

**WINDING CYPRESS
COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
NOVEMBER 7, 2024**

A. CALL TO ORDER

The November 7, 2024, Regular Board Meeting of the Winding Cypress Community Development District (the "District") was called to order at 1:01 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 October 30, 2024, 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
Vice Chairman	Alex Petrovsky	Present
Supervisor	Gerard O'Donohue	Present
Supervisor	Patrick Cirello	Present
Supervisor	Paul Ellwood	Not Present

Also present were the following Staff members:

District Manager	Michelle Krizen	Special District Services, Inc.
District Counsel	Alyssa Willson (via phone)	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

There were no additions or deletions to the agenda.

F. APPROVAL OF MINUTES

1. October 3, 2024, Regular Board Meeting

The minutes of the October 3, 2024, Regular Board Meeting were presented for consideration.

A **motion** was made by Supervisor Ciriello, seconded by Supervisor O'Donohue and passed unanimously approving the minutes of the October 3, 2024, Regular Board Meeting, as presented.

G. OLD BUSINESS

1. Update on Fall 2024 Lake Bank Project

Mr. Tryka reminded the Board that they had provided direction to negotiate and award a contract to Seabreeze in the amount of \$209,350, plus the amount of bonding at the last meeting. As we were working through the contract process, there were a few issues that came up with the contract. The bid package had included a \$50,000 owners' allowance to be used to avoid having the potential of change orders. Seabreeze had included the owners' allowance in with their bid numbers to keep the costs down. This increased the cost. Seabreeze indicated that they would need a signed contract before securing the bond amount, leaving this amount uncertain. Seabreeze would like a 10% deposit to be placed on the schedule for April 2025. In continued conversations, working to finalize an updated contract to submit to the Board, it was revealed that Seabreeze did not budget for dewatering, as indicated in the plans. Seabreeze would require a change order to perform dewatering work. Mr. Tryka reviewed the 5 bids that were submitted. A discussion ensued.

A **motion** was made by Supervisor O'Donohue, seconded by Supervisor Ciriello rescinding prior approval of pursuing a contract with Seabreeze for the Fall 2024 Lake Bank Project. The **motion** passed on a vote of 3-1 with Supervisor Petrovsky dissenting.

A **motion** was made Chairperson Powell, seconded by Supervisor Ciriello and passed unanimously authorizing District staff and the Chairperson to execute a contract with Earth Tech in the amount of \$292,402.50, plus the cost of bonding, for the Fall 2024 Lake Bank Project.

2. Update on Interim Message to Homeowners Regarding Remediation on Private Plats

Ms. Willson and Mr. Tryka went over the draft correspondence, updating it to include the elevation.

A **motion** was made by Supervisor Ciriello, seconded by Chairperson Powell and passed unanimously authorizing District Counsel to send notice to the HOA and HOA's Counsel.

3. Engineer's Report for 7663 Jacaranda

Mr. Tryka presented his report to the Board and clarified the difference between a natural area and preserves. The preserves are permitted and designated areas that have stringent rules. A natural area is just an area that has not been landscaped. The area next to 7663 Jacaranda is a natural area, not a preserve. There is 16-17 feet of property from the back of the lanai to the property line. The minor erosion issues are on private property. The Board thanked Mr. Tryka for his thorough report. There were no further questions at this time.

4. Review Roles and Responsibilities of Board Members

Ms. Willson presented a reminder; the Board can only make decisions as a Board unless an individual supervisor(s) is explicitly authorized or delegated by the Board to take action. The Supervisors have insurance coverage for actions taken in the scope of their duties, however if the actions were outside the scope of their duties, the policy would not provide coverage.

5. Consider Easement Use Agreement

The Board was advised that there was a resident who applied for a permit to have a generator installed. They were advised that the County requires that the District sign off since it would be placed in a District easement. Mr. Tryka has expressed concerns regarding the placement of the generator in the easement. There is a stormwater management pipe under the easement and if the pipe were to need repair or replacement, the generator would need to be relocated in order for work to be completed. In addition, the easement is the only access to the pond. An alternative would be to assign the District rights to the utility easement to access the pond. This agreement would be filed with the County and would be assigned to the house if there was a new owner. A discussion ensued. The Board was not aware of any other property that has had an easement used for a generator. At this point, the Board directed Ms. Krizen to determine if there is an alternate location the generator could be placed that is not in a District easement.

H. NEW BUSINESS

1. Consider Resolution No. 2024-09 – Adopting a Fiscal Year 2023/2024 Amended Budget

Resolution No. 2024-09 was presented, entitled:

RESOLUTION NO. 2024-09

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WINDING CYPRESS COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2023/2024 BUDGET (“AMENDED BUDGET”), PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

The amended budget for fiscal year ended September 30, 2024, runs from October 1, 2023, through September 30, 2024. The purpose of the amended budget is to look back to see the budget versus the actual expenses. This is a state statute requirement that the District approve an amended budget within 60 days of the end of the fiscal year. We are showing against the original budget, the amended budget and expenses as of September 29, 2024. At this point we should have received most invoices that were dated for work done prior to September 30th, but there are some vendors that might not get us their September invoice until the end of November or even into December, so we have to build in a cushion which is the middle column which is what we are requesting you to approve. In addition, if you look at the bottom of Page 32 you will see that a Lake Remediation Funds has been started with \$320,159.

A **motion** was made by Supervisor Ciriello, seconded by Chairperson Powell and passed unanimously adopting Resolution No. 2024-09, as presented.

2. Discussion Regarding Appointment to Seat 4

The District received a letter of interest from Susan Morris (Broucek). The District also received a letter of interest from Supervisor Ellwood after the deadline. After a discussion, the Board decided not to accept late applications. The Board shared appreciation and thanks to Mr. Ellwood. If in the future any seats open up, Mr. Ellwood is welcome to apply. Ms. Broucek will be appointed and take the oath at the December 5th meeting.

3. Discussion Regarding a Polling Location in Winding Cypress

Supervisor Petrovsky presented his memo regarding the District’s request of the HOA to establish a polling location within the District. Ms. Willson explained that, ultimately, the Supervisor of Elections would determine the precinct location and there was a possibility of having the precincts outside of the District.

Having a precinct within the District would require opening the gates to be open and allowing the public into the community. Supervisor Petrovsky withdrew his request. The other Supervisors were in consensus of not proceeding with this matter.

The Regular Board Meeting was then recessed and a meeting of the Auditor Selection Committee was convened.

I. AUDITOR SELECTION COMMITTEE

1. Ranking of Proposals/Consider Selection of an Auditor

Grau & Associates was the only proposal received. Grau is the current auditor for the District. Grau & Associates was ranked as number 1 and selected by the Auditor Selection Committee.

The Audit Selection Committee Meeting was then closed and the Regular Board Meeting was reconvened.

A **motion** was made by Supervisor Ciriello, seconded by Chairperson Powell and passed unanimously accepting the recommendation of the Auditor Selection Committee.

A **motion** was made by Supervisor Ciriello, seconded by Chairperson Powell and passed unanimously authorizing negotiations with and execution of a contract with Grau & Associates.

J. ADMINISTRATIVE MATTERS

1. Manager's Report

The financials were shared with the Board and there were no questions at this time.

The District thanked the HOA, notably Derick, for setting up the room for the meetings and making sure the sound system was working.

The next meeting will be held on December 5, 2024.

2. Attorney's Report

Ms. Willson had nothing further to report but was available for questions. There were none at this time.

3. Engineer's Report

Mr. Tryka shared that he had received an ARC request and wanted to get some input from the Board. There is a swimming pool overflow that is causing some issues on the resident's private property. The request to install a pop-up drain would only be moving the issue to an area that would potentially impact District property.

A **motion** was made Chairperson Powell, seconded by Supervisor Petrovsky and passed unanimously denying the request.

K. COMMENTS FROM THE PUBLIC

David Boike shared some pictures and concerns regarding the erosion in his yard. This property is identified as one of the 17 for Fall 2024 Remediation. A tentative timeline for the repairs to be completed was outlined.

L. BOARD MEMBER COMMENTS


Supervisor Petrovsky thanked Supervisor Ellwood for his service and extended a welcome to future Supervisor Broucek.

M. ADJOURNMENT

There being no further business to come before the Board, the Regular Board Meeting was adjourned at 2:54 p.m. on a **motion** made by Chairperson Powell, seconded by Supervisor Ciriello and passed unanimously.



Chairman/Vice Chairman



Secretary/Assistant Secretary

Date Approved

12/5/24







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