

CELEBRATION CAPE HOMEOWNERS ASSOCIATION, INC.

SPECIAL BOARD OF DIRECTORS MEETING

A Corporation Not-for-Profit

Tuesday, April 18, 2017 at 6:00 pm

Held at: Celebration Cape Pavilion (203 Destiny Circle, Cape Coral, FL 33990)

1. CERTIFY A QUORUM AND CALL TO ORDER:

Jim Arnold, Board President, called the meeting to order at 6:00pm. A Board quorum was established with Jim Arnold, Susan Dyszel, Linda Foreman, Kevin Sutton and Peg Holecek present. Mark Rudland, CAM, Tropical Isles Management was also present at this meeting.

2. PROOF OF NOTICE OF MEETING:

Notice in accordance with Section 8.3 and Section 8.5 of the Association's By-laws of a Special Board of Directors meeting was posted at the Pavilion signboard in accordance with Florida Statutes, Chapter 720 and the Association By-Laws, and emailed to all Homeowners.

3. PRIOR MINUTES:

As this was a Special Meeting of the Board of Directors, no prior Board meeting minutes were referenced or approved.

4. ANNOUNCEMENT:

Before the business session began, Jim Arnold took a moment to announce the passing of our neighbor, Les Bader. Les was a great neighbor, who served the community well as Chairman of the Architectural Review Board. His absence will be felt in the community and he will be missed by many.

5. NEW BUSINESS:

This Special Board of Directors Meeting has been convened to address and discuss the issues discovered upon turnover of our landscaping services from Pinnacle Landscapes, Inc. to American Allegiance Lawn and Landscaping LLC. Chris Chodkowski was introduced and presented the following to the Association:

- American Allegiance ("A.A.") has been working diligently with the Board and the Grounds Committee to address the multiple issues at hand, and restore the community's landscaping to a healthy state.
- Pinnacle informed the Association that they performed a complete wet check of the irrigation system on February 28, 2017, and that no ongoing issues were reported. When A.A. began servicing the community several days later, it was evident that the system was not functioning as it should.
- A.A. technicians dedicated at least six 12-hour days on-site to fully diagnose the myriad problems, which included: broken pipes, shut-off of the valve box at the gate entrance, non-functioning solenoids and decoders, low water pressure at multiple locations, blocked or inadequate sprinkler heads.
- A.A. worked with Board and Grounds Committee members to set priorities and address the immediate repairs needed to get the irrigation system up and running.

- As of today, the broken pipes have been repaired, other leaks have been fixed, twelve (12) solenoids and one (1) decoder have been replaced.
- The high number of non-functioning solenoids is most likely due to homeowners manually activating their irrigation system. These components are very sensitive and if not operated properly, can result in timer malfunctions. **Homeowners are advised not to activate their system in this manner.**

Damaged solenoids were repaired and all are functioning correctly at this point. The cost for these repairs was passed on to the Association. **In the future, if a solenoid is damaged, it will be the Homeowner's responsibility to bear the cost for repairs.**

- Other findings and statements by American Allegiance:
 - Each home's irrigation system was laid out as the house was being built, utilizing a variable set of plans that did not take neighboring properties into consideration. It was not designed as a cohesive, community-wide plan.
 - As a result, some home sites have too many sprinkler heads, while others have too few.
 - Several homes also suffer from insufficient water pressure to activate the sprinkler heads.
 - The irrigation schedule that was provided to the Association from Pinnacle was incorrect, and the control boxes were not programmed correctly.
 - A.A. initially re-set the timers to follow the published Cape Coral two-day/week watering schedule. However, given the current drought situation, the City has instituted a mandatory one-day/week watering schedule, effective April 21, 2017, which will be strictly enforced. Once we are notified of the new schedule, A.A. will immediately re-program the system to comply with the order.
 - Each valve box in the community has an adequate **source** of water. In other words, the system is working and we can properly run the system. We are currently running eight zones at a time through the programmed system. Please note, that while home sites have multiple zones, *the individual zones may not activate in sequence. In other words, zone 2 may activate several hours after zone 1 was activated.*
 - Given the drought conditions and restricted water usage for the foreseeable future, A.A. will not be able to apply fungicides or fertilizer—both of which must be watered-in thoroughly to work efficiently.
 - We are asking for everyone's patience and cooperation, so that American Allegiance and community representatives can continue to work together to address these issues.

The foregoing statements ended the presentation from American Allegiance. The Board then opened the floor to the Membership to address questions.

Q: *Are we considered "residential" or "commercial" property as it pertains to water usage?*

Chris: Celebration Cape is classified as commercial property.

Q: *Is hand-watering allowed under the watering restrictions?*

Chris: Yes. However, the homeowner must be present and hand-watering using a hose or other manual means.

Q: *Which water source can be used for hand-watering?*

Chris: Hand-watering is permissible from either source: potable or reclaimed water.

Q: *Do other communities have the same issues or is our system screwed-up?*

Chris: Yes, to both parts of that question. The entire region is dealing with drought/irrigation issues, and as stated earlier, Celebration Cape's irrigation system was not designed as a unified system.

Q: *With the different types of grass turf in the community, what is the prognosis for each?*

Chris: Given the shorter profile and thinner leaf blades of Zoysia grass, it will burn out and die faster. The St. Augustine Floritam grasses have wider and taller leaf structures, which help protect the root structure, but if it burns out, it will also die. **I will advise the community now: American Allegiance has already noted many areas of dead and dying grass that will not survive. You will be faced with replacing the turf in those areas.**

Q: *What are the Homeowner's responsibilities?*

Chris: Continue to observe your individual irrigation system, to ensure that it is working properly. Please also make sure that you comply with the mandated watering restrictions, and do not run your irrigation system manually. We need to work together (the community and American Allegiance) to ensure that the system is working correctly and adequately for all properties.

Board: The maintenance and care of the system from the valve box inward on the property is the Homeowner's responsibility.

Q: *Can we take legal action against D.R. Horton for installing an improper irrigation system?*

Board: The one-year warranty for all DRH properties has since elapsed. While we are not providing legal advice, it might be a long-shot to come out on the winning side of such an action.

Q: *According to the purchase agreements with D.R. Horton, irrigation water fees are part of our HOA assessments? What does that cover and how is that charged?*

Board: The HOA is responsible for paying the irrigation water fees for the common areas. This water usage is metered and charged appropriately.

Q: *If grass and/or shrubs die, is it the Homeowner's responsibility to replace?*

Board: Yes.

Q: *Can we hook up an oscillating sprinkler and hose to our home's potable water supply?*

Chris: Yes, but just know that you will be billed for the extra water usage.

Q: *Given that all the landscaping is susceptible to the drought, are the palm trees at extra risk?*

Chris: There is a product available from LESCO called "Moisture Manager," which is designed to help plants survive drought stress. However, with the current drought conditions, local municipalities have been purchasing large quantities of this product, and it is in short supply (and quite expensive). Palm trees and other such plants could benefit from direct soaking with a hose.

Q: *I noticed several flags on my lawn. What do they represent?*

Chris: Two (2) flags close together indicate a break of some sort (pipe, head, etc.). One (1) flag could mean either an issue with a sprinkler head, or if it's located near a valve box, a possible leak.

Q: *Who do I contact for irrigation or landscaping issues with my property?*

Chris: Please email me and/or a Board member. Having written records of issues provides for better tracking and problem resolution.

Q: *Have all the repairs or replacements needed been made?*

Chris: Repairs/replacements have been made to solenoids, valves, and decoders as needed. As of right now, I can guarantee that every system is working. Sprinkler heads are the responsibility of the Homeowner. A.A. will not automatically replace/repair sprinkler heads.

Board: The HOA's responsibilities (i.e., electronics) have been addressed. In addition, the Association has paid for the repairs at home sites that needed to be made in order for the overall system to function properly. If a Homeowner interferes with or causes damage to irrigation components on their property, it is their responsibility to assume the costs of making the repairs.

Q: *Is the Homeowner responsible for installing new sprinkler heads or fixing broken heads?*

Chris: If A.A. causes damage to a sprinkler head, we will cover the cost of the repair/replacement. Please let us know as soon as you notice any damage. If a Homeowner chooses to install new sprinkler heads, they bear the costs of those components. We would be happy to perform an irrigation system audit on individual home sites. Such an inspection would reveal whether your system is correctly equipped to provide adequate water coverage to your lot.

Jack: Regular wet-checks will also identify issues with sprinkler heads. Feel free to contact me, I will be happy to help you resolve those problems.

Q: *Do we need to worry about having enough water on-site for fire department use?*

Ken: Our hydrants are orange & yellow, which means they are sourced from the public water supply (at 500-999 GPM). Hydrants that are painted purple draw from the reclaimed water supply.

At this point, the Board thanked Chris for his company's diligence in identifying and correcting many of the irrigation issues in the community. In summary, it was pointed out that Homeowners have four choices for helping to maintain their irrigation system: 1) Do it yourself, 2) ask American Allegiance to perform an irrigation system audit on your property, 3) hire a separate contractor to fix the problems on your lot, or 4) do nothing and let nature take its course and risk losing your landscaping.

The Board then opened the discussion for Homeowners to address any other landscaping issues to American Allegiance.

Homeowner: *Several weeks ago, I noticed large areas of my lawn looking dead. Due to the efforts of American Allegiance, I can see an improvement and things are looking better. Thank you.*

Chris: I appreciate the positive comments, and once again urge everyone to contact me if they have a problem. This is a very frustrating situation for all of us, and I apologize if any of my comments to you were taken in offense. We all need to continue communicating in a positive manner.

Q: *I am not happy with the latest edging, trimming and clean-up efforts. What will be done about this?*

Chris: Our crews will work hard to make sure that work is done to your satisfaction.

Homeowner: I am not satisfied with the electric trimming done to the pitch apple shrubs along the alley. I feel that the proper way to do it is by hand. Electric trimming leaves broken or ragged edges on the branches.

Chris: Per the HOA Board, the directive given to us is to maintain the pitch apples in that area at a height of 6 to 6½ feet high. Hand trimming is very time-consuming (and thus expensive).

Board: The Association is responsible for maintaining any easement landscaping that was installed by the Declarant, Builder or Association. This responsibility includes routine trimming of such plants. Equally, Owners are prohibited from cutting or removing landscape materials on landscape easements.

Q: *To address the quality of the cut edges, how often are the electric trimmers sharpened?*

Chris: Every day.

Q: *I've noticed many lawns affected by fungus. What is being done to prevent the spread?*

Chris: The mowing decks are sprayed with fungicide.

Q: *If a Homeowner installs new landscaping, who is responsible for its care?*

Chris: The Homeowner.

Board: In other words: if you plant, you water and trim.

Q: *Our current day for landscaping services is Wednesday, which is also the same day as garbage pick-up. It appears that the trash cans and debris are often in the way of the landscaping crews. Can American Allegiance switch days?*

Chris: We will look into adjusting the schedule.

Board: We thank Chris for being present at this meeting and addressing all these issues. Going forward, if you notice a small problem, please say something before it becomes a big problem. Mark Rudland, our CAM, is also here as witness to our community's landscaping issues, and to offer his advice as to how similar communities have dealt with these issues.

Mark: Just to clarify Celebration Cape's situation here. This community has a hybrid irrigation system, wherein the HOA and individual Homeowners are responsible for different components. As has been stated—with the exception of damage caused by landscaping company—sprinkler heads are the responsibility of the Homeowner. I recommend that Owners reach out to Chris to have an audit done of their individual irrigation system. Depending on the results, it may be necessary for one home to cap off or reduce the number of sprinkler heads on their property for the benefit of neighbors and continued betterment of the community. Keep in mind, when the entire community looks good, it has a direct correlation to the value of individual homes. As you have also heard today, hand watering is highly recommended for dealing with our current drought situation. Basically, the message is: spend some time saving it or spend money replacing it.

Q: *Mark, in your experience, which is a better model for maintaining the irrigation system in HOAs?*

Mark: I would recommend that the HOA maintains control. It results in a more equitable approach to maintaining aesthetics (and values), and in this community's instance, is mandated per the CC&Rs.

Q: *Can Homeowners choose to install an individual irrigation timer/control box on their property?*

Board: Not at this time. In order to allow that, the Membership would have to vote to change the provisions in our CC&Rs.

Q: *Board, if after the drought situation is over and the rainy season commences, a section of lawn is dead, how will that be dealt with?*

Board: The Homeowner will be notified and advised to take steps to restore the grass. If this situation occurs in common areas, it will be the Association's responsibility to address.

Q: *Has the water pressure been checked at each home?*

Chris: Given the drought situation and the fact that the City can reduce water pressure as needed, it doesn't make sense to do that right now.

Q: *If multiple Homeowners sign up for an irrigation audit on their Lots, can we realize a reduction in the service costs associated with this process?*

Chris: Yes, depending on the number of Owners who participate, a reduced group rate is available.

The Grounds Committee offered a bit of good news as far as the drought conditions. Marvin recently took a depth measurement of the lake, which is eleven (11) feet deep at the fountain.

6. OTHER BUSINESS:

None.

7. NEXT MEETING(S):

A Regular Board of Directors meeting was scheduled for Sunday, April 23, 2017. Given that the Board does not have any pressing issues to address at this time, a motion was made and passed to cancel that meeting.

The next Regular Board of Directors Meeting is scheduled for Sunday, July 30, 2017 at 3:00pm.

(The Board has the right to convene a Special Board Meeting—as needed—to address Association matters.)

8. ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:09pm.

Respectfully submitted,

Linda Foreman
Secretary, Board of Directors
Celebration Cape Association

(The preceding minutes were approved by the Board of Directors on Sunday, July 30, 2017)