

**MINUTES OF A COMMITTEE MEETING OF CATHEDRAL PLACE COMMUNITY BODY CORPORATE MCP 106902 HELD AT THE MEETING ROOM, CATHEDRAL PLACE ON MONDAY 26 NOVEMBER 2007 AT 6.00 PM**

**Representation:** Peter Zunker Cathedral Place 'A' – Notre Dame  
Pat Brown Cathedral Place 'B/C' – Oxford & Cambridge  
Tony Rich Cathedral Place 'D/E' – Canterbury & Westminster  
John Gilliland Cathedral Village  
Conrad Beal Body Corporate Manager, Representing Archers  
Body Corporate Management Pty Ltd

**Apologies:** Randall Edwards Cathedral Place 'F' – Duhig

**Quorum:** It was noted that a quorum was declared constituted there was more than half (50%) of all members of the committee being present.

**Chairman:** Tony Rich, the Body Corporate Chairman, chaired the meeting.

**Building Manager's Report:** A Building Managers Report was provided by Lorraine Zunker. The following Items were discussed.

**Pool Chemicals**

Three quotes were presented. Body Corporate Manager to prepare comparison of costs for the next meeting.

**Collecting Water**

Tony Rich to meet on site with Eddie Zunker to consider options available

**Crack Injection Work**

Contractor for second quote has received report, and awaiting quote.

**Fire Safety Works**

Awaiting name of contractor from Ken Morrisby

**Security**

- a. Tony Rich raised a security problem that occurred last Thursday, with John Gilliland's premises having to be locked as it was left unlocked. John Gilliland' was requested to keep this problem in mind.
- b. Lorraine Zunker raised concern over continued problem of stones being used to prop doors open. problem has been previously reported to John Gilliland. Quote for door work being obtained by Cathedral Village.

**Oxford & Cambridge Door Security**

Lorraine Zunker raised concern over residents of Oxford & Cambridge not locking door providing entry to car park for some residents. Provides potential, unsatisfactory breaches of security. Residents have been previously warned. benefit has been abused by some residents.

RESOLVED that the door be chain locked and notice placed on door, and QFRS to be advised

***Carried 3 For, 1 Against.***

Lorraine Zunker then left the meeting.

**Confirmation of Minutes of previous meetings:**

RESOLVED that Minutes of the Committee meetings held 12 November 2007, be accepted as a true and correct record of proceedings with corrections proposed by Peter Zunker

***Carried 4 For, 0 Against.***

**Business Arising:** Tony Rich proposed that the coca cola machines should be removed. John Gilliland advised he would not accept this, and that the CBC common

electricity consumed without payment to the CBC must be considered.  
An estimate of \$2,500.00 plus electricity costs per year was previously advised by CPM.

Tony Rich proposed a meeting between CPM and John Gilliland.

Peter Zunker advised that CPM has other consumable costs it has not charged the CPM. John Gilliland advised CPM to put in a claim for those costs, and that they could not be a part of this issue.

Tony Rich advised that the issue had been ongoing for some time and proposed a motion that the matter and John Gilliland's motion be taken off the agenda for future meetings until he brings it back to the Committee.

RESOLVED that the coca cola matter and John Gilliland's motion relating to it be taken off the agenda for future meetings until he brings it back to the Committee.

**Carried 2 For, 1 Against, 1 Abstain**

**General Business:**

**Motions and Items from Peter Zunker**

**Motions and Items from Peter Zunker**

Peter Zunker read out the motions relating to levies to be resolved, which appear below.

John Gilliland questioned where the supporting budgets were for the levies as the current budgets from last year are incorrect.

Peter Zunker advised the levies were based on last year's budgets and that the levies are at the same rate as the first levy issued for the financial year with a correction, as recommended by the Body Corporate Manager, for the change in lot entitlements. He agreed that the levies were based on budget figures that are now incorrect, and that the levies are to raise funds to ensure a proper cash flow.

Body Corporate Manager advised that a levy could be raised to provides for continued cash flow. Body Corporate Manager proposed to the Chairman that the four levies be voted as separate motions.

RESOLVED that the four levies presented by Peter Zunker be voted as separate motions.

**Carried 4 For, 0 Against.**

**MOTION ORDINARY RESOLUTION**

The following motion was read to the meeting:-

"Confirmation that levies have been imposed on 650 lot basis for unrestricted and 507 lots for restricted as per last general meeting.

Imposition of penalties for subsidiary members who are not paying the levies when due. Approval to levy members of the CPCBC. Refer motion -.

**Unrestricted Administrative Fund Budget and Contributions**

The Treasurer be authorised - to ensure continuance of funds for body corporate and CPCBC expenses - to issue the levy notices for the second quarter of the 2007/08 financial year to ensure that the projected budget income for the quarter is received that the levy be issued at a per lot entitlement to meet this requirement for the Unrestricted Administrative Fund for the year ending 31 August 2008, that being :-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
	Gross	
01/09/07 – 30/11/07	\$121.09	Already levied
01/12/07 – 28/02/08	\$ 100.784	1 December 2007"

John Gilliland raised his concern that the levy – with this rate - would raise considerably more funds than is required. Body Corporate Manager advised that there appears to be sufficient funds in the Unrestricted Administrative Fund until the AGM is held in January 2008 (projected) when a levy could be raised based on a correct budget.

John Gilliland proposed an amendment to the motion.

That the Unrestricted Administrative Fund\_levy for the period 01/12/07 – 28/02/08 of \$100.784 due 1 December 2007 be amended to \$0.00.

**Lost 1 For, 2 Against, 1 Abstain**

John Gilliland proposed a further amendment to the motion. The Chairman ruled against being allowed, and John Gilliland disputed this ruling.

The original motion, as read, was then voted on

**Carried 2 For, 1 Against, 1 Abstain**

MOTION ORDINARY RESOLUTION

The following motion was read to the meeting:-

“Confirmation that levies have been imposed on 650 lot basis for unrestricted and 507 lots for restricted as per last general meeting.  
Imposition of penalties for subsidiary members who are not paying the levies when due. Approval to levy members of the CPCBC. Refer motion -.

**Restricted Administrative Fund Budget and Contributions**

The Treasurer be authorised - to ensure continuance of funds for body corporate and CPCBC expenses - to issue the levy notices for the second quarter of the 2007/08 financial year to ensure that the projected budget income for the quarter is received that the levy be issued at a per lot entitlement to meet this requirement for the Restricted Administrative Fund for the year ending 31 August 2008, that being :-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
	Gross	
01/09/07 – 30/11/07	\$428.15	Already levied
01/12/07 – 28/02/08	\$ 434.0613	1 December 2007”

John Gilliland raised his concern that the levy – with this rate - would raise considerably less funds than is required. Body Corporate Manager advised his agreement, with \$45,525.61 now available and requirements of approximately \$223,000.00, which is far less than the levy would raise.

John Gilliland proposed an amendment to the motion.

That the Restricted Administrative Fund\_levy for the period 01/12/07 – 28/02/08 of \$434.0613 due 1 December 2007 be amended to \$540.00.

**Carried 3 For, 1 Against.**

Prior to the following motions relating to the Restricted and Unrestricted Sinking Funds John Gilliland questioned how these levies were required for cash flow, and, if they were not should be ruled out of order by the Chairman.

Body Corporate Manager advised his agreement that they were not required to provide cash flow. Peter Zunker required that the motions be voted on.

MOTION ORDINARY RESOLUTION

The following motion was read to the meeting:-

“Confirmation that levies have been imposed on 650 lot basis for unrestricted and 507 lots for restricted as per last general meeting.  
Imposition of penalties for subsidiary members who are not paying the levies when due. Approval to levy members of the CPCBC. Refer motion -.

**Unrestricted Sinking Fund Budget and Contributions**

That in accordance with Section 38A of the Building Units & Group Titles Act 1980 the Treasurer be authorised - to ensure continuance of funds for body corporate and CBC expenses - to issue the levy notices for the second quarter of the 2007/08 financial year to ensure that the projected budget income for the quarter is received that the levy be issued at a per lot entitlement to meet this requirement for the Unrestricted Sinking Fund for the year ending 31 August 2008,

that being :-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
	Gross	
01/09/07 – 30/11/07	\$9.80	Already levied
01/12/07 – 28/02/08	\$ 8.1566	1 December 2007

**Lost 1 For, 3 Against, 0 Abstain**

**MOTION ORDINARY RESOLUTION**

The following motion was read to the meeting:-

"Confirmation that levies have been imposed on 650 lot basis for unrestricted and 507 lots for restricted as per last general meeting.  
Imposition of penalties for subsidiary members who are not paying the levies when due. Approval to levy members of the CPCBC. Refer motion -.

**Restricted Sinking Fund Budget and Contributions**

The Treasurer be authorised - to ensure continuance of funds for body corporate and CPCBC expenses - to issue the levy notices for the second quarter of the 2007/08 financial year to ensure that the projected budget income for the quarter is received that the levy be issued at a per lot entitlement to meet this requirement for the Restricted Sinking Fund for the year ending 31 August 2008, that being :-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
	Gross	
01/09/07 – 30/11/07	\$109.37	Already levied
01/12/07 – 28/02/08	\$ 110.88	1 December 2007

**Lost 1 For, 3 Against, 0 Abstain**

Peter Zunker advised of his next motion, which requires that the Committee deals only through chairman – no other members to be dealing – Watts energy, solicitors Archers etc.

**MOTION ORDINARY RESOLUTION**

The following motion was read to the meeting:-

"That the chairman of the CPCBC is to deal with all solicitors and other contractors in relation to CPCBC matters, unless the committee approve otherwise. No other committee member has the authority to speak on behalf of the CPCBC or provide instruction."

The motion was amended to read:-

That the chairman of the CPCBC is to deal with all solicitors and other contractors in relation to CPCBC matters, unless the committee approve otherwise. No other committee member has the authority to speak on behalf of the CPCBC or provide instruction. And that the Chairman can delegate to other Committee members".

**Carried 3 For, 1 Against.**

Peter Zunker advised of his next motion to determine how some motions are voted on, with use of "Flying Minutes", where voting can take place by post/email/fax.

John Gilliland his concern that motions to be voted on should be discussed and this precluded any discussion, and that a "Flying Minute" is not lawful.

Body Corporate Manager was requested to advise. He advised that the legislation provides for a member be present, and it is a matter of definition whether this requires attendance or allows voting in writing.

Peter Zunker advised he agreed that there would be some matters that required discussion.

The Chairman ruled that the motion be voted on.

**MOTION ORDINARY RESOLUTION**

The following motion was read to the meeting:-

"That the secretary be sent motions to be voted on – should there be no meeting to be held within 2 weeks of a motion to be decided then the motion is sent as a postal vote."

Pat Brown advised that the motion should have the word "Committee" in it to properly restrict the motion to Committee business.

The following motion was read to the meeting:-

"That the secretary be sent motions to be voted on – should there be no Committee meeting to be held within 2 weeks of a motion to be decided by the Committee then the motion is sent as a postal vote."

***Carried 3 For, 1 Against.***

John Gilliland advised that he disputed the Chairman's ruling, that it is not a lawful motion.

The following motion, proposed by Peter Zunker, was withdrawn by him.

"Advising the CPCBC that the Notre Dame Committee are drafting motions which I will submit at the next general meeting of the CPCBC meeting for voting on concerning key criteria of a tender document for caretaking – these include

1. Disclosure of relationships between the caretaker and past/present committee members
2. The requirement of a performance bond/guarantee
3. Length of time of the agreement
4. Is the caretaker required to own a unit and live on site"

**MOTION ORDINARY RESOLUTION**

The following motion, proposed by Peter Zunker, was read to the meeting:-

**"Motion Lawful and Enforceable**

That Mark Mellick of McMahon Clarke Legal be engaged to provide an opinion as to if the motions submitted for voting on at the next Cathedral Place Community Body Corporate general meeting by Peter Zunker as representative for Notre Dame body corporate on the 16<sup>th</sup> of October 2007, are lawful and enforceable."

John Gilliland raised considerable concern about the proposed motion, his relationship to CPM and that advice from three solicitors had advised on this. He further advised that the CBC has resolved to proceed with the tender process, and that this clearly would stop that process.

Peter Zunker advised that he supports the tender process but considers that these motions (as resolved by Notre Dame), if resolved, do not stop the tender process.

Tony Rich advised he has a duty to have the owners of Notre Dame represented. Peter Zunker advised that another Committee member from Notre Dame would vote on such matters at the CBC.

John Gilliland proposed that there be a limit of \$800.00. Peter Zunker agreed to anything above this being payable by him.

The following amended motion was read to the meeting:-

**"Motion Lawful and Enforceable**

That Mark Mellick of McMahon Clarke Legal be engaged to provide an opinion as to if the motions submitted for voting on at the next Cathedral Place Community Body Corporate general meeting by Peter Zunker as representative for Notre Dame body corporate on the 16<sup>th</sup> of October 2007, are lawful and enforceable, that there be a limit of \$800.00, and that anything above this being payable by him."

***Carried 2 For, 1 Against, 1 Abstain***

**Business Arising:**

**Report from John Gilliland & Peter Zunker – Electricity “Dividend”**

**Electricity “Dividend”**

John Gilliland and Peter Zunker were requested at the previous meeting to put together a percentage of what can be allocated and a supporting statement.

John Gilliland spoke to his proposal that a dividend be issued now on existing funds in the Electricity Fund bank account

He advised that electricity is based on usage, that users are billed according to electricity consumed and that Watts Energy provided for billing by lot number. he also advised that the Energy Act requires consumers to hold funds, and that owners usage is recovered by consumption from individual BUP's.

Peter Zunker spoke to his proposal that expenses are divided by profit, incorporating legal fees.

John Gilliland advised that legal fees related to the ERC dispute belonged in Unrestricted.

Peter Zunker refuted this, and advised his conclusions are based on the advice of the auditor and the advice received from Archer Gowland.

John Gilliland advised that the Electricity Act requires that the “dividend” must go back to owners, and that the budget had already allowed for funding of legal action for the dispute. He requested that 30% be retained.

Following continued debate Tony Rich proposed that the matter be put to Warren Fischer to consider as part of his work.

RESOLVED that Warren Fischer be requested to investigate and advise on the payment of a “dividend”, to consider the advice of the auditor and Archer Gowland, to determine whether the ERC expenses should be paid by profit or by lot holders, who should pay for ERC expenses, and the tax ramifications on legal expenses and the Electricity Fund.

**Carried** 4 For, 0 Against, 0 Abstain

Following the vote John Gilliland asked how much can be distributed, and reiterated that he wants the allocation, and that Cathedral Village will take legal action if required.

**Check of Reimbursement by John Gilliland**

Peter Zunker raised his concern that John Gilliland had not fully reimbursed the Body Corporate for expenses as required.

RESOLVED that Body Corporate Manager review file to discover whether John Gilliland has fully reimbursed the Body Corporate for expenses as required.

**Carried** 4 For, 0 Against, 0 Abstain

**Car Space Allocation - EGM**

Members had been provided with advice from Mark Mellick of McMahon Clarke Legal on correction of car space allocation. By-law 25 of the Community Body Corporate By-laws will be amended by changes to the Allocation Schedule that is annexed to By-law 25 (b) (i).

RESOLVED that an Extraordinary General Meeting be called with no further motions from members to amend the Allocation Schedule as a resolution without dissent and that the minutes of the Extraordinary General Meeting be signed by the Chairperson and that McMahon Clarke Legal prepare the required documents and then lodge with the Minister, and take all steps necessary to ensure that the amendments are brought into force and effect

**Carried** 4 For, 0 Against, 0 Abstain

**Electricity**

Pat Brown advised that he considers that the cost for common electricity for Oxford & Cambridge in the first 2 months is too high, and can not be substantiated. Geoff Magoffin will inspect the meters and the situation.

**Electricity Audit – Invoice**

RESOLVED that invoices presented from Geoff Magoffin Electrical for Electricity Meter Audit of \$5997.00 and \$764.00 be approved for payment

Carried 4 For, 0 Against, 0 Abstain

**Engagement of Gadens – preparation of draft clauses**

Gadens has advised that an estimate of costs and disbursements, which was deleted, is required under Qld legislation.

RESOLVED that Gadens be advised that the estimate of “in the order of \$3000.00 to \$6000.00” be accepted.

Carried 4 For, 0 Against, 0 Abstain

**Tender Process**

Update from Tender Supervisor

Greg Millsopp, independent supervisor/reviewer of the tendering, has provided a first Draft Tender Document. The initial pages (which excludes the attachments), has been emailed or mailed to members.

**Electricity – Appointment of Energy Billing & meter Reading Agent**

Body Corporate Manager advised that two other providers had declined to quote. Silver Energy to be requested to quote.

**Flag**

Tony Rich advised that the Australian flag which flies above Notre Dame requires replacement due to wear and tear. Eddie Zunker has advised that an Australian flag has been ordered, with an Australian Queensland flag not available.

**Cathedral Village Debt**

Peter Zunker raised with John Gilliland that Cathedral Village currently owes \$15,493.62 in second debtors

John Gilliland advised that he had not looked at the invoice only recently received from the Body Corporate Manager. Conrad Beal advised that the invoice was issued by SSKB prior to a change in management.

Peter Zunker proposed a motion that “invoices owing to the Body Corporate are to be allocated for payment before levies or any distribution of any electricity income is paid”

John Gilliland advised that this motion would be unenforceable. Body Corporate Manager confirmed to the Chairman that this is correct. Chairman ruled that this motion would not be put to a vote.

Peter Zunker raised with John Gilliland that Cathedral Village currently owes \$15,183.24 in unpaid levies. John Gilliland responded that \$70,000.00 is owed to Cathedral Village.

**Next meeting:**

No decision was made as to the date of the next meeting for general business

The meeting was closed at 8.47 pm

Confirmed.

**General Business:**

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Chairman