

**Ultimar Three Condominium Association, Inc.**  
**Minutes of the Board of Directors Meeting**  
**May 6, 2023**

**Call to Order**

Gus Fleites called the Board meeting to order at 9:00 am from the Ultimar Three Clubroom and via Zoom.

**Appointment of Chair for Meeting**

As President of the Association, Mr. Fleites presided over the meeting.

**Proof of Notice of Meeting**

Proof of Notice was confirmed by Mr. Fleites with a sworn affidavit of notice to the Board and association members.

**Roll Call**

Rick Cote, Said Gabriel, Anthony Solazzo and Ken Jones were present in person. A quorum was obtained. Also present in person were Vice President Craig Smith, Secretary Jacky Schryver and Manager Rocky Reily.

**Preliminary Matters**

Mr. Fleites encouraged owners to read the Board book and submit any questions they may have prior to the meetings. Mr. Fleites further discussed the procedure for questions by owners at the meetings as well as the role of officers at meetings.

**Approval of Minutes:**

**1. Budget Meeting of April 25, 2023:**

A motion for approval of the draft minutes from the meeting held on April 25, 2023 was requested by Mr. Schryver. The Board deliberated the motion. Mr. Cote made a motion not to approve the minutes and suggested an amendment to the budget to reflect the "savings" the Association realized from the former Board's failure to secure insurance coverage for the first few weeks of the year. He said that the owners had voted to pay for the increased premium for a special assessment exercising their rights to vote for an alternative budget. Mr. Fleites responded that based on the Association's by-laws and Florida statute, the Association cannot use a special assessment to collect the increase. Mr. Fleites made a motion to consider the amendment. The motion was not seconded and therefore not considered. The suggested amendment was not voted on and therefore does not pass.

Mr. Cote made a second motion to amend the minutes of the meeting of April 25, 2023. Such motion did not receive a majority vote.

Mr. Fleites made a motion to approve the minutes of the meeting of April 25, 2023, as presented. The motion was seconded and passed 3-2 with Messrs. Cote and Gabriel in the minority.

**2. Board Meeting of February 11, 2023:**

Mr. Cote presented the minutes of the meeting of February 11, 2023. As a majority of the former Board members were present, they approved the minutes of the meeting. The minutes were approved.

## **Reports of Officers**

### **1. The President**

The President presented the final cost of the arbitration instituted in 2022 which was in the Board package. The gross cost was \$35,000 which netted down to \$18,000 after offset from the insurance payment. Comments were made by Messrs. Cote and Solazzo, followed by questions and comments of the owners. Mr. Fleites stated that going forward that should any owner institute litigation against the Association, the Board will seek advice from its attorneys to determine the strength of such litigation. Mr. Fleites stated that the Board is unable to ascertain the Association attorney's advice with regards to the arbitration matter instituted in 2022 as Mr. Cote has not provided the Board with any relevant communications with the attorney.

The President advised that the proposed schedule of Board meetings has been shared with Board members, officers, and owners.

### **2. Treasurer**

Mr. Jones discussed the financial report for the month of April 2023. He pointed out the variance relating to savings due to the lack of insurance coverage. Mr. Jones said that the Association is spending more than anticipated in the original budget on repairs and maintenance (line 23 of the report). With regards to Note C, he said that there are corrections that were made to the January financials in the amount of \$23,000. He further stated that there may be more to come.

Further to questions by Mr. Cote on current investments, Mr. Jones stated that the Association funds are invested in CDARS amongst various banks; as CD's mature, they earn approximately one percent. Mr. Cote asked if any funds are in securities. Mr. Jones stated that, based on sections 9.4 and 9.5 of the Association's governing documents, the Association is not permitted to invest its funds in securities.

### **3. Manager's Report**

As the manager's report was submitted at the last minute, Mr. Fleites stated that if the Board members have questions for the manager, they will be asked at the meeting. Mr. Fleites questioned the manager with regards to the issue of the Foldes balcony, particularly the rebar, membrane, water proofing and the engineer's report.

Mr. Fleites questioned the manager on requirements that came into effect in 2021 regarding the elevators.

The manager stated that there are issues with the sprinklers as many are not up to code. Mr. Fleites agreed to table this issue for another meeting, and, in the meantime, the Board will gather information expeditiously to determine how to resolve the issue.

Mr. Fleites also discussed the problems with the generator and, particularly, the radiator. It was discussed that replacing the radiator only will be a waste of funds as the generator would have to be replaced shortly thereafter. He said that he understands the lead time for replacement of the generator

is nine months. He discussed previous quotes received with regards to generator and radiator replacement. Mr. Fleites stated that the Board must consider how to proceed with regards to the generator issue, the problem being that the radiator must be replaced immediately as it presents a life safety risk.

Mr. Jones moved to approve the purchase of a new radiator to be installed in the next couple of weeks. The motion was seconded and unanimously passed.

Mr. Fleites moved to obtain three quotes to replace the generator and simultaneously, obtain quotes for the evaluation of the generator condition. The motion was seconded and unanimously passed.

A discussion ensued with regards to the glass tower issue. Mr. Gabriel requested a Board motion that the Board accept his resignation from the Construction Committee. Mr. Jones moved to accept, and the motion was passed unanimously. Mr. Fleites made a further motion to reconstitute the Committee and that Steve Copley be nominated as Chair. The motion was seconded and passed 4-1, with Mr. Gabriel in the minority.

Mr. Copley and Ms. Cabuz presented options with respect to the glass block tower issue. They recommend that bids be obtained based on a proper statement of work. A mandate for the Committee was discussed and the Committee endeavors to have the scope of work prepared for the next meeting.

**4. Other business**

Mr. Cote discussed an incident that allegedly occurred at an owners' meeting on March 16, 2023 between the manager and an owner. Mr. Cote made the following motion:

"The Board is to assign 2 independent individuals, preferably board members or officers, to perform an investigation and provide recommendations to address the issues that materialized at the March 16, 2023 meeting regards to allegations made by the manager against at a previous meeting."

The motion was seconded and passed.

Mr. Fleites stated that he has made inquiries of both Mr. Cote and the manager for information regarding any previous incidents but has been provided with no information. Mr. Fleites agreed that the matter will be discussed during an executive session.


**Executive Session**

The owners left the room during the executive session.

**Adjournment**

The meeting was adjourned at 12:40 pm.

Minutes are submitted by Jacky Schryver, Secretary



Jacky Schryver, Secretary

540 12/2024

Date