

VAN LOON COMMONS CONDOMINIUM ASSOCIATION, INC.

Special Board of Directors Meeting – Minutes

Thursday, March 13, 2014 at 1:30 pm
Held at the Association Attorney's Office
GOEDE, ADAMCZYK & DEBOEST, PLLC
2030 McGregor Boulevard, Fort Myers, FL 33901

CERTIFY A QUORUM - CALL TO ORDER:

The meeting was called to order at 1:30 pm by Lucia Stiles (LCAM).

Present from the Board to constitute a quorum were Rick Aliperti, Pamela DeCraene, Brenda Hallihan, and Paul Weber.

Absent from the Board: Catherine Hutton.

Also in attendance Lucia Stiles, CAM representing Sentry Management, Richard DeBoest and Jason Himschoot, Attorneys.

The meeting was noticed in accordance with FL statutes.

The meeting was in a closed session to discuss potential forthcoming litigation, at a no charge meeting relative to the water meters and Jason Himschoot said that the closed meeting was lawful based on the statutes applicable to non-profit corporations. Our association is a non-profit corporation so those statutes apply to us.

Mr. Aliperti, President asked the attorneys, regarding the lawyer who had filed the original amendment, of why it was considered legal then but then challenged. Both, Mr. DeBoest and Mr. Himschoot said they had to go on information provided by the previous Manager, Jon Miller, and questions raised by the previous Board.

The question of two paths of approval was raised, either 50% of voting interests and 2/3 of the BOD, or 66 2/3 of those entitled to vote. It was then determined that the Water Amendment was legal, thus allowing the Board to proceed. The criteria for the approval of an amendment to the Condominium Declaration were discussed. There are two approaches to gain approval. First, unit owners owning in excess of 66 2/3 of the units in the condominium must vote in favor of the amendment. Alternatively, unit owners owning in excess of 50% of the units in the condominium and not less than 66 & 2/3 of

the BOD must approve the amendment. Therefore, the water amendment was determined to have met the alternative criteria and, therefore, was passed.

In addition, further discussion of how to proceed with billing, and also re-sign the sub-metering agreement with the City of Cape Coral, to have Van Loon Common on the agreement. The billing schedule of the city of Cape Coral was briefly discussed as well.

The association will be sending a letter to all owners informing them the amendment is legal, and we will be informing them of the meters being repaired at no charge, so keys are requested within 15 days of receipt of the letter or a locksmith will re-key the lock at the owner's expense.

A standard contract will be requested from the sub-metering companies, Board will review, and once a decision is made, then the contract will be reviewed by the lawyer to avoid any future problems with proposed contract.

ADJOURNMENT:

With no further business to discuss the meeting was adjourned at 2:55 PM.