

## **Antigua Condominium Association**

### **Minutes of the Meeting of the Board of Directors (Executive Session)**

February 4, 2025

The Board of Directors of the Antigua Condominium Association met in executive session on February 4, 2025. The meeting was called to order by Randy Ditch, president, at 7:01 p.m. The meeting was held via conference call. The following directors were present: Mary Dischinger, Randy Ditch, Kat Ilkhani, Mike Keenan, Robert Mayer, Bonnie Medford, Sheri Miller and Ellen Schweiger. Mike Falkner, was absent. A quorum was present.

Robert moved and Mike Kennan seconded that the board meet in executive session pursuant to Maryland Condominium Act §11-109.1(a)(4) and (6) to discuss the exterior coating bids and a legal matter. The motion passed with six in favor, two opposed and one absent. The directors voting in favor of the motion were: Mary Dischinger, Randy Ditch, Mike Falkner, Mike Keenan, Robert Mayer and Ellen Schweiger. Kat Ilkhani and Bonnie Medford voted against the motion. Mike Falkner was absent.

Minutes Robert presented the minutes of the meeting held on January 15, 2025 in executive session. Robert moved and Randy seconded that the confidential minutes of the meeting be approved. The motion passed on a voice vote. Kat and Bonnie stated after the vote that they had voted against the motion. Mary stated that she had abstained because she was not at the meeting. Robert presented a redacted version of the confidential minutes of the meeting held on January 15, 2025 in executive session. Robert moved and Sheri seconded that the redacted confidential minutes of the meeting be approved and released. The motion passed on a voice vote. Kat and Bonnie stated after the vote that they had voted against the motion. Mary stated that she had abstained because she was not at the meeting.

Coating Project Randy reported that there were three bids on the coating project. The bidding package was sent to Ev-Air-Tight, L.L.C., All States Construction and Northern Building Restoration, Inc. The work was the same as in the spring. The balconies were changed from an alternative addition to being included in the base contract. All three had also bid on the project in the spring. The bids were returned by January 29, 2025. Kirk Parsons, the condominium's consulting engineer, prepared a comparison of the bids. Ev-Air was the low bidder at \$1,688,920 plus the cost of the bond, \$26,178, for a total base bid of \$1,715,098. The next lowest bid was from All States and was very competitive at \$1,731,877, Northern's bid was over \$2 million. Kirk also compared the current bids to the bids presented in the spring. Ev-Air's was more than \$300,000 less; All States was almost \$230,000 less; and Northern was about \$365,000 higher.

Robert reported that All States conducted a test grind on the building. They removed the coating to the bare concrete and applied a new parge coating and a silicone coating over that. There were three samples for the finish on the parge. Kirk was satisfied with the workmanship. Kirk felt that all three bidders were very responsible companies and he has worked with all of them.

All three bids included completely refinishing the ground level walls and painting the Antigua signage as alternatives. Ev-Air and All States were very competitive on this as well. Kirk is of the opinion that the ground level walls do not need to be restored to the bare concrete, but the option is available if the board would like to have this work done.

All three bidders gave bids for starting in the spring and starting in the fall. Ev-Air's bid for a fall start date was \$3,720 than for a spring start; All States was the same for both start dates; and Northern was \$50,000 lower for a fall start date. All States noted that they could not guarantee completion by Memorial Day 2026 with a fall start date.

The board discussed the bidders and the bids. Bonnie reported that her past experiences with Ev-Air were positive. They did good work, were responsive and returned to address issues that arose. Ev-Air has worked on the building on a number of occasions and is familiar with the building. The president, Larry Genovese, was easy to work with. Most recently, Ev-Air repaired leaks into three units by removing the parge coat to the bare concrete, applying a new parge coat and covering it with a silicone coating. This is the work that will be done for the whole building. Those repairs were well done as were the repairs that only required replacing the sealant (caulking) around windows.

The start date alternatives were discussed. The differences in price were discussed and the impact on the owners in paying the special assessment. While a later start date would give the owners more time to make the first payment, we have the flexibility to use reserve funds to pay early invoices and replenish the reserve fund later though the payment of the special assessment. It was noted that the owners were told that the project was delayed, not cancelled. There were concerns that waiting until the fall would result in a price increase. There is some economic uncertainty in the present environment and its effect on a fall bid is unknown.

The amount of the special assessment will be determined by how much can be withdrawn from the reserve fund to pay for the coating project. At some point in 2025, we will want to do an update to the Reserve Study but can rely on the current Reserve Study to determine how much should be in the reserve fund at the end of the project.

Other projects were discussed, including the cutoff valves. It was estimated at \$40,000 based on a quote from Hancock. The conditions of the pipes and the rotunda soffit were discussed.

The ground level walls were discussed. Kirk's view that they did not need to be done was considered. The aesthetics were also discussed. The finish would likely be different from the exterior of the building and it is the entrance to the building, the first thing owners and guests see. The useful life of the present coating on the ground level walls was discussed. While they were thought to have been a part of the rotunda interior work during the last application of the elastomeric coating (which is not due to be done again until 2027 or 2028), that does not appear to be the case. There are areas on the ground level walls that need repair. That is included in the present bid. The triangular enclosures for drainage pipes were discussed and Robert will ask Kirk about them.

It was decided that the decision on the ground level walls should be made by the owners with the special assessment being calculated with both alternatives. The prior special assessment was calculated by determining how much should be in the Reserve Account at the end of the project and the income that will be received until the project is finished. The Reserve Study already has reserved funds for the building coating, but this project is more extensive than anticipated by the Reserve Study and the reserved amount does not cover the entire cost of this project.

It was decided that it was not necessary to interview All States and that a decision on the bids could be made at this meeting.

Robert moved and Ellen seconded:

1. The Ev-Air-Tight bid of \$1,688,220 (including the bond and the alternatives, if selected) be accepted with the spring start date.
2. Acceptance is subject to approval by the owners of a special assessment to pay for the project.
3. A virtual or telephonic special owners meeting will be held on Monday, March 3, 2025, for the purpose of approving the special assessment and, if available, electronic voting be used.
4. Notice of the board's action and the planned special meeting will be given to the owners to be followed with the formal notice of the meeting.
5. The board will develop and recommend the special assessment at its next regular meeting which will be held on February 19, 2025.

The motion passed with seven in favor, one opposed and one absent. The directors voting in favor of the motion were: Mary Dischinger, Randy Ditch, Mike Falkner, Mike Keenan, Robert Mayer, Bonnie Medford and Ellen Schweiger. Kat Ilkhani voted against the motion. Mike Falkner was absent.

Cannabis Randy and Robert reported on the cannabis problem. An owner who is a full-time resident complained that a very pungent odor of cannabis was entering his unit. It is frequent and significant. He identified the origin of the smoke. It came from a unit that is being

rented on a long-term basis. It has continued since the January 15, 2025 board meeting. The owner asked the renters to stop smoking, but without success.

Tuesday afternoon, January 21, 2025, Robert telephoned the owner and spoke with him about the problem. He asked for the owner's help in resolving this matter and also told him that the board had authorized counsel to file an injunction suit if the smoking did not stop. The owner said he would speak to the renters. He called Robert back a few minutes later and said that he had spoken with his renters and they would stop. That evening, the resident owner called Robert and said that the renters were continuing to smoke. Robert again called the owner and left a voice message. The resident owner went down to ask the renters that they stop. The renter closed the door in his face.

Later, on Tuesday evening, January 21, 2025, the resident owner again called Robert. The police were at his unit. The renter, the son of one of the owners, had called the police complaining that the resident owner was harassing him. The renter acknowledged to the police officer that he had been smoking marijuana that evening.

Randy and Robert reported the developments to Jim Almand, the condominium's attorney, and he suggested a telephonic meeting which they held on January 24, 2025. Jim sent letter via email to the owners on January 9, 2025 and another on January 24, 2025 after the telephonic meeting. In an effort to obtain the owners' cooperation, Randy called the owner. He did not answer his phone. Randy left a voice message.

Jim filed an injunction suit Thursday afternoon, January 30, 2025. The board was promptly advised of the filing. The motion for a temporary restraining order was denied and the matter was set for a scheduling conference on February 27, 2025.

One of the owners called Mike Keenan saying she was interested in resolving this matter. Mike gave her Jim's number. She had not called Jim by the time of the board meeting.

Jim asked if we would waive seeking attorney's fees if the defendant's settled the matter. His estimate at this point is about \$1,500. The settlement would be in a consent order that simply prohibits them — owners and renter — from creating or allowing nuisances, including smoking marijuana. The sentiment of the board was to do so if it can be resolved promptly.

Because of the construction of the building, the pungent odor of marijuana leaves the unit where it is being smoked and migrates to neighboring units. Jeff is checking the keys to units to make sure we have working keys and codes for all units. He does not go into the units but he does open the door slightly in the process. He reports that there is the odor of marijuana in the units on the 01 stack.

The could renter continues to smoke and the smoke continues to migrate throughout the 01 and 02 stacks of the building.

Jim also suggested that a bylaw amendment or rule be enacted prohibiting marijuana use at the Antigua, both in the common elements and in the units. Robert will prepare a draft from the form Jim provided and one from another condominium that Cindy provided.

Notice that the suit was filed and is pending will be given to the owners.

### **Adjournment**

At the conclusion of the executive session, Sheri moved and Robert seconded that the meeting be adjourned. The motion was passed on a voice vote without objection. The meeting was adjourned at 9:17 p.m.

Respectfully submitted,

/s/ Robert Mayer

Robert Mayer

Secretary