

The Privateer of Ft. Myers Beach, Inc
Emergency-Board of Directors Meeting Minutes #38

Date July 11, 2023

1. Call to order at 9:33 a.m. All board members in attendance except Dave Knibbe
2. Proof of notice suspended. 48 hour notification provided to owners who wish to attend
3. Quorum established
4. Motion made to waive reading of prior minutes and to approve minutes. All in favour
5. Geo World update – no new updates at this time
6. Property update - Windows - on site with permits and ready for install
Roof - complete on all buildings except D, E
Soffits are being installed
sand filling to D, E
Sea wall work continues
7. B/E committee update- none at this time
8. Building E remediation is complete. Waiting on the billing from R/E.
9. PA Altieri update- Rick the PA has assessed all of our building inside, outside and underneath. He is requesting photos of first floor units. A system for collection will be set up in a few days.
10. Insurance update – our liability policy is renewed. Our property policy renewal is coming up on Aug 23, 2023. Pat is closely monitoring important dates and building projects necessary to ensure our insurability.
11. Service Master –Mike received an email from Justine, a SM billing administrator. She requested what information we require. Mike resent her our spreadsheet of items to be completed. At this time we are still waiting for their billing details.
12. Privateer Financial Update Jul 11, 2023

Centennial Bank

Current Operating	\$ 341,493.79
Reserves	5,000.00
Reserves ICS	314,728.23
Hurricane Repairs	5,000.00
Hurricane Repairs ICS	<u>\$4,792,098.98</u>
Total Funds:	\$5,453,321.00
Hurricane bills to date:	\$805,994.40
Advances to SM:	\$300,000.00

A/P Outstanding: SM \$741,352.06.

Quarterly HOA: 7/1/23

32 units paid to date 7/10/23

13. Additional Business

A closed board member meeting was held this morning.

Meeting commenced at 8:49 am. Members present at the meeting were Mike Waltman, Lisa Wallis, Pat Andres, Bob Bartlett, Stephanie Wyskiel and Norm Kruse (via smart phone) A quorum was established.

Items discussed were matters brought to light by attorney Chris Pope regarding The Privateer Articles of Incorporation. A copy of the attorney correspondence is attached.

1. Reconstruction after disaster section 13.2.1

Our attorney has advised that the association by definition has sustained a lesser damage. The definition of lesser damage stems from the ability to reconstruct under the fema 50% without any code related issues.

A procedural vote was held by board members to reconstruct the condominium. The reconstruction was motioned by Lisa and seconded by Pat. All 6/6 members present in favour to reconstruct.

2. Special Assessment and Quarterly Dues

The board was advised by attorney Chris Pope to impute special assessments and HOA \$ amounts according to owners percentage of values. A schedule of percentage values is attached with attorney correspondence.

The attorney pointed out that the way the Privateer has been allotting S/A and HOA amounts to owners for the past 50+ years has been contradictory to our documents.

It is advised by Chris Pope that the Board review the annual budget to confirm all future S/A and Quarterly dues shall be collected by the percentage of ownership in the documents. The Board made a decision to wait until the 2024 Budget to properly account for the HOA fees according to the Exhibit A schedule. However, if a SA is necessary in the future, the exhibit A schedule would be followed. Copy of lawyer letter attached. An owner suggested during our open meeting that we make an amendment to our documents to equalize payments and continue to do it the way we have historically.

Closed meeting adjourned at 9:13 a.m.

Florida Fish & Wildlife – Snowy Plover nest.

2 nests have been discovered on our property during the pre rake assessment as required by Florida state law. A town committee regulates the bird rules administered by the state law. The rules stipulate that no raking of the beach shall occur within 350 feet of the nest for 60 days. . A fine of \$2400.00 for raking in the area the birds were found exists for 5 years. We are looking to not incur these costs. Our voice is needed at the town bird meeting to advocate for our beach.

The board is encouraging any owner in the area to attend bird committee town meetings. Notifications for meeting will be shared. Purpose of attending the town meetings is to advocate for ourselves on the South Island. We do not want our beach becoming a grassy bird sanctuary. The birds do not normally nest on our beach. It is only due to lack of activity. If our regular pre hurricane activity existed such as people and dogs on the beach; the birds would not be nesting on our property. After all the challenges our property has already endured, an unnecessary loss of our beach use is not desired.

Tony Alves has been graciously cutting our lawn between the property and road. Lawns will also be maintained at A, H and front property signage.
Meeting adjourned at 10:05.