

WINDWARD ESTATES HOA BOARD MEETING: AUGUST 3, 2024

DRAFT MINUTES

In Attendance

- Board members: Steve Diedrich, Tom Caffery, Bebi Singh, Trevor Brown-- Trevor attended by phone (4/4)
- Residents: Droop Singh (4424 YC), Brian Ahler (4521 WC)

Meeting called to order: 9:04 am

Proof of meeting: Sign posted 7/29/24

We have a quorum 4 out of 4 directors in attendance

1. June 8, 2024 BOD Draft Minutes
 - a. Motion to approve: Tom, seconded: Bebi, Approved unanimously as written
2. 2024 Annual Membership Meeting
 - a. 2023 meeting Sunday 11/19/23 at Conway First Baptist Church. 6 pm
 - b. Dates recommended:
 - Sunday 10/27/24 at Conway First Baptist Church. 6 pm
 - Sunday 11/3/24 at Conway First Baptist Church. 6 pm
 - c. Steve to contact church ASAP to confirm availability of classroom and reserve
 - d. Recommended \$50 donation to church for use of room
 - e. Required minimum 30-day notice of meeting to be mailed to homeowners. Include notice of BOD meeting to follow to discuss / approve C&R amendments re: ARB and Greenbelt areas (see discussion below)
3. Annual Board member training/ curriculum required by new HOA law that went into effect 7/1/24
 - a. New **and current board** members need to take 4-hour online "new board member" course (can be taken in sections) within 90 days of election or reappointment, i.e., within 90 days of 2024 annual membership meeting
 - Course is online
 - Taken individually at your convenience
 - Free of charge
 - Available through our law firm (B&P)
 - b. Within 1-year of becoming or being reappointed to the board member course, all BOD members will **ALSO** need to take an annual 4 hour continuing education (CE) course
 - So, in the 2024-2025 term, board members will need to take a total of 8 hours CE
 - Going forward all will need to take 4 hours CE annually
 - Course is online, Taken individually at your convenience, Free of charge, Available through our law firm (B&P)
4. Violation 4490 YC
 - a. Violation was corrected before violation letter was sent. Vehicle in garage and trailer behind fence so in compliance.
 - b. This has been repeated violation
 - c. Tom to send warning letter detailing violations that have been corrected; Next infraction will result in violation letter
 - d. See a violation? Advise Tom and he will send letter. Customary board practice is to initiate violation process upon receipt of a complaint from any resident.
 - e. Violations noted at 4490 YC (**see Attachment 1 for relevant C&R sections**)
 - Trailer and inoperable vehicle parked in street. Not permitted.
 - Trailer and inoperable vehicle parked in driveway for excess of 48 hours

- C&R state that “There shall be no major repair performed on any motor vehicle, on or adjacent to any Lot.” What constitutes “major repair”? The following guidelines were discussed/ endorsed. Motion Tom, Second Bebi, Approved unanimously.
 - Repairs to make vehicle operable must be completed within 48 hours, otherwise are considered major
 - Vehicles cannot remain in driveway during repair process—i.e. must be stored in garage.
 - Work area must be kept clean/ orderly — no parts, etc. to remain in driveway during the repair.
- 5. Updating ARB Process to address requirements of new HOA laws.
 - a. See Attachment 2. Same language to be included in C&R Amendments (see below)
 - *To the extent that the Covenants do not specifically address a particular change or alteration, the ARB may deny a proposed change or alteration if inconsistent with an existing pattern or defacto unified building scheme.*
- 6. Amendments to C&R to address Greenbelt Area
 - a. Amendments to C&R as recommended by legal presented in Attachment 3 with one exception. Adding addresses to document as shown with yellow highlight. Underline indicates additions.
 - b. Discussion: Landscape Buffer Area is 5-foot from property line. Wall along Gatlin Avenue is included in the landscape buffer. For convenience, landscape buffer is defined as 5 feet from inside of wall along Gatlin Avenue.
 - Motion to approve guideline: Tom, Second Bebi, Approved unanimously.
 - c. Motion to approve with addition of addresses as shown: Tom, Second: Bebi. Approved unanimously.

ARTICLE VI: SECTION 25. Greenbelt Areas. Tract A is dedicated to and maintained by Orange County. Tract B, the Landscape Buffer Areas and the Wall along Gatlin Avenue constructed by the Developer on Tract A and along the rear of Lots 1 through 7 (Wheelhouse Court 4503, 4509, 4515, 4521, 4527, 4533 and 4539) and 49 through 52 (Yachtmans Court 4479, 4485, 4491 and 4497) inclusive, is maintained by the Association as shown on the plat of Windward Estates, Plat Book 20, Pages 1 and 2, Public Records of Orange County, Florida. There are a total of 11 homes that are located along the wall and as such, are impacted by the “landscape buffer” as described above.

a . Any plants, trees, improvements, or construction within the 5-foot landscape buffer area must be reviewed and approved in advance by the ARB and Board. Approval to plant or construct within the 5-foot buffer area, if granted, will be contingent on Owners’ acceptance of responsibility for future damage to wall caused by plants, trees, or other improvements.

b . Any tree planted within 15 feet of the Wall along Gatlin Avenue must be approved in advance by the ARB and Board. The purpose of this approval is to ensure that the root structure will not negatively impact the Wall. The ARB and Board may require, depending on the type of tree to be planted, that the Owner submit a statement from a licensed arborist that the tree roots in the chosen location will not negatively impact the Wall in the future.

Minutes recorded by Steve Diedrich, Secretary / Treasurer.
8/3/24

Attachment 1: Current C&R

SECTION 15. Boats, Trailers, Mobile Homes and Recreational Vehicles. No recreational vehicle, mobile home, house or travel trailer, camper, boat trailer, boat, or similar outbuilding or structure shall be placed on any Lot in excess of forty-eight (48) hours in front of a Living Unit including the non-front side of a corner Lot.

Definitions: A vehicle is defined as an automobile, truck, motorcycle, motorbike, boat, trailer, camper, house trailer, or similar mode of wheeled transportation. A trailer is defined as any form of non-automotive vehicle or equipment designed to be towed by a vehicle

- a. It is permissible to temporarily park boats and trailers in the resident's driveway, but these cannot remain in the driveway for a period exceeding 48 hours. Storing in the garage is permissible and encouraged.
- b. Residents may seek a temporary exemption from this restriction from the Board of Directors. Exemption shall not exceed 45 days per calendar year and owner must have written approval of neighbors on either side before seeking exemption from Board of Directors. Approval for 2/3 of Board is required.
- c. No vehicles, boats, or trailers are to be parked on any portion of the lawn or landscaping except boats and trailers may be parked in the back yard, behind a fence, as long as the boat or trailer is not visible from Wheelhouse Court or Yachtmans Court.
- d. No boats or trailers are to be parked on the street.

SECTION 16. Vehicles and Repair. No inoperative cars, trucks, campers, recreational vehicles, mobile homes, or any other type of vehicles shall be allowed to remain either on or adjacent to any Lot for a period in excess of 48 hours; provided, this provision shall not apply to any such vehicle being kept in an enclosed garage. There shall be no major repair performed on any motor vehicle, on or adjacent to any Lot. No boats, campers or recreational vehicles shall be allowed to be parked for over 48 hours in front of a Living Unit including the non-front street side of a corner lot.

- a. Definitions:
 - A vehicle is defined as an automobile, truck, motorcycle, motorbike, boat, trailer, camper, house trailer, or similar mode of wheeled transportation. A trailer is defined as any form of non-automotive vehicle or equipment designed to be towed by a vehicle.
 - Any vehicle including trailers and recreational vehicles that is not currently registered or does not display a current valid license plate and validating sticker shall be deemed inoperable.
 - Inoperable is defined as the inability to be lawfully or mechanically operated on a public street due to circumstances such as lack of current and valid state license plate, flat tires, missing engine or physical damage.
 - Inoperable vehicles shall include any parts of a vehicle located separately from a vehicle. These must be stored in the garage.
- b. Inoperable Vehicles: Inoperable vehicles cannot be parked or otherwise stored in the driveway or on the street. These must be stored in the garage.
- c. If you have an inoperable vehicle:
 - Make necessary mechanical repairs to the vehicle, so that it will be considered operable and
 - Obtain a valid license plate and registration for the vehicle, or
 - Move the vehicle into your garage (if still inoperable); inoperable vehicles cannot be stored / parked in the driveway or on the street.

Attachment 2: Revision to ARB Process Document (addition underlined)

What factors does the Architectural Review Board (ARB) consider?

The ARB will consider factors such as:

- ▶ Use and suitability of proposed building;
- ▶ Harmony with surroundings;
- ▶ Effect on the outlook from the street and adjacent properties.
- ▶ To the extent that the Covenants do not specifically address a particular change or alteration, the ARB may deny a proposed change or alteration if inconsistent with an existing pattern or defacto unified building scheme.

Attachment 3:

Summary of July 15, 2024 email From Becker & Poliakoff (WEHOA Legal Counsel)

Re: Amendment to the Declaration of Covenants and Restrictions related to the Greenbelt Area and Architectural Control

Regarding the vote required to amend the Declaration, Article VII, Section 6 provides:

SECTION 6. Amendments. This Declaration of Covenants and Restrictions may be amended by two-thirds (2/3) vote of the Board of Directors of the Association or at any time by the then Owners of at least seventy-five percent (75%) of the Lots by executing a written instrument affecting said changes and recording said instrument upon the Public Records of Orange County, Florida. Amendments to the Covenants and Restrictions shall be consistent with Orange County's Ordinances and Development Regulations.

Board intends to approve the amendment at the Annual Meeting in October/ November 2024. After the Board has approved the Amendment, we will advise our law firm, and they will prepare the Certificate of Amendment for recording in the public records.

AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS

WINDWARD ESTATES

Note: Additions indicated by underlining. Deletions indicated by ~~strike through~~. **Yellow highlight are modifications recommended by Windward Estates HOA at 8/3/24 Meeting**

Article I, Section 1.c. of the Amended and Restated Declaration of Covenants and Restrictions is amended to read as follows:

ARTICLE I DEFINITIONS

Section 1. The following words when used in this Declaration or any supplemental declaration (unless the context shall otherwise prohibit), shall have the following meanings.

(No change to a. - b.)

c. "Greenbelt Areas" shall mean and refer to the Drainage Retention Area off Conway Road designated as Tract A; the entranceway off Gatlin Avenue designated as Tract B and the Landscape Buffer Areas; Tract A shall be dedicated to and maintained by Orange County, Tract B, the Landscape Buffer Areas and the Wall constructed by the Developer on Tract A and along the rear of Lots 1 through 7 and 49 through 52 inclusive, shall be maintained by the Windward Estates Homeowner Association as shown on the plat of Windward Estates, Plat Book 20, Pages 1 and 2, Public Records of Orange County, Florida. See additional provisions related to Greenbelt Area in Article VI, Section 25.

(No change to d. – g.)

Article V, Section 2 of the Amended and Restated Declaration of Covenants and Restrictions is amended to read as follows:

Article V: ARCHITECTURAL REVIEW BOARD

SECTION 2. Duties. The ARB shall have the following duties and powers:

(No change to a.)

b. To approve any such building plans and specifications and lot grading and landscaping plans, and the conclusion and opinion of the ARB shall be binding, if, in its opinion, ~~for any reason, including purely aesthetic reasons,~~ the ARB should determine that said improvement, alteration, addition, etc., is not consistent with this Declaration or the architectural guidelines adopted by the Board. Further, to the extent that this Declaration or the architectural guidelines do not specifically address a particular improvement, alteration, addition, or change, the ARB may deny the proposed improvement, alteration, addition, or change if inconsistent with an existing pattern or defacto unified building scheme of the community or contiguous lands thereto ~~the development plan formulated by the Board of Directors for the subject property or contiguous lands thereto~~. Any denial by the ARB entitles the Owner to presentation to the full Board for further consideration;

(No change to c. and d.)

e. The improvement, alteration, addition, or change approved by the ARB must be completed within 120 days after approval by the ARB. Failure to complete the work within the prescribed period of time may cause the approval to be rescinded and resubmission required. Extenuating circumstances must be brought to the attention of the ARB. Within 30 days of completion of approved improvement, alteration, addition, or change, the Owner must notify the ARB that the work is finished so that the Association's records can be accurately maintained.

f. The Board has the authority to adopt architectural guidelines to implement and clarify the requirements of the Declaration regarding architectural control. The architectural guidelines may not conflict with the Declaration and must be adopted in accordance with the procedures in Section 720.303(2)(c)2., Florida Statutes, which requires a minimum fourteen (14) days' notice of the Board meeting at which the architectural guidelines will be adopted by mail (or electronic mail if Owner has consented to electronic notice) and posting to the Owners.

Article VI, Section 25 (NEW) of the Amended and Restated Declaration of Covenants and Restrictions is amended to read as follows:

ARTICLE VI RESTRICTIVE COVENANTS

The subject Property shall be subject to the following restrictions, reservations, and conditions, which shall be binding upon each and every Owner who shall acquire hereafter a Lot or any portion of the subject property, and shall be binding upon their respective heirs, personal representatives, successors, and assigns, as follows:

(No change to Sections 1-24)

SECTION 25. Greenbelt Areas. Tract A is dedicated to and maintained by Orange County. Tract B, the Landscape Buffer Areas and the Wall along Gatlin Avenue constructed by the Developer on Tract A and along the rear of Lots 1 through 7 (Wheelhouse Court 4503, 4509, 4515, 4521, 4527, 4533 and 4539) and 49 through 52 (Yachtmans Court 4479, 4485, 4491 and 4497) inclusive, is maintained by the Association as shown on the plat of Windward Estates, Plat Book 20, Pages 1 and 2, Public Records of Orange County, Florida. There are a total of 11 homes that are located along the wall and as such, are impacted by the "landscape buffer" as described above.

a. Any plants, trees, improvements, or construction within the 5-foot landscape buffer area must be reviewed and approved in advance by the ARB and Board. Approval to plant or construct within

the 5-foot buffer area, if granted, will be contingent on Owners' acceptance of responsibility for future damage to wall caused by plants, trees, or other improvements.

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