

Bel Mare Condominium Association, Inc.
Board of Directors Meeting Minutes
March 1, 2021

A meeting of the Board of Directors of Bel Mare Condominium Association, Inc. was held on Monday, March 1, 2021 in the 2nd Floor Clubroom located at 130 Riviera Dunes Way. Keith Grady, Valerie Biebuyck, Todd Loescher, Billy Heller and Dave Peterson were present in person, constituting a quorum of the Board. Toni Giliberti, LCAM, Onsite Manager; Peter Fehr, Maintenance Supervisor and Marie Sargeant, Assistant Property Manager represented Castle Group.

Call to Order

Mr. Grady called the meeting to order at 5:00 PM.

Proof of Notice

Toni Giliberti certified that proper notice was given.

Dispense of the Reading and to Dispose of the Unapproved Past Meeting Minutes

Valerie Biebuyck made a *motion* to dispense in the reading and to dispose of the minutes from January 14, 2021 Board of Directors Meeting. Mr. Loescher seconded. *The motion carried unanimously.*

President's Report

There are many items we will be discussing today, some of these will be easy and at least two will require more time.

Our Insurance carrier agreed to contract with an Elevator Consultant in order to provide us with a damage report. This was to protect us. The report pointed out components needing to be replaced in order to bring the elevator up to safe, code compliant specifications. The cost of the parts was just above \$200,000. With this assessment in hand, our Management Team has been working with our service provider, Thyssenkrupp (AKA TK) and the original elevator manufacturer (Otis) to produce the parts. Notice that I said "produce the parts". To date, there are five major parts that are unable to be procured and are on back order from the manufacturer. These parts are no longer available due to changes in technology and little to no demand. The original manufacturer must re-tool in order to manufacture replacement parts. We have not received any response as to when this re-tooling could or would take place. We do know that when the parts are received, if they are received, it will take three months to re-build the elevator. In the interim, we reached out to Otis and TK to give us quotes on the replacement of our current elevator, providing us with State-of-the Art new technology. To date, Otis responded with a quote of a little over \$300,000 (time and material with exclusions). TK gave us a quote of \$350,000 - \$360,000. Otis stated that once approved, the lead time to design, construct and install the elevator would be seven months. Toni asked the insurance carrier to support the replacement of the elevator since we would more than likely have problems with failing parts after the re-build. After reviewing, the carrier responded that they would only bring it back to safe and operational standards per the insurance criteria and not report a replacement. Toni has appealed that decision back to our Agent for review but it is unlikely it will happen. All of this information is to let you know that we are operating with an elevator system that is obsolete, parts are not available for major repairs and in addition, the technicians previously

trained to operate on our elevator system are retiring. I truly believe that our prudent course of action should be to replace the damaged elevator with a modern one and build into our Reserve program the replacement of the remaining five elevators in our two buildings. We are operating on borrowed time and have seen first hand the hardships being without just one elevator and what that can cause. I would hate to see two or more to go down in any one time. Our process would be for a future Board meeting to introduce a Motion for the Board to consider and vote on. This Motion would be to take the insurance money and add to it from our Reserves to support the total replacement of the current non-malfunctioning elevator. We may not be prepared for this to be considered today but we certainly need to address it within the next week in order to get this started.

Billy Heller stated that if the Board considers the route of Modernization, any salvageable parts should be kept on-site for repair of the other elevators.

Todd Loescher asked what is the insurance carrier prepared to do. President Grady explained that the insurance carrier is willing to bring one elevator (Elevator #1 in Building #2) back up to its prior flood position as long as they can bring it back to a safe and operational level. The problem statement is that no one is able to locate parts. They have not been sourced.

Dave Peterson that he is confident that the insurance policy has a “replacement cost provision”. He also mentioned that in his 25 years of insurance experience, he has suggested his clients go to the State Department of Insurance. Dave Peterson volunteered looking at the Policy and will keep the Board in the loop. Conversation ensued, with additional volunteers from the audience.

Audience requested a plan in place if any other elevator is malfunctioned. The Management Team will produce this plan.

The question came up as to whether the \$100,000 difference between the Insurance Claim and the additional cost of the Modernization is in Reserves. Morris Bencini stated that there is currently \$2.8 million in Reserves. Mr. Bencini also stated that Patricia Staebler will be invited to BelMare to do a complete study after the projects in hand are completed.

President Grady commented that no vote will be taking place at this meeting and asked the audience if they had any objection to calling a Board meeting next week to vote on whether or not the Board will vote on waiting indefinitely for parts or voting for a modernization of Elevator #1 in Building #2. The audience agreed to wait the week.

Treasurer’s Report

Mr. Heller reported that the Association ended December 31, 2020 with \$247,838 of Operating Cash Balance.

Restricted Cash Balance December 31, 2020:

Contingency Funds	\$ 746,997
Reserve Cash	<u>\$2,428,446</u>
Total Encumbered Balance	\$3,175,443

Treasurer’s Reports will be attached to these Minutes.

COMMITTEE REPORTS

Deborah Sperry, Bel Mare's delegate to the Riviera Dunes Master Association (RDMA), and Board Member of the Riviera Dunes Master Association Board, gave a report. She said that the RDMA was revising the RDMA Declaration to fix the voting rights and dues that had not been applied correctly to the individual RDMA neighborhoods. Much discussion ensued among the Bel Mare Board and owners expressing dissatisfaction with how the correction of these errors had been handled. And how the RDMA spent thousands of dollars to have its association attorney look into this, and also hired another law firm on retainer, and hired forensic accountants. The attorney it hired also has worked for GDAWG and the RDMA President works for GDAWG raising questions about conflicts. Questions were raised about how much more money would be spent on this. Deb said the RDMA would be mainly focused now on amending the Declaration with an Eighth Amendment. Keith Grady had specific suggestions for clarifying the language about developable properties and how they would be assessed and conveyed that to the RDMA Board and also asked Deb to convey that to the RDMA Board. Valerie thanked Keith for the incredible amount of time he has spent on this RDMA issue and talking with the other neighborhood Presidents in the past few months trying to help get to a satisfactory resolution for all. An update was given on Deb's meeting with Keith Grady and Valerie Biebuyck, where Keith said that Bel Mare wanted to be sure that Deb as its delegate would represent Bel Mare's interests even though Deb is on the RDMA Board.

Valerie Biebuyck requested that Deb correct her March 1, 2021 report to the Bel Mare Board. The report says that the Bel Mare Board resolution on December 3, 2020 asked the RDMA "to roll back the assessments to the 3rd quarter 2020 allocations without any other changes to the documents." Valerie asked Deb to remove "without any other changes to the documents" because the Bel Mare Board did not request that and Deb agreed to do that.

President Grady said that, after consulting with the Bel Mare attorney, Bel Mare would not sign any release asked for by the RDMA about this, but also said that Bel Mare wanted to move past this and did not want to take legal action for past mistakes of \$20,000 dues billing at this time but also wanted to protect Bel Mare. Keith Grady asked for a Motion for this, made by Dave Peterson and seconded by Billy Heller, all in favor, *The Motion carried unanimously.*

Deb's corrected March 1 Internal Report will be added to these Minutes.

NEW BUSINESS

Discuss and ratify emergency decision made by the Board to pay for the cost difference between the elevator buttons damaged by the fire to tamper resistant kind at a price not to exceed \$4,000. If modernization will take place, this will be unnecessary.

Discuss and ratify emergency decision made by the Board to remove the diseased Palm Tree (Ganoderma) and replant the adjacent Palm to another area at a cost not to exceed \$2,000.

Discuss and ratify emergency decision made by the Board to obtain a nuclear test on the roofs of buildings #1 and #2 at a cost not to exceed \$4,500 as presented by Sutter Roofing.

President Grady asked for three Motions to get these items completed, Todd Loescher made the Motion to ratify items #11, #12 and #13 on the Agenda (stated above), seconded by Billy Heller. All in favor. *The Three Motions carried unanimously.*

Maintenance Department report

Peter Fehr reported the front yard irrigation timer continues to fault. A Hunter timeclock specialist will visit BelMare to assess and report back. A permanent lockbox is being researched to prohibit sabotage, if any. Pressure washing and painting of the trash rooms, pump rooms, fire pump equipment, etc. continue. The crane to remove the diseased palm tree on the amenity level of Building #1 could not access the tree for its removal and another method of removal is being researched. Pool and spa #2 equipment is not properly grounded. The repair is underway.

Old Business

Discuss and consider upgrading existing camera system at a cost not to exceed \$25,000 as presented by CIAccess – This is a Reserve Item.

Mr Grady asked for a Motion to approve \$25,000 (not to exceed) to upgrade the software and hardware of the current and existing security system/cameras which are not performing to expectation. The upgrade would enhance resolution and identity. Motion to approve the \$25,000 (not to exceed) to replace the existing hardware and software was moved by Todd Loescher and Seconded by Billy Heller depending on whether or not this equipment is expandable. There are currently 27 cameras on property, with a possible addition of 11 new cameras needed. Subsequent to additional information from the Security, Conduct and Policies Committee, the additional cameras and cost will be brought to the Board for consideration. All in favor. *Motion carried unanimously.*

Discussion and vote in connection with contractor and cost for painting and waterproofing project. This is a Reserve Item.

After discussion and a presentation of cost as prepared by Karins Engineering, President Grady stated that the range in cost is between \$974,000 to \$1,629,000. There are 4 companies that bid the work. All of the data was reviewed by President Grady and Nick Dunning. After discussion, Nick stated that he would support Dixie Construction at \$1,239,000 to do turnkey job. It is a huge “nut to crack” but the exterior of the buildings must be maintained. Nick threw out the high bid. He would not throw out the low bid (CPR) but they are not historically large enough to do the job. They are a \$500,000 bid company. He was highly confident in Dixie in their staff, professionalism, had all resources to do the job and the warranty/service going forward is impeccable. The next company that came in at \$1.3 million. However, their home base is in Virginia. Any problems would, therefore, have to go through Virginia. If we choose CPR, we would have to get a Performance Bond which is \$30,000 out of our pocket. Performance Bond would not be required by Dixie Construction. Additionally, we do not know what the “unknowns” to the job are and the cost of these “unknowns”. Mr. Horton requested that all of the submitted information, proposals, bids, spreadsheet, Project Manual, etc. be reviewed by the Maintenance Committee prior to the Board making a decision. President Grady granted this with a plan to have an immediate Maintenance Committee meeting with Nick Dunning and Maintenance Committee. Bill Horton stated that past infrared tests were done, showing active leaks in the Effis Bands. Nothing was done to remedy that. Additionally, the caulking is good for between 5-7 years. Cheryl Baldwin has noticed that there is chipping and missing concrete on the balconies and the exterior of the building. This Agenda item, therefore, was tabled One Week until after the Maintenance Committee has had an

opportunity to review and recommend to the Board. Dave Peterson asked for the Committee to do a “deep dive” look into CPR.

Finalists will be “interviewed” with a view towards negotiation. Ron Vitori requested being a part of the Maintenance Committee. President Grady agreed and he reiterated that good analysis be done on facts and data presented. Toni Giliberti will forward all pertinent information to the Committee for review prior to a meeting with Nick Dunning. Vice President Valerie Biebuyck noted that in conversation with Patricia Staebler about the difference between the Reserve Study estimates and the bids, Patricia Staebler stated that the painting and waterproofing project estimate scheduled for 2021 in the Reserve Study did not include restoration work for concrete and stucco.

Matters for Committee Consideration: Fining Policy, Electric Vehicle Charging Stations, Motorized Watercraft use on Lake, Proposed Apartment Complex.

Eric Brown will report at a later date.

Todd Loescher was tasked to form an AdHoc Committee for EV Charging Stations.

Jeff Winsler was tasked to form an AdHoc Committee for Motorized Watercraft use on Lake.

Valerie Biebuyck stated that Keith Grady and herself met with Deborah Sperry a few weeks ago. Deb had some ideas about things like parking, and the Proposed Apartment Complex across the street. Keith and Valerie said that someone must keep track of the progress of the proposed apartment complex to make sure that Bel Mare is aware of what is happening and things like public hearings and a chance for Bel Mare to give public input. Keith and Valerie thought that the discussions should be a working group in the Strategic Planning Committee for progress, meetings, neighborhood input, etc. President Grady asked Deb to volunteer for this on this Committee. Deb Sperry agreed.

Adjournment

With no more business to come before the Board, Mr. Loescher made the *motion* to adjourn the meeting at 7:15 PM and was seconded by Mr. Heller. *The motion carried unanimously.*

Respectfully Submitted,
Toni Giliberti, LCAM, Onsite Property Manager
On Behalf of Bel Mare Condominium Association, Inc.

Bel Mare Condominium Association Board Meeting

Treasurer's Report

Year-end December 31, 2020

March 1, 2021

Operating Cash Balance December 31, 2020: \$247,838

Restricted Cash Balance December 31, 2020:

Contingency Funds	\$746,997
Reserve Cash	<u>\$2,428,446</u>
Total Encumbered Cash	\$3,175,443

Note Payable Balance: \$269,577 (to be paid down \$100,000 January 2021)

LOC Balance: \$37,587 to fund 2020-21 insurance premiums

Positive Variance December 31, 2020: \$21,577

**Note: Does not include sales proceeds of \$466,103

Bel Mare Condominium Association Board Meeting

Treasurer's Report

March 1, 2021

Operating Cash Balance January 31, 2021: \$386,683

Restricted Cash Balance January 31, 2021:

Contingency Funds	\$647,009
Reserve Cash	<u>\$2,424,943</u>
Total Encumbered Cash	\$3,071,952

Note Payable Balance: \$168,714

LOC Balance: \$25,094 to fund 2020-21 insurance premiums

Variance January 31, 2021: \$???

**Note: Does not include sales proceeds of \$466,103

RIVIERA DUNES MASTER ASSOCIATION

February 17, 2021

INTERNAL REPORT FOR BEL MARE

February 17, 2021

February 11, 2021 the RDMA Board held an Open Board Meeting at 3pm. The RDMA board and attorney Karen Maller and the Community Association Presidents present.

Highlights of this 2.5hour meeting include:

- A. Over Assessments – Shay Hawkinberry discussed the legal opinion provided by Karen Maller to correct the mistakes made by C&S to Bel Mare, Laguna & GDAWG.

The Sixth Amendment to the Master Declaration Paragraph 14, Section 5.05(a) IN THE EVENT THAT A PARCEL IS DEVELOPED AND INDIVIDUAL LOTS OR CONDOMINIUM UNITS ARE CREATED ON SUCH PARCEL, UPON ISSUANCE OF CERTIFICATE OF OCCUPANCY...THE PARCELS INDEX POINTS IN REGARD TO SHARE OF COMMON EXPENSES SHALL NOT LONGER BE COMPUTED BASED UPON ACREAGE BUT SHALL THEREAFTER BE COMPUTED ON THE BASIS OF ONE INDEX POINT PER LOT OR CONDOMINIUM UNIT DEVELOPED.

Presidents, Laguna-Jim Bailie, Bel Mare- Keith Grady, GDAWG-Gino Sedillo all present. Deborah Sperry made a Motion to accept the kind generosity of all 3 Presidents for asking to “Forgive & Forget the past amounts owed from Association”. All 3 Presidents would like this correction made immediately and corrected moving forward for 2021. Motion 2nd by Saul Fineman & carried. Note: Gary Schuster- Marina did not vote.

Karen Maller-Association Attorney will prepare a release for signatures.

- B. Clerical Errors by C&S
- a. Delegate Spreadsheet Error – Shay Hawkinberry read out loud the Correction Resolution prepared by Karen Maller-Association Attorney. This was a clerical error made by C&S. The Delegates Drew Denick (Homes) & Rob Hartwell (Hammocks) were in the wrong slot on a spreadsheet representing opposing Associations. Motion was made by Shay Hawkinberry to accept the Correction Resolution. 2nd by Deborah Sperry, motion carried unanimously.
 - b. Re-Record Incorrect Third Amendment – Deborah Sperry presented a clerical error made by C&S, where presently there are (2) Third Amendments. The correct Third Amendment is dated April 4, 2003. The incorrect Third Amendment is dated August 16, 2005 and should be titled as Fifth Amendment. Motion was made by Deborah Sperry to have Karen Maller-Association Attorney correct the clerical error via an affidavit. 2nd by Saul Fineman motion carried unanimously.
- C. Dispelling Rumors – Shay Hawkinberry and Gino Sedillo assured everyone present that there is no LOW-INCOME Housing or SECTION 8 Housing ever going on the land that GDAWG owns.
- D. Sheraton Hotel & Roundabout Update – Shay Hawkinberry provided an update from Palmetto Mayor/Shirley Bryant. The Hotel has stopped as they are unable to get financing. The roundabout will not

be built. As such, CRA will need to bring the landscaping back up to the present standards maintained by RDMA.

E. OPEN DISCUSSION & QUESTIONS:

1. Jim Bailie – Formal request for records. The Master Association provided all the requested 2020 documents he asked for “except for the Closed Meeting Minutes.” We can-not provide the closed meeting documents based on FL Statue 720.
2. Conflict of Interest Discussion – clarification was asked regarding both Legal Teams.
Karen Maller – Master Association Attorney
Andre Perron – Barnes & Walker Association
Gino Sedillo – Signed a legal release to wave any conflict.
Conclusion= there is NO Conflict of Interest
3. Marina Voting & Assessment Discussion
Deborah Sperry read the January 21.2021 minutes to prove that no action was taken at this meeting. Shay Hawkinberry presented documents provided by C&S dated November 9, 2006. The documents provided the original request for the Amendment 6.
4. Barnes & Walker Legal – We have not received the requested legal opinion to review Laguna’s attorney legal opinion as of February 11, 2021. Shay Hawkinberry will check on status.
5. Draft Amendment - needed to fix the ambiguous language.
Keith Grady, President Bel Mare suggested considering Amending and Restating ALL the documents at once for correction. Everyone agreed this would be the best solution, however we do not have the time or money allocated in the budget for FY2021.

Motion was made by Drew Denick to have Karen Maller-Legal work with the RDMA executive team, to draft an Amendment to fix the ambiguous language, address acreage (Property Appraiser Website) and address the Marina by using (Taxable Slips). 2nd by Deborah Sperry, motion carried unanimously.

Update:

2.15.2021 – Working meeting held with Karen Maller & Executive team to draft changes asap so we can get the draft out to Board for review.

2.22.2021 – RDMA Board Meeting @11:00am Laguna

- A. Review Draft Amendment to the Declaration of Covenants.

3.3.2021 – RDMA Special Meeting of the Delegates @11am Laguna

- A. Review Draft Amendment to Declaration of Covenants & Vote.