

MPUPDATE 9-19-23

Dear Unit Owners,

The events of September 28, 2022 brought devastation to Southwest Florida, like no other storm in the past 100 years. Our community, our neighborhood, and our property sustained significant damage. Little did we know that rebuilding from Hurricane Ian would be a painstaking, arduous process that would take over a year to complete.

Immediately following the storm, the Board of Directors opened claims with both American Coastal Insurance (wind), and National Flood Insurance Program. We also hired Advanced Roofing as our general contractor, and engaged the services of Hurricane Law Group. Although these two decisions were not embraced by every owner, they have proven to be wise decisions.

In October, 2022, American Coastal Insurance examined our property. Their assessment determined that we had sustained minimal damage, and our deductible of \$466,000 would be sufficient to cover all costs. In other words, American Coastal was refusing to pay anything for our repairs, and we would need to shoulder the entire expense ourselves. At that point, our attorney with Hurricane Law Group began the process of proving our damage was far greater than the carrier first determined. His appeal resulted in numerous (and repeated) inspections, months of documenting damage, dozens of meetings and an endless amount of paperwork and phone calls for attorneys and Board Members.

In addition to the waiting, another layer of complication has been the dramatic changes in permit and code requirements with Lee County Code Dept. After Ian, what once were considered simple, routine repairs now require unprecedented paperwork, including detailed architectural reviews and concept drawings by licensed engineers, updates to current codes, and months of waiting for approval. Our parking lot light replacement required a photometric study, our carports, even our filter house required the services of engineers for concept sketches. The waiting period for hiring an engineer was months, as every property in Southwest Florida was requesting these same services. Once engineering reports were completed, the wait for permits became months, not weeks. Our Board members became familiar faces at the Lee County office as we sat in line over, and over to ask questions and get information regarding our permit approvals.

We know that waiting for repairs has been frustrating. Just as frustrating was not knowing how much American Coastal's payment would eventually be, and being cautious not to make some of the more costly repairs before the carrier's inspections of our damage were completed. We did what was necessary to be sure we weren't putting our final payout in jeopardy.

Here is an overview of the repairs over this last year. Some were more visible than others. We've included the addition of payments the Insurance carrier made, as well as our Special Assessment payments. Some of these substantial repairs were not covered by insurance. These added expenses have come from our general finances.

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Year	Month	Deposit from Am Coastal and NFIP	Special Assessment Deposit	Repairs Completed Since Oct 1, 2022 (This is <u>not</u> an exhaustive list.)	
2022	October	\$10,000.00		Main Roof Tarping	Parking Lot Lights
2022	November			Clubhouse Roof Tarping	Engineering Concept Sketch
2022	December	\$28,458.48	\$139,200.00	Landscaping Repairs	Misc Lighting Repair
Totals for 2022		\$177,658.48		Generator Repair	Fence Replacement
Year	Month	Deposit from Am Coastal and NFIP	Special Assessment Deposit	Security System Repairs	Elevator Repairs
2023	January		\$139,200.00	Fire Pump Repair	Clubhouse Doors/Windows Deposit
2023	February		\$139,200.00	Electrical box replacement	Additional Roof Damage
2023	March	\$150,000.00		Dumpster Rentals	Stone replacement
				Photometric Study	Repair to damaged electrical lines
				Pool Repair / Chemical Clean	Additional dumpster rental
				Draining and Acid Wash Pool	Pool Heater Repair/Replacement
				Pool Chemical Kit	Repairs to emergency lights
				Replacement / Repair Sprinklers	Repair to exit signs
				Deposit for Slider Replacement	Water pump repair
				Chem/Equip for Property Clean Up	

Although it may seem to some that we have been neglecting our responsibilities, in reality, lots of time and financial commitment has gone into repairing our property already. A great deal has been infrastructure, which are often “invisible”, but necessary fixes. We will continue to be diligent in our efforts to ensure that Moorings Point is in excellent condition going into 2024.

General Contractor

Our decision to hire a general contractor early was a good decision. Properties in SW FL who didn't, are now being told there is a 2 year wait list. Advanced Roofing & Sheet Metal has already completed the additional engineering requirements Lee County has put into place since the hurricane. The addition of required engineering studies have certainly lengthened the contractors' time schedules. We know these additional requirements are meant to insure SW FL's safety if another CAT 5 comes through, but have increased our waiting time three-fold.

Other Lee County Requirements

During the Light Study now required by the County for our parking lot, it was determined that we have “dark spots” that will need to be remedied. We are working with the county and our lighting engineer to add additional lighting to meet those requirements and be in compliance. This may mean adding a few tall commercial parking lot light poles.

American Coastal Insurance Settlement

For the past 11 months, the Board of Directors have been working with our attorney and our insurance carriers to agree on a settlement that is fair, and provides Moorings Point with the funds needed to make the necessary repairs to our property. In October, when American Coastal determined their payout would be \$0, our attorney went to work. He has been diligent in his efforts to get American Coastal to see the real damage to our building and infrastructure. The total amount of damage assessed by multiple assessors was approximately \$1.6 million.

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We were advised by our legal counsel NOT to go ahead and fix everything until we could decisively prove the scope of damage to our carrier. We know this wait was painful for everyone, but the members of the Board of Directors were required to keep this confidential until the settlement was complete. To jeopardize a settlement this large by breaking attorney/client privilege and revealing confidential negotiations would have put Moorings Point in a precarious financial position. It could have resulted in having to shoulder a \$1.6 million dollar deficit ourselves, and this would have been catastrophic. We hope, in retrospect, our owners will see us as a Board who has always looked out for the best interest of our owners.

On Tuesday, September 12, American Coastal finally agreed to settle our case for \$1,150,000.00 and the papers were signed and delivered Tuesday, September 19. Our attorney will receive 10% of this settlement. When we add our deductible to that, and by adding some money from our painting reserves, we are now in the position to repair everything without the need for an additional Special Assessment. To go from an offer of \$0 to an offer of \$1,150,000.00 is an amazing feat, and we owe it all to the dedication of our Hurricane Law Attorneys, Paul Berger and Steve Simon.

NFIP Insurance Settlement

The Board and the attorneys are currently in negotiations with NFIP for the clubhouse damage.

Moving Forward

Currently, the screens and cages are being repaired/replaced. It has been a challenge to get the new cages to fit snugly, as the lanai walls are not plumb, and the lanai floors are not all level due to years of settling. However, the company has stayed on the task until the replacements are right. This work should be completed by the end of the month.

The first major repair that will be done immediately will be the Clubhouse roof. Putting on a metal roof under new codes, and adding new hurricane impact windows and sliding doors, should provide us a secure clubhouse in the worst of storms. Once the outside is secure, and Paul Berger has settled with NFIP, we will begin the inside.

We have been advised by our General Contractor and our attorney to wait on the carports until November. If we begin repairs now, and have another hurricane that damages the materials or new structure, none of it will be covered by insurance. Repairs at that point would require a Special Assessment, with owners shouldering the entire cost. If we wait until the end of the hurricane season, the repairs will be in place for the next season and will be covered under our insurance policy once again. **Forrest and Farron Blackburn of Advanced Roofing and Sheet Metal will be present at the October Board Meeting to explain the process moving forward.**

This also goes for our building roof. Right now, the roof has been temporarily secured, and can withstand most storms. If a hurricane damages it between now and November, our General Contractors will begin work immediately. If, however, we do it now and then a hurricane comes, the

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insurance will not cover it being fixed twice. This, too, would need to be paid for with another Special Assessment.

The Board's goal is to avoid all possibility of any more Special Assessments. We have heard many horror stories of the Special Assessments on properties in our area. Some owners received an initial assessment of \$10,000, but have been told there will be additional assessments coming. Some have been assessed between \$40,000 and \$80,000. We don't want this for Moorings Point. If we can be patient for 8-10 more weeks, we should be able to walk away with no additional assessment needed.

Unit Repairs / Replacements

In the Scope of Repairs presented to American Coastal, here is what will be covered in your units. All of the items will meet the new Lee County codes.

- New windows and screens (primary bedroom, kitchen, secondary bedroom)
- New living room sliders, and bedroom sliders (If you have installed more expensive sliders in your unit, and do not want to replace them, just let us know. These are hurricane impact sliders, but are not the quality, or price, of something like Storm Smart sliders.)
- New screens
- Replace / Repair cages as needed
- Replace lanai railings that no longer meet code (verticals too far apart)
- Replace/ Repair any lanai railings that are loose or damaged
- New Front door
- Drywall repair where work is being done.

Repairs to Outside of Buildings

- New Flat Roof on Main Bldg
- New Metal Roof on Clubhouse
- Stucco will be patched
- Building will be painted
- Balcony and walkway railings
- New Sliders and door in Clubhouse

Carports

- New Roofs on Carports
- Advanced Roofing is still working with Lee County on under-structure requirements. This has delayed the work on the carports.

Filter House

- Filter house will be raised at some point
- New roof will then be put on filter house

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Pool

Our pool is not covered by insurance, so all repairs are out of pocket. We are well aware of the staining issue, and have been researching solutions. It is not helpful when an owner or resident calls the Lee County Health Department saying our pool water is contaminated with algae. They're stains.

- The stains are iron stains from the hurricane debris that sat at the bottom. To guarantee that the stains are removed, the pool will need to be resurfaced to the tune of approximately \$30,000. We do not have enough in our pool reserves to resurface at this time, and do NOT want to do a Special Assessment for stains that are unsightly, but harmless.
- Some chemical treatments can be done. These treatments will cost around \$600 per treatment but do not come with a guarantee of completely removing the stains.
- Poseidon Pool Specialists, the Health Inspector, and Premier have all informed us that these stains are present in most pools in our area due to metal debris tossed in during Hurricane Ian.
- We will continue to research solutions to the iron staining problem.

Homeless Situation

Recently, a homeless person was caught after stealing a motor scooter from Moorings Point's parking lot. The owner was notified, but chose not to press charges. We all need to be alert to the activity on and around our property. When you see something, call the Lee County Sheriff's Dept immediately to report it. The deputies with the Sheriff's Dept say it is best for them to come immediately, day or night, to catch the perpetrator(s) in action.

To clarify, the law in Lee County permits anyone to moor their boats along the open waterways. Like it or not, we cannot have the boats moved, or have the people on the boats sent away. If people are coming on shore, only the owners of the land they're on can have them cited for trespassing. The Sheriff's Dept is well aware of our issue, and will respond when we call to say we see activity on land around our building or across the canal.

The homeless issue is a community issue for all of North Fort Myers, but it is not the responsibility of the Board of Directors. We have no jurisdiction over the homeless population. However, each of our board members are owners, and will continue to do their part in watching and protecting our property just like everyone else.

The number to call if you spot an issue is: Lee County Sheriff's Dept
121 Pondella Rd, North Fort Myers, FL 33903
(239) 477-1000

We have been asked about putting up our own gate at our parking lot entrance. This is an enormous expense that would require a hefty Special Assessment, and would not solve the problem of people walking on to our property. It would also require everyone to have two security stickers on their cars, and two separate visitor approval accounts.

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Lights & Cameras

The additional lighting we are required to install in our parking should help our line of sight in identifying trespassers on property. In addition, the Board will be researching the cost of upgrading our camera system, adding additional cameras with better range and crisper images, as well as providing remote access to our video feed.

Board Meeting

Here is the information for our October Board Meeting:

October Board of Directors' Meeting

Date: October 17, 2023

Time: 6:00 PM

**Location: North Fort Myers Park and Recreation Facility
Room 110
2000 N Recreation Park Way
North Fort Myers**

Current Board

No one anticipates that their willingness to volunteer for their community board would place them smack in the middle of the recovery from a “hundred year storm”. Thankfully, this team worked well as a unit, and had additional support from Premier, the Advanced Roofing Team, and the Hurricane Law Group. We have attended numerous Condominium Board Seminars alongside Board Members from all over SW Florida to help navigate this recovery process.

We would like to thank the many residents who have weathered these past 11 months with patience, and grace. It has been a stressful year for all of us, but the light at the end of this tunnel is in full view at last! The encouragement that many of you have given to the Board of Directors has been deeply appreciated, and has helped us through some daunting times. It is an honor and privilege to serve the owners of Moorings Point.

Most Sincerely,

Moorings Point Board of Directors

Heidi Fitch - President

Linda Rissel - Vice President

Rosemary Wallace - Treasurer

James Stedcke - Secretary

Mike Durkin - Director