Owner and also heirs, successors in interest or assigns of the Owner, and shall be conditions implied in any conveyance or other instruments affecting title of the affected Unit.

(9) The Association's approval of any hurricane shutters shall not constitute a representation or warranty by the Association that the hurricane shutters will be effective for their intended purpose.

**SECTION 12.** THAT this resolution replaces and supercedes in its entirety the Resolution of the Board of Administration adopted December 13, 1991.

**SECTION 13.** THAT the Board will deliver to any Unit Owner along with the Board's written approval, if granted, a document advising the Unit Owner of the above referenced conditions precedent to the granting of said permission.

Owner Harry Reasner then requested that the Board approve, in accordance with the policy set forth above, the use of clear Lexan shutters, samples of which were exhibited to those present. On motion duly made and seconded, the request was approved.

There followed a brief opportunity for questions and comments from owners present. Owner Bob Million complimented the Board on the practice of mailing notice of the Board meeting to all owners, and suggested that the practice be followed for all Board meetings going forward. Mr. Jenney asked about the status of the owner e-mail mailing list, and Richard McCullen stated that it should be in place in time for the minutes of this meeting to be distributed.

There being no further business to come before the meeting, the meeting was adjourned at 5:25 pm.

Respectfully submitted,

Richard J. McCullen  
Secretary

