

**WINDING CYPRESS  
COMMUNITY DEVELOPMENT DISTRICT  
REGULAR BOARD MEETING  
OCTOBER 3, 2024**

**A. CALL TO ORDER**

The October 3, 2024, Regular Board Meeting of the Winding Cypress Community Development District (the "District") was called to order at 1:00 p.m. at the Clubhouse at Winding Cypress located at 7180 Winding Cypress Drive, Naples, Florida 34114.

**B. PLEDGE OF ALLEGIANCE**

**C. PROOF OF PUBLICATION**

Proof of publication was presented that Notice of the Regular Board Meeting had been published in the *Naples Daily News* on September 24, 2024, as part of the District's Fiscal Year 2024/2025 Meeting Schedule, as legally required.

**D. ESTABLISH A QUORUM**

It was determined that the attendance of the following Supervisors constituted a quorum and it was in order to proceed with the meeting:

Chairman	Barbara Powell	Present via phone
Vice Chairman	Alex Petrovsky	Present
Supervisor	Gerard O'Donohue	Present
Supervisor	Patrick Cirello	Present
Supervisor	Paul Ellwood	Present as of 1:04 p.m.

Also present were the following Staff members:

District Manager	Michelle Krizen	Special District Services, Inc.
District Counsel	Alyssa Willson	Kutak Rock
District Engineer	Ted Tryka	LJA Engineering

Also present were those on the attached sign-in sheet.

**E. ADDITIONS OR DELETIONS TO THE AGENDA**

Supervisor Petrovsky requested the addition of Asking the HOA to Provide a Polling Place to the agenda. After a discussion, the item was not added since there was a full agenda and the Board had not had time to research the matter.

**F. APPROVAL OF MINUTES**

**1. August 15, 2024, Public Hearing & Regular Board Meeting**

The minutes of the August 15, 2024, Public Hearing & Regular Board Meeting were presented for consideration.

A **motion** was made by Supervisor Powell, seconded by Supervisor Ciriello and passed unanimously approving the minutes of the August 15, 2024, Public Hearing & Regular Board Meeting, as presented.

#### **G. OLD BUSINESS**

##### **1. Discussion Regarding Streaming District Meetings**

At the August 15, 2024, meeting, a memo was shared with the Supervisors regarding the streaming of District meetings. At that time, the Board decided to table this discussion until today's meeting to allow the Board and Staff additional time to gather more information.

The HOA agreed that the District could use the equipment to host the Zoom meetings, however the District would need to provide the laptop and additional Staff to operate the equipment during the meetings.

A discussion ensued after which Chairperson Powell requested that any Board Member interested in pursuing the option of offering District meetings via Zoom, make a motion at this time. No motion was made and the consensus of the Board was that this was not the best option for the District at this time.

#### **H. NEW BUSINESS**

##### **1. Consider Resolution No. 2024-08 – Accepting Bids for Lake Bank Remediation Fall 2024**

Resolution No. 2024-08 was presented, entitled:

#### **RESOLUTION 2024-08**

#### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WINDING CYPRESS COMMUNITY DEVELOPMENT DISTRICT REGARDING THE AWARD OF A CONSTRUCTION CONTRACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

The Lake Remediation Fall of 2024 project contains 17 sites in need of the greatest remediation as identified by our expert licensed professional civil engineer. The project was put to bid; the Supervisors received the bids for review in advance of the meeting. Bid packages were sent to 11 contractors and 5 responses were received which prices ranged from \$209,350 to \$462,652. All bids were checked for mathematical errors and none were found. Based upon our review of the bids, Seabreeze Erosion Solutions is the apparent lowest bidder.

A **motion** was made by Chairperson Powell, seconded by Supervisor Petrovsky adopting Resolution No. 2024-08, as presented, authorizing District staff and the Chair to execute a contract with Seabreeze Erosion Solutions.

A discussion ensued regarding the requirement for bonding if the project costs more than \$200,000. There is a \$50,000 owner allowance built into the project if the Board were to decrease the allowance to negate the need for a bond allowance.

A **motion** was made by Chairperson Powell, seconded by Supervisor Petrovsky to reflect leaving the owner allowance, thereby retaining the need for a bond allowance. Upon being put to a vote, the **motion** carried 3 to 2 with Supervisors Ciriello and O'Donohue dissenting.

A courtesy letter to affected residents will be drafted to make them aware of the project.

## **2. Discussion Regarding Easement Analysis**

Everyone was reminded that at the last meeting the Board authorized District Counsel to obtain a letter of opinion from an attorney or firm with expertise in real estate regarding the easement and the District's authorities. The District engaged with the Mahoney Law Group which is a real estate firm that does a lot of development work on these types of communities and real property interests. They were preliminarily looking at the easement language within the association's declaration that appeared to give the District broad easement rights to maintain its infrastructure. They reviewed the declaration; it does appear to give the District broad rights for access and maintenance and installation of improvements as it pertains to its infrastructure which is a stormwater management system. They also reviewed the various plats and other arrangements currently in place. The District does have the broad easement within the declaration and there is an assignment of easement interests as it pertains to Phase One of the community. The recommendation is that the District also get everything in a consistent manner within the community for clarity. Some of the other plots are still with the association, while the stormwater management systems (the lakes) were deeded over to the District. It appears that those were not conveyed or assigned over to the District, so the recommendation would be to follow the process that was done in Phase One carryover through the other phases and obtain a simple assignment of the lake maintenance from the association. A draft agreement is in the meeting packet on Pages 27 and 28, which will be presented to the HOA for discussion. This is the same manner in which the association had assigned over those easements in the first phase. It would just be a reconciliation item. The alternative would be to rely on the broad easement within the declaration.

Ms. Willson recommended that it would be a good clean-up item to make the request for that assignment from the association just to make sure that everything is clear from a holistic nature of each entity's responsibilities. The District already owns those lakes and has an obligation to maintain them. This would not necessarily increase any of the obligations, it would just clarify in the record of the entitlement to those platted easements

A **motion** was made by Supervisor Ciriello, seconded by Supervisor Petrovsky and passed unanimously authorizing MS. Wilson to reach out to counsel for the HOA to execute this easement assignment in order to ensure that Phases 1-2 and the documentation is consistent.

## **3. Discussion Regarding Interim Message to Homeowners Regarding Remediation on Private Plats**

Pending this discussion, we have directed the HOA to advise homeowners that they should not take any action with respect to drainage. After issues were raised by homeowners, an analysis was done by the District Engineer who determined that it may be time to entertain a slight modification to that approach. The current language does not provide the HOA any authority to permit drainage modifications.

A **motion** was made by Chairperson Powell, seconded by Supervisor Ciriello and passed unanimously authorizing District Counsel to modify the language that would be used in response to homeowner applications to the HOA or ARC to modify drainage in their yard.

A concern was raised by Supervisor Petrovsky regarding a resident who was not part of the Fall 2024 Project. Supervisor Petrovsky has met with the resident, Nick DePino, and requested that Mr. DePino be allowed to address the Board. Mr. DePino stated that it was simple. He indicated there was an erosion problem and it is the CDD property. He would like to know what we could do about it.

Every inch of every lake within Winding Cypress was reviewed by the engineer and engineering team. So what the Board authorized was for the engineer to identify those areas of greatest need. That is how we reached the 17 sites that are part of the Phase One project. I believe you may have been told that your home is not one of those 17 sites and while we can empathize with your position, you may not be part of this Phase One portion of the project. This project has been bid out and cannot be changed at this time. The Board directed the District Engineer to go to the property for reassessment.

The Board Meeting was recessed at 2:54 p.m.

The Board Meeting was reconvened at 3:00 p.m. Supervisor Petrovsky left at this time.

#### **4. Review Roles and Responsibilities of Board Members**

This item was tabled until the November meeting.

#### **I. ADMINISTRATIVE MATTERS**

##### **1. Manager's Report**

The financials were shared with the Board who had no questions at this time.

The HOA recently sent a letter to the community regarding the Seat 4 vacancy. Letters of interest are due to Ms. Krizen by 5:00 p.m. on October 14.

The next meeting is a Workshop to discuss Board Member applicants on October 17, 2024. A Regular Board Meeting will be held on November 7, 2024. The new Board Members would be sworn in during the December 5, 2024, meeting.

##### **2. Attorney's Report**

Ms. Willson shared that there will be a form agreement with the selected contractor for the Fall 2024 Project and execution of same will be coordinated.

#### **J. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

A question regarding the contractor's start date was asked. There is no start date at this time but the HOA, Property Management and individual homeowners will be notified.

#### **K. BOARD MEMBER COMMENTS**

Supervisor Ellwood thanked staff for all their work.

#### **L. ADJOURNMENT**

There being no further business to come before the Board, the Regular Board Meeting was adjourned at 3:18 p.m. on a **motion** made by Chairperson Powell, seconded by Supervisor Ciriello and passed unanimously.



Chairman/Vice Chairman



Secretary/Assistant Secretary

Date Approved

11/7/24

WINDING CYPRESS COMMUNITY DEVELOPMENT DISTRICT

REGULAR BOARD MEETING

SIGN-IN SHEET

MEETING DATE: October 3, 2024

Please print your name & address below.

Print Name

Address

Veronica Asufayo 6850 Greenbriar Ct.

Nick DePinto 7663 Jacaranda Lane

Pat Orangio 7506 Blackberry Dr.

Kelley Acker 7806 S Aculee Ln

Blank lines for additional sign-ins.