



Ultimar Three Condominium Association Inc.  
1560 Gulf Blvd. Clearwater, Florida 33767

## ULTIMAR THREE OWNERS' SPECIAL MEETING MINUTES

9 April 2022

The meeting was called to order at 9:00 am by the Board's President RickCoté. It was held in person, by proxies and via Zoom conference call. Mr. Reily indicated that the meeting notice was properly posted on Friday, March 25, 2022 or 15 days prior to the meeting. Mr. Fleites brought in 15 proxies. The roll call produced 35 participants which constituted a required quorum.

The special meeting was called for by the Board's President who stated that the sole purpose of the meeting was to discuss whether the owners want to request a remodeling re-vote considering the multiple concerns and issues raised since the owners approved the project in June 2021. In earlier Board meetings, we agreed to compile and assess all the relevant information regarding the remodeling project that has been provided and propose an option for owners to consider.

Mr. Coté invited Mr. Hallas (Board member and Co-chair of Remodeling Committee) to give his report regarding the tile maintenance and health - the open items from the Board's last meeting.

Mr. Hallas presented his findings on Terrazzo tiles which are made from a mixture of concrete with randomly scattered pieces of marble, glass, or stones like quartz) are strong and durable, if properly sealed and maintained. They are the choice for high traffic, commercial areas since they are easy to maintain and would last for decades.

Porcelain tiles are made of ceramic which is heated clays with patterns and designs digitally printed on the surface. Also, strong and durable because they are non-porous, but tend to be slippery and need to be treated accordingly. Terrazzo is more expensive due to its unique creation and installation costs.

There was no evidence of health issues with Terrazzo tile design mentioned in Mr. Makesh's two correspondences.

Mr. Hallas introduced a slide showing Terrazzo flooring at San Diego Airport and a 4.5 min video (available on Ultimar Three website along with all documentation of the work done by the Remodeling Committee from December 2021 to April 2022).

### RESEARCH & CONCLUSIONS

- **Porcelain vs Terrazzo :**
  - Synthetic vs Rock
  - Slippery
  - Cost
- **Terrazzo maintenance :**
  - Initial Cleaning, Sealant, Daily Cleaning
- **Health Issues:**
  - Literature Review yielded nothing
- **SAN airport case study:** Terrazzo for high traffic, low maintenance

Cheaper vs Safer

Simple & Easy

'2x Sparkle'

Mr. Hallas concluded that the original Committee's unanimous recommendations had been confirmed. If cost doesn't become a factor, Terrazzo tile is the correct choice – will last for decades with proper low maintenance care. Cutting the dazzle by 50% should reassure owners of any health issues.

Mr. Coté presented a history and facts on the activity of Remodeling Committee:

- This Committee worked for three years on this project, following a failed two-year effort by the previous Board.
- Thousands of hours were contributed to this effort by Committee members, Board members, association staff and third-party vendors.
- John Somers who was a Remodeling Committee's co-chair from inception until his move from U3 in February 2021 prepared a historical document of the Remodeling Committee.
- Committee members requested and approved in November 2019 and January 2020 a mockup be set upon the 1st floor and lobby, depicting the floor, paint and wood selection. The mockup remained in place for over 10 months.
- All Committee members voted unanimously in January 2021 to approve the tile, paint and wood selection and recommend the Board to approve the project and move forward with an owner vote.
- In February 2021 a communication was sent to all unit owners advising them of the Remodeling Committee's unanimous recommendation and the Board thanking all members for their hard work and effort and in unanimously agreeing with the Committee's recommendation.
- A formal vote request was mailed to unit owners in May 2021. The vote results were tabulated in June 2021 with a 55 yes, 3 no vote. Again, all committee members voted to approve the project.
- We started painting the 1st floor in July/August 2021 to eliminate the old wallpaper and complete the entire 1st floor in one paint color (30% of 1st floor was already painted from the mockup). Around that time, the "stop the project" petition was initiated and this started months of allegations about the Committee protocols and concerns regarding tile maintenance and health impact.
- A petition to "Stop the Project" was presented **PRIOR** to our October 2021 Board meeting, with Mr. Shishkin (a co-chair of the Committee) addressing the issues raised in that petition at the October 2021 Board meeting.
- At our October 2021 meeting, Ms. Crisp and Ms. Foulds (both committee members) read statements to the Board highlighting their issues and concerns about the already approved recommendation.
- At our December 2021 Board meeting, Mr. Shishkin (Committee's co-chair) read his rebuttal to their October meeting statements.
- In January 2022, Mr. Makesh provided a written statement addressing the potential health impact of tile with sparkles.
- Mr. Hallas (committee co-chair) at the present meeting had provided his report regarding the tile maintenance and health related concerns.

Copies of the documents supporting these facts will be available on the U3 website, Owner section, Projects - Remodeling.

Mr. Coté also presented the following points:

1. As per our Association's lawyer, the Board is legally required to execute the remodeling project that was approved by owners (June 2021) within the agreed parameters.
2. The Board does not have the authority to cancel or change the approved project.
3. The owners at a members meeting may request the Board to consider requesting a new vote, due to the concerns raised after the original vote in June 2021.
4. If so desired, it is recommended that owners - who actually participated in the original vote - make a motion (to be seconded) to request the Board to consider a re-vote.

The following motion was suggested:

**“To ask the Association Board to request a new owners' vote to either re-approve the remodeling project as originally defined or cancel the project”.**

## **OPEN DISCUSSION**

During the open discussion Mr. Fleites made a motion to cancel the Remodeling Project. He stated that the Board's presentation for the owners' vote in June 2021 was misleading. He also did not have confidence that the Board would follow through on an owner vote to continue or cancel the project.

Mr. Schryver, Ms. Foulds, Ms. Crisp Mr. Copley and Mr. Foulds supported this motion.

Mr. Coté explained that the present meeting's agenda did not cover this option. Per the Association's lawyer, it would be better to make the request to the Board which was meeting directly after the owner's meeting and had every intention on considering the motion.

Mr. Schryver then announced a vote for the motion to cancel Remodeling Project and proclaimed that the voting was 30 - yes, 2 - no and 3 - abstentions. Mr. Coté stated that this voting was not valid being outside of the meeting's agenda. Another motion "to require a re-vote by owners" was suggested by Mr. Koenig modeled after the Board's suggestion. Mr. Coté explained that this motion, as well as the earlier one, may not meet the legal requirements as laid out by the Association Lawyer. This explanation was ignored, and the second count was 32 - yes.

Mr. Coté said the votes on these member proposals would be evaluated by legal counsel, but the Board acknowledged that the owners had made clear their perspective on the remodeling project. It would be discussed under New Business at the following Board meeting.

Mr. Coté adjourned the meeting at 10:55 am.