

CELEBRATION CAPE HOMEOWNERS' ASSOCIATION, INC.

SPECIAL MEETING OF THE BOARD OF DIRECTORS

A Corporation Not-for-Profit

Thursday, September 2, 2021, at 6:00pm

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

CALL TO ORDER:

Art Haase, President, called the meeting to order at 6:00pm.

CERTIFYING OF BOARD QUORUM:

A Board quorum was established with Art Haase (President), Susan Dyszel (Treasurer), and Linda Foreman (secretary) and Larry Ferris present. (No representative from Tropical Isles Management was present.)

PROOF OF NOTICE OF MEETING:

Notice was posted at the Pavilion signboard and emailed to all Homeowners and posted on CelebrationCape.org in accordance with Florida Statutes, Chapter 720 and the Association By-Laws.

PRIOR MINUTES: As this was noticed as a Special meeting, no prior minutes were approved. Minutes from the previous Board meeting will be approved at the next regular meeting.

NEW BUSINESS:

Gate Call Box Replacement – Proposal Review

On July 15, 2021, our gate call box system stopped functioning. It was immediately determined that the unit could not be repaired. A Request for Proposal was developed and sent to our management company. Tropical Isles submitted the RFP to multiple gate system vendors, asking for cost estimates. We received quotes from three prospective vendors. Onsite meetings were held with representatives from Diamond Access Technology and New IQ LLC.

Dick Dyszel, Grounds Chairperson, submitted a detailed report and recommendation to the Board. (See *Front Gate Call Box Replacement – Timeline and Summary*, which is attached to this set of minutes.) Dick read through the major points and recommendation as presented in the summary document.

MOTION TO ACCEPT QUOTE #5201 (DATED 8/24/21) AND PREVENTATIVE MAINTENANCE & ADMIN CONTRACT (DATED 8/20/21) FROM DIAMOND ACCESS TECHNOLOGY, FOR A TOTAL EXPENDITURE OF \$6,013.98. Motion was made by Susan Dyszel, seconded by Larry Ferris. All voted in favor. Motion carried.

Art Haase signed off on the quotes from Diamond Access Technology, which will be submitted to Tropical Isles for follow up and implementation.

Landscape Projects – Quote Review

The Board received a quote from Everyday Maintenance for various landscape projects in common areas, as approved at the July 13, 2021 Board meeting.

MOTION TO APPROVE THE SERVICES DETAILED IN QUOTE #434 (DATED 8/31/21) FROM EVERYDAY MAINTENANCE. Motion was made by Larry Ferris, seconded by Susan Dyszel. All voted in favor. Motion carried.

Notice of Noncompliance – Storm Water Management System

On September 1, 2021 several Board members received a letter from Gary Koltz, District Staff Engineer Environmental Resource Compliance, South Florida Water Management District citing Celebration Cape for noncompliance with our storm water management permit.

Susan Dyszel spoke with Mr. Koltz on 9/2/21. She submitted a detailed document to the Board, recounting this phone conversation. (See *Report to the Board - Phone Call with Gary Koltz SFWMD*, which is attached to this set of minutes.) Susan verbally highlighted some of the key discussion points outlined in this document.

Art Haase stated that SFWMD, Cape Coral Code Enforcement and the Engineering department have all received status reports of the compliance actions already undertaken by the Association. He also stated that the lake is a Cape Coral water retention system, which means that the storm water exit system is designed to release up to 11" of water over a period of three (3) days. In addition, he believes that an engineering study is not required at this time.

Larry Ferris inquired as to what SFWMD is requiring of the Association. Susan responded by referencing the three action items as cited in her report:

1. To be in compliance with the SFWMD permit, we need to repair the breaches that have occurred.
2. We need to re-establish the interior swales.
3. We need to maintain the exterior swale to keep it free of debris and sediment from the breaches.

Dick Dyszel added that so far, we have regraded the interior swale up to the last drain. He suggested that we consider regrading the back of properties that are west of that point, so that water is drained away from these areas as originally designed.

MOTION TO OBTAIN A QUOTE FROM EVERYDAY MAINTENANCE TO MAKE REPAIRS AS NOTED BY THE REPORT FROM SFWMD. Motion was made by Susan Dyszel, seconded by Larry Ferris. All voted in favor. Motion carried.

MOTION TO OBTAIN A QUOTE FROM EVERYDAY MAINTENANCE TO REGRADE THE INTERIOR SWALE STARTING AT #259 WEST TO THE SOUTHWEST CORNER OF THE WALL. Motion was made by Susan Dyszel, seconded by Larry Ferris. All voted in favor. Motion carried.

MOTION TO ADJOURN THE MEETING. Motion was made by Art Haase, seconded by Larry Ferris with all in favor. Motion carried and meeting was adjourned at 7:28pm

Respectfully submitted,

Linda Foreman
Secretary, Board of Directors
Celebration Cape Association

(The preceding minutes and attachments were approved by the Board of Directors on September 27, 2021)

Front Gate Call Box Replacement - Timeline and Summary

Submitted to the Celebration Cape HOA Board of Directors on August 31, 2021

Prepared by Dick Dyszel, Grounds Chairperson

July 15, 2021 – Our Linear Call Box ceased functioning. We contacted Maingate and they determined that the mother board had died and there were no replacement parts available. We immediately began research on a replacement.

July 21, 2021 – Our RFP was sent to Tropical Isles and they sent it to a number of vendors selected by both us and them.

August 15, 2021 – We had received estimates from three vendors, Maingate, New IQ and Diamond Access Technology and Susan Dyszel, our treasurer, broke the estimates down into a spreadsheet for easy comparison and distributed it to the board. Because the estimates required in-person visits to give us firm numbers, we scheduled meeting with New IQ and Diamond Access Technology.

August 23, 2021 – We met with the representative from Diamond Access Technology and discussed their proposal. It soon became apparent that we might not have enough AT&T cell signal strength to use a cell connection to replace our Century Link landline connection. We started regular measurements of signal strength. It was proposed we also look at a system from Cell-Gate. This looked promising because it could use either AT&T or Verizon. However, after continued measuring it became apparent that we didn't have enough consistent signal to make a cell connection work.

August 30, 2021 – We met with a representative from New IQ LLC and discussed their proposal. Again, we talked about the cell signal problem and the need to probably rely on our existing landline. We also got details on their plan to maintain our resident database and our gates.

Proposal Overview:

All 3 vendors proposed a Door King 1835 Telephone Access Gate Controller. This is very similar to what we have now. We did not consider Linear because Door King has taken over the market making parts more available. Each vendor proposed an adapter that would allow us to use our existing clickers. Each vendor would reuse and reposition our EVAC and Yelp emergency access systems to work better. Each vendor would also convert our existing resident database to one compatible with Door King.

Maingate: Their proposal came in at \$7561.50 but taking out the cell phone unit brought it down to \$7011.50, the highest of the group. While Maingate has been our gate company for a very long time and the company that maintains our resident database, their bid was so high and lacking detail that we set it aside.

Diamond Access Technology: Their latest proposal came in at \$4693.98 with sales tax. This was for the 1835, adding the Linear Clicker unit, using our current landline, the existing pedestal, and cables between the control box and the gate opening units. We would have to subscribe to the Door King cloud-based modem to update the resident database at a cost of \$69.50 annually paid directly to Door King. Database management by Diamond Access Technology would be included in their \$300 a quarter (\$1200 a year) gate maintenance agreement. This would include up to 10 changes a month to our database, quarterly checks on the entire system and any labor involved with replacing parts. We would have to pay for the parts. As of today, Aug. 31, we were told that once

they received a 50% deposit it could be about 2 weeks before installation would begin, but there could be supply chain delays.

New IQ LLC: Their proposal received after their 8/30/21 site survey came in at \$5186.55 with sales tax. Again, this included a Door King 1835 control box, a Linear Click unit the use of the existing pedestal, the cost of a new cable between the call box and the gate opening units. If there were any problems pulling that new cable through the conduit, there would be additional costs. Because New IQ still maintains an analog modem, we would not have to subscribe to the Door King service, however there would be a \$360 a year fee to management fee for our resident database. In addition, their gate maintenance agreement would be \$1280 a year. It would include monthly checks. At our 8/30/21 meeting we were told that once they received out 50% deposit, it would be 4 weeks before installation would begin.

Costs break down between New IQ LLC and Diamond Access Technology

New IQ LLC:

Initial new hardware, installation and programming set up: \$5186.55

One year database management: \$360

One year system maintenance: \$1280

Cost for the first year: \$6826.55

Time to Installation 4 weeks

Monthly gate system maintenance

Diamond Access Technology:

Initial new hardware, installation and programming set up: \$4693.98

One year database management & system maintenance: \$1200

One year of Door King Cloud Server: \$69.95

Cost for the first year: \$5933.93

Time to Installation 2 or more weeks

Quarterly gate system maintenance

Up to 10 database changes per month and then \$10 for each one after that.

In all cases we still will be paying CenturyLink for our business phone line which is running about \$100 per month.

Going by costs and possible quicker installation, I would suggest Diamond Access Technology.

Regardless of which proposal is accepted the Board should immediately request that Tropical Isles obtain our call box database from Maingate, so that it can be verified for accuracy and any changes can be made before it is loaded into the new call box.

[End of Attachment 1]

Report to the Board regarding phone call with Gary Koltz, District Staff Engineer Environmental Resource Compliance, South Florida Water Management District - September 2, 2021

On September 1, 2021, a few of the Board members received via email a letter from Mr. Gary Koltz, citing Celebration Cape for noncompliance with our storm water management permit (Permit No. 36-04982-P). Mr. Koltz had visited Celebration Cape on August 17, 2021 and taken pictures of the breaches under the south wall that were caused by Tropical Storm Elsa. On receipt of the letter and in consultation with Art Haase, I call Mr. Koltz and requested that he call me back to discuss the letter and the way forward. In the inspection report attached to the letter, it was stated that Mr. Koltz had met with Mr. Chris Doyon of 9th Terrace who had requested the inspection.

On September 2, 2021, Mr. Koltz returned my call. I identified myself as a member of the HOA board and asked if he would be willing to help clarify the points on the non-compliance letter and provide, if he could, some guidance on how our community could solve the problem going forward. He acknowledged that he had received from Mark Rudland notice that we had a signed contract for the repair on the interior berm breaches and were waiting for the contractor to do the work.

According to Mr. Koltz, **the berm is supposed to contain the storm water within the community**. Since there were breaches, the water must have overtopped the current berm putting us into non-compliance. Since the SFWMD permit preceded the building permits, it is very possible that the builders exceeded the non-permeable surface area limitations in the permit or made grading changes which are now causing problems.

When I challenged that the breaches were caused by the more than 10 inches of rain in less than 24 hours, causing the lake to exceed its banks and noted that the outflow from the lake flows directly to the city storm drains, he noted if the problem was caused by the city, we would have to take that up with the city. He stated that the current lake should be sufficient to “hold the water for a three day storm” per the permit specification.

If the builders exceeded the non-permeable surfaces (roofs, sidewalks, pools, etc), then we might have to make changes to the permit to allow for the retention of more water on Celebration Cape property to avoid overtopping the berms. He advised that the community should hire an engineer to compare the permit specifications and make recommendations for fixes. Any changes would then have to be approved by SFWMD and the City before implementation. However, he declined to suggest any names for such engineering services.

He also said that if the neighbors along 9th Terrace were sending storm water into the swale, either through directing gutters into it or having their backyards slope into the swale, we should take that up with those homeowners. When I indicated that we had filed a complaint against one homeowner who had visible gutter outlets into the swale, he said we should not expect the city to do anything and that we would probably need to deal directly with the homeowner and threaten to sue them in court for violating the storm water permit. He also made the comment that we could invite the 9th Terrace homeowners to join our HOA instead.

Based on our conversation, the following points were made:

4. To be in compliance with the SFWMD permit, we need to repair the breaches that have occurred.
5. We need to re-establish the interior swales.
6. We need to maintain the exterior swale to keep it free of debris and sediment from the breaches.

I asked specifically if repairing the breaches meant repair to both the interior and exterior. (Our contract with Everyday is only for repairing the interior). The answer to the question is “Yes – we need to repair the outside of the berm in addition to the inside.”

I asked whether in the process of “restoring the interior swales” to keep storm water from overtopping the berm, it meant that homeowners along the south wall would have to contend with flooding in their backyards, he said that it was a possibility.

I asked whether he could recommend any contractors who might be able to do the work. His suggestion was to try landscape contractors. We then had a lengthy discussion of the current labor shortage in SW Florida. However, he did indicate, that if we had a signed contract before the 30 days performance window, to let him know and request an extension which should be granted.

I asked if it was possible for him to identify with more precision where along the interior of the south wall the pictures of the breaches were taken. He said that he would try, noting the previously he had the capability to plot the GPS coordinates from the pictures to a site map but hadn’t needed to do that since they upgraded their software. I gave him my email address to send the map to.

We ended the call noting that the HOA would be back in touch with progress on the three items raised in his letter.

Contact information for Mr. Gary Koltz
Phone 239-338-3939x7765
Email gkoltz@sfwmd.gov

Submitted by Susan Dyszel 9/2/21

[End of Attachment 2]