

# **BOARD OF DIRECTORS' MEETING**

Winding Cypress Homeowners' Association, Inc.

Date: 3/14/23

Time: 11:00am (Following the Members' Meeting)

7180 Winding Cypress Drive, Naples, FL 34114-Event Room

## **ZOOM**

<https://us06web.zoom.us/j/89529926339?pwd=Z1JwL2FFNjlpTmxJT2x4M2VOK254QT09>

Meeting ID: 895 2992 6339

Passcode: 608184

One tap mobile

## **MINUTES**

1. **Call to Order** - President Powell called the meeting to order at: 10:59am
2. **Establishment of a Quorum** - Present were Mr. Powell, Mr. Bell, Mrs. Ballard, and Dr. Schopp; Also present was Dr. Boriss (VIA Zoom), and Mr. Rowland - Property Manager
3. **Board Meeting Protocol** - Dr. Schopp explained that a board meeting is not a public meeting, rather a meeting that must be held in public.
4. **Reading or Disposal of Minutes from Board Meeting 3/3/2023**  
Motion to Approve - Mr. Bell; Second-Mrs. Ballard - unanimously approved
5. **New Business/Informational Items**
  - **Petition regarding colors for garage lights** - Dr. Schopp  
The Board received a petition to change the ARC Guidelines to include blue, red, and green lights in exterior garage lights to support first responders. There was an inaccuracy on the petition. The petition states that this will force the board to put this to a community vote. As this is from the ARC guidelines, it only requires a board vote. The difficulty is that if we allow certain residents to display specific colored lights to support their causes, we must allow all residents to display the colors they would like. To not do so, would leave the community open to a discrimination lawsuit. So, we would need to keep the current language or go to an "anything goes" rule.
  - **Revised Rules and Regulations** - Dr. Schopp explained that most of the changes were in format. Rather than long paragraphs, bullet points. Some changes were regarding the use of the Amenity Center. A previous property manager sent a list

of rules to the community but these were never adopted by a board. This revision captures those "suggestions" and makes them enforceable rules.

**Mrs. Ballard had 9 questions:**

a. When looking at a property for compliance, do we look at the direct vision of sight? Yes - from the street. Our lots are very different - some very symmetrical others pie shaped.

b. Wall hangings only in entryways. What about those who have hangings in other areas outside of their home? If they are not permanent they should be taken down - if they are permanent, they would be "grand-fathered".

c. Fishing a Pickelball Court usage - our new rules say that there can be no fishing in the ponds. Also, the new rules shows that courts may be used starting at 7am. Is that part of the document that was posted? I believe so, but I'll check (Dr. Schopp)

d. Seasonal lighting - why must they be off by 10pm.? As there are many assorted types of lighting for the season, music, projections, etc. Nobody wants this going on all night long.

e. It says that the fitness center is closed 12:30-1:30 for cleaning. Is that being done? Yes and no - the time frame isn't exact and they never ask people leave during that time.

f. Are there specific fines for various violations? Yes - posted on the web-site. However, in a people business, there is not a fine listed for every possible violation. Some will have to be done on a case-by-case basis.

g. Video - as we now have video surveillance will the community be informed as to where they are? That's not part of the rules and regs.

h. The rules say that if a person is not a family member, for fitness center use, they must be accompanied by a resident. Why? Because the resident is responsible for the actions of their visitors. Some visitors don't know the rules - others just don't care.

i. The rules say that showers must be taken before entering the pool. Why if it's not going to be monitored? It's a matter of statute.

• **Uplighting on homes** - we've had several residents asking to put uplighting on their homes. Currently, the rules say that uplighting can only be included in landscaping. Dr. Schopp visited a resident who, unknowingly, put uplighting on their home but turned them off when they found it was not allowed. When he visited the home and saw the lights, low wattage, they were not as obtrusive as originally thought.

**6. Public Comment Regarding Agenda items (Note: 3-Minute time limit per speaker)**

- Was there an email letting us know about the rules and regs changes? Yes and a draft of the document is on the web site.
- Can the ARC simply make any changes they want? No - the committee can recommend changes but only the board, at an open meeting, can actually make changes.
- First responders take an oath and the board should really give this more thought.
- People have forgotten that when they join an HOA - there are rules. People want consensus. Lots of misinformation out there - we shouldn't be politicizing.

- I support first responders in many ways - volunteer, donate - I don't really think we need the additional lights.
- I'm willing to take the risk regarding discrimination lawsuits for colored lights.
- I too support first responders - perhaps a breakfast, etc. but not the lights.
- I'm listening to both sides - lights - who is it bothering?
- We chose to live in WC because we like the way things look. I support everyone's choice but none of us want to live in what looks like circus. In an HOA, not everyone gets their own way.
- Lights - whatever color is ok with me. I think we should be supporting first responders.

## 7. Action Items

- Vote to approve ARC revision of garage light colors

Motion: To approve the addition of Red, Green, and Blue lights in exterior garage fixtures as presented in the petition - Mr. Powell; Second - no second, so motion fails

- Vote to approve the revision of Rules and Regulations

Motion to approve the revision of the Rules and Regulations as presented and amended - Dr. Schopp Second - Mr. Powell - Passes Unanimously

- Vote to approve uplighting on homes (ARC Guidelines)

Motion to approve uplighting on homes with low voltage bulbs (12-15 volts) not to exceed 30watts and must use clear/white lights; Mr. Powell; Second - Mr. Bell.

Mr. Bell - I was walking in the evening and I really liked the way the lights look. Mrs.

Ballard - If you have done this without ARC approval can a homeowner still apply? Yes  
Passes - Unanimously

## 8. Committee Reports:

Finance (Mr. Powell) - no report

Access and Security (Mr. Bell) - no report

Activities (Dr. Boriss) No report

Communications (Dr. Boriss) - No Report

Buildings and Grounds (Dr. Boriss) - No Report

Shady Palm (Mrs. Ballard) - we encourage residents to attend Saturday evenings.

ARC (Dr. Schopp) - No Report

Compliance (Dr. Schopp) - Residents should be looking at the cleanliness of their roofs

Appeals/fining (Dr. Schopp) - No Report

## 9. Other

•John Rowland - update on security - we will need all residents to get new fobs and bar codes - more information to come. There will also be new equipment coming.

•Dr. Schopp - Mr. Ruffino called me to offer a compromise for the lights - turn on colored lights for a week only when a first responder is killed in action. The problem remains the same plus monitoring this will be problematic. This is something the board can discuss at another time.

•Mrs. Ballard - what is going on with the maintenance on the tennis court - is there a time frame? There is no time frame at this time.

#### 10. **General Public Comments**

Note: 3-Minute time limit per speaker

• Condition of trees - some of the trees need to be trimmed and taken care of. Who's responsible for those trees? The leaves are blown back causing hiding places for toads, etc. The villa area in phase one really looks bad due to lack of attention. Common area sidewalks are really black. My new neighbors have problems with their sidewalks - tree roots are causing difficulties and someone fell. Dog park - the sod needs to be replaced and sprayed. John - we are looking at sidewalks and common area cleaning.

• I'm hoping that when we get a new board, this lighting will be revisited. I don't care what colored lights are used.

• Why are we charging \$500 for room rental? Are we preventing residents from renting at this rate? When there is a private event, other residents not attending can't use the space. There is also wear and tear on equipment as well as utilities.

• I'm sorry that the amendment vote didn't pass. There was a lot of misinformation that one group could run everything.

• When events/activities are here, do they rent? There's a difference between HOA sponsored events and private events.

• Shady Palm - could we do 12 - 9 then have two dinner sittings? Or maybe a reservation system?

• Fobs/Bar Codes - when I moved in we were given 2. We needed and paid for additional. Will we need to pay again if we need more? Possibly - that will need to be discussed.

• The oak trees are in bad shape

• SP is still losing money. We need to make more forward motion on getting this to break even.

• Some of the streetlights are discolored? Will that be fixed? Some lights belong to FPL and some belong to the HOA. We are on a wait-list from FLP.

11. **Adjournment** - motion to adjourn Mr. Powell Second-Mr. Bell; Passes Unanimously

Respectfully submitted,

  
Dr. James Schopp - Board Secretary