

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Dommerich Subdivision Wall

DEPARTMENT: PUBLIC WORKS **DIVISION:** ENGINEERING

AUTHORIZED BY: W. Gary Johnson, P.E., Director **CONTACT:** Jerry McCollum, P.E. EXT. 5651

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|------------------------------------|---|---|--|---|
| Agenda Date <u>02/10/04</u> | Regular <input type="checkbox"/> | Consent <input type="checkbox"/> | Work Session <input type="checkbox"/> | Briefing <input checked="" type="checkbox"/> |
| | Public Hearing - 1:30 <input type="checkbox"/> | Public Hearing - 7:00 <input type="checkbox"/> | | |

MOTION/RECOMMENDATION:

Update Board on the status of the wall design for Howell Branch Road Phase II in the Dommerich Hills Subdivision.

BACKGROUND:

Design for the Howell Branch Road, Phase II road project was undertaken in 1992. The BCC accepted the typical section and alignment in October 1992. The right of way necessary to widen the road incorporated a wall adjacent to the Dommerich Hills subdivision. As part of the right-of-way acquisition settlements, the County agreed to construct a new wall for the residents. Additionally, the existing block wall was in such poor condition that it fell into the right-of-way and was removed by the County. This wall collapse happened after acquiring the right-of-way, including the wall, at Dommerich Hills in 1995.

Meetings were held during the design phase to present the wall project to the residents of Dommerich Hills. A new block wall was constructed to replace the previous wall. The wall was located along the edge of each property owner's lot, adjacent to the County right-of-way, but completely on each owner's property. There is not an HOA for this community; therefore, there is not an HOA easement for the wall. Consequently, each property owner is responsible for the maintenance of the section of wall located on their lot.

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| Reviewed by: |
| Co Atty: _____ |
| DFS: _____ |
| Other: <u> </u> |
| DCM: <u> </u> |
| CM: <u> </u> |
| File No. <u>BPWE01</u> |

The wall was designed by a consulting engineer. The project was advertised in February 2000 and bids were opened on March 22, 2000. The low bidder was Elizabethan Construction, who was selected once a reference check was made. Staff from the County Building Division reviewed the wall plans, issued the permit and performed the structural inspections during the wall's construction. The wall design met the appropriate building codes.

In the summer of 2003 the residents adjacent to the wall and several residents internally located in Dommerich Hills contacted Commissioner Henley regarding the workmanship of the wall construction. There were cracks appearing on the wall and there was bleed through of the joints underneath the painted surface. These occurred after the 2-year workmanship warranty expired.

Even though the County had no further legal responsibility regarding the wall, the County asked two stucco/painting specialists to inspect the wall and report on its condition and provide a suitable remedy. Both specialists determined that the wall had not been properly sealed during its installation and the subsequent coatings of paint were not adhering properly. Both individuals proposed a remedy that included pressure washing the wall, filling cracks, sealing and applying two coats of paint.

The County requested telephone bids from several wall painting contractors and received a bid for \$3,400 from Galvis Painting to perform the scope of services. On October 29, 2003, the County sent letters to the adjacent property owners explaining the procedures undertaken and the work to be performed and requested Rights-of-Entry to gain access to the wall to do the work. One Right-of-Entry was returned denying the County access as recent landscaping had been planted and the owners did not want it damaged. No other Rights-of-Entry have been returned. A follow up letter was sent out on December 5, 2003 again summarizing the County's intention and informing the owners that the painting would come with a one year warranty for labor and materials. Rights-of-Entry were again requested and none were returned.

Two letters (copies attached) were recently received from the residents of Dommerich Hills stating that a wall contractor said the wall was unsafe and that the residents would like the County to perform more extensive repairs.

District 4 – Commissioner Henley

Attachment: Letter dated January 14, 2004 (Danielle & Charles Dobbs)
Letter dated December 11, 2003 (Ike & Amy Madni w/attachments)

January 14, 2004

The honorable Commissioner Henley,
Seminole County Commissioner

Dear Commissioner Henley:

This letter is being addressed to each commissioner to request that a group of residents representing Dommerich Hills subdivision be put on the County Commission agenda to discuss findings regarding our subdivision wall which shows major structural defects caused by the inexperience of a contractor who did not construct the wall according to Seminole County plans and failed to adhere to Seminole County building codes.

Several months ago, we wrote to Commissioner Henley to inform him that our subdivision wall was cracking. He responded saying that the County would get two independent contractors to look at the wall to inspect the stucco and paint and look for defects in workmanship. He said he would get back in touch with us within a month.

Six weeks later we called his office and were informed by his secretary that the County would pressure wash, seal, and repaint the wall. Since the wall is full of cracks to the point that you can count the cement blocks, and that mold had set in the cracks, we felt that pressure washing would increase the cracks even further. We wanted to know exactly what the contractors said, and so we called them.

One of the contractors, Mr. Bryan Venable, came and admitted that he had not looked at the wall closely and only "drove" by after the County had informed him "what the County was prepared to do – pressure-wash, seal, and repaint the wall." We told Mr. Venable that until this summer we had not noticed major cracks and it is only after the heavy rains we have had this summer that we noticed the cracks because of the mold in the cracks. It could be that the cracks were there for a long time but mildew and mold had not yet set in, and were therefore not yet so apparent. Mr. Venable actually walked along the wall with us and after seeing the cracks up close he came to the conclusion that the cracks were due to structural damage. He said that repainting the wall would not cure the problems and that cracks would continue to re-occur.

He said the following:

1. that although the stucco was a little thin, he felt the cracks were structural in nature.
2. that a long wall, such as this, needs re-bars, not only vertically, but transversally. As it is, re-bars were only put in the columns.
3. that we discovered the wall cracking this summer after heavy rains, indicates that the ground is shifting and causing cracks.
4. that the cement block should not be 8 inches thick but 12 inches thick.
5. that he had been re-doing defective walls for Seminole County. (*Apparently, contracts are awarded to the lowest bidder without any regard to experience or quality of workmanship.*)
6. that the wall should really be torn down and rebuilt correctly, but that the cost would be enormous.
7. that some mesh could be applied and textured stucco applied to cover the cracks. However, he felt that stucco is porous and the wall will continue to shift and crack.

8. He suggested building a trench and laying bricks against the wall, and that there could be cracks in the brick wall in the future but the cracks would not be noticeable and the wall would be maintenance-free.

In view of all the facts gathered above and Jerry Mathews telling us on the phone that he knew she [the contractor who built the wall] "did not know what she was doing" and that it was apparent to him that "she [the contractor] had never built a wall before," the County is responsible for failing to check on the credentials of contractors. In addition, it is time for the County to rethink the bidding process of taking the "lowest bid" without checking the experience of contractors. This leads to shoddy jobs that the County will have to redo later at a higher cost.

According to our research, the contractor failed to adhere to the plans of Seminole County, thereby making the wall unsound which jeopardizes the safety of the residents and/or pedestrian walking along the wall.

We, residents of Dommerich Hills who pay taxes to Seminole County ask to be put on the county commission agenda to request that the defects of our subdivision wall be corrected. We ask each of you, our county commissioners, to do the right thing to correct a defective wall, caused by the negligence of Seminole County that awarded the contract to someone, apparently, inexperienced in building walls. We ask the county to follow the suggestion given to us by Mr. Venable to build a brick layer around the existing wall to cover the growing cracks. Even though the wall will continue to shift because it is structurally defective, according to Mr. Venable, cracks will not be noticeable and the wall will be maintenance free.

Everyone in our subdivision is in agreement that something must be done, this not only includes residents of the wall but also all the other residents as well because even though it is not "our wall", it is our subdivision wall and everyone homeowner is affected by it, not only for cosmetic reasons but more importantly for safety reasons.

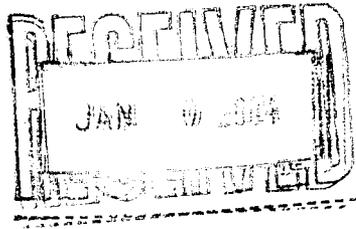
Sincerely,



Danielle & Charles Dobbs
2945 Waumpi Trail
Maitland, FL 32751
Tel: (407) 629-4820

See attached the signatures of Seminole county residents of Dommerich Hills.

Cc: Commissioner Maloy
Commissioner Van Der Wide
Commissioner McLain
Commissioner Morris



Ike & Amy Madni
2575 Sweetwater Trail
Maitland, Florida 32751

December 11, 2003

To: Commissioner Henley
Commissioner Maloy
Commissioner Van Der Wide
Commissioner Daryl McLain
Commissioner Randy Morris

Dear Commissioners:

Dommerich hills residents have drafted a very comprehensive petition and complaint about our new deteriorated wall which was built by Seminole county. Also December 5, 2003 Kathleen Myer (Seminole county P.E./Major Projects) concurred in her letter that the walls need pressure cleaning, sealed and re-paint. In our opinion, the initial contractor was not qualified and did a very poor job in the construction of the whole subdivision wall. We agree with Dommerich hills residents, that this wall needs much more than re-painting, sealed, and pressure cleaning. We have been told by a professional that the walls are structurally defective. We are requesting you, our county commissioners, to do the right thing to correct a defective wall, caused by the negligence of Seminole County that awarded the contract to someone inexperienced in building walls. Your prompt attention in this matter will be greatly appreciated.

Sincerely,



Ike & Amy Madni

Cc: Hills residents

PETITION SIGNED BY THE RESIDENTS OF DOMMERICH HILLS
TO REQUEST OUR COMMISSIONERS APPROVE FUNDS TO CORRECT
A STRUCTUALLY DEFECTIVE SUBDIVISION WALL
CAUSED BY THE NEGLIGENCE OF SEMINOLE COUNTY

We, the residents of Seminole County, are holding Seminole County responsible for the poor workmanship in the construction of our subdivision wall caused by Seminole County awarding a contract to a contractor who had no experience in building walls. Jerry Matthews stated that after meeting with the contractor, it was clear to him that she did not know what she was doing, and it was apparent that she (the contractor) had never built a wall before. Mr. Mathews admitted that at the present time, Seminole County does not look at experience or credentials in awarding contracts. He stated that contracts are awarded based upon bid amount, and that he had to choose the lowest bid.

Mr. Bryan Venable, a contractor hired by Seminole County, has admitted to us that the wall was defective and that the cracks were structural in nature.

Rather than tearing down the wall, Mr. Venable recommended that a brick wall be laid against the present wall to hide any present or future defects, because he foresees that cracks will continue to appear and grow because of the lack of vertical and transversal re-bar and that the cement blocks should have been 12 inches thick instead of 8 inches.

In view of the above, we, the residents of Dommerich Hills, request that Seminole County Commissioners correct the County's mistake by approving funds for a brick wall to be built against the present wall to hide present and future cracks.

Signed on December 22, 2003

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|--------------------|--|
| <u>[Signature]</u> | <u>(Kaplan) 2975 Waumpi Tr. Maitland</u> |
| <u>[Signature]</u> | <u>2575 MORA TR. MAITLAND</u> |
| <u>[Signature]</u> | <u>2975 Waumpi Tr. Maitland</u> |
| <u>[Signature]</u> | <u>2801 Waumpi Tr. Maitland</u> |
| <u>[Signature]</u> | <u>2530 Sweetwater Tr. Maitland</u> |
| <u>[Signature]</u> | <u>2550 Sweetwater Trail</u> |
| <u>[Signature]</u> | <u>2575 Sweetwater Tr</u> |
| <u>[Signature]</u> | <u>2575 Sweetwater Tr</u> |
| <u>[Signature]</u> | <u>2595 SWEETWATER TR</u> |

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Signed on December 22, 2003

- | | |
|------------------------|--------------------------|
| <u>Michael Baldwin</u> | <u>2955 Waumpi Tr</u> |
| <u>Maria Baldwin</u> | <u>" " "</u> |
| <u>TONY PENYA</u> | <u>2595 MODAC TRAIL</u> |
| <u>MARLENE PENYA</u> | <u>" "</u> |
| <u>Joy Johnson</u> | <u>2565 Modac Trail</u> |
| <u>Steve Rina</u> | <u>2535 MODAC TR.</u> |
| <u>Kristal Vent</u> | <u>2550 Modac Trail</u> |
| <u>Carl Surratt</u> | <u>2550 Modac Trail</u> |
| <u>DAVID EDSON JR</u> | <u>2590 MODAC TRAIL</u> |
| <u>Chad Miller</u> | <u>2945 WAUMPI TRAIL</u> |
| <u>Danielle Miller</u> | <u>2945 WAUMPI TRAIL</u> |
| <u>Don Fisher</u> | <u>2570 Modac Tr</u> |

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Signed on Dec 21 2001

- Arthur Anderson 2909 Wauwump Trail
- Sue E. King 2585 Tusculooza Trail
- Angela J. E. 2500 Tusculooza Trail
- Deborah White 2550 Tusculooza Trail
- Nancy K. 2550 Tusculooza Trail
- Mark F. Fisher 2500 Tusculooza Trail
- John E. Klemm 2575 Tusculooza Trail
- W. P. Klemm 2575 Tusculooza Trail
- John E. Klemm 2575 Tusculooza Trail
- Conroy Klemm 2575 Tusculooza Trail
- Sandra Johnson 2901 Wauwump Trail
- Paul Klemm 2586 Tusculooza Trail

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Signed on

[Handwritten Signature]

2901 Waumpi Trail, Northland, FL

[Handwritten Signature]

2901 Waumpi Trail

Willa Haring 2584 Tweeddale Tr. Northland FL 32751

Susan Britton 2899 Waumpi Manhard 32751

Teresa Torres 2545 Anacordia Tr. Manhard FL 32751

Anita Torres 2545 Anacordia Tr. Manhard FL 32751

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Signed on _____

Ernest Hoyle 2551 _____

Charles E. Hunt 2539 _____ TRAIL

James M. _____ 2570 _____ TRAIL

Albert P. Pfluger 2809 Wamp. TRAIL

Anthony D. _____ 2979 Wamp Trail

Meriel A. _____ 2550 Anacosta Trail

Theresa J. _____ 2555 Anacosta Trail

John P. _____ 2555 Anacosta Trail

_____ 2575 _____

_____ 2585 Anacosta TRAIL