

Tennis Court Conversion: A Timeline Review **(11/11/2024)**

Submitted by Keith Miller, Chair, BTP Amenities Committee

I am presenting this recap to outline the process & issues that have presented themselves concerning this project, which is largest amenities project undertaken since the community was founded. Quotes were received from MOR Sports, Sports Surfaces & Court CO.

Survey & Permits: Concerning a survey, Mike Lewis at a Board meeting asked if a survey was required. When contacted, all three contractors stated no, a survey would not be required. Concerning permitting, Court Co stated no permits would be required, while MOR Sports & Sports Surfaces stated that permits would be required for the Bocce Court & the New Fencing, but not for the Tennis Court as the footprint was not changing.

Recommendation & Approval: The committee submitted all three quotations along with the recommendation to consider Sports Surfaces, based many factors at the April POA Board meeting. Sports Surfaces has done extensive work for Bevard County, Dade County & The City of Miami, along with current projects throughout Florida & pending projects in Colorado & California. In Lee County, they completed projects at Paseo, Infinity at Old Colony & Miramar Lakes.

Sixty (60) days elapsed before final Board approval in May 2024. The delay was due to attorney review & negotiations to amend the contract as submitted. Discussed later, one of our attorney's requirements ultimately created a problem. At that time, some Board members or residents may not have understood that we were not their first or next project. They had many other ongoing projects; we were simply placed in their "queue." The following factors would come into play, the completion of projects ahead of us, permitting & the weather.

Deposit & Management Responsibility: Upon the execution of the contract a 50% deposit was required. This is a standard practice in the construction industry. All the contractors quoting required a deposit. Also, upon the execution of the contract, as per the manager's job specifications, the manager assumes the responsibility to oversee all contracts.

Survey & Contractor Licensing: After signing the contract, the first issue that arose was that Lee County was now requiring a survey, before permit applications could be submitted. While all three contractors had previously stated a survey was not required, it was determined that we needed one. Getting a completed survey took three weeks putting us into June. Additionally, the contractor was in the process of amending their licensing which took some time. Neither of these issues delayed the commencement of our project as they still had projects to complete ahead of us.

The Weather: Beginning in late June thru July, August & into early September it rained almost every day. SW Florida recorded the most rain during this period ever. This affected not only our project but some of their other projects as well.

Permitting: Here is where the clause negotiated by our attorneys came into play. The clause, which only applied to the Tennis Court & not to the Bocce Court or the fencing, was that the Contractor must “begin the project within ten days of the approval of the permit for the Tennis Court. Thus, it appears that Sports Surfaces did not file the permit until they had a reasonable guarantee that they could start the work without being put into a penalty situation. As the weather improved & they were able to complete other projects, they filed all three permits required on September 17, 2024. In September, a meeting with their project manager & attended by the Board President, the Board Liaison, Committee Chairman & Committee Secretary, the manager indicated that they were anticipating starting the project within the first two weeks of October. If the approved permit was not received by that time, they would start the demolition work pending the permit approval, as all three contractors previously stated. Well, October saw two hurricanes appear & thus the project did not start.

Finally, demolition work started in November. During the first week of November with the demolition work proceeding, a resident told the crew that they needed to stop their work as he been at the county office & was told no permits for this project had been filed. ***First, no resident should be directing any crew conducting work on the property. If they have a concern, they need to report their concern to the property manager. This needs to be re-enforced.*** The individual’s statement that no permits had been filed was false. As stated previously, three permits were filed on September 17, 2024. ***The county has now determined that no permit is required for the tennis court demolition & resurfacing. Sports Surfaces will return to work towards the end of next week.***

- **Fencing Permit:** Record # FNC2024-03436; Record Status: In Review; Expected to be released next week.
- **Bocce Court Permit:** Lee County is requesting a DRO (Development Review Order). This was previously mentioned to the interim Property Manager, without this information being relayed to the Board Liaison or Committee Chairman. Development Review's amend the Site Plan of record and are extremely costly and time consuming for Property Owners (Recreational court and fence are not subject to this provision as they are considered existing). We have some options on how to proceed with the Bocce Court. This will require further discussions:
- **Tennis Court Resurfacing Permit:** Record COM2024-01604. The resurfacing of the Court was approved by all reviewers except for David Krebs. On 10/31, Mr. Krebs informed the permit intake staff (Michelle Padilla) that a resurfacing permit was not necessary. The Building Department reached out with instructions on how to void Sport Surfaces permit filing & provided the information to Lee County Building Department on 11/08. The Department is closed today for Veterans Day; there will be no movement until at least tomorrow.