

## OCTOBER 27, 2024 BOD MEETING DRAFT MINUTES

In Attendance: Steve Diedrich, Bebi Singh, Tom Caffery

- Residents attending Droop Singh 4424 YC

Meeting called to order 7:25 pm

Proof of meeting: Announcement sent to all residents USPS on 9/20/24. Notice posted at entrance 10/13/24.

**Approve minutes from 8/3/24 BOD Meeting:** Motion to approve: Steve, 2<sup>nd</sup> Tom, Approved unanimously as written.

**Board Roles** will continue as shown below. Appoint Rhonda Cunningham to ARB. Steve to confirm appointment with Rhonda. Roy Cunningham to remain on ARB.

### 2025 Budget:

- \$35 / year dues increase approved as recommended at 2024 Annual Membership meeting (10/27/24).
- Board approved increase at Membership Meeting.
- Dues to increase +\$35 / year (+9.1%) from \$385 to \$420. Effective 1/1/2025.
  - Draft budget sent in pre meeting materials included this increase.
  - BOD has authority to raise dues up to 10% (+\$38.50) without vote from membership
  - Dues last raised in 2008.

### Approval of C&R Amendments: See attached

- Article V: ARCHITECTURAL REVIEW BOARD
  - Motion to approve as written and presented to HOA Membership: Steve Diedrich, Second Tom Caffery, Approved unanimously
- ARTICLE VI, Section 25: RESTRICTIVE COVENANTS: Greenbelt Areas
  - Motion to approve as written and presented to HOA Membership: Steve Diedrich, Second Bebi Singh, Approved unanimously
  - Add language to ARB application form re: restrictions as suggested during discussion at 2024 Membership Meeting and do special mailing to homeowners impacted by this amendment.

Assure that homeowners along wall are aware of acceptance of responsibility for planting or construction within landscape buffer. Include in ARB document. Special mailing to homeowners impacted by this amendment. The following is extracted from the Amendment.

- 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. Attached as Exhibit "A" is a drawing to further clarify the location of the 5-foot buffer area and how it is measured in relation to the Wall.
- 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. The 15-foot area is measured from the outside of the Wall in the same manner as the 5-foot buffer area shown on Exhibit "A"

Amendments to be signed and notarized and sent to Becker and Poliakoff (our attorneys) for recording

### **Beneficial Ownership Information Report**

- New filing required by Federal Corporate Transparency Act. Steve Diedrich will file on behalf of Board. Requires copy of Driver License. Must be reviewed at least annually or within 30 days of changes including renewal of Driver License. Deadline 1/1/2025
- Diedrich will file 10/28/24

**Board Member Education Certification.** This summarizes information distributed to Board members prior to 10/27/24 meeting. Directors attending 10/27/24 meeting confirmed they understand requirement.

- HOA Directors elected or appointed prior to 7/1/24 have until 6/30/25 to take 4 hours of continuing education. These are available online and free of charge through our Attorneys
- Current WEHOA Directors have until **6/30/28** to take 4-hour Board Certification Class. This is also available online and free of charge through our Attorneys. Certification is valid up to 4 years before the certification course must be retaken and completed.
- New Directors appointed or elected after 7/1/24 must complete certification course within 90 days of election.
- Class schedules are available at <https://www.floridacondohoalawblog.com/classes/>

Adjourn: 7:48 pm

### **2024 - 2025 Board of Directors**

President:	Bebi Singh	4424 Yachtmans Court	(407) 808-7054	<a href="mailto:bsingh22@bellsouth.net">bsingh22@bellsouth.net</a>
VP:	Tom Caffery	4406 Yachtmans Court	(321) 297-7769	<a href="mailto:tgcaffery@aol.com">tgcaffery@aol.com</a>
Treasurer:	Steve Diedrich	4574 Wheelhouse Court	(407) 579-4975	<a href="mailto:sdiedrich@cfl.rr.com">sdiedrich@cfl.rr.com</a>
Secretary:	Steve Diedrich	4574 Wheelhouse Court	(407) 579-4975	<a href="mailto:sdiedrich@cfl.rr.com">sdiedrich@cfl.rr.com</a>
Director:	Trevor Brown	4568 Wheelhouse Court	(386) 457-8611	<a href="mailto:TSBrown816@aol.com">TSBrown816@aol.com</a>

### **2024 - 2025 Architectural Review Board (appointed):**

Roy Cunningham or Rhonda Cunningham	4418 Yachtmans Court	(407) 382-6734	<a href="mailto:royrhondaco@aol.com">royrhondaco@aol.com</a>
Joseph Alvarez	4485 Yachtmans Court	(407) 492-8088	<a href="mailto:drp8217@yahoo.com">drp8217@yahoo.com</a>
Steve Diedrich	4574 Wheelhouse Court	(407) 579-4975	<a href="mailto:sdiedrich@cfl.rr.com">sdiedrich@cfl.rr.com</a>

### **2024 - 2025 Fining Committee /Compliance Committee (appointed):**

- Joseph Alvarez, 4485 Yachtmans Court, (407) 658-2930 [drp8217@yahoo.com](mailto:drp8217@yahoo.com)
- Mike Brady 4473 Yachtmans Court, (407) 765-5543 [mikebrady13@gmail.com](mailto:mikebrady13@gmail.com)
- Luis Torres, 4479 Yachtmans Court, (407) 758-9082 [Luis219@live.com](mailto:Luis219@live.com)
- Steve Nelson 4520 Wheelhouse Court, (407) 748-0343 [stephen.p.nelson@disney.com](mailto:stephen.p.nelson@disney.com)
- Donna Beavers 4557 Wheelhouse Court, (407) 719-5532 [djb604@gmail.com](mailto:djb604@gmail.com)

**Board Appointed Compliance Officer:** Tom Caffery 4406 Yachtmans Court (321) 297-7769, [tgcaffery@aol.com](mailto:tgcaffery@aol.com)

**AMENDMENT TO THE  
AMENDED AND RESTATED DECLARATION OF COVENANTS  
AND RESTRICTIONS  
WINDWARD ESTATES**

Note: Additions indicated by underlining. Deletions indicated by ~~strike-through~~.

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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.)

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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.

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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 4359) 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. Attached as Exhibit "A" is a drawing to further clarify the location of the 5-foot buffer area and how it is measured in relation to the Wall.

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. The 15-foot area is measured from the outside of the Wall in the same manner as the 5-foot buffer area shown on Exhibit "A".

# WINDWARD ESTATES HOA LANDSCAPE BUFFER

Exhibit A

